The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting on September 7, 2005 at 5:00 PM. Present were Chairman Charles Brooks, Commissioners Glenn Patton, Gary Bauman, Claude Bullock, and Andrew Tobin. Also present were General Manager Charles Fishburn, District Counsel Thomas Dillon, Board Clerk Carol Walker, and all other approriate District Staff.

The Pledge of Allegiance was led by Chairman Brooks.

**Approval of the Agenda**
The agenda was approved with the following changes. The Pending Payments List was moved before the Budget Item. An item to Certify the Assessment Roll was added to the Action Items. The Engineers Status Report was tabled. The item of Membership in the Key Largo Chamber of Commerce was moved to a discussion item.

**Public Comment**
The following persons addressed the Commission: No one at this meeting.

**Commissioner’s Roundtable**
Commissioner Patton reported that he attended the State Cabinet meeting and the Inter-Local Agreement between Monroe County and the Florida Key Aqueduct Authority was approved. The Cabinet approved Rule 28-20. Monroe County has moved forward with bonding the infrastructure tax to the maximum for wastewater in the County. Commissioner Patton suggested that the Chairman contract the County Commissioners to verify where the extra infrastructure wastewater monies will be going. Chairman Brooks suggested that the District does not get involved in the issue yet since the District has not seen the document yet.

**Commissioner’s Items**
There was nothing presented at the meeting for this item.

**Bulk Items**
There was nothing presented at the meeting for this item.
Action Items

Pending Payments List
Financial Officer Martin Waits presented the pending payments list.

Motion: Commissioner Patton made a motion to approve the Pending Payments List of September 7, 2005 contingent upon the availability of funds. The motion was seconded by Commissioner Tobin.

Chairman Brooks stated that he has a problem with two Engineers. He does not understand what the Staff Engineer is doing in comparison to what Weiler Engineering is doing. The District is budgeted for $120,000 on Engineering for the next year. He passed out a chart of the salaries, see exhibit “A.”

General Manager Charles Fishburn explained that Weiler Engineering as the Engineer of Record for the Key Largo Park Project is paid a fixed monthly fee. Weiler Engineering agreed to take on the responsibility of Engineer of Record for the Key Largo Park Project for no additional fee (except CAD operation time to modify the drawings). Margaret Blank, Staff Engineer, has been doing the engineering for the location of the pits for the Key Largo Park Project. She will be working more with CPH and MWH in the next year instead of Weiler. This means that the bidding price for these firms will be lower in cost because of the work that the District’s staff does. Mr. Fishburn explained that Ms. Blank was started in the field to give her the field experience that she lacked at the time. Chairman Brooks stated that he hopes that he has expressed his concern with the fact that only 4% of the contract price should go to engineering.

Chairman Brooks expressed concern over the cost of the District Counsel for the month. District Counsel Thomas Dillon explained that the majority of the increase was due to the work that was required on the assessments and the cost of having GSG do that work would have been over $40,000. Also he had been preparing for the mediation meeting the next week.

Chairman Brooks would like documentation from staff on what Weiler Engineering and the Staff Engineer are doing and how the cost could be cut.

Commissioner Patton has some concern for the total cost of salaries for the year. He feels that there is a need for a Staff Engineer and the Inspector is money well spent because he is keeping the contractors on the ball.

Commissioner Bullock thinks that the combination of employees that are currently working for the District is an ideal situation. He would like to see a better breakdown of expenditures coming from the Engineer unless there is a contract to pay Weiler $140,000 and it has been divided up to pay it off in this time frame then he has no problem with that. It was stated that is what the contract calls for. Commissioner Brooks would like to know what the Engineer was required to furnish.
Commissioner Tobin stated that the District has a really good staff. He complimented Chairman Brooks for taking the initiative to question the numbers and ask for clarification. He is pleased with the way things are going.

Commissioner Bauman stated that he knows how the monies were moved around and how much money is being saved and it is not an issue with him. The issue he has is that job descriptions and performance reviews are needed. Commissioner Bauman stated that he would not second-guess Mr. Fishburn's decision on how to allocate the staff. He feels that Mr. Fishburn has been conducting District business as cheaply and effectively as possible.

Vote on motion

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Motion passed 5 to 0

Budget Resolution No. 12-09-05
Financial Officer Martin Waits reviewed the Budget.

Chairman Brooks questioned the fact that if the Budget is approved does that give the Manager the right to spend the monies without Board approval. The Chairman made a motion to table the Resolution. There was no second.

District Counsel Thomas Dillon stated that Resolution 01-01-05 deals with limitations on staff concerning expenditures.

Financial Officer Martin Waits explained that someone has to be authorized to spend something because that is the purpose of the resolution up for approval.

Motion: Commissioner Patton made a motion to approve Resolution No. 12-09-05 with the caveat that the Board can come back with a resolution to limit the Manager's authority to hire and spend money by modifying Resolution 01-01-05. Commissioner Bullock seconded the motion.

Vote on motion

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Motion passed 5 to 0
State Revolving Fund Loan Agreement
Resolution No. 0909-05
Staff recommended approval of the resolution with one change in the loan agreement.

District Counsel Thomas Dillon stated that he would like to change the last sentence on page 14 to read “actual loan amount” instead of “actual Project costs.”

Motion: Commissioner Patton made a motion to table Resolution No. 09-09-05 until the change on page 14 is negotiated. Commissioner Bullock seconded the motion.

Vote on motion

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Motion passed 5 to 0

Chairman Brooks requested that this item be place on the Bulk Items on the September 21, 2005 meeting agenda.

Form to be used in the modification of the System Development Charges
District Counsel Thomas Dillon introduced a modified waiver form (see attachment “B”). He explained that the Board had to determine the fee to be charged. Mr. Dillon recommended $250.00

Commissioner Tobin recommended that the fee be set separately (Fee Schedule) from the waiver form.

Motion: Commissioner Tobin made a motion to approve the System Development Charge modification form with the fee to be set at a latter date. Commissioner Patton seconded the motion.

Vote on motion

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Motion passed 5 to 0

Commissioner Bauman requested that staff bring back a report to the next meeting with a cost analysis of the true cost of administrating the waiver forms.

KLWTD Board, Meeting Minutes
September 7, 2005
Bond Counsel Selection
District Counsel Thomas Dillon requested that the Board select a Bond Counsel at this time because of agreements that the District is currently entering into. He would like a Bond Counsel to review them to see how they may affect the District’s ability to bond the debt if the Board wishes to do so at some point in the future.

The Board gave District Counsel Thomas Dillon their general approval to move forward with the RFQ to obtain a Bond Counsel. Mr. Dillon is to remove Nabors Giblin and Nickerson, and Lewis Longman and Walker from the list. He is to contact RBC Dain Rauscher to obtain another recommendation and then request a RFQ from that firm, Bryant Miller and Olive, Squire Sanders and Dempsey, and Moyle, Flanigan.

Assessment Role Certification

Motion: Commissioner Tobin made a motion to approve certification of the assessment tax roll to the Monroe County Tax Collector and to authorize the Chairman to sign the Certification of the Tax Roll. Commissioner Patton seconded the motion.

Vote on motion

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Motion passed 5 to 0

Discussion Items
List of Properties requesting a change in the System Development Charge Assessment

George Agelis, 100600 Overseas Hwy, owner of Tower Pizza, requested a review of the calculations of the EDU’s on his property. Mr. Agelis stated that he had a very bad water leak a few years ago and it effected the calculations of the EDU’s. He also does a lot of irrigation.

General Manager Charles Fishburn explained that Mr. Agelis has two appeals; one concerning the water leak, two concerning the irrigation factor.

Commissioner Tobin suggested that there be a latter discussion on the ways and time frame of how a customer can review their charges.

Employee Performance Evaluation
Commissioner Bauman reviewed the Employee Performance Evaluation that was passed out at the meeting (see attachment “C”).
Motion: Commissioner Bullock made a motion to approve the Employee Performance Evaluation form. Commissioner Patton seconded the motion.

Vote on motion

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Motion passed 5 to 0

Chairman Brooks pointed out that the same form will be used for the Manager and all other staff members.

Calusa Campground

General Manager Charles Fishburn told the Board that he and District Counsel Thomas Dillon attended the meeting at Calusa Campground and explained their choices concerning the mandatory wastewater treatment connection. The District was contacted after the meeting and told that Calusa Campground would like the District to do the collection system.

District Counsel Thomas Dillon stated that he planned on drafting a Memorandum of Agreement that would allow the District to go onto their land and conduct the appropriate surveys to determine an outline of what temporary and permanent easements would be needed to do the work. It is to be followed up with a permanent agreement prior to the work beginning.

Staff was directed to bring back the Calusa Campground issue on the next agenda.

Membership in the Key Largo Chamber of Commerce

Chairman Brooks stated that when he first heard about the membership Commissioner Bullock had mentioned that he was at a Chamber meeting and Commissioner Bauman had updated them on the assessment issues. Chairman Brooks stated that he thought that had been a good idea to let the people know what the District was doing. Chairman Brooks was latter sitting in General Manager Charles Fishburn’s office when Mr. Fishburn informed him that the District had joined the Chamber. This hit Chairman Brooks that here he is the Chairman of the Board and he did not know that the District had joined the Chamber and should have known what was going on. Mr. Fishburn went on to say that the plan was to rotate Commissioners attendance at the Chamber meetings. Chairman Brooks reported that this did not go over very well with him. Chairman Brooks then stated that he has had several people approach him saying that they did not like the idea that the District is taking side against the homeowner’s by joining the Chamber. He then attended a meeting with the Chamber’s Board of Directors that went well. Mr. Brooks then had a phone call with Mr. Fishburn about the meeting with the
Chamber Board of Directors and during the conversation Mr. Fishburn made a comment that he had no idea of how the District joined the Chamber. That conversation had a two-way sword. If Mr. Fishburn is the Manager and the District joined the Chamber and Mr. Fishburn did not know it, then the District has a problem. Chairman Brooks was bothered by that and then he thought that maybe Commissioner Bauman who is a Chamber member had suggested it and the District joined without it being brought before the Board. All of the memberships that the District has been involved with have been brought before the Board for action. Chairman Brooks stated that since a check had to be written he called KLWTD Carol and apparently it was Mr. Fishburn who authorized membership in the Chamber. Mr. Brooks stated that this really disturbed him; the fact that the Manager told an elected official something that was very incorrect. That has destroyed Chairman Brooke’s confidence in the Manager. He does not know if he will ever get it back. The same thing had happened to him with GSG. Mr. Brooks then explained that he does not like being put in the position of joining an organization and then having to withdraw from it. It causes complications.

General Manager Charles Fishburn said that he did not realize the implications of joining the Chamber. He ranks joining the Chamber with joining the American Waterworks Association which he did not bring before the Board. He explained that Carol had mentioned it to him and he did not realize the political implications of it. In retrospect he will not join any organization without first bringing it to the Board. Mr. Fishburn stated that in retrospect it was the best thing that the Board could have done because it really woke up the Chamber which would not have happened without joining.

Chairman Brooks asked Mr. Fishburn if he had the conversation with him that he told the Board about. Mr. Fishburn stated that he did have the conversation with Chairman Brooks. He said that he will not join any organization without bringing to the Board first.

Commissioner Tobin can understand the political ramifications of the commercial community versus the residential community. He thinks that the District should join all of the organizations, the Rotary, the Federation, Chamber, etc. That is what is done when you run a small utility; you reach out to the community and get feedback. Commissioner Tobin stated that he did not feel that it was offensive for the Manager to join the Chamber without bringing it to the Board because he does not feel that the dichotomy is that strong between the commercial and the residential. He would have preferred that the Manager had come to the Board with the idea of joining the Chamber; the Manager is very transparent which is wonderful. Commissioner Tobin thinks that the District should remain neutral and participate in all of the community events.

Commissioner Bullock stated that he does not see anything wrong in joining the Chamber. It is good to be involved with the community, all the organization should be joined but the Chairman or the Manager should be the ones to go to the meetings.

Commissioner Bauman agreed with both Commissioner Tobin and Commissioner Bullock and the District should be a member in all the organizations.
Commissioner Patton believes that the District should be proactive in the community. The District should join organizations as non-voting members. Being a member in the organizations put the District in the communications loop and that is important. Mr. Fishburn should have brought the membership to the Board before joining.

Motion: Commissioner Tobin made a motion to direct the General Manager to get Board approval before he joins an organization, join the Key Largo Federation of Homeowners, the status of the membership at the Key Largo Chamber of Commerce is to be changed to non voting status.

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Motion passed 4 to 1

Status Reports

Engineer's Project Status Report

This item was tabled.

Adjournment

The KLWTD Board adjourned the meeting at 8:45 PM.
The KLWTD meeting minutes of Sept. 7, 2005 were approved on Sept. 21, 2005

Chairman Charles Brooks

Carol Walker, CMC
Board Clerk
| Staff Salaries | Admin     | $18,676.15 |
|               | Park      | $4,409.33 |
|               | Village   | $7,153.86 |
|               | NKLD      | $1,855.09 |
|               | Total Salaries | $32,094.43 |

| Tom Dillon Legal Services | Admin   | $7,979.50 |
|                         | Park    | $30.00    |
|                         | Village | $1,024.00 |
|                         | NKLD    | $743.50   |
|                         | Total Legal Fees | $9,777.00 |

| Weiler Eng | Park | $3,090.73 |
|           | Village | $5,656.78 |
|           | Total | $8,747.51 |

nothing for Weiler for NKLD are we incurring expense for this

What we are spending this month on non-related Construction expenses $50,618.94

At This Rate We Will Spend More 1/2 Million Dollars ON Non-related Construction Expenses NO PIPES IN THE GROUND MONEY $607,427.28

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Scratch Notes on the August Pending Payments List

Discussion only on what we are spending

By Charlie Brooks
KLWTD Chairman
Sept 7, 2005
WHEREAS, on August 31, 2005, the Key Largo Wastewater Treatment District ("District") adopted a Final Assessment Resolution levying non-ad valorem assessments against each of the Tax Parcels listed in Attachment A under and in accordance with Chapter 197.3632, Florida Statutes; and

WHEREAS, the purpose of the non-ad valorem assessments is to recover a portion of the costs of providing wastewater service to the Tax Parcels listed in Attachment A; and

WHEREAS, the undersigned are all of the owners of the Tax Parcels listed in Attachment A; and

WHEREAS, in order to induce the District to waive the non-ad valorem assessment against one or more of the Tax Parcels listed in Attachment A ("Excluded Parcels"), (1) the undersigned are certifying that the Tax Parcels listed in Attachment A are being utilized as a single parcel for development purposes, and that the undersigned do not intend to separate the parcels for development, and (2) the undersigned are waiving their right to receive wastewater service to the Excluded Parcels; and

WHEREAS, the District has advised the undersigned that, if they or their successors desire to have wastewater service provided to any of the Excluded Parcels the cost to the District, and the cost to the undersigned persons or their successors, of providing the service will be significantly greater than the costs of providing service at this time;

NOW, THEREFORE, in consideration of the premises and in further consideration of the promises below, the undersigned agree:

1. The undersigned certify that they are all of the owners of the Tax Parcels, as shown in the records of the Monroe County Property Appraiser, listed in Attachment A.

2. The undersigned certify that they desire to receive wastewater service to the Tax Parcel listed in Attachment A and designated as the Tax Parcel receiving wastewater service, and further...
hereby waive their right to receive wastewater to the Tax Parcel(s) listed in Attachment A and designated as Excluded Parcel(s).

3. The undersigned certify that the Tax Parcels listed in Attachment A are being utilized as a single parcel for development purposes, and that the undersigned do not intend to separate the parcels for development.

4. If the District in its sole discretion later provides Wastewater Service to an Excluded Parcel, the then-current owner(s) shall be required to pay to the all direct and indirect costs and expenses, including, but not limited to, an amount fairly representing the special benefit that the Tax Parcel will receive, as determined by the District. The undersigned understand and acknowledge that the amount charged at the time of later connection is expected to be significantly greater than the 2005 non-ad valorem assessment.

5. In reliance on the certifications and statements of the undersigned, the District will forego its right to impose the non-ad valorem assessment on the excluded parcels.

6. The District will advise the Monroe County Tax Collector to remove the assessment(s) against the Excluded Parcel(s). The District has been advised by the Monroe County Tax Collector that upon receipt of such advice, the Monroe County Tax Collector will issue amended tax bills reflecting the removal of the assessment(s) from the Excluded Parcels. If the assessment(s) have already been paid, the District will take steps to refund the amount(s) received by the District to the then-current owner(s) of the Excluded Parcels. However, the District will not be obligated to refund any amounts charged by the Monroe County Tax Collector for collecting the assessment(s).

7. The District acknowledges receipt of an administrative fee of $ for each Excluded Parcel.

8. The undersigned mortgagee(s) hereby consent to this waiver of wastewater service and acknowledgement of potential costs and all of its terms.

9. This waiver and all of its terms shall be binding upon, and inure to the benefit of, the signatories, their successors and assigns, and all subsequent owners of the Tax Parcels listed in Attachment A, and each of them.

[This Space Intentionally Left Blank.]
IN WITNESS WHEREOF, the undersigned, comprising all of the owners of the Tax Parcels listed in Attachment A have executed this waiver of wastewater service and acknowledgement of potential costs on the dates shown opposite their names.

Signed, Sealed and Delivered in the presence of these Witnesses (one of whom may be the Notary):

Owner or Co-owner

Sign: __________________________

Owner or Co-owner

Sign: __________________________

Witness

Sign: __________________________

STATE OF _______________________
COUNTY OF ____________________

The foregoing instrument was acknowledged before me this _____________ (date), by ___________________________ (name(s)), who is personally known to me or who has produced ___________________________ (type of identification) as identification.

______________________________
Notary Public

______________________________
Printed Name: __________________

My Commission Expires:

______________________________
Mortgagee Consent

The undersigned Mortgagee consents to the foregoing waiver of wastewater service and acknowledgement of potential costs.

Mortgagee Name:
By: 
Its: 
Date: 

STATE OF __________________________
COUNTY OF _______________________

The foregoing instrument was acknowledged before me this ________________ (date),
by ____________________________ (name(s)), who is personally known to me or who has
produced ________________________ (type of identification) as identification.

____________________________
Notary Public
Printed Name: _______________________
My Commission Expires: ________________

Mortgagee Consent

The undersigned Mortgagee consents to the foregoing waiver of wastewater service and acknowledgement of potential costs.

Mortgagee Name:
By: 
Its: 
Date: 

STATE OF __________________________
COUNTY OF _______________________

The foregoing instrument was acknowledged before me this ________________ (date),
by ____________________________ (name(s)), who is personally known to me or who has
produced ________________________ (type of identification) as identification.

____________________________
Notary Public
Printed Name: _______________________
My Commission Expires: ________________
WAIVER OF WASTEWATER SERVICE
AND
ACKNOWLEDGEMENT OF POTENTIAL COSTS
Attachment A

Tax Parcel receiving wastewater Service:
   Alternate Key Number:
   RE Number:
   Physical Location:
   Legal Description:

Excluded Parcels:
Excluded Parcel No. 1:
   Alternate Key Number:
   RE Number:
   Physical Location:
   Legal Description:
Excluded Parcel No. 2:
   Alternate Key Number:
   RE Number:
   Physical Location:
   Legal Description:
Excluded Parcel No. 3:
   Alternate Key Number:
   RE Number:
   Physical Location:
   Legal Description:
Excluded Parcel No. 4:
   Alternate Key Number:
   RE Number:
   Physical Location:
   Legal Description:
### MANAGERIAL, TECHNICAL AND PROFESSIONAL PERFORMANCE APPRAISAL

- **Annual**
- **Promotion/Transfer**
- **Other**

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#### Performance Rating Categories

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<tr>
<th>Ratings</th>
<th>Definitions</th>
</tr>
</thead>
</table>
| **Outstanding**   | • Accomplishments and results far exceed requirements of the position.  
                    • Contributions are clearly exceptional.  
                    • Objectives are surpassed and usually completed before target date.  
                    • Displays superior creativity and initiative.  
                    • Requires little or no supervisory guidance or follow up.  
                    *Note:* This level of performance is usually achieved by no more than 10% of the associate group. |
| **Above Average** | • Accomplishments and results are usually beyond requirements of the position.  
                    • Contributions are better than average.  
                    • Objectives are consistently met and at times surpassed.  
                    • Performance is competent and above the average level attained by others.  
                    • Requires limited supervision. |
| **Satisfactory**  | • Accomplishments and results are characteristic of an experienced and competent associate.  
                    • Quality and quantity of contributions are satisfactory.  
                    • Objectives are normally accomplished completely and on time.  
                    • Requires normal amount of supervision for the position. |
| **Requires Improvement** | • Accomplishments and results are inadequate for positions.  
                    • Contributions are inconsistent.  
                    • Requires more than normal guidance and direction from supervisor.  
                    • Some improvement is required to meet position requirements. |
| **Unsatisfactory** | • Accomplishments and results are inadequate for position.  
                    • Contributions are poor.  
                    • Overall performance reflects obvious deficiencies.  
                    • Appropriate corrective action is necessary immediately in the form of improved associate performance.  
                    • Requires significant supervision and follow up for position. |
### Section I: Performance Profile

Check the box that most accurately reflects the associate’s performance in current position. Comments are required for ratings of “Outstanding” and “Unsatisfactory.”

<table>
<thead>
<tr>
<th></th>
<th>Outstanding</th>
<th>Above Average</th>
<th>Satisfactory</th>
<th>Requires Improvement</th>
<th>Unsatisfactory</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Job Knowledge</strong>: Associate’s knowledge of job requirements, equipment, company facilities.</td>
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<tr>
<td><strong>Timeliness/Productivity</strong>: Associate’s ability to successfully complete projects within expected time limits.</td>
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<tr>
<td><strong>Technical Competence and Accuracy</strong>: Associate’s ability to meet expected quality standards with limited checking or correction.</td>
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<tr>
<td><strong>Communication</strong>: Associate’s ability to achieve results in discussions, oral presentations and written reports.</td>
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<tr>
<td><strong>Planning/Organizational Ability</strong>: Associate’s ability to organize assignments and consistently apply self to productive work.</td>
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<tr>
<td><strong>Interpersonal Relationships</strong>: Associate’s ability to interact effectively with others and his or her use of tact and judgment in dealing with associates.</td>
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<td><strong>Initiative</strong>: Associate’s resourcefulness in initiating and taking action on projects and assignments.</td>
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<td><strong>Originality and Creativity</strong>: Extent of associate’s contribution of original and practical ideas for improving methods or reducing costs.</td>
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<tr>
<td><strong>Analytical Ability and Judgment</strong>: Associate’s ability to recognize and diagnose problems and opportunities, exercise judgment to arrive at logical conclusions and follow through with timely action.</td>
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<tr>
<td><strong>Leadership</strong>: The extent to which associate has demonstrated ability to achieve results from others when assigned leadership responsibility.</td>
<td>[ ]</td>
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</tr>
</tbody>
</table>

**Overall Performance**

Comments:
**Section II: Job Responsibilities**
List the associate’s job responsibilities during the review period:

**Section III: Accomplishments**
List the associate’s accomplishments during the review period:

**Section IV: Development Plans**

A. Associate’s major strengths:

B. Areas that need further development:

C. Describe the plan that has been agreed upon to improve the associate’s level of performance. Include no more than two or three concrete points.

**Section V: Appraisal Interview Review**

A. Associate’s comments following appraisal interview and reading of entire appraisal form. (To be written by associate.) If desired, associate may submit comments on separate pages, to be attached to this form.

B. Appraiser’s comments, following interview and comments by associate.

**Section VI: Signatures**

Appraiser: ___________________________ Date: ____________

Appraiser’s Manager: ______________________ Date: ____________

Associate: ____________________________ Date: ____________