The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting at 4:00 PM. Present were Commissioners Robbie Majeska, Norman Higgins, Andrew Tobin, Charles Brooks, and Chairwoman Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Commissioner Brooks led the Pledge of Allegiance.

**APPROVAL OF AGENDA**
Chairwoman Hammaker moved the Islamorada Discussion and the Vacuum Station Update to items one and two. Commissioner Tobin took Coordinating Road Paving off of the agenda.

**Motion:** Commissioner Tobin made a motion to approve the agenda as amended. Commissioner Higgins seconded the motion.

**Vote on Motion**

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Motion passed 5 to 0

**PUBLIC COMMENT on ISLAMORADA**
The following persons addressed the Commission: The following persons were opposed to any further studies regarding KLWTD processing Islamorada sewerage. Further they were against any additional capital construction costs or studies cost.

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<tr>
<td>John Hammerstrom</td>
<td>Tavernier Community Association</td>
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<td>Burke Cannon</td>
<td>Hammer Point Homeowners Asso</td>
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<td>Jerry Wilkerson</td>
<td>KLWTD Commissioner Pro Tem</td>
<td>Jerry's letter</td>
<td>Opposed</td>
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Mike Forster Islamorada Councilman pro tem spoke in favor of Key Largo considering an independent study with Islamorada paying for the study.

See Exhibit “A” for letters.

**COMMISSIONER’S ITEMS**

**Islamorada Discussion**

Mayor Don Achenberg, Islamorada, presented the two following questions:

1. Whether interest exists among a majority of your board members to enter into an agreement with Islamorada to explore the possibility of the Key Largo Wastewater Treatment District treating a portion of the wastewater of Islamorada; and

2. Whether the Key Largo Wastewater Treatment District will agree to pay its appropriate share of a comprehensive study to determine the mutual benefit to each party of such an agreement; said study to be conducted by an agreed upon independent and qualified engineering firm.

The Key Largo Wastewater Treatment District Board of Commissioners thanked Islamorada’s Mayor Don Achenberg for coming to the meeting.

Commissioner Tobin explained that the District did not think that the study that Islamorada had done was accurate. He stated that the District is stronger with more customers; the door has always been left open to Islamorada.

Commissioner Higgins stated that the Islamorada issue is one of the hardest decisions he has had to make. On the last vote he voted against it. Commissioner Higgins explained that he is looking at saving the Key Largo residents money and bringing the rates down.

Commissioner Majeska stated that he is going to do what is best to bring the rates down. He pointed out that the House Bill that established the District gives the District the authority to enter into contract with other authorities. Commissioner Majeska does not want an independent study he would like one done by employees that can be held accountable for the report.

Commissioner Brooks told the Board that selling to Key Largo is Plan “B” for Islamorada not their first choice. The majority of Islamorada Council persons voted to continue with their plan of several small plants within the Village.

Commission Brooks stated that it bothers him that the District said that it does not feel that the Islamorada study was sufficient. He feels the District is not in a position to judge Islamorada’s consultants. Commissioner Brooks said that Islamorada should do their sewer system and Key Largo should do theirs. He thinks that if Islamorada does what they plan on doing they can move forward. If they do Indian Waterways they may be able to receive some of the stimulus monies.
Chairwoman Hammaker commented that the District should look into what the District and Islamorada will save by working together. If the District will benefit from a study then they should pay their part of it.

Mayor Don Achenberg thanked the Board for their comments. He stated that he was impressed by the concern for Key Largo and Islamorada. He will report back to his Council on Thursday.

The following questions were asked of the Key Largo Wastewater Treatment District Board of Commissioners:

1. Whether interest exists among a majority of your board members to enter into an agreement with Islamorada to explore the possibility of the Key Largo Wastewater Treatment District treating a portion of the wastewater of Islamorada.

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4 to 1

Commissioner Tobin stated that Islamorada and the District’s Managers, and Engineers should get together to develop a scope for the study. Mr. Fishburn estimates the cost at $5,000.

2. Whether the Key Largo Wastewater Treatment District will agree to pay its appropriate share of a comprehensive study to determine the mutual benefit to each party of such an agreement; said study to be conducted by an agreed upon independent and qualified engineering firm.

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PUBLIC COMMENT on VACUUM STATION SITE for BASIN I

The following person addressed the Commission in opposition to the site because of smell, noise and/or lot is to small: Lucy Given, Dawn Phillips, Tim Bricker, Jim McCollum, David Ayala, George Gould, Kay Thacker, all of Key Largo.

GENERAL MANAGER’S REPORT

Vacuum Station Update

KLWTD Board of Commissioners
Board Meeting
April 7, 2009
Mr. Fishburn reported that a sign has been erected on the second property under contract for the Basin I vacuum station. A letter was delivered to home owners in the area by an “anonymous source”.

Ocean Point Condo Association has offered their treatment plant site to K LWTD for use as the vacuum station site for Basins J & K.

The Board directed Mr. Fishburn to continue to evaluate all of the sites and to look for other sites as well.

PUBLIC COMMENT
The following person addressed the Commission: Sylvia Zolot, Key Largo addressed the Commissioners about the connection of her package plant.

Margaret Blank, District Engineer stated that her package has been reviewed and returned to her engineer.

BULK ITEMS
RESOLUTION NO. 13-04-09
A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ANDREW W. & ERICA BOLE MAKAR, A MARRIED COUPLE FOR REMOVAL OF ONE TAX PARCEL FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 14-04-09
A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 15-04-09
A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF ROBERT LAVIOLETTE & YVETTE MEYER CO TR’S, FOR REMOVAL OF ONE TAX PARCEL FROM THE 2006 NON-AD VALOREM ASSESSMENT; AND REFUNDING COLLECTED ASSESSMENT PAYMENTS AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 16-04-09
A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF NATIVE RENTAL PROPERTIES, LLC FOR REMOVAL OF ONE TAX PARCEL FROM THE 2008 NON-AD VALOREM ASSESSMENT; AND REFUNDING COLLECTED ASSESSMENT PAYMENTS AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.
Motion: Commissioner Brooks made a motion to approve the Bulk Items. Commissioner Higgins seconded the motion.

Vote on Motion

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Motion passed 5 to 0

COMMISSIONER'S ITEMS

Basin B-4 Change Order

Mr. Fishburn introduced the Basin B-4 Change Order for J. A. LaRocco Enterprise Inc. Staff recommended LaRocco be awarded the change order based on their past performance and publicly bid pricing for similar work.

Commissioner Brooks asked the amount of grant money in Basin B-4. Mr. Waits explained that at the current time there in no grant monies being used except the balance of the County Grant monies, otherwise it is all assessment monies at the current time. There has been 1 million ACOE dollars used in Basin D-1 and D-3 done by LaRocco.

Motion: Commissioner Brooks made a motion to approve the Basin B-4 Change Order for J. A. LaRocco Enterprise Inc. Motion seconded by Commissioner Majeska.

Vote on Motion

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Motion passed 5 to 0

Basin B-3, Basin B-5 and Basin C-1 Change Order

Mr. Fishburn introduced the Basin B-3, Basin B-5 and Basin C-1 Change Orders for Metro Equipment Service, Inc. He explained that the prices of the change order are in line with the other currently awarded change orders.

Commissioner Brooks asked if there were any grant monies for these change orders. Mr. Waits stated that there is $37 million of grant monies so far in the total project.

Motion: Commissioner Tobin made a motion to authorize the Manager to issue Basin B-3, Basin B-5 and Basin C-1 change orders individually at his pleasure with the mobilization amount to be limited $16,000 on all three change orders. Motion seconded by Commissioner Majeska.
Vote on Motion

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Motion passed 5 to 0

**Basin H Change Order**
Mr. Fishburn reported that there may be more survey work required for Basin H.

**District Uniforms**
Mark Weis presented the proposed uniforms for District Inspectors, Plant Employees, and the female staff. Mr. Weis explained that there would be eleven employees participating and they would be supplied eleven uniforms per person at a cost of $100 a week, and that would include cleaning.

Staff will bring back the uniform issue to the next meeting.

**COMMISSIONER’S ITEMS**

**Revisit Oversight Policy**
Chairwoman Hammaker stated that because of the current oversight policy the public received information before it was appropriate and it caused an employee to go out and get an interview.

Commissioner Tobin would like the information not to be transmitted electronically.

Commissioner Brooks suggested that the Manager informs the Board of the planned raises and then if a board member would like to have it reviewed tell the Manager and the Manager should put it on the agenda.

**PUBLIC COMMENT**
The following person addressed the Board: Kay Thacker, Key Largo asked what something being sent electrically to quick has to do with being transparent. Is something going to change if you get it out quickly or slowly? Burke Cannon, Tavernier, stated that in a small local community you need to be sensitive to what is going on.

**Washington DC Trip**
Chairwoman Hammaker reported that the trip to Washington DC with Marathon was very successful.

**Citizen Volunteer Transition Workshop**
Chairwoman Hammaker introduced Sue Heim who offered to volunteer to assist the KLWTD Board in the development and production of the Operation Procedures manual.
PUBLIC COMMENT on Proposed Salary Increases
The following person addressed the Board: Kay Thacker, Key Largo, stated that the County and the Country are in trouble.

Proposed Salary Increases
Commission Brooks stated that the salary increases are inappropriate with the economy being the way it is.

Commissioner Majeska thinks that there will be a problem with paying a person a high rate for being a plant manager and a construction manager and then reducing that persons pay when he is only a plant manager.

Commissioner Higgins believes that the General Manager is the best one to decide who gets a raise, when, and how much.

Commission Brooks explained Mr. Mitchell was hired to do some of the work that Mr. Fishburn was being paid to do so then Mr. Fishburn's salary should be reduced.

Chairwoman Hammaker stated that she thinks that the two employees being reviewed should not have been started at such a low rate to begin with.

Motion: Commissioner Tobin made a motion to approve the proposed salary increased for Mr. Mitchell and Mr. Brush. Motion seconded by Chairwoman Hammaker.

Vote on Motion

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Motion passed 4 to 1

Manager's Evaluation
Commissioner Tobin told the Board that Mr. Fishburn will be getting a bonus unless the Board votes it down and asked Mr. Fishburn to explain why he should get the bonus.

Mr. Fishburn reminded the Board of the amount of construction that the District has been doing without having to pay expensive consultants.

The Commissioners reported that they are working on the Manager's evaluation.

Reconsider the Manager's Contract
Commissioner Brooks removed this item from the agenda.
BULK ITEMS
Pending Payments of April 7, 2009

Motion: Commissioner Brooks made a motion to approve the Pending Payments of March 17, 2009 contingent upon the availability of funds. Motion seconded by Commissioner Majeska.

Vote on Motion

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Motion passed 5 to 0

ENGINEER’S REPORT
Monthly Status Report
Mr. Castle of Weiler Engineering presented his written monthly report.

FINANCIAL REPORT
Preliminary Tax Roll
Mr. Waits presented the Preliminary Tax Roll. He reported that it is the fifth assessment and it is the last major assessment.

KLWTD Comprehensive Annual Financial Report (CAFR)
Mr. Waits reported that there were no findings with the CAFR Report.

LEGAL COUNSEL REPORT
Draft Consent Order
Mr. Dillon recommended to not enter into the Consent Order because it implies that the District is doing something wrong and the District is not doing anything wrong. The District is currently in compliance with law and there is every reason to believe that the Regional Plant will be in compliance also.

Motion: Commissioner Brooks made a motion to have the District Council, Thomas Dillon, draft a letter Gus Rios, DEP and bring it back to the next meeting. Motion seconded by Commissioner Higgins.

Vote on Motion

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Motion passed 5 to 0
Assessment of CR 905 Properties & Others
Mr. Dillon explained that as long as the Board acts rationally in assessing properties the Courts will defer to the Boards actions. Properties requiring grinder pumps can be assessed in a different way and for a different amount than other properties served by the central sewer. The properties with grinder pumps cannot be assessed more that the cost of hooking them up.

COMMISSIONER'S ROUNDTABLE
N/A

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 9:02 PM.
The KLWTD meeting minutes of April 7, 2009 were approved on April 21, 2009.

Chairwoman Hammaker

Carol Walker, CMC
District Clerk
April 2, 2009

Chair Susan Hammaker
Key Largo Wastewater Treatment District
P.O. Box 491
Key Largo, FL 33037

Re: Inclusion of Islamorada waste into Key Largo system

Dear Chair Hammaker,

The Tavernier Community Association is adamantly opposed to spending money on further research into the possibility of including Islamorada waste into the Key Largo Wastewater Treatment District and at their April 2, 2009 General Meeting passed a motion to express this position to the Key Largo Wastewater Treatment District and to the Islamorada Village Council.

Very sincerely yours,

John Hammerstrom
President,
Tavernier Community Association, Inc.

Cc: Islamorada Village Council
December 18, 2007

Gary Bauman, Chairman
Key Largo Wastewater District
98880 Overseas Highway
Key Largo, Florida 33037

Attn: All Board Members and Manager

Dear Mr. Bauman:

The Island of Key Largo Federation of Homeowner Associations (IKLFHA) voted unanimously to send a message requesting the Key Largo Wastewater Treatment District Board and staff to stop wasting time and money, terminate all dialog/negotiations with the Village of Islamorada Council Officials concerning connection and treatment of Islamorada sewage at the Key Largo Wastewater Treatment Plant.

IKLFHA has supported the Key Largo Wastewater Treatment District (KLWTD) in its endeavors to provide the citizens of Key Largo with a central advanced water treatment and collection utility. The intent of the enabling legislation was for the KLWTD to provide the central sewer system and treatment plant to Key Largo within its specified district boundaries.

The use of this resource for any reason other than the original intent and scope creates a lack of public confidence and trust and any other use no matter how small or seemingly innocuous has not been justified. Our members do not believe it is beneficial for Key Largo to take on responsibility beyond areas for which it is authorized to provide wastewater treatment service.

After two years of talks between KLWTD Board and staff, studies done by the Village of Islamorada, that has been presented thus far have shown there is significant economical cost saving for the Village over 20 years by not sending its flow to Key Largo. There is no significant benefit or cost savings for Key Largo if Islamorada connects.

The taxpayers of Key Largo have paid over $5 million MSTU taxes for the support and establishment of the district. This tax was imposed on the Key Largo citizens over their objection. The MSTU taxes, as well as advanced assessments and grant funds specified for Key Largo Sewer Projects have been expended in order to create the resources necessary to carry out the mandate for the Key Largo Sewer Treatment Plant before the year 2010.
Furthermore, the KLWTD has proffered to Islamorada Village of Islands a pay-as-you-go and lending of treatment capacity plan that Federation members feel are made possible by our residents past MSTU taxation and prepayments requirement by KLWTD and therefore, are inherently unfair to residents in Key Largo.

Sincerely,

Burke Cannon
PRESIDENT

Copy: Islamorada Village of Islands Council Members
Ron Saunders, State Representative
Local Press
Dear Chairwoman Hammaker,

The citizens and taxpayers of Sexton Cove Property Owners Association, Inc. are requesting that the Key Largo Wastewater District Commissioners, staff, and engineering firm stop wasting our MSTU tax monies, grant monies, assessments and State Revolving Funds pursuing a waste water treatment partnership with the Village of Islamorada. We have entrusted these monies to you as our elected officials to spend carefully, responsibly and deliberately. The use of these resources was originally intended to be utilized in the Key Largo district, not outside of the Island of Key Largo.

The added customer base of the Village of Islamorada will increase the scope and range to over 45% more, which means you are going outside of the original intent of the legislative language. The substantial infrastructure investment, including installing larger pipeline from Tavernier Bridge to the regional Wastewater Treatment Plant, and the augmented costs of construction for increased capacity at the wastewater treatment plant site place an unfair expense on the residents of Key Largo. The taxpayers of Key Largo do not want to shoulder the added burden of these expenses.

The members of SCPOA sent a letter on November 14, 2007 addressing this very issue. We understood that you had settled this issue back in 2007, and felt confident that you were going to hold to the original intent to treat the wastewater of Key Largo only.

The members of Sexton Cove Property Owners Association, Inc. with well over 200 homeowners voted unanimously to request you stop the meetings, studies, and dialog in connection with the treatment of the Village of Islamorada waste water. We are asking no more money to be spent in relation to the Village of Islamorada and their waste water treatment needs.

Sincerely,

Don Haynie, President

Sexton Cove Property Owners Association, Inc.

CC: Council members of the Village of Islamorada

"City Manager, Ken Fields

"Miles Milander

"The Press
To:
Key Largo Wastewater Treatment District
Board of Commissioners
98880 Overseas Hwy Key Largo, FL 33037

November 14, 2007

Gary Bauman Chairman
Andrew Tobin Vice Chairman
Claude Bullock Secretary Treasurer
Susan Hammaker Commissioner

Reference Key Largo accepting Islamorada’s Sewerage

I have been asked by the Members of the Sexton Cove Property Owners Association, to express our concern regarding the transmission of and treatment processing of Islamorada’s sewerage.

The association members have discussed the issue and with an overwhelming majority of its members have determined they are opposed to the KLWTD Board or staff in engaging or considering the Islamorada connection.

Key Largo residents have accepted their wastewater district and have been burdened with the taxes to support the district. The concept of the district was that of a Key Largo independent governing body, the single purpose of which was the establishment of a Key Largo central wastewater system. The citizens have paid in approximately $5 million in MSTU taxes for this sole purpose. This is a tax that was turned down by the electorate but imposed by the county.

The KLWTD’s purpose and task has been to sewer all of Key Largo, except Ocean Reef to Tavernier Creek Bridge. This is a monumental task in itself, requiring $150 million in funding, an amount far beyond Key Largo citizen’s fiscal capabilities.

The KLWTD is proposing to finance $22 million, “pay-as-you-go” stipulation to encourage Islamorada to send their flow north. This will increase the scope and cost to $172 million. This will consume personnel/resources that should be engaged in constructing Key Largo’s sewer system.
The scope of escalation and the increased financial liabilities therein, are not the intent and understanding the people of Sexton Cove expect. The Sexton Cove Property Homeowners Association request you discontinue all endeavors regarding accepting the Islamorada sewerage. Stay the original course, keep your eye on the original ball, that of providing Key Largo with their sewer system.

Dave Gilbert
President, SCP
RISK OR REWARD – SPECULATION OR FACTS – SAINTS OR SINNERS

It appears from what we surmise is that the Key Largo Wastewater Treatment District is about to “get in bed with the Village of Islamorada” and accept Plantation Key’s, perhaps Windley Key’s and most likely Upper Matecumbe Key’s sewage effluent to be processed at the proposed new Key Largo Treatment Plant. Most realize that sample Interlocal Agreements (ILA) have been collected by the KLWTD and believe that at present no draft ILA has been made, but if so or when, we citizens wish to follow its evolution.

The following questions may not have an immediate specific answer, but we feel you should have and have had guiding ideas to substantiate your positions; therefore the questions herein put forth should be answerable. It has been argued that questions at this early negotiation stage are premature, but our position is that some form of an answer should have been available to even open the negotiation stage.

To think only of dollars and cents of future profits and possible savings without considering the pitfalls along the way is the wrong motive for pursuing the project.

As a KLWTD commissioner you personally, and not the staff and without asking the staff, should have a specific answer to each of these questions as you have participated in this specific subject presently going on two years. The answer could be “I never thought about it” but that is an answer. We do not believe that after two years and realizing that a final solution has not been made, and will not be made for some time; that you should have guiding ideas at this moment to substantiate your position.

Financial related questions:
1) The KLWTD special non ad valorem assessment and yearly SRF funds will eventually give the KLWTD sufficient money to complete its charter. Will Islamorada be assessed in advance as we are? Will monies be spent for Islamorada that will slow our completion? How will KLWTD staff time be reimbursed? The KLWTD staff is to serve its citizens and not other entities.

2) The KLWTD staff has repeatedly in the past several months indicated to Islamorada that Key Largo District Board and staff are willing to finance capital infrastructure on a modified pay-later basis. Does the KLWTD Board support this philosophy?

3) The KLWTD staff and the District’s board have repeatedly offered Islamorada a repayment plan based on EDUs (numbers of gallons) treated. Please explain to the KLWTD constituents what this means and do you support it?

4) The KLWTD staff has with its latest figure estimated Key Largo’s capital cost for accepting Islamorada's sewerage is about $25 million - yes we realize the figures change daily. What ever the amount is, it is over and above the approximate $150 million Key Largo must have for Key Largo's central wastewater system capital costs. Does the KLWTD support this additional $25 million capital cost and if so where, when and how do you, or the District, intend to obtain the money for the Islamorada scenario?

5) The new large treatment plant to be constructed will use a portion of the Key Largo resident's non-ad valorem assessments, and portions of their assessments and grants etc. Key Largo property owners are paying this assessment at least a year in advance and repaying loans/grants as time passes, so what is the plan for Islamorada to step up to the plate and begin paying its pre-construction and infrastructure enhancement shares?

6) This is two questions. 1) Islamorada stopped spending its funds for more study of this project. Why is the KLWTD still spending funds? 2) In fact, why did it ever start spending funds in view of one of its stated fundamental principles noted in the recent proposed letter: “No commitment will be made to the Village which could potentially disrupt or delay the District’s current plan to provide to provide wastewater treatment and collection of Key Largo? Spending even one dollar of staff’s time and/or District funds potentially delays and disrupts providing wastewater treatment and collection for it citizens.
7) Why is the KLWTD making its property owners pay significantly in advance for capital costs and proposing some payment plan so the Village can pay its ‘after the fact’?

8) Why is there not a proportionate ‘monthly basic fee’ (for treatment plant, transmission line infrastructures, administrative, insurance costs, etc.) for all Village customers whose effluent is to be sent to Key Largo yet we pay a basic fee of $33 per month?

9) Will you commit to the citizens of the KLWTD that they can rest assured and be absolutely guaranteed that not one dollar of their assessments, user fees, MSTU taxes, funds from any State Revolving Fund loan or funds from any grants will be used to administer, litigate, promote, study, design, construct or operated any infrastructure within the boundaries of the KLWTD without a reasonably prompt 100% reimbursement?

10) Presently the KLWTD intends to have one deep-water injection well for an estimated cost of $5 million and use shallow wells as backup. If the additional flow from Islamorada causes, is thought to cause or partially causes, the FDEP to require the addition of a second deep well, how do you envision the apportionment of these capital and operating costs?

11) The KLWTD after it gets say 90% of its EDU’s connected, should turn in such a profit that is will be the "deep pockets" of Monroe County. However, payback of the loans will continue for many years. This should have reduced the monthly fees but will not, and if so, how can Islamorada’s fees be reduced in light of it has not contributed to the advance costs of construction and operation?

12) It is generally known that the Key West wastewater system generates millions of dollars of profits which is used by the City of Key West instead of reducing customer rates and in fact continue to seek grants. Eventually, the same will be true for the KLWTD. After a liberal contingency fund is established for the KLWTD, how do you envision its excess profits be utilized in light of a partnership with Islamorada?

13) The new one-size-fits-all KLWTD treatment plant will have a specified treatment capability. If additional capacity is needed, how do you intend to apportion the capital and operating costs needed in the future?

14) If the KLWTD and Islamorada sign an ILA and later Islamorada cannot or will not provide adequate funds, what kind of remedy does the KLWTD envision to pursue?

15) At this moment precisely what is the monthly bottom line after all costs have been deducted, value of savings for each customer living within the district must be in dollars to qualify this venture to be worth pursuing?

Related emergency/disaster concepts, management, actions, etc.:

16) Some innately oppose running raw effluent across or under a navigable waterway and even more so in hurricane prone areas. Islamorada residents should especially consider this as the KLWTD may have to shut off the isolation valve at Tavernier Creek if a failure/disaster occurs and Islamorada will have no treatment capability. Who will bear the costs of restoring the broken line, homeowner and possible litigation costs incurred by the loss of it wastewater treatment capability?

17) In case of natural or any other disaster and all the wastewater treatment plant’s capability is needed for Key Largo residents, or there is not sufficient capacity to meet Key Largo customer needs; will the KLWTD cut-off the effluent input from Islamorada, or do you envision some kind of proportional and or rotating turnoff of subdivisions of both communities?
18) If you think there is any possibility for emergency treatment plant failure from any cause, would you be willing to actively pursue legislative approval to allow existing legal and certified septic tanks connected with an approved diverter valve (A wye valve) be kept for emergency use instead of decommissioned?

AWT standards related questions:
19) The KLWTD has no hands on experience operating a large fixed treatment plant especially to Advanced Wastewater Treatment (AWT) standards and a training/trial period will be expected. How valid do you believe the present cost figures given to Islamorada are and why should Islamorada use them?

20) If there are problems of meeting the FDEP AWT standards and the content of the input effluent is at question, as it always can be and often is, what is the expected process to determine fault, the cure and who pays the total costs?

21) If the KLWTD accepts the Islamorada sewage, it will have no responsibility to meet the FDEP Advance Wastewater Treatment (AWT) standards and it will be totally Key Largo's responsibility according to FDEP representative Mr. Gus Rios. This is not a true partnership or equal customer. What are the plans to handle this situation and especially the costs involved in resolving the treatment standards?

Incorporation related questions:
22) Do you have plans if the community of Key Largo incorporates as a municipality; or worse yet only a portion of the district incorporates and the other parts/sections do not incorporate?

23) In general, what is the plan if Islamorada un-incorporates and diverts back to unincorporated Monroe County?

24) Is it wise for an Independent District such as the KLWTD to accept an incorporated municipality as a customer considering the standards of FDEP and case law?

General questions:
25) If this proposal is finalized, what type of committees and subcommittees do you envision to accommodate planning, rumor control, fee and rate adjustments, complaints, citizens of both communities representation, etc?

26) The citizens and property owners of the KLWTD will expose themselves for the costs for additional lawsuits and liabilities, especially in light of the enabling legislation boundaries and stated purpose. It can be argued that the citizens of Islamorada will subject to “unusual” litigation being in a subordinate position to an Independent Special District. In general, how do you propose to protect the affected citizens?

27) This Islamorada effluent issue is raising the eyebrows of the Key Largo community. As an elected official how strongly do you feel it is your responsibility to protect the interests of the people who elected you by respecting their opinions?

28) Does not the concept that Manatee Bay and the CR 905 communities are being ignored while the Islamorada community is being to some degree preferentially considered give the idea that your primary interest is large paying customers?

29) The enabling legislation placed the District’s southern boundary as Tavernier Creek and specifies in six or seven entries items to be done “...within...” the District. (LOF 337-2002). In absence of a legal challenge, in general how certain are you that this project is within the spirit and intent of the district’s legislative charter?
30) The Islamorada Comp Plan prohibits piping raw sewage across waterways. At the moment I am not certain that the Monroe County does not also. What is your logic to contract with Arcadis or any one else to study the costs of treatment of Islamorada effluent as long as it is prohibited to be done?

Jerry Wilkinson