The Key Largo Wastewater Treatment District Board of Commissioners met for a joint meeting at 5:30 PM. Present were Commissioners Norman Higgins, Andrew Tobin, Charles Brooks, Robert Majeska, and Chairwoman Susie Hammaker. Also present the General Manager Charles F. Fishburn, Thomas Dillon, District Counsel, Margaret Blank, P.E. Construction Manager, Chief Financial Officer Martin Waits, and District Clerk Carol Walker.

The Islamorada Village of Islands Council met for a joint meeting at 5:30. Present were Mayor Don Achenberg, Vice Mayor Michael Rockwerdt, Council members, Dave Boerner, and Deb Gillis. Also present were Village Manager Kenneth Fields, Village Attorneys, Nina Boniske and Lillian Arango, Director of Finance, Cindy Lawson, and Village Clerk Beverly Raddatz. Council member Jill Zima Borski arrived at 7:13 pm.

Mayor Achenberg led the Pledge of Allegiance

Chairwoman Hammaker and Mayor Achenberg made opening remarks.

Charles Fishburn, KLWTD General Manager and Chief Financial Officer Martin Waits made a presentation about the District.

In response to Islamorada’s question about the District expanding their boundaries Chairwoman Hammaker advised that the KLWTD Board voted not to expand the current KLWTD boundaries.

The District informed Islamorada that the Board envisioned that there would be a contractual relationship with the Village as a customer.

There was a discussion on technical specifications for connection to the KLWTD pipeline.

A discussion on rate setting and what the District would do about pipeline breaks ensued.

Thomas Dillon reviewed the District’s responsibilities in case of contractual failure.
PUBLIC COMMENT: The following persons addressed the KWTD Board and the Islamorada Council: Barry Wray, Tavernier, FL, Ron Miller, Key Largo, FL, Pauline Klein, Key Largo, FL, Howard Gelbman, Key Largo, FL, Burke Cannon, Key Largo, FL, Sue Heim, Tavernier, FL, and Chris Sante, Islamorada, FL.

ADJOURNMENT
The Meeting was adjourned at 8:15 PM.

The KLWTD meeting minutes of Oct. 19, 2009 were approved on Dec. 15, 2009.

Chairman Higgins

Carol Walker, CMC
District Clerk
I. CALL TO ORDER/ROLL CALL (VILLAGE COUNCIL): Mayor Don Achenberg asked for the roll call at p.m. Present were: Mayor Don Achenberg, Vice Mayor Michael Reckwerdt, Council members: Dave Boerner, Jill Zima Borski and Deb Gillis. Also in attendance were: Village Manager Kenneth Fields, Village Attorneys Nina Boniske and James White; Village Clerk Beverly Raddatz, and all other appropriate Village personnel.

II. CALL TO ORDER/ROLL CALL (KLWTD): Chairwoman Susie Hammaker asked for the roll call at pm. Present were Chairwoman Susan Hammaker, Vice Chairman Norman Higgins, Board members: Secretary/Treasurer Charles Brooks, Commissioner Andrew Tobin, and Commissioner Robert Majeska. Also in attendance were: General Manager Charles Fishburn, Attorney, Board Clerk Carol Walker, and all other appropriate KLWTD personnel.

III. PLEDGE OF ALLEGIANCE

Mayor Achenberg led the Pledge of Allegiance.

IV. OPENING REMARKS (CHAIRPERSONS)

Mayor Achenberg made his opening remarks regarding the meeting.

Chairwoman Susie Hammaker made her opening remarks regarding the meeting.

V. ITEMS FOR DISCUSSION

A. Staff Presentation (KLWTD)

Key Largo Wastewater Treatment District (KLWTD) staff member gave a PowerPoint presentation regarding the history of the District and their current status.

B. Expansion of the District’s Boundaries to Include Islamorada

Mayor Achenberg asked KLWTD if they were willing to expand the District’s boundaries to include Islamorada, Village of Islands.
Discussion ensued regarding
It was the consensus of the Council

C. Contractual Board Participation for Islamorada Representatives

Mayor Achenberg asked KLWTD whether they would be willing to discuss contractual board participation for Islamorada representatives.

Discussion ensued regarding
It was the consensus of the Council

D. Technical Specifications for Pipeline Connection

Mayor Achenberg asked KLWTD what the technical specifications were for the pipeline connection.

Discussion ensued regarding
It was the consensus of the Council

E. Contractual Protection with regard to Rate Setting

Mayor Achenberg asked KLWTD what contractual protection they would negotiate in regards to the rate setting.

Discussion ensued regarding
It was the consensus of the Council

F. Legal Liability for Failure to Perform or Environmental Violations

Mayor Achenberg asked KLWTD what would be the legal liability be for the failure to perform or environmental violations for the Village.

Discussion ensued regarding
It was the consensus of the Council

VI. ADDITIONAL DISCUSSION

Mayor Achenberg asked if there were any additional discussion.

VII. PUBLIC COMMENTS

Mayor Achenberg opened the Public Comment Section. The following addressed the Village Council and KLWTD:
III. ADJOURNMENT

Meeting was adjourned at
Hello,

Attached is the presentation so far. Marty will be completing slides for the rate discussion tomorrow.
WHAT ARE THE BENEFITS OF JOINING FORCES?

- Economy of scale: Fixed costs spread out over larger number of rate payers.
- Increased efficiency: One WWTP rather than two or more.
- Potential for improved treatment: Higher flows smooth peaks.
- Time: KLWTD WWTP will be ready to accept flow in May 2010.
WHAT WILL IT TAKE TO MAKE IT HAPPEN?

- Firm commitment from both sides.
- Mutually beneficial agreement.
- Cooperation between staffs.
- Firm, reliable numbers as basis for decision making.
- Support from the public. Concerns need to be addressed.
WHAT INFRASTRUCTURE IS NEEDED?

- Regional pumping station.
- Upsize KLWTD South Transmission Main?
  - Sized for Key Largo only.
  - KLWTD STM contract was awarded Oct. 6.
  - Work to begin any time.
  - FDOT work to begin July 2010. We need to be done by then.
- Separate FM for Islamorada?
- Expansion of KLWTD Regional WWTP.
FORCE MAIN
CURRENT STM
Capacity = 9,000 EDU
Size = 6" TO 16" FORCE MAIN
Bid Price = $4M

UPSIZE CURRENT STM
Capacity = 18,000 EDU
Size = 14" TO 18" FORCE MAIN
Estimated Cost = $5M

SECOND FM FOR ISLAMORADA
9,000 EDU
Size = 14" FORCE MAIN
Estimated Cost = $5M

THE KLWTD REGIONAL WWTP

- WWTP design and construction
  - Sequencing batch reactor (SBR)
  - Designed by Arcadis
  - Built by Wharton Smith
- Current WWTP capacity
  - Design capacity = 2.3 MGD
  - Capacity of deep well is 9.2 MGD with shallow well back-up.
THE KLWTD REGIONAL WWTP

- Cost of WWTP and potential expansion
  - 2.3 MGD will cost $30M and is fully funded
  - Expansion to 3.45 MGD estimated to cost $3M
  - Expansion to 4.0 MGD estimated to cost $6M
  - Islamorada's contribution estimated to be $18M
- WWTP effluent suitable for re-use, but KLWTD has found that re-use is not financially viable at this time.
Be It Enacted by the Legislature of the State of Florida:

Section 1. The Key Largo Wastewater Treatment District and its charter are created to read:

SECTION 1. SHORT TITLE.—THIS ACT MAY BE CITED AS THE "KEY LARGO WASTEWATER TREATMENT DISTRICT ACT."

SECTION 2. DEFINITIONS.—WHEN USED IN THIS ACT, UNLESS A DIFFERENT MEANING APPEARS CLEARLY FROM THE CONTEXT:

(1) "DISTRICT" MEANS THE KEY LARGO WASTEWATER TREATMENT DISTRICT AND, UNLESS THE CONTEXT INDICATES OTHERWISE, MEANS THE SPECIAL DISTRICT CREATED BY THIS ACT AND IDENTIFIED IN SECTION 3 TO BE KNOWN AS THE DISTRICT AND THE TERRITORY INCLUDED WITHIN THE SPECIAL DISTRICT.

(2) "PROJECT" MEANS AND INCLUDES A WASTEWATER MANAGEMENT SYSTEM, INCLUDING ANY AND ALL PARTS THEREOF, AND ALL APPURTEINANT AND RELATED FACILITIES NECESSARY OR CONVENIENT FOR THE COMPLETE ACQUISITION OR ESTABLISHMENT, MANAGEMENT, OPERATION, AND MAINTENANCE OF SUCH WASTEWATER MANAGEMENT SYSTEM, AND BUSINESS FACILITIES INCIDENTAL THERETO; ALL APPURTEINANT TO AND LOCATED WITHIN THE SPECIAL DISTRICT.

(3) "WASTEWATER" MEANS THE COMBINATION OF THE LIQUID AND WATER-CARRIED POLLUTANTS FROM A RESIDENCE, COMMERCIAL BUILDING, INDUSTRIAL PLANT, OR INSTITUTION, TOGETHER WITH ANY GROUNDWATER, SURFACE RUNOFF, OR LEACHATE THAT MAY BE PRESENT.

(4) "WASTEWATER MANAGEMENT SYSTEM" MEANS AND INCLUDES SEWAGE DISPOSAL SYSTEMS, INCLUDING WASTEWATER REUSE SYSTEMS, OR SANITARY SEWER SYSTEMS, INCLUDING FACILITIES AND LAND USED OR USEFUL IN PROVIDING SERVICE AND ANY INTEGRAL PART THEREOF, WHETHER INSIDE OR OUTSIDE THE DISTRICT, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, SEWAGE DISPOSAL PLANTS OR FACILITIES, SANITARY SEWERS, PUMPING STATIONS, INTERCEPTING OR TRUNK OR LATERAL SEWERS, AND ANY OTHER PROPERTIES OR WORKS OR EQUIPMENT NECESSARY FOR THE COLLECTION, TREATMENT, AND DISPOSAL OF SEWAGE AND WASTEWATER, INCLUDING WASTEWATER REUSE.

SECTION 3. DISTRICT; CREATION, JURISDICTION, AND PURPOSE.

(1) THE DISTRICT IS HEREBY CREATED AND INCORPORATED AS AN INDEPENDENT SPECIAL DISTRICT, PURSUANT TO CHAPTER 189, FLORIDA STATUTES, TO BE KNOWN AS THE KEY LARGO WASTEWATER TREATMENT DISTRICT (DISTRICT), IN MONROE COUNTY, WHICH SPECIAL DISTRICT SHALL BE A PUBLIC BODY CORPORATE AND POLITIC. <A>

(2) THE DISTRICT BOUNDARIES SHALL EMBRACE AND INCLUDE THE TERRITORY CONSISTING OF KEY LARGO, INCLUDING ALL LANDS EAST OF TAVERNIER CREEK, INCLUDING TAVERNIER, KEY LARGO, AND CROSS KEY, WITH THE EXCEPTION OF OCEAN REEF, ALL IN MONROE COUNTY, FLORIDA.

(3) THE DISTRICT IS CREATED FOR ALL PURPOSES SET FORTH IN THIS ACT AND CHAPTER 189, FLORIDA STATUTES, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.

(4) THE DISTRICT CHARTER CREATED BY THIS ACT MAY BE AMENDED ONLY BY SPECIAL ACT OF THE LEGISLATURE.

(5) THE PURPOSE OF THE DISTRICT SHALL BE TO PERFORM SUCH ACTS AS SHALL BE NECESSARY FOR THE SOUND PLANNING, ACQUISITION, DEVELOPMENT, OPERATION, AND MAINTENANCE OF A WASTEWATER MANAGEMENT SYSTEM WITHIN THE DISTRICT, INCLUDING ALL BUSINESS FACILITIES NECESSARY AND INCIDENTAL THERETO. THE DISTRICT SHALL HAVE EXCLUSIVE JURISDICTION OVER THE ACQUISITION, DEVELOPMENT, OPERATION, AND MANAGEMENT OF A WASTEWATER MANAGEMENT SYSTEM IN AND FOR THE DISTRICT BOUNDARIES.

(6) THE DISTRICT SHALL COMPLY WITH FEDERAL AND STATE LAWS GOVERNING THE CONSTRUCTION AND OPERATION OF ITS SYSTEMS AND THE QUALITY AND MANNER OF DISCHARGE OF EFFLUENT BUT SHALL NOT BE SUBJECT TO LOCAL REGULATION OVER THE QUALITY AND MANNER OF DISCHARGE EXCEPT AS PROVIDED HEREIN OR TO THE EXTENT THAT THE DISTRICT MAY BY AGREEMENT WITH ANY OTHER PUBLIC OR PRIVATE BODY AUTHORIZE THE SAME TO EXERCISE AUTHORITY OVER THE PROJECTS OF THE DISTRICT. THE DISTRICT SHALL NOT BE OBLIGATED TO OBTAIN LICENSES, PERMITS, OR OTHER AUTHORIZATIONS REQUIRED BY LOCAL REGULATING
AGENCIES FOR DEVELOPMENT BUT SHALL COMPLY WITH THE SUBSTANTIVE REGULATIONS, OTHER THAN PERMITTING, OF THE APPROPRIATE LOCAL AGENCY IN EFFECT AT THE TIME OF DISTRICT APPROVAL OF THE FINAL PLANS FOR DEVELOPMENT. THE DISTRICT SHALL PROVIDE MONROE COUNTY WITH A NOTICE OF INTENT TO PROCEED THAT INCLUDES A DESCRIPTION OF ANY PLANNED DEVELOPMENT AND IDENTIFIES THE PROPERTY NO LATER THAN 30 DAYS PRIOR TO THE INSTALLATION OR CONSTRUCTION OF WASTEWATER INFRASTRUCTURE OR RELATED FACILITIES.

SECTION 4. DISTRICT POWERS, FUNCTIONS, AND DUTIES.
(1) IN ADDITION TO ANY POWERS, FUNCTIONS, AND DUTIES SET FORTH IN THIS ACT, THE DISTRICT SHALL LIKewise EXERCISE SUCH POWERS, FUNCTIONS, AND DUTIES AS MAY BE SET FORTH IN CHAPTER 189, FLORIDA STATUTES, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.
(2) THE DISTRICT IS HEREBY AUTHORIZED AND EMPOWERED:
(A) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS.
(B) TO ADOPT RESOLUTIONS AND POLICIES, AS NECESSARY FOR IMPLEMENTATION, REGULATION, AND ENFORCEMENT, CONSISTENT WITH THE PURPOSES OF THE DISTRICT.
(C) TO ADOPT AN OFFICIAL SEAL FOR THE DISTRICT AND TO ALTER THE SAME AT ITS PLEASURE.
(D) TO PLAN, DEVELOP, PURCHASE OR OTHERWISE ACQUIRE, CONSTRUCT, RECONSTRUCT, IMPROVE, EXTEND, ENLARGE, EQUIP, REPAIR, MAINTAIN, AND OPERATE ANY WASTEWATER MANAGEMENT SYSTEM AND FACILITIES WITHIN THE TERRITORIAL LIMITS OF THE DISTRICT.
(E) TO ACQUIRE BY GRANT, LOAN, PURCHASE, GIFT, OR DEVISE OR BY THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN ALL PROPERTY, REAL OR PERSONAL, OR ANY ESTATE OR INTEREST THEREIN NECESSARY, DESIRABLE, OR CONVENIENT FOR THE PURPOSES OF THIS ACT, AND TO SELL, CONVEY, LEASE, RENT, OR ASSIGN ALL OR ANY PART THEREOF AND TO EXERCISE ALL OF ITS POWERS AND AUTHORITY WITH RESPECT THERETO. THE EXERCISE OF EMINENT DOMAIN SHALL BE AS PROVIDED FOR BY APPLICABLE GENERAL LAW.
(F) TO ASSESS AND IMPOSE AD VALOREM TAXES, AND NON-AD VALOREM ASSESSMENTS, UPON THE LANDS IN THE DISTRICT, AS PROVIDED BY THIS ACT AND CHAPTER 197, FLORIDA STATUTES.
(G) TO ISSUE REVENUE BONDS, PURSUANT TO SECTION 189.4085, FLORIDA STATUTES, AND OTHERWISE BY GENERAL LAW, TO PAY THE COST OF PURCHASING OR OTHERWISE ACQUIRING, CONSTRUCTING, RECONSTRUCTING, IMPROVING, EXTENDING, ENLARGING, OR EQUIPPING A WASTEWATER MANAGEMENT SYSTEM.
(H) TO ISSUE REFUNDING BONDS, PURSUANT TO SECTION 189.4085, FLORIDA STATUTES, AND OTHERWISE BY GENERAL LAW, TO REFUND ANY BONDS THEN OUTSTANDING WHICH SHALL HAVE BEEN ISSUED UNDER THE PROVISIONS OF THIS ACT.
(I) TO LEASE, RENT, OR CONTRACT FOR THE OPERATION OF ALL OR ANY PART OF ANY WASTEWATER MANAGEMENT SYSTEM FACILITIES.
(J) TO FIX AND COLLECT RATES, RENTALS, FEES, AND CHARGES FOR THE USE OF ANY WASTEWATER MANAGEMENT SYSTEM FACILITIES. THE DISTRICT MAY PROVIDE FOR REASONABLE PENALTIES AGAINST ANY USER FOR ANY SUCH RATES, FEES, RENTALS, OR OTHER CHARGES THAT ARE DELINQUENT. IN THE EVENT THAT SUCH DELINQUENCY OCCURS AND SUCH FEES, RENTALS, OR OTHER CHARGES ARE NOT PAID AND REMAIN DELINQUENT FOR 30 DAYS OR MORE, THE DISTRICT MAY DISCONTINUE AND SHUT OFF SERVICES UNTIL SUCH FEES, RENTALS, OR OTHER CHARGES, INCLUDING INTEREST, PENALTIES, AND CHARGES FOR SHUTTING OFF, DISCONTINUING, AND RESTORING SUCH SERVICES, ARE FULLY PAID. THE DISTRICT MAY ENTER ON LANDS, WATERS, AND PREMISES OF ANY PERSON, FIRM, CORPORATION, OR OTHER BODY FOR THE PURPOSE OF DISCONTINUING AND SHUTTING OFF SERVICES UNDER SUCH CIRCUMSTANCES. FURTHER, SUCH DELINQUENT FEES, RENTALS, OR OTHER CHARGES, TOGETHER WITH INTEREST, PENALTIES, AND CHARGES FOR SHUTTING OFF, DISCONTINUING, AND RESTORING SUCH SERVICES, AND REASONABLE ATTORNEYS' FEES AND OTHER EXPENSES SHALL
CONSTITUTE A LIEN, SUBJECT TO THE LIMITATIONS IN S. 4, ART. X OF THE STATE CONSTITUTION, ON THE REAL PROPERTY AGAINST WHICH SUCH FEES, RENTALS, OR OTHER CHARGES WERE ASSESSED, COEQUAL WITH ANY LIEN OF STATE, COUNTY, OR MUNICIPAL TAXES AND SUPERIOR AND PARAMOUNT TO ALL OTHER LIENS, TITLES, AND CLAIMS AGAINST SUCH PROPERTY, AND MAY BE RECOVERED BY THE DISTRICT BY SUIT IN ANY COURT OF COMPETENT JURISDICTION. THE DISTRICT MAY ALSO ENFORCE PAYMENT BY ANY OTHER LAWFUL METHOD OF ENFORCEMENT.

(K) TO MAKE AND ENTER INTO CONTRACTS AND AGREEMENTS NECESSARY OR INCIDENTAL TO THE PERFORMANCE OF THE DUTIES IMPOSED AND THE EXECUTION OF THE POWERS GRANTED UNDER THIS ACT, AND TO EMPLOY SUCH CONSULTING AND OTHER ENGINEERS, SUPERINTENDENTS, MANAGERS, CONSTRUCTION AND FINANCIAL EXPERTS, AND ATTORNEYS, AND SUCH EMPLOYEES AND AGENTS AS MAY, IN THE JUDGMENT OF THE DISTRICT, BE NECESSARY, AND TO FIX THEIR COMPENSATION, PROVIDED THAT ALL SUCH EXPENSES SHALL BE PAYABLE SOLELY FROM FUNDS MADE AVAILABLE UNDER THE PROVISIONS OF THIS ACT.

(L) TO ESTABLISH, OR OTHERWISE MAKE AVAILABLE, A PLAN FOR RETIREMENT, DISABILITY, DEATH, HOSPITALIZATION, AND OTHER APPROPRIATE BENEFITS FOR OFFICERS AND EMPLOYEES OF THE DISTRICT.

(M) TO ENTER INTO CONTRACTS WITH THE GOVERNMENT OF THE UNITED STATES OR THE STATE OF FLORIDA OR ANY AGENCY OR INSTRUMENTALITY OF EITHER THEREOF, OR WITH ANY COUNTY, MUNICIPALITY, DISTRICT, CORPORATION, PUBLIC OR PRIVATE, OR INDIVIDUAL PROVIDING FOR OR RELATING TO WASTEWATER MANAGEMENT SYSTEM FACILITIES.

(N) TO BORROW MONEY FOR ANY DISTRICT PURPOSE AND MAY EXECUTE NOTES, MORTGAGES, OR DEEDS, TO SECURE DEBT, TRUST DEEDS, TRUST AGREEMENTS, AND SUCH OTHER INSTRUMENTS AS MAY BE NECESSARY OR CONVENIENT TO EVIDENCE AND SECURE SUCH BORROWING.

(O) TO INVEST SURPLUS FUNDS OF THE DISTRICT CONSISTENT WITH THE "INVESTMENT OF LOCAL GOVERNMENT SURPLUS FUNDS ACT," PART IV, CHAPTER 218, FLORIDA STATUTES.

(P) TO DO ALL ACTS OR THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS EXPRESSLY GRANTED IN THIS ACT.

SECTION 5. GOVERNING BOARD.

(1) THE BUSINESS AND AFFAIRS OF THE DISTRICT SHALL BE CONDUCTED AND ADMINISTERED BY A FIVE-MEMBER GOVERNING BOARD ELECTED PURSUANT TO CHAPTER 189, FLORIDA STATUTES, BY THE ELECTORS OF THE DISTRICT IN A NONPARTISAN ELECTION HELD AT THE TIME AND IN THE MANNER PRESCRIBED FOR HOLDING GENERAL ELECTIONS IN SECTION 189.405(2)(A), FLORIDA STATUTES, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.

(2) ANY INDIVIDUAL DESIRING TO BE ELECTED TO THE GOVERNING BOARD MUST QUALIFY PURSUANT TO SECTION 189.405(2)(C), FLORIDA STATUTES, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. ADDITIONALLY, IN ACCORDANCE WITH SECTION 189.4051, FLORIDA STATUTES, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, EACH MEMBER OF THE GOVERNING BOARD SHALL BE A REGISTERED ELECTOR, RESIDING WITHIN THE BOUNDARIES OF THE DISTRICT AT THE TIME HE OR SHE QUALIFIES AND CONTINUALLY THROUGH HIS OR HER TERM.

(3) AT THE INITIAL ELECTION OF THE GOVERNING BOARD, THE CANDIDATES RECEIVING THE HIGHEST FIVE VOTE TOTALS, CONSISTENT WITH SECTION 189.405(4), FLORIDA STATUTES, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, SHALL BE DEEMED ELECTED TO THE INITIAL GOVERNING BOARD. THEREAFTER, AT THE TIME OF SUBSEQUENT ELECTIONS, AVAILABLE GOVERNING BOARD POSITIONS SHALL BE FILLED BY THOSE CANDIDATES RECEIVING THE HIGHEST VOTE TOTALS.

(4) THE TERM OF OFFICE SHALL BE 4 YEARS AND SHALL BEGIN AND END ON THE SAME DATES AS DO THE TERMS OF THE MEMBERS OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS; HOWEVER, AT THE INITIAL ELECTION, IN ORDER TO STAGGER TERMS OF OFFICE, THE GOVERNING BOARD MEMBERS ELECTED WITH THE TWO LOWEST VOTE TOTALS SHALL EACH SERVE A TERM OF ONLY 2 YEARS. THEREAFTER, ALL GOVERNING BOARD MEMBER TERMS SHALL BE FOR 4 YEARS.
(5) ANY MEMBER OF THE GOVERNING BOARD MAY BE REMOVED BY A MAJORITY VOTE OF THE GOVERNING BOARD FOR MISFEASANCE, MALFEASANCE, OR NEGLECT OF DUTY.

(6) ANY VACANCY IN THE MEMBERSHIP OF THE GOVERNING BOARD RESULTING FROM THE DEATH, RESIGNATION, CHANGE OF RESIDENCE, OR REMOVAL OF ANY SUCH BOARD MEMBER OR FROM ANY OTHER CAUSE SHALL BE FILLED, FOR THE REMAINDER OF THE TERM, BY ELECTION WITHIN 30 DAYS AFTER THE OCCURRENCE OF SUCH VACANCY. HOWEVER, IN THE EVENT THAT THE REMAINING TERM IS 60 DAYS OR LESS, THE VACANCY SHALL BE FILLED BY ELECTION AT THE NEXT GENERAL ELECTION PURSUANT TO SECTION 189.405(2)(A), FLORIDA STATUTES, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.

(7) THE GOVERNING BOARD SHALL HAVE THOSE ADMINISTRATIVE DUTIES SET FORTH IN THIS ACT AND CHAPTER 189, FLORIDA STATUTES, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.


SECTION 7. GOVERNING BOARD; COMPENSATION, EXPENSE REIMBURSEMENT.—THE MEMBERS OF THE GOVERNING BOARD SHALL RECEIVE AS COMPENSATION FOR THEIR SERVICES A FEE OF $300 PER MEETING, NOT TO EXCEED THREE MEETINGS PER MONTH. THE AMOUNT OF COMPENSATION SHALL BE ADJUSTED ANNUALLY BASED UPON THE INDEX PROVIDED IN SECTION 287.017(2), FLORIDA STATUTES. IN ADDITION, EACH BOARD MEMBER SHALL BE REIMBURSED FOR EXPENSES AS PROVIDED IN SECTION 112.061, FLORIDA STATUTES.


SECTION 9. MEETINGS, NOTICE.—THE GOVERNING BOARD SHALL HOLD MEETINGS PURSUANT TO SECTIONS 189.416 AND 189.417, FLORIDA STATUTES.

SECTION 10. REPORTS, BUDGETS, AUDITS.—THE DISTRICT SHALL PREPARE AND SUBMIT REPORTS, BUDGETS, AND AUDITS AS PROVIDED IN SECTIONS 189.415 AND 189.418, FLORIDA STATUTES.

SECTION 11. CREATION OF STATE, COUNTY, OR MUNICIPAL DEBTS PROHIBITED.—THE DISTRICT SHALL NOT BE EMPOWERED OR AUTHORIZED IN ANY MANNER TO CREATE A DEBT AS AGAINST THE STATE, COUNTY, OR ANY OR ALL OF THE CITIES, AND MAY NOT PLEDGE THE FULL FAITH AND CREDIT OF THE STATE, COUNTY, OR ANY OF THE CITIES. ALL REVENUE BONDS OR DEBT OBLIGATIONS SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO THE EFFECT THAT THE STATE, COUNTY, OR ANY OF THE CITIES SHALL NOT BE OBLIGATED TO PAY THE SAME OR THE INTEREST AND THAT THEY ARE ONLY PAYABLE FROM REVENUES OF THE PROJECT OR THE PORTION THEREOF FOR WHICH THEY ARE ISSUED AND THAT NEITHER THE FULL FAITH AND CREDIT NOR THE TAXING POWER OF THE STATE OR OF ANY POLITICAL SUBDIVISION THEREOF IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR THE INTEREST ON SUCH BONDS. THE ISSUANCE OF REVENUE OR REFUNDING BONDS UNDER THE PROVISIONS OF THIS ACT SHALL NOT DIRECTLY OR INDIRECTLY OR CONTINGENTLY OBLIGATE THE STATE, COUNTY, OR ANY OF THE CITIES TO LEVY OR TO PLEDGE ANY FORM OF TAXATION WHATSOEVER THEREFOR OR TO MAKE ANY APPROPRIATION FOR THEIR PAYMENT.


SECTION 13. LIMITATION OF STATE AUTHORITY.—THE STATE DOES HEREBY PLEDGE TO AND AGREE WITH THE HOLDERS OF ANY DEBT OBLIGATIONS ISSUED UNDER THIS ACT, AND WITH THOSE PARTIES WHO MAY ENTER INTO CONTRACTS WITH THE DISTRICT PURSUANT TO THE PROVISION OF THIS ACT, THAT THE STATE
REMAINING POWER GRANTED BY THIS ACT. IT IS HEREBY DECLARED TO BE THE LEGISLATIVE INTENT THAT THIS ACT WOULD HAVE BEEN ADOPTED HAD SUCH UNCONSTITUTIONAL PROVISION OR POWER NOT BEEN INCLUDED THEREIN.

Section 4. IN THE EVENT OF A CONFLICT OF THE PROVISIONS OF THIS ACT WITH THE PROVISIONS OF ANY OTHER ACT, THE PROVISIONS OF THIS ACT SHALL CONTROL TO THE EXTENT OF SUCH CONFLICT.

Section 5. This act shall take effect upon becoming a law.

HISTORY:
Approved by the Governor: May 23, 2002
Filed in the Office of the Secretary of State: May 23, 2002

SPONSOR: Sorensen
WILL NOT LIMIT OR ALTER THE RIGHTS HEREBY VESTED IN THE DISTRICT UNTIL SUCH OBLIGATIONS, TOGETHER WITH THE INTEREST THEREON, ARE FULLY MET AND DISCHARGED AND SUCH CONTRACTS ARE FULLY PERFORMED ON THE PART OF THE DISTRICT.

SECTION 14. CONFLICTS OF INTEREST PROHIBITED.—NO MEMBER, OFFICER, AGENT, OR EMPLOYEE OF THE DISTRICT, EITHER FOR HIMSELF OR HERSELF, OR AS AGENT FOR ANYONE ELSE, OR AS A STOCKHOLDER OR OWNER IN ANY OTHER LEGAL ENTITY, SHALL PARTICIPATE OR BENEFIT DIRECTLY OR INDIRECTLY IN OR FROM ANY SALE, PURCHASE, LEASE, FRANCHISE, CONTRACT, OR OTHER TRANSACTION ENTERED INTO BY THE DISTRICT. IF ANY SUCH PERSON VIOLATES THE PROVISIONS OF THIS SECTION, HE OR SHE SHALL BE GUILTY OF A MISDEMEANOR. THE PROVISIONS OF THIS SECTION SHALL BE CUMULATIVE TO ANY GENERAL LAWS OF THE STATE WHICH ARE FROM TIME TO TIME APPLICABLE TO MEMBERS, OFFICERS, AGENTS, OR EMPLOYEES OF THE DISTRICT, AND WHICH REQUIRE THE DISCLOSURE OF, OR PROHIBIT, CONFLICTS OF INTEREST.

SECTION 15. TERMINATION OF DISTRICT.—IF FOR ANY REASON THE DISTRICT OR ITS SUCCESSORS SHALL TERMINATE, BE TERMINATED, OR CEASE OPERATION OR EXISTENCE FOR ANY CAUSE OR REASON, THEN UPON SUCH TERMINATION OR CESSION, ALL PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OF WHATSOEVER KINDS AND WHERESOEVER LOCATED, SHALL IMMEDIATELY BECOME THE PROPERTY OF THE COUNTY, WHICH IS HEREBY AUTHORIZED TO EXERCISE ANY OR ALL POWERS HEREIN GRANTED THE DISTRICT FOR THE PURPOSES EXPRESSED HEREIN, OR FOR ANY OTHER LEGAL PURPOSE.

SECTION 16. AD VALOREM; MILLAGE RATE.—THE DISTRICT IS AUTHORIZED TO ASSESS AND IMPOSE AD VALOREM TAXES FOR 3 YEARS AS FOLLOWS: AT THE RATE OF 0.5 MILL FOR FISCAL YEAR 2003-2004, 0.4 MILL FOR FISCAL YEAR 2004-2005, AND 0.3 MILL FOR FISCAL YEAR 2005-2006 UPON APPROVAL BY REFERENDUM OF ELECTORS OF THE DISTRICT. SUCH AD VALOREM TAXES SHALL BE LEVIED FOR, AND APPLIED TO, THE PURPOSES OF THE DISTRICT.


SECTION 18. PROPERTY APPRAISER AND TAX COLLECTOR; FEES OR COMMISSIONS.—THE PROPERTY APPRAISER AND TAX COLLECTOR OF MONROE COUNTY SHALL BE ENTITLED TO APPLICABLE FEES, COMMISSIONS, AND COSTS FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTIONS 197.3632 AND 192.091, FLORIDA STATUTES.

Section 2. AMENDMENT OF CHAPTER 76-441, LAWS OF FLORIDA; TERMINATION OF A GEOGRAPHIC PORTION OF THE WASTEWATER MANAGEMENT JURISDICTION OF THE FLORIDA KEYS AQUEDUCT AUTHORITY.—THIS ACT AMENDS CHAPTER 76-441, LAWS OF FLORIDA, AS AMENDED. THE JURISDICTION OF THE FLORIDA KEYS AQUEDUCT AUTHORITY OVER WASTEWATER MANAGEMENT AS RE-CREATED BY CHAPTER 76-441, LAWS OF FLORIDA, AS AMENDED, IS HEREBY TERMINATED FOR THE GEOGRAPHICAL AREA DESCRIBED IN SECTION 3 OF THE CHARTER CREATED BY THIS ACT.

Section 3. THE PROVISIONS OF THIS ACT ARE SEVERABLE, AND IT IS THE INTENTION TO CONFER THE WHOLE OR ANY PART OF THE POWERS HEREIN PROVIDED FOR AND IF ANY OF THE PROVISIONS OF THIS ACT OR ANY OF THE POWERS GRANTED BY THIS ACT SHALL BE HELD UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, THE DECISION OF SUCH COURT SHALL NOT AFFECT OR IMPAIR ANY OF THE REMAINING PROVISIONS OF THIS ACT OR ANY OF THE

Friday, October 16, 2009 AOL: Ronlmill01
The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting at 4:00 PM. Present were Commissioners Norman Higgins, Andrew Tobin, Charles Brooks, Robert Majeska, and Chairwoman Susie Hammaker. Also present the General Manager Charles F. Fishburn, Thomas Dillon, District Counsel, Carol Walker, District Clerk, and other appropriate District Staff.

Commissioner Brooks led the Pledge of Allegiance.

APPROVAL OF AGENDA
Commissioner Tobin requested that item F1 (Islamorada Meeting) be held until Councilman Dave Boerner, Islamorada, arrives. Commissioner Majeska requested that item F5, Truck Purchase, be moved to Bulk Items. Chairwoman Hammaker asked that item F7 (Vacuum Station G & I Change Order be changed to an action item. General Manager Charles Fishburn added an item F7 (a) Increase in Fred Hicks Contract.

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

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X
Motion passed 4 to 1

PUBLIC COMMENT: The following persons addressed the Board: Robert Hauber, Sunset Acres asked what the Board has decided to do with Sunset Acres, they want out of the sewer business. Burke Cannon, Tavernier spoke on the Islamorada meeting.

ENGINEER'S REPORT
Basin B3, B5, C1, C2 Paving Change Order
The Board discussed Monroe County paving roads and the District working with Monroe County to pave roads.

Motion: Commissioner Brooks made a motion to approve the Change Order for Basins B3, B5, C1, and C2 for paving. Commissioner Higgins seconded the motion.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X

Monday, October 19, 2009 AOL: Ronlmill01
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X
Motion passed 4 to 1

South Transmission Line Bid
Charles Fishburn, General Manager explained that the original Engineer's estimate was seven million dollars, the revised estimate was for six million and the bid from Metro Equipment was 3.8 million dollars. Staff recommends that the bid be awarded to Metro Equipment.

Motion: Commissioner Brooks made a motion to approve awarding the South Transmission Line Bid to Metro Equipment. Commissioner Higgins seconded the motion.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X
Motion passed 5 to 0

Arcadis Work Authorization Payment
Mr. Fishburn told the Board that there is still ongoing discussion over the total amount due. He recommends the payment be made.

Mr. Dillon explained that neither the District nor Arcadis is entering into any kind of a settlement; the District still retains any claims against Arcadis for any problems with the design. Neither party is waiving anything. They payment would be paid basically on account to satisfy the $100,000 change order.

Motion: Commissioner Brooks made a motion to approve the payment on account to Arcadis Work Authorization in the amount of $84,195.00. Commissioner Higgins seconded the motion.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X
Motion passed 4 to 1

Vacuum Stations G, I, and K Direct Purchase
Mr. Fishburn explained by direct purchase the District saves the sales tax.

CFO Martin Waits stated that the purchase is considered competitively procured.

Motion: Commissioner Tobin made a motion to approve the direct purchase of the four generators and three oeder control units for Vacuum Stations G, I, and K. Commissioner Higgins seconded the motion.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Vacuum Station G & I Change Order

Motion: Commissioner Tobin made a motion to bring the Vacuum Stations G, & Change Order to action and approve it. Commissioner Higgins seconded the motion.

Vote on Motion

Member  Yes  No  Other
Chairwoman Hammaker  X
Commissioner Higgins  X
Commissioner Tobin  X
Commissioner Brooks  X
Commissioner Majeska  X

Motion passed 5 to 0

Fred Hicks Contract Extension

Motion: Commissioner Brooks made a motion to amend Fred Hicks contract and add $3,000 to the contract through October, 2009. Commissioner Majeska seconded the motion.

Vote on Motion

Member  Yes  No  Other
Chairwoman Hammaker  X
Commissioner Higgins  X
Commissioner Tobin  X
Commissioner Brooks  X
Commissioner Majeska  X

Motion passed 5 to 0

COMMISSIONER'S ITEMS

Unique Properties

The Board discussed the properties that have not been assessed yet.

Motion: Commissioner Higgins made a motion to direct Staff to do an analysis of Lake Surprise II and Sunset Acres to see what the costs would be to sewer the developments. Commissioner Tobin seconded the motion.

Vote on Motion

Member  Yes  No  Other
Chairwoman Hammaker  X
Commissioner Higgins  X
Commissioner Tobin  X
Commissioner Brooks  X
Commissioner Majeska  X

Motion passed 5 to 0

Motion: Commissioner Brooks made a motion to have Staff do a matrix and define the most advantageous method of hookup for each area and contact each area by letter with the District's intention and ask for their feelings.

Commissioner Brooks withdrew his motion.

BULK ITEMS

Minutes of Aug. 18, Sept. 1, & Sept. 15, 2009

Monday, October 19, 2009 AOL: Ronlmill01
Pending Payments
RESOLUTION NO. 30-10-09
A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING THE REQUEST OF DAVID & TERRY HANN FOR REMOVAL OF ONE TAX PARCEL FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

Truck Purchase

Motion: Commissioner Brooks made a motion to approve Bulk Items with Pending Payments contingent upon the availability of funds. Commissioner Higgins seconded the motion.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X

Motion passed 5 to 0

ENGINEER'S REPORT
Monthly Status Report
Mr. Castle from Weiler Engineering reviewed his written report.

FINANCIAL REPORT
SRF Loan Amendment
Mr. Waits explained that the State Revolving Fund has authorized an additional $10 million in bond funded debt financing for the District at 2.69% interest.

Motion: Commissioner Brooks made a motion to authorize the General Manager to execute the SRF Loan Amendment documents. Commissioner Tobin seconded the motion.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X

Motion passed 5 to 0

Liability Limit Report
The Board discussed different liability limits for the District.

Motion: Commissioner Tobin made a motion to set a limit of $3 million on all District Insurance Policies. Commissioner Higgins seconded the motion.

Commission Tobin amended his motion to a limit of $5 million on all District Insurance Policies. Commission Higgins amended his second.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X

Motion passed 5 to 0

LEGAL REPORT
White Rhino Lease

Monday, October 19, 2009 AOL: Ronlmill01
District Counsel, Thomas Dillon, explained that the billboard lease can be terminated and removed for $15,000.

Motion: Commissioner Majeska made a motion to pay the $15,000 for termination of the White Rhino Billboard Lease and removal. Commissioner Brooks seconded the motion.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X
Motion passed 4 to 1

GENERAL MANAGER'S REPORT
Islamorada Meeting
The Board discussed various aspect of the Joint Meeting with Islamorada.

Motion: Commissioner Tobin made a motion to amend the Joint Meeting agenda by removing item A (Expansion of the District's Boundaries' to include Islamorada), to add a Discussion on Plant Capacity, to add as the first item a Staff Presentation, and to have a moderator to be agreed upon by the District's Chairperson and Islamorada's Mayor. Motion seconded by Commissioner Majeska.

Vote on Motion
Member Yes No Other
Chairwoman Hammaker X
Commissioner Higgins X
Commissioner Tobin X
Commissioner Brooks X
Commissioner Majeska X
Motion passed 3 to 2

The Board by consensus agreed to a time from of 5:30 PM to 8:30 PM on Oct. 19, 2009 for the Joint Meeting.

COMMISSIONER'S ROUNDTABLE
N/A.

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 7:50 PM.
The KLWTD meeting minutes of Oct. 6, 2009 were approved on Oct. 20, 2009.

__________________________
Chaimwoman Hammaker

__________________________
Carol Walker, CMC
District Clerk
ISLAMORADA VILLAGE COUNCIL

Village Council and Key Largo Wastewater Treatment District Joint Workshop
The Nelson Government & Cultural Center
102050 Overseas Hwy
Key Largo, FL 33037
Monday, October 19, 2009
At 5:30 PM

I. ITEMS FOR DISCUSSION

A. Staff Presentation (KLWTD)
B. Expansion of the District's Boundaries to Include Islamorada
C. Contractual Board Participation for Islamorada Representatives
D. Technical Specifications for Pipeline Connection
E. Contractual Protection with regard to Rate Setting
F. Legal Liability for Failure to Perform or Environmental Violations

II. ADDITIONAL DISCUSSION

III. PUBLIC COMMENTS

IV. ADJOURNMENT

A limited number of copies will be available for the public at the time of the meeting. The agenda and backup documentation may be viewed and printed from the Village website at www.islamorada.fl.us as early as the Monday prior to the meeting.

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Village Hall at 664-6412.

Anyone wishing to appeal any decision made by the Islamorada Village Council with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

All video, computer or technical devices that will be used at Council meetings must be given to the Village Clerk 48 hours prior to the meeting.

Two or more committee members from various Village Committees may be present at this meeting.