MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on October 4, 2016. Present were Chairman David Asdourian and Commissioners Andrew Tobin, Robert Majeska, Norman Higgins and Stephen Gibbs. Also present were General Manager Paul Christian, General Counsel Ray Giglio, Ed Castle with Weiler Engineering, District Clerk Katherine Jackson, and other appropriate District Staff.

Commissioner Majeska led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS

- Commissioner Gibbs requested an update of the E-mail regarding the Advance Connection Agreement – KLWTD w/ Big Chill be added under Legal Report.
- Commissioner Tobin requested an update of the E-mail regarding the Notice of Default Termination be added under Legal Report.
- Commissioner Majeska added a discussion regarding the October 11, 2016 Board meeting under Commissioner’s Items.
- Mr. Paul Christian added a verbal update on Hurricane Matthew under General Manager’s Report.

APPROVAL OF AGENDA

Motion: Commissioner Gibbs made a motion to approve the amended agenda and Commissioner Tobin seconded the motion. The motion passed with objection.

PUBLIC COMMENT

Name and Address                     Subject

Sue Heim                               Minutes of September 20, 2016
Key Largo

Sue Heim                               Resolution Draft No. 17-10-16 & Resolution Draft No.
Key Largo                               18-10-16

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Minutes of September 20, 2016

Public Comment: Ms. Sue Heim shared her concerns regarding the Minutes of September 20, 2016 and Resolution No. 16-09-16.
Commissioner Tobin suggested that resolutions adopted by the Board be included in the minutes.

Motion: Commissioner Tobin made a motion to approve the Minutes of September 20, 2016 with a copy of Resolution No. 16-09-16 attached thereto and Commissioner Higgins seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Commissioner Tobin –</th>
<th>Aye</th>
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<tr>
<td>Commissioner Higgins –</td>
<td>Aye</td>
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<tr>
<td>Commissioner Gibbs –</td>
<td>Aye</td>
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<tr>
<td>Commissioner Majeska –</td>
<td>Aye</td>
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<tr>
<td>Chairman Asdourian –</td>
<td>Aye</td>
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Motion Passed: 5 to 0

Motion: Commissioner Tobin made a motion to adopt a policy of attaching all future resolutions adopted by the Board to the minutes; provided however, that if the resolution is lengthy, only the first and last page will be so attached, and Commissioner Higgins seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Commissioner Tobin –</th>
<th>Aye</th>
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<tbody>
<tr>
<td>Commissioner Higgins –</td>
<td>Aye</td>
</tr>
<tr>
<td>Commissioner Gibbs –</td>
<td>Aye</td>
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<tr>
<td>Commissioner Majeska –</td>
<td>Aye</td>
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<tr>
<td>Chairman Asdourian –</td>
<td>Aye</td>
</tr>
</tbody>
</table>

Motion Passed: 5 to 0

CONSTRUCTION REPORT

Monthly Construction Report

Mr. Ed Castle presented the monthly construction report, and staff answered questions from the Board.

Wharton-Smith, Inc. Change Order No. 2 for Vacuum Station “E” Tank Repair

Mr. Ed Castle presented Wharton-Smith, Inc. Change Order No. 2 for the Vacuum Station “E” Tank Repair project in the amount of $35,437.50 and informed the Board that this change order is for additional time, labor and steel.
Motion: Commissioner Gibbs made a motion to approve Wharton-Smith, Inc. Change Order No. 2 in an amount not to exceed $35,437.50 and Commissioner Higgins seconded the motion.

Vote on Motion
Commissioner Gibbs – Aye
Commissioner Higgins – Aye
Commissioner Majeska – Aye
Commissioner Tobin – Aye
Chairman Asdourian – Aye

Motion Passed: 5 to 0

Update on Wharton-Smith, Inc. Change Order No. 1 for the WWTP Blower Upgrade Project

Mr. Ed Castle informed the Board that Wharton-Smith has agreed to complete the work listed in Change Order No. 1 for the $4,930 previously approved by the Board. Mr. Castle then answered questions from the Board.

ADMIN / CUSTOMER SERVICE REPORT

Marina Exemption – Peninsula Way

Public Comment: Ms. Sue Heim shared her concerns regarding agenda formatting and wording with respect to resolutions removing tax parcels from the assessment roll.

Mr. Rob Bulkiewicz presented a resolution granting a marina exemption for three boat slips on Peninsula Way at Key Largo Yacht Club, which are designated as "PC 20 - Marina" by the Monroe County Property Appraiser and do not have facilities that could send wastewater to the District's facilities, and answered questions from the Board.

Motion: Commissioner Majeska made a motion to approve Resolution No. 17-10-16, removing three tax parcels from the 2008 non-ad valorem assessment; and Commissioner Higgins seconded the motion.

Vote on Motion
Commissioner Majeska – Aye
Commissioner Higgins – Aye
Commissioner Gibbs – Aye
Commissioner Tobin – Aye
Chairman Asdourian – Aye

Motion Passed: 5 to 0

MCLA Conservation Waiver of Assessment – AK#1568481 & AK#1667277

Mr. Rob Bulkiewicz presented a resolution granting the Monroe County Land Authority (MCLA) a Conservation Waiver of Assessment for AK#1568481 – Lignumvitae Drive and AK#1667277 – Ponce De Leon Boulevard, which are being conveyed to the MCLA, as Conservation Parcels. Commissioner Tobin requested Resolution Draft No. 18-10-16 to be separated into two resolutions for the purpose of voting on each parcel individually. Staff answered questions from the Board.

KLWTD Minutes
October 4, 2016
Motion: Commissioner Tobin made a motion to approve Resolution No. 18-10-16 to remove AK#1667277 from the 2006 Non-Ad Valorem Assessment and Commissioner Gibbs seconded the motion.

Vote on Motion
Comissioner Tobin – Aye
Comissioner Gibbs – Aye
Comissioner Higgins – Aye
Comissioner Majeska – Aye
Chairman Asdourian – Aye
Motion Passed: 5 to 0

Motion: Commissioner Gibbs made a motion to approve Resolution No. 19-10-16 to remove AK#1568481 from the 2006 Non-Ad Valorem Assessment and Commissioner Higgins seconded the motion.

Vote on Motion
Comissioner Gibbs – Aye
Comissioner Higgins – Aye
Comissioner Majeska – Aye
Comissioner Tobin – Nay
Chairman Asdourian – Aye
Motion Passed: 4 to 1

COMMISSIONER’S ITEMS

Adoption of a Formal Procedure to Resolve Complaints Against Commissioners or the Manager (Commissioner Tobin)

Commissioner Tobin led a discussion regarding the lack of a formal District policy for handling complaints filed by senior staff against commissioners or the General Manager. Mr. Ray Giglio explained that the Board passed a grievance policy in January 2014; however, members of senior staff are currently prohibited from filing a grievance under that policy.

The Board discussed multiple suggested changes, and directed Mr. Giglio to bring this item back with appropriate changes with a resolution at a future Board meeting.

October 11, 2016 Board Meeting (Commissioner Majeska)

Commissioner Majeska led a discussion regarding cancelling the October 11, 2016 Board meeting due to the short agenda and possible attendance conflicts. The Board discussed possible roundtable discussion items should the meeting not be cancelled.

KLWTD Minutes
October 4, 2016
Motion: Commissioner Gibbs made a motion to cancel the October 11, 2016 Board meeting and Commissioner Majeska seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Commissioner Gibbs</th>
<th>Aye</th>
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<tbody>
<tr>
<td>Commissioner Majeska</td>
<td>Aye</td>
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<tr>
<td>Commissioner Higgins</td>
<td>Nay</td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>Aye</td>
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<tr>
<td>Chairman Asdourian</td>
<td>Nay</td>
</tr>
</tbody>
</table>

Motion Passed: 3 to 2

GENERAL MANAGER’S REPORT

Hurricane Matthew Update

Mr. Paul Christian discussed the District’s preparations for Hurricane Matthew. The Board discussed the District’s current evacuation procedure and staff answered questions from the Board.

Motion: Commissioner Majeska made a motion follow the state’s procedure for evacuations during emergencies and Commissioner Tobin seconded the motion.

Vote on Motion

<table>
<thead>
<tr>
<th>Commissioner Majeska</th>
<th>Aye</th>
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<tbody>
<tr>
<td>Commissioner Tobin</td>
<td>Aye</td>
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<tr>
<td>Commissioner Gibbs</td>
<td>Abstain</td>
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<tr>
<td>Commissioner Higgins</td>
<td>Aye</td>
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<tr>
<td>Chairman Asdourian</td>
<td>Aye</td>
</tr>
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</table>

Motion Passed: 4 to 0

5 MIN BREAK: 5:21 PM

LEGAL REPORT

Advance Connection Agreement – KLWTD w/ Big Chill E-mail

Mr. Ray Giglio gave a brief summary of a request submitted by Big Chill, LLC for the District to assume ownership and maintenance responsibility of the lift station located at 104000 Overseas Highway. Mr. Giglio further informed the Board that the District has no obligation under the easement agreement to assume ownership of this lift station and answered questions from the Board.

Notice of Default Termination E-mail

Commissioner Tobin led a discussion regarding the status of the Grinder Pump Project Final Survey Contract that was awarded to Zurwelle-Whittaker. Commissioner Tobin expressed his concern over a business owner being contracted to work for the District and concurrently running for the Board. Staff answered questions from the Board.
ROUNDTABLE DISCUSSION

Commissioner Majeska requested that staff update the Board on the trailer that is located in front of Vacuum Station JK. Mr. Paul Christian informed the Board that the trailer is located in the DOT right of way and not on District property.

ADJOURNMENT

The Meeting was adjourned at 5:58 PM.

David Asdourian, Chairman

Katherine Jackson, Clerk
RESOLUTION NO. 17-10-16
A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE KEY LARGO WASTEWATER TREATMENT
DISTRICT APPROVING THE REMOVAL OF THREE TAX
PARCELS FROM THE 2008 NON-AD VALOREM
ASSESSMENT; AND PROVIDING FOR APPLICABILITY
AND AN EFFECTIVE DATE.

WHEREAS, the Key Largo Wastewater Treatment District (District) assessed the parcels
listed below in Section 1 (Parcels) via Resolution 12-06-08 dated June 17, 2008, the 2008 Final
Assessment Resolution; and

WHEREAS, the Parcels do not have any facilities capable of creating or collecting
wastewater that will enter the District’s wastewater facilities; and

WHEREAS, the District has determined that it will not provide wastewater facilities to the
Parcels; and

WHEREAS, the Parcels are recognized by the Monroe County Property Appraiser as
“Marina” by definition of the assigned PC Code; and

WHEREAS, the Parcels are being used only as boat slips.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT:

Section 1.
PARCEL ID: 00500660-000103
AK NO.: 8932342
PARCEL DESCRIPTION: BK 13 PT LTS 24 AND 25 KEY LARGO OCEAN SHORES
ADDN PB4-124 (A/K/A DOCK SLIP D-3 THE PENINSULA AT
KEY LARGO YACHT CLUB) OR1577-1311/1401DEC OR1575-
1623

PARCEL ID: 00500660-000104
AK NO.: 8932353
PARCEL DESCRIPTION: BK 13 PT LTS 24 AND 25 KEY LARGO OCEAN SHORES
ADDN PB4-124 (A/K/A DOCK SLIP D-4 THE PENINSULA AT
KEY LARGO YACHT CLUB) OR1577-1311/1401DEC OR1604-1103

PARCEL ID: 00500660-000108
AK NO.: 8932397
PARCEL DESCRIPTION: BK 13 PT LT 24 KEY LARGO OCEAN SHORES ADDN PB4-
124 (A/K/A DOCK SLIP D-8 THE PENINSULA AT KEY
LARGO YACHT CLUB) OR1577-1311/1401DEC OR2005-
1222/23 OR26
Section 2. The Board of Commissioners does hereby exclude the deleted Parcels above from the 2008 Non-ad Valorem Assessment, provided that if the District in its sole discretion later provides Wastewater Services to any of the Parcels the then-current owner(s) shall be required to pay to the District all direct and indirect costs and expenses, including, but not limited to, an amount fairly representing the special benefit that the Parcel(s) will receive, as determined by the District. The amount charged at the time of any such later connection is expecting to be significantly greater than the 2008 non-ad valorem assessment.

Section 3. APPLICABILITY AND EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of Commissioners.

Section 4. AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 4th DAY OF OCTOBER 2016

The foregoing Resolution was offered by Commissioner Majeska, who moved its approval. The motion was seconded by Commissioner Higgins, and being put to a vote the result was as follows:

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<thead>
<tr>
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<th>AYE</th>
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<tbody>
<tr>
<td>Chairman Asdourian</td>
<td>✓</td>
<td></td>
</tr>
<tr>
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<td></td>
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<tr>
<td>Commissioner Majeska</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

The Chairman thereupon declared this Resolution duly passed and adopted the 4th day of October 2016.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: Chairman Asdourian

ATTEST:

Katherine Jackson, District Clerk

Approved to as to form and legal sufficiency

General Counsel, Ray Giglio

KEY LARGO WASTEWATER TREATMENT DISTRICT

SEAL

Page 2 of 2
RESOLUTION NO. 18-10-16
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT APPROVING THE REQUEST OF MONROE COUNTY LAND AUTHORITY FOR REMOVAL OF ONE TAX PARCEL AS CONSERVATION LAND FROM THE 2006 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Tax Parcel described in Section 1 is being conveyed to the Monroe County Land Authority ("Land Authority"), a local agency, for the purpose of protecting the natural environment and preserving wildlife habitat under the provisions of Chapter 380, F.S. and/or Monroe County Code section 2-397; and

WHEREAS, the Tax Parcel described in Section 1 will be used as Conservation Parcels and will not be improved with facilities that will generate wastewater; and

WHEREAS, the Land Authority has made an application to the Key Largo Wastewater Treatment District ("District") for a waiver of all future assessments of the District’s System Development Charge; and

WHEREAS, pursuant to Section 10.06(a)(iii), of the District’s General Rules and Regulations, the Owner(s) may request that the District exclude such Tax Parcels and waive all future assessments of the System Development Charges, for those Tax Parcels.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT:

The Tax Parcel designated in Section 1 below be and is excluded from the Key Largo Wastewater Treatment District 2006 Non Ad-Valorem Assessment.

Section 1.
PARCEL ID: 00543750-000000
AK NO. 1667277
PARCEL DESCRIPTION: BK 3 LT 3 BAHIA MAR EST PB4-79 KEY LARGO OR268-157 OR428-428 OR810-476 OR1370-2499DC(JB) OR 1806-1626 T/D(JMH)

Section 2.
Should any owner of the parcel listed in Section 1 above later desire wastewater service to the tax parcel, or develop the parcel with any structure capable of producing wastewater, they agree to pay all direct and indirect District costs of providing service as well as any unpaid portions of the assessment herein waived.

Section 3.
APPLICABILITY AND EFFECTIVE DATE. This Resolution shall take effect upon adoption by the Board of Commissioners.
**Section 4.**

**AUTHORIZATION OF DISTRICT OFFICIALS.** The General Manager and/or his designee(s) are authorized to take all actions necessary to implement the terms and conditions of this resolution.

**RESOLVED AND ADOPTED THIS 4TH DAY OF OCTOBER 2016**

The foregoing RESOLUTION was offered by Commissioner **Tobin**, who moved its approval. The motion was seconded by Commissioner **Gibbs**, and being put to a vote the result was as follows:

<table>
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<tbody>
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<td>Commissioner Majeska</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Commissioner Tobin</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

The Chairman thereupon declared this Resolution duly passed and adopted the 4th day of October, 2016.

**KEY LARGO WASTEWATER TREATMENT DISTRICT**

By:  
David Asdourian, Chairman

**ATTEST:**

Approved to as to form and legal sufficiency

Katherine Jackson, Clerk  
Ray Giglio, General Counsel

**Seal**
RESOLUTION NO. 19-10-16
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT APPROVING THE REQUEST OF MONROE COUNTY LAND AUTHORITY FOR REMOVAL OF ONE TAX PARCEL AS CONSERVATION LAND FROM THE 2006 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Tax Parcel described in Section 1 is being conveyed to the Monroe County Land Authority ("Land Authority"), a local agency, for the purpose of protecting the natural environment and preserving wildlife habitat under the provisions of Chapter 380, F.S. and/or Monroe County Code section 2-397; and

WHEREAS, the Tax Parcel described in Section 1 will be used as Conservation Parcels and will not be improved with facilities that will generate wastewater; and

WHEREAS, the Land Authority has made an application to the Key Largo Wastewater Treatment District ("District") for a waiver of all future assessments of the District’s System Development Charge; and

WHEREAS, pursuant to Section 10.06(a)(iii), of the District’s General Rules and Regulations, the Owner(s) may request that the District exclude such Tax Parcels and waive all future assessments of the System Development Charges, for those Tax Parcels.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT:

The Tax Parcel designated in Section 1 below be and is excluded from the Key Largo Wastewater Treatment District 2006 Non Ad-Valorem Assessment.

Section 1.
PARCEL ID: 00465060-000000
AK NO. 1568481
PARCEL DESCRIPTION: BK 6 LT 30 PAMELA VILLA KEY LARGO OR502-770 OR2248-2413/2414(ORDER) OR2280-2430Q/C

Section 2.
Should any owner of the parcel listed in Section 1 above later desire wastewater service to the tax parcel, or develop the parcel with any structure capable of producing wastewater, they agree to pay all direct and indirect District costs of providing service as well as any unpaid portions of the assessment herein waived.

Section 3.
APPLICABILITY AND EFFECTIVE DATE. This Resolution shall take effect upon adoption by the Board of Commissioners.
Section 4.

AUTHORIZATION OF DISTRICT OFFICIALS. The General Manager and/or his designee(s) are authorized to take all actions necessary to implement the terms and conditions of this resolution.

RESOLVED AND ADOPTED THIS 4TH DAY OF OCTOBER 2016

The foregoing RESOLUTION was offered by Commissioner Gibbs, who moved its approval. The motion was seconded by Commissioner Higgins, and being put to a vote the result was as follows:

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</table>

The Chairman thereupon declared this Resolution duly passed and adopted the 4th day of October, 2016.

KEY LARGO WASTEWATER TREATMENT DISTRICT

By:  
David Asdourian, Chairman

ATTEST:  
Katherine Jackson, Clerk

Approved to as to form and legal sufficiency

Ray Giglio, General Counsel