2009 KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF COMMISSIONERS

AGENDA

Tuesday November 3, 2009 4:00 PM
98880 Overseas Hwy
Key Largo, FL 33037

Susan Hammaker	**Chair**
Norman Higgins	**Vice Chair**
Charles Brooks	**Secretary-Treasurer**
Andrew Tobin	**Commissioner**
Robert Majeska	**Commissioner**

Charles F. Fishburn	**General Manager**
Thomas Dillon	**District Counsel**
Carol Walker	**District Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the KLWTD Board, with respect to any matter considered at this meeting, such interested person 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. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the District Clerk at 30-43-804 at least 48 hours in advance to request accommodations.

4:00 **A. CALL TO ORDER - PLEASE MUTE CELL PHONES**

4:01 **B. PLEDGE OF ALLEGIANCE**

4:02 **C. ROLL CALL**

4:03 **D. APPROVAL OF AGENDA WITH ANY ADDITIONS, DELETIONS, OR CONTINUANCES**

4:05 **E. PUBLIC COMMENT**

4:15

F. GENERAL MANAGER'S REPORT **TAB 1**

1. Integra Presentation
2. Islamorada Update
3. WWTP Generator Purchase Action
4. Lateral Location Complaints (Laguna)
5. Paving Coordination with Monroe County

5:30

G. COMMISSIONER'S ITEMS **TAB 2**

6. Town Hall Update (Chairwoman Hammaker)
7. Completed Phases for "Approval to Proceed" (Chairwoman Hammaker)
8. Additional Office Space (Chairwoman Hammaker)
9. Lateral Locations (Commissioner Tobin)
10. Board Policy on Customer Service (Commissioner Tobin)
11. Assistance to Low Income Owners (Commissioner Tobin)
12. Additional Space Honda Building (Commissioner Tobin)

6:00

H. BULK ITEMS Action **TAB 3**

13. Minutes of Oct. 20, 2009
14. Pending Payments

6:05

I. ENGINEER'S REPORT **TAB** 4

15. Status Report

6:15

J. FINANCIAL REPORT

6:15

K. LEGAL COUNSEL REPORT **TAB 5**

16. Deep Well Legislation

6:30

L. COMMISSIONERS ROUNDTABLE

7:00

M. ADJOURNMENT

TAB 1

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 7

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Integra Presentation

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager C.J.L

Date: 10-30-09

Originating Department: General Manager	Costs: Approximately Funding Source: Acct.	**Attachments:** Presentation
Department Review: [ ] District Counsel ____ [X] General Manager C.J.L [ ] Finance ____	[ ] Engineering____ [ ] Clerk____	**Advertised:** Date: ____ Paper: ____ [X] Not Required

Summary Explanation/Background: Integra will make a presentation on purchasing WW Plant capacity to serve Islamorada.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

IntegraWater

October 20, 2009

Mr. Chuck Fishburn
Key Largo Wastewater Treatment District
P.O. Box 491
98880 Overseas Hwy
Key Largo, FL 33037

www.integrawater.com

RE: WASTEWATER CAPACITY AND TREATMENT
OPTION TO PURCHASE
LETTER OF INTENT

Dear Mr. Fishburn;

Integra Water appreciates the opportunity to submit this proposal for wastewater treatment capacity option with Key Largo Wastewater Treatment District (KLWTD).

It is our understanding that KLWTD has constructed a 2.3 million gallon per day (MGD) treatment facility that can be expanded to 4.0 MGD. Integra wishes to offer KLWTD an option for up to 1.5 MGD of treatment capacity to serve customers within Monroe County.

Terms:

- 24 month option.
- Option Price of $25,000, refundable at end of 2 year term if not exercised.
- Treatment Capacity of 1.5 MGD.
- Equivalent Dwelling Unit (EDU) is defined as 200 gallons per day.
- $20 Monthly Treatment Charge per EDU.
- Monthly Treatment Charge will include annual escalations of no more than the Consumer Price Index.
- $12 Monthly Facilities Charge per EDU(Capacity)– capped at $18,000,000 total recovery.
- Monthly Facilities Charge will not include an annual rate escalation.
- Integra is responsible for transmission main upgrades through costs sharing with KLWTD on upsizing of lines currently under design/construction or building parallel transmission lines for Integra flow.
- Integra is responsible for constructing and operating the collection system for its customer base.
- As long as KLWTD is willing to accept more wastewater flow, Integra will commit to sending all flow generated by our customer base as long as feasible for both parties.
- KLWTD is responsible for all costs related to expansions and upgrades of the treatment plant, compensation to KLWTD is in the form of the Monthly Facilities Charge.

- Integra will send only typical sanitary sewer waste to KLWTD as subject to normal pollutant loadings such as 300 mg/l BOD, 300 mg/l TSS, etc. Additional pollutant loadings will be subject to additional treatment charges.
- Integra/KLWTD will provide reciprocal proof of financial viability and insurance/bonding status to each party annually.
- KLWTD will treat all flow received from Integra according to NPDES and FL DEP permit requirements.
- If KLWTD offers its existing wastewater system for sale or partnership, Integra will be offered the first right of first offer for acquisition or partnership.

Once you have approved this Letter of Intent, we will have our attorney contact your legal counsel to prepare the formal contract. We believe that this agreement will benefit both parties tremendously and we look forward to working with you.

Sincerely,

Wesley Self
Vice President

Accepted:
Key Largo Wastewater Treatment District

_____
By

_____
Date

G:\INTEGRA\Islamorada, FL Keys\1.0 Correspondence\1.1 Client\Key Largo Capacity Option letter.doc

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 2

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Islamorada Update

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager C.J.2

Date: 10-30-09

Originating Department: General Manager	Costs: Approximately Funding Source: Acct.	**Attachments:** Memo
Department Review: [ ] District Counsel _____ [X] General Manager C.J.2 [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: The KLWTD Staff and Islamorada Staff met to discuss possible utilization of the KLWTD WW Plant to treat Islamorada effluent. The meeting went very well with Islamorada Staff prepared to consider not to build any more WW Plants in Islamorada and to use capacity at the KLWTD to process all new flow generated in Islamorada. Islamorada Staff proposes to use a separate pipe line to the KLWTD Plant, (Upsizing KLWTD South Transmission Line off the table.)

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

Subj: **RE: Meeting to Discuss KLWTD treatment of Islamorada Wastewater**
Date: 10/30/2009 12:03:15 PM Eastern Daylight Time
From: ken.fields@islamorada.fl.us
To: dave.boerner@islamorada.fl.us, deb.gillis@islamorada.fl.us, tobinlaw@terranova.net
CC: Cffishburn@aol.com, fordhamm@terranova.net, don.achenberg@islamorada.fl.us, izimakeys@aol.com, mary.swaney@islamorada.fl.us, michael@robbies.com, myles.milander@islamorada.fl.us, dburden@hazenandsawyer.com, ocastro@hazenandsawyer.com, Cindy.Lawson@islamorada.fl.us, NBoniske@wsh-law.com

Yesterday's meeting went exceedingly well and we quickly reached agreement in concept on an approach that should benefit both jurisdictions.

Chuck and I will brief our respective governing bodies at their next meeting while we continue to work on reducing to a term sheet the engineering and business issues that were discussed. Once that is done and approved, a full inter-local agreement will be prepared.

The key matters agreed to were construction of a separate line to carry Islamorada waste to the Key Largo treatment plant, Islamorada to make a capital payment to Key Largo based on treatment capacity, and Islamorada to make operating payments to Key Largo for treatment itself on a per gallon basis with appropriate adjustments for cost changes over time. A separate line simplifies many engineering issues and should reduce operating costs significantly over time.

Since it is now anticipated there is no need to upsize the planned Key Largo pipeline, all the above does not have to be accomplished in the next two weeks. A cost analysis is being developed and will be available for the November 18th workshop.

Elements of an Interlocal Agreement for Wastewater Treatment between Islamorada, Village of Islands and the Key Largo Wastewater Treatment District

Term of the interlocal agreement to be twenty (20) years; Islamorada, Village of Islands ("Islamorada") may terminate the agreement at any time with thirty six (36) month notice to the Key Largo Wastewater Treatment District ("KLWTD"). Agreement may be renewed in ten year increments by mutual agreement of the parties.

Islamorada shall deliver wastewater to the KLWTD treatment plant at the appropriate psi.

Islamorada shall build, operate and maintain any transmission facilities necessary to carry Islamorada wastewater from Tavernier Creek to the KLWTD treatment plant ("the plant").

Islamorada shall adopt such regulations as are necessary to assure compliance with pre-treatment requirements for operation of the KLWTD treatment plant in accordance with Florida Department of Environmental Protection ("FDEP") discharge standards.

Islamorada shall pay a monthly treatment charge to KLWTD of $?? Per gallon of wastewater treated based on the reading of a meter at the north side of the Tavernier Creek Bridge. This charge covers all operating and maintenance costs (including repair and renovation) for treatment of wastewater delivered at the plant.

The treatment charge may be adjusted annually beginning with the third anniversary of this agreement as follows:

XX% of the charge will be adjusted by the (to be determined energy index)

XX% of the charge will be adjusted by the (to be determined chemical index)

XX% of the charge will be adjusted by the (to be determined labor index)

Islamorada shall pay a monthly capital capacity charge to the KLWTD of $?? Per Islamorada EDU connected to the transmission system. This charge covers all capital construction costs necessary for the treatment of Islamorada wastewater delivered at the plant. Unless otherwise adjusted under other sections of this agreement, this cost will not change during the term of this agreement.

If Islamorada makes a lump-sum capital contribution at any time to KLWTD to offset any capital or construction costs, then such contribution will constitute a credit amortized against future monthly

capital capacity charges over the remaining term of the agreement at the interest rate then being charged for State Revolving Fund wastewater loans.

Islamorada shall not be responsible for any other costs, levies, fines, penalties or charges resulting from the treatment of wastewater at the plant. This includes any fines, penalties or other charges imposed by FDEP, the federal Environmental Protection Agency or any other agency having jurisdiction for actions taken or not taken by KLWTD to maintain and assure compliance with applicable state and federal laws and regulations.

KLWTD shall not be responsible for any costs incurred by Islamorada for the construction, operation or maintenance of any facilities within Islamorada, Village of Islands.

If changes in treatment technology are required by either Federal or State law, Islamorada shall not be responsible for any additional capital or operating charges unless agreed to by Islamorada and after sufficient opportunity to review and approve such changes in treatment technology and the associated capital and projected operating costs. The direct costs of such changes shall be apportioned in the same ratio as actual amounts of wastewater treated from each jurisdiction at the time of such technology change; KLWTD shall maintain a meter at its treatment plant measuring total flow to the plant for this purpose. Indirect costs shall not be included in such costs. In the event Islamorada and KLWTD do not agree on the proposed technology, capital costs or projected operating costs, then such matters shall be subject to arbitration.

KLWTD will guarantee sufficient capacity at its treatment plant at all times during the term of this agreement to treat all wastewater delivered by Islamorada but in any event, no less than 1.4 million gallons a day of wastewater as permitted by the FDEP upon completion of the Islamorada collection and transmission system. If KLWTD at any time does not have sufficient capacity at its treatment plant, or is placed under connection constraints by any agency for any reason, first priority for additional connections to the system shall be granted to Islamorada until such time as the plant and/or transmission capacity is increased as necessary to handle higher flows.

If KLWTD has to increase the capacity of its treatment plant to handle increased flows from Key Largo properties, Islamorada shall not be responsible for any capital or operating cost increase resulting from such expansion.

If the KLWTD for any reason has to increase the capacity of its treatment plant to handle increased flows, including projected flows from Islamorada exceeding 1.4 million gallons per day, then Islamorada shall not be responsible for any additional capital or operating charges unless agreed to by Islamorada and after sufficient opportunity to review and approve such capacity changes and the associated capital and projected operating costs. In the event Islamorada and KLWTD do not agree on the proposed changes, capital costs or projected operating costs, then such matters shall be subject to arbitration. Indirect costs shall not be included in such costs.

In the event that KLWTD does not provide treatment capacity sufficient to handle all Islamorada wastewater flows, and such lack of capacity leads to a denial or building permits or other governmental

actions which adversely affect Islamorada, then KLWTD shall be responsible for any and all monetary damages resulting from such actions including but not limited to Administrative Relief costs and loss of Ad Valorem tax revenue.

KLWTD warrants that it will operate its treatment facilities at all times in accordance with applicable state and federal laws and regulations and will indemnify and hold harmless Islamorada from any adverse actions for such operations.

KLWTD will operate its wastewater treatment plant on a twenty four hour a day, 365 days per year basis except for such short term shut-downs for maintenance as are usual and customary for such plants. KLWTD will indemnify and hold harmless Islamorada from any and all damages that result from failure of the plant to operate at any time.

In the event of a hurricane evacuation order, KLWTD will continue operation of its treatment plant under normal circumstances as long as possible and shall provide the necessary operating and maintenance personnel with a refuge capable of withstanding a Class 5 hurricane so it is not necessary to evacuate such personnel. In the event of damage to the treatment plant because of a hurricane or other event, first priority shall be given to restoring service to that portion serving Islamorada.

MAJOR ITEMS OF INTERLOCAL AGREEMENT

1. Representations and Warranties
    a. Islamorada
        i. Commitment not to build treatment plants.
        ii. Commitment to send all flows to District plant.
        iii. Commitment to fund pipeline expansion.
        iv. Commitment to pay a portion of District plant capital costs.
        v. Commitment to share treatment costs.
        vi. Commitment to provide wastewater meeting specified quality parameters.
    b. Key Largo
        i. Commitment to build pipeline.
        ii. Commitment to expand plant.
        iii. Commitment to treat Village flow.
        iv. Commitment to comply with applicable law.
        v. Provision to share cost of contract operator option.
    c. Both parties
        i. Authority to enter into agreement.
        ii. Good faith and fair dealing.
2. Capital Cost Sharing
    a. Costs = direct costs plus indirect costs.
    b. South Transmission Main – ½ of costs of South Transmission Main plus extension to Village pump station at Snake Creek Bridge. Estimated cost $3M
    c. Plant – Fixed share of costs. Cost of plant at sufficient capacity to serve District and Village is $30M. Village will pay a fixed share equal to $12M paid by a date certain to be agreed. (For example, $5/1,000 gallons of flow at Snake Creek.)
    d. Innovative technology to avoid capital costs or improve plant cost efficiency shared same as plant costs.
3. Treatment Cost Sharing
    a. Costs = direct costs plus indirect costs.
    b. Share of costs based on actual wastewater flow (flow at Snake Creek divided by flow at plant headworks.)
4. Disputes and critical events
    a. Alternative Dispute resolution to include mediation/arbitration. Service to continue during pendency of dispute.
    b. Security for payment (irrevocable letter of credit, escrow account, etc.)
    c. Procedure in case of loss of all or part of plant capacity due to casualty or force majeure.

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 3

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Generator

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager C.J.L

Date: 10-30-09

Originating Department: General Manager	Costs: Approximately $400,000 Funding Source: Acct.	**Attachments:**
Department Review: [X] District Counsel TW [X] General Manager C.J.L [ ] Finance _____	[X] Engineering EC [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: The original design for the backup generator at the WWTP was for a 900 KW generator, further review indicated the need for a 2000 KW generator. The 2000 KW generator is approximately $500,000 the 900 KW generator was $180,000.

Staff recommends direct purchase of the 2000 KW generator.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

KEY LARGO WASTEWATER TREATMENT DISTRICT

98880 OVERSEAS HWY, KEY LARGO, FL 33037
POST OFFICE BOX 491, KEY LARGO, FLORIDA 33037
PHONE (305) 453-5804 FAX (305) 453-5807

WWW.KLWTD.COM

Date: 10/30/09

Charles F. Fishburn
General Manager

RE: Generator Contract

Chuck -

A backup generator is mandated by the Florida Department of Environmental Protection to receive an operating permit for the new treatment plant

KLWTD attempted to do a short duration competitive bid for a 2KW generator that would meet the critical path schedule for the treatment plant.

All bids were less than $550,000 but all were non-responsive and formally rejected.

I believe not enough time exists to rebid the generator and meet the schedule.

I believe it is in the District's best interest to use section 2-207 of our purchasing policy manual which requires the Board determine:

1. It is not practicable to award a contract by competitive bidding and it is unlikely to yield as favorable result as a competitive bid.
2. The award of the contract is in the best interest of the District and is neither arbitrary, capricious, nor prompted by corruption.
3. The compatibility of the equipment is paramount.
4. The specific and significant interest to support the single source method is guaranteed delivery of a compatible generator and support equipment that does not delay the startup of the treatment plant.

Please add an agenda to the next meeting asking the Board for Staff authority to negotiate a single source generator and support equipment contract not to exceed $550,000.

Sincerely,

William P. Mitchell
Operations Manager

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 4

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Lateral Location Complaints (Laguna)

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager C.J.R

Date: 10-30-09

Originating Department: General Manager	Costs: Approximately $12,000 Funding Source: Acct.	**Attachments**
Department Review: [ ] District Counsel ____ [X] General Manager C.J.R [ ] Finance ____	[X] Engineering MB [ ] Clerk____	**Advertised:** Date: ____ Paper: ____ [X] Not Required

Summary Explanation/Background: Staff has investigated shifting the lateral locations to satisfy most of the complaints on Laguna Drive. Adding a pit and the associated components cost about $12,000. Although the relocation of laterals satisfies the know complaining home owners and does not impact know satisfied home owners, the remaining silent home owners opinion is not known.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3 2009 Agenda Item No. 5

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Paving Coordination with Monroe County

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. 2
Date: 10-30-09

Originating Department: General Manager	Costs: Approximately $ Funding Source: Acct.	**Attachments Letter**
Department Review: [ ] District Counsel _____ [X] General Manager CJ2 [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: KLWTD is planning to make a presentation to the BOCC at the Nov. 18, 2009 meeting in Key Largo. The presentation will appeal to the County to coordinate paving with the KLWTD collection system projects. Specifically the KLWTD would like to apply the $1.8 million from the 905 curve project to KLWTD collection systems.

October 20, 2009

Roman Gastesi
Administrator, Monroe County, Florida
1100 Simonton Road
Key West, FL 33040

Subject: Impact Fee Uses

Dear Mr. Gastesi:

The Key Largo Wastewater Treatment District understands that there is $1.8 million available in Impact Fees from New Development for a project(s) in Key Largo. It is also our understanding that no project has yet been identified, but a new bike path on the Bayside is a likely candidate.

This is to request that this money be used for full overlays rather then patching of roads in Key Largo, when required, during sewer construction. We understand that there might be some restrictions in County Code that do not permit the use of Impact Fees to repave roads after laying sewer pipe. We would like to work with you to find a way to allow the use of Impact Fees on "new" Sewer Construction throughout the County. **The purpose of sewering the Keys is the protection of our near shore waters that are being threatened (impacted) by the past 20 years of "new" development.**

Some of the roads we have dug and patched need full overlays, not from sewer construction but from poor design, inadequate construction, and years of traffic and erosion. These roads would have been repaved had the county had sufficient gas tax money on hand. It is now our understanding that there are no plans to repave any roads in the county until sufficient funds are available and until bridge work is complete. Releasing the funds to the sewer construction and letting our contractors perform the repaving, based on the Monroe County 7-year Road Repair Plan, seems a perfect win-win situation.

If we can find a way to move some of these Impact Fees to sewer construction costs, the County will have secured another source of funds to complete our sewer mandate without asking the homeowners for a larger assessment to perform road work. We would like the opportunity of meeting with you and your staff to discuss and resolve where the Impact Fee money gets spent.

Sincerely,

Susan Hammaker
Chairman, KLWTD

CC: The Honorable Sylvia Murphy, The Honorable Mario Di Gennero, The Honorable George Neugent, The Honorable Kim Wigington, The Honorable Heather Carruthers

TAB 2

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 6

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Town Hall Meeting Update

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.H
Date: 10-30-09

Originating Department: Commissioner Hammaker	Costs: Approximately $ Funding Source:	**Attachments:** Update
Department Review: [ ] District Counsel _____ [X] General Manager C.J.H [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: On Oct. 24 the District gave Town Hall meetings explaining what the District is doing and what will be happening in the neighborhoods when the collection systems are put in. We also had workshops that explained how the connection from the house to the street were suppose to be made.

The were around 80 people who were in and out all day from 9 am to 5 pm.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation

KEY LARGO WASTEWATER TREATMENT DISTRICT
98880 OVERSEAS HWY, KEY LARGO, FL 33037
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037
PHONE (305) 451-4019 FAX (305) 453-5807

WWW.KLWTD.NET

On Saturday, October 24, 2009 KLWTD Clerk Carol Walker and I hosted 6 alternating Town Hall Meetings and Residential Tie in Classes at the KLWTD Business Office. Commission Chairwoman Susan Hammaker attended several of the meetings and assisted with the question and answer sessions following each presentation. Inspector Tom Gould assisted the first two Tie in classes and Carrie Bilyeau provided design maps for all property owners who requested one. Carol used the projector to display a continuous rotating slide show of construction examples. The early classes were standing room only and attendance tapered off as the day progressed. The presentations were well received and more will be scheduled in January 2010 when more snow birds are in town.

William P. (Pat) Mitchell
Operations Manager

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 7

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Completed Phases for "Approval to Proceed"

RECOMMENDED MOTION/ACTION:

Approved by General Manager C. J. H

Date: 10-29-09

Originating Department: Commissioner Hammaker	Costs: Approximately $ Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C. J. H [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 8

[ ] PUBLIC HEARING [ ] RESOLUTION

[X] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Additional Office Space

RECOMMENDED MOTION/ACTION:

Approved by General Manager O.J.2

Date: 10-29-09

Originating Department: Commissioner Hammaker	Costs: Approximately $ Funding Source:	**Attachments:** Power Point
Department Review: [ ] District Counsel _____ [X] General Manager O.J.2 [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation

PURPOSE

Temporary Transition Planning

Review

- Cramped Quarters
- Multiple functions
- Noise and Interruptions

Available Locations

- **Present KLWTD Rental Office**
- **White Rhino (Own)**
- **Honda (Rental)**
- **Prudential (Rental)**
- **Bank of America (Rental)**

Current Plant Location Not Included

Potential Costs

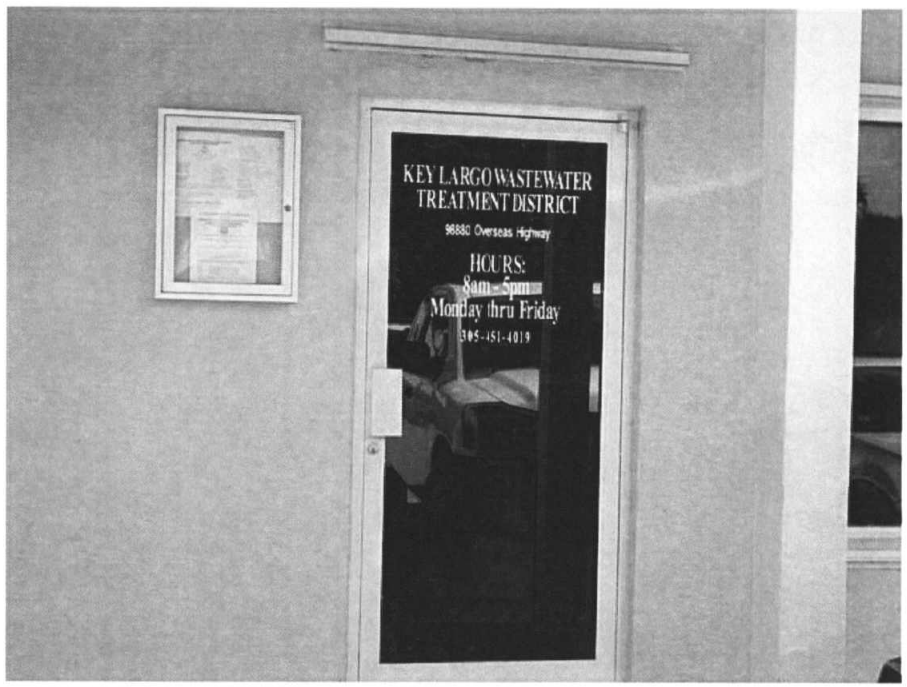
Estimated (Pat Mitchell)

- $400/person to move
- $500/person to furnish
- $4,000/location (tech and machines)
- Remodeling Costs - $12,000+ (where applicable)

Other

- Signage
- Security
- Utilities
- Length of Rental Requirements
- Janitorial Services

98880 Overseas Highway
(KLWTD Current Office)



- **Central Location**
  - **Well known**
  - **Easily accessible**
  - **Likely central location after construction**

White Rhino Office

- Vacuum Station Site
- Construction Support
  - GIS
  - Inspectors
  - Field Crews
  - Storage
  - No Handicap Access, Security, Furnishings

White Rhino Housing

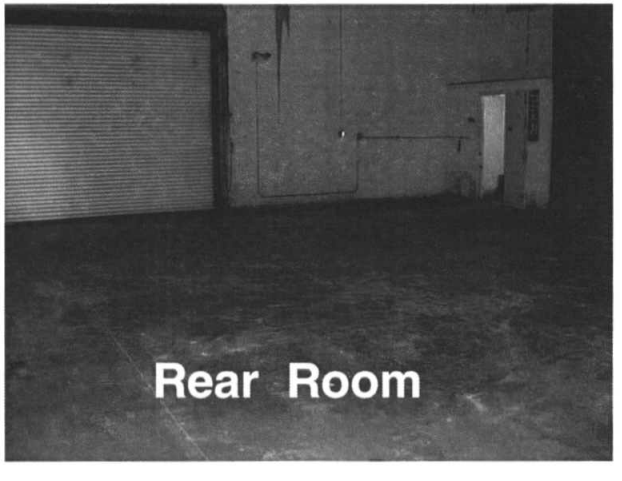
- **Temporary Employee Boarding** (includes Handicap Access)
- **Requirements:**
  - Furnishings
  - Security
  - Other?

MM 100 Overseas Highway
(Honda Rental)

- **Requirements**
  - **$6800/Month, Triple Net Lease**
  - **Complete Interior Remodel, including new floors and bathroom(s) and temporary cubicle walls**
  - **All furnishings**
  - **No Utilities Included**

Honda Rental

Front Room

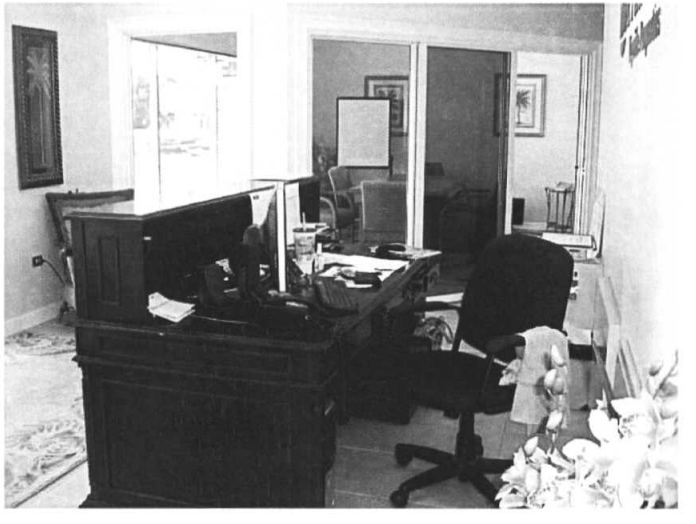

Rear Room

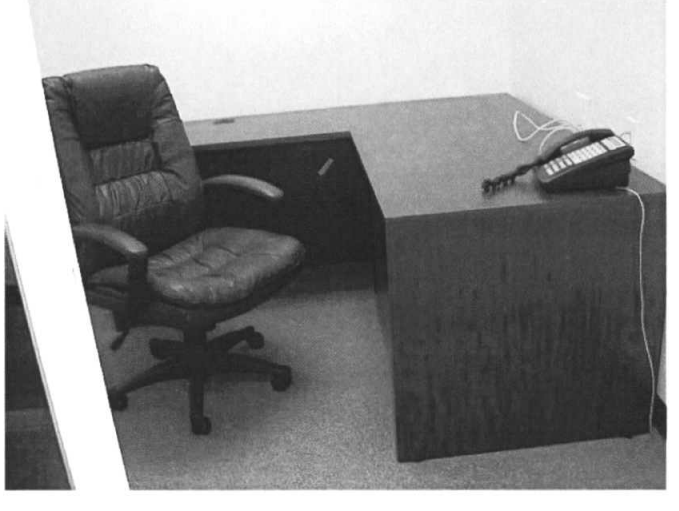
- Owner Remodel Negotiable
- Length of Lease Negotiable
- 2 Lg. Bathrooms/1 Sm. Bathroom
- Vehicle Access and Storage

10040 Overseas Highway (Prudential Rental)

- **Rental Requirements:**
  - **$700/Month plus (Lg. Back Room Office)**
  - **$100/Month for Utilities (Unfurnished)**
  - **$200/Month each additional office (includes desk & chair) plus utilities**
  - **Access through Real Estate Office and Back Door**
  - **KLWTD responsible for signage, janitorial services, receptionist time**

Prudential Rental





Shared Services:

- **Conference Rm**
- **Restrooms**
- **Front Access**

Copies, Phones, Fax, Internet, Janitorial services extra

92300 Overseas Highway
(Bank of America)
Temporary Construction Office
South Transmission Line

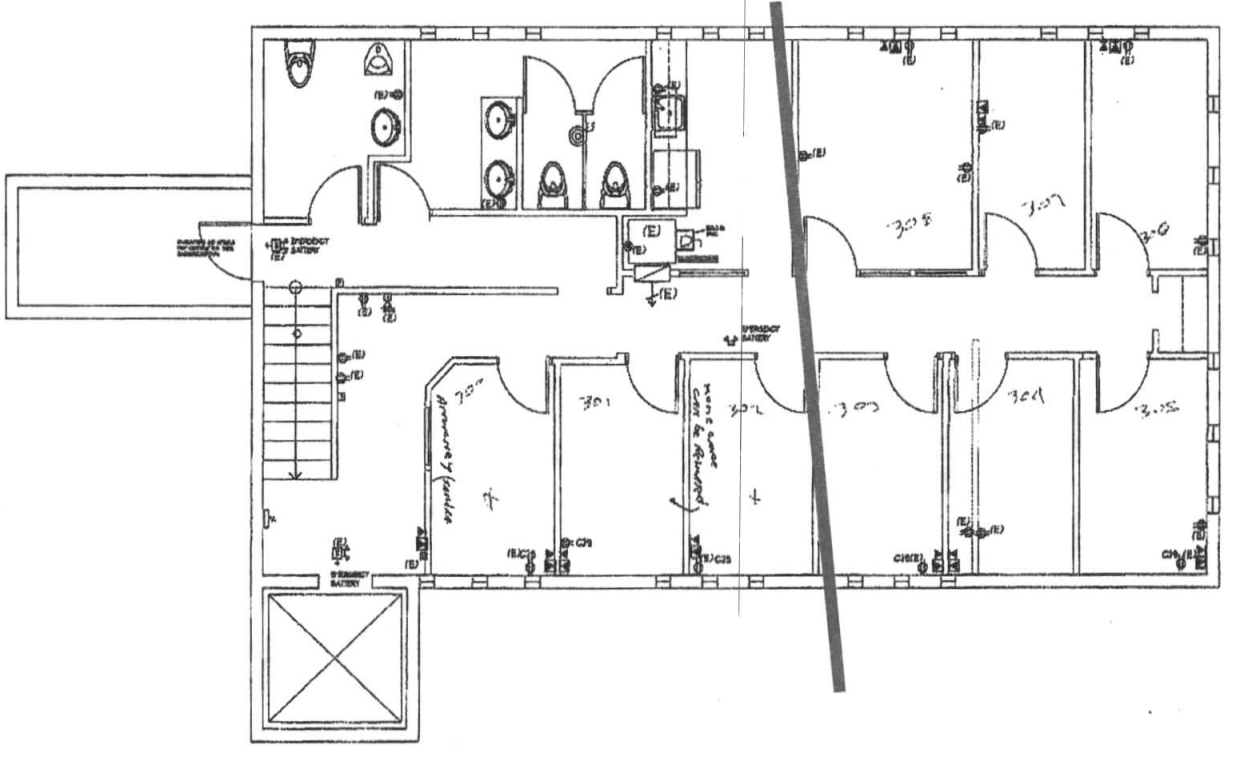
- General Manager Secondary Office
- Engineers
- Administrative Assistant
- Expeditors (Weis & Matthews)
- Contractor Interface
- Construction Files

B of A Rental Terms

- **Price: $1500/Month**
  - 1 year + 2 6-month options
  - Cancel any time on 60 days' notice

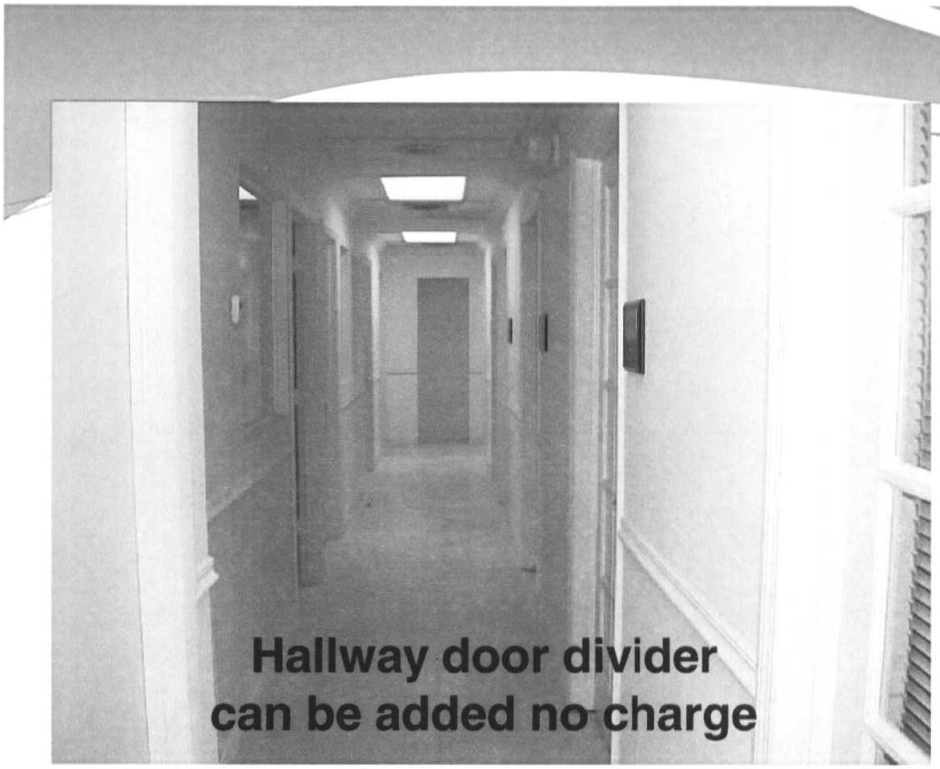
- Room for 4 employees
- Indiv. Phone, e-fax
- Sm. Conference room
- File room
- Signage, all utilities, janitorial service

BANK OF AMERICA



6 Rooms

- Locking Hallway Door Divider, if wanted
- Shared Kitchen, Bathrooms, Outdoor Lounge Area

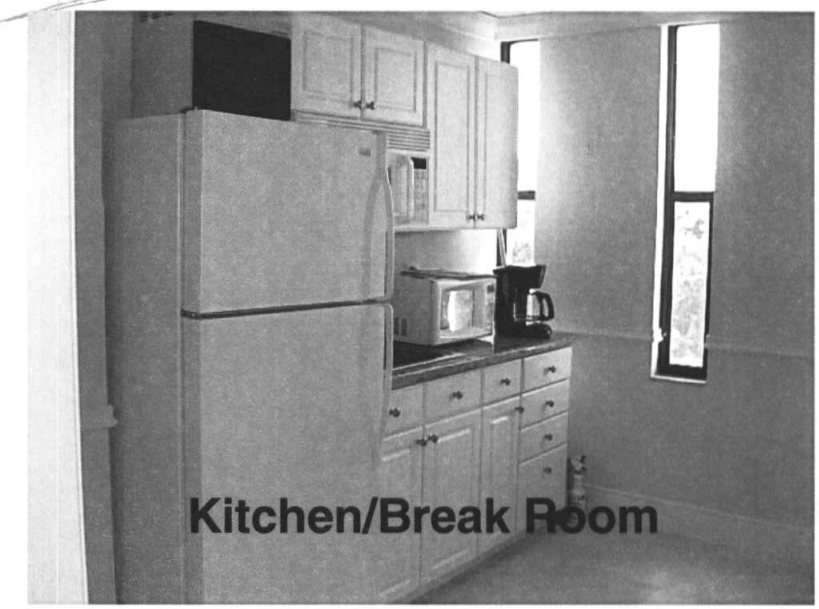


Hallway door divider
can be added no charge

One of six offices, including
Conference Room
New office furnishings

Individual Security Door Locks
Individual Phone and e-Fax

Outdoor Lounge Area, newly
painted furniture included


Kitchen/Break Room

Ladies' Restroom

Men's Restroom
Janitorial Services Included

Entrance Elevator
Handicapped Accessible Bldg

98880 Overseas Highway
(KLWTD Current Office)

- General Manager
- CFO and Customer Services Personnel
- District Meetings
- Other Meetings
- General Central Files

Customer Services Department

CUSTOMER SERVICES DEPARTMENT

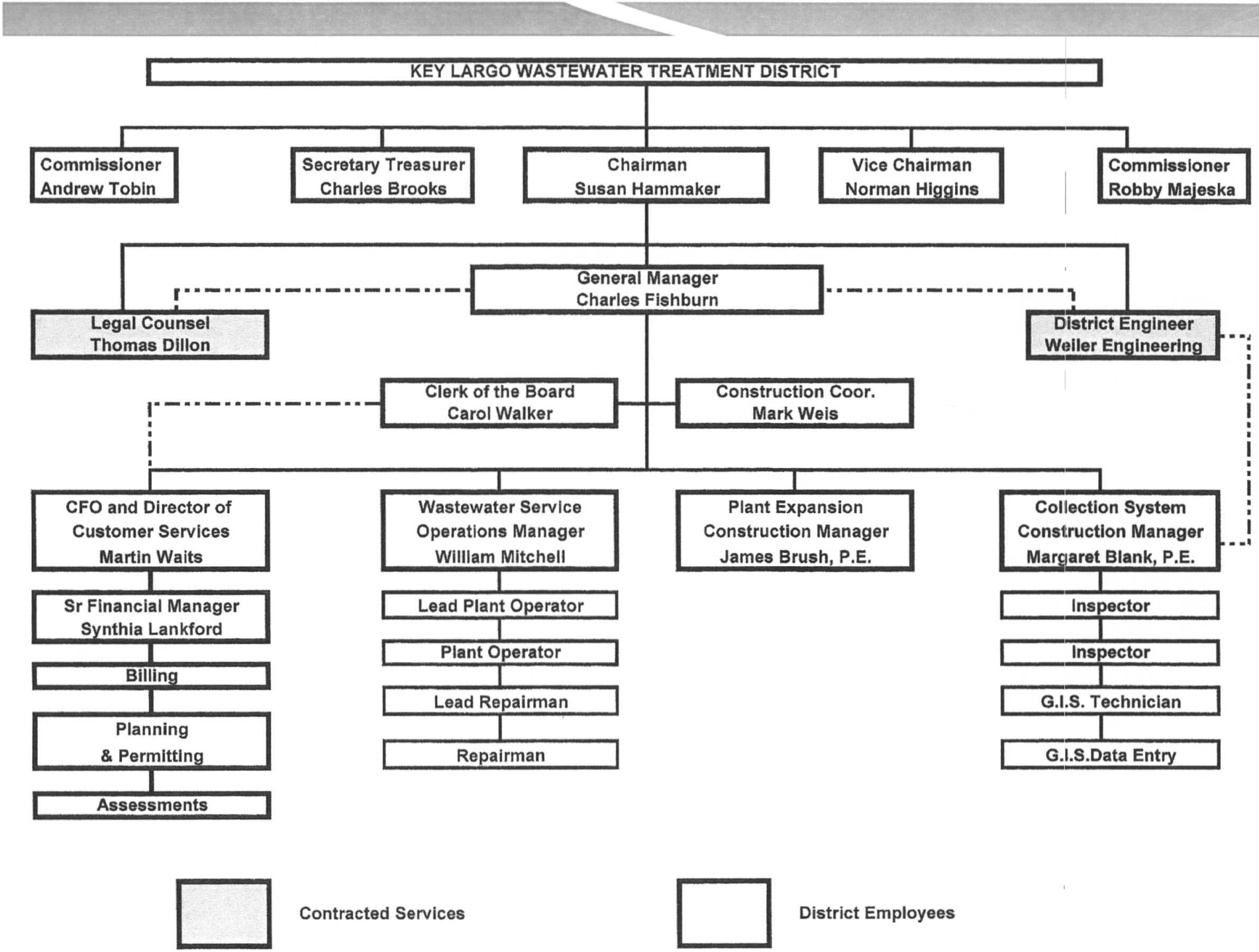
- Billing
- Customer Planning & Permitting
- Assessments
- Central Files
- All Public Interfaces
- Meetings

- **Marty**
  - Syndi
  - Carie
  - Carol

Temporary Transition Planning

Questions?

Direction to Staff?


KEY LARGO WASTEWATER TREATMENT DISTRICT
Commissioner
Andrew Tobin
Secretary Treasurer
Charles Brooks
Chairman
Susan Hammaker
Vice Chairman
Norman Higgins
Commissioner
Robby Majeska
General Manager
Charles Fishburn
Legal Counsel
Thomas Dillon
District Engineer
Weiler Engineering
Clerk of the Board
Carol Walker
Construction Coor.
Mark Weis
CFO and Director of
Customer Services
Martin Waits
Wastewater Service
Operations Manager
William Mitchell
Plant Expansion
Construction Manager
James Brush, P.E.
Collection System
Construction Manager
Margaret Blank, P.E.
Sr Financial Manager
Synthia Lankford
Billing
Planning
& Permitting
Assessments
Lead Plant Operator
Plant Operator
Lead Repairman
Repairman
Inspector
Inspector
G.I.S. Technician
G.I.S.Data Entry
Contracted Services
District Employees

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 9

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Lateral Locations

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.T

Date: 10-29-09

Originating Department: Commissioner Tobin	Costs: Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C.J.T [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: In order to effectively deal with complaints and inquires about the location of pits and outlets I propose that we put an office - construction trailer in the subdivision several weeks before construction and notify the affected customers it will be open and staffed to answer questions for xxxx days. As an alternative, we may be able to use use A-Frame signs rather than pulling an office trailer into a subdivision.

After we mark the streets, we should set up a couple of A-FRAME signs on particular streets advertising a final walk-through inspection at a time certain (the next day or so) at which point the inspectors, contractors, engineers, and staff should spend a few hours walking the street with the residents. Of course we can continue our present course of allowing customers to come to the office to ask questions and make comments. But there is no substitute for on site inspections with everyone present.

We should also insert a clause in the collection contracts that contractors are required to give residents a fixed per foot price to dig and install laterals in the right of way, at the owners expense. This will give homeowners some additional options. Hopefully this will help us regain the confidence of our customers. We have many talented people that are trying to solve the puzzle. The breakdown appears to be that we are not providing affected persons with a convenient access to the people that make the decisions.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 10

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Board Policy on Customer Service

RECOMMENDED MOTION/ACTION:

Approved by General Manager CJ.T
Date: 10-29-09

Originating Department: Commissioner Tobin	Costs: Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C.J.T [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: It is the policy of the Board to require that employees of the District be courteous and cooperative with customers, including providing answers to routine questions, provided the employee is not unduly prevented or delayed from their normal and customary duties. If an employee is unable to answer questions due to lack of time, knowledge or because others may have better information or knowledge, the employee should direct the customer to a supervisor and also promptly notify the supervisor of the customer's request.

An employee should not refuse to cooperate or provide information to a customer merely because the customer has or threatens to get an attorney, unless the matter is pending in court. If the employee is unsure whether the matter is pending in court, the employee should forward the request to a supervisor.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 11

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Assistance to Low Income Owners

RECOMMENDED MOTION/ACTION:

Approved by General Manager _____

Date: 10-29-09

Originating Department: Commissioner Tobin	Costs: $300,000 Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: Commissioner Higgins should be commended for reminding us of our obligation to assist low income owners and for suggesting that we use the money from the sale of the SBR tanks for that purpose. I support that and would like to propose a "friendly amendment." Rather than making outright grants/gifts I would be in favor of making a zero interest loan to be paid when the property sells. Assuming we receive $300,000 for the tanks, we could make 60 zero interest loans.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Sept. 15, 2009 Agenda Item No. 12

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	DISCUSSION	[ ]	BID/RFP AWARD
[ ]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Largo Honda Building

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.T
Date: 10-29-09

Originating Department: Commissioner Tobin	Costs: Funding Source:	**Attachments:**
Department Review: [ ] District Counsel _____ [X] General Manager C.J.T [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____: Please initial one.

Summary Explanation/Background: I spoke to the owner's attorney about renting the old Largo Honda building for our meetings at a nominal rate with a 30 day kick out clause in the event the owner gets a viable lease.

As a public service the owner is willing to consider such a proposal.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised6

TAB 3

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 13

[ ] PUBLIC HEARING [ ] RESOLUTION

[ ] DISCUSSION [ ] BID/RFP AWARD

[X] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Minutes of Oct. 20, 2009

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.L.
Date: 10-20-09

Originating Department: District Clerk	Costs: Funding Source:	**Attachments:** Minutes of Oct. 20, 2009
Department Review: [X] District Counsel TO [X] General Manager CJL [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

MINUTES
Key Largo Wastewater Treatment District (KLWTD) Board of Commissioners Meeting

October 20, 2009
98880 OVERSEAS HWY, KEY LARGO, FL 33037

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 (arrived at 4:08 PM), 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 Higgins led the Pledge of Allegiance.

APPROVAL OF AGENDA
Commissioner Higgins added a discussion on the Deep Well Legislation Bill. Chairwoman Hammaker moved her item on Additional Office Space from an action item to a discussion item. General Manager Charles Fishburn added an item on a letter from the FKAA and an item from Integra. Chief Financial Officer, Martin Waits drew the Boards attention to a hand out on the Financial Statement and a revised Pending Payments list.

Motion: **Commissioner Brooks made a motion to approve the agenda as amended. 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			**Absent**

Motion passed 4 to 0

PUBLIC COMMENT: The following persons addressed the Board: Julio Rodriguez, 422 Laguna Ave, Enrique Diaz, 421 Laguna Ave, Blanca Rodriguez, 133 Ocean Shores Drive, John Ludington, 423 Laguna Ave, spoke to the Board because they did not like where their sewer connection was going to be installed. Deu Hudson 402 Laguna Ave liked where her connection is. Burke Cannon, Hammer Point, and Pauline Klein, Key Largo, spoke about Islamorada connecting to the District's treatment plant.

After Board discussion the Staff was directed to meet with the residence on Laguna Avenue to review the requested changes; and to bring the resolution to the problem of the placement of connections to the sewer to the November 3rd meeting.

MANAGER'S REPORT

Basin B I Change Order

The Board discussed the change order for Basin I.

Paving Coordination with Monroe County

There was a discussion on the use of $1.8 million for paving the roads on the Island of Key Largo.

Gary Bauman introduced a letter to the County supporting the use of the $1.8 million for paving. Mr. Bauman was tasked by the Board to work with the Monroe County Administration and the BOCC on obtaining paving funding for Key Largo.

Motion: **Commissioner Brooks made a motion to make this item an action item and approve the letter to Monroe County with any needed amendments in support of the use of the $1.8 million for paving on the Island of Key Largo. 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

Letter from FKAA about the South Transmission Line

Mr. Fishburn informed the Board that the FKAA is in contact with the District about using part of the abandoned line for FKAA use.

Integra

Mr. Fishburn informed the Board that Integra would like to make a presentation to the Board on buying capacity in the District's plant.

The Integra will make a presentation at the next meeting.

COMMISSIONER'S ITEMS

Grant Assistant Form / Request for Pledged Monies

Motion: **Commissioner Tobin made a motion to refer the Grant Assistant Form to Staff and to Table the Request for Pledged Monies. 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 5 to 0

Additional Office Space
The Board discussed additional office space.

The General Manager told the Board that the Inspectors are moving to the White Rhino Building Wednesday.

Deep Well Legislation
Commissioner Higgins reported that he had heard that the Department of Health is trying to attach something to the Deep Well Bill.

Thomas Dillon, District Counsel, told the Board that Senator Larcenia Bullard has submitted the Deep Well Bill under her name and it will be a General Bill.

BULK ITEMS
Minutes of October 6, 2009
Pending Payments of October 20, 2009

Mr. Waits reviewed the amended pending payments.

Motion: **Commissioner Brooks made a motion to approve Bulk Items with Pending Payments as amended and contingent upon the availability of funds. 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

Assessment Appeal Locust Center Limited/The Pink Plaza
After discussion the Board voted on this item.

Motion: **Commissioner Tobin made a motion to the Assessment Appeal of Locust Center Limited/The Pink Plaza. 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

Resolution No. 31-10-09
Commissioner Tobin pulled Resolution No. 31-10-09.

Motion: **Commissioner Tobin made a motion to table Resolution No. 31-10-09 and have the District Counsel look into assessing Port Largo as commercial. 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 5 to 0

ENGINEER'S REPORT
Deep Well Change Order

Motion: **Commissioner Tobin made a motion to authorize the General Manager to pay all or part of the Deep Well Change Order after careful review. 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

Monthly Status Report
Todd Helt, from Weiler Engineering, gave a verbal progress report.

Commissioner Tobin stated that he would like to go on record that he thinks that it was a mistake to give Arcadis money at the last meeting.

FINANCIAL REPORT
FY 2009 Financial Report
Mr. Waits reviewed his report.

Capital Projects Status Report
Mr. Waits reviewed his report.

LEGAL REPORT
Assessment of Unique Parcels

District Counsel, Thomas Dillon, reviewed his memo of October 15, 2009 on Unique Properties.

After Board discussion the Staff was directed to return in ninety days with a resolution as to what the District if going to do with Coral Coast, Seven Acres, Sunset Acres, and Lake Surprise II and a Board policy on Grinder Pumps.

COMMISSIONER'S ROUNDTABLE
The Board had a discussion on property owner's complaints as to where their connections are located.

The Board discussed the October 19, 2009 Joint Meeting with the Village of Islamorada. They are waiting to see what Islamorada does.

ADJOURNMENT
The KLWTD Board adjourned the Board Meeting at 7:40 PM.

The KLWTD meeting minutes of Oct. 20, 2009 were approved on Nov. 3, 2009.

_____
Chairwoman Hammaker

_____
Carol Walker, CMC
District Clerk

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: November 3, 2009 Agenda Item No. 14

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: Pending Payments Schedule

RECOMMENDED MOTION/ACTION: Approve Pending Payments schedule contingent upon availability of funds.

Approved by General Manager _____
Date: 10-30-09

Originating Department: Finance	Costs: Funding Source: Acct. #	**Attachments:** Pending Payments Schedule
Department Review: [ ] District Counsel _____ [X] General Manager [X] Finance SH	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required
	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case_____: Please initial one.

Summary Explanation/Background:

Pending Payments schedule for Board review and approval contingent upon availability of funds.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

Key Largo Wastewater Treatment District

Payments Pending 11/03/2009

Prepared by: S. T. Lankford Date: 10/30/2009

CONSOLIDATED CASH BALANCE FORWARD		**$ (4,818,497.05)**
Administration & Operations		
Cash Balance A&O Account Forward	$ (290,763.94)	
Plus: Service Charges	903.76	
Wastewater Revenue	8,713.20	
Total Revenue:	9,616.96	
Less: Administration		
Dolphin Software - Consulting fees	562.50	
Monroe Co. Board of Commissioners - Fee Nelson Govt. Center	338.32	
CDM Retirement Consultants - Administation 457b plan	750.00	
AT&T - Phone service	293.87	
FKEC - Electric	500.51	
The Reporter - Legal Advertisements	649.65	
PRMG - Rate Sufficiency study	6,885.92	
TIB Bank - Loan Interest	1,225.71	
Thomas M. Dillon, P. A. - Legal fees	4,425.00	
Florida Dept. of Revenue - Umemployment compensation	4,048.32	
Weiler Engineering - Engineering and Consulting fees	2,321.25	
Less: Shared Expenses		
VISA Chase Card - Utility deposits, travel, fuel, office supplies	6,344.70	
Office Depot - Plan duplication, hanging clamps, supplies	1,778.02	
UniFirst - Staff Uniforms	570.60	
FMIT - Health Insurance	8,642.16	
Federal Express - Shipping fees	224.78	
FKAA - Water	236.39	
Less: Operations		
AirVac - Repairs/Maintenance plant vac station	280.31	
Dumont Company Inc. - Chemicals	2,209.90	
Sweetwater Environmental - Sludge hauling	1,300.00	
Sanders Laboratories - Lab testing	248.00	
Pat Mitchell - Expense report - Mileage	110.00	
Florida Keys Aqueduct Authority - Billing services	1,336.60	
Sub-total Invoices	45,282.51	
		(35,665.55)
Cash Balance A&O Account If All Paid	$ (326,429.49)	
MSTU Draw #36 Submitted 06/11/09 $195,666		

South Components

Cash Balance KLSC Account Forward	$ (698,709.22)	
Plus: No Receipts		
Sub-total Receipts	-	
Less:		
FDEP - Permitting fees - Vac Station I	300.00	
Richard Sante - Property Maintenance - Vac Station I	125.00	
FKEC - Electric - Vac Station I	96.38	
Higgins Security - Emergency lock out service, Vac Station I	135.00	
Thomas M. Dillon - Legal fees	375.00	
Lawrence Frank - Surveying - Vac Station I	2,500.00	
Weiler Engineering - Engineering and Consulting fees	9,276.25	
AirVac - Vacuum pit packs	97,400.00	
Redland Co. - Phase E-1/2 & F-1, App. #1	126,780.75	
W. F. McCain - Design Basins G/H - App #11	57,019.95	
Sub-total Invoices	294,008.33	
		(294,008.33)
Cash Balance KLSC If All Paid	$ (992,717.55)	
$20M Grant Draw #17 Submitted 10/8/09 $ 323,744		

North Components

Cash Balance KLNC Account Forward	$ (3,829,023.89)	
Plus: RWA Loan Draw #2	2,507,841.40	
Sub-total Receipts	2,507,841.40	
Less: AirVac - Lifting bracket/Delivery assistance - Vacuum pits	228.77	
Hugh Grubb - Expense report - Mileage	240.35	
Pat Mitchell - Expense report - Travel	699.60	
Chris Wright - Expense report - Travel	400.43	
Makowski and Wright - Boundary survey RTP expansion	2,500.00	
Thomas M. Dillon - Legal fees	4,425.00	
AquaAerobica - SBR Disk & Filter project	298,983.60	
Weiler Engineering - Engineering and Consulting fees	125,988.83	
Turblex - Delivery of blowers - Draw #2 - RTP expansion	547,771.00	
Sub-total Invoices	981,237.58	
		1,526,603.82
Cash Balance KLNC Account If All Paid	$ (2,302,420.07)	
ACOE Grant Draw #6 Submitted 09/21/09 $ 511,884		
$20M Grant Draw #17 Submitted 10/08/09 $ 416,795		

CONSOLIDATED CASH BALANCE IF ALL PAID **$ (3,621,567.11)**

NOTE: A TOTAL OF $ 1,252,423 REQUESTED FOR REIMBURSEMENT IS OUTSTANDING

Approved for payment:

Susan F. Hammaker, Chair

Charles Brooks, Secretary/Treasurer

TAB 4

KEY LARGO WASTEWATER TREATMENT DISTRICT
Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 15

[ ] PUBLIC HEARING [ ] RESOLUTION

[x] DISCUSSION [ ] BID/RFP AWARD

[ ] GENERAL APPROVAL OF ITEM [ ] CONSENT AGENDA

[ ] Other:

SUBJECT: Monthly Projects Status Report

RECOMMENDED MOTION/ACTION: Discussion

Approved by General Manager C.J.2
Date: 10-30-09

Originating Department: Weiler Engineering	Costs: $ Funding Source:	**Attachments:** Report & Maps
Department Review: [ ] District Counsel _____ [X] General Manager C.J.2 [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background: A representative from Weiler Engineering will answer questions on the written monthly status report.

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

THE WEILER ENGINEERING CORPORATION

"Excellence in Engineering"

20020 Veterans Boulevard., Suite 7
Port Charlotte, FL 33954
(941) 764-6447 ph
(941) 764-8915 fax

Key Largo Wastewater Treatment District
Engineering Status Report
Period Ending 10/28/09

KLTV Treatment Plant

The treatment plant continues to operate in compliance with all parameters of the FDEP operating permit.

North Component Projects

Collection System Design

Basin C Design
The design of Basin C has been completed.

Basin E & F Design
Design of Basins E and F collection system pipelines has been completed.

Design of the upgrade of the existing vacuum pump station and design of the remote vacuum station continue. The 60% design drawings were received during the last week of October and are under review by WEC and District Staff.

Basin G & H Design
McCain has submitted the 90% designs for Basin G Phase 1 and Basin H collection systems. These documents have been reviewed by WEC and District staff with written comments provided to McCain. McCain will draft responses to the comments and schedule a design review meeting in the near future. The 60% design for Basin G Phases 2 and 5 were received in mid-October and are under review at this time.

The Basin G/H vacuum station 90% design drawings have been submitted and are under review at this time. McCain has been asked to expedite the ERP, FDOT and the FDEP permit

applications so that construction can begin. WEC was asked to assist in review of the ERP application due to our familiarity with the South District requirements. WEC staff reviewed McCain's ERP package and submitted comments and recommendations in early October.

Basin I, J & K Design

The 90% design drawings for all phases of Basin I have been submitted to the District for review. The majority of the area will be served by a vacuum collection system with a smaller remotely located area being served by a gravity collection system.

The design and permitting of the Basin I vacuum station began after acquisition of the site by the District and receipt of the survey in September. WEC submitted a preliminary site layout in late September and received comments back from the District. The site plan has been modified to accommodate District recommendation and the design has proceeded to the 90% complete stage. These drawings will be submitted to the District for review in the first week of November. The ERP permit application was submitted in the 3rd week of October. The FDEP collection system permit and the permit for the vacuum pump station will be submitted by mid-November.

WEC has submitted drawings for all phases of Basins J and K for District review. These drawings are labeled 30+%. All phases are above 30% design, with all vacuum pits and cleanouts located on the drawings as well as main line plan views and pipe sizing. About 35% of the J/K collection system has also been profiled. Design continues as we await comments from the District on the submitted drawings.

The Basin J/K vacuum station site has not yet been cleared, so the needed topographical survey has not been completed. Based on the District's estimate of the area that can be cleared, WEC has determined that adequate space is available if the size of the vacuum station building is reduce by eliminating some of the planned storage and workshop space. Since the generator and odor control equipment has been moved outside the building, reducing the interior space will not cause problems with operation and maintenance activities.

Force Main Design and Construction

The design of the southern transmission main has been completed. The project was bid and has been awarded to Metro. A preconstruction meeting was held on October 28th at the District office. The meeting was well attended with representatives from the other utilities present. Location of existing utilities and project timing were discussed. The FDOT permit for this project has not yet been issued but is expected in the near future.

WWTP Expansion

Tanks

The construction of the three SBR tanks and the effluent equalization tank has been completed. The few remaining punch list items are being addressed by the contractor. Final completion will be certified after completion of all punch list items.

Wells

The deep injection well project is complete. ARCADIS is expected to provide the required certification of completion in the near future.

Treatment Plant

The generator for the WWTP was put out for bids in October. Bids were received from 4 bidders with prices ranging from $468,000 to $549,000. The bid responses are under review at this time.

Construction activity at the treatment plant continues at a brisk pace. The electrical conduit runs and the plumbing under the first floor slab of the control building is nearing completion. The pour of the first floor concrete slab was scheduled for October 30th but has been rescheduled while the conduits are finished.

Equipment is being installed in the headworks for screening and removal of grit.

The disinfection basin structures have been poured and are undergoing leak testing at this time.

Basin A Construction.

Basin A collection system construction in all phases is completed.

The construction of the Basin A/B vacuum pump station has been awarded by change order to Overholt. WEC is working with Overholt to address problems with dewatering of the vacuum tank sump. Submittals and shop drawings are under review at this time as well.

Basin B Construction

Please see the Construction Progress Maps for details

Basin C Construction

Please see the Construction Progress Maps for details

Basin D Construction

Work in Basin D is complete with the exception of D-4.

Work on the Basin C/D vacuum pump station by Overholt is nearing completion.

Basin E Construction

Please see the Construction Progress Maps for details

Basin F Construction

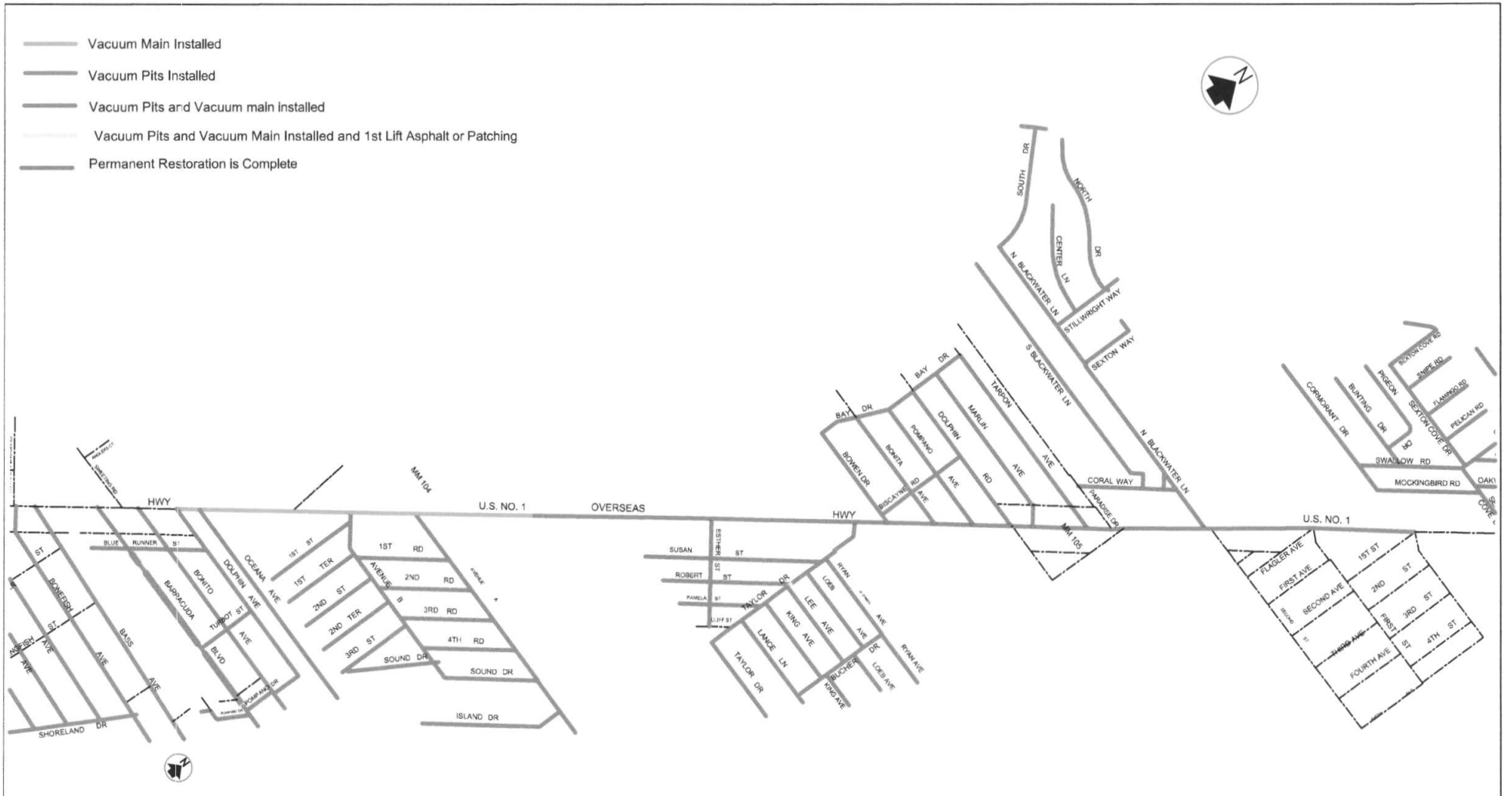
Please see the Construction Progress Maps for details

GPS/GIS
Work on the GPS/GIS project continues.

C-905
No further update at this time.

Glossary of Terms

- ***AWT*** – Advanced Wastewater Treatment. This is the level of treatment required by the year 2010 for all WWTPs in the Keys with capacities of 0.100 MGD or greater. This corresponds to levels of 5 mg/l CBOD, 5 mg/l TSS, 3 mg/l TN and 1 mg/l TP
- ***BAT*** – Best Achievable Treatment. This is the level of treatment required by the year 2010 for all wastewater treatment systems in the Keys with capacities of less than 0.100 MGD, including on-site treatment units. This corresponds to levels of 10 mg/l CBOD, 10 mg/l TSS, 10 mg/l TN and 1 mg/l TP
- ***CBOD*** – Carbonaceous Biochemical Oxygen Demand. This is a measurement of the level of organic pollutants (food) in wastewater
- ***CMMS*** – Computerized Maintenance Management System. This is a program that schedules and tracks preventive and corrective maintenance tasks and tracks inventory and costs.
- ***FDEP*** – Florida Department of Environmental Protection
- ***FKAA*** – Florida Keys Aqueduct Authority
- ***GPD*** – Gallons Per Day
- ***I&I*** – Inflow & Infiltration. Inflow is non-sewage water, typically rain water, that enters a sanitary sewer system through lids on structures such as manholes. Infiltration is non-sewage water, typically groundwater or rain water that has soaked into the ground, that enters a sanitary sewer system through cracks and joints in buried pipes and structures.
- ***MGD*** – Million Gallons per Day
- ***mg/l*** – milligrams per liter (same as parts per million). This is the unit of measurement typically used to report the concentration of pollutants in wastewater
- ***ROW*** – *Publicly owned Right of Way*
- ***SSOCOF*** – Sunshine State One Call of Florida, the state agency that coordinates underground utility construction. Anyone who intends to dig must call SSOCOF to request locates. SSOCOF then relays the construction information to all members in the construction area with instructions to mark the location of their underground utilities in the work area prior to the start of construction.
- ***SRF*** – State Revolving Fund. A source of low-interest loans for utility planning and construction
- ***TN*** – Total Nitrogen. This is a measurement of the level of nitrogenous pollutants in wastewater
- ***TP*** – Total Phosphorus. This is a measurement of the level of phosphate and organic phosphorus pollutants in wastewater
- ***TSS*** – Total Suspended Solids. This is a measurement of the level of particulate matters in suspension in wastewater
- ***WWTP*** – Wastewater Treatment Plant



LATEST UPDATE:10-28-09

Description	Revisions

KLWTD

SERVICE AREA

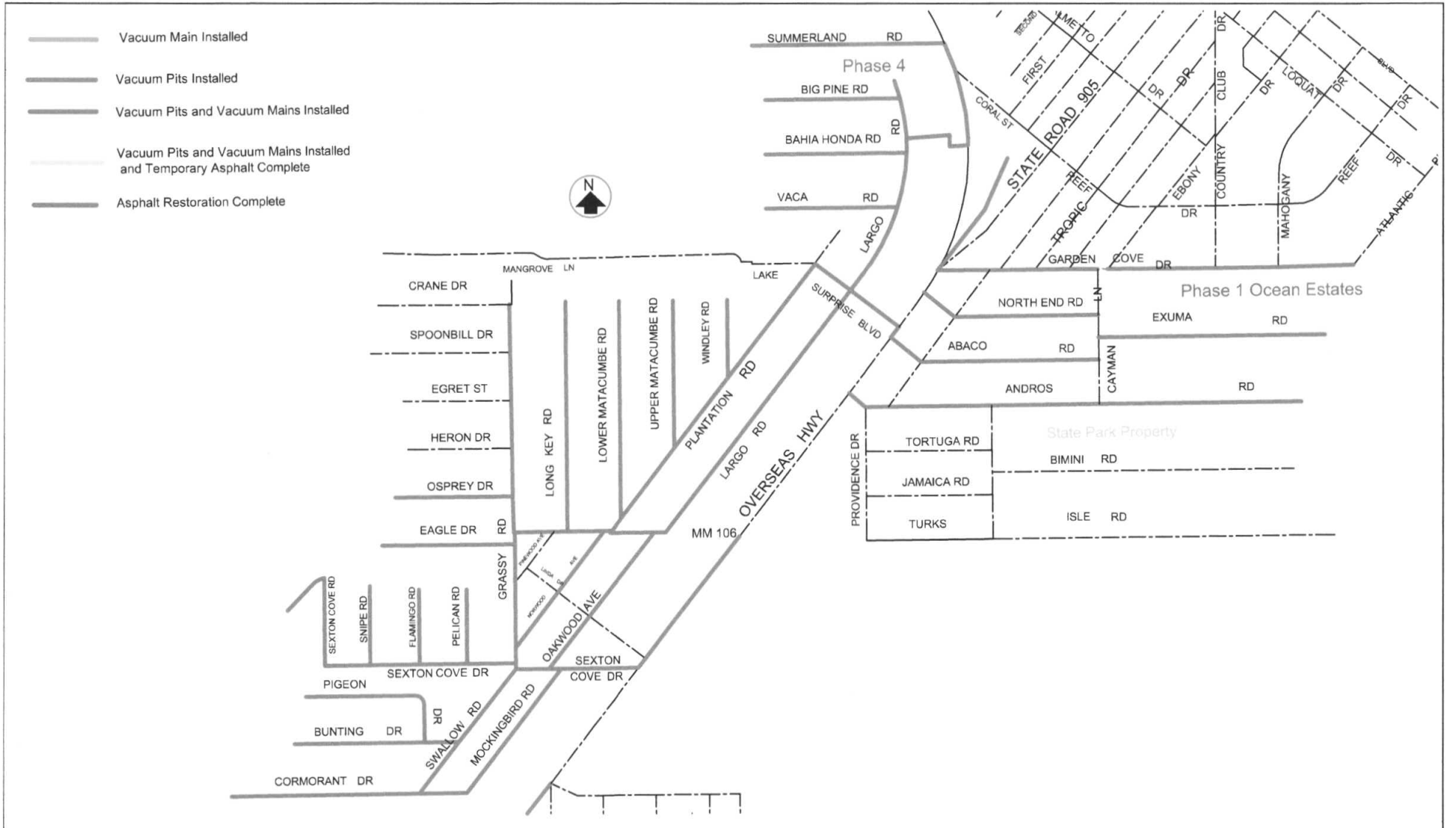
"B"

WEC THE WEILER ENGINEERING CORPORATION

5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	Drawn	Checked
DS	DS	MB

Approved by EC
Scale: 1" = 40'
Job No. 03105.006
Date Issued 05/09/06
Sheet No. 1 of 1



Description	Revisions

KLWTD
SERVICE AREA
"A"

WEC THE WEILER ENGINEERING CORPORATION
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	
Drawn	
Checked	
Approved by	EC
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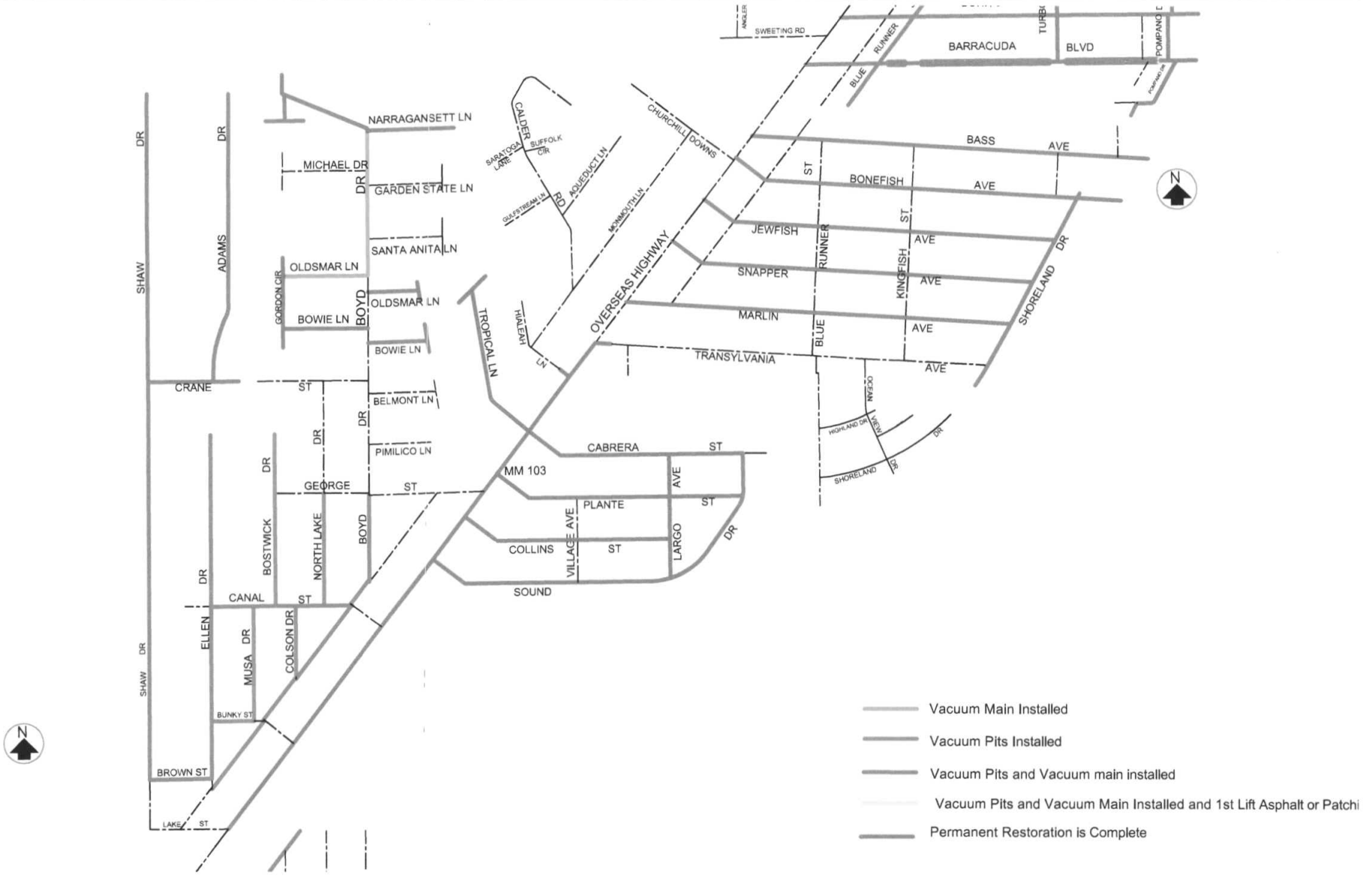
Job No.	03105.006
Date Issued	05/08/06
Sheet No.	1 of 1

LATEST UPDATE: 10-28-09



Description	Revisions

KLWTD

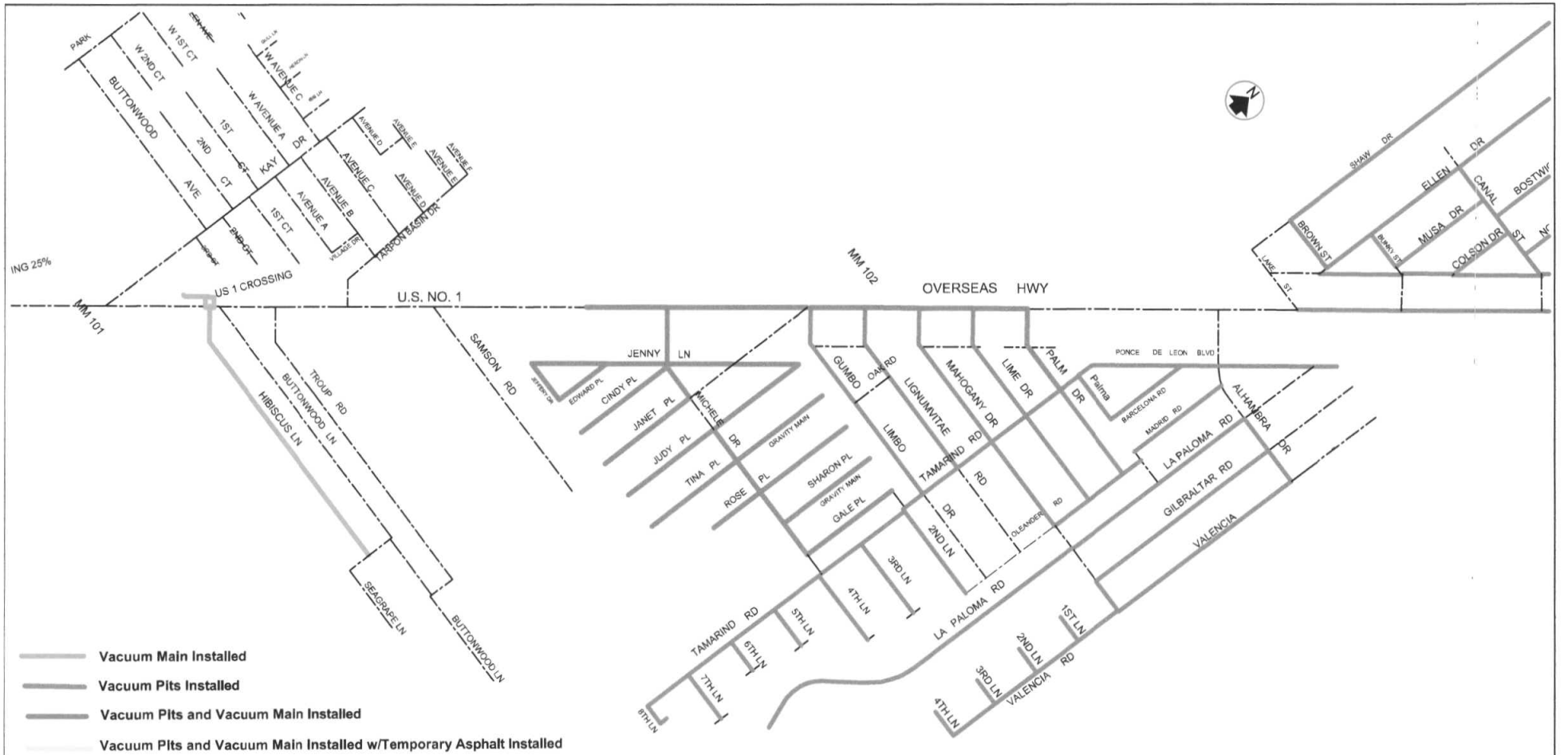
SERVICE AREA

"C"

WEC THE WEILER ENGINEERING CORPORATION
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	Drawn
Approved by	
Scale:	1" = 4
Job No.	03105.(
Date Issued	05/0
Sheet No.	1 of 1

LATEST UPDATE: 10-28-09



LATEST UPDATE: 10-28-09

Description	Revisions

KLWTD

SERVICE AREA

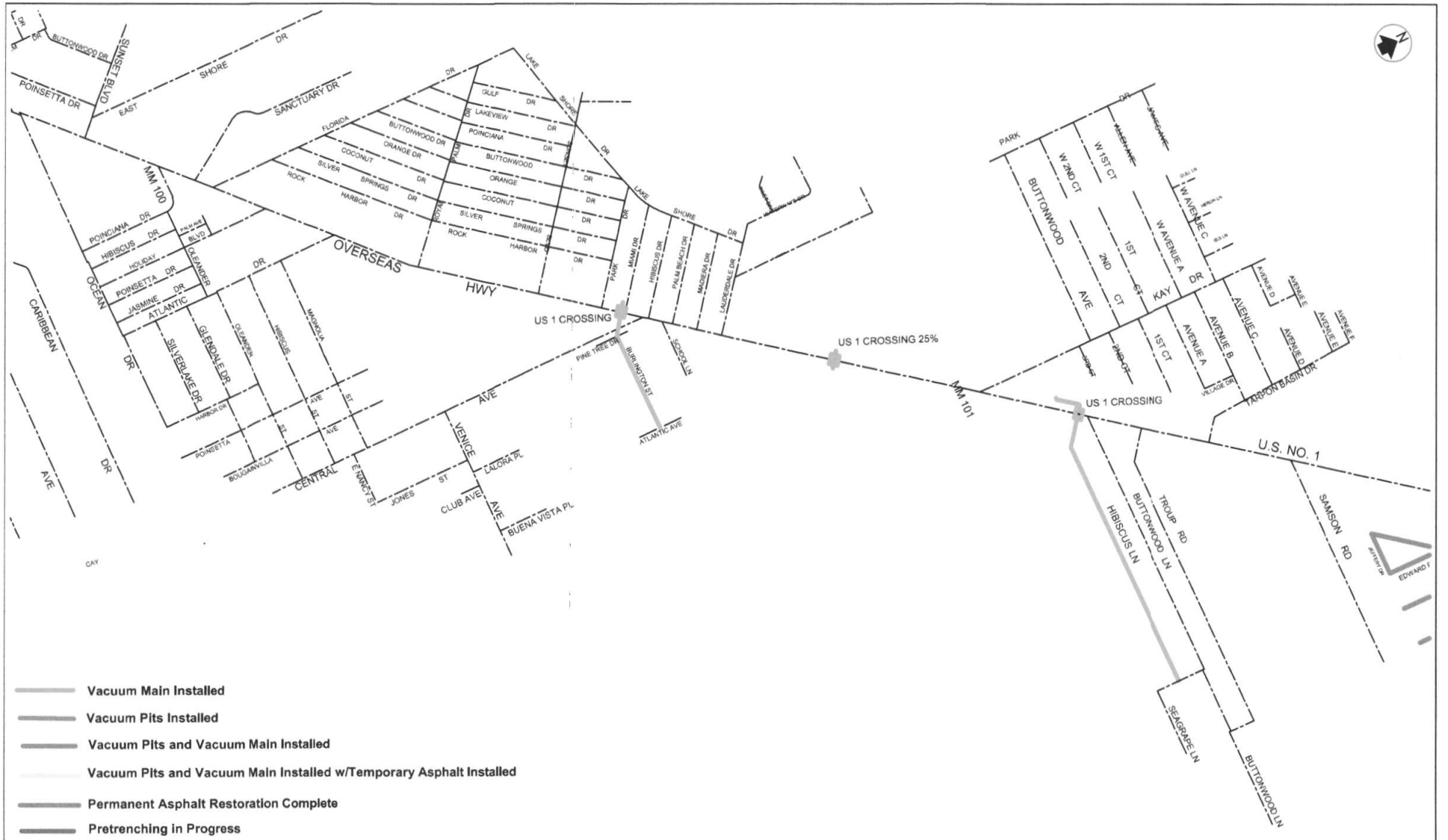
"D"

WEC THE WEILER ENGINEERING CORPORATION

5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	Drawn	Checked
BT	DS	MB

Approved by	EC
Scale:	1" = 40'
Job No.	03105.006
Date Issued	05/09/06
Sheet No.	1 of 1



Description	Revisions

KLWTD

SERVICE AREA

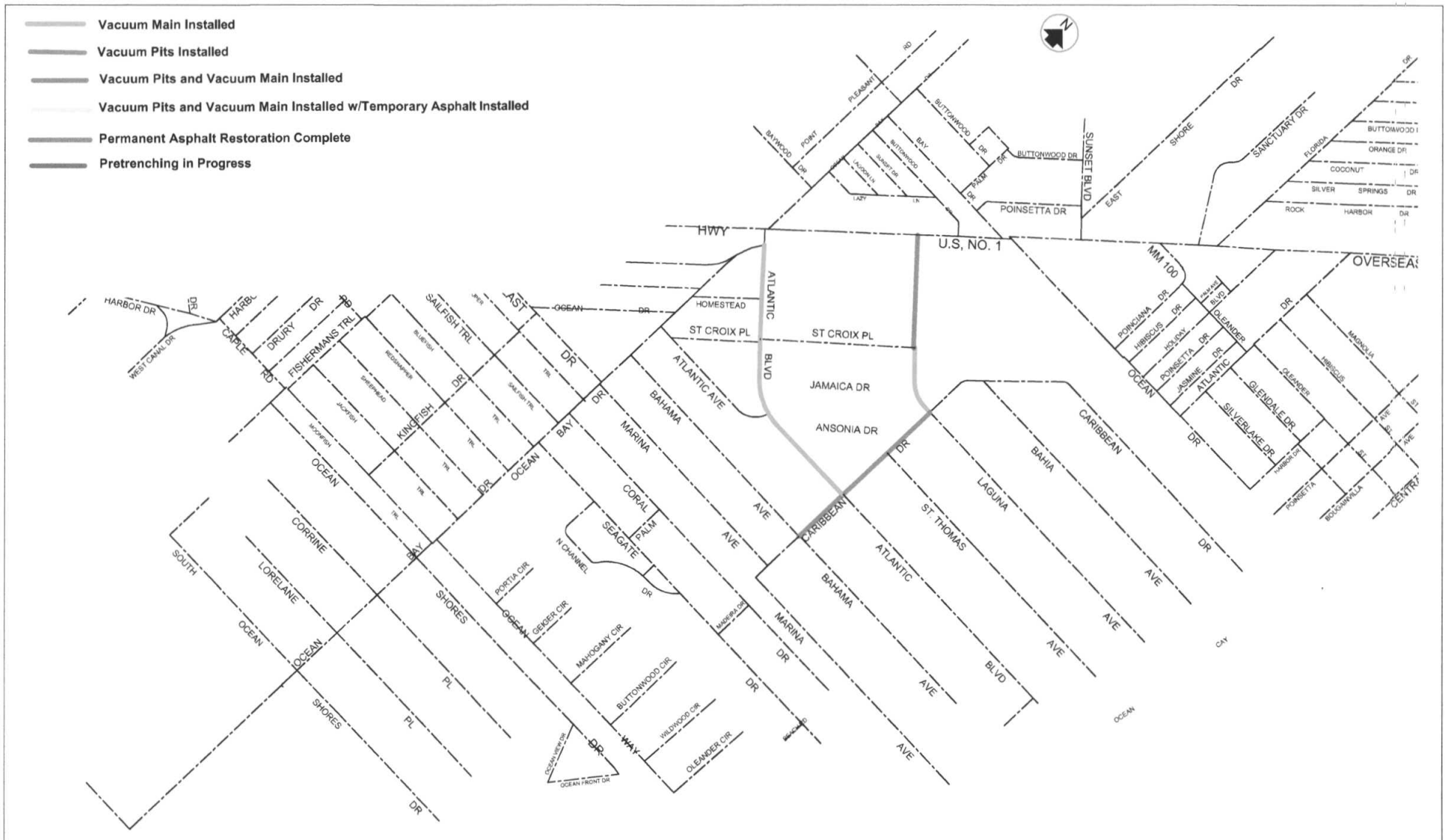
'E'

WEC THE WEILER ENGINEERING CORPORATION
5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Design	Drawn	Checked

Approved by EC
Scale: 1" = 40'
Job No. 03105.006
Date Issued 05/09/09
Sheet No. 1 of 1

LATEST UPDATE: 10-28-09



LATEST UPDATE: 10-28-09

Description	Revisions

KLWTD
SERVICE AREA
"F"

WEC THE WEILER ENGINEERING CORPORATION

5800 OVERSEAS HIGHWAY
SUITE 36
MARATHON, FLORIDA 33050
(305) 289-4161

Approved by	EC
Scale:	1" = 40'
Job No.	03105.006
Date Issued	03/09/06
Sheet No.	1 of 1

TAB 5

KEY LARGO WASTEWATER TREATMENT DISTRICT

Agenda Request Form

Meeting Date: Nov. 3, 2009 Agenda Item No. 16

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	DISCUSSION	[ ]	BID/RFP AWARD
[X]	GENERAL APPROVAL OF ITEM	[ ]	CONSENT AGENDA
[ ]	Action		

SUBJECT: Deep Well Legislation

RECOMMENDED MOTION/ACTION:

Approved by General Manager C.J.2
Date: 10-29-09

Originating Department: Legal	Costs: Funding Source:	**Attachments:**
Department Review: [X] District Counsel TH [X] General Manager C.J.2 [ ] Finance _____	[ ] Engineering_____ [ ] Clerk_____	**Advertised:** Date: _____ Paper: _____ [X] Not Required

Summary Explanation/Background:

Resulting Board Action:

☐ Approved ☐ Tabled ☐ Disapproved ☐ Recommendation Revised

Carol Walker

From:	Thomas M Dillon
Sent:	Thu 10-22-2009 07:55 am
To:	Andrew M. Tobin; Carol Walker; Charlie Brooks; Chuck Fishburn; Norman Higgins; Robby Majeska; Susan Ford Hammaker
CC:	Cynthia Henderson; Holly Merrill
Subject:	deep well legislation
Modified:	Thu 10-22-2009 02:29 pm
Attachments:	Notice of Legislation 091022.docx; schrader mand conn.doc; Resolution deep well legis 091022.docx

Ms. Henderson has advised us that the House Rules staff has determined that the deep well legislation should be a local bill.

I think that there is some risk in proceeding with this legislation as a local bill. The House Rules provide, at Section 5.2:

5.5—Local Bills

> (a) If the substance of a local bill may be enacted into law by ordinance of a local governing body without the legal need for a referendum, no council or committee may report the bill favorably.
>
> (b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.
>
> (c) All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

The deep well legislation amends an uncodified part of 99-395. In the *Schrader* decision, the Florida Supreme Court held that another uncodified part of 99-395 was a general law, not a local law. (copy attached.) The court's analysis for the deep well part 99-395 could be the same as in *Schrader*, i.e., that it is a general law. If that were the case, the legislation expressly provides an exemption from general law. If the legislation were passed as a local bill, it might be challenged as having been improperly enacted. Such a challenge could have serious implications for the District. Therefore, I think that further consideration of this issue is merited before proceeding with it as a local bill.

Assuming that the bill will be pursued as a local bill, please see attached draft notice of legislation required under Rule 5.5.

I'm also attaching a resolution requesting the assistance of Senator Bullard and Representative Saunders in passing the legislation.

Tom

Thomas M Dillon PA
Board Certified in Construction Law
PO Box 370736
Key Largo, Florida 33037-0736
305-240-1767
Fax 305-853-2693

Notice of Legislation

Notice is hereby given that the undersigned intends to apply to the legislature of the State of Florida at its 2010 legislative sessions, for the passage of a general law amending ch. 99-395, Laws of Florida. The legislation will provide new standards for backup injection wells for disposal of treated wastewater from a wastewater treatment facility with a design capacity equal to or greater than 1,000,000 gallons/day. The proposed amendment will provide that the following conditions shall apply to a backup well: 1. The backup well shall be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair; 2. The backup well shall not be used for a total of more than 500 hours during any five-year period, unless specifically authorized in writing by the Department of Environmental Protection; 3. The backup well shall be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by Department of Environmental Protection rule; and 4. Fluid injected into the backup well shall meet the requirements of subsections (5) and (6) of ch. 99-395. The act shall take effect upon becoming a law.

Thomas M. Dillon, District Counsel
Key Largo Wastewater Treatment District

CHRISTOPHER J. SCHRADER, Appellant, vs. FLORIDA KEYS AQUEDUCT AUTHORITY, Appellee.

No. SC02-2166

SUPREME COURT OF FLORIDA

840 So. 2d 1050; 2003 Fla. LEXIS 261; 28 Fla. L. Weekly S 178

February 27, 2003, Decided

SUBSEQUENT HISTORY: [**1] As Corrected March 20, 2003.

PRIOR HISTORY: An Appeal from the Circuit Court in and for Monroe County - Bond Validations. Richard G. Payne - Judge - Case No. CAK-02-826.

DISPOSITION: Affirmed.

LexisNexis(R) Headnotes

COUNSEL: Russell A. Yagel of Hershoff, Lupino & Mulick, LLP, Tavernier, Florida, for Appellant.

Grace E. Dunlap, Kenneth A. Guckenberger, and Mark G. Lawson of Bryant, Miller and Olive, P.A., Tampa, Florida; and Robert Feldman, General Counsel, Florida Keys Aqueduct Authority, Key West, Florida, for Appellee.

Edward G. Guedes and Nina L. Boniske of Weiss, Serota, Helfman, Pastoriza & Guedes, P.A., Miami, Florida, for City of Marathon, Florida, Amicus Curiae.

James T. Hendrick, County Attorney, Key West, Florida, for Monroe County, Florida, Amicus Curiae.

JUDGES: WELLS, J. ANSTEAD, C.J., and PARIENTE, QUINCE, CANTERO, and BELL, JJ., concur. LEWIS, J., concurs in part and dissents in part with an opinion.

OPINIONBY: WELLS

OPINION: [*1051] WELLS, J.

Christopher J. Schrader appeals a circuit court judgment validating a proposed bond issue by the Florida Keys Aqueduct Authority (FKAA). We have jurisdiction. See art. V, § 3(b)(2), Fla. Const. For the reasons discussed below, we affirm the judgment of the circuit court.

A. [**2] FACTS AND PROCEDURAL HISTORY

The FKAA was created by a special act of the Legislature in 1976. See ch. 76-441, Laws of Fla. The FKAA's original purpose was to obtain, supply, and distribute an adequate water supply in the Florida Keys, but a 1998 amendment expanded its powers to develop a sewage system as well. See ch. 98-519, Laws of Fla. (empowering FKAA to provide sewer service, issue bonds to develop a sewage system, and "to prescribe the specific type of wastewater treatment facility or measures required to be used within [its] boundaries"). In 1979, the Florida Keys were designated as an "area of critical state concern" pursuant to the Florida Keys [*1052] Area Protection Act. See *§ 380.0552(3), Fla. Stat.* (2002); ch. 79-73, § 6, Laws of Fla. The Florida Keys area of critical state concern contains all lands in Monroe County, with the exception of the City of Key West, federal properties, areas included within the Everglades National Park, and property owned by local, state, or federal governments. See id.; *Fla. Admin. Code R. 28-29.002*. Likewise, in 1990, the United States Congress designated the nearshore [**3] waters of the Florida Keys as a marine sanctuary. See Fla. Keys National Marine Sanctuary and Protection Act of 1990, Pub. L. No. 101-605, 104 Stat. 3089. Due to the significance of the Florida Keys, in 1998, Governor

Buddy MacKay charged all relevant state and local agencies and governmental entities to coordinate with Monroe County to execute its Year 2010 Comprehensive Plan, which includes the development of a countywide sewage system. See Fla. Exec. Order No. 98-309 (Dec. 30, 1998). To assist in the implementation of that plan, Monroe County entered into a "Memorandum of Understanding" with the FKAA, whereby the FKAA would finance and operate the planned sewage system.

Prior to 1999, general law required any owner of an "onsite sewage treatment and disposal system," such as a septic tank or cesspit, to mandatorily connect to a publicly owned or investor-owned sewage system within 365 days of notice of the availability of such services. See *§ 381.00655(1)(a), Fla. Stat.* (1997). However, "package sewage treatment facilities" (package plants) n1 were not included within the definition of "onsite sewage treatment and disposal systems" and thus [**4] not subject to mandatory connection. See *§ 381.0065(2)(i), Fla. Stat.* (Supp. 1998). In 1999, while the Florida Keys' sewage system was in the planning stages, the Legislature passed chapter 99-395, Laws of Florida, a bill relating to a number of wastewater laws. Section 4 of chapter 99-395 stated:

> n1 Package plants are small, premanufactured sewage treatment facilities typically used to treat wastewater in small communities or on individual properties.

> Section 4. Notwithstanding any provision of chapter 380, part I, to the contrary, a local government within the Florida Keys area of critical state concern may enact an ordinance that:
>
> (1) Requires connection to a central sewerage system within 30 days of notice of availability of services; and
>
> (2) Provides a definition of onsite sewage treatment and disposal systems that does not exclude package sewage treatment facilities if such facilities are in full compliance with all regulatory requirements and treat sewage to advance wastewater treatment standards or utilize effluent reuse as their primary method of effluent disposal.

The effect of section 4, therefore, was to provide local governments within the Florida Keys area of critical state concern with the authority to impose more stringent connection ordinances than elsewhere--ordinances requiring [**5] connections within thirty rather than 365 days and which are applicable to package plants.

On January 19, 2000, relying upon section 4 of chapter 99-395, Monroe County enacted a county ordinance that included package plants within its scope and required mandatory connections within thirty days of receipt of notification that a publicly owned or investor-owned sewage system is available. See Monroe County, Fla., Ordinance No. 04-2000 (Jan. 19, 2000). n2 No negative comments were filed [*1053] during the hearing on that ordinance's enactment.

> n2 This ordinance was later amended, but those sections relevant to the instant discussion remained unchanged. See Monroe County, Fla., Ordinance No. 017-2002 (July 17, 2002).

[**6]

On October 18, 2000, the FKAA passed a "Master Resolution" authorizing the issuance of sewer revenue bonds in various series to finance projects in distinct localities as part of the larger goal of creating a countywide sewage system. See Fla. Keys Aqueduct Authority Resolution No. 00-20 (Oct. 18, 2000). Payment of each series of bonds would be secured by the pledging of the net revenues of the system in the form of fees paid by the users required to connect to the system.

On the same day that the master resolution was passed, the FKAA authorized the first series of bonds (the series 2000 bonds), in the amount of $ 4.5 million, to finance the first sewage system to be constructed in the Little Venice area. See Fla. Keys Aqueduct Authority Resolution No. 00-21 (Oct. 18, 2000). The FKAA filed a complaint in circuit court pursuant to chapter 75, Florida Statutes (2000), requesting validation of the bonds, and notice of the validation hearing was published in The Key West Citizen newspaper. Following the hearing, the court entered final judgment validating the bonds and held that "the authorization and provisions of *Sections 381.0065* and *381.00655, Florida Statutes* [**7] , and Monroe County Ordinance 04-2000, which [require] the owners of onsite treatment and disposal systems to connect to available publically-owned or privately-owned sewage systems, is legal, valid and binding." Fla. Keys Aqueduct Authority v. State, No. CA-K-00-1525, order at 4-5 (Fla. 16th Cir. Ct. order filed Dec. 22, 2000).

Keys Citizens for Responsible Government, Inc. (Citizens), an intervenor in the bond validation proceedings, appealed the circuit court's final judgment to this Court under its mandatory bond validation jurisdiction. Citizens did not contest the circuit court's validation of the bonds but, rather, urged that the circuit court's validation of the mandatory connection requirement went beyond the scope of the bond

validation proceeding. Noting that the FKAA's bond resolution included a provision requiring mandatory connection in order to secure payment on the bonds with the connection fees and service charges, this Court held that the validity of the mandatory connection ordinance was not a collateral issue. *Keys Citizens for Responsible Gov't, Inc. v. Fla. Keys Aqueduct Auth., 795 So. 2d 940, 944-47 (Fla. 2001).*

After the series 2000 bonds [**8] were issued for the Little Venice area, the FKAA began work on its next project. On July 12, 2002, the FKAA authorized the second bond series (the series 2003 bonds), in the amount of $ 83 million, issued for the financing of a sewage system to be constructed in the City of Marathon. See Fla. Keys Aqueduct Authority Resolution No. 02-24 (July 12, 2002). Around the same time, the FKAA and the City of Marathon adopted mandatory connection ordinances (the connection ordinances) substantially similar to those of Monroe County. See Fla. Keys Aqueduct Authority Rules & Regulation 48.301.006 (Mar. 27, 2002); City of Marathon, Fla., Ordinance No. 02- 07-12 (July 17, 2002). No negative comments were filed regarding these requirements at either of the two hearings held regarding the city ordinance or at any of three hearings held regarding the FKAA's rules and regulations.

On July 24, 2002, the FKAA filed a complaint in circuit court pursuant to chapter 75, Florida Statutes (2002), requesting validation of the series 2003 [*1054] bonds. The complaint also requested that the circuit court validate and confirm that the FKAA's service area is wholly encompassed within the Florida Keys area of [**9] critical state concern; chapter 99-395, Laws of Florida, is a general law applicable in that area; and the connection ordinances are legal, valid, and enforceable. Notice of the validation hearing was published in The Key West Citizen newspaper, and appellant Schrader appeared at the hearing held on August 22, 2002. n3 Testimonial evidence was presented regarding the bonds to be validated and the challenged connection ordinances. n4 Schrader did not oppose validation but challenged the relief requested by the FKAA regarding chapter 99-395 and the connection ordinances. He asserted that because section 4 of chapter 99-395 pertains only to local governments within the Florida Keys area of critical state concern, it is a special law unconstitutionally passed as a general law in violation of article III, section 10 of the Florida Constitution. He further argued that the connection ordinances are unenforceable because their provisions regarding package plants are based solely on the authority granted by section 4. In response, the FKAA argued that section 4 of chapter 99-395 is a valid general law because it concerns an area of critical state concern that affects industries of statewide [**10] importance.

n3 The State was represented by the Office of the State Attorney and did not oppose validation. A second citizen also appeared to argue that Key Largo is outside the FKAA's jurisdiction and did not contest the bonds.

n4 Testimonial evidence indicated the following. The purpose of the mandatory connection ordinances is two-fold: (1) to address environmental issues more quickly and better by compelling speedier connections by all to an advanced wastewater treatment facility; and (2) to ensure that there will be sufficient revenue to repay the bonds. Regarding environmental issues, while "advanced wastewater facilities" such as the new facilities to be constructed under the FKAA's master resolution remove ninety percent of the nutrients that degrade water quality, package plants provide only "secondary treatment," removing few nutrients. Thus, the plan envisions the pumping of all wastewater through the new facilities, thereby bypassing treatment in package plants. In Marathon, this would mean that approximately seventy package plants, which currently treat about one- third of the wastewater produced in Marathon, would be required to connect to the new facilities. Regarding issues of funding, the current financing structure of the series 2003 bonds is based in part upon mandatory connections by package plants and, thus, the revenue from user fees associated with those connections. Without package plant connections, user fees would be collected for the treatment of only two-thirds of the wastewater produced in Marathon.

[**11]

The circuit court entered final judgment validating the bonds and specifically held that (1) the FKAA has the power to require all necessary property owners within its geographic jurisdiction to utilize its sewer services pursuant to the FKAA and city ordinances; (2) the FKAA is authorized to covenant with bond holders not to permit the operations of competing sewer service facilities pursuant to *sections 381.0065* and *381.00655, Florida Statutes* (2002), and the FKAA and city ordinances, which are legal, valid, and binding; and (3) the provisions of section 4 of chapter 99-395, Laws of Florida, pertain to matters of statewide concern, are applicable in an area of critical state concern, and were properly enacted as a general law. Fla. Keys Aqueduct

Auth. v. State, No. CA-K-02-826, order at 4, 5, 7 (Fla. 16th Cir. Ct. order filed Aug. 26, 2002).

Schrader has appealed the final judgment to this Court under our mandatory bond validation jurisdiction. See art. V, § 3(b)(2), Fla. Const. Both parties maintain their arguments as presented in the circuit court below. The FKAA filed a [*1055] motion to expedite the appeal and to waive [**12] oral argument, urging that the timing of the project is critical in order to receive certain state funding. This Court granted the FKAA's motion and accepted the case without oral argument.

B. ANALYSIS

The challenge that Schrader maintains before this Court concerns the constitutionality of the statute in respect to it being a special rather than a general law. As we stated in Keys Citizens for Responsible Government, Inc. v. Florida Keys Aqueduct Authority:

> Additionally, at the bond validation hearing in the instant case the trial court heard evidence that mandatory connection is required both by Florida statute and by Monroe County ordinance, and that both the economic feasibility of the central sewer system and the public purpose for this project are predicated on the hook-up of all property in the area of operation. Thus, the mandatory connection was an appropriate issue for this bond validation proceeding.

795 So. 2d at 947. Similarly, in this case the trial court considered an issue concerning the provision of the statute authorizing the mandatory connection, which we likewise consider here.

Schrader states that the issue is whether a state law that [**13] authorizes local governments in Monroe County, and only Monroe County, to pass wastewater laws more restrictive than those provided for under general law is a special law. We have held that whether a law is a special or general law is a pure legal question subject to de novo review. See *City of Miami v. McGrath, 824 So. 2d 143, 146 (Fla. 2002); Dep't of Legal Affairs v. Sanford-Orlando Kennel Club, Inc., 434 So. 2d 879, 881 (Fla. 1983).* The legal analysis of this issue begins with article III, section 10 of the Florida Constitution, which states, "No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law." The Florida Constitution defines special law as "a special or local law." Art. X, § 12(g), Fla. Const. This Court has further defined "special law" and "general law" as follows:

> [A] special law is one relating to, or designed to operate upon, particular persons or things, or one that purports to operate upon classified persons or things when classification is not permissible or the classification adopted is illegal; a local law is one relating to, or designed [**14] to operate only in, a specifically indicated part of the state, or one that purports to operate within classified territory when classification is not permissible or the classification adopted is illegal.
>
> A general law operates universally throughout the state, or uniformly upon subjects as they may exist throughout the state, or uniformly within permissible classifications by population of counties or otherwise, or is a law relating to a state function or instrumentality.

State ex rel. Landis v. Harris, 120 Fla. 555, 163 So. 237, 240 (Fla. 1934) (citations omitted).

A law relating to subdivisions of the state or to subjects, persons, or things as a class is a valid general law if the classification is based upon proper differences which are inherent in or peculiar to the class. *Sanford-Orlando Kennel Club, Inc., 434 So. 2d at 881.* If particular physical conditions exist in only a portion of the state, enactments with reference thereto nonetheless may be general laws. See *State ex rel. Landis, 163 So. at 240.* So long as a law materially affects the people of this state, it need not have universal [*1056] application to be a general [**15] law. See *Cantwell v. St. Petersburg Port Auth., 155 Fla. 651, 21 So. 2d 139, 140 (Fla. 1945)* (law authorizing Railroad Commission to grant franchises to construct means of transportation across waters bordering or connected with Gulf of Mexico is not special law); *St. Johns River Water Mgmt. Dist. v. Deseret Ranches of Fla., Inc., 421 So. 2d 1067, 1069 (Fla. 1982)* (law establishing Greater St. Johns River Basin as part of larger statutory plan to create water management districts statewide is not special law). This Court has upheld as legally valid general laws legislation that facially appeared to affect only a limited geographic area of the state but which had a primary purpose contemplating an important and necessary state function and an actual impact far exceeding the limited geographic area identified by its terms. See *Dep't of Bus. Regulation v. Classic Mile, Inc., 541 So. 2d 1155, 1159 (Fla. 1989)* (citing *Cantwell, St. Johns River Water Mgmt. Dist., and State v. Fla. State Tpk. Auth., 80 So. 2d 337 (Fla. 1955)* (law requiring construction of turnpike through counties between Broward and St. Lucie is [**16] general law given Legislature's intent to eventually construct longer traffic artery affecting travel statewide)).

In sum, if a law utilizes a classification that is geographical in its terms but the purpose of the statute is one of statewide importance and impact, and the classification is reasonably related to the law's purpose, it is a valid general law. See *State v. Leavins, 599 So. 2d*

1326, 1336-37 (Fla. 1992) (law prohibiting use of mechanized dredge or rake for oyster harvesting in Apalachicola Bay is valid general law because shellfishing industry has statewide importance and impact and Apalachicola Bay is area of critical state concern that produces ninety percent of state's commercial oyster harvest). In this instance, the section of the statute being challenged is part of a general statutory scheme to environmentally protect areas which have been legislatively designated as being of "critical state concern."

We distinguish this law from the law which we had before us in Department of Business Regulation v. Classic Mile, Inc.. In that case, we found that the classification was a guise for a law which applied to authorize certain wagering only in [**17] Marion County. We reached a similar conclusion in approving the First District Court of Appeal's decision in *Ocala Breeders' Sales Co., Inc. v. Florida Gaming Centers, Inc., 731 So. 2d 21 (Fla. 1st DCA 1999),* affirmed, *793 So. 2d 899 (Fla. 2001).* More recently, we concluded that a statute which utilized a population classification of those municipalities of more than 300,000 citizens as of April 1, 1999, was an impermissible special law. See *McGrath, 824 So. 2d at 151.* However, we do not conclude that the legislative designation of "critical state concern" in this statute is a "guise" for the purpose of adopting a special law as a general law. Rather, we accept that the primary purpose of this statute is one of statewide importance and impact. It provides to local governments in the area designated as being of "critical state concern" the authority to enact stricter regulations regarding the treatment of wastewater in order to protect a vital natural resource of the state: the nearshore waters of the Florida Keys. This natural resource is one of statewide importance, as evidenced by not only the designation of the area as one of critical [**18] state concern but also by its direct relationship with industries of statewide importance such as tourism and seafood. Its actual impact, therefore, far exceeds the limited geographic area of Monroe County. Section 4 is thus a "law relating to a state function," the protection of an area of critical state concern. As in St. Johns River Water Management District [*1057] , section 4 must be considered in the larger context of a comprehensive state plan.

C. CONCLUSION

Because section 4 of chapter 99-395, Laws of Florida, applies to an area of critical state concern, its purpose is one of statewide importance, and that purpose is rationally related to the designation of the Florida Keys as an area of critical state concern, we reject Schrader's constitutional challenge to that statute.

Accordingly, we affirm the judgment below validating the sewage system revenue bonds to be issued by the FKAA.

It is so ordered.

ANSTEAD, C.J., and PARIENTE, QUINCE, CANTERO, and BELL, JJ., concur.

LEWIS, J., concurs in part and dissents in part with an opinion.

NO MOTION FOR REHEARING WILL BE ALLOWED.

CONCURBY: LEWIS(In Part)

DISSENTBY: LEWIS(In Part)

DISSENT: LEWIS, J., concurring in part and dissenting in part.

I concur to the extent [**19] that the Court affirms the circuit court's order validating the proposed bond issue; however, I must again voice my concern that this Court is continuing to further expand the scope of judicial bond validation review to include ancillary matters not properly resolved in summary proceedings. As I stated in my separate opinion in *Keys Citizens for Responsible Government, Inc. v. Florida Keys Aqueduct Authority, 795 So. 2d 940 (Fla. 2001),* the scope of this Court's review of summary bond validation proceedings has always been properly limited to consideration of (1) whether the public body had authority to issue the bonds, (2) whether the purpose of the obligation is legal, and (3) whether the bond issuance complies with the requirements of the law. See *id. at 950* (Lewis, J., concurring in part and dissenting in part) (citing *DeSha v. City of Waldo, 444 So. 2d 16 (Fla. 1984),* and *McCoy Restaurants, Inc. v. City of Orlando, 392 So. 2d 252 (Fla. 1980)).*

Particularly troubling to me is the majority's willingness to engage in an analysis of the wisdom and "economic feasibility" of the project which is to be funded by the [**20] revenue bonds subject to summary validation proceedings. See majority op. at 10. Clearly, exploration of the relative merits of a particular project falls far outside the parameters of the three-pronged examination which has, until today's decision, limited the scope of the judiciary's review in bond proceedings. When the majority's decision is taken in conjunction with Keys Citizens for Responsible Government, Inc. v. Florida Keys Aqueduct Authority, it is clear that previously established limitations on the scope of summary bond validation proceedings are no longer applicable. Thus, trial courts and Florida citizens

must be aware that the relative merits and wisdom of the projects financed by revenue bonds are now issues which are fully litigable and open to debate in bond validation proceedings.

In my view, matters relating to section 4 of chapter 99-395 and other local ordinances are issues which are and have traditionally been considered to be collateral to the validity of the FKAA bonds, and thus they are not properly before a court in bond validation proceedings. See *State v. City of Miami, 379 So. 2d 651 (Fla. 1980); State v. Sarasota County, 372 So. 2d 1115 (Fla. 1979);* [**21] *State v. City of Miami, 103 So. 2d 185 (Fla. 1958).* Therefore, I do not join in any portion of the majority opinion which expands the scope of summary judicial review in bond validation proceedings.

RESOLUTION 31-11-09

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING THE ASSISTANCE OF REPRESENTATIVE RON SAUNDERS AND SENATOR LARCENIA BULLARD TO AMEND 1999 FLA. LAWS CH. 395 REGARDING WASTEWATER DISPOSAL WELLS

WHEREAS, the Key Largo Wastewater Treatment District ("District") is in the process of completing a wastewater management system consisting of a treatment plant, transmission line, and collection systems serving the properties located on the Island of Key Largo; and

WHEREAS, In 1999, the Florida Legislature enacted 1999 Fla. Laws ch. 395 (hereinafter "99-395"), which requires that the water to be produced from the District's regional treatment plant will meet very high standards of purity, to wit: biochemical oxygen demand (CBOD5) of 5 mg/l; suspended solids of 5 mg/l; total nitrogen, expressed as N, of 3 mg/l; and total phosphorus, expressed as P, of 1 mg/l; and

WHEREAS, 99-395 further requires that the primary disposal well used to dispose of such treated wastewater be cased to a depth of at least 2,000 feet, and the Florida Department of Environmental Protection (hereinafter "FDEP") interprets the 2,000-foot requirement to apply also to temporary disposal wells, for brief periods of maintenance every five years, and service interruptions; and

WHEREAS, if the 2,000-foot requirement is not changed, the District and its residents will be forced to expend millions of dollars to construct a deep well for occasional, temporary use, with little or no environmental benefit; and

WHEREAS, the District desires the assistance of Representative Ron Saunders in amending 99-395 to provide a secondary disposal well from a large wastewater treatment plant need be cased to not less than 90 feet or such greater depth as may be required by FDEP rule;

NOW, THEREFORE, the Key Largo Wastewater Treatment District respectfully requests the assistance of Representative Ron Saunders and Senator Larcenia Bullard in amending the Act, substantially as attached hereto as Exhibit A:

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

The foregoing RESOLUTION NO. 31-11-09 was offered by Commissioner _____, who moved its approval. The motion was seconded by Commissioner _____ and being put to a vote the result was as follows:

	AYE AYE	NAY NAY
Chairman Susan Hammaker	__	____
Commissioner Charles Brooks	__	____
Commissioner Norman Higgins	__	____
Commissioner Robby Majeska	__	____
Commissioner Andrew Tobin	__	____

The Chairman thereupon declared Resolution No. 31-11-09 duly passed and adopted the 3rd day of November, 2009.

KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF COMMISSIONERS

By _____
Chairman, Susan Hammaker

Attest:

By _____
Carol Walker, District Clerk

Approved as to form and content:

By _____
District Counsel

Exhibit A

A bill to be entitled

An act relating to injection wells; amending s. 6, ch.99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) of section 6 of chapter 99-395, Laws of Florida, is amended to read:

(7) Class V injection wells, as defined by Department of Environmental Protection or Department of Health rule, shall meet the following requirements and shall otherwise comply with Department of Environmental Protection or Department of Health rules, as applicable:

(a) If the design capacity of the facility is less than 1,000,000 gallons per day, the injection well shall be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by Department of Environmental Protection rule.

(b) Except as provided in paragraph (c) for backup wells, if the design capacity of the facility is equal to or greater than 1,000,000 gallons per day, the injection well shall be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by Department of Environmental Protection rule.

c) If the injection well is used as a backup to a primary injection well, the following conditions apply:

1. The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;

2. The backup well may not be used for a total of more than 500 hours during any 5-year period, unless specifically authorized in writing by the Department of Environmental Protection;

3. The backup well shall be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by rule of the Department of Environmental Protection; and

4. Fluid injected into the backup well shall meet the requirements of subsections (5) and (6).

Section 2. This act shall take effect July 1, 2010.