Key Largo Wastewater Treatment District
Board of Commissioner's Meeting
Tuesday, December 15, 2015
4:00PM

AGENDA

Board of Commissioners Meeting
98880 Overseas Highway
Key Largo, FL 33037

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

BOARD MEMBERS:

David Asdourian	Chairman
Andrew Tobin	Vice Chairman
Robert Majeska	Commissioner
Norman Higgins	Commissioner
Stephen Gibbs	Commissioner

DISTRICT STAFF:

Paul Christian	General Manager
Ray Giglio	General Counsel
Katherine Jackson	District Clerk

MISSION STATEMENT:
"The Mission of the Key Largo Wastewater Treatment District is to preserve and protect the delicate ecosystem of the Florida Keys while providing exceptional customer service."

Please mute cell phones

After each report, staff will give a verbal update and be available for questions

D. AGENDA ADDITIONS, CORRECTIONS OR DELETIONS

1. Approval of Agenda — *Action*

E. PUBLIC COMMENT

F. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

1. Minutes of December 1, 2015 — *Action*

G. STATE LEGISLATION UPDATES

H. CONSTRUCTION REPORT

1. Chemical System Upgrade Recommendation

I. OPERATIONS REPORT

J. ENGINEER'S REPORT

K. ADMIN / CUSTOMER SERVICE REPORT

1. Contract Review for Headquarters Building Remodel — *Action*
2. Code Compliance

L. COMMISSIONER'S ITEMS

M. GENERAL MANAGER'S REPORT

1. Manatee Bay and Monroe Park Sewer Service Study

N. LEGAL REPORT

1. Resolution to Establish Fees and Charges for Records Requests — *Action*

   RESOLUTION DRAFT NO. 32-12-15

   A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, ESTABLISHING A SCHEDULE OF FEES AND CHARGES FOR COPYING AND PROVIDING PUBLIC RECORDS; AND PROVIDING FOR AN EFFECTIVE DATE.
2. Legal Report on the Waiver of the Fire and EMS Building Assessments
3. Monroe County v. State of Florida
4. General Counsel Employment Contract — *Action*

O. BUDGET AND FINANCE REPORT

1. Monthly Financial Report

P. ROUNDTABLE DISCUSSION

Q. ADJOURNMENT

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 305 451-4019 at least 48 hours in advance to request accommodations.

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: F-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action

Department: District Clerk

Sponsor: Katherine Jackson

Subject:

Minutes of December 8, 2015

Summary of Discussion:

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	Minutes of December 8, 2015
Administration:	_____		
Finance:	_____	Funding Source:	
District Counsel:	_____		
District Clerk:	KMJ	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 12/11/2015

General Manager

MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on December 8, 2015. Present were Chairman David Asdourian, Commissioner Norman Higgins and Commissioner Stephen Gibbs. Commissioner Robert Majeska arrived at 4:02 PM. Commissioner Andrew Tobin was absent. Also present were General Manager Paul Christian, Chief Information Officer Rob Bulkiewicz, General Counsel Ray Giglio, Finance Manager Connie Fazio, Operations Manager Chuck Adams, Ed Castle with Weiler Engineering, Peter Rosasco with Bishop, Rosasco & Co., District Clerk Katherine Jackson, and other appropriate District Staff.

Mr. Bob Thomas led the Pledge of Allegiance.

AGENDA ADDITIONS, CORRECTIONS OR DELETIONS

- Commissioner Gibbs added under Commissioner's Items 1) a discussion regarding the request from the Key Largo Fire Rescue & EMS District and 2) revisions of the District's Charter.
- Mr. Ray Giglio added an update on his contact with Mr. Dale Morgado under Legal Report.
- Mr. Paul Christian requested that items under the Legal Report be moved to after Public Comment, to accommodate the residents who were in attendance and were interested in those items.

APPROVAL OF AGENDA

Motion: **Commissioner Majeska made a motion to approve the agenda as amended and Commissioner Gibbs seconded the motion.**

Vote on Motion:

Commissioner Majeska –	Aye
Commissioner Gibbs –	Aye
Commissioner Higgins –	Aye
Chairman Asdourian –	Aye
Commissioner Tobin –	Absent

Motion Passed: 4 to 0

PUBLIC COMMENT

Name and Address	*Subject*
Sue Heim Key Largo	Resolution to Establish Fees and Charges for Records Requests

Kenneth Larrivee Patriot Property Services 14 Hibiscus Dr	Prospective Waiver of Compliant Parcels
Howard Gelbman Cross Key	Prospective Waiver of Compliant Parcels
Bob Thomas KLFR&EMS 104 Coral Way	Key Largo Fire/EMS District

LEGAL REPORT

Resolution to Establish Fees and Charges for Records Requests

Public Comment: Ms. Sue Heim read a prepared statement to the Board and requested that it be attached to the minutes. Chairman Asdourian granted Ms. Heim's request. The statement is annexed hereto as "Attachment A."

Mr. Ray Giglio presented to the Board a draft resolution establishing a schedule of fees and charges for copying and providing public records.

Commissioner Majeska raised questions about whether a follow-up request would be considered a new public records request and whether a requestor could appeal a cost estimate to the Board. Staff explained that a follow-up request would be considered a new public records request and that it would be cumulative within the 30-day period. In response to Commissioner Majeska's concern about appeals, Mr. Paul Christian indicated that staff could add the Customer Service Appeals process to the resolution. The Board directed staff to do so.

Staff answered questions from the Board.

Waiver of Prospective Compliant Parcels

Public Comment: Mr. Kenneth Larrivee stated his concerns regarding language used in the Resolution Draft No. 33-12-15.

Public Comment: Mr. Howard Gelbman made a suggestion to the Board regarding the purchase of the sewage plant located at Manatee Bay.

Based on the public comments and discussion, the Board directed staff to hold off on the resolution and to prepare a comprehensive report on the costs associated with servicing Monroe Park and Manatee Bay. The Board also directed Mr. Ed Castle to review, estimate, and if appropriate revise the cost of infrastructure repairs and upgrades. Staff answered questions from the Board.

Contact with Mr. Dale Morgado

Mr. Ray Giglio reported that he has not been able to speak with Mr. Dale Morgado on the phone; however, he was in contact with Mr. Morgado via e-mail.

The Board discussed the use of outside counsel in situations that would benefit the rate-payers. The Board directed staff to investigate past invoices paid to Morgado, PA.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of December 1, 2015

Motion: **Commissioner Gibbs made a motion to approve the minutes of December 1, 2015 and Commissioner Higgins seconded the motion.**

Vote on Motion:

Commissioner Gibbs –	Aye
Commissioner Higgins –	Aye
Commissioner Majeska –	Aye
Chairman Asdourian –	Aye
Commissioner Tobin –	Absent

Motion Passed: 4 to 0

OPERATIONS REPORT

Synagro Contract Renewal

Mr. Chuck Adams presented to the Board a renewal amendment to the Synagro contract and answered questions from the Board.

Motion: **Commissioner Majeska made a motion to approve the Synagro contract renewal and Commissioner Higgins seconded the motion.**

Vote on Motion:

Commissioner Majeska –	Aye
Commissioner Higgins –	Aye
Commissioner Gibbs –	Aye
Chairman Asdourian –	Aye
Commissioner Tobin –	Absent

Motion Passed: 4 to 0

COMMISSIONER'S ITEMS

Key Largo Fire Rescue & EMS District (Commissioner Gibbs)

Public Comment: Mr. Bob Thomas, Chairman of the Key Largo Fire Rescue & EMS District (KLFR&EMS) requested that the Board discount or forgive the assessments for the three buildings owned by KLFR&EMS.

The Board Directed Mr. Ray Giglio to look into whether removing or forgiving assessments on properties owned by other governmental entities—such as KLFR&EMS—would be consistent with Florida law and with the District's 2010 Wastewater Revenue Bond Resolution.

Revision of District Charter (Commissioner Gibbs)

Commissioner Gibbs led a discussion regarding the proposed revision of the District's Charter for a change in boundary and change in commissioner's pay.

Motion: **Chairman Asdourian made a motion to table the discussion of changing the District Boundaries until 2016 and Commissioner Gibbs seconded the motion.**

Vote on Motion:

Chairman Asdourian –	Aye
Commissioner Gibbs –	Aye
Commissioner Higgins –	Aye
Commissioner Majeska –	Aye
Commissioner Tobin –	Absent

Motion Passed: 4 to 0

Commissioner Gibbs reminded the Board that a change in the way commissioners are paid was proposed in a previous meeting. Commissioner Majeska stated that duties of Board members involve more than just attending Board meetings, and that changing their pay to a monthly amount would be more appropriate given the work they put in. Commissioner Majeska also stated that this change would allow the Board to reduce the number of meetings per month.

Motion: **Chairman Asdourian made a motion for staff to draft paperwork to amend the District's Charter to change compensation paid the Board of Commissioners from per meeting to a flat rate of $1000 per month and Commissioner Higgins seconded the motion.**

Vote on Motion:

Chairman Asdourian –	Aye
Commissioner Higgins –	Aye
Commissioner Gibbs –	Aye
Commissioner Majeska –	Aye
Commissioner Tobin –	Absent

Motion Passed: 4 to 0

Mr. Rob Bulkiewicz left the meeting.

5 MIN BREAK: 5:30 PM

BUDGET AND FINANCE REPORT

FY 2015 Financial Reports

Mr. Peter Rosasco presented the year-end 2015 financial report and answered questions from the Board. The Board expressed approval of staff's continued stewardship and their desire for staff to continue to find new ways to save on the budget.

Staff answered questions from the Board.

COMMISSIONER'S ROUNDTABLE

Commissioner Higgins reiterated his request for Mr. Ray Giglio to conduct research on the KLFR&EMS District's request for assessment forgiveness. Commissioner Majeska requested that staff look up the KLFR&EMS's water records for the possibility of installing an irrigation meter to lower their EDU assignment.

ADJOURNMENT

The Meeting was adjourned at 6:01 PM.

_____

David Asdourian, Chairman

_____

Katherine Jackson, Clerk

Attachment A

KLWTD 12/8/15 Agenda item M-1 Resolution32-12-15

This Res does not differentiate between public records and public information requests.

When does the money clock start ? When request first received, or first reviewed ?

This Res needs to define ti which documents it does not apply (ie customer bills) because as written it applies to all requests for all documents or information.

This resolution needs a glossary to define terms.

Section 2.A -

"multiple requests" does multiple mean duplicate ? What if the request is not properly, accurately or completely completed the first time?

"same requestor" this is defeated by a requestor having a different person make the request.

"any 30 day period " odes that apply to the same subject, or a different subject/topic? Many times one answer causes additional questions. So does requestor have to wait 30 days to ask a follow-up question?

Copying Charges Chart

"Amount" is confusing. Category is referring to # of pages. Perhaps title Pages.

Certified copies – is $1.00 per page inclusive of copying or in addition to copy charges .15/.20 ?

All Other – actual costs inclusive of copying or in addition to copy charges ?

Special Services Chart –

Middle line – 35 min = $50. Of course staff will decide to estimate over 30 min, due to $50. incentive.

2.C. Cost estimate – When will a service charge not be imposed ?

2.D. & 2.E – Requestor pays a guess amount, but actual is much higher. At what point is requestor notified of the increase and allowed the option to cancel the request and get the money refunded ?

2.F. – This completely defeats the purpose of the Resolution. Why bother toi have rules if GM has option to bypass rules. That's the situation as it is now – that the GM makes the rules.

Sue Heim

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: G

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: General Manager

Sponsor: Paul Christian

Subject:

State Legislation Updates

Summary of Discussion:

Cynthia Henderson will give an oral update on the legislation in Tallahassee.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	
Administration:	_____		
Finance:	_____	Funding Source:	
District Counsel:	_____		
District Clerk:	_____	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 12/11/2015

General Manager

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: H-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Construction

Sponsor: Chuck Adams

Subject:

Chemical System Upgrade Recommendation

Summary of Discussion:

After review of the submitted proposal, staff recommends the rejection of the bid for the Chemical System Upgrade project. Staff will discuss plans to break project into phases and bid separately.

Reviewed / Approved		Financial Impact	Attachments
Operations:	CBL	$ 0.00	1. Memo from Paul Christian
Administration:			2. Memo from Ed Castle
Finance:		Funding Source:	
District Counsel:			
District Clerk:		Budgeted:	
Engineering:		Yes	

Approved By: _____ **Date:** 12/11/2015

General Manager

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Phone (305) 451-4019 • Fax (305) 453-5807 • www.klwtd.com

Memo

To: Key Largo Wastewater Treatment District Board of Commissioners
From: Paul Christian, General Manager
CC: Katherine Jackson, District Clerk
Date: December 11, 2015
Re: Chemical System Upgrades

Commissioners,

After discussions with staff, legal counsel and upon further recommendations of Ed Castle with Weiler Engineering, staff formally recommends that the Board move to reject the bid submitted by Wharton Smith.

We feel that restructuring the project in phases and bidding those phases out in priority of District need will better benefit the District.

Respectfully Submitted,

Paul Christian
General Manager

WEILER ENGINEERING CORPORATION

WEC xcellence in engineering

201 WEST MARION AVENUE - SUITE 1306 | PUNTA GORDA | FL 33950
TEL 941·505·1700 | FAX 941·505·1702 | WWW.WEILERENGINEERING.ORG

6805 OVERSEAS HIGHWAY | MARATHON | FL 33050
TEL (305) 289-4161 | FAX(305) 289-4162

MEMORANDUM

To: Paul Christian, General Manager

From: Ed Castle, PE

Date: December 10, 2015

Re: Chemical System Upgrades

Proposals were received and opened on December 1, 2015 for the Chemical System Upgrade project. Wharton Smith, Inc. was the sole bidder on the project with a total bid price of $726,346.00. That amount is $296,460.00 higher than the Engineer's Estimate for the project.

I have briefly discussed the bid price with Wharton Smith to determine if there were sufficient value engineering opportunities to get the price closer to the estimated cost. Wharton Smith was cooperative and openly discussed their pricing. Through the course of the discussion, it became apparent to me that a different approach to the project may offer greater savings than value engineering the existing scope.

I believe that the District would best be served by proceeding initially with just the construction of the new sodium hydroxide storage and pumping system, with the District engaging contractors working locally to perform the various divisions of the work. The District may elect to perform some of the work, such as anchoring the tank and plumbing in the pump skid, in-house. I believe that this approach will result in a considerably lower cost of installation, with the District contracting directly with contractors

After completion of the sodium hydroxide storage and pumping system, a similar approach can be used to replace the existing storage tanks and pump skids.

I recommend that the District reject the sole bid for the Chemical System Upgrade project. I further recommend that District staff develop a plan for upgrading the chemical storage and pump systems using a phased approach similar to that described above.

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: K-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action

Department: Customer Service

Sponsor: Rob Bulkiewicz

Subject:

Contract Review for Headquarters Building Remodel

Summary of Discussion:

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 283,500.00	1. Agreement Form
Administration:	_____	Expense	
Finance:	_____	Funding Source:	
District Counsel:	_____	Assessment Revenue	
District Clerk:	_____	Budgeted:	
Engineering:	_____	Partially	

Approved By: _____ **Date:** 12/11/2015

General Manager

AGREEMENT FORM

PART 1 GENERAL

1.01 THIS AGREEMENT, made this 15 day of December, 2015, by and between

1) Key Largo Wastewater Treatment District, hereinafter called the Owner, and
2) Vogt-Spear Corp., hereinafter called the Contractor.

1.02 The Owner and Contractor agree as follows:

A. Contract Documents

The Contract Documents include the Agreement, Addenda (which pertain to the Contract Documents), Instructions to Respondents, Contractor's Proposal, Notice to Proceed, the Bonds, the General Conditions, the Supplementary Conditions, the Specifications listed in the Index to the Project Manual, any technical specifications as incorporated by the Project Manual; the Drawings as listed in the Project Manual, all Written Amendments, Change Orders, Work Change Directives, Field Orders, and Engineer's written interpretations and clarifications issued on or after the Effective Date of this Agreement. These form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein.

B. Scope of Work

The Contractor shall perform all work required by the Contract Documents for the construction of the Headquarters Building Remodel.

C. Contract Time

The Contractor shall begin work within **30** days after the issuance of a written Notice to Proceed and shall achieve substantial completion of the work within **105** calendar days from the date of the Notice to Proceed. The work shall be finally complete, ready for Final Payment in accordance with the General Conditions, within **15** calendar days from the actual date of substantial completion. See also Supplementary Condition, Appendix 2 & 3, SC-12.02.C-E.

D. Liquidated Damages

Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not substantially complete within the time specified in Paragraph C above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense and difficulties involved in proving in a legal arbitration proceeding the actual loss suffered by Owner if the Work is not substantially

complete on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER $200 for each calendar day that expires after the time specified in Paragraph C for substantial completion until the work is substantially complete. It is agreed that if this Work is not Finally completed in accordance with the Contract Documents, the CONTRACTOR shall pay the OWNER as liquidated damages for delay, and not as penalty, one-fourth (¼) of the rate set forth above.

E. Contract Price

Lump Sum Price Contract

The Owner will pay the Contractor in current funds for the performance of the work, subject to additions and deductions by Change Order and subject to the Measurement and Payment Provisions, and subject to actual constructed quantities; the Total Contract Price of two hundred eighty three thousand five hundred Dollars ($283,500.00). Payments will be made to the Contractor on the basis of the Schedule of Unit Prices included as a part of his Proposal, which shall be as fully a part of the Contract as if attached or repeated herein.

F. Payments

The Owner will make payments as provided in the General Conditions and Supplementary Conditions (Appendix 1, 2, and 3).

G. Retainage

The value of each application for payment shall be equal to the total value of the Work performed to date, less an amount retained, and less payments previously made and amounts withheld in accordance with the General Conditions and Supplementary Conditions. Retainage for this project is 10%, to be held by Owner as collateral security under Section Fla. Stat. §218.375 (2005) until 50 percent completion of the Work. After 50 percent completion of the Work, as determined by the Engineer, the rate will be reduced to 5 percent withheld from each subsequent progress payment made to the contractor.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CONTRACTOR:

Vogt-Spear Corp.
Name of Firm

By (Signature) (SEAL)

Christopher Vogt, Owner/President
Printed Name and Title

ATTEST:

By (Signature)

Printed Name and Title

OWNER:

Key Largo Wastewater Treatment District
Name of Owner

By (Signature) (SEAL)

Paul Christian, General Manager
Printed Name and Title

ATTEST:

By (Signature)

Katherine Jackson, District Clerk
Printed Name and Title

END OF FORM

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: K-2

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Admin /Customer Service

Sponsor: Rob Bulkiewicz

Subject:

Code Compliance - December 2015

Summary of Discussion:

List of properties to be turned over to Code Compliance in December 2015.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$	Code Compliance List
Administration:	RB		
Finance:	_____	Funding Source:	
District Counsel:	_____		
District Clerk:	_____	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 12/11/2015

General Manager

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Code Compliance List

December 2015

Parcel 1:

AK#: 1663417	Original Notice to Connect	9/15/2010
PONCE ROBERT AND OLGA	Second Notice to Connect	8/20/2015
14 S EXUMA RD	Final Notice to Connect	10/16/2015
Service Area A-1	Door hanger	12/1/2015
Homestead: No		

Parcel 2:

AK#: 1656062	Original Notice to Connect	9/15/2010
HABER ADELINE H ESTATE	Second Notice to Connect	8/20/2015
C/O HORSCHEL MARCUS P/R	Final Notice to Connect	10/16/2015
30 SEXTON COVE DR	Door hanger	12/1/2015
Service Area A-2		
Homestead: No		

Parcel 3:

AK#: 1658316	Original Notice to Connect	9/15/2010
GARRIGA HUMBERTO V AND MARGARITA	Second Notice to Connect	8/20/2015
204 UPPER MATECUMBE RD	Final Notice to Connect	10/16/2015
Service Area A-5	Door hanger	12/1/2015
Homestead: No		

Parcel 4:

AK#: 1581399	Original Notice to Connect	9/15/2010
BENTLEY RENEE MARIE	Second Notice to Connect	8/20/2015
214 SECOND ST	Final Notice to Connect	10/16/2015
Service Area B-4	Door hanger	12/1/2015
Homestead: Yes		

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Parcel 5:

AK#: 1583804	Original Notice to Connect	9/15/2010
ACOSTA EDUARDO AND NANCY	Second Notice to Connect	8/20/2015
632 ISLAND DR	Final Notice to Connect	10/16/2015
Service Area B-4	Door hanger	12/1/2015
Homestead: No		

Parcel 6:

AK#: 1578223	Original Notice to Connect	9/15/2010
GRAVES WILLIAM T III AND MONIKA	Second Notice to Connect	11/16/2012
11 BONEFISH AVE	Third Notice to Connect	6/11/2013
Service Area C-1	Customer Requested Extension	6/19/2013-Granted
Homestead: No	Final Notice to Connect	2/26/2015
	Customer Requested Extension	3/10/2015-Granted
	Door hanger	12/1/2015

Parcel 7:

AK#: 1679101	Original Notice to Connect	9/1/2010
MARTINEZ RAQUEL	Customer Requested Extension	8/16/2013-Granted
8 BASS AVE	Second Notice to Connect	8/31/2015
Service Area C-1	Final Notice to Connect	10/16/2015
Homestead: No	Door hanger	12/1/2015

Parcel 8:

AK#: 1559881	Original Notice to Connect	9/1/2010
PEACOCK JOHN	Second Notice to Connect	5/8/2013
529 TINA PL	Customer Requested Extension	9/17/2013-Granted
Service Area D-1	Third Notice to Connect	2/26/2015
Homestead: Yes	Final Notice to Connect	7/10/2015
	Door hanger	12/1/2015

Parcel 9:

AK#: 1551287	Original Notice to Connect	9/15/2010
CROUCH HOWARD THOMAS	Second Notice to Connect	11/25/2013
34 BAHAMA AVE	Final Notice to Connect	3/24/2015
Service Area F-3	Customer Requested Extension	4/3/2015-Granted
Homestead: No	Final Notice to Connect	7/10/2015
	Door hanger	12/1/2015

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Parcel 10:

AK#: 1618357
LATOUR LUIS R
C/O COSSIO ALEJANDRA
208 S OCEAN SHORES DR
Service Area F-5
Homestead: No

Original Notice to Connect	4/15/2011
Second Notice to Connect	1/6/2014
Final Notice to Connect	3/24/2015
Customer Requested Extension	3/27/2015-Granted
Door hanger	12/1/2015

Parcel 11:

AK#: 1618829
NAVAS ARTURO
173 LORELANE PL
Service Area F-5
Homestead: No

Original Notice to Connect	4/15/2011
Second Notice to Connect	1/6/2014
Third Notice to Connect	3/20/2014
New Owner Letter	2/26/2015
Final Notice to Connect	6/23/2015
Customer Requested Extension	7/21/2015-Granted
Door hanger	12/1/2015

Parcel 12:

AK#: 1609994
SIMONS NICOLE RENEE
78 LE GRAND DR
Service Area G-3
Homestead: Yes

Original Notice to Connect	7/15/2011
Second Notice to Connect	1/24/2014
New Owner Letter	2/26/2015
Customer Requested Extension	3/3/2015
Final Notice to Connect	6/24/2015
Customer Requested Extension	7/8/2015
Customer Requested Extension-Ineligible for Grant	9/16/2015
Door hanger	12/1/2015

Parcel 13:

AK#: 1613835
NORTH BOUNTY LLC
C/O AKON KERRY
47 N BOUNTY LN
Service Area G-4
Homestead: No

Original Notice to Connect	4/15/2011
Second Notice to Connect	2/10/2014
Final Notice to Connect	3/24/2015
Customer Requested Extension	5/1/2015
Door hanger	12/1/2015

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: M-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: General Manager

Sponsor: Paul Christian

Subject:

Manatee Bay and Monroe Park Sewer Service Study

Summary of Discussion:

Reviewed / Approved

Operations: _____

Administration: _____

Finance: _____

District Counsel: _____

District Clerk: _____

Engineering: _____

Financial Impact

$ 1,999,193.00

Expense

Funding Source:

Assessment Revenue

Budgeted:

No

Attachments

1. Memo
2. Assessment / Cons. Cost
3. Billing / Ops. Cost
4. Cost Breakdown Total
5. Cost Breakdown R-WWTP
6. Map

Approved By: _____ **Date:** 12/11/2015

General Manager

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Memo

To: Key Largo Wastewater Treatment District Board of Commissioners
From: Paul Christian, General Manager
CC: Katherine Jackson, District Clerk
Date: December 11, 2015
Re: Manatee Bay and Monroe Park Sewer Service Study

Commissioners,

Per direction at the December 8th, 2015 Board of Commissioners meeting, Staff has reviewed the previously submitted construction and revenue information for providing service to the owners and businesses of Monroe Park and Manatee Bay.

The expected cost to provide a gravity collections system and upgraded regional wastewater treatment facility is approximately $2M including acquisition of land.

Should the District impose the residence of Monroe Park the same assessment and rates for monthly billing as the rest of our service area, the *estimated* funding summary would be:

Design and Construction	
Cost	$ 1,999,193
Assessment Revenue	$ 711,355
Total (Net Other Sources)	($ 1,287,838)

Annual Operation	
Cost	$ 160,312.65
Service Revenue	$ 87,984.84
Total (Net Operating Cost)	($ 72,327.81)

The assessment revenue is calculated by using a capacity cost of $3,270 per EDU and a connection cost of $2,500 per connection plus a $1,465.20 per EDU charge for land acquisition. Monthly billing rates are calculated by multiplying $33.60 per EDU as a base charge plus $5.27 per 1,000 gallons of usage.

Respectfully Submitted,

Paul Christian
General Manager

Key Largo Wastewater Treatment District

Estimate of Costs and Revenues
Manatee Bay / Monroe Park

Estimate of Assessment Revenue

Development Name	Service Address	AK	RE	Connections to Gravity System	EDUs based on 2013-2015 Water Usage	Total per Parcel Without Location Add-on	Total per Parcel With Location Add-on**
Manatee Bay Marine	99 Morris Ave	1709905	00573090-000000	1	4.3	$16,561.00	$22,861.37
Pirate Hat Marina	199 Morris Ave	1709654	00572820-000000	1	2.4	$10,348.00	$13,864.48
Pelican Cay Harbor Marina	299 Morris Ave	1709662	00572830-000000	1	6.3	$23,101.00	$32,331.77
MM 112 Marina/ Cross Key Marina	599 Morris Ave	1709671	00572840-000000	1	13.1	$45,337.00	$64,531.14
Manatee Cove	999 Morris Ave	Multiple (41)		1	41	$3,330.98	$4,796.18
Possible Non-Res - 900 Morris	900 Morris Ave	1709697	00572850-000100	1	3.1	$12,637.00	$17,179.12
SFR	Morris / Hazel	Multiple (18)		18	18	$5,770.00	$7,235.20
Non-Res Marina - 300 Morris	300 Morris Ave	1709891	00573080-000000	1	2.6	$11,002.00	$14,811.52
Manatee Bay Condo Club	100 Morris Lane	9035038	00573100-000100	1	45.7	$151,939.00	$218,898.71
			Totals	26	136.5		
			Assessed	$2,500.00	$3,270.00	$5,770.00	$7,235.20
			Anticipated Assmt Revenue	$65,000.00	$446,355.00	**$511,355.00**	$711,355.00

Total Project Costs and Funding Sources

Total Project Funding Sources		
Base Assessments	$511,355.00	
Location Assessment Add-On	200,000.00	
		$711,355.00
Total Project Costs		
Total Construction Cost	$1,635,630.00	
Design and Permitting	73,603.35	
Construction Phase Engineering Services	89,959.65	
Property Acquisition**	200,000.00	
		$1,999,193.00
Outstanding Project Costs (Cash On-Hand, Grants, Other)		-$1,287,838.00

** Assumes property cost of $200,000

Attachement 2

Key Largo Wastewater Treatment District

Estimate of Costs and Revenues
Manatee Bay / Monroe Park

Estimate of Annual Billing Revenues

Development Name	Service Address	AK	RE	Estimated Monthly Flow	EDUs based on 2013-2015 Water Usage	Estimated Monthly Bill
Manatee Bay Marine	99 Morris Ave	1709905	00573090-000000	22	4.3	$260.42
Pirate Hat Marina	199 Morris Ave	1709654	00572820-000000	13	2.4	149.15
Pelican Cay Harbor Marina	299 Morris Ave	1709662	00572830-000000	32	6.3	$380.32
MM 112 Marina/ Cross Key Marina	599 Morris Ave	1709671	00572840-000000	66	13.1	787.98
Manatee Cove	999 Morris Ave	Multiple (41)		103	41	$46.84
Possible Non-Res - 900 Morris	900 Morris Ave	1709697	00572850-000100	16	3.1	188.48
SFR	Morris / Hazel	Multiple (18)		26	10	$47.30
Non-Res Marina - 300 Morris	300 Morris Ave	1709891	00573080-000000	14	2.6	161.14
Manatee Bay Condo Club	100 Morris Lane	9035038	00573100-000100	229	45.7	$2,742.35
			Totals	521	136.5	
			Billed Monthly	$5.27	$33.60	
			Anticipated Billing Revenue (Monthly)	$2,745.67	$4,586.40	$7,332.07
			Anticipated Billing Revenue (Annually)	$32,948.04	$55,036.80	**$87,984.84**

Total Anticipated Annual Revenues and Operating Costs

Anticipated Annual Revenues			
Base Units (@ 33.60)	136.5 EDUs Billed	$55,036.80	
Flow Charges (@ 5.27)	521k Gallons / Month	32,948.04	
			$87,984.84
Anticipated Annual Operational Costs			
Total Plant Operations		$92,141.12	
Solids Operations		41,144.38	
Collection System Operations		27,027.15	
			$160,312.65
Total Anticipated Annual Net Gain / Loss			-$72,327.81

Attachement 3

Attachment 4
Cost Breakdown - Total
Per Weiler's report dated 12/11/15

Monroe Park Gravity System and BAT WWTP vs Pump to KLWTD Cost

#	Description	QTY	Unit	Unit Cost	Total W/O Going into Condos	Pump to KLWTD
1a	8" Gravity Main in Public R/W	2,220	LF	$85.00	$188,700.00	$188,700.00
1b	8" Gravity Main in Manatee Bay Club Condo	2,152	LF	$85.00		
1c	8" Gravity Main in Manatee Cove Condo	846	LF	$85.00		
1d	8" Gravity Main in Pirate Hat Marina Condo	318	LF	$85.00		
2a	Standard Manholes in Public R/W	11	EA	$6,500.00	$71,500.00	$71,500.00
2b	Standard Manholes in Manatee Bay Club Condo	14	EA	$6,500.00		
2c	Standard Manholes in Manatee Cove Condo	5	EA	$6,500.00		
2d	Standard Manholes in Pirate Hat Marina Condo	1	EA	$6,500.00		
3a	6' Laterals in Public R/W	725	LF	$60.00	$43,500.00	$43,500.00
3b	6" Laterals in Manatee Bay Club Condo	1,000	LF	$60.00		
3c	6" Laterals in Manatee Cove Condo	345	LF	$60.00		
3d	6" Laterals in Pirate Hat Condo	400	LF	$60.00		
4a	Cleanout Assemblies in Public R/W	27	EA	$500.00	$13,500.00	$13,500.00
4b	Cleanout Assemblies in Manatee Club Condo	95	EA	$500.00		
4c	Cleanout Assemblies in Manatee Cove Condo	39	EA	$500.00		
4d	Cleanout Assemblies in Pirate Hat Marina Condo	8	EA	$500.00		
5a	6' Diameter Duplex Lift Station, Low Pressure	1	EA	$250,000.00	$250,000.00	
5b	6' Diameter Duplex Lift Station, High Pressure	1	EA	$300,000.00		$300,000.00
6a	4" Force Main in Park	50	LF	$65.00	$3,250.00	$3,250.00
6b	6" Force Main, US 1	32,660	LF	$100.00		$3,266,000.00
6c	6" HDD Channel Crossings	965	LF	$150.00		$144,750.00
7	30,000 GPD BAT WWTP	1	LS	$852,025.00	$852,025.00	
8a	Asphalt Patching in Public R/W	1,233	SY	$35.00	$43,155.00	$43,155.00
8b	Asphalt Patching in Manatee Bay Club Condo	85	SY	$35.00		
8c	Asphalt Patching in Manatee Cove Condo	470	SY	$35.00		
8d	Asphalt Patching in Pirate Hat Marina Condo	0	SY	$35.00		
8e	US 1 Asphalt Patch	2,041	SY	$65.00		$132,681.25
9	Startup, spares & tools	1	LOT	$20,000.00	$20,000.00	$10,000.00
10	Liftstation and WWTP Land Acquisition	1	EA	$150,000.00	$150,000.00	
				Total Construction Cost	**$1,635,630.00**	**$4,217,036.25**
				Design and Permitting	**$73,603.35**	**$189,766.63**
				Construction Phase Engineering Services	**$89,959.65**	**$231,936.99**
				Project Total	**$1,799,193.00**	**$4,638,739.88**

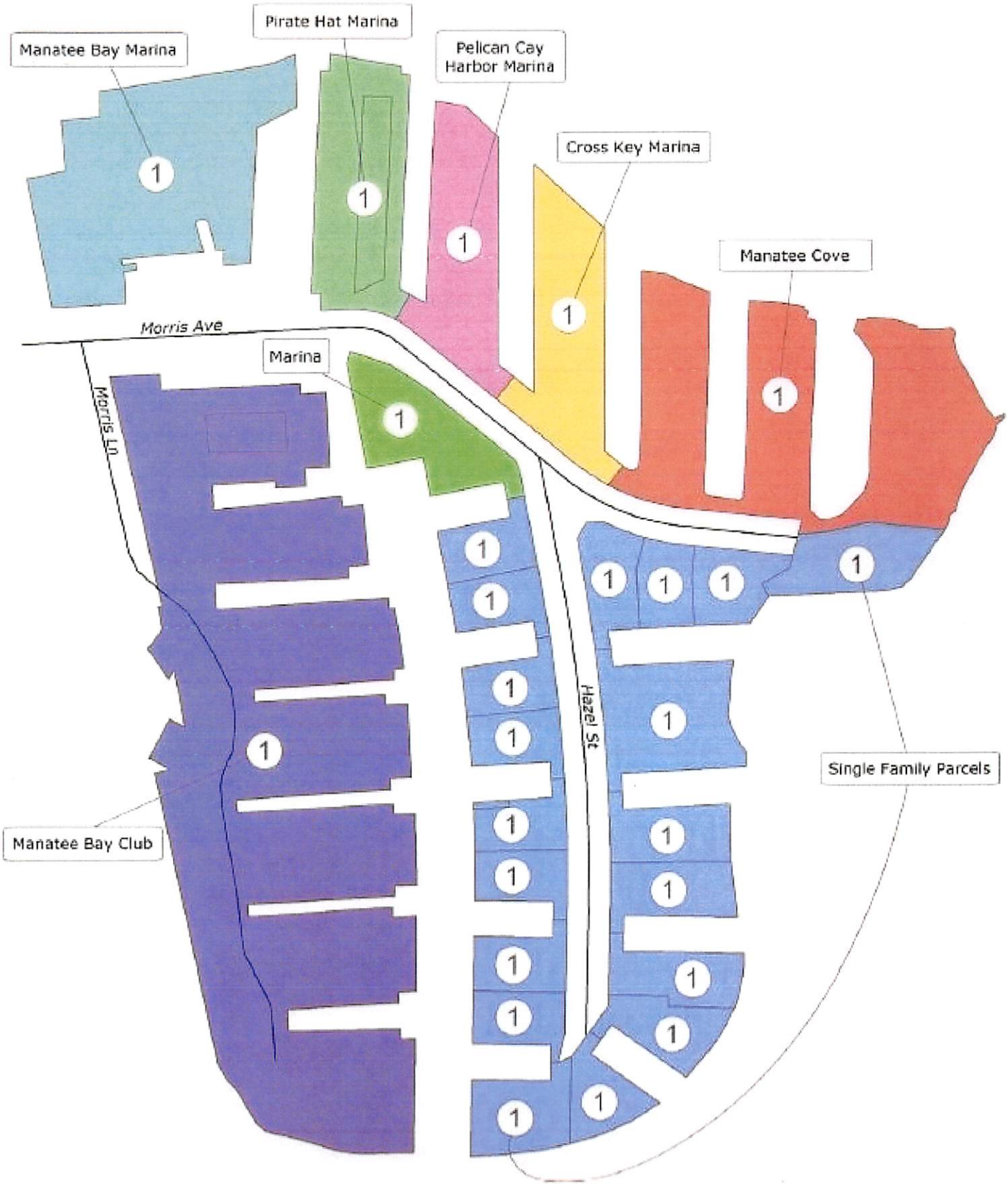
Attachment 5
Cost Breakdown Regional Wastewater Treatment Plant
Per Weiler's report dated 12/11/15

30,000 GPD WWTP Estimate

Item No.	Description	Units	Qty	Unit Cost	Total Cost
1	**WWTP**				
1a	Foundation piles, 50'	EA	27	$2,500.00	$67,500.00
1b	Foundation Slab, 80' X 20'	SY	178	$450.00	$80,100.00
1c	Purchase and Field Erection of .03 MGD WWTP (estimate for RWL Water)	LS	1	$400,000.00	$400,000.00
1d	Field coating of RWL WWTP	LS	1	$65,000.00	$65,000.00
				Subtotal WWTP	**$612,600.00**
2	**Elevated Equipment Pad**				
2a	Foundation Piles, 25'	EA	6	$1,500.00	$9,000.00
2b	Sub-grade concrete load-spread pad, 12' X 8'	SY	11	$350.00	$3,850.00
2c	Elevated concrete platform, 12' X 8'	SY	11	$450.00	$4,950.00
2d	Equipment pads	SY	6	$150.00	$900.00
2e	Concrete landing for stairs	SY	2	$350.00	$700.00
2f	Handrails	LF	55	$25.00	$1,375.00
2g	Stairs	LS	1	$2,500.00	$2,500.00
2h	Mount Blowers	LS	1	$4,500.00	$4,500.00
2l	Mount Control Panels, Disconnects	LS	1	$4,500.00	$4,500.00
				Subtotal Equipment Pad	**$32,275.00**
3	**Electrical**				
3a	Power pole and pole-mount transformer	LS	1	$7,500.00	$7,500.00
3b	New 208V 3Φ electrid meter box and disconnect	LS	1	$5,000.00	$5,000.00
3c	Conduit and wiring to elevated equipment pad	LS	1	$12,500.00	$12,500.00
3d	Conduit and wiring to WWTP	LS	1	$12,500.00	$12,500.00
				Subtotal Electrical	**$37,500.00**
4	**Chemical Feed System**				
4a	Foundation Piles, 25'	EA	6	$1,500.00	$9,000.00
4b	Foundation slab, 15' X 15'	SY	25	$450.00	$11,250.00
4c	Chemical storage tanks with containment (Dumont provides free tanks)	EA	4	$0.00	$0.00
4d	Peristaltic chemical feed dual pump skids	EA	2	$5,200.00	$10,400.00
4e	Plumbing of chem tanks to skid	EA	4	$1,500.00	$6,000.00
4f	Pluming from chem skids to tanks	LS	1	$5,000.00	$5,000.00
				Subtotal Chemical Feed System	**$41,650.00**
5	**General**				
5a	Demolition and removal of existing WWTP and equipmenet	LS	1	$50,000.00	$50,000.00
5b	Clearing, grubbing and soils prep	LS	1	$5,000.00	$5,000.00
5c	Grading for drainage and retention area	LS	1	$15,000.00	$15,000.00
5d	Restoration	LS	1	$5,000.00	$5,000.00
5e	Bonds & Insurance	LS	1	$18,000.00	$18,000.00
5f	Mobilization	LS	1	$35,000.00	$35,000.00
				Subtotal General	**$128,000.00**
				Project Total	**$852,025.00**

Monroe Park / Manatee Bay

N Number of Proposed Connections Per Property



Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: N-1

Agenda Item Type: Resolution

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Legal

Sponsor: Ray Giglio

Subject:

Resolution to Establish Fees and Charges for Records Requests

Summary of Discussion:

A resolution of the Board of Commissioners of the Key Largo Wastewater Treatment District, establishing a schedule of fees and charges for copying and providing public records; and providing for an effective date.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	1. Resolution Draft No. 32-12-15
Administration:	_____		
Finance:	_____	Funding Source:	
District Counsel:	RJR		
District Clerk:	_____	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 12/11/2015

General Manager

RESOLUTION DRAFT NO. 32-12-15

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, ESTABLISHING A SCHEDULE OF FEES AND CHARGES FOR COPYING AND PROVIDING PUBLIC RECORDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key Largo Wastewater Treatment District ("District") is subject to Chapter 119 of the Florida Statutes; and

WHEREAS, s. 119.07(1)(a), F.S., provides that public records of the District are open for inspection and copying by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records; and

WHEREAS, s. 119.07(4) F.S., provides that the District may charge certain fees for copying requested public records; and

WHEREAS, s. 119.07(4)(d) F.S., provides that when the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by District personnel, or both, the District may charge, in addition to the actual cost of duplication, a special service charge, which must be reasonable and must be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the District or is attributable to the District for the clerical and supervisory assistance required, or both; and

WHEREAS, the District has determined that it would be in the best interest of the District and its ratepayers and residents to establish a schedule of fees and charges for copying and providing public records.

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

Section 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by reference.

Section 2. Fees and Charges

A) Unless specifically stated otherwise in the laws, rules, or regulations of the State of Florida, the following charges shall apply to public records requests (whether a single request or multiple requests) from the same requestor during any 30-day period.

COPYING CHARGES

MATERIAL REQUESTED	AMOUNT	CHARGES
Single sided page of not more than 14 inches by 8.5 inches	1 - 25 pages	No Charge
	After 25 pages	$0.15 per page
Double sided page of not more than 14 inches by 8.5 inches	1 - 25 pages	No Charge
	After 25 pages	$0.20 per page
Certified copies of public records	Any amount	$1.00 per page
All other materials, including but not limited to: Maps, Aerial Photographs, Large Format Photos and Documents	Any amount	Actual cost of materials and supplies used.

SPECIAL SERVICE CHARGES

TIME SPENT (DURING ANY 30-DAY PERIOD)		SPECIAL SERVICE CHARGE (APPLIED IN ADDITION TO COPYING CHARGES)
From:	To and Including:	
0 minutes	.5 hour	No Charge
.5 hour	2.5 hours	Lesser of: (1) actual cost incurred as per s. 119.07(4)(d) F.S., or (2) $50.00 per hour
2.5 hours	unlimited	Actual cost incurred as per s. 119.07(4)(d) F.S

B) Special service charges based upon actual costs incurred for extensive use of information technology resources and/or extensive clerical or supervisory assistance shall be calculated in accordance with s. 119.07(4)(d) Florida Statutes.

C) Where there will be a charge for responding to a records request, and especially where there will be a special service charge imposed, the District shall prepare a cost estimate for the requestor.
   i. This cost estimate shall represent the District's best estimate of the work and materials required and the cost for that work and materials.
   ii. The cost estimate shall not be, and shall not be construed as, a guarantee or an unconditional commitment of the cost to provide the requested materials.

D) A requestor who is not satisfied with the cost estimate can ask that it be reviewed by the General Manager, who shall make a decision and findings in writing. If the requestor is not satisfied with the decision of the General Manager, he or she can ask for a formal hearing and review by the District's Board of Commissioners. The requestor may appear before the Board, but is not required to do so.

E) The District shall require prepayment of the cost estimate amount before the requested materials shall be copied.

F) The District shall require payment in full of all required fees, costs, and charges (including the special service charge, if any) before the requested materials shall be provided to the requestor.

G) The District shall have the option to waive any or all of the above costs, fees, and charges where, in the sole judgment of the General Manager and/or the Board of Commissioners, it would be fair, equitable, and appropriate to do so.

H) Requests for documents, records, or information specifically related to the requestor's personal account with the District are exempt from this policy.

Section 3. Authorization. The General Manager and/or District Clerk be and are authorized to collect the fees and charges in accordance with Section 2, above.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption by the Board of Commissioners and shall govern any pending public records requests.

RESOLVED AND ADOPTED THIS 15th DAY OF DECEMBER, 2015

The foregoing RESOLUTION 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	NAY
Chairman Asdourian	____	____
Commissioner Gibbs	____	____
Commissioner Higgins	____	____
Commissioner Majeska	____	____
Commissioner Tobin	____	____

The Chairman thereupon declared Resolution No. 32-12-15 duly passed and adopted the 15th day of December, 2015.

KEY LARGO WASTEWATER TREATMENT DISTRICT

_____

David Asdourian, Chairman

ATTEST:

_____

Katherine Jackson, District Clerk

Approved to as to form and legal sufficiency

_____

Ray Giglio, General Counsel

SEAL

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: N-2

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Legal

Sponsor: Ray Giglio

Subject:

Legal Report on the Waiver of the Fire/EMS Assessments

Summary of Discussion:

At last week's transition meeting, the Board received a request from the Key Largo Fire & EMS District for a discount and/or waiver of their outstanding assessment charges of $37,810.28. It is with regret, and for the reasons detailed in the attached memo, that I must advise the Board that, in my opinion, the District does not have the authority to grant such a request.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	1. Memo form Ray Giglio
Administration:	_____		
Finance:	_____	Funding Source:	
District Counsel:	_____		
District Clerk:	_____	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 12/11/2015

General Manager

Key Largo Wastewater Treatment District
98880 Overseas Highway, Key Largo, FL 33037
Post Office Box 491, Key Largo, FL 33037
Phone (305) 451-4019 • Fax (305) 453-5807 • www.klwtd.com

December 10, 2015

From: Ray Giglio, General Counsel

To: Paul Christian, General Manager
Commissioners

QUESTION PRESENTED:

Can the Key Largo Wastewater Treatment District ("KLWTD") legally discount and/or waive the outstanding assessment charges of the Key Largo Fire & EMS District ("KL Fire-EMS")?

SHORT ANSWER:

No. It does not appear that such a waiver would be consistent with applicable Florida statutory or case law; nor does it appear that it would it be consistent with KLWTD's January 29, 2010 *Wastewater Revenue Bond Resolution.*

BACKGROUND:

At KLWTD's regular 12-08-2015 meeting, KL Fire-EMS requested that KLWTD grant it a discount on, or waiver of, KL Fire-EMS's outstanding assessment balance. Key Largo Fire & EMS District's current total outstanding KLWTD assessment balance is $37,810.28.[1]

[1]Key Largo Fire & EMS District current outstanding assessment balances:
Station 22 – Paid In Full – AK#1585653 / RE#00479100-000000 – 151 Marine Ave
Station 23 – $12,324.00 - AK#1097012 / RE#00088100-000100 – 98600 Overseas
Station 24 – $11,433.50 - AK#1623601 / RE#00505750-000000 - 1 East Dr
Station 25 – $14,052.78 – AK#1685739 / RE#00560090-000000 – 220 Reef Dr

DISCUSSION:

Authority to impose taxes:

KLWTD receives money from a variety of sources, including: non-ad valorem taxes, fees, loans and grants. As a special district, KLWTD's authority to impose non-ad valorem taxes on the residents of the District is derived from Article VII, section 9, of the Florida Constitution.[2] That section makes it clear that special districts possess no inherent powers to levy ad valorem or non-ad valorem taxes and that for a special district to have such taxing power, it must be authorized by general law.[3]

Because special districts (like KLWTD) possess no inherent powers to tax, they must be able to point to specific statutory authority to exercise taxing power. Put another way, special districts must be granted the power to tax by the state legislature—and they only have the taxing authority that is granted to them by the legislature. This authority is strictly and narrowly construed by the courts.

The Key Largo Wastewater Treatment District was authorized and created by Chapter 2002-337 of the Laws of Florida, which enabling legislation, as amended, became the KLWTD Charter. Subsection "(2)" of "Section 4" of the Charter lays out the Powers, Functions, and Duties that the KLWTD is "authorized and empowered" to exercise. Those powers include the power to assess and impose non-ad valorem assessments[4] and the power to impose fees and charges.[5]

Florida law allows special districts that are authorized to impose non-ad valorem assessments[6] to use the uniform method of collecting such assessments.[7] The special assessment imposed by KLWTD is based upon the benefit to the assessed property. Therefore, the assessment imposed by KLWTD is a "non-ad valorem assessment" which may be collected pursuant to the uniform method of collecting such assessments[8] and which becomes a lien

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[2] Article VII, s. 9(a), Fla. Const., provides:
Counties, school districts, and municipalities shall, and ***special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes,*** *except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.* [emphasis added]

[3] Id.

[4] Section 4. "(f) To assess and impose ad valorem taxes, and non-ad valorem assessments, upon the lands in the District, as provided by this act and chapter 197, Florida Statutes."

[5] Section 4. "(j) To fix and collect rates, rentals, fees, and charges for the use of any wastewater management system facilities."

[6] Section 197.3632 (d), F.S. "Non-ad valorem assessment" means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.

[7] Section 197.3632, F.S. Uniform method for the levy, collection, and enforcement of non-ad valorem assessments

[8] Id.

against such property. That means that a failure to pay the District's assessment will cause a tax certificate to be issued against the property, which could result in the property owner losing title.[9]

No Inherent Authority to Exempt from Taxation:

However, where the legislature has directed how a thing shall be done, that direction effectively operates as a prohibition against such thing being done in any other manner.[10] Thus, as a general rule, like municipalities, a special district ". . . has **no inherent power to exempt from taxation** property which it is authorized by statute or charter to tax, since, with some exceptions, **delegation of power to tax does not include power to exempt from taxation** or power to remit or compromise taxes. . . ."[11] [emphasis added] Moreover, it appears that the same rule and the same rationale applies to fees and charges imposed by the District.[12] Those fees and charges must be equitably applied to all of the ratepayers of the KLWTD. To treat one entity or group of people differently could constitute a denial of equal protection of the law in violation of both the Florida and United States Constitutions.

Charter Restrictions:

It should also be noted that, as per the KLWTD Charter, the " purpose of the District shall be to perform such acts as shall be necessary for the sound planning, acquisition, development, operation, and maintenance of a wastewater management system within the District, including all business facilities necessary and incidental thereto."[13]

Therefore, for the District to legally discount or waive the assessment of KL Fire-EMS, it would have to be shown that such a discount or waiver is necessary in order for the District to carry out the purposes for which it was created. However, it does not appear that such a waiver or discount is necessary to carry out the purposes of the District.

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[9] Section 197.3632 (4) (b), F.S.

[10] Advisory Legal Opinion - AGO 2000-01; See, e.g., Alsop v. Pierce, 19 So. 2d 799, 805-806 (Fla. 1944); Dobbs v. Sea Isle Hotel, 56 So. 2d 341, 342 (Fla. 1952); Thayer v. State, 335 So. 2d 815, 817 (Fla. 1976).

[11] 16 McQuillin Municipal Corporations (3rd Ed. Rev. 1994) s. 44.65 p. 243. See also Ops. Att'y Gen. Fla. 00-01 (2000) (municipality has no authority to exempt business from occupational license tax when business not exempted by Ch. 205, Fla. Stat.); 99-72 (1999) (city or county has no home rule power to levy taxes or provide exemptions therefrom).

[12] See, e.g., Ops. Att'y Gen. Fla. 90-23 (1990) (city may not provide for the rebate of ad valorem taxes collected on newly annexed property, in the absence of constitutional or statutory authority allowing such action); 80-87 (1980) and 79-26 (1979) (municipality has no home rule powers with respect to the levy of excise or non-ad valorem taxes and exemptions therefrom, as all such taxing power must be authorized by general law).

[13] KLWTD Charter, Section 3. (5)

In fact, the opposite appears to be the case. That is because, granting a discount or waiver to KL Fire-EMS would not only not generate additional revenue for KLWTD, it would patently reduce the revenue to KLWTD. That lost revenue would have to be made up by other KLWTD ratepayers. Thus, while such a discount or waiver might benefit KL Fire-EMS, there would be no special benefit to KLWTD.

General Requirements of Law:

If KLWTD were to grant the requested discount or waiver to KL Fire-EMS, it would be opening the door to similar requests by other public service entities within the KLWTD. Such other entities might include (but would not necessarily be limited to) schools, medical facilities, governmental facilities, and public service clubs and organizations.

KLWTD would then be faced with the question of which, if any, of these other entities would also be entitled to mitigation of their assessment charges. Moreover, unless KLWTD had a rational basis for granting such a discount to KL Fire-EMS but not those other entities, its decision could be challenged as *Arbitrary and Capricious.*

In Florida,[14] the courts use the *Arbitrary and Capricious* standard when reviewing the rule-making authority of an administrative agency.[15] That means that when an agency like the KLWTD makes a decision, rule, or ruling without reasonable grounds or adequate consideration of the circumstances, that decision, rule, or ruling is said to be *Arbitrary and Capricious* and it can be invalidated by the courts on that ground.

There is no set standard for what constitutes an *Arbitrary and Capricious* decision, rule, or act. Nonetheless, generally speaking, an act or ruling is considered to be *Arbitrary and Capricious* if there is an absence of a rational connection between the facts found and the choice made.[16]

One section of Florida's ADMINISTRATIVE PROCEDURE ACT[17] addresses the issue of when a rule is arbitrary or capricious. That section states that, "*A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational*; ...."[18]

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14 As well as in every other state and in the Federal system

15 Gen. Tele. Co. of Florida v. Florida Pub. Serv. Comm., 446 So. 2d 1063 (Fla. 1984); see generally Florida Appellate Practice §9.6 at 156.

16 *Natural Resources. v. U.S.*, 966 F.2d 1292, 97, (9th Cir.'92). See *Dravo Basic Materials Co., Inc. v. State, Dep't of Transp.*, 602 So. 2d 632, 634 (Fla. 1st DCA 1992).

17 Chapter 120, F.S. Note: the District is not subject to the Administrative Procedure Act.

18 Section 120.57 (1) (e) 2. d. F.S. [which discusses when an agency's action may be based upon unadopted rules]

Stated another way, a rule is *Arbitrary and Capricious* if there is no rational connection between the facts found and the choice made.[19] The U.S. Supreme Court has explained that the *Arbitrary and Capricious* standard "require[s] the reviewing court to determine whether the agency has examine[d] the relevant data and articulate[d] a satisfactory explanation for its action including a rational connection between the facts found and the choice made. [The reviewing court] must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment."[20]

Therefore, the touchstone inquiries for determining whether a decision by KLWTD granting a discount or waiver to KL Fire-EMS but not to other entities is *Arbitrary and Capricious* would be: whether that decision is supported by logic or the necessary facts; whether it is reasonable and rational; and whether the rule or ruling is fair and uniformly applied.

Unfortunately, as KL Fire-EMS has not supplied any basis for KLWTD to grant it a discount or waiver of its assessment, it appears that if KLWTD were to do so, it would be acting in an *Arbitrary and Capricious* manner.

KL Fire-EMS has not shown—or even alleged—that the strict application of KLWTD's uniformly applicable assessment policy would lead to unreasonable, unfair, and unintended results in its particular instance. It has not shown—or even alleged—that, as applied to it, KLWTD's assessment policy would create a substantial hardship or would affect it in a manner significantly different from the way it affects other similarly situated entities who are subject to the rule.

That failure on the part of KL Fire-EMS suggests that if KLWTD were to grant its request, KLWTD would not only be acting arbitrarily and capriciously, it would also be reneging on its responsibility to soundly plan for the operation and maintenance of a wastewater management system for the residents of the District. That is because sound planning implicitly includes a responsibility to treat all customers fairly and to keep costs as low as possible for all customers.

Bond Restrictions:

In addition, there are constraints imposed upon KLWTD by the *Wastewater Revenue Bond Resolution* ("Master Resolution") adopted by KLWTD on January 29, 2010, in connection with the financing of KLWTD debt. Pursuant to that Master Resolution, the KLWTD's sources of money are pledged to the repayment of debt. This is a binding obligation that KLWTD has made to its bondholders.

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[19] *Natural Resources. v. U.S.*, 966 F.2d 1292, 97, (9th Cir.'92)

[20] *MotorVehicle Mfr. Ass 'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (internal quotation marks and citations omitted)

Moreover, section 5.09[21] of that Master Resolution states that the KLWTD will not provide "*any free services of any nature ..., nor will any preferential rates be established for users of the same class.*"

It would therefore appear that if KLWTD were to grant KL Fire-EMS a discount on, or waiver of, their outstanding assessment balance, then KLWTD would be granting KL Fire-EMS free service and/or a preferential rate, in violation of the Master Resolution.[22]

CONCLUSION:

It is with regret that I must advise the Board that, in my opinion and for all of the reasons listed above, KLWTD does not have the legal authority to discount and/or waive the outstanding assessment charges of the Key Largo Fire & EMS District.

Ray Giglio
General Counsel

(305) 340-9198
ray.giglio@klwtd.com

P.S. I am copying each KLWTD Commissioner by "Bcc" so that if one Commissioner replies directly from my email, he does not inadvertently copy his fellow commissioners.

[21] SECTION 5.09. NO FREE SERVICE. "The Issuer will not render or cause to be rendered any free services of any nature by its System, nor will any preferential rates be established for users of the same class. ..."

[22] However, it should be noted that Section 4.05(B)(8) of the District's 1/29/10 Master Resolution creates a "Utility Reserve Fund" that permits the District to expend amounts for any lawful purpose related to the System, as long as all other deficient amounts are cured. Therefore, if the KLWTD were to create a program that established a different rate for other taxing districts or other users that were found to be in the "same class" as KL Fire-EMS, and if KLWTD were also to determine that enough monies are available to meet all of the obligations listed in the Master Resolution, such a discount and/or waiver—if uniformly and fairly applied—would appear to be permitted by the Master Resolution.

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: N-3

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Legal

Sponsor: Ray Giglio

Subject:

Monroe County v. State of Florida

Summary of Discussion:

Final judgment from Monroe County v. State of Florida Bond Validation hearing.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 0.00	1. Monroe County v. State of Florida Case No. 15-CA-000590-P Final Judgment
Administration:	_____		
Finance:	_____	Funding Source:	
District Counsel:	_____		
District Clerk:	_____	Budgeted:	
Engineering:	_____	N/A	

Approved By: _____ **Date:** 12/11/2015

General Manager

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,
IN AND FOR MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA, a political subdivision of the State of Florida,

and

KEY LARGO WASTEWATER TREATMENT DISTRICT, an independent special district established under the Laws of Florida,

Plaintiffs,

vs.

THE STATE OF FLORIDA, and the Taxpayers, Property Owners and Citizens of Monroe County, Florida, and within the Key Largo Wastewater Treatment District, including non-residents owning property or subject to taxation therein, and all others having or claiming any right, title or interest in property to be affected by the loan herein described, or to be affected thereby,

Defendants.
_____/

CASE NO. 15-CA-000590-P

VALIDATION OF NOT EXCEEDING $43,000,000 LOAN IN AGGREGATE PRINCIPAL AMOUNT

2015 DEC 10 AM 10:37
MONROE COUNTY, FLA

FINAL JUDGMENT

The above cause originally came for final hearing on the date and at the time and place set forth in the Order to Show Cause heretofore issued by this Court on September 21, 2015 and in the notice addressed to the State of Florida and the several property owners, taxpayers and citizens of Monroe County, Florida, and within Key Largo Wastewater Treatment District, including non-residents owning property or subject to taxation therein and all others having or claiming any right, title or interest in property to be affected by the debt obligations to be incurred by Monroe County, Florida (hereinafter called the "County") through a Not Exceeding

$43,000,000 Loan in Aggregate Principal from the Key Largo Wastewater Treatment District (hereinafter called the "District"), or to be affected in any way thereby, as heretofore issued against the State of Florida on Complaint of the Plaintiffs. The State Attorney was duly served with the Complaint and Order to Show Cause as required by section 75.05, Florida Statutes. A hearing was held pursuant to the Order to Show Cause and the Court, having heard the testimony and considered the evidence submitted, along with the argument of counsel makes the following determinations:

Background

This is an action seeking the validation of certain indebtedness pursuant to Chapter 75, Florida Statutes. The Plaintiffs seek the validation of the County's Not Exceeding $43,000,000 Loan in Aggregate Principal Amount from the District (the "Loan"), the proceeds of which will be derived from the Everglades Restoration Bonds (hereinafter described as the "Mayfield Grant Funds"). The Loan was authorized pursuant to the State Wastewater Funding Distribution Agreement for "Year Two of Four", as amended (the "Amended Agreement"). The County proposes to utilize the proceeds of the Loan to construct the wastewater collection, transmission, treatment, reuse and disposal facilities, including facilities that will serve the Cudjoe Regional Centralized Wastewater Service Area (the "Project").

Scope of Validation Proceedings

The scope of judicial inquiry in bond validation proceedings is limited to three issues: "(1) whether the public body has the authority to issue bonds; (2) whether the purpose of the obligation is legal; and (3) whether the bond issuance complies with the requirements of the law." City of Winter Springs v. State, 776 So. 2d 255, 257 (Fla. 2001).

Findings and Conclusions of Law

FIRST: The County is a political subdivision of the State of Florida, organized and existing under the laws of the State of Florida.

SECOND: The District is an independent special district organized and created by Chapter 2002-337, Laws of Florida, as subsequently amended, and operating under its District Charter.

THIRD: The County is authorized by the Constitution of the State of Florida and the laws of the State of Florida, including, but not limited to Chapters 75 and 125, Florida Statutes, to, among other things, borrow money pursuant to a loan for the purpose of (a) paying all or part of the costs of acquisition, construction, and equipping of a wastewater collection, transmission, treatment, and disposal facilities, (b) establishing a debt service reserve account, if necessary, and (c) paying costs associated with the Loan. Further, the District is authorized by Chapter 2002-337, Laws of Florida, as amended, Chapters 75 and 189, Florida Statutes, and its District Charter to (a) perform such acts as shall be necessary for the sound planning, acquisition, development, operation, and maintenance of a wastewater management system within the District, (b) make and enter into contracts and agreements necessary and incidental to the performance of the duties imposed, and (c) enter into contracts with governments of the United States or State of Florida, or any agency or instrumentality of either thereof, or with any county, municipality, district, corporation, public or private or individual providing for or relating to wastewater management system facilities. (Collectively the authority of the County and the District cited herein shall be referred to as the "Act".)

FOURTH: Pursuant to the laws of the State of Florida, both the County and the District, have the authority to incur indebtedness, issue bonds and other obligations of indebtedness, provide wastewater services, and enter into agreements with other governmental entities for the performance of their functions (see sections 125.01(1)(k)1., (p) and (r), Fla. Stat., and Chapter 2002-337, Laws of Florida, as amended).

FIFTH: The County proposes to utilize the proceeds of the Loan to construct the Project. The Project will serve the citizens of the Plaintiffs and provide centralized wastewater collection transmission and treatment services to those areas and will help protect the environment. The Project will improve water quality as required under Florida Statutes. The Project will allow the elimination of existing on-site wastewater disposal systems which have been determined by the Florida Department of Environmental Protection to be a threat to the Florida Keys' ecosystem. Further, the Project will also allow the County to comply with the legislative mandate to provide advanced waste water treatment for the properties located in the areas to be serviced by the wastewater system. The Project was previously the subject of a prior validation in the case of Monroe County v. State of Florida, Case Number 2013-CA-000521 (Circuit Court of the Sixteenth Judicial Circuit) which found that it served a public purpose. This Court also determines that the Project will serve a public purpose.

SIXTH: In 2008, the Legislature amended section 215.619, Fla. Stat., which authorized the issuance of up to $200 million of the Mayfield Grant Funds to help defray the cost of mandated, but unfunded, sewer projects in the Florida Keys. The concept was that the Mayfield Grant Funds would be provided to the participating entities over a four-year period with a projected annual amount of approximately $50 million.

SEVENTH: In 2012, the Legislature appropriated and the Governor approved the "Year One of Four" $50 million allocation of the $200 million of the anticipated Mayfield Grant Funds. Those funds were distributed to the participating entities for their use in accordance with the requirements of the grant. Under the Mayfield Grant Funds, the Legislature shall appropriate three additional allocations of $50 million which shall be termed the "Year Two of Four", "Year Three of Four" and "Year Four of Four" distributions.

EIGHTH: The County proposes to fund the construction and equipping of the Project in Year Two of Four by a combination of cash on hand, grants, other loans from the State Revolving Fund, and approximately $17,000,000 of the Loan from the District's Year Two of Four allocation of the Mayfield Grant Funds. The Loan would be for a term not to exceed ten (10) years and would not bear any interest. The Loan is not a general obligation bond or indebtedness and no referendum approval is required by the Constitution and laws of the State of Florida.

NINTH: Allowing the District to re-sequence the use of its share of the Mayfield Grant Funds allows it to extend the period for the required use of the funds and this extension permits the District to provide for the orderly construction of needed projects. Further, the assignment and loan of the Year Two of Four Distribution Proceeds to the County will allow it to generate a savings on debt service for the County anticipated to be in excess of $5.5 million, all of which serves a public purpose.

TENTH: In addition to the Year Two of Four Distribution Proceeds, the Parties contemplate that the District's grant distributions from the Year Three and Year Four of the Mayfield Grant Funds ("Year Three of Four Distribution Proceeds" and "Year Four of Four

Distribution Proceeds") will be assigned to and accepted by the County, provided there are County projects still needing to be constructed. Each assignment and loan will have a ten (10) year term from the date of receipt of the Mayfield Grant Funds, will be assigned without interest, and may be prepaid in whole or in part at any time without penalty or premium. The maximum amount available for assignment to the County cumulatively, from the District's Year Two of Four Distribution Proceeds, Year Three of Four Distribution Proceeds, and Year Four of Four Distribution Proceeds, is $43 million.

ELEVENTH: To facilitate the construction and equipping of the Project, on May 20, 2015, the County and the District entered into an Interlocal Agreement ("Interlocal Agreement") to re-sequence the distribution of Mayfield Grant Funding, which authorized the District to assign and loan its $17 million distribution proceeds from the Year Two of Four Distribution Proceeds to the County in exchange for the County repaying those funds over ten (10) years using Infrastructure Sales Surtax Revenues. Similar Interlocal Agreements will be entered into to re-sequence the distribution of the Mayfield Grant Funding for the Year Three and Year Four distribution.

TWELFTH: The County is duly authorized by the Act, the Amended Agreement and the Interlocal Agreement to (a) obtain the Loan for the purposes described herein; (b) apply a portion of the proceeds of the Loan to construct, acquire and equip the Project; (c) secure and repay the Loan from the hereinafter defined Pledged Funds; and (d) pay costs associated with obtaining the Loan.

THIRTEENTH: Pursuant to the terms of the Interlocal Agreement, the Loan shall be a limited obligation of the County, the payment of which shall be from a portion of the

County's Infrastructure Sales Surtax Revenues (the "Pledged Funds"). Additionally, the County will agree to covenant and budget from lawfully available non-ad valorem revenues in the event the Pledged Funds are insufficient.

FOURTEENTH: The Loan and all other payments provided for in the Interlocal Agreement will be paid solely from the Pledged Funds, and the Loan shall constitute neither a general indebtedness of the County nor a pledge of its full faith and credit and taxing power within the meaning of any constitutional or statutory provision or limitation. No holder of the Loan shall have the right or power to require or compel the exercise of the ad valorem taxing power of the County to repay such Loan or to make any other payment provided in the Interlocal Agreement; and the Loan shall not constitute a lien upon the Project or on any other property of the County.

FIFTEENTH: The Mayfield Grant Funds are lawfully used in the construction and equipping of the Project and the District and the County are authorized to enter into an Interlocal Agreement providing for their use and distribution.

SIXTEENTH: The Plaintiffs are authorized under Chapter 75, Florida Statutes, to file this Complaint in this Court in order that the power of the County to receive the Loan from the District for the purposes stated herein may be determined and in order that said Loan may be validated and confirmed.

SEVENTEENTH: All the requirements of law incident to the authorization of the acquisition, construction and equipping of the Project, the use of the Pledged Funds to secure and repay the Loan and the incurrence of the Loan have been duly and legally met and complied with.

EIGHTEENTH: Due and proper notice addressed to the State of Florida, and the several property owners, taxpayers and citizens of Monroe County, Florida, and within the Key Largo Wastewater Treatment District, including nonresidents owning property or subject to taxation therein, and all others having or claiming any right, title or interest in the property to be affected by the debt obligations to be incurred by the County through the Loan hereinbefore described, was duly published in newspapers of general circulation in Monroe County, Florida, once each week for at least two consecutive weeks, with the first publication being at least twenty days prior to the date of said hearing, as required by law.

NINETEENTH: The State Attorney, for and on behalf of the State of Florida, has not shown cause as to why the prayer of the Plaintiffs should not be granted and have disclosed no irregularity or illegality in the proceedings set forth in said Complaint.

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED that the County's not exceeding $43,000,000 Loan in Aggregate Principal Amount from the District, including such additional loan proceeds which are made available, is for proper, legal and valid purposes and is fully authorized by law, and that such Loan, as well as the use of Pledged Funds to secure and repay the Loan, and all proceedings incident thereto are hereby validated and confirmed. The provisions made in the proceedings authorizing the Project and the financing thereof by the Loan and the payment of such Loan from the Pledged Funds and the pledge of and lien on the Pledged Funds are hereby validated and confirmed. All parties shall each bear their own attorney's fees and costs incurred in connection with this proceeding.

ORDERED, ADJUDGED and DECREED at the Plantation Key Courthouse in Tavernier, Florida, this 10th day of Dec., 2015.

Luis M. Garcia
Circuit Judge

cc: Counsel of Record

STATE OF FLORIDA
COUNTY OF MONROE
This Copy is a True Copy of the Original on File in this Office. Witness my hand and Official Seal.
This 10th day of December
A.D., 20 15
AMY HEAVILIN
Clerk Circuit Court
By D.C.

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: N-4

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Action: Approval

Department: Legal

Sponsor: Ray Giglio

Subject:

General Counsel Employment Contract

Summary of Discussion:

The District's General Counsel's contract expires on December 31, 2015 The attached contract extends the existing agreement between the District and the General Counsel until December 31,2016 and revises the salary to $9,000 per month ($108,000 per year). The contract includes no benefits except for the District's 457(b) match.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$ 6,000.00	Employment contract
Administration:	_____	Expense	
Finance:	_____	Funding Source:	
District Counsel:	RE	Assessment Revenue	
District Clerk:	_____	Budgeted:	
Engineering:	_____	No	

Approved By: _____ **Date:** 12/11/15

General Manager

Employment Contract and Agreement for Legal Services By and Between Ray Giglio and Key Largo Wastewater Treatment District 01/01/2016 to 12/31/2016

This agreement is entered into, by, and between **Ray Giglio** ("the Attorney") and the **Key Largo Wastewater Treatment District** ("the District"). This agreement is effective as of January 1, 2016, and runs for a period of 12 months, until December 31, 2016.

The District agrees to pay the Attorney, and the Attorney agrees to accept, a monthly salary of NINE THOUSAND ($9,000.00) DOLLARS.

In consideration for the monthly salary shown above, the Attorney agrees to personally provide the following professional services:

The Attorney agrees promptly and diligently to provide legal services in connection with the District's business, as requested by the District's Board of Commissioners, by individual Commissioners, and/or by other representatives of District, who have been duly authorized by the Board of Commissioners to request legal services on behalf of District.

The Attorney further agrees to attend all District Board meetings, currently scheduled for the first three Tuesday evenings of each month, for the purpose of providing legal services, which shall include reviewing the meeting notice and agenda and reviewing the meeting minutes. The Attorney also agrees to attend client conferences as needed.

In addition to the monthly salary shown above, the District agrees to reimburse the Attorney for travel costs, including mileage, meals, and lodging, at rates approved by the District and consistent with the policies of the District and the rates allowed for travel by District employees, as set out in the District Travel Expense Policy. Quarterly, the Attorney shall deliver to the District a detailed statement showing reimbursable charges or expenses incurred during the preceding 3 months. Payment of such charges or expenses shall be due within 60 days after receipt of an invoice. If any part of the charges or expenses is disputed, the District shall promptly pay the Attorney the undisputed amounts and advise the Attorney of any amounts in dispute.

After the close of each calendar month, the Attorney shall deliver to the District a time sheet detailing the number of hours worked, the services provided, and the matters on which the work was performed. Such time sheets will be delivered by email to the

District Senior Finance Analyst Connie Fazio (connief@klwtd.com), with copies to the Commissioners and the General Manager.

Payments to the Attorney will be subject to payroll deductions for federal, state, and local taxes, FICA, and Medicare, where applicable. In accordance with federal and state requirements, the District will report payments made as a result of this agreement on the appropriate form(s) for income tax purposes.

With the exception of the District's 457(b) match, this agreement shall not act to confer any benefits of any type or nature upon the Attorney, including but not limited to any collective bargaining agreement now or hereafter in effect between the District and its employees. The Attorney acknowledges that this is a salaried position that is exempt from overtime compensation requirements, including those contained in the Fair Labor Standards Act. The Attorney further acknowledges that this agreement creates no entitlement to benefits, vacation or sick time, seniority, probationary or provisional employment status, or retention as an employee under any law or regulation.

The Attorney shall not accept any other employment for compensation without the prior written consent of the District's Board of Commissioners.

The Attorney is a public officer and a local government attorney as those terms are used in section 112.313 of the Florida Statutes, and is subject to all ethical and other legal constraints applicable to public officers and government attorneys.

This is an "at-will" agreement. Either party may terminate this agreement upon thirty (30) days' written notice to the other party. In case of termination, the Attorney shall cooperate with District in transferring responsibility for legal issues to a successor attorney selected by the District. The Attorney will return all District documents, records and equipment in the Attorney's possession to the District, and the District will compensate the Attorney at the rates shown above for all services rendered prior to the effective date of termination.

The District's contact for invoicing and general communications is:

Paul Christian
KLWTD General Manager
98880 Overseas Hwy
PO Box 491
Key Largo, FL
Phone: 305-451-4019
Fax: 305-453-5804
Email: paul.christian@klwtd.com

The Attorney's contact information is:

Ray Giglio, Attorney at Law

PO Box 373072
Key Largo, FL 33037-8072
Phone: 305-735-1174
E-mail: raymondgiglio@gmail.com

IN WITNESS WHEREOF, the parties have signed this agreement on the dates below their names.

KEY LARGO WASTEWATER TREATMENT DISTRICT	RAY GIGLIO
By _____	_____
David Asdourian Chairman	Ray Giglio, Attorney FL Bar Number 0157340
Date _____	_____

Key Largo Wastewater Treatment District
Board of Commissioners Meeting
Agenda Item Summary

Meeting Date: December 15, 2015

Agenda Item Number: O-1

Agenda Item Type: Information / Presentation

Agenda Item Scope: Review / Discussion

Recommended Action: Discussion

Department: Finance

Sponsor: Finance Dept.

Subject:

Monthly Finance Report - November 2015

Summary of Discussion:

Monthly Finance Reports for review:

2nd month of Fiscal Year 2016: November 2015

At the Board's request, two versions of the Revenue and Expenditure report are presented: November 2015, and November with October prior month column.

Reviewed / Approved		Financial Impact	Attachments
Operations:	_____	$	Statement of Net Position
Administration:	_____		Revenue & Expenditure Reports
Finance:	CF	Funding Source:	
District Counsel:	_____		
District Clerk:	_____	Budgeted:	
Engineering:	_____	Yes	

Approved By: _____ **Date:** 12/11/2015

General Manager

STATEMENT OF NET POSITION/BALANCE SHEET FOR KEY LARGO WASTEWATER TREATMENT DISTRICT
Period Ending 11/30/2015

GL Number	Description	Balance
*** Assets ***		
Cash		
401-0000-101.000.01	BB&T R&R Fund 9681	2,706,836.33
401-0000-101.000.02	BB&T Debt Service Acct 9673	1,716,951.93
401-0000-101.000.03	BB&T Payroll Acct 9665	262,767.05
401-0000-101.000.04	BB&T Assessment Acct 9657	1,307,691.11
401-0000-101.000.06	BB&T General Operating 9549	2,518,965.29
401-0000-101.000.10	Community Assessment Acct- 3609	1,376,489.61
401-0000-101.000.11	First State Assessment Act-3292	2,377,705.99
401-0000-101.000.13	BB&T: Money Rate Savings - 5806	2,908,804.14
	Cash	**15,176,211.45**
Accounts Receivable		
401-0000-115.000.01	Accounts Receivable	534,027.64
401-0000-131.000.00	Due From Other Governments	671,641.88
	Accounts Receivable	**1,205,669.52**
Fixed Assets		
401-0000-162.900.00	Buildings	432,968.28
401-0000-166.900.00	Equipment & Furniture - Office & Field	96,180.76
401-0000-166.900.01	Equipment & Furniture - Computer	126,939.92
401-0000-166.900.02	Equipment & Furniture - Tools	53,595.23
401-0000-166.900.03	Equipment & Furniture - Plant Office/Lab	37,295.44
401-0000-166.900.04	Equipment & Furniture - Main Office	44,811.92
401-0000-166.900.05	Equipment & Furniture - Plant Equipment	225,455.46
401-0000-170.900.00	Collection Facilities	112,917,643.47
401-0000-170.900.01	Treatment Facilities	32,081,937.56
401-0000-170.900.02	Leasehold Improvements	11,026.63
401-0000-170.900.03	Vehicles	354,684.92
401-0000-170.950.00	Accumulated Depreciation	(20,138,066.76)
	Fixed Assets	**126,244,472.83**
Other Assets		
401-0000-141.000.00	Inventory - Chemicals	275.04
401-0000-141.100.01	Inventory - Pipe	1,649.79
401-0000-141.100.02	Inventory - Fittings	12,786.04
401-0000-155.000.00	Prepaid Insurance	21,000.00
401-0000-156.000.00	Deposits	55,095.00
401-0000-161.900.00	Land	2,012,494.19
401-0000-169.900.00	Construction In Progress	5,054,646.12
	Other Assets	**7,157,946.18**
	Total Assets	**149,784,299.98**

GL Number	Description	Balance
*** Liabilities ***		
Accounts Payable		
401-0000-202.000.00	Accounts Payable	105,683.99
401-0000-202.000.01	Accrued Liabilities	781.76
	Accounts Payable	**106,465.75**
Liabilities-ST		
401-0000-205.000.00	Retainage Payable	287,195.97
401-0000-208.000.01	Islamorada Good Faith Deposit	25,000.00
401-0000-208.000.02	Islamorada Deferred Insurance Surcharge	4,675.41
401-0000-215.000.00	Accrued Interest Payable	298,006.30
401-0000-229.000.00	Health & Optional Withholdings	8,790.46
401-0000-231.000.00	Workers Compensation Insurance	(1,617.61)
	Liabilities-ST	**622,050.53**
Liabilities-LT (over 1 year)		
401-0000-203.900.00	SRF Loan - KLNC 01P	18,208,946.35
401-0000-203.900.01	SRF Bonded Loan - KLNC 010	16,191,117.60
401-0000-203.900.02	SRF Loan - KLP 020	556,601.55
401-0000-203.900.03	SRF Loan - KLSC 464030	1,937,921.77
401-0000-203.900.05	BB&T 2013 Bond	8,749,519.47
401-0000-203.900.06	BB&T 2014 Bond	8,750,846.51
	Liabilities-LT (over 1 year)	**54,394,953.25**
Other Liabilities		
401-0000-210.900.00	Accrued Compensated Absences	63,715.23
401-0000-237.000.00	Other Post Employ Benefit (OPEB) Liab	69,390.00
	Other Liabilities	**133,105.23**
	Total Liabilities	**55,256,574.76**
*** Fund Balance ***		
	Total Fund Balance	**94,527,725.22**

UNAUDITED REVENUE & EXPENDITURE REPORT FOR KLWTD
PERIOD ENDING 11/30/2015
% Fiscal Year Completed: 16.67

ACCOUNT PROJECT	DESCRIPTION	ACTIVITY FOR MONTH 11/30/2015	YTD BALANCE 11/30/2015	2015-16 ADOPTED BUDGET	% BDGT USED (Expected: 16.67%)
Fund 401 - GENERAL FUND					
Revenues					
Dept 0000-Non-Departmental					
325.100	Non Ad Valorem Assessments	1,132,448.39	1,132,448.39	4,082,244.00	27.74
343.500	Wastewater Service Revenue	628,747.97	1,142,936.96	8,550,000.00	13.37
343.550	Islamorada WW Svc. Related Rev.	0.00	43,605.67	877,110.00	4.97
343.600	Monroe County ILA	0.00	0.00	1,000,000.00	0.00
361.100	Interest Income	569.00	2,295.52	17,500.00	13.12
369.900	Miscellaneous Revenues	46.15	46.15	0.00	100.00
Total Dept 0000-Non-Departmental		**1,761,811.51**	**2,321,332.69**	**14,526,854.00**	**15.98**
Dept 5900-CONSTRUCTION					
325.100	SDC Prepayments	22,573.93	31,220.43	175,000.00	17.84
332.000	Islamorada ILA-Capital Project Portion	0.00	0.00	777,548.00	0.00
334.350	DEP Grant Income	0.00	0.00	1,028,533.00	0.00
389.000	Cash on Hand	0.00	0.00	3,275,601.00	0.00
Total Dept 5900-CONSTRUCTION		**22,573.93**	**31,220.43**	**5,256,682.00**	**0.59**
TOTAL Revenues		**1,784,385.44**	**2,352,553.12**	**19,783,536.00**	**11.89**
Expenditures					
Dept 0000-Non-Departmental					
581.000	Transfer to Repair & Replacement Fund	0.00	0.00	820,000.00	0.00
720.000	Debt Service	0.00	428,057.02	8,894,248.00	4.81
720.100	Less: Current Year Principal Reductions	0.00	(307,851.56)	0.00	100.00
Total Dept 0000-Non-Departmental		**0.00**	**120,205.46**	**9,714,248.00**	**1.24**
Dept 5130-ADMINISTRATIVE					
120.000	Payroll-Administration	58,652.72	105,476.74	845,936.00	12.47
120.511	Payroll-Board Meeting Compensation	5,628.00	11,658.00	72,360.00	16.11
130.000	Temporary/Part-Time	0.00	0.00	4,400.00	0.00
210.000	Payroll Taxes	4,842.85	8,825.39	70,586.00	12.50
220.000	Retirement Program	2,378.61	4,963.18	55,098.00	9.01
230.000	Group Health Premiums	7,426.17	7,496.47	142,107.00	5.28
230.001	Employee Benefit Administration Fees	30.00	60.00	2,000.00	3.00
240.000	Workers Compensation Insurance	159.52	481.08	3,906.00	12.32
250.000	Unemployment Compensation	0.00	0.00	20,000.00	0.00
311.000	Professional Services	112.00	603.36	12,320.00	4.90
311.002	FKAA Billing Services	11,135.66	11,135.66	135,000.00	8.25
311.003	Tax Collector Fees	0.00	0.00	11,000.00	0.00
311.004	Utility Rate Consultant	0.00	0.00	32,000.00	0.00
311.005	Professional Services - Tax Roll Svc	0.00	0.00	2,500.00	0.00
311.006	Professional Services - Engineering	0.00	0.00	20,000.00	0.00
311.007	Professional Svcs- Public Relations	0.00	0.00	6,000.00	0.00
311.008	Prof Svcs- Admin Office Relocation	0.00	0.00	10,000.00	0.00
312.000	Lobbyists	7,380.00	19,296.59	96,000.00	20.10
313.000	Legal - Litigation Reserve	0.00	0.00	20,000.00	0.00
313.001	Legal - Outside Counsel	1,125.00	1,125.00	20,000.00	5.63
320.000	Audit Services	5,195.00	6,665.00	99,250.00	6.72
341.000	Software & License Renewals	9,450.00	10,667.89	33,700.00	31.66

ACCOUNT PROJECT	DESCRIPTION	ACTIVITY FOR MONTH 11/30/2015	YTD BALANCE 11/30/2015	2015-16 ADOPTED BUDGET	% BDGT USED (Expected: 16.67%)
400.000	Travel, Training, Education & Meetings	296.70	4,256.21	51,000.00	8.35
410.000	Communications	4,012.22	8,673.97	53,900.00	16.09
411.000	IT Maintenance	679.39	1,367.77	112,500.00	1.22
420.000	Postage & Delivery Expense	10.95	120.03	6,000.00	2.00
430.000	Water (Utility)-District Office	13.90	60.06	600.00	10.01
432.000	Facility Cleaning	855.00	1,279.23	0.00	100.00
435.000	Electricity	592.04	1,247.58	9,000.00	13.86
440.000	Rents & Leases	3,752.78	11,258.34	16,000.00	70.36
450.000	Insurance	64,115.00	238,886.00	350,000.00	68.25
460.000	Repairs & Maintenance	230.79	446.79	4,600.00	9.71
470.000	Copier Expense	337.22	667.08	4,800.00	13.90
480.000	Advertisements	953.60	953.60	10,000.00	9.54
491.000	Storm Supplies	0.00	0.00	2,000.00	0.00
492.000	Bank Fees	0.00	0.00	500.00	0.00
493.000	Low Income Assistance	0.00	0.00	10,000.00	0.00
510.000	Office Supplies & Special Printings	790.32	1,614.13	26,000.00	6.21
520.000	Employee Uniforms / Clothing	183.92	183.92	1,500.00	12.26
520.007	Regulatory, Permit & Recording Fees	300.00	300.00	7,500.00	4.00
520.010	Fuel: Vehicles	86.64	86.64	1,000.00	8.66
521.000	Board: Travel, Admin, Office Supplies	149.00	232.23	7,500.00	3.10
540.000	Dues & Subscriptions	0.00	175.00	5,100.00	3.43
640.000	Capital Outlay - Furnishings	0.00	0.00	20,000.00	0.00
641.000	Capital Outlay - Vehicles	0.00	0.00	20,000.00	0.00
645.000	Capital Outlay: Computer Equipment	0.00	1,212.92	10,000.00	12.13
Total Dept 5130-ADMINISTRATIVE		**190,875.00**	**461,475.86**	**2,443,663.00**	**18.88**
Dept 5351-PLANT					
120.000	Payroll-Plant	24,896.36	45,299.51	339,495.00	13.34
210.000	Payroll Taxes	1,896.01	3,450.90	25,971.00	13.29
220.000	Retirement Program	1,005.15	1,808.00	20,370.00	8.88
230.000	Group Health Premiums	4,538.21	4,565.61	67,575.00	6.76
240.000	Workers Compensation Insurance	754.65	1,315.86	11,645.00	11.30
311.000	Professional Services	4,356.00	4,356.00	51,480.00	8.46
311.006	Professional Services: Engineering	13,957.50	17,121.25	126,980.00	13.48
341.000	Software & License Renewals - Wonderwear	0.00	0.00	7,000.00	0.00
400.000	Travel, Training, Education & Meetings	0.00	662.06	8,750.00	7.57
420.000	Postage & Delivery Expense	1,325.17	2,039.91	16,500.00	12.36
430.000	Water- Plant	0.00	6,615.38	10,000.00	66.15
432.000	Facility Cleaning	880.00	880.00	0.00	100.00
435.000	Electricity - Plant	21,414.57	48,656.80	325,000.00	14.97
460.000	Repairs & Maintenance	6,677.48	7,106.76	130,000.00	5.47
470.000	Copier Expenses	186.34	371.87	3,000.00	12.40
491.000	Storm Supplies	0.00	0.00	2,000.00	0.00
510.000	Office Supplies	75.20	209.49	4,500.00	4.66
511.000	Safety Supplies	0.00	30.46	5,000.00	0.61
520.000	Employee Uniforms / Clothing	1,059.60	1,172.60	3,500.00	33.50
520.001	Lab Services (sample analysis)	608.00	3,540.00	45,000.00	7.87
520.002	Sludge Handling	0.00	50,943.75	442,000.00	11.53
520.003	Chemicals	24,160.20	62,590.40	520,655.00	12.02
520.004	Lab Supplies	3,236.52	3,295.22	18,000.00	18.31
520.005	Supplies & Tools (plant operations)	7,846.35	9,528.57	85,000.00	11.21
520.006	Immunizations	0.00	0.00	500.00	0.00
520.007	Regulatory/ Permit Fees	0.00	0.00	1,500.00	0.00
520.010	Fuel: Equipment	56.52	308.23	20,000.00	1.54
540.000	Dues & Subscriptions	350.00	350.00	1,000.00	35.00
630.000	Capital Outlay - Groundskeeping	0.00	0.00	20,000.00	0.00
640.000	Capital Outlay:Equipment	0.00	0.00	22,000.00	0.00

ACCOUNT PROJECT	DESCRIPTION	ACTIVITY FOR MONTH 11/30/2015	YTD BALANCE 11/30/2015	2015-16 ADOPTED BUDGET	% BDGT USED (Expected: 16.67%)
640.003	Capital Outlay: Plant Security System	0.00	0.00	85,000.00	0.00
Total For Dept PLANT		**119,279.83**	**276,218.63**	**2,419,421.00**	**11.42**
Dept 5352-COLLECTIONS					
120.000	Payroll-Collections & Maintenance	54,326.27	100,401.78	767,605.00	13.08
210.000	Payroll Taxes	4,139.38	7,645.89	58,669.00	13.03
220.000	Retirement Program	1,684.93	3,008.31	46,056.00	6.53
230.000	Group Health Premiums	9,489.00	9,595.60	147,129.00	6.52
240.000	Workers Compensation Insurance	1,692.91	2,987.42	26,329.00	11.35
311.000	Professional Services	0.00	500.00	12,000.00	4.17
311.006	Professional Services: Engineering	9,461.75	26,153.00	73,980.00	35.35
400.000	Travel, Training, Education & Meetings	0.00	1,973.76	15,500.00	12.73
430.000	Water	142.26	452.27	2,375.00	19.04
432.001	Solid Waste	152.36	600.36	12,500.00	4.80
435.000	Electricity	18,744.15	38,562.88	264,750.00	14.57
460.000	Repairs & Maintenance	7,295.00	16,010.04	172,000.00	9.31
491.000	Storm Supplies	0.00	0.00	2,000.00	0.00
510.000	Office Supplies	234.60	964.35	4,000.00	24.11
511.000	Safety Supplies	500.00	624.10	5,000.00	12.48
520.000	Employee Uniforms / Clothing	1,364.98	1,721.98	7,500.00	22.96
520.005	Supplies & Tools (inc.cleaning supplies)	937.63	3,373.34	30,000.00	11.24
520.006	Immunizations	145.50	145.50	1,500.00	9.70
520.008	Lateral Extensions	36.60	36.60	0.00	100.00
520.010	Fuel	2,080.16	4,484.31	38,500.00	11.65
520.011	Tools	0.00	0.00	20,000.00	0.00
540.000	Dues & Subscriptions	0.00	0.00	9,600.00	0.00
Total Dept 5352-COLLECTIONS		**112,427.48**	**219,241.49**	**1,716,993.00**	**12.77**
Dept 5900-CONSTRUCTION					
120.000	Payroll-Construction	6,569.94	11,220.80	121,517.00	9.23
210.000	Payroll Taxes	495.89	846.38	9,296.00	9.10
220.000	Retirement Program	327.45	511.47	7,291.00	7.02
230.000	Group Health Premiums	825.13	831.73	20,869.00	3.99
240.000	Workers Compensation Insurance	118.01	204.78	814.00	25.16
311.006	Professional Services - Engineering	11,910.00	26,700.00	195,025.00	13.69
400.000	Travel, Training & Education	0.00	0.00	5,000.00	0.00
460.000	Repairs & Maintenance	18.98	18.98	2,000.00	0.95
490.000	Small Tools & Equipment	0.00	0.00	5,000.00	0.00
510.000	Office Supplies	107.45	741.36	1,250.00	59.31
520.000	Employee Uniforms / Clothing	28.00	51.00	1,250.00	4.08
520.010	Fuel: Vehicles	0.00	0.00	3,000.00	0.00
525.000	Vehicle Expense	137.39	251.82	2,500.00	10.07
630.000	Capital Outlay: Infrastructure	0.00	64,266.45	2,861,612.00	2.25
650.002 PlantExp	Sludge Handling System	0.00	0.00	131,037.00	0.00
650.003 SvcConRv	Service Connection Revisions	0.00	0.00	60,000.00	0.00
650.004	Unique Properties	0.00	181.28	0.00	100.00
650.999	Vacuum Stations - SCADA Upgrade IT	0.00	0.00	61,750.00	0.00
Total Dept 5900-CONSTRUCTION		**20,538.24**	**105,826.05**	**3,489,211.00**	**3.03**
TOTAL Expenditures		**443,120.55**	**1,182,967.49**	**19,783,536.00**	**5.98**
Fund 401 - GENERAL FUND:					
TOTAL REVENUES		**1,784,385.44**	**2,352,553.12**	**19,783,536.00**	**11.89**
TOTAL EXPENDITURES		**443,120.55**	**1,182,967.49**	**19,783,536.00**	**5.98**
NET OF REVENUES & EXPENDITURES		**1,341,264.89**	**1,169,585.63**	**0.00**	**100.00**

UNAUDITED REVENUE AND EXPENDITURE REPORT FOR KLWTD
Period Ending 11/30/15
% Fiscal Year Completed: 16.67

ACCOUNT PROJECT	DESCRIPTION	ACTIVITY FOR MONTH 10/31/2015	ACTIVITY FOR MONTH 11/30/2015	YTD BALANCE 11/30/2015	2015-16 ADOPTED BUDGET	% BDGT USED (Expected: 16.67%)
Fund 401 - GENERAL FUND						
Revenues						
Dept 0000-Non-Departmental						
325.100	Non Ad Valorem Assessments	0.00	1,132,448.39	1,132,448.39	4,082,244.00	27.74
343.500	Wastewater Service Revenue	514,188.99	628,747.97	1,142,936.96	8,550,000.00	13.37
343.550	Islamorada WW Svc. Related Rev.	43,605.67	0.00	43,605.67	877,110.00	4.97
343.600	Monroe County ILA	0.00	0.00	0.00	1,000,000.00	0.00
361.100	Interest Income	1,726.52	569.00	2,295.52	17,500.00	13.12
369.900	Miscellaneous Revenues	0.00	46.15	46.15	0.00	100.00
Total Dept 0000-Non-Departmental		**559,521.18**	**1,761,811.51**	**2,321,332.69**	**14,526,854.00**	**15.98**
Dept 5900-CONSTRUCTION						
325.100	SDC Prepayments	8,646.50	22,573.93	31,220.43	175,000.00	17.84
332.000	Islamorada ILA-Capital Project Portion	0.00	0.00	0.00	777,548.00	0.00
334.350	DEP Grant Income	0.00	0.00	0.00	1,028,533.00	0.00
389.000	Cash on Hand	0.00	0.00	0.00	3,275,601.00	0.00
Total Dept 5900-CONSTRUCTION		**8,646.50**	**22,573.93**	**31,220.43**	**5,256,682.00**	**0.59**
TOTAL Revenues		**568,167.68**	**1,784,385.44**	**2,352,553.12**	**19,783,536.00**	**11.89**
Expenditures						
Dept 0000-Non-Departmental						
581.000	Transfer to Repair & Replacement Fund	0.00	0.00	0.00	820,000.00	0.00
720.000	Debt Service	428,057.02	0.00	428,057.02	8,894,248.00	4.81
720.100	Less: Current Year Principal Reductions	(307,851.56)	0.00	(307,851.56)	0.00	100.00
Total Dept 0000-Non-Departmental		**120,205.46**	**0.00**	**120,205.46**	**9,714,248.00**	**1.24**
Dept 5130-ADMINISTRATIVE						
120.000	Payroll-Administration	46,824.02	58,652.72	105,476.74	845,936.00	12.47
120.511	Payroll-Board Meeting Compensation	6,030.00	5,628.00	11,658.00	72,360.00	16.11
130.000	Temporary/Part-Time	0.00	0.00	0.00	4,400.00	0.00
210.000	Payroll Taxes	3,982.54	4,842.85	8,825.39	70,586.00	12.50
220.000	Retirement Program	2,584.57	2,378.61	4,963.18	55,098.00	9.01
230.000	Group Health Premiums	70.30	7,426.17	7,496.47	142,107.00	5.28
230.001	Employee Benefit Administration Fees	30.00	30.00	60.00	2,000.00	3.00
240.000	Workers Compensation Insurance	321.56	159.52	481.08	3,906.00	12.32
250.000	Unemployment Compensation	0.00	0.00	0.00	20,000.00	0.00
311.000	Professional Services	491.36	112.00	603.36	12,320.00	4.90
311.002	FKAA Billing Services	0.00	11,135.66	11,135.66	135,000.00	8.25
311.003	Tax Collector Fees	0.00	0.00	0.00	11,000.00	0.00
311.004	Utility Rate Consultant	0.00	0.00	0.00	32,000.00	0.00
311.005	Professional Services - Tax Roll Svc	0.00	0.00	0.00	2,500.00	0.00
311.006	Professional Services - Engineering	0.00	0.00	0.00	20,000.00	0.00
311.007	Professional Svcs- Public Relations	0.00	0.00	0.00	6,000.00	0.00
311.008	Prof Svcs- Admin Office Relocation	0.00	0.00	0.00	10,000.00	0.00
312.000	Lobbyists	11,916.59	7,380.00	19,296.59	96,000.00	20.10
313.000	Legal - Litigation Reserve	0.00	0.00	0.00	20,000.00	0.00
313.001	Legal - Outside Counsel	0.00	1,125.00	1,125.00	20,000.00	5.63
320.000	Audit Services	1,470.00	5,195.00	6,665.00	99,250.00	6.72
341.000	Software & License Renewals	1,217.89	9,450.00	10,667.89	33,700.00	31.66
400.000	Travel, Training, Education & Meetings	3,959.51	296.70	4,256.21	51,000.00	8.35
410.000	Communications	4,661.75	4,012.22	8,673.97	53,900.00	16.09
411.000	IT Maintenance	688.38	679.39	1,367.77	112,500.00	1.22
420.000	Postage & Delivery Expense	109.08	10.95	120.03	6,000.00	2.00
430.000	Water (Utility)-District Office	46.16	13.90	60.06	600.00	10.01
432.000	Facility Cleaning	424.23	855.00	1,279.23	0.00	100.00
435.000	Electricity	655.54	592.04	1,247.58	9,000.00	13.86
440.000	Rents & Leases	7,505.56	3,752.78	11,258.34	16,000.00	70.36
450.000	Insurance	174,771.00	64,115.00	238,886.00	350,000.00	68.25
460.000	Repairs & Maintenance	216.00	230.79	446.79	4,600.00	9.71

ACCOUNT PROJECT	DESCRIPTION	ACTIVITY FOR MONTH 10/31/2015	ACTIVITY FOR MONTH 11/30/2015	YTD BALANCE 11/30/2015	2015-16 ADOPTED BUDGET	% BDGT USED (Expected: 16.67%)
470.000	Copier Expense	329.86	337.22	667.08	4,800.00	13.90
480.000	Advertisements	0.00	953.60	953.60	10,000.00	9.54
491.000	Storm Supplies	0.00	0.00	0.00	2,000.00	0.00
492.000	Bank Fees	0.00	0.00	0.00	500.00	0.00
493.000	Low Income Assistance	0.00	0.00	0.00	10,000.00	0.00
510.000	Office Supplies & Special Printings	823.81	790.32	1,614.13	26,000.00	6.21
520.000	Employee Uniforms / Clothing	0.00	183.92	183.92	1,500.00	12.26
520.007	Regulatory, Permit & Recording Fees	0.00	300.00	300.00	7,500.00	4.00
520.010	Fuel: Vehicles	0.00	86.64	86.64	1,000.00	8.66
521.000	Board: Travel, Admin, Office Supplies	83.23	149.00	232.23	7,500.00	3.10
540.000	Dues & Subscriptions	175.00	0.00	175.00	5,100.00	3.43
640.000	Capital Outlay - Furnishings	0.00	0.00	0.00	20,000.00	0.00
641.000	Capital Outlay - Vehicles	0.00	0.00	0.00	20,000.00	0.00
645.000	Capital Outlay: Computer Equipment	1,212.92	0.00	1,212.92	10,000.00	12.13
Total Dept 5130-ADMINISTRATIVE		**270,600.86**	**190,875.00**	**461,475.86**	**2,443,663.00**	**18.88**
Dept 5351-PLANT						
120.000	Payroll-Plant	20,403.15	24,896.36	45,299.51	339,495.00	13.34
210.000	Payroll Taxes	1,554.89	1,896.01	3,450.90	25,971.00	13.29
220.000	Retirement Program	802.85	1,005.15	1,808.00	20,370.00	8.88
230.000	Group Health Premiums	27.40	4,538.21	4,565.61	67,575.00	6.76
240.000	Workers Compensation Insurance	561.21	754.65	1,315.86	11,645.00	11.30
311.000	Professional Services	0.00	4,356.00	4,356.00	51,480.00	8.46
311.006	Professional Services: Engineering	3,163.75	13,957.50	17,121.25	126,980.00	13.48
341.000	Software & License Renewals	0.00	0.00	0.00	7,000.00	0.00
400.000	Travel, Training, Education & Meetings	662.06	0.00	662.06	8,750.00	7.57
420.000	Postage & Delivery Expense	714.74	1,325.17	2,039.91	16,500.00	12.36
430.000	Water- Plant	6,615.38	0.00	6,615.38	10,000.00	66.15
432.000	Facility Cleaning	27,242.23	880.00	880.00	0.00	100.00
435.000	Electricity - Plant	429.28	21,414.57	48,656.80	325,000.00	14.97
460.000	Repairs & Maintenance	185.53	6,677.48	7,106.76	130,000.00	5.47
470.000	Copier Expenses	0.00	186.34	371.87	3,000.00	12.40
491.000	Storm Supplies	134.29	0.00	0.00	2,000.00	0.00
510.000	Office Supplies	30.46	75.20	209.49	4,500.00	4.66
511.000	Safety Supplies	113.00	0.00	30.46	5,000.00	0.61
520.000	Employee Uniforms / Clothing	2,932.00	1,059.60	1,172.60	3,500.00	33.50
520.001	Lab Services (sample analysis)	50,943.75	608.00	3,540.00	45,000.00	7.87
520.002	Sludge Handling	38,430.20	0.00	50,943.75	442,000.00	11.53
520.003	Chemicals	58.70	24,160.20	62,590.40	520,655.00	12.02
520.004	Lab Supplies	1,682.22	3,236.52	3,295.22	18,000.00	18.31
520.005	Supplies & Tools (plant operations)	0.00	7,846.35	9,528.57	85,000.00	11.21
520.006	Immunizations	0.00	0.00	0.00	500.00	0.00
520.007	Regulatory/ Permit Fees	251.71	0.00	0.00	1,500.00	0.00
520.010	Fuel: Equipment	0.00	56.52	308.23	20,000.00	1.54
540.000	Dues & Subscriptions	0.00	350.00	350.00	1,000.00	35.00
630.000	Capital Outlay - Groundskeeping	0.00	0.00	0.00	20,000.00	0.00
640.000	Capital Outlay:Equipment	0.00	0.00	0.00	22,000.00	0.00
640.003	Capital Outlay: Plant Security System	0.00	0.00	0.00	85,000.00	0.00
Total For Dept PLANT		**156,938.80**	**119,279.83**	**276,218.63**	**2,419,421.00**	**11.42**
Dept 5352-COLLECTIONS						
120.000	Payroll-Collections & Maintenance	46,075.51	54,326.27	100,401.78	767,605.00	13.08
210.000	Payroll Taxes	3,506.51	4,139.38	7,645.89	58,669.00	13.03
220.000	Retirement Program	1,323.38	1,684.93	3,008.31	46,056.00	6.53
230.000	Group Health Premiums	106.60	9,489.00	9,595.60	147,129.00	6.52
240.000	Workers Compensation Insurance	1,294.51	1,692.91	2,987.42	26,329.00	11.35
311.000	Professional Services	500.00	0.00	500.00	12,000.00	4.17
311.006	Professional Services: Engineering	16,691.25	9,461.75	26,153.00	73,980.00	35.35
400.000	Travel, Training, Education & Meetings	1,973.76	0.00	1,973.76	15,500.00	12.73
430.000	Water	310.01	142.26	452.27	2,375.00	19.04
432.001	Solid Waste	448.00	152.36	600.36	12,500.00	4.80
435.000	Electricity	19,818.73	18,744.15	38,562.88	264,750.00	14.57
460.000	Repairs & Maintenance	8,715.04	7,295.00	16,010.04	172,000.00	9.31
491.000	Storm Supplies	0.00	0.00	0.00	2,000.00	0.00
510.000	Office Supplies	729.75	234.60	964.35	4,000.00	24.11
511.000	Safety Supplies	124.10	500.00	624.10	5,000.00	12.48
520.000	Employee Uniforms / Clothing	357.00	1,364.98	1,721.98	7,500.00	22.96
520.005	Supplies & Tools	2,435.71	937.63	3,373.34	30,000.00	11.24
520.006	Immunizations	0.00	145.50	145.50	1,500.00	9.70

ACCOUNT PROJECT	DESCRIPTION	ACTIVITY FOR MONTH 10/31/2015	ACTIVITY FOR MONTH 11/30/2015	YTD BALANCE 11/30/2015	2015-16 ADOPTED BUDGET	% BDGT USED (Expected: 16.67%)
520.008	Lateral Extensions	0.00	36.60	36.60	0.00	100.00
520.010	Fuel	2,404.15	2,080.16	4,484.31	38,500.00	11.65
520.011	Tools	0.00	0.00	0.00	20,000.00	0.00
540.000	Dues & Subscriptions	0.00	0.00	0.00	9,600.00	0.00
Total Dept 5352-COLLECTIONS		**106,814.01**	**112,427.48**	**219,241.49**	**1,716,993.00**	**12.77**
Dept 5900-CONSTRUCTION		4,650.86				
120.000	Payroll-Construction	4,650.86	6,569.94	11,220.80	121,517.00	9.23
210.000	Payroll Taxes	350.49	495.89	846.38	9,296.00	9.10
220.000	Retirement Program	184.02	327.45	511.47	7,291.00	7.02
230.000	Group Health Premiums	6.60	825.13	831.73	20,869.00	3.99
240.000	Workers Compensation Insurance	86.77	118.01	204.78	814.00	25.16
311.006	Professional Services - Engineering	14,790.00	11,910.00	26,700.00	195,025.00	13.69
400.000	Travel, Training & Education	0.00	0.00	0.00	5,000.00	0.00
460.000	Repairs & Maintenance	0.00	18.98	18.98	2,000.00	0.95
490.000	Small Tools & Equipment	0.00	0.00	0.00	5,000.00	0.00
510.000	Office Supplies	633.91	107.45	741.36	1,250.00	59.31
520.000	Employee Uniforms / Clothing	23.00	28.00	51.00	1,250.00	4.08
520.010	Fuel: Vehicles	0.00	0.00	0.00	3,000.00	0.00
525.000	Vehicle Expense	114.43	137.39	251.82	2,500.00	10.07
630.000	Capital Outlay: Infrastructure	64,266.45	0.00	64,266.45	2,861,612.00	2.25
650.002 PlantExp	Sludge Handling System	0.00	0.00	0.00	131,037.00	0.00
650.003 SvcConRv	Service Connection Revisions	0.00	0.00	0.00	60,000.00	0.00
650.004	Unique Properties	181.28	0.00	181.28	0.00	100.00
650.999	Vacuum Stations - SCADA Upgrade IT	0.00	0.00	0.00	61,750.00	0.00
Total Dept 5900-CONSTRUCTION		**85,287.81**	**20,538.24**	**105,826.05**	**3,489,211.00**	**3.03**
TOTAL Expenditures		**739,846.94**	**443,120.55**	**1,182,967.49**	**19,783,536.00**	**5.98**
Fund 401 - GENERAL FUND:						
TOTAL REVENUES		**568,167.68**	**1,784,385.44**	**2,352,553.12**	**19,783,536.00**	**11.89**
TOTAL EXPENDITURES		**739,846.94**	**443,120.55**	**1,182,967.49**	**19,783,536.00**	**5.98**
NET OF REVENUES & EXPENDITURES		**(171,679.26)**	**1,341,264.89**	**1,169,585.63**	**0.00**	**100.00**