

RESOLUTION 21-12-05

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING THE ASSISTANCE OF REPRESENTATIVE KEN SORENSEN TO AMEND THE KEY LARGO WASTEWATER TREATMENT DISTRICT ACT TO PROVIDE THAT DISTRICT WASTEWATER CHARGES SHALL BECOME A LIEN UPON REAL PROPERTY

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

WHEREAS, the District expects to begin providing service to customers and charging them for wastewater service in March or April of 2006; and

WHEREAS, the District has been advised that its ability to collect delinquent wastewater charges would be greatly enhanced if its authorizing legislation were amended to provide that District wastewater charges shall become a lien on real property, as is the case with the authorizing legislation of the Florida Keys Aqueduct Authority; and

WHEREAS, the District has been advised that its ability to obtain financing to complete construction of wastewater management facilities throughout the District will be greatly enhanced; and

WHEREAS, the District desires the assistance of Representative Ken Sorensen in amending the Key Largo Wastewater Treatment District Act (ch. 2002-337, as amended) (hereinafter, the “Act”) to provide that District wastewater charges shall become a lien upon real property;

NOW, THEREFORE, the Key Largo Wastewater Treatment District respectfully requests Representative Ken Sorensen’s assistance in amending the Act, substantially as follows:

Amend Subsection 4.2.J of the Act to read as follows

(J) To fix and collect rates, rentals, fees, and charges for the use of any wastewater management system facilities. The District may provide for reasonable penalties against any user for any such rates, fees, rentals, or other charges that are delinquent. In the event that such delinquency occurs and such fees, rentals, or other charges are not paid and remain delinquent for 30 days or more, the District may discontinue and shut off services until such fees, rentals, or other charges, including interest, penalties, and charges for shutting off, discontinuing, and restoring such services, are fully paid. The District may enter on lands, waters, and premises of any person, firm, corporation, or other body for the purpose of discontinuing and shutting off services under such circumstances. Further, such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services,

and reasonable attorneys' fees and other expenses SHALL BE A LIEN UPON ANY SUCH PARCEL OF PROPERTY SUPERIOR AND PARAMOUNT TO ANY INTEREST EXCEPT THE LIEN OF COUNTY OR MUNICIPAL TAXES AND SHALL BE ON A PARITY WITH ANY SUCH TAXES, AND may be recovered by the District by suit in any court of competent jurisdiction. The District may also enforce payment by any other lawful method of enforcement.

[Added words are in ALL CAPS.]

The foregoing RESOLUTION NO. 21-12-05 was offered by Commissioner Bullock, who moved its approval. The motion was seconded by Commissioner Brooks and being put to a vote the result was as follows:

	AYE	NAY
Commissioner Gary Bauman	<u>X</u>	___
Commissioner Claude Bullock	<u>X</u>	___
Commissioner Charles Brooks	<u>X</u>	___
Commissioner Andrew Tobin	<u>X</u>	___
Chairman Glenn Patton	<u>X</u>	___

The Chairman thereupon declared Resolution No. 21-12-05 duly passed and adopted the 21st day of December, 2005.

**KEY LARGO WASTEWATER TREATMENT
DISTRICT BOARD OF COMMISSIONERS**

By Glenn Patton
Glenn Patton, Chairman

Attest:

By Carol Walker
Carol Walker, Board Clerk



Approved as to form and content:

By Thomas M. Wilton
District Counsel