

RESOLUTION NO. 02-01-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT REQUESTING FORGIVENESS OF AN ADMINISTRATIVE LOAN FROM MONROE COUNTY.

WHEREAS, pursuant to an Interlocal Agreement by and between the Key Largo Wastewater Treatment District (“District”) and Monroe County (the “County”), dated December 18, 2002, the County made an Administrative Loan to the District in the amount of \$100,000; and

WHEREAS, said Interlocal Agreement provides that the District must repay the Administrative Loan, together with accrued interest, to the County within three years from the date the County tendered the Administrative Loan funds to the District; and

WHEREAS, pursuant to the terms of said Interlocal Agreement the Administrative Loan and accrued interest, if not forgiven by the County, would be due and payable on or about January 3, 2006; and

WHEREAS, under date of February 26, 2003, the District, the County, and the Florida Keys Aqueduct Authority entered into a new Interlocal Agreement (3-Way Agreement) covering the transfer of responsibility for development and operation of wastewater management facilities within District boundaries from the Florida Keys Aqueduct Authority to the District; and

WHEREAS, the 3-Way Agreement provides, among other things, that the Administrative Loan is to be reimbursed to the County “unless otherwise agreed between the County and the District”; and

WHEREAS, the 3-Way Agreement includes numerous provisions for funding of District costs through a Municipal Services Taxing Unit (“MSTU”) at a millage rate not to exceed .35, which has been implemented by the County; and

WHEREAS, the County, in its most recent budget, reduced the MSTU millage rate to .3185, resulting in reduced funding of the District below the level contemplated in the 3-Way Agreement; and

WHEREAS, the District has promptly and properly expended all of the Administrative Loan proceeds for District administration, development, and planning, as contemplated by the parties and in compliance with each and all of the terms of the Interlocal Agreement; and

WHEREAS, the District has accounted to the County for all of the loan funds;

WHEREAS, unless the County forgives the Administrative Loan and accrued interest, the District will have to divert funds raised through the MSTU from future District development, administration, and planning to repayment of the Administrative Loan;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, THAT THE DISTRICT RESPECTFULLY REQUESTS THAT THE ADMINISTRATIVE LOAN AND ACCRUED INTEREST BE FORGIVEN BY THE COUNTY.

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The foregoing RESOLUTION NO. 02-1-06 was offered by Commissioner BROOK, who moved its approval. The motion was seconded by Commissioner BAUMAN, 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>	_____
Chairman Glenn Patton	<u>X</u>	_____
Commissioner Andrew Tobin	_____ <i>ABSENT</i>	_____
Commissioner Charles Brooks	<u>X</u>	_____

The Chairman thereupon declared Resolution 02-01-06 duly passed and adopted the 4TH day of January 2006.

KEY LARGO WASTEWATER TREATMENT DISTRICT GOVERNING BOARD

By *Glenn Patton*
Glenn Patton, Chairman

Attest:

Approved as to form and content:

By *Carol Walker*
Carol Walker, Board Clerk

By *Thomas M. Dellen*
District Counsel

