

**RESOLUTION 19-05-06**

**A. RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, REQUESTING MONROE COUNTY TO AMEND THE AUGUST 2005 INTERLOCAL AGREEMENT TO PROVIDE FOR AN ADVANCE TO THE DISTRICT OF \$3,700,000**

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**WHEREAS**, the Key Largo Wastewater Treatment District (“District”) and Monroe County entered into a “First Amended and Restated Interlocal Agreement” (hereinafter “2005 ILA”) in August 2005, under which Monroe County agreed, among other things, to provide funding for certain wastewater improvements known as the “North Improvements;” and

**WHEREAS**, the 2005 ILA provides for an advance to the District of \$1,000,000, which has been received, and further payments to be made on a reimbursement basis; and

**WHEREAS**, the Florida Prompt Payment Act and the Local Government Prompt Payment Act impose very short deadlines for payment of construction invoices, to wit, 25 days after receipt of a proper invoice, and late payments are subject to mandatory interest and attorneys’ fees; and

**WHEREAS**, Monroe County’s review time for payment requests often requires more time than is allowed under the Florida Prompt Payment Act and the Local Government Prompt Payment Act; and

**WHEREAS**, the District desires to increase the amount of the advance payment under the 2005 ILA from \$1,000,000 to \$3,700,000, in order to avoid incurring mandatory interest and attorneys’ fees;

**NOW, THEREFORE**, the Key Largo Wastewater Treatment District respectfully requests that Paragraph 4.09 of the 2005 ILA be amended by changing the term “One Million Dollars (\$1,000,000)” to “Three Million Seven Hundred Thousand Dollars (\$3,700,000).”

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The foregoing RESOLUTION NO. 19-05-06 was offered by Commissioner Tobin,  
 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	<del>X</del>	—
Commissioner Claude Bullock	<del>X</del>	—
Commissioner Charles Brooks	<del>X</del>	—
Commissioner Andrew Tobin	<del>X</del>	—
Chairman Glenn Patton	<del>X</del>	—

The Chairman thereupon declared Resolution No. 19-05-06 duly passed and adopted the 17<sup>th</sup> day of May 2006.

**KEY LARGO WASTEWATER TREATMENT  
 DISTRICT GOVERNING BOARD**

By Glenn Patton  
 Glenn Patton, Chairman

Attest:

By Carol Walker  
 Carol Walker, Board Clerk



Approved as to form and content:

By Thomas W. Miller  
 District Counsel