

RESOLUTION NUMBER NO. 49-10-06

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING THE 2006 FINAL ASSESSMENT RESOLUTION (RESOLUTION 28-08-06) RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR CORRECTION OF ERRORS AND OMISSIONS IN ASSESSMENT ROLLS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 9, 2006, the District adopted the 2006 Final Assessment Resolution (No. 28-08-06); and

WHEREAS, the 2006 Final Assessment Resolution failed to address collection of assessments by processes other than those provided in the Uniform Assessment Collection Act (Ch. 197.3632, Fla.Stat.); and

WHEREAS, it appears that the District may be required to utilize alternative procedures to collect assessments on properties owned by government entities;

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Key Largo Wastewater Treatment District, as follows:

Section 1. The following definition is added to the 2006 Final Assessment Resolution:

"Government Property" means a Tax Parcel owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

Section 2. The following provisions are added to the 2006 Final Assessment Resolution:

SECTION 3.04. GOVERNMENT PROPERTY.

- A. If Assessments are imposed against Government Property, the District shall first attempt to collect the Assessments following the procedures in the Uniform Assessment Collection Act.
- B. If the owner of a Tax Parcel does not remit the Assessment to the Monroe County Tax Collector, the District shall provide Assessment bills by first class mail to the owner of each affected parcel of Government Property. The bill will be accompanied by a copy of the written notice sent to the owner as prepared according to the Uniform Assessment Collection Act, and a demand for payment.

- C. Assessments imposed against Governmental Property shall be due on the same date as Assessments against other Tax Parcels within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.
- D. An Assessment on Government Property shall become delinquent if it is not paid within 30 days from the due date. The District shall notify the owner of any Government Property that is delinquent in payment of its Assessment within 60 days from the date such Assessment was due. Such notice shall state in effect that the District will initiate a mandamus or other appropriate judicial action to compel payment.
- E. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for reasonable costs and expenses incurred by the District, including reasonable attorneys' fees, in collection of such delinquent Assessments and any other costs incurred by the District as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.
- E. As an alternative to the foregoing, an Assessment imposed against Government Property may be collected on the bill for any utility service provided to such Governmental Property. The Board may contract for such billing services with any utility provider.

Section 3. This amendment shall be known as Amendment 2 to the 2006 Final Assessment Resolution.

Section 4. This Resolution shall take effect immediately upon its adoption by the District.

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The foregoing RESOLUTION NO. 49-10 06 was offered by Commissioner Brooks, 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 Charles Brooks | <u>X</u> | _____ |
| Commissioner Andrew Tobin | <u>X</u> | _____ |
| Commissioner Norman Higgins | <u>X</u> | _____ |
| Chairman Claude Bullock | <u>X</u> | _____ |

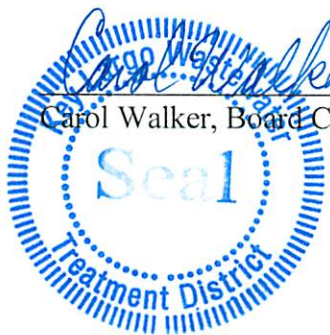
The Chairman thereupon declared Resolution No. 49-10-06 duly passed and adopted the 18th day of October 2006.

KEY LARGO WASTEWATER TREATMENT DISTRICT GOVERNING BOARD

By Claude M. Bullock
Claude Bullock, Chairman

Attest:

By Carol Walker
Carol Walker, Board Clerk



Approved as to form and content:

By Thomas M. Dilla
District Counsel