

RESOLUTION NO. 06-04-08

A RESOLUTION OF THE BOARD OF COMMISSIONERS RESOLVING THAT THE KEY LARGO WASTEWATER TREATMENT DISTRICT WILL PURSUE FINANCIAL ASSISTANCE FROM ALL SOURCES; AND WILL PARTNER WITH OTHER KEYS ENTITIES TO DIVIDE FUTURE FUNDING AND TO DISPLAY UNITY TO SUPPORT THE FY09 FUNDING, AND TO SEEK A PROVISION TO REDEFINE THE FLORIDA KEYS WATER QUALITY IMPROVEMENT PROGRAM AS ENVIRONMENTAL RESTORATION; AND TO DIRECT STAFF TO AMEND THE DISTRICT'S PCA AGREEMENT" AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, there is scientific evidence through numerous Federal, State, and local studies indicating that nutrients from untreated sewage are causing damage to the nearshore waters and the National Marine Sanctuary; and

WHEREAS, the Florida legislature in 1999 passed Section 6, Chapter 99-395 to set statutory effluent and disposal standards for Monroe County to be installed by July 1, 2010; and

WHEREAS, the Federal Government passed PL106-554, Section 109, the Consolidated Appropriations Act of FY01, which authorized \$100 million for the Army Corps of Engineers to assist with the construction of wastewater treatment facilities in the Florida Keys; and

WHEREAS, on January 11, 2008 Key Largo Wastewater Treatment District signed a Project Cooperative Agreement (PCA) with the Army Corps of Engineers authorizing the transfer of funds for expenditures in the construction of sewers for area D-3; and

WHEREAS, it is now necessary to amend the Project Cooperative Agreement (PCA) to include other areas in the Key Largo Wastewater Treatment District so that there is authorization for Federal funding to continue to construct sewers for utilization of FY 09 appropriated funds up to the 29 1/2 million dollars mentioned in the Project Cooperative Agreement (PCA); now be it therefore

RESOLVED that

- 1) KLWTD will pursue financial assistance from all sources, including federal funding from the US Army Corps of Engineers; and

- 2) KLWTD will partner with our other Keys colleagues based upon the agreement on March 7, 2008 of the Project Development Team meeting, to equally divide future Army Corps of Engineer funding among KLWTD, Marathon, Islamorada, and Key West with each party receiving 25% for any FY09 funding; and
- 3) KLWTD will partner closely with other Keys entities to take the necessary steps at the federal level over the next 30 days to display and use their unity to support our request for FY09 funding for the Florida Keys Water Quality Improvement Program (FKWQIP) and also seek a provision in the Water Resources Development Act (WRDA) that redefines the FKWQIP as environmental restoration; and
- 4) KLWTD instruct staff to move expeditiously to amend our PCA agreement with the Corps to allow the District to receive congressionally appropriated funds through the Army Corps of Engineers in future years until KLWTD secure our full authorized amount of \$29.5 million.

The foregoing RESOLUTION was offered by Commissioner HAMMAKER, who moved its approval. The motion was seconded by Commissioner TOBIN, and being put to a vote the result was as follows:

| | AYE | NAY |
|-----------------------------|----------|-------|
| Chairman Gary Bauman | <u>✓</u> | _____ |
| Commissioner Claude Bullock | <u>✓</u> | _____ |
| Commissioner Susan Hammaker | <u>✓</u> | _____ |
| Commissioner Andrew Tobin | <u>✓</u> | _____ |
| Commissioner Norman Higgins | <u>✓</u> | _____ |

The Chairman thereupon declared Resolution No. 06-04-08 duly passed and adopted the 1st day of April, 2008.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: [Signature]
Chairman Gary Bauman

ATTEST:

Approved to as to form and legal sufficiency

[Signature]
Carol Walker, Clerk

[Signature]
District Counsel, Thomas M. Dillon



- 2) KLEWTD will partner with our other Keys colleagues based upon the agreement on March 7, 2008 of the Project Development Team meeting to equally divide future Army Corps of Engineer funding among KLEWTD, Alachua, Islamorada, and Key West with each party receiving 25% for any FY09 funding, and
- 3) KLEWTD will partner closely with other Keys entities to take the necessary steps at the federal level over the next 30 days to display and use their unity to support our request for FY09 funding for the Florida Keys Water Quality Improvement Program (FKWQIP) and also seek a provision in the Water Resources Development Act (WRDA) that redefines the FKWQIP as environmental restoration; and
- 4) KLEWTD instruct staff to move expeditiously to amend our PCA agreement with the Corps to allow the District to receive congressionally appropriated funds through the Army Corps of Engineers in future years until KLEWTD secure our full authorized amount of \$29.5 million.

The following 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 | _____ | Commissioner Norman Higgins |
| AYE | _____ | Commissioner Andrew Tobin |
| AYE | _____ | Commissioner Susan Hammer |
| AYE | _____ | Commissioner Claude Bullock |
| AYE | _____ | Chairman Gary Barman |
| NAY | _____ | |

The Chairman thereupon declared Resolution No. 08-04-08 duly passed and adopted the 1st day of April, 2008.

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: _____
Chairman Gary Barman

ATTEST:

Approved to us to form and legal sufficiency

_____ Clerk

_____ District Counsel Thomas M. Dillon

SEAL