

RESOLUTION NO. 28-09-14

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, LOCATED IN MONROE COUNTY, FLORIDA, ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 2015 FOR THE DISTRICT; PROVIDING FOR THE GENERAL MANAGER TO EXPEND FUNDS ON BEHALF OF THE DISTRICT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the Key Largo Wastewater Treatment District Act (Ch. 2002-337, Laws of Florida, as amended) (the "Act"), the business and affairs of the Key Largo Wastewater Treatment District (the "District") are conducted and administered by its five-member Board of Commissioners (the "Board"); and

WHEREAS, the Board has those administrative duties set forth in the Act and in chapter 189, Florida Statutes, as the both may from time to time be amended; and

WHEREAS, pursuant to the Act and section 189.418(3), Florida Statutes, the Board has the power and the duty to adopt a budget by resolution each fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT THAT:

Section 1. ADOPTION OF THE BUDGET AND AUTHORIZATION TO EXPEND FUNDS.

(A) The District Utility System Budget for the Fiscal Year ending September 30, 2015, attached hereto as Exhibit "A" is incorporated herein and is hereby adopted.

(B) Subject to the limitation in Section 1(G), below, the General Manager is hereby authorized to expend funds of the District for official purposes of the operation, maintenance, billing, customer services, construction, debt service payment, capital improvements and other business activities of the District in accordance with the adopted Budget.

(C) No contract or other commitment of funds, written or oral, shall be entered into without the certification of the Chief Financial Officer that such contract or other commitment of funds is in the budget and that sufficient cash to meet the contractual or other commitment of funds will be available within the time allowed for payment under the Florida Prompt Payment Act. When such certification is made, the Chief Financial Officer shall record this action in the financial records of the District so as to encumber

those funds and prevent them from being used for other expenditures prior to the completion of the commitment for which the funds were approved. The Chief Financial Officer may adjust the actual restricted amount as he or she determines that such a change is warranted due to the activities related to the commitment.

(D) The amounts shown within the budget are established as a target level for each specific type of revenue or expenditure indicated. Recognizing that the items listed in the Budget may actually be higher or lower than those estimates, the Chief Financial Officer is authorized to reallocate the adopted Budget within each category. Allocation of funds from one category to another is prohibited. Only the Board is authorized to increase the budgeted amounts for a category.

(E) The General Manager is authorized to spend funds not in the Budget in the event of an emergency related to the KLWTD Utility System, which the General Manager reasonably believes may result in: danger or injury to persons; damage to assets of the District; or the inability of the district to provide wastewater services. As soon as possible thereafter, the General Manager or Chief Financial Officer shall report to the Chairman of the Board any such actions taken or to be taken in such circumstances. However, such communication shall occur no later than 24 hours after such actions or events.

(F) The Chief Financial Officer shall notify the Board when he or she determines that the actual revenues of the utility system are likely to be less than those indicated in the adopted Budget and shall also prepare a proposed revised Budget for the Board's review and consideration.

(G) Pursuant to Resolution 01-01-05, any disbursement in excess of \$10,000, other than emergency contracts as provided in Sections 1(E) of this Resolution, must be approved by the Board prior to entering into such a contract.

(H) Pursuant to Resolution 01-01-05, except for emergency expenditures under Section 1(E), above, any work order equal to or in excess of \$10,000 for a professional services contract previously approved by the Board, must be approved by the Board prior to accepting such a work order. Those work orders less than \$10,000 for such contracts do not require prior Board approval but will be presented to the Board for ratification.

(I) The Board authorizes the General Manager and the Chief Financial Officer to do all acts and things required of them by this Resolution and the Budget for the full, punctual, and complete performance thereof, and the Chairman and each member of the Board, officers, attorneys, and other agents of the District are hereby authorized and directed to execute and deliver any and all papers and instruments and to do and cause to be done all acts and things necessary or proper for carrying out the Budget and transactions contemplated by this Resolution, or Florida Statutes.

(J) In the absence of a Chief Financial Officer, the Board may appoint an individual or entity to act on behalf of the Chief Financial Officer and, in such case, all

duties and responsibilities listed above of the Chief Financial Officer shall inherently become the duties of that individual or entity.

Section 2. APPLICABILITY AND EFFECTIVE DATE.

This resolution shall take effect upon adoption by the Board of Commissioners.

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RESOLVED AND ADOPTED this 9 of September 2014.

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

	AYE	NAY
Chairman Steve Gibbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Norman Higgins	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner David Asdourian	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Andrew Tobin	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Commissioner Robert Majeska	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Chairman thereupon declared Resolution No. 28 duly passed and adopted the 9 day of September, 2014

KEY LARGO WASTEWATER TREATMENT DISTRICT

BY: Steve Gibbs

Chairman Gibbs

ATTEST:

Melissa Cornelison

Deputy Clerk, Melissa Cornelison

Approved to as to form and legal sufficiency:

Ray Giglio

General Counsel, Ray Giglio

