

RESOLUTION NO. 08-02-15

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT, ESTABLISHING A PROGRAM FOR LOW-FLOW NON-RESIDENTIAL PARCELS REQUIRED TO CONNECT TO A FORCE MAIN; SETTING THE REQUIREMENTS THEREFORE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Key Largo Wastewater Treatment District (“District”) was created as an independent special district and a public body corporate and politic by chapter 2002-337, Laws of Florida, the “*Key Largo Wastewater Treatment District Act*,”; and

WHEREAS, the *Key Largo Wastewater Treatment District Act* became the District’s Charter; and

WHEREAS, the District’s powers, functions, and duties are set forth in its Charter and in chapter 189, Florida Statutes, as both may from time to time be amended; and

WHEREAS, the Charter gives the District the power and duty to plan, develop, purchase or otherwise acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any wastewater management system and facilities within the territorial limits of the district; and

WHEREAS, the Charter’s definition of the District Wastewater Management System (“District System”) includes any works or equipment necessary for the collection, treatment, and disposal of sewage and wastewater; and

WHEREAS, the Charter gives the District the power and duty to fix and collect rates, rentals, fees, and charges for the use of any District System facilities; and

WHEREAS, in certain portions of the District’s service area, parcels have been provided with a pressurized main pipe, known as a force main connection, instead of a vacuum connection; and

WHEREAS, there are, in such portions of the District’s service area, a number of non-residential parcels that have a single-building, will require only a single-connection, have been assigned by the District not more than six (6) Equivalent Dwelling Units, and must connect to the District’s System via a force main connection (“Non-Residential Low-Flow Parcels”); and

WHEREAS, in such cases, had it been practicable and possible for the District to provide a vacuum connection instead of a force main connection, those Non-Residential Low-Flow Parcels could have been served with a standard vacuum connection; and

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WHEREAS, in such cases, the provision of a force main connection has significantly and disproportionately increased the cost for those Non-Residential Low-Flow Parcels to connect to the District System; and

WHEREAS, the District has determined that it would be in the best interests of the District and its ratepayers to develop a program to assist those Non-Residential Low-Flow Parcels who, due to circumstances beyond their control, could not be served with a standard vacuum connection and were instead provided with a force-main connection.

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

- 1) The District will make available to the owners of record of qualifying Non-Residential Low-Flow Parcels a one-time Discount (“Discount”) on the System Development Charge (“SDC”) applicable to said parcel, which Discount will be the lesser of:
 - a. Fifteen Thousand (\$15,000.00) Dollars, or
 - b. The actual cost of connecting said parcel to District System.
- 2) In order to qualify for the Discount, owners of record must file an application with the District and must demonstrate to the satisfaction of the District that:
 - a. The parcel is improved by not more than one (1) structure that generates sewage that will be managed by the District System.
 - b. The parcel will require not more than one (1) connection to the District System and will not require a buffer tank.
 - c. The parcel has been assigned not more than six (6) Equivalent Dwelling Units by the District, as computed in accordance with Section 10.02 of the District’s Rules and Regulations.
 - d. The parcel has been provided with a force main connection instead of a vacuum connection.
- 3) If the Discount exceeds the outstanding balance of the SDC applicable to the parcel, the District shall refund to the owner of record of the Non-Residential Low-Flow Parcel the amount by which the Discount (as calculated above) exceeds the balance of the SDC, which refund will be made in accordance with section 10.16 of the District’s Rules and Regulations.
- 4) In order to receive the Discount, owners of record of qualifying Non-Residential Low-Flow Parcels:

- a. Must have made application to the District for the said Discount within 365 days from the effective date of this resolution.
 - b. Must have satisfactorily completed the process of connecting the said parcel to District System.
- 5) This resolution shall take effect upon adoption by the Board of Commissioners.

RESOLVED AND ADOPTED THIS 10th DAY OF FEBRUARY 2015

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

	AYE	NAY
Chairman Asdourian	<u>✓</u>	_____
Commissioner Gibbs	<u>✓</u>	_____
Commissioner Higgins	<u>✓</u>	_____
Commissioner Majeska	<u>✓</u>	_____
Commissioner Tobin	<u>✓</u>	_____

The Chairman thereupon declared Resolution No. 08 -02-15 duly passed and adopted the 10th day of February, 2015.


KEY LARGO WASTEWATER TREATMENT DISTRICT


Chairman Asdourian

ATTEST:

Approved to as to form and legal sufficiency


District Clerk, Mariela Montedeoca


General Counsel, Ray Giglio