

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 16, 2007

Division: Engineering

Bulk Item: Yes No

Department: Wastewater

Staff Contact Person/Phone #: Elizabeth Wood/292-4525

AGENDA ITEM WORDING: Approval of a Resolution authorizing payment of \$1,500,000 for the costs of acquisition, procurement, design, and construction of the Conch Key/Duck Key Regional Wastewater System.

ITEM BACKGROUND: FKAA has contracted for the design and permitting of the wastewater collection and treatment system to serve the Conch Key/Duck Key Wastewater District. An advance request has been received from FKAA by the County.

PREVIOUS RELEVANT BOCC ACTION: The Fiscal Year 2007 Capital Plan includes a \$1,500,000 allocation for Conch Key/Duck Key projects. In the Interlocal Agreement between Monroe County and Florida Keys Aqueduct Authority for the Conch Key/Duck Key Regional Wastewater System, Monroe County agreed to provide \$12,500,000 for the costs of acquisition, procurement, design, and construction of wastewater projects in the Conch Key/Duck Key Wastewater District and to advance an amount of \$1,500,000.

CONTRACT/AGREEMENT CHANGES: NA

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: \$1.5M

BUDGETED: Yes No

COST TO COUNTY: _____

SOURCE OF FUNDS: Fund304

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty _____ OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____



Engineering Division MEMORANDUM

To: Dave Koppel, County Engineer
From: Elizabeth Wood, Sr. Administrator – Sewer Projects
Date: 5/3/2007
Re: Expedition of FCAA Advances

AGENDA ITEM Approval of a Resolution authorizing payment of \$1,500,000 for the costs of acquisition, procurement, design, and construction of the Conch Key/Duck Key Regional Wastewater System.

BACKGROUND: FCAA has contracted for the design and permitting of the wastewater collection and treatment system to serve the Conch Key/Duck Key Wastewater District. An advance request has been received from FCAA by the County.

PREVIOUS ACTION: The Fiscal Year 2007 Capital Plan includes a \$1,500,000 allocation for Conch Key/Duck Key projects. In the Interlocal Agreement between Monroe County and Florida Keys Aqueduct Authority for the Conch Key/Duck Key Regional Wastewater System, Monroe County agreed to provide \$12,500,000 for the costs of acquisition, procurement, design, and construction of wastewater projects in the Conch Key/Duck Key Wastewater District and to advance an amount of \$1,500,000.

RESOLUTION NO. ____ -2007

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING PAYMENT OF \$1,500,000 TO ASSIST THE FLORIDA KEYS AQUEDUCT AUTHORITY FOR DESIGN, DEVELOPMENT AND CONSTRUCTION OF A WASTEWATER SYSTEM TO SERVE THE CONCH KEY/DUCK KEY AREA, KNOWN AS THE CONCH KEY/DUCK KEY REGIONAL WASTEWATER SYSTEM.

WHEREAS, the Monroe County Comprehensive Plan requires Monroe County to meet State mandated wastewater treatment standards by 2010; and

WHEREAS, the prevailing method of wastewater treatment in the Conch Key/Duck Key area is the utilization of cess pits and septic systems in the Duck Key area and secondary treatment at the Hawk's Cay plant for the Conch Key area; and

WHEREAS, the Authority is authorized by Chapter 76-441, Laws of Florida, as amended, to design, construct and operate wastewater treatment systems; and

WHEREAS, by virtue of Chapter 98-519 Laws of Florida, passed by the Florida Legislature on May 22, 1998 and subsequently signed into law by the Governor of the State, the Authority possesses authority to act as the wastewater service provider in unincorporated areas of the County; and

WHEREAS, the Authority participated with the County in the development of the Monroe County Sanitary Wastewater Master Plan (the "Master Plan") for the Florida Keys which was adopted by the Monroe County Board of County Commissioners on May 18, 2000; and

WHEREAS, the Master Plan identified and acknowledged the benefits to Monroe County, its residents, visitors and environs from the installation of regionalized central sewer systems and identified areas and projects which should be given priority attention, referred to as "Hot Spots;" and

WHEREAS, Monroe County and the Florida Keys Aqueduct Authority (FKAA) entered into an interlocal agreement (ILA) on September 6, 2005, to work together to construct and place into service such wastewater treatment plants as are necessary to fulfill the 2010 goals for sewerage the Florida Keys; and

WHEREAS, FKAA has contracted for the design and permitting of the wastewater collection and treatment system to serve the Conch Key/Duck Key Wastewater District; and

WHEREAS, the BOCC agreed in the September 6, 2005 interlocal agreement to provide the FKAA with up to TWENTY MILLION DOLLARS (\$20,000,000.00) to assist in the capital cost of constructing a regional wastewater system serving the Lower Keys; and

WHEREAS, Monroe County and the Florida Keys Aqueduct Authority (FKAA) entered into a Master Lease Agreement (MLA) dated as of September 6, 2005, to further define the cooperative partnership of the parties in sewerage the unincorporated areas of the County; and

WHEREAS, when the ILA and MLA were executed, it was contemplated by both parties that further interlocal agreements would be entered to govern the specific projects; and

WHEREAS, Monroe County and the Florida Keys Aqueduct Authority (FKAA) entered into an interlocal agreement (ILA) on September 20, 2006 for the Conch Key /Duck Key Regional Wastewater System in which the BOCC agreed to appropriate, by resolution, funds not to exceed TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$12,500,000.00) estimated for administration, planning, and construction and to initially fund FKAA in the amount of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000); and

WHEREAS, the Authority has approached the County with a request for an advance for financial assistance to construct the Conch Key/Duck Key Wastewater System; and

WHEREAS, the BOCC finds it in the best interest of the public to provide \$1,500,000 to be applied by FKAA to the regional wastewater project for the Conch Key and Duck Key areas through the Conch Key/Duck Key Wastewater System; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1: The Board hereby authorizes the advance payment of \$1,500,000 to FKAA to be applied to the design and construction of the Conch Key/Duck Key Regional Wastewater Project in furtherance of the commitment made in the 9-06-05 ILA, the 9-06-05 MLA and the 9-20-06 Conch Key/Duck Key ILA. This payment may be made from any funds available and may be deemed to constitute the obligation under the 9-20-06 Conch Key/Duck Key ILA.

Section 2: Further funding committed under the ILA, the MLA and the Conch Key/Duck Key ILA will be provided to FKAA only after submission of documentation meeting the County's accounting requirements for reimbursement. Such documentation shall establish that FKAA exercises fiscal control and fund accounting procedures that comply with generally accepted government accounting principles in order to assure that the \$1,500,000 advanced under this resolution has been spent for the design and construction of the Project, including project- specific administrative costs and other project-related costs.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said Board held on the 16th day of May, 2007.

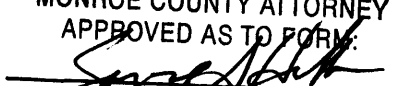
Mayor Di Gennaro _____
Mayor Pro Tem Spehar _____
Commissioner George Neugent _____
Commissioner Charles McCoy _____
Commissioner Sylvia J. Murphy _____

ATTEST
DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Mayor Mario Di Gennaro

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 5/1/07