

**RESOLUTION NO. 22-05-37**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING AMENDMENT TWO TO THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE LOCAL OPTION GAS TAX SHARING; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF AMENDMENT ONE; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT ONE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Section 336.025, Florida Statutes, Monroe County and its municipalities entered into a Local Option Gas Tax Sharing Interlocal Agreement (“ILA”) dated May 20, 2009, which established a distribution formula for dividing the proceeds of first and second local option fuel taxes among Monroe County, Florida (the “County”) and all of the eligible municipalities within the County; and

**WHEREAS**, in accordance with F.S. 336.025(1)(d), if the ILA “entered into under this section does not provide for automatic adjustments or periodic review by the local governmental entities of the method of distribution of the local option fuel tax revenues, the parties to the agreement shall review and hold public hearings on the terms of the agreement at least every 2 years;” and

**WHEREAS**, on August 9, 2021, staff from Monroe County and the local governmental entities in Monroe County met virtually to comply with the periodic review requirements in accordance with F. S. 336.025(1)(d) and to evaluate the method of distribution of the local option gas taxes revenues that would be effective October 1, 2022; and

**WHEREAS**, the County and municipalities agree that the amounts, percentages, and method of distribution in Amendment Two to the ILA attached as Exhibit “A” hereto should be effective October 1, 2022; and

**WHEREAS**, the Village Council finds that the approval of Amendment Two to the Local Option Gas Tax Sharing Interlocal Agreement is in the best interest of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Approval of Amendment Two to Local Option Gas Tax Sharing Interlocal Agreement.** The Village Council hereby approves Amendment Two to the ILA between Monroe County and the Village to provide local option gas tax sharing together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

**Section 3. Authorization of Village Officials.** The Village Manager and/or his/her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Local Option Gas Tax Sharing Interlocal Agreement and the Supplemental Gas Tax Interlocal Agreement.

**Section 4. Execution of Interlocal Agreements.** The Mayor is authorized to execute Amendment Two on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Agreements and to execute any extensions and/or amendments to the Agreements, subject to the approval as to form and legality by the Village Attorney.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.


Motion to adopt by Councilman Buddy Pinder, second by Mayor Pete Bacheler.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:**

Mayor Pete Bacheler	<u>Yes</u>
Vice Mayor Henry Rosenthal	<u>Yes</u>
Councilman Mark Gregg	<u>Yes</u>
Councilman Joseph B. Pinder III	<u>Yes</u>
Councilman David Webb	<u>Absent</u>

**PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF MAY, 2022**

  
\_\_\_\_\_  
PETE BACHELER, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY

  
\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY

**AMENDMENT TWO TO LOCAL OPTION GAS TAX SHARING INTERLOCAL AGREEMENT**

THIS AMENDMENT TWO TO THE LOCAL OPTION GAS TAX SHARING INTERLOCAL AGREEMENT is made and entered into as of this 20<sup>th</sup> day of July 2022, between **Monroe County**, a political subdivision of the State of Florida, (hereinafter the COUNTY), and the **City of Key West**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Key West) and the **City of Key Colony Beach**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Key Colony Beach); and the **City of Layton**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Layton); and the **City of Marathon**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Marathon), and the **City of Islamorada, The Village of Islands**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Islamorada) or collectively referred to as CITIES.

**WHEREAS**, the CITIES and the COUNTY entered into a Local Option Gas Tax Sharing Interlocal Agreement (herein after referred to as “ILA”) dated May 20, 2009 in accordance with F.S. 336.025 setting forth a distribution formula for dividing the 6-cents and 5-cents proceeds of the gas tax among the County and all eligible municipalities within Monroe County; and

**WHEREAS**, in accordance with F.S. 336.025(1)(d), the ILA was amended August 19, 2020 to add a provision for periodic review whereby the local government entities will meet every two years to review and evaluate the method of distribution in accordance with the Statute; and

**WHEREAS**, the County and Cities representatives have met and agreed to update the distribution formula for the 5-cent local option gas tax distribution that is based upon population to include the 2020 census data and to incorporate the transportation expenditures for each local government for the last five fiscal years for the 6-cent local option gas tax distribution; and

**WHEREAS**, Section 10. NOTICES of the ILA will be amended and updated to reflect the individuals currently holding COUNTY and CITY positions;

**NOW THEREFORE**, in consideration of the mutual promises and conditions contained herein, the parties agree to amend the ILA as follows:

1. Section 3. Revenue Share Allocation shall be amended to read as follows:

**SECTION 3. REVENUE SHARE ALLOCATION**

All parties agree that the distribution of the 6-cent local option gas tax, imposed by County *Ordinance No. 016-1989*, as amended by *Ordinance No. 026-1989* and as extended by *Ordinance No. 033-2019* and authorized under Sec. 336.025(1)(a), Florida Statute shall be distributed based upon the transportation expenditures for the last five fiscal year among the COUNTY and CITIES as follows:

	<u><b>Distribution</b></u>
City of Key West	28.3%
City of Key Colony Beach	0.5%

City of Layton	0.12%
City of Marathon	5.3%
The Village of Islamorada	9.2%
Monroe County	56.5%

B. All the parties agree that the 5-cent local option gas tax, imposed by County *Ordinance No. 016-2009* and *Ordinance No. 029-2020*, and authorized under Sec. 336.025(1)(b), Florida Statute shall be distributed based upon population (current 2020 census data) among the COUNTY and CITIES as follows:

	<b><u>Distribution</u></b>
City of Key West	31.91%
City of Key Colony Beach	0.95%
City of Layton	0.25%
City of Marathon	11.69%
The Village of Islamorada	8.58%
Monroe County	46.62%

2. Section 10 of the ILA shall be amended as follows:

**SECTION 10. NOTICES.** Notices in this Agreement, unless otherwise specified, must be sent by certified mail to the following:

**COUNTY:**

County Administrator Roman Gastesi  
 1100 Simonton Street  
 Key West, FL 33040

County Attorney Robert B. Shillinger  
 P. O. Box 1026  
 Key West, FL 33041

**KEY COLONY BEACH:**

City Manager Dave Turner  
 P.O. Box 510141  
 Key Colony Beach, FL 33051

Mr. Dirk Smits, Esq  
 City Attorney for Key Colony Beach  
 81990 Overseas Highway, Third Floor  
 Islamorada, FL 33036

**MARATHON:**

George Garrett , City Manager &  
 City Attorney Steve Williams  
 9805 Overseas Highway  
 Marathon, FL 33050

**ISLAMORADA:**

City Manager &  
Roget V. Bryan, Village Attorney  
86800 Overseas Highway  
Islamorada, FL 33036

**LAYTON:**

Mayor Bruce Halle  
PO Box 778  
Long Key, FL 33001

Mr. Dirk Smits, Esq  
City Attorney for Layton  
81990 Overseas Highway, Third Floor  
Islamorada, FL 33036

**KEY WEST:**

City Manager-Patti McLaughlin &  
City Attorney Shawn Smith  
P. O. Box 1409  
Key West, FL 33041

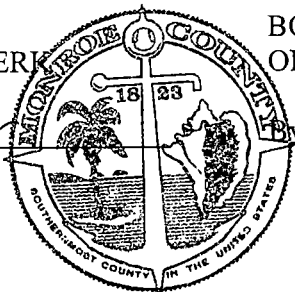
- 3. All other terms and conditions of the ILA dated May 20, 2009, as amended, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

(SEAL)  
KEVIN MADOK, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: *[Signature]*  
As Deputy Clerk



*[Signature]*  
Mayor/Chairperson

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FILED FOR RECORD

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CLERK CIR. CT.  
MONROE COUNTY, FL.

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
*Christine Lambert-Barrows*  
CHRISTINE LAMBERT-BARROWS  
ASSISTANT COUNTY ATTORNEY  
DATE: 6/22/22

(SEAL)

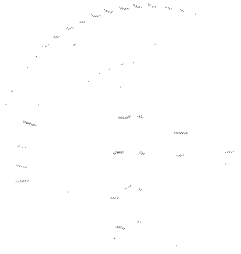


CITY OF KEY WEST

By: \_\_\_\_\_  
Mayor

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(SEAL)  
ATTEST:

By: *[Signature]*  
Clerk

CITY OF KEY COLONY BEACH

By: *[Signature]*  
Mayor

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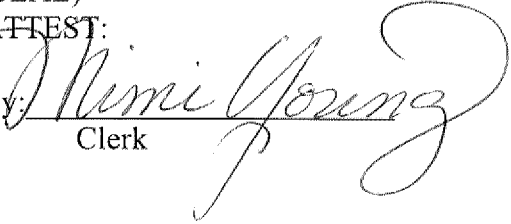


(SEAL)

ATTEST:

By:

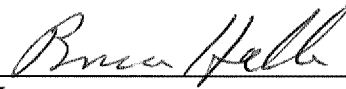
Clerk

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CITY OF LAYTON

By:

Mayor

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(SEAL)  
ATTEST:

By: Diane Clavick  
Clerk

CITY OF MARATHON

By: [Signature]  
Mayor

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(SEAL)

CITY OF ISLAMORADA, VILLAGE OF  
ISLANDS

ATTEST:

By: Marianne McGrath  
Clerk

By: [Signature] 5/25/2022  
Mayor

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