

RESOLUTION NO. 25-02-12

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, APPROVING AMENDMENT 1 TO
AGREEMENT KG002 BETWEEN THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE
VILLAGE RELATED TO FLORIDA KEYS STEWARDSHIP ACT
FUNDING; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL
STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS
AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE
VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, on April 14, 2016, General Bill CS/CS/HB 447: Local Government Environmental Financing (the "Florida Keys Stewardship Act") was signed by the Governor of Florida, and the bill became effective July 1, 2016; and

WHEREAS, pursuant to Chapter 2016-225, Section 6, Laws of Florida, which established the Florida Keys Stewardship Act, the Florida Department of Environmental Protection ("FDEP") administers a grant program for distribution of funds appropriated by the Florida Legislature in the State of Florida's annual budgets; and

WHEREAS, on October 8, 2024, the Village Council of Islamorada, Village of Islands (the "Village Council") adopted Resolution No. 24-10-106 approving Agreement No. KG002 between FDEP and Islamorada, Village of Islands (the "Village"), for use of Florida Keys Stewardship Act grant funds in the amount of \$1,999,959.31 for the Lower Matecumbe Canals Culvert Restoration Project ("the Project"); and

WHEREAS, the Village has Two Million One Hundred Sixty-five Thousand Five Hundred Ninety-eight Dollars (\$2,165,598.28) available through the Florida Keys Stewardship Act for water quality project-related cost reimbursement on projects from years 2022-23 and 2024-25; and

WHEREAS, the Village requested an amendment to Agreement No. KG002 to utilize the remaining FY 2022-23 and 2024-25 Stewardship Act Grant funds to increase the Grant amount by \$2,165,598.28 for the Project; and

WHEREAS, the Village Council finds that it is in the best interest of the Village to approve Amendment 1 to Agreement No. KG002 through which the Village would receive reimbursement for construction costs added to the Grant Work Plan as set forth in the Amendment attached as Exhibit "A" hereto.

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.** The Village Council hereby approves Amendment 1 to Agreement No. KG002 between the Village and FDEP for the reimbursement of project costs, 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 Village Attorney are authorized to take all steps necessary to finalize and implement the terms and conditions of the Amendment.

Section 4. **Execution of Documents.** The Village Manager is hereby designated as the authorized representative to execute the Amendment, which will become a binding obligation in accordance with its terms when signed by both parties. The Village Manager is authorized to represent the Village in carrying out the Village's responsibilities under the Amendment. The Village Manager is authorized to delegate responsibility to appropriate Village staff to carry out technical, financial, and administrative activities associated with the Amendment.

Section 5. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

Motion to adopt by Steve Friedman, seconded by Deb Gillis.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Sharon Mahoney	Yes
Vice Mayor Don Horton	Yes
Councilman Steve Friedman	Yes
Councilwoman Deb Gillis	Yes
Councilmember	—

PASSED AND ADOPTED THIS 11th DAY OF FEBRUARY, 2025.


SHARON MAHONEY, MAYOR

ATTEST:

— DocuSigned by:



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MARNE MCGRATH, VILLAGE CLERK

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

— Signed by:



362BFAA7FD00417...

JOHN J. QUICK, VILLAGE ATTORNEY



**AMENDMENT NO. 1
TO AGREEMENT NO. KG002
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
ISLAMORADA, VILLAGE OF ISLANDS**

This Amendment to Agreement No. KG002 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and the Islamorada, Village of Islands (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Lower Matecumbe Canals Culvert Restoration Project (Project), effective October 11, 2024; and,

WHEREAS, \$298,931.55 in additional funding for this Project is provided under Line Item 1669 of the 2022-2023 General Appropriations Act; and,

WHEREAS, \$1,866,666.73 in additional funding for this Project is provided under Line Item 1736 of the 2024-2025 General Appropriations Act; and the total funding for this Agreement is now \$4,165,557.59; and,

WHEREAS, the reimbursement period for the additional funding provided under Line Item 1736 of the 2024-2025 General Appropriations Act begins on July 1, 2024; and,

WHEREAS, other changes to the Agreement are necessary; and,

WHEREAS, the parties have agreed to amend the Agreement as set forth herein.

NOW THEREFORE, the parties agree as follows:

1. Section 5. of the Standard Grant Agreement is hereby revised to the following:

Total Amount of Funding:	Funding Source?	Award #'s or Line Item Appropriations:	Amount per Source(s):
\$4,165,557.59	<input checked="" type="checkbox"/> State <input type="checkbox"/> Federal	Keys, GAA LI 1669, FY 22-23, GR	\$431,560.96
	<input checked="" type="checkbox"/> State <input type="checkbox"/> Federal	Keys, GAA LI 1709, FY 23-24, GR	\$1,867,329.90
	<input checked="" type="checkbox"/> State <input type="checkbox"/> Federal	Keys, GAA LI 1736, FY 24-25, GR	\$1,866,666.73
	<input type="checkbox"/> Grantee Match		
Total Amount of Funding + Grantee Match, if any:			\$4,165,557.59

2. Attachment 3, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-1, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-1, Revised Grant Work Plan.
3. Attachment 5, Special Audit Requirements, is hereby deleted in its entirety and replaced with Attachment 5-1, Revised Special Audit Requirements, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment 5, shall hereinafter refer to Attachment 5-1, Revised Special Audit Requirements.
4. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

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The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

ISLAMORADA, VILLAGE OF ISLANDS

Sheila Denoncourt

By: _____
Authorized Signature

Sheila Denoncourt, Acting Village Manager

Print Name and Title

Date: _____

Digitally signed by Sheila Denoncourt
DN: CN=US_E Sheila.denoncourt@islamorada.fl.us,
OU=Village of Islamorada, OU=Building Official, CN=Sheila
Denoncourt
Date: 2025.02.13 09:23:35-05'00'

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Angela Knecht

By: _____
Secretary or Designee

Digitally signed by Angela Knecht
Date: 2025.02.13 16:24:03 -05'00'

Angela Knecht, Division Director

Print Name and Title

Date: _____

Digitally signed by Sarah
Sarah Louissaint
Louissaint
Date: 2025.02.13 11:15:23
-05'00'

Sarah Louissaint, DEP Grant Manager

**Nathan
Jagoda**

Nathan Jagoda, DEP QC Reviewer

Digitally signed by Sarah
Louissaint
Date: 2025.02.13 11:15:23
-05'00'

List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description
Attachment	3-1	Revised Grant Work Plan
Attachment	5-1	Revised Special Audit Requirements

ATTACHMENT 3-1
REVISED GRANT WORK PLAN

PROJECT TITLE: Lower Matecumbe Canals Culvert Restoration Project

PROJECT LOCATION: The Project will be located in the City of Islamorada within Monroe County; Lat/Long (24.8599, -80.7258). See Figure 1 for a location map.

PROJECT BACKGROUND: In 2017, Monroe County and Islamorada completed a technology evaluation of several systems as part of canal restoration efforts. The technologies evaluated included injection wells, pump-in recirculation systems, culverts installed via directional drilling and/or trenching, bio-augmented aeration and organic sediment removal. The evaluation determined that the installation of culvert pipes is a highly efficient technology to facilitate flushing and improve water quality in dead end canal systems. This technology effectively increased oxygenation by improving circulation and exchange. This is in alignment with the purpose of culverts which are to stimulate the exchange with cleaner near shore waters.

The Lower Matecumbe Canal network includes canals 150, 151, 152, 155 and 157. The network has poor water quality and lack of flushing due to canal orientation making it a favorable location for the installation of culvert pipes to improve the water quality within the canal system and nearshore waters. This canal system is part of Islamorada's Canal Work Plan, and these canals rank highly on the Village's canal restoration project list. Installation of culvert pipes is a relatively easy and inexpensive method of restoring multiple canals in this location, due to their proximity to one another. The goals of the proposed improvements are to restore the impaired waters of the canals, increase the dissolved oxygen levels to meet State 62-302 Class III marine water quality standards, and improve nearshore water quality.

PROJECT DESCRIPTION: The Grantee will construct multiple side-by-side 4' x 4' box culverts underneath roads at strategic locations to hydrologically connect canals 150, 151, 152, 155 and 157.

TASKS: All documentation should be submitted electronically unless otherwise indicated and should be submitted prior to the expiration of the grant agreement.

Task 1: Construction

Deliverables: The Grantee will construct the Lower Matecumbe Canals Culvert Restoration Project in accordance with the construction contract documents.

Documentation: The Grantee will submit: 1) a copy of the final design; 2) a signed summary of activities completed for the period of work covered in the payment request, using the format provided by the Department's Grant Manager. Upon request by the Department's Grant Manager, the Grantee will provide additional supporting documentation relating to this task.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

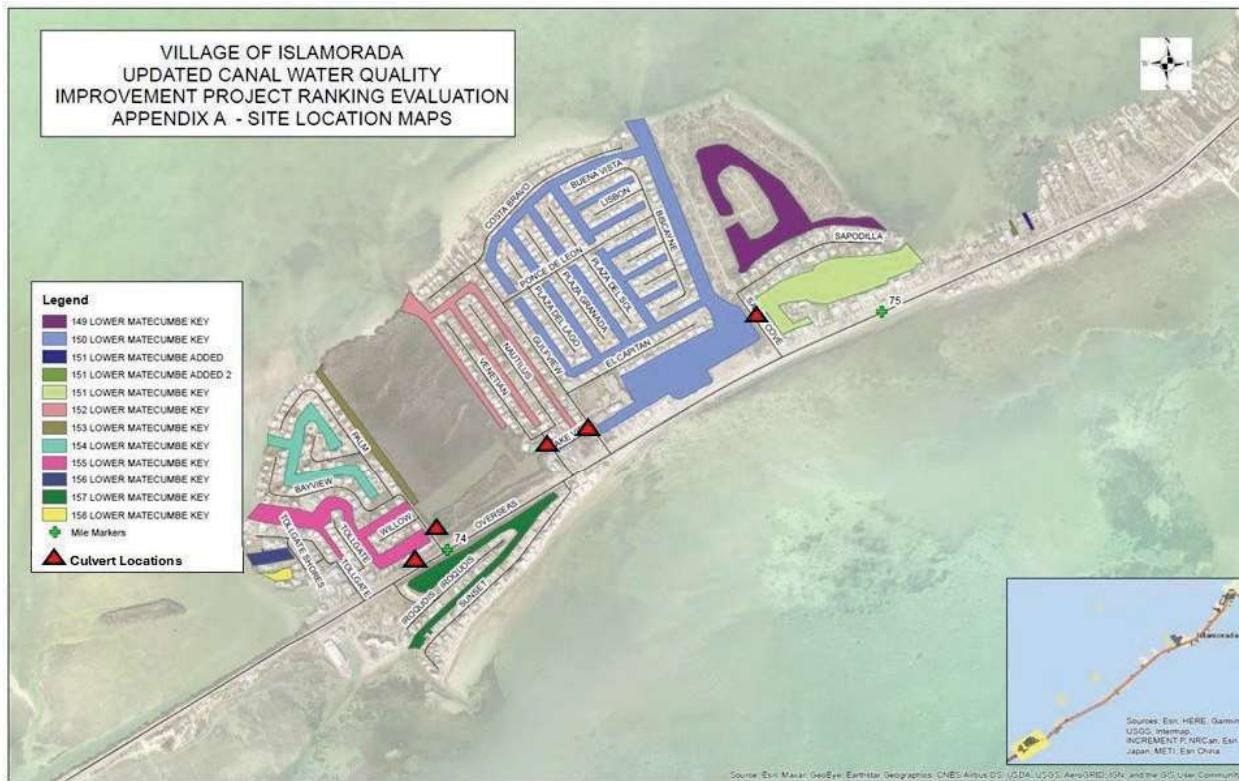
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PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

For any Task with a Budget Category of Contractual Services, the Grantee shall submit a copy of the executed subcontract to the Department prior to submitting any invoices for subcontracted work.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Construction	Contractual Services	\$4,165,557.59	07/01/2023	06/30/2027
Total:			\$4,165,557.59		

Figure 1: Location Map



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Revised Special Audit Requirements
(State and Federal Financial Assistance)

Attachment 5-1

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the agreement*) to the recipient (*which may be referred to as the "Recipient", "Grantee" or other name in the agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with 2 CFR Part 200, Subpart F-Audit Requirements, and Section 215.97, F.S., as revised (see “AUDITS” below), monitoring procedures may include, but not be limited to, on-site visits by DEP Department staff, limited scope audits as defined by 2 CFR 200.425, or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in 2 CFR §200.330

1. A recipient that expends \$1,000,000 or more in Federal awards in its fiscal year, must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F. EXHIBIT 1 to this Attachment indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the Department of Environmental Protection. The determination of amounts of federal awards expended should be in accordance with the guidelines established in 2 CFR 200.502-503. An audit of the recipient conducted by the Auditor General in accordance with the provisions of 2 CFR Part 200.514 will meet the requirements of this part.
2. For the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508-512.
3. A recipient that expends less than \$1,000,000 in federal awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F-Audit Requirements. If the recipient expends less than \$1,000,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F-Audit Requirements, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from non-federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <https://sam.gov/content/assistance-listings>.

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year of such recipient (for fiscal years ending June 30, 2017, and thereafter), the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, F.S.; Rule Chapter 69I-5, F.A.C., State Financial Assistance; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this form lists the state financial assistance awarded through the Department of Environmental Protection by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$750,000 in state financial assistance in its fiscal year (for fiscal year ending June 30, 2017, and thereafter), an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$750,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at <http://www.leg.state.fl.us/Welcome/index.cfm>, State of Florida's website at <http://www.myflorida.com>, Department of Financial Services' Website at <http://www.fldfs.com> and the Auditor General's Website at <http://www.myflorida.com/audgen>.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with 2 CFR Part 200, Subpart F-Audit Requirements, and required by PART I of this form shall be submitted, when required by 2 CFR 200.512, by or on behalf of the recipient directly to the Federal Audit Clearinghouse (FAC) as provided in 2 CFR 200.36 and 200.512
 - A. The Federal Audit Clearinghouse designated in 2 CFR §200.501(a) (the number of copies required by 2 CFR §200.501(a) should be submitted to the Federal Audit Clearinghouse), at the following address:

Attachment 5-1

By Mail:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at <http://harvester.census.gov/facweb/>

2. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department of Environmental Protection at one of the following addresses:

By Mail:

Audit Director
Florida Department of Environmental Protection
Office of Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:

FDEPSingleAudit@dep.state.fl.us

B. The Auditor General's Office at the following address:

Auditor General
Local Government Audits/342
Claude Pepper Building, Room 401
111 West Madison Street
Tallahassee, Florida 32399-1450

The Auditor General's website (<http://flauditor.gov/>) provides instructions for filing an electronic copy of a financial reporting package.

3. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at one of the following addresses:

By Mail:

Audit Director
Florida Department of Environmental Protection
Office of Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Electronically:

FDEPSingleAudit@dep.state.fl.us

4. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with 2 CFR 200.512, section 215.97, F.S., and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

5. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with 2 CFR 200, Subpart F-Audit Requirements, or Chapters 10.550 (local governmental entities) and 10.650 (non and for-profit organizations), Rules of the Auditor General, should indicate the date and time the reporting package was delivered to the recipient and any correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of the award and this Agreement for a period of **five (5)** years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of **three (3)** years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

EXHIBIT – 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Note: If the resources awarded to the recipient represent more than one federal program, provide the same information shown below for each federal program and show total federal resources awarded

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:

Federal Program A	Federal Agency	CFDA Number	CFDA Title	Funding Amount \$	State Appropriation Category
Federal Program B	Federal Agency	CFDA Number	CFDA Title	Funding Amount \$	State Appropriation Category

Note: Of the resources awarded to the recipient represent more than one federal program, list applicable compliance requirements for each federal program in the same manner as shown below:

Federal Program A	First Compliance requirement: i.e.: (what services of purposes resources must be used for)
	Second Compliance requirement: i.e.: (eligibility requirement for recipients of the resources)
	Etc.
	Etc.
Federal Program B	First Compliance requirement: i.e.: (what services of purposes resources must be used for)
	Second Compliance requirement: i.e.: (eligibility requirement for recipients of the resources)
	Etc.
	Etc.

Attachment 5-1, Exhibit 1
5 of 6

Note: If the resources awarded to the recipient for matching represent more than one federal program, provide the same information shown below for each federal program and show total state resources awarded for matching.

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:				
Federal Program A	Federal Agency	CFDA	CFDA Title	State Appropriation Category
Federal Program B	Federal Agency	CFDA	CFDA Title	State Appropriation Category

Note: If the resources awarded to the recipient represent more than one state project, provide the same information shown below for each state project and show total state financial assistance awarded that is subject to section 215.97, F.S.

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:				
State Program A	State Awarding Agency	State Fiscal Year ¹	CSFA Number	CSFA Title or Funding Source Description
Original Agreement	Department of Environmental Protection	2022-2023	37.039	Statewide Water Quality Restoration Projects - LI 1669
Original Agreement	Department of Environmental Protection	2023-2024	37.039	Statewide Water Quality Restoration Projects - LI 1709
Amendment 1	Department of Environmental Protection	2022-2023	37.039	Statewide Water Quality Restoration Projects - LI 1669
Amendment 1	Department of Environmental Protection	2024-2025	37.039	Statewide Water Quality Restoration Projects - LI 1736
State Program B	State Awarding Agency	State Fiscal Year ²	CSFA Number	CSFA Title or Funding Source Description
				Total Award
				\$4,165,557.59

Note: List applicable compliance requirement in the same manner as illustrated above for federal resources. For matching resources provided by the Department for DEP for federal programs, the requirements might be similar to the requirements for the applicable federal programs. Also, to the extent that different requirements pertain to different amount for the non-federal resources, there may be more than one grouping (i.e., 1, 2, 3, etc.) listed under this category.

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<https://sam.gov/content/assistance-listings>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>], and State Projects Compliance Supplement (Part Four: State Projects Compliance Supplement [https://apps.fldfs.com/fsaa/state_project_compliance.aspx]). The services/purposes for which the funds are to be used are included in the Agreement's Grant Work Plan. Any match required by the Recipient is clearly indicated in the Agreement.

¹ Subject to change by Change Order.
² Subject to change by Change Order.