

RESOLUTION NO. 18-03-27

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RESOLUTION AUTHORIZING APPROVAL OF A MEMORANDUM OF UNDERSTANDING AND MUTUAL AID AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR CLEARING OF MARINE DEBRIS FROM CANALS WITHIN THE VILLAGE; PROVIDING FOR FUNDING TO BE REIMBURSED BY THE VILLAGE TO FDEP; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 10, 2017, Hurricane Irma made landfall in the Florida Keys as a category 4 storm, causing substantial damage to and loss of properties within Islamorada, Village of Islands (the “Village”) and throughout the Florida Keys; and

WHEREAS, a significant amount of sunken debris, partially sunken and damaged vessels, and many other types of debris was deposited in the canals and other navigable waters adjacent to the damaged homes and properties as a result of the hurricane force winds; and

WHEREAS, the debris negatively impacts the marine environment of the Florida Keys and also has impaired ability of residents and visitors to use the canals and nearshore waters; and

WHEREAS, due to the impact of Hurricane Irma, the Village has expended all of its resources and revenues in preparing, mitigating and cleaning up storm damage and debris and the Village presently lacks the funds or resources to clear debris from its waterways; and

WHEREAS, this debris, including, but not limited to derelict vessels, propane tanks, submerged vehicles, and vegetative matter pose a direct threat to the health, safety, and welfare of the residents of the Village and the State of Florida; and

WHEREAS, the State of Florida through the auspices of the Florida Department of Environmental Protection (“FDEP”), has agreed to assist the Village with clearing of debris from public waterways; and

WHEREAS, FDEP and the Village desire to enter into a Memorandum of Understanding and Mutual Aid Agreement, for the clearing of marine debris from waterways within the Village, as attached hereto as Exhibit “A”; and

WHEREAS, pursuant to the MOU, FDEP will use its resources, funds up to Two Million Dollars, and contracts to remove debris resulting from the 2017 Hurricane Irma from the navigable waterways within the Village; and

WHEREAS, pursuant to the MOU, the Village will repay FDEP for the cost of work performed FDEP contractors and the Village will in turn seek reimbursement from FEMA for the cost of work; and

WHEREAS, the Village Council has determined that approval of the MOU with FDEP is in the best interest of the Village and its residents.

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 are incorporated herein by this reference.

Section 2. **Approval of Agreement.** The Village Council of Islamorada, Village of islands, hereby approves and ratifies execution of the MOU with FDEP for cleanup of canals within the Village.

Section 3. **Authorization of Village Officials.** The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 4. **Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village’s Purchasing Procedures Ordinance,

the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

Section 5. Execution of Agreement. The Mayor and/or Village Manager are authorized to execute the Agreement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Village Attorney.

Section 6. Authorization of Village Officials. The Village Manager is hereby authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Vice Mayor Deb Gillis, second by Councilman Jim Mooney.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Chris Sante	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED this 15th day of March, 2018.



CHRIS SANTE, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

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



ROGET V. BRYAN, VILLAGE ATTORNEY

The agreement with Monroe County was never executed by either party. Monroe County pursued a NRCS grant with the USDA. Islamorada entered into an interlocal agreement with the county as a recipient of the grant funding via Resolution 18-6-55.