

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA
RESOLUTION 2020-62**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MARATHON, FLORIDA, APPROVING AMENDMENT ONE TO THE
INTERLOCAL AGREEMENT WITH MONROE COUNTY FOR
RECEIPT OF LOCAL OPTION GAS TAX REVENUES**

WHEREAS, pursuant to Florida Statutes Section 336.025, the county and municipalities may enter into an interlocal agreement setting forth a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county; and

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 entire proceeds of the tax amount county government and all 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 provided 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, this amendment seeks to add a provision for the local government entities to meet every two years to review and evaluate the method of distribution in accordance with the Statute; and

WHEREAS, the County and Cities agree that the amounts, percentages and method of distribution in the ILA dated May 20, 2009 remains as set forth therein; 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, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF MARATHON, FLORIDA, THAT:**

Section 1. Amendment One to Interlocal Agreement between Monroe County and the City (the "Amendment One"), in the form attached as Exhibit "A," is approved. The Mayor is authorized to execute the Agreement.

Section 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8TH DAY OF SEPTEMBER, 2020

THE CITY OF MARATHON, FLORIDA

Steven Cook, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

City Attorney

AMENDMENT ONE TO LOCAL OPTION GAS TAX SHARING INTERLOCAL AGREEMENT

THIS AMENDMENT ONE TO THE LOCAL OPTION GAS TAX SHARING INTERLOCAL AGREEMENT is made and entered into as of this 19TH day of August 2020, 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 entire proceeds of the tax amount county government and all 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 provided 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, this amendment seeks to add a provision for the local government entities to meet every two years to review and evaluate the method of distribution in accordance with the Statute; and

WHEREAS, the County and Cities agree that the amounts, percentages and method of distribution in the ILA dated May 20, 2009 remains as set forth therein; 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. The ILA shall be amended to add the following:

SECTION 14. PERIODIC REVIEW.

Beginning in 2021, the parties agree to meet at least every two years to evaluate the method of distribution of the local option gas tax revenues in accordance with Section 336.025(1)(d), Florida Statutes. Any of the CITIES or the COUNTY may call a meeting at any time to evaluate the

method of distribution. Each municipality shall be represented at such meeting and the COUNTY shall be represented by representatives as selected by the County Administrator's Office. The CITIES or the COUNTY may call for such meeting by providing thirty days' notice to the other as set forth in SECTION 10 herein.

2. 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:

Mayor John Deneale
P.O. Box 510141
Key Colony Beach, FL 33051

Thomas D. Wright
City Attorney for Key Colony Beach
9711 Overseas Highway
Marathon, FL 33050

MARATHON:

Chuck Lindsey, City Manager &
City Attorney
9805 Overseas Highway
Marathon, FL 33050

ISLAMORADA:

City Manager Seth Lawless &
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-Greg Veliz &
City Attorney Shawn Smith
P. O. Box 1409
Key West, FL 33041

3. The parties agree that the proceeds of the six-cent local option gas tax, imposed by County *Ordinance No. 033-2019*, and as authorized by Sec. 336.025, Florida Statutes, shall be distributed among the COUNTY and the named CITIES as set forth in Paragraph A of **Section 3. Revenue Share Allocation.**
4. The parties agree that the proceeds of any of the additional five-cent local option gas tax, imposed by the County, including County *Ordinance No. 16-2009* imposing a 3-cent local option gas tax, or upon approval of an ordinance levying the local option gas tax, shall be distributed among the COUNTY and the named CITIES based on the percentage set forth in Paragraph B of **Section 3. Revenue Share Allocation.**
5. All other terms and conditions of the ILA dated May 20, 2009 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 _____
As Deputy Clerk

By: _____
Mayor/Chairperson

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(SEAL)
ATTEST:

CITY OF KEY WEST

By: _____
Clerk

By: _____
Mayor

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(SEAL)
ATTEST:

CITY OF KEY COLONY BEACH

By: _____
Clerk

By: _____
Mayor

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(SEAL)
ATTEST:

CITY OF LAYTON

By: _____
Clerk

By: _____
Mayor

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(SEAL)
ATTEST:

CITY OF MARATHON

By: _____
Clerk

By: _____
Mayor

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(SEAL)

CITY OF ISLAMORADA, VILLAGE OF
ISLANDS

ATTEST:

By: _____
Clerk

By: _____
Mayor

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