

CITY COUNCIL AGENDA STATEMENT



Meeting Date: July 8, 2025

To: Honorable Mayor and Council Members

Through: George Garrett, City Manager

Agenda Item: Resolution 2024-70 Of The City Council Of The City Of Marathon, Florida Approving The Second Amendment To The Amendment To The State Wastewater Funding Agreement With Monroe County, Florida Keys Aqueduct Authority, Key Largo Wastewater Treatment District, The Village Of Islamorada And The Cities Of Key Colony Beach, And Key West Dated February 20, 2013 (City Of Marathon Resolution 2013-23) And With The Addition Herein, Of The City Of Layton; Authorizing The Mayor To Execute The Interlocal Agreement On Behalf Of The City; And Providing For An Effective Date

BACKGROUND

This Legislative Year, Funds in Specific Appropriation 1550 are provided to the Department of Environmental Protection for the purpose of entering into financial assistance agreements with local governments located in the Florida Keys Area of Critical State Concern and City of Key West Area of Critical State Concern, to be distributed in accordance with the existing interlocal agreement amongst the City of Key West, City of Marathon, City of Key Colony Beach, City of Layton (as provided below), Islamorada, Village of Islands, Key Largo Wastewater Treatment District, Florida Keys Aqueduct Authority, and Monroe County, to finance or refinance the cost of constructing sewage collection, treatment, and disposal facilities, building projects that protect, restore, or enhance nearshore water quality and fisheries, such as stormwater or canal restoration projects and projects to protect water resources available to the Florida Keys, or for the purpose of land acquisition within the Florida Keys Area of Critical Concern as authorized pursuant to section 259.045, Florida Statutes, with increased priority given these acquisitions that achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge.

The parties below entered into an *Interlocal Agreement* (collectively, the "ILA") on February 20, 2013, which was subsequently amended by an Agreement entitled, *Amendment to the State Wastewater Funding Agreement for "Year Two of Four"* dated September 17, 2013. The purpose of the ILA was to equitably allocate the Mayfield Grant Funds (Subsequently known as the Florida Keys Stewardship Act – 2016 HB 447) given by the State of Florida to the parties listed below. This *Second Amendment* to the ILA will be referred to as the "Extension Agreement."

Based on this the City's understanding, as for all parties, that the Amended ILA is still in effect pursuant to the following language:

3. EFFECTIVE DATE AND TERM.

- (a) This Amendment Agreement shall take effect on the date it is fully executed by the Authorized Officer of all of the Parties.
- (b) This Amendment Agreement shall continue in full force and effect until:

- 1) All of the anticipated \$200 million of Mayfield Grant Funding has been distributed to the Parties in accordance with this Amendment Agreement and there are no additional Mayfield Grant Funds available to be distributed; or
- 2) This Amendment Agreement is terminated by the mutual consent of all of the Parties, in writing.

It is the desire of all parties to continue with the format of an ILA through this Resolution and Twice Amended ILA known as the “Extension Agreement” as provided for and outlined in 163.01, Florida Statutes. In addition to the original ILA and its Amendment in September of 2013, this Extension Agreement provides the potential for the City of Layton to participate in future years.

It is in the City’s best interest and in further protection of the City’s Health, Safety, and Welfare and that of the Florida Keys to adopt the following Extension Agreement to the ILA,

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u> X </u>	<u> </u>
2. Other – 2010 Sewer Mandate	<u> X </u>	<u> </u>

FISCAL NOTE:

Funds are available. Future annual funding will be dependent on specific Council Appropriation each year.

APPROVED BY FINANCE DIRECTOR:

Approval

RECOMMENDATION:

Approval

**CITY OF MARATHON, FLORIDA
RESOLUTION 2025-70**

APPROVING THE SECOND AMENDMENT TO THE AMENDMENT TO THE STATE WASTEWATER FUNDING AGREEMENT WITH MONROE COUNTY, FLORIDA KEYS AQUEDUCT AUTHORITY, KEY LARGO WASTEWATER TREATMENT DISTRICT, THE VILLAGE OF ISLAMORADA AND THE CITIES OF KEY COLONY BEACH, AND KEY WEST DATED FEBRUARY 20, 2013 (CITY OF MARATHON RESOLUTION 2013-23) AND WITH THE ADDITION HEREIN, OF THE CITY OF LAYTON; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the parties below entered into an *Interlocal Agreement* (collectively, the "ILA") on February 20, 2013, which was subsequently amended by an Agreement entitled, *Amendment to the State Wastewater Funding Agreement for "Year Two of Four"* dated September 17, 2013. The purpose of the ILA was to equitably allocate the Mayfield Grant Funds (Subsequently known as the Florida Keys Stewardship Act – 2016 HB 447) given by the State of Florida to the parties listed below. This *Second Amendment* to the ILA will be referred to as the "Extension Agreement."

WHEREAS, it is the City's understanding, as for all parties, that the Amended ILA is still in effect pursuant to the following language:

3. EFFECTIVE DATE AND TERM.

(a) This Amendment Agreement shall take effect on the date it is fully executed by the Authorized Officer of all of the Parties.

(b) This Amendment Agreement shall continue in full force and effect until:

1) All of the anticipated \$200 million of Mayfield Grant Funding has been distributed to the Parties in accordance with this Amendment Agreement and there are no additional Mayfield Grant Funds available to be distributed;
or

2) This Amendment Agreement is terminated by the mutual consent of all of the Parties, in writing.

; and

WHEREAS, it is the desire of all parties to continue with the format of an ILA through this Resolution and Twice Amended ILA known as the "Extension Agreement" as provided for and outlined in 163.01, Florida Statutes; and

WHEREAS, in addition to the original ILA and its Amendment in September of 2013, this Extension Agreement provides the potential for the City of Layton to participate in future years; and

WHEREAS, it is in the City's best interest and in further protection of the City's Health, Safety, and Welfare and that of the Florida Keys to adopt the following Extension Agreement to the ILA,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. the above recitals are true and correct and incorporated herein.

Section 2. the Second Amendment to the ILA, known herein as the "Extension Agreement" is hereby adopted and incorporated as "Exhibit 1."

Section 3. the Amended ILA dated September 17, 2013 (City of Marathon Resolution 2013-85 is incorporated as "Exhibit 2."

Section 4. this Resolution shall take effect immediately upon the signature of all parties.

Section 5. the City Clerk is directed to transmit this Resolution to Monroe County, Florida Keys Aqueduct Authority, Key Largo Wastewater Treatment District, The Village Of Islamorada And The Cities Of Key Colony Beach, Layton, and Key West for similar approvals.

Section 6. when the City has received a fully executed document, signed by all parties, then the City Clerk shall transmit the fully executed document to the Florida Department of Environmental Protection, Florida Department of Commerce, and the Executive Office of the Governor

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 8th day of July, 2025.

THE CITY OF MARATHON, FLORIDA

Lynn Landry, 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:

Steve Williams, City Attorney

EXHIBIT 1

EXHIBIT 2

SECOND AMENDMENT TO THE AMENDMENT TO THE STATE WASTEWATER FUNDING AGREEMENT FOR “YEAR TWO OF FOUR”

The parties below entered into an *Interlocal Agreement* on February 20, 2013, which was subsequently amended by an Agreement entitled, *Amendment to the State Wastewater Funding Agreement for “Year Two of Four”* dated September 17, 2013 (collectively, the “ILA”). The purpose of the ILA was to equitably allocate the Mayfield Grant Funds given by the State of Florida to the parties listed below. This *Second Amendment* will be referred to as the “Extension Agreement.”

The parties desire to enter into this *Extension Agreement* to provide clarity to the State of Florida as to the distribution of funds received under the *Florida Keys Stewardship Act* for the next five years.

This *Extension Agreement* amends the ILA as follows:

1. The terms within the two previous Agreements remain in full force and effect except as amended herein.
2. The **Whereas** clauses are reiterated as though set forth fully and at length herein.
3. The parties remain as stated in the ILA:
 - A. The City of Key West
 - B. The City of Marathon
 - C. The City of Key Colony Beach
 - D. The City of Layton
 - E. Islamorada, Village of Islands
 - F. Monroe County, Florida
 - G. Florida Keys Aqueduct Authority
 - H. Key Largo Wastewater Treatment District
4. Since 2012, the Florida Legislature has allocated \$214,333,333.00 to fund wastewater treatment infrastructure projects in the Florida Keys. An initial fifty million (\$50,000,000.00) was allocated to the Cudjoe Regional Wastewater Project and to Islamorada, Village of Islands. Thereafter, the funds were allocated pursuant to the terms of paragraph 5 in the ILA entitled, *Distribution of Funds*.
5. The parties agree that future funds received, pursuant to the *Florida Keys Stewardship Act*, shall be distributed according to the following schedule:

<u>Entity</u>	<u>Allocation</u>
The City of Key West	<u>12.5 %</u>
The City of Marathon	<u>12.5%</u>
The City of Key Colony Beach	<u>12.5%</u>
<u>The City of Layton (as provided below)</u>	<u>12.5% (see below)</u>
Islamorada, Village of Islands	<u>12.5%</u>
Monroe County, Florida	<u>12.5%</u>
Florida Keys Aqueduct Authority	<u>12.5%</u>
Key Largo Wastewater Treatment District	<u>12.5%</u>

6. As the parties have done in previous years, each party to the ILA and this *Extension Agreement* is authorized to reallocate their respective shares of funds upon mutual agreement of the specifically impacted parties. Such reallocation shall be evidenced in writing and executed by the impacted parties.
7. The parties agree to work cooperatively to advocate to the Legislature each year to distribute the *Florida Keys Stewardship Act* funding in accordance with the proviso that has been utilized for a majority of the budgets adopted. The language provides:

Funds in Specific Appropriation 1550 are provided to the Department of Environmental Protection for the purpose of entering into financial assistance agreements with local governments located in the Florida Keys Area of Critical State Concern and City of Key West Area of Critical State Concern, to be distributed in accordance with the existing interlocal agreement amongst the City of Key West, City of Marathon, City of Key Colony Beach, City of Layton (as provided below), Islamorada, Village of Islands, Key Largo Wastewater Treatment District, Florida Keys Aqueduct Authority, and Monroe County, to finance or refinance the cost of constructing sewage collection, treatment, and disposal facilities, building projects that protect, restore, or enhance nearshore water quality and fisheries, such as stormwater or canal restoration projects and projects to protect water resources available to the Florida Keys, or for the purpose of land acquisition within the Florida Keys Area of Critical Concern as authorized pursuant to section 259.045, Florida Statutes, with increased priority given these acquisitions that achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge.

8. The City of Layton is a signatory to the ILA and a participating government for the sake of future year state appropriations. They were not included in the 2025-2026 legislative appropriations by error and omission (Specific Appropriation 1550). To the extent that there are future appropriations, the participating governments agree to ensure the City of Layton is including in proviso language.
9. Appropriated funds shall be distributed equally among the eight (8) parties to this ILA. The amount to be divided each year will be based upon annual appropriations by the state. Each participating government, including participating utilities, during any year that funds are appropriated under the Stewardship Act or successive legislation must meet grant requirements set out by the state for the receipt of such funds.
10. If any of the governmental entities listed herein is not willing or able to execute this cooperative agreement among all entities in the Keys by July 30, 2025, their designated portion shall not be directly allocated to said party; instead, their percentage of funds shall be allocated by the Florida Department of Environmental Protection according to the grant agreement process similarly utilized in fiscal year 2024-2025.
11. This Extension Agreement shall take effect when fully executed by all parties' authorized representatives and shall continue in effect for five (5) years or until all Mayfield Grant Funds approved by the Florida Legislature have been distributed to the parties in accordance with this *Extension Agreement*.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their Authorized Officers and have affixed their Corporate Seals hereon.

SIGNATURES ON THE FOLLOWING PAGES:

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this
8th day of July, 2025.

THE CITY OF MARATHON, FLORIDA

Lynn Landry, 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:**

Steve Williams, City Attorney