

**MINUTES
OF THE MONROE COUNTY
BOARD OF COUNTY COMMISSIONERS**

Regular Meeting
Board of County Commissioners
Wednesday, July 20, 2022
Marathon, Florida &
Via Communication Media Technology

A regular meeting of the Monroe County Board of County Commissioners convened at 9:00 a.m. at the Marathon Government Center in Marathon and via Communication Media Technology. Present and answering to roll call were Commissioner Craig Cates, Commissioner Michelle Coldiron, Commissioner Holly Raschein, Commissioner James Scholl and Mayor David Rice. Also present at the meeting were Roman Gastesi, County Administrator; Bob Shillinger, County Attorney; Kevin Madok, Clerk of Court; Pamela Hancock, Deputy Clerk; county staff, members of the press and radio; and the general public.

ADDITIONS, CORRECTIONS & DELETIONS

A1 Motion was made by Commissioner Raschein and seconded by Commissioner Coldiron granting approval of the Additions, Corrections & Deletions to the agenda. Motion carried unanimously.

PRESENTATION OF AWARDS

B1 Monroe County Fire Rescue Badge Pinning and Oath Presentation of three new members as follows: Firefighter EMT Luis Garcia, Firefighter EMT Lisandro Gonzalez and Firefighter EMT Robert Ruiz.

B2 Presentation of Employee of the Quarter for the 2nd Quarter of 2022 to Leeann McDougall, Facilities Maintenance.

BULK APPROVALS

C1 Board granted approval and authorized execution of a new Grant Agreement, in the amount of \$9,665,951.73, between the County and the Florida Division of Emergency Management to construct the new Emergency Operations Center in Marathon. The grant funds in this agreement represent the first of two funding increments and a percentage of the awarded Sub-Recipient Management Costs (SRMC). Both funding increments and the SRMC funds total \$13,665,951.02. These federal grant funds will require matching funds, from non-federal sources and will come primarily from a series of grant agreements, minimizing the use of County capital funds. SRMC funds require no match.

C2 Board granted approval and authorized execution of the 6th Amendment to Agreement with EAC Consulting, Inc. for engineering design of the 1st Street and Bertha Street Roadway

Improvement Project (Key West) to add City of Key West requested crosswalk design services, in the maximum not to exceed amount of \$14,312.00, revising the total contract amount to \$514,139.16.

C3 Board granted approval and authorized execution of the 1st Amendment to Subrecipient Agreement No. IR026 with the Florida Department of Economic Opportunity for the Sands Subdivision Sea Level Rise Pilot Roadway and Drainage Mitigation Project (Big Pine Key), which is funded through the U.S. Housing and Urban Development Agency CDBG-MIT program, to add Citizen Complaint Policy requirement.

C4 Board granted approval to purchase a demo Draft Commander 3000® Trainer Mobile Fire Pump Testing and Training Unit from the manufacturer and sole source provider, Weis Fire & Safety Equipment, LLC, at a total discounted price of \$185,600.00; and granted approval for the Fire Chief to execute all necessary documentation.

C5 Board granted approved to rescind approval of Keys Energy Services Line Extension Agreement (Item D8 May 18, 2022); and granted approval and authorized execution of a revised version which adds purchase order and payment terms to the Keys Energy Services Line Extension Agreement, in the amount of \$133,775.09, to provide 3 Phase electrical power for the Sands Subdivision Sea Level Rise Roadway and Drainage Project, Big Pine Key.

C6 Board granted approval to advertise a Request for Proposals for an annual Contract for County-wide installation, maintenance and repair of various fence types on an as needed basis. Contract can be used by any department and will include federal language for federal reimbursement. Estimated annual current fence costs across all County departments is \$250,000.00.

C7 Board granted approval to renew an Agreement with Vision Service Plan Insurance Company (VSP), with no changes in cost, but an increase in frame and contract lens allowances and continuation of the SunCare preventive coverage benefit for non-prescription sunglasses; and granted authorization for the Employee Services Director to complete the necessary forms, for fully insured voluntary vision benefits for a term of four years, effective January 1, 2023 through December 31, 2026.

C8 Board granted approval of a two-year Contract renewal with Delta Dental for dental benefits for eligible County employees, retirees, and dependents; and granted approval for the Employee Services Director to sign all necessary documents. This agreement will maintain the County's existing Dental Plan with no changes in costs or coverage through December 31, 2024.

C9 Board granted approval and authorized execution of the 2nd Amendment to the Gas Tax Sharing Interlocal Agreement (ILA) to update the percentage distributions for the 5-cent local option gas tax to include the 2020 Census Data and for the 6-cent Local Option Gas Tax to include the transportation expenditures for the last five Fiscal Years. The population and transportation expenditures methodology were previously agreed upon the by the County and Cities.

C10 Board granted approval and authorized execution of the Supplemental Gas Tax Interlocal Agreement with the City of Key West to compensate the City for the difference in 6-cent Local Option Gas Tax Revenue between the City's old distribution percentage (36.5%) and the updated distribution percentage (28.3%) for a period of four years with the compensation amount decreasing by 25% per year.

C11 Board granted approval of a one year Agreement with Smarsh, the sole source provider of cellular text message archiving solution, in the amount of \$24,552.00; and granted approval to exempt this procurement from the competitive solicitation process as a sole source provider; and granted authorization for the County Attorney to sign the agreement and related documents.

C12 Board granted approval to advertise a Request for Proposals for continuing services for Grant Writing Assistance and Grant Administration Services.

C13 Board granted approval to rescind the 3rd Change Order with Gary's Plumbing and Fire, Inc. that was approved at the March 16, 2022, that incorrectly stated the contract total; and granted approval and authorized execution of the 3rd Change Order (revised) adding scope in the amount of \$244,500.00 for the Pigeon Key Fire Suppression System Installation Project. The correct total contract amount with this Change Order is \$1,374,837.50. This replacement corrects the mathematical error.

C14 Board granted approval and authorized execution of Alzheimer's Disease Initiative Program Contract KZ-2297 between the Alliance for Aging, Inc. and Monroe County Board of County Commissioners, Social Services/In-Home Services for the Contract Year 2022-2023 (July 1, 2022 to June 30, 2023) in the amount of \$91,807.73.

C15 Board adopted the following Resolution adopting the 2022 *Monroe County Comprehensive Emergency Management Plan*.

RESOLUTION NO. 182-2022

Said Resolution is incorporated herein by reference.

C16 Board granted approval and authorized execution of the 4th Amendment to the Amended and Restated Haul-Out, Transfer Stations Operations and Maintenance Agreement with Waste Management, Inc. of Florida for an extraordinary rate adjustment. Effective August 1, 2022, the County shall pay the Operator an operation and disposal fee of \$103.37 per ton for Commercial; and \$96.08 per ton for residential haul-out. The remaining terms of the agreement, as amended, remain in full force and effect.

C17 Board granted approval to advertise a Request for Proposals for the Pine Channel Nature Park - Paddle Board & Kayak Rental Concessionaire.

C18 Board granted approval to accept two separate negotiated settlement offers, made by Aetna on behalf of two former Monroe County Fire Rescue patients (debtor), by making payment on account for less than the full amount for services rendered by Global Sky Aircharter Corporation a/k/a Trauma Star Air Ambulance Transport. In exchange for an approximate 2%

reduction in the total billed charges, Aetna has provided two electronic fund transfer payments to Trauma Star for these two accounts in anticipation of acceptance of the offer. These two payments, totaling \$47,910.51, if approved, will be applied respectively to each debtor's account and be considered payment-in-full and final settlement.

C19 Board granted approval to advertise a Request for Proposals for the Rowell's Waterfront Park - Paddle Board Kiosk.

C20 Board granted approval to advertise a Request for Proposals for the Veteran's Memorial Park - Paddle Board Kiosk.

C21 Board accepted the report of monthly Change Orders for the month of June 2022, reviewed by the County Administrator/Assistant County Administrator. Said report is incorporated herein by reference.

C22 Board granted approval to reject the ranking determination by the Selection Committee for the Request for Qualifications for Professional Engineering Continuing Services Contract and re-advertise.

C23 Board granted approval to advertise a Request for Proposals for Grant Administration Services for the Community Development Block Grant Coronavirus Grant awarded to Monroe County for the Rowell's Waterfront Park property.

C24 Board granted approval to advertise a Public Hearing to adopt an Ordinance amending Section 23-144 of the Monroe County Code to extend the One Cent Infrastructure Sales Surtax through December 31, 2048; and providing that the extension is only effective if approved by the County electorate at the November 2022 general election.

C25 Board granted approval to advertise for a Public Hearing to consider an Ordinance adding Section 18-4 of the Monroe County Code to prohibit smoking within the boundaries of Monroe County Parks & Beaches with the exception of an unfiltered cigar, to be held at the Board of County Commissioners regular meeting on August 17, 2022, in Key West.

C26 Board granted approval and authorized execution of the 4th Amendment to the Amended and Restated Solid Waste and Recycling Collection Franchise Agreement between Marathon Garbage Services, Inc. (MGS) and Monroe County Board of County Commissioners. The extraordinary rate adjustment as requested by MGS on June 15, 2022, increases the collection rate by \$2.45 per unit per month to \$21.31 per unit per month, effective August 1, 2022 and shall not be adjusted by the residential CPI for Fiscal Year 2022—2023. This amendment also authorizes the franchisee to charge a diesel fuel surcharge to commercial customers effective August 1, 2022 in an amount determined by the Solid Waste Department per the contract.

C27 Board adopted the following Resolutions concerning the Transfer of Funds and Receipt of Unanticipated Revenue:

Receipt of Unanticipated Revenue (OMB Schedule Item No. 1).

RESOLUTION NO. 183-2022

Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Revenue (OMB Schedule Item No. 2).

RESOLUTION NO. 184-2022

Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Revenue (OMB Schedule Item No. 3).

RESOLUTION NO. 185-2022

Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 4).

RESOLUTION NO. 186-2022

Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 5).

RESOLUTION NO. 187-2022

Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Revenue (OMB Schedule Item No. 6).

RESOLUTION NO. 188-2022

Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 7).

RESOLUTION NO. 189-2022

Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 8).

RESOLUTION NO. 190-2022

Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 9).

RESOLUTION NO. 191-2022

Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 10).

RESOLUTION NO. 192-2022

Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 11).

RESOLUTION NO. 193-2022

Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Revenue (OMB Schedule Item No. 12).

RESOLUTION NO. 194-2022

Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 13).

RESOLUTION NO. 195-2022

Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Revenue (OMB Schedule Item No. 14).

RESOLUTION NO. 196-2022

Said Resolution is incorporated herein by reference.

HURRICANE IRMA RECOVERY

D1 Board granted approval and authorized execution of a no cost 1st Amendment to the Federally Funded Community Development Block Grant Mitigation Program Subrecipient Agreement with the Florida Department of Economic Opportunity to modify the Citizen Complaint language under CDBG-MIT Grant IR045 for repairs to the Tavernier Breakwater.

D2 Board granted approval and authorized execution of a no cost 1st Amendment to the Federally Funded Community Development Block Grant Mitigation Program Subrecipient Agreement with the Florida Department of Economic Opportunity to modify the Citizen Complaint language under CDBG-MIT Grant IR036 for repairs to the Rock Harbor Jetty in Key Largo.

TAX COLLECTOR

E1 Board granted approval to extend the 2022 Tax Roll and mail the bills prior to completion of the Value Adjustment Board Hearings.

TOURIST DEVELOPMENT COUNCIL

F1 Board granted approval and authorized execution of the 1st Amendment to Agreement with Key West Business Guild, Inc. for Gay and Lesbian Visitor Information Services to exercise the option to extend the agreement to September 30, 2024; increase the compensation by 5% to \$55,125.00 a year; and revise the Scope of Services to reflect how visitor data is collected.

F2 Board granted approval and authorized execution of an Agreement with Rockport Analytics, LLC to provide Visitor Profile Survey Services.

F3 Board granted approval and authorized execution of an Agreement with Monroe County Council of the Arts Corporation d/b/a Florida Keys Council of the Arts to supplement the cost of tourist related programs.

F4 Board granted approval and authorized execution of the 2nd Amendment to Agreement with the Village of Islamorada for the Dog Park Improvements at Founders Park Project to revise the Scope of Services (Exhibit A) of the agreement.

F5 Board granted approval and authorized execution of the 1st Amendment to Agreement with Florida Keys Land & Sea Trust, Inc. for the Crane Point Flying Forward Phase III Project to extend the agreement to December 31, 2022.

F6 Board granted approval of a thirty-six-month extension to Agreement with AT&T to provide long distance telephone services for the TDC Administrative Office and visitor information lines (1-800 visitor services lines for Chamber of Commerce's); granted authorization for the TDC Marketing Director to sign the extension; and granted approval to rescind BOCC approval of prior extension at the April 20, 2022 meeting (Item E11) due to AT&T providing a revised extension.

COUNTY LAND ACQUISITION AND LAND MANAGEMENT

H1 Board adopted the following Resolution authorizing the donation of Block 19, Lot 1, Breezeswept Beach Estates located at 11 West Indies Drive on Ramrod Key near mile marker 27 to the Monroe County Comprehensive Plan Land Authority for conservation and authorized the Mayor to execute the deed and associated closing documents.

RESOLUTION NO. 197-2022

Said Resolution is incorporated herein by reference.

AIRPORTS

K1 Board ratified and granted approval of the 3rd Amendment to State of Florida, Department of Transportation (FDOT), Public Transportation Grant Agreement No. G1Q04, as executed by the Director of Airports, adding \$69,695.00 in additional funding for Planning Studies at Key West International Airport. This grant is funded 50% FDOT; and 50% Airport Operating Fund 404.

K2 Board ratified and granted approval of State of Florida, Department of Transportation, Public Transportation Grant Agreement No. G2A61, as executed by the Director of Airports, providing \$1,355,305.00 in funding to renovate, upgrade and modify the existing Customs Facility at Key West International Airport. This grant requires a 50% match from Airport Operating Fund 404.

K3 Board granted approval to advertise a competitive solicitation for the Customs Facility Phase 3B Project at Key West International Airport. The project is funded by new State Florida Department of Transportation Grant No. G2A61 (50%); Airport Operating Fund 404 (25%); and PFC Application #18 (25%).

K4 Board granted approval and authorized execution of a new Lease Agreement with Federal Express Corporation for use of an air cargo building and unimproved areas around the building

for customer and employee parking; and aircraft apron parking at Florida Keys Marathon International Airport retroactive to April 1, 2020.

K6 Board accepted the report of Airport Change Orders for the month of June 2022 reviewed by the County Administrator/Assistant County Administrator. Said report is incorporated herein by reference.

K7 Board granted approval to reopen Key West International Airport Fund 405 in anticipation of the upcoming 2022 General Airport Revenue Bond issuance for the new EYW Terminal Concourse A and Improvements Program.

K8 Board granted approval and authorized execution of the Retail Vending Machine Concession Renewal Agreement with Refreshment Services, Inc. to continue to provide two beverage vending machines at Key West International Airport. Ten percent of gross revenues generated from the vending machines is paid to the airport on a quarterly, in arrears, basis.

ENGINEERING

L1 Board adopted the following Resolution granting approval of a Small County Outreach Program Grant Agreement with Florida Department of Transportation, in the amount of \$2,419,722.00, for state funding of a portion of construction for resurfacing of Card Sound Road from the east end of Card Sound Bridge to the intersection of County Road 905.

RESOLUTION NO. 198-2022

Said Resolution is incorporated herein by reference.

L2 Board adopted the following Resolution granting approval of a Local Agency Program Agreement, in the amount of \$567,000.00, between Monroe County and Florida Department of Transportation for Federal funding for the Engineering Design and Permitting of the replacement of Tubby's Creek Bridge (#904982) on Card Sound Road.

RESOLUTION NO. 199-2022

Said Resolution is incorporated herein by reference.

PLANNING & ENVIRONMENTAL RESOURCES BUILDING & CODE COMPLIANCE DEPARTMENTS

M2 Board adopted the following Resolution reserving two Moderate-Income Affordable Housing ROGO Allocations, pursuant to Monroe County Code Section 138-24(b)(3), for the construction of two affordable housing dwelling units as part of the Monroe County Employee Housing Rental Program, at 28269 Julia Avenue, Lots 8 & 9, Block 1, amended Plat Ladies Acre, Little Torch Key, currently having property identification number 00222830-000000, until July 20, 2027.

RESOLUTION NO. 200-2022

Said Resolution is incorporated herein by reference.

M3 Board granted approval and authorized execution of an Interlocal Agreement between Monroe County and the City of Key Colony Beach (City) reimbursing the City in an amount of up to \$7,468.00 from Boating Improvement Funds for costs to be incurred by the City during Fiscal Year 2023 for Regulatory Buoy and Sign Replacement.

M5 Board adopted the following Resolution of the Monroe Board of County Commissioners extending the waiver of approximately \$211,215.00 in building permit fees for a total of twenty-eight affordable employee housing dwelling units comprised of fourteen low income and fourteen median income or below, to be constructed on parcels located at 95301 Overseas Highway, Key Largo, having property identification numbers 00483370-000000, 00484390-000000 and 00484400-000000.

RESOLUTION NO. 201-2022

Said Resolution is incorporated herein by reference.

M7 Board adopted the following Resolution reserving one Moderate-Income Affordable Housing ROGO Allocation, pursuant to Monroe County Code Section 138-24(b)(4), for the construction of one affordable housing dwelling unit as part of the Monroe County Employee Housing Rental Program, on property located at 27985 Tarpon Terrace, Little Torch Key, mile marker 28.5, Lot 18, Block 4, Coral Shores Estates Mobile Homes Section 2, currently having property identification number 00214482-004700, until July 20, 2027.

RESOLUTION NO. 202-2022

Said Resolution is incorporated herein by reference.

COMMISSIONER'S ITEMS

O1 Board granted approval of Mayor Rice's appointment of Megan Merryman to the Duck Key Security District Advisory Board. This is a full-term, 3-year appointment through July 20, 2025.

O2 Board adopted the following Resolution urging the Florida Keys National Marine Sanctuary to balance natural resource conservation and sustainable uses and to continue to engage stakeholders from throughout the Florida Keys and beyond.

RESOLUTION NO. 203-2022

Said Resolution is incorporated herein by reference.

COUNTY CLERK

P1 Board granted approval of Tourist Development Council expenses for the month of June 2022, as follows:

| Vendor | Amount |
|--------------------------|----------------|
| Advertising | \$1,453,508.39 |
| Bricks & Mortar Projects | \$ 135,203.23 |

| Vendor | Amount |
|-----------------------------------|---------------|
| Events | \$ 174,674.14 |
| Office Supplies & Operating Costs | \$ 29,088.16 |
| Personnel Services | \$ 116,903.37 |
| Public Relations | \$ 0.00 |
| Sales & Marketing | \$ 90,899.72 |
| Telephone & Utilities | \$ 17,506.71 |
| Travel | \$ 20,070.01 |
| Visitor Information Services | \$ 54,281.50 |

P2 Board granted approval to remove surplus equipment from inventory via disposal or advertise for bid. Said list is incorporated herein by reference.

P3 Board granted approval of BOCC Warrants 10105550-10107137 (AP); 28322-28399 (WC); all payroll direct deposited to employee's bank accounts for the month of May 2022, as follows:

| Fund | Fund Title | Amount |
|-------------|---------------------------------------|----------------|
| 001 | General Fund | \$3,902,112.30 |
| 101 | Fine & Forfeiture | \$4,988,539.08 |
| 102 | Road/Bridges | \$ 628,154.20 |
| 115 | Tourist Development Council-Two Penny | \$ 380,989.17 |
| 116 | TDC - Admin Promo 2 Cent | \$ 913,080.53 |
| 117 | TDC - District 1 Third Cent | \$ 350,291.74 |
| 118 | TDC - District 2 Third Cent | \$ 73,938.79 |
| 119 | TDC - District 3 Third Cent | \$ 204,851.04 |
| 120 | TDC - District 4 Third Cent | \$ 135,634.07 |
| 121 | TDC - District 5 Third Cent | \$ 166,029.66 |
| 125 | Grant Fund | \$3,131,759.30 |
| 130 | Impact Fees/Roadways | \$ 180.00 |
| 132 | Impact Fees/Library | \$ 6,504.54 |
| 141 | Fire/Ambulance | \$1,240,790.70 |
| 147 | Unincorporated Service | \$ 207,076.17 |
| 148 | Planning Building | \$ 807,001.87 |
| 149 | Municipal Policing | \$ 663,540.91 |
| 150 | E911 Enhancement Fund | \$ 39,080.88 |
| 152 | Duck Key Security | \$ 15,056.75 |
| 153 | Local Housing Assistance | \$ 154,320.91 |
| 157 | Boating Improvement Fund | \$ 23,447.46 |
| 158 | Miscellaneous Special Revenue Fund | \$ 92,607.33 |
| 160 | Environmental Restoration | \$ 33,159.56 |
| 163 | Court Facilities | \$ 337,810.84 |
| 164 | Drug Facilities Fees | \$ 1,645.05 |
| 180 | Building Funds | \$ 489,150.35 |
| 304 | 1 Cent Infrastructure | \$ 502,585.45 |

| Fund | Fund Title | Amount |
|-------------|------------------------------|----------------|
| 312 | Cudjoe Regional WW Project | \$ 11,423.83 |
| 314 | Series 2014 Revenue Bonds | \$ 367,325.84 |
| 316 | Land Acquisition | \$ 42,019.85 |
| 401 | Card Sound Bridge | \$ 30,711.57 |
| 403 | Marathon Airport | \$ 639,923.66 |
| 404 | Key West Int'l Airport | \$3,231,491.37 |
| 406 | PFC & Operating Restrictions | \$ 199,264.52 |
| 414 | MSD Solid Waste | \$1,762,573.62 |
| 501 | Workers' Compensation | \$129,479.44 |
| 502 | Group Insurance Fund | \$1,941,190.77 |
| 503 | Risk Management Fund | \$3,297,241.99 |
| 504 | Fleet Management Fund | \$ 321,411.76 |
| 610 | Fire/EMS LOSAP Trust Fund | \$ 8,400.00 |

COUNTY ADMINISTRATOR

Q2 Board granted approval and authorized execution of a revenue-based \$284,584.00 Interlocal Agreement with the City of Key West for its share of the \$572,500.00 in professional mobile LiDAR Elevation, Surveying and Mapping Services the County is managing on behalf of the five municipalities in the County to assist in their resilience planning work.

COUNTY ATTORNEY

R2 Board granted approval of the appointment of Commissioner Jim Scholl to the Canvassing Board for the 2022 election cycle.

R3 Board granted authorization to initiate litigation against Tyrone L. Greene, Andre J. Greene & Kristal M. Greene and their property, 28022 Gulf Boulevard, Big Pine Key, Florida to seek compliance with County Code and enforce the lien(s) arising from Code Compliance Case Number CE19110022.

R4 Board granted authorization to initiate litigation against Pedro Adrian and Olga Adrian and their property, 186 Bahama Avenue, Key Largo, Florida to enforce the lien(s) arising from Code Compliance Case Number CE16090108.

R5 Board granted authorization to allow code compliance lien arising from CE18100147 against Mirella F. Boan and Jaime Derek Boan and their property, 500 Avenue C, Big Coppitt Key, Florida to remain against the property owners, the subject property and any other property owned by the property owners.

R6 Board granted authorization to initiate litigation against James H. Johnston and Janet A. Johnston and their property, 1723 Watson Boulevard, Big Pine Key, Florida to seek compliance with the County Code and enforce the lien(s) arising from Code Compliance Case Number CE18040021.

R7 Board granted approval to advertise a Public Hearing to consider an Ordinance amending Section 2-477 of the Monroe County Code regarding membership on the Shared Asset Forfeiture Fund Advisory Board.

R8 Board granted approval and authorized execution of the 10th Amendment to Agreement for Outside Counsel Legal Services with Ferencik, Libanoff, Brandt, Bustament and Williams for construction-related matters dated March 15, 2006.

R9 Board granted approval and authorized execution of a Contract with ClearRisk U.S. Corporation to provide software solutions for Claims, Incident and Risk Management for the County's Risk Management Program.

FLEET MANAGEMENT

U1 Board granted approval and authorized execution of the 2nd Renewal and Amendment to Agreement for generator repairs and assistance with All Power Generators, Corp.

INFORMATION TECHNOLOGY

U2 Board granted approval and authorized execution of the Renewal of the Comcast Contract for 24 months decreasing the cost per circuit in order to provide internet circuits of varying bandwidth sizes at 25 locations throughout Monroe County. Also upgraded the bandwidth available for 3 circuits and added a new internet link in Marathon while the overall cost of all services decreased.

AIRPORTS

U3 Board adopted the following Resolution delegating additional purchasing authority to the County Administrator for Direct Purchase items of \$50,000.00 and greater that provide tax savings for the Key West International Airport Concourse A and Terminal Improvements Construction Project.

RESOLUTION NO. 204-2022

Said Resolution is incorporated herein by reference.

SOLID WASTE

U4 Board granted approval and authorized execution of the 4th Amendment to the Amended and Restated Solid Waste and Recycling Collection Franchise Agreement between Keys Sanitary Service (KSS) and Monroe County Board of County Commissioners. The extraordinary rate adjustment as requested by KSS on June 15, 2022, increases the collection rate by \$2.39 per unit per month to \$21.32 per unit per month, effective August 1, 2022; and shall not be adjusted by the residential CPI for Fiscal Year 2022-2023. This amendment also authorizes the franchisee to charge a diesel fuel surcharge to commercial customers effective August 1, 2022, in an amount determined by the Solid Waste Department per the contract.

U5 Board granted approval and authorized execution of the 3rd Amendment to the Amended and Restated Solid Waste and Recycling Collection Franchise Agreement between Waste Management Inc. of Florida (WM) and Monroe County Board of County Commissioners. The extraordinary rate adjustment as requested by WM on June 15, 2022, increases the collection rate by \$1.95 per unit per month to \$21.92 per unit per month, effective August 1, 2022; and shall not be adjusted by the residential CPI for Fiscal Year 2022-2023. This Amendment also authorizes the Franchisee to charge a diesel fuel surcharge to commercial customers effective August 1, 2022, in an amount determined by the Solid Waste Department per the contract.

PLANNING & ENVIRONMENTAL RESOURCES

U6 Board granted approval of the appointment of Brad Bertelli in the Category of History Professional to the Historic Preservation Commission, replacing Bert Bender, with a term expiring July 22, 2025.

U7 Board granted approval of the re-appointment of Kate DeLoach in the Category of Layperson to the Historic Preservation Commission for an additional term, with a term expiring July 20, 2025.

U8 Board granted approval of the re-appointment of Brian Shea in the Category of Professional Planner to the Historic Preservation Commission, with a term expiring July 20, 2025.

U9 Board granted approval of the re-appointment of Barbara Bauman in the Category of Professional Planner to the Historic Preservation Commission, with a term expiring July 21, 2025.

SOCIAL SERVICES

U10 Board adopted the following Resolution of the Board of County Commissioners of Monroe County, Florida, approving the Local Housing Assistance Plan (LHAP) as required by the State Housing Initiatives Partnership Program Act, Subsections 420.907-420.9079, Florida Statutes; and Rule Chapter 67-37, Florida Administrative code; authorizing and directing the Mayor, County Administrator, or his designee, to execute any necessary documents and certifications needed by the State; authorizing the submission of the LHAP for review and approval by the Florida Housing Finance Corporation; and providing an effective date.

RESOLUTION NO. 205-2022

Said Resolution is incorporated herein by reference.

AIRPORTS

U11 Board granted approval and authorized execution of the 5th Task Order with NV2A Gulf Keystar, A Joint Venture for Construction Manager at Risk Services pre-construction activities in the amount of \$126,292.00.00 for the Key West International Airport Concourse A and Terminal Improvements Program, to be funded by the PNC Line of Credit and PFC Fund 406

(PFC #19). The Task Order is effective from August 1, 2022, through August 31, 2022 to keep the design service process on schedule.

Motion carried unanimously.

COUNTY LAND ACQUISITION AND LAND MANAGEMENT

H2 Christine Hurley, Executive Director of the Land Authority, gave a Power Point Presentation on the opening of the Federal Emergency Management Agency Flood Mitigation Assistance Program application cycle for privately owned structures within Monroe County and incorporated cities for Fiscal Year 2023 and beyond to provide grant assistance (match required from property owner) for eligible applicants to elevate, demolish/reconstruct, or volunteer to sell their property to support rebuilding the community to be resilient to floods and other natural hazards. The Board took no official action.

COUNTY ATTORNEY

R11 Bob Shillinger, County Attorney, addressed the Board concerning direction and authorization for Assistant County Administrator Kevin Wilson to negotiate agreement(s) with Fortress Secured, LLC relative to its unsolicited proposal to design, build, and finance a replacement fire station on Sugarloaf Key at the current location of the Sugarloaf Volunteer Fire Department Station #10. The following individual addressed the Board: Stuart Schaffer, representing Sugarloaf Shores Property Owner's Association. After discussion, motion was made by Commissioner Coldiron and seconded by Commissioner Scholl granting approval of the item. Motion carried unanimously.

STAFF REPORTS

G1 Alicia Betancourt, Director of Extension Services, gave a department update

G2 Cynthia McPherson, Director of Code Compliance, gave a department update

AIRPORTS

K5 Mr. Shillinger addressed the Board concerning approval to advertise a Public Hearing for August 17, 2022 for the purpose of receiving comments and hearing discussion concerning the County's proposed issuance of NTE \$50,000,000.00 in aggregate principal amount of Monroe County, Florida Airport Revenue Bonds (Key West International Airport), Series 2022. After discussion, motion was made by Commissioner Coldiron and seconded by Scholl granting approval of the item with the following added language to the notice, in the first paragraph, 8th line, as follows:Series 2022 and possibly other related indebtedness (collectively the "Bonds"),.... Motion carried unanimously. Richard Strickland, Director of Airports, gave an update on Key West International Airport.

ENGINEERING

L3 Mr. Shillinger addressed the Board concerning approval by Resolution of a Local Agency Program Agreement in the amount of \$567,000.00 between Monroe County and Florida Department of Transportation for Federal funding for the Engineering Design and Permitting of the replacement of Mosquito Creek Bridge (#904984) on Card Sound Road. After discussion, motion was made by Commissioner Scholl and seconded by Commissioner Coldiron granting approval of the item, with the following amendment, on page 1:

2. Purpose of Agreement: The purpose of this Agreement is to provide for the Department's participation in ~~Card Sound Road at Tubbys Creek Bridge #904982~~ Mosquito Creek Bridge #904984, as further described in **Exhibit "A"**, Project Description and Responsibilities attached to and incorporated in this Agreement ("Project"), to provide Department financial assistance to the Recipient; state the terms and conditions upon which Department funds will be provided; and to set forth the manner in which the Project will be undertaken and completed.

And the following amendment on page 16, Exhibit A:

PROJECT DESCRIPTION: Engineering Design and Permitting of the Replacement of ~~Card Sound Road at Tubbys Creek Bridge (#904982)~~ Mosquito Creek Bridge (#904984) on Card Sound Road

Motion carried unanimously.

RESOLUTION NO. 206-2022

Said Resolution is incorporated herein by reference.

PLANNING & ENVIRONMENTAL RESOURCES BUILDING & CODE COMPLIANCE DEPARTMENTS

M4 Emily Schemper, Sr. Director Planning & Environmental Resources, gave a Power Point Presentation on the 16th Annual Monitoring Report (AMR), providing an update on the implementation of the Incidental Take Permit (ITP) and Associated Habitat Conservation Plan (HCP) for the Florida Key Deer and other protected species located on Big Pine Key and No Name Key, with Cumulative H Impact at 0.6088 and H Mitigation Purchased at 99.9%; and approval to submit the AMR to the U.S. Fish and Wildlife Service. After discussion, motion was made by Commissioner Coldiron and seconded by Commissioner Cates granting approval of the item. Motion carried unanimously.

Commissioner Raschein excused herself from the meeting.

M6 Ms. Schemper addressed the Board concerning direction regarding Comprehensive Plan text amendment language relating to Adaptation Action Areas. After discussion, motion was made by Commissioner Coldiron and seconded by Commissioner Scholl granting approval of the item. Motion carried unanimously, with Commissioner Raschein not present.

COUNTY ADMINISTRATOR

Q1 Roman Gastesi, County Administrator, referred the Board to the County Administrator's monthly report for July 2022. Said report is incorporated herein by reference. Mr. Gastesi addressed the Board concerning the budget presentation from the day before.

Commissioner Raschein returned to the meeting and took her seat.

COUNTY ATTORNEY

R1 Mr. Shillinger referred the Board to the County Attorney's report for July 2022. Said report is incorporated herein by reference.

Mr. Shillinger introduced the summer law clerks who having been working with the County Attorney's Office this summer from the University of South Florida: Dana Dammar, Kelsey Penã and Gus Romano.

Mr. Shillinger requested permission to request that the Florida Association of Counties seek to repeal House Bill 735 as it affects every local government; and if the repeal doesn't work to have language inserted in state law that would give local contractors credit for the time they have worked as a local contractor. The Board granted approval of the request.

Mr. Shillinger requested support to make a proposal to the Florida Association of Counties as part of their briefing process, requesting that they change what's currently called the Charter County Transportation Surtax to the County Transportation Surtax for an additional penny infrastructure sales surtax. The Board supported the proposal.

Mr. Shillinger read the script prepared by Disclosure Counsel, for Key West International Airport, as follows:

The underwriters propose to have the County file a non-obligatory, voluntary summary notice of a proposed issuance of publicly offered bonds for airport improvements, which proposal the County's financial advisor supports. The posting would be on the MSRB EMMA portal where the County already posts certain annual financial information and operating data as required by its prior public offerings. There would be no cost to the County and the County would not be obligated to issue the bonds by virtue of making this posting. What this does allow under rules the underwriters are subject to is to allow the underwriters to start talking to potential institutional investors about the upcoming issue within the confines of the summary notice, prior to publication of the preliminary official statement for the issue which is expected to occur in mid-August, to generate pre-marketing interest and awareness in the volatile and competitive municipal marketplace. The County's Disclosure Counsel will draft the notice to be approved by County staff and the County Attorney's Office before it is filed.

The Board took no official action.

R10 Mr. Shillinger requested to hold an Attorney-Client Closed Session in the matter of *Galleon Bay v. Monroe County, et al.*, 02-CA-595-K, and read the required language into the record. Motion was made by Commissioner Raschein and seconded by Commissioner Coldiron to hold the session at the August 17, 2022 BOCC meeting in Key West, Florida. Motion carried unanimously.

COMMISSIONERS COMMENTS

T Commissioner Raschein announced the passing of radio personality Joey Naples. Board reminded the public about the water themed art contest that the Florida Association of Counties is holding for their calendar. Kristen Livengood, Public Information Officer, advised the Board that the information on the contest is shared on the County's social media.

PUBLIC HEARING

S1 A Public Hearing was held to consider an Ordinance amending Sec. 2-110(1, 3) – Rates of per diem and subsistence allowance and Section 2-111(c). – Transportation of the Monroe County Code to increase the County's reimbursement rates for subsistence (meals) and mileage allowance. There was no public input. Motion was made by Commissioner Cates and seconded by Commissioner Scholl to adopt the following Ordinance. Motion carried unanimously.

ORDINANCE NO. 009-2022

Said Ordinance is incorporated herein by reference.

CLOSED SESSIONS

N1 Mr. Shillinger announced the Attorney-Client Closed Session in the matter *Board of County Commissioners of Monroe County v. Villalobos*, 16th Judicial Circuit Case No. 21-CA-257-P and read the required language into the record pursuant to Section 286.011(8), Florida Statutes. Mr. Shillinger advised that the following individuals would be present at the meeting: County Commissioners; County Administrator Roman Gastesi, County Attorney Bob Shillinger; Assistant County Attorneys Cynthia Hall and Kelly Dugan; and a certified court reporter.

Mayor Rice declared the open session of the meeting closed. After the closed session, the meeting was re-opened.

N3 Mr. Shillinger announced the Attorney-Client Closed Session in the matter of *Sunset Garden Estate Land Trust 2/10/14, by and through its Successor Trustee, Simtrust Group, LLC, and Sunset Gardens Farm, LLC v. Monroe County*, 16th Judicial Circuit Case No. 19-CA-460-P and read the required language into the record pursuant to Section 286.011(8), Florida Statutes. Mr. Shillinger advised that the following individuals would be present at the meeting: County Commissioners; County Administrator Roman Gastesi, County Attorney Bob Shillinger; Assistant County Attorney Peter Morris; special outside counsel for the County, Andrew Mai; and a certified court reporter.

Mayor Rice declared the open session of the meeting closed. After the closed session, the meeting was re-opened.

N3 Mr. Shillinger requested to continue the Attorney-Client Closed Session in the matter of *Sunset Garden Estate Land Trust 2/10/14, by and through its Successor Trustee, Simtrust Group, LLC, and Sunset Gardens Farm, LLC v. Monroe County, 16th Judicial Circuit Case No. 19-CA-460-P* to the August 17, 2022 meeting in Key West, Florida. Motion was made by Commissioner Scholl and seconded by Commissioner Coldiron to continue the Attorney-Client Closed Session. Motion carried unanimously.

There being no further business, the meeting of the Board of County Commissioners was adjourned.

Kevin Madok, CPA
Clerk and ex-officio Clerk to the
Board of County Commissioners
Monroe County, Florida
Pamela G. Hancock, D.C.