

RESOLUTION NO. 21-038

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF KEY WEST FLORIDA AND MONROE COUNTY FLORIDA" (ILA) FOR MOBILE MARINE VESSEL PUMP OUT; AUTHORIZING ANY NECESSARY BUDGET ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE ILA UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the waters surrounding Key West and the Florida Keys of Monroe County are within the boundaries of the Florida Keys National Marine Sanctuary, and are designated a federal No Discharge Zone by the United States Environmental Protection Agency; and

WHEREAS, in Resolution 20-137, the City Commission approved a six-month Interlocal Agreement, with an additional renewal period of up to six months, wherein the City would temporarily provide vessel pumpout services while the County seeks a more permanent pumpout provider; and

WHEREAS, the County has requested to exercise the six-month extension option for the Interlocal agreement upon the same terms and conditions; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION
OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the attached "Amendment No. 1 to
Interlocal Agreement" between City of Key West Florida and
Monroe County Florida" for mobile marine vessel pumpout
services is hereby approved.

Section 2: That the City Manager is authorized to
execute the Amendment to ILA, and related documents upon
consent of the City Attorney.

Section 3: That any necessary budget transfers and
adjustments are hereby authorized to reflect costs and
reimbursements from the county for pump out services, as set
forth in the ILA and Amendment No. 1.


Section 4: That this Resolution shall go into effect
immediately upon its passage and adoption and authentication
by the signature of the Presiding Officer and the Clerk of
the Commission.

Passed and adopted by the City Commission at a meeting held this 31st day of March, 2021.

Authenticated by the Presiding Officer and Clerk of the Commission on 1st day of April, 2021.

Filed with the Clerk on April 1, 2021.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



TERI JOHNSTON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

201 William St., Key West, FL 33041-1409 (305) 809-3700

EXECUTIVE SUMMARY

TO: Gregory Veliz, City Manager

CC: Patti McLaughlin, Assistant City Manger
George Wallace, Assistant City Attorney

FROM: Doug Bradshaw, Director Port & Marine Services

DATE: March 12, 2021

SUBJECT: Six (6) month extension of Interlocal Agreement between Monroe County and the City of Key West for mobile vessel sewage pumpout services

ACTION STATEMENT

Approval of a six (6) month extension to an Interlocal Agreement (ILA) with Monroe County for sewage pump out services to vessels at anchorages in/near Wisteria Island, Fleming Key, Cow Key Channel, and Boca Chica Basin.

BACKGROUND

Since 2013, the County has provided Keys-wide mobile vessel pumpout service. The previous pump out vendor, PumpOut USA, whose contract expired on July 1, 2020, was not willing to agree to continue to provide pump outs to vessels under new terms offered by the County.

The City of Key West agreed to assist the County, temporarily with vessel pumpout services. A Interlocal Agreement was approved by Resolution # 20-137.

The County has requested an extension of the ILA for an additional six (6) months as allowed by the contract to continue discussions on how to move forward with a permanent solution.

Financial Issues

County is providing \$25.58 per pumpout up to 1,000 pump outs per month on a reimbursement basis quarterly. The City is currently averaging approximately 425 pumpouts per month.

Recommendation

Staff recommends approval of a six (6) month extension to an Interlocal Agreement (ILA) with Monroe County for sewage pump out services.

Key to the Caribbean – Average yearly temperature 77° F.

WATERWAYS SUMMARY

**AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KEY WEST, FLORIDA
AND MONROE COUNTY, FLORIDA**

THIS AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT (“Agreement”) is made and entered into this 17th day of February 2021, between Monroe County Board of County Commissioners (hereinafter “MONROE COUNTY” or the “COUNTY”) and the City of Key West, Florida (hereinafter “CITY”).

WHEREAS, the parties entered into an Agreement on August 5, 2020, for temporary mobile vessel pumpout service for the Key West and Stock Island service area (herein “service” or “services”); and

WHEREAS, the Agreement is currently due to expire on February 27, 2021; and

WHEREAS, Section 3.3 of the ILA allows for a renewal option; and

WHEREAS, it is deemed in the interest of the health, safety, and welfare of the general public to extend this Agreement through June 30, 2021 in order to have continued services while MONROE COUNTY continues to seek a long-term vendor for mobile pumpout services throughout waters of the Florida Keys; and

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the undersigned parties agree as follows:

1. The recitals contained herein are true and correct and are hereby incorporated as if fully set forth herein.
2. The Agreement between the parties is made a legally effective part of this First Amendment, except as expressly amended under this Amendment No. 1.
3. Section 3 is hereby amended by adding the following sentence:

“This Agreement shall be extended through June 30, 2021.”
4. All of the other terms, covenants, conditions, and provision of the Agreement dated July 15, 2020, except those expressly modified and rendered inconsistent by this Agreement, remain in full force and effect and binding upon the parties.

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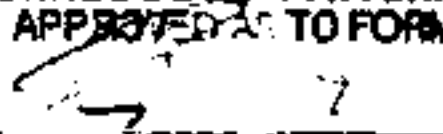
In Witness Whereof, the parties have executed this Amendment No. 1 to the above-referenced Agreement as indicated below.

(SEAL)
KEVIN MADOK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

As Deputy Clerk

Mayor Michelle Coldiron

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

PETER MORRIS
ASSISTANT COUNTY ATTORNEY
Date: 1/28/21

CITY OF KEY WEST, FLORIDA


Gregory W. Veitz, City Manager

Date: 4-2-21



Sheri Smith, City Clerk


Clerk

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

BY: 

George Wallace, Assistant City Attorney

In Witness Whereof, the parties have executed this Amendment No. 1 to the above-referenced agreement as indicated below.



KEVIN MADOK, CLERK

Kevin Madok
As Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

Michelle Coldiron
Mayor Michelle Coldiron

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Peter Morris
PETER MORRIS
ASSISTANT COUNTY ATTORNEY
Date: 12/21

CITY OF KEY WEST, FLORIDA

Gregory W. Veliz
Gregory W. Veliz, City Manager

Date: 4-22

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



Cherri Smith, City Clerk

Cherri Smith
Clerk

George Wallace
BY: George Wallace, Assistant City Attorney

FILED FOR RECORD

2021 APR 22 AM 9:34

CLERK
MONROE COUNTY