

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "SUPPLEMENTAL PROVISION TO THE INTERLOCAL AGREEMENT BETWEEN THE FLORIDA KEYS AQUEDUCT AUTHORITY (FKAA) AND THE CITY OF KEY WEST"; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, in Resolution 22-046 the City Commission approved a proposed Interlocal Agreement (ILA) between FKAA and the City for the collection and billing of wastewater flows from FKAA's Big Coppitt Wastewater Treatment Plant; and

WHEREAS, a third-party utility has promulgated a letter raising a challenge to the ILA, and this Supplemental Provision to the Interlocal Agreement would allow FKAA and/or the City the right to terminate the ILA upon reasonable notice, and further ensure that FKAA indemnifies the City from liability and expenses in the event this specific legal challenge moves forward; and

WHEREAS, City staff finds that approval of the Supplemental Provision to the ILA would protect the City, and citizens of Key West; and

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

Section 1: That the attached "Supplemental Provision to  
the Interlocal Agreement between Florida Keys Aqueduct Authority  
and the City of Key West" is hereby approved.

Section 2: That costs related to addressing the potential  
legal challenge referenced in the Supplemental Provision to  
Interlocal Agreement are 100% allocable to FCAA.

Section 3: That the City Manager is authorized to execute  
the Supplemental Provision to interlocal agreement, and any  
related documents, upon consent of the City Attorney.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Authenticated by the Presiding Officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Filed with the Clerk on \_\_\_\_\_, 2022.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK