

OFFICE OF THE CITY ATTORNEY
Shawn D. Smith
Ronald Ramsingh
George B. Wallace
Nathalia Mellies



PHONE: (305) 809-3770
FAX: (305) 809-3771

THE CITY OF KEY WEST

POST OFFICE BOX 1409
KEY WEST, FL 33041-1409
WWW.KEYWESTCITY.COM

EXECUTIVE SUMMARY

To: The City Commission for the City of Key West

From: George B. Wallace, Assistant City Attorney

Date: July 27, 2020

RE: Approval of commencement of conflict resolution procedure with the Florida Keys Mosquito Control District pursuant to Section 164 Florida Statutes.

Action statement:

Authorize the City Manager to initiate the conflict resolution procedures provided in Florida Statutes Section 164 which process is required prior to initiating or proceeding in civil litigation between governmental entities.

Background

The former premises occupied by the Florida Keys Mosquito Control District (FKMCD) located at 5224 College Road was discovered to suffer from petroleum and pesticide contamination believed to have occurred during the property's occupation by the FKMCD. The subject property is a portion of the City's affordable housing project known as Garden View Apartments which received approval for grant funding under the CDBG-DR program. This grant requires environmental evaluation for credit underwriting approval prior to the grant funding's disbursement to the Key West Housing Authority

under contract to purchase the property. The property has been the subject of voluntary source removal programs initiated and paid for the City of Key West. At this time the City has expended the sum of \$857,901.00 as a direct result of the contamination and the related clean-up efforts. The City is seeking reimbursement of these funds from the FKMCD.

Negotiations and discussions with FKMCD, through management and counsel, may ultimately be successful in resolving the issues but if not litigation may be necessary. Section 164 Florida Statutes requires that the conflict resolution procedures provided in the Statute be completed prior to civil action.

Recommendation:

To approve the proposed resolution authorizing the City Manager to initiate the conflict resolution procedures of Section 164 Florida Statutes. If unsuccessful mediation would be required prior to litigation. Each governmental entity would be required to pay the cost of mediation equally.
