



## THE CITY OF KEY WEST

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### EXECUTIVE SUMMARY

**Date:** January 20, 2023

**To:** Patti McLauchlin, City Manager

**From:** Kelly Crowe, P.E., Utilities Director

**Cc:** Ron Ramsingh, Interim City Attorney  
Christina Bervaldi, Finance Director  
Todd Stoughton, Assistant City Manager

**Subject:** Approval of Amendment #2 to the Interlocal Agreement (ILA) with Monroe County for the Dennis Street Pump Station to modify Attachment A and allow progress payments

#### **Action Statement**

Approval of Amendment #2 to the Interlocal Agreement (ILA) with Monroe County for the Dennis Street Pump Station. Authorize Mayor Johnston to execute the amendment upon consent of the Interim City Attorney.

#### **Background**

On February 19<sup>th</sup>, 2020, the City of Key West (CKW) and Monroe County (County) entered into an ILA for the County's contribution to the construction of the Dennis Street pump station. Per the ILA, the County is responsible for 35.9% of the project costs which includes planning, design and construction. To date, the County's cost share is \$357,978.71.

City staff submitted an invoice to County staff in July 2022 for reimbursement and upon submission of requested documentation submitted a revised invoice in November 2022. In December 2022, County staff notified City staff that the County Clerk's office would not pay the invoice due to a requirement in Section 1.8 of Attachment 'A' of the ILA that stipulated that payment to the City would be remitted upon substantial completion. This section is in conflict with Section 4 of the ILA that states, "The CITY will make requests for reimbursements to the COUNTY based upon the Consultant's invoices, Construction Contractor's pay applications, and Maintenance Work Orders."

Although the pump station is in operation, the project will not be substantially complete until the emergency generator is installed, tested and operational. This is expected to occur by March 2023; however, City staff believe a reimbursement is warranted based on the extensive amount of work

completed to date. In order to receive a progress payment, Section 1.8 of Attachment ‘A’ needs to be modified to allow progress payments.

### **Purpose and Justification**

The ILA was authorized per Resolution 20-050. The ILA was amended previously (Amendment #1) per Resolution 21-080 to account for a change order for additional drainage and electrical work. To date, payments from the County have not been received due to the language in Section 1.8 of Attachment ‘A’. Approval of Amendment #2 will allow the City to be reimbursed for work completed to date. The Board of County of County Commissioner’s (BOCC) approved Amendment #2 to the ILA at their meeting on January 18, 2023.

***Strategic Plan:*** This project supports, Priority 2 “Adaptation/Sea Level Rise”; Goal 2; Action 1; Regional Storm Drain projects.

### **Financial**

Upon approval, staff will submit an invoice to the County in the amount of \$357,978.71. The funds will be reimbursed into Account #402-3802-369-0000, Project #ST38021601.

### **Recommendation**

Staff recommends approving Amendment #2 to the Interlocal Agreement (ILA) with Monroe County for the Dennis Street Pump Station. Authorize Mayor Johnston to execute the amendment upon consent of the Interim City Attorney.