

**RESOLUTION NO. 20-09-96**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,  
VILLAGE OF ISLANDS, FLORIDA APPROVING AMENDMENT ONE  
TO THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY  
AND ISLAMORADA, VILLAGE OF ISLANDS, TO PROVIDE LOCAL  
OPTION GAS TAX SHARING; AUTHORIZING VILLAGE OFFICIALS  
TO IMPLEMENT THE TERMS AND CONDITIONS OF AMENDMENT  
ONE; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT  
ONE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Section 336.025, Florida Statutes, Monroe County and its municipalities entered into a Local Option Gas Tax Sharing Interlocal Agreement ("ILA") dated May 20, 2009 which established a distribution formula for dividing the proceeds of first and second local option fuel taxes among Monroe County and all of the eligible municipalities within the County; and

**WHEREAS**, in accordance with F.S. 336.025(1)(d), if the ILA "entered into under this section does not provide for automatic adjustments or periodic review by the local governmental entities of the method of distribution of the local option fuel tax revenues, the parties to the agreement shall review and hold public hearings on the terms of the agreement at least every 2 years;" and

**WHEREAS**, Amendment One to the ILA (Exhibit "A") seeks to add a provision for the local government entities to meet every two (2) years to review and evaluate the method of distribution in accordance with the Statute; and

**WHEREAS**, the County and municipalities agree that the amounts, percentages, and method of distribution in the ILA dated May 20, 2009 remain as set forth therein; and

**WHEREAS**, the Village Council finds that the approval of Amendment One to the Local Option Gas Tax Sharing Interlocal Agreement is in the best interest of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Approval of Amendment One to Local Option Gas Tax Sharing Interlocal Agreement.** The Village Council hereby approves Amendment One to the ILA between Monroe County and the Village to provide local option gas tax sharing together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

**Section 3. Authorization of Village Officials.** The Village Manager and/or his/her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Local Option Gas Tax Sharing Interlocal Agreement and the Supplemental Gas Tax Interlocal Agreement.

**Section 4. Execution of Interlocal Agreements.** The Mayor is authorized to execute Amendment One on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Agreements and to execute any extensions and/or amendments to the Agreements, subject to the approval as to form and legality by the Village Attorney.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman Jim Mooney, second by Councilman Chris Sante.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

Mayor Mike Forster YES

Councilwoman Deb Gillis YES

Councilman Jim Mooney YES

Councilman Chris Sante YES

Seat 4 Vacant

**PASSED AND ADOPTED THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2020.**



\_\_\_\_\_  
MIKE FORSTER, MAYOR

ATTEST:



\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE  
USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS:



\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY

**AMENDMENT ONE TO LOCAL OPTION GAS TAX SHARING INTERLOCAL  
AGREEMENT**

THIS AMENDMENT ONE TO THE LOCAL OPTION GAS TAX SHARING INTERLOCAL AGREEMENT is made and entered into as of this 19<sup>TH</sup> day of August 2020, between **Monroe County**, a political subdivision of the State of Florida, (hereinafter the COUNTY), and the **City of Key West**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Key West) and the **City of Key Colony Beach**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Key Colony Beach); and the **City of Layton**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Layton); and the **City of Marathon**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Marathon), and **Islamorada, Village of Islands**, a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter Islamorada) or collectively referred to as CITIES.

**WHEREAS**, the CITIES and the COUNTY entered into a Local Option Gas Tax Sharing Interlocal Agreement (herein after referred to as “ILA”) dated May 20, 2009 in accordance with F.S. 336.025 setting forth a distribution formula for dividing the entire proceeds of the tax amount county government and all eligible municipalities within the County; and

**WHEREAS**, in accordance with F.S. 336.025(1)(d), if the ILA “entered into under this section does not provided for automatic adjustments or periodic review by the local governmental entities of the method of distribution of the local option fuel tax revenues, the parties to the agreement shall review and hold public hearings on the terms of the agreement at least every 2 years”; and

**WHEREAS**, this amendment seeks to add a provision for the local government entities to meet every two years to review and evaluate the method of distribution in accordance with the Statute; and

**WHEREAS**, the County and Cities agree that the amounts, percentages and method of distribution in the ILA dated May 20, 2009 remains as set forth therein; and

**WHEREAS**, Section 10. NOTICES of the ILA will be amended and updated to reflect the individuals currently holding COUNTY and CITY positions;

**NOW THEREFORE**, in consideration of the mutual promises and conditions contained herein, the parties agree to amend the ILA as follows:

1. The ILA shall be amended to add the following:

**SECTION 14. PERIODIC REVIEW.**

Beginning in 2021, the parties agree to meet at least every two years to evaluate the method of distribution of the local option gas tax revenues in accordance with Section 336.025(1)(d), Florida Statutes. Any of the CITIES or the COUNTY may call a meeting at any time to evaluate the method of distribution. Each municipality shall be represented at such meeting and the COUNTY

method of distribution. Each municipality shall be represented at such meeting and the COUNTY shall be represented by representatives as selected by the County Administrator's Office. The CITIES or the COUNTY may call for such meeting by providing thirty days' notice to the other as set forth in SECTION 10 herein.

2. The ILA shall be amended as follows:

**SECTION 10. NOTICES.** Notices in this Agreement, unless otherwise specified, must be sent by certified mail to the following:

**COUNTY:**

County Administrator Roman Gastesi  
1100 Simonton Street  
Key West, FL 33040

County Attorney Robert B. Shillinger  
P. O. Box 1026  
Key West, FL 33041

**KEY COLONY BEACH:**

Mayor John Deneale  
P.O. Box 510141  
Key Colony Beach, FL 33051

Thomas D. Wright  
City Attorney for Key Colony Beach  
9711 Overseas Highway  
Marathon, FL 33050

**MARATHON:**

Chuck Lindsey, City Manager &  
City Attorney  
9805 Overseas Highway  
Marathon, FL 33050

**ISLAMORADA:**

City Manager Seth Lawless &  
Roget V. Bryan, Village Attorney  
86800 Overseas Highway  
Islamorada, FL 33036

**LAYTON:**

Mayor Bruce Halle  
PO Box 778  
Long Key, FL 33001

Mr. Dirk Smits, Esq

City Attorney for Layton  
81990 Overseas Highway, Third Floor  
Islamorada, FL 33036

**KEY WEST:**

City Manager-Greg Veliz &  
City Attorney Shawn Smith  
P. O. Box 1409  
Key West, FL 33041

3. The parties agree that the proceeds of the six-cent local option gas tax, imposed by County *Ordinance No. 033-2019*, and as authorized by Sec. 336.025, Florida Statutes, shall be distributed among the COUNTY and the named CITIES as set forth in Paragraph A of **Section 3. Revenue Share Allocation.**
4. The parties agree that the proceeds of any of the additional five-cent local option gas tax, imposed by the County, including County *Ordinance No. 16-2009* imposing a 3-cent local option gas tax, or upon approval of an ordinance levying the local option gas tax, shall be distributed among the COUNTY and the named CITIES based on the percentage set forth in Paragraph B of **Section 3. Revenue Share Allocation.**
5. All other terms and conditions of the ILA dated May 20, 2009 remain in full force and effect.



WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first  
written.  
JULIA MADOK, CLERK  
By *Julia Madok*  
As Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: *Heather Carruthers*  
Mayor/Chairperson Heather Carruthers

FILED FOR RECORD  
2020 SEP 30 PM 2:30

LLK:CLERK  
MONROE COUNTY, FLA.

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MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
ROBERT B. SHILLINGER, JR.  
COUNTY ATTORNEY  
DAM 7-18-2021



CITY OF KEY WEST

By:

Mayor

Sheryl Smith  
Clerk

Tom Johnson

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(SEAL)

ATTEST:

By: M. Holloman  
Asst. City Clerk

CITY OF KEY COLONY BEACH

By: J. H. Coffey  
Mayor

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(SEAL)

ATTEST:

By Mimi Young  
Clerk

CITY OF LAYTON

By: Bruce Hall  
Mayor

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(SEAL)

ATTEST:

By: D. Clavier  
Diane Clavier, City Clerk

CITY OF MARATHON

By: S. Cook

Steve Cook, Mayor

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(SEAL)  
ATTEST:

By: Kelly S. Tolle  
Clerk

ISLAMORADA, VILLAGE OF ISLANDS

By:   
Mayor

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