

**CITY OF MARATHON, FLORIDA
RESOLUTION 2019-43**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A FIFTH AMENDMENT OF THE INTER-LOCAL AGREEMENT BETWEEN THE CITY OF MARATHON AND MONROE COUNTY FOR FUNDING OF FERRY SERVICE TO PIGEON KEY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE INTER-LOCAL AGREEMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Department of Transportation (FDOT) has jurisdiction over and maintains the Old Seven-Mile Bridge from the City of Marathon (City) to Pigeon Key in Monroe County (County); and

WHEREAS, Pigeon Key is presently occupied by the Pigeon Key Foundation, a non-profit organization devoted to marine education and historic interpretation of the Florida Keys' heritage; and

WHEREAS, on the 16th day of May, 2012 the parties executed an Interlocal Agreement (ILA) outlining the City's reimbursement payment for the ferry service to Pigeon Key at a rate of 7.5% for one year of the cost of the contractor invoiced base (routine) ferry service or \$18,750, whichever is less; and

WHEREAS, on the 15th day of May 2013, the parties executed Amendment 1 to the ILA extending the funding of the ferry service for another year until June 30, 2014; and

WHEREAS, on the 22nd day of April, 2014, the parties executed Amendment II to the ILA extending the funding of the ferry service for another year until June 30, 2015; and

WHEREAS, on the 15th day of May, 2015, the parties executed Amendment III to the ILA extending the funding of the ferry service for three years until June 30, 2018; and

WHEREAS, on the 12th day of June 2018, the parties executed Amendment IV to the ILA extending the funding of the ferry service for three years until June 30, 2021; and

WHEREAS, the FDOT, the County and the Pigeon Key Foundation have obligated partial funds for three more one year terms of ferry service in order to maintain traffic between the City and Pigeon Key to permit Pigeon Key Foundation to continue its educational and historic functions;

WHEREAS, Monroe County received a request from the ferry service contractor to increase the base ferry price, the City's portion to the increase in the base ferry price is 7.5% of the base ferry service (no special events or overhead costs or charges) up to \$19,143.90, whichever is less, on an annual term beginning July 1, 2019 for three (3) consecutive terms.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

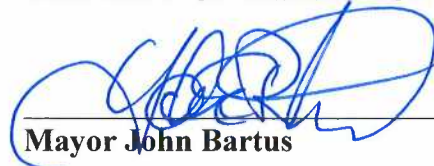
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Fifth Amendment to the ILA between the City, and the County, a copy of which is attached hereto as Exhibit "A", together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved. The City Manager is authorized to sign the Amendment and expend budgeted funds on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14th DAY OF MAY, 2019.

THE CITY OF MARATHON, FLORIDA



Mayor John Bartus

AYES: Cook, Gonzalez, Senmartin, Zieg, Bartus
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



David Migut, City Attorney

AMENDMENT 5 TO THE INTERLOCAL AGREEMENT
BETWEEN CITY OF MARATHON AND MONROE COUNTY

THIS AMENDMENT 5 to the INTERLOCAL AGREEMENT (ILA) is entered into this 19th day of June 2019 between Monroe County, a political subdivision of the State of Florida (hereafter, the COUNTY) and the City of Marathon, a municipal corporation organized and existing under the laws of the State of Florida (hereafter, the CITY)

WHEREAS, on the 16th day of May, 2012 the parties executed an ILA outlining reimbursement for the ferry service to Pigeon Key at a rate of 7.5% of the cost of the base service or \$18,750, whichever is less, for one year; and

WHEREAS, on the 15th day of May, 2013 the parties executed Amendment 1 to the ILA extending the funding of the ferry service for another year until June 30, 2014; and

WHEREAS, on the 21st day of May, 2014 the parties executed Amendment 2 to the ILA extending the funding of the ferry service for another year until June 30, 2015; and

WHEREAS, on the 20th day of May, 2015 the parties executed Amendment 3 to the ILA extending the funding of the ferry service for an additional 3 years until June 30, 2018; and

WHEREAS, on the 20th day of June, 2018 the parties executed Amendment 4 to the ILA extending the funding of the ferry service for an additional 3 years until June 30, 2021; and

WHEREAS, Monroe County received a request from the ferry service contractor to increase the base ferry price, if the increase is approved by the County, the City agrees to increase their contribution towards the base ferry price; and

WHEREAS, the City agrees to the increase in the base ferry price:

NOW THEREFORE, in consideration of the mutual promises contained herein, the COUNTY and the CITY agree to amend the ILA as follows:

1. **The City of Marathon will reimburse Monroe County 7.5% of the base ferry service (no special events or overhead costs or charges) up to \$19,143.90, whichever is less, on an annual term beginning July 1, 2019 for three (3) consecutive terms.**

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2. All other terms and conditions of the ILA, as amended, are in effect and remain unchanged.

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

CITY OF MARATHON:



Sylvia J. Murphy
Mayor/Chairperson

BY: [Signature]
TITLE: City Manager

[Signature] MADOK, CLERK
Deputy Clerk

(SEAL)
ATTEST: Diane Clavel

DATE: June 19, 2019

DATE: May 29, 2019

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
[Signature]
CHRISTINE LIMBERT-BARROWS
ASSISTANT COUNTY ATTORNEY
DATE: 6/26/19

FILED FOR RECORD
2019 JUN 26 PM 2:32

CLERK CIR. CT.
MONROE COUNTY, FL