

Sponsored by: Lindsey

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2020-62**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MARATHON, FLORIDA, APPROVING AMENDMENT ONE TO THE  
INTERLOCAL AGREEMENT WITH MONROE COUNTY FOR  
RECEIPT OF LOCAL OPTION GAS TAX REVENUES**

**WHEREAS**, pursuant to Florida Statutes Section 336.025, the county and municipalities may enter into an interlocal agreement setting forth a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county; and

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

Section 1. Amendment One to Interlocal Agreement between Monroe County and the City (the "Amendment One"), in the form attached as Exhibit "A," is approved. The Mayor is authorized to execute the Agreement.

Section 2. This Resolution shall become effective immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2020**

**THE CITY OF MARATHON, FLORIDA**

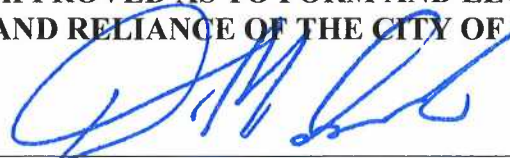
  
\_\_\_\_\_  
**Steven Cook, Mayor**

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

**ATTEST:**

  
\_\_\_\_\_  
Diane Clavier, City Clerk  
(City Seal)

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

  
\_\_\_\_\_  
City 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 the **City of Islamorada, The 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 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.



IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written.

JIM MADOK, CLERK

By: *Samuel Danforth*  
As Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: *Heather Carruthers*  
Mayor/Chairperson Heather Carruthers

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2020 SEP 30 PM 2:30

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MONROE COUNTY, FLA

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MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

*Robert B. Smillinger, Jr.*  
ROBERT B. SMILLINGER, JR.  
COUNTY ATTORNEY

Date: 9-30-20



CITY OF KEY WEST

By: *Amyl Smith*  
Clerk

By: *Tom Johnson*  
Mayor

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(SEAL)  
ATTEST:

By: Michelle Khan  
Asst. City Clerk

CITY OF KEY COLONY BEACH

By: [Signature]  
Mayor

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(SEAL)  
ATTEST:

CITY OF LAYTON

By: Mimi Young  
Clerk

By: Don Bell  
Mayor

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(SEAL)  
ATTEST:

By: D. Clavier  
Diane Clavier, City Clerk

CITY OF MARATHON

By: [Signature]  
Steve Cook, Mayor

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(SEAL)  
ATTEST:

By: Kelly S Jett  
Clerk

ISLAMORADA, VILLAGE OF ISLANDS

By: [Signature]  
Mayor

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