

RESOLUTION NO. 2021-002

A RESOLUTION OF THE KEY LARGO FIRE & EMERGENCY MEDICAL SERVICES DISTRICT, APPROVING RENEWAL OF AN INTERLOCAL AGREEMENT WITH MONROE COUNTY, FLORIDA FOR ALLOCATION OF SALES SURTAX REVENUE FOR THE INSTALLATION OF FIRE HYDRANTS AND OTHER APPROVED INFRASTRUCTURE, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on or about December 14, 2016, the Key Largo Fire & Emergency Medical Services District (the 'District') entered into an interlocal agreement providing for allocation of up to \$150,000.00 per year, for a five year period, of sales surtax monies levied by Monroe County, Florida (the 'County') for purposes of financing, planning and construction of public infrastructure; and

WHEREAS, the District has utilized the sales tax revenue allocated to it by the County pursuant to the December 14, 2016 interlocal agreement for purposes of installing approximately seventy (70) fire hydrants in the Key Largo area; and

WHEREAS, the December 14, 2016 interlocal agreement is currently set to expire on or about September 30, 2021; and

WHEREAS, representatives of the County, including but not limited to County Commissioner Michael Forster, have expressed support for renewal of the interlocal agreement on substantially the same terms for an additional five-year period;

NOW THEREFORE, BE IT RESOLVED BY THE KEY LARGO FIRE RESCUE AND EMERGENCY MEDICAL SERVICES DISTRICT, FLORIDA, AS FOLLOWS:

Section 1: Recitals.

The above recitals are true and correct and are incorporated herein by reference.

Section 2: Approval of ILA Renewal

The District Board of Commissioners hereby approves renewal of the December 14, 2016, interlocal agreement, under the terms and conditions set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. Effective Date.

This Resolution shall be effective upon adoption of the Renewed Interlocal Agreement by the Monroe County Board of County Commissioners. Following approval by the County, the District Board directs and empowers the Board Chair to undergo and carry out all actions necessary to execute and finalize renewal of the December 14, 2016 interlocal agreement, the terms of which have been set forth herein.

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PASSED AND ADOPTED this 23 day of August, 2021 at 6:30 P.M.

SMirabella OBO
Tony Allen, Chairman

ATTEST:

Vicky Fay
Vicky Fay, District Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF KEY LARGO FIRE RESCUE AND
EMERGENCY MEDICAL SERVICES DISTRICT ONLY:

[Signature]
DISTRICT ATTORNEY

Motion to adopt by Conklin, Seconded by Powers

FINAL VOTE AT ADOPTION

Chairman Tony Allen	<u>Absent</u>
Commissioner Frank Conklin	<u>Yes</u>
Commissioner George Mirabella	<u>Yes</u>
Commissioner Kenny Edge	<u>Yes</u>
Commissioner Danny Powers	<u>Yes</u>

EXHIBIT A

RENEWAL OF INTERLOCAL AGREEMENT BY AND BETWEEN
MONROE COUNTY, FLORIDA AND THE KEY LARGO FIRE & EMS DISTRICT

WHEREAS, the Legislature of the State of Florida enacted Chapter 2005-329 establishing the Key Largo Fire & Emergency Medical Services independent special district (the "DISTRICT"), a public corporation charged with providing fire rescue and emergency medical services within the geographical boundaries of Key Largo; and

WHEREAS, Section 212.055(2), Florida Statutes, authorizes Monroe County (the "COUNTY") to levy a one cent discretionary sales surtax in order to finance, plan, and construct infrastructure defined in the statute to include, among other things, any fixed capital expenditure or fixed capital outlay associated with the construction of public facilities that have a life expectancy of five or more years; and

WHEREAS, Section 163.01, Florida Statutes, provides that a public agency of this state, defined to include political subdivisions and special districts, may exercise jointly with any other public agency, any power, privilege, or authority which such agencies share in common and which each might exercise separately, and that the joint exercise of power shall be evidenced in the form of an interlocal agreement; and

WHEREAS, on or about December 14, 2016, the COUNTY and the DISTRICT entered into an interlocal agreement setting forth the terms and conditions under which the DISTRICT would purchase and install fire hydrants and be reimbursed by the COUNTY using a maximum of \$150,000.00 per year from the infrastructure sales surtax monies during the five (5) year period covered by the agreement; and

WHEREAS, since 2016, the DISTRICT has installed approximately seventy (70) fire hydrants utilizing the funding made available through the December 2016 interlocal agreement, thereby increasing the levels of service the DISTRICT can offer to Key Largo residents and resulting in reductions in insurance costs to those residents; and

WHEREAS, the December 2016 agreement is currently set to expire on or about September 30, 2021; and

WHEREAS, without a continuation of the December 2016 agreement, the DISTRICT will not have sufficient funding to continue installation, maintenance and upgrade of critical fire rescue and EMS-related infrastructure, including but not limited to installation of additional fire hydrants;

NOW, THEREFORE IN CONSIDERATION of the mutual considerations and premises set forth below, the parties hereto agree as follows:

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to renew the December 2016 interlocal agreement, setting forth the terms and conditions under which the DISTRICT will continue to improve and expand fire rescue and EMS-related infrastructure within the geographical limits of Key Largo. The DISTRICT shall be reimbursed up to one hundred and fifty thousand dollars (\$150,000.00) per fiscal year for completion of infrastructure projects (as defined by Fla. Stat. 212.055(2)(d)), including but not limited to purchase and installation of fire hydrants.

2. TERM AND EFFECTIVE DATE

The term of the renewed Agreement shall be from October 1, 2021 and end of September 30, 2026, unless earlier terminated by either of the parties in accordance with paragraph 18 of the Agreement.

3. RENEWED AGREEMENT

All terms and conditions of the Interlocal Agreement between the DISTRICT and COUNTY dated December 14, 2016 (attached hereto as Exhibit A), are hereby renewed for the duration of the term described in Section 2 above, except that the following paragraphs (only) are revised and replaced in full with the following paragraphs:

3.1 – Purchase of Items by the District

The District shall purchase fire hydrants and install said hydrants within the geographical area covered by the District. All installation of hydrants pursuant to this Agreement shall be in compliance with the rules issued by the Florida Keys Aqueduct Authority. Further, the COUNTY recognizes that the DISTRICT intends to engage in the improvement of public facilities owned and operated by the DISTRICT, such as ‘Fire Station 24’ located at One East Drive, Key Largo, Florida. Improvement of public facilities, including fire stations, is a permissible infrastructure project eligible for reimbursement by the sales surtax levied by the COUNTY pursuant to Florida Statute § 212.055. Accordingly, the DISTRICT shall be permitted reimbursement of costs associated with the improvement of Fire Station 24 in the same manner for which reimbursement is provided for fire hydrants under the December 2016 agreement.

4.1 – Reimbursement

After purchase of the hydrants, including installation, or purchase of design/build services related to improvement of Fire Station 24, the DISTRICT shall render to the COUNTY a proper itemized invoice in accordance with the Florida Local Government Prompt Payment Act. The invoice shall be properly dated, describing the items purchased, the cost of the equipment and installation, and all other information required by the COUNTY for reimbursement. Upon receipt of the appropriate documents, the COUNTY shall reimburse the DISTRICT for said expenditures. The total amount of the reimbursement shall be up to one hundred fifty thousand (\$150,000.00) per year, for each of the five (5) years covered by the renewed Agreement.

4.4 - Reimbursement

Any funds not expended in any given fiscal year beginning with FY 2022 will be rolled forward and may be used in any subsequent fiscal year covered by this Agreement, up to the maximum set aside for infrastructure projects authorized under this Renewed Agreement over the five (5) years covered by this agreement (\$750,000 total). However, all reimbursement requests must be submitted no later than September 30, 2026. Invoices received after September 30, 2026 will not be considered for reimbursement.

In **WITNESS WHEREOF**, the parties hereto have set their hands and seals the day and year first written above:

(SEAL)

ATTEST: KEVIN MADOK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

As Deputy Clerk

Michelle Coldiron, Mayor

KEY LARGO FIRE RESCUE and
EMERGENCY MEDICAL SERVICES
DISTRICT

Tony Allen, Board Chair

Witnesses:



