RESOLUTION NO. 12-11-99

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING AMENDMENT NO. 3 TO THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND ISLAMORADA, VILLAGE OF ISLANDS FOR JOINT PARTICIPATION IN GRANT AGREEMENT NO ARS010 (17522) FOR THE REPLACEMENT OF STREET LIGHTING POLES / SOLAR LIGHTING GRANT PROJECT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF AMENDMENT NO. 3; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AMENDMENT NO. 3; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) developed the Florida Keys Energy Conservation Initiative in coordination with Monroe County, the City of Key West, and the City of Marathon, and applied to the Florida Energy and Climate Commission (the “FECC”) for grant assistance to aid in the improvement of energy conservation in both incorporated and unincorporated areas of the Florida Keys; and

WHEREAS, the FECC awarded Grant Agreement No. ARS010 (the “Grant Agreement”) to the Monroe County Board of Commissioners (the “County”) as the lead agency, with American Recovery and Reinvestment Act funding provided by the U. S. Department of Energy; and

WHEREAS, on December 15, 2010, the Village entered into an Interlocal Agreement with the County for Joint Participation in Grant Agreement No. ARS010 (attached hereto as Exhibit “A”) for Task 8: Replacement of Street Lighting Poles to provide for partial reimbursement of engineering design and construction costs related to the replacement and solar retrofit of existing electric street lighting at various Village parks and facilities (the “Project”); and
WHEREAS, the FECC and the County subsequently executed Amendments No. 1 and 2 to the Grant Agreement effectively transferring the State’s administrative authority of the Grant Agreement to the Florida Department of Agriculture and Consumer Services (the “FDACS”), changing the Grant Agreement No. to 17522, extending the term of the Grant Agreement, and allowing for procedural changes; and

WHEREAS, the County and the Village subsequently executed Amendments No. 1 and 2 (attached hereto as Exhibits “B” and “C”) to the Interlocal Agreement on September 21, 2011 and April 18, 2011, respectively, to reflect the modified grant period and reimbursement and reporting terms effected by Amendments No. 1 and 2 to the Grant Agreement; and

WHEREAS, the Village completed all Project work under the Interlocal Agreement and submitted the final progress report to the County in May 2012 and submitted payment requests to the County for eligible Project expenditures totaling $333,697.50; and

WHEREAS, the FDACS allocated additional time for completion of the Florida Keys Energy Conservation Initiative and authorized the County to modify the payment request and reimbursement procedures to facilitate timely reimbursement of Project costs to the municipalities;

WHEREAS, the Village received reimbursement of Project costs from the County totaling $333,697.50 in September 2012; and

WHEREAS, the County and the Village wish to retroactively extend the term of the Interlocal Agreement and account for the additional procedural changes authorized by the FDACS;

WHEREAS, Amendment No. 3 to the Interlocal Agreement, attached hereto as Exhibit “D”, provides for a retroactive no-cost time extension of the Project through September 30, 2012
and for revised reimbursement procedures;

WHEREAS, the Village Council finds that approval of Amendment No. 3 between the County and the Village 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. Amendment No. 3 between the County and the Village, a copy of which is attached as Exhibit “A,” 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, is approved.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of Amendment No. 3.

Section 4. Execution of Amendment. The Village Manager is authorized to execute Amendment No. 3 on behalf of the Village and to execute any required agreements and/or documents to implement the terms and conditions of Amendment No. 3, 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 Don Achenberg, second by Councilman Michael Reckwerdt.

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMOADA, VILALGE OF ISLANDS, FLORIDA

Mayor Ken Philipson    YES
Vice Mayor Ted Blackburn    YES
Councilman Michael Reckwerdt    YES
Councilman Don Achenberg    YES
Councilman Dave Purdo    YES

PASSED AND ADOPTED ON THIS 8th DAY OF November, 2012.

[Signature]
Ken Philipson, Mayor

ATTEST:

[Signature]
Acting Village Clerk

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

[Signature]
Village Attorney