RESOLUTION NO. 13-07-37

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND THE FLORIDA KEYS AQUEDUCT AUTHORITY FOR INSTALLATION AND MAINTENANCE OF FIRE HYDRANTS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") originally entered into an Agreement with the Florida Keys Aqueduct Authority (the "Authority") on July 15, 1999 to provide terms for the Installation and Maintenance of Fire Hydrants located within the incorporated boundaries of the Village; and

WHEREAS, the "Authority" has prepared a new Agreement to provide for a five-year term renewable for one additional five-year term; and

WHEREAS, the intent of the Agreement is to document the agreed upon process for the selection of fire hydrant locations, installation of fire hydrants and reimbursement by the Village for hydrant installation and maintenance; and

WHEREAS, the Village Council finds that approval of the Agreement between the Authority and the Village attached hereto 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 Agreement. The Agreement between the Village and the Authority to provide terms for the Installation and Maintenance of Fire Hydrants located within the incorporated boundaries of 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 the Agreement.

Section 4. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village’s Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

Section 5. Execution of Agreement. The Mayor is authorized to execute the Agreement on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

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Motion to adopt by Councilwoman Deb Gillis; second by Councilman Dave Purdo.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Ken Philipson       YES
Vice Mayor Ted Blackburn  YES
Councilman Mike Forster   YES
Councilwoman Deb Gillis   YES
Councilman Dave Purdo     YES

PASSED AND ADOPTED this 11th day of July, 2013.

KEN PHILIPSON, MAYOR

ATTEST:

ARIANA S. LAWSON, VILLAGE CLERK

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

VILLAGE ATTORNEY
AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND
THE FLORIDA KEYS AQUEDUCT AUTHORITY
FOR INSTALLATION AND MAINTENANCE OF FIRE HYDRANTS

THIS AGREEMENT, made and entered into this 24th day of July, 2013, by and between the Florida Keys Aqueduct Authority, an independent special district of the State of Florida, hereinafter called and referred to as the "Authority" and Islamorada, Village of Islands, a municipality of the State of Florida, hereinafter called and referred to as "Islamorada".

WITNESSETH:

WHEREAS, Islamorada and the Authority are authorized to enter into this Agreement pursuant to 163.01, Florida Statutes, as amended, which permits local government units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage; and

WHEREAS, Islamorada and the Authority recognize that fire flow improvements will better ensure the protection of the public health, welfare and safety; and

WHEREAS, Islamorada and the Authority recognize that additional fire hydrants may reduce the Insurance Services Office (ISO) fire protection class rating, thereby reducing property owners insurance premiums; and

WHEREAS, Islamorada and the Authority recognize that the majority of the water distribution system in Islamorada is not designed to provide fire flow and that the Authority does not guarantee fire flow and the purpose of the fire hydrants will be to provide various locations to fill firefighting apparatus; and

WHEREAS, the Authority recognizes that fire hydrants are useful for flushing distribution mains when necessary; and

WHEREAS, this Agreement shall only pertain to fire hydrants in incorporated Islamorada.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, the Parties to this Agreement agree as follows:

1. The recitals set forth above are hereby adopted and incorporated into this Agreement.

2. This Agreement shall be for a term of five (5) years. The term of this contract shall automatically renew on the sixtieth (60th) month for additional five (5) year terms under the same terms and conditions unless either party objects in writing within sixty (60) days prior to the end of the term.

3. Selection of hydrant locations for projects on the FKAA Water Distribution System
Upgrade Plan shall proceed as follows:

A. Islamorada Fire Rescue Department or such other party that the Village Manager shall designate will review design plans for projects on the FKAA Water Distribution System Upgrade Plan and recommend hydrant locations in writing to the Authority.

B. The Authority will evaluate the technical and economical feasibility of recommended hydrant locations for the projects on the FKAA Water Distribution System Upgrade Plan. Technical feasibility will be based on Insurance Services Office (ISO) standards and the ability of the distribution system to supply a minimum flow of 250 gallons per minute (GPM) and minimum line pressure of 20 pounds per square inch (psi). Direct connection of hydrants to the transmission main is prohibited and will not be considered. Economic feasibility will be based on the cost of hydrant installation being within 3% of the cost of the planned upgrade. The Authority will notify the Islamorada Fire Rescue in writing of the technical and economic feasibility of the recommended hydrant locations.

C. Islamorada Fire Rescue Department or such other party that the Village Manager shall designate will respond to the Authority by specifying the quantity and locations of hydrants to be installed. Only hydrants that are determined by the Authority to be technically feasible will be installed. Islamorada will provide the funds for any hydrants to be installed that are determined by the Authority to be technically feasible but not economically feasible. Islamorada will state in writing that the funds are available for such hydrants and will reimburse the Authority the actual costs for hydrants installations within 30 days after the installation of the last hydrant on the project.

4. Selection of hydrant locations in areas not on the FKAA Water Distribution System Upgrade Plan shall proceed as follows:

A. Islamorada Fire Rescue Department or such other party that the Village Manager shall designate will recommend hydrant locations in areas not on the FKAA Water Distribution System Upgrade Plan in writing to the Authority.

B. The Authority will evaluate the technical feasibility of recommended hydrant locations for the areas not on the FKAA Water Distribution System Upgrade Plan. Technical feasibility will be based on the ability of the distribution system to supply a minimum flow of 250 GPM and minimum line pressure of 20 psi. Direct connection of hydrants to the transmission main is prohibited and will not be considered. The Authority will notify the Islamorada Fire Rescue in writing of the technical feasibility of the recommended hydrants.

C. Islamorada Fire Rescue Department or such other party that the Village Manager shall designate will respond to the Authority by specifying the hydrants to be installed. Only hydrants that are determined by the Authority to be technically feasible will be installed. Islamorada will hire an Authority qualified contractor to install the hydrants as per the current Florida Keys Aqueduct Authority
5. For hydrant locations that are determined to be not technically feasible, Islamorada will evaluate the importance and priority of the hydrant locations. For hydrant locations that Islamorada determines to be a priority, Islamorada will allocate future budget amounts to improve the distribution system for future hydrant installation.

6. Islamorada agrees to:

   A. Reimburse the Authority the costs for hydrant installation on projects on the FKAA Water Distribution System Upgrade Plan in excess of 3% of the cost of the planned upgrade as described in Paragraph 3.

   B. Pay the Authority $50.00 per year per hydrant for service including inspection maintenance and the furnishing of water to fill firefighting apparatus.

   C. Use water from hydrants only to fill the firefighting apparatus for actual firefighting purposes and no other purpose such as firefighting practice.

   D. Use hydrants in a manner protective of the Authority distribution system and appurtenances. Reimburse the Authority the costs to repair any damages caused by the improper use of the hydrants.

   E. Establish and adopt Standard Operating Procedures for the use of fire hydrants in accordance with this Agreement and nationally recognized standards.

7. The Authority agrees to:

   A. Provide funding for hydrant installation for projects on the FKAA Water Distribution System Upgrade Plan not to exceed 3% of the cost of the planned upgrade.

   B. Incorporate hydrants into the design, bidding and construction of projects on the FKAA Water Distribution System Upgrade Plan where determined to be technically and economically feasible and funded by Islamorada the amount in excess of the 3% as stated in paragraphs 6A and 7A.

   C. Paint fire hydrants to indicate the available flow in accordance with NFPA 291, “Recommended Practice for Fire Flow Testing and Marking of Hydrants”. All fire hydrants located in Islamorada are currently classified as Class C hydrants and the tops and nozzle caps should be painted red.

   D. Inspect and maintain all fire hydrants.
14. ASSIGNMENT: Neither party may assign or transfer any interest in this Agreement without the prior written consent of both parties, except where assignment is dictated by law. Should assignment occur, and where not prohibited by law, this Agreement shall inure to the benefit of and be binding upon the parties and their respective heirs.
representatives, successors and assigns.

15. INDEMNIFICATION: The Authority and Islamorada shall indemnify and hold harmless each other from and against any and all claims, liabilities, damages, and expenses, including, without limitation, reasonable attorney's fees, incurred by the other in defending or compromising actions brought against it arising out of or related to the acts or omissions of the other, the other's agents, employees or officers in the provision of services or performance of duties hereunder. This provision shall in no way be construed to dictate that a party will be indemnified by the other party for its own negligence.

16. ENTIRE AGREEMENT: The parties hereto agree that this is the final agreement between the parties and that it supersedes any and all prior agreements and/or assurances, be it oral or in writing.

IN WITNESS WHEREOF, the Florida Keys Aqueduct Authority Board of Directors has caused this Agreement to be signed in its name by its Executive Director and its seal to be affixed hereto, and the Village Council of Islamorada, Village of Islands, Florida have caused this Agreement to be signed by the Mayor on their behalf and the seal of the Village Council to be affixed hereto, the date and year first written above.

**FLORIDA KEYS AQUEDUCT AUTHORITY**
**KEY WEST, FLORIDA**

**By:** Kirk C. Zuech, Executive Director

**DATE:** 7-24-13

**ATTEST:**
**By:** Elvin Larga

**DATE:** 7-24-13

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**
**By:** Robert T. Feldman, General Counsel

**ATTEST:**
**By:** Elvin Larga

**FKAA Board Approved 7-24-13**

**ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**

**By:** Ken Philipson, Mayor

**DATE:** 7/12/13

**ATTEST:**
**By:**

**DATE:** 7/12/13

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

**ATTEST:**
**By:**

**VILLAGE OF ISLANDS**** INC.**

**VILLAGE OF ISLANDS**** INC.**