

COUNCIL AGENDA STATEMENT



Meeting Date: July 9, 2024  
To: Honorable Mayor & Members of the City Council  
From: Daniel Saus, Utilities Director  
Through: George Garrett, City Manager

Agenda Item: **Resolution 2024-56**, Approving A Refund of wastewater charges to Republic of Marathon LLC. In The Amount Of \$281,791.80 For Mistaken Wastewater Base Charges; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

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BACKGROUND & JUSTIFICATION:

The Florida Keys Aqueduct Authority collects and invoices all Wastewater O&M Services for the City of Marathon wastewater accounts.

It was recently brought to our attention, by FCAA, that the 4 meters onsite at this location were being overcharged WW O&M charges. An overcharge of \$281,791.80 was collected by FCAA and paid to the City over the last 12 years. A refund of the overcharges was requested by the customer. Our liability in this requires us to provide a full refund in the amount of \$281,791.80.

Since this was discovered, the accounts were immediately corrected for billing purposes.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	___	___
2. Other – 2010 Sewer Mandate	___	___
3. Not applicable	___	___

FISCAL NOTE:

This refund will be deducted from the FY24 wastewater service charges..

RECOMMENDATION:

Approval of Resolution

Sponsored by: Garrett

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2024-56**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A REFUND OF WASTEWATER CHARGES TO MARATHON RESORT LLC. IN THE AMOUNT OF \$281,791.80; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon (the “City”) and the Florida Keys Aqueduct Authority (the “FKAA”) entered into an interlocal agreement whereby the FKAA collected and invoices all Wastewater Operation & Maintenance charges for the City Wastewater accounts; and

**WHEREAS**, the FKAA discovered 4 meters at this location were overcharged for wastewater charges in the amount of \$281,791.80, of which, the city is legally obligated to refund \$281,791.80.

**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 City Council hereby approves the refund to the customer to be given by the City of Marathon.

**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 9TH DAY OF JULY, 2024**

**THE CITY OF MARATHON, FLORIDA**

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**Robyn Still, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

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

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Steve Williams, City Attorney