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**CITY OF MARATHON, FLORIDA
RESOLUTION 2004-007**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE FLORIDA KEYS AQUEDUCT AUTHORITY PROVIDING FOR REIMBURSEMENT TO THE CITY FOR COMPENSATION PAID TO MGT OF AMERICA, INC. FOR COMMUNITY OUTREACH SERVICES IN AN AMOUNT NOT TO EXCEED \$63,950 AND FOR CITY STAFF TIME IN AN AMOUNT NOT TO EXCEED \$20,000

WHEREAS, the City of Marathon (the "City") has engaged the professional services of MGT of America, Inc. (the "Consultant") for community outreach services concerning wastewater issues in the City; and

WHEREAS, the City and the Florida Keys Aqueduct Authority (the "FKAA") desire to enter into a Memorandum of Agreement (the "MOA") by which the FKAA agrees to reimburse the City in an amount not to exceed \$63,950 for professional services provided by the Consultant and an amount not to exceed \$20,000 for city staff time.

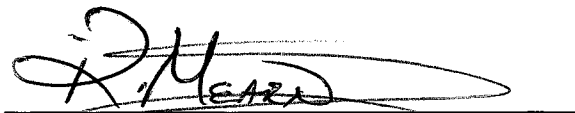
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The MOA between the City and the FKAA, a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is approved.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Marathon, Florida, this 27th day of January, 2004.

THE CITY OF MARATHON, FLORIDA

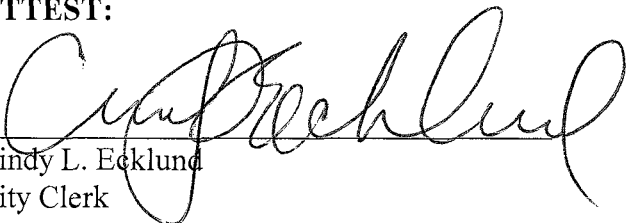


Randy Mearns, Mayor

AYES: Bartus, Pinkus, Repetto, Worthington, Mearns
NOES: None
ABSENT: None

ABSTAIN: None

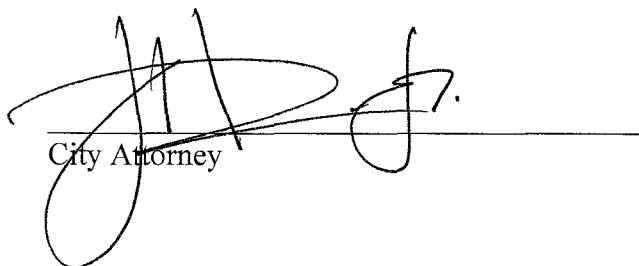
ATTEST:



Cindy L. Ecklund
City Clerk

(City Seal)

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



City Attorney

MEMORANDUM OF AGREEMENT
By and Between
Florida Keys Aqueduct Authority and the City of Marathon

THIS AGREEMENT is entered into this 1 day of February, 2004, by and between the Florida Keys Aqueduct Authority ("FKAA"), an independent special district organized and existing under Chapter 76-441, as amended, Florida Statutes, and the City of Marathon, ("City"), a political subdivision of the State of Florida.

WHEREAS, on December 18, 2002, The Monroe County Board of County Commissioners, at the request of the FKAA, created the City of Marathon Municipal Service Taxing Unit for the purposes of levying an ad valorem tax not to exceed 0.77 mils to fund the FKAA'S planning and administrative costs incurred in preparing for the construction of central wastewater collection and treatment services within the Taxing Unit;

WHEREAS, on December 11, 2002, The City of Marathon in Ordinance No. 03-12-01, consented to the inclusion of a specified area of the City of Marathon in the Marathon Municipal Service Taxing Unit;

WHEREAS, the FKAA Board of Directors created a Request for Proposals Review Committee comprised of representatives of the FKAA and the City to coordinate the planning for a central wastewater collection and treatment system for the City of Marathon;

WHEREAS, the FKAA and the City intend to continue to cooperatively work together to perform the planning and development necessary as a condition precedent to the construction and operation of central wastewater collection and treatment infrastructure serving the property owners within the Marathon Municipal Service Taxing Unit;

WHEREAS, the City will incur staff costs associated with the planning of a central wastewater collection and treatment system;

WHEREAS, the FKAA and the City find that it is necessary that property owners within the Marathon Municipal Service Taxing Unit be provided information concerning the planning being done in preparation for the development of a central wastewater collection and treatment system and that the property owners provide their input regarding said planning to the FKAA and the City;

NOW, THEREFORE, the parties agree:

1. The City shall enter into a contract with MGT of America, Inc., a company approved under the State of Florida Procurement Contract, for the purpose of developing outreach strategies and conducting public involvement activities related to the planning for the construction of a central wastewater collection and treatment system for the City of Marathon. The cost expended under this contract

shall not exceed \$3,980.00. The FKAA shall reimburse the City for these costs from funds collected from the Marathon Municipal Service Taxing Unit.

2. The City shall use its staff, including any contractual employees, to assist FKAA in the planning for the construction of the central wastewater collection and treatment system for the City of Marathon. The costs associated with the utilization of the City staff shall not exceed \$20,000.00. The FKAA shall reimburse the City for these costs from funds collected from the Marathon Municipal Service Taxing Unit.
3. The City will submit to FKAA periodic requests for reimbursement for funds that have been expended under the contract with MGT of America Inc. and for the costs of City's staff, including any contractual employees. Each request for reimbursement will identify in detail the costs for which the request is made, the payees, and other information as necessary to satisfy FKAA'S documentation requirements. The City shall create and maintain all records reasonably necessary to document the proper expenditure of such funds, and to provide copies of such documentation to the FKAA.
4. The City assumes all responsibility for proper stewardship of funds transferred to it and expended by it pursuant to this Memorandum of Agreement. Should any costs incurred by the City be determined by the FKAA or the County of Monroe to be disallowable under the Marathon Municipal Service Taxing Unit Ordinance, the City shall not be reimbursed by the FKAA for these costs.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement on the dates opposite their names.

(SEAL)

CITY OF MARATHON, FLORIDA

By: [Signature]
City Designee

ATTEST:

[Signature]
City Clerk

(SEAL)

THE FLORIDA KEYS AQUEDUCT AUTHORITY

By: [Signature] 1-26-04
James C. Reynolds
Executive Director

ATTEST:

[Signature]
Clerk