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**CITY OF MARATHON, FLORIDA
RESOLUTION 2004-084**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE FLORIDA KEYS AQUEDUCT AUTHORITY TO EXPAND THE SCOPE OF SERVICES WITH MGT OF AMERICA, INC.

WHEREAS, on January 26, 2004, the parties entered into a Memorandum of Agreement (MOA) whereby the City would enter into a contract with MGT of America, Inc., (MGT), 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 central wastewater collection and treatment system for the City of Marathon; and

WHEREAS, the City of Marathon has requested the Florida Keys Aqueduct Authority (FKAA) to provide additional funding from the Marathon Municipal Service Taxing Unit (MSTU) fund to expand the scope of the City's contract with MGT; and

WHEREAS, it is beneficial to the parties that the City expand the scope of the work originally described in the contract with MGT; and

WHEREAS, FKAA would reimburse the City for the costs associated with the expansion of the contract with MGT from funds collected from the MSTU; and

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 MSTU.

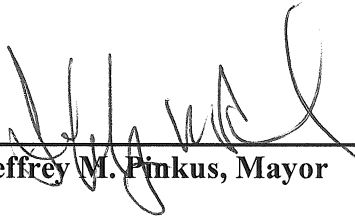
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, that:

Section 1. Council authorizes Amendment 2 to the MOA between FKAA and the City, attached as Exhibit "A".

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 July, 2004.

THE CITY OF MARATHON, FLORIDA



Jeffrey M. Pinkus, Mayor

AYES: Bartus, Bull, Mearns, Miller, Pinkus
NOES: None
ABSENT: None
ABSTAIN: None

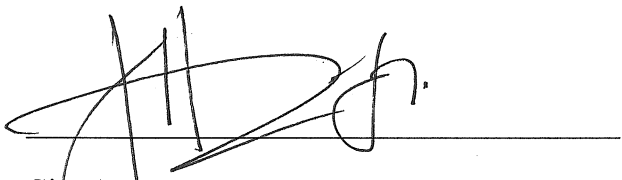
ATTEST:



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

**AMENDMENT #2
TO A MEMORANDUM OF AGREEMENT
By and Between
Florida Keys Aqueduct Authority and the City of Marathon**

THIS AMENDMENT TO AN AGREEMENT is entered into this 20th day of May, 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 January 26, 2004, The parties entered into a Memorandum of Agreement (the original Memorandum of Agreement) whereby the City would enter into a contract with MGT of America, Inc. (MGT), 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 central wastewater collection and treatment system for the City of Marathon. The costs associated with the contract with MGT were limited to \$63,980.00. The FKAA agreed to reimburse the City for these costs from funds collected from the Marathon Municipal Service Taxing Unit; and

WHEREAS, the City of Marathon has requested the Florida Keys Aqueduct Authority to provide additional funding from the Marathon MSTU fund to expand the scope of the City's contract with MGD; and

WHEREAS, it is beneficial to the parties that the City expand the scope of the work originally described in the contract with MGT, and

WHEREAS, FKAA would reimburse the City for the costs associated with the expansion of the contract with MGT from funds collected from the Marathon Municipal Service Taxing Unit; and

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; now therefore

IN CONSIDERATION of the mutual promises, benefits and covenants set forth below, the parties agree as follows:

1. A copy of the original Memorandum of Agreement is provided for reference.
2. Subparagraph 1 of the original Memorandum of Agreement is amended to read as follows:

The City shall expand the scope of work originally described in the contract with MGT to include the following additional tasks:

- Plan, schedule and conduct three additional public meetings, bringing the total to seven.

- Develop and disseminate public information materials for distribution including approximately 4,000 brochures.
- Work with the City to identify neighborhoods affected by Vacuum Pump Stations (VPS) and plan for public involvement in order to build consensus.
- Coordinate all activities with FKAA and the City to ensure that a uniformed, consistent message is delivered to the public.
- Develop overview presentation materials and public meetings protocols.
- Prepare draft agendas and public meeting materials.
- Publicize the dates, purpose, and locations of the public meetings.

The costs associated with the expansion of the MGT contract shall not exceed \$38,483.00. The FKAA shall reimburse the City for these costs from funds collected from the Marathon Municipal Service Taxing Unit.

3. Except as provided in paragraph 2 of this amendment, in all other respects the terms and conditions of the original agreement, and amendment #1 to the original agreement remain in full force and effect.

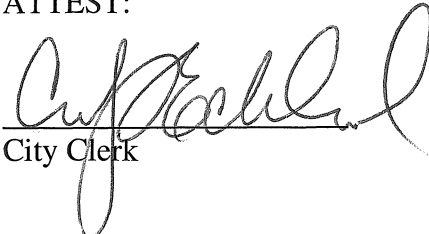
IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement on the dates opposite their names.

CITY OF MARATHON, FLORIDA

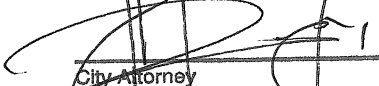
(SEAL)

By: 
City Designee

ATTEST:

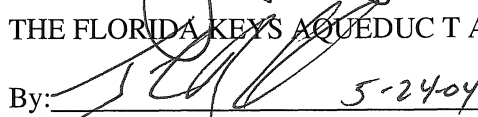

City Clerk

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



City Attorney

THE FLORIDA KEYS AQUEDUCT AUTHORITY

(SEAL)

By:  5-24-04
James C. Reynolds
Executive Director

ATTEST:


Clerk

FKAA Board approved: MAY 20, 2004