

**CITY OF MARATHON, FLORIDA
RESOLUTION 2007-30**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AMENDMENT #1 TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) BUREAU OF WATER FACILITIES FUNDING – DIVISION OF WATER RESOURCE MANAGEMENT GRANT #LP6116 DELINEATING SERVICE AREA 4 PROJECT SCHEDULE; AUTHORIZING THE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Department of Environmental Protection (“FDEP”) and the City of Marathon (the “City”) entered into Grant Assistance Agreement number LP6116 (the “Agreement”) in connection with the City’s wastewater facilities project; and

WHEREAS the City has requested changes in the project schedule; and

WHEREAS, the City and FDEP have agreed to enter into Amendment #1 to the Agreement, in the form attached hereto as Exhibit “A”, in the amount of \$7,000,000 to revise the grant project schedule for our Service Area 4 project;

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

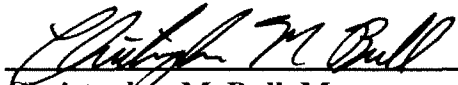
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby authorizes the City Manager to execute Amendment #1, in the form attached hereto as Exhibit “A”, to Florida Department of Environmental Protection (FDEP) Bureau of Water Facilities Funding – Division of Water Resource Management Grant #LP6116 Delineating Service Area 4 Project Schedule.

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 27th day of February, 2007.

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Mearns, Pinkus, Tempest, Worthington, Bull
NOES: None
ABSENT: None
ABSTAIN: None

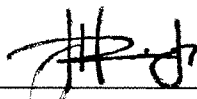
ATTEST:



Diane Clavier, City Clerk

(City Seal)

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



City Attorney

**STATE REVOLVING FUND
AMENDMENT 1 TO GRANT ASSISTANCE AGREEMENT LP6116
CITY OF MARATHON**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and CITY OF MARATHON, FLORIDA, (hereinafter referred to as "Grantee" or "Recipient"), existing as a local government agency (Local Government) under the laws of the State of Florida.

WITNESSETH:

WHEREAS, the Department and the Local Government entered into a Grant Assistance Agreement, Number LP6116; and

WHEREAS, the Grantee has requested changes in Attachment A, Item C, PROJECT SCHEDULE.

NOW, THEREFORE, the parties hereto agree as follows:

1. Attachment A-1, Project Work Plan is attached hereto and made a part of the Agreement providing changes to Item C, PROJECT SCHEDULE. All references in the Agreement to Attachment A shall hereinafter refer to Attachment A and Attachment A-1, Project Work Plans.

All other terms and provisions of the Grant Assistance Agreement shall remain in effect.

In all other respects, the Agreement of which this is an Amendment and attachments relative thereto, shall remain in full force and effect.

This Amendment 1 to Grant Assistance Agreement LP6116 shall be executed in two or more counterparts, either of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Grant Assistance Agreement to be executed on its behalf by the Acting Director of the Department of Environmental Protection, Division of Water Resource Management or her designee and the Local Government has caused this amendment to be executed on its behalf by its Authorized Representative. The effective date of this amendment shall be as set forth below by the Acting Director of the Department of Environmental Protection, Division of Water Resource Management.

CITY OF MARATHON

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: *Michael Heuts*
City Manager

By: *Janet G. Hewel*
Acting Director
Division of Water Resource Management

Date: *3/1/07*

Date: MAR - 5 2007

Tony Williams
Grant Manager

Attachments/Exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description (including number of pages)
Attachment	A-1	Revised Project Work Plan - (2 Pages)
Attachment	D-1	Revised Special Audit Requirements (5 Pages)

**ATTACHMENT A-1
Amendment 1
LP6116
CITY OF MARATHON
REVISED PROJECT WORK PLAN**

Wastewater Facilities Project – Service Area #4

A. PROJECT BUDGET

PROJECT BUDGET				
Category of Expenditure	DEP Grant Funds		Other Funds	Total Funding
	FY 04/05	FY 05/06 LP6116		
Design	-	-	675,000	\$ 675,000
Construction	\$ 1,500,000	\$ 5,500,000	13,900,000	\$ 20,900,000
Contingency	-	-	1,390,000	\$ 1,390,000
Engineering Services During Construction	-	-	1,150,000	\$ 1,150,000
Other (including Land Acquisition)	-	-	675,000	\$ 675,000
Total	\$ 1,500,000	\$ 5,500,000	\$ 17,790,000 (1)	\$24,790,000

(1) **Note:** The breakdown of sources for “Other Funds” is as follows:

State Revolving Fund Loan Program	\$ 17,045,000 (anticipated)
Marathon Municipal Service Taxing Unit (MSTU)	\$ 745,000

B. SCOPE OF PROJECT WORK:

Service Area 4 encompasses the area from approximately 33rd Street up to 60th Street and includes both ocean and bay sides of the Overseas Highway, as well as the entire Sombrero area (including the golf course). This project consists of a biological nutrient removal wastewater treatment plant (WWTP) facility with a capacity of .399 MGD and a vacuum collection system. The main disposal method proposed for this area is reuse. Reclaimed water will be provided to the Sombrero County Club for irrigation and storage, as well as the City’s Sombrero Beach property. Class V shallow injection wells will provide additional/backup effluent disposal.

C. PROJECT SCHEDULE:

- (1) Award contract for construction of wastewater mains and collection system project on Sombrero Beach Road. April 30, 2006.

- (2) Submit documentation to the Department addressing all other moneys being applied toward funding the Project and any other sources of funding being pursued, including loans, local bonding, and other state or federal funding. April 30, 2006.
- (3) Begin construction of wastewater mains and collection system on Sombrero Beach Road. No Later Than May 31, 2006 as set forth in Line Item 1717 of the General Appropriations Act for 2005-06, chapter 2005-70, Laws of Florida.
- (4) Submit DEP permit application(s) for Service Area 4 treatment plant and remaining collection system. January 12, 2007.
- (5) Advertise Invitation to Bid for Service Area 4 treatment plant and remaining collection system construction. February 23, 2007
- (6) Submit documentation to the Department addressing the population and median household income of the areas to be served by the Project; document any provisions being made to ease the cost-burden of wastewater service on low-income residents. March 31, 2007.
- (7) Submit a completed Request for Inclusion form, plans, specifications, permits, and site certifications to the Bureau of Water Facilities Funding, Clean Water State Revolving Fund (CWSRF) Program for the Service Area 4 wastewater treatment and disposal facilities and the balance of the collection system. March 31, 2007.
- (8) Begin construction of Service Area 4 treatment plant and remaining collection system project. May 1, 2007.
- (9) Submit complete CWSRF construction loan application for the balance of funds necessary to complete all wastewater treatment facilities in Service Area 4. August 1, 2007.
- (10) Submit to the Department documentation of implementation of a proposed system of rates, fees, assessments, or other charges sufficient to repay the annual debt service resulting from the construction of the treatment facilities and the annual operation and maintenance costs. This system must be adopted timely to ensure ongoing operation and maintenance of the system. September 30, 2007.
- (11) Complete construction of treatment plant and collection systems and initiate operation. August 31, 2009.
- (12) Final completion and system turnover. November 30, 2009.

ATTACHMENT D-1

SPECIAL AUDIT REQUIREMENTS

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", "Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Agreement indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://12.46.245.173/cfda/cfda.html>.

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes.

1. In the event that the recipient expends a total amount of State financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Agreement indicates State financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the State financial assistance expended in its fiscal year, the recipient shall consider all sources of State financial assistance, including State financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.

2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$500,000 in State financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-State entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa/> or the Governor's Office of Policy and Budget website located at <http://www.ebudget.state.fl.us/> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website <http://www.leg.state.fl.us/Welcome/index.cfm>, Governor's Website <http://www.myflorida.com/>, Department of Financial Services' Website <http://www.fldfs.com/> and the Auditor General's Website <http://www.state.fl.us/audgen/pages/flsaa.htm>.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this Attachment shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:
 - A. The Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
 - B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132
 - C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.
2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

3. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

B. The Auditor General's Office at the following address:

State of Florida Auditor General
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at the following address:

Audit Director
Florida Department of Environmental Protection
Office of the Inspector General, MS 40
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of 5 years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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EXHIBIT - 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

State Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Funds for Federal Programs:					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following Funds Subject of Section 215.97, F.S.:						
State Program Number	Original Agreement	State Fiscal Year	Catalog of State Financial Assistance Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	LI 1717 – General Revenue	2005-2006	37.039	Statewide Surface Water Restoration and Wastewater Projects	\$7,000,000	88962-06

Total Award					\$7,000,000	
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://aspe.os.dhhs.gov/cfda>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<http://sun6.dms.state.fl.us/fsaa/>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.