

**CITY OF MARATHON, FLORIDA
RESOLUTION 2007-89**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, DIRECTING CITY STAFF TO PROCEED WITH THE AWARD OF CONSTRUCTION CONTRACTS FOR AREA 4 AND AREA 6 IN THE MARATHON WASTEWATER SYSTEM (“SYSTEM”); DIRECTING STAFF TO ACTIVELY PURSUE THE STATE OF FLORIDA GRANT FUNDING COMMITMENT OF 40% OF THE PROJECT COSTS FOR THE ENTIRE SYSTEM AND TO PURSUE FEDERAL AND OTHER ADDITIONAL FUNDING SOURCES FOR THE SYSTEM; DIRECTING STAFF TO COMPLETE THE DESIGN AND PERMITTING OF THE REMAINDER OF THE SYSTEM; DIRECTING STAFF TO BASE ANY ASSESSMENT CALCULATIONS ON A 60% FUNDING COMMITMENT BY THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 1999, the Florida Legislature enacted House Bill No. 1993, which established standards that apply to all sewage treatment, reuse and disposal facilities and all onsite sewage treatment and disposal systems in Monroe County. In particular, the new law requires that strict treatment requirements be met by July 1, 2010; and

WHEREAS, pursuant to the Comprehensive Plan which became effective on July 7, 2005, the City of Marathon (the “City”) committed itself to building a citywide sewer facility and to obtain necessary financing for 60% of the projected costs.; and

WHEREAS, pursuant to a series of meetings between the City and the Florida Department of Community Affairs (“DCA”) in early 2004, DCA committed the State to provide grant funding for 40% of the project costs; and

WHEREAS, the City’s Project Engineers have estimated the total cost of the construction of the System at approximately \$82,000,000; and

WHEREAS, the State of Florida has already committed the funds to meet its obligation for 40% of the project costs of Area 4, but has not committed the funds to meet its obligation with respect to Area 6 or the rest of the System; and

WHEREAS, the City Council, by motion on May 31, 2007, directed City Staff to move forward with the construction of the System with respect to Areas 4 and 6; and

WHEREAS, the City Council finds that there are substantial savings to be realized by awarding the construction contracts for both Areas 4 and 6 and by completing the design and

permitting of the remainder of the System;

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 directs the City Manager to negotiate and award the contracts for the construction of the System in Area 4 and fully commits to the completion of the Area 4 wastewater collection and treatment system.

Section 3. The City Council hereby directs the City Manager to negotiate and award the contracts for the construction of the System in Area 6, such construction to begin not earlier than 180 days from the date of the award of the contract. The City Manager is further directed to identify and report to the City Council a specific and material portion of the project in Area 6 that could be completed with only 60% of the funding in the event the State fails to meet its 40% grant funding commitment.

Section 4. The City Council hereby directs the City Manager and the State of Florida lobbyists for the City to request from the State a reaffirmation of the commitment to grant fund 40% of the Project costs for the entire System and a contractual commitment within one year to grant fund 40% of the project costs for the Area 6 system.

Section 5. The City Council hereby directs the City Manager and the Federal lobbyists for the City to seek all available Federal funding for the project costs for the System, as well as any other sources, such funding to be applied to defray the City's obligation to fund the System.

Section 6. The City Council hereby directs the City Manager and the Project Engineers for the System to complete the design work for the System and take all necessary steps to obtain all applicable permits for construction of the entire System.

Section 7. The City Council hereby directs the City Manager and the Federal lobbyists for the City to lobby Congress and the U.S. Department of Housing to reauthorize the use of Community Development Block Grants to help subsidize sewer hookup costs for economically disadvantaged residents of the City.

Section 8. The City Council hereby directs the City Manager and the City Finance Director that any assessments on Marathon residents in connection with the construction of the System shall not exceed an amount necessary to meet the City's obligation to fund sixty percent (60%) of the project costs of the System.

~~**Section 9.** The City Council further directs the City Manager to continue to work with Monroe County and the other municipalities in the County in collaborative efforts to identify and obtain State and Federal funding for sewer projects.~~

Section 10. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 12th day of June, 2007.

THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor

AYES: Tempest, Worthington, Bull
NOES: Vasil, Cinque
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