

Sponsored by: Burnett

**CITY OF MARATHON, FLORIDA
RESOLUTION 2008-114**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AMENDING THE CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MARATHON, FLORIDA AND BISHOP, ROSASCO AND COMPANY FOR THE PROVISION OF FINANCE DIRECTOR SERVICES; AUTHORIZING THE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE .

WHEREAS, Bishop, Rosasco and Company has been providing finance director services to the City of Marathon, Florida (the "City") since February 2003; and

WHEREAS, the City Council desires to amend the Contract for Professional Services with Bishop, Rosasco and Company (the "Consultant") so that the Consultant may modify the rate and scope of services provided to the City.

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.

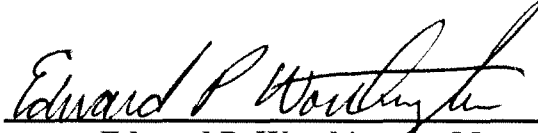
Section 2. The First Amendment of Service Contract between the City and Consultant to provide finance director services to the City, a copy of which is attached hereto as Exhibit "A," together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved.

Section 3. The City Manager or his designee is authorized to execute the Agreement on behalf of the City.

Section 4. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 22nd day of July, 2008

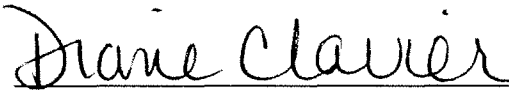
THE CITY OF MARATHON, FLORIDA



Edward P. Worthington, Mayor

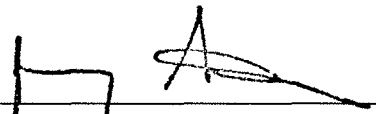
AYES: Bull, Cinque, Tempest, Vasil, Worthington
NOES: None
ABSENT: None
ABSTAIN: None

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

FIRST AMENDMENT TO SERVICE CONTRACT

This First Amendment of Contract for Professional Services (the "First Amendment") is made as of this 22 day of July, 2008 by and between the City of Marathon, a Florida Municipal Corporation (the "City") and Bishop, Rosasco and Company (the "Consultant").

WHEREAS, Bishop, Rosasco and Company provides finance director services to the City of Marathon, Florida pursuant to a Contract for Professional Services, dated as of September 25, 2007 (the "Agreement"); and

WHEREAS, the City and the Consultant desire to amend the Agreement upon the terms and conditions hereinafter set forth so as to reflect the new financial arrangement between the parties;

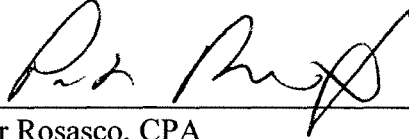
NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the City and the Consultant covenant and agree as follows:

1. All capitalized terms used herein but not defined herein shall have the meaning ascribed to them in the Agreement.
2. Section 3.1 of the Agreement is hereby amended to read as follows:
 - 3.1 Effective June 1, 2008, for all services provided by Consultant as described in Section 2 of this Agreement, the City shall compensate Consultant at the annual rate of \$333,620.64. The Consultant shall provide the City with a monthly invoice.
3. This First Amendment may be executed in any number of counterparts and by the different parties hereto on separate counterparts, each of which when so executed and delivered shall be an original and all of which shall together constitute one and the same agreement. Signature pages may be detached from the various counterparts and attached to a single copy of this document to physically form one document.
4. The foregoing terms and conditions are hereby incorporated into the Agreement. Except as modified herein, the Agreement remains in full force and effect. In the event of any conflict or ambiguity between the Agreement and this First Amendment, this First Amendment shall control.

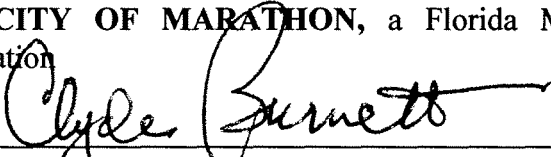
[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.


BISHOP, ROSASCO AND COMPANY

By: 
Peter Rosasco, CPA

THE CITY OF MARATHON, a Florida Municipal Corporation

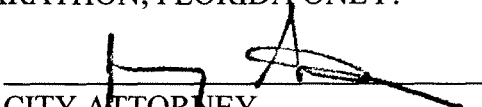
By: 
Clyde Burnett, City Manager

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:

BY: 
CITY ATTORNEY