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**CITY OF MARATHON, FLORIDA
RESOLUTION 2009-103**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND THE CITY OF MARATHON FOR THE CITY TO CONTINUE UTILIZING THE MEETING ROOM AT THE MARATHON GOVERNMENT CENTER; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE THE CONDITIONS OF SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Marathon wishes to utilize the County Meeting Room to enable the Marathon City Council meetings to be televised; and

WHEREAS, the City Manager has negotiated an hourly rate of \$230.99 through September 30, 2010 for televised City Council meetings.

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 approves the execution of the interlocal agreement, attached as Exhibit "A", between The City of Marathon and Monroe County for the utilization of the County meeting room at the Marathon Government Center at an hourly rate of \$230.99; 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.

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 11th day of August, 2009

THE CITY OF MARATHON, FLORIDA



Mayor Mike Cinque

AYES: Ramsay, Snead, Vasil, Worthington, Cinque
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:



Jimmy Morales, City Attorney

INTERLOCAL AGREEMENT FOR THE USE OF THE MEETING ROOM
AT THE MARATHON GOVERNMENT CENTER
Fiscal Year 2009 - 2010

THIS INTERLOCAL AGREEMENT is entered into pursuant to Sec. 163.01, FS, by and between MONROE COUNTY, a political subdivision of the State of Florida, whose address is 1100 Simonton Street, Key West, FL 33040, hereafter County, and the CITY OF MARATHON, a municipal corporation, whose address is 9805 Overseas Highway, Marathon, FL 33050, hereafter City.

WHEREAS, the County has a meeting room at the Marathon Government Center with the technical facilities to enable meetings to be cablecast;

WHEREAS, the County desires to permit the City to use the County meeting room; now therefore

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

Section I.

- a) The County authorizes the City to hold 24 City Council meetings during the period October 1, 2009 through September 30, 2010 at the Marathon Government Center meeting room with each meeting approximately two weeks apart. The City must coordinate meeting dates with the Facilities Maintenance office so that no County/City schedule overlap occurs. The City will provide the meeting schedule prior to October 1, 2009. If a schedule conflict between a City Council meeting and a meeting of the County Commission, County Planning Commission, County Code Enforcement hearing or County Contractors Examining Board does occur, then the County meeting or hearing will take precedence.
- b) The County will televise live the City Council meetings, unless there is a meeting of the County Commission, County Planning Commission, County Code Enforcement hearing, County Contractors Examining Board or similar organization going on at the same time. If there is a County meeting or hearing going on, then the City Council meeting will be postponed until the County meeting or hearing has concluded. The City Council meeting will be televised live on Channel 76 as soon as the County meeting or hearing is concluded.
- c) Except as provided in Sec. 1(b), the County will replay each City Council meeting tape one time before the next City Council meeting. The City may request a specific time and date for each replay through the Technical Services office which shall accommodate the City's request unless the time requested by the City would conflict with a live telecast of a County meeting or hearing.
- d) The County will furnish the City one video tape copy of each City Council meeting.

Section 2.

From the effective date of this Agreement, until September 30, 2010, the City shall pay the County \$230.99 per hour for each of the 24 City Council meetings to be held at the Marathon Government Center, televised live (if there is no conflict with a county meeting or hearing), meeting video tapes, and one replay on Channel 76 of each meeting. The amount shall be paid quarterly based on the number of meetings held during such quarter. If the City Council holds meetings in excess of 24 during the period of October 1, 2009 through September 30, 2010, and desires that the extra meetings be held at the Marathon Government Center pursuant to this Agreement, then the City must pay the County an additional \$230.99 per hour for each meeting held. If this Agreement is extended for subsequent years after September 30, 2010, then for each year thereafter the fee will be adjusted to reflect changes in County costs.

Section 3.

The term of the Agreement is from October 1, 2009 through September 30, 2010. Either party may terminate this Agreement without penalty upon thirty (30) days' prior written notice.

Section 4.

The parties to this agreement stipulate that each is a state governmental agency as defined by Florida Statutes and represents to the other that it has purchases suitable Public Liability, Vehicle Liability, and Workers' Compensation insurance, or is self-insured, in amounts adequate to respond to any and all claims within the limitations of Florida Statute 768.28 and 440, arising out of the activities governed by this agreement.

Each party shall be responsible for any acts of negligence on the part of its employees, agents, contractors, and subcontractors and shall defend, indemnify and hold the other party harmless from all claims arising out of such actions.

Section 5.

This agreement will take effect when executed certified copies are filed in the Office of the Clerk of the Sixteenth Judicial Circuit and in the Office of the Clerk of the City of Marathon, Florida.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date set forth below.

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

By George L. Neugart

Deputy Clerk

Date 9-16-09

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By George L. Neugart

Mayor/Chairperson

ATTEST:

CITY OF MARATHON, FLORIDA

By Diane Clavie

City Clerk

Date 8-12-09

By [Signature]

Marathon Mayor

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

[Signature]
PEDRO J. MERCADO
ASSISTANT COUNTY ATTORNEY 8/19/09