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**CITY OF MARATHON, FLORIDA  
RESOLUTION 2009-183**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE FLORIDA KEYS AQUEDUCT AUTHORITY FOR BILLING SERVICES FOR ALL CITY OF MARATHON WASTEWATER ACCOUNTS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon (the “City”) and the Florida Keys Aqueduct Authority (the “FKAA”) entered into an interlocal agreement whereby for a set fee the FKAA agreed to bill on behalf of the City the monthly City wastewater charges and collect and transmit those charges, net of FKAA fees to the City (the “Interlocal Agreement”); and

**WHEREAS**, the FKAA and the City find it necessary to amend the interlocal agreement to change the fee charged by the FKAA to provide the aforementioned billing service (the “Amended Interlocal Agreement”).

**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 Amended Interlocal Agreement with the FKAA attached hereto as Exhibit A, and authorizing the Mayor to execute the agreement on behalf of the City.

**Section 3.** This resolution shall take effect immediately upon its adoption.

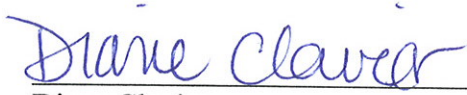
**PASSED AND APPROVED** by the City Council of the city of Marathon, Florida, this 8<sup>th</sup> day of December, 2009.

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Ginger Sned, Mayor**

AYES: Cinque, Worthington, Ramsay, Keating, Snead  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

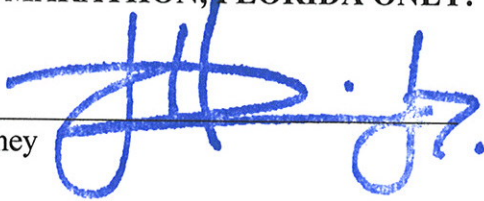


\_\_\_\_\_  
Diane Clavier  
City Clerk

(City Seal)

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

\_\_\_\_\_  
City Attorney



**AMENDMENT TO INTERLOCAL AGREEMENT  
BETWEEN  
THE FLORIDA KEYS AQUEDUCT AUTHORITY  
AND  
THE CITY OF MARATHON**

**THIS INTERLOCAL AGREEMENT** is entered into by and between the Florida Keys Aqueduct Authority (the “Authority”) an independent special district existing as a public agency under the laws of the State of Florida and the City of Marathon, Florida (the “City”), a Florida municipal corporation.

**WHEREAS**, the Authority was recreated in 1976 by the Legislature of the State of Florida, Chapter 76-441 Laws of Florida, said law having been amended from time to time, for purposes of obtaining, supplying and distributing an adequate supply of water to the Florida Keys and to purchase, construct, acquire, operate, manage and control wastewater systems; and

**WHEREAS**, the City was formed in 1999 by the Legislature of the State of Florida pursuant to Chapter 99-427 Laws of Florida; and

**WHEREAS**, the Authority generates records of water usage by its customers within the boundaries of the City, which records are capable of being used to calculate wastewater charges imposed by the City, and the Authority has in place a billing system capable of being modified to incorporate billing for City wastewater charges; and

**WHEREAS**, on May 22, 2008 the Authority and the City entered into an interlocal agreement whereby the Authority, for compensation, billed City customers for City wastewater charges and collect and transmit those charges, net of Authority fees, to the City; and

**WHEREAS**, the parties find it necessary to amend the interlocal agreement to provide for a change to the Charges for Service; and

**WHEREAS**, the parties have the legal authority to enter into this Agreement and to implement its provisions;

**NOW, THEREFORE**, in consideration of the mutual covenants, representations and promises set forth in this Agreement and for other good and valuable consideration each to the other, receipt of which is hereby acknowledged by each party, the Authority and the City hereby agree, stipulate, and covenant as follows:

1. **Section 2.05 CHARGES FOR SERVICE** shall be amended to read as follows:

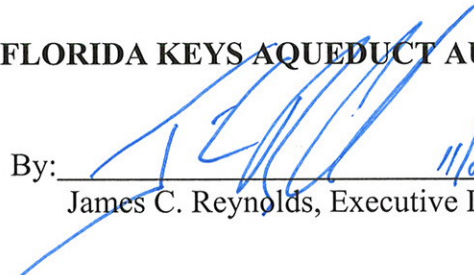
The City will pay the Authority for the above services each month through an electronic debit to the City's designated bank account. The total monthly charge will be calculated based on a rate of \$1.07 per bill generated for that month (the "Authority Charges"). This charge will be indexed each May 1 using the inflationary index applied to the Authority's water rates each year. The charge will also be increased for any postal rate increases beyond the Authority's control. The charge is subject to re-negotiation prior to the start of the Renewal Term.

2. All other provisions of the ILA dated May 22, 2008 not inconsistent herewith, shall remain in full force and effect.
3. This amendment to agreement will take effect on the 1<sup>st</sup> day of December, 2009.

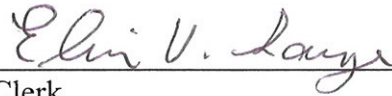
**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed on their behalf by the Authority Director and the City Mayor.

**FKAA Board Approved: 11/23/09**

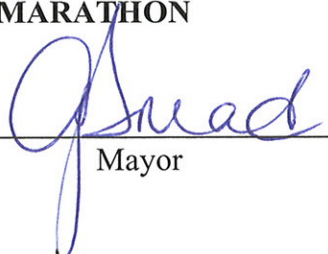
**FLORIDA KEYS AQUEDUCT AUTHORITY**

By:  11/25/09  
James C. Reynolds, Executive Director

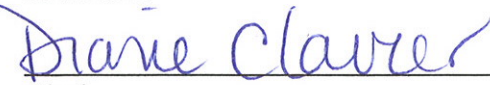
ATTEST:

  
Clerk

**CITY OF MARATHON**

By:   
Mayor

ATTEST:

  
Clerk