

CITY OF MARATHON, FLORIDA  
RESOLUTION 2012-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING AMENDMENT NO. 2 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MARATHON, FLORIDA AND MONROE COUNTY FOR JOINT PARTICIPATION IN GRANT AGREEMENT ARS010, EXTENDING THE COMPLETION DATE TO JUNE 30, 2012; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the State of Florida, Executive Office of the Governor, Florida Energy and Climate Commission has entered into Grant Agreement No. ARS 010 (the "Grant Agreement") with Monroe County to provide financial assistance for the Energy Efficiency and Conservation Project in which the County is the named grantee on the Grant Agreement, and the United States Department of Energy awarded funding through the American Recovery and Reinvestment Act; and

**WHEREAS**, the City of Marathon (the "City") and Monroe County (the "County") have entered into an Interlocal Agreement for joint participation in the Grant Agreement (the "Interlocal Agreement"); and

**WHEREAS**, the City and County desire to enter into Amendment No. 2 to the Interlocal Agreement to extend the grant period until June 30, 2012, giving all entities additional time to complete their tasks (the "Amendment No. 2").

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

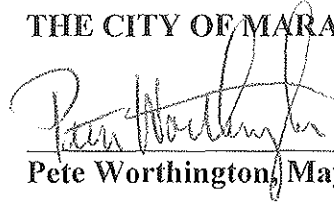
**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Amendment No. 2 to the Interlocal Agreement between the City and the County for joint participation in Grant Agreement ARS010, a copy of which is attached hereto as Exhibit "A," is hereby approved. The City Manager is authorized to execute Amendment No. 2 and expend budgeted funds 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 10<sup>th</sup> DAY OF APRIL, 2012.

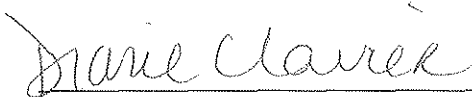
THE CITY OF MARATHON, FLORIDA



Pete Worthington, Mayor

AYES: Cinque, Keating, Ramsay, Snead, 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

**AMENDMENT NO. 2  
TO THE INTERLOCAL AGREEMENT  
BETWEEN  
MONROE COUNTY AND  
THE CITY OF MARATHON, FOR JOINT PARTICIPATION IN  
GRANT AGREEMENT NO. ARS010 (17522)**

THE AGREEMENT as entered into on the 15th day of December, 2010, as amended on September 28, 2011 by and between the **MONROE COUNTY BOARD OF COMMISSIONERS**, a political subdivision of the State of Florida, whose address is 1100 Simonton Street, Key West, Florida 33040 (hereinafter referred to as the "**COUNTY**") and the **CITY OF MARATHON**, whose address is 9805 Overseas Highway, Marathon, Florida 33050, (hereinafter referred to as "**CITY**") is hereby amended.

**WITNESSETH**

**WHEREAS**, the parties desires to modify this Interlocal Agreement to provide for a 60 day no-cost time extension under terms set forth by the Grant Agreement ARS010 (17522); and

**WHEREAS**, the State has provided for a no-cost time extension to the COUNTY under ARS010 (17522) under Amendment No. 2;

**NOW THEREFORE**, in consideration of the mutual understandings and agreements set forth herein, the COUNTY and CITY agree as follows:

1. Paragraph 3 is hereby deleted in its entirety and replaced with the following:

TERM – The term of this Agreement begins on the date of execution by both parties and ends no later than June 30, 2012, unless earlier terminated or extended under the provisions of the Grant Agreement. The CITY acknowledges the Grant Agreement ARS010, as revised under Amendment No. 2, ends June 30, 2012. All work by the CITY under the Agreement shall be completed by May 15, 2012. All invoices shall be submitted by May 30th, 2012.

5. Paragraph 8B is hereby deleted in its entirety and replaced with the following:

The CITY's Final Report, due May 30th, 2012 to the COUNTY, will provide a final narrative detailing and evaluating the accomplishments and impact of the project. The Final Report will include an evaluation of the energy savings directly attributable to the project, projections of estimated energy savings expected to accrue from the project and policy recommendations, which may be helpful in implementing other projects of a similar nature. Pursuant to Paragraph 7B of this Agreement, 10% of the total Agreement amount will be withheld until receipt and approval of the Final Report by the COMMISSION.

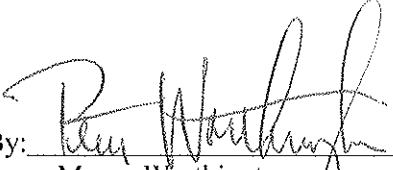
In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be duly executed the day and year last written below.

**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

**CITY OF MARATHON**

By:   
David Rice, Mayor

By:   
Mayor Worthington

Date: 5/16/2012

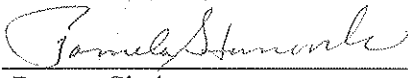
Date: April 11, 2012

**ATTEST: DANNY L. KOLHAGE, Clerk**

**ATTEST:**

(Seal)

(Seal)

By:   
Deputy Clerk

By:   
City Clerk

Date: 5/16/2012

Date: April 11, 2012

Monroe County Attorney  
Approved as to form:

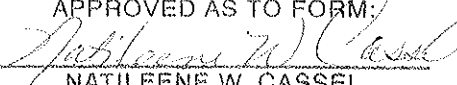
Approved as to Form and Legal Sufficiency For The Use  
And Reliance Of The City Of Marathon, Florida Only:

\_\_\_\_\_  
Assistant County Attorney

  
City Attorney

Date: \_\_\_\_\_

Date: April 11, 2012

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
NATILEENE W. CASSEL  
ASSISTANT COUNTY ATTORNEY  
Date 4-17-2012