

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2014-147**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, ADOPTING AMENDMENT NO. 5 TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTRACT NO. 11DB-C5-11-54-02-H16 BETWEEN THE CITY OF MARATHON AND THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO), REQUESTING A GRANT DEADLINE EXTENSION UNTIL JUNE 21, 2015; AUTHORIZING THE MAYOR TO EXECUTE THE FIFTH AMENDMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on May 10, 2011, Resolution No. 2011-32, the City Council approved a \$750,000 Department of Economic Opportunity (DEO) CDBG grant for sewer connections in the City of Marathon, Contract No. 11DB-C5-11-54-02-H16 ; and

**WHEREAS**, on December 11, 2011, Resolution No. 2011-122, DCA initiated the 1<sup>st</sup> Amendment to the existing Contract Agreement to update the Activity Work Plan and reflect the administrative agency name change from DCA to DEO; and

**WHEREAS**, on February 12, 2013, Resolution No. 2013-16, the City Council approved the 2<sup>nd</sup> Amendment for an extension of time to reflect an ending date of December 21, 2013 in order to complete the sewer hookups for this CDBG Program. In addition, this 2<sup>nd</sup> Amendment revised the Activity Work Plan; and

**WHEREAS**, on November 26, 2013, Resolution No. 2013-99 the City Council approved the 3<sup>rd</sup> Amendment extending the grant deadline to June 21, 2014.

**WHEREAS**, on April 8, 2014, Resolution No. 2014-31, the City Council approved the 4<sup>th</sup> Amendment to extend the grant agreement deadline to December 21, 2014; Revised the Housing Assistance Plan and Revised the Activity Work Plan to Include Housing Rehabilitations.

**WHEREAS**, on June 20, 2014, the DEO declined to approve Amendment 4, citing statutory reasons it could not accept the Revised Housing Assistance Plan and Revised Activity Plan; on June 21, 2014, the Agreement expired.

**WHEREAS**, on July 22, 2014, Resolution 2014-79 the City Council approved the 4<sup>th</sup> Amendment extending the grant agreement deadline only to December 21, 2014; and

**WHEREAS**, this 5<sup>th</sup> Amendment extends the grant deadline to June 21, 2015 to complete sewer connections under the revised Activity Plan.

**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 are incorporated herein.

**Section 2.** The 5<sup>th</sup> Amendment (revised) to the Grant Agreement attached hereto as Exhibit "A" is hereby approved. The Mayor is authorized to execute the 5<sup>th</sup> Amendment to the Grant 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 16<sup>th</sup> DAY OF DECEMBER, 2014.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Mayor Chris Bull**

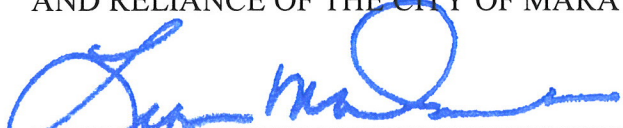
AYES: Keating, Kelly, Senmartin, Zieg, Bull  
NOES: None  
ABSENT: None  
ABSTAIN: None

**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:

  
\_\_\_\_\_  
Lynn M. Dannheisser, City Attorney

**Modification to Subgrant Agreement**

5/15/2013

**MODIFICATION NUMBER 5 TO SUBGRANT AGREEMENT BETWEEN  
THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND  
THE CITY OF MARATHON**

This Modification is made and entered into by and between the State of Florida, Department of Economic Opportunity, (“the Department”), and the City of Marathon, (“the Recipient”), to modify **DEO/DCA Contract Number 11DB-C5-11-54-02-H16**, award dated June 21, 2011 (“the Agreement”).

**WHEREAS**, the Department and the Recipient entered into the Agreement, pursuant to which the Department provided a subgrant of \$750,000 to Recipient under the Small Cities Community Development Block Grant (“CDBG”) Program as set forth in the Agreement;

**WHEREAS**, the Department and the Recipient desire to modify the Agreement;

**WHEREAS**, pursuant to the provisions of Chapter 2011-142, Laws of Florida, the DCA Division of Housing and Community Development was transferred to the Department of Economic Opportunity effective October 1, 2011; and the parties wish to reflect the new name.

**NOW, THEREFORE**, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

**Reinstate Agreement**

1. The Agreement is hereby reinstated as though it had not expired.

**Extend Agreement**

2. Paragraph 3, Period of Agreement is hereby revised to reflect an ending date of June 21, 2015.

**Revise Activity Work Plan**

3. Attachment I, Activity Work Plan, of the Subgrant Agreement is hereby deleted and is replaced by the revised Attachment I, which is attached hereto and incorporated herein by reference.

**Revise Program Budget**

4. Attachment A, Program Budget, of the Subgrant Agreement is hereby deleted and is replaced by the revised Attachment A, which is attached hereto and incorporated herein by reference.

CDBG  
2014 DEC 17 PM 12:58

**Modification to Subgrant Agreement**

5/15/2013

**Modification Number: 5****DEO/DCA Contract Number: 11DB-C5-11-54-02-H 16****Recipient: City of Marathon****Page 2** **Change in Participating Parties**

5. Attachment A, Program Budget, is hereby modified to delete all references to “(Type in name, if applicable.)” as the Participating Party, and replace them with “(Type in name, if applicable.)” as the Participating Party with the understanding that the Recipient and the new Participating Party will enter into a Participating Party Agreement containing provisions and caveats that meet or exceed the conditions agreed to in the Participating Party Agreement between the Recipient and the original Participating Party.

 **Inclusion of an Unmet Need as Addressed in the Original Application**

6. Attachment A, Program Budget, of the Subgrant Agreement is hereby deleted and is replaced by the revised Attachment A, which is attached hereto and incorporated herein by reference.
7. Attachment I, Activity Work Plan, of the Subgrant Agreement is hereby deleted and is replaced by the revised Attachment I, which is attached hereto and incorporated herein by reference.
8. A revised Project Narrative, Form G-2 from Part II of the approved CDBG Application Form, which shows the unmet need from the original application that is being included in the Subgrant Agreement listed as addressed need, is attached hereto and incorporated herein by reference.

 **Change in Number of Accomplishments and/or Beneficiaries**

9. Attachment A, Program Budget, of the Subgrant Agreement is hereby deleted and is replaced by the revised Attachment A, the Program Budget, which is attached hereto and incorporated herein by reference.

 **Reflect Change in Agency from DCA to DEO**

10. This modification to the Subgrant Agreement hereby replaces “Department of Community Affairs” with “Department of Economic Opportunity” where appropriate in context.

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- Other:**
- Page 33 of the agreement is replaced with the attached page 33 that includes new special condition 3 related to documentation to be submitted with Requests for Funds.

**Modification to Subgrant Agreement**

5/15/2013

**Modification Number: 5**

**DEO/DCA Contract Number: 11DB-C5-11-54-02-H16**

**Recipient: City of Marathon**

**Page 3**

A *Request for Amendment*, Form SC-35, shall be included with this Modification if there is a change to the Attachment A, Program Budget, of the Subgrant Agreement; if unmet need is being included as addressed need; or if there is a change in the number of accomplishments or beneficiaries.

All provisions of the Subgrant Agreement and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform to this Modification, effective as of the date of the execution of this Modification by both parties.

All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set herein.

**State of Florida**

**Department of Economic Opportunity**

By: Paula Lemme for  
Bill Killingsworth

Name: William B. Killingsworth

Title: Director  
Division of Community Development

Date: 2/3/15

**Recipient: City of Marathon**

By: Chris Bull

Name: Chris Bull

Title: Mayor

Date: 1/21/15

**Approved as to form and legal  
sufficiency, subject only to full and  
proper execution by the parties**

**Office of the General Counsel  
Department of Economic Opportunity**

By: [Signature]  
Approved Date: 2/3/15

If the Recipient does not comply with all applicable criteria listed above, a justification for the delay and a plan for timely accomplishment must be submitted to the Department. The Department shall rescind any subgrant for which the Recipient has not completed activities a-f if it cannot provide adequate justification for the delay.

2. If necessary, the Recipient shall retain sufficient administration funds to ensure Internet access, including email, for the duration of the contract, including any time extensions. If the Recipient does not already have a computer designated to the person responsible for grant oversight, which is located in the program office and capable of Internet access, administrative funds may be used as needed to obtain, at reasonable cost, a computer to allow Internet access.
3. For each Housing Rehabilitation RFF that includes construction costs, the recipient shall provide a copy of AIA form G702, or a comparable form approved by the Department, signed by the contractor and the local building inspector or housing specialist and a copy of form G703, or a comparable form approved by the Department.

*Michael Heuts*

Attachment A – Program Budget

5/20/2014

Recipient: City of Marathon

Modification Number: 5

Contract Number: 11DB-C5-11-54-02-H16

Activity		Accomplishments		Beneficiaries			Budget				
Activity Number	Description	Unit	Number	LMI	VLI	Total	CDBG Amount	Subtotal of Activity <sup>1</sup>	Other Funds <sup>2</sup>	Source # <sup>2</sup>	Program Income
21A	Administration						\$112,500				
14A	Sewer Hookups	HU	100	52	48	100	\$637,500		\$125,000	1	
<b>Totals</b>											

<sup>1</sup> For an activity number that has multiple functions (for example, 03J-Sewer Lines, 03J-Hookups and 03J-Water Lines, add a line 03J-Subtotal and then add up the amounts and show it in the subtotal column).

<sup>2</sup> Show the sources and amounts of "Other Funds" below.

- 1. City of Marathon \$125,000
- 2. \_\_\_\_\_ \$ \_\_\_\_\_
- 3. \_\_\_\_\_ \$ \_\_\_\_\_
- 4. \_\_\_\_\_ \$ \_\_\_\_\_
- 5. \_\_\_\_\_ \$ \_\_\_\_\_
- 6. \_\_\_\_\_ \$ \_\_\_\_\_

**ATTACHMENT I – Activity Work Plan**

11/1/2011

**Recipient: City of Marathon, Florida**

**Date Prepared: 01/20/2015**

**Contract Number: 11DB-C5-11-54-02-H16**

**Project Budget: \$750,000.00**

Date Start (month/year)	Date End (month/year)	Describe Proposed Action to be completed by the "Date End." <i>Examples of Actions: Complete Environmental Review and Obtain Release of Funds, Request Wage Decision, Complete and Submit Design and Specifications, Advertise for and Open Bids, Issue Notice to Proceed, % Construction Completion (33, 66, and 100%), Complete Procurement Process, Advertise Availability of Housing Rehabilitation Funds, Complete Rankings of Homes per HAP, and Number of Houses Rehabilitated.</i>	# Units to be completed by "Date End"	Proposed \$\$ to be Requested by "Date End"	Proposed Administration \$\$ to be Requested by "Date End"
6/11	11/11	Full execution of contract documents, initiate Environmental Review Process , publish public notices for project review periods, receive Release of Funds. File quarterly reports.			
8/11	12/12	Solicit Applications, conduct income certification, approve files; solicit pool of qualified contractors to participate in program. Prepare Work Write-Ups/Bid Documentation. Submit Request for Funds, file quarterly and other required reports..			
10/11	12/12	Solicit Bids from selected contractors. Award Bids/Execute Contracts/Begin Construction. Submit Request for Funds, file Quarterly and other required reports.	25	\$50,000	
1/13	6/13	Solicit Applications, conduct income certification, approve files; continue to solicit pool of qualified contractors to participate in program. Prepare Work Write-Ups/Bid Documentation. Award Bids/ Execute Contracts//Begin Construction/Submit Contractor Pay Requests. File Request for Funds and Quarterly Reports.			
1/13	6/13	Continue application process/ approve/ solicit bids/award contracts/begin construction/submit contractor pay requests. Submit Request for Funds and file quarterly and other required reports.			
1/13	6/13	Solicit Applications/conduct income verification process/ approve files/ solicit bids. Continue construction/process contractors' pay requests. Submit Request for Funds, file quarterly and other required reports.			
6/13	4/14	Continue construction/process contractor pay requests. Submit Request for Funds, file quarterly and other required reports.	50	\$130,000	112,500
4/14	12/14	Ongoing sewer connections		\$100,000	
4/14	5/15	Ongoing program implementation. Continue to solicit bids, award contracts. Submit Request for Funds, file quarterly and other required reports.			
4/14	5/15	Continue construction/process contractor pay requests. Submit Request for Funds, file quarterly and other required reports.			
5/15	6/15	Finalize Contractor Payments/Begin Preliminary Close-Out Documentation.	25	\$357,500	
6/15	6/15	Submit Administrative Close-Out			

Note: More than one activity may be included per form.







### Request for Amendment

12/9/2014

Activity Code		Activity Name		Beneficiaries										
				Total Beneficiaries			Low & Moderate Income				Very Low Income			
				Original #	Current #	Proposed #	Original		Proposed		Original		Proposed	
#	%	#	%				#	%	#	%				
21A		Administration												
14A		Sewer Hookups	50	50	100	50	100	100	100	4	8	48	48	

- |  | <u>Original</u>   | <u>Proposed</u> |  |
|--|---|-----------------|--|
| 20. Total # Unduplicated Beneficiaries:  | 50  | 100             |  |
| 21. Total # Unduplicated LMI Beneficiaries:  | 50  | 100             |  |
| 22. Total # Unduplicated VLI Beneficiaries:  | 4   | 48              |  |
| 23. Total # Unduplicated LMI Households:   | 50  | 100             |  |
| 24. Does this amendment reduce any other project funds previously committed as leverage from local or other sources? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                 |  |
| (If <b>yes</b> , you must complete and attach the <i>Sources and Uses of Funds</i> form, SC-36.)                     |   |                 |  |