



Council Communication

To: Mayor and Village Council

Through: Maria Aguilar, Village Manager

Date: May 22, 2014

SUBJECT: RESOLUTION APPROVING SECOND AMENDMENT TO PROFESSIONAL FEDERAL LOBBYING CONSULTING SERVICES AGREEMENT

Background:

Alcalde & Fay LTD (the “Consultant”) has provided Professional Federal Lobbying Services for Islamorada since July 1, 2012. The selection of the Consultant followed a Request for Qualifications process, formal ranking procedure, approval by the Village Council and negotiation of an Agreement. The term of the initial Professional State Lobbying Consulting Services Agreement (the “Agreement”) was through June 30, 2013. The agreement provides for two (2) successive one (1) year renewal periods at the option of the Village. The First Amendment to the Agreement, approved by the Village Council on May 25, 2013, extended the term of the Agreement to June 30, 2014. One additional one-year term may be approved.

Analysis:

The purpose of the Professional Federal Lobbying Services is to represent the Village’s interests before the United States Congress, Federal agencies and governmental entities, especially for those issues related to wastewater and related funding matters. The Consultant’s primary representative for the Village is Jim Davenport, Partner. During his two years working with the Village, Mr. Davenport has become knowledgeable about the interests and needs of Islamorada, initiated and has continued regular communications with individuals and federal agencies to bring particular attention to the Village, has assisted staff with efforts to include additional eligible activities for wastewater reimbursement through the Army Corps of Engineers and has provided informational updates.

A Second Amendment to the Agreement for Professional Federal Lobbying Consulting Services (the “Second Amendment”) is provided for consideration by the Village Council; the Consultant has agreed to continue to provide services as described in the agreement for an additional year.

Budget Impact:

Approval of the Second Amendment would extend the term of the Agreement with no increase to monthly compensation. The amount for the Professional State Lobbying Services through the end of this fiscal year included in the FY 13-14 adopted budget. If the Second Amendment is

approved by the Village Council, staff would include the amount of the monthly compensation and any anticipated travel expenses in the FY 14-15 Village Council operating budget as a Professional Service.

Staff Impact:

The Village Attorney and Village staff would continue to consult with the lobbyist on legislative issues.

Recommendation:

It is recommended that the Village Council adopt the resolution approving the Second Amendment to the Professional Federal Lobbying Consulting Services Agreement with Alcalde & Fay LTD (Exhibit A to the resolution) for the term commencing July1, 2014 and ending June 30, 2015.

RESOLUTION NO. 14 _____

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE SECOND AMENDMENT TO PROFESSIONAL FEDERAL LOBBYING CONSULTING SERVICES AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND ALCALDE & FAY LTD TO PROVIDE PROFESSIONAL FEDERAL LOBBYING SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SECOND AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE SECOND AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on July 1, 2012, the Village Council of Islamorada, Village of Islands (the “Village”) adopted Resolution 12-05-40 thereby retained the services of Alcalde & Fay LTD (the “Consultant”) for Professional Federal Lobbying Services following a Request for Qualifications process, formal ranking procedure and negotiation of an Agreement between the parties; and

WHEREAS, the Consultant is retained to represent the Village’s interests regarding federal legislative issues, especially those related to wastewater and related funding matters; and

WHEREAS, in accordance with the provisions of the Professional Federal Lobbying Consulting Services Agreement (the “Agreement”), the Village has the option to extend the term of the Agreement upon the same terms and conditions for two (2) successive one (1) year periods; and

WHEREAS, the Consultant has agreed to provide the services described in the Agreement for an additional one (1) year period; and

WHEREAS, the Village Council finds that approval of the Second Amendment to the Agreement attached hereto as Exhibit “A” is in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Second Amendment. The Village Council of Islamorada, Village of Islands, hereby approves the Second Amendment to the Agreement between the Village and Alcalde & Fay LTD to provide Professional Federal Lobbying services, a copy of which is attached as Exhibit “A”, together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Second Amendment.

Section 4. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village’s Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Second Amendment.

Section 5. Execution of Second Amendment. The Village Manager is authorized to execute the Second Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Second Amendment and to execute any extensions and/or amendments to the Second Amendment, subject to the approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2014.

Motion to adopt by _____, second by _____.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Ted Blackburn	_____
Vice Mayor Deb Gillis	_____
Councilman Mike Forster	_____
Councilman Ken Philipson	_____
Councilman Dave Purdo	_____

PASSED AND ADOPTED ON THIS ___ DAY OF _____, 2014.

TED BLACKBURN, MAYOR

ATTEST:

KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY

ROGET V. BRYAN, VILLAGE ATTORNEY

**SECOND AMENDMENT
PROFESSIONAL FEDERAL LOBBYING CONSULTING SERVICES AGREEMENT
BETWEEN
ISLAMORADA, VILLAGE OF ISLANDS
AND
ALCALDE & FAY LTD**

THIS SECOND AMENDMENT to the Professional Services Agreement (the "Second Amendment") is made between ALCALDE & FAY LTD a Virginia corporation (the "Consultant"), and **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the "Village").

WHEREAS, the Consultant and the Village entered into a the certain Professional Federal Lobbying Consulting Services Agreement ("the Agreement") effective July 1, 2012, attached hereto as Exhibit 1; and

WHEREAS, in accordance with the provisions of the "Agreement", the Village has the option to extend the term of the Agreement upon the same terms and conditions for two (2) successive one (1) year periods; and

WHEREAS, a First Amendment to the Agreement approved by the Village Council on April 25, 2013 extended the term of the Agreement to June 30, 2014; and

WHEREAS, the Consultant has agreed to provide the services described in the Agreement for an additional one (1) year period; and

WHEREAS, the parties desire to enter into this Second Amendment to modify the terms of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this Second Amendment, the Consultant and the Village agree as follows.

Section 1. Amendment to Agreement. The Agreement is amended to read as follows:

2. **Term/Commencement Date.**

2.1 Unless otherwise terminated pursuant to Section 4, this Agreement shall be effective on July 1, ~~2013~~ 2014 and shall continue through June 30, ~~2014~~ 2015. (the "Term")

Section 2. No Further Modifications. All other terms and conditions of the existing Agreement not in conflict or superseded by this Second Amendment shall remain in full force and effect as if set for the herein.

Section 3. Effective Date. This Second Amendment shall be effective on July 1, 2014.

IN WITNESS WHEREOF, the parties execute this Second Amendment on the respective dates under each signature: The Village, signing by and through its Village Manager, attested to by its Village Clerk, and by Consultant by and through its principal.

Attest:

ISLAMORADA, VILLAGE OF ISLANDS

Kelly Toth, Village Clerk

By: _____
Maria Aguilar, Village Manager

Date: _____

ALCALDE & FAY

By: _____
James Davenport, Partner

Date: _____

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY

Roget V. Bryan, Village Attorney