RESOLUTION NO. 12-04-26

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PAYMENT OF $17,785.42 IN OUTSTANDING INVOICES TO EAC CONSULTING, INC.; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE PAYMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; APPROVING A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") retained the services of EAC Consulting, Inc. ("EAC") for services relating to construction of an amphitheater in Founders Park; and

WHEREAS, in 2003 and 2004, EAC rendered services to the Village at the direction of Village staff and the Village Manager for which the corporation was not paid; and

WHEREAS, invoices totaling $17,785.42 attached hereto remain outstanding from 2003 and 2004; and

WHEREAS, the Village’s agreement with EAC lapsed and Village staff did not request extension of the contract from the Village Council; and

WHEREAS, the Village Council finds that approval of payment of the outstanding invoices totaling $17,785.42 is in the best interest of the Village; and

WHEREAS, the Village Council finds that approval of a budget amendment to account for the use of unassigned fund balance to cover expenditures is necessary.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:
Section 1. Recitals. The foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval of Payment. The request for payment of $17,785.42 in outstanding invoices from EAC attached as Exhibit “A” together with any payment terms and conditions is hereby approved.

Section 3. Authorization to Village Officials. The Village Manager or designee and Village Attorney are authorized to take all steps necessary to implement and finalize the terms and conditions of the payment, any related documents necessary to implement the payment as well as any extensions and/or amendments to the payment terms subject to approval as to form and legality by the Village Attorney.

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 payment to EAC Consulting, Inc.

Section 5. Approval of Budget Amendment. The Village Council approves a budget amendment to increase the FY 11-12 General Fund revenues by $17,800.00 through use of unassigned fund balance and increase the Parks and Recreation FY 11-12 General Fund operating budget by $17,800.00, resulting in a net change ($17,800.00) to the projected year end FY 11-12 General Fund balance.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.
PASSED AND ADOPTED this 26th day of April, 2012.

Motion to adopt by Councilman Purdo, second by Vice Mayor Philipson.

FINAL VOTE AT ADOPTION
Mayor Michael Reckwerdt  YES
Vice Mayor Ken Philipson  YES
Councilman Don Achenberg  NO
Councilman Ted Blackburn  YES
Councilman Dave Purdo  YES

ATTEST:

DEBRA E. EASTMAN, MMC
VILLAGE CLERK

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

VILLAGE ATTORNEY
EAC Consulting, Inc.  
815 NW 67th Ave, Suite 402  
Miami, FL 33126  
Phone: 305-284-2557  
Fax: 305-285-5428

June 12, 2009  
Project No: 00000.1005-03

Village of Islamorada  
Attn: Zully Williams  
P.O.Box 568  
Islamorada, FL 33036

Project: 00000.1005-03 Founder's Park and Rwdy Resurfacing Cons

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June 18, 2009

Ms. Cindy Lawson
Director of Finance
Islamorada, Village of Islands
P.O. Box 568
Islamorada, FL 33036

Re: Founders Park Amphitheater, Roadway Resurfacing and Drainage Improvements Construction Administrative Services
EAC Project No. 1005.03

Dear Ms. Lawson:

EAC Consulting is requesting payment for services it performed on the above project. We have attempted to collect on these invoices with no resolution.

Enclosed are the following:
1. Attachment I – Statement with a summary of the outstanding invoices totaling $17,785.42 on the Founder's Park and Roadway Resurfacing Project. Copies of these outstanding invoices and the supporting documentation:
   i. 1005.03-07 $4,942.04
   ii. 1005.03-08 $5,737.50
   iii. 1005.03-09 $5,465.88
   iv. 1005.03-10 $1,640.00
   Outstanding amount due to EAC $17,785.42

2. Attachment II – Various correspondence between EAC and the Village of Islamorada from October through December 2003 demonstrating that the Village of Islamorada was aware that EAC was performing work at that time and in some cases requesting that EAC attend meetings or provide services.

If you should have any questions or require additional information please feel free to contact me.

Sincerely,

EAC Consulting, Inc.

Marie Chong
Controller

cc. Rick Crooks
    Zully Hemeyer

Encl. (2)
June 7, 2010

Ms. Cindy Lawson  
Director of Finance  
Islamorada, Village of Islands  
P.O. Box 568  
Islamorada, FL 33036

Re:  Founders Park Amphitheater, Roadway Resurfacing and Drainage Improvements Construction Administrative Services  
EAC Project No. 1005.03

Dear Ms. Lawson:

EAC Consulting, Inc. has been attempting to get paid for work performed in 2003 & 2004 totaling $17,785.42. This was for work completed on the Founders Park Amphitheater, Roadway Resurfacing and Drainage.

Since we invoiced the work we were told on many occasions that the items were being researched or payment was in process. To date we still have not been paid and have not received responses to repeated requests for status of payment.

Please see enclosed information regarding the outstanding invoices, it includes:

Attachment I - Statement of Past Due invoices totaling $17,785.42

Attachments II to V - Copies of the invoices along with the supporting documentation

Attachments VI to IX - Correspondence between the Village and EAC Consulting, showing requests made by the Village to EAC Consulting relating to the provision of services.

Pursuant to Section 5 of the Agreement dated June 7, 2001 between Islamorada, Village of Islands and EAC Consulting, Inc., our invoices were submitted on a timely basis, and pursuant to Section 5.2 we were not notified of any disputes.

EAC Consulting, Inc. is a small business and relies on timely payment from its clients in order to survive. This delay in payment is placing an undue hardship on our firm which is especially difficult in these tough economic times. Your assistance in resolving this matter would be most appreciated.
If you should have any questions or require additional information please feel free to contact me at 305-265-5400 or at mchong@eacconsult.com.

Sincerely,
EAC Consulting, Inc.

[Signature]
Marie Chong
Controller

cc.
File
Rick Crooks
Dean Robertson, Esquire
Nina Boniske, Esquire
Mayor Michael Reckwerdt
Vice Mayor Don Achenberg
Dave Purdo
Ken Philipson
Bob Johnson

Enclosures:
Statement of Past Due Invoices
Copies of outstanding invoices and supporting documents
Correspondence between the Village and EAC Consulting, Inc.