RESOLUTION NO. 12-07-57

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING MODIFICATION OF THE LETTER AGREEMENT BETWEEN NABORS GIBLIN & NICKERSON, P.A., AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE LEGAL SERVICES FOR THE VILLAGE’S WASTEWATER UTILITY; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE MODIFICATION OF THE LETTER AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) has retained the services of Nabors Griblin Nickerson, P.A. (“NGN”) to provide legal support for the development of wastewater utility assessment programs, for general utility issues and for bond validation for the Remaining Service Area (“RSA”) wastewater assessment; and

WHEREAS, the Village has a letter agreement (the “Agreement”) dated May 17, 2011 with NGN to provide its services at a not-to-exceed amount of $24,000, a copy of which is attached as Exhibit “A”; and

WHEREAS, on August 25, 2011, the Village Council adopted Resolution No. 11-08-61, attached hereto as Exhibit “B,” modifying the Agreement to expand the scope to include the bond validation for the RSA and increase the not-to-exceed amount by $15,000 to $39,000; and

WHEREAS, NGN has determined legal fees incurred for services rendered will exceed the not-to-exceed amount of $39,000; and

WHEREAS, the Village Council finds that increasing the not-to-exceed amount 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 Agreement. The Agreement between NGN and the
Village is attached as Exhibit “A.”

Section 3. Authorization of Village Officials. The Village Manager and/or his
designee and the Village Attorney are authorized to modify the Agreement so that the maximum
not to exceed fee is $91,000.

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 Agreement modification.

Section 5. Execution of Agreement. The Village Manager is authorized to
execute the terms and conditions of the Agreement and to execute any extensions and/or
amendments to the Agreement, 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 26th day of July, 2012.
Motion to adopt by Vice Mayor Philipson, second by Councilman Achenberg.

FINAL VOTE AT ADOPTION

Mayor Michael Reckwerdt  Yes
Vice Mayor Ken Philipson  Yes
Councilman Don Achenberg  Yes
Councilman Ted Blackburn  Yes
Councilman Dave Purdo  Yes

KEN PHILIPSON
KEN PHILIPSON, VICE MAYOR

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
Islamorada,
Village of Islands

September 4, 2012

Heather J. Encinosa
Nabors Giblin & Nickerson, P.A.
Post Office Box 11008
Tallahassee, Florida 32302

RE: Letter Agreement for Legal Services dated May 17, 2011
Wastewater Special Assessment Program, General Utility Issues, and Bond Validation
for the Remaining Service Area (RSA) Wastewater Assessment
Increase in Not-to-Exceed Fee from $39,000 to $91,000

Dear Ms. Encinosa:

This letter is to serve as formal notification that, pursuant to the enclosed Resolution No. 12-07-57, Islamorada, Village of Islands' Village Council has authorized an increase in the not-to-exceed fee for the above referenced Agreement between Nabors Giblin & Nickerson, P.A. and the Village, from $39,000 to $91,000.

Any further increases or payments in excess of the not-to-exceed amount of $91,000 will require additional approval by the Village Council.

Should you have any questions regarding payment under this Agreement, please contact Ariana Lawson, Procurement/Grants Administrator, by telephone at (305) 664-6450 or via email at ariana.lawson@islamorada.fl.us.

Sincerely,

Edward Koconis
Village Manager

Enclosure

Cc: Maria Aguilar – Finance Director, Islamorada, Village of Islands
    Greg Tindle – Wastewater Utility Director, Islamorada, Village of Islands
    Ariana Lawson – Procurement/Grants Administrator, Islamorada, Village of Islands
    Nina Boniske – Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.