RESOLUTION NO. 12-11-104

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE THIRD AMENDMENT TO PROFESSIONAL STATE LOBBYING CONSULTING SERVICES AGREEMENT BETWEEN WILLIAM J. PEEBLES, P.A. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE PROFESSIONAL STATE LOBBYING SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE THIRD AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE THIRD AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the “Village”) retained the services of William J. Peebles, P.A. (the “Consultant”) for Professional State Lobbying Services on April 16, 2010 following a Request for Qualifications process, formal ranking procedure, approval by the Village Council with adoption of Resolution 10-04-29, and negotiation of an Agreement; and

WHEREAS, the Village subsequently entered into a full year agreement with the Consultant, a First Amendment to the Agreement to extend the term of the Agreement to October 30, 2012, and a Second Amendment to the Agreement to extend the term of the Agreement to October 30, 2013; and

WHEREAS, the intent of the State Lobbying Services is to represent the Village’s interests with regard to all Florida legislative issues and especially those related to wastewater and related funding matters; and

WHEREAS, the Consultant has become knowledgeable about the interests and needs of the Village, has provided excellent representation of Village interests, has increased the recognition of Islamorada in the State Capitol and has achieved monetary results for the Village; and
WHEREAS, in accordance with the provisions of the Professional State Lobbyist Consulting Services Agreement (the “Agreement”), the Agreement shall not be subject to assignment by the Consultant without written permission of the Village Council; and

WHEREAS, the Consultant has engaged the services of an additional professional lobbyist with qualifications and personal expertise of benefit to the Village; and

WHEREAS, the Village Council finds that approval of the Third Amendment to the Agreement (“Third Amendment”) attached hereto adding Mr. John Wayne Smith to the list of individuals designated to perform Services under the Agreement 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 Third Amendment. The Third Amendment to the Agreement between The Consultant and the Village to provide Professional State 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, is approved.

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 Third 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 Third Amendment.

Section 5. Execution of Third Amendment. The Village Manager is authorized to execute the Third Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Third Amendment and to execute any extensions and/or amendments to the Third 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 29th day of November, 2012.

Motion to adopt by Councilwoman Gillis, second by Vice Mayor Blackburn.

FINAL VOTE AT ADOPTION
Mayor Ken Philipson       YES
Vice Mayor Ted Blackburn  YES
Councilman Mike Forster   YES
Councilwoman Deb Gillis   YES
Councilman Dave Purdo     YES

[Signature]
MAYOR

ATTEST:

[Signature]
VILLAGE CLERK

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

[Signature]
VILLAGE ATTORNEY

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THIRD AMENDMENT TO
PROFESSIONAL STATE LOBBYING CONSULTING SERVICES AGREEMENT
ISLAMORADA, VILLAGE OF ISLANDS
AND
WILLIAM J. PEEBLES, P.A.

This Third Amendment to the Professional Services Agreement (the “Third Amendment”) made and entered into this ______ day of December, 2012 between WILLIAM J. PEEBLES, P.A., a Florida Corporation, (the “Consultant”), and the Village Council of ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, a Florida municipal corporation, (the “Village”).

WHEREAS, the Consultant and the Village entered into the certain Professional State Lobbying Services Consulting Agreement dated November 15, 2010, (the “Agreement”), a First Amendment to the Agreement (the “First Amendment”) on October 5, 2011 to extend the term of the Agreement to October 31, 2012 and a Second Amendment to the Agreement (the “Second Amendment”) to extend the term of the Agreement to October 31, 2013; and

WHEREAS, the Agreement, First Amendment and Second Amendment are attached hereto as Exhibit 1; and

WHEREAS, the intent of the State Lobbying Services is to represent the Village’s interests with regard to all Florida legislative issues and especially those related to wastewater and related funding matters; and

WHEREAS, in accordance with the provisions of the Agreement, the Agreement shall not be subject to assignment by the Consultant without written permission of the Village Council; and

WHEREAS, the Consultant has engaged the services of an additional professional lobbyist with qualifications and personal expertise of benefit to the Village; and

WHEREAS, the parties desire to enter into this Third Amendment to modify the assignment of lobbyists by the Consultant.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Third Amendment, the parties agree as follows:

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

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13.1 This Agreement shall not be assignable by the Consultant. Although this agreement is with the Consultant, the parties agree that the Village is relying upon the apparent qualifications and personal expertise of William J. Peebles, and Karen Peterson and John Wayne Smith and that Mr. Peebles, Ms. Peterson and Mr. Smith shall be designated by the Consultant to perform the Services under this Agreement. In the event that the Mr. Peebles, and Ms. Peterson and Mr. Smith can no longer perform the Services under this Agreement, this Agreement shall automatically terminate. This Agreement shall not be subject to assignment by the Consultant without written permission of the Village Council.

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

Section 3. Effective Date. This Third Amendment shall be effective on the date first written above.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Third Amendment upon the terms and conditions above stated on the day and year first above written.

Attest:

Mary Secaney  
Village Clerk

By: Edward Koconis, Village Manager

Date: 11/30/12

ISLAMORADA, VILLAGE OF ISLANDS

By: William J. Peebles, P.A.

Date: 12/7/12

WILLIAM J. PEEBLES, P.A.

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

VILLAGE ATTORNEY