RESOLUTION NO. 14-10-72

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

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

WHEREAS, the Village subsequently entered into a full year Professional State Lobbyist Consulting Services Agreement (the “Agreement”) with Peebles, and First, Second and Fourth Amendments to the Agreement, to extend the term of the Agreement by successive one-year periods and a Third Amendment to the Agreement to authorize an additional professional lobbyist to perform the services under the Agreement; and

WHEREAS, the current term of the Agreement expires on October 30, 2014; 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 Village has the option to extend the term of the Agreement for successive one (1) year periods at a mutually agreed upon rate; and
WHEREAS, Peebles 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 Fifth Amendment to the Agreement ("Fifth Amendment") attached hereto 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 Fifth Amendment. The Village Council hereby approves the Fifth Amendment to the Agreement between Peebles and the Village to provide Professional State Lobbying services, a copy of which together 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 Fifth 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 Fifth Amendment.

Section 5. Execution of Fifth Amendment. The Village Manager is hereby authorized to execute the Fifth Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Fifth Amendment and to execute any extensions and/or amendments to the Fifth 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 8th day of October, 2014.

Motion to adopt by Councilman Ken Philipson, second by Vice Mayor Deb Gillis.

FINAL VOTE AT ADOPTION

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

TED BLACKBURN, MAYOR
Deb Gillis, Vice Mayor

KELLY TOOTH, VILLAGE CLERK

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

ROGET V. BRYAN, VILLAGE ATTORNEY
FIFTH AMENDMENT TO
PROFESSIONAL STATE LOBBYING CONSULTING SERVICES AGREEMENT
ISLAMORADA, VILLAGE OF ISLANDS
AND
WILLIAM J. PEEBLES, P.A.

This Fifth Amendment to the Professional Services Agreement (the “Fifth Amendment”) made and entered into this [blank] day of October, 2014 between ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, a Florida municipal corporation, (the “Village”) and WILLIAM J. PEEBLES, P.A., a Florida Corporation, (the “Consultant”).

WHEREAS, the Consultant and the Village entered into the certain Professional State Lobbying Services Consulting Agreement dated November 15, 2010, (the “Agreement”), First, Second and Fourth Amendments to the Agreement to extend the term of the Agreement for additional one (1) year periods, and a Third Amendment to the Agreement to authorize an additional professional lobbyist to perform the services under the Agreement; and

WHEREAS, the Agreement and the First, Second, Third and Fourth 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 Village has the option to extend the term of the Agreement for successive one (1) year periods at a mutually agreed upon rate; and

WHEREAS, Peebles 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 Fifth Amendment to modify the term of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Fifth Amendment, the parties agree as follows:
Section 1. Amendment to Agreement. The Agreement is hereby amended to read as follows:

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2. Terms/Commencement Date. Unless otherwise terminated pursuant to Section 4, this Agreement shall be effective November 5, 2010 and shall continue through October 31, 2014 2015 (the "Term").

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

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

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

Attest: 

ISLAMORADA, VILLAGE OF ISLANDS

By: 

Date: 10/10/14

Approved as to Form and Legality for the Use and Benefit Of Islamorada, Village of Islands Only

Roget V. Bryan, Village Attorney