

**RESOLUTION NO. 2006 - 065**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH JOHN CANADA AND ASSOCIATES, INC.; AMENDING THE AGREEMENT TO REQUIRE JOHN CANADA AND ASSOCIATES, INC. TO BE BOUND BY THE STATE OF FLORIDA'S CODE OF ETHICS AS DELINEATED IN CHAPTER 112, FLORIDA STATUTES; PROVIDING A LIMITED EXCEPTION, IF EVER DEEMED TO BE LEGALLY REQUIRED, THAT JOHN CANADA AND ASSOCIATES, INC. MAY EMPLOY BOTH JOHN CANADA AND PAT CANADA; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AMENDED AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on December 13, 2000, the Town contracted with John Canada & Associates, Inc. ("John Canada & Associates") to serve as the Town's administration; and

**WHEREAS**, on October 14, 2004, pursuant to Resolution No. 2005—002, the Town entered into the First Amendment to the Agreement to extended John Canada & Associates term until September 30, 2008; and

**WHEREAS**, on April 6, 2006, after the State of Florida found that John Canada & Associates is not bound by the State's Code of Ethics, John Canada & Associates agreed to enter into a Second Amendment to the Agreement to ensure that the State's ethical guidelines will be maintained; and

**WHEREAS**, the Town Council has agreed to provide a limited exception, if ever deemed to be legally required, that John Canada & Associates may continue to employ both John Canada and Pat Canada.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida:

**Section 1:** The above referenced recitals are true and correct and are incorporated herein by reference.

**Section 2:** The Town Council hereby approves the Second Amendment to the Agreement, attached hereto and incorporated herein by reference as Exhibit "A".

**Section 3:** The Agreement between the Town of Southwest Ranches and John Canada & Associates, Inc. is hereby amended to provide that John Canada & Associates, Inc. shall be bound by the State of Florida's Code of Ethics, codified at Chapter 112 Florida Statutes, as may be amended from time to time.

**Section 4:** The Town Council hereby agrees to provide a limited exception to Section 3 above, if ever deemed to be legally required, that John Canada & Associates may continue to employ both John Canada and Pat Canada.

**Section 5:** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the amended Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 6:** That this Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 11<sup>th</sup> day of May 2006, on a motion by Vice Mayor Don Maines and seconded by Council Member Aster Knight.

|         |          |
|---------|----------|
| Fink    | <u>Y</u> |
| Maines  | <u>Y</u> |
| Blanton | <u>A</u> |
| Knight  | <u>Y</u> |
| Nelson  | <u>Y</u> |

|            |          |
|------------|----------|
| Ayes       | <u>4</u> |
| Nays       | <u>0</u> |
| Absent     | <u>1</u> |
| Abstaining | <u>0</u> |

  
\_\_\_\_\_  
Mecca Fink, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Gary A. Poliakoff, J.D., Town Attorney  
FTL\_DB: 977052\_1

## **SECOND MODIFICATION TO AGREEMENT**

**THIS SECOND MODIFICATION TO AGREEMENT** entered into as of the \_\_\_\_ day of May, 2006 between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and John Canada & Associates, Inc., a corporation of the State of Florida ("Canada"), for the purpose of amending the Agreement between the Town and Canada dated December 13, 2000 (the "Original Agreement").

### **WITNESSETH:**

**WHEREAS**, on December 13, 2000, the Town contracted with John Canada & Associates, Inc. ("John Canada & Associates") to serve as the Town's administration; and

**WHEREAS**, on October 14, 2004, pursuant to Resolution No. 2005—002, the Town entered into the First Amendment to the Agreement to extended John Canada & Associates term until September 30, 2008; and

**WHEREAS**, on April 6, 2006, after the State of Florida found that John Canada & Associates is not bound by the State's Code of Ethics, John Canada & Associates agreed to enter into a Second Amendment to the Agreement to ensure that the State's ethical guidelines will be maintained; and

**WHEREAS**, the Town Council has agreed to provide a limited exception, if ever deemed to be legally required, that John Canada & Associates may continue to employ both John Canada and Pat Canada.

**NOW THEREFORE**, for and in consideration of the premises and for Ten Dollars (\$10.00) and for other good and valuable consideration the receipt and sufficiency whereof is hereby acknowledged, the parties hereto agree that the Original Agreement shall be amended as follows:

1. The foregoing recitals are true and correct.
2. Section 25 "Code of Ethics" shall be added to read as follows:

### **Section 25: CODE OF ETHICS**

**25.1 Canada agrees to be bound by the State of Florida's Code of Ethics, codified at Chapter 112 Florida Statutes, as may be amended from time to time.**

25.2 The Town agrees to provide a limited exception to Section 25.1 above, if ever deemed to be legally required, that John Canada & Associates may continue to employ both John Canada and Pat Canada.

3. All other terms and conditions not modified herein shall remain of full force and effect and binding on the parties.

**IN WITNESS WHEREOF**, this Second Modification is accepted and executed as of the \_\_\_\_ day of May, 2006.

TOWN OF SOUTHWEST RANCHES

JOHN CANADA & ASSOCIATES, INC.

\_\_\_\_\_  
Mecca Fink, Mayor

\_\_\_\_\_  
John Canada, Principal

Attest:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Susan A. Owens, Town Clerk

\_\_\_\_\_  
Witness

Approved as to form and correctness:

\_\_\_\_\_  
Gary A. Poliakoff, J.D., Town Attorney  
FTL\_DB: 977052\_1