

RESOLUTION NO. 2007 - 004

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA TERMINATING THE TOWN'S AGREEMENT WITH JOHN CANADA & ASSOCIATES, INC.; PROVIDING FOR A TRANSITION PLAN; PROVIDING FOR AN IMMEDIATE MODIFICATION TO THE AGREEMENT; PROVIDING FOR PAYMENT FOR TERMINATION WITHOUT CAUSE; PROVIDING FOR THE ISSUANCE OF REQUESTS FOR LETTERS OF INTEREST FOR THE POSITIONS OF TOWN ADMINISTRATOR AND FINANCIAL ADMINISTRATOR; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 9, 2000, the Town Council, pursuant to Resolution 2001-02, entered into an Agreement with John Canada & Associates, Inc.; and

WHEREAS, on October 14, 2004, the Town Council, pursuant to Resolution 2005-002, entered into the First Modification to the Agreement, which extended the Agreement's term until September 30, 2008; and

WHEREAS, on October 12, 2006, in compliance with Section 3.02 of the Town's Charter, and Section 11 of the Agreement between John Canada & Associates, Inc. and the Town of Southwest Ranches, the Town Council terminated its Agreement with John Canada & Associates, Inc., without cause, effective upon a new Town Administrator commencing work for the Town; and

WHEREAS, this Resolution serves to set forth the terms of the termination;

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

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

Section 2. The Town Council, of the Town of Southwest Ranches, hereby terminates the Town's Agreement with John Canada & Associates, Inc. ("JCA"), without cause, effective upon the new Town Administrator's commencement date.

Section 3. The Town Council hereby adopts a transition plan whereby the current Agreement shall be amended from its current flat rate per fiscal year to a cost plus a five percent (5%) management fee. Any excess funds paid by the Town to JCA shall be returned to Town on a monthly basis, prior to the next monthly payment. With the exception of recent salary increases, which have already become effective, and the hiring of a bookkeeper who will be trained to replace Pat Canada, no further modification of employee salaries, employee benefits, or new hires, may be made without consent of the Town Council.

To effectuate a smooth transition, immediately following the effective date of termination, JCA will continue to retain the current staff positions, excluding John Canada and Pat Canada. The new Town Administrator or the Town Council may specify additional positions or replacement staff, as may be necessary. The payment for the positions and their direct costs will be provided to JCA as a cost plus five percent (5%) management fee. JCA will continue to retain the current staff positions until the earlier of six months or upon replacement by the New Town Administrator or at the discretion of the Town Council.

Section 4. JCA's Agreement is hereby terminated without cause effective upon the new Town Administrator's commencement date. Upon the effective date of termination, JCA shall be entitled to receive a three month severance, in the amount of \$180,621.00, in conformity with Section 11.2 of the Agreement.

Section 5. The Town Council hereby authorizes JCA to immediately issue a Request for Letters of Interest and other applicable ads relating to the offices of the Town Administrator and Town Financial Administrator.

Section 6. The Town Clerk shall send JCA, via hand delivery, a certified copy of this Resolution with a letter stating that the Town's Agreement with JCA has been terminated, without cause, effective upon the new Town Administrator's commencement date. The Town Clerk shall also ensure that the Request for Letters of Interest and other applicable ads are timely published.

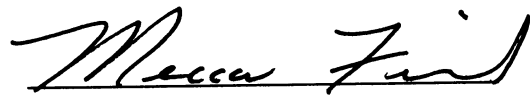
Section 7. This Resolution shall take effect immediately upon its adoption.

[Signatures on Following Page]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 12th day of October 2006, on a motion by Council Member Forest Blanton and seconded by Council Member Knight.

Fink N
Blanton Y
Knight Y
Maines Y
Nelson Y

Ayes 4
Nays 1
Absent 0
Abstaining 0




Mecca Fink, Mayor

ATTEST:


Susan A. Owens, Town Clerk

Approved as to Form and Correctness:


Gary A. Poliakoff, J.D., Town Attorney

FTL_DB: 1013306_1