

RESOLUTION NO. 2009 – 039

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SECOND MODIFICATION TO THE TOWN'S AGREEMENT WITH CSI CODE SERVICES, INC. ("CSI"); EXTENDING THE AGREEMENT FOR AN ADDITIONAL THREE YEAR TERM; AMENDING THE AGREEMENT TO ROLL BACK AND TO MAINTAIN THE 2008 RATE FOR THE THREE YEAR TERM; AMENDING THE AGREEMENT TO REMOVE THE AUTOMATIC 5% ANNUAL INCREASE; AMENDING THE AGREEMENT TO ELIMINATE CSI'S ONE THOUSAND DOLLAR ADMINISTRATIVE FEE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE SECOND AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 29th, 2006, pursuant to Resolution No. 2006-051, the Town Council approved an agreement with CSI Code Services, Inc. ("CSI") to provide code enforcement services to the Town of Southwest Ranches ("Town"); and

WHEREAS, on April 6th, 2006, pursuant to Resolution No. 2006-058, the Town Council modified the unexecuted agreement to provide for additional hours of code enforcement services at an adjusted cost; and

WHEREAS, on June 14th, 2007, pursuant to Resolution No. 2007-073, the Town Council approved the First Amendment to the Agreement, providing for an additional code enforcement officer; and

WHEREAS, the Town is required, pursuant to Chapter 162 , Florida Statutes, to enforce its Codes; and

WHEREAS, CSI responds to an average of 125 phone calls per month and performs an average of 250 inspections per month; and

WHEREAS, CSI makes every effort to recuperate its costs, and for the 2008 fiscal year the Town's net cost for CSI's services was only \$29,527.00; and

WHEREAS, in addition to providing two code enforcement officers to the Town, CSI also provides a court reporter for all Code Enforcement Hearings; and

WHEREAS, CSI and the Town are desirous of extending its agreement for an additional three (3) year term; and

WHEREAS, CSI has agreed to roll back its rate to its 2008 rate and to cap this rate with no further escalation; and

WHEREAS, CSI and the Town have agreed to eliminate the One Thousand Dollar (\$1,000.00) administrative fee; and

WHEREAS, this Resolution and the attached Second Modification to the Agreement seeks to effectuate the extension and modifications as described herein.

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 Modification to its Agreement with CSI Code Services, Inc.

Section 3. The Town Council hereby amends its Agreement with CSI Code Services, Inc. as specifically delineated in Exhibit "A", which has been attached hereto and is incorporated by reference.

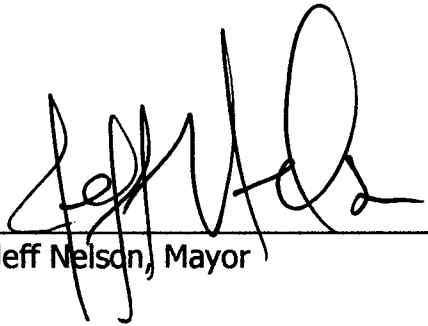
Section 4. The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Second Modification to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

Section 5. 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 19th day of February 2009, on a motion by Council Member Doug McKay and seconded by Council Member Aster Knight.

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|------------|----------|------------|----------|
| Nelson | <u>Y</u> | Ayes | <u>4</u> |
| Breitkreuz | <u>Y</u> | Nays | <u>1</u> |
| Fisikelli | <u>N</u> | Absent | <u>0</u> |
| Knight | <u>Y</u> | Abstaining | <u>0</u> |
| McKay | <u>Y</u> | | |

[Signatures on Following Page]



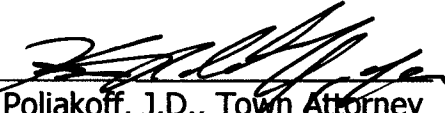
Jeff Nelson, Mayor

ATTEST:



Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
FTL_DB: 1168340_1

EXHIBIT "A"

SECOND MODIFICATION TO AGREEMENT

THIS SECOND MODIFICATION TO AGREEMENT entered into as of the ____ day of _____, 2009 between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and CSI Code Services, Inc., a corporation of the State of Florida ("Consultant"), for the purpose of extending and amending the Agreement between the Town and Consultant dated April 10th, 2006 (the "Original Agreement").

WITNESSETH:

WHEREAS, on April 6th, 2006, pursuant to Resolution No. 2006-058, the Town contracted with CSI Code Services, Inc. ("CSI") to provide code enforcement services to the Town of Southwest Ranches; and

WHEREAS, the Agreement contained a three year term and is about to expire; and

WHEREAS, due to the continued need for code compliance, the Town and CSI are desirous of extending and amending its Agreement.

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 3.1 of Article 3 "Term of Agreement" shall be amended to read as follows:

3.1 This Agreement shall become effective on ~~April 15, 2006~~ February 19, 2009, (the Effective Date), and shall continue in full force and effect for thirty six (36) months, with extensions to be approved by the TOWN and CSI, unless earlier terminated in accordance with paragraph 3.2 hereof.

3. Article 4 "Compensation" shall be amended to read as follows:

4.1 CSI shall provide Code Compliance Services, as described herein and in Exhibit "A", to the TOWN for an Annual Fee of Two Hundred and One Thousand Dollars and Zero Cents (\$201,000.00), One Hundred and Thirty Thousand Dollars (\$130,000), which shall be paid in monthly installments of Sixteen Thousand Seven Hundred and Fifty Dollars and Zero Cents (\$16,750.00). Ten Thousand Eight Hundred and Thirty Three Dollars and Thirty Three Cents (\$10,833.33) In addition to the aforementioned CSI shall receive as additional compensation an amount not to exceed Sixty Six Thousand Dollars (\$66,000) annually for providing a secondary code enforcement officer as delineated in Section 2.1 above. The secondary code enforcement officer shall be paid an amount not to exceed Sixty Five Thousand Dollars (\$65,000) annually and CSI shall be entitled to a One Thousand Dollar (\$1,000) annual administrative fee. Said total fee of Sixty Six Thousand Dollars (\$66,000) shall be paid in monthly installments of Five Thousand Five Hundred Dollars (\$5,500) in arrears. In the event that a secondary code enforcement officer is not assigned to the Town, the Town's monthly payment, or prorated portion thereof, shall be reduced to Eleven Thousand One Hundred and Fifty Dollars and Zero Cents (\$11,150.00), until such time as a secondary code enforcement officer has been assigned to the Town. CSI shall provide the Town Administrator with an invoice documenting that said services have been performed and CSI shall be provided with payment as delineated in Section 4.2 below. The Town shall not be required to pay CSI this additional compensation if the ~~secondary code~~ enforcement officers fails to perform or if the secondary code enforcement officers provides services below the minimum hourly requirement as delineated in Section 2.1 above.

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~~4.4 TOWN and CSI agree that the Annual Fee will increase by five percent (5%) annually on the annual Effective Date.~~

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

[Signatures on Following Page]