

**RESOLUTION NO. 2010 - 002**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FOURTH MODIFICATION TO THE TOWN'S AGREEMENT WITH RJ BEHAR & COMPANY, INC.; EXTENDING THE AGREEMENT UNTIL APRIL 1, 2010; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE FOURTH AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on December 9, 2004, pursuant to Resolution No. 2005-022, the Town Council approved an agreement with RJ Behar & Company, Inc. ("Consultant") to provide Engineering Services to the Town of Southwest Ranches ("Town"), which became effective on March 3, 2005; and

**WHEREAS**, on February 19, 2009, pursuant to Resolution No. 2009-038, the Town Council approved the First Modification to the Agreement with Consultant, which extended the term of the agreement through March 31, 2009; and

**WHEREAS**, on March 19, 2009, pursuant to Resolution No. 2009-044, the Town Council approved the Second Modification to the Agreement with Consultant to provide Engineering Services to the Town, which extended the term of the agreement through April 30, 2009; and

**WHEREAS**, on April 16, 2009, pursuant to Resolution No. 2009-057, the Town Council approved the Third Modification to the Agreement with Consultant, which extended the term through September 30, 2009; and

**WHEREAS**, the Third Modification to the Agreement amended the hourly rate schedule and provided for complete cost recovery; and

**WHEREAS**, the Town desires to extend Consultant's Agreement through April 1, 2010.

**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 Fourth Modification to its Agreement with RJ Behar & Company, Inc., which extends the term of the Agreement

until April 1, 2010, as set forth in Exhibit "A", which has been attached hereto and is incorporated herein by reference.

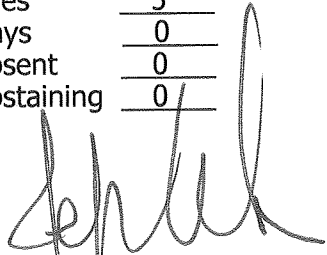
**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Fourth Modification to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 4.** 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 1<sup>st</sup> day of October 2009, on a motion by Council Member McKay and seconded by Council Member Knight.

Nelson	<u>Yes</u>
Breitkreuz	<u>Yes</u>
Fisikelli	<u>Yes</u>
Knight	<u>Yes</u>
McKay	<u>Yes</u>

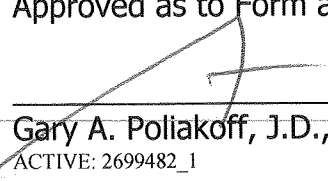
Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

  
\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

  
\_\_\_\_\_  
Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Gary A. Poliakoff, J.D., Town Attorney  
ACTIVE: 2699482\_1

**EXHIBIT "A"**

**FOURTH MODIFICATION TO AGREEMENT**

**THIS FOURTH MODIFICATION TO AGREEMENT** entered into as of the 2<sup>nd</sup> day of November, 2009 between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and RJ Behar & Company, Inc., a corporation of the State of Florida ("Consultant"), for the purpose of extending the Agreement between the Town and Consultant effective March 3, 2005 (the "Original Agreement").

**WITNESSETH:**

**WHEREAS**, on December 9, 2004, pursuant to Resolution No. 2005-022, the Town Council approved an agreement with RJ Behar & Company, Inc. ("Consultant") to provide Engineering Services to the Town of Southwest Ranches ("Town"), which became effective on March 3, 2005; and

**WHEREAS**, on February 19, 2009, pursuant to Resolution No. 2009-038, the Town Council approved the First Modification to the Agreement, which extended the term of the agreement through March 31, 2009; and

**WHEREAS**, on March 19, 2009, pursuant to Resolution No. 2009-044, the Town Council approved the Second Modification to the Agreement with Consultant to provide Engineering Services to the Town, which extended the term of the agreement through April 30, 2009; and

**WHEREAS**, on April 16, 2009, pursuant to Resolution No. 2009-057, the Town Council approved the Third Modification to the Agreement with Consultant, which extended the term through September 30, 2009; and

**WHEREAS**, the Third Modification to the Agreement amended the hourly rate schedule and provided for complete cost recovery; and

**WHEREAS**, the Town desires to extend Consultant's Agreement through April 1, 2010.

**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:

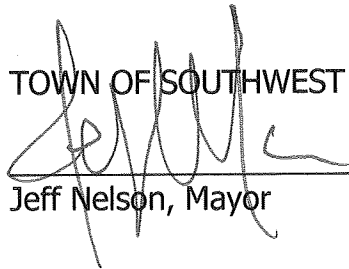
1. The foregoing recitals are true and correct.
2. Section 4.1 of Section 4 "TERM" shall be amended to read as follows:

4.1 TOWN and CONSULTANT agree that this Agreement shall be in full force and effect until ~~September 30, 2009~~ April 1, 2010, commencing upon the Effective Date of this Agreement, which shall be the date the last party signs this Agreement. Based upon the approval of the Town Council, this Agreement may be extended for additional time periods.


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

2<sup>nd</sup> **IN WITNESS WHEREOF**, this Extension is accepted and executed as of the day of November, 2009.

TOWN OF SOUTHWEST RANCHES

  
\_\_\_\_\_  
Jeff Nelson, Mayor

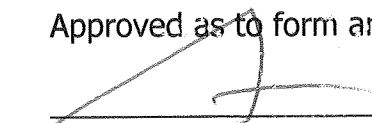
RJ BEHAR & COMPANY, INC.

  
\_\_\_\_\_  
Robert J. Behar, President

Attest:

  
\_\_\_\_\_  
Debra Doré-Thomas, CMC, Town Clerk

Approved as to form and correctness:

  
\_\_\_\_\_  
Gary A. Poliakoff, Town Attorney

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Witness

ACTIVE: 2699482\_1