

RESOLUTION NO. 2013 – 025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIFTH MODIFICATION TO THE TOWN'S AGREEMENT WITH CSI CODE SERVICES, INC. ("CSI"); APPROVING CSI'S SELECTION OF ROBERT SOLERA AS THE TOWN'S CHIEF CODE OFFICER; REDUCING THE TOWN'S ANNUAL PAYMENT TO CSI; AMENDING THE TOWN'S COST FOR THE SECONDARY OFFICER; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE FIFTH 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 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, on February 19, 2009, pursuant to Resolution No. 2009-039, the Town Council approved the Second Amendment to its Agreement with CSI, which extended the term of the Agreement for an additional three years until February 19, 2012; and

WHEREAS, on January 12, 2012, pursuant to Resolution No. 2012-026, the Town Council approved the Third Amendment to its Agreement with CSI, which extended the Agreement through April 30, 2012; and

WHEREAS, on March 22, 2012, pursuant to Resolution No. 2012-026, the Town council approved the Fourth Amendment to its Agreement with CSI, which extended the Agreement through March 31, 2015; and

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

WHEREAS, the Town desires to make certain modifications to its Agreement with CSI; and

WHEREAS, this Resolution and the attached Fifth Amendment to the Agreement seeks to effectuate the modifications 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 Fifth 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.

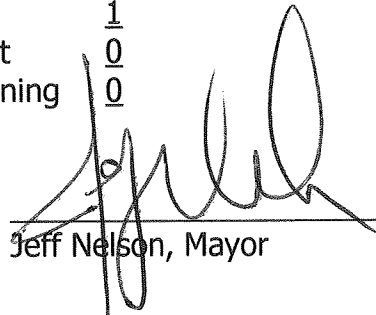
Section 5. The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Third Amendment to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and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

Section 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 10th day of January 2013, on a motion by Council Member McKay and seconded by Council Member Jablonski.

Nelson	<u>YES</u>
Breitkreuz	<u>YES</u>
Fisikelli	<u>NO</u>
Jablonski	<u>YES</u>
McKay	<u>YES</u>

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




Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
ACTIVE: 4323276_1

EXHIBIT "A"

FIFTH MODIFICATION TO AGREEMENT

THIS FIFTH MODIFICATION TO AGREEMENT entered into as of the 2nd day of January, 2013 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 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 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, on February 19, 2009, pursuant to Resolution No. 2009-039, the Town Council approved the Second Amendment to its Agreement with CSI, which extended the term of the Agreement for an additional three years until February 19, 2012; and

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

WHEREAS, the Town desires to make certain modifications to its Agreement with CSI; and

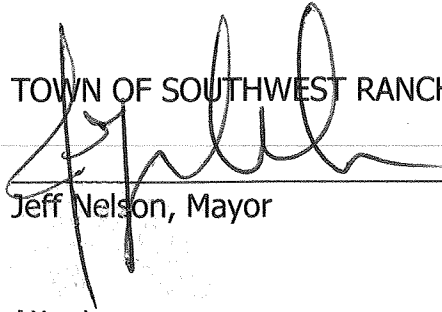
WHEREAS, this Fifth Amendment to the Agreement seeks to effectuate the modifications described herein.

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 2.4 of Article 2 "Scope of Services" shall be amended to read as follows:
 - 2.4 As it relates to this Agreement, CSI designates ~~Stan Morris~~ Robert Solera as its chief code enforcement officer. CSI may not remove Mr. Morris Solera as the TOWN'S chief code enforcement officer without the consent of the Town Council.
3. Section 4.1 of 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 Twenty Five Thousand Dollars and Zero Cents (\$125,000.00), which shall be paid in monthly installments of ~~Sixteen Thousand Seven Hundred and Fifty Dollars and Zero Cents (\$16,750.00)~~ Ten Thousand Four Hundred and Sixteen Dollars and Sixty Five Cents (\$10,416.65). 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)~~ Six Thousand Two Hundred and Fifty Dollars and Zero Cents (\$6,250.00), until such time as a secondary code enforcement officer has been assigned to the TOWN, which in no event shall be more than sixty (60) days, unless the Town Administrator grants an extension for good cause shown. 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 compensation of the enforcement officers fail to perform or if the code enforcement officers provide services below the minimum hourly requirement as delineated in Section 2.1 above.
4. All other terms and conditions not modified herein shall remain of full force and effect and binding on the parties.

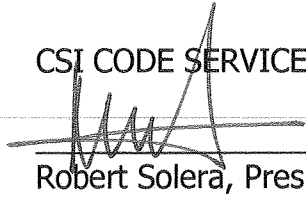
IN WITNESS WHEREOF, this Extension and Modification is accepted and executed as of this 10th day of January, 2013.

TOWN OF SOUTHWEST RANCHES



Jeff Nelson, Mayor

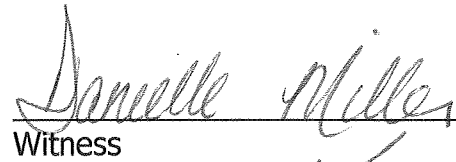
CSI CODE SERVICES, INC.



Robert Solera, President

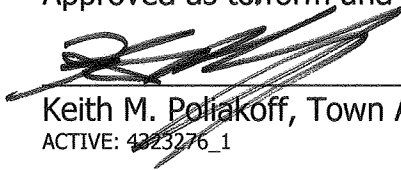
Attest:

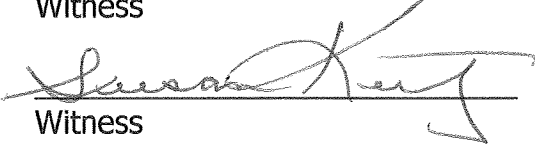


Erika Gonzalez-Santamaria, CMC, Town Clerk

Witness

Approved as to form and correctness:



Keith M. Pollakoff, Town Attorney
ACTIVE: 4223276_1

Witness