

RESOLUTION NO. 2016 – 038

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIRST MODIFICATION TO THE AGREEMENT WITH MARCUM, LLP; APPROVING AN ADDITIONAL THREE (3) YEAR TERM AT A FIXED ANNUAL FEE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE FIRST MODIFICATION TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 27, 2011, pursuant to Resolution No. 2012-008, the Town Council approved an agreement with Marcum, LLP to provide External Audit Services; and

WHEREAS, the original five year term, which also covered the 2010 fiscal year, has expired; and

WHEREAS, the Agreement allows for a three (3) year extension upon mutual agreement of the parties; and

WHEREAS, the Town's staff has performed a review of the contractor's performance and has found that the contractor has consistently performed all services in accordance with the terms of the original Agreement; and

WHEREAS, the Town Council believes that it is in the best interest of the Town to extend the Agreement with Marcum, LLP to provide External Audit Services for an additional three (3) year term at a fixed annual fee, specifically through September 30, 2018; and

WHEREAS, although the Town and Marcum, LLP have been acting in good faith and in accordance with the terms of the extension, both parties wish to formally recognize same.

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 hereby approves the First (1) Modification to the Agreement with Marcum, LLP, in substantially the same form as that

attached hereto as Exhibit "A", to provide External Audit Services for the Town for an additional three (3) year term at a fixed annual fee, specifically through September 30, 2018.

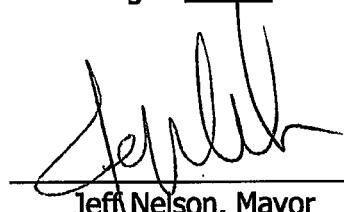
Section 3: The Town Council authorizes the Mayor, Town Administrator, and Town Attorney to enter into an Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent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

Section 4: This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 23rd day of June, 2016, on a motion by

Vice Mayor McKay and seconded by Council Member Jablonski.

Nelson	<u>Yes</u>	Ayes	<u>3</u>
McKay	<u>Yes</u>	Nays	<u>2</u>
Breitkreuz	<u>No</u>	Absent	<u>0</u>
Fiskelli	<u>No</u>	Abstaining	<u>0</u>
Jablonski	<u>Yes</u>		



Jeff Nelson, Mayor

ATTEST:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, Town Attorney

**FIRST MODIFICATION TO THE AGREEMENT BETWEEN
MARCUM, LLP
AND
THE TOWN OF SOUTHWEST RANCHES
ANNUAL AUDIT SERVICES**

THIS FIRST MODIFICATION is made and entered into this 23rd day of June, 2016 by and between the TOWN OF SOUTHWEST RANCHES, a municipal corporation organized and existing under the laws of the State of Florida (hereinafter referred to as "TOWN") and MARCUM, LLP (hereinafter referred to as "MARCUM").

WITNESSETH:

WHEREAS, on October 27, 2011, pursuant to Resolution No. 2012-008, the Town Council approved an agreement with Marcum, LLP to provide External Audit Services; and

WHEREAS, the original five year term, which also covered the 2011 fiscal year, has expired; and

WHEREAS, the Agreement allows for a three (3) year extension upon mutual agreement of the parties; and

WHEREAS, although the Town and Marcum, LLP have been acting in good faith and in accordance with the terms of the extension, both parties wish to formally recognize same.

NOW, THEREFORE, in consideration of the sum hereinafter set forth and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, it is agreed as follows:

1. The above recitals are true and correct and incorporated herein.
2. In accordance with Section 3.1 of the Original Agreement, the term is hereby extended for three (3) additional years, specifically through September 30, 2018.

3. In consideration of an additional three year term, Section 4.1 of the Original Agreement and Exhibit "C" of the Original Agreement are hereby amended to set forth the following flat rate maximum Annual Fee:

Fiscal Year	Financial Audit	Federal Single Audit	State Single Audit	TOTAL
2016	\$42,723	\$5,000	\$5,000	\$52,723
2017	\$44,432	\$5,200	\$5,200	\$54,832
2018	\$46,209	\$5,400	\$5,400	<u>\$57,009</u>
Grand Total				\$164,564

4. Section 29.1 entitled "Public Records" shall be created to read as follows:

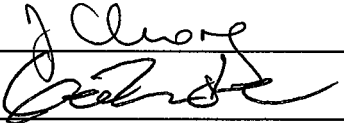
Article 29
Public Records

29.1 **IF MARCUM HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, AS TO MARCUM'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT PHONE: (954) 434-0008; EMAIL: RMUNIZ@SOUTHWESTRANCHES.ORG; RUSSELL MUNIZ, ASSISTANT TOWN ADMINISTRATOR/TOWN CLERK, TOWN OF SOUTHWEST RANCHES, 13400 GRIFFIN ROAD, SOUTHWEST RANCHES, FLORIDA, 33330.**

5. All other Sections shall remain in full force and effect.

FIRST MODIFICATION TO THE AGREEMENT BETWEEN MARCUM, LLP AND THE TOWN OF
SOUTHWEST RANCHES FOR ANNUAL AUDIT SERVICES

WITNESSES:



CONTRACTOR:

MARCUM, LLP

By: MICHAEL FUTTERMAN, PARTNER

M. Fetter

Print Name & Title Above

29 day of ^{AUGUST}~~June~~, 2016

TOWN:

TOWN OF SOUTHWEST RANCHES

By: 

Jeff Nelson, Mayor

23rd day of June, 2016

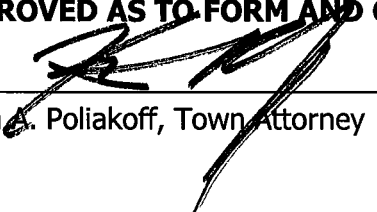
By: 

Andrew D. Berns, Town Administrator

ATTEST:


Russell Muñiz, Assistant Town Administrator/Town Clerk

APPROVED AS TO FORM AND CORRECTNESS:


Keith A. Poliakoff, Town Attorney

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