

**RESOLUTION NO. 2016 - 049**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND THE TOWN OF DAVIE FOR DELIVERY OF EMERGENCY MEDICAL, FIRE PROTECTION, AND FIRE PREVENTION SERVICES, TO AMEND THE CONTRACT TO ALLOW FOR ADDITIONAL TIME FOR THE PARTIES TO DISCUSS AN ADDITIONAL CONTRACT TERM; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE SECOND MODIFICATION TO THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 3, 2012, pursuant to Resolution No. 2012-046, the Town entered into an agreement for the delivery of emergency medical, fire protection, and fire prevention services with the Town of Davie; and

**WHEREAS**, the initial term of the original agreement is five years with an option to renew for an additional five year term upon mutual agreement of both parties; and

**WHEREAS**, Section 15.2 of the original agreement requires that the parties discuss an additional five year term in the fourth fiscal year and if an agreement is not reached by May 30, 2016, either party may cancel the agreement at the end of the term by written notice; and

**WHEREAS**, both parties have begun negotiations in earnest, but have yet to finalize the details for such a renewal; and

**WHEREAS**, on May 26, 2016 pursuant to Resolution No. 2016-035, the parties agreed to extend the negotiation period to August 1, 2016 to discuss an additional contract term; and

**WHEREAS**, as the parties seek to finalize terms they wish to extend the negotiation period from August 1, 2016 to November 1, 2016 to ensure ample time to reach an agreement on an additional contract term.

**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 appropriate Town Officials are hereby authorized to execute the Second Amendment to the Town's Agreement between the Town of Davie for the

delivery of emergency medical, fire protection, and fire prevention services, in the form attached hereto as Exhibit "A" with such non-material changes as may be approved by the Town Administrator and Town Attorney.

**Section 3.** Section 15.2 of the agreement shall be amended to read "If the parties fail to come to an agreement by November 1st, of the fourth (4th) fiscal term year, either party has the right to cancel the Agreement at the end of the current term by providing the other party written notice prior to the end of the fourth (4th) fiscal term year".

**Section 4.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this 28th day of July, 2016, on a motion made by Jim Breitkreuz and seconded by Jim Fisikelli.

Nelson Ayes  
McKay Absent  
Breitkreuz Ayes  
Fisikelli Ayes  
Jablonski Ayes

Ayes 4  
Nays 0  
Absent 1  
Abstaining 0  
Jeff Nelson  
Jeff Nelson, Mayor

ATTEST:  
Russell Muñiz  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakov  
Keith M. Poliakov, J.D., Town Attorney

**SECOND AMENDMENT TO AGREEMENT**

**BETWEEN**

**THE TOWN OF DAVIE**

**and**

**THE TOWN OF SOUTHWEST RANCHES**

**for**

**DELIVERY OF EMERGENCY MEDICAL, FIRE PROTECTION,  
AND FIRE PREVENTION SERVICES**

COME now the Town of Davie and the Town of Southwest Ranches and in exchange for good and valuable consideration, do hereby agree to amend the agreement to the Delivery of Emergency Medical, Fire Protection, and Fire Prevention Services as follows:

**RECITALS**

WHEREAS, in Article 15.2, the second sentence will be replaced with "If the parties fail to come to an agreement by August 1<sup>st</sup>, of the fourth (4<sup>th</sup>) fiscal term year, either party has the right to cancel the Agreement at the end of the current term by providing the other party written notice prior to the end of the fourth (4<sup>th</sup>) fiscal term year". As the parties agree that due to insufficient time to have the matter approved by August 1, 2016, the time to come to agreement has been extended to November 1, 2016.

WHEREAS, all the other terms and agreement of that certified agreement dated May 3, 2012 shall run in full force and effect until and unless otherwise changed in writing and executed by both the Town of Davie and Town of Southwest Ranches.

**AMENDMENT TO AGREEMENT BETWEEN TOWN OF DAVIE AND THE TOWN OF  
SOUTHWEST RANCHES FOR DELIVERY OF EMERGENCY MEDICAL, FIRE  
PROTECTION AND FIRE PREVENTION SERVICES.**

IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: DAVIE signing by and through its Town Administrator, duly authorized to execute same by Council action on the 28<sup>th</sup> day of July, 2016, and RANCHES, signing by and through its Town Administrator, duly authorized to execute same by Council action on the 28th day of July, 2016.

**SOUTHWEST RANCHES**

By:   
Andrew Berns, Town Administrator

28<sup>th</sup> day of July, 2016

Approved as to form:

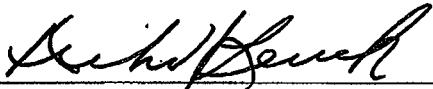
  
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Keith M. Poliakoff, Esq.  
Town Attorney

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**AMENDMENT TO AGREEMENT BETWEEN TOWN OF DAVIE AND THE TOWN OF SOUTHWEST RANCHES FOR DELIVERY OF EMERGENCY MEDICAL, FIRE PROTECTION AND FIRE PREVENTION SERVICES.**

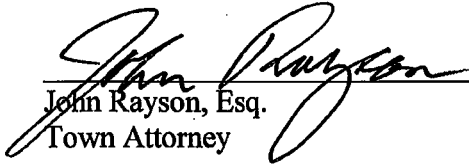
IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: DAVIE signing by and through its Town Administrator, duly authorized to execute same by Council action on the 2nd day of August, 2016, and RANCHES, signing by and through its Town Administrator, duly authorized to execute same by Council action on the 2nd day of August, 2016.

**DAVIE**

By:   
Richard J. Lemack, Town Administrator

2nd day of August, 2016

Approved as to form:

  
John Rayson, Esq.  
Town Attorney