

RESOLUTION NO. 21-09-91

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE TWELFTH AMENDMENT TO THE PROFESSIONAL STATE LOBBYING CONSULTING SERVICES AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS, AND PEEBLES, SMITH & MATTHEWS, INC. AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE TWELFTH AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE TWELFTH AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on April 16, 2010, Islamorada, Village of Islands (the "Village"), adopted Resolution 10-04-29, thereby retaining the services of William J. Peebles, P.A. for Professional State Lobbying Services following a Request for Qualifications process, formal ranking procedure, approval by the Village Council and negotiation of an agreement; and

WHEREAS, the Village subsequently entered into a full year Professional State Lobbyist Consulting Services Agreement (the "Agreement") with William J. Peebles, P.A., which has since changed its firm name to Peebles & Smith, Inc., and presently to Peebles, Smith and Matthews, Inc. ("PSM"); and

WHEREAS, the intent of the State Lobbying Services is to represent the Village's interests with regard to all Florida legislative issues and especially those related to wastewater and related funding matters; and

WHEREAS, in accordance with the provisions of the Agreement, the Village has the option to extend the term of the Agreement for successive one (1) year periods at a mutually agreed upon rate; and

WHEREAS, the Village and PSM have entered into the First through Eleventh Amendments to the Agreement to extend the term of the Agreement for successive one (1) year periods; and

WHEREAS, the current term of the Agreement expires on October 31, 2021; and

WHEREAS, PSM has agreed to provide the services described in the Agreement for an additional one (1) year period; and

WHEREAS, the Village Council finds that approval of the Twelfth Amendment to the Agreement ("Twelfth Amendment") attached hereto as is in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Twelfth Amendment. The Village Council hereby approves the Twelfth Amendment to the Agreement between PSM and the Village to provide Professional State Lobbying services, a copy of which together is attached as Exhibit A, together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or her designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Twelfth Amendment.

Section 4. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Twelfth Amendment.

Section 5. Execution of Twelfth Amendment. The Village Manager is hereby authorized to execute the Twelfth Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Twelfth Amendment

and to execute any extensions and/or amendments to the Twelfth Amendment, subject to the approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman David Webb, second by Vice Mayor Pete Bacheler.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:

Mayor Joseph B. Pinder III	YES
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	NO
Councilman David Webb	YES

PASSED AND ADOPTED this 30th day of September, 2021.



JOSEPH B. PINDER III, MAYOR

ATTEST:



KELLY-TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY

**TWELFTH AMENDMENT TO
PROFESSIONAL STATE LOBBYING CONSULTING SERVICES AGREEMENT
ISLAMORADA, VILLAGE OF ISLANDS
AND
PEEBLES, SMITH & MATTHEWS, INC. f/k/a PEEBLES & SMITH, INC.**

This Twelfth Amendment to the Professional Services Agreement (the "Twelfth Amendment") made and entered into this 6th day of October, 2021 between **PEEBLES, SMITH & MATTHEWS, INC. f/k/a PEEBLES & SMITH, INC.**, a Florida Corporation, (the "Consultant"), and the Village Council of ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, a Florida municipal corporation, (the "Village").

WHEREAS, the Consultant and the Village entered into the certain Professional State Lobbying Services Consulting Agreement dated November 15, 2010, (the "Agreement"), First, Second, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth and Eleventh Amendments to the Agreement to extend the term of the Agreement for additional one (1) year periods, a Third Amendment to the Agreement to authorize an additional professional lobbyist to perform the services under the Agreement, and a Seventh Amendment to formally change its name from William J. Peebles P.A. to Peebles and Smith, Inc; and

WHEREAS, the Agreement and the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Amendments thereto are attached hereto as composite Exhibit 1; and

WHEREAS, the intent of the State Lobbying Services is to represent the Village's interests with regard to all Florida legislative issues and especially those related to wastewater and related funding matters; and

WHEREAS, in accordance with the provisions of the "Agreement", the Village has the option to extend the term of the Agreement for successive one (1) year periods at a mutually agreed upon rate; and

WHEREAS, on October 31, 2017, Peebles and Smith, Inc. formally changed its name to Peebles, Smith, & Matthews, Inc. and the Village and the parties amended the Agreement to reflect the corporate name change; and

WHEREAS, the current term of the Agreement expires on October 31, 2021; and

WHEREAS, Peebles has agreed to provide the services described in the Agreement for an additional one (1) year period; and

WHEREAS, the parties desire to enter into this Twelfth Amendment to modify the term of the Agreement and to reflect the corporate name change.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Twelfth Amendment, the parties agree as follows:

Section 1. Amendment to Agreement. The Agreement is amended to read as follows:

2. Terms/Commencement Date.

2.1 Unless otherwise terminated pursuant to Section 4, this Agreement shall be effective November 5, 2010 and shall continue through October 31, ~~2016~~ ~~2017~~ ~~2018~~ ~~2019~~ ~~2020~~ ~~2021~~ 2022 (the "Term").

Section 2. No Further Modifications. All other terms and conditions of the existing Agreement not in conflict or superseded by this Twelfth Amendment shall remain in full force and effect as if set for the herein.

Section 3. Effective Date. This Twelfth Amendment shall be effective on the date first written above.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Twelfth Amendment upon the terms and conditions above stated on the day and year first above written.

Attest:

ISLAMORADA, VILLAGE OF ISLANDS



Kelly Toth, Village Clerk

By: 

Gregory J. Oravec, Village Manager


Date: 10/5/2021

Approved as to Form and Legality
for the Use and Benefit of Islamorada,
Village of Islands only



Roget V. Bryan, Village Attorney

PEEBLES, SMITH & MATTHEWS, INC.

By: 

Ryan Matthews

Date: 10/6/21