

**RESOLUTION NO. 2010 – 009**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE FIRST MODIFICATION TO THE AGREEMENT WITH CSA GROUP; EXTENDING THE AGREEMENT UNTIL FEBRUARY 1, 2010; 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 5, 2006, pursuant to Resolution No. 2007-001, the Town Council approved an Agreement with CSA Group for plans review and building inspection services; and

**WHEREAS**, although the Agreement contains a ninety-day termination provision, the official expiration date of the Agreement is November 1, 2009; and

**WHEREAS**, the Town and CSA Group desire an approximately 90-day extension to discuss potential Agreement modifications and to see if both parties can come to terms on a revised Agreement; and

**WHEREAS**, the Town Council believes that this extension is in the best interest of the health, safety, and welfare of its residents; and

**WHEREAS**, this Resolution and the attached First Modification to the Agreement seek to extend the Agreement through February 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 First Modification to the Agreement between the Town of Southwest Ranches and CSA Group, which extends the term of the Agreement until February 1, 2010, as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

**Section 3:** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the First Modification to the Agreement in substantially the same form as that attached hereto as Exhibit "A"

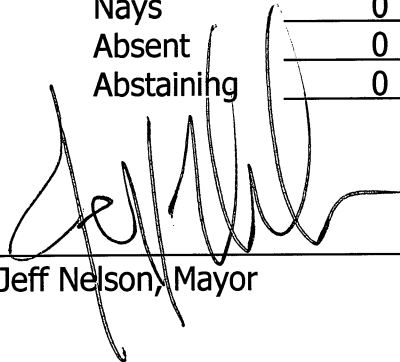
and to make such modifications, additions and/or deletions which they deem necessary to effectuate the intent of this Resolution.

**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 15<sup>th</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>



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Jeff Nelson, Mayor

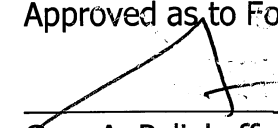
ATTEST:



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Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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Gary A. Poliakoff, J.D., Town Attorney  
ACTIVE: 2705118\_1

**EXHIBIT "A"**

**FIRST MODIFICATION TO AGREEMENT**

**THIS FIRST 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 CSA SOUTHEAST, INC., a corporation of the State of Florida ("CSA Group"), for the purpose of modifying the Agreement between the Town and CSA Group effective October 5, 2006 (the "Original Agreement").

**WITNESSETH:**

**WHEREAS**, on October 5, 2006, pursuant to Resolution No. 2007-001, the Town Council approved an Agreement with CSA Group for plans review and building inspection services; and

**WHEREAS**, although the Agreement contains a ninety-day termination provision, the official expiration date of the Agreement is November 1, 2009; and

**WHEREAS**, the Town and CSA Group desire an approximately 90-day extension to discuss potential Agreement modifications and to see if both parties can come to terms on a revised Agreement; and

**WHEREAS**, the Town Council believes that this extension is in the best interest of the health, safety, and welfare of its residents; and

**WHEREAS**, this First Modification to the Agreement seeks to extend the Agreement through February 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. Article 3 "TERM OF AGREEMENT" shall be amended to read as follows:

ARTICLE 3  
TERM OF AGREEMENT

3.1 This Agreement shall become effective on November 1, 2006 (the Effective Date), and shall continue in full force and effect for ~~thirty six (36) months~~ until February 1, 2010, with extensions to be approved by the TOWN and CSA, unless earlier terminated in accordance with paragraph 3.2 hereof.

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

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

TOWN OF SOUTHWEST RANCHES

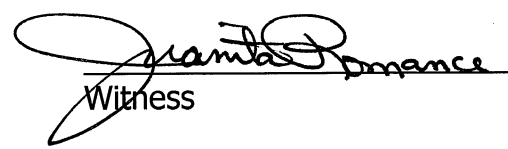
  
\_\_\_\_\_  
Jeff Nelson, Mayor

CSA SOUTHEAST, INC.

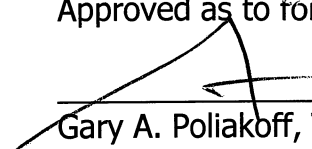
  
\_\_\_\_\_  
CAROL A. PENIN, PRESIDENT

Attest:

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

  
\_\_\_\_\_  
Witness

Approved as to form and correctness:

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

ACTIVE: 2705118\_1

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Witness