

RESOLUTION NO. 2012-47

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE VILLAGE MANAGER TO EXTEND THE SERVICES OF MR. RICHARD L. DOODY, ESQ. FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR TO SERVE AS THE CODE ENFORCEMENT SPECIAL MASTER FOR THE VILLAGE OF PALMETTO BAY AT AN ESTIMATED ANNUAL COST OF \$7,000; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the powers granted by the Florida constitution, and applicable sections of Chapter 1666 of the Florida Statutes, the Mayor and Council adopted Ordinance No. 03-08 on June 2, 2003, creating a code enforcement chapter entitled, "Code Enforcement Procedures"; and,

WHEREAS, according to the rules and procedures set forth in Ordinance No. 03-08, the Mayor and Council have the power to appoint a Special Master provided that certain qualifications are met; and,

WHEREAS, the Village published an Request for Qualifications (RFQ No. 09-PZ-01) Seeking proposals from qualified individuals or firms to provide Special Master Services for code compliance to the Village; and,

WHEREAS, based on the qualifications detailed in the proposal submitted by Richard L. Doody, Esq., the Village appointed Mr. Doody as per Resolution No. 09-57, to the position of Special Master for code compliance for a period not to exceed two (2) years with two (2) additional one (1) year options to extend; and,

WHEREAS, the first two (2) years of the contract ended on July 13, 2011; and,

WHEREAS, on July 11, 2011 pursuant to Resolution No. 2011-51, the Mayor and Village Council granted the first of the one (1) year extensions to the contract; and,

WHEREAS, Mr. Doody is eligible for one (1) more optional contract extension; and,

WHEREAS, Mr. Doody has presided competently and consistently at the Village's Special Master hearings, and approval of the remaining one (1) year extended contract option would be appropriate in light of his service; and,

WHEREAS, the contract provides for a minimum payment of three (3) hours of Special Master services per month at a rate of \$100 an hour; and,

WHEREAS, the estimated annualized total cost of Special Master services based upon prior years is approximately \$7,000 and said amount has been budgeted.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

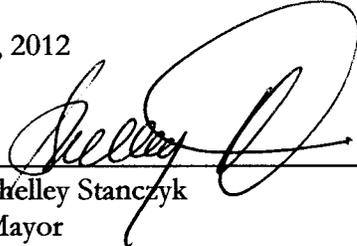
Section 1. The above recitals are included herein by reference.

Section 2. In accordance with the rules and procedures of Ordinance No. 03-08 and Resolution No. 09-57, Richard L. Doody, Esq., is hereby reappointed to serve as Special Master for the Village of Palmetto Bay, is hereby extended for a final one (1) year period. The Village shall proceed with public procurement thereafter.

Section 3. This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 4th day of June, 2012

Attest: 
Meighan Alexander
Village Clerk


Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	<u>YES</u>
Council Member Howard J. Tendrich	<u>YES</u>
Council Member Joan Lindsay	<u>YES</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Shelley Stanczyk	<u>YES</u>

FIRST ADDENDUM TO AGREEMENT

THIS FIRST ADDENDUM is dated and approved this ____ day of June, 2012, agreement between the Village of Palmetto Bay ("Village") and Richard Doody. ("contractor")

WHEREAS, the purpose of this first addendum to the agreement is to extend the length of the underlying agreement as provided therein for a one year term, which agreement is attached hereto as exhibit 1.

NOW THEREFORE, in consideration of the sum of \$10.00, the mutual promises and covenants contained in this first addendum, and for other good and valuable consideration, the receipt and legal sufficiency of which is acknowledged by both parties, the parties agree as follows:

1. WHEREAS CLAUSES: The above whereas clauses are incorporated and made a part of this first addendum to the underlying agreement and approving resolution, which agreement is incorporated by reference and attached as Exhibit 1.

2. ENTIRE AGREEMENT: This first addendum to the July 13, 2009, agreement when signed by all of the parties constitutes the full and complete understanding by and between the parties and integrates by its terms and all previous contracts or understandings, oral or written, between the parties. In the event of any conflict, the terms of this first addendum will govern over the provisions of any incorporated documents. Listed below are the sections of the agreement which are being revised, and/or supplemented by this first addendum:

3. TERM. The contract is extended for a one-year term, as provided under section 3.1 of the underlying July 13, 2009 agreement. All other terms and conditions remain unchanged.

4. SEVERABILITY: Should any section or any part of any section of this first addendum be rendered void, invalid or unenforceable by any court of law, for any reason, the determination shall not render void, invalid or unenforceable any other section or part of any section of this first addendum.

5. WARRANTY OF AUTHORITY: The signatories to this first addendum warrant that they are duly authorized by action of their respective Village council, board of directors or other authorized entity to execute this first addendum and to bind the parties to the promises, terms, conditions and warranties contained in this first addendum.

6. MISCELLANEOUS PROVISION: In the event a court must interpret any word or provision of this first addendum, the word or provision shall not be construed against either party by reason of drafting or negotiating this first addendum.

IN WITNESS WHEREOF, the parties to this first addendum, acting through their duly authorized officers, have executed this first addendum to the agreement as of the date first written above.

VILLAGE OF PALMETTO BAY,

RICHARD DOODY

By: _____
Ron E. Williams
Village Manager

By: _____
Richard Doody

Approved as to form:

By: _____
Eve A. Boutsis,
Office of Village Attorney