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RESOLUTION NO. 08-102

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; AUTHORIZING THE EXECUTION OF A FIRST ADDENDUM/CHANGE ORDER TO THE CAP GOVERNMENT, INC. FOR BUILDING & PERMITTING SERVICES AGREEMENT EXECUTED MAY 27, 2007; PROVIDING FOR A NEGOTIATED AGREEMENT TO DECREASE THE PROFIT SHARING PERCENTAGES UNDER THE ORIGINAL CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, building and permitting services are being provided to the Village of Palmetto Bay ("Village") by CAP Government, Inc. (hereinafter CAP); and,

WHEREAS, the contract with CAP was executed on May 27, 2007; and,

WHEREAS, in conjunction with the proposed 2008-2009 fee schedule, the Village and its independent contractor, CAP Government, Inc. (CAP), have proposed a first addendum/change order to the May 25, 2007 services agreement; and,

WHEREAS, The existing agreement for all building and zoning services provided by CAP contains the following fee schedule: the Village shall pay CAP a monthly fee equal to 75 percent of all fees collected monthly, up to \$66,667.00; and, the balance of the fees not paid to CAP shall be retained by the Village. In any month when the fees collected exceed \$66,667.00, the overage is split 80 percent to CAP and 20 percent to the Village; and,

WHEREAS, Pursuant to the proposed first addendum/change order, the fees shall be split as follows: the Village shall pay CAP a monthly fee equal to 70 percent of all fees collected monthly, up to \$70,000.00; with the balance of the fees not paid to CAP retained by the Village; and in addition, in any month when fees collected exceed \$65,000 the overage shall be split 73 percent to CAP and 27 percent to the Village; and,

WHEREAS, the Village has enacted an art in public places ordinance and Village staff shall conduct all reviews and analysis associated with this ordinance; and the art funds shall go into the Village's art trust fund and any fees associated therewith shall be deposited in the art fund; and,

WHEREAS, the art in public places fees, special event fees, or park permit fees as delineated in the 2008-2009 Building and Permitting fee schedule shall not be part of the CAP contract for compensation; and,

WHEREAS, pursuant to the first addendum/change order, CAP would be entitled to fees should CAP conduct inspections for the issuance of special event permits; and,

WHEREAS, the modified agreement with CAP would provide additional revenue to the Village; and,

1           **WHEREAS**, as a condition to providing this revenue sharing reduction CAP requires  
2 that the 2008-2009 permitting fee schedule be updated to include the items previously not  
3 included in the 2007-2008 fee schedule and to increase fees by five (5) percent, to assist the  
4 Village with cost of living increases and expanded services.

5  
6           **WHEREAS**, the Mayor and Village Council desire to approve the first  
7 addendum/change order agreement with CAP Government, Inc.  
8

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

11           **Section 1:**     The above whereas clauses are incorporated by reference.  
12

13           **Section 2:**     The Village Council accepts the proposed first addendum/change order  
14 relating to the CAP Government, Inc. building and permitting services agreement, which  
15 agreement is attached and incorporated by reference herein as exhibit 1.  
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17           **Section 3:**     This resolution shall take effect immediately upon adoption.  
18

19 PASSED and ADOPTED this 3<sup>RD</sup> day of November 2008.  
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21  
22 Attest:   
23           Meighan Rader  
24           Village Clerk  
25

  
Eugene P. Flinn, Jr.  
Mayor

26  
27 APPROVED AS TO FORM:  
28

29   
30  
31 Eve A. Boutsis  
32 Office of the Village Attorney  
33

34  
35 FINAL VOTE AT ADOPTION:  
36

37 Council Member Ed Feller           YES  
38  
39 Council Member Paul Neidhart       YES  
40  
41 Council Member Shelley Stanczyk   NO  
42  
43 Vice-Mayor Linda Robinson       YES  
44  
45 Mayor Eugene P. Flinn, Jr.       NO