

**RESOLUTION NO. 21-09-90**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,  
VILLAGE OF ISLANDS, FLORIDA, APPROVING THE FIFTH  
AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL  
STATE LOBBYING SERVICES BETWEEN GRAYROBINSON, P.A.  
AND ISLAMORADA, VILLAGE OF ISLANDS; AUTHORIZING  
VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND  
CONDITIONS OF THE PROFESSIONAL SERVICES  
AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO  
EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE  
MANAGER TO EXECUTE THE PROFESSIONAL SERVICES  
AGREEMENT; PROVIDING FOR A WAIVER OF COMPETITIVE  
BIDDING; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Islamorada, Village of Islands (the "Village"), has engaged the services of a Professional State Lobbying Firm since April 2010; and

**WHEREAS**, Village officials have made frequent visits to Tallahassee and Washington D.C. to lobby for Islamorada's interests, especially with regard to wastewater matters and wastewater funding; and

**WHEREAS**, during the 2012 Florida Legislative session, lobbying efforts were essential to the \$20 million Mayfield Grant funding appropriated directly to the Village by the Florida Legislature and subsequently included in the Governors final budget; and

**WHEREAS**, in 2013, Florida Keys municipalities and entities began working collectively to lobby for the remaining \$150 million Mayfield Grant funding and entered into a mutually agreed upon State Wastewater Funding Distribution Agreement; and

**WHEREAS**, on October 31, 2013, the Village entered into a Professional State Lobbying Consulting Services Agreement (the "Agreement") with Capitol Insight, LLC whereby Capitol Insight provided consulting and representative services for the Village's interests before the Florida Legislature and any executive branch, body and other agencies and governmental entities; and

· **WHEREAS**, during the 2016 legislative session, the lobbying efforts of Capitol Insight were essential to the Village successfully securing funding through the passage of the Florida Keys Stewardship Act ("FKSA"); and

**WHEREAS**, state lobbying efforts during the 2022 Florida Legislative Session will be essential to the Village and the Florida Keys as the Florida Legislature will be requested to provide funding through the FKSA for stormwater and canal restoration projects as well as land acquisition; and

**WHEREAS**, in 2016, Capitol Insight joined with GrayRobinson, P.A. ("GrayRobinson") a full-service law firm with 14 offices throughout the State of Florida; and

**WHEREAS**, GrayRobinson's government relations and lobbying practice is the largest such practice of any law firm in Florida and one of the largest groups of legislative and executive branch lobbyists in the state; and

**WHEREAS**, GrayRobinson engages a full staff of professional lobbyists with experience and expertise to achieve results for the Village; and

**WHEREAS**, GrayRobinson desires to continue to provide the same scope of lobbying services to the Village as under the current Agreement, specifically, consulting and representing the Village's interests before the Florida Legislature and any executive branch, body and other agencies and governmental entities (the "Services"); 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 term of the Agreement was extended through September 30, 2018, with adoption of Resolution No. 17-10-80 by approving the First Amendment to the Agreement; and

**WHEREAS**, the Second Renewal of the Agreement was approved by adoption of Resolution No. 18-09-94, thereby extending the term of the Agreement through September 30,

2019; and

**WHEREAS**, the Third Renewal of the Agreement was approved by adoption of Resolution No. 19-09-83, thereby extending the term of the Agreement through September 30, 2020; and

**WHEREAS**, the Fourth Renewal of the Agreement was approved by adoption of Resolution No. 20-09-83, thereby extending the term of the Agreement through September 30, 2021; and

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

**WHEREAS**, the Fifth Amendment to the Agreement ("Fifth Amendment") attached hereto would extend the term of the Agreement through September 30, 2022; and

**WHEREAS**, the Village Council finds that approval of the Fifth Amendment attached hereto and a waiver of competitive bidding for the services to be provided 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 Fifth Amendment.** The Village Council hereby approves the Fifth Amendment to the Agreement for Professional State Lobbying Services, a copy of which is attached as Exhibit 1, 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 his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

**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 Agreement.

**Section 5. Execution of Twelfth Amendment.** The Village Manager is authorized to execute the Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Village Attorney.

**Section 6. Waiver of Competitive Bidding.** In accordance with Section 2-328(1) of the Village Code, the Village Council waives the competitive bidding purchasing provision of the Village Code.

**Section 7. Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman Davie 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 30<sup>th</sup> day of September, 2021.



JOSEPH B. PINDER III, MAYOR

ATTEST:



KELLEY 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

**FIFTH AMENDMENT TO  
PROFESSIONAL STATE LOBBYING CONSULTING SERVICES AGREEMENT  
BETWEEN  
ISLAMORADA, VILLAGE OF ISLANDS  
AND  
GRAYROBINSON, P.A.**

**THIS AGREEMENT** is made between GRAYROBINSON, P.A., a Florida Corporation, (the “Consultant”), and **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the “Village”) on this 1<sup>st</sup> day of OCT 2021.

**WHEREAS**, following the adoption of Resolution No. 16-09-65 by the Village Council on September 22, 2016, the Consultant and the Village, through mutual negotiation, agreed upon a Scope of Services and Fee for Professional State Lobbying Services for the Village and entered into a for Professional State Lobbying Consulting Services Agreement (the “Agreement”) on October 3, 2016; and

**WHEREAS**, in accordance with the provisions of the Agreement, attached hereto as Exhibit A, 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 extended the term of the Agreement for an additional year through adoption of Resolution 17-10-80, thereby approving the First Amendment; and

**WHEREAS**, the Village extended the term of the Agreement for an additional year through adoption of Resolution 18-09-94, thereby approving the Second Amendment; and

**WHEREAS**, the Village Council most recently approved the Third Amendment through the adoption Resolution No. 19-09-83, thereby extending the term of the Agreement through September 30, 2020; and

**WHEREAS**, the Village Council most recently approved the Fourth Amendment through the adoption Resolution No. 20-09-83, thereby extending the term of the Agreement through September 30, 2021; and

**WHEREAS**, the Village desires to engage the Consultant to perform the Services for an additional year; and

**WHEREAS**, the Consultant has agreed to provide the services described in the agreement for an additional year; and

**WHEREAS**, the parties desire to enter into this Fifth Amendment to reflect the modification to the term of the Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, the Consultant and the Village agree as follows.

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

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**2. Terms/Commencement Date.**

2.1 Unless otherwise terminated pursuant to Section 4, this Agreement shall be effective October 1, 2017 ~~2018 2019 2020 2021~~ and shall continue through September 30, ~~2018 2019 2020 2021 2022~~ (the "Term").

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

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

**(This Space is Intentionally Left Blank)**

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

Attest:

**ISLAMORADA, VILLAGE OF ISLANDS**

Kelly S. Toth  
Kelly Toth, Village Clerk

By: GJ  
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

RB  
Roget V. Bryan, Village Attorney

**GRAYROBINSON, P.A.**

By: DC  
R. Dean Cannon, Jr., President

Date: 10/8/21