

COUNCIL AGENDA STATEMENT



Meeting Date: September 10, 2019  
To: Honorable Mayor and City Council  
From: Chuck Lindsey, City Manager

Agenda Item: **Resolution 2019-86** Authorizing The City To Extend The Agreement With Ballard Partners, Inc. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

BACKGROUND & JUSTIFICATION:

The City has contracted with Ballard Partners for lobbying and professional consulting services before the State of Florida since 2013. Ballard Partners has been very effective on the City’s behalf before the Florida Legislature, the executive branch of the Florida government and various regional and local governments. Ballard Partners has also kept the City informed on budget and policy differences, funding on items affecting the Florida Keys, including economic development incentives, and the State’s tourism marketing activities.

The yearly rate of \$60,000 is included in the City’s proposed budget for FY 2020 and millage rate set by the City Council. The contract extension otherwise does not otherwise change from the language in the previous version of the contract; other than the term.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>  X  </u>	<u>    </u>
2. Other _____	<u>    </u>	<u>    </u>
3. Not applicable _____		

FISCAL NOTE:

Funding for this contract is included in the proposed FY20 City Council and Wastewater budgets.

RECOMMENDATION:

Approval of Resolution

Sponsored by: Council

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2019-86**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA AUTHORIZING THE CITY TO EXTEND THE AGREEMENT WITH BALLARD PARTNERS INC. FOR PROFESSIONAL CONSULTING AND LOBBYING SERVICES BEFORE THE LEGISLATURE OF THE STATE OF FLORIDA; AUTHORIZING THE CITY MANAGER TO EXPEND BUDGETED FUNDS, AND EXECUTE THE EXTENSION AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Marathon (the “City”) recognizes the importance of monitoring and participating in the State legislative process in order to protect the interests of the City and its residents; and

**WHEREAS**, the Consultant and City, through mutual negotiation, have agreed upon a scope of services and fee for legislative consulting services on behalf of the City before the Florida Legislature, the executive branch of the Florida government, and various regional and local governments; and

**WHEREAS**, the firm of Ballard Partners, Inc. (the “Consultant”), wishes to extend the term of the agreement for one year in order to continue to provide professional legislative consulting and lobbying services before the legislature of the State of Florida on behalf of the City.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2.** The extension to the professional services agreement between the City and Consultant, a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON,  
FLORIDA, THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2019.**

**THE CITY OF MARATHON, FLORIDA**

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**Mayor John Bartus**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

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David Migut, City Attorney

**EXTENSION TO CONTRACT  
FOR  
LOBBYING SERVICES**

This extension to the Contract for Lobbying Services (the “Extension”) made and entered into this \_\_\_ day of September, 2019 between the City of Marathon, Florida, a municipal corporation organized and existing under the laws of the State of Florida, with its address at 9805 Overseas Highway, Marathon, Florida, 33050 (hereinafter referred to as “City”) and Ballard Partners Inc., a Florida corporation, with its address at 403 East Park Ave., Tallahassee, FL 32301, (hereinafter referred to as “Consultant”).

**W I T N E S S E T H:**

**WHEREAS**, on August 30, 2013, the City and Consultant entered into a Contract for Lobbying Services (the “Contract”); and

**WHEREAS**, on August 25, 2015 the City and Consultant extended the contract for and additional one year; and

**WHEREAS**, on August 9, 2016 the City and Consultant extended the contract for and additional one year; and

**WHEREAS**, on August 8, 2017 the City and Consultant extended the contract for and additional one year; and

**WHEREAS**, on September 11, 2018 the City and Consultant extended the contract for and additional one year; and

**WHEREAS**, the City and the Consultant desire to extend the term as set forth in contract herein.

**NOW THEREFORE**, in consideration of the mutual promises and covenants set forth in this Extension and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement to read as follows:

**Section 2. Term/Commencement Date**

**2.1 TERM:**

This Contract shall continue through September 30, ~~2019~~ 2020 unless terminated earlier in accordance with Section 8.

**Section 13. Notices/Authorized Representatives**

- 13.1 Any notices required by this Agreement shall be in writing and shall be deemed to have been properly given if transmitted by hand-delivery, by registered or certified mail with postage prepaid return receipt requested, or by a private postal service, addressed to the parties (or their successors) at the following addresses:

For the City: Charles Lindsey, City Manager  
City of Marathon, Florida  
9805 Overseas Highway  
Marathon, Florida 33050  
305-289-4130

With a Copy to: David Migut, City Attorney  
City of Marathon, Florida  
9805 Overseas Highway  
Marathon, Florida 33050  
305-289-4130

For The Consultant: Mr. Brian D. Ballard, President  
Ballard Partners, Inc.  
403 East Park Avenue  
Tallahassee, FL 32301  
850-577-0444

**IN WITNESS WHEREOF**, City and Contractor have set their hands and seals, as of the day and year first above written.

Attest: City Of Marathon, Florida

\_\_\_\_\_  
Diane Clavier,  
City Clerk

\_\_\_\_\_  
Charles Lindsey,  
City Manager

Approved As To Form And Legality For The Use And Reliance Of The City Of Marathon,  
Florida Only:

\_\_\_\_\_  
David Migut, City Attorney

Ballard Partners Inc.

\_\_\_\_\_  
Mr. Brian D. Ballard, President  
President