

RESOLUTION 2023 - 75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF PAHOKEE AND PALM BEACH COUNTY, FOR THE PURPOSE OF FLEET MANAGEMENT SERVICES, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 15, 2009, the Palm Beach County ("County") and the City of Pahokee ("City") entered into an Interlocal Agreement (R2009-2132), that was subsequently amended by the First Amendment to Interlocal Agreement (R2014-1816) on December 2, 2014 (Collectively the 2009 Interlocal Agreement) setting forth the terms and conditions by which the County would provide fuel management services to the City; and

WHEREAS, on February 5, 2019, the parties entered into an Amended and Restated Interlocal Agreement (R2019-0207), which set forth the terms and conditions for all fleet management services, amended and restated, in its entirety, and replaced, the 2009 Interlocal Agreement; and

WHEREAS, the parties now desire to enter into the First Amendment to Amended and Restated Interlocal Agreement R2019-0207 to include language that will continue the term through February 5, 2029 with a renewal option; modify the Agreement to add a provision that "fuel may only be dispensed into vehicles owned by the City and operated by City employees" and further state that "fuel may not be dispensed into privately owned vehicles under any circumstances"; and

WHEREAS, the amendment also makes clear that neither party will assume liability for acts, omissions and negligence of the other party and allows for termination of the Agreement by either party, with or without cause to take effect sixty (60) days from the receipt of notice, but states that "in the event of termination by either the County or the City, the City will not be reimbursed for any contributions to the Vehicle Replacement Fund" and

WHEREAS, the City Commission of the City of Pahokee ("City Commission") finds that entering into the First Amendment to Amended and Restated Interlocal Agreement R2019-0207 is in the best interest of the city and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA AS FOLLOWS:

Section 1. Adoption of Representations. The foregoing "Whereas" clauses are hereby ratified and confirm as being true, and the same are hereby made a specific part of this resolution.

Section 2. Authorization of Mayor. The City Commission of the City of Pahokee hereby authorizes the Mayor to enter into the First Amendment to Amended and Restated Interlocal Agreement R2019-0207 between the City of Pahokee and Palm Beach County, attached hereto as Exhibit "A." The City Manager is authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this 12th day of December 2023.

ATTEST:

Keith W. Babb, Jr., Mayor

Tijauna Warner, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P.A.
City Attorney

Moved By: _____

Seconded By: _____

Vote:

Commissioner Boldin
Commissioner Gonzalez
Commission Perez
Vice Mayor Murvin
Mayor Babb

____(Yes) ____ (No)
____(Yes) ____ (No)
____(Yes) ____ (No)
____(Yes) ____ (No)
____(Yes) ____ (No)

EXHIBIT “A”

**FIRST AMENDMENT TO AMENDED AND RESTATED INTERLOCAL
AGREEMENT R2019-0207**