VILLAGE OF KEY BISCAYNE

Department of Fire Rescue

Village Council
Robert Oldakowski, *Mayor*
Robert L. Vernon, *Vice Mayor*
Enrique Garcia
Steve Liedman
Jorge E. Mendia
Thomas Thornton
Patricia Weinman

Chief of Fire Rescue
John C. Gilbert

DT: August 29, 2006

TO: Honorable Mayor and Members of the Village Council

FR: Jacqueline R. Menendez, Village Manager

RE: Memorandum of Agreement

RECOMMENDATION

It is recommended that the Village Council approve the First Amendment and Extension to a Memorandum of Agreement (MOA) between the City of Miami and the Village of Key Biscayne in support of the Urban Search and Rescue Task Force.

BACKGROUND

This extension to the MOA, first entered into on September 1, 1994, is necessary due to the recent change of the City Manager and Risk Management Administrator within the City of Miami.

560 Crandon Boulevard • Key Biscayne, Florida 33149 • (305) 365-8989 • Fax (305) 365-8933

MISSION STATEMENT: "TO PROVIDE A SAFE, QUALITY COMMUNITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT."
www.keybiscayne.fl.gov

RESOLUTION NO. 2006- _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING FIRST AMENDMENT AND EXTENSION TO MEMORANDUM OF AGREEMENT FOR PARTICIPATING AGENCIES BETWEEN THE CITY OF MIAMI AND THE VILLAGE OF KEY BISCAYNE CONCERNING CONTINUATION OF AGREEMENT CONCERNING LOCAL URBAN SEARCH AND RESCUE TASK FORCE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Miami and the Village of Key Biscayne have previously entered into an Agreement in connection with the development and support of a local urban search and rescue task force coordinated by the City of Miami, Department of Fire Rescue; and

WHEREAS, the City and Village desire to continue their responsibilities and cooperative efforts under said Agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the recitals stated above is hereby adopted and confirmed.

Section 2. **Agreement Approved.** That the Extension to Memorandum of Agreement (the "Extension") is hereby approved, and the Village Manager is authorized to execute the Extension on behalf of the Village, once approved by the Village Attorney as to form and legal sufficiency.

Section 3. **Implementation.** That the Village Manager and Village Fire Rescue Chief are hereby authorized to take any action which is necessary or desirable for the implementation of the Extension.

Section 4. **Effective Date.** That this Resolution shall be effective retroactive from December 31, 2005.

PASSED AND ADOPTED this _____ day of August, 2006.

_____
ROBERT OLDAKOWSKI, MAYOR

ATTEST:

_____
CONCHITA H. ALVAREZ, CMC,
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
VILLAGE ATTORNEY

103.001/Resolutions/Approving Agreement between City of Miami and Village Re Task Force 8.8.06

FIRST AMENDMENT AND EXTENSION
TO MEMORANDUM OF AGREEMENT
FOR PARTICIPATING AGENCIES

This First Amendment and Extension Agreement is entered into this _____ day of _____, 2006, by and between the City of Miami, a municipal corporation of the State of Florida (hereinafter referred to as the "Sponsoring Agency"), and the _____, (hereinafter referred to as the "Participating Agency").

RECITALS:

WHEREAS, the Sponsoring Agency and the Participating Agency, have entered into an Agreement dated _____, setting forth the agency's responsibilities in connection with the development and support of a local Urban Search and Rescue Task Force and coordinated by the City of Miami Department of Fire-Rescue, with all costs to be reimbursed by State and Federal funding sources; and

WHEREAS, the original term of Agreement will end on December 31, 2005, at which time the parties may agree to renew the association; and

WHEREAS, renewal is based upon the evaluation of the Sponsoring Agency's ability to conform with procedures, training and equipment standards as prescribed by FEMA; and

WHEREAS, the amendments of the Agreement may be modified or amended only with the written agreement of each of the parties; and

WHEREAS, the parties at this time desire to amend and extend the performance period of the Agreement until such time as a new Memorandum of Agreement is developed by FEMA and signed by the Federal Emergency Management Agency (FEMA), the State of Florida, and the City of Miami (the "Sponsoring Organization"), or until terminated by any party upon 30 days of written notice.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained in this agreement, the Sponsoring Agency and Participating Agency hereby agree to amend the Agreement as follows:

Section "VIII. CONDITIONS, AMENDMENTS, AND TERMINATION" Paragraph G is deleted in its entirety and amended to read:

G. This agreement shall be in force until such time as a new Memorandum of Agreement is developed by FEMA and signed by FEMA, the State, and the sponsoring organization, or until terminated by any party upon 30 days of written notice.

Except as specifically provided herein, all of the terms and conditions of the Agreement, shall remain in force and effect throughout the extended term of the Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers duly authorized.

ATTEST:

_____
Priscilla A. Thompson
City Clerk

SPONSORING AGENCY
THE CITY OF MIAMI, a municipal corporation of the State of Florida

By:_____
Pedro G. Hernandez
City Manager

ATTEST:

_____
Name:
Title:

PARTICIPATING AGENCY

By:_____
Name:
Title:

APPROVED AS TO FORM AND CORRECTNESS:

_____
Jorge L. Fernandez, City Attorney

APPROVED AS TO INSURANCE REQUIREMENTS:

_____
LeeAnn Brehm, Administrator
Risk Management Division

APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE PARTICIPATING AGENCY ATTORNEY'S OFFICE

_____
Name: