

FIRST AMENDMENT TO AN AGREEMENT FOR FIRE RESCUE SERVICES

THIS IS AN AMENDMENT (THE "Amendment") dated _____, 2012, to an Agreement for Fire Rescue Services (the "Agreement"), dated January 6, 2011. This Amendment is entered into between the parties to the Agreement, the CITY OF DANIA BEACH, FLORIDA, a municipal corporation of the State of Florida, (the "City") having an address at 100 West Dania Beach Boulevard, Dania Beach, Florida 33004, and the BROWARD SHERIFF'S OFFICE ("BSO"), having an address of 2601 West Broward Boulevard, Fort Lauderdale, Florida 33312.

RECITALS

1. On or about January 6, 2011, the City and BSO entered into and Agreement for BSO to provide fire rescue services for the City with an effective date of January 29, 2011 (the "Agreement").

2. The City and BSO recognize that the closed City Fire Pension Plan will likely require increases in the total amount of annual employer contributions during the term of this Agreement, and that increases in employer contribution costs will change the annual cost of the services under the Agreement.

3. The City and BSO have, therefore, agreed to maintain or "freeze" the annual employer pension contribution made by BSO under the Agreement to the City Police & Fire and General Pension Plans for the fiscal ending September 30, 2012, and for all future fiscal years as outlined in this Amendment.

NOW, THEREFORE, in consideration of the mutual covenants and for other good and valuable consideration, the receipt and adequacy of which are acknowledged and agreed upon, the City and BSO acknowledge and agree as follows:

1. All of the recitals set forth above are incorporated by this reference as if fully set forth in this Paragraph one (1).

2. The annual required employer pension contribution made by BSO under the Agreement for the fiscal year ending September 30, 2012, and for all future fiscal years, as long as annual employer pension contributions are or may be required, is as follows:

City Fire Pension	\$497,927.00
City General Employee Pension	<u>15,427.00</u>
Total annual BSO – Contributions to City Pension Plans	\$513,354.00

In the event the annual required employer pension contribution is less than \$513,354.00 in any fiscal year, BSO's annual required employer pension contribution shall be the lesser amount.

The City and BSO understand, acknowledge and agree that the annual required employer pension contribution to be made by BSO as set forth hereinabove is and shall be included in BSO's budgeted cost and thus included in the consideration for the fiscal year ending September 30, 2013 and beyond.

3. The amount of the annual required employer pension contribution above the amount reflected in Paragraph 2, shall be funded, paid by, and be the sole responsibility of the City, outside of the annual Agreement cost paid by the City to BSO.

4. The City shall pay an additional \$120,000.00 toward the amount reflected in Paragraph two (2) above, for the fiscal year ending September 30, 2012, resulting in a net BSO required pension contribution of \$393,354.00 for the fiscal year ending September 30, 2012.

5. BSO shall provide to City BSO's pay records (in Excel format) for each BSO pay period that reflects details of pensionable pay earning information for each City pension plan participant employed by BSO.

6. Except as amended and modified by this Amendment, all of the terms, covenants, conditions, and agreements of the Agreement shall remain in full force and effect. In the event of any conflict between the provisions of the Agreement and the provisions of this Amendment, this Amendment shall control.

IN WITNESS OF THE FOREGOING, this Amendment is effective upon its complete execution by both parties:

CITY:

**CITY OF DANIA BEACH, FLORIDA, a
Florida Municipal corporation**

WITNESSES:

Signature

PRINT Name

Signature

PRINT Name

PATRICIA FLURY
MAYOR

ROBERT BALDWIN
CITY MANAGER


Dated _____, 2012.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

THOMAS J. ANSBRO
CITY ATTORNEY


BROWARD SHERIFF'S OFFICE
AL LAMBERTI, SHERIFF 9-10-12

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY, SUBJECT TO THE
EXECUTION BY THE PARTIES



JUDITH LEVINE,
GENERAL COUNSEL

Dated: 9/10, 2012