

**RESOLUTION 03-15
THE TOWN OF FOREST HEIGHTS**

A RESOLUTION APPROVING A DONATION AGREEMENT BETWEEN THE TOWN OF FOREST HEIGHTS (THE "TOWN") AND NISSAN NORTH AMERICA, INC. ("NISSAN") TO CONTRIBUTE AN ELECTRIC VEHICLE CHARGER TO THE TOWN; AND HEREBY AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO ACCEPT DONATION OF SAID CHARGER

Introduced By: Mayor Jacqueline Goodall

WHEREAS, the Town Council has authority to approve contracts and procurements pursuant to the Town Charter, Section 33-63, and Town Code, Section 20.4; and

WHEREAS, Nissan North America, Inc., a California Corporation having its headquarters in Franklin, TN, has offered with certain conditions to donate a Dual Level 2, AeroVironment electric vehicle charger to the Town of Forest Heights to be placed at 5508 Arapahoe Drive; and

WHEREAS, some of the conditions of said agreement are that the Town (1) must indemnify Nissan and hold it harmless from any claims by the public regarding use of the charger, (2) by 3/1/15 shall install, repair and maintain said charger, (3) shall make the charger available to the public free from more than 48 hours of inoperability in any calendar year, and (4) participate in a no charge to charge program should Nissan commence such program.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves the Nissan EV Charger Donation Agreement (Agreement No. EVAFOR150120), attached hereto and incorporated by reference herein, according to the terms and conditions stated therein; and

AND BE IT FURTHER RESOLVED, that expenses, if any, for the above proposal shall be appropriated and paid into Line Item 7258 MD Energy Smart Grant of the FY 2015 Budget; and

AND BE IT FURTHER RESOLVED, that the Mayor may sign said donation agreement consistent with the terms and conditions agreed upon by the parties, and she shall see that a Form W-9 is presented to Nissan along with the fulfillment of any other conditions of said agreement; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this 2nd day of February 2015.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

The Town of Forest Heights

Resolution 03-15

Page 1

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

KENNEDY II	<u>YEA</u>
MANN	<u>ABSENT</u>
BARNES	<u>YEA</u>
SMITH-BARNES	<u>YEA</u>
STONER	<u>YEA</u>
MUHAMMAD	<u>YEA</u>
GOODALL	<u>YEA</u>

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS

Signature on file
Bonita C. Anderson, Town Clerk

By: Signature on file
Jacqueline Goodall, Mayor

ABSENT

By: _____
Cynthia Mann, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 2nd day of February, 2015 with 6 Aye votes and 0 Nay vote the aforesaid Resolution 03-15 passed.

Signature on file
Bonita Anderson, Town Clerk

Exhibit A - (Nissan EV Charger Donation Agreement (Agreement No. EVAFOR150120))