

THE TOWN OF FOREST HEIGHTS
RESOLUTION 55-16

A RESOLUTION TO APPROVE A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF FOREST HEIGHTS (THE "TOWN") AND OPTOTRAFFIC, LLC, AND GENERALLY RELATING TO CONTRACTUAL SERVICES FOR SPEED CAMERAS

Introduced By: Mayor Jacqueline Goodall

WHEREAS, the Charter, Section 33-90 authorizes the Mayor and Council to pass certain legislation of a non-permanent or administrative nature by formal resolution in lieu of ordinance; and

WHEREAS, the Charter, Section 33-63 authorizes the Mayor and Council to enter into all purchases and contracts on behalf of the Town; and

WHEREAS, on or about October 3, 2011, Resolution 42-11 was approved to authorize a contract between the Town and Optottraffic, LLC, (the "Agreement") to provide automated speeding violation detection, imaging and citation services to the Town; and

WHEREAS, Optottraffic and the Town entered into an amendment of the Agreement on November 5, 2012 substantially regarding said vendor's change from a subsidiary of a corporation to a limited liability company; and

WHEREAS, the Town on June 30, 2016 delivered to Optottraffic a Notice of Intent to Terminate Contract regarding said Service Agreement on the anniversary date of October 3, 2016; and

WHEREAS, the Town wishes to rescind said Notice of Intent to Terminate Contract and instead amend the Agreement thereby allowing the parties additional time to negotiate a new agreement prior to the statutory deadline or otherwise terminate the Agreement with thirty days written notice or no later than the statutory deadline of June 1, 2017; and

WHEREAS, the parties desire to amend the Agreement in accordance with the terms and conditions as set forth in the Second Amendment, and all other terms of the Agreement shall remain in full force and effect; and

WHEREAS, the Mayor and Town Council finds that it is in the best interest of the Town to hereby authorize this further amendment to the Agreement (the "Second Amendment") as described herein.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves and authorizes the Mayor to execute on behalf of the Town an amendatory agreement by and between The Town of Forest Heights, Maryland and Optottraffic, LLC (the "Second Amendment"), including any terms, conditions or obligations found therein, dated the 21st day of September, 2016, which is attached hereto and incorporated by reference herein as Exhibit 1; and

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

PASSED this 21st day of September 2016.

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

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
GOODALL	<u>YEA</u>
KENNEDY II	<u>YEA</u>
MCLAURIN	<u>YEA</u>
BARNES	<u>ABSENT</u>
MUHAMMAD	<u>YEA</u>
SMITH-BARNES	<u>YEA</u>
MANN	<u>YEA</u>

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Signature on file

Bonita C. Anderson, Town Clerk

Signature on file

By: _____
Jacqueline Goodall, Mayor

Signature on file

By: _____
Cynthia Mann, Council President

[Exhibit 1 – Second Amendment]

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 21st day of September 2016 with 6 Aye votes and 0 Nay votes the aforesaid Resolution 55-16 passed.

Signature on file

Bonita Anderson, Town Clerk