FAILED BECAUSE THE ORDINANCE PERTAINING TO IT (ORD. 542.10) WAS VOTED DOWN

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2129.10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN AMERICAN TRAFFIC SOLUTIONS, INC., AND THE TOWN OF GOLDEN BEACH FOR THE ADMINISTRATION OF THE TRAFFIC CAMERA SAFETY PROGRAM; PROVIDING FOR AN EXCEPTION TO COMPETITIVE BIDDING, PROVIDING FOR APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 26, 2008 the Town Council enacted Ordinance No. 533.08, creating Article IV, "Dangerous Intersection Safety" of Chapter 38 "Traffic and vehicles" of the Town Code, establishing the Town's Traffic Camera Safety Program (the "Program"); and

WHEREAS, the Florida Legislature passed CS/CS/HB325 during the 2010 Legislative Session authorizing the use of traffic infraction detectors to enforce certain provisions of Chapter 316 of the Florida Statutes; and

WHEREAS, the Governor of the State of Florida signed CS/CS/HB325 into law on May 13, 2010, resulting in the creation of Chapter 2010-80, Laws of Florida (2010) (the "Mark Wandall Traffic Safety Act" or the "Act") taking effect on July 1, 2010; and

WHEREAS, the Town Council finds that the provisions of Article IV "Dangerous Intersection Safety" of Chapter 38 of the Town Code, which were previously authorized by the Town's Home Rule authority and by Sec. 316.08 (1)(w), Florida Statutes, will be as of July 1, 2010, preempted to the State as provided by Section 3 of the Act; and

WHEREAS, on September 28, 2010 the Town Council amended Article IV of Chapter 38 of the Town Code so as to conform with and implement the Act; and

WHEREAS, the City of Aventura has procured the services of American Traffic Solutions, Inc. ("ATS") to administer the Aventura Traffic Camera Safety Program through a competitive bidding process; and

WHEREAS, it is the desire of the Town to have ATS administer the Program; and

WHEREAS, pursuant to Section 2-266 "Application; exceptions" of the Town Code, goods and services that have been secured by another municipality through a competitive bidding process are exempt from the competitive bidding requirements enumerated in the Town Code.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That the recitals set forth above are hereby adopted and confirmed.

Section 2. **Exception from Competitive Bidding.** That pursuant to Section 2-266 "Application; exception" of the Town Code, the Town elects to forgo competitive bidding for the selection of a Traffic Camera Safety Program administrator and will piggyback on the competitive bidding process of the City of Aventura in the selection of American Traffic Solutions, Inc.

Section 3. **Agreement Approved.** That the Agreement between the Town of Golden Beach and American Traffic Solutions, Inc., for the administration of the Traffic Camera

Safety Program, in substantially the form attached hereto, is hereby approved and the Town Manager is hereby instructed to execute same.

Section 4. **Implementation.** That the Town Manager is hereby authorized to take any action necessary to implement the provisions of the Agreement and this Resolution.

Section 5. **Effective Date.** That this Resolution shall become effective immediately upon adoption.

Sponsored by Administration.

The Motion to adopt the foregoing resolution was offered by _____,

seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer	___
Vice Mayor Bernard Einstein	___
Councilmember Kenneth Bernstein	___
Councilmember Judy Lusskin	___
Councilmember Amy Rojas	___

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 28th day of September, 2010.

ATTEST:

_____
MAYOR GLENN SINGER

_____
LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____
STEPHEN J. HELFMAN
TOWN ATTORNEY