RESOLUTION NO. R-2013-76

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND AMERICAN TRAFFIC SOLUTIONS, INC.; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on or about March 25, 2008, the City of North Miami ("City") and American Traffic Solutions, Inc. ("ATS") entered into an agreement for the provision of services in connection with the Traffic Camera Safety Program; and

WHEREAS, the Agreement was initially amended on June 30, 2010; and

WHEREAS, the City and ATS are desirous of amending the Agreement to reflect the recent changes in the Florida Legislature passed CS/CS/HB 7125 authorizing local hearings for notices of violation connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code taking effect on July 1, 2013; and

WHEREAS, on June 12, 2013, the Governor signed the bill into law as Chapter 2013-160, Laws of Florida.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute a Second Amendment to the Agreement, in substantially the attached form, between the City of North Miami and American Traffic Solutions, Inc.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 25 day June, 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Steril

Seconded by: Mayor Tondreau

Vote:

Mayor Lucie M. Tondreau	x (Yes)	___ (No)
Vice Mayor Marie Erlande Steril	x (Yes)	___ (No)
Councilperson Scott Galvin	___ (Yes)	x (No)
Councilperson Carol F. Keys, Esq.	x (Yes)	___ (No)
Councilperson Philippe Bien-Aime	x (Yes)	___ (No)

SECOND AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT

This Second Amendment (this "Amendment") is dated effective this _____ day of _____, 2013 and is entered into between American Traffic Solutions, Inc. ("ATS"), a Kansas corporation and the City of North Miami, Florida ("Customer"), a municipal corporation of the State of Florida.

RECITALS

WHEREAS, on March 25, 2008, Customer and ATS entered into a Professional Services Agreement (the "Agreement"); and

WHEREAS, the Florida Legislature passed and the Governor of the State of Florida signed into law CS/CS/HB7125, authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code and taking effect on July 1, 2013; and

WHEREAS, Customer and ATS mutually desire to amend certain terms and conditions of the Agreement to align the provision of services by ATS with the provisions and requirements of Law of Florida 2013-____.

TERMS AND CONDITIONS

NOW THEREFORE, Customer and ATS hereby agree as set forth below:

1. A Section 19 is hereby added to Exhibit D as follows: "ATS is authorized to charge, collect and retain a convenience fee of up to 5% of the total dollar amount of each electronic payment processed. Such convenience fees are paid by the violator."

   Section 8 of Exhibit D, is hereby amended to add the following: "Subsequent notices, other than the first Notice of Violation in section in this Section 8 and the UTC in Exhibit F, may be delivered by First Class mail for additional compensation as set forth in Exhibit A."

2. Exhibit F is hereby amended to add the following: "Subsequent notices mailings fee: $2.00 per piece"

3. Section 17 of Exhibit D is hereby amended to add the following: "Customer shall provide, either for itself or through an inter-local agreement with another jurisdiction, a local hearing officer, clerk, and hearing facilities to schedule and hear disputed Notices of Violation."

4. The provisions of the Agreement, as amended by this Amendment, including the recitals, comprise all of the terms, conditions, agreements, and representations of the parties with respect to the subject matter hereof. Except as expressly amended or modified by the terms of this Amendment, all terms of the Agreement shall remain in full force and effect. In the event of a conflict between the terms of this Amendment and the Agreement, the terms of this Amendment shall prevail and control.

5. This Amendment may be executed in one or more counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument. Each party represents and warrants that the representative signing this Amendment on its behalf has all right and authority to bind and commit that party to the terms and conditions of this Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment.

AMERICAN TRAFFIC SOLUTIONS, INC.	**NORTH MIAMI, FLORIDA**
Signature:_____	Signature:_____
Name/Title:_____	Name/Title:_____
Date:_____	Date:_____