

**RESOLUTION NO. 2018 - 066**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AUTHORIZING ITS TOWN ATTORNEY TO COMMENCE LEGAL ACTION AGAINST ROSENBAUER AMERICA, AND/OR ITS RESPONSIBLE RELATED LEGAL ENTITY ("ROSENBAUER"), RELATING TO THE MAINTENANCE AND REPAIR ISSUES ASSOCIATED WITH ENGINE 82; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 2012 Rosenbauer delivered Fire Engine 82, Model International 4400, VIN No.: 1HTMKAZR7DH408220 to the Town of Southwest Ranches; and

**WHEREAS**, since its delivery, Engine 82 has been fraught with problems including, but not limited to a defective engine that causes the vehicle to lose power; and

**WHEREAS**, the problems associated with Engine 82 often leaves this vehicle out of service, which jeopardizes the health, safety, and welfare of the Town's residents; and

**WHEREAS**, despite several attempts to get the vehicle repaired, Rosenbauer has sent the Town on a wild goose chase in an attempt to find the responsible party to make the necessary repairs; and

**WHEREAS**, at this point the Town is out of options and must seek legal redress to resolve this matter; and

**WHEREAS**, the Town Council desires its Town Attorney to commence the necessary legal action against Rosenbauer to resolve this matter.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** The above-referenced recitals are true and correct and are incorporated herein by reference.

**Section 2.** The Town Council hereby authorizes its Town Attorney to commence legal action against Rosenbauer America, and/or its responsible related legal entity, relating to the maintenance and repair issues associated with Engine 82.

**Section 3.** That this Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this 23<sup>rd</sup> day of August, 2018 on a motion by

C/M Schroeder and seconded by V/M Fisikelli.

McKay	<u>Yes</u>
Fisikelli	<u>Yes</u>
Breitkreuz	<u>Yes</u>
Jablonski	<u>Yes</u>
Schroeder	<u>Yes</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

Doug McKay  
Doug McKay, Mayor

Attest: Russell Muñiz

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff  
Keith Poliakoff, Town Attorney