

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF HOLLYWOOD, FLORIDA, AUTHORIZING THE FILING OF
A LAWSUIT AGAINST PYTHON MANUFACTURING, LTD.

WHEREAS, during the February 2, 2022 City Commission meeting, the Commission approved the purchase of a Python 5000 Pothole Patcher from Python Manufacturing, Ltd. through a Purchase Order (“PO”) that attached the City’s standard Terms and Conditions; and

WHEREAS, after taking delivery of the Python 5000, it became readily apparent that the machine did not function as promised and contracted, and in fact, the machine was unusable for its intended purposes; and

WHEREAS, despite its best efforts, the City has been unable to get the Python 5000 to operate; and

WHEREAS, according to the Terms and Conditions of the PO, the Seller warranted that “(d) ...the goods shall be merchantable, safe and fit for the Buyer’s intended purposes, which purposes have been communicated to Seller...”.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That the City Attorney is authorized to file suit against Python Manufacturing, Ltd. and to seek all damages incurred as a result of the defective and unusable Python 5000 Pothole Patcher.

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Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY