

RESOLUTION NO. 20-12-113

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE PURCHASE OF AN AUTOMATED CAPTIONING ENGINE WITH CLOSED CAPTIONING ENCODER FROM ENCORE BROADCAST SOLUTIONS; APPROVING THE WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE ANY AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in May 2017 Islamorada, Village of Islands (the "Village") entered into a Settlement Agreement with Eddie I. Sierra of a claim under the Americans with Disabilities Act ("ADA") associated with closed captioning of recordings of Village Council meetings accessible through the Village's web site; and

WHEREAS, the Village has been performing close captioning of its archived Village Council meetings since 2017; and

WHEREAS, the Village is in need of an Automated Captioning Engine with Closed Captioning Encoder ("Encoder") to enable real-time closed captioning of Village Council and other meetings broadcast over the local cable television provider and streamed over the Internet in compliance with the Twenty-First Century Communications and Video Accessibility Act (CVAA); and

WHEREAS, Encore Broadcast Solutions ("EBS") was the original vendor that completed the audio-visual booth equipment upgrade in 2018, and EBS has unique familiarity with the existing equipment within the audio-visual booth and with the closed captioning requirements; and

WHEREAS, the Village Council finds that the purchase of an Encoder and installation by EBS is in the best interests of the Village; and

WHEREAS, the Village Council finds that the waiver of competitive bidding for these services is in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. **Approval of Purchase.** The Village Council hereby approves the purchase of a closed-captioning Encoder for the Village at a cost not to exceed Forty Seven Thousand Four Hundred Thirty Five and no/100 Dollars (\$47,435.00) as set forth in the proposal attached as Exhibit "A."

Section 3. **Waiver of Purchasing Provisions.** In accordance with Sections 2-328(1) and 2-328(3) of the Village Code, the Village Council hereby approves the waiver of competitive bidding to purchase the Encoder from Encore Broadcast Solutions.

Section 4. **Authorization of Fund Expenditure.** The Village Manager is hereby authorized to expend budgeted funds for the purchase.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman David Webb, second by Vice Mayor Pete Bacheler.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III YES

Vice Mayor Pete Bacheler YES

Councilman Mark Gregg YES

Councilman Henry Rosenthal YES

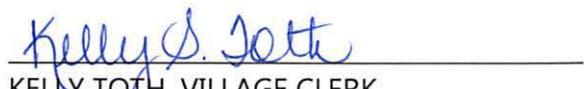
Councilman David Webb YES

PASSED AND ADOPTED ON THIS 17th DAY OF DECEMBER 2021.



JOSEPH B. PINDER III, MAYOR

ATTEST:



KELLY S. TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY

**EXHIBIT A**

1110 Douglas Avenue, Suite 1001
Altamonte Springs, FL 32714
P: (407) 327-9006 F: (407) 327-2202
www.encorebroadcast.com

QUOTE

920 B

DATE:

12/03/2020

COMPANY: Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, Fl. 33036

ATTENTION: Vince Tarves

PHONE: 305-664-6457

EMAIL: Vince.Tarves@islamorada.fl.us

SALES PERSON: David Quinn

DELIVERY: UPS

VALID UNTIL 2/03/21

TERMS: Net 30

Qty	Item	Description	Cost	Total
1	Link ACE-2000/492	ACE-2000 Automated Captioning Engine with SCE-492 Closed Captioning Encoder	44,500.00	44,500.00
1	AJA 3GDA	1x6 3G HD/SD SDI Reclocking Distribution Amplifier, 120M 3G cable equalization	395.00	395.00
2	Engineering-Commissioning, Training	Engineering -Commissioning, Training	1,000.00	2,000.00
1	MISC INSTALL	MISC ITEMS NEEDED TO COMPLETE AN INSTALL	400.00	400.00
1	Shipping & Handling	Shipping & Handling Florida State Sales Tax 6%	140.00 6.00%	140.00 0.00
TERMS:			Total	\$47,435.00

* Quoted price does not include applicable Sales Tax or shipping and handling unless indicated above.

* Shipping is FOB Origin - Pre Paid and added to invoice unless indicated above.

I have read and accept, by my signature, the terms of this ProForma Invoice which govern the sale of products of services to me or, if a corporation, by me as a duly authorized representative of said corporation. When sent by facsimile or email, I agree that my signature shall be conclusive evidence of the Buyer's acceptance of these terms.

ACCEPTED AND AGREED BY:

PRINT NAME: Maria T Bassett

DATE: 12/21/2020

SIGNATURE: Maria T Bassett

TITLE: Acting Village Manager



*Islamorada,
Village of Islands*

ATTORNEY'S FEE SETTLEMENT
BETWEEN
J. COURTNEY CUNNINGHAM, PLLC
&
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

This Settlement is entered into between Islamorada, Village of Islands (the "Village" or "Islamorada"), and J. Courtney Cunningham, PLLC ("Cunningham"), and hereby resolves and settles all claims for Attorney's Fees by Cunningham arising out of his representation of Eddie I. Sierra and those claims against the Village as set forth in the corresponding Settlement Agreement attached as Exhibit "B" hereto.

TERMS:

1. As part of the full and final settlement of the above-referenced claims, Islamorada shall pay reasonable attorney's fees in the amount of Four Thousand One Hundred Sixty-Five Dollars (\$4,165.00) to Cunningham for his representation of Eddie I. Sierra as detailed in Exhibit "A" attached hereto and as referenced in Section 9 of the Settlement Agreement attached Exhibit "B".

This Agreement will take effect on the date of the last signature affixed hereto.

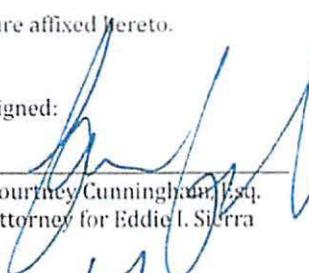
Signed:



Roger V. Bryan, Esq.
Village Attorney, Islamorada

Date: 5/19/17

Signed:



Courtney Cunningham, Esq.
Attorney for Eddie I. Sierra

Date: 5/18/17

**SETTLEMENT AGREEMENT
BETWEEN EDDIE I. SIERRA AND
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**

INTRODUCTION

This is a Settlement Agreement entered into between Islamorada, Village of Islands (the "Village" or "Islamorada"), and Eddie I. Sierra concerning the accessibility of the Village's website to members of the deaf community. Mr. Sierra is a resident of Miami, Florida, is deaf, and has requested that videos of official proceedings of the Village Council posted on the Village's website be captioned.

This Settlement Agreement resolves all claims that Eddie I. Sierra has or that may arise out of his request for captioning of videos. The parties agree that this Settlement Agreement does not constitute an admission of liability, and the Village of Islamorada expressly denies violating the ADA.

TERMS:

1. Islamorada will close caption all videos of official proceedings of the Village Council for the years 2016 and 2017. These videos will be retained on the site, in an archived section, for a period of three (3) years from the date of posting.
2. All videos of official proceedings of the Village Council posted in 2017 and thereafter to Islamorada's website will be close captioned. The captioning will comply with WCAG2.0 AA.
3. Upon request, videos of official proceedings of the Village Council for prior years will be captioned or transcribed, depending upon the request. A full transcript (with indications of who is speaking) may also be provided as an equivalent accommodation, depending upon the request.
4. Islamorada will put a statement on its web page, in a prominent location, advising that it makes its website and other digital technology accessible to persons with disabilities, and the accessibility statement will include the name and contact information of the person responsible for accessibility of the website. Islamorada's postings on social media (Twitter and Facebook) will also meet the WCAG 2.0 AA standards. At present, Islamorada does not utilize social media, including Twitter and Facebook.
5. Islamorada will create a disability accessibility policy.
6. Islamorada, Village of Islands, retains the right to modify the content of its website and social media (in the event it uses social media).
7. In the event that Mr. Sierra asserts that a violation of this Agreement has occurred, he will provide written notice to the Village Attorney, and the Village of Islamorada will have ninety (90) days to cure the alleged violation. In the event that Mr. Sierra believes the cure is not sufficient, he retains the right to enforce the Agreement in Federal Court.
8. The Village will pay Mr. Sierra's attorney reasonable attorney's fees for settlement of all claims in accordance with a separate agreement.

This Agreement will take effect on the date of the last signature affixed hereto.

Signed:



Seth Lawless, Village Manager
Islamorada, Village of Islands

Date: 5-22-17

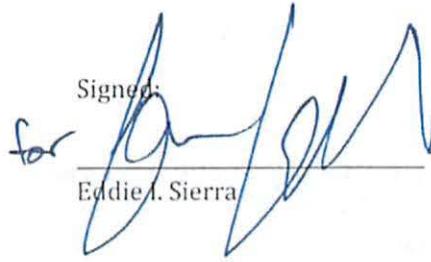
Signed:



Roget Bryan, Esq.
Village Attorney, Islamorada
Village of Islands

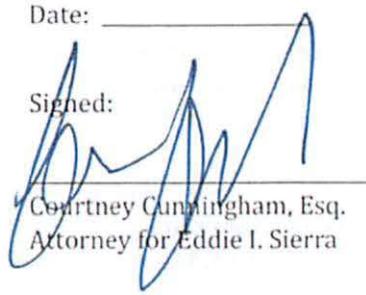
Date: 5/19/17

Signed:



Date: _____

Signed:



Date: _____

Courtney Cunningham, Esq.
Attorney for Eddie I. Sierra