

Introduced by: Councilmember Male

**CITY OF TAKOMA PARK, MARYLAND  
RESOLUTION 2012-35**

**GRANTING A WAIVER OF PROVISIONS OF THE NUCLEAR FREE ZONE ACT**

WHEREAS, since December 2005, the City has operated a two-room public Computer Learning Center, with ten workstations installed in each room and an additional four workstations being located in the Senior Room; and,

WHEREAS, in 2005, Useful Corporation was deemed a sole source provider of multi-station Linux turnkey computer operations; and,

WHEREAS, based on the research conducted by the Library staff, which operates the Computer Learning Center, this format was viewed as the most favorable for the Computer Learning Center based on cost, efficiency, and maintenance; and,

WHEREAS, the designation of Useful Corporation as a sole source provider was re-affirmed by the City Council in 2008 and again in 2011; and,

WHEREAS, the Useful DiscoverStation turnkey system has been in operation in the Computer Learning Center and Senior Room for the past six years and in the Library for the past seven years; and,

WHEREAS, staff has found the system to be user-friendly, reliable, secure and adaptable to a range of public computer needs while requiring a minimum of maintenance, equipment replacement and intervention, enabling the Library to operate the Center with a single staff presence at any one time; and,

WHEREAS, a new contract with Useful was authorized by Ordinance 2011-52 and the contract was signed on January 4, 2012; and,

WHEREAS, upon arrival of the new computers during the week of April 24, 2012 it was discovered that Hewlett Packard (HP) computers had been supplied; and,

WHEREAS, the Nuclear Free Zone Act (the Act) provides that the City and its officials, employees or agents shall not knowingly and intentionally grant any award, contract or purchase order, directly or indirectly, to any nuclear weapons producer nor knowingly and intentionally grant any award, contract or purchase order, directly or indirectly, to purchase or lease products produced by a nuclear weapons' producer; and,

WHEREAS, Hewlett Packard has been identified as a nuclear weapons producer as defined by the Nuclear Free Zone Act; and,

WHEREAS, on May 14, 2012, the City Clerk submitted a memo to the City Council requesting a waiver of the Act and informed the Nuclear Free Committee of the same; and,

WHEREAS, a public hearing on the waiver request was scheduled for June 18, 2012; and,

WHEREAS, in a memo dated May 23, 2012, the Library Director provided additional information to the Nuclear Free Committee, explaining that in order for Useful Corporation to build a solution that would work well on a different, unique platform that would not include the HP computers would be time-consuming and costly; and,

WHEREAS, if the City were to be the only Useful customer operating on a unique platform, the technical support that the company could offer the Library would be diminished, degrading the Library's service to the public; and,

WHEREAS, the City Council held the public hearing on June 18, 2012; and,

WHEREAS, after reviewing the written evidence and comments submitted and hearing oral testimony at the public hearing, the City Council has made its decision on whether a waiver of the Nuclear Free Zone Act should be granted.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:

SECTION 1. The City Council has reviewed the evidence and testimony submitted by City staff, the Nuclear Free Committee, and the public.

SECTION 2. The City Council has determined that the provisions of Sections 14.04.060(A) and (B) of the City Code shall be waived for the purpose of accepting the computers supplied by Useful Corporation for the Computer Learning Center for the term of the contract approved by Ordinance 2011-52.

SECTION 3. City staff shall work with Useful Corporation to encourage porting of the Useful system to a Nuclear Free Zone Act compliant hardware platform.

Adopted this 18th day of June, 2012.

Attest:

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Jessie Carpenter, CMC  
City Clerk