

RESOLUTION NO. 2013-68

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR THE VILLAGE'S PARTICIPATION IN THE PARKING FINES REIMBURSEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 30-447 of the Code of Miami-Dade County, one-third of the parking fine money generated from the misuse of marked spaces for people with disabilities is used to defray Clerk of Courts' administrative expenses and two-thirds is used to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons and to provide funds to conduct public awareness programs concerning physically disabled persons; and

WHEREAS, thirty percent of the two-thirds of funds collected are retained by the County for county-wide purposes in accordance with State law and seventy percent is allocated to the governmental agency having jurisdiction over the violation; and

WHEREAS, the funds reimbursed will be utilized for the improvement of accessibility and equal opportunity to qualified persons who have disabilities in the Village of Palmetto Bay and to conduct disability public awareness programs; and

WHEREAS, the Administration is requesting authorization to enter into an agreement with Miami-Dade County Internal Services Department for the reimbursement of parking fines; and

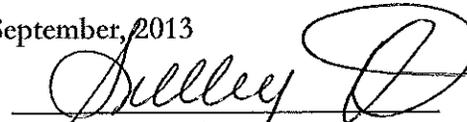
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village of Palmetto Bay Council authorizes the Village Manager to execute an Interlocal Agreement between Miami-Dade County and the Village of Palmetto Bay for the Village's participation in the Parking Fines Reimbursement Program.

Section 2. This resolution shall take effect immediately upon approval.

PASSED AND ADOPTED this 9th day of September, 2013

Attest: 
Meighan J. Alexander
Village Clerk


Shelley Stanczyk
Mayor

APPROVED AS TO FORM:



Eve A. Boufsis,
FIGUEREDO & BOUTSIS, P.A., as Office
of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Joan Lindsay	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Shelley Stanczyk	<u>YES</u>

**MIAMI-DADE COUNTY
MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM
INTERLOCAL AGREEMENT**

This agreement is entered into this _____ (day) of _____ (month/year),
by and between Miami-Dade County, Florida, a political subdivision of the State of Florida
(the "County") and _____ (the "municipality"), a municipal corporation
organized and existing under the laws of the State of Florida.

WITNESSETH

WHEREAS, Section 316.008 Florida Statutes, and Section 30-447 Code of Miami-Dade County, authorizes the charging of fines for misuse of specially marked parking spaces for people with disabilities, and

WHEREAS, Miami-Dade County proposes to distribute said fines under the provisions of Section 30-447 of the Code of Miami-Dade County, Florida.

NOW THEREFORE in consideration of the covenants contained herein, the parties agree as follows

1. This agreement shall become effective upon its execution by the authorized officers of the parties and will continue annually upon agreement by both parties.

2. The allocation of the disabled parking fine monies shall be used to provide funds to improve accessibility and equal opportunity to qualified persons who

have disabilities and to provide funds to conduct public awareness programs in the County or municipality concerning persons who have disabilities.

3. The municipality shall annually submit an affidavit sworn by its chief administrative official to the Miami-Dade County Internal Services Department ("ISD").

4. The affiant will affirm that expenditures meet the following criteria:

a. The funds reimbursed shall be used to improve accessibility and equal opportunity to qualified persons who have disabilities in the municipality and to conduct public awareness programs in the municipality concerning persons who have disabilities.

b. If only a portion of the project or program is being promoted to benefit people with disabilities, then only that portion of the project or program may be funded with these monies.

5. The parties agree to follow the terms and conclusions regarding payment as follows:

a. The percentage for distribution shall be calculated by the County annually. Each year the County shall notify all municipalities of the percentages of distribution of the disabled permit parking fine money for the upcoming annual period. The percentage for distribution to the County and to the

municipalities is based on a percentage of total revenue which is determined by calculating the total number of fines paid county-wide. Funding estimates include a percentage of the monies which were not distributed to any municipality in the previous year.

- b. The County agrees to pay the County and the municipalities under this agreement based on a payment schedule agreed upon by ISD, accompanied by such documentation as requested.
- c. In no event shall County funds be advanced to any subcontractor hereunder.
- d. The parties shall return funds to the Clerk of the Board of County Commissioners if the project is not successfully completed and allow ISD to audit projects and conduct site visits. Any such audits or inspections shall be conducted in such manner and at such times so as not to unreasonably interfere with the day-to-day operation of the parties.
- e. The County may amend the terms of this agreement from time to time, as it may deem necessary.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their respective and duly authorized officers on the date hereinabove first mentioned.

MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM

AFFIDAVIT

State of Florida, County of _____

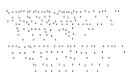
BEFORE ME, the undersigned Notary, _____ [name of Notary before whom affidavit is sworn], on this _____ [day of month] day of _____ [month], 20____, personally appeared _____ [name of affiant], known to me to be a credible person and of lawful age, who being by me first duly sworn, on _____ [his or her] oath, deposes and says:

The municipal parking fines funds reimbursed shall be used to improve accessibility and equal opportunity to qualified persons who have disabilities in the municipality and to conduct public awareness programs in the municipality concerning persons who have disabilities.

If only a portion of the project or program is being promoted to benefit people with disabilities, then only that portion of the project or program will be funded with these monies.

The municipality shall return funds to the Clerk of the Board of Miami-Dade County Commissioners if the project is not successfully completed and allow the Miami-Dade County Internal Services Department to audit projects and conduct site visits. Any such audits or inspections shall be conducted in such manner and at such times so as not to unreasonably interfere with the day-to-day operation of the parties.

[signature of affiant]



[typed name of affiant]

[address of affiant, line 1]

[address of affiant, line 2]

State of Florida, County of _____

Sworn to (or affirmed) and subscribed before me this _____ day of

_____ (month), _____ (year), by

_____ (name of person making statement).

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____



ATTEST:

MIAMI-DADE COUNTY, FLORIDA

Harvey Ruvin, Clerk

By: _____

Carlos A. Gimenez, Mayor

ATTEST:

MUNICIPALITY OF _____, FLORIDA

City/Town/Village Clerk

By: _____

City/Town/Village Manager

(Date)

(Official Seal)