RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF $20,971.20; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay approved resolution no. 02-05, authorizing payment of Village Attorney non-retainer attorneys' fees and costs; and,

WHEREAS, FIGUEREDO & BOUTSIS, P.A., submitted its statements to the village for legal services rendered, and costs advanced, for the period ending June 21, 2012, in the amount of $20,971.20; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

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

Section 1. The statements for attorneys' fees and costs received from FIGUEREDO & BOUTSIS, P.A., in the total amount of $20,971.20, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this _____ day of July, 2012.

Attest: _____

Meighan Alexander
Village Clerk

_____

Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

_____

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

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Howard J. Tendrich _____

Council Member Joan Lindsay _____

Vice-Mayor Brian W. Pariser _____

Mayor Shelley Stanczyk. _____

FIGUEREDO & BOUTSIS, P.A.

Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor
Telephone: **(305) 235-9344** **Miami, Florida 33157-6417** ***Facsimile:*** **(305) 235-9372**

June 22, 2012

Ron Williams, Village Manager
Village of Palmetto Bay
8950 SW 152nd Street
Palmetto Bay, FL 33157

Re: STATEMENTS FOR PROFESSIONAL SERVICES
The Village of Palmetto Bay

Dear Mr. Williams:

Enclosed are our invoices for professional services rendered and for costs advanced for the period ending June 21, 2012 in the amount of **$20,971.20**. I have tabulated the amounts ***currently due*** on each individual file as follows:

Please deduct from Village Attorney Account No. 5143110, General Legal.				
0293-001	Non-Retainer Legal Services *Invoice No. 20403 dated 6/21/12*	Prof'l Services Disbursements **Total Due**	$	17,205.00 801.99 **18,006.99**
	Total		**$**	**18,006.99**
Please deduct from Village Attorney Account No. 5143140, Code Enforcement.				
0293-002	*Zoning Application* *Invoice No. 20404 dated 6/21/12*	Prof'l Services Disbursements **Total Due**	$	1,424.50 28.49 **1,452.99**
	Total		**$**	**1,452.99**
0293-027	*Palmer Trinity Private School* *Invoice No. 20405 dated 6/21/12*	Prof'l Services Disbursements **Total Due**	$	37.00 .74 **37.74**

0293-029	*Palmer Trinity Private School(Appeal)* *Invoice No. 20406 dated 6/21/12*	Prof'l Services Disbursements **Total Due**	$	795.50 15.91 **811.41**
0293-060	*Shores of Palmetto Bay vs. VPB* *Invoice No. 20407 dated 6/21/12*	Prof'l Services Disbursements **Total Due**	$	203.50 458.57 **662.07**
	Grand Total		**$**	**20,971.20**

Do not hesitate to call me if you have any questions regarding these statements.

Very truly yours,

Eve A. Boutsis
Office of the Village Attorney

EAB/lcm
Enclosures
cc: Mayor and Village Council

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF $20,971.20; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay approved resolution no. 02-05, authorizing payment of Village Attorney non-retainer attorneys' fees and costs; and,

WHEREAS, FIGUEREDO & BOUTSIS, P.A., submitted its statements to the village for legal services rendered, and costs advanced, for the period ending June 21, 2012, in the amount of $20,971.20; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

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

Section 1. The statements for attorneys' fees and costs received from FIGUEREDO & BOUTSIS, P.A., in the total amount of $20,971.20, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this _____ day of July, 2012.

Attest: _____
Meighan Alexander
Village Clerk

_____
Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

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

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Howard J. Tendrich _____

Council Member Joan Lindsay _____

Vice-Mayor Brian W. Pariser _____

Mayor Shelley Stanczyk. _____

FIGUEREDO & BOUTSIS, P.A.
ATTORNEYS & COUNSELORS
18001 Old Cutler Road, Suite 533, Miami, Florida 33157
Telephone No.: (305) 235-9344 Facsimile: (305) 235-9372

Shelley Stanczyk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

June 21, 2012
Matter ID: 0293-001
General Municipal-VPB
Invoice Number 20403

			Hours	Amount
5/22/2012	EAB	Continued edits to the moratorium memorandum; telephone conference with CP Joan Lindsay (7th version of ordinance, and memorandum); and finalized ZIP resolution for execution; and communications with Mr. Jerry Proctor and Mr. Simon Ferro.	2.20	407.00
5/22/2012	EAB	Telephone conference with CP Patrick Fiore.	0.20	37.00
5/22/2012	EAB	Food truck research for Mayor Shelley Stanczyk.	0.30	55.50
5/23/2012	EAB	Drafted Resolution regarding PACE interlocal agreement agreement; communications with Mrs. Meighan Alexander; attention to agenda finalization; and communications with Mr. Ferro.	2.00	370.00
5/23/2012	EAB	Telephone conference with Mr. Ed Silva and Mrs. Fanny Carmona-Gonzalez; follow up with Mr. John Shubin; and telephone conference with Mr. Ron Williams.	1.00	185.00
5/24/2012	EAB	Reviewed charter amendments and resolution; attention to comments raised by Chair; analyzed County and Village Charters; provided update to Chair; and revised ballot question.	1.00	185.00
5/24/2012	EAB	Telephone conference with Mr. Darby Delsalle on moratorium and pending items; and attention to CIP.	1.00	185.00
5/24/2012	EAB	Communications with Mr. Silva and Mrs. Carmona- Gonzalez; and attention to contract revisions for Bermillo.	1.00	185.00
5/24/2012	EAB	Attention to CRC matters; and communications with Ms. Beverly Gerald.	0.40	74.00
5/29/2012	EAB	Attention to agenda items; attention to CRC scheduling; revised agenda items; attention to and draft first addendum to GIS and Special Master contracts; telephone conference with Mr. Delsalle; communications with Mrs. Olga Cadaval on policy revisions; and telephone conference with Mrs. Alexander and Mr. Williams.	2.40	444.00
5/29/2012	EAB	Meeting with Ms. Leanne Tellam; telephone conference with Mr. Tucker Gibbs regarding charter amendment; and after action	1.70	314.50

		memorialization.		
5/29/2012	EAB	Attention to WC matter; attention to JB Harris claim; telephone conference with Mayor Stanczyk; telephone conference with Mr. Silva; and telephone conference with Mr. Williams.	1.00	185.00
5/30/2012	EAB	Telephone conference with Ms. Corrice Patterson; attention to volunteer activity waiver; attention to WC matter; communications with Tenex matter; telephone conference with Mrs. Carmona-Gonzalez, Mr. Kirk Hearin, and B&A Architects; and revised agreement regarding Thalatta.	1.50	277.50
5/30/2012	EAB	Telephone conference with Ms. Gerald; telephone conference with VM Pariser; communications with Ms. Tellam and Mr. Gibbs; and attention to ballot language and decorum.	0.50	92.50
5/30/2012	EAB	Prepared for and attended CRC meeting.	2.00	370.00
5/31/2012	EAB	Attended meeting with Mr. Shubin, Mr. Ed Swakon, their client, Mr. Silva, Mrs. Carmona-Gonzalez; Mr. Hearin; meeting with Mr. Hearin and Mrs. Carmona- Gonzalez; telephone conference with Mr. Jeff Hochman; telephone conference with VM Brian Pariser; telephone conference with Mr. Williams; telephone conferences with Mr. Delsalle and Mrs. Alexander; attention to P&Z notices and advertising; telephone conference with Mayor Stanczyk; attention to 1983 claim; and attention to WC liability issues.	5.00	925.00
6/1/2012	EAB	Attention to Paula Palm public record request re: Zisman; telephone conference with Mr. Williams and Commander Truitt; communications with the MDCCEPT; telephone conference with CP Lindsay; telephone conference with Mr. Williams, Mr. Darby Delsalle, and Mrs. Alexander; attention to agenda items; telephone conference with Mr. Delsalle on pending items; attention to resident inquiry; and telephone conference with Mr. Williams regarding Burche property.	3.60	666.00
6/1/2012	EAB	Attention to agenda items; and telephone conference with Mr. Williams, Mr. Delsalle, etc.	1.00	185.00
6/4/2012	EAB	Attended meeting with Mr. Delsalle; attended meeting with Mr. Delsalle and Mr. Williams; attended meeting with Mr. Delsalle and Mayor Stanczyk; meeting with Mayor Stancyzk; meeting with Mayor and Mr. Williams; telephone conferences with Mr. Howard Tendrich and Mr. Williams; telephone conference with Mr. Williams and CP Lindsay; follow up with VM Pariser on agenda items; follow up with Clerk on agenda items; follow up with council on financial disclosures; attention to agenda items; communications with Mr. Friedman; telephone conference with Mr. Ferro regarding CRC; and responded to inquiries by VM Pariser.	6.50	1,202.50
6/4/2012	EAB	Prepared for and attended Council meeting.	3.50	647.50
6/5/2012	EAB	Finalized Charter amendments, ballot questions, and resolution; communications with the CRC; and began drafting charter amendment memorandum with legal research; telephone conference with Mrs. Alexander; telephone conference with CP	5.00	925.00

		Tendrich; telephone conference with Mr. Ferro; telephone conference with Mr. Williams; and telephone conference with Mr. Delsalle.		
6/5/2012	EAB	Telephone conference with Mrs. Alexander regarding advertising; follow up with Mr. Chad Friedman regarding PACE program; telephone conference with Ms. Miriam Ramos (Sunshine and PACE); telephone conference with Mayor Stanczyk; communications with Mr. Friedman; and coordinated meeting on PACE.	0.60	111.00
6/6/2012	EAB	Finalized CRC memorandum and research (2.5); communications with CRC Board; drafted AN zoning resolution; telephone conferences with Mrs. Alexander on pending items, update on approved items; preparing COW agenda and upcoming agenda items, including advertising; telephone conference with Mr. Williams; telephone conference with Mr. Friedman on PACE Program; communications with Mayor Stanczyk on PACE program; telephone conference with Mr. Silva regarding permitting issue between divorcing spouses and authorization relating to same; attention to Floodplain matter with Mr. Silva; telephone conference with Mr. Shubin; communications with Tenex; follow up on FDOT paperwork; and follow up on FT&I modification.	5.00	925.00
6/6/2012	EAB	Attended budget workshop.	1.50	277.50
6/7/2012	EAB	Meeting with MDCCEPT with Mrs. Ramos and Mrs. Victoria Frigo.	2.00	370.00
6/7/2012	EAB	Follow up on permitting issue; telephone conference with Mr. Silva; telephone conference with Mr. Delsalle on pending items; and telephone conference with Mrs. Carmona-Gonzalez on RFP.	0.70	129.50
6/8/2012	EAB	Provided guidance to Building Official on permitting matter; provided guidance to Mrs. Carmona-Gonzalez on RFP item; provided guidance to staff on gift policy and conflict inquiry; and telephone conference with MDCCEPT regarding gift matter.	1.00	185.00
6/8/2012	EAB	Follow up on Garcia, dog park matter; and communications with Shubin's office on Burch property.	0.30	55.50
6/8/2012	EAB	Meeting with CP Lindsay.	3.00	555.00
6/8/2012	EAB	Revised and updated ballot question cover memorandum.	1.50	277.50
6/11/2012	EAB	Continued to draft memorandum on ballot question and drafted revision to FT&I Ordinance; telephone conference with CP Tendrich; and communications with the MDCCEPT; began drafting Neighborhood Protection revisions; telephone conference with CP Lindsay; telephone conference with Mrs. Frigo; continued to draft agenda items; and attention to PT oral argument.	7.00	1,295.00
6/11/2012	EAB	Attended COW.	3.50	647.50
6/12/2012	EAB	Edited moratorium ordinance and telephone conference with Mr. Delsalle.	1.00	185.00
6/12/2012	EAB	Attention to Burche property; telephone conference with Mr.	1.00	185.00

		Williams, Mr. Silva, Mr. Delsalle; telephone conference with CP Lindsay; and attention to NP with Mr. Delsalle.		
6/13/2012	EAB	Attended meeting with Mr. Silva, Mr. Delsalle, Mr. Nunez, and Mr. Williams; additional meetings with Mr. Efrain Nunez and Mr. Delsalle; and follow up on Burche matter.	2.50	462.50
6/13/2012	EAB	Telephone conference with Johnson Anselmo firm regarding Dog Park incident litigation and pending discover relating to same.	0.30	55.50
6/13/2012	EAB	Research relating to Citizen's Bill of Rights, First Amendment and public comments during council meeting and provided direction to Village Council.	1.00	185.00
6/13/2012	EAB	Communications with CP Patterson and Tenex.	0.30	55.50
6/13/2012	EAB	Telephone conference with CP Tendrich; and revised advisory board guidelines; updated moratorium memorandum and ordinance (Several drafts).	1.20	222.00
6/14/2012	EAB	Continued to draft edits to LDC per the NP proposal of CP Lindsay; and continued edits on 30-30.4; communications with CP Lindsay, P&Z Director and Manager; and telephone conference with Mr. Williams and Mrs. Alexander.	3.00	555.00
6/14/2012	EAB	Follow up on Burch matter.	0.20	37.00
6/14/2012	EAB	Telephone conference with Mr. Ferro on legislation re B-1 district.	0.40	74.00
6/14/2012	EAB	Telephone conference with Mrs. Eileen Mehta; and telephone conference with Mr. Delsalle regarding PT wall.	1.00	185.00
6/18/2012	EAB	Attention to MOW and Go RFQ; attention to B-1 Uses ordinance and revisions; telephone conference with Mr. Delsalle; and follow up with MDCCEPT.	1.00	185.00
6/18/2012	EAB	Attended agenda review; meeting with Mr. Williams and Mayor Stanczyk; meeting with Ms. Patterson; meeting with Mr. Williams and Mrs. Alexander; began review and revision of agenda items; finalized moratorium memorandum; finalized memoranda to ordinances for first and second reading; and telephone conference with CP LIndsay.	5.50	1,017.50
6/18/2012	EAB	Communications with Village Council regarding this matter.	0.10	18.50
6/19/2012	EAB	Meeting with Mr. Williams and Ms. Alexander re: pending items; and telephone conversation wht Mayor Stanzyck re: permitting issues.	0.60	111.00
6/20/2012	EAB	Attention to pending items; telephone conference with Mrs. Carmona-Gonzalez; telephone conference with Mr. Silva; communications with staff; telephone conference with Mr. Delsalle; and attention to agenda items.	2.00	370.00
6/21/2012	EAB	Attention to agenda items; prepared CP Tendrich's procedures ordinance on one minute rebuttal; prepared staff report; telephone conference with Ms. Costa; telephone conference with Mr. Williams; and coordinated agenda items for finalization and Village	3.00	555.00

Attorney update.

Total Professional Services 17,205.00

Rate Summary

	Eve A. Boutsis	93.00 hours at $185.00/hr	17,205.00
	Total hours:	93.00	17,205.00

Disbursements

5/4/2012	Courier charge for delivery to Johnson & Selmo.	76.77
5/31/2012	Database Legal research	381.12
6/21/2012	Disbursements incurred - 2.0%	344.10

Payments and Credits

6/21/2012	Check No.: 15150	16,714.71
	Sub-total Payments:	16,714.71

For Professional Services	17,205.00
For Disbursements Incurred	801.99
Current Balance:	18,006.99
Previous Balance:	16,714.71
Payments - Thank you	16,714.71
Total Due	**18,006.99**

To be properly credited, please indicate Invoice Number on your remittance check.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

FIGUEREDO & BOUTSIS, P.A.
ATTORNEYS & COUNSELORS

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344 Facsimile: (305) 235-9372

Shelley Stanczyk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

June 21, 2012
Matter ID: 0293-002
Zoning Applications
Invoice Number 20404

			Hours	Amount
5/30/2012	EAB	Revised zoning resolution - Belkram.	0.70	129.50
6/4/2012	EAB	Attention to Beltran resolution; finalized same; telephone conference with Mrs. Meighan Alexander and Mr. Darby Delsalle regarding same.	0.40	74.00
6/14/2012	EAB	Communications regarding substantial compliance, administrative waiver, site plan approval, resolution relating to same re; PT Wall; telephone conference with Mr. Delsalle; telephone conference with Mr. Ron Williams; and communications with Council regarding same.	1.50	277.50
6/15/2012	EAB	Attended meeting with Mr. Ed Silva, Mr. Efrain Nunez, Mr. Delsalle; telephone conference with Mr. Williams; drafted correspondence to Ms. Eileen Mehta; and attention to Fudruckers and signage matter for another applicant.	2.50	462.50
6/18/2012	EAB	Telephone conference with Mr. Silva; telephone conference with Council regarding PT wall; discussion with Mayor Shelley Stanczyk; and discussion with VM Brian Pariser.	0.80	148.00
6/18/2012	EAB	Reviewed correspondence from Mr. Stan Price and drafted response; telephone conference with Mr. Silva; and telephone conference with Mr. Delsalle.	0.60	111.00
6/20/2012	EAB	Attention to PT wall.	0.60	111.00
6/21/2012	EAB	Communications with Ms. Mehta; communications with Council; and communications with Mr. Silva and Mr. Delsalle.	0.60	111.00
		Total Professional Services		1,424.50

Rate Summary

Eve A. Boutsis	7.70 hours at $185.00/hr	1,424.50

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

	Total hours:	7.70	1,424.50
6/21/2012	Disbursements incurred - 2.0%		28.49
Payments and Credits			
6/21/2012	Check No.: 15150		1,792.65
		Sub-total Payments:	1,792.65

For Professional Services	1,424.50
For Disbursements Incurred	28.49
Current Balance:	1,452.99
Previous Balance:	1,792.65
Payments - Thank you	1,792.65
Total Due	**1,452.99**

To be properly credited, please indicate Invoice Number on your remittance check.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

FIGUEREDO & BOUTSIS, P.A.
ATTORNEYS & COUNSELORS

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344 Facsimile: (305) 235-9372

Shelley Stanczyk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

June 21, 2012
Matter ID: 0293-027
Palmer Trinity Private School,
Invoice Number 20405

			Hours	Amount
6/13/2012	EAB	Communications with Mr. Jeff Hochman.	0.20	37.00
		Total Professional Services		37.00

Rate Summary

	Eve A. Boutsis	0.20 hours at $185.00/hr	37.00
	Total hours:	0.20	37.00
6/21/2012	Disbursements incurred - 2.0%		0.74

Payments and Credits

6/21/2012	Check No.: 15150	56.61
	Sub-total Payments:	56.61

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

For Professional Services	37.00
For Disbursements Incurred	0.74
Current Balance:	37.74
Previous Balance:	56.61
Payments - Thank you	56.61
Total Due	**37.74**

To be properly credited, please indicate Invoice Number on your remittance check.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

FIGUEREDO & BOUTSIS, P.A.
ATTORNEYS & COUNSELORS

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344 Facsimile: (305) 235-9372

Shelley Stanczyk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

June 21, 2012
Matter ID: 0293-029
Palmer Trinity v. VPB - Appeal
Invoice Number 20406

			Hours	Amount
5/31/2012	EAB	Attention to oral argument; and telephone conferences with council persons regarding same.	0.40	74.00
6/4/2012	EAB	Communications with Justice Raoul Cantero.	0.20	37.00
6/9/2012	EAB	Communications with Justice Cantero.	0.30	55.50
6/12/2012	EAB	Telephone conference with Justice Cantero; attended oral argument; after action discussions; follow up on process going forward; telephone conference with VM Brian Pariser; and discussion with staff.	3.40	629.00
		Total Professional Services		795.50

Rate Summary

	Eve A. Boutsis	4.30 hours at $185.00/hr	795.50
	Total hours:	4.30	795.50
6/21/2012	Disbursements incurred - 2.0%		15.91

Payments and Credits

5/22/2012	Check No.: 14993	773.67
	Sub-total Payments:	773.67

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	795.50
For Disbursements Incurred	15.91
Current Balance:	811.41
Previous Balance:	773.67
Payments - Thank you	773.67
Total Due	**811.41**

To be properly credited, please indicate Invoice Number on your remittance check.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

FIGUEREDO & BOUTSIS, P.A.
ATTORNEYS & COUNSELORS

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344 Facsimile: (305) 235-9372

Shelley Stanczyk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

June 21, 2012
Matter ID: 0293-060
Shores at Palmetto Bay vs. VPB
Invoice Number 20407

			Hours	Amount
5/23/2012	EAB	Communications with Mr. Juan Carlos Planas; and follow up on settlement.	0.60	111.00
5/29/2012	EAB	Telephone conference with Mr. Juan Carlos Planas.	0.30	55.50
6/14/2012	EAB	Follow up with Mr. Juan Carlos Planas.	0.20	37.00
		Total Professional Services		203.50

Rate Summary

Eve A. Boutsis	1.10 hours at $185.00/hr	203.50
Total hours:	1.10	203.50

Disbursements

5/21/2012	Court reporter-A/C Session	454.50
6/21/2012	Disbursements incurred - 2.0%	4.07

Payments and Credits

5/22/2012	Check No.: 14993	754.80
	Sub-total Payments:	754.80

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	203.50
For Disbursements Incurred	458.57
Current Balance:	662.07
Previous Balance:	754.80
Payments - Thank you	754.80
Total Due	**662.07**

To be properly credited, please indicate Invoice Number on your remittance check.

RESOLUTION NO. 2011-73

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR WHITE & CASE IN THE AMOUNT OF $19,284.68; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay authorizes the use of the services of White & Case in the appellate litigation before the Third District Court of Appeal in the matter entitled Palmer Trinity Private School v. the Village of Palmetto Bay; and,

WHEREAS, WHITE & CASE, submitted its statements to the Village for legal services rendered, and costs advanced, for the period ending June 22, , 2012, in the amount of $19,284.68; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

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

Section 1. The statements for attorneys' fees and costs received from WHITE & CASE, in the total amount of $19,284.68, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this _____ day of July, 2012.

Attest: _____
Meighan Alexander
Village Clerk

_____
Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

_____
Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Howard J. Tendrich _____

Council Member Joan Lindsay _____

Vice-Mayor Brian W. Pariser _____

Mayor Shelley Stanczyk. _____

WHITE & CASE

Village of Palmetto Bay
Attn: Ron E. Williams, Village Manager
Village Hall
9705 E. Hibiscus Street
Palmetto Bay, FL 33157

White & Case LLP
Wachovia Financial Center, Suite 4900
200 South Biscayne Boulevard
Miami, Florida 33131-2352

Federal Identification Number 13-5605970

June 22, 2012
Invoice No. 1008119

REMITTANCE COPY

re: PALMER TRINITY SCHOOL
Ref. No. 1580701-0002

FOR PROFESSIONAL SERVICES RENDERED in connection with the above-referenced matter for the period ending June 21, 2012	$	18,948.50
COSTS AND DISBURSEMENTS		336.18
TOTAL DUE	$	19,284.68

PAYMENT INSTRUCTIONS

This invoice is due upon receipt. Wire or ACH payment should be made to the account of White & Case LLP, Account No. 301177137265 at JPMorgan Chase, 270 Park Avenue, New York, NY 10017 (ABA No. 021-000021/Swift Code: CHASUS33). For proper crediting the wire/ACH must reference 1580701-0002 VILLAGE OF PALMETTO BAY.

Alternatively, payment can be made by check to "White & Case LLP" as payee, referencing 1580701-0002 VILLAGE OF PALMETTO BAY on the face of the check, and mailing the check to our Remittance Address: WHITE & CASE LLP, 23802 Network Place, Chicago, IL 60673-1238.

WHITE & CASE

Village of Palmetto Bay
Attn: Ron E. Williams, Village Manager
Village Hall
9705 E. Hibiscus Street
Palmetto Bay, FL 33157

June 22, 2012
Invoice No. 1008119

re: PALMER TRINITY SCHOOL
Ref. No. 1580701-0002

FOR PROFESSIONAL SERVICES RENDERED in connection with the above-referenced matter for the period ending June 21, 2012 as follows:

04/18/12	Scanned key documents to Case Management Database. Updated pleading and correspondence indexes and organized files.	K GONZALEZ	.40	24.00
05/31/12	Receive and review notice of oral argument; email to L. Coppolecchia re: preparation for oral argument.	R CANTERO	.20	130.00
06/01/12	Confer with E. Coppolecchia re: format of legal authority in electronic form, organize in electronic form by individual case and name each .pdf with case caption for L. Coppolecchia's to assist R. Cantero in preparation of upcoming oral argument	S BLATT	2.30	310.50
06/02/12	Review briefs in preparation for oral argument.	R CANTERO	1.60	1,040.00
06/04/12	Telephone conversation with E. Boutsis re: oral argument.	R CANTERO	.10	65.00
06/04/12	Coded and Scanned key documents to Case Management Database. Updated pleading and correspondence indexes and organized files.	K GONZALEZ	.40	24.00
06/06/12	Review legal files in preparation for oral argument.	R CANTERO	1.80	1,170.00
06/07/12	Review legal files in preparation for oral argument.	R CANTERO	1.80	1,170.00
06/08/12	Review legal files in preparation for oral argument.	R CANTERO	4.70	3,055.00
06/09/12	Prepare for oral argument.	R CANTERO	6.60	4,290.00
06/11/12	Prepare for oral argument.	R CANTERO	8.30	5,395.00
06/12/12	Prepare for and attend oral argument.	R CANTERO	3.50	2,275.00

TOTAL PROFESSIONAL FEES	**$**	**18,948.50**
COSTS AND DISBURSEMENTS		
Courier Service		160.00
Photocopying		98.28
Postage		3.90
Word Processing		74.00
TOTAL COSTS AND DISBURSEMENTS	**$**	**336.18**
TOTAL DUE	**$**	**19,284.68**

TIME SUMMARY

TIMEKEEPER	TITLE	RATE	HOURS	FEES
R CANTERO	Partner	650.00	28.60	18,590.00
S BLATT	Legal Assistant	135.00	2.30	310.50
K GONZALEZ	Legal Assistant	60.00	0.80	48.00
	TOTALS		31.70	18,948.50

RESOLUTION NO. 2011-73

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR WHITE & CASE IN THE AMOUNT OF $19,284.68; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay authorizes the use of the services of White & Case in the appellate litigation before the Third District Court of Appeal in the matter entitled Palmer Trinity Private School v. the Village of Palmetto Bay; and,

WHEREAS, WHITE & CASE, submitted its statements to the Village for legal services rendered, and costs advanced, for the period ending June 22, , 2012, in the amount of $19,284.68; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

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

Section 1. The statements for attorneys' fees and costs received from WHITE & CASE, in the total amount of $19,284.68, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this _____ day of July, 2012.

Attest: _____
Meighan Alexander
Village Clerk

_____
Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

_____
Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Howard J. Tendrich _____

Council Member Joan Lindsay _____

Vice-Mayor Brian W. Pariser _____

Mayor Shelley Stanczyk. _____

WHITE & CASE

Village of Palmetto Bay
Attn: Ron E. Williams, Village Manager
Village Hall
9705 E. Hibiscus Street
Palmetto Bay, FL 33157

White & Case LLP
Wachovia Financial Center, Suite 4900
200 South Biscayne Boulevard
Miami, Florida 33131-2352

Federal Identification Number 13-5605970

June 22, 2012
Invoice No. 1008119

REMITTANCE COPY

re: PALMER TRINITY SCHOOL
Ref. No. 1580701-0002

FOR PROFESSIONAL SERVICES RENDERED in connection with the above-referenced matter for the period ending June 21, 2012	$	18,948.50
COSTS AND DISBURSEMENTS		336.18
TOTAL DUE	$	19,284.68

PAYMENT INSTRUCTIONS

This invoice is due upon receipt. Wire or ACH payment should be made to the account of White & Case LLP, Account No. 301177137265 at JPMorgan Chase, 270 Park Avenue, New York, NY 10017 (ABA No. 021-000021/Swift Code: CHASUS33). For proper crediting the wire/ACH must reference 1580701-0002 VILLAGE OF PALMETTO BAY.

Alternatively, payment can be made by check to "White & Case LLP" as payee, referencing 1580701-0002 VILLAGE OF PALMETTO BAY on the face of the check, and mailing the check to our Remittance Address: WHITE & CASE LLP, 23802 Network Place, Chicago, IL 60673-1238.

WHITE & CASE

Village of Palmetto Bay
Attn: Ron E. Williams, Village Manager
Village Hall
9705 E. Hibiscus Street
Palmetto Bay, FL 33157

June 22, 2012
Invoice No. 1008119

re: PALMER TRINITY SCHOOL
Ref. No. 1580701-0002

FOR PROFESSIONAL SERVICES RENDERED in connection with the above-referenced matter for the period ending June 21, 2012 as follows:

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TOTAL PROFESSIONAL FEES	**$**	**18,948.50**
COSTS AND DISBURSEMENTS		
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Postage		3.90
Word Processing		74.00
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TOTAL DUE	**$**	**19,284.68**

TIME SUMMARY

TIMEKEEPER	TITLE	RATE	HOURS	FEES
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S BLATT	Legal Assistant	135.00	2.30	310.50
K GONZALEZ	Legal Assistant	60.00	0.80	48.00
	TOTALS		31.70	18,948.50

To: Honorable Mayor and Village Council

Date: July 2, 2012

From: Ron E. Williams, Village Manager

Re: Miami-Dade County League of Cities Transit Surtax Interlocal Agreement Negotiations

A RESOLUTION OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY LEAGUE OF CITIES' EFFORTS TO NEGOTIATE A NEW CHARTER COUNTY TRANSIT SYSTEM SURTAX INTERLOCAL AGREEMENT ON BEHALF OF THE MUNICIPALITIES IN MIAMI-DADE COUNTY; APPOINTING A VILLAGE REPRESENTATIVE; PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

On July 9, 2002, the Miami-Dade County Board of County Commissioners (BCC) passed and adopted Ordinance No. 02-116, amending Chapter 29 of the Code of Miami-Dade County by adding Article XVI- One Half Percent Charter County Transit Sales Surtax Authorized by Section 212.055(1), Florida Statues. Ordinance No. 02-116 provides, in relevant part, Sec. 29-124(f) twenty percent of surtax proceeds shall be disturbed annually to those cities existing as of November 5, 2002 that meet the following conditions:(ii) apply 20% of any surtax proceeds received to transit uses (iii) surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis (g) newly incorporated cities shall have the right to negotiate with the County for a pro rata share of the sales tax and shall not affect the twenty (20%) percent share provided the municipalities existing on November 5, 2002.

The Village entered into an Interlocal Agreement (ILA) with Miami Dade County. The ILA executed in 2007 has a five-year term with an expiration date of July 10, 2012. A revised ILA is under development with input from the Citizen Independent Transportation Trust (CITT), the County and the municipalities. In the event that a new ILA has not been entered into prior to the stated expiration date, the existing agreement will continue until such time a new ILA is entered into.

On May 14, 2012, the Miami-Dade County League of Cities hosted a meeting with municipal managers and/or their representatives with reference to the Charter County Transit System Surtax Interlocal Agreements (2003, 2007 and 2011) between the County and those municipalities receiving Charter County Transit System Surtax funds. The meeting provided

a review of input compiled from all the municipalities with regards to the upcoming negotiations for a new Interlocal Agreement (the "Agreement").

The Miami-Dade County League of Cities, together with member municipalities, is creating a committee to begin discussions with Mayor Carlos Gimenez and his staff regarding the Agreement. The Miami-Dade County League of Cities has requested that every municipality adopt a resolution identifying the position the league will take on behalf of the municipalities, assign a member that is authorized to represent the Village and authorize the league to begin negotiating an Agreement with the County on behalf of the Village.

The following are some suggested new (or reintroduced) terms as defined by the Miami-Dade County League of Cities for the new Interlocal Agreement negotiations (Exhibit A):

- Eliminate 20% transit requirements - making 100% of funds available for transportation related purposes.
- Define "transportation" purposes to include but not limited to the provisions of F.S. 212.055 with the relevant sub-references to the F.S. 334.03 and 335.065(1)(a).
- Allow for an annual independent audit to be overseen by an established municipal committee to audit the County's use of the surtax funds with the same regularity as the County audits municipalities.
- Eliminate the required baseline maintenance of efforts.
- Distributed net proceeds to municipalities incorporated after November 2, 2002 shall not be reduced or affect the municipal share for eligible municipalities.
- Identify a percent of the County's 80% (based on population) that is dedicated to UMSA with the intent to allocate to future annexations and incorporations.
- Allow for the Agreement to remain in effect from year to year for so long as the County receives net proceeds.
- Provide "favored nation" status to municipalities so as to grant the same exemptions and rights that the County grants itself and/or other eligible municipalities.
- Need to define "cause" related to "termination" and/or when County "withholds" surtax funds.
- Reduce reporting requirements to annually not quarterly and tied to the certification requirement of the work completed.

The Department of Public Works recommends that it is in the best interest of the Village to authorize Miami-Dade County League of Cities to negotiate an Agreement with Miami-Dade County on behalf of the Village of Palmetto Bay, additionally, authorizing the Village Manager or his representative to represent the Village on this matter.

FISCAL/BUDGETARY IMPACT
None.

RECOMMENDATION
Approval is recommended

RESOLUTION NO. _____

A RESOLUTION OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE MIAMI-DADE COUNTY LEAGUE OF CITIES' EFFORTS TO NEGOTIATE A NEW CHARTER COUNTY TRANSIT SYSTEM SURTAX INTERLOCAL AGREEMENT ON BEHALF OF THE MUNICIPALITIES IN MIAMI-DADE COUNTY; APPOINTING A VILLAGE REPRESENTATIVE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 9, 2002, the Miami-Dade County Board of County Commissioners (BCC) passed and adopted Ordinance No. 02-116, amending Chapter 29 of the Code of Miami-Dade County by adding Article XVI- One Half Percent Charter County Transit Sales Surtax Authorized by Section 212.055(1), Florida Statues; and

WHEREAS, Ordinance No. 02-116 provides, in relevant part, Sec. 29-124(f) Twenty percent of surtax proceeds shall be disturbed annually to those cities existing as of November 5, 2002 that meet the following conditions:(ii) apply 20% of any surtax proceeds received to transit uses (iii) surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis (g) newly incorporated cities shall have the right to negotiate with the County for a pro rata share of the sales tax and shall not affect the twenty (20%) percent share provided the municipalities existing on November 5, 2002; and

WHEREAS, the Village entered into an Interlocal Agreement (ILA) with Miami Dade County. The ILA executed in 2007 has a five-year term with an expiration date of July 10, 2012; and

WHEREAS, a revised ILA is under development with input from the Citizen Independent Transportation Trust (CITT), the County and the municipalities; and

WHEREAS, on May 14, 2012, the Miami-Dade County League of Cities hosted a meeting with municipal managers and/or their representatives with reference to the Charter County Transit System Surtax Interlocal Agreements (2003, 2007 and 2011) between the County and those municipalities receiving Charter County Transit System Surtax funds; and

WHEREAS, the Miami-Dade County League of Cities, together with member municipalities, is creating a committee to begin discussions with Mayor Carlos Gimenez and his staff regarding the Agreement; and

WHEREAS, the Miami-Dade County League of Cities has requested that every municipality adopt a resolution identifying the position the league will take on behalf of the municipalities, assign a member that is authorized to represent the Village and authorize the league to begin negotiating an Agreement with the County on behalf of the Village; and

WHEREAS, Exhibit A attached hereto, describes the suggested new (or reintroduced) terms as defined by the Miami-Dade County League of Cities for the new Interlocal Agreement negotiations.

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

Section 1. That the Village Manager is hereby authorized to represent the Village on this matter.

Section 2. That the Miami-Dade County League of Cities is hereby authorized to negotiate an Agreement with the County on behalf of the Village.

Section 3. This Resolution shall become effective immediately.

PASSED AND ADOPTED this _____ day of July, 2012.

Attest: _____

Meighan J. Alexander
Village Clerk

_____

Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

_____

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

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Howard J. Tendrich _____

Council Member Joan Lindsay _____

Vice-Mayor Brian W. Pariser _____

Mayor Shelley Stanczyk. _____

Corrice Patterson

From:	Miami-Dade County League of Cities <mdclc@bellsouth.net>
Sent:	Thursday, June 14, 2012 4:56 PM
To:	Miami-Dade County League of Cities
Subject:	CITT Working Group meeting with the County: Charter County Transit System Surtax Interlocal Agreements
Attachments:	bullet points.pdf; Village of Pinecrest Resolution.pdf

CITT Group Members:

I want to inform you that this morning we had our first meeting regarding the Charter County Transit System Surtax Interlocal Agreements with Deputy Mayor/County Manager Alina Hudak, Mayor Gimenez's Deputy Chief of Staff Jose Ferro, Charles Scurr, CITT and members of the County staff. The League was represented by attorneys Jimmy Morales, Murray Greenberg, myself and the MDCLC CITT working group. Jimmy presented the Leagues position which represents all 34 municipalities. Attached are the bullet points that represents our position and that we previously sent you for your review.

The meeting was productive. Ms. Hudak will review our position with County staff, discuss it with the Mayor and contact the League with their comments. This was the first meeting and we anticipate the process will take approximately six months.

Please remember that it is critical that all the municipalities continue to work together in order to reach our goals and objectives. On behalf of the working group the League is once again requesting that every municipality that has not yet adopted the resolution to please do so at their next commission meeting. The resolution identifies that the attached bullet points represent the positions the League will take on behalf of your municipality; said resolution should assign a member of your municipality that is authorized to represent your municipality, and that authorizes the League to begin negotiating with the County on your behalf. Please send the League a copy of your resolution. Remember that we are most effective when we work as a team. Attached is a sample resolution that was adopted by the Village of Pinecrest for your review.

We will keep you informed as we continue our discussions with the County.

Richard Kuper, Esq.
Executive Director
Miami-Dade County League of Cities
226 East Flagler Street, Ste. 200
Miami, FL 33131
(305) 416-4155
(305) 416-4157
mdclc@bellsouth.net
www.mdclc.org

Interlocal Agreement for Distribution of Transit System Surtax Proceeds

2003 Agreement

- Cities: Pinecrest, South Miami, North Miami Beach, Virginia Gardens, Miami Beach.

2007 Agreement

- Cities: Miami Springs, Aventura, Bal Harbour Village, Bay Harbor Islands, Miami, Key Biscayne, Village of El Portal, Indian Creek Village, West Miami, Sunny Isles Beach, North Bay Village, Sweetwater, Miami Lakes, Florida City, Biscayne Park, Hialeah, Surfside, Palmetto Bay, Hialeah Gardens.

2011 Agreement

- Cities: Town of Cutler Bay, Miami Gardens, Doral

Terms	2003	2007	2011	Comments
2003 Agreement				
Net Proceeds means portion of surtax proceeds collected by FDOR.	X			
County Distributes 20% of net proceeds ("municipal share") to cities existing as of Nov. 5, 2002, classified as "eligible cities".	X	X		***Should provide for time frame for distribution of funds.***
Municipal share distributed among eligible cities on pro rata basis, adjusted annually.	X	X		
Whenever annexation occurs in any eligible city, population of annexed area shall be excluded.	X			*Silent in 2007 & 2011 Agreements*
Increases in population in areas annexed over and above population in such area at the time of annexation, which occur after annexation shall be included in subsequent year's calculations.	X			*Silent in 2007 & 2011 Agreements*
Cities cannot replace general fund support for transportation, only supplement.	X	X	X	
Cities shall only expend the portion of the municipal share for transportation and transit purposes (FS 212.055 (1)(d) 1-3).	X			***Similar wording in 2007 &2011 Agreements***
City shall on an annual basis, apply 20% to transit uses- circulator buses, bus shelters, bus pullout bays or other transit-related.	X	X	X	
If City cannot apply 20%, City may contact County to apply on county project that enhances traffic mobility within the City.	X	X	X	
If City and County cannot expend the 20%, then portion will be carried over and added to municipal share to be distributed amongst the eligible cities.	X	X	X	
Net proceeds distributed to cities incorporated after Nov. 5, 2002, shall not reduce or affect the municipal share for eligible cities.	X			***Removed from 2007 &2011 Agreements***
By June 1 of each yr, cities will certify same level of general funding support for transportation in FY 2001-2002, using share in accordance with agreement.	X			*Similar wording in 2007 &2011 Agreement. Date changed from June 1 to November 1.*
If cities failed to meet certification requirements, after opportunity to correct deficiencies, the pro rata portion of the municipal share will not be distributed to the city and be redistributed to remaining eligible cities.	X	X	X	*Similar wording in 2007 &2011 Agreements*
Cities such submit records as requested by CITT.	X			*Similar wording in 2007 &2011 Agreements*
CITT has power to monitor, oversee, review audit and investigate the city's implementation of any project funded by the municipal share.	X			*Similar wording in 2007 &2011 Agreements*
City does not have to obtain prior approval of the CITT to select the transportation and transit projects or award of contracts.	X			***Silent in 2007 & 2011 Agreements***
County may audit the funds received by the city to assure compliance with laws, County Ordinance 02-116 and this agreement.	X			*Similar wording in 2007 &2011 Agreements*
Agreement shall remain in effect from year to year for so long as county receives net proceeds.	X			
2007 Agreement				
Under Whereas. Cities continue to provide same level of general fund support for transportation that was in its FY2001-2002 budget in the subsequent years.		X	X	*Similar wording to 2003.*
Under Article 2.1-Terms of Agreement. Agreement shall remain in force for five (5) years thereafter.		X	X	
Under Article 2.2- Termination. Agreement may be terminated for cause by either party no less than 30 days written notice to the other party.		X	X	***Need to define "cause".***
Under Article 2.2. The noticed party of termination of the agreement shall have an opportunity to cure.		X	X	

Terms	2003	2007	2011	Comments
Under Article 2.2. County may suspend or terminate the dispersing of surtax proceeds to the City if there is a breach of this Interlocal Agreement until such breach is cured.		X	X	
Under Article 3- Accomplishment of Projects. On a quarterly basis, cities shall provide a report regarding the implementation of the projects.		X	X	*Increased reporting requirements*
Under Article 4- Accounting Records. City to appropriately record in the program account, payments and deposits..... in a matter as described by State law for the security of public Funds, or as approved by the County.		X	X	
Under Article 4. By November 1, of each year, cities will certify same level of general funding provided in FY 2001-2002, using share in accordance with agreement.		X	X	*Similar wording in 2003 Agreement. Date changed from June 1 to November 1.*
Under Article 4. City shall maintain for projects and programs in conformity with "Principals for State and Local Governments.		X	X	
Under Article 4. Documentation of Program Costs.....all costs associated with the program will be supported by proper documentation.		X	X	
Under Article 5- Audit and Inspection. By November 1 a certified report with a disclosure of surtax proceeds expended, followed by independent audit report six (6) months after the fiscal year end. City agrees to cooperate with CITT and County agencies, including providing access to records upon request. City retain records for three years from date audit report is issued.		X	X	
Under Article 5. If audit discloses noncompliance, the City such submit plan for corrective action.		X	X	
Under Article 5. City shall permit and/or require Contractor to permit County and CITT to access all records.		X	X	
Under Article 6- Restrictions, Prohibitions, Controls, and Labor Provisions. Equal Employment Opportunity.....		X	X	
Under Article 6. Civil Rights Act of 1964.....		X	X	
Under Article 6. Americans with Disabilities Act of 1990.....		X	X	
Under Article 6. Prohibited Interested.....		X	X	
Under Article 6. Interest of Members of, or Delegates to, Congress.....		X	X	
Under Article 7- Miscellaneous Provisions. Environmental Pollution....		X	X	
Under Article 7. Not Obligated to third Parties.....		X	X	
Under Article 7. When Rights and Remedies Not Waived.....		X	X	
Under Article 7. If any provision of this Agreement is held invalid, the remainder would then continue to conform to terms and requirements of applicable Law.		X	X	
Under Article 7. State or Territorial Law.		X	X	
Under Article 7. Use and Maintenance of Project Facilities and Equipment.....		X	X	
Under Article 7. Signage. Cities shall post a sign indicating surtax proceeds are being used for this project.		X	X	
Under Article 7.Residency requirement. No preferential accommodations or pricing based on residency.		X	X	
Under Article 7. Administrative Expenses. No more than 5% on administrative expenses.		X	X	
Under Article 7. Contractual Indemnity. City hold harmless County and agencies harmless and County holds City harmless.....		X	X	
Under Article 7. County forwards claims to City, arising from the contract.....		X	X	
Under Article 7. County shall have authority to distribute and/or withhold surtax funds.		X	X	***Paragraph should refer to a "cause" for holding back funds.***
Under Article 8- Agreement Format.		X	X	
Under Article 9- Execution of Agreement.		X	X	
Under Article 10- Restrictions on Lobbying.		X	X	
Under Article 11- Modifications and Miscellaneous Provisions.		X	X	
2011 Agreement				
Under Whereas. County Distributes 20% of net proceeds ("municipal share") to cities existing as of Nov. 5, 2002, and those Cities incorporated between Nov.5, 2002 and the date of this agreement that meet certain conditions. (herein, referred to "eligible cities".)			X	*Particular to the Incorporation.*
Under Whereas. County agrees to provide its pro rata share from the County's 80% share of Surtax revenue.			X	*Particular to the Incorporation.*
Under Article 12. Favored Nation Status. The County agrees that the Town will be entitled to the same favorable terms as other eligible Cities without the need for an amendment to this Agreement.			X	***Particular to this Agreement.***

EXHIBIT A

Some suggested new (or reintroduction) of terms for the new Interlocal Agreement:

- Eliminate 20% transit requirements, making 100% of the funds available for transportation purposes;
- Define Transportation purposes to include but not limited the provisions of Florida Statutes 212.055, with the relevant sub-references to the Public Transportation, Chapter 334.03 and Florida Statutes 334.065(1)(a) *(Attached)*;
- Allow for an annual independent audit to be overseen by an established Municipal Committee to audit the County's use of the surtax funds with the same regularity as the County audits the Cities;
- Eliminate the required baseline maintenance of efforts;
- Distributed net proceeds to Cities incorporated after November 5, 2002 shall not be reduced or affect the municipal share for eligible Cities *(similar term exist in the 2003 Agreement)*;
- Identify a percent of the County's 80% (based on population) that is dedicated to UMSA, with the intent to allocate to future annexations and incorporations;
- Allow for the Agreement to remain in effect from year to year for so long as the County receives net proceeds *(similar term exist in the 2003 Agreement)*;
- Provide "favored nations" status to Cities, so as to grant the same exemptions and rights that the County grants itself and/or other eligible Cities *(similar term exist in the 2011 Agreement)*;
- Need to define "cause" related to "termination" and/or when County "withholds" surtax funds; and
- Reduce reporting requirements to annually not quarterly, and tied to the certification requirement of the work completed *(similar term exist in the 2003 Agreement)*.

Select Year: 2011 Go

The 2011 Florida Statutes

Title XIV	Chapter 212	View Entire Chapter
TAXATION AND FINANCE	TAX ON SALES, USE, AND OTHER TRANSACTIONS	

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(a) Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(b) The rate shall be up to 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

(d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:

1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;

2. Remitted by the governing body of the county to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the operation and maintenance of on-demand transportation services, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

3. Used by the county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and

4. Used by the county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph. Any county that has entered into interlocal agreements for distribution of proceeds to one or more municipalities in the county shall revise such interlocal agreements no less than every 5 years in order to include any municipalities that have been created since the prior interlocal agreements were executed.

(e) As used in this subsection, the term "on-demand transportation services" means transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

FOR the	-cent sales tax
AGAINST the	-cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

[1](d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire land for public recreation, conservation, or protection of natural resources; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any related land acquisition, land improvement, design, and engineering costs.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a

minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

2. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit in a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f)1. Notwithstanding paragraph (d), a county that has a population of 50,000 or less on April 1, 1992, or any county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may use the proceeds and interest of the surtax for any public purpose if:

a. The debt service obligations for any year are met;

b. The county's comprehensive plan has been determined to be in compliance with part II of chapter 163; and

c. The county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66 authorizing additional uses of the surtax proceeds and interest.

2. A municipality located within a county that has a population of 50,000 or less on April 1, 1992, or within a county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may not use the proceeds and interest of the surtax for any purpose other than an infrastructure purpose authorized in paragraph (d) unless the municipality's comprehensive plan has been determined to be in compliance with part II of chapter 163 and the municipality has adopted an amendment to its surtax ordinance or resolution pursuant to the procedure provided in s. 166.041 authorizing additional uses of the surtax proceeds and interest. Such municipality may expend the surtax proceeds and interest for any public purpose authorized in the amendment.

3. Those counties designated as an area of critical state concern which qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes authorized by this section. A county that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation, and that qualified to use the surtax for any public purpose at the time of the removal of the designation, may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes for 20 years following removal of the designation, notwithstanding subparagraph

(a)2. After expiration of the 20-year period, a county may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure if the county adopts an ordinance providing for such continued use of the surtax proceeds.

(g) Notwithstanding paragraph (d), a county having a population greater than 75,000 in which the taxable value of real property is less than 60 percent of the just value of real property for ad valorem tax purposes for the tax year in which an infrastructure surtax referendum is placed before the voters, and the municipalities within such a county, may use the proceeds and interest of the surtax for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax throughout the duration of the surtax levy or while interest earnings accruing from the proceeds of the surtax are available for such use, whichever period is longer.

(h) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (3), (4), and (5) in excess of a combined rate of 1 percent.

(3) SMALL COUNTY SURTAX.—

(a) The governing authority in each county that has a population of 50,000 or less on April 1, 1992, may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by an extraordinary vote of the members of the county governing authority if the surtax revenues are expended for operating purposes. If the surtax revenues are expended for the purpose of servicing bond indebtedness, the surtax shall be approved by a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement that includes a brief general description of the projects to be funded by the surtax and conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county that enacts an ordinance calling for a referendum on the levy of the surtax for the purpose of servicing bond indebtedness. The following question shall be placed on the ballot:

FOR the	-cent sales tax
AGAINST the	-cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within the county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or
2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula shall take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d)1. If the surtax is levied pursuant to a referendum, the proceeds of the surtax and any interest accrued thereto may be expended by the school district or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, for the purpose of servicing bond indebtedness to finance, plan, and construct infrastructure and to acquire land for public recreation or conservation or protection of natural resources. However, if the surtax is levied pursuant to an ordinance approved by an extraordinary vote of the members of the county governing authority, the proceeds and any interest accrued thereto may be used for operational

expenses of any infrastructure or for any public purpose authorized in the ordinance under which the surtax is levied.

2. For the purposes of this paragraph, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(e) A school district, county, or municipality that receives proceeds under this subsection following a referendum may pledge the proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. A jurisdiction may not issue bonds pursuant to this subsection more frequently than once per year. A county and municipality may join together to issue bonds authorized by this subsection.

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2), (4), and (5) in excess of a combined rate of 1 percent.

(4) INDIGENT CARE AND TRAUMA CENTER SURTAX.—

(a)1. The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

2. If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

3. The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in subparagraph 4. Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. The plan must also address the services to be provided by the Level I trauma center. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers, including hospitals with a Level I trauma center, will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, promote the advancement of technology in medical services, recognize the level of responsiveness to medical needs in trauma cases, and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991,

must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

4. For the purpose of this paragraph, the term "qualified resident" means residents of the authorizing county who are:

a. Qualified as indigent persons as certified by the authorizing county;

b. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

c. Participating in innovative, cost-effective programs approved by the authorizing county.

5. Moneys collected pursuant to this paragraph remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

a. Maintain the moneys in an indigent health care trust fund;

b. Invest any funds held on deposit in the trust fund pursuant to general law;

c. Disburse the funds, including any interest earned, to any provider of health care services, as provided in subparagraphs 3. and 4., upon directive from the authorizing county. However, if a county has a population of at least 800,000 residents and has levied the surtax authorized in this paragraph, notwithstanding any directive from the authorizing county, on October 1 of each calendar year, the clerk of the court shall issue a check in the amount of $6.5 million to a hospital in its jurisdiction that has a Level I trauma center or shall issue a check in the amount of $3.5 million to a hospital in its jurisdiction that has a Level I trauma center if that county enacts and implements a hospital lien law in accordance with chapter 98-499, Laws of Florida. The issuance of the checks on October 1 of each year is provided in recognition of the Level I trauma center status and shall be in addition to the base contract amount received during fiscal year 1999-2000 and any additional amount negotiated to the base contract. If the hospital receiving funds for its Level I trauma center status requests such funds to be used to generate federal matching funds under Medicaid, the clerk of the court shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that it is allowed through the General Appropriations Act; and

d. Prepare on a biennial basis an audit of the trust fund specified in sub-subparagraph a. Commencing February 1, 2004, such audit shall be delivered to the governing body and to the chair of the legislative delegation of each authorizing county.

6. Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this paragraph and subsections (2) and (3) in excess of a combined rate of 1 percent.

(b) Notwithstanding any other provision of this section, the governing body in each county the government of which is not consolidated with that of one or more municipalities and which has a population of less than 800,000 residents, may levy, by ordinance subject to approval by a majority of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not

exceed 0.25 percent for the sole purpose of funding trauma services provided by a trauma center licensed pursuant to chapter 395.

1. A statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following shall be placed on the ballot:

FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

2. The ordinance adopted by the governing body of the county providing for the imposition of the surtax shall set forth a plan for providing trauma services to trauma victims presenting in the trauma service area in which such county is located.

3. Moneys collected pursuant to this paragraph remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

a. Maintain the moneys in a trauma services trust fund.

b. Invest any funds held on deposit in the trust fund pursuant to general law.

c. Disburse the funds, including any interest earned on such funds, to the trauma center in its trauma service area, as provided in the plan set forth pursuant to subparagraph 2., upon directive from the authorizing county. If the trauma center receiving funds requests such funds be used to generate federal matching funds under Medicaid, the custodian of the funds shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that the agency is allowed through the General Appropriations Act.

d. Prepare on a biennial basis an audit of the trauma services trust fund specified in sub-subparagraph a., to be delivered to the authorizing county.

4. A discretionary sales surtax imposed pursuant to this paragraph shall expire 4 years after the effective date of the surtax, unless reenacted by ordinance subject to approval by a majority of the electors of the county voting in a subsequent referendum.

5. Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this paragraph and subsections (2) and (3) in excess of a combined rate of 1 percent.

(5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in s. 125.011(1) may levy the surtax authorized in this subsection pursuant to an ordinance either approved by extraordinary vote of the county commission or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. In a county as defined in s. 125.011(1), for the purposes of this subsection, "county public general hospital" means a general hospital as defined in s. 395.002 which is owned, operated, maintained, or governed by the county or its agency, authority, or public health trust.

(a) The rate shall be 0.5 percent.

(b) If the ordinance is conditioned on a referendum, the proposal to adopt the county public hospital surtax shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body. The referendum question on the ballot shall include a brief general description of the health care services to be funded by the surtax.

(c) Proceeds from the surtax shall be:

1. Deposited by the county in a special fund, set aside from other county funds, to be used only for the operation, maintenance, and administration of the county public general hospital; and

2. Remitted promptly by the county to the agency, authority, or public health trust created by law which administers or operates the county public general hospital.

(d) Except as provided in subparagraphs 1. and 2., the county must continue to contribute each year an amount equal to at least 80 percent of that percentage of the total county budget appropriated for the operation, administration, and maintenance of the county public general hospital from the county's general revenues in the fiscal year of the county ending September 30, 1991:

1. Twenty-five percent of such amount must be remitted to a governing board, agency, or authority that is wholly independent from the public health trust, agency, or authority responsible for the county public general hospital, to be used solely for the purpose of funding the plan for indigent health care services provided for in paragraph (e);

2. However, in the first year of the plan, a total of $10 million shall be remitted to such governing board, agency, or authority, to be used solely for the purpose of funding the plan for indigent health care services provided for in paragraph (e), and in the second year of the plan, a total of $15 million shall be so remitted and used.

(e) A governing board, agency, or authority shall be chartered by the county commission upon this act becoming law. The governing board, agency, or authority shall adopt and implement a health care plan for indigent health care services. The governing board, agency, or authority shall consist of no more than seven and no fewer than five members appointed by the county commission. The members of the governing board, agency, or authority shall be at least 18 years of age and residents of the county. No member may be employed by or affiliated with a health care provider or the public health trust, agency, or authority responsible for the county public general hospital. The following community organizations shall each appoint a representative to a nominating committee: the South Florida Hospital and Healthcare Association, the Miami-Dade County Public Health Trust, the Dade County Medical Association, the Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade County. This committee shall nominate between 10 and 14 county citizens for the governing board, agency, or authority. The slate shall be presented to the county commission and the county commission shall confirm the top five to seven nominees, depending on the size of the governing board. Until such time as the governing board, agency, or authority is created, the funds provided for in subparagraph (d)2. shall be placed in a restricted account set aside from other county funds and not disbursed by the county for any other purpose.

1. The plan shall divide the county into a minimum of four and maximum of six service areas, with no more than one participant hospital per service area. The county public general hospital shall be designated as the provider for one of the service areas. Services shall be provided through participants' primary acute care facilities.

2. The plan and subsequent amendments to it shall fund a defined range of health care services for both indigent persons and the medically poor, including primary care, preventive care, hospital emergency room care, and hospital care necessary to stabilize the patient. For the purposes of this section, "stabilization" means stabilization as defined in s. 397.311(35). Where consistent with these objectives, the plan may include services rendered by physicians, clinics, community hospitals, and alternative delivery sites, as well as at least one regional referral hospital per service area. The plan shall provide that agreements negotiated between the governing board, agency, or authority and providers shall recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care to draw down federal funds where appropriate, and require cost containment, including, but not limited to, case management. From the funds specified in subparagraphs (d)1. and 2. for indigent health care services, service providers shall receive

reimbursement at a Medicaid rate to be determined by the governing board, agency, or authority created pursuant to this paragraph for the initial emergency room visit, and a per-member per-month fee or capitation for those members enrolled in their service area, as compensation for the services rendered following the initial emergency visit. Except for provisions of emergency services, upon determination of eligibility, enrollment shall be deemed to have occurred at the time services were rendered. The provisions for specific reimbursement of emergency services shall be repealed on July 1, 2001, unless otherwise reenacted by the Legislature. The capitation amount or rate shall be determined prior to program implementation by an independent actuarial consultant. In no event shall such reimbursement rates exceed the Medicaid rate. The plan must also provide that any hospitals owned and operated by government entities on or after the effective date of this act must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to any meeting of the governing board, agency, or authority the subject of which is budgeting resources for the retention of charity care, as that term is defined in the rules of the Agency for Health Care Administration. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service and delivery funding.

3. The plan's benefits shall be made available to all county residents currently eligible to receive health care services as indigents or medically poor as defined in paragraph (4)(d).

4. Eligible residents who participate in the health care plan shall receive coverage for a period of 12 months or the period extending from the time of enrollment to the end of the current fiscal year, per enrollment period, whichever is less.

5. At the end of each fiscal year, the governing board, agency, or authority shall prepare an audit that reviews the budget of the plan, delivery of services, and quality of services, and makes recommendations to increase the plan's efficiency. The audit shall take into account participant hospital satisfaction with the plan and assess the amount of poststabilization patient transfers requested, and accepted or denied, by the county public general hospital.

(f) Notwithstanding any other provision of this section, a county may not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

FOR THE	CENTS TAX
AGAINST THE	CENTS TAX

(c) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology

implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses.

(d) Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

(7) VOTER-APPROVED INDIGENT CARE SURTAX.--

(a)1. The governing body in each county that has a population of fewer than 800,000 residents may levy an indigent care surtax pursuant to an ordinance conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. The surtax may be levied at a rate not to exceed 0.5 percent, except that if a publicly supported medical school is located in the county, the rate shall not exceed 1 percent.

2. Notwithstanding subparagraph 1., the governing body of any county that has a population of fewer than 50,000 residents may levy an indigent care surtax pursuant to an ordinance conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. The surtax may be levied at a rate not to exceed 1 percent.

(b) A statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

(c)1. The ordinance adopted by the governing body providing for the imposition of the surtax must set forth a plan for providing health care services to qualified residents, as defined in paragraph (d). The plan and subsequent amendments to it shall fund a broad range of health care services for indigent persons and the medically poor, including, but not limited to, primary care and preventive care, as well as hospital care. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers shall include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, and require cost containment, including, but not limited to, case management. The plan must also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

2. In addition to the uses specified or services required to be provided under this subsection, the ordinance adopted by a county that has a population of fewer than 50,000 residents may pledge surtax proceeds to service new or existing bond indebtedness incurred to finance, plan, construct, or reconstruct a public or not-for-profit hospital in such county and any land acquisition, land improvement, design, or engineering costs related to such hospital, if the governing body of the county determines that a public or not-for-profit hospital existing at the time of issuance of the bonds authorized under this subparagraph would, more likely than not, otherwise cease to operate. The plan required under this paragraph may, by an extraordinary vote of the governing body of such county, provide that some or all of the surtax revenues and any interest earned must be expended for the

purpose of servicing such bond indebtedness. Such county may also use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue bonds under this subparagraph. A jurisdiction may not issue bonds under this subparagraph more frequently than once per year. Any county that has a population of fewer than 50,000 residents at the time any bonds authorized in this subparagraph are issued retains the authority granted under this subparagraph throughout the terms of such bonds, including the term of any refinancing bonds, regardless of any subsequent increase in population which would result in such county having 50,000 or more residents.

(d) For the purpose of this subsection, the term "qualified residents" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;

2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; not being eligible for any other state or federal program or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county shall serve as the payor of last resort; or

3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund.

2. Invest any funds held on deposit in the trust fund pursuant to general law.

3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (c) and (d), upon directive from the authorizing county.

4. Disburse the funds, including any interest earned, to service any bond indebtedness authorized in this subsection upon directive from the authorizing county, which directive may be irrevocably given at the time the bond indebtedness is incurred.

(f) Notwithstanding any other provision of this section, a county may not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent or, if a publicly supported medical school is located in the county or the county has a population of fewer than 50,000 residents, in excess of a combined rate of 1.5 percent.

(8) EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX.—

(a) The governing authority of a county, other than a county that has imposed two separate discretionary surtaxes without expiration, may, by ordinance, levy a discretionary sales surtax of up to 1 percent for emergency fire rescue services and facilities as provided in this subsection. As used in this subsection, the term "emergency fire rescue services" includes, but is not limited to, preventing and extinguishing fires; protecting and saving life and property from fires or natural or intentional acts or disasters; enforcing municipal, county, or state fire prevention codes and laws pertaining to the prevention and control of fires; and providing prehospital emergency medical treatment.

(b) Upon the adoption of the ordinance, the levy of the surtax must be placed on the ballot by the governing authority of the county enacting the ordinance. The ordinance will take effect if approved by a majority of the electors of the county voting in a referendum held for such purpose. The referendum shall be placed on the ballot of a regularly scheduled election. The ballot for the referendum must conform to the requirements of s. 101.161. The interlocal agreement required under paragraph (d) is a condition precedent to holding the referendum.

(c) Pursuant to s. 212.054(4), the proceeds of the discretionary sales surtax collected under this subsection, less an administrative fee that may be retained by the Department of Revenue, shall be distributed by the department to the county. The county shall distribute the proceeds it receives from the department to the participating jurisdictions that have entered into an interlocal agreement with the county under this subsection. The county may also charge an administrative fee for receiving and distributing the surtax in the amount of the actual costs incurred, not to exceed 2 percent of the surtax collected.

(d) The county governing authority must develop and execute an interlocal agreement with participating jurisdictions, which are the governing bodies of municipalities, dependent special districts, independent special districts, or municipal service taxing units that provide emergency fire and rescue services within the county. The interlocal agreement must include a majority of the service providers in the county.

1. The interlocal agreement shall only specify that:

a. The amount of the surtax proceeds to be distributed by the county to each participating jurisdiction is based on the actual amounts collected within each participating jurisdiction as determined by the Department of Revenue's population allocations in accordance with s. 218.62; or

b. If a county has special fire control districts and rescue districts within its boundary, the county shall distribute the surtax proceeds among the county and the participating municipalities or special fire control and rescue districts based on the proportion of each entity's expenditures of ad valorem taxes and non-ad valorem assessments for fire control and emergency rescue services in each of the immediately preceding 5 fiscal years to the total of the expenditures for all participating entities.

2. Each participating jurisdiction shall agree that if a participating jurisdiction is requested to provide personnel or equipment to any other service provider, on a long-term basis pursuant to an interlocal agreement, the jurisdiction providing the service is entitled to payment from the requesting service provider from that provider's share of the surtax proceeds for all costs of the equipment or personnel.

(e) Upon the surtax taking effect and initiation of collections, a county and any participating jurisdiction entering into the interlocal agreement shall reduce the ad valorem tax levy or any non-ad valorem assessment for fire control and emergency rescue services in its next and subsequent budgets by the estimated amount of revenue provided by the surtax.

(f) Use of surtax proceeds authorized under this subsection does not relieve a local government from complying with the provisions of chapter 200 and any related provision of law that establishes millage caps or limits undesignated budget reserves and procedures for establishing rollback rates for ad valorem taxes and budget adoption. If surtax collections exceed projected collections in any fiscal year, any surplus distribution shall be used to further reduce ad valorem taxes in the next fiscal year. These proceeds shall be applied as a rebate to the final millage, after the TRIM notice is completed in accordance with this provision.

(g) Municipalities, special fire control and rescue districts, and contract service providers that do not enter into an interlocal agreement are not entitled to receive a portion of the proceeds of the surtax collected under this subsection and are not required to reduce ad valorem taxes or non-ad valorem assessments pursuant to paragraph (e).

(h) The provisions of sub-subparagraph (d)1.a. and subparagraph (d)2. do not apply if:

1. There is an interlocal agreement with the county and one or more participating jurisdictions which prohibits one or more jurisdictions from providing the same level of service for prehospital emergency medical treatment within the prohibited participating jurisdictions' boundaries; or

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The 2011 Florida Statutes

Title XXVI PUBLIC TRANSPORTATION | Chapter 334 TRANSPORTATION ADMINISTRATION | View Entire Chapter

334.03 Definitions.—When used in the Florida Transportation Code, the term:

(1) "Arterial road" means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.

(2) "Bridge" means a structure, including supports, erected over a depression or an obstruction, such as water or a highway or railway, and having a track or passageway for carrying traffic as defined in chapter 316 or other moving loads.

(3) "City street system" means all local roads within a municipality, and all collector roads inside that municipality, which are not in the county road system.

(4) "Collector road" means a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

(5) "Commissioners" means the governing body of a county.

(6) "Consolidated metropolitan statistical area" means two or more metropolitan statistical areas that are socially and economically interrelated as defined by the United States Bureau of the Census.

(7) "Controlled access facility" means a street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.

(8) "County road system" means all collector roads in the unincorporated areas of a county and all extensions of such collector roads into and through any incorporated areas, all local roads in the unincorporated areas, and all urban minor arterial roads not in the State Highway System.

(9) "Department" means the Department of Transportation.

(10) "Florida Intrastate Highway System" means a system of limited access and controlled access facilities on the State Highway System which have the capacity to provide high-speed and high-volume traffic movements in an efficient and safe manner.

(11) "Functional classification" means the assignment of roads into systems according to the character of service they provide in relation to the total road network. Basic functional categories include arterial roads, collector roads, and local roads which may be subdivided into principal, major, or minor levels. Those levels may be additionally divided into rural and urban categories.

(12) "Governmental entity" means a unit of government, or any officially designated public agency or authority of a unit of government, that has the responsibility for planning, construction, operation, or maintenance or jurisdiction over transportation facilities; the term includes the Federal Government, the state government, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

(13) "Limited access facility" means a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.

(14) "Local governmental entity" means a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

(15) "Local road" means a route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property.

(16) "Metropolitan area" means a geographic region comprising as a minimum the existing urbanized area and the contiguous area projected to become urbanized within a 20-year forecast period. The boundaries of a metropolitan area may be designated so as to encompass a metropolitan statistical area or a consolidated metropolitan statistical area. If a metropolitan area, or any part thereof, is located within a nonattainment area, the boundaries of the metropolitan area must be designated so as to include the boundaries of the entire nonattainment area, unless otherwise provided by agreement between the applicable metropolitan planning organization and the Governor.

(17) "Metropolitan statistical area" means an area that includes a municipality of 50,000 persons or more, or an urbanized area of at least 50,000 persons as defined by the United States Bureau of the Census, provided that the component county or counties have a total population of at least 100,000.

(18) "Nonattainment area" means an area designated by the United States Environmental Protection Agency, pursuant to federal law, as exceeding national primary or secondary ambient air quality standards for the pollutants carbon monoxide or ozone.

(19) "Periodic maintenance" means activities that are large in scope and require a major work effort to restore deteriorated components of the transportation system to a safe and serviceable condition, including, but not limited to, the repair of large bridge structures, major repairs to bridges and bridge systems, and the mineral sealing of lengthy sections of roadway.

(20) "Person" means any person described in s. 1.01 or any unit of government in or outside the state.

(21) "Right of access" means the right of ingress to a highway from abutting land and egress from a highway to abutting land.

(22) "Right-of-way" means land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

(23) "Road" means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

(24) "Routine maintenance" means minor repairs and associated tasks necessary to maintain a safe and efficient transportation system. The term includes: pavement patching; shoulder repair; cleaning and repair of drainage ditches, traffic signs, and structures; mowing; bridge inspection and maintenance; pavement striping; litter cleanup; and other similar activities.

(25) "State Highway System" means the following, which shall be facilities to which access is regulated:

(a) The interstate system;

(b) All rural arterial routes and their extensions into and through urban areas;

(c) All urban principal arterial routes; and

(d) The urban minor arterial mileage on the existing State Highway System as of July 1, 1987, plus additional mileage to comply with the 2-percent requirement as described below.

However, not less than 2 percent of the public road mileage of each urbanized area on record as of June 30, 1986, shall be included as minor arterials in the State Highway System. Urbanized areas not meeting the foregoing minimum requirement shall have transferred to the State Highway System additional minor arterials of the highest significance in which case the total minor arterials in the State Highway System from any urbanized area shall not exceed 2.5 percent of that area's total public urban road mileage.

(26) "State Park Road System" means roads embraced within the boundaries of state parks and state roads leading to state parks, other than roads of the State Highway System, the county road systems, or the city street systems.

(27) "State road" means a street, road, highway, or other way open to travel by the public generally and dedicated to the public use according to law or by prescription and designated by the department, as provided by law, as part of the State Highway System.

(28) "Structure" means a bridge, viaduct, tunnel, causeway, approach, ferry slip, culvert, toll plaza, gate, or other similar facility used in connection with a transportation facility.

(29) "Sufficiency rating" means the objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road.

(30) "Transportation corridor" means any land area designated by the state, a county, or a municipality which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation, including areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain, but are not limited to, the following:

(a) Existing publicly owned rights-of-way;

(b) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights-of-way, including, but not limited to, any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the

construction of a future facility, and replacement rights-of-way for relocation of rail and utility facilities.

(31) "Transportation facility" means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

(32) "Urban area" means a geographic region comprising as a minimum the area inside the United States Bureau of the Census boundary of an urban place with a population of 5,000 or more persons, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations.

(33) "Urban minor arterial road" means a route that generally interconnects with and augments an urban principal arterial road and provides service to trips of shorter length and a lower level of travel mobility. The term includes all arterials not classified as "principal" and contain facilities that place more emphasis on land access than the higher system.

(34) "Urban place" means a geographic region composed of one or more contiguous census tracts that have been found by the United States Bureau of the Census to contain a population density of at least 1,000 persons per square mile.

(35) "Urban principal arterial road" means a route that generally serves the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total urban area travel on a minimum of mileage. Such roads are integrated, both internally and between major rural connections.

(36) "Urbanized area" means a geographic region comprising as a minimum the area inside an urban place of 50,000 or more persons, as designated by the United States Bureau of the Census, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations. Urban areas with a population of fewer than 50,000 persons which are located within the expanded boundary of an urbanized area are not separately recognized.

(37) "511" or "511 services" means three-digit telecommunications dialing to access interactive voice response telephone traveler information services provided in the state as defined by the Federal Communications Commission in FCC Order No. 00-256, July 31, 2000.

(38) "Interactive voice response" means a software application that accepts a combination of voice telephone input and touch-tone keypad selection and provides appropriate responses in the form of voice, fax, callback, e-mail, and other media.

History.—s. 2, ch. 29965, 1955; ss. 1, 2, ch. 57-318; ss. 1, 2, ch. 63-27; s. 1, ch. 67-43; ss. 23, 35, ch. 69-106; s. 105, ch. 71-377; ss. 5, 17, ch. 77-165; s. 1, ch. 79-357; s. 136, ch. 79-400; s. 1, ch. 83-52; s. 9, ch. 84-309; s. 6, ch. 85-180; s. 9, ch. 88-168; s. 1, ch. 88-224; s. 3, ch. 90-136; s. 2, ch. 93-164; s. 52, ch. 94-237; s. 119, ch. 99-13; s. 6, ch. 99-256; s. 76, ch. 99-385; s. 38, ch. 2003-286.

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1. 335.065 f.s.
Score: 90.17%
Abstract: 335.065 Bicycle and pedestrian ways along state roads and transportation facilities. —(1)(a) Bicycle and pedestrian ways shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into state, regional, and local transportation plans and programs. (2) The department shall establish construction standards and a uniform system of signing for bicycle and pedestrian ways.

2. 335.066 f.s.
Score: 79.67%
Abstract: —(1) There is established in the Department of Transportation the Safe Paths to Schools Program to consider the planning and construction of bicycle and pedestrian ways to provide safe transportation for children from neighborhoods to schools, parks, and the state's greenways and trails system. (2) As a part of the Safe Paths to Schools Program, the department may establish a grant program to fund local, regional, and state bicycle and pedestrian projects that support the...

3. 334.044 f.s.
Score: 77.42%
Abstract: The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation. (23) To cooperate with the transportation department or duly authorized commission or authority of any state in the development and construction of transportation facilities physically connecting facilities of this state with those ...

4. 163.3177 f.s.
Score: 77.42%
Abstract: (b) A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. (4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. (6) In addition to the requirements of subsections (1)-(5), the comprehensive...

5. 163.2517 f.s.
Score: 77.42%
Abstract: (3) A local government seeking to designate a geographic area within its jurisdiction as an urban infill and redevelopment area shall prepare a plan that

describes the infill and redevelopment objectives of the local government within the proposed area. (j) Identify and adopt a package of financial and local government incentives which the local government will offer for new development, expansion of existing development, and redevelopment within the urban infill and ...

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Estimated Municipal Transportation Surtax Funds Distribution

Projected for FY12 **

Amount*
$ 186,000,000

Jurisdiction	Population Apr-10	% Population ***	20% $ 37,200,000	20% Transit Share	80% Transportation Share
Aventura	35,762	2.997%	$1,114,800	222,960	891,840
Bal Harbour Village	2,513	0.211%	$78,337	15,667	62,670
Bay Harbor Islands	5,628	0.472%	$175,440	35,088	140,352
Biscayne Park	3,055	0.256%	$95,233	19,047	76,186
Coral Gables	46,780	3.920%	$1,458,261	291,652	1,166,609
El Portal	2,325	0.195%	$72,477	14,495	57,981
Florida City	11,245	0.942%	$350,538	70,108	280,430
Golden Beach	919	0.077%	$28,648	5,730	22,918
Hialeah	224,669	18.827%	$7,003,550	1,400,710	5,602,840
Hialeah Gardens	21,744	1.822%	$677,820	135,564	542,256
Homestead	60,497	5.070%	$1,885,858	377,172	1,508,686
Key Biscayne	12,344	1.034%	$384,796	76,959	307,837
Indian Creek Village	79	0.007%	$2,463	493	1,970
Medley	838	0.070%	$26,123	5,225	20,898
Miami	399,457	33.474%	$12,452,173	2,490,435	9,961,738
Miami Beach	87,779	7.356%	$2,736,313	547,263	2,189,050
Miami Lakes	29,361	2.460%	$915,263	183,053	732,210
Miami Shores	10,493	0.879%	$327,096	65,419	261,677
Miami Springs	13,809	1.157%	$430,464	86,093	344,372
North Bay Village	7,137	0.598%	$222,480	44,496	177,984
North Miami	58,469	4.900%	$1,822,639	364,528	1,458,112
North Miami Beach	41,523	3.480%	$1,294,386	258,877	1,035,509
Opa-Locka	15,219	1.275%	$474,418	94,884	379,534
Palmetto Bay	23,410	1.962%	$729,754	145,951	583,803
Pinecrest	18,223	1.527%	$568,061	113,612	454,449
South Miami	11,657	0.977%	$363,381	72,676	290,705
Sunny Isles Beach	20,832	1.746%	$649,391	129,878	519,513
Surfside	5,744	0.481%	$179,056	35,811	143,245
Sweetwater	13,499	1.131%	$420,801	84,160	336,641
Virginia Gardens	2,375	0.199%	$74,035	14,807	59,228
West Miami	5,965	0.500%	$185,945	37,189	148,756
Total Municipal Participation	1,193,350	100.000%	$37,200,000	7,440,000	29,760,000
Unincorporated	1,302,746				
Total Miami-Dade	2,496,096				

* Estimate based on Projected Collections for FY 2011 held flat into 2012.

** Estimates assume no change in the distribution amount as per CS/CS/HB 1205 and/or changes to Ordinance No. 02-116.

*** Population net of amount annexed.

AGENDA ITEM VII. E.

To: Honorable Mayor, Vice Mayor, &Village Council

Date: May 7, 2007

From: Charles Scurr, Village Manager

Re: CITT Interlocal Agreement

REQUEST

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRANSPORTATION, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY FOR DISTRIBUTION, USE AND REPORTING OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY; AND PROVIDING FOR SEVERSBILITY AND AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

In accordance with Ordinance No. 02-116, twenty (20) percent of surtax proceeds are to be distributed annually to those municipalities existing as of November 5, 2002 on an annual basis which meet following specified conditions:

Miami Dade County Ordinance 02-116 requires that the Village of Palmetto Bay and municipalities existing as of November 5, 2002, on an annual basis, apply at least twenty (20) percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays or other transit-related infrastructure. Any City that cannot apply the twenty (20) percent portion of surtax proceeds it receives as provided, may contract with the County to apply such proceeds on a County project that enhances traffic mobility within the City or in an area adjacent to City. If the Village cannot expend the proceeds, then such proceeds shall either carry over and be added to the overall portion of surtax proceeds to be distributed to the Cities in the ensuing year and shall be utilized solely for transit.

Transit is a key issue because alternatives need to be provided as roadway capacity diminishes. As part of the Peoples Transportation Plan (PTP) and supported by the Citizen Independent Transportation Trust (CITT), the Village implemented the first phase of the transit circulator program by procuring two (2) mini-buses to provide free transportation to residents throughout the Village and to connect to the South Dade

busway, commercial districts, and schools. The Village's transit service is funded with the guaranteed 20% of the receipts generated by the People's Transportation Plan (PTP).

The Interlocal Agreement as attached outlines the specified conditions that each municipality must meet in order to receive its 20% portion of the surtax proceeds distributed annually. In order for the Village to continue receiving its guaranteed 20% portion of the surtax from Miami-Dade County the Village must enter into the attached standard Interlocal Agreement.

FISCAL & BUDGETARY IMPACT:

There is no budgetary impact to the Village for entering into an Interlocal Agreement for Charter County Transit System proceeds levied by Miami-Dade County. The amount of dollars distributed to the Village of Palmetto from CITT on an annual basis is $824,252. The twenty (20) percent portion of surtax proceeds received from Miami-Dade County in an amount of $156,608 to be expended for Transit related infrastructures.

RECOMMENDATION

Approval is recommended

RESOLUTION NO. 07-51

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TRANSPORTATION, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY FOR DISTRIBUTION, USE AND REPORTING OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY; AND PROVIDING FOR SEVERSBILITY AND AN EFFECTIVE DATE.

WHEREAS, the Village Council approved and authorized the Village Manager to execute an interlocal agreement between Miami-Dade County and the Village of Palmetto Bay for Charter County Transit System Surtax per Resolution 03-50; and

WHEREAS, twenty (20) percent of surtax proceeds shall be distributed annually to those Cities existing as of November 5, 2002; and

WHEREAS, the County wishes to modify that agreement; and

WHEREAS, this agreement supersedes all previous agreements; and

WHEREAS, the Village must enter into the attached amended Interlocal Agreement in order to continue receiving the twenty (20) percent portion of surtax proceeds from Miami-Dade County; and

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

Section 1: Village Manager is authorized to accept and execute an Interlocal Agreement between Miami-Dade County and the Village of Palmetto Bay for distribution, use and reporting of Charter County Transit System Surtax.

Section 2: This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 9th day of May, 2007.

ATTEST: Meighan Rader
Meighan Rader
Village Clerk

APPROVED:
Eugene P. Flinn Jr.
Mayor

READ AND APPROVED AS TO FORM:

Eve Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	YES
Council Member Paul Neidhart	YES
Council Member Shelley Stanczyk	YES
Vice-Mayor Linda Robinson	YES
Mayor Eugene P. Flinn Jr.	YES

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Miami-Dade County, Florida and Ex-Officio Clerk of the Board of County Commissioners of Said County, **Do Hereby Certify** that the above and foregoing is a true and correct copy of the "Revised Municipal Interlocal Agreement for Distribution, Use and Reporting of Charter County Transit System Surtax Proceeds", approved by the Board of County Commissioners at its meeting of February 6, 2007, as appears of Record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on This10th day of July, A.D. 2007.

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By Elizabeth Adams
Deputy Clerk

COUNTY COMMISSIONERS DADE COUNTY SEAL FLORIDA

Board of County Commissioners
Miami-Dade County, Florida

INTERLOCAL AGREEMENT FOR DISTRIBUTION, USE AND REPORTING OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY

This Interlocal Agreement ("Agreement") entered into this 10th day of July 2007, by and between Miami-Dade County, a political subdivision of the State of Florida ("County"), and Village of Palmetto Bay, a municipal corporation located within the geographic boundaries of Miami-Dade County, Florida ("City").

WHEREAS, County adopted Ordinance No. 02-116 levying and imposing a one half of one percent Charter County Transit System Surtax ("Surtax") pursuant to the authority of Sec. 212.055(1) Fla.Stats. (2002); and

WHEREAS, in 2003, County and City entered into an Interlocal Agreement delineating each party's obligations; and

WHEREAS, the County and City wish to modify that agreement; and

WHEREAS, this Agreement supersedes all previous agreements; and

WHEREAS, twenty (20) percent of surtax proceeds shall be distributed annually to those Cities existing as of November 5, 2002, ("eligible cities") that meet certain conditions including:

The City continues to provide the same level of general fund support for transportation that was in its FY 2001-2002 budget in subsequent fiscal years;

Any surtax proceeds received shall be applied to supplement, not replace a City's general fund support for transportation;

WHEREAS, Miami-Dade County Ordinance 02-116 requires that the City, on an annual basis, apply at least twenty (20) percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays or other transit-related infrastructure. Any City that cannot apply the twenty (20) percent portion of surtax proceeds it receives as provided in the preceding sentence, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that City and immediately adjacent areas.

WHEREAS, if the City cannot expend such proceeds in accordance with either of the preceding sentences, then such proceeds shall either carry over and be added to the

overall portion of surtax proceeds to be distributed to the Cities in the ensuing year and shall be utilized solely for the transit uses;

WHEREAS, surtax proceeds distributed on a pro rata basis amongst eligible cities based on the ratio such City's population bears to the total population in all such Cities (as adjusted annually in accordance with the Estimates of Population prepared by the Bureau of Economic and Business Research of the University of Florida) that continue to meet the foregoing conditions; and

NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, the County and the City agree as follows:

ARTICLE 1

DEFINITIONS

1.1 "ADA" shall mean the Americans with Disabilities Act of 1990, as amended.

1.2 "Administrative costs" shall be defined as overhead expenses which are not readily attributable to any one particular project funded in whole or in part by the transit surtax funds.

1.3 "BCC" shall mean the Miami-Dade County Board of County Commissioners.

1.4 "CITT" shall mean the Citizens' Independent Transportation Trust.

1.5 "City" shall mean a municipal corporation located within the geographic boundaries of Miami-Dade County, Florida.

1.6 "Contractor" shall mean any entity, public or private, providing public transit services as described in this Agreement under contract to the City.

1.7 "County" shall mean Miami-Dade County, Florida.

1.8 "FDOR" shall mean the Florida Department of Revenue.

1.9 "Eligible Cities" shall mean cities in existence as of November 5, 2002.

1.10 "Fares" shall mean individual transportation fees paid by public transit passengers in accordance with a schedule of fares adopted by County Ordinance.

1.11 "Mayor" shall mean Miami-Dade County Executive Mayor

1.12 "MDT" shall mean Miami-Dade Transit and authorized representatives thereof.

1.13 "OCITT" shall mean the Office of The Citizens' Independent Transportation Trust and authorized representatives thereof.

1.14 "Project" shall be defined as transportation and transit projects including operation and maintenance thereof, funded in whole or in part by surtax proceeds.

1.15 "Program" shall be defined as transportation and transit projects including operation and maintenance thereof, funded in whole or in part by surtax proceeds.

1.16 "Surtax Proceeds" shall mean the funds collected and received by the FDOR from the imposition of the Charter County Transit System Sales Surtax, less the FDOR's cost of administration.

1.17 "The Trust" shall include the Citizens' Independent Transportation Trust, and authorized representatives thereof.

ARTICLE 2
TERMS

2.1 TERMS OF AGREEMENT

This agreement shall become effective as follows: (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by the Board of County Commissioners, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final; and approval by the Commission or Council of the _____ of _____ or _____ Manager, if accompanied with documentation evidencing the City Manager's authority to sign agreement; and the execution by the County Manager. This agreement shall remain in force for five (5) years thereafter.

2.2 TERMINATION

This Agreement may be terminated for cause by either party upon no less than thirty (30) days written notice to the other party. Said notice shall be delivered by verified facsimile transmission or certified mail, return receipt requested. The noticed party shall have the opportunity to cure any stated cause for termination within the notice period, in which case the terminating party may cancel the termination notice using the same means by which the notice of termination was delivered.

2.3 The County may suspend or terminate the dispersing of surtax proceeds to the City if there is a breach of this Interlocal Agreement until such breach is cured.

2.4 The County reserves the right to cancel unilaterally this Agreement for refusal by the City to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes and made or received in conjunction with this Agreement.

ARTICLE 3
ACCOMPLISHMENT OF PROJECTS

Submission of Proceedings, Contracts and Other Documents: The City shall submit to the CITT and/or OCITT such data, reports, records, contracts and other documents relating to the program as the CITT or OCITT may request. On a quarterly basis, the City shall provide to the OCITT a report regarding the implementation of the projects funded in whole or in part by surtax proceeds. This information is due to the OCITT no more than ten (10) working days after the quarter end.

ARTICLE 4
ACCOUNTING RECORDS

4.1 Establishment and Maintenance of Accounting Records: The City shall maintain for projects or programs, in conformity with requirements of "Principles for State and Local Governments," separate accounts to be maintained within its existing accounting system or establish independent accounts. Such accounts are referred to herein collectively as the "program account". Documentation of the program account shall be made available to the CITT upon request any time during the period of the Agreement.

4.2 By November 1 of each year, City shall, in order to be eligible to receive a portion of the Municipal Share for the ensuing year, certify to County that: i) for the current fiscal year it is providing at least the same level of general fund support for transportation that City provided in City's FY 2001-2002 budget; and ii) it is using the current year's portion of the Municipal Share received in accordance with this Agreement. Such certification shall include a certified copy of City's budget for the current fiscal year, together with a list of the projects (including ongoing or completed projects that the City is paying debt service on borrowed funds) on which the current year's portion of the Municipal Share received is being expended. If City fails to meet the certification requirements, after being given a reasonable opportunity to correct any deficiencies, the amount equal to the pro rata portion of the Municipal Share City is to receive in the ensuing year shall not be distributed to City and shall be distributed among the remaining eligible cities.

4.3 Funds Received or Made Available for Projects: The City shall appropriately record in the program account, and deposit in a bank or trust company which is a member of the Federal Deposit Insurance Corporation, all payments received by it from the County pursuant to this Agreement and all other funds provided for, accruing to, or otherwise received on account of the program, which County payments and other funds are herein collectively referred to as "program funds". The City shall require

depositories of program funds to secure continuously and fully all program funds in excess of the amounts insured under Federal plans, or under State plans which have been approved for the deposit of program funds by the County, by the deposit or setting aside of collateral of the types and in the manner as prescribed by State law for the security of public funds, or as approved by the County.

4.4 Documentation of Program Costs: All costs incurred by the program, including any approved services contributed by the City or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges.

ARTICLE 5
AUDIT AND INSPECTION

5.1 Audit Reports: By November 1 a certified report with a disclosure of surtax proceeds expended in accordance with State law, Ordinance No. 02-116, and this Agreement followed by an independent audit report six (6) months after the fiscal year end. The City agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the CITT, including but not limited to site visits and limited scope audits. The City further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the CITT or the Audit and Management Services Department of Miami-Dade County, the Office of the Commission Auditor, the Miami-Dade County Office of the Inspector General or an agent of the County. The City shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of three (3) years from the date the audit report is issued, and shall allow the CITT access to such records and working papers upon request.

5.2 Other Requirements: If an audit discloses any significant audit findings relating to any award, including material noncompliance with individual project compliance requirements or reportable conditions in internal controls of the City, the City shall submit as part of the audit package to the CITT a plan for corrective action to eliminate such audit findings or a statement describing the reasons that corrective action is not necessary. The City shall take timely and appropriate corrective action to any audit findings, recommendations, and corrective action plans.

5.3 The City shall permit and require its contractors to permit the County and the CITT's authorized representative to inspect all work, materials, payrolls, records, and to audit the books, records and accounts pertaining to the financing and development of the program.

ARTICLE 6
RESTRICTIONS, PROHIBITIONS, CONTROLS, AND LABOR PROVISIONS

6.1 Equal Employment Opportunity: In connection with the carrying out of any project, the City shall not discriminate against any employee or applicant for employment because of race, age, creed, color, sex, sexual orientation or national origin. The City will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, age, creed, color, sex, sexual orientation or national origin. Such action shall include, but not be limited to, the following: Employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

Grantees, recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of CITT assisted contracts.

The City shall insert the foregoing provision modified only to show the particular contractual relationship in all its contracts in connection with the development or operation of the project/program, except contracts for standard commercial supplies or raw materials, and shall require all such contractors to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials. When the project involves installation, construction, demolition, removal, site improvement, or similar work, the City shall post, in conspicuous places available to employees and applicants for employment for project work, notices to be provided by the County setting forth the provisions of the nondiscrimination clause.

6.2 Title VI - Civil Rights Act of 1964: Execution of this Interlocal Agreement constitutes a certification that the City will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et. seq.), the Regulations of the Federal Department of Transportation issued thereunder, and the assurance by the City pursuant thereto.

6.3 The Americans with Disabilities Act of 1990 (ADA): Execution of this Interlocal Agreement constitutes a certification that the City will comply with all the requirements imposed by the ADA (42 U.S.C. 12102, et. seq.), the regulations of the Federal government issued thereunder, and the assurance by the City pursuant thereto.

6.4 Prohibited Interests: Neither the City nor any of its contractors or its subcontractors shall enter into any contract, subcontract, or arrangement in connection with projects or any property included or planned to be included in the projects, in which any member, officer, or employee of the City during his tenure or for two years

thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the City, the City with prior approval of the BCC and the CITT, may waive the prohibition contained in this subsection: Provided, that any such present member, officer or employee shall not participate in any action by the City relating to such contract, subcontract, or arrangement. The City shall insert in all contracts entered into in connection with projects or any property included or planned to be included in any project, and shall require its contractors to insert in each of its subcontracts, the following provision: "No member, officer, or employee of the City during his tenure or for two years thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof." The provisions of this subsection shall not be applicable to any agreement between the City and its fiscal depositories, or to any agreement for utility services the rates for which are fixed or controlled by a Governmental City.

6.5 Interest of Members of, or Delegates to, Congress: No member or delegate to the Congress of the United States shall be admitted to any share or part of the Agreement or any benefit arising therefrom.

ARTICLE 7
MISCELLANEOUS PROVISIONS

7.1 Environmental Pollution: Execution of this Interlocal Agreement constitutes a certification by the City that the project will be carried out in conformance with all applicable environmental regulations including the securing of any applicable permits. The City will be solely responsible for any liability in the event of non-compliance with applicable environmental regulations, including the securing of any applicable permits, and will reimburse the CITT for any loss incurred in connection therewith.

7.2 Not Obligated to Third Parties: The County, the BCC Members, the CITT Members and all of the County's officers, agents, and employees shall not be obligated or liable hereunder to any party other than the City.

7.3 When Rights and Remedies Not Waived: In no event shall the making by the County of any payment to the City constitute or be construed as a waiver by the County of any breach of covenant or any default which may then exist, on the part of the City, and the making of such payment by the County while any such breach or default shall exist shall in no way impair or prejudice any right or remedy available to the County with respect to such breach or default.

7.4 How Agreement Is Affected by Provisions Being Held Invalid: If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected. In such an instance, the remainder would then continue to conform to the terms and requirements of applicable law.

7.5 State or Territorial Law: Nothing in the Agreement shall require the City to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable State law: Provided, that if any of the provisions of the Agreement violate any applicable State law, the City will at once notify the OCITT in writing in order that appropriate changes and modifications may be made by the County and the City to the end that the City may proceed as soon as possible with projects.

7.6 Use and Maintenance of Project Facilities and Equipment: The City agrees that project facilities and equipment will be used by the City to provide or support public transportation for the period of the useful life of such facilities and equipment as determined in accordance with general accounting principles. The City further agrees to maintain the project facilities and equipment in good working order for the useful life of said facilities or equipment.

7.7 Signage: For any project funded in whole or in part by surtax proceeds, The City shall post in a conspicuous location at the job site, structure or vehicle, a sign indicating that surtax proceeds are being used for this project.

7.8 Residency Requirement: For any project funded in whole or in part by surtax proceeds, the City may not provide any preferential access accommodations or pricing based on residency.

7.9 Administrative Expenses: Consistent with Miami-Dade County Ordinance 06-138 the City shall not expend more than five (5) percent of its municipal share of surtax proceeds on administrative expenses, exclusive of project management and oversight for projects funded by the surtax.

7.10 Contractual Indemnity: To the extent provided by law, the City shall indemnify, defend, and hold harmless the County, the BCC Members, the CITT Members and all of the County's officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the City, its agents, or employees, during the performance of the Agreement, except that neither the City, its agents, or its employees will be liable under this paragraph for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the County or any of its officers, agents, or employees during the performance of the Agreement.

7.11 When the County receives a notice of claim for damages that may have been caused by the City in the performance of services required under this Agreement, the County will immediately forward the claim to the City. The County's failure to

promptly notify the City of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the City.

7.12 The County Manager or his designee shall have the authority to distribute and/or withhold surtax funds.

ARTICLE 8
AGREEMENT FORMAT

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

ARTICLE 9
EXECUTION OF AGREEMENT

This Agreement may be simultaneously executed in counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one in the same instrument.

ARTICLE 10
RESTRICTIONS ON LOBBYING

10.1 Federal: The City agrees that no surtax proceeds have been paid or will be paid by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement. If any funds other than federal appropriated funds have been paid by the City to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Interlocal Agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The City shall require that the language of this section be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

10.2 State: No funds received pursuant to this contract may be expended for lobbying the Legislature or a State agency.

10.3 County: No funds received pursuant to this contract may be expended for lobbying the County.

ARTICLE 11
MODIFICATIONS AND MISCELLANEOUS PROVISIONS

All notices and other communications required to be remitted pursuant to this Agreement to either party hereto shall be in writing and shall be delivered by verified facsimile transmission or certified mail, return receipt requested, to the parties at the address indicated below:

FOR MIAMI-DADE COUNTY:
OFFICE OF THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST
c/o Executive Director, OCITT
111 NW 1 Street, Suite 1010
Miami, FL 33128
Fax: (305) 375-4605

FOR Village OF Palmetto Bay :
Ron E. Williams
Manager of
Office of the Village Manager
8950 SW 152 Street
Palmetto Bay, FL 33157
Fax: (305) 259-1290
With Copies to:

11.1 COMPLETE AND BINDING AGREEMENT This writing embodies the full and complete agreement of the parties. No other terms, conditions or modifications shall be binding upon the parties unless in writing and signed by the parties.

11.2 GOVERNING LAW This Agreement shall be construed in accordance with the laws of the State of Florida

IN WITNESS WHEREOFF, the parties hereto have made and executed this

Agreement on the respective dates under each signature:

ATTEST:

Harvey Ruvin, Clerk

By: _____
Deputy Clerk

Approved as to Form and Legal Sufficiency

By: _____
Assistant County Attorney

FOR THE COUNTY:

Miami-Dade County,
a political subdivision of the State of Florida

By its Board of County Commissioners

By: _____
County Manager

Date Executed: 7/10/07

ATTEST:

By: _____
City Clerk

FOR THE CITY:
Palmetto Bay,
a political subdivision of the State of Florida

By: _____
Mayor or Village Manager

Date Executed: 6-1-07

Approved as to Form and Legal Sufficiency
By: _____
City Attorney

AGENDA ITEM 7F

RESOLUTION NO. 10-062

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST URGING THE BOARD OF COUNTY COMMISSIONERS (BCC) TO FUND THE NEW MUNICIPALITIES COMMENCING OCTOBER 1, 2010 FROM A COUNTY SOURCE OTHER THAN THE 20% MUNICIPAL SHARE OF SURTAX REVENUE UNTIL NEW FUNDING SOURCES ARE IDENTIFIED OR ORDINANCE NO. 02-116 IS AMENDED

WHEREAS, the Citizens of Miami-Dade County approved the Charter County Transit System Sales Surtax (Surtax) including the Peoples' Transportation Plan (PTP) on November 5, 2002; and

WHEREAS, there has been the incorporation of 3 new municipalities – Miami Gardens, Doral and Cutler Bay – since the approval of the Surtax; and

WHEREAS, Ordinance No. 02-116 indicates that new cities formed after November 5, 2002 have the right to negotiate with the County Manager to receive their share of surtax funds from a source other than the 20% municipal share; and

WHEREAS, the Florida Legislature has passed legislation requiring the modification of interlocal agreements every five years to include newly-incorporated municipalities.

NOW THEREFORE, BE IT RESOLVED BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST that the Transportation Trust recommends that the Board of County Commissioners, effective October 1, 2010, fund the new cities from a county source other than the 20% municipal share until new funding sources are identified or Ordinance No. 02-116 is amended or modified.

The foregoing resolution was offered by Miles E. Moss, P.E., who moved its adoption. The motion was seconded by Hon. James A. Reeder and upon being put to vote, the vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Absent
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Harold Braynon, Jr. – Absent
Joseph Curbelo – Aye
Peter L. Forrest – Aye
Hon. James A. Reeder – Aye
Marilyn Smith – Absent

David Concepcion – Nay
Glenn J. Downing, CFP® – Aye
Miles E. Moss, P.E. – Aye
William Sancho – Absent

The Chairman thereupon declared the resolution duly passed and adopted this 29th day of July, 2010.

Approved by the County Attorney as
to form and legal sufficiency

By: Charles Scum
Executive Director

AGENDA ITEM 7E

RESOLUTION NO. 10-061

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST EXPRESSING SUPPORT OF AN AMENDMENT TO ORDINANCE 02-116 TO PROVIDE FOR THE FUNDING OF NEW MUNICIPALITIES THROUGH THE IMPLEMENTATION OF THE HOLD HARMLESS OPTION AND THE EASING OF THE MUNICIPAL MAINTENANCE OF EFFORT REQUIREMENT

WHEREAS, the Citizens of Miami-Dade County approved the Charter County Transit System Sales Surtax (Surtax) including the Peoples' Transportation Plan (PTP) on November 5, 2002; and

WHEREAS, the Surtax and PTP have funded critically needed transportation and transit projects throughout Miami-Dade County and its municipalities; and

WHEREAS, at the time of voter approval of the Surtax there were a total of 31 municipalities; and

WHEREAS, there has been the incorporation of 3 new municipalities – Miami Gardens, Doral and Cutler Bay – since the approval of the Surtax; and

WHEREAS, the Transportation Trust recognizes that these new municipalities should receive their fair share of Surtax proceeds; and

WHEREAS, the Transportation Trust facilitated a New Municipality Working Group in conjunction with Miami-Dade County, the Miami-Dade County League of Cities, the existing cities and the new cities; and

WHEREAS, the New Municipality Working Group, recognizing the financial challenges facing the County and the municipalities, worked collaboratively to develop innovative funding solutions; and

WHEREAS, the New Municipality Working Group explored a full range of potential options including: new revenue sources; coordination and efficiency initiatives; additions to the federal transit formula; changes to the municipal requirements in the CITT Ordinance, a hold harmless revenue growth option and other ideas presented by members of the Working Group; and

WHEREAS, the new revenue option of reinstating the two cent Local Option Gas Tax, which had been previously supported by the Trust, does not appear to be viable at this time; and

WHEREAS, a number of the ideas such as the coordination and efficiency initiative represent best practices and will be continued, but unfortunately do not generate enough in savings to fund the new municipalities; and

WHEREAS, the solution that achieves the objective of funding the new municipalities with the least financial impact on the County and the existing municipalities is a combination of the Hold Harmless Option in conjunction with a relaxation of the Municipal Maintenance of Effort Requirement.

NOW THEREFORE, BE IT RESOLVED BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST that the Transportation Trust supports the fair share funding of the new municipalities through the implementation of the Hold Harmless Option and the easing of the Municipal Maintenance of Effort Requirement.

The foregoing resolution was offered by Miles E. Moss, P.E., who moved its adoption. The motion was seconded by Glenn J. Downing, CFP® and upon being put to vote, the vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Absent
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Nay

Harold Braynon, Jr. – Absent
Joseph Curbelo – Aye
Peter L. Forrest – Aye
Hon. James A. Reeder – Nay
Marilyn Smith – Absent
David Concepcion – Nay
Glenn J. Downing, CFP® – Aye
Miles E. Moss, P.E. – Aye
William Sancho – Absent

The Chairman thereupon declared the resolution duly passed and adopted this 29th day of July, 2010.

Approved by the County Attorney as to form and legal sufficiency

By: _____
Executive Director

Kristy Bada

From: Corrice Patterson
Sent: Thursday, August 05, 2010 4:09 PM
To: Kristy Bada
Subject: FW: CITT Resolutions

From: Scurr, Charles (CITT) [mailto:CSCURR@miamidade.gov]
Sent: Wednesday, August 04, 2010 2:36 PM
To: Aira, Frank (PWD); Amaro, Marlene (CITT); Ana Garcia; Bokor, Alexander (CAO); Brian Raducci; Carol Aubrun; Cejas, Monica (MDT); Corrice Patterson; cscurr@miamidade.gov; David Ofstein; dcrew@miamigardens-fl.gov; De La Torre, Carlos (MDT); Desmond Chin; Don Nelson; Elizabeth Hernandez; ryane@miamidade.gov; Ezekial Orji; Forbes, Clinton (MDT); Frank Bocanegra; lgomezt@miamidade.gov; Gonzalez, Alina M. (OIA); Guerlin Escar; Howard Lenard; J. Pena; JGM@miamidade.gov; John Kendrick; jobrien@northmiamifl.gov; jehernandez@hialeahfl.gov; Jose Gonzalez; Kapoor, Harpal (MDT); Libhaber, Bruce (CAO); Lillia Medina; Llort, Ysela (CEO); Mark Ben Asher; mdclc@bellsouth.net; Melean, Sandra (PWD); Monica Barnes; mgreenberg@stearnsweaver.com; pvrooman@cutlerbay-fl.gov; Pearsall, Robert (MDT); Pinzur, Matthew (CEO); R. Farmer; Ron Williams; Roslyn Weisblum; Rudy de la Torre; salexander@cutlerbay-fl.gov; Shari Kamali; Shirley Gibson; Simmons, Michelle (MDT); Smith, Jason T. (OCA); Sonja Dickens; Susan Simpson; Toledo, Nestor (CITT); Tom Benton; William Foy
Cc: (CITT) All Staff; award77@hotmail.com; curbelo; dconcepcion@hialeahfl.gov; downing_glenn@nlvmail.com; hbraynon@dadeschools.net; lindazilber@yahoo.com; milesmoss@mindspring.com; Mimit100@bellsouth.net; plforrest@yahoo.com; pschwiep@coffeyburlington.com; reederj@bellsouth.net; wsancho@whitecase.com
Subject: CITT Resolutions

To All

Attached you will find two resolutions approved by the Trust on July 29, 2010. The first supports the funding of the new municipalities through the combination of the Hold Harmless Plan and a reduction in the Municipal Maintenance of Effort. As you will recall these were among the ideas discussed at the Working Group. The second resolution supports the funding of the new municipalities effective at the start of the fiscal year, October 1, 2010.

I would note that these resolutions are recommendations by the Trust to the BCC. Enactment of the legislation that would implement the resolutions is the purview of the County and the BCC.

We have gotten questions from a number of you concerning what happens next. The lead for the next steps, as noted, is Miami-Dade County. The implementation of the Hold Harmless and reduction in the MOE will require an amendment to the legislation governing the CITT – Ordinance 02-116. CITT Ordinance changes requires a 2/3 majority and go through a series of steps. Presuming that the proposed amendment to the ordinance were completed in August the following would be the standard timeline:

- First Reading before the BCC – September 9th
- Public Hearing before the Transit, Infrastructure and Roads Committee – October 13th
- Second and Final Reading before the BCC – November 4th

This timeline could, of course, change due to a number of factors.

In terms of the funding of the 3 new cities with an effective date of October 1st, I am presuming that this would be accomplished through the Budget process in September and would require BCC approval.

We have also gotten a number of questions on the details of the Hold Harmless Plan. The concept, as we have discussed, is straightforward. The specifics are dependent on a number of factors including the rate of growth of the surtax and require a more detailed explanation in order to fully understand. To that extent, we will schedule either a meeting of the Working Group or a teleconference in August so that the implications for the cities and the county can be more fully explained.

If you have a preference for a meeting vs. a teleconference please let me know.

I hope this is helpful. We look forward to continuing our collaborative dialogue.

CS