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RESOLUTION NO. 08-101

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

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

WHEREAS, thirty percent of the two-thirds of funds collected are retained by the County for countywide programs and the other seventy percent is allocated to the governmental agency having jurisdiction over the violation; and,

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

WHEREAS, the Administration is requesting authorization to enter into an agreement with Miami-Dade County Office of ADA Coordination for the reimbursement of parking fines to provide public awareness to Village of Palmetto Bay residents; and,

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

Section 1: The Village of Palmetto Bay Council authorizes the Village Manager to execute an Agreement with Miami-Dade County Office of ADA Coordination for the reimbursement of parking fines.

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

PASSED and ADOPTED this 3rd day of November, 2008.

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ATTEST:


Meighan Rader
Village Clerk


Eugene P. Flinn Jr.
Mayor

READ AND APPROVED AS TO FORM:


Eve Boutsis
Office of the 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

INTERLOCAL AGREEMENT

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

WITNESSETH

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

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

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

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

2. The allocation of the disabled parking fine monies shall be used to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons and to provide funds to conduct public awareness programs concerning physically disabled persons.

3. The parties shall annually submit an affidavit sworn by the chief administrative official of the municipality to the Miami-Dade County Office of Americans with Disabilities Act Coordination, hereinafter known as the "ADA Office".

4. The affiant will affirm that expenditures meet the following criteria:
 - a. The funds reimbursed shall be used to improve accessibility and equal opportunity to qualified persons who have disabilities in the municipality and to conduct public awareness programs in the municipality concerning persons who have disabilities.

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

5. The parties agree to follow the terms and conclusions regarding payment as follows:
 - a. The percentage for distribution shall be calculated by the County annually. Each year the County shall notify all municipalities of the percentages of distribution of the disabled permit parking fine money for the upcoming annual period. The percentage for distribution to the County and to the municipalities is based on a percentage of total revenue which is determined by calculating the total number of fines paid county-wide. Funding estimates include a percentage of the monies which were not distributed to any municipalities in the previous year.

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

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

ATTEST:

MIAMI-DADE COUNTY, FLORIDA

By: _____

Harvey Ruvin, Clerk

Carlos Alvarez, Mayor

ATTEST:

CITY OF _____, FLORIDA

By: _____

City Clerk

City Manager

(Date)

(Official Seal)