

RESOLUTION NO. 03-52

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

**WHEREAS**, the voters of Miami-Dade County approved a ½ cent Charter County Transit System Surtax; and

**WHEREAS**, the twenty percent of the proceeds are to be distributed to municipalities; and

**WHEREAS**, the Village must enter into the attached standard Interlocal Agreement in order to obtain the funds.

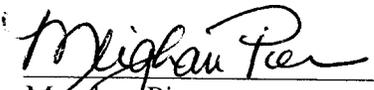
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

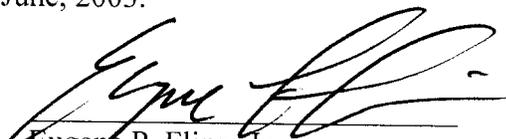
Section 1. The Village Council approves and authorizes the Village Manager to execute the attached Interlocal Agreement between Miami-Dade County and the Village of Palmetto Bay for Charter County Transit System Surtax.

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

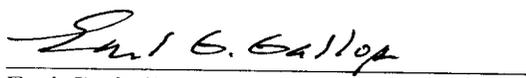
PASSED and ADOPTED this 10th day of June, 2003.

Attest:

  
Meghan Pier  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
Earl G. Gallop,  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller                    YES

Council Member Paul Neidhart           YES

Council Member John Breder             YES

Vice-Mayor Linda Robinson             YES

Mayor Eugene P. Flinn, Jr.              YES

//SharedDocuments-Laptop2/Transit Interlocal Memo 06.10.03

**INTERLOCAL AGREEMENT FOR DISTRIBUTION  
OF CHARTER COUNTY TRANSIT SYSTEM  
SURTAX PROCEEDS LEVIED BY MIAMI-DADE  
COUNTY**

This Interlocal Agreement ("Agreement") entered into this \_\_\_ day of \_\_\_\_\_ 2003, 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, Ordinance No. 02-116 provides that a portion of Surtax proceeds will be distributed annually to certain cities who meet specified conditions; and

WHEREAS, County and City wish to provide for distribution of Surtax proceeds to City on the terms and conditions provided below

NOW THEREFORE in consideration of the mutual covenants expressed herein, and other good and valuable consideration, the sufficiency of which the parties hereby acknowledge, County and City agree as follows:

1. Net Proceeds shall mean the portion of Surtax proceeds collected by the Florida Department of Revenue ("DOR") that is actually distributed to County by DOR.
2. County shall distribute twenty percent of Net Proceeds ("Municipal

Share") to those cities existing as of November 5, 2002, that continue to meet the conditions specified in Sec.29-124(f)(i) and (ii) of the Code of Miami-Dade County, Florida ("Eligible Cities").

3. The Municipal Share shall be distributed among the Eligible Cities on a pro rata basis based upon the ratio each Eligible City's population bears to the total population in all Eligible 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. For purposes of the foregoing, whenever an annexation occurs in any Eligible City, the number of persons residing in such annexed area at the time it is annexed shall be excluded from all calculations. Increases in population in areas annexed over and above the population in such area at the time of annexation which occur after annexation shall be included in subsequent years' calculations.

4. City shall apply all of the portion of the Municipal Share that City receives to supplement, not replace, City's general fund support for transportation. City shall only expend the portion of the Municipal Share that City receives for the transportation and transit purposes specified in Sec. 212.055(1)(d)1-3 Fla. Stats (2002), as same may be amended from time to time.

5. City shall, on an annual basis, apply 20% of the portion of the Municipal Share that it receives to transit uses in the nature of circulator buses, bus shelters, bus pullout bays or other transit-related infrastructure. If City cannot apply 20% of the portion of the Municipal Share it receives as provided in the preceding sentence, City may contract with County for County to apply such portion on a County project that enhances traffic mobility within the City and immediately adjacent areas. If City cannot

expend the 20% of the portion of the Municipal Share it receives in accordance with either of the two preceding sentences, then such portion shall carry over and be added to the Municipal Share to be distributed amongst the Eligible Cities in the ensuing year and such carried over portion shall be utilized by the Eligible Cities solely for the transit uses enumerated in this paragraph.

6. Net Proceeds distributed to cities incorporated after November 5, 2002, shall not reduce or affect the Municipal Share as defined herein for Eligible Cities.

7. By June 1<sup>st</sup> 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 a 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.

8. City agrees that the Citizens' Independent Transportation Trust ("CITT") shall have the power to monitor, oversee, review, audit and investigate the City's implementation of any project funded in whole or in part with the portion of the

Municipal Share received by City. City shall not have to obtain prior approval of the CITT to select the transportation and transit projects on which City will expend City's the portion of the Municipal Share that is distributed to City nor of to award contracts therefor. City further agrees that County may, at County's discretion, audit the funds received under this Agreement to assure such funds are utilized in accordance with State Law, Ordinance No. 02-116 and this Agreement. The rights of the CITT and County under this paragraph shall survive any termination of this Agreement.

9. This Agreement shall remain in effect from year to year for so long as County receives Net Proceeds.

10. Notices to City under this Agreement shall be in writing sent by U.S. Mail

addressed to:

Mr. Charles SCURR  
Village Manager  
8950 S.W. 152 ST.  
PALMETTO BAY, FL. 33157

Notices to County under this Agreement shall be in writing sent by U.S. Mail addressed to:

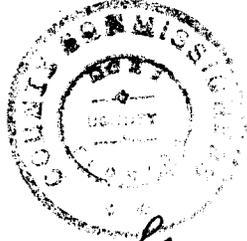
County Manager  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street  
29<sup>th</sup> Floor  
Miami, Florida 33128.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed on their behalf as of the date first stated above:

MIAMI-DADE COUNTY, FLORIDA

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to  
executed on their behalf as of the date first stated above:

ATTEST:



MIAMI-DADE COUNTY  
a political subdivision of the State of  
Florida

By: *Harvey Ruvin*  
Harvey Ruvin, Clerk

7-3-03

By:

*Bruce Johnson*  
County Manager (Date)

City of Palmetto Bay  
Executed under authority of  
City Resolution No. 03-50

*Bruce Zibhaber*  
Approved as to form and  
legal sufficiency

ATTEST:

CITY OF Palmetto Bay, a municipal  
government

By: *Miguel R.*  
City Clerk

By:

*Charles Scurr* 6/25/03  
Charles Scurr (Date)  
Village Manager