

RESOLUTION No. 2008-123-810

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN INTERLOCAL AGREEMENT AND AFFIDAVIT WITH MIAMI-DADE COUNTY FOR REIMBURSEMENTS FOR PARKING REVENUES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has received notification from Miami Dade County that it can receive a share of disabled parking violation fines for Fiscal Year 07-08, and

WHEREAS, this year these funds are estimated to be \$2,426.72, and

WHEREAS, in order to receive the funds, the City must demonstrate that the funds will be used for purposes that benefit the handicapped and disabled in the City, and

WHEREAS, In order to be eligible, the City needs to execute an Interlocal Agreement as well as an Affidavit certifying the use of the funds, and

WHEREAS, since the form of this Agreements and Affidavits will be required each year in order for the City to receive its allocation of these funds, the City Council would like to authorize the City Manager to execute these document on an annual basis,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORITY: The City Manager and City Clerk are hereby authorized and directed to execute and attest, respectively, that certain Agreement and Affidavit with Miami-Dade County Gardens, copies of which are attached hereto as **Exhibit "A."** The City Manager is further authorized to execute these documents in for future fiscal year.

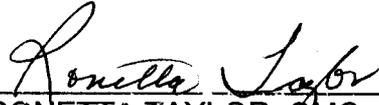
Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to CGI Communications, and with one to be directed to the Office of City Attorney.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JUNE 25, 2008.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: Danny Crew, City Manager

MOVED BY: Councilman Gilbert  
SECOND BY: Councilman Bratton

Resolution No. 2008-123-810

**VOTE: 7-0**

Mayor Shirley Gibson	<u>X</u> (Yes)	___ (No)
Vice Mayor Barbara Watson	<u>X</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	___ (No)
Councilman Aaron Campbell	<u>X</u> (Yes)	___ (No)
Councilman Oliver Gilbert, III	<u>X</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___ (No)
Councilman André Williams	<u>X</u> (Yes)	___ (No)

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# City of Miami Gardens

1515-200 NW 167<sup>th</sup> Street  
Miami Gardens, Florida 33169



Mayor Shirley Gibson  
Vice Mayor Barbara Watson  
Councilman Melvin L. Bratton  
Councilman Oscar Braynon II  
Councilman Aaron Campbell Jr.  
Councilwoman Sharon Pritchett  
Councilman André Williams

## Agenda Cover Page

Date: June 25, 2008

Fiscal Impact: No Yes X

(If yes, explain in Staff Summary)

Funding Source: N/A

Contract/P.O. Requirement: Yes No X

Sponsor Name/Department:

**Danny O. Crew, City Manager**

Public hearing

Ordinance

1st Reading

Advertising requirement:

RFP/RFQ/Bid

Quasi-Judicial

Resolution X

2nd Reading

Yes  No X

### Title

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN INTERLOCAL AGREEMENT AND AFFIDAVIT WITH MIAMI-DADE COUNTY FOR REIMBURSEMENTS FOR PARKING REVENUES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

### Staff Summary

The City has received notification from Miami Dade County that it can receive a share of disabled parking violation fines for this year. These funds (estimated to be \$2,426.72) can only be used for purposes that benefit the handicapped and disabled in our City. In order to be eligible, the City needs to execute an interlocal agreement as well as a General Affidavit with the County by June 30, 2008. The Affidavit contains the various ways in which these funds may be used. These agreements and affidavits will be required each year in order for the City to receive its allocation of these funds. The distributions are based on the revenues collected from each municipality for disabled parking fines.

### Recommendation:

Staff recommends that Council authorize the City Manager to execute the interlocal agreement and General Affidavit for the current fiscal year. In addition, Staff

recommends that Council authorize the City Manager to execute these agreements for all future years, as required by Miami Dade County.

## INTERLOCAL AGREEMENT

This agreement is entered into this 25<sup>th</sup> day of June 2008 year, by and between Miami-Dade County, Florida, a political subdivision of the State of Florida (the "County") and City of Miami Gardens (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 Ruvín, Clerk

Carlos Alvarez, Mayor

ATTEST:

CITY OF MIAMI GARDENS, FLORIDA



Ronetta Taylor, City Clerk

By:



Dr. Danny O. Crew, City Manager

(Date):

(Official Seal)

**GENERAL AFFIDAVIT**

**State of Florida**  
**County of** Dade

**BEFORE** Mario Bataille **ME,** the undersigned Notary,  
[name of Notary  
before whom affidavit is sworn], on this 10th [day of month] day of  
June [month], 20 08, personally appeared  
Dr. Danny O. Crew [name of affiant],  
known to me to be a credible person and of lawful age, who being by me first duly  
sworn, on His [his or her] oath, deposes and says:

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

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

The municipality shall return funds to the Clerk of the Board if the project is not successfully completed and shall allow the Miami-Dade County 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.

[set forth affiant's statement of facts]

[signature of affiant]

*Attest: [Signature]*  
City Clerk

