

RESOLUTION NO. 2018-2549

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY AND AN AFFIDAVIT FOR THE MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 316.008, Florida Statutes, and Section 30-447 of the Miami-Dade County Code (the “County Code”) authorize the charging of fines for misuse of specially marked parking spaces for people with disabilities; and

WHEREAS, in accordance with Section 30-447 of the County Code, one-third of the funds from the parking fine reimbursement program (the “Program”) are used to defray Miami-Dade County’s (the “County”) expenses for Program administration and two-thirds of the Program funds are to be used 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, the two-thirds of Program funds are distributed as follows: 30 percent is retained by the County for County-wide purposes in accordance with State law and 70 percent is allocated to the governmental entity having jurisdiction over the violation; and

WHEREAS, under the Program, the Town of Surfside (the “Town”) may receive an annual payment from the County consisting of a percentage of the fines collected for illegally parking in handicapped spaces and unspent funds from other municipalities; and

WHEREAS, the Town Commission desires to approve a Municipal Parking Fines Reimbursement Program Interlocal Agreement (the “Agreement”), in substantially the form

attached hereto as Exhibit “A,” in order to provide for the disbursement of Program funds from the County; and

WHEREAS, the Town Commission further desires to approve the general affidavit (“Affidavit”) provided by the County to provide for the annual transfer of Program funds to the Town, in substantially the form attached hereto as Exhibit “B”; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval of Agreement and Affidavit. That the Agreement and Affidavit are approved in substantially the form attached hereto as Exhibits “A” and “B,” respectively.

Section 3. Authorization. That the Town Manager is authorized to execute the Agreement in substantially the form attached hereto as Exhibit “A” and any renewals of the Agreement. That the Town Manager and/or Chief of Police or their designee may annually execute the Affidavit attached hereto as Exhibit “B.”

Section 4. Implementation. That the Town Manager and Chief of Police are directed to take any and all action necessary to accomplish the purposes of this Resolution.

Section 5. Effective Date. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on this 13th day of November, 2018.

Motion By: Commissioner Karukin

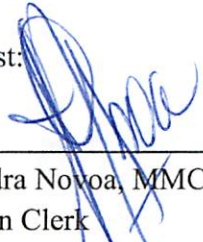
Second By: Commissioner Paul

FINAL VOTE ON ADOPTION:

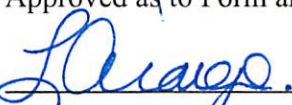
Commissioner Barry Cohen	<u>yes</u>
Commissioner Michael Karukin	<u>yes</u>
Commissioner Tina Paul	<u>yes</u>
Vice Mayor Daniel Gielchinsky	<u>yes</u>
Mayor Daniel Dietch	<u>yes</u>



Daniel Dietch, Mayor

Attest: 

Sandra Novoa, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:


Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

**Miami-Dade County
Municipal Parking Fines Reimbursement Program
Interlocal Agreement (Rev. 2016)**

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

WITNESSETH

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

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

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

1. This agreement shall become effective upon its execution by the authorized officers of the Parties and will continue annually upon agreement by both Parties.
2. The allocation of the disabled parking fine monies shall be used to provide funds to improve accessibility and equal opportunity to qualified persons who

**Miami-Dade County
Municipal Parking Fines Reimbursement Program
Interlocal Agreement (Rev. 2016)**

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

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

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

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

5. The Parties agree to follow the terms and conclusions regarding payment as follows:
 - a. The percentage for distribution shall be calculated by the County annually. Each year the County shall notify all municipalities of the distribution of the disabled permit parking fine money for the annual period.

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Municipal Parking Fines Reimbursement Program
Interlocal Agreement (Rev. 2016)**

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

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Municipal Parking Fines Reimbursement Program
Interlocal Agreement (Rev. 2016)**

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

Harvey Ruvin, Clerk

By: _____

Carlos A. Gimenez, Mayor

_____ (Date)

ATTEST:

MUNICIPALITY OF _____, FLORIDA

City/Town/Village Clerk

By: _____

City/Town/Village Manager

_____ (Date)

(Official Seal)

Approved for form and legal sufficiency:

Shanika A. Graves
Assistant County Attorney

Miami-Dade County
Municipal Parking Fines Reimbursement Program
Affidavit

MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM
AFFIDAVIT

State of Florida, County of Miami-Dade

BEFORE ME, the undersigned Notary,

[name of Notary
before whom affidavit is sworn], on this _____ [day of month] day of
_____ [month], 20____, personally appeared

[name of affiant],
known to me to be a credible person and of lawful age, who being by me first duly
sworn, on _____ [his or her] oath, deposes and says:

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

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

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

[signature of affiant]

[typed name of affiant]

**Miami-Dade County
Municipal Parking Fines Reimbursement Program
Affidavit**

[address of affiant, line 1]

[address of affiant, line 2]

State of Florida, County of Miami-Dade

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

_____ (month), _____ (year), by

_____ (name of person making statement)

_____ (title of person making statement)

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____