

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1958.08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE STREAMLINED PARKING FINE REIMBURSEMENT PROGRAM INTERLOCAL AGREEMENT BETWEEN THE TOWN AND MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach, Florida (the "Town") wishes to enter into the Streamlined Parking Fine Reimbursement Program Agreement (the "Agreement"), attached to this Resolution as Exhibit "A" between the Town and Miami-Dade County, Florida, described and outlined in the attached Agenda Item Report; and

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

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

WHEREAS, the Town of Golden Beach desires to receive and expend those parking fines in the manner prescribed in the Agreement, and

WHEREAS, the Town Council believes that it is in the best interest to enter into the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Agreement Approved. That the Agreement is hereby approved in substantially the form attached hereto as Exhibit "A," subject to approval by the Town Attorney as to form and legal sufficiency.

Section 3. Implementation. That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 4. Effective Date. That this resolution shall become effective immediately upon approval of the Town Council.

Sponsored by the **Administration**

The Motion to adopt the foregoing Resolution was offered by Vice Mayor Rojas, seconded by Councilmember Lusskin and on roll call the following vote ensued:

| | |
|-----------------------------|------------|
| Mayor Glenn Singer | <u>Aye</u> |
| Vice Mayor Amy Rojas | <u>Aye</u> |
| Councilmember Ken Bernstein | <u>Aye</u> |
| Councilmember Ben Einstein | <u>Aye</u> |
| Councilmember Judy Lusskin | <u>Aye</u> |

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 21st day of October, 2008.

ATTEST:



MAYOR GLENN SINGER


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY



Office of County Manager
 111 NW 1st Street • Suite 2910
 Miami, Florida 33128-1994
 T 305-375-5311

miamidade.gov

- ADA Coordination
- Agenda Coordination
- Art in Public Places
- Audit and Management Services
- Aviation
- Building Code Compliance
- Building
- Business Development
- Capital Improvements
- Citizen's Independent Transportation Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Countywide Healthcare Planning
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Assessment Center
- Medical Examiner
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement
- Property Appraiser
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Urban Revitalization Task Force
- Vizcaya Museum and Gardens
- Water and Sewer

May 30, 2008

Alexander Diaz, Town Manager
 Town of Golden Beach
 Office of the Town Manager
 1 Golden Beach Dr.
 Golden Beach, FL 33160

TOWN MANAGER

JUN 02 2008

RECEIVED

Dear Mr. Diaz:

I am pleased to announce that the Miami-Dade County Board of County Commissioners has recently streamlined the Parking Fines Reimbursement Program. The revised program requires only that an affidavit (see enclosed template) be submitted from the municipality's chief administrative official stating that the funds reimbursed shall be used to improve accessibility and equal opportunity to qualified persons who have disabilities in the municipality and to conduct disability public awareness programs. 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.

For Fiscal Year 07-08 only, you must also complete the enclosed revised interlocal agreement and return to our office. It is our goal to increase participation in the program in order to get these monies back into the communities where they can be used to fund programs for persons with disabilities. Additionally, it is hoped that more reimbursements mean more incentive to enforce the accessible parking laws, thus freeing up more spaces for those who are entitled to use them.

For the most recent period we show no fines generated from your municipality which could be due to a lack of disabled permit parking spaces, a lack of enforcement, a lack of violations, or a combination of the three. If your municipality does generate disabled permit parking fines in the future, your participation in this program is encouraged.

Reimbursements to municipalities are based on a percentage of revenue collected during Fiscal Year 06-07 that is determined by calculating the total amount paid on tickets in a municipality divided by the total number of tickets paid countywide. Funding estimates include a percentage of the carryover moneys that were not distributed to any municipalities in the previous year.

In accordance with Section 30-447 of the Code of Miami-Dade County, parking fine money generated from the misuse of marked spaces for people with disabilities is used in the following manner:

Delivering Excellence Every Day

- One-third of the money is used to defray the Clerk of Courts' administrative expenses; and
- Two-thirds of the money 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.

The two-thirds are distributed in the following manner:

Thirty percent is retained by the County for countywide purposes, in accordance with state law, and 70 percent is allocated to the governmental entity having jurisdiction over the violation.

To be eligible to receive funds each participating city is required to complete the interlocal agreement and submit an affidavit from the chief administrative official. Money not distributed to a city because of the failure of such city to submit these two items is placed in a fund for disbursement to other cities in proportion to the percentage of citations issued by the complying city.

If you would like more information regarding the Parking Fines Reimbursement Programs, please contact the Office of ADA Coordination Director Heidi Johnson-Wright at (305) 375-3566, 111 NW 1st Street, Suite #348, 12th Floor, Miami, Florida 33128.

Sincerely,

A handwritten signature in black ink, appearing to read "George M. Burgess". The signature is written in a cursive style with a large initial "G" and "B".

George M. Burgess
County Manager

Enclosures

- c: Wendi J. Norris, Director, General Services Administration
Jennifer Glazer-Moon, Director, Office of Strategic Business Management

INTERLOCAL AGREEMENT

This agreement is entered into this 21ST day of OCTOBER, ²⁰⁰⁸ year, by and between Miami-Dade County, Florida, a political subdivision of the State of Florida (the "County") and TOWN OF GOLDEN BEACH (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.

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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 Ruvlin, Clerk

Carlos Alvarez, Mayor

ATTEST:

CITY OF _____, FLORIDA

Elizabeth Sewell

By: Alex B.

City Clerk

City Manager

(Date)

(Official Seal)

GENERAL AFFIDAVIT

State of Florida
County of _____

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 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]

[typed name of affiant]

[address of affiant, line 1]

[address of affiant, line 2]

State of Florida
County of _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____,
_____ (year), by _____ (name 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 _____