

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1492.03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA EXPRESSING ITS SUPPORT FOR THE INTERLOCAL AGREEMENT FOR DISTRIBUTION OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY; AUTHORIZING THE MAYOR ON BEHALF OF THE TOWN OF GOLDEN BEACH TO EXECUTE AN INTERLOCAL AGREEMENT FOR DISTRIBUTION OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County adopted Ordinance No. 02-116 levying and imposing a one half of one percent Charter County Transit System 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, Miami-Dade County and the Town of Golden Beach wish to provide for distribution of Surtax proceeds to the Town of Golden Beach on the terms and conditions contained in the Interlocal Agreement;

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

Section 1. That the Town of Golden Beach hereby expresses its support for the Interlocal Agreement For Distribution of Charter County Transit System Surtax Proceeds Levied By Miami-Dade County, a copy of which is attached hereto as Exhibit "A" and incorporated herein as if set forth in full.

Section 2. That the Mayor is hereby authorized to execute said Agreement on behalf of the Town of Golden Beach.

Resolution No. 1492.03

Section 3. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 4. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 5. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Mayor Addicott.

The Motion to adopt the foregoing resolution was offered by Councilmember Einstein, seconded by Vice Mayor Iglesias, and on roll call the following vote ensued:

| | |
|------------------------|---------------|
| Mayor Addicott | <u>ABSENT</u> |
| Vice Mayor Iglesias | <u>AYE</u> |
| Councilmember Einstein | <u>AYE</u> |
| Councilmember Paruas | <u>AYE</u> |
| Councilmember Singer | <u>ABSENT</u> |

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 17TH day of June, 2003.


MAYOR MICHAEL ADDICOTT

ATTEST:


CATHY SZABO
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PAUL D. EICHNER
TOWN ATTORNEY



STEPHEN P. CLARK CENTER

OFFICE OF THE COUNTY MANAGER
SUITE 2910
111 N.W. 1st STREET
MIAMI, FLORIDA 33128-1994
(305) 375-5311

May 29, 2003

Honorable Michael Addicott, Esq
One Goldern Beach Dr.
Golden Beach, FL 33160

Dear Mayor Addicott:

Enclosed you will find the final approved Interlocal Agreement for Distribution of Charter County Transit System Surtax Proceeds Levied by Miami-Dade County.

The Interlocal Agreement attached to the letter of May 22, 2003, from the County Manager was an earlier electronic version which slightly differs from the one approved by the Board of County Commissioners.

Please execute four (4) originals of the enclosed Interlocal Agreement. Please remember to include your mailing address. Two (2) executed copies by the County Manager will be returned for your records.

If you have any questions, please contact Mr. Alberto Parjus, Office of Public Transportation Management at (305) 375-3204.

Sincerely,

A handwritten signature in black ink, appearing to read "Danny Alvarez", with a long horizontal flourish extending to the right.

Danny Alvarez
Executive Director
Office of Public Transportation Management

Attachment

received
6-3-03

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

This Interlocal Agreement ("Agreement") entered into this 17 day of June 2003, by and between Miami-Dade County, a political subdivision of the State of Florida ("County"), and Town of Golden Beach, 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 1st 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: Mayor Michael Addicott
Town of Golden Beach
1 Golden Beach Drive
Golden Beach, Fl 33160

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. 1st Street
29th Floor
Miami, Florida 33128.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to 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, Clerk

By: _____
County Manager (Date)

Town
~~CITY~~ of Golden Beach
Executed under authority of
City Resolution No. _____

ATTEST:

Town
~~CITY~~ OF Golden Beach, a municipal
corporation

By: *Cathy Szabo*
City Clerk Cathy Szabo

By: *[Signature]* 6/19/03
Mayor Michael Addicott (Date)

Approved as to form
and legal sufficiency

Paul Earl
Town Attorney

6/17/03