

RESOLUTION NO. 2016-128

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO AN AGREEMENT WITH THE STATE ATTORNEY'S OFFICE FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN THE FORM ATTACHED AND MADE A PART HEREOF AS EXHIBIT "1" IN ORDER TO REIMBURSE THE STATE ATTORNEY AS PROVIDED HEREIN FOR PROSECUTING CRIMINAL VIOLATIONS OF THE HIALEAH CODE (STATE MISDEMEANORS) AND COUNTY CODE CRIMINAL VIOLATIONS NOT ANCILLARY TO STATE PROSECUTION FOR A TERM COMMENCING ON OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1", AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, effective July 1, 2004, the Florida Legislature modified section 27.34, Florida Statutes to allow the state attorney prosecuting violations of county or municipal ordinances or special laws punishable by incarceration and not ancillary to state charges to enter into contracts with municipalities and counties to recover the costs of attorney services not to exceed \$50.00 hourly;

**WHEREAS**, pursuant to Hialeah, Fla., Resolution 04-135 (Dec. 17, 2004), Hialeah, Fla., Resolution 05-142 (Dec. 14, 2005), Hialeah, Fla., Resolution 07-57 (May 22, 2007), Hialeah, Fla., Resolution 07-141 (November 27, 2007), Hialeah, Fla., Resolution 08-156 (November 25, 2008), Hialeah, Fla. Resolution 09-170 (October 27, 2009), Hialeah, Fla. Resolution 10-122 (November 9, 2010) and Hialeah, Fla. Resolution 11-1119 (November 8, 2011), Hialeah, Fla. Resolution 12-126 (November 12, 2012) Hialeah, Fla. Resolution (November 26, 13-120), Hialeah, Fla. Resolution 15-01 (January 13, 2015), and Hialeah, Fla. Resolution 16-01 (January 12, 2016), the City entered into

one-year agreements with the State Attorney's Office to prosecute state misdemeanors and county code violations and finds it in the best interest to renew this agreement; and

**WHEREAS**, the City of Hialeah will utilize the funds collected from fines to defray the expenses of prosecutions of state misdemeanors adopted by the Hialeah Code and county ordinances that are not ancillary to state prosecution; and

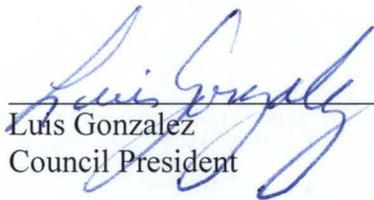
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an agreement with the State Attorney's Office for the Eleventh Judicial Circuit of Florida in the form attached and made a part hereof as Exhibit "1" in order to reimburse the State Attorney as provided herein for prosecuting criminal violations of the Hialeah Code (state misdemeanors) and county code criminal violations not ancillary to state prosecution for a term commencing on October 1, 2016 through September 30, 2017.

**Section 2: Effective Date.**

This resolution shall become effective when passed by the City Council of the City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida, or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld of if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 13 day of December, 2016.

  
Luis Gonzalez  
Council President

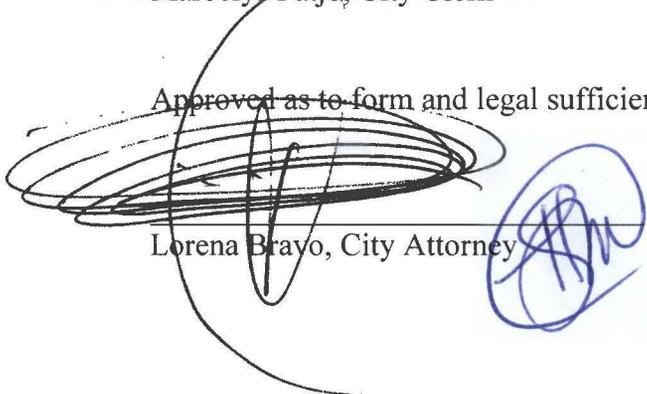
Attest:

Approved on this 16 day of December, 2016.

  
Marbelys Patjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

Resolution was adopted by a (6-0-1) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Lozano, Casáls-Muñoz, and Cue-Fuente voting "Yes". Councilwoman Garcia-Martinez absent.