RESOLUTION NO. 2013-64

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA RATIFYING AND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HIALEAH AND MIAMI-DADE COUNTY IN ORDER TO REIMBURSE THE CITY OF HIALEAH FOR PARKING FINES THAT SHALL BE USED TO IMPROVE ACCESSIBILTY AND EQUAL OPPORTUNITY TO QUALIFIED PERSONS WHO HAVE DISABILITIES IN THE CITY OF HIALEAH AND TO CONDUCT DISABILITY PUBLIC AWARENESS PROGRAMS , COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS COMPOSITE EXHIBIT "1".

WHEREAS, pursuant to Hialeah, Fla., Resolution 08-73 (June 24, 2008), the City of Hialeah previously entered into an interlocal agreement with Miami-Dade County regarding the reimbursement of parking fines and the appropriate use of such funds; and

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

WHEREAS, the program requires only that an affidavit be submitted annually 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; and

WHEREAS, it is the 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; and

WHEREAS, it is hoped that more reimbursements create additional incentives to enforce accessible parking laws, thus freeing up more spaces for those who are entitled to use them; and

WHEREAS, reimbursements to municipalities are based on a percentage of revenue collected during Fiscal Year 2011-2012 that is determined by calculating the total amount paid on tickets in a municipality divided by the total number of tickets paid countywide; and

WHEREAS, the combination of fines collected in the previous fiscal year, and unspent funds from other municipalities, makes available an amount of $10,026.00 for which the City of Hialeah may apply, and the deadline for submission of the affidavit and interlocal agreement is August 20, 2013.

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

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to ratify and approve an interlocal agreement between the City of Hialeah and Miami-Dade County in order to reimburse the City of Hialeah for parking fines that shall be used to improve accessibility and equal opportunity to qualified persons who have disabilities in the City of Hialeah and to conduct disability public awareness programs, copy of which is attached hereto and made a part hereof as Exhibit "1".

Resolution No. 2013-64

PASSED AND ADOPTED this 13 day of August, 2013.

Isis Garcia-Martinez
Council President

Attest:

Marbelys Fatjo
Acting City Clerk

Approved on this 16 day of August, 2013.

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

William M. Grodnick
City Attorney

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Resolution was adopted by a 6-0-1 vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes", Councilmember Casals-Munoz absent.

MIAMI-DADE COUNTY
MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM
INTERLOCAL AGREEMENT

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.

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 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

EXHIBIT
1

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 its 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 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 municipality in the previous year.

b. The County agrees to pay the County and the municipalities 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 Clerk of the Board of County Commissioners 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.

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:

_____

Harvey Ruvin, Clerk

MIAMI-DADE COUNTY, FLORIDA

By: _____

Carlos A. Gimenez, Mayor

ATTEST:

_____

City/Town/Village Clerk

MUNICIPALITY OF _____, FLORIDA

By:_____

City/Town/Village Manager

(Date)

(Official Seal)