RESOLUTION NO. 08-156

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, 2008 THROUGH SEPTEMBER 30, 2009.

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), and Hialeah, Fla., Resolution 07-141 (November 27, 2007) 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 the 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:

Resolution No. 08-156

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, 2008 through September 30, 2009.

PASSED AND ADOPTED this 25th day of November, 2008.

Carlos Hernandez
Council President

Attest:

Approved on this 26 day of November, 2008.

Rafael E. Granado
City Clerk

Mayor Julio Robaina

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, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Caragol absent.