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RESOLUTION NO. 2021-50

A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY – ISD/ADA OFFICE AND THE VILLAGE OF BISCAYNE PARK, AUTHORIZING THE REIMBURSEMENT OF FUNDS GENERATED FROM PARKING FINES FOR MISUSE OF SPECIALLY MARKED PARKING SPACES FOR PEOPLE WITH DISABILITIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 316.008, Florida Statutes, and Section 30-447 of the 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 (“County”) proposes to distribute said fines under the provisions of Section 30-447 of the Code of Miami-Dade County, Florida between the Clerk of Courts for administrative expenses, and to the County and the Village of Biscayne Park (“Village”); and

WHEREAS, the allocation of the disabled parking fines monies to the County and Village shall be used to provide funds to improve accessibility and equal opportunity to qualified persons who have disabilities and to provide funds to conduct public awareness programs in the County or in the Village of Biscayne Park.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2. The Village Manager is authorized to execute and implement the Interlocal Agreement - Municipal Parking Fines Reimbursement Program between Miami-Dade County – Internal Services Department (“ISD”) / ADA Office and the Village of Biscayne Park, attached hereto and incorporated herein as Exhibit “1”.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 7th Day of September, 2021.

The foregoing Resolution was offered by Commissioner Samaria, who moved its adoption. The motion was seconded by Vice-Mayor Hamelburg, and upon being put to a vote the vote was as follows:

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Virginia O'Halpin, Mayor	Yes
Judi Hamelburg, Vice Mayor	Yes
Art Gonzalez, Commissioner	Yes
MacDonald Kennedy, Commissioner	Yes
Dan Samaria, Commissioner	Yes

VILLAGE OF BISCAYNE PARK


Virginia O'Halpin, Mayor

ATTEST:


Roseann Prado, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:


Edward A. Dion, Village Attorney



Internal Services Department/ADA Office
111 NW 1st St., 24th Floor, Hoteling Area B
Miami, Florida 33128-1983
305-375-2013 (voice); 711 (Fla. Relay)
Heidi.Johnson-Wright@miamidade.gov

August 13, 2021

Mario Diaz, Village Manager
Village of Biscayne Park
640 NE 114th Street
Biscayne Park, FL 33161

Re: Parking Fines Reimbursement Program

Dear Mr. Diaz:

Miami-Dade County is commencing the next cycle of reimbursements for the Municipal Parking Fines Program. In order to participate in the program, each municipality must submit an Affidavit -- which must be sworn to by your municipality's highest administrative official -- and an executed Interlocal Agreement (*see attached.*) Program 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.

While you have no funds available for reimbursement this year, it is recommended that you submit the attached Interlocal Agreement within 60 days of the date of this letter. Thus, if reimbursement funds are available next year, you will only need to complete the Affidavit at that time. When completing the Interlocal Agreement, you must fill in the date and your municipality's name on the first page. Once executed, the Interlocal Agreement will remain on file until further notice.

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

- One-third of the funds are to be used to defray the Clerk of Courts' administrative expenses
- Two-thirds of the funds are distributed to the County and municipalities

Funds are to be used 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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IMPORTANT: We are working remotely. Please scan and email your completed Interlocal Agreement to me at Heidi.Johnson-Wright@miamidade.gov Also, please postal mail your hard copy completed Interlocal to my attention at Miami-Dade County, Internal Services Department/ADA Office, 111 NW 1st Street, 24th Floor, Hoteling Area B, Miami, FL 33128.

If you need additional information regarding the Parking Fines Reimbursement Program, please contact me at 786-564-5160 or Heidi.Johnson-Wright@miamidade.gov

Sincerely,

Heidi Johnson-Wright

Heidi Johnson-Wright,
ADA Coordinator

Attachment

c: Alex Muñoz, Director, Internal Services Department
Juan C. Silva, Division Director, ISD FIMD

**Miami-Dade County
Municipal Parking Fines Reimbursement Program
Interlocal Agreement (Rev. 2016)**

This agreement is entered into this 7th (day) of September (month/year), by and between Miami-Dade County, Florida, a political subdivision of the State of Florida (the "County") and Village of Biscayne Park (the "municipality"), a municipal corporation organized and existing under the laws of the State of Florida, (hereinafter referred to jointly as the Parties).

WITNESSETH

WHEREAS, Section 316.008, Florida Statutes, and Section 30-447 of the 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

**Miami-Dade County
Municipal Parking Fines Reimbursement Program
Interlocal Agreement (Rev. 2016)**

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 the 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 distribution of the disabled permit parking fine money for the annual period.

**Miami-Dade County
Municipal Parking Fines Reimbursement Program
Interlocal Agreement (Rev. 2016)**

- b. The County agrees to pay the County and the municipality 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 County 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.

**Miami-Dade County
Municipal Parking Fines Reimbursement Program
Interlocal Agreement (Rev. 2016)**

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

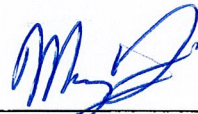
_____ (Date)

ATTEST:



Roseann Prado, Village Clerk
City/Town/Village Clerk

Village of Biscayne Park
MUNICIPALITY OF _____, FLORIDA

By: 

Mario Diaz, Village Manager
City/Town/Village Manager

09/07/2021 (Date)

Edward A. Dion, Village Attorney
City/Town/Village Attorney

(Official Seal)

Approved for form and legal sufficiency:

Shanika A. Graves
Assistant County Attorney