

RESOLUTION NO. 2024-42

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH MIAMI-DADE COUNTY FOR LOCAL GOVERNMENT PUBLICATION OF LEGAL ADVERTISEMENTS AND PUBLIC NOTICES ON MIAMI-DADE COUNTY'S DESIGNATED WEBSITE; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY IN FURTHERANCE OF THIS RESOLUTION; DIRECTING THE VILLAGE MANAGER TO PROVIDE ALL PUBLIC NOTICES AND ESTABLISH A REGISTRY AS REQUIRED BY SECTION 50.0311, FLORIDA STATUTES AS A PREREQUISITE TO THE USE OF THE WEBSITE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Art. I, Section 24(b) of the Florida Constitution requires all meetings of a municipality at which official acts are to be taken or at which public business of such municipality is to be transacted or discussed shall be open and properly noticed to the public; and

WHEREAS, the Village has historically published legal notices in the Daily Business Review until it ceased to produce a print product and therefore no longer met the requirements for the publication of legal notices pursuant to Florida Law; and

WHEREAS, the Village presently utilizes the Miami Herald to publish its legal notices; and

WHEREAS, Section 50.0311, Florida Statutes, provides for a governmental agency (municipality) to use a designated publicly accessible website of the county in which it lies to publish legally required advertisements and public notices if the cost of publishing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper of general circulation; and

WHEREAS, Section 50.0311, Florida Statutes further provides that, if a municipality utilizes a publicly accessible website to provide required advertisements and notices, a link to such advertisements and notices shall be conspicuously placed "(o)n the website's homepage or on a page accessible through a direct link from the homepage" and "(o)n the homepage of the website of each governmental agency publishing notices on the publicly accessible website or on a page accessible through a direct link from the homepage"; and

WHEREAS, the Statute also requires any municipality using the publicly accessible website to publish advertisements and notices to “provide notice at least once a year in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners throughout the governmental agency’s jurisdiction, indicating that property owners and residents may receive legally required advertisements and public notices from the governmental agency by first-class mail or email upon registering their name and addresses or email addresses with the governmental agency” and to “maintain a registry of names, addresses, and email addresses of property owners and residents who have requested in writing that they receive legally required advertisements and public notices from the governmental agency by first-class mail or email” and

WHEREAS, on July 16, 2024, the Miami-Dade County Board of County Commissioners (BCC”) adopted Resolution No. R-693-24, which designated “legalads.miamidade.gov” (“Website”) as the County’s publicly accessible website, approved a interlocal agreement attached hereto as Exhibit “A” for the publication of municipal legal advertisements and public notices on the Website, and authorized the County Mayor or the Mayor’s designee to execute the interlocal agreement with any governmental agency within the County desiring to use the Website for the aforesated purpose; and

WHEREAS, the estimated annual cost for the software, maintenance, and support necessary for the publication of municipal legal advertisements and public notices on the Website is \$707 per Local Government Agent or employee user, which is less that the cost of advertising in a newspaper of general circulation within the County.

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

Section 1. Incorporation of Recitals. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. Approval of Intergovernmental Agreement. The Village Commission hereby approves the Intergovernmental Access Agreement for Local Government Publication of Legal Advertisements and Public Notices on county Designated Website with Miami-Dade County attached hereto and incorporated herein as Exhibit "A".


Section 3. Authorization of the Village Manager. The Village Manager is hereby authorized to execute this Agreement and to do all things necessary to effectuate this Resolution.

Section 4. Directions to the Manager. The Manager is directed to ensure that all statutory required prerequisite notices are provided to the public and that the required registry is established before the Village utilizes the Website for publishing legal advertisements and public notices.

Section 5. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 12th day of November, 2024.

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




Jonathan Groth
Mayor

The foregoing resolution upon being put to a vote, the vote was as follows:

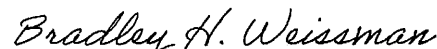
| | |
|------------------------|----------|
| Mayor Groth: | <u>Y</u> |
| Vice Mayor Huntington: | <u>Y</u> |
| Commissioner Amsler: | <u>Y</u> |
| Commissioner Kennedy: | <u>Y</u> |
| Commissioner Samaria: | <u>Y</u> |

Attest:



Pamela L. Latimore
Village Clerk

Approved as to form:



Bradley H. Weissman
Village Attorney