

MEMORANDUM

Agenda Item No. 11(A)(17)

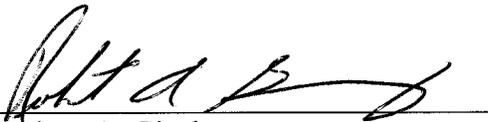
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution requiring
notice to a violator of
fees and costs associated
with appeal of citation

The accompanying resolution was prepared and placed on the agenda at the request of Chairman Joe A. Martinez.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 11(A)(17)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(17)
5-3-05

RESOLUTION NO. _____

RESOLUTION REQUIRING NOTICE TO A VIOLATOR OF A
DEPARTMENT'S ADMINISTRATIVE FEES AND COSTS
ASSOCIATED WITH AN APPEAL OF A CITATION ISSUED
UNDER CHAPTER 8CC OF THE MIAMI DADE COUNTY
CODE

WHEREAS, the provisions of Chapter 8CC of the Miami-Dade County Code provide for appeal of citations issued in accordance with that chapter; and

WHEREAS, Chapter 8CC provides for the assessment of fees and costs against the violator in the event of an unsuccessful appeal; and

WHEREAS, there is not currently a mechanism whereby a violator can determine the potential fees and costs which might be assessed in the event of an unsuccessful appeal of a citation issued under Chapter 8CC of the Miami-Dade County Code; and

WHEREAS, a reasoned and appropriate decision concerning whether or not to appeal a citation necessarily requires knowledge concerning the potential costs of that appeal,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that each department that issues citations under the authority of Chapter 8CC of the Miami-Dade County Code shall prepare a description of potential fees and costs which may be assessed against a violator as a result of a request for an appeal from the citation and shall serve this description of fees and costs on the violator at the time of the service of the citation thereby notifying the violator of the potential fees and costs associated with an unsuccessful appeal from a citation.

The foregoing resolution was sponsored by Chairman Joe A. Martinez and offered by
Commissioner _____, who moved its adoption. The motion was seconded by
Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Thomas H. Robertson