

Date: February 5, 2008

To: Honorable Chairman Bruno A. Barreiro and
Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Resolution Authorizing Amendment of Interlocal Agreement Between
Municipalities and Miami-Dade County Re. Distribution of Parking Fines
Collected under Section 316.008 Florida Statutes and Section 30-447 Code of
Miami-Dade County

Agenda Item No. 9(A)(1)(A)

Resolution R-154-08

RECOMMENDATION

It is recommended that the Board approve the attached Resolution authorizing the amendment of an Interlocal Agreement (IA) between Municipalities in Miami-Dade County (Municipalities) and Miami-Dade County to distribute parking fines collected under Section 316.008 Florida Statutes and Section 30-447 Code of Miami-Dade County, to be used for programs for persons with disabilities; and authorizing the Mayor or his designee to execute said agreements on behalf of the County.

SCOPE

This amendment of the IA has county-wide impact.

BACKGROUND

The current code related to parking spaces for disabled persons was adopted by the Board in June 1987, establishing a Penalty for the misuse of specially marked parking spaces -- spaces created for use by persons with disabilities. It also created a program whereby fines collected for violation of the ordinance could be reimbursed to the municipalities who issued the citations. Funds are to be used for programs and services for persons with disabilities. It has become apparent, however, that the process for reimbursement is deterring most municipalities from participating.

Under the current procedure, municipalities are required to complete complex, lengthy applications which are reviewed by the Office of ADA Coordination for reimbursement eligibility. Although over 30 municipalities pay into the fund and are eligible for reimbursement, only the same six or seven consistently apply annually. Additionally, only the handful of communities that apply for reimbursement have this added incentive to vigorously enforce the handicapped parking laws, freeing up parking spaces for persons entitled to utilize them. The end result is that persons with disabilities are being negatively impacted by the current requirements of the program.

A companion item on today's agenda amends the ordinance to simplify the reimbursement application process. This attached Interlocal Agreement reflects the proposed ordinance amendment, requiring a sworn affidavit in lieu of cumbersome paperwork. This simplified reimbursement process should encourage increased enforcement of the ordinance, increasing the funds available for the establishment of programs for persons with disabilities.

Delegated Authority

This item authorizes the Mayor or his designee to execute interlocal agreements on behalf of the County. The Board previously approved said authority via Resolution R-618-06 on June 4, 1996.

Fiscal Impact

The annual operating expense for the Parking Fines Reimbursement Program, as implemented and administered under the authority of the amended Section 30-447 of the Miami-Dade County Code, is estimated to be \$2,696.00, which is \$960.00 less than the previous annual expense of the program. This cost consists of the staff time of two full-time employees required to administer the program, and the cost savings is attributable to less staff time required under the new program.

Monitor

The monitor for this Administrative Order is Heidi Johnson-Wright, Director, Office of ADA Coordination.



Director
General Services Administration



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 5, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 9(A) (1) (A)

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. 9(A)(1)(A)
02-05-08

RESOLUTION NO. R-154-08

RESOLUTION AUTHORIZING THE AMENDMENT OF AN INTERLOCAL AGREEMENT (IA) BETWEEN MUNICIPALITIES IN MIAMI-DADE COUNTY (MUNICIPALITIES) AND MIAMI-DADE COUNTY TO DISTRIBUTE PARKING FINES COLLECTED UNDER SECTION 316.008 FLORIDA STATUTES AND SECTION 30-447, CODE OF MIAMI-DADE COUNTY, TO BE USED FOR PROGRAMS FOR PERSONS WITH DISABILITIES AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS ON BEHALF OF THE COUNTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the amended Interlocal Agreement (IA) between the Municipalities and Miami-Dade County to facilitate the administration of the Parking Fines Reimbursement Program and streamline the application process for municipalities to receive reimbursements of fines collected for the misuse of accessible ("handicapped") parking spaces. The reimbursed monies are then used to fund programs for persons with disabilities, thus resulting in more funds available for the establishment of programs for persons with disabilities and increased enforcement of the accessible ("handicapped") parking fines ordinance.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Carlos A. Gimenez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day February, 2008. 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: **Kay Sullivan**
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

WXC

William X. Candela

INTERLOCAL AGREEMENT

This agreement is entered into this _____ day of _____ year, by and between Miami-Dade County, Florida, a political subdivision of the State of Florida (the "County") and _____ (the "City" "MUNICIPALITY"), a municipal corporation organized and existing under the laws of the State of Florida.

WITNESSETH

WHEREAS, Section ~~316-1967~~, **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 contain 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 physically

disabled persons and to provide funds to conduct public awareness programs concerning physically disabled persons.

3. The parties shall annually submit ~~a proposed program plan~~ AN AFFIDAVIT SWORN BY THE CHIEF ADMINISTRATIVE OFFICIAL OF THE MUNICIPALITY to the Miami-Dade County Office of Americans with Disabilities Act Coordination, hereinafter known as the "ADA Office".

4. THE AFFIANT WILL AFFIRM THAT expenditures ~~must~~ meet the following criteria:
 - a. ~~Each party shall illustrate a maintenance of effort related to providing accessible programs, services and activities to people with disabilities; disabled parking fine monies shall not substitute for other monies allocated for such use.~~

 - b. ~~Each party shall create an advisory council composed of persons representing a broad range of disabilities which shall provide input as to use of the funds.~~

 - c. ~~Eligible projects or programs, if mandated by federal, state, or local law, must be matched by the parties in at least an equal amount by other funding. Other eligible projects or programs may be funded up to 100 percent by disabled permit parking fine monies.~~

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.

~~a. The parties are subject to the uniform minimum standards for County wide application assessment, monitoring and management evaluation and performance review for organizations providing community services as specified by Administrative Order 3-15.~~

~~b. Future funding is contingent upon proper completion and reporting of previous programs or projects.~~

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. ~~By December 1st of 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. commencing February 1st~~ The percentage for distribution to the County and to the municipalities are based on a percentage of total revenue which is determined by calculating the total number of tickets FINES paid county-wide. Funding estimates include a percentage of the monies, which were not distributed to any municipalities in the previous year.
- ~~b. The City agrees to render services in accordance with the Scope of Service submitted and approved annually by the Office of ADA Coordination.~~
- c. The County agrees to pay the City MUNICIPALITY under this agreement based on a payment schedule agreed upon by the Office of ADA Coordination, accompanied by such documentation as requested.
- d. In no event shall County funds be advanced to any subcontractor hereunder.
- ~~e. Within thirty days after the annual commencement period of this Agreement, an annual report of expenditures is to be submitted to the ADA Office. If after receipt of such annual report, the ADA Office determines that the City inadvertently has been paid funds not in~~

~~compliance with the Agreement, and to which it is not entitled, the City will be required to return such funds to the County or submit appropriate documentation. The County shall have sole discretion to determine if the City is entitled to such funds and the County's decision on this matter shall be binding.~~

- f. The parties shall return funds to the Clerk of the Board if the project is not successfully completed and shall allow the Office of ADA Coordination 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.
- g. 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:

MIAMI-DADE COUNTY, FLORIDA

By: _____

Harvey Ruvin, Clerk

George M. Burgess, County Manager

ATTEST:

CITY OF MIAMI, _____, FLORIDA

By: _____

City Clerk

City Manager

(Date)

(Official Seal)