

RESOLUTION No. 2004-123-174

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH THE MIAMI-DADE COUNTY OFFICE OF THE STATE ATTORNEY, FOR THE PROSECUTION OF MUNICIPAL ORDINANCE VIOLATIONS, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain municipal violations are prosecuted as criminal prosecutions through the Court system, and

WHEREAS, the Office of the State Attorney prosecutes municipal violations that are ancillary to state charges, and

WHEREAS, in order for the State Attorney to prosecute municipal ordinance violations that may not be ancillary to a state charge, §27.34, Florida Statutes, provides that the State Attorney is required to enter into a contract with the municipality in order to reimburse the State for the cost of providing the prosecution for municipal violations, and

WHEREAS, pursuant to §27.34, Florida Statutes, the State Attorney is to be reimbursed at a rate of \$50.00 per hour for municipal prosecutions, and

WHEREAS, in light of the minimal cost factor involved with the State Attorney providing prosecution of municipal violations, the City Attorney and the City Manager recommend that the City contract with the Miami-Dade County office of the State Attorney to prosecute municipal ordinance violations that come through the court system,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

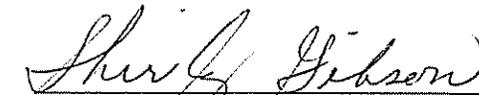
Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORITY: The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, that certain Agreement with the Office of the Miami-Dade County State Attorney for the prosecution of municipal ordinance violations, a copy of which is attached hereto as Exhibit A. Said Agreement shall be effective commencing January 1, 2005.

Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to Miami-Dade County Office of the State Attorney, and with one to be directed to the Office of City Attorney.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON DECEMBER 8, 2004.



SHIRLEY GIBSON, MAYOR

ATTEST:



RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson
SECONDED BY: Vice Mayor Campbell

VOTE: 5-2

Mayor Gibson	<u> </u> (Yes)	<u> x </u> (No)
Vice Mayor Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey J. King	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> </u> (Yes)	<u> x </u> (No)

SKK/bfc

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