

RESOLUTION No. 2004-124-175

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 BETWEEN THE CITY OF MIAMI GARDENS, FLORIDA AND THE STATE OF FLORIDA OFFICE OF THE PUBLIC DEFENDER FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE FOR THE COSTS OF DEFENDING CERTAIN CRIMINAL VIOLATIONS OF THE MIAMI GARDENS CODE, 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 City finds that in order to maintain and improve the health, safety and welfare of this community, it is necessary to adequately enforce and prosecute violations of the City's Municipal Code, and

WHEREAS, §27.51, Florida Statutes, authorizes the Public Defender to defend persons accused of municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the Public Defender contracts with the City for reimbursement, and

WHEREAS, pursuant to '27.51 and '27.54, Florida Statutes, the Public Defender is to be reimbursed at a rate of Fifty Dollars (\$50.00) per hour for municipal prosecutions, and

WHEREAS, in light of the minimal cost factor involved with the Office of the Public Defender providing the defense of persons accused of municipal ordinance violations, the City Attorney and the City Manager recommend that the City contract with the Miami-Dade County Office of the Public Defender to defend persons accused of 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 between the City of Miami Gardens, Florida and the State of Florida Office Of The Public Defender for the Eleventh Judicial Circuit of Florida, a copy of which is attached hereto as **Exhibit A**. Said Agreement shall be effective commencing January 1, 2005.

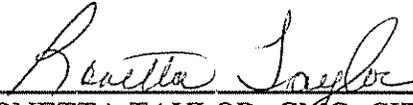
Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to the State of Florida Office Of The Public Defender for the Eleventh Judicial Circuit, and 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: Councilman Braynon

VOTE: 4-2

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>    </u> (Yes)	<u>    </u> (No) recused
Councilwoman Barbara Watson	<u>    </u> (Yes)	<u>  x  </u> (No)

SKK/bfc

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