

RESOLUTION No. 2005-45-222

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 INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR COLLECTION AND DISTRIBUTION OF THE COMMUNICATIONS SERVICE TAX PROCEEDS LEVIED BY THE CITY OF MIAMI GARDENS, 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, in the Public Service Tax Revenue Bonds ("UMSAN") Public Improvement, Series 2002 Bonds ("Bonds"), the County covenanted that it would continue to assess and collect or cause to be assessed and collected, the public service tax and the local communication service tax in areas which incorporated after June 23, 2002, and

WHEREAS, on August 20, 2003, as a condition of incorporation, the City enacted Ordinance No. 2003-02, imposing and levying the Local Communications Service Tax in the amount of five and one-half (5½%) percent on communication services within the City, as authorized by Section 202.19, Florida Statutes, and

WHEREAS, even though the City gave notice to the Florida Department of Revenue ("FDOR") that the City was imposing the Local Communications Service Tax, FDOR has continued sending a portion of the Local Communications Services Tax imposed by the County and the City to the County, and

WHEREAS, FDOR has advised the City that it could not send the City its share of the Local Communications Service Tax until it completed audits to determine the number of firms required to pay such Local Communications Service Tax to the City and that those audits may take several years to complete, and

WHEREAS, the City and County wish to enter into an interlocal agreement pursuant to Chapter 163, Florida Statutes, to set forth the terms and conditions upon which the City's Local Communications Service Tax shall be distributed,

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

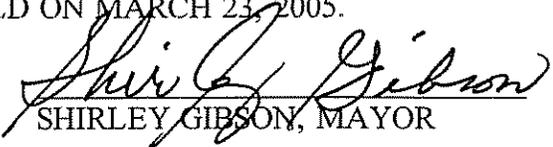
Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORITY: The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, that certain Interlocal Agreement For Collection And Distribution Of The Communications Service Tax Proceeds Levied By The City of Miami Gardens, a copy of which is attached hereto as **Exhibit "A."**

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, 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 MARCH 23, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY:

SECONDED BY: Councilwoman Watson

SECONDED BY: Vice Mayor Campbell

VOTE: 6-0

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| Mayor Gibson | <u> x </u> (Yes) | <u> </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> </u> (Yes) | <u> </u> (No) Out of room |
| 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> </u> (No) |

SKD/bfc

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