

RESOLUTION NO: 2015-001

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR REIMBURSEMENT OF THE COST OF CERTAIN CRIMINAL VIOLATIONS PROSECUTED BY THE STATE ATTORNEY; SETTING AN EFFECTIVE DATE. (INTRODUCED BY FRANK K. ROLLASON)

WHEREAS, Miami-Dade County and the Village have enacted various codes and ordinances providing for criminal penalties upon violation, which assist in protecting the health, safety, and welfare of the residents of North Bay Village; and

WHEREAS, Sections 27.02 and 27.34, Florida Statutes, authorize the State Attorney to prosecute municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the Village for reimbursement; and

WHEREAS, Chapter 27, Florida Statutes, requires municipalities to be financially responsible for the costs of prosecuting local code and ordinance violations when such prosecutions are not ancillary to a State charge; and

WHEREAS, the Village finds that in order to maintain and improve the health, safety, and welfare of the community, it is necessary to adequately enforce and prosecute violations of the Village's Code of Ordinances.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. That the Village Manager is hereby authorized to execute an agreement with the State of Florida, Office of the State Attorney for reimbursement for the cost of State Attorney Prosecution of certain criminal violations of the Village Code of Ordinances in the form attached hereto as Exhibit 1.

Section 2. Severability. That the provisions of the resolution are declared to be severable and if any section, sentence, clause or phrase of the resolution shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 3. Conflict. That all resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 4. Effective Date. That this Resolution shall take effect immediately upon approval.

The foregoing Resolution was offered Commissioner Wendy Duvall, who moved for its adoption. This motion was seconded Commissioner Richard Chervony, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

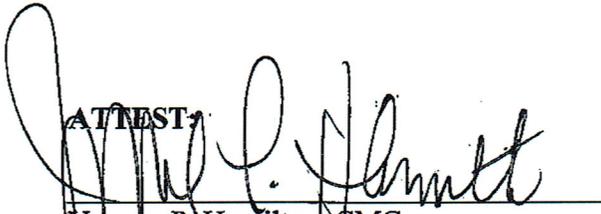
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

PASSED AND ADOPTED this 13th day of January, 2015.



Connie Leon-Kreps, Mayor

ATTEST:


Yvonne P. Hamilton, CMC
Village Clerk

**APPROVED AS TO FORM FOR THE USE
OF NORTH BAY VILLAGE:**


Robert L. Switkes & Associates, P.A.
Village Attorney

North Bay Village Resolution: Agreement-Reimbursement from State Attorney for Prosecuting Violations of Village Ordinances.