

RESOLUTION NO. 2011-25-1418

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN AGREEMENT WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT OUTLINING USE OF INFORMATION RELATED TO RED LIGHT CAMERA OPERATIONS, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Law Enforcement ("FDLE") requires law enforcement agencies participating in a red light camera program to execute a user Agreement, and

WHEREAS, the Agreement will allow use of the participating agency's Originating Agency Identifier ("ORI") to facilitate access to vehicle registration information to issue red light camera infractions,

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: AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the City Manager to execute that certain Agreement with the Florida Department of Law Enforcement outlining use of information related to red light camera operations, attached hereto as Exhibit "A".

Section 3: INSTRUCTIONS TO THE CLERK: The City Clerk is hereby authorized to obtain two (2) fully executed copies of the subject Agreement with one to

Resolution No. 2011-25-1418

be maintained by the City, and one to be delivered to Florida Department of Law Enforcement.

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 FEBRUARY 9, 2011.

Shirley Gibson
SHIRLEY GIBSON, MAYOR

ATTEST:

Ronetta Taylor
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Vice Mayor Campbell
Second by: Councilman Gilbert

VOTE: 4-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Lisa Davis	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> </u> (No) (not present)
Councilwoman Felicia Robinson	<u> </u> (Yes)	<u> </u> (No) (not present)
Councilman Andre' Williams	<u> </u> (Yes)	<u> </u> (No) (not present)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	February 9, 2011		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
				X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
		X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
Funding Source:	N/A		Advertising Requirement: <i>(Enter X in box)</i>		Yes		No
						X	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:				
	X						
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area:	Strategic Plan Objective/Strategy: <i>(list the specific objective/strategy this item will address)</i>			
		X		Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>	N/A		
Sponsor Name	Dr. Danny Crew, City Manager		Department:	Police Department			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN AGREEMENT WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT OUTLINING USE OF INFORMATION RELATED TO RED LIGHT CAMERA OPERATIONS, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

The Florida Department of Law Enforcement requires law enforcement agencies participating in a red light camera program to execute a user agreement to allow use of the participating agency's Originating Agency Identifier (ORI) to facilitate access to vehicle registration information. The ORI is utilized when computer queries are made by the vendor in order to issue the red light infraction. As such, staff recommends that council adopt the attached FDLE supplemental agreement.

**ITEM K-8) CONSENT AGENDA
RESOLUTION
Agreement w/ FDLE concerning
Red Light Camera Operation**

Proposed Action:

That the City Council authorizes the City Manager to execute the attached agreement with the FDLE outlining use of information related to Red Light Camera Operations.

Attachment:

Attachment A: Red Light Camera Operations Supplement

RED-LIGHT CAMERA OPERATIONS SUPPLEMENT TO CRIMINAL JUSTICE USER AGREEMENT

This Agreement supplements the Criminal Justice User Agreement entered into between the Florida Department of Law Enforcement (hereinafter referred to as FDLE), an agency of the State of Florida, and the _____, with headquarters at _____, (hereinafter referred to as the User), and dated _____.

PURPOSE: This Supplemental Agreement is to document the terms and conditions under which the User is authorized to permit the use of its Originating Agency Identifier (ORI) to facilitate access to vehicle registration information provided via FDLE's International Justice and Public Safety Network (Nlets) connection, the Florida Crime Information Center (FCIC II) Message Switch, and the Florida Department of Highway Safety and Motor Vehicles (DHSMV), for use in association with red-light camera traffic infraction detection operations implemented by county and municipal governments as authorized by Chapter 2010-80, Laws of Florida.

Whereas, FDLE is duly authorized and agrees to ensure access to the information services provided to the User via Nlets;

Whereas, the User provides law enforcement services for the

_____ (governmental entity);

Whereas, the governmental entity has contracted with a vendor for the purposes of traffic code enforcement using red-light cameras;

Whereas, the vendor, as a designated strategic partner with Nlets, submits queries to DHSMV via FDLE's Nlets connection and the FCIC II Message Switch, and such queries include the User's ORI;

Therefore, the FDLE and the User do hereby agree as follows:

Section I FDLE REQUIREMENTS

FDLE agrees to provide the information services described above and will adhere to the following terms and conditions:

1. Serve as the primary point of contact for Nlets transactions that originate on behalf of the User by the authorized vendor.
2. Monitor the use of the FCIC and Nlets to ensure that automated traffic generated as a result of red-light camera traffic infraction detection operations do not have an adverse impact on officer safety.

3. In the event of an outage of normal NCIC services for any reason, FDLE reserves the right to curtail or discontinue the processing of red-light camera inquiries until the event or situation that caused the outage has passed or been resolved and services are fully restored.

Section II USER REQUIREMENTS

By providing access to the information services described above, the User agrees to adhere to the following terms and conditions:

1. The User shall ensure that all vendor personnel reviewing the vehicle registration information provided as authorized herein are current in CJIS Online certification, as prescribed by FDLE.
2. The User shall not share any state or national Hot File Information to which it has access with the Vendor. The Vendor shall not view or store any Hot File information on behalf of the User. (All other restrictions on access to and dissemination of information obtained by or available to User under its User Agreement with FDLE continue to apply.)
3. The User shall enter into an instrument of agreement with the Vendor acknowledging information is obtained by the Vendor via Nlets and the FCIC II Message Switch on behalf of the User. A copy of this agreement shall be forwarded to FDLE. The User shall ensure the Vendor complies with access and dissemination policies for any information obtained via a query processed through the FCIC II Message Switch.

IN WITNESS HEREOF, the parties hereto have caused this Supplemental Agreement to be executed by the proper officers and officials as of the later date indicated below.

NAME OF USER AGENCY _____

AGENCY HEAD

_____ TITLE _____
(PLEASE PRINT)

(SIGNATURE)

DATE _____

WITNESS _____ TITLE _____

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

BY _____ TITLE _____
(PLEASE PRINT)

(SIGNATURE)

DATE _____

WITNESS _____ TITLE _____