

TOWN COMMISSION MEETING AGENDA ITEM

TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Agreement between the Town of Lady Lake and the Office of the State Attorney

AGENDA ITEM ID

20180315

DEPARTMENT

Police

STAFF RECOMMENDED MOTION

Staff recommends approval of the agreement, as presented.

SUMMARY

In order to maintain and improve the health safety and welfare of our community, it is necessary to adequately enforce and prosecute violations of the Town's Code of Ordinances. Currently, there is no formal process in place to accomplish prosecution of misdemeanor ordinance violations. Section 27.02, Florida Statutes authorizes the State Attorney to prosecute town ordinance violations punishable by incarceration where the State Attorney contracts with the Town for reimbursement. This agreement formalizes that process. Town Attorney Derek Schroth has reviewed and approved this agreement.

PAST ACTIONS

None.

FISCAL IMPACT

\$50 per hour

FUNDING ACCOUNT

001-2101-521-3410

PUBLIC HEARINGS

Scheduled for Monday, November 5, 2018, at 6 p.m.

**AGREEMENT BETWEEN THE TOWN OF LADY LAKE AND THE STATE OF FLORIDA,
OFFICE OF THE STATE ATTORNEY FOR THE FIFTH JUDICIAL CIRCUIT OF FLORIDA TO
REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF
CERTAIN CRIMINAL VIOLATIONS OF THE TOWN OF LADY LAKE CODE.**

THIS AGREEMENT is made and entered into this 5th day of November, 2018, by and between the **TOWN OF LADY LAKE**, a political subdivision of the County of Lake, State of Florida ("Town"), and the **STATE ATTORNEY'S OFFICE** for the Fifth Judicial Circuit of Florida, (State Attorney"), in order to set forth the basic understanding between the parties regarding the prosecution of misdemeanor offenses in violation of the Town's Code of Ordinances that are not ancillary to state prosecution.

WHEREAS, the Town 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 Town's Code of Ordinances; and

WHEREAS, Section 27.02, Florida Statutes, authorizes the State Attorney to prosecute Town ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, where the State Attorney contracts with the Town for reimbursement.

NOW, THEREFORE, the parties hereto agree as follows:

SECTION 1. SERVICES

The State Attorney agrees to prosecute Town ordinance violations as authorized in Sections 27.02 and 27.34, Florida Statutes. The Town agrees to remit to the State Attorney the required funds to reimburse for costs associated with the prosecution of violations of the Town of Lady Lake Code of Ordinances, subject to the terms outlined in Section 3 of this Agreement. The State Attorney shall provide such clerical and professional personnel as may be required for the performance of any of the functions of the State Attorney as set forth in this Agreement. This Agreement does not commit the Town to pay for the prosecution of Town of Lady Lake Code of Ordinance violations ancillary to state prosecution or for the prosecution of Town ordinance violations not punishable by incarceration.

SECTION 2. TERM

This agreement is one year from the date of execution by both parties. The Agreement will automatically renew for additional one year terms unless terminated by either party with 60 days' written notice.

SECTION 3. PAYMENT SCHEDULE

The Town agrees to reimburse the State Attorney on an hourly basis for services rendered at a rate of Fifty Dollars (\$50.00) per hour. On a quarterly basis, the State Attorney shall provide the Town with an invoice including, but to limited to, the hours of services rendered, number of cases prosecuted as set forth in this Agreement, and the total amount due for payment. The Town shall remit each payment within 30 days of receiving said invoice from the State Attorney.

SECTION 4. RESPONSIBILITIES

The Town does not delegate any of its responsibilities or powers to the State Attorney other than those enumerated in this Agreement. The State Attorney does not delegate any of its responsibilities or powers to the Town other than those enumerated in this Agreement.

SECTION 5. INDEMNIFICATION

It is expressly understood and intended that the State Attorney is only a recipient of the reimbursement paid by the Town and is not an agent of the Town. The respective parties agree, subject to the provisions of Section 768.28(17) of the Florida Statutes, that they will hold each other harmless from any claim arising from this Agreement.

SECTION 6. TERMINATION

Either party may terminate this Agreement at any time with or without cause by furnishing written notice to the other party with no less than 60 days' notice.

SECTION 7. SERVICE CHARGES

This Agreement is contingent upon all Town funding provided, and any interest earned thereon, not being subject to any State Attorney service charges or administrative assessments.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective and duly authorized officers the day and year first above written.

TOWN OF LADY LAKE, FLORIDA

Jim Richards, Mayor

Date

Attest:

Kristen Kollgaard, Town Clerk

Approved as to form:

Derek Schroth, Town Attorney

**OFFICE OF THE STATE ATTORNEY FOR
THE FIFTH JUDICIAL CIRCUIT OF FLORIDA**

Brad King, State Attorney

Date

Witness:

Witness: