

**RESOLUTION NO. R-2012-135**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND THE POLICE ATHLETIC LEAGUE OF NORTH MIAMI, INC., TO PROVIDE FUNDS FOR FIRST GENERATION SCHOLARSHIPS IN THE AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00), IN ACCORDANCE WITH THE FLORIDA INTERNATIONAL UNIVERSITY SCHOLARSHIP PLEDGE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, the City of North Miami, Florida (“City”), and the Police Athletic League of North Miami, Inc., a not for profit corporation under Section 501(c)(3) of the Internal Revenue Code of 1954 (“PAL”), desire to enter into a Memorandum of Understanding (“MOU”) to provide funds for a First Generation Scholarship; and

**WHEREAS**, under the MOU, PAL will receive from the City an amount not to exceed Ten Thousand Dollars (\$10,000.00) to fund a First Generation Scholarship (“Scholarship”) on behalf of the City; and

**WHEREAS**, on September 24, 2012, the Mayor and City Council approved the Fiscal Year 2012-2013 Financial Budget, which included the funding for this Scholarship by the City; and

**WHEREAS**, PAL has expressed its capability and willingness to perform in accordance with the terms and conditions of the MOU; and

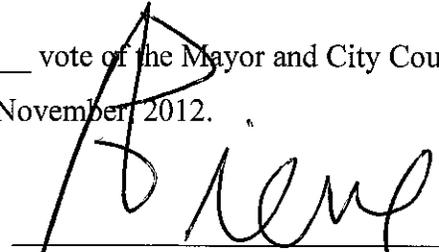
**WHEREAS**, the City Manager respectfully requests that the Mayor and City Council authorize the execution of the MOU, in order to accomplish the goals of the Scholarship in assisting a deserving student with the attainment of a post-secondary education.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

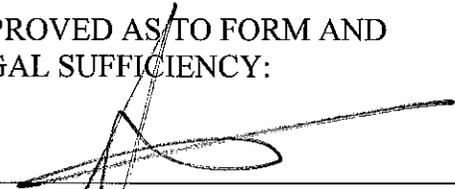
**Section 1. Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute a Memorandum of Understanding, in substantially the attached form, between the City of North Miami and the Police Athletic League of North Miami, Inc., to provide Funds for First Generation Scholarships in the amount not to exceed Ten Thousand dollars (\$10,000.00), in accordance with the Florida International University Scholarship Pledge Agreement.

**Section 2. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 13 day of November, 2012.

  
 ANDRE D. PIERRE, ESQ.  
 MAYOR

ATTEST   
 \_\_\_\_\_  
 MICHAEL A. ETIENNE, ESQ.  
 CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:  
  
 \_\_\_\_\_  
 REGINE M. MONESTIME  
 CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Mayor Pierre

Seconded by: Vice Mayor Steril

**Vote:**

Mayor Andre D. Pierre, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Vice Mayor Marie Erlande Steril	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Scott Galvin	<u>      </u>	(Yes)	<u>  x  </u>	(No)
Councilperson Jean R. Marcellus	<u>  x  </u>	(Yes)	<u>      </u>	(No)

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN THE**  
**THE CITY OF NORTH MIAMI**  
**AND**  
**POLICE ATHLETIC LEAGUE**

**THIS MEMORANDUM OF UNDERSTANDING** (“MOU”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by and between the **City of North Miami**, a Florida municipal corporation, located at 776 NE 125<sup>th</sup> Street, North Miami, FL (“City”) and the **Police Athletic League of North Miami, Inc.**, a not for profit corporation organized and existing under the laws of the State of Florida, having its principal office at 700 NE 124<sup>th</sup> Street, North Miami, FL 33161 (“PAL”). The City and PAL shall collectively be referred to as the “Parties”.

**RECITALS:**

**WHEREAS**, the City and PAL desire to enter into this MOU to provide funds for First Generation Scholarships (“Scholarships”) in accordance with the Florida International University Scholarship Pledge Agreement, in order to facilitate the attainment of post-secondary education to deserving students; and

**WHEREAS**, the Florida International University Financial Aid Office (“FIU”) will be responsible for recruiting, selecting, and administering the Scholarships and will ensure that selected students are residents of the City. FIU will also review eligibility requirements for additional funds or grants for the selected students.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements set forth herein, the Parties agree as follows:

1. **Recitals:** The above recitals are true and correct.
2. **City Funding:** The City agrees to provide PAL with funds in the amount not to exceed Ten Thousand Dollars (\$10,000.00), in accordance with the City’s Budget for Fiscal Year 2012-2013.
3. **Acceptance of Funds:** PAL agrees to accept from the City, funds in the amount of Ten Thousand Dollars (\$10,000.00).
4. **Scholarship Funding:** PAL agrees to use the Ten Thousand Dollars (\$10,000.00) to fund Scholarships, in accordance with the Florida International University Scholarship Pledge Agreement (attached hereto as “Exhibit A”).
5. **Refund of Funds:** In the event PAL is unable to fund Scholarships in accordance with the terms of this MOU, then PAL will immediately notify the City and refund the full amount back to the City. The City shall also be entitled to a full refund if FIU, prior to receiving the funds from PAL, ceases to exist or fails to maintain its tax exempt status with the Internal Revenue Service or the State of Florida.

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to be executed by the respective officials thereunto duly authorized, this day and year first above written.

Police Athletic League of North Miami, Inc:  
"PAL"

Witness:

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

Date \_\_\_\_\_

Date \_\_\_\_\_

ATTEST:

City of North Miami, a Florida municipal  
corporation: "City"

By: \_\_\_\_\_

Michael A. Etienne  
City Clerk

By: \_\_\_\_\_

Stephen E. Johnson  
City Manager

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_

Regine M. Monestime  
City Attorney