

MEMORANDUM

Agenda Item No. 11(A)(6)

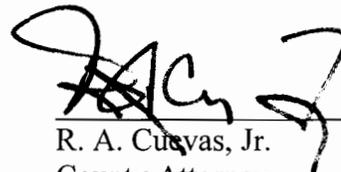
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing County Mayor to prepare and submit a written report to the Board regarding the South Florida Environmental Task Force and Florida Environmental Task Force Trust funds

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2011


FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
5-3-11

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR COUNTY
MAYOR'S DESIGNEE TO PREPARE AND SUBMIT A
WRITTEN REPORT TO THE BOARD REGARDING THE
SOUTH FLORIDA ENVIRONMENTAL TASK FORCE AND
FLORIDA ENVIRONMENTAL TASK FORCE TRUST FUNDS

WHEREAS, the South Florida Environmental Task Force, which is comprised of representatives from several federal, state and local law enforcement agencies, including the United States Environmental Protection Agency (the "US EPA"), the United States Department of Transportation, the Florida Department of Environmental Protection, the Miami-Dade Police Department (the "MDPD") and the City of Miami Police Department, was established to improve the investigation of environmental crimes by centralizing resources and information among the member agencies; and

WHEREAS, environmental crimes include, but are not limited to, illegal transportation and dumping of hazardous materials, waste and/or containers; illegal dump sites; residences containing biohazardous materials; and improper storage and/or disposal of chemicals at or by clinics, dental laboratories or medical facilities; and

WHEREAS, in early 2000, the Miami area office of the US EPA's Criminal Investigation Division requested that the MDPD's Environmental Investigations Unit (the "MDPD EIU") assume responsibility for the administration of the South Florida Environmental Task Force; and

WHEREAS, accordingly, the Board approved Resolution Nos. R-129-00 and R-130-00, which among other things, established the South Florida Environmental Task Force Trust Fund

(the “SFETF Trust Fund”) for the receipt of court ordered payments and governmental and privately donated funds for the purpose of investigating environmental criminal activity within Miami-Dade County; and

WHEREAS, by letter dated June 8, 2000, the Miami area office of the US EPA’s Criminal Investigation Division requested that the MDPD’s Environmental Investigations Unit (the “MDPD EIU”) assume responsibility for the administration of the Florida Environmental Task Force, a statewide task force established to address environmental crimes, including violations of federal and state laws; and

WHEREAS, in response the Board approved Resolution No. R-870-00, which among other things, established and maintained the Florida Environmental Task Force Trust Fund (the “FETF Trust Fund” and together with the SFETF Trust Fund, the “Environmental Trust Funds”) for the receipt of court ordered payments and governmental and privately donated funds for the investigation of environmental criminal activity within the State of Florida; and

WHEREAS, the Board authorized the disbursements of funds from the FETF Trust Fund to fund staffing, equipment, training and investigative expenses required to support overall Florida Environmental Task Force operations; and

WHEREAS, the Miami-Dade County Office of the Inspector General (the “OIG”) issued a Final Audit Report dated August 24, 2010 regarding the administration of the Environmental Trust Funds (the “OIG Report”); and

WHEREAS, in response to the OIG Report, among other things, MDPD (i) implemented improved administrative procedures and financial controls over the disbursement of the Environmental Trust Funds and the inventory of equipment and property purchased with Environmental Trust Funds; (ii) stated that it would no longer accept monies for deposit in the

Environmental Trust Funds; (iii) ensured that all future FETF Trust Fund expenditures would be fairly distributed among Florida Environmental Trust Fund agency members and in compliance with approved expenditure categories; and (iv) affirmed that it will work with partner agencies to coordinate and facilitate a smooth transition of the management and administration of the FETF Trust Fund; and

WHEREAS, this Board desires to direct the County Mayor or the County Mayor's designee to prepare and submit a written report to the Board regarding the Environmental Trust Funds, including at a minimum, the remaining balances of the Environmental Trust Funds and the status of the transition of the management and administration of the FETF Trust Fund,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board directs the County Mayor or the County Mayor's designee to prepare and submit a written report to the Board regarding the Environmental Trust Funds, including at a minimum, the remaining balances of the Environmental Trust Funds and the status of the transition of management and administration of the FETF Trust Fund. Such report shall be submitted to the Board no later than sixty (60) days from the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro
Lynda Bell
Jose "Pepe" Diaz
Sally A. Heyman
Barbara J. Jordan
Jean Monestime
Dennis C. Moss
Rebeca Sosa
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GB/K

Geri Bonzon-Keenan

6