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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 9(A)(1)

Resolution No. R-1072-09

Subject: Resolution Retroactively Authorizing the County Mayor or County Mayor's Designee to Apply For, Receive, and Expend Federal Funds from the State Criminal Alien Assistance Program

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution retroactively authorizing the County Mayor or County Mayor's designee to apply for, receive, and expend federal funds from the State Criminal Alien Assistance Program (SCAAP). This item is retroactive because the application deadline of May 12, 2009, did not allow time to submit the resolution to the Board prior to submitting the application.

Scope

This resolution only impacts the Miami-Dade Corrections and Rehabilitation Department (MDCR).

Fiscal Impact/Funding Source

The funding source for this resolution will come from the Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice, which administers SCAAP.

Track Record/Monitor

This funding will be monitored by Commander, Maxine Harris of the Budget and Finance Bureau, MDCR.

Background

The SCAAP provides federal payments to states and local jurisdictions that incurred correctional officer salary costs for incarcerating certain undocumented criminal aliens who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least four (4) consecutive days during the reporting period. The reporting period for the 2009 SCAAP is from July 1, 2007 through June 30, 2008.

Additional submission criteria require the records of inmates in custody during the reporting period who:

- Were born outside the United States or one of its territories and had no reported or documented claim to U.S. citizenship;
- Were in the applicant's custody for four or more consecutive days during the reporting period;
- Were convicted of one felony or two misdemeanor convictions for violations of state or local law;
- Were identified and reported as undocumented, using due diligence.

The United States Department of Homeland Security (DHS) will make the final determination on the status of submitted inmate records for undocumented alien purposes.

Salary information reported in the SCAAP application must reflect the total salaries and wages paid to correctional officers and others who meet the SCAAP definition. Salary cost data must be actual dollar amounts paid for correctional officer salaries during the reporting period and may include premium pay for specialized services, shift differential pay, and fixed-pay increases for time in service. It may also include overtime required by negotiated contract, statute, or regulation such as union agreements, contractual obligations, and required post staffing minimums.

SCAAP payments are calculated using a formula that provides a relative share of funding to jurisdictions that apply, and is based on the number of eligible criminal aliens, as determined by DHS. SCAAP payments are calculated simultaneously, with grant applicants receiving a prorated payment based on the appropriation available, costs submitted, and inmates as determined by DHS. SCAAP funds must be used for correctional purposes only. In Fiscal Year 2008, Miami-Dade County was awarded $106,784.

Alina T. Hudak
Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 1, 2009

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

SUBJECT: Agenda Item No. 9(A)(1)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 9(A)(1)
9-1-09

RESOLUTION NO. **R-1072-09**

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND EXPEND FEDERAL FUNDS FROM THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM FOR THE PURPOSE OF REIMBURSING THE COUNTY FOR COSTS INCURRED FOR THE IMPRISONMENT OF UNDOCUMENTED CRIMINAL ALIENS; AND TO FILE AND EXECUTE NECESSARY AMENDMENTS TO THE APPLICATION

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board retroactively authorize the County Mayor or County Mayor's designee to apply for, receive and expend federal funds from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice for State Criminal Alien Assistance Program funds for the purpose of partially reimbursing correctional officer salary costs for incarcerating undocumented criminal aliens who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least four consecutive days during the reporting period.

The foregoing resolution was offered by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2009. 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

Approved by County Attorney as
to form and legal sufficiency.

By: **DIANE COLLINS**
Deputy Clerk

Robert A. Duvall

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