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

MEMORANDUM

Agenda Item No. 8(I)(1)

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

DATE: September 18, 2012

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

SUBJECT: Resolution authorizing execution of a cost reimbursement agreement between the Federal Bureau of Investigation of the U.S. Department of Justice and Miami-Dade County

Resolution No. R-735-12

The accompanying resolution was prepared by the Miami-Dade Police Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

DATE: September 18, 2012

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

FROM: Carlos A. Gimenez
Mayor

SUBJECT: Resolution Authorizing Execution of a Cost Reimbursement Agreement between the Federal Bureau of Investigation and Miami-Dade County

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Recommendation

It is recommended that the Board of County Commissioners approve the attached Cost Reimbursement Agreement between the Federal Bureau of Investigation and Miami-Dade County, by and through its department, the Miami-Dade Police Department. This Agreement provides authority to the Federal Bureau of Investigation to pay overtime for police officers assigned full-time to the Broward/Dade Task Force for expenses necessary for detection, investigation, and prosecution of crimes (primarily real estate) against the United States. This Agreement is effective upon signature and will remain in effect for the duration of the Miami-Dade Police Department's participation in the Broward/Dade Task Force and pursuant to Congressional appropriations.

Scope

The Cost Reimbursement Agreement will provide reimbursement to the Miami-Dade Police Department for the overtime costs of police officers assigned full-time to the Broward/Dade Task Force.

Fiscal Impact/Funding Source

The Cost Reimbursement Agreement specifies that reimbursements will be paid by the Federal Bureau of Investigation at the usual rate the officer would be compensated. Reimbursements limit will be established annually by the Federal Bureau of Investigation.

Track Record/Monitor

The Miami-Dade Police Department Economic Crimes Acting Major Edward Gallagher will monitor this Agreement.

Background

The purpose of this Cost Reimbursement Agreement is to provide reimbursement of overtime costs for police officers assigned full-time to the Broward/Dade Task Force. Allowable expenses include activities necessary for detection, investigation, and prosecution of crimes (primarily real estate) against the United States. Assigned officers must be approved in advance by the Federal Bureau of Investigation. Reimbursements will be submitted monthly and will be paid via electronic fund transfer directly to the Miami-Dade Police Department.

This Cost Reimbursement Agreement will benefit Miami-Dade County and the Miami-Dade Police Department as it will facilitate inter-agency, multi-jurisdiction investigations where subjects will be arrested on federal charges with the potential for serious sentencing, including lengthy jail sentences. This is an important partnership opportunity with a key federal agency, sharing information concerning anti-crime efforts, especially real estate crimes, conducting joint investigations, and addressing other related law enforcement matters.

Genaro "Chip" Iglesias
Office of the Mayor

MEMORANDUM

(Revised)

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

DATE: September 18, 2012

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

SUBJECT: Agenda Item No. 8(I)(1)

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. 8(I)(1)
9-18-12

RESOLUTION NO. R-735-12

RESOLUTION AUTHORIZING EXECUTION OF A COST REIMBURSEMENT AGREEMENT BETWEEN THE FEDERAL BUREAU OF INVESTIGATION OF THE U.S. DEPARTMENT OF JUSTICE AND MIAMI-DADE COUNTY BY AND THROUGH ITS DEPARTMENT, THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR AND/OR COUNTY MAYOR'S DESIGNEE'S ACTION TO EXECUTE AMENDMENTS, RENEWALS, AND EXTENSIONS AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

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 finds it is in the best interest of Miami-Dade County to approve the execution of a Cost Reimbursement Agreement between the Federal Bureau of Investigation of the U.S. Department of Justice and Miami-Dade County by and through its Department, the Miami-Dade Police Department, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor or County Mayor's Designee to execute the Agreement for and on behalf of Miami-Dade County, and to execute any amendments, renewals and extensions of same, and to exercise the cancellation provisions contained in the Agreement.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sen Javier D. Souto** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			**aye**
Audrey M. Edmonson, Vice Chairwoman			**aye**
Bruno A. Barreiro	**aye**	Lynda Bell	**absent**
Esteban L. Bovo, Jr.	**aye**	Jose "Pepe" Diaz	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of September, 2012. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Ben Simon

COST REIMBURSEMENT AGREEMENT
BETWEEN
THE FEDERAL BUREAU OF INVESTIGATION (FBI)
AND
MIAMI-DADE COUNTY

TASK FORCE FILE # 329A-MM-A111512

This Cost Reimbursement Agreement is entered into by and between the Federal Bureau of Investigation (FBI) and Miami-Dade County, by and through its department, the Miami-Dade Police Department.

Pursuant to Congressional appropriations, the Federal Bureau of Investigation receives authority to pay overtime for police officers assigned to the formalized Broward/Dade Task Force as set forth below for expenses necessary for detection, investigation, and prosecution of crimes against the United States. It is hereby agreed between the Federal Bureau of Investigation and Miami-Dade County with its police department, located at 9105 NW 25th Street, Doral, Florida 33172; Taxpayer Identification Number:59-6000573; Phone Number: (305)994-1060 that:

1) Commencing upon execution of this agreement, the Federal Bureau of Investigation will, subject to availability of the required funding, reimburse Miami-Dade County for overtime payments made to the Miami-Dade Police Department officers assigned full-time to the Broward/Dade Task Force.

2) Requests for reimbursement will be made on a monthly basis and should be forwarded to the Federal Bureau of Investigation field office as soon as practical after the first of the month which follows the month for which reimbursement is requested. Such requests should be forwarded by the Supervisor of the Miami-Dade Police Department to the Federal Bureau of Investigation Task Force Squad Supervisor and Special Agent in Charge for their review, approval, and processing for payment.

3) Overtime reimbursements will be made directly to the Miami-Dade Police Department by the Federal Bureau of Investigation. All overtime reimbursement payments are made by electronic fund transfer. An Automated Clearing House Vendor/Miscellaneous Payment Enrollment Form must be on file with the Federal Bureau of Investigation to facilitate electronic fund transfer.

4) Overtime reimbursements will be calculated at the usual rate for which the individual officer's time would be compensated in the absence of this agreement. However, said reimbursement, per officer, shall not exceed limits established annually by the Federal Bureau of Investigation. **The FY12 monthly limit is 1,433.52 and/or annual limit is 17,202.24.** The limits, calculated using Federal pay tables, will be in effect for the Federal fiscal year running from October 1st of one year through September 30th of the following year, unless changed during the period. The Federal Bureau of Investigation reserves the right to change the reimbursement limits, upward or downward, for

subsequent periods based on fiscal priorities and appropriations limits. The Federal Bureau of Investigation will notify the agency of the applicable annual limits prior to October 1st of each year.

5) The number of officers assigned full-time to the Broward/Dade Task Force and entitled to overtime reimbursement by the Federal Bureau of Investigation shall be approved by the Federal Bureau of Investigation in advance of each fiscal year. Based on the needs of the task force, this number may change periodically, upward or downward, as approved in advance by the Federal Bureau of Investigation.

6) Prior to submission of any overtime reimbursement requests, the agency must prepare an official document setting forth the identity of each officer assigned full-time to the task force, along with the regular and overtime hourly rates for each officer. Should any officers change during the year, a similar statement must be prepared regarding the new officers prior to submitting any overtime reimbursement requests for the officers. The document should be sent to the field office for Federal Bureau of Investigation review and approval.

7) Each request for reimbursement will include the name, rank, Identification number, overtime compensation rate, number of reimbursable hours claimed, and the dates of those hours for each officer for whom reimbursement is sought. The request must be accompanied by a certification, signed by an appropriate Supervisor of the Miami-Dade Police Department that the request has been personally reviewed, the information described in this paragraph is accurate, and the personnel for whom reimbursement is claimed were assigned full-time to the Broward/Dade Task Force.

8) Each request for reimbursement will include an invoice number, invoice date, taxpayer identification number, and the correct banking information to complete the electronic fund transfer. The necessary banking information is the Depositor Account Title, Bank Account Number, Routing Number, and Type of Account (checking, savings, or lockbox). If the banking information changes, a new Automated Clearing House Vendor/Miscellaneous Payment Enrollment Form must be submitted to the Federal Bureau of Investigation.

9) Requests for reimbursement must be received by the Federal Bureau of Investigation no later than December 31st of the next fiscal year for which the reimbursement applies. For example, reimbursements for the fiscal year ending September 30, 2012, must be received by the Federal Bureau of Investigation by December 31, 2012. The Federal Bureau of Investigation is not obligated to reimburse any requests received after that time.

10) This agreement is effective upon signature of the parties and will remain in effect for the duration of the Miami-Dade Police Department's participation in the Broward/Dade Task Force, contingent upon approval of necessary funding, and unless terminated in accordance with the provisions

herein. This agreement may be modified at any time by written consent of the parties. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date.

FOR MIAMI-DADE COUNTY:

Carlos A. Gimenez Date
Mayor

6/25/12

James K. Loftus Date
Director, Miami-Dade Police Department

FOR THE FEDERAL BUREAU OF INVESTIGATION:

Special Agent in Charge Date
Miami Division

Contracting Officer Date
Federal Bureau of Investigation
Headquarters