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

MEMORANDUM

Agenda Item No. 8(I)(4)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	May 5, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution approving the request to expend $1,550,000.00 from the Miami-Dade Police Department Law Enforcement Trust Fund; and authorizing the County Mayor to use such funds for expenditures described herein Resolution No. R-401-15

The accompanying resolution was prepared by Miami-Dade Police Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

DATE: May 5, 2015

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

FROM: Carlos A. Gimenez
Mayor

SUBJECT: Resolution Authorizing the Expenditure of Funds from the Miami-Dade Police Department Law Enforcement Trust Fund

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution supporting the County Mayor or County Mayor's designee action to expend $1,550,000.00 from the Miami-Dade Police Department Law Enforcement Trust Fund in accordance with the Report of Proposed Expenditures from the Law Enforcement Trust Fund (attached).

Scope

The Miami-Dade Police Department Law Enforcement Trust Fund impacts countywide services.

Fiscal Impact/Funding Source

Miami-Dade County will not incur any costs. The Law Enforcement Trust Fund monies are awarded to the Miami-Dade Police Department as a result of forfeiture litigation in State court and participation in federal asset sharing programs.

Track Record/Monitor

The Law Enforcement Trust Fund project requests are reviewed by Gustavo Knoepffler, Chief Financial Officer of the Miami-Dade Police Department.

Delegation of Authority

The County Mayor or County Mayor's designee is seeking the authority to expend $1,550,000.00 from the Miami-Dade Police Law Enforcement Trust Fund in accordance with the Report of Proposed Expenditures from the Law Enforcement Trust Fund.

Background

On December 2, 1980, the Law Enforcement Trust Fund for Miami-Dade County was established by the Board of County Commissioners through Resolution R-1633-80. The Law Enforcement Trust Fund must be used for law enforcement purposes which are not budgeted. Allowable purposes may include: to defray costs of protracted or complex investigations; to provide additional technical equipment or expertise; to provide matching funds to obtain federal grants; or for other law enforcement purposes. The funds are administered in compliance with Miami-Dade Police Department's policies, statutory requirements, and federal guidelines.

The Law Enforcement Trust Fund is comprised of three different funding sources: (1) the State civil forfeitures, governed by Florida Statutes Sections 932.701 through 932.706; (2) U.S. Department of Justice Asset Sharing Program; and (3) U.S. Treasury Asset Sharing Program. The Law Enforcement Trust Fund monies awarded to the Miami-Dade Police Department are a result of forfeiture litigation in

State court and federal asset sharing programs. Federal assets are shared among participating law enforcement agencies based on the agencies' direct participation in task force investigations that result in the forfeiture of federally seized assets. The Department's partnerships with federal agencies and the related task forces have been the subject of recent resolutions approved by the Board.

Law Enforcement Trust Fund project requests are submitted to the Miami-Dade Police Department Law Enforcement Trust Fund Committee Chairperson. The requests are reviewed by personnel in the Fiscal Administration Bureau to ensure compliance with Law Enforcement Trust Fund requirements. The Police Legal Bureau reviews the requests for legal sufficiency and prepares the Report of Proposed Expenditures from the Law Enforcement Trust Fund. The revenues and expenditures are documented in the County budget ordinance, the federal equitable sharing and certification report, and an annual audit to the County's Finance Department. The package is certified by the Director prior to the Report being presented to the Board for approval per Florida Statutes Section 932.7055(5) (b).

The proposed expenditures will be effective through completion of the project. These expenditures include: 1) Police Rifles - $900,000.00; and 2) Narcotics Investigations - $650,000.00. These funds will support long-term, ongoing protracted or complex investigations and other allowable law enforcement operations in compliance with the Miami-Dade Police Department's policies, statutory requirements, and federal guidelines.

Russell Benford
Office of the Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 5, 2015

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

SUBJECT: Agenda Item No. 8(I)(4)

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 Mayor'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)(4)
5-5-15

RESOLUTION NO. R-401-15

RESOLUTION APPROVING THE REQUEST TO EXPEND $1,550,000.00 FROM THE MIAMI-DADE POLICE DEPARTMENT LAW ENFORCEMENT TRUST FUND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO USE SUCH FUNDS FOR EXPENDITURES DESCRIBED HEREIN

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying Report of Proposed Expenditures from the Law Enforcement Trust Fund (the "Report"), 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 approves, pursuant to Florida Statutes Section 932.7055, the request of the County Mayor or County Mayor's designee to expend $1,550,000.00 from the Miami-Dade Police Department Law Enforcement Trust Fund for the purposes described in the accompanying Report and authorizes the County Mayor or County Mayor's designee to use such funds for the expenditures described in the Report.

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

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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. MP

Matthew Papkin

Memorandum

MIAMI-DADE COUNTY

Date: March 5, 2015

To: Carlos A. Gimenez, Mayor
Miami-Dade County

Attn: Russell Benford
Deputy Mayor

From: J.D. Patterson, Director
Miami-Dade Police Department

Subject: Report of Proposed Expenditures from the Law Enforcement Trust Fund

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The Law Enforcement Trust Fund (Trust Fund) for Miami-Dade County was established by the Board of County Commissioners and must be used for law enforcement purposes which are not budgeted. Allowable purposes may include: to defray costs of protracted or complex investigations; to provide additional technical equipment or expertise; to provide matching funds to obtain federal grants; or for other law enforcement purposes. The funds are administered in compliance with Miami-Dade Police Department policies, statutory requirements, and federal guidelines.

The Law Enforcement Trust Fund is comprised of three different funding sources: the State civil forfeitures, governed by Florida Statutes Sections 932.701 through 932.706; U.S. Department of Justice Asset Sharing Program; and U.S. Treasury Asset Sharing Program. The Law Enforcement Trust Fund monies awarded to the Miami-Dade Police Department (MDPD) are a result of forfeiture litigation in State court and federal asset sharing programs.

Law Enforcement Trust Fund project requests are submitted to the Miami-Dade Police Department Law Enforcement Trust Fund Committee Chairperson. The requests are reviewed by personnel in the Fiscal Administration Bureau to ensure compliance with Law Enforcement Trust Fund requirements. The Police Legal Bureau reviews the requests for legal sufficiency and prepares the Report of Proposed Expenditures from the Law Enforcement Trust Fund. The revenues and expenditures are documented in the County budget ordinance, the federal equitable sharing and certification report, and an annual audit to the County's Finance Department. The package is certified by the Director prior to the Report being presented to the Board for approval per Florida Statutes Section 932.7055 (5) (b).

Approval is requested for the proposed expenditures through completion of the project.

PROPOSED ASSET SHARING EXPENDITURES (Trust Fund)

1. **Police Patrol Rifles** **$ 900,000**

   This Trust Fund project will support the purchase and deployment of police rifles for sworn personnel within the Miami-Dade Police Department. Funds will be provided from State Asset Sharing (Other Law Enforcement Purposes).

   The MDPD is tasked with not only addressing crime concerns within the Miami-Dade County community, but monitoring threats posed by domestic and international terrorist groups. The Department participates in several partnerships with federal law enforcement agencies to address the terror threats, to include the Southeast Florida Fusion Center and Joint Terrorism Task Force. Through these partnerships, the Department has recognized a growing threat posed by international terror groups. Recent international terror attacks or events raise concerns in the ability of the MDPD patrol officers to quickly stop such an attack. During the attacks in Canada, Kenya, and France, terrorists used high powered rifles to engage government and law enforcement officials with deadly results.

To this point, the majority of first responding officers are armed with a handgun. Providing the first responding officers with the appropriate fire power is critical in order to successfully render a safe outcome during a terror attack. Currently, there are 457 patrol officers deployed with rifles within the Department. The Department has mandated that all sworn officers through the rank of lieutenant receive training and certification with the police rifle. The Department is seeking to purchase rifles so that the entire patrolling workforce is appropriately armed to address any terror threat. The approval of this funding will safeguard our citizens and visitors alike. Miami-Dade County is known as an international destination and home to several international events. As such, Miami-Dade County is an attractive target for terror groups to conduct attacks and gain notoriety.

2. **Narcotics Investigations** **$ 650,000**

This Trust Fund project will provide support to enhance protracted or complex narcotics investigations throughout Miami-Dade County where the possession, sale, and/or distribution of selected narcotics is occurring. Funds will be utilized for investigative expenses. Funds will be provided from State Asset Sharing (Complex Investigations).

FINANCIAL SUMMARY

PROPOSED STATE ASSET SHARING EXPENDITURES	$ 1,550,000
Total Recommended Amount	**$ 1,550,000**

As the Director of the Miami-Dade Police Department, I do hereby certify that the aforementioned request for expenditures from the Law Enforcement Trust Fund complies with the provision of Florida Statutes Section 932.7055 and applicable guidelines related to equitable sharing of federal assets.

J.D. Patterson
Director

3/18/15
Date