



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Public Safety and Health Committee (PSHC) Meeting

November 19, 2018
1:30 P.M.
Commission Chambers

Thomas B. Davis, Esq.
Director, Policy and Legislation
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

THIS PAGE INTENTIONALLY LEFT BLANK

PSHC Meeting: November 19, 2018
Research Notes

Item No. 1G1

File No. 182545

Researcher: MF Reviewer: TD

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S ACTION TO APPLY FOR, RECEIVE, AND EXPEND GRANT FUNDS IN THE AMOUNT OF \$465,949.00 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FISCAL YEAR 2018 LOCAL SOLICITATION FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THE GRANT APPLICATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND EXPEND ANY ADDITIONAL GRANT FUNDS THAT MAY BECOME AVAILABLE UNDER THIS PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH CONTRACTS, AGREEMENTS, MEMORANDA OF AGREEMENT, AND AMENDMENTS AS MAY BE REQUIRED BY PROGRAM GUIDELINES, AND TO EXERCISE ANY TERMINATION AND MODIFICATION CLAUSES CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should retroactively authorize the County Mayor to apply for, receive, and expend grant funds in the amount of \$465,949.00 from the Fiscal Year 2018 Edward Byrne Memorial Justice Assistance Grant Program from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to support the Miami-Dade Police Department.

APPLICABLE LEGISLATION/POLICY

42 U.S.C., Section 3751 (a) provides that "from amounts made available to carry out this part, the Attorney General may, in accordance with the formula established under Section 3755 of this title, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

- A. Law enforcement programs;
- B. Prosecution and court programs;
- C. Prevention and education programs;
- D. Corrections and community corrections programs;
- E. Drug treatment and enforcement programs;
- F. Planning, evaluation, and technology improvement programs; and
- G. Crime victim and witness programs.

<https://codes.findlaw.com/us/title-42-the-public-health-and-welfare/42-usc-sect-3751.html>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4
Department/Requester: Miami-Dade Police Department

The proposed resolution has no procedural history.

PSHC Meeting: November 19, 2018
Research Notes

ANALYSIS

The proposed resolution requests the Board to retroactively authorize the County Mayor to apply for, receive, and expend grant funds in the amount of \$465,949.00 from the Fiscal Year 2018 Edward Byrne Memorial Justice Assistance Grant Program from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to support the Miami-Dade Police Department. The grant period will be effective from October 1, 2017 to September 30, 2021.

Due to the requirements of the grant for a public hearing, the department did not have sufficient time to submit the proposed resolution to the Board prior to submitting the application to the Department of Justice. For this reason, the proposed resolution is requesting the Board's retroactive authorization to receive the funds allocate by the Edward Byrne Program to the MDPD in the amount of \$465,949.00.

MDPD plans to use the Byrne JAG Program funds to support a law enforcement program, 2018 Technology-led Policing: Enhancing Public Safety and Security through Continuity of Operations, Real-Time Data, and NIBRS Compliance. A high priority of the department will be to continue to develop new technology-led policing strategies which will improve public and officer safety, use limited resources effectively and efficiently, and leverage results from previous Byrne JAG Program investments.

A portion of grant funds will be used to comply with the National Incident-Based Reporting System. MDPD is not currently certified by the State of Florida as NIBRS-compliant. The Byrne JAG Program funds from the grant will be used to hire a contracted software developer to assist in-house staff with the transition to NIBRS.

The Byrne JAG Program funds will be used to advance policing operations via significant technology investments to combat crime coupled with the reality of resource challenges and the need to secure certain equipment for the department which remain unfunded. As the 21st century unfolds, it is clear that technology drives and defines much of society's innovations. The same is true for innovations and changes in law enforcement. The Byrne JAG Program funds will provide support for essential continuity of operations, intelligence gathering, and moving towards NIBRS compliance, which would otherwise not be supported due to the lack of local funds.

MDPD has received a number of grants under the Edward Byrne Memorial Justice Assistance Grant Program in the past, including the following:

Award Title	Award Number	Award Amount	Solicitation Title	Fiscal Year
FY 2009 Justice Assistance Grant Program	2009-DJ-BX-1327	\$922,029.00	BJA FY 09 Edward Byrne Memorial Justice Assistance Grant Program	2009
MDPD Effective Policing Strategies Project	2012-DJ-BX-0047	\$529,706.00	BJA FY 12 Edward Byrne Memorial Justice Assistance Grant Program	2012
Miami-Dade Police Enhanced Community Policing Strategies	2013-DJ-BX-0292	\$490,539.00	BJA FY 13 Edward Byrne Memorial Justice Assistance Grant Program	2013
MDPD Enhanced Police Operations	2014-DJ-BX-0134	\$503,265.00	BJA FY 14 Edward Byrne Memorial Justice Assistance Grant Program	2014

PSHC Meeting: November 19, 2018

Research Notes

2015 MDPD Mission Critical Equipment	2015-DJ-BX-0933	\$435,243.00	BJA FY 15 Edward Byrne Memorial Justice Assistance Grant Program	2015
Intelligence-led Policing Project	2016-DJ-BX-0578	\$481,347.00	Edward Byrne Memorial Justice Assistance Grant Program	2016
Smart Policing Objective: Officer Safety and Wellness Project	2017-DJ-BX-0721	\$455,880.00	BJA FY 17 Edward Byrne Memorial Justice Assistance Grant Program	2017
Technology-led Policing: Enhancing Public Safety through Continuity of Operations	2018-DJ-BX-0677	\$465,949.00	BJA FY 18 Edward Byrne Memorial Justice Assistance Grant Program	2018

The Byrne JAG grant will provide \$465,949.00 in federal funds to implement the proposed project. The grant does not require any matching or in-kind funds. The funding source is the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

ADDITIONAL INFORMATION

The Edward Byrne Memorial Justice Assistance Grant Program, authorized under 42 U.S.C., Section 3751 (a), is the leading source of federal justice funding to State and local jurisdictions. The JAG Program provides States, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives and mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

<https://www.bja.gov/jag/>

PSHC Meeting: November 19, 2018
Research Notes

Item No. 3A

File No. 182538

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE OF A RETROACTIVE LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, FOR THE PREMISES LOCATED AT 1350 NW 12 AVENUE, MIAMI, FLORIDA, TO BE UTILIZED BY THE STATE ATTORNEY'S OFFICE, WITH AN ANNUAL COST OF OPERATING THIS FACILITY OF APPROXIMATELY \$712,773.00; AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO TAKE ALL ACTIONS TO EFFECTUATE SAME AND EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION

ISSUE/REQUESTED ACTION

Whether the Board should approve the retroactive Lease Agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for property known as the Graham Building, located at 1350 NW 12th Avenue, Miami, Florida, to be utilized by the State Attorney's Office.

APPLICABLE LEGISLATION/POLICY

Section 253.0341 Florida Statutes governs and establishes policy regarding surplus of state-owned lands.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=Section+253.0341&URL=0200-0299/0253/Sections/0253.0341.html

Resolution No. R-380-17, adopted by the Board on April 4, 2017, establishes Board policy regarding County-owned real property; requiring County Mayor or his designee to provide written notification to District Commissioner in which County-owned property lies no less than four weeks prior to 1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such County-owned property or 2) placing any item on the agenda of this Board or any committee of this Board requesting the approval of the sale, lease, or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Audrey M. Edmonson, District 3

Department/Requester: Internal Services Department

This item has no procedural history.

ANALYSIS

The proposed resolution is for Board approval of retroactive Lease Agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for property known as the Graham Building located in District 3 at 1350 NW 12th Avenue, Miami, Florida, to be utilized by the State Attorney's Office for its operations and business. The 30-year term of the prior lease expired on September 2, 2018. Upon Board approval, the new lease will be for a 50-year term, retroactive to September 2018. A long-term lease of the facility for use by the County is integral while consultants evaluate and final decisions are being made regarding the Civic Center area, where the subject property resides, in furtherance of the County's Criminal Courts and Corrections Facilities Master Plan.

PSHC Meeting: November 19, 2018
Research Notes

The County has expressed an interest in purchasing this property that it originally deeded to the State for \$1 in 1962. Pursuant to Section 253.0341 Florida Statutes, if the State agrees to sell the property, first right of refusal is given to state agencies, state universities, and Florida College System institutions. If these entities do not express an interest in purchasing this property, it would then be available to the public for purchase through an open competitive bid process. As such, the State has indicated that, despite not having a cancellation provision in the Lease Agreement, it would process an official release of the Lease upon request from the County.

The fiscal impact to the County for the initial year of the Lease term is estimated to be \$1 (base rent), which excludes operating expenses. The County is responsible for all operating expenses, including electricity, water, sewer, janitorial, security, telephone, and internet costs—estimated to be \$712,773 annually. The total fiscal impact for the 50-year Lease term is estimated to be \$35,638,700, supported by the General Fund.

PSHC Meeting: November 19, 2018
Research Notes

Item No. 3B

File No. 182466

Researcher: IL Reviewer: PGE

RESOLUTION RETROACTIVELY APPROVING THE REQUEST OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXPEND \$1,197,000.00 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 AS DESCRIBED HEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve this resolution approving the County Mayor or County Mayor's designee request to expend \$1,197,000.00 from the Miami-Dade County Police Departments (MDPD) Law Enforcement Trust Fund (LETF), retroactively commencing on October 1, 2018.

APPLICABLE LEGISLATION/POLICY

Sections 932.701-932.706 of the Florida Statutes governs the provisions supplemental to criminal procedure law.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0932/Sections/0932.701.html

Section 932.7055(5) (b) of the Florida Statutes governs the procedure by which the Sheriff or Police department may expend the funds deriving from disposition of liens and forfeited property.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0932/Sections/0932.7055.html

Resolution R-1633-80 adopted December 2, 1980 established the LETF. The resolution is available upon request.

Resolution R-445-18, adopted on May 1, 2018, approved the County Mayor or county Mayor's designee's request to expend \$3,060,500.00 from the Miami-Dade Police Department Law enforcement Trust Fund.

<http://intra/gia/matter.asp?matter=180831&file=true&yearFolder=Y2018>

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman, District 4

Department/Requester: Miami-Dade County Police Department

There is no procedural history at this time.

ANALYSIS

If this item receives Board approval then the County Mayor or County Mayor's designee will be authorized to expend \$1,197,000 from the MDPD LETF in accordance with the Report of Proposed Expenditures from the Law Enforcement Trust Fund. Use of the funds is retroactive, beginning on October 1, 2018.

The LETF is regulated by Section 932.7055 of the Florida Statutes (See applicable legislation/policy section). The legislative intent behind the creation and use of the trust fund is to utilize forfeited proceeds and personal or real property. The fund's use is limited to specific purposes and special non-budgeted law enforcement needs, not normal operating expenses of the Police Department.

There is no negative fiscal impact to Miami-Dade County as the County will not incur any costs. LETF monies to MDPD are awarded from forfeiture litigation in state court and participation in federal asset sharing programs.

PSHC Meeting: November 19, 2018
Research Notes

Per exhibit "A" attached to the mayoral memo, 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. Furthermore it states that the LETF project requests are reviewed by the MDPD LETF Committee. After approval it will be sent to the Fiscal Administration Bureau to ensure compliance with LETF requirements. The Police Legal Bureau reviews the request for legal sufficiency and prepares the Report of Proposed Expenditures from the Law Enforcement Trust Fund.

The LETF is comprised of three funding sources:

- State civil forfeitures
- U.S Department of Justice Asset Sharing Program
- U.S. Treasury Asset Sharing Program

The following projects will be funded as follows with these funds:

Project Name	Allocation	Fund
Robbery and Reduction Initiative	\$150,000.00	Treasury
Targeted Crimes Initiative	\$450,000.00	Justice
Special Investigations Initiative	\$450,000.00	State Complex Investigations
Specialized Recruitment Strategies	\$100,000.00	State Other Operating
Crime Prevention Initiatives	\$ 47,000.00	State Crime Prevention
Total	\$1,197,000.00	

Past initiatives (March 6 2018) supported by the Trust Fund:

- Driving Under the Influence (DUI) enforcement (\$100,000.00)
- Boating Under the Influence (BUI) Task Force (\$110,000.00)
- Rapid Deployment Force (\$150,000.00)
- Special Investigations Initiatives (\$500,000.00)
- Gun Violence Task Force (\$400,000.00)
- Robbery Reduction Initiative (\$100,000.00)
- Secure Special Evidence (\$100,000.00)
- Specialized Equipment (\$1,525,500.00)
- Crime Prevention Initiatives (\$75,000.00)

Total \$3,060,500.00

PSHC Meeting: November 19, 2018
Research Notes

Item No. 3C

File No. 182499

Researcher: IL Reviewer: PGE

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE'S ACTION IN APPLYING FOR, RECEIVING, AND EXECUTING A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE FOR THE OPIOID AFFECTED YOUTH INITIATIVE PROJECT IN THE AMOUNT OF \$1,000,999.00; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXPEND THE GRANT AWARD, TO EXECUTE AMENDMENTS TO THE GRANT AGREEMENT, AND TO EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF AGREEMENTS AS MAY BE REQUIRED BY PROGRAM GUIDELINES, AND TO EXERCISE TERMINATION AND MODIFICATION PROVISIONS CONTAINED THEREIN; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR AND RECEIVE ADDITIONAL FUTURE FUNDS THAT MAY BECOME AVAILABLE FOR THIS PROJECT AND TO EXECUTE ANY CONTRACTS, AGREEMENTS, OR MEMORANDA OF AGREEMENTS THAT MAY BE NECESSARY FOR THE RECEIPT OF SUCH FUTURE AVAILABLE FUNDS; AND WAIVING RESOLUTION NO. R-130-06

ISSUE/REQUESTED ACTION

Whether the Board should authorize the (1) Administration's action in applying for grant funds to the United States Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Prevention Opioid Affected Youth Initiative Project in the amount of \$1,000,999.00; and (2) the Administration's action in accepting the grant award and executing the grant agreement with the DOJ, retroactively effective on September 25, 2018.

APPLICABLE LEGISLATION/POLICY

Title 34 United States Code 11171, (Grants and Projects), governs the role of the administrator to make grants to and contracts with states, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency.

<http://uscode.house.gov/view.xhtml?path=/prelim@title34/subtitle1/chapter111&edition=prelim>

Title 34 United States Code 11172, (Grants for technical assistance), governs the role of the administrator to discretionarily make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 11171 of this title.

<http://uscode.house.gov/view.xhtml?path=/prelim@title34/subtitle1/chapter111&edition=prelim>

Resolution No. R-130-06, adopted by the Board on January 24, 2006, intends to clarify that proposed agenda items seeking approval of a contract or conveyance and authority to execute, shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form and execute by non-county parties.

<http://www.miamidade.gov/govaction/matter.asp?matter=060239&file=false&fileAnalysis=false&yearFolder=Y2006>

Resolution No. R-936-17, adopted by the Board on October 17, 2017, urging the Florida Board of Medicine to implement a mandatory continuing education course on opioid abuse; and urging the Florida Department of Health to implement regulations promoting safe prescribing and dispensing methods for controlled substances.

PSHC Meeting: November 19, 2018
Research Notes

<http://www.miamidade.gov/govaction/matter.asp?matter=172261&file=true&fileAnalysis=false&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Office of Management and Budget

There is no procedural history for this item.

ANALYSIS

The proposed resolution is requesting that the Board the (1) Administration's action in applying for grant funds to the United States Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Prevention Opioid Affected Youth Initiative Project in the amount of \$1,000,999.00; and (2) the Administration's action in accepting the grant award and executing the grant agreement with the DOJ, retroactively effective on September 25, 2018.

Fiscal Impact, the grant request is for \$1,000,999.00. OMB-GC will provide a total in-kind General Fund salary match of up to \$207,184.00 over a three year project period.

According to the Mayoral memo the short turnaround time imposed by the DOJ application deadline, OMB did not have sufficient time for processing its submission to the Board prior to the submission of the grant application and receipt of the grant award.

The obligations of the partners under the grant agreements are as follows:

- Required training for Point of Contact (POC) and all financial Points of Contact (FPOCs) for this award must have successfully completed and Office of Justice Program (OJP) financial management and grant administration training by 1120 days after the date of the recipients acceptance of the award.
- All sub-awards (sub-grants) must have specific federal authorization
- Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000.00.
- Compliance with applicable rules regarding approval, planning and reporting of conferences, meetings, trainings, and other events.
- Requirement for data on performance and effectiveness under the award.
- The recipient agrees to submit a final report at the end of the award documenting all relevant project activities during the entire period of support under this award.
- The recipient will submit quarterly financial status reports to OJP.
- The recipient will submit semiannual progress reports.

ADDITIONAL INFORMATION

What is the U.S. Opioid Epidemic?

<https://www.hhs.gov/opioids/about-the-epidemic/index.html>

PSHC Meeting: November 19, 2018
Research Notes

THE OPIOID EPIDEMIC BY THE NUMBERS

2016 and 2017 Data



130+

People died every day from opioid-related drug overdoses³ (estimated)



11.4 m

People misused prescription opioids¹



42,249

People died from overdosing on opioids²



2 million

People misused prescription opioids for the first time¹



2.1 million

People had an opioid use disorder¹



17,087

Deaths attributed to overdosing on commonly prescribed opioids²



886,000

People used heroin¹



19,413

Deaths attributed to overdosing on synthetic opioids other than methadone²



81,000

People used heroin for the first time¹



15,469

Deaths attributed to overdosing on heroin²

SOURCES

1. 2017 National Survey on Drug Use and Health, Mortality in the United States, 2016
2. NCHS Data Brief No. 293, December 2017
3. NCHS, National Vital Statistics System. Estimates for 2017 and 2018 are based on provisional data.

Updated September 2018. For more information, visit: <http://www.hhs.gov/opioids/>



Sources: 2016 National Survey on Drug Use and Health; Mortality in the United States, 2016 NCHS Data Brief No. 293, December 2017; CEA Report: The underestimated cost of the opioid crisis, 2017

Mayor Carlos A. Gimenez in partnership with the State Attorney Katherine Fernandez-Rundle, the Department of Children and Families, the Florida Department of Health and Miami-Dade County's Board of County Commissioners Chairman Bovo, founded the Opioid Addiction Task Force--charged with developing an effective action plan that addresses the reduction of opioid and heroin addiction, prevents overdose deaths and improves the quality of life in our community

<https://www.miamidade.gov/mayor/opioid-addiction-task-force-group.asp>

America's Opioid Crisis, The unseen impact on Florida children, gives statistical information on the impact Opioids are having on the children in Florida

https://www.aap.org/en-us/advocacy-and-policy/federal-advocacy/Documents/Opioid-StateFactsheets/opioid_fs_florida.pdf