

Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Adopting and Appropriating the Fourth Amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2010/11 in the amount of \$61,489 to be funded from the proceeds of State Confiscated Funds.

Key Intended Outcome Supported:

Increase Resident and Business ratings of Public Safety.

Supporting Data (Surveys, Environmental Scan, etc.): According to the Center For Research and Public Policy Residential and Business Satisfaction Survey of City of Miami Beach residents in 2009, indicated that their three top most important areas of for the City of Miami Beach to address in an effort to improve public safety throughout the City is Preventing Crime 44.9%, Enforcing Traffic Laws 36.1% and Increasing Visibility of Police in Neighborhoods 32.4%,

Issue:

Shall the Mayor and City Commission adopt and appropriate the fourth amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2010/11?

Item Summary/Recommendation:

The Chief of Police has reviewed and identified the needs for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

The Administration recommends that the Mayor and City Commission adopt the fourth amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2010/11 for victim's Advocate Salary Grant Match (\$42,300) and the payment of Legal and Administrative Fees (\$19,189) totaling \$61,489.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 60px; height: 60px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> </div> OBPI	1		Confiscation Funds:
	2	\$ 61,489	607-8000-351210 State funds
	3		
	4		
	Total	\$ 61,489	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Mauvett Rattigan, Miami Beach Police Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Chief Carlos Noriega		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 27, 2011

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE FOURTH AMENDMENT TO THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2010/11, IN THE AMOUNT OF \$61,489, TO BE FUNDED FROM THE PROCEEDS OF STATE CONFISCATED FUND.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Florida Statute 932.7055 provides for expenditures of forfeiture funds for law enforcement purposes.

Chief of Police, Carlos Noriega, has reviewed and identified the need for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies. These forfeiture funds have been deposited in the Police Confiscation Trust Fund.

The Victims Advocate is assigned to work with victims of domestic violence, and is an integral part of criminal investigations. However, State grant funding for this position has been decreased, and as such Confiscation Fund in the sum of \$42,300 should be utilized to pay the portion of the salary that is not covered by the grant.

There are legal and administrative costs incurred in the City Attorney's Office in claiming and obtaining these funds. The City Attorney's Office has been instrumental in obtaining over \$76,757 through State-related Confiscations for the Miami Beach Police Department. Significant staff time and costs have been devoted to this endeavor. As such, the Confiscation Fund will pay the sum of \$19,189 for Legal and Administrative Fees associated with claiming and obtaining State-related confiscated funds.


CONCLUSION

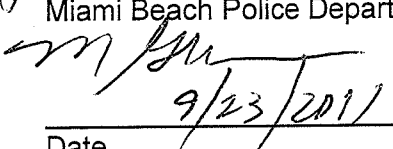
The Administration recommends that the Mayor and City Commission adopt the Fourth Amendment to the Operating Budget for the Police Confiscation Trust Fund for Fiscal Year 2010/11 in the amount of \$61,489, to provide for the expenses listed in Exhibit "A".

cn MR
JMG/CN/RM/MR

Certification

I, Carlos Noriega, Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Confiscation Trust Fund, for the 2010/2011 fiscal year providing funds for Legal and Administrative Fees complies with the provisions of Section 932.7055(4)(b), Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

 Carlos Noriega
Carlos Noriega, Chief of Police
Miami Beach Police Department

 9/23/2011
Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE FOURTH AMENDMENT TO THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2010/2011 IN THE AMOUNT OF \$61,489.00, FOR THE APPROPRIATION AND EXPENDITURE OF THOSE ITEMS SET FORTH IN EXHIBIT "A," AND SHALL BE FUNDED FROM THE PROCEEDS OF STATE CONFISCATED FUNDS.

WHEREAS, Section 932.7055 of the Florida Statutes, sets forth and establishes the purpose and procedures that must be utilized for the appropriation and expenditure of the Police Confiscation Trust Fund; and

WHEREAS, the City Attorney's Office has successfully obtained \$76,757.00 in confiscated funds for the City of Miami Beach Police Department pursuant to Section 932.701 of the Florida Statutes, known as the Florida Contraband Forfeiture Act; and

WHEREAS, the City Attorney's Office has incurred significant staff time and costs in association with these various forfeiture proceedings on behalf of the City of Miami Beach Police Department, which amounts to a total of \$19,189.00 in legal administrative fees, costs and expenses; and

WHEREAS, the City of Miami Beach recognizes that certain individuals have specific expertise in working with domestic violence victims, and are considered to be an integral part of the criminal investigation process by the Miami Beach Police Department; and

WHEREAS, the City of Miami Beach, by and through the Miami Beach Police Department, requires this specialized and additional expertise, and is in need of an individual who is a victim advocate pertaining to domestic violence criminal investigations, which can be funded from the Police Confiscation Trust Fund in the amount of \$42,300.00; and

WHEREAS, the Chief of Police of the City of Miami Beach has determined that the need for appropriation and expenditures exist, and that such appropriation and expenditure is not being used to meet normal operating expenses of the Miami Beach Police Department; and

WHEREAS, this appropriation and expenditure of forfeiture funds is in compliance with the requirements of Section 932.7055 of the Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies; and

WHEREAS, funds in the amount of \$61,489.00 are available in the Police Confiscation Trust Fund, and shall be appropriated and expended as set forth in Exhibit "A."

	CURRENT BUDGET	INCREASE	AMENDED BUDGET
STATE-	\$266,777	\$ 61,489	\$ 328,266
FEDERAL-	<u>340,500</u>		<u>340,500</u>
TOTAL-	\$607,277	<u>\$ 61,489</u>	\$ 668,766

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission for the City of Miami Beach hereby adopt and appropriate the fourth amendment to the Police Confiscation Trust Fund budget for fiscal year 2010/2011 in the amount of \$61,489.00, for the appropriation and expenditure of those items set forth in Exhibit "A," and shall be funded from the proceeds of State confiscated funds.

PASSED and ADOPTED this _____ day of September, 2011.

ATTEST:

MAYOR MATTI HERRERA BOWER

ROBERT PARCHER, CITY CLERK

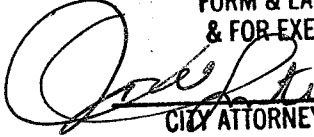
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CITY ATTORNEY AB DATE 9/23/11

EXHIBIT "A"

**MIAMI BEACH POLICE DEPARTMENT
CONFISCATION TRUST FUND BUDGET
FOURTH AMENDMENT
FISCAL YEAR 2010/11**

STATE FUNDS:

Victim's Advocate Salary Grant Match	\$	42,300
Administrative and Legal Fees associated with collecting confiscation revenues, by the Legal Department.	\$	19,189
TOTAL STATE FUNDS:	\$	61,489

THIS PAGE INTENTIONALLY LEFT BLANK