

MIAMI BEACH

Special City Commission Meeting

SUPPLEMENTAL MATERIAL

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

September 27, 2012

Mayor Matti Herrera Bower
Vice-Mayor Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

Interim City Manager Kathie G. Brooks
City Attorney Jose Smith
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

C7 - Resolutions

C7D A Resolution Adopting And Appropriating The Third Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2011/2012 In The Amount Of \$41,692.00 To Be Funded From The Proceeds Of State Confiscated Funds.

(Police Department)

(Memorandum & Resolution)

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Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Adopting and Appropriating the Third Amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2011/12 in the amount of \$41,692 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 third amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2011/12?

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 third amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2011/12 for the payment of Legal and Administrative Fees in the amount of \$41,692.

Advisory Board Recommendation:

N/A

Financial Information:

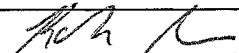
Source of Funds:	Amount	Account	
<div style="border: 1px solid black; width: 80px; height: 80px; margin: 0 auto;"></div> <p style="text-align: center;">OBPI</p>	1	Confiscation Funds:	
	2	\$ 41,692	607-8000-351210 State funds
	3		
	4		
	Total	\$ 41,692	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Mauvett Rattigan, Miami Beach Police Department

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Raymond Martinez		





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: Kathie G. Brooks, Interim City Manager

DATE: September 27, 2012

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE THIRD AMENDMENT TO THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2011/12, IN THE AMOUNT OF \$41,692 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, Raymond Martinez, 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.

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 \$166,766 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 \$41,692 for Legal and Administrative Fees associated with claiming and obtaining State-related confiscated funds. These Legal and Administrative Fees are based on estimated costs for hours expended on confiscations, and these Legal and Administrative fees are set at an amount not to exceed 25% of what is collected from contraband items seized.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Third Amendment to the Operating Budget for the Police Confiscation Trust Fund for Fiscal Year 2011/12 in the amount of \$41,692.

KGB/RAM/MNO/DM/MR

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE THIRD AMENDMENT TO THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2011/2012 IN THE AMOUNT OF \$41,692.00 TO 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 expenditures of the Police Confiscation Trust Fund; and

WHEREAS, the City Attorney's Office has successfully obtained over \$166,766.00 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 \$41,692.00 in legal administrative fees, costs and expenses; and

WHEREAS, the Legal and Administrative Fees are based on estimated costs for hours expended on confiscations, and these Legal and Administrative Fees are set at an amount that is not to exceed 25% of the contraband seized; and

WHEREAS, the Chief of Police of the City of Miami Beach has submitted a written certification which states that this request complies with the provisions of Section 932.7055 of the Florida Statutes (written certification attached as Exhibit A), and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies; and

WHEREAS, funds in the amount of \$41,692.00 are available in the Police Confiscation Trust Fund.

	CURRENT BUDGET	INCREASE	AMENDED BUDGET
STATE	\$719,500	\$ 41,692	\$ 761,192
FEDERAL	<u>670,933</u>	<u>0</u>	<u>670,933</u>
TOTAL	\$1,390,433	\$ 41,692	\$1,432,125

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 Third Amendment to the Police Confiscation Trust Fund Budget for fiscal year 2011/2012 in the amount of \$41,692.00 to be funded from the proceeds of State confiscated funds.

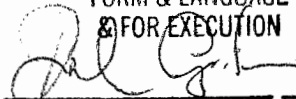
PASSED and ADOPTED this _____ day of September, 2012.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

MAYOR MATTI HERRERA BOWER

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 9/25/12

CITY ATTORNEY **AG** DATE

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