

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2238.12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE TRANSFER OF LAW ENFORCEMENT TRUST FUND (LETF) MONIES TO THE CAPITAL FUND FOR THE CONSTRUCTION OF A PUBLIC DOCK AND POLICE BOATLIFT ON THE INTRA-COASTAL WATERWAY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town desires to construct a Strand Park Public Dock and police boatlift on Center Island on the Intra-Coastal Waterway (ICW) for the residents of Golden Beach; and

**WHEREAS**, expenses are made from the Town's Capital Fund; and such an amount not to exceed \$120,565.00 need to be reimbursed to the Capital Fund from the Law Enforcement Trust Fund ("LETF"); and

**WHEREAS**, the Town's LETF includes assets forfeited to the Town by authority of the Florida Contraband Forfeiture Act and by the Federal Asset Forfeiture Statutes; and

**WHEREAS**, the Town Council desires to utilize LETF funds to pay for construction and soft costs related to the construction of said project; and

**WHEREAS**, the monies contained in the LETF are the result of seized assets from both investigations by the Town's Police Department and joint investigations with other law enforcement agencies – not from tax revenue; and

**WHEREAS**, the Chief of Police has recommended that an amount not to exceed \$120,565.00 be taken from the Town's LETF for "***other law enforcement purposes***" specifically authorized by law to cover the itemized cost of services

rendered and future projected costs on page 1 of 3 in this resolution, to be reimbursed to the Town of Golden Beach's Capital Fund ; and

**WHEREAS**, the Chief of Police certifies that this expenditure complies with § 932.7055, Florida Statutes, and / or the Federal Seizure statutes in that the funds will be used for an appropriate law enforcement purpose; and

**WHEREAS**, the Chief of Police certifies that the Town's LETF is not being used as a normal source of revenue for the Town Police Department; and

**WHEREAS**, the Chief of Police certifies that the Town's LETF was not considered in the adoption and approval of the Police Department budget; and

**WHEREAS**, the Town Council finds that it is in the best interest of the Town to proceed as indicated in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That each of the above-stated recitals is hereby adopted and confirmed.

**Section 2. Use of LETF Authorized.** That the use of LETF funds to obtain the Marine Service to obtain these necessary permits is hereby authorized and approved.

**Section 3. Implementation.** That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

**Section 4. Effective Date.** That this Resolution shall be effective immediately upon adoption.

Sponsored by **Town Administration.**


The Motion to adopt the foregoing Resolution was offered by Councilmember Lusskin, seconded by Councilmember Einstein and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach, Florida, this 24<sup>th</sup> day of April, 2012.

  
\_\_\_\_\_  
MAYOR GLENN SINGER

ATTEST:

  
\_\_\_\_\_  
LISSETTE PEREZ  
INTERIM TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY

**AFFIDAVIT**

**STATE OF FLORIDA:**

**: SS**

**COUNTY OF MIAMI-DADE:**

Before me, this day personally appeared Donald W. De Lucca who deposes and says that:

*"I, Donald W. De Lucca, Chief of Police, Town of Golden Beach, do hereby certify that:*

1. *This request for expenditures specifically is authorized by law and will be used for an appropriate law enforcement purpose;*

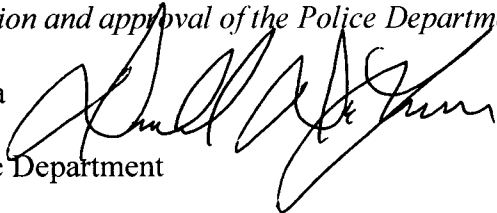
a. *this request for a \$120,565.00 transfer from the Town of Golden Beach's Forfeited Assets Fund to the Capital Fund to be used for the construction of a police boat dock and lift at the Intra-Coastal Waterway (ICW) at the Strand Park on Center Island. The construction of the police boat dock and lift for the police marine patrol operations on the Intra-Coastal Waterway complies with the provisions of Florida State Statute 932.7055, known as the Law Enforcement Trust Fund (LETF), as amended or,*

b. *it complies with the requirements of the Federal Asset Forfeiture Statutes under the U.S. Department of Justice publication titled "Guide to Equitable Sharing for State and Local Law Enforcement Agencies" which specifically provides that the equitably shared forfeited asset funds resulting from the participation of a local agency in investigations with Federal law enforcement agencies may be utilized by the participating local agency to acquire law enforcement equipment or certain resources for use by law enforcement personnel that supports law enforcement activities.*

2. *The Town's Law Enforcement Trust Fund is not being used as a normal source of revenue for the Town's Police Department; and*

3. *The Town's Law Enforcement Trust Fund was not considered in the adoption and approval of the Police Department budget."*

Donald W. De Lucca  
Chief of Police  
Golden Beach Police Department



Subscribed and sworn to before me this 24<sup>th</sup> day of April, 2012 by Donald W. De Lucca who is personally known to me.

**NOTARY PUBLIC  
STATE OF FLORIDA  
AT LARGE**

