

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2148.10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE ACCEPTANCE OF AND SALE OF A SEIZED VEHICLE WITH THE PROCEEDS BEING DEPOSITED INTO THE TOWN'S LETF ACCOUNT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On February 17, 2010, Golden Beach Police officers seized a damaged 2009 Honda Civic 4-door, vehicle identification number 2HGFA16699H541082, which was used in the commission of a crime in Golden Beach in January of 2010, and the subsequent investigation resulted in two subjects being sought, and the under the Florida Asset Forfeiture Statute, 935:7073, the Vehicle can be obtained by the Town of Golden Beach; and

WHEREAS, Police Chief James Skinner and Facilities Maintenance Director Ken Jones determined the Vehicle, which is worth approximately \$15,000.00, would cost approximately \$4,000 to repair and the Town can sell the Vehicle as is and deposit the proceeds into the Town's LETF account and;

WHEREAS, the above referenced department heads reported this determination to Town Manager Alexander Diaz; and

WHEREAS, Town Manager Alexander Diaz has reviewed the determination regarding the Vehicle and concurs in the assessments and;

WHEREAS, the Town Council concurs in their assessment and finds that the Vehicle has value and should be sold and the proceeds and utilized in furtherance of the Police Department's operations; and

WHEREAS, the Town Council finds that the sale of the Vehicle is in the best interest of the Town.

WHEREAS, the Town Council of the Town of Golden Beach, Florida (the "Town") desires to have the Town take legal possession of the Vehicle, and then sell the Vehicle and deposit the proceeds in the Police Department's Law Enforcement Trust Fund (LETf) account, as described and outlined in the attached Agenda Item Report; and

WHEREAS, the Town's Law Enforcement Trust Fund account (the "LETf") includes assets forfeited to the Town by authority of the Florida Contraband Forfeiture Act and/or by Federal Asset Forfeiture Statutes; and

WHEREAS, the Town Council desires to accept the Vehicle and then sell the Vehicle with the proceeds being deposited in the Police Department's LETf and then utilize those funds for Police purposes; and

WHEREAS, the vehicle is the result of a seizure from a criminal investigation by the Town Police Department – not from tax revenue; and

WHEREAS, the Chief of Police has recommended that the seizure and its acceptance and subsequent sale with proceeds for the Town's LETf is specifically authorized by law; and

WHEREAS, the Chief of Police certifies that this seizure and its acceptance by the Town Council complies with § 932.7055, Florida Statutes, and that the vehicle's subsequent sale, with the proceeds being deposited into the LETf, 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. **Authorization to Sell.** The sale of the Vehicle is authorized with its proceeds utilization into the LETF account is instrumental to the Town's needs and 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 the Town Administration.

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

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

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 14th day of December, 2010.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY