

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2173.11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF MONIES FROM THE TOWN'S LAW ENFORCEMENT TRUST FUND TO FUND AN EXPENDITURE OF \$34,267.45 FOR THE IMPLEMENTATION OF A POLICE ANNEX AND THE EQUIPMENT FOR ITS OPERATION FOR THE PATROL FUNCTION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Golden Beach Police Department participates with federal law enforcement agencies of the United States Departments' of Justice and/or Homeland Security in joint law enforcement operations, and the Golden Beach Police Department's participation in those joint federal – local investigations produces federally seized funds; and

WHEREAS, at the discretion of the United States Attorney General under United States Statute: 18 U.S.C. Section 981 (e) (2), and 21 U.S.C. Section 881 (e) (1) (A) and (e) (3) (b), the Golden Beach Police Department may lawfully retain at the conclusion of the legal proceedings the federally seized funds; and

WHEREAS, the Golden Beach Police Department participates with state and local law enforcement agencies in joint regional investigations as well as conducting its own criminal investigations, and the Golden Beach Police Department's participation in those joint regional investigations and non joint investigations produces state seized funds; and

WHEREAS, under Florida State Statute (FSS) 932.7055, the Florida Contraband Forfeiture Act, the Golden Beach Police Department lawfully receives equitable share(s) of State seized funds at the conclusion of the legal proceedings involving the regional task force; and

WHEREAS, FSS 932.7055 mandates that a local law enforcement agency that acquires at least \$15,000 in such proceeds in a fiscal year must expend or donate no less than 15% of forfeited asset proceeds for crime prevention, drug prevention, youth resource officer or safe neighborhood programs; and as part of its crime prevention program efforts, the Town uses these assets to fund the salary and benefit costs of two (2) police officers who participate in two different organized crime task forces, and

WHEREAS, the Town uses both the federally seized and the State seized funds to increase crime prevention program efforts and to enhance the quality of police services for Town residents without increasing the Town's budget and the attached items of Golden Beach task force officers operational costs, certain resources, and equipment meet the requirements of the Federal and/or State Statute requirements and are requested to be funded;

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 utilize LETf funds to pay for these requested items; and

WHEREAS, the monies contained in the LETf are the result of seized assets from joint investigations between the Town Police Department and other law enforcement agencies – not from tax revenue; and

WHEREAS, the Chief of Police has recommended that the \$34,276.45 cost be taken from the Town's LETf for "*other law enforcement purposes*" including "*providing additional equipment*" and other purchases specifically authorized by law; and

WHEREAS, the Chief of Police certifies that the request complies with all provisions of the appropriate forfeited asset funds statutory requirements as identified in the United States Justice Department's publication entitled "*A Guide to Equitable Sharing for State and Local Law Enforcement Agencies*", and / or § 932.7055, Florida 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 monies to fund certain programs and purchase the specifically identified Equipment 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 Luskin, seconded by Councilmember Isackson-Rojas and on roll call the following vote ensued:

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

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 26th day of April, 2011.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY