

**TOWN OF GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 2785.21**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND (LETF) MONIES TO PURCHASE OF THIRTY FIREARMS, RMRS, NIGHT SIGHTS AND HOLSTERS FOR THE TOWN'S POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town desires to purchase thirty Glock 45 MOS 9mm firearms with Ruggedized Miniature Sight (RMR), Night Sights and Holsters in order to continue to provide the necessary protection and service to the residents of Golden Beach; and

**WHEREAS**, the costs to the Town to purchase the thirty Glock 45s, RMRS, Night Sights and Holsters is projected to be an amount not to exceed \$39,570.00; 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 by the Federal Asset Forfeiture Statutes; and

**WHEREAS**, the Town Council desires to utilize LETF funds to pay for the Personal Protective Equipment (PPE); 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 the \$39,570.00 cost be taken from the Town's LETF for "***other law enforcement purposes***" specifically authorized by law; 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. Purchase of Firearms and Equipment and the Use of LETF Authorized.** That the purchase of the thirty Firearms and Equipment as specified and the use of LETF funds to purchase 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 Vice Mayor Lusskin, seconded by Councilmember Bernstein and on roll call the following vote ensued:

Mayor Glenn Singer  
Vice Mayor Judy Lusskin  
Councilmember Kenneth Bernstein  
Councilmember Jaime Mendal  
Councilmember Bernard Einstein

Aye  
Aye  
Aye  
Aye  
Aye

**PASSED AND ADOPTED** by the Town Council of the Town of Golden  
Beach, Florida, this 19<sup>th</sup> day of October, 2021.

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

ATTEST:

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

---

## MEMORANDUM

---

**Date:** October 19, 2021

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,   
Town Manager

**Subject:** **Resolution No. 2785.21- LETF Assets to Provide for the  
Purchase of Thirty (3) Firearms with RMRS, Sights and  
Holsters for Police Officers.**

Item Number:

10

---

### **Recommendation:**

It is recommended that the Town Council adopt the attached Resolution No. 2785.21 as presented.

### **Background:**

The costs associated with the purchase of 30 Glocks 45 MOS 9mm pistols for the Golden Beach Police Department to include 30 Ruggedized Miniature Reflex Sights (RMR), Night Sights, Ammo and Holsters. It is requested the Town authorize the expenditure of LETF monies in the amount not to exceed \$39,570.00 to provide the latest technology to our Golden Beach Police Officers in the event that Use of Force is necessary.

### **Federally Seized Assets:**

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 receive equitable shares of the federally seized funds at the conclusion of the legal proceedings. These shares are deposited in the Town's Law Enforcement Trust Fund account.

The U.S. Department of Justice publication titled "*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*" 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 for law enforcement for Community Policing Initiatives and Awareness Programs.

### **State Seized Assets:**

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.

The Town uses both the federally seized and the State seized funds to increase crime prevention efforts and to also enhance the quality of police services for Town residents without increasing the Town's budget. The attached item meet the requirements of the Federal and/or State Statute requirements and are requested to be funded.

**Financial Impact:**

An amount not to exceed \$39,570.00 from the Town's LETF Fund.

## AFFIDAVIT

**STATE OF FLORIDA:**

**: SS**

**COUNTY OF MIAMI-DADE:**

Before me, this day personally appeared Rodolfo Herbello who deposes and says that:

*“I, Rodolfo Herbello, 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 \$39,570.00 expenditure from the Town of Golden Beach’s Forfeited Assets Fund to purchase thirty firearms with RMRS, Sights and Holsters for the Golden Beach Police Department, 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.”*

Rodolfo Herbello  
Chief of Police  
Golden Beach Police Department

Subscribed and sworn to before me this 19<sup>th</sup> day of October, 2021 by  
Rodolfo Herbello who is personally known to me.

**NOTARY PUBLIC**  
**STATE OF FLORIDA**  
**AT LARGE**

# AFFIDAVIT

**STATE OF FLORIDA:**

**: SS**

**COUNTY OF MIAMI-DADE:**

Before me, this day personally appeared Rodolfo Herbello who deposes and says that:

*"I, Rodolfo Herbello, 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 \$39,570.00 expenditure from the Town of Golden Beach's Forfeited Assets Fund to purchase thirty firearms with RMRS, Sights and Holsters for the Golden Beach Police Department, 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."*

Rodolfo Herbello  
Chief of Police  
Golden Beach Police Department

Subscribed and sworn to before me this 19<sup>th</sup> day of October, 2021 by Rodolfo Herbello who is personally known to me.

**NOTARY PUBLIC  
STATE OF FLORIDA  
AT LARGE**

