

RESOLUTION NO. R-2019-037

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE EXPENDITURE OF FEDERAL LAW ENFORCEMENT FORFEITURE FUNDS (TREASURY) PURSUANT TO THE FEDERAL COMPREHENSIVE CRIME CONTROL ACT OF 1984 TO ISSUE PURCHASE ORDERS TO STINGRAY CHEVROLET AND ALAN JAY TOYOTA, INC. FOR THE PURCHASE OF SIX CHEVROLET IMPALAS, SIX TOYOTA CAMRYS AND ASSOCIATED EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$310,000.00; AMENDING THE FISCAL YEAR 2019 ADOPTED OPERATING BUDGET FOR THE LAW ENFORCEMENT FORFEITURE FUND.

WHEREAS, the Police Department desires to purchase 12 new vehicles to replace a portion of those vehicles that have reached or surpassed their life expectancy and road worthiness by age, mileage and wear, and can no longer be relied upon to perform at required operational levels; and

WHEREAS, the purchase of six Chevrolet Impalas and six Toyota Camrys has been determined to be a legitimate and permissible expenditure under the federal asset sharing guidelines for forfeiture funds; and

WHEREAS, the Department of Justice's Equitable Sharing Guidelines ("Guidelines") sets forth that Federal Law Enforcement Forfeiture Funds may be expended on permissible uses such as the costs associated with the purchase, lease, maintenance, or operation of law enforcement equipment for use by law enforcement personnel that supports law enforcement activities, provided that the purchase is not a budgeted item and it is not supplanting a normal operating need/expectation of the law enforcement agency; and

WHEREAS, the Guidelines require that the Police Department obtain approval for such expenditures from the City Commission; and

WHEREAS, the funding source for the purchase of six Chevrolet Impalas and Six Toyota Camrys will be Federal Law Enforcement Forfeiture Funds (Treasury) pursuant to the Federal Comprehensive Crime Control Act of 1984, thereby incurring no cost to the taxpayers of the City of Hollywood, and such expense is a permissible use of such funds; and

WHEREAS, the requested vehicles were competitively bid through the Florida Sheriff's Association pursuant to Bid Number FSA18-VEL26.0, for a term effective October

1, 2018 through September 30, 2019, for the use and reliance of government entities within the State of Florida; and

WHEREAS, award was made to Stingray Chevrolet and Alan Jay Toyota, Inc. as the lowest and best responsive bidders by specification, manufacturer and by zone; and

WHEREAS, Stingray Chevrolet and Alan Jay Toyota, Inc. have agreed to provide the requested vehicles as listed in the Florida Sheriff's Bid Number FSA18-VEL26.0 to the City under similar pricing, terms and conditions; and

WHEREAS, the City's Purchasing Ordinance, Section 38.40(C)(5), allows the Director to procure, without following formal procedures, all goods and services which are subject of contracts with the state, its political subdivisions, the United States government, other governmental entities, or a corporation not for profit whose members are governmental entities, public officers, or any combination thereof, provided that the goods and services are (i) the subject of a price schedule negotiated by the state or the United States government, or (ii) the subject of a contract with another governmental entity or a corporation not for profit whose members are governmental entities, public officers, or any combination thereof, which contract is based strictly on competitive bids or competitive proposals and not on any preference; and

WHEREAS, funding is available in the Fund Balance of the Law Enforcement Forfeiture Fund (Fund 112) (Treasury), which is to be recognized and appropriated for the specific permissible uses as described above and detailed in the attached Exhibit "1"; and

WHEREAS, the Fiscal Year 2019 Operating Budget of the City of Hollywood was adopted and approved by the City Commission pursuant to Resolution R-2018-301 at the 2<sup>nd</sup> Public Budget Hearing on September 26, 2018; and

WHEREAS, the Department of Financial Services is authorized to create certain accounts and to recognize revenue and appropriate program funding; and

WHEREAS, the Chief of Police and the Director of Procurement and Contract Compliance recommend that the City Commission approve and authorize the issuance of Purchase Orders to (1) Stingray Chevrolet for six vehicles, and (2) Alan Jay Toyota for six vehicles for the Police Department in an amount not to exceed \$310,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the expenditure of Federal Law Enforcement Forfeiture Funds (Treasury) pursuant to the Federal Comprehensive Act of

1984 in order to purchase six Chevrolet Impalas, six Toyota Camrys, and associated equipment in an amount not to exceed \$310,000.00 in accordance with the City's Purchasing Ordinance.

Section 3: That it approves and authorizes the issuance, by the appropriate City officials, of Purchase Orders to Stingray Chevrolet, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4: That it approves and authorizes the issuance, by the appropriate City officials, of Purchase Orders to Alan Jay Toyota, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 5: That it authorizes the Department of Financial Services to create certain accounts to recognize revenue and appropriate program funding.

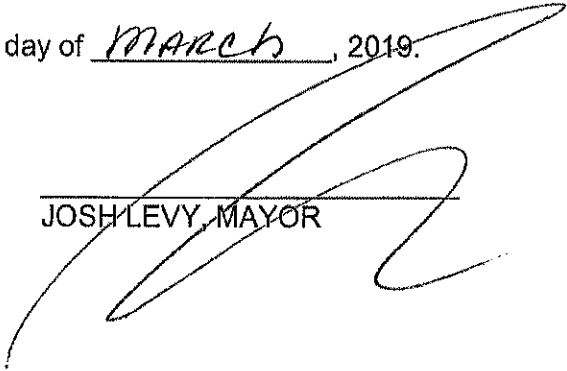
Section 6: That the Amendments to the FY 2019 Operating Budget for the Fiscal Year beginning October 1, 2018 and set forth in detail in the attached Exhibit "1" are adopted and authorized as Amendments to the Operating Budget of the Law Enforcement Forfeiture Fund (Fund 112) of the City of Hollywood for the Fiscal Year 2019.

Section 7: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 6 day of MARCH, 2019.

ATTEST:

  
PATRICIA A. CERNY, MMC  
CITY CLERK

  
JOSH LEVY, MAYOR

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida, only.

  
DOUGLAS R. GONZALES  
CITY ATTORNEY 

**EXHIBIT 1**

**LAW ENFORCEMENT FORFEITURE FUND - FUND 112**

This item recognizes and appropriates Federal Law Enforcement Forfeiture Trust Funds for the purchase of six Chevrolet Impalas and six Toyota Camrys.

**Revenue:**

<b>Description</b>	<b>Account Number</b>	<b>Amount</b>
Net Assets	112.190106.30010.300110.000000.000.000	<u>310,000</u>
Subtotal		<u>310,000</u>

**Expenses:**

<b>Description</b>	<b>Account Number</b>	<b>Amount</b>
Vehicle Purchases	TBD	<u>310,000</u>
Subtotal		<u>310,000</u>