

VILLAGE HALL
500 NE 87TH ST
EL PORTAL, FL 33138
CHRISTIA ALOU
VILLAGE MANAGER



MAYOR CLAUDIA V. CUBILLOS
VICE MAYOR OMARR C. NICKERSON
COUNCILPERSON HAROLD E. MATHIS, JR.
COUNCILPERSON VIMARI ROMAN
COUNCILPERSON ANDERS URBOM

Regular Council Meeting
Tuesday, July 23, 2019
Agenda
7:00 PM

Statement of Decorum

Any person making a racial or slanderous remark or who becomes boisterous while addressing the Village Council, Staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. No signs or placards shall be allowed in the Village Hall. Person exiting the Village Hall shall do so quietly.

“Pursuant to Florida Statutes, Chapter 286.0105: If a person decided to appeal any decision made by the Board, Agency or Committee with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

- A. **CALL TO ORDER**.....Mayor Claudia V. Cubillos, Presiding
- B. **SILENT MEDITATION & PLEDGE**.....Salute American Flag in Unison
- C. **ROLL CALL**.....Yenise Jacobi, Village Clerk
- D. **APPROVAL OF AGENDA**
- E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETING (S):**
 - E1. Approval of the Minutes for June 25th, 2019 Regular Council Meeting
- F. **ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**
 - F1. State Representative Dotie Joseph post-session presentation
 - F2. Senator Jason Pizzo Legislative Update
- G. **GOOD AND WELFARE**

(Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for the people” and is specifically provided as a mechanism for the input and solutions on matters of concern of Villagers. We request that comments be limited to **3 MINUTES PER PERSON**, and that speakers and the audience maintain proper decorum at-large.
The speaker should keep to only issues on the agenda.)
- H. **AGENDA ITEM:**
 - H1. Recommendation from A&F Committee to make the interim attorney permanent or to open the position for discussion.

**Regular Council Meeting
July 23, 2019
Meeting Agenda**

I. RESOLUTIONS/ORDINANCES:

11. RESOLUTION NO. 2019-03 FORFEITURE FUND EXPENDITURES

A RESOLUTION OF THE MAYOR AND EL PORTAL, FLORIDA VILLAGE COUNCIL, APPROVING FISCAL YEAR 2018/2019 POLICE FORFEITURE FUND EXPENDITURES; AND PROVIDNG FOR AN EFFECTIVE DATE.

12. RESOLUTION NO. 2019-04 POLICE CAR PILOT PROGRAM

A RESOLUTION OF THE MAYOR AND EL PORTAL, FLORIDA VILLAGE COUNCIL, ADOPTING POLICE OFFICER TAKE HOME VEHICLE POLICY AND PROCEDURES; AND PROVIDNG FOR AN EFFECTIVE DATE.

J. MAYOR, MANAGER, COMMITTEE & ATTORNEY REPORTS:

J1. Village Mayor Report - Mayor Claudia V. Cubillos

J2. Village Manager Report – Christia Alou

J3. Village Attorney Reports – Interim Attorney Norman Powell

K. UNFINISHED BUSINESS AND GENERAL ORDERS:

L. NEW BUSINESS:

M. GOOD AND WELFARE

(Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for the people” and is specifically provided as a mechanism for the input and solutions on matters of concern of Villagers. We request that comments be limited to **3 MINUTES PER PERSON**, and that speakers and the audience maintain proper decorum at-large. The speaker should keep to only issues on the agenda.)

N. ADJOURNMENT:

Mayor & Councilpersons

In accordance with the American With Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting due to that disability should contact the Village Clerk’s Office at (305) 795-7880 no later than two (2) business days prior to such proceeding.

RESOLUTION NO.: 2019 -03

**A RESOLUTION OF THE MAYOR AND EL PORTAL,
FLORIDA VILLAGE COUNCIL, APPROVING FISCAL
YEAR 2018/2019 POLICE FORFEITURE FUND
EXPENDITURES; AND PROVIDNG FOR AN EFFECTIVE
DATE.**

WHEREAS, Section 932.7055, Florida Statutes define the purpose and procedures for appropriation of funds from the Village of El Portal, Florida (the "Village") Police Forfeiture Fund; and

WHEREAS, forfeiture funds may be used for law enforcement purposes only including supporting community policing activities, law enforcement training, law enforcement operations, law enforcement equipment, crime awareness programs, and community-based initiatives or such other law enforcement purposes as the municipality deems appropriate (collectively, the "Forfeiture Initiatives"); and

WHEREAS, the Village's Chief of Police has determined that the appropriation and expenditure of forfeiture funds is necessary to support the Forfeiture Initiatives and in support of the expenditures has executed the Certification attached hereto as Attachment "A"; and

WHEREAS, the Village Council wishes to approve the use of \$14,545.70 of forfeiture funds to support the Forfeiture Initiatives as set forth in Attachment "A"; and

WHEREAS, forfeiture funds are available in the State of Florida Forfeiture Account within the Village's Police Forfeiture Fund; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village,

PASSED AND ADOPTED by the Village Council of the Village of El Portal Florida, this ____ day of July, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE EL PORTAL FLORIDA VILLAGE COUNCIL, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval of Police Forfeiture Fund Expenditures. That, based on the Certificate of the Chief of Police set forth in Attachment "A" hereto, the Village Council hereby approves the Police Forfeiture Fund expenditures for Fiscal Year 2018/2019 in the amount of \$14,545.70 to support Forfeiture Initiatives, all as set forth in Attachment "A."

Section 3. Authorization. That the Village Council hereby authorizes the Village Manager and Chief of Police to execute any purchase order or required documentation for the expenditures described in this Resolution, subject to approval by the Village Attorney as to form and legality, and to take any action which is reasonably necessary to implement the purpose of this Resolution.

Section 4. Effective Date. That this Resolution shall take effect immediately upon its adoption

PASSED AND ADOPTED on this ____ day of July, 2019.

Motion By: _____

Second By: _____

[INTENTIONALLY LEFT BLANK]

FINAL VOTE ON ADOPTION:

Councilperson Mathis: ___(Yes) ___ (No)

Councilperson Urbom: ___(Yes) ___ (No)

Councilperson Roman: ___(Yes) ___ (No)

Vice Mayor Nickerson.: ___(Yes) ___ (No)

Mayor Cubillos: ___(Yes) ___ (No)

Claudia Cubillos, Mayor

ATTEST:

Yenise Jacobi, Village Clerk

Approved as to Form and Legal Sufficiency:

Law Office of Norman C. Powell

By: _____
Norman C. Powell, Interim Village Attorney

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2019-___ adopted on July ___, 2019, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this _____ day of July, 2019.

Yenise Jacobi
Village Clerk

RESOLUTION NO.: 2019 -04

A RESOLUTION OF THE MAYOR AND EL PORTAL, FLORIDA VILLAGE COUNCIL, ADOPTING POLICE OFFICER TAKE HOME VEHICLE POLICY AND PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the El Portal, Florida Village Council has studied the issue of Police Officer take home motor vehicles; and

WHEREAS, a take home motor vehicle policy provides effective guidelines and rules to maintain these Village resources in a consistent, predictable, and reliable manner to serve the Village as tools for the accomplishment of assigned duties and responsibilities; and

WHEREAS, the Village Council desires to adopt a take home vehicle policy to ensure the proper utilization of the Village's vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE EL PORTAL FLORIDA VILLAGE COUNCIL, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval of Police Officer Take Home Vehicle Policy and Procedures.
The Village Council hereby approves the Police Officer Take Home Motor Vehicle Policy and Procedures, all as set forth in Attachment "A."

Section 3. Authorization. That the Village Council hereby authorizes the Village Manager and Chief of Police to execute any purchase order or required documentation for the expenditures described in this Resolution, subject to approval by the Village Attorney as to form and legality, and to take any action which is reasonably necessary to implement the purpose of this Resolution.

Section 4. Effective Date. That this Resolution shall take effect immediately upon its adoption

PASSED AND ADOPTED on this ____ day of July, 2019.

Motion By: _____

Second By: _____

FINAL VOTE ON ADOPTION:

Councilperson Mathis: ____ (Yes) ____ (No)

Councilperson Urbom: ____ (Yes) ____ (No)

Councilperson Roman: ____ (Yes) ____ (No)

Vice Mayor Nickerson.: ____ (Yes) ____ (No)

Mayor Cubillos: ____ (Yes) ____ (No)

Claudia Cubillos, Mayor

ATTEST:

Yenise Jacobi, Village Clerk

Approved as to Form and Legal Sufficiency:

Law Office of Norman C. Powell

By: _____
Norman C. Powell, Interim Village Attorney

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2019-__ adopted on July __, 2019, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this _____ day of July, 2019.

Yenise Jacobi
Village Clerk

EXHIBIT A

VILLAGE OF EL PORTAL POLICE OFFICER TAKE HOME MOTOR VEHICLE POLICY AND PROCEDURES

The Village of El Portal (“Village”) shall provide take home motor vehicles (“vehicles”) for Police Officers beginning on July __, 2019 through 2020 (“Pilot Period”). An employee with a take home vehicle shall follow the following provisions:

1. Only Village Officers, possessing a valid State of Florida driver's license appropriate for the vehicle, are authorized to operate Village vehicles.
2. Officers shall not operate a Village vehicle while under the influence of drugs or alcohol.
3. Officers shall not transport any persons other than Village Officers in a Village vehicle, except in the course of official business. This includes pets, but excludes Village authorized patrol animals.
4. Officers and authorized passengers are expected to observe all traffic regulations, including seatbelt usage, and all policies and procedures of the Village, while operating a take home vehicle.
5. All incidents involving Village vehicles must be reported to the law enforcement office of the appropriate jurisdiction, and the Officer's supervisor immediately. Officers with take home vehicles will provide copies of any accident reports, citations, etc., concerning the vehicle or its operation, to the supervisor, who will file an incident report and contact the Village insurance company.
6. Officers will not operate their vehicles in such a way as to cause public criticism or nuisance. This includes vehicle parking when not in use.
7. Officers are expressly prohibited from making any cosmetic or mechanical modifications to any Village owned vehicle without the approval of the Police Chief. The Police Chief reserves the right to remove any or all modifications that may impair the vehicles safety or usefulness and or cosmetic changes that are not in keeping with Village policy.

8. Take home vehicles may only be used for personal purposes on a *de minimis* basis, such as an occasional use for a personal errand while using the take home vehicle for a business purpose or during a commute to or from work.

9. Unattended take home vehicles shall be legally parked and locked at all times, except in emergency circumstances. Officers shall not leave sensitive information or public documents (other than reference material), and firearms anywhere in the vehicle, including the trunk, while off duty.

10. Alcoholic beverages or unlawful drugs will not be placed in the take home vehicle, unless, as in the case of law enforcement Officers only, confiscated in the line of duty. While operating the vehicle, Officers are prohibited from patronizing package stores or any establishment, which may result in public criticism.

11. Smoking is prohibited in all Village-owned or leased vehicles.

12. Scheduled maintenance will be coordinated with the Police Chief or his/her Designee at the Village's expense. Officers will be responsible for routine maintenance, such as checking the tire pressure, all fluid levels etc. Officers may be subject to disciplinary action for failing to maintain their take home vehicle in proper working order or if there are signs of mechanical abuse or uncleanness. No compensation will be made for any maintenance performed off duty. Take home vehicles should be fueled at the Village's approved Miami Dade County Fleet Maintenance fueling stations, whenever practical. Unless in the course of a disaster, reimbursement for any other fuel purchase may be denied. The take home vehicle use may be suspended for: 1) Uncleanliness; 2) Failing Inspection; 3) allowing non-Officers to operate the vehicle or 4) Mechanical Abuse in accordance with the following:

First and Second Incidents: Verbal Warning

Third Incident: One Week Suspension

Fourth Incident: Two Week Suspension

Fifth Incident: One Month Suspension

More than Fifth Incident: As determined by the Chief of Police

Additionally, Officers involved in two or more preventable accidents in a 12-month period may have their take home vehicle use suspended until 12 months has passed from the first preventable accident.

Other actions clearly not in the best interest of the Village may result in a suspension of the take home vehicle use as determined by the Chief of Police.

13. Any Village Officer who will be on any type of leave of seven calendar days or more, including worker's compensation or sick leave, must leave their respective assigned vehicle at the Village Hall parking lot at the Police Chief's discretion. It shall be the responsibility of the concerned supervisor to ensure compliance of this directive.

14. Occasions that may prompt the Police Chief or his/her designee to authorize additional Officers to take home department vehicles include but are not limited to: preparations made in advance of a severe storm, such as a hurricane, to secure vehicles or to position vehicles to facilitate effective post-storm service restoration/clean-up activities. Such authorizations may be temporary in nature and may require alternative work assignments. Pre-approval from the Police Chief to take home a Village vehicle for storm related purposes may be requested in writing in accordance with its Village's Emergency Response Plan.

15. The assignment of a Village take home vehicle may result in taxable income to the Officer pursuant to IRS rules.

16. The utilization of the take home vehicle is primarily intended for portal to portal use, from the Officers residence to the Village. In an effort to reduce the costs to the Village in maintenance, repairs, fuel, accidents and liability, the Village will charge Officers who are provided a take home vehicle a bi-weekly fee which is determined by the amount of miles traveled from the Officer's residence to the Village (portal to portal). The utilization of the take home vehicle is primarily intended for portal to portal; however there are other usages for errands, etc. The amount of miles from portal to portal will be calculated through map quest or similar internet application. Village Officers who participate in the program must agree to a take home subsidy of the following, based on the miles driven:

- a. within the Village: no charge;
- b. 1-30 miles round trip - \$25.00 bi-weekly; adjusted to \$30.00 bi-weekly should the cost fuel to the Village exceeds \$4.10 per gallon;
- c. 31-60 miles round trip - \$30.00 bi-weekly; adjusted to 35.00 bi-

weekly should the cost of fuel to the Village exceed \$4.10 per gallon;

- d. 61-90 miles round trip - \$35.00 bi-weekly; adjusted to \$40.00 bi-weekly should the costs of fuel to the Village exceed \$4.10 per gallon; and
- e. Over 90 miles round trip – Officers are not eligible to participate.

17. Should the Officer decide to stop participating in this program or change residence, the Officer must notify the Police Chief in writing immediately who will then have two (2) weeks to implement any change.

18. The Police Chief or Designee has the sole authority of vehicle assignment to departmental personnel. During the Pilot Period, the Village will assess the financial impact take home vehicles have on the Village's budget and ability to continue to the policy after the Pilot Period and to incorporate the benefit in the Village's Collective Bargaining Agreement with the Police Benevolent Association.

For Dade County Police Benevolent Association

By: _____

Print Name: _____

For Village of El Portal

Christia Alou, Village Manager


ATTACHMENT A

CERTIFICATE OF CHIEF OF POLICE

I, DAVID MAGNUSSON, Chief of Police of the Village of El Portal, Florida, do hereby certify the following expenditures for \$14,545.70 from the State of Florida Forfeiture Account within the Village of El Portal Police Forfeiture Fund for the 2018/2019 Fiscal Year budget complies with Section 932.7055, Fla. Stat.:

- (1) \$7,388.20 for the installation of internal and external security cameras in Village Hall; and
- (2) \$2,500.00 for the replacement of a broken window with an impact resistant window at the back of Village Hall.
- (3) \$4,412.50 for 2-Swing Gate for Police Authorized Parking Lot
- (4) \$245.00 for a front office security panic button

Dated: 12 JUL 19



DAVID MAGNUSSON,
Chief of Police