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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: November 20, 2008

Agenda Item No. 12(A)(1)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Resolution No. R-1272-08

Subject: Phase-out of Specialized Police Services Payments

Recommendation

It is recommended that the Board of County Commissioners (BCC), approve the resolution allowing the Town of Miami Lakes, Village of Palmetto Bay, City of Doral, City of Miami Gardens, and the Town of Cutler Bay (the Municipalities) change their respective charters removing the requirement to contract and pay for specialized police services with the Miami-Dade Police Department.

Fiscal Impact/Funding Source

There is no fiscal impact to the County should this charter amendment be approved. With the adoption of the FY 2008-09 budget, specialized police services for the Municipalities was funded through the Countywide budget in the same manner it is for all other cities within the County.

Track Record/Monitor

There will be no need to monitor any agreements if this charter amendment is approved.

Background

The Town of Miami Lakes incorporated on December 5, 2000. As a condition of their incorporation, the BCC required Miami Lakes to contract and pay for specialized police services with the Miami-Dade Police Department (MDPD) in perpetuity, as required by the Miami-Dade County Code Sec. 20-26 (b). The Town of Miami Lakes has been receiving and paying for specialized police services form MDPD.

Prior to the incorporation of Miami Lakes, all other cities within Miami-Dade County have received specialized police services from MDPD without any additional charges. These services were funded through the Countywide general fund budget. The Municipalities were being treated differently from other existing municipalities incorporated prior to 2000 that were not required to contract and pay for specialized police services with MDPD. With the adoption of the FY 2006-07 budget, the BCC approved a phase-out of specialized police services payments from the Municipalities. Although the initial proposal was a three year phase-out, it was accomplished in two years.

The last year of the specialized police services phase-out was FY 2007-08; the Municipalities will not make a payment in FY 2008-09. Currently the charters of the Municipalities require them to contract and pay for specialized police services. This charter amendment remove that requirement. Additionally, County staff will bring an ordinance for BCC consideration removing Sec. 20-26 (b) that requires a future municipality to contract for specialized police services.

Because the requirement to contract and pay for specialized police services is being removed from the municipal charters at the request of the County, the County will fund a mail ballot election within the

municipality. Additionally, the municipal charter change for the Town of Miami Lakes, Village of Palmetto Bay and City of Doral to phase-out mitigation may be included as an additional question on that ballot.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management

cmo01809

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: November 20, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 12(A)(1)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **Housekeeping item (no policy decision required)**

_____ **No committee review**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 12(A)(1)
11-20-08

RESOLUTION NO. **R-1272-08**

RESOLUTION APPROVING AN AMENDMENT TO THE CHARTERS OF TOWN OF MIAMI LAKES, VILLAGE OF PALMETTO BAY, CITY OF DORAL, CITY OF MIAMI GARDENS, AND TOWN OF CUTLER BAY RELATING TO DELETING REQUIREMENT TO SEPARATELY CONTRACT FOR SPECIALIZED POLICE SERVICES AND REMOVING "MOST FAVORED NATION" PROVISION RELATED TO SPECIALIZED POLICE

WHEREAS, Section 6.05 of the Miami-Dade County Home Rule Charter requires an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office to approve the amendment of any pre-agreed condition contained in a municipal charter of a municipality prior to a vote of the municipality's electorate; and

WHEREAS, through various budget ordinances, the County has sought to phase out separate payments by the Town of Miami Lakes, Village of Palmetto Bay, City of Doral, City of Miami Gardens and Town of Cutler Bay for specialized police services by funding these services through the county wide millage; and

WHEREAS, the provisions in each of these municipalities charters requiring that they separately contract with Miami-Dade County for specialized polices services is no longer necessary; and

WHEREAS, the provision in each of these municipalities charters provides "Favored Nation Status," requiring modification of the municipalities' charter should a subsequently incorporated municipality be permitted to incorporate without separately contracting for specialize police services, is no longer necessary upon removal of the requirement to separately contract for specialized police services; and

WHEREAS, by removing the requirement that these municipalities separately contract for specialized police services, the provision for "Favored Nation Status" as it applies to specialized police services is no longer necessary; and

WHEREAS, the Board of County Commissioners is desirous of authorizing these municipalities to delete the obligation for separately contracting with Miami-Dade County for specialized police services along with deletion of "Favored Nation Status" as it applies to specialized police services,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board of County Commissioners by an affirmative vote of two-thirds (2/3) of its members approves a ballot question which authorizes an amendment to the charters of the Town of Miami Lakes, Village of Palmetto Bay, City of Doral, City of Miami Gardens and Town of Cutler Bay which deletes the obligation for separately contracting with Miami-Dade County for specialized police services and which deletes the provisions in the aforementioned municipalities' "Favored Nation Status" as it applies to specialized police services.

Section 2. This resolution shall be effective as to each municipality upon approval by the County Attorney of the form of the ballot questions consistent with the provisions of this resolution. A mail ballot shall be funded by the County.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. CHC

Craig H. Coller

Memorandum

MIAMI-DADE COUNTY

Date:	November 20, 2008
To:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Phase-out of Mitigation

Supplement to Agenda Item No. 12(A)1

The Board of County Commissioners (BCC) expressed its intent to phase out mitigation through the adoption of Resolution No. R-508-07 on April 30, 2007. At the September 16, 2008 meeting, the BCC adopted Resolution No. R-973-08 approving an amendment to the Town of Miami Lakes Charter eliminating all future mitigation payments after the payment of mitigation for FY 2006-07 and removing the "Most Favored Nations" clause as it applies to mitigation. This resolution requires the Town of Miami Lakes to pay mitigation for seven years from the date of their incorporation.

At the Board's direction, County staff met with the City of Doral and Village of Palmetto Bay representatives to negotiate the phase-out of mitigation payments made by the respective cities. As a result of those meetings, the resolutions on today's agenda provide for the phase-out of mitigation for the City of Doral and Village of Palmetto Bay.

The resolution phasing-out the Village of Palmetto Bay's mitigation payments requires the Village to pay mitigation until FY 2008-09. This resolution is consistent with the terms of Resolution No. R-973-08: the Village will pay mitigation for the same time period as the Town of Miami Lakes. The Village is also required to eliminate the "Most Favored Nations" clause in the Village Charter as it pertains to mitigation. The Village will also agree to dismiss the *Village of Palmetto Bay v. Miami-Dade County* Case No: 08-14156 CA 27. The Village will submit to the County Attorney the ballot question consistent with the provisions of the resolution for approval.

The resolution phasing-out the City of Doral's mitigation payments requires the City to pay mitigation until FY 2009-10. This resolution is consistent with the terms of Resolution No. R-973-08: the City will pay mitigation for seven years following its incorporation, as will the Town of Miami Lakes and Village of Palmetto Bay. Additionally, the City of Doral's mitigation payment will be adjusted to mirror the mitigation calculation methodology applied to the Town of Miami Lakes and the Village of Palmetto Bay, representing one mill of property tax based on the year of incorporation. Doral's mitigation payment based on the methodology applied to the other cities will be $5.547 million for FY 2006-07. All future mitigation payments will be adjusted by the Consumer Price Index until the last payment due for FY 2009-10. The City is also required to eliminate the "Most Favored Nations" clause in the Village Charter as it pertains to mitigation. The City will also agree to dismiss the *City of Doral v. Miami-Dade County* Case No: 3D08-1725. The City will submit to the County Attorney the ballot question consistent with the provisions of the resolution for approval.

Additionally on today's agenda is a resolution approving a charter amendment to the charters of Miami Lakes, Palmetto Bay, Doral, Miami Gardens, and Cutler Bay removing the requirement to contract for specialized police services with the County. With the adoption of the FY 2006-07 budget, the County began a three year phase-out of specialized police service payments from the cities. The cost for these services was transferred to the countywide budget as it is for cities created prior to Miami Lakes. Because the cities are no longer paying for these services, their respective charters need to be amended to remove the requirement that the cities contract and pay for specialized police services. The resolution

also requires that the cities remove from their respective charters the provision of "Favored Nation Status" as it applies to specialized police services.

Once the ballot language is approved by the County Attorney for both the mitigation phase-out and specialized police services phase-out, the elections should be held prior to April of 2009. Because the County is requiring that the cities amend their charters with respect to the specialized police services, the additional question for Miami Lakes, Palmetto Bay and Doral may be included along with the specialized police amendment. The County will pay for a mail ballot election with the specialized police amendment question for all of the cities.

Following the successful resolution of the mitigation phase-out for newly incorporated municipalities, staff will develop a policy requiring mitigation for annexation areas. This policy will be presented to the Governmental Operations and Environment Committee for consideration.

Jennifer Glazer-Moon
Director, Office of Strategic Business Management