



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: February 25, 2002

FROM: Steve Shiver
County Manager

SUBJECT: Incorporation and Annexation
Policy Recommendations

Based on the discussions and Board actions taken regarding incorporation-related policy recommendations at your regular Tuesday, February 12, 2002 meeting, I believe it is important for management to outline for the Board the course of action that we intend to follow over the next few months.

On February 12, 2002, the Board failed to adopt the proposed incorporation policies presented under items 4A Substitute or 4A Alternate #2. As a result of this inaction by the Board, the policies we used to negotiate agreements with Miami Lakes and Palmetto Bay and the policies we have been using to guide our negotiations with several active Municipal Advisory Committees (MACs) were not formally adopted. However, the Board votes appear to be the result of some confusion and based on subsequent Board action, item 4A will be reconsidered at the February 26, 2002, County Commission meeting. Consequently, staff will continue working with the existing MACs following the same set of guidelines as we had prior to the February 12 meeting.

Additionally, at that meeting the Chairperson of the Board indicated her desire to advance all legislation related to the *Incorporation and Annexation Report and Policy Recommendations* to the BCC at one time, so as to not consume the Board's agenda for several meetings. In light of trying to accommodate this request and the direction of the UMSA Committee to advance legislation in a phased manner over a three-month period, we intend to continue to advance all of our proposed incorporation/annexation legislation through the UMSA Committee on a phased basis and then hold all of the legislation for consideration by the full Board at one time. We intend to hold the remaining recommended legislation until sometime in May 2002, at which time we recommend a special Board meeting should be called.

This timetable will provide sufficient time for staff to work with the representatives from the League of Cities on those issues in the *Incorporation and Annexation Report and Policy Recommendations* that directly affect municipalities as outlined in my memo dated February 12, 2002 (Attachment I). Given the Chairperson's desire and my commitment to work with the municipalities, it is my intent to hold back legislation that directly affects the municipalities until we have met with them. I expect to work with the League over the next 60 days to try to develop consensus on our

Incorporation and Annexation Policy Recommendations

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incorporation/annexation recommendations. Once our meetings with the League committees conclude, those recommendations affecting municipalities will go to the UMSA committee prior to the recommended May special Board meeting.

Even though this timetable takes us beyond the expiration of the 90-day moratorium approved by the Board, I believe that there is no need to extend the moratorium, as none of the existing MACs will be ready to come to the Board with fully negotiated conceptual incorporation agreements until the Fall, at the earliest. In the meantime, there are two relative straightforward, non-controversial annexation requests, one from Florida City and one from Medley, that the Board should consider, even in advance of formal incorporation/annexations policies beyond those currently in place.

Cmo/07802



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: February 12, 2002

FROM: 
County Manager

SUBJECT: Incorporation/Annexation:
Status of Discussions with
Municipalities

At the Board of County Commissioners' meeting of December 18, 2001, the Board discussed the resolution sponsored by Commissioner Dr. Carey-Schuler (Attachment I) directing staff to initiate discussions with the various municipalities toward the implementation of a workload based contractual agreement for receipt of County specialized police services.

During the discussion, the Board, at the request of various municipalities and the Miami-Dade League of Cities ("the League"), directed County staff to meet with the municipalities prior to proceeding with the adoption of the above mentioned resolution.

In response to the Board's direction, I invited the Board of the County Commissioners (BCC), and all municipal mayors and managers to a meeting on January 11, 2002. The meeting was well attended, including the participation of Commissioners Alonso and Sosa.

During the meeting, the municipalities' representatives expressed concern that the Board did not have an overall guiding policy regarding the County's long-term role in providing municipal and/or regional services. They expressed their willingness to provide input and work with the County to develop solutions once an overall guiding policy has been adopted by the BCC. I committed to prepare a resolution for the Board's consideration addressing this issue. The proposed resolution will be on the February 26 or March 12, 2002 regular BCC meeting agenda.

Additionally, staff offered the municipalities some very general background on the effect of implementing a contractual relationship for specialized police services. The concerns of some municipal officials were reduced when they recognized that the proposal would eliminate the portion of the countywide millage covering the cost of specialized police services. However, more discussions are needed.

At the conclusion of the meeting it was agreed that County staff would meet with various committees assigned by the League to work on this and other incorporation/annexation related issues. The League met on Thursday, February

7, 2002, and established six committees, covering such topics as: Total Incorporation, Partial Incorporation, Annexations, and Police Services, among others.

While I am in full support of working with our municipalities, I am concerned about the redundancy of these committees; therefore, I recommend that we work with three committees to provide a more focused, efficient and effective utilization of limited County and municipal resources. My recommended committees would be as follows:

1. **Specialized Police Services** – This group will evaluate the proposed alternatives for funding specialized police services in manner that is equitable to all of the County's residents and maintains the high quality and well-trained personnel currently in place. This, in fact, provides a similar avenue as outlined in Commissioner Dr. Carey-Schuler's resolution that directed staff to initiate a dialogue with the municipalities regarding specialized police services. This work could be accomplished over the next six months, as it is not as time sensitive as the other items.
2. **Total or Phased Incorporation** – This group will work with the County staff to develop a plan for the total or phased incorporation of the unincorporated area. This approach is similar to the legislation being proposed by Commissioner Morales, and is consistent with my alternative resolution on this matter. However, Commissioner Morales' legislation creates a task force that would be charged with the development a plan for total incorporation. Among the task force's membership would be three municipal representatives. This task force would be a duplication with the County-municipal committee.
3. **Annexation** – This group will identify unincorporated areas where annexation to existing municipalities would be encouraged and propose legislative language that would facilitate annexations and the elimination of enclaves. This approach is consistent with my recommendations included in the *Incorporation and Annexation Report and Policy Recommendations* and its implementing legislation. This work could be accomplished over the next year.

The policy recommendations of these committees will be brought back to the Board for consideration.

Although we are continuing to provide legislation for your consideration that implements the policy recommendations included in the *Incorporation and Annexation Report and Policy Recommendations*, I am committed to continue working with the municipalities on the issues that directly affect them. However, I

am not advocating delaying adoption of all of the proposed legislation by the Board while we meet with the municipalities.

For example, there are some policy recommendations being submitted for your consideration that address components of our incorporation policy that have been basis of our agreements with Miami Lakes and Palmetto Bay, such as the retention of regional-type municipal services and revenue neutrality and/or mitigation. I believe that there is consensus among the Board regarding these issues and that these issues do not have a direct effect on existing municipalities. Your timely approval of these key issues is needed to prevent delays to the work of municipal advisory committees.

MEMORANDUM

Agenda Item No. 9(A)(5)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: December 18, 2001

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to
specialized police services

The accompanying resolution was prepared and placed on the agenda at the request of Dr. Barbara M. Carey-Shuler, Commissioner District 3.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: December 18, 2001

SUBJECT: Agenda Item No. 9(A)(5)

FROM:

Robert A. Ginsburg
County Attorney

Please note any items checked.

- "4-Day Rule" (Applicable if raised)
- 6 weeks required between first reading and public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires a detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

Approved _____ Mayor

Agenda Item No. 9(A)(5)

Veto _____

12-18-01 _____

Override _____

RESOLUTION NO. _____

RESOLUTION RELATING TO POLICY RECOMMENDATIONS REQUIRING PAYMENT FOR SPECIALIZED POLICE SERVICES BY MUNICIPALITIES CURRENTLY RECEIVING SPECIALIZED POLICE SERVICES FROM MIAMI-DADE COUNTY; DIRECTING THE COUNTY MANAGER TO BEGIN DISCUSSIONS WITH CITIES REGARDING PAYMENT, TAKE OTHER NECESSARY AND APPROPRIATE ACTION, AND PROPOSE A GRANT PROGRAM FOR CERTAIN CITIES TO PROVIDE FOR PAYMENT FOR SPECIALIZED POLICE SERVICES

WHEREAS, the provision of and payment for specialized police services (including but not limited to those tactical services, such as special response team, canine, aviation, motorcycle patrol, marine patrol, bomb squad investigations and central investigations, such as narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, crime scene investigations and property and evidence, and uniform services) has long been an issue in Miami-Dade County; and

WHEREAS, the County spends approximately \$25 million a year from the countywide general fund budget for specialized police services; and

WHEREAS, cities including Miami, Miami Beach, Hialeah, and to a certain extent Coral Gables provide and pay for most of their own specialized police services from their municipal millage; and

WHEREAS, the Town of Miami Lakes and the County have negotiated a contract by which Miami Lakes will receive specialized services from Miami-Dade County and pay the County for those services from municipal funds; and

WHEREAS, the remaining incorporated cities receive various levels of specialized police services from Miami-Dade County; and although the cost of the provision of these services to these cities is funded from the countywide general fund budget, each city in this group is not paying for the respective level of specialized services received by their municipalities from their municipal millages; and

WHEREAS, all cities receiving specialized police services from the County should be required to pay the full cost of the provision of these services from their municipal millage excluding the portion of the cost of such services funded by the payment of countywide taxes,

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

Section 1. Consistent with the Incorporation and *Annexation Report and Policy Recommendations* dated July 12, 2001, the Board hereby directs the County Manager to begin discussions with existing municipalities that receive specialized police services from Miami-Dade County regarding their contracting and paying for such services.

Section 2. The County Manager will submit to the Board any proposed agreement(s) and resolutions or ordinances that seek to implement and codify these discussions with municipalities for subsequent consideration by the Board.

Section 3. The policy to be discussed with the cities shall be the proposal to require each city to pay the full costs for specialized police services received from the County, excluding the cost of such services funded by the payment of Countywide taxes of residents within a city;

provided, however, cities which provide their own specialized police services, including Miami, Miami Beach, Hialeah, and Coral Gables, shall not be required to pay an additional amount for specialized services, unless the County is requested by the city to provide additional specialized police services within such cities.

Section 4. "Full costs" as used herein means such amount which equals the cost of providing such services, taking into account the level of criminal activity in a city and personnel, capital, overtime, vehicle, equipment, overhead and other costs.

Section 5. The County Manager is directed to begin discussions with existing cities relative to making payments commencing with Fiscal Year 2003-2004.

Section 6. The County Manager is directed to propose for future County Commission consideration a need-based grant program for cities that meet certain per capita tax base requirements and are unable to pay fully for specialized police services provided by the County.

The foregoing resolution was sponsored by Dr. Barbara M. Carey-Shuler and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso
Dr. Barbara M. Carey-Shuler
Gwen Margolis
Jimmy L. Morales
Dorrin D. Rolle
Katy Sorenson

Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of December, 2001. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cynthia Johnson-Stacks