

MEMORANDUM

Special Item No. 8

TO: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

DATE: May 5, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing County policy for the provision of municipal police and other services for Miami-Dade County; directing the County Mayor to inventory County employees, real property, assets, equipment, contracts, grants and licenses used by the Miami-Dade Police Department; creating a transition plan and draft agreements for the reestablishment of the Miami-Dade County Sheriff’s Office; and providing for periodic reports to the Board

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

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County Attorney

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Please note any items checked.

- ☐ "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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 8
5-5-22

RESOLUTION NO. _____

RESOLUTION ESTABLISHING COUNTY POLICY FOR THE PROVISION OF MUNICIPAL POLICE AND OTHER SERVICES FOR MIAMI-DADE COUNTY; DIRECTING THE COUNTY MAYOR TO INVENTORY COUNTY EMPLOYEES, REAL PROPERTY, ASSETS, EQUIPMENT, CONTRACTS, GRANTS AND LICENSES USED BY THE MIAMI-DADE POLICE DEPARTMENT; CREATING A TRANSITION PLAN AND DRAFT AGREEMENTS FOR THE REESTABLISHMENT OF THE MIAMI-DADE COUNTY SHERIFF'S OFFICE; AND PROVIDING FOR PERIODIC REPORTS TO THE BOARD

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution sets forth that Miami-Dade County, through the adoption of the Miami-Dade County Home Rule Charter, may abolish, or provide a method for abolishing, the county constitutional offices in Art. VIII of the Florida Constitution; and

WHEREAS, in 1957, the electors of Miami-Dade County adopted the Miami-Dade County Home Rule Charter and abolished certain constitutional offices including the predecessor offices to the Miami-Dade Office of Tax Collector, Property Appraiser and Supervisor of Elections and delegated the powers and responsibilities of those offices to the Miami-Dade County Manager or such other persons designated by the County Manager; and

WHEREAS, the 1957 Miami-Dade County Home Rule Charter also sets forth that the Board of County Commissioners may abolish county constitutional offices not already abolished in the Home Rule Charter; and

WHEREAS, in 1958, this Board abolished the Miami-Dade Sheriff's Office and created a public safety department headed by a metropolitan sheriff appointed by, and serving at the will of, the County Manager; and

WHEREAS, in 1963, the electors of Miami-Dade County amended the Miami-Dade County Home Rule Charter to establish the metropolitan sheriff as an independent elected position; and

WHEREAS, in 1966, the electors of Miami-Dade County amended the Miami-Dade County Home Rule Charter to abolish the elected office of metropolitan sheriff and provide that the powers and functions of the office are transferred to the County Manager, or such person designated by the County Manager; and

WHEREAS, the powers and responsibilities of the abolished Miami-Dade County Sheriff's Office were exercised by the County Manager or the County Manager's designee from 1966 until the adoption of the "Strong Mayor" amendment to the Miami-Dade County Home Rule Charter in 2007; and

WHEREAS, since 2007, the Home Rule Charter vests the powers and responsibilities of the abolished Miami-Dade County Sheriff's Office in the County Mayor or County Mayor's designee; and

WHEREAS, from 1966 until today, the Miami-Dade Police Department has exercised the powers and performed the duties and functions of the constitutional Sheriff's Office by designation from the County Mayor or County Manager as well as the duties and functions of the municipal police department for unincorporated Miami-Dade County; and

WHEREAS, the Miami-Dade Police Department also serves as the municipal police force of the Town of Miami Lakes, Village of Palmetto Bay, and the Town of Cutler Bay by interlocal agreement; and

WHEREAS, acting as the successor office to the Sheriff's Office, the Miami-Dade Police Department currently provides the services assigned by state law to the County Sheriff throughout Miami-Dade County including, processing and serving criminal warrants, executing writs, providing general law enforcement functions, investigative functions, maintenance of the peace, as well as all other such duties assigned to the Sheriff by County ordinance or Florida law; and

WHEREAS, acting as the municipal police force, the Miami-Dade Police Department provides unincorporated areas of Miami-Dade County and contracting municipalities municipal police services including patrol services, target response teams, general law enforcement and investigation; and

WHEREAS, in addition to law enforcement functions, the Miami-Dade Police Department has also been assigned regulatory functions by this Board; and

WHEREAS, the Miami-Dade Police Department is currently funded in the County's Fiscal Year 2021-22 Adopted Budget through revenues generated by the Countywide and UMSA millage rates as well as revenues from fees, grants, contracts and other sources; and

WHEREAS, the County's Fiscal Year 2021-22 Adopted Budget provides for the employees, real property, assets, contracts, and licenses currently used by the Miami-Dade Police Department; and

WHEREAS, the Fiscal Year 2021-2022 Adopted Budgets provide for 3,168 sworn and 1,282 civilian budgeted positions in the Miami-Dade Police Department; and

WHEREAS, on November 8, 2018, the electors of the State of Florida adopted an amendment to the Florida Constitution removing the constitutional grant of authority of Miami-Dade County and other charter counties to: (1) abolish the county constitutional offices of sheriff; tax collector, property appraiser, supervisor of elections, or clerk of the circuit court; (2) transfer

the duties and functions of those offices to another officer or office; (3) change the length of the four-year term of office; or (4) establish any manner of selection other than by election by the electors of the county; and

WHEREAS, the 2018 amendment to the Florida Constitution provided that the provision relating to constitutional officers shall not take effect in Miami-Dade County until January 7, 2025, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2024; and

WHEREAS, as a result of the 2018 amendment, the constitutional Miami-Dade County Sheriff's Office will be reestablished as an independent elected position in Miami-Dade County; and

WHEREAS, to continue to benefit from economies of scale from a unified law enforcement office providing both countywide and municipal police services, provide the least disruption to the residents of and visitors to Miami-Dade County, and protect the sworn and civilian employees of the Miami-Dade Police Department, this Board desires that all municipal and other functions currently performed by the Miami-Dade Police Department as well as the employees of the Miami-Dade Police Department and the real property, assets, contracts, grants and licenses currently used by the Miami-Dade Police Department be transferred, by agreement, to the Miami-Dade County Sheriff's Office commencing with its reestablishment on January 7, 2025; and

WHEREAS, providing all such countywide and municipal police services by a single office will have the least impact on the day-to-day operations and delivery of police services in Miami-Dade County; save Miami-Dade County taxpayers money by eliminating the need for duplicative services, offices, assets and operations; provide for the continued employment of

sworn and civilian members of the Miami-Dade Police Department; and allow for the continued provision of municipal police services to the unincorporated municipal service area as well as the Town of Miami Lakes, Village of Palmetto Bay, and the Town of Cutler Bay; and

WHEREAS, the transfer of employees of the Miami-Dade Police Department and the real property, assets, equipment, contracts, grants and licenses currently used by the Miami-Dade Police Department by contract will require planning and preparation by the County to adequately address all issues that may arise with the transfers to the Miami-Dade County Sheriff's Office; and

WHEREAS, this Board desires to establish the County policy that all current powers, duties, responsibilities of the Miami-Dade Police Department; the employees of the Miami-Dade Police Department; and all real property, assets, equipment, contracts, grants and licenses currently used by the Miami-Dade Police Department shall be transferred, by contract where appropriate, to the Miami-Dade County Office of the Sheriff commencing on January 7, 2025 and that the County Mayor or County Mayor's designee immediately commence the necessary inventories and research necessary to accomplish this transfer and provide periodic reports to the Board of County Commissioners,

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

Section 1. It is the policy of Miami-Dade County, commencing January 7, 2025, to contract with the newly reestablished Miami-Dade County Sheriff's Office to: (1) provide municipal police to the County's unincorporated municipal service area and additional services on a countywide basis; (2) transfer the budgeted positions and job classifications of the Miami-Dade Police Department necessary for the Sheriff to provide municipal police to the County's unincorporated municipal service area and additional services on a countywide basis; (3) provide

by contract for the transfer of employees of the Miami-Dade Police Department who agree to transfer to the Miami-Dade Sheriff's Office; and (4) provide for the transfer of the real property, assets, equipment, contracts, grants and licenses currently used by the Miami-Dade Police Department to the Miami-Dade County Sheriff's Office. In the event that the Miami-Dade County Sheriff's Office declines to perform any current functions of the Miami-Dade Police Department or the Board of County Commissioners determines that such functions should be performed by Miami-Dade County, the County Mayor or County Mayor's designee shall provide for the operation of such services and the County shall retain such positions and job classifications of the Miami-Dade Police Department as well as real property, assets, equipment, contracts, grants and licenses necessary to perform such functions.

Section 2. The County Mayor or County Mayor's designee shall create an inventory listing all real property, assets, equipment, contracts, grants and licenses currently used by the Miami-Dade Police Department and all budgeted positions and employees of the Miami-Dade Police Department. Such inventory shall, at a minimum, identify whether such real property, asset, equipment, contract, grant or license is used for the provision of countywide, municipal services or both and whether such budgeted position is filled or vacant. For all filled budgeted positions, such inventory shall also include the date of employment, the current salary and benefits, and the current rank or position held of the employee filling the position. For all real property, assets, equipment, contracts, grants and licenses, such inventory shall include the date acquired by the County, the current fair market value, the remaining term of any contract or useful life of such asset or equipment, as applicable, and any restrictions on the transfer to a successor office. The County Mayor shall transmit this inventory, as a report to the Board, detailing the methodology used to create the inventory and any deficiencies in the inventory by June 15, 2022. Such report

shall redact all information that is exempt from disclosure under Florida's Public Records Law but shall provide an opportunity for members of the Board and other authorized individuals to review such information upon request. The County Mayor or County Mayor's designee shall update the report and inventory at least every six months thereafter until January 7, 2025, and transmit such updates to the Board. The report, and any updates thereto, shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

Section 3. The County Mayor or County Mayor's designee shall create draft transfer agreements and operation agreements, in consultation with the County Attorney's Office, to be presented to the Miami-Dade County Sheriff's Office to effectuate the transfer of positions and job classifications of the Miami-Dade Police Department and all employees who agree to transfer to the Sheriff's Office under the terms of the transfer agreements as well as the transfer of all real property, assets, equipment, contracts, grants and licenses currently used by the Miami-Dade Police Department. Such draft agreements shall also provide, at a minimum, for: (1) the provision of all services currently provided by the Miami-Dade Police Department by interlocal agreement not otherwise assigned by Florida law to the constitutional office of the sheriff; (2) the financial transition to the Miami-Dade County Sheriff's Office of any accounts necessary to perform the functions of the office, including the budget, funding and financial processes for the newly reestablished office; (3) the transfer of positions, job classifications and employees of the Miami-Dade Police Department to the Miami-Dade County Sheriff's Office including provision for the transfer of leave balances, positions and benefits; (4) the transfer of real property by lease agreement or otherwise and provision for the utilities and maintenance of such property to the Miami-Dade County Sheriff's Office; (5) the transfer of assets, equipment, and licenses by lease agreement or otherwise as well as the maintenance of such assets and equipment to the Miami-

Dade County Sheriff's Office; (6) the transfer of grants and contracts of the Miami-Dade Police Department by assignment to the Miami-Dade County Sheriff's Office, where appropriate; (7) the provision of administrative and other services for the operation of the Miami-Dade County Sheriff's Office by employees of Miami-Dade County, as appropriate; and (8) the prompt return to Miami-Dade County of all employees, real property, assets, grants, contracts, and licenses necessary to perform municipal police services initially transferred to the Miami-Dade County Sheriff's Office pursuant to the transfer or operation agreement in the event the Miami-Dade County Sheriff's Office subsequent to such transfer refuses to perform such activities in accordance with the transfer agreement(s) and any operation agreement(s). The proposed draft agreements shall be presented to the Board as a report on or before January 15, 2023. Such report shall also include a description of any outstanding issues that may exist as of the date of the report. The County Mayor, or County Mayor's designee, shall update the draft agreements as directed by the Board of County Commissioners at least every six months thereafter until January 7, 2025, and transmit such updates to the Board. The report, and any updates thereto, shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65 along with an agenda item recommending either the approval of the draft transfer and operating agreements or such further action as may be directed by the Board.

Section 4. Immediately upon the certification of the General Election in 2024, the County Mayor or County Mayor's designee shall present any draft agreements approved by the Board of County Commissioners to the Sheriff-elect for Miami-Dade County and shall present any proposed amendments to the draft transfer and operating agreements to the Board of County Commissioners for approval prior to December 27, 2024.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Oren Rosenthal