



AGENDA ITEM REQUEST FORM

Town Manager

Connie Hoffmann *CH*

Department Submitting Request

Dept Head's Signature

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- April 26, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

SUBJECT TITLE: POLICE SERVICES ISSUES

EXPLANATION:

1. Alternatives to BSO Police Services

The Commission asked at the last meeting that we schedule a discussion of various issues related to the BSO contract for police services, including whether the Town wants to look at different means of providing police services.

BSO advised me of a State Attorney General Office opinion which was provided to Hallandale Beach a few years ago which indicated they could not provide police services to a neighboring city through any means other than a mutual aid agreement between the two cities' police departments. I, therefore, asked the Town Attorney to research the matter and her conclusion is that, under state law, the Town cannot contract with a neighboring city's police department for police services. (Her memo is an exhibit to this agenda item.)

That would leave the option of creating our own police department. I believe several Commissioners stated they had no interest in pursuing that option.

Exhibit: Town Attorney Memo Dated May 5, 2011

2. Status of BSO Negotiations

We have received BSO's Finance Department's projection of LBTS's cost next fiscal year for police services - \$3.7 million. That is about \$545,000 more than our current year payments to them (\$3,157,000).

We are aware that the BSO current operating budget for serving LBTS is \$3.45 million, so we were expecting the proposal to be at least that amount. The County has been insisting that BSO charge the contract cities for their share of BSO's administrative and management support costs and other post employment benefits (OPEB) costs. I am told the \$3.7 million proposed figure includes a significant allocation of those costs (over \$4,000 for each employee for admin support and about half that amount for OPEB costs for management and administrative costs).

I am requesting a line item budget from BSO so we can clearly see what comprises the \$3.7 million dollar figure. I will also be comparing it to what other cities under the new contracts are being charged.

It should be noted that the Town's share of the costs of the BSO emergency call center that dispatches police and fire calls for Lauderdale-by-the-Sea is not included in that figure. The County estimates that cost at approximately



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\$131,000, not \$125,000 as I indicated at the last meeting. Apparently the County and the Sheriff have not decided how billing for those charges will be handled. I have addressed that issue in more detail later in this item.

I am scheduled to meet with BSO again next week and we will obviously be discussing options for reducing the Town's cost. I am confident we will be able to get those numbers down without sacrificing the fine police service we have come to expect from BSO. I will bring back my recommendations at the regular meeting on May 24th regarding the BSO contract.

3. CHP Grant

The guidelines have come out for the 2011 Federal COPS Hiring Program (CHP) grants and applications are due later this month. In the past, BSO has applied for these grants on behalf of contract cities, but this year, the grant guidelines require that the individual municipalities apply for the grant. We have reviewed the grant guidelines to see if it makes any sense for the Town to apply for a CHP grant. The CHP grant's funding award priorities: hiring new officers, including filling existing vacancies which are no longer funded in the budget; rehiring officers previously laid off due to budget cuts and rehiring officers who are scheduled to be laid off at a future date as a result of budget cuts.

Based on our size, LBTS would be eligible to apply for the funding of only one entry level police officer for three years at approximately \$90,000 per year but the Town would have to pick up the remaining \$60,000 cost of an officer and agree to fund the officer completely for twelve months at the end of the three year grant period. We have been told by BSO that LETF monies could be used to cover the \$60,000 Town obligation, however, that would wipe out most of our LETF fund over the three year period.

This is a very competitive grant process which receives over 7000 applications annually. The evaluation criteria for the grant includes review of per capita income, poverty levels, crime stats for the previous three years for criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft statistics. The application consists of over 60 pages and is due May 25th, 2011. BSO will assist us with the application, but after review of the criteria and discussion with the BSO grants manager, we believe it unlikely that, given the Town's low crime statistics and our residents' per capita income, we would be awarded a CHP grant.

We would have to make the decision now that we intend to eliminate a deputy position, that we are willing to commit \$180,000 of our \$200,000 in LETF money to hire that officer back, and retain the position in our budget four years from now. Staff feels that, given the low likelihood we would be awarded a grant, that we not apply for one.

4. Funding of Emergency Call Centers (PSAPS)

The Commission asked for an explanation of the issues relating to the County's decision that they will no longer fund the operational costs of PSAPs, directly or through the Sheriff's budget. The exhibit to this item explains the history of PSAP funding. The County Manager has indicated the County does not intend to continue funding BSO's central PSAP and Lauderdale-by-the-Sea will be expected to pay \$132,000 to fund its portion of the BSO PSAP next year.

As I explain in my memo on the subject, there is an equity issue as some cities currently receive this service through the Sheriff, some have never received funding for their own PSAPs, and other cities that have received funding in the past from the County are being cut off.

EXHIBIT: Memo dated May 4th from Town Manager



Item No. _____

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5. Resolution to County Commission

The Commission asked for a resolution that would address the County's position on PSAP funding and on the issue that came up in last summer's discussions about the Sheriff's budget when the County Commission suggested that BSO should not operate a crime lab. According to BSO, the County has not raised that issue so far this year.

EXHIBIT: Draft Resolution

EXPECTED OUTCOME: Commission discussion of the items outlined.

Reviewed by Town Attorney

Yes No

Town Manager Initials

CH

Memo

To: Mayor and Town Commission
Town of Lauderdale-by-the-Sea

From: Susan L. Trevarthen, Town Attorney

Cc: Connie Hoffmann, Town Manager

Date: May 5, 2011

Re: Inquiry Regarding Ability of Fort Lauderdale Police Department to Act as Police Department for Town

Question: May the Town and the City of Fort Lauderdale exercise their home rule powers to enter into an agreement for the Fort Lauderdale Police Department to serve as the Town's Police Department, similar to the existing agreement for the Broward Sheriff's Office to perform this function for the Town?

Answer: No. The statutes do not provide Fort Lauderdale with extra-jurisdictional powers for this purpose, and enactment of a general or special law would be required to authorize such a contract.

Discussion: Article VIII, Section 2(c) of the Florida Constitution provides that municipal home rule powers exist only within the boundary of the municipality. See also Section 166.021(3)(a), Florida Statutes. Absent authorization by general or special law, the powers cannot be exercised in another jurisdiction.

Although Section 4 of Article VIII of the Florida Constitution generally authorizes the transfer of power to or contracting of powers with other governmental entities following a popular vote or as otherwise provided by law, Section 4 must be harmonized with Section 2(c). A general or special law must provide for the transfer of power, before Section 4 can be used to accomplish it. See AGO 90-77 (Port Everglades Authority could not transfer its law enforcement powers to the City of Hollywood absent a dual referendum under Section 4, and the City could not enter into a contract to provide police services to the Port because the City lacked the ability to exercise its powers outside of its jurisdiction under Section 2(c)).

The Florida Mutual Aid Act, Part I of Chapter 23, Florida Statutes, provides the basis for municipal agreements to provide law enforcement planning, operations and mutual aid across

jurisdictional lines. It allows the mutual or joint exercise of law enforcement powers by agreements between law enforcement agencies. See Section 23.1225(1)(b), Florida Statutes. However, it does not transfer powers, or enable agreements between municipalities, or between a municipality like the Town and the law enforcement agency of another municipality.

The nature and purpose of these mutual aid agreements is detailed in the statute, and it does not authorize the complete assumption of the law enforcement function by one municipality for another. See Section 23.121, Florida Statutes and AGOs 2005-26 (City of Hallandale Beach may not enter into a contract to become the West Park police department) and 96-78 (City of Edgewood may not enter into a contract to be the police department for a neighboring city).

The Town is able to enter into such an agreement with Broward County because the statutes provide county sheriffs with the authority to act throughout the entire county. See Section 30.15, Florida Statutes, and AGO 93-93 (a town could enter into a contract for the sheriff to provide services without a dual referendum under Article VIII, Section 4 of the Florida Constitution, because the town retained the ability to cancel the contract and thus retained ultimate control over its law enforcement function).

Conclusion: No special or general law authorizes one municipality to contract to act as the police department of another. If the Town wants such an arrangement, it must either contract with the BSO or obtain passage of special or general legislation authorizing such contracts with municipalities. Alternatively, through dual referenda, the Town could completely transfer its law enforcement powers and function to another local government.

Town of Lauderdale-by-the-Sea

OFFICE OF THE TOWN MANAGER

Memorandum

Date: May 4, 2011

To: Mayor Roseann Minnet
Commissioner Stuart Dodd
Commissioner Birute Clotney
Commissioner Scot Sasser
Commissioner Chris Vincent

From: Connie Hoffmann, Town Manager 

Subject: Report on Funding of Emergency Call Centers (PSAPs)

At the last Commission meeting, we briefly discussed the fact that Broward County has indicated they are no longer willing to pay for the operation of emergency call centers, known as PSAPs (public safety answering points), either directly or indirectly through funding of the BSO budget. The County Administrator has sent a letter indicating that Lauderdale-by-the-Sea will have to assume an approximate \$132,000 cost next fiscal year for our portion of the BSO PSAP costs. That figure was calculated on the basis of our proportion of all calls for service received by that PSAP.

History of PSAPs and PSAP Funding in Broward County

In the late 1970s, four cooperative dispatch centers (CDCs) were established in the Broward County when the then-new 911 call system technology was implemented in the County. The four CDCs were operated by BSO, Fort Lauderdale, Hollywood, and Pompano Beach. Those four agencies dispatched the calls for all of the other cities. In the years that followed, BSO began contracting for police services with various cities and also took on responsibility for dispatching their emergency calls. They never charged the cities for those services, viewing them as a regional service. And several cities dropped out of the CDCs they had been using and started their own dispatch centers.

In 1995, Fort Lauderdale and Pompano Beach objected to the fact that the County was funding some cities' dispatch centers through BSO and negotiated ILAs with the County to fund their dispatch centers. Those ILAs also addressed other issues such as the location of homeless shelters and detention facilities in those two cities, presumably to provide some defense to the County for not funding all cities' PSAPs. Pompano's PSAP has actually been staffed by BSO employees for the past decade.

Today there are 10 primary and 2 secondary PSAPS (Miramar & Deerfield) which dispatch calls for emergency services to the responding agencies. The ten primary PSAPS are located at: BSO headquarters building, Coconut Creek, Coral Springs, Fort Lauderdale, Hollywood, Margate, Pembroke Pines, Plantation, Pompano Beach, and Sunrise. There is also one backup PSAP at the Broward Emergency Operations Center.

BSO dispatches – and pays for the cost of dispatching - calls for 23 cities including Lauderdale-by-the-Sea.

In 2002, the Broward County Charter was amended to give the County responsibility to fund public safety communications infrastructure and, as a result, the County implemented a county-wide CAD (computer-aided dispatch) platform and made it available to all municipalities. The majority of PSAPs use it. When someone calls 911, County's CAD system determines where the caller is physically located and the call is automatically routed to the PSAP that serves that location. Once the call is answered, it may have to be transferred to a different PSAP.

I understand that the ILA between the County and Fort Lauderdale has expired. The cost of the Fort Lauderdale PSAP is over \$6 million annually.

The County's ILA with Pompano Beach expired in September of last year and Pompano is picking up the multi-million dollar cost of operating their PSAP.

Broward County's Position

The County has taken the position that state law does not address which government entity has the responsibility to pay for dispatch services and that they cannot afford to pay for dispatch services to all cities, either via funding BSO or direct funding. Last year they announced there were only two choices:

- 1) Charge all entities that elect to be dispatched by BSO; or
- 2) Develop a more efficient dispatch system which could include consolidation, pro rata assessments based on call volume, or other approaches which were deemed more efficient.

The County has apparently decided to go with Option 2 at this point, and has sent out a letter to all cities whose dispatch costs have previously been borne by BSO, estimating what their costs will be in FY 2012 for dispatch services being provided by BSO.

BCCMA Study Regarding Consolidation of PSAPs

In May of 2010 the County Administrator asked the Broward City County Managers Association (BCCMA) to consider how the PSAPs might be consolidated and BCCMA set up a committee to study that by asking the BSO Communications Technology Division (CTD) to evaluate the possibilities. BSO's CTD has recommended to the BCCMA a consolidated 3 PSAP model that could handle all of the calls currently handled by 12. They recommend that all Police, Fire, EMS agencies in the County be dispatched by these three consolidated PSAPs and point out that the consolidated system will minimize the need to transfer calls and should improve response.

They call for a north region PSAP, a central region PSAP, and a south region PSAP, all under the management of a single management organization that is overseen by an administrative board with representation from "all affected stakeholders". Their analysis indicates that approach would reduce staffing levels by 20% (from 555 to 442 FTEs) for a savings of \$7.8 million annually.

CTD indicates that the current PSAPS are not hardened facilities, making them vulnerable in the case of natural or man-made disasters. Three of four highest call volume PSAPs are only Category 2 facilities. They recommend that the three remaining PSAPs be located in hardened (Category 5) facilities, but do not address the cost of doing so. They indicate that several cities have facilities that could be adapted to serve as one of the consolidated dispatch centers, but did not get to the step of defining where those centers would be. They also reference that a new generation of technology will have to be installed in the consolidated PSAPs, but do not estimate the cost of doing that.

Since the study was done, there have been a few meetings between the Sheriff's Office, the County, and the BCCMA representative, but I am told the conclusion was the next steps need to occur at a political level. Last week, the Mayor of Sunrise wrote a letter to the Broward League of Cities urging the League to take up this issue.

Lauderdale-by-the-Sea Ramifications

As mentioned earlier, the County Manager has advised that Lauderdale-by-the-Sea will have to absorb \$132,000 in costs next fiscal year for dispatch services. The draft BSO contract with the Town provides that, should the County not provide funding for the BSO PSAP, the Town will be responsible for our share of the costs.

The issue of consolidating PSAPs has no consequence on Lauderdale-by-the-Sea unless the County agrees to fund the consolidated PSAPs.

If we have to pay our share of the cost, the issue of concern to LBTS should be whether the BSO PSAP operates efficiently. I have contacted CTD for an explanation of various numbers in their report that seem inconsistent to me and am awaiting a response.

The best that we can hope for in this upcoming budget is that the League of Cities will become active and convince the County to maintain funding for another year if serious consolidation discussions get underway. However, the County has a strong argument that there is great inequity in the funding of the current system in that some cities are bearing the full cost of dispatch, while others (such as LBTS) are not paying at all.

RESOLUTION 2011- 15

1 **A RESOLUTION OF THE TOWN COMMISSION OF THE**
2 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA,**
3 **URGING THE BROWARD COUNTY COMMISSION TO**
4 **NOT PASS ON ADDITIONAL CHARGES FOR REGIONAL**
5 **SERVICES SUCH AS EMERGENCY 911 CALL CENTERS**
6 **AND TO CONTINUE TO FUND THE BROWARD CRIME**
7 **LAB; PROVIDING FOR AN EFFECTIVE DATE**

8
9 **WHEREAS**, the Town of Lauderdale-By-The-Sea (the "Town") has an agreement for
10 the Broward Sheriff's Office ("BSO") to serve as the Town's Police Department; and

11 **WHEREAS**, previously, the costs for regional services such as the emergency dispatch
12 911 call centers were provided by the BSO emergency call center at no cost to the Town, and
13 crime lab services have long been provided by BSO to municipalities throughout Broward
14 County; and

15 **WHEREAS**, the Broward County Manager has notified the Town that the Town must
16 pay separately for the emergency dispatch 911 call center services beginning next fiscal year, at
17 a cost of one hundred thirty thousand dollars (\$130,000) per year; and

18 **WHEREAS**, the Town Commission is facing a five hundred and fifty thousand dollar
19 (\$550,000) increase in the cost of its contract with BSO due to the Sheriff's desire to achieve
20 full direct cost reimbursement, and because the Broward County Commission ("County
21 Commission") has insisted that BSO charge administrative overhead fees to the municipalities it
22 serves, in addition to this \$130,000 charge; and

23 **WHEREAS**, the County Commission has also held discussions on the possibility of not
24 funding the BSO crime lab, and instead relying on the services of State crime labs, a proposal
25 which the Broward State Attorney and the Broward Sheriff both oppose; and

RESOLUTION 2011- 15

26 WHEREAS, the Town Commission faces the same declining revenues and budgetary
27 challenges as all local governments are experiencing at the moment, and is challenged to
28 provide all of the services required by its residents and businesses without raising taxes; and

29 WHEREAS, the Town Commission finds that the adoption of this Resolution is in the
30 best interest of the Town of Lauderdale-By-The-Sea.

31 NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN
32 COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS
33 FOLLOWS:

34
35 Section 1. Recitals. The recitals contained in the preamble to this Resolution are
36 incorporated by reference herein.

37 Section 2. Request to Broward County Commission. The Town opposes the
38 “unbundling” of police services as a means to collect additional revenues from the BSO contract
39 municipalities to support the County’s revenues. The Town is already facing over a half million
40 dollar increase in costs for its police services from BSO, and the additional charges for regional
41 services are inappropriate. To that end, the Town asks the County Commission to:

- 42 • work through the Broward League of Cities to develop a consolidation of emergency 911
43 call dispatch centers throughout the County to achieve cost efficiencies, and continue to
44 fund the cost of operating such centers through County tax collections,
- 45 • drop the proposal to require BSO contract municipalities to pay their *pro rata* share of the
46 cost of the BSO emergency 911 call dispatch center, and
- 47 • refrain from creating other separate charges for services that should be considered
48 regional.

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49 In addition, the Town supports the Broward State Attorney and the Broward Sheriff in their
50 contention that eliminating funding for the BSO crime lab would be detrimental to law
51 enforcement efforts and effectiveness in Broward County.

52 **Section 3. Direction to Town Clerk.** The Town Clerk shall forward a copy of this
53 Resolution to the Broward County Commission.

54 **Section 4. Effective Date.** This Resolution shall become effective immediately
55 upon its adoption.

56 PASSED AND ADOPTED THIS ___ day of _____, 2011.

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Mayor Roseann Minnet

63 ATTEST:

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Town Clerk June White, CMC

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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Town Attorney Susan L. Trevarthen

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