

RESOLUTION NO. 2013 - 065

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA REQUESTING THE TOWN ATTORNEY TO SEEK AN OPINION FROM THE FLORIDA ATTORNEY GENERAL CONFIRMING THAT THE TOWN, THROUGH AN INTERLOCAL AGREEMENT, MAY CONTRACT WITH AN ADJOINING MUNICIPALITY, WITHIN THE SAME COUNTY, TO PROVIDE LAW ENFORCEMENT SERVICES TO THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches is interested in assessing all legally available opportunities for the provision of law enforcement services to the Town; and

WHEREAS, prior to 1997, those opportunities seemed limited to contracting for services with the County's Sheriff's Department or the formation of a municipal police department; and

WHEREAS, in 1997 the Florida Legislature adopted Chapter 97-62, which has since been codified as Section 166.0495 Florida Statutes; and

WHEREAS, Section 166.0495 provides that a municipality may enter into an interlocal agreement with an adjoining municipality within the same County for the provision of law enforcement services; and

WHEREAS, prior to the enactment of 166.0945, state law did not provide the ability for a municipality to contract with another municipality for the provision of law enforcement services; and

WHEREAS, instead, the Florida Attorney General routinely opined that Article VIII of the State's Constitution only allowed such transfer of power to the County or through dual referendums of the affected governmental entities; and

WHEREAS, all of the relevant portions of Article VIII of the State's Constitution states "or as otherwise provided by law"; and

WHEREAS, once 166.0495 was adopted, it gave all municipalities another legally available alternative for the provision of law enforcement services; and

WHEREAS, since all of the Florida Attorney General Opinions on this topic pre-date the 1997 statutory enactment, the Town desires an opinion from the Florida Attorney General confirming that the Town may enter into an inter local agreement, pursuant to F.S. 163.01, with an adjoining municipality in the same county, to provide law enforcement services to the Town; and

WHEREAS, the Town also desires to confirm that if the Town enters into an inter local agreement, that dual referendums of the electorate will not be required;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: Recitals. The above recitals are true and correct and are incorporated herein by reference.

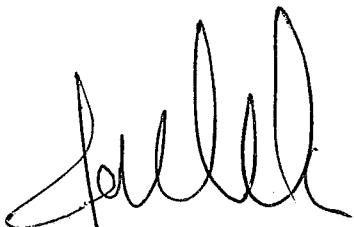
Section 2: The Town Council of the Town of Southwest Ranches hereby authorizes its Town Attorney to seek an opinion from the Florida Attorney General confirming that the Town may enter into an inter local agreement, pursuant to F.S. 163.01, with an adjoining municipality in the same county, to provide law enforcement services to the Town, and that a dual referendum of the electorate will not be required.

Section 3: Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 22nd day of August, on a motion by Council Member McKay and seconded by Vice Mayor Breitzkreuz.

Nelson	<u>YES</u>	Ayes	<u>5</u>
Breitzkreuz	<u>YES</u>	Nays	<u>0</u>
Fisikelli	<u>YES</u>	Absent	<u>0</u>
Jablonski	<u>YES</u>		
McKay	<u>YES</u>		

[Signatures on Following Page]



Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney

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