

RESOLUTION NO. 00-03-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, SUPPORTING THE ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, OF A RESOLUTION SPLITTING THE BUDGET OF THE MONROE COUNTY SHERIFF FOR FISCAL YEAR 2000-2001 TO PROVIDE SEPARATE MILLAGES FOR THE COST OF SERVICES THAT BENEFIT ONLY UNINCORPORATED MONROE COUNTY RESIDENTS FROM THE COST OF SERVICES THAT PROVIDE A BENEFIT COUNTYWIDE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Monroe County Sheriff's Office (the "MCSO") is funded through ad valorem taxes collected countywide through the Monroe County Fine and Forfeiture Fund; and

WHEREAS, the Sheriff provides services that fall within the categories of law enforcement, corrections and court services; and

WHEREAS, while corrections and court services provide a benefit countywide, a portion of the "law enforcement" related services provide a benefit only to unincorporated areas of the county; and

WHEREAS, Article VIII, Section 1(h) of the Florida Constitution, prohibits the taxation of property within a municipality for those services rendered by a county exclusively for the benefit of the property or residents in unincorporated areas; and

WHEREAS, Section 125.01(7), Florida Statutes, prohibits county governments from expending county revenues, except those derived specifically from or on behalf of a municipal service taxing unit, special district, unincorporated area, service area, or program area, to fund any service or project provided by the county when no real benefit accrues to the property or residents within a municipality or municipalities; and

WHEREAS, the City of Key West and Islamorada, Village of Islands, petitioned the Board of County Commissioners (the "BOCC") to create a funding mechanism that would separate the cost of those law enforcement services that provide a benefit solely to the residents of unincorporated Monroe County (unincorporated area municipal policing) from those services that provide a benefit countywide; and

WHEREAS, in response to a motion of the BOCC on June 10, 1999, asking the Sheriff to separate the law enforcement portion of his budget between those services that are countywide in nature from those services that are considered unincorporated area municipal policing, the MCSO determined that 25% of the MCSO law enforcement category budget for the current fiscal year would be utilized for unincorporated area municipal policing; and

WHEREAS, the proposed Monroe County Fiscal Year 1999-2000 budget created a fund (fund 149) for unincorporated area municipal policing; and

WHEREAS, the BOCC on July 21, 1999, voted not to expand the authorized uses of the existing countywide MSTU District to include law enforcement, and therefore not implement the splitting of the MCSO budget between those services that are countywide in nature from those services that are considered unincorporated area municipal policing; and

WHEREAS, other mechanisms exist to implement the splitting of the MCSO budget between those services that are countywide in nature from those services that are considered unincorporated area municipal policing;


NOW, THEREFORE, it is hereby resolved by the City Council of the City of Marathon, Florida:

Section 1. That the City Council hereby supports the adoption by the BOCC of Monroe County of a resolution splitting the budget of the Monroe County Sheriff for fiscal year 2000-2001 to provide separate millages for the cost of services that benefit only unincorporated Monroe County residents from the cost of services that provide a benefit countywide.

Section 2. That the City hereby encourages the County to take this action in a timely manner in order for the City to accurately plan its budget for fiscal year 2000-2001.

Section 3. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 2nd day of March, 2000.



ROBERT MILLER, MAYOR

ATTEST:



JOANNE WEBER, ACTING CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:



NINA BONISKE, ACTING CITY ATTORNEY

Motion to adopt by Vice Mayor John Bartus seconded by Councilman Johnson.

FINAL VOTE ADOPTION

Mayor Robert Miller	YES
Vice Mayor John Bartus	YES
Councilman Frank Greenman	YES
Councilman Jon Johnson	YES
Councilman Randy Mearns	YES