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November 9, 2023

From: Thomas J. Wilkes, Town Attorney
To: Mayor MacFarlane and Town Council Members
Subj: Resolution regarding funding of Sheriff's dispatch service

Attached are the proposed resolution and the five-city letter addressing to the Board of County Commissioners the funding of the Sheriff's dispatch service. As the Town Council has been advised, Sheriff Peyton Grinnell is requiring municipalities that use his dispatch service to pay \$12 per capita each year. Failure to pay results in the city being dropped from the service.

We believe the Sheriff's demand violates the letter and the spirit of both Article VIII, subsection 1(h) of the Florida Constitution and subsection 125.01(7) of Florida Statutes. In general terms, those two laws prohibit a county from using countywide revenues to fund a county service like the Sheriff's dispatch if the service provides no "real and substantial benefit" to one or more municipalities in the county.

Florida law, specifically subsection 125.01(6) of Florida Statutes, provides a remedy to a municipality if the county engages in such a prohibited funding scheme. The first step is to approve a resolution in the form attached. The resolution puts the BCC on notice that a county service like the Sheriff's dispatch is being funded improperly. The BCC then has 90 days to respond, either taking action to remedy the prohibited funding scheme or rejecting the petition and stating why the funding scheme is legally permissible.

If the BCC refuses to correct its impermissible funding, the municipality may elect to file suit and ask a court for relief. The decision whether to file suit is made in the future. The resolution does not bind the municipality.

The city attorneys for Umatilla, Astatula, Mascotte, and Fruitland Park inform us that they expect their respective city councils to vote in the coming weeks on whether to approve the resolution. Assuming their respective councils all approve it, the city attorneys are suggesting that the five resolutions be delivered to the BCC under a single cover letter signed by each of the five mayors. The draft of a suggested cover letter is attached.

REQUESTED ACTION: (i) Approval of the proposed Resolution No. 2023-12 and (ii) authorization for Mayor McFarlane to execute the proposed five-city letter in substantially the form attached.

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