Board of County Commissioners
Budget Discussion Item

Date of Meeting:	June 9, 2009
Date Submitted:	June 2, 2009
To:	Honorable Chairman and Members of the Board
From:	Parwez Alam, County Administrator Vincent Long, Deputy County Administrator
Subject:	County - City Growth & Environmental Management / Building Inspection Consolidation

Statement of Issue:
This agenda item presents issues (including past efforts) regarding the functional consolidation of County - City Growth & Environmental Management / Building Inspection, offers recommended options and seeks Board direction for advancing this initiative.

Background:
Under the "Discussion Items by Commissioners" section of the April 21, 2009 County Commission meeting, Commissioner Desloge raised the issue of the recent City of Tallahassee Charter Review Committee's recommendation to the City Commission regarding the consolidation of County - City Growth Management functions. At that time, the Board directed staff to prepare an agenda item on the issue and to request the County's Citizen Charter Review Committee to take the City Charter Review Committee's recommendation under advisement when they convene in November.

Analysis:
This agenda item presents issues which may be beneficial in determining the manner in which the Board wishes to proceed in support of the prospect of consolidating growth management and building inspection functions performed by Leon County and the City of Tallahassee. This analysis includes an overview of the significant previous efforts taken to date to advance a functional consolidation of these services. Given the limited success of previous efforts, it is recommended that the Board consider the historical approach to this issue, as well as approaches not utilized which may be more expeditious and effective.

This agenda item also presents options available to the County for effectuating such a consolidation, including addressing recent discussion by the Board regarding the opportunities and limitations of amending the County or City charters to realize a functional consolidation. Finally, with respect to the overall potential benefit of consolidating these services, this agenda item presents a high level of analysis recognizing that a more in-depth study of all of these issues would be needed if the County and City Commissions committed to pursuing a functionally consolidated model for the provision of

these services countywide.

PREVIOUS EFFORTS

Over at least the past twenty years, the issue of consolidating the County and City growth management functions has been raised by individual County or City Commissioners, by citizens representing the development community, or by groups like the Chamber of Commerce. Over this time, the Board of County Commissioners has traditionally taken a very supportive position toward the prospect of the functional consolidation of growth management and has identified this issue as a perennial priority issue during the annual retreat priority-setting process. Past commissions have taken a very active interest in advancing the functional consolidation of growth management. Many of those efforts involved designating individual commissioners from the County and the City "to go make it happen". This approach instructs that it is probably not the most effective means to achieve functional consolidation. Alternatives to this approach are presented herein. It is also noted that while a true functional consolidation of growth management has not been realized, very significant "incremental" advances have been made in the area of coordination, consistency, and the use of common technology by the independent departments. This section provides an overview of the historical and political context of the Board's previous efforts over the past twenty–plus years.

Prior to 1990, growth management was much simpler. The County and the City had separate building inspection departments, but the environmental management function of growth management was performed by the County on a countywide basis. In 1990, the City established their own environmental and concurrency management divisions. The County actively opposed this action and continued to advocate for the environmental management function to be performed by one department to be guided by and to enforce countywide regulations based on environmental conditions, rather than political boundaries. The Comprehensive Plan was adopted later that same year by the County and the City and included Objective 1.4 of the Conservation Element which supported the policy of one environmental management department. This objective, which remains in the Comprehensive Plan today, reads as follows (Attachment#1):

> *Objective 1.4: [C] (Effective 12/10/91)*
>
> *By 1993, local government will establish a unified single agency focused on environmental and natural resource protection and management that will help conserve, protect, and enhance the natural resources in Tallahassee and Leon County.*

One of the earliest efforts to realize functional consolidation of growth management can be traced to early 1992. On April 8, 1992, County Commissioners Marjorie Turnbull and Gary Yordon appeared before the City Commission to express the County Commission's commitment to consolidating the

larger growth management function and presented a discussion paper that the Board had previously directed staff to prepare on the subject (Attachment #2). The City Commission agreed at that time to begin the process to consolidate the two departments. In discussions between the County and City Commissions, and at Mayor/Chair meetings leading up to and preceeding this action, important reasons for pursuing a consolidation of growth management were espoused, many of which included the reasons captured in a letter from Commissioner Steve Meisburg to the City Commission which included:

> *"First, the City and County are facing very difficult budget pictures – we need to eliminate overlapping functions wherever possible; second in this time of recession, I believe we have only added more confusion and uncertainty in our building and banking community; and finally, I believe we must work to develop a system that while effectively protecting the environment, works in partnership with the public."*

On April 21, 1992, the County Commission voted unanimously to establish a citizen committee to convene for the purpose of developing recommendations on a growth management consolidation plan. On April 22, 1992, the City Commission unanimously approved the same action. On June 16, 1992, the Board of County Commissioners voted unanimously to accept a consolidation committee comprised of a representative of CONA, the Coalition for Positive Growth Management, a Planning Commissioner, the County Administrator and the City Manager. The City never took action to establish the committee.

Absent a committee, the County Administrator tried to keep this initiative moving forward at the staff level. On March 11, 1993, County Administrator Pawez Alam sent a memorandum and a proposed Interlocal Agreement to then City Manager Dan Kleman which stated, in part, *"As you will recall, the City and County Commissions directed you and me to develop a proposal on the subject issue (Joint Growth and Environmental Department). For one reason or another, we have not been able to accomplish the direction of the Commissions, even though we discussed the issue at two meetings. In an effort to move this assignment along, I have taken the liberty of drafting the attached proposal for your consideration."* (Attachment #3). The proposed interlocal agreement attempted to reach final mutual commitment for advancing the growth management consolidation by establishing the broad parameters whereby:

> *"The County Administrator and the City Manager shall lead a transition team to combine the existing growth management departments with the new department becoming operational within 60 days of the execution of this agreement or October 1, 1993..."*

Then City Manager Dan Kleman was unresponsive to the letter, but made it known privately to the County Administrator and individual County and City Commissioners at the time that he did not

believe that a consolidated growth management was in the best interest of the City.

In 1994 another consolidation effort evolved. This effort focused on consolidating County and City Building Inspection and Permitting Divisions and was led by County Commissioner Bruce Host and City Commissioner Scott Maddox. A joint letter from the commissioners was issued on September 22, 1994 which requested a joint County-City staff report within thirty days of the "benefits and pitfalls" of such a consolidation (Attachment #4). The commissioners also sent letters under their signatures to the Tallahassee Builders Association, the North Florida Chapter of Associated Builders and Contractors, and the Coalition for Positive Growth Management soliciting their suggestions, comments and ideas about a consolidated building inspection division.

On October 24, and October 31, 1994, the City and County Growth Management Directors respectively submitted their reports (Attachments #5 & #6). In the months that followed, County and City staff worked with the designated commissioners to reconcile and refine their reports and take into consideration the comments received from the development community. On April 18, 1995, the County Commission received an agenda item titled Joint Building Inspection Divisions Review and Committee Report (Attachment #7). This agenda item concluded that it was not advisable to combine County and City Building Inspection and Permitting Divisions due to decreased efficiency that would result from separating the divisions from the respective Growth Management Departments. There were also concerns at the time about increased costs associated with this consolidation due to the need for a common facility and compensation equalization. The most important issue, however, was probably the concern that this separation from other growth management functions was a move away from "one-stop permitting". The County Commission unanimously approved the recommendation not to consider combining the County and City Building Inspection and Permitting Divisions separate from their respective Growth Management Departments. Similar action was subsequently taken by the City Commission.

Throughout the remainder of the 1990s, the issue of growth management consolidation would surface from time to time, including at Mayor – Chair meetings. In more recent years, the Board of County Commissioners has consistently expressed an interest in advancing some of the broader issues associated with growth management consistency and countywide environmental management by establishing countywide environmental standards. In fact, in every year since 2000, the Board has elevated pursuing countywide stormwater regulations as a Board Retreat priority. Specifically, in 2003 and 2006 this issue was identified for a charter amendment (Attachment #8). As a result, in 2006 the County and City developed the Watershed Management Policy Board; however, this effort has not been successful in establishing uniform policy in this area.

In 2008, the issue of exploring all opportunities for functional consolidation, including growth management consolidation, was raised as the Board of County Commissioners discussed the impacts of Amendment #1 to the Florida Constitution. At that time, the Board appointed Commissioner John

Dailey to work with Superintendent Jackie Pons and Mayor John Marks to identify opportunities for functional consolidation. No recommendations were made as a result of this effort.

As previously mentioned, the impetus for this agenda item was the County Commission's action at the April 21, 2009 County Commission meeting to support the City's Charter Review Committee (CRC) recommendations regarding the consolidation of County-City Growth Management functions included in their draft report to the City Commission. On April 22, 2009, the City's CRC presented its final report to the City Commission (Attachment #9). As part of its report, the CRC recommended that the City establish a formal schedule to consolidate the Growth Management departments of the County and City no later than October 1, 2010.

In the very latest development on this issue, on May 13, 2009 the City Commission designated City Commissioner Debbie Lightsey to work with the County Commission on consolidating the City and County Building Inspection and Permitting Departments (Attachment #10). This motion was not in response to attempting to consolidate growth management functions, but rather to address the City Building Inspection Fund's ($824,000) projected deficit. Specifically, the City's stated intent of the motion was to "graduate the fee structure to bring it closer to the County's to generate some surplus." The County's Building Inspection Department is a self-sustaining operation.

WHERE WE ARE TODAY

As previously noted, even though previous efforts to effectuate the consolidation of County-City growth management functions have not been realized, it is important to appreciate the "incremental" advances that have been made in the area of coordination, consistency, and the use of common technology by the independent departments. To date, the County, in conjunction with the City of Tallahassee, has undertaken actions that have provided the public an apparently seamless and transparent interface for many of the customer services provided pursuant to the community's growth management related responsibilities. The County and City Growth Management Departments have utilized the Permit Enforcement and Tracking System (PETS) software since 1995. In 1998, both departments migrated to a web-based version of the software known as PETS Plus. Since 2002, both departments have utilized the software to populate Velocity Hall, which provides the public internet access to the status of all pending development review and permitting activity, as well as a historical record of such activity for all parcels in both jurisdictions.

Through joint funding efforts, both jurisdictions have supported the development and implementation of a countywide Geographic Information System (GIS). This combined effort has allowed for the subsequent development of the Land Identification layer which allows the public, via internet, access to GIS to view proposed development projects and site-specific environmental and land use related information regardless of the jurisdictional location of the property. Furthermore, GIS is extensively utilized to implement the countywide addressing and street naming ordinance,

which is administered by the inter-jurisdictional Addressing Steering Committee.

In 2003, both departments implemented an interactive voice-activated response system (IVRS) to assist with building inspections. The IVRS provides one telephone number that accesses a 24-hour, seven (7) days a week, automated building inspection requests system that is utilized by both departments. Additionally, both departments' building inspection divisions have established a standing Code Consistency Committee to ensure consistent interpretation and enforcement of the Florida Building Code between jurisdictions and to participate regularly in joint public service announcements concerning building review and inspection-related matters.

Other coordinated and/or joint growth management related activities include the Board of Adjustment and Appeals, which is composed of members appointed by both governments. Both Departments utilize the same traffic model for concurrency management purposes, coordinate inter-jurisdictional traffic impact analysis, and implemented a memorandum of agreement with regards to proportionate share traffic impact mitigation.

In 2005, the County and Commissions approved the purchase and build-out of the Renaissance Center Building the purposes of realizing a true "one-stop shop" for all growth management related services. In the months that followed, the County's Growth and Environmental Management Department relocated from Tharpe Street to the second floor of the Renaissance Center. The City's Growth Management Department was soon after relocated from City Hall to the first and third floors. The joint City/County Planning Department was also relocated to the Renaissance Center to complete this very rare, full-service, "one-stop" location for all growth management related activities, regardless of jurisdiction.

Apart from the activities that have been outlined above that anning Departhave facilitated the integration of various growth management functions and provided the public with a unified customer service delivery system, several outstanding or unresolved policy related issues remain that would need to be addressed in order for complete functional consolidation of growth management to occur. These issues can generally be divided into the category of regulatory and funding differences.

Many of the current inter-jurisdictional regulatory differences between the County and the City have been established in the Comprehensive Plan and are carried out through implementing land development regulations. Examples include differences in the regulatory framework (allowable uses and applicable stormwater standards) applicable to the Lake Protection future land use district, differences in stormwater management standards and applicable regulations including floodplain management and a difference in the overall philosophical approach to growth management as reflected in each jurisdictions' land development regulations based on the nature of the geographical area (urban, suburban, rural, rural community) being regulated, and so forth.

With regards to funding for the County and City growth management functions, each local government has historically taken a different approach to this issue. While the County has elected to generally fund their mandated growth management functions through an enterprise fund approach (especially the building review and inspections functions), the City has typically utilized more non-fee based revenues to fund their growth management functions. The different funding approaches has resulted in substantial variations in development and permitting review fees between the jurisdictions. While the Comprehensive Plan notes that new development should pay for itself and not be subsidized by local government, neither jurisdiction is currently implementing this policy fully; however, the County's current funding methodology on its face would appear to be more in line with the established goal.

Conclusion: WHERE DO WE GO FROM HERE?

As previously stated, the impetus of this agenda item came at the Commission Meeting of April 21, 2009. At that time, the Board directed staff to prepare an agenda item to consider how the Board may wish to support the City's CRC recommendations to consolidate County-City growth management functions. As described in this agenda item, it is instructive to both carefully consider the difficulties of our past attempts to realize functional consolidation of County-City growth management, as well as appreciate the significant progress that has occurred to bring the independent departments to where they are today (as described above). When determining where to go from here, several important questions emerge which the Board may wish to consider in determining the manner, the extent and desired outcome of supporting (or leading) an initiative to functionally consolidate County-City growth management:

What additional information is needed to advance this effort?

Prior to the Board determining a position or a course of action, the Board may wish to have a further evaluation of the marginal benefits of a functional consolidation of growth management (over what exists today) and the options available to realize the maximum potential benefits, to achieve the most cost effective result and to avoid any unintended consequences.

Only by performing such an evaluation will the Board have the information necessary to determine their desired outcome and how to get there. For example, the 1995 effort to consolidate only the County-City Building Inspection took a considerable amount of time and effort only to determine at the end of this process that the benefits of a consolidated building department were outweighed compared to the efficiencies lost in separating building inspection from the other growth management functions and the parting from the overall objective of "one-stop permitting". As mentioned previously, this is the same approach which the City Commission recently designated Commissioner Lightsey to engage the County Commission to pursue once again.

It is strongly recommended that any evaluation of the functional consolidation of growth management incorporate County and City Building Inspection and Joint City-County Planning.

What are the options for obtaining the above-mentioned analysis and receiving timely and actionable recommendations?

There are two basic approaches whereby the Commissions could get the information necessary to guide critical decisions associated with an effort as involved as the functional consolidation of growth management. 1). One option is to hire an independent management and operational consultant to perform this work. 2). The other option, is to assemble a group of key staff from the County and the City to perform this evaluation.

1). The Consultant Option/Approach: The nature of the evaluation and the level analysis needed to make recommendations on the issues of management/process efficiency and cost effectiveness associated with a functional consolidation justifies the use of a professional management and operations consultant. The independent, objective nature an outside consultant is an additional advantage of this approach. The selection and scope of work of the consultant should be mutually agreed upon and cost shared by both the County and City Commissions. In this approach, both Commissions should direct that their highest level staff support the work of the consultant. In addition, the consultant should be charged with engaging frequent customers of the services to solicit their input. The consultant's work should be delivered to the County and the City at a joint public workshop at which time the Commissions can evaluate the options to achieve all available benefits of a consolidation, determine / ensure consistency with overall objectives, and to decide on the most appropriate action (which could include transition and implementation planning).

2). The Team Option/Approach: While the nature of the evaluation and the level of analysis justifies the use of a consultant, this approach is not required to obtain the information necessary to guide critical decisions associated with this effort. In fact, in this case another viable option to achieve the result described above is recommended. This "Team Option/Approach" involves assembling a group of key staff from the County and the City to perform this evaluation. Specifically, it is recommended that this group consist of the Deputy County Administrator (Vincent Long), the Assistant City Manager for Development and Transportation Services (Tom Coe), the Assistant County Administrator (Alan Rosenzweig), the City's Director of Management and Administration Services (Raoul Lavin), the Director of County Growth & Environmental Management (David McDevitt), the Director of City Growth Management (Bob Herman), and the Joint City/County Planning Director (Wayne Tedder). This group of employees is capable of performing such an analysis and could effectively marshall the resources of the two governments to achieve the objectives. An additional advantage of this approach is the time saved in the process of selecting a consultant. Because of the level of effort that would be required with this approach, however, it should be expected that this process would become the top priority of the group members and would consume much of their time and attention. If given top priority, this evaluation could be

completed in as fast as 30 days. It is also recommended that this group include the Chairman of the Greater Tallahassee Chamber of Commerce Growth Management Committee (Todd Sperry). This individual was instrumental in the recent recommendations made to the City CRC and is a development professional who has been a customer of both the County's and the City's growth management departments on small and large-scale projects

What about the political commitment necessary to keep this effort advancing?
The mutual political commitment by the County and City Commissions necessary to achieve functional consolidation of growth management cannot be overstated. The practice of the Commissions appointing individual Commissioners to establish the political commitment for resolving inter-jurisdictional issues has been one which has become a common practice for the City and the County. This practice is most effective when there are significant unresolved issues which require a negotiation (or re-negotiation) to lay the foundation upon which staff can then "work out the details". However, when Commissioners are appointed to "work out the details", this practice becomes inherently problematic and the objective very elusive.

As has been described here, very capable and well-intentioned Commissioners have been appointed by their respective Commissions in the past and dispatched down a well-traveled road to effectuate the consolidation of growth management. This approach presumably is to maintain the political commitment to achieving the goal. However, rather than maintaining the strong, concentrated political commitment of a majority of the Commissions, over this period of time the political commitment becomes fragmented and diffused. The political responsibility becomes that of the individual designated Commissioners. Among the inherent problems with this approach arise the fact that the individual Commissioners are privy to information that the rest of the Commissions do not enjoy. In addition, this designated Commissioner process is more susceptible to external influences which arise and may be counter to achieving the policy goal than is the process whereby professional staff carries out the direction of the Commission. Because of these and other factors, policy decisions and directions are sometimes changed in this process. In the end, often times the designated Commissioners have devoted a considerable amount of time (probably an unreasonable amount of time to be expected) only to have the process become derailed completely or the deliverable ultimately not approved by the respective Commissions.

There are many examples of this occurring in the past. One such example involved an effort in which County Commissioner Bruce Host and City Commissioner John Paul Bailey were designated by their Commissions to work on consolidating law enforcement dispatch. After approximately 18 months of intense effort, Commissioner John Paul Bailey wrote in a letter ending the process stating: "At present, it seems to be imprudent to continue to pursuing a Joint Dispatch/Emergency Management Center between the City and County due to a lack of interest and support." (Attachment #11).

In the current ongoing effort to achieve joint dispatch, the County and the City Commissions executed a Memorandum of Understanding (MOU) on the outset which clearly stated the policy objective. The Commissions jointly committed significant funding to this effort and endorsed the establishment of the Public Safety Communications Board (made up of their professional staff) to carry out the policy objective. Though very complex and involved, this approach will successfully achieve the policy objective in the very near future.

In this case, it is recommended that the County Commission direct staff to develop a MOU outlining the broad tenets and the mutual commitment for pursuing a functional consolidation of County and City growth management functions, upon passage of which will be sent to the City Commission for consideration. This MOU should include utilizing the Team Option/Approach and incorporate the County and City Building Inspection and Joint City-County Planning in the evaluation, as described earlier.

How to effectuate functional consolidation of growth management technically?
Once the objectives are clearly defined by the evaluation and decided upon by the Commissions, the Commissions can direct the manner in which they choose functional consolidation be effectuated.

There has been considerable discussion regarding functional consolidation in the context of the City's recent charter review and the County's upcoming charter review. To provide clarification, the City's CRC Final Report and Recommendations (Attachment #9) included a number of non-charter recommendations for the City Commission's consideration to effectuate through ordinance, policy, or interlocal agreement. This was the manner in which the CRC addressed functional consolidation. This reflects the understanding that a City charter amendment can do very little to effectuate functional consolidation. As previously stated, as part of its report, the Committee recommended that the City establish a formal schedule to consolidate the growth management departments of the County and City, no later than October 1, 2010.

The County's charter review process should be viewed differently. The County charter could only effectuate a functional consolidation through its "Transfer of Powers" provision which would require the consent of the City to simply turn those responsibilities over to the County. This would also require an affirmative vote of the local electorate in a dual referendum (must pass in both the city-limits and the unincorporated area). However, there are some important policy related issues which could be effectuated through a revision to the County's charter to establish countywide regulations. As previously mentioned, the Board has placed significant priority in establishing countywide environmental ordinances in the past. It is an important, but often overlooked fact, in all of the deliberations regarding functional consolidation that County and City services are most often not duplicated. Duplication resides most often at the policy level creating different regulatory standards based on jurisdictional boundaries, and thus, creating the need to have different regulatory functions provided by the jurisdictions.

The Florida Constitution provides that a county charter shall provide for that which shall prevail in the event of conflict between county and municipal ordinances. Thus, charter counties have a direct constitutional grant of broad powers of self-government, which include the power of county-citizens to enable their county to enact regulations of countywide effect which preempt conflicting municipal ordinances. Like charter counties, municipalities are granted broad home-rule powers by the Constitution. For municipalities in charter counties, however, these powers are limited by the constitutional right of citizens to opt for county preemption of municipal regulatory power [Article VIII, s. 1(g), Fla. Const.; *Broward County v. City of Ft. Lauderdale*, 480 So.2d 631(Fla.1985)]. In this regard, the County could effectuate much of the benefit of a functional consolidation through charter amendment and at the same time eliminate the need to have multiple jurisdictions enforcing different regulations by a simple countywide affirmative vote of the local electorate.

Notwithstanding the above information, the most likely vehicle to effectuate a functional consolidation would be through the execution of an Interlocal Agreement. This Interlocal Agreement could reflect the broad tenets established in a Memorandum of Understanding (MOU). This MOU would also establish a timeline including an evaluation, as described earlier, to be delivered to the Commissions to provide guidance necessary to inform their decisions and reach consensus. At such time, the Commissions could jointly provide direction on the specific provisions to include in the Interlocal Agreement.

Options:

1. Direct to prepare an agenda item for Board approval of a Memorandum of Understanding (MOU) outlining the broad tenets and the mutual commitment for pursuing a functional consolidation of County and City growth management functions upon passage of which will be sent to the City Commission for consideration. Include in this MOU utilizing the Team Option/Approach to conduct the evaluation to realize the maximum potential benefits, to achieve the most cost effective result, to avoid any unintended consequences and to ensure consistency with broader objectives, and to incorporate the County and City Building Inspection and Joint City-County Planning in the evaluation.

2. Same as Option 1, except direct staff to utilize the Consultant Option/Approach for conducting the evaluation.

3. Designate a County Commissioner to work with Commissioner Lightsey to consolidate the Building Inspection function.

4. Board Direction.

Recommendation:
Option #1

Attachments:
#1 -Comprehensive Plan Objective 1.4 of the Conservation Element
#2 – Discussion Paper on Consolidating City and County Growth Management
#3 - Proposed Interlocal Agreement memorandum to then City Manager Dan Kleman by County Administrator Parwez Alam
#4 – September 22, 1994 joint letter from Commissioners to County Administrator Parwez Alam re: "benefits and pitfalls" of consolidation
#5 – October 24, 1994 City and County Building Inspection Consolidation report sent on behalf of Henry L. Holshouser, Jr.
#6 – October 31, 1994 Report on Consolidation Building Inspection and Permitting Divisions sent on behalf of Howard Pardue
#7 – Agenda Item dated April 18, 1995 re: Joint Building Inspection Divisions Review Committee Report
#8 – 2003 and 2006 Board Retreat priorities
#9 – City's Charter Review Committee (CRC) final report
#10 – Designation of Commissioner Debbie Lightsey to work with the County Commission on consolidation of County and City Building Inspection Departments
#11 – September 14, 2009 John Paul Bailey letter