

MEMORANDUM

Agenda Item No. 11(A)(12)

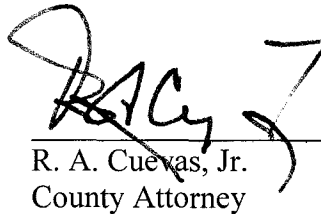
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: November 6, 2007

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution Urging the U.S.
Congress to Reinstate the
Federal Assault Weapons
Ban

The accompanying resolution was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan, Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Dorrin D. Rolle and Commissioner Katy Sorenson.



R. A. Cuevas, Jr.
County Attorney

RAC/dcp



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: November 6, 2007


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County Attorney

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Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
11-06-07

RESOLUTION NO. _____

RESOLUTION URGING THE U.S. CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; AND ALTERNATIVELY URGING THE FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS' REGULATING ASSAULT WEAPONS IN FLORIDA AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN

WHEREAS, semiautomatic assault weapons, such as UZIs, AK-47s and similar weapons, are designed for military purposes and have no legitimate use for hunting and other civilian uses; and

WHEREAS, assault weapons are designed to enhance their capacity to shoot multiple targets very rapidly at long range, with a range of up to 100 yards and magazines that commonly enable the shooter to continuously fire dozens of rounds without reloading; and

WHEREAS, the firepower of assault weapons makes them especially desirable to violent criminals and particularly lethal in their hands; and

WHEREAS, according to the Bureau of Alcohol Tobacco and Firearms ("ATF") assault weapons are preferred by criminals over law abiding citizens eight to one such that access to them shifts the balance of power to the lawless; and

WHEREAS, the International Association of Chiefs of Police recently urged Congress to impose an effective assault weapons ban; and

WHEREAS, law enforcement has been united in support of banning these assault weapons as they are of particular danger and concern to law enforcement personnel; and

WHEREAS, limiting civilian access to such weapons lessens the need for law enforcement to carry assault weapons themselves in order to match the firepower capability that criminals with assault weapons would have; and

WHEREAS, semiautomatic assault weapons were banned for a period of ten (10) years beginning in 1994 under the Federal Assault Weapons Act; and

WHEREAS, various studies indicated that the Federal Assault Weapons Act significantly reduced the incidence of assault weapons in the use of crime; and

WHEREAS, the assault weapons ban expired in 2004 and has not been renewed; and

WHEREAS, since the expiration of the assault weapons ban in 2004, there has been an escalation in the presence of assault weapons on our streets as the weapons of choice for gang members, drug dealers and other dangerous criminals; and

WHEREAS, this escalation culminated on Thursday, September 13, 2007, in the tragic shooting of four Miami-Dade Police Officers, including the death of one such officer, Officer Jose Somohano, all arising out of a traffic stop in south Miami-Dade County; and

WHEREAS, 18 people were killed with assault weapons in Miami-Dade County during 2006, and so far in 2007, eleven (11) people have been killed with assault weapons; and

WHEREAS, the states of California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York all have passed laws banning assault weapons; and

WHEREAS, this Board finds it in the best interest of the public safety of this community to reinstate the ban on assault weapons,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the U.S. Congress to reauthorize the federal assault weapons ban.

Section 2. Urges the Florida Legislature to institute a state ban on assault weapons.

Section 3. Alternatively urges the Florida Legislature to lift the preemption presently in place and allow local governments to impose an assault weapons ban.

Section 4. Directs the County's federal and state lobbyists to lobby for passage of legislation that reinstates and/or imposes an assault weapons ban, or alternatively, allows local governments to impose an assault weapons ban, and directs the Office of Intergovernmental Affairs to include this item in the 2008 federal and state legislative packages.

Section 5. Directs the Clerk of the Board to send a certified copy of this resolution to the Miami-Dade County Congressional Delegation and the Governor, Senate President, House Speaker, and Chair and members of the Miami-Dade State Legislative Delegation.

The foregoing resolution was sponsored by Vice-Chairwoman Barbara J. Jordan, Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Dorrin D. Rolle and Commissioner Katy Sorenson and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman
	Barbara J. Jordan, Vice-Chairwoman
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 6th day of November, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty