MEMORANDUM Agenda Item No. 11(A)(3)

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

DATE: March 18, 2008

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

SUBJECT: Resolution urging the Taxation & Budget Reform not to pass and place on the statewide ballot the TABOR proposal

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

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

DATE: March 18, 2008

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

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
03-18-08

RESOLUTION NO. _____

RESOLUTION URGING THE TAXATION & BUDGET REFORM COMMISSION NOT TO PLACE ON THE STATEWIDE BALLOT CONSTITUTIONAL PROPOSAL NO. 45, ALSO KNOWN AS THE TABOR PROPOSAL, A CONSTITUTIONAL AMENDMENT THAT WOULD IMPOSE INFLEXIBLE REVENUE AND SPENDING CAPS ON THE STATE, CITIES, COUNTIES AND SCHOOL DISTRICTS

WHEREAS, Florida's Taxation and Budget Reform Commission (TBRC) is a constitutionally-created commission that meets once every 20 years to examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state and local governments, governmental productivity and efficiency, and other taxation and budget issues; and

WHEREAS, the TBRC currently is considering a proposal, Constitutional Proposal No. 45 (CP 45) sponsored by Commissioner Mike Hogan of Jacksonville, that would propose an amendment to the Florida Constitution that would impose revenue and spending caps similar to Colorado's Taxpayer Bill of Rights proposal (Colorado TABOR); and

WHEREAS, Colorado TABOR was a constitutional amendment Colorado voters adopted in 1992 that limits the growth of state and local revenues to a highly restrictive formula: inflation plus the annual change in population; and

WHEREAS, this Colorado TABOR formula proved insufficient to fund the ongoing cost of government; and

WHEREAS, by creating a permanent revenue shortage, Colorado TABOR pitted advocates for state programs and services against each other for survival each year and virtually ruled out any new initiatives to address unmet or emerging needs; and

WHEREAS, the consequences of TABOR were devastating in many areas in Colorado, including public education and public health; and

WHEREAS, as a result of TABOR, Colorado's K-12 education funding dropping from 35th to 49th in the nation, college and university funding as a share of personal income fell from 35th to 48th in the nation; and

WHEREAS, as a result of TABOR, Colorado declined from 23rd to 48th in the nation in the percentage of pregnant women receiving adequate access to prenatal care, Colorado fell from 24th to 50th in the nation in the share of children receiving their full vaccinations, and the share of low-income children lacking health insurance doubled in Colorado so that it now ranks last among the 50 states on this measure; and

WHEREAS, these declines in public services were so drastic that voters in Colorado suspended TABOR for five years in November, 2005; and

WHEREAS, despite the experience with TABOR in Colorado, the Florida TBRC is now considering putting a proposed constitutional amendment on the statewide ballot, CP 45, to impose TABOR in Florida; and

WHEREAS, Florida already ranks in the bottom ten states on several measures of public education and public health; and

WHEREAS, the cuts proposed by CP 45 would be further devastating to social services, cultural programs, and education in our community; and

WHEREAS, CP 45 severely would limit the options of locally elected officials in making responsible budgetary decisions,

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

Section 1. Urges the Taxation & Budget Reform Commission not to pass and place on the statewide ballot Constitutional Proposal No. 45, also known as the TABOR Proposal, a constitutional amendment that would impose inflexible revenue and spending caps on the state, cities, counties and school districts.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Chair and Members of the Taxation & Budget Reform Commission.

Section 3. Directs the County's state lobbyists to advocate against the TABOR Proposal as identified in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 state legislative package.

The foregoing resolution was sponsored by 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 Chairperson thereupon declared the resolution duly passed and adopted this 18th day of March, 2008. 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. JMM

Jess M. McCarty