

## MEMORANDUM

Agenda Item No. 11(A)(4)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

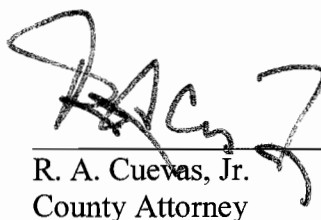
**DATE:** October 20, 2009

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

**SUBJECT:** Resolution urging Congress  
to pass the Crime Victims Fund  
Preservation Act of 2009

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** October 20, 2009  
and Members, Board of County Commissioners

**FROM:** R. A. Cuevas, Jr.      **SUBJECT:** Agenda Item No. 11(A)(4)  
County Attorney

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(4)  
10-20-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING CONGRESS TO PASS THE CRIME  
VICTIMS FUND PRESERVATION ACT OF 2009

**WHEREAS**, Congress passed the Victims of Crime Act (VOCA) in 1984 to help the victims of crimes through means other than punishment of the criminal using no taxpayer dollars; and

**WHEREAS**, VOCA created a federal victims compensation account funded by fines assessed in federal criminal convictions, and VOCA established provisions to assist state programs that compensate victims of crimes; and

**WHEREAS**, the VOCA victim compensation system has distributed over \$1 billion over the history of the program; and

**WHEREAS**, grants to state VOCA victim assistance programs have funded services to more than four million victims of all types of crimes, including domestic violence, sexual assault, child abuse, survivors of homicide victims, drunk driving crashes, stalking, identity theft, and elder abuse; and

**WHEREAS**, because of fluctuations in VOCA fund deposits, Congress caps annual obligations from VOCA funds, resulting in an accumulated balance to ensure stable funding for victim services; and

**WHEREAS**, because the VOCA cap did not keep pace with the cost of state VOCA programs, state crime victim assistance grants were cut by \$87 million or 22 percent from 2006 to 2008; and

**WHEREAS**, during the same period, however, the VOCA accumulated fund balance increased by more than \$700 million from approximately \$1.3 billion in 2006 to approximately \$2 billion in 2008; and

**WHEREAS**, based on criminal fines that federal courts have already imposed but not yet collected, the balance is projected to grow even more through 2014; and

**WHEREAS**, although these prior cuts were restored by a combination of the 2009 Appropriations Act and the economic recovery act, the need to support crime victim services continue to increase, for example:

1. According to U.S. Department of Justice Office for Victims of Crime, 366,000 fewer crime victims received VOCA funded victim assistance services in 2008 than in 2007;
2. The National Census of Domestic Violence Services reports that, on one day in 2008, nearly 61,000 adults and children sought support from local domestic violence programs, but on that same day, almost 9,000 requests were unmet due to lack of resources;
3. Calls to the National Crime Victim Hotline operated by the National Center for Victims of Crime have increased, especially for victims of a variety of frauds, such as work at home, secret shopper and investment schemes, mortgage and construction fraud; and

**WHEREAS**, bipartisan bills have been filed in Congress that would establish higher minimum annual caps on VOCA funds through 2014, S. 1340 by Senators Patrick Leahy (D – Vermont) and Mike Crapo (R – Idaho) and H.R. 3402 by Representatives Ted Poe (R – Texas) and Jim Costa (D – California); and

**WHEREAS**, these bills would increase the VOCA cap by 23 percent each year, yet still leave a balance of at least \$800 million in the VOCA fund, enough to ensure the Fund's sustainability; and

**WHEREAS**, S. 1340 and H.R. 3402 will provide a steady, reasonable and predictable growth in victim services through 2014 without jeopardizing the Fund's ability to continue supporting victim services,

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

**Section 1.** Urges Congress to pass the Crime Victims Fund Preservation Act of 2009, S. 1340, H.R. 3402 or similar legislation.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation.

**Section 3.** Directs the County's federal lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2009 and 2010 Federal Legislative Packages to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was 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:

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

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The Chairperson thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> day of October, 2009. 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