

MEMORANDUM

Agenda Item No. 11(A)(2)

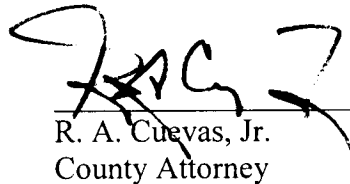
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 20, 2010

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

SUBJECT: Resolution urging Congress to
support the repeal of Section 511
of the Tax Increase Prevention &
Reconciliation Act of 2005

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

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

DATE: July 20, 2010

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

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
7-20-10

RESOLUTION NO. _____

RESOLUTION URGING CONGRESS TO REPEAL SECTION 511 OF THE TAX INCREASE PREVENTION & RECONCILIATION ACT, WHICH REQUIRES CERTAIN GOVERNMENTS TO WITHHOLD THREE PERCENT OF VENDOR PAYMENTS; URGING THE FLORIDA LEGISLATURE TO PASS A MEMORIAL SUPPORTING REPEAL OF SECTION 511

WHEREAS, section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (TIPRA) is set to go into effect on January 1, 2012, and will require states and local governments with annual spending in excess of \$100 million to withhold three percent of payments to contractors or vendors; and

WHEREAS, the three percent withholding is then remitted to the federal government for federal income tax purposes; and

WHEREAS, the goal of section 511 is to reduce underpayment of federal taxes by government vendors not currently subject to withholding, but the provision will have a significant cost impact on state and local governments as well as vendors; and

WHEREAS, Miami-Dade County currently awards approximately \$1.4 billion in goods and services annually; and

WHEREAS, if section 511 were in place today, the annual impact on Miami-Dade County could be in excess of \$42 million; and

WHEREAS, the withholding mandate in section 511 also will create substantial administrative and record-keeping burdens; and

WHEREAS, state and local governments will receive no funding from the federal government in exchange for monitoring and collecting the three percent withholding, and state and local governments likely will incur expense to make programming changes to financial and accounting systems, purchase new software, register vendors, possibly hire additional staff and keep data files and reports,

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

Section 1. Urges Congress to repeal Section 511 of the Tax Increase Prevention & Reconciliation Act (TIPRA).

Section 2. Urges the Florida Legislature to pass a memorial supporting the repeal of Section 511.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, the Governor of Florida, the Florida Senate President, the Florida House Speaker and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 4. Directs the County's federal and state lobbyists to advocate for the passage of the legislation as set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 and 2011 Federal Legislative Package and the 2011 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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 |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of July, 2010. 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