MEMORANDUM Agenda Item No. 11(A)(23)

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

DATE: October 5, 2010

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

SUBJECT: Resolution opposing "TABOR" legislation that would propose to embed in the Florida constitution rigid revenue caps on local governments; urging the Florida Legislature not to pass such legislation; identifying defeat of TABOR legislation as a critical priority for the 2011 session

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

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County Attorney

SUBJECT: Agenda Item No. 11(A)(23)

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)(23)
10-5-10

RESOLUTION NO. _____

RESOLUTION OPPOSING "TABOR" LEGISLATION THAT WOULD PROPOSE TO EMBED IN THE FLORIDA CONSTITUTION RIGID REVENUE CAPS ON LOCAL GOVERNMENTS; URGING THE FLORIDA LEGISLATURE NOT TO PASS SUCH LEGISLATION; IDENTIFYING DEFEAT OF TABOR LEGISLATION AS A CRITICAL PRIORITY FOR THE 2011 SESSION

WHEREAS, in the last few years, the Florida Legislature and the Florida Taxation & Budget Reform Commission have considered legislation that would embed in the Florida Constitution rigid caps on the growth of revenues of school districts, counties and cities, referred to as the Taxpayer Bill of Rights (TABOR) initiative; and

WHEREAS, TABOR would limit the growth in property tax revenues for local governments based on the percentage change in the consumer price index and population growth or in the case of school districts, changes in school enrollment; and

WHEREAS, TABOR would prohibit local governments from imposing any new taxes, fees, assessments or charges for services without first obtaining a supermajority (two-thirds) vote of the public; and

WHEREAS, Florida TABOR is modeled after legislation passed in Colorado in 1992 that proved to be insufficient to fund the ongoing costs of Colorado government and devastating in many areas, particularly public education and public health; and

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

WHEREAS, as a result of TABOR, Colorado went from 26th to 48th in high school graduation rates; dropped to 50th in k-12 spending; dropped to 49th in support of higher education; has the highest rate of uninsured low-income children in the U.S., ranks 49th in spending on Medicaid; saw a downgrade in its bond rating; total state support for higher education in Colorado grew at the second slowest rate of any state in the nation, averaging just one percent per year; and declined from 26th to 42nd in the nation in federal funding received because of less state matching funds being available to draw down federal funds; and

WHEREAS, these declines in public services were so drastic that in November, 2005, the people of Colorado voted to suspend TABOR for five years; and

WHEREAS, despite the Colorado experience with TABOR, the Florida Legislature considered similar legislation during the 2009 and 2010 regular sessions; and

WHEREAS, during the 2009 session, House Joint Resolution 1263 (HJR 1263) and Senate Joint Resolution 1906 (SJR 1906) would have placed on the 2010 statewide ballot an amendment that would embed TABOR in the Florida Constitution, but these proposals did not pass; and

WHEREAS, during the 2010 session, Senate Joint Resolution 2420 (SJR 2420) would have placed on the 2010 statewide ballot an amendment that would embed TABOR in the Florida Constitution, but this proposal did not pass; and

WHEREAS, the Florida Taxation & Budget Reform Commission also considered a TABOR proposal during its meetings in 2007 and 2008, Constitutional Proposal 45 (CP 45), and decided against placing a TABOR on the statewide ballot; and

WHEREAS, while HJR 1263, SJR 1906, SJR 2420 and CP 45 did not pass, TABOR legislation is likely to be filed for consideration during the 2011 session; and

WHEREAS, TABOR would severely limit the options of locally elected officials in making responsible budgetary decisions; and

WHEREAS, TABOR was a not a good idea during good economic times, but TABOR would prove devastating during difficult economic times, such as the current economic downturn; and

WHEREAS, TABOR's revenue growth limits are too restrictive, making it impossible for local governments to meet critical needs; and

WHEREAS, the elections that TABOR requires to impose new taxes and fees could cost an estimated $4 million each in Miami-Dade County if held as stand-alone special elections, thus ironically raising government costs under the guise of a proposal intended to lower them; and

WHEREAS, this County's recent experience grappling with difficult revenue and budget situations well illustrates that local governments need more flexibility and options, not less, to address their revenue and budget situations,

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

Section 1. Urges the Florida Legislature not to pass TABOR legislation that would propose to embed in the Florida Constitution rigid revenue caps on cities, counties and school districts.

Section 2. Identifies defeat of TABOR legislation as a County critical priority for the 2011 state legislative session.

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

Section 4. Directs the County's state lobbyists to advocate against the legislation set forth in Section 1 above, and authorizes and directs that the Office of Intergovernmental Affairs amend the 2011 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 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. RAC for JMM

Jess M. McCarty