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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(15)

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

DATE: April 8, 2008

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

SUBJECT: Resolution urging the U.S. Congress to Strengthen the Unfunded Mandates Reform Act of 1995

Resolution No: R-367-08

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

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

DATE: April 8, 2008

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

SUBJECT: Agenda Item No. 11(A)(15)

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(15)
4-08-08

RESOLUTION NO. R-367-08

RESOLUTION URGING THE U.S. CONGRESS TO STRENGTHEN THE UNFUNDED MANDATES REFORM ACT OF 1995; URGING CONGRESS AND FEDERAL AGENCIES NOT TO IMPOSE ADDITIONAL UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS AND FUND UNFUNDED MANDATES THAT ALREADY EXIST

WHEREAS, federal legislation enacted by the U.S. Congress and regulations promulgated by federal agencies often compel actions by or prohibit revenue sources for states and local governments; and

WHEREAS, unfunded mandates place an enormous burden on counties across the country; and

WHEREAS, in 1995, Congress passed the Unfunded Mandates Reform Act of 1995 ("UMRA"), with the goal of ending the imposition, in the absence of full consideration by Congress, of federal mandates on states and local governments without adequate federal funding; and

WHEREAS, UMRA contains a number of exceptions that nonetheless allow Congress to pass along unfunded mandates to states and local governments, including exclusions for mandates designed to protect constitutional rights and mandates passed as part of an appropriations bill; and

WHEREAS, the Internet Tax Nondiscrimination Act of 2004 is a good example of a federal unfunded mandate because it made permanent the moratorium on state and local taxation of Internet access, eliminated the "grandfather clause" of the ITFA, which had enabled certain state and local governments to continue to collect taxes on Internet access, and resulted in annual revenue losses for state and local governments totaling between $80 and $120 million; and

WHEREAS, federal law requires counties to bear the expense of incarcerating criminal illegal aliens who commit violations of state or local law, even though counties have no jurisdiction over immigration law; and

WHEREAS, other examples unfunded mandates that Congress has imposed on local governments include the following:

1. Clean Air Act
2. Clean Water Act
3. Drinking Water
4. Resource Conservation and Recovery Act
5. Americans With Disabilities Act
6. Help America Vote Act
7. Endangered Species Act
8. Maritime Transportation Security Act;
9. Health Insurance Portability and Accountability Act
10. Uncompensated Health Care
11. Incarceration of Criminal Illegal Aliens; and

WHEREAS, by passing the cost of mandates on to local governments, the federal government does not achieve savings to the taxpayers at all, but simply transfers costs from the federal income tax to local sales and property taxes,

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 strengthen the Unfunded Mandates Reform Act of 1995; urging Congress and federal agencies not to impose additional unfunded mandates on states and local governments and fund unfunded mandates that already exist.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Florida Congressional Delegation.

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

The foregoing resolution was sponsored by Commissioner Rebeca Sosa and offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**absent**		

The Chairman thereupon declared the resolution duly passed and adopted this 8th day of April, 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty