

MEMORANDUM

Agenda Item No. 11(A)(25)

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

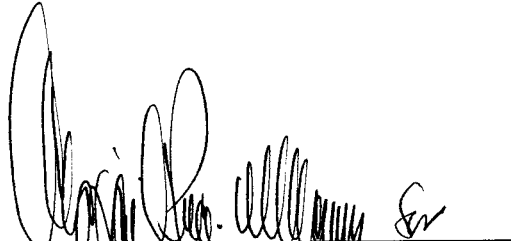
DATE: February 17, 2009

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

SUBJECT: Resolution urging the Florida
Legislature not to pass H.J.R.
905 or similar legislature

Resolution No. R-140-09

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



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
(Revised)

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

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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 Mayor'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)(25)
2-17-09

RESOLUTION NO. R-140-09

RESOLUTION URGING THE FLORIDA LEGISLATURE NOT TO PASS H.J.R. 905 OR SIMILAR LEGISLATION THAT WOULD PROPOSE TO EMBED IN THE FLORIDA CONSTITUTION REVENUE CAPS ON LOCAL GOVERNMENTS

WHEREAS, legislation has been filed for consideration during the 2009 regular session that would place on the 2010 statewide ballot a constitutional amendment to cap local government revenues; and

WHEREAS, House Joint Resolution 905 (H.J.R. 905) by Representative Anitere Flores would propose a constitutional amendment that would impose revenue limitations on local governments consisting of the property tax base increased by the Consumer Price Index (CPI) plus one percent each year; and

WHEREAS, if passed at a statewide vote, the Legislature then would be responsible for implementing by general law revenue caps on local governments pursuant to H.J.R. 905; and

WHEREAS, the revenue caps proposed in H.J.R. 905 are similar to Colorado's Taxpayer Bill of Rights initiative (Colorado TABOR), which limited the growth of state and local revenues in Colorado to a highly restrictive formula and which Colorado voters adopted in 1992; and

WHEREAS, Colorado TABOR proved insufficient to fund the ongoing costs 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 Colorado 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 Colorado 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 in November, 2005, Colorado voters voted to suspend TABOR for five years; and

WHEREAS, despite the experience with TABOR in Colorado, the Florida Legislature is now considering a similar proposal in H.J.R. 905,

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 H.J.R. 905 or similar legislation that would propose to embed in the Florida Constitution revenue caps on local governments.

Section 2. 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.

Resolution No. R-140-09

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Section 3. Directs the County's state lobbyists to advocate against the legislation set forth in Section 1 above, and authorizes and directs that the 2009 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Dorrin D. Rolle** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of February, 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: **Kay Sullivan**
Deputy Clerk



Approved by County Attorney as to form and legal sufficiency.

APW fr

Jess M. McCarty