

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: February 3, 2009

Consent **Regular**
 Public Hearing

Department:

Submitted By: ADMINISTRATION

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file:

A) Resolution No. 08-298 of the City Commission of the City of Fort Lauderdale, Florida urging the Florida Legislature to equalize funding based on population to provide each jurisdiction of Florida, including South Florida, its fair share of State funding;

B) Resolution No. 08R-10-242 of the City Commission of the City of Lauderhill, Florida urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of State funding;

C) Resolution No. 08R-11-263 of the City Commission of the City of Lauderhill, Florida relating to unfunded State mandates, utilizing any means necessary to require the Florida Legislature to eliminate unfunded State mandates on local governments, considering sponsorship on an initiative petition, to amend Article VII, Section 18(a) of the Florida Constitution to eliminate the clause that allows for unfunded mandates by a two-third majority, and to potentially amend other clauses of said subsection; and

D) Resolution No. 08R-11-264 of the City Commission of the City of Lauderhill, Florida supporting an amendment to Florida's Constitution to require the Florida Legislature to operate under the Florida Sunshine Law.

Summary: N/A

Background and Justification: N/A

Attachments: Original Documents

Recommended By: Patty Hrdle 1/14/09
Agenda Coordinator **Date**

Approved By: N/A
Assistant County Administrator **Date**

RESOLUTION NO. 08-298

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION IN ORDER TO PROVIDE EACH JURISDICTION OF FLORIDA, INCLUDING SOUTH FLORIDA, WITH ITS FAIR SHARE OF STATE FUNDS; DIRECTING CITY OF FORT LAUDERDALE LOBBYISTS TO ADVOCATE FOR SOUTH FLORIDA'S FAIR SHARE OF STATE FUNDING AND TO FORWARD A COPY OF THIS RESOLUTION TO THE OFFICES AND OFFICIALS DESIGNATED HEREIN.

WHEREAS, the Florida Legislature approved a state budget of approximately \$66 billion dollars for Fiscal Year 2008-2009; and

WHEREAS, the current State budget is approximately \$5 billion dollars less than the \$71 billion dollars budget the Legislature approved for Fiscal Year 2007-2008; and

WHEREAS, a recent analysis conducted by the *Miami Herald* concluded that residents of Broward and Miami-Dade Counties annually send more than \$7.15 billion dollars in tax revenues to the State of Florida but only receive an estimated \$6.69 billion dollars back, resulting in a difference of more than \$460 million dollars or a gap of \$144.00 for every adult in these two counties; and

WHEREAS, when Palm Beach County is included in the analysis, the annual difference increases to more than \$500 million dollars between what residents of the tri-county area annually contribute in tax revenue to the State of Florida in comparison to what they receive in State services and programs; and

WHEREAS, it is the position of the City Commission of the City of Fort Lauderdale, Florida that the fair and equitable distribution of State funds by population is in the best interest of the citizens of Fort Lauderdale particularly during these historically difficult economic times;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

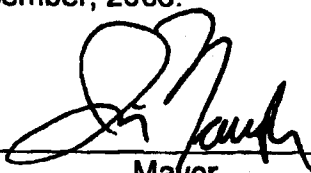
SECTION 1. That the foregoing recitals and findings contained herein are true and correct and are incorporated herein by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida hereby urges the Florida Legislature to equalize funding based on population in order to provide each jurisdiction of Florida, including South Florida, with its fair share of State funds.

SECTION 3. That the City Commission of the City of Fort Lauderdale, Florida hereby directs its State lobbyists to advocate for South Florida's fair share of State funds.

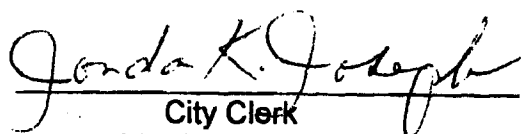
SECTION 4. That a copy of this Resolution shall be forwarded to the Governor, the President of the Florida Senate, the Speaker of the Florida House, the Mayor and members of the Broward County Board of County Commissioners, the Mayor, the Chair and members of the Miami-Dade County Board of County Commissioners; the Chair and members of the Palm Beach County Board of County Commissioners; and the Mayors, Chairs and members of the governing bodies of the municipalities within Broward, Miami-Dade and Palm Beach Counties.

ADOPTED this the 16th day of December, 2008.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
JONDA K. JOSEPH

RECEIVED JAN 13 2009



Venice of America

CITY OF
FORT LAUDERDALE

January 7, 2009

Robert Weisman
Palm Beach County Administrator
301 N. Olive Avenue
West Palm Beach, Florida 33401

Dear Mr. Weisman:

The City of Fort Lauderdale City Commission supports an equitable funding methodology for South Florida based on population. Enclosed for your consideration is City of Fort Lauderdale Resolution No. 08-298 concerning this important matter. This resolution was adopted by unanimous 5-0 vote of the City Commission.

As cities struggle to provide critical services to residents and visitors in the face of budgetary constraints, equity in funding becomes an increasingly more important issue for reconsideration. Your support of a more equitable distribution of state funding would be much appreciated.

Please provide the enclosed resolution and this letter to the members of the Board of County Commissioners. Thank you in advance for your attention to this matter.

Very truly yours,

Jonda K. Joseph
City Clerk

CITY CLERK'S OFFICE

100 NORTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA 33301

TELEPHONE (954) 828-5002 • FAX (954) 828-5021

www.fortlauderdale.gov



RESOLUTION NO. 08R-10-242

A RESOLUTION URGING THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY VICE MAYOR M. MARGARET BATES)

WHEREAS, the Florida Legislature recently approved a state budget for Fiscal Year 2008-09 of approximately \$66 billion, and

WHEREAS, the state's Fiscal Year 2008-09 budget cut approximately \$5 billion from the previous year's budget of more than \$71 billion, and

WHEREAS, it has long been the public perception that the residents of Miami Dade, Broward and Palm Beach Counties pay more in taxes to the State of Florida than these counties get back in state programs and services, and

WHEREAS, a recent study by the Miami Herald concluded that the people of Miami-Dade and Broward Counties have sent over \$7.15 billion in tax revenues to Tallahassee annually, but have only received \$6.69 million back, resulting in a difference of \$460 million, which equals \$144 for every adult resident in these two counties, and

WHEREAS, including Palm Beach County in this analysis, would likely bring the annual difference to more than a half billion dollars between what the people of Miami-Dade, Broward and Palm Beach Counties contribute in tax revenue to the State of Florida compared with what the residents of these three counties receive back in state services and programs, and

WHEREAS, state funding probably can never be an exact science, but the Florida Legislature should strive as much as possible to provide each different region of the state its fair share of state funding,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

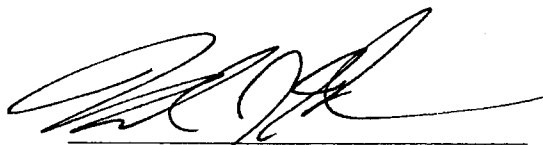
SECTION 2. EXPRESSION OF SUPPORT: The City Commission of the City of Lauderhill, joined by the Honorable Richard Kaplan, Mayor, hereby urges the Florida Legislature to equalize funding based on population so that each region of Florida, including South Florida, receives its fair share of state funding.

SECTION 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized and directed to provide a true copy of this Resolution to the Governor of the State of Florida, the Speaker of the Florida House of Representatives, the President of the Florida Senate, the Mayor and members of the Broward County Board of County Commissioners, the Chair and members of the Palm Beach County Board of County Commissioners and the Mayors, Chairs.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

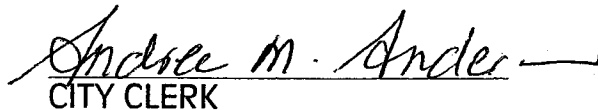
DATED this 27th day of October, 2008.

PASSED AND ADOPTED on first reading this 27th day of October, 2008.



PRESIDING OFFICER

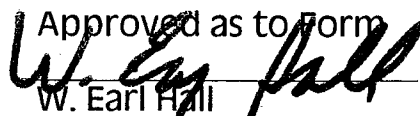
ATTEST:



CITY CLERK

MOTION	Bates
SECOND	Benson

M. BATES	Yes
H. BENSON	Yes
H. BERGER	Yes
D. HOLNESS	Yes
R. KAPLAN	Yes

Approved as to form

 W. Earl Hall
 City Attorney



City of Lauderhill

December 15, 2008

PALM BEACH COUNTY COMMISSION
301 North Olive Avenue
West Palm Beach, FL 33401

Enclosed, for your information, please find Resolution No. 08R-10-242, passed and adopted on October 27, 2008, by the Commission of the City of Lauderhill, Florida.

If you have any questions, please do not hesitate to call.

Regards,

Andrea M. Anderson
Andrea M. Anderson
City Clerk

enc.

RESOLUTION NO. 08R-11-263

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL RELATING TO UNFUNDED STATE MANDATES, UTILIZING ANY MEANS NECESSARY TO REQUIRE THE FLORIDA LEGISLATURE TO ELIMINATE UNFUNDED STATE MANDATES ON LOCAL GOVERNMENTS, CONSIDERING SPONSORSHIP OF AN INITIATIVE PETITION, TO AMEND ARTICLE VII, SECTION 18 (a) OF THE FLORIDA CONSTITUTION TO ELIMINATE THE CLAUSE THAT ALLOWS FOR UNFUNDED MANDATES BY A TWO-THIRDS MAJORITY, AND TO POTENTIALLY AMEND OTHER CLAUSES OF SAID SUBSECTION; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY VICE MAYOR, M. MARGARET BATES)

WHEREAS, the Florida Legislature regularly adopts legislation that imposes mandates upon local governments without providing for funding or adequate funding sources for implementation of such mandates; and

WHEREAS, in 1989, the State's municipalities, were in the process of circulating an initiative petition that would place a prohibition or restriction against unfunded mandates on the Constitutional ballot; and

WHEREAS, the State Legislature, in order to head off the initiative petition, placed its own unfunded mandate restriction on the ballot (commonly referred to as Amendment 3) and, upon passage, such Amendment became Article VII, Section 18 of the Florida Constitution; and

WHEREAS, that provision still allows for unfunded mandates if adopted by two-thirds vote of the membership of both Houses of the Florida Legislature and contains numerous exceptions to the restrictions contained in the provisions; and

WHEREAS, the two-thirds voting requirement has proved to be a loophole in that the Legislature routinely adopts unfunded mandates by a greater than two-thirds majority of both Houses; and

WHEREAS, since the adoption of Amendment 3 in 1990, there have been hundreds of unfunded mandates imposed by the Legislature on local governments at costs of hundreds of millions of dollars.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Lauderhill, Florida:

SECTION 1. That the Florida Legislature be encouraged to restrict or eliminate its policies of adopting legislation or practices imposing unfunded mandates upon the municipalities of the State of Florida.

SECTION 2. That the Florida League of Cities consider initiating the process to begin processing the documentation and petitions necessary for an initiative petition drive to amend Article VII, Section 18 of the Florida Constitution to eliminate the clause which allows unfunded mandates from the Legislature upon a two-thirds vote of the membership of each House and to amend such other provisions of said Section as will restrict or eliminate all unfunded state mandates.

SECTION 3. That a copy of this resolution be provided to the Governor, the President of the Florida Senate, the Speaker of the Florida House, the Florida League of Cities, the Miami-Dade League of Cities, the Palm Beach League of Cities, and all municipalities within Broward County.

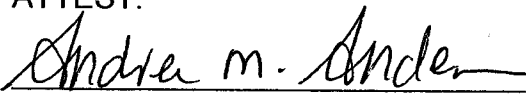
SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

DATED this 24th day of November, 2008.

PASSED AND ADOPTED on first reading this 24th day of November, 2008.



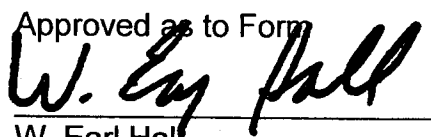
PRESIDING OFFICER

ATTEST:


CITY CLERK

MOTION Bates
SECOND Holness

M. BATES Yes
H. BENSON Yes
H. BERGER Yes
D. HOLNESS Yes
R. KAPLAN Yes

Approved as to Form


W. Earl Hall
City Attorney



RECEIVED DEC 22 2008 City of Lauderhill

DEC 17 2008

December 15, 2008

Dear Sir/Madam:

Enclosed, for your information, please find Resolution No. 08R-11-263, passed and adopted on November 24, 2008, by the Commission of the City of Lauderhill, Florida.

If you have any questions, please do not hesitate to call.

Regards,

Andrea M. Anderson

Andrea M. Anderson
City Clerk

enc.

RESOLUTION NO. 08R-11-264

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL SUPPORTING AN AMENDMENT TO FLORIDA'S CONSTITUTION TO REQUIRE THE FLORIDA LEGISLATURE TO OPERATE UNDER THE FLORIDA SUNSHINE LAW; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY VICE MAYOR, M. MARGARET BATES)

WHEREAS, Florida's Government-in-the-Sunshine Law, enacted in 1967, established a right of access to most meetings of boards, commissions and other governing bodies of state and local governmental agencies; and

WHEREAS, Governor Crist recently proclaimed March 16-22, 2008 as Sunshine Week for the citizens of the State of Florida and stated "The role of Florida's government is to serve the people of Florida and open government gives the people the tools they need to hold their elected officials accountable"; and

WHEREAS, on June 19, 2007, Governor Charlie Crist issued Executive Order 01-107, creating the Commission on Open Government Reform to review, evaluate, and issue recommendations regarding Florida's public records and public meeting laws; and

WHEREAS, the Commission on Open Government will compile its findings and present a final report to the Governor, the Senate President and the Speaker of the House of Representatives by December 31, 2008 to include specific recommendations, including proposed legislation, rule changes and modifications, if any, to Article I, Section 24, of the Florida Constitution; and

WHEREAS, our counties and municipalities live by this law and thereby assure that government business is conducted in the open for all people to see; and

WHEREAS, all Florida government is better served when all elected officials live in the Sunshine.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Lauderhill, Florida:

SECTION 1. The City of Lauderhill urges the Commission on Open Government to propose, and that the Governor support, a constitutional attachment that requires state legislators to operate under the same Sunshine Laws under which city officials operate.

SECTION 2. A copy of this resolution be provided to the Chair of the Commission on Open Government, Florida Governor Charlie Crist, the Florida League of Cities, the Miami-Dade League of Cities, the Palm Beach Leagues of Cities, and all municipalities within Broward County.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

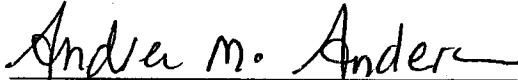
DATED this 24th day of November, 2008.

PASSED AND ADOPTED on first reading this 24th day of November, 2008.



PRESIDING OFFICER

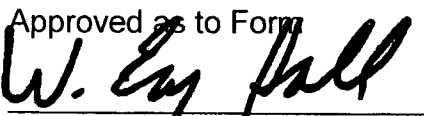
ATTEST:



CITY CLERK

MOTION	<u>Bates</u>
SECOND	<u>Holness</u>

M. BATES	<u>Yes</u>
H. BENSON	<u>Yes</u>
H. BERGER	<u>Yes</u>
D. HOLNESS	<u>Yes</u>
R. KAPLAN	<u>Yes</u>

Approved as to Form


W. Earl Hall
City Attorney