MIAMIBEACH

OFFICE OF THE CITY MANAGER

NO. **134-2008**

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager R Parcher for

DATE: May 8, 2008

SUBJECT: CITY OF NORTH LAUDERDALE RESOLUTION 08-04-5326

This LTC is to inform you of receipt of attached Resolution 08-04-5326, adopted by the City of North Lauderdale on April 29, 2008, urging to consider dividing the State of Florida into two separate and distinct states.

JMG:REP/lh

Attachment

c: Hilda Fernandez, Assistant City Manager
Tim Hemstreet, Assistant City Manager
Robert Middaugh, Assistant City Manager
Robert Parcher, City Clerk

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2008 MAY -8 PM 2:19
CITY CLERK'S OFFICE

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08 MAY -5 PM 2:18
CITY ATTORNEY'S OFFICE

RESOLUTION NO. 08-04-5326

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, URGING THE UNITED STATES CONGRESS AND THE LEGISLATURE OF THE STATE OF FLORIDA TO CONSIDER DIVIDING THE STATE OF FLORIDA INTO TWO SEPARATE AND DISTINCT STATES PURSUANT TO THE AUTHORITY AS SET FORTH IN ARTICLE IV, SECTION 3 OF THE UNITED STATES CONSTITUTION; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE PRESIDENT OF THE UNITED STATES, ALL MEMBERS OF THE UNITED STATES CONGRESS, THE GOVERNOR OF THE STATE OF FLORIDA, AND ALL MEMBERS OF THE FLORIDA LEGISLATURE, AS WELL AS ALL MUNICIPALITIES LOCATED WITHIN BROWARD COUNTY AND THE BOARD OF COUNTY COMMISSIONERS FOR BROWARD COUNTY, ALL MUNICIPALITIES LOCATED WITHIN MIAMI-DADE COUNTY, ALL MUNICIPALITIES LOCATED WITHIN PALM BEACH COUNTY AND ANY OTHER INTERESTED MUNICIPALITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Dr. Benjamin Franklin said that "without continual growth and progress, such words as 'achievement,' 'improvement' and 'success' have no meaning"; and

WHEREAS, in recent years the Legislature of the State of Florida (the "State") has considered a number of proposals that have had a significant adverse impact on local governments' ability to generate revenue and effectively perform their essential municipal functions; and

WHEREAS, many of these initiatives have resulted in a local government regression whereby as a direct result of legislative action certain counties and

municipalities are becoming increasingly unable to perform essential public services; and

WHEREAS, on January 29, 2008, the electors of the State adopted Amendment 1 to the Florida Constitution, a legislative proposal that, while providing some minimal tax relief to citizens and residents of the State, also required municipalities to roll back their tax rates and imposed certain limitations on municipal revenue generating options; and

WHEREAS, in its current session, the Florida Legislature is considering a number of proposals which will further limit or recommend limitations on the amount of ad valorem taxes that may be collected by counties, municipalities, school districts and special districts; and

WHEREAS, House Joint Resolution 949 and Senate Joint Resolution 2190 specifically recommend an amendment to the State Constitution which would limit the amount of ad valorem taxes collected by counties, municipalities, school districts and special districts to an amount not to exceed 1.35% of the parcel's highest taxable value; and

WHEREAS, House Bill 715, House Joint Resolution 7125 and other proposals provide further requirements for and restrictions on local governments' ability levy crucial taxes and impose necessary assessments in order for such governments to successfully operate and perform the duties expected and required by their citizens and residents; and

WHEREAS, included among the recently adopted and considered action by the State Legislature were proposals which may reallocate funds raised by more populous parts of the State to those areas which are less populated and less able to generate comparable revenue; and

WHEREAS, this reallocation will have a particularly negative impact on South Florida; and

WHEREAS, during the recent Broward Days lobbying session, at which time many elected officials from Broward County appeared in Tallahassee to conduct a meaningful dialogue with the State Legislature in favor of and in opposition to certain proposals, a number of State Legislators either refused or failed to meet with Broward's elected officials to discuss their concerns regarding some of the action recently taken by the Legislature; and

WHEREAS, a number of these rejections and discourtesies occurred despite previously scheduled meetings between certain State Legislators and certain elected officials from Broward County; and

WHEREAS, as a result of the recent action taken and considered by the State Legislature, the City Commission of the City of North Lauderdale (the "City") has concluded that overall the State Legislature has no appreciation for the actual impact of its decisions and no true understanding for how its decisions adversely impact the ability of municipalities to function and perform essential municipal and public services; and

WHEREAS, the City Commission further has no confidence in the State Legislature's ability to recognize the practical impact of its decisions or how its decisions demonstrably affect municipalities that directly provide essential public services to the citizens and residents of the State; and

WHEREAS, the action recently taken and considered by the State Legislature has had an adverse and arguably destructive impact on certain municipalities in the State, particularly in South Florida; and

WHEREAS, the Declaration of Independence of the United States provides that when any form of government becomes destructive to the extent that it no longer has the consent of the people governed, it is the right of the people to alter or abolish said government and institute a new government based on the foundation in which the people seem most likely to effect their safety and happiness; and

WHEREAS, given the size of the State and the great differences in needs and priorities between the southern portion of the State and the northern portion of the State, the City Commission has determined that it is in the best interests of the citizens and residents of the State to divide the State into two separate and distinct governing entities; and

WHEREAS, Article IV, Section 3 of the United States Constitution expressly provides that "new states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of

any other state ... without the consent of the legislatures of the states concerned as well as of the Congress"; and

WHEREAS, pursuant to this Section, Congress, subject to the consent of the State Legislature, has the Constitutional authority to divide the State into two separate entities; and

WHEREAS, Dr. Franklin further stated that "the best public measures are ... seldom adopted from previous wisdom, but forced by the occasion"; and

WHEREAS, recent action taken and considered by the State Legislature has forced certain municipalities to consider alternate ways to control the manner in which they are able to generate the revenue needed to continue to provide essential municipal services; and

WHEREAS, the City Commission deems a division of the State to be in the best interests of the citizens and residents of the State, and urges Congress and the State Legislature to seriously consider all action legally necessary to effectuate such a result.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The City Commission of the City of North Lauderdale hereby urges the United States Congress and the Legislature of the State of Florida to consider dividing the State of Florida into two separate and distinct states pursuant to the authority as set forth in Article IV, Section 3 of the U.S. Constitution.

Section 3. The City Clerk is hereby directed to provide a certified copy of this Resolution to the President of the United States, all members of the United States Congress, the Governor of the State of Florida, all members of the Florida Legislature, as well as all municipalities in Broward County, the Board of County Commissioners for Broward County, all municipalities located in Miami-Dade County, all municipalities located in Palm Beach County, and any other interested municipalities.

Section 4. All resolutions or parts of resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, THIS 29 DAY OF April, 2008.

MAYOR JACK BRADY

VICE MAYOR JOHN R. CANGEMI

ATTEST:

PATRICIA VANCHERI, Interim City Clerk

APPROVED AS TO LEGAL FORM
BY CITY ATTORNEY:

4/29/08

SAMUEL S. GOREN, ESQUIRE