

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2017-340

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF CORAL GABLES, FLORIDA, IN SUPPORT OF FLORIDA
CONSTITUTION REVISION COMMISSION PROPOSAL 61.**

WHEREAS, every twenty years the Constitution Revision Commission (CRC) is convened in order to review Florida's Constitution and propose potential changes to the Constitution to be approved by Florida voters; and

WHEREAS, the CRC is created by Article XI, Section 2 of the Florida Constitution; and

WHEREAS, the CRC consists of thirty-seven (37) members; 15 of whom are appointed by the Governor, 9 by the Florida Senate President, 9 by the Speaker of the Florida House of Representatives, and 3 by the Chief Justice of the Florida Supreme Court; and

WHEREAS, the protection of Home Rule powers is of utmost importance to the City of Coral Gables as home rule insures the efficacy of local governments in exercising governmental powers to address and protect the health safety and welfare of their residents and address matters of local concern; and

WHEREAS, in addition, ultimately Home Rule protects democracy at the local level and is a concept that governments at all levels should protect and defend; and

WHEREAS, CRC members, Chris Smith, has submitted Proposal 61 to the CRC entitled "A proposal to amend Section 2 of Article VIII of the State Constitution to provide that any law enacted by the Legislature that restricts the home rule powers granted to municipalities must meet certain criteria"; and

WHEREAS, the proposal seeks to amend Article VIII of the State Constitution so that a law enacted by the legislature which restricts power granted to a municipality under Section 2 of Article VIII must pass by a two-thirds vote of each house of the legislature; state with specificity the statewide necessity justifying the restriction; be no broader than necessary to accomplish the statewide necessity expressed; contain only one restriction of a power granted in Article VIII; relate to one subject; and be considered by at least one committee of each house, each of which must publicly notice the legislation for at least forty-eight hours before its consideration; and

WHEREAS, in the last few legislative sessions there has been a marked increase in the number of bills filed attempting to preempt local governments; and

WHEREAS, City Attorney Craig E. Leen submitted two proposals to the CRC supporting Home Rule for local municipalities; and

WHEREAS, the proposed revision to the State Constitution would meet the overarching goal of the City Attorney's proposals by providing for some protections and notice related to legislation that attempts to preempt and limit the powers of local governments; and

WHEREAS, Proposal 61 is supported by the Florida League of Cities; and

WHEREAS, the City Commission strongly recommends that the full CRC vote to place Proposal 61 on the statewide General Election Ballot in 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

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 upon adoption hereof.

SECTION 2. That the City Commission strongly recommends that the full CRC vote to place Proposal 61 on the statewide General Election Ballot in 2018.

SECTION 3. That the City Clerk is directed to send a certified copy of this resolution to each member of the Constitution Revision Commission.

SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF NOVEMBER, A.D., 2017.


(Moved: Quesada / seconded: Lago)

(Yeas: Lago, Mena, Quesada, Keon, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: K-2)

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED:


RAUL VALDÉS-FAULI
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY