

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 26, 2025 11:10 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS, AND COMMITTEES," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," AT SECTION 2-22 THEREOF, ENTITLED "GENERAL REQUIREMENTS," TO ADOPT RESTRICTIONS ON THE APPOINTMENT OF A CITY VENDOR, INCLUDING A PRINCIPAL OR EMPLOYEE OF A VENDOR, TO A CITY BOARD OR COMMITTEE; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

At the request of Commissioner David Suarez, the attached Ordinance has been placed on the February 26, 2025 City Commission meeting agenda for First Reading.

Chapter 2 of the City Code, entitled "Administration," at Article III, establishes regulations on the City's agencies, boards, and committees, including minimum requirements for appointment.

ANALYSIS

This Ordinance amends Section 2-22 of the City Code, entitled "General requirements," to adopt restrictions on the appointment of a City vendor, including a principal or employee of a vendor, to a City board or committee. The term "vendor" specifically includes City grantees.

More specifically, the Ordinance provides that, commencing with terms beginning on or after April 1, 2025, "no individual who is a vendor of the city (or a principal or employee of a vendor of the city) may be appointed to a city agency, board, or committee for the duration of the term of the vendor's contract with the city nor within one (1) year after the contract's termination or expiration."

The Ordinance also provides that, as a condition of appointment, each applicant must certify that they are not currently, and have not been within the one (1) year period prior to appointment, a City vendor, nor a principal or employee of a City vendor. The applicant must also confirm that the entity of which they are a principal or employee has not been a City vendor for at least one (1) year prior to appointment. If a City board member becomes a City vendor, or if the entity of which they are a principal or employee becomes a vendor, the execution of the vendor's contract shall be deemed a tender of resignation from the City agency, board, or committee.

The Ordinance provides for a waiver by the City Commission on a five-sevenths (5/7ths) vote. The Ordinance also exempts City vendors providing goods, equipment, or services not exceeding \$10,000 in a City fiscal year, and grantees receiving \$10,000 or less in a given fiscal year.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

**Is this a “Residents Right to Know” item,
pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

11:10 a.m. 1st Rdg PH, Restrict Appointment of Vendor to Board/Committee. (Suarez) CA

Previous Action (For City Clerk Use Only)