

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 11:00 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION," ARTICLE VI, "PROCUREMENT," DIVISION 3, "CONTRACT PROCEDURES," BY CREATING SECTION 2-379, TO BE ENTITLED "PROHIBITION ON CITY CONTRACTS WITH CAMPAIGN CONSULTANTS," TO PROHIBIT THE CITY FROM CONTRACTING WITH AN INDIVIDUAL OR ENTITY WHICH HAS, WITHIN A DEFINED PERIOD OF TIME PRIOR TO THE ISSUANCE OF A COMPETITIVE SOLICITATION OR EXECUTION OF THE CONTRACT WITH THE CITY, PERFORMED SERVICES FOR COMPENSATION TO A CANDIDATE FOR CITY ELECTED OFFICE, AND PROVIDE FOR A WAIVER; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

The attached Ordinance has been placed on the November 20, 2024 City Commission meeting agenda at the request of Commissioner Tanya K. Bhatt.

Chapter 2 of the City Code, at Article VI, entitled "Procurement," prescribes the manner in which the City purchases materials, supplies, equipment, and certain contractual services. As stated in Section 2-311 of the City Code, Article VI of Chapter 2 is also intended to "maintain a high ethical standard for all officers and employees of the City" in connection with the purchase of materials, supplies, equipment, and contractual services.

ANALYSIS

This Ordinance amends the City Code to prohibit the City from contracting with an individual or entity which has, within 2 years prior to the issuance of a competitive solicitation or execution of a contract with the City, performed services for compensation to a candidate for City elected office. The prohibition applies if an individual, business entity, or a principal or officer of the business entity has performed services for compensation within the 2-year period.

The Ordinance allows the City Commission to waive the prohibition by a Resolution adopted on a five-sevenths (5/7ths) vote.

If this Ordinance is adopted at First Reading, a Second Reading/Public Hearing will be scheduled.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 11/27/2024

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 Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

11:00 a.m. 2nd Rdg, Prohibit Contracts with Campaign Consultants. (Bhatt) CA