

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: November 20, 2024 First Reading

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?** No  
(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 Tanya K. Bhatt

#### **Co-sponsor(s)**

#### **Condensed Title**

1st Rdg, Prohibit Contracts with Campaign Consultants. (Bhatt) CA