

R5 AP 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.

Applicable Area:

# 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-notice/>

## **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

ORDINANCE NO. \_\_\_\_\_

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.

**WHEREAS**, 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; and

**WHEREAS**, pursuant to Section 2-311 of the City Code, Chapter 2, Article VI, 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 certain contractual services; and

**WHEREAS**, this Ordinance amends the City Code 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 a contract with the City, performed services for compensation to a candidate for City elected office.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Chapter 2 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 2  
ADMINISTRATION**

\* \* \*

**ARTICLE VI. PROCUREMENT**

\* \* \*

**DIVISION 3. CONTRACT PROCEDURES**

\* \* \*

**Secs. 2-379— 2-380-2-390. Reserved.**

**Section 2-379. Prohibition on city contracts with campaign consultants.**

- (a) Prohibition. Beginning on January 1, 2025, the city shall not enter into a contract with an individual or business entity if the individual, business entity, or a principal or officer of the business entity has performed services for compensation to a candidate for the office of mayor or city commissioner within 2 years prior to the earlier of the (i) issuance of a competitive solicitation or (ii) execution of a contract with the city.
- (b) Waiver. The prohibition in subsection (a) may be waived by resolution of the city commission upon a five-sevenths (5/7ths) vote.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3. SEVERABILITY.**

If any section, subsection, clause, or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2024.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

\_\_\_\_\_  
Steven Meiner  
Mayor

(Sponsored by Commissioner Tanya K. Bhatt)

Underline denotes additions  
~~Strike through~~ denotes deletions

APPROVED AS TO  
FORM AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney NK

11/18/2024  
\_\_\_\_\_  
Date