

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

TO: Mayor David Dermer
Members of the City Commission

DATE: May 26, 2004

FROM: Murray H. Dubbin *[Signature]*
City Attorney

SUBJECT: Proposed Amendment to City Code section 2-487 regarding "Prohibited Campaign Contributions by Vendors."

Miami Beach City Code section 2-487 states that campaign donors are "disqualified" from serving as a vendor with the City during the 12 months following the swearing in of an elected official/donee. Pursuant to the request of Miami Beach City Commissioner Jose Smith, the attached ordinance has been drafted for the purpose of defining the term "disqualified", so as to express the legislative intent of this measure as originally adopted in 2000—the subject amendment thus expressly provides for the termination of a donor's existing contract, as well as said donor's disqualification for award of contract, in the absence of waiver.

This measure was passed on first reading by the City Commission on May 5, 2004.

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Agenda Item RSB
Date 5-26-04

ORDINANCE NO. 2004-3446

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE SECTION 2-487 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY VENDORS", SUBSECTION A(3) THEREOF BY DEFINING THE TERM "DISQUALIFIED"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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

SECTION 1. That Miami Beach City Code Section 2-487 entitled "Prohibited Campaign Contributions by Vendors", subsection A(3) thereof, is hereby amended to read as follows:

Sec. 2-487. Prohibited Campaign Contributions by Vendors.

A. General

* * *

(3) (a) A person or entity who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the eCity.

(b) For purposes of this ordinance, the term "disqualified" shall be defined to include:

1. Termination of a donor/vendor's existing contract with the City, subject to the waiver provisions of subsection B(4) herein; and

2. Disqualification of a donor's response to solicitation requests for prospective vendor contracts with the City, subject to the waiver provisions of subsections (B)(1)(2) and (3) herein.

* * *

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

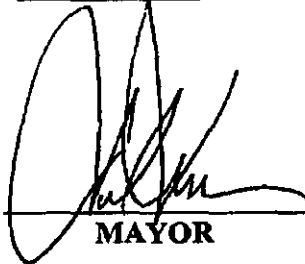
It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish 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 the 5th day of June, 2004.

PASSED and ADOPTED this 26th day of May, 2004.

ATTEST:



MAYOR




CITY CLERK

(Passed on first reading on May 5, 2004)
(Requested by Commissioner Jose Smith)

JKO/ed

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney 5-11-04
Date