

ORDINANCE NO. 2012-02-275

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 2-478 OF THE CODE OF ORDINANCES ("CANDIDATE CAMPAIGN CONTRIBUTIONS") TO AMEND THE DEFINITION OF VENDORS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2-478 of the City's Code of Ordinances prohibits campaign contributions by City vendors, and

WHEREAS, as currently written, Section 2-478 defines "vendor" as someone who transacts business with the City, or has been approved by the City Council to transact business with the City, or is listed on the City's approved vendor list, and

WHEREAS, persons who have previously been approved by the City Council to transact business with the City or those who are listed on the City's current approved vendor list are not necessarily current City vendors, and

WHEREAS, the City's vendors list also includes perspective vendors who are not now, and never have done business with the City; vendors who did business but have no active contracts on monetary dealing with the city; businesses and/or residents who were issued refunds from the City for various reasons; and Governmental Entities and non-profit organizations who received payments from the city for various reasons, and

WHEREAS, the City Manager is recommending that Section 2-478 of the Code be amended to clarify, that "vendors" be defined to include only those persons who are currently transacting business with the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT OF THE ORDINANCE: Section 2-478 of the City's Code of Ordinances is hereby amended as follows:

Sec. 2-478. - Prohibited campaign contributions by vendors.

- (a) No person who is a vendor to the city shall give a campaign contribution directly, or through a member of the person's immediate family, or through a political action committee, or through any other person, to a candidate or to the campaign committee of a candidate. No candidate, or campaign committee of a candidate shall solicit or receive any campaign contribution from a person who is a vendor to the city, or through a member of the person's immediate family, or through a political action committee, or through any other person on behalf of the person. This prohibition applies to natural persons and to persons who hold a controlling, financial interest in a business entity.
- (b) A fine of up to \$500.00 shall be imposed on every person who violates this prohibition. Each act of soliciting, giving or receiving a contribution in violation of this section shall constitute a separate violation. All contributions received by a candidate in violation of this section, shall be forfeited to the city's general fund.
- (c) A person who directly, or through a member of the person's immediate family, or through a political action committee, or through any other person, makes a contribution to a candidate shall be disqualified for a period of six months following the swearing in of the elected official from transacting business with the city.
- (d) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) The term "vendor" means a person who ~~transacts business with the city, or has been approved by the city council to transact business with the city or is listed on the city's approved vendor's list.~~ is currently transacting business with the City, has an existing contractual relationship with the City, or has any open purchase order with the City.
- (2) The term "contribution" means:
 - a. A gift subscription, conveyance, deposit, loan, payment or distribution of money or anything of value including contributions in kind having an attributable monetary value;
 - b. A transfer of funds between political committees, between committees of continuous existence or between a political committee and a committee of continuous existence;
 - c. The payment by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services;
 - d. The transfer of funds by campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit and including any interest earned on such account or certificate.

Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

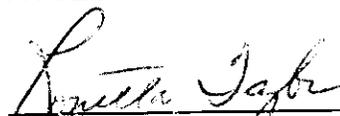
PASSED ON FIRST READING ON THE 8TH DAY OF FEBRUARY, 2012.

PASSED ON SECOND READING ON THE 22TH DAY OF FEBRUARY, 2012.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 22TH DAY OF FEBRUARY, 2012.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Councilman Gilbert
Second by: Vice Mayor Campbell

VOTE: 7-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell, Jr.	<u> X </u> (Yes)	<u> </u> (No)
Councilman David Williams Jr	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Lisa Davis	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	<u> </u> (No)
Councilman Andre' Williams	<u> X </u> (Yes)	<u> </u> (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	February 22, 2012		Item Type:	Resolution	Ordinance	Other	
			(Enter X in box)		X		
Fiscal Impact:	Yes	No	Ordinance Reading:	1st Reading		2nd Reading	
(Enter X in box)			(Enter X in box)			x	
		X	Public Hearing:	Yes	No	Yes	No
			(Enter X in box)			x	
Funding Source:	N/A		Advertising Requirement:	Yes		No	
			(Enter X in box)	x			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:				
(Enter X in box)		X					
Strategic Plan Related	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy: (list the specific objective/strategy this item will address)			
(Enter X in box)		X	Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>				
Sponsor Name	Dr. Danny O. Crew, City Manager		Department:	Office of the City Manager			

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 2-478 OF THE CODE OF ORDINANCES ("CANDIDATE CAMPAIGN CONTRIBUTIONS") TO AMEND THE DEFINITION OF VENDORS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

Staff Summary:

Currently, Section 2-478 of the City's Code of Ordinances prohibits campaign contributions by City vendors. Under this section a "vendor" is defined as follows:

- Someone who transacts business with the City, or has been approved by the City Council to transact business with the City, or is listed on the City's approved vendor list;

**ITEM I-1) ORDINANCE
SECOND READING/PUBLIC HEARING
Amending "Candidate Campaign Contributions" Ordinance**

Because the City Vendor list was created for a different purpose, it is not appropriate to use for the purposes of campaign donation prohibition. A "Vendor list" as commonly used, includes scores of business and individuals that including the following: Most of the firms and individuals on the list are not current vendors.

1. Current Active vendors with outstanding contracts, or Purchase Orders.
2. Perspective vendors who do not now, nor ever have, done business with the City but want to be considered in the future.
3. Vendors who have done business with the City in the past but have no currently active contracts on monetary dealing with the city
4. Businesses and/or Residents who were issued refunds from the City for various reasons
5. Governmental Entities and non-profit organizations who received payments from the city for various reasons

In order to add clarity to the process of determining who can and cannot give political donations to City candidates, the City Manager is recommending that Section 2-478 of the Code be amended to clarify that "vendors" be defined to include only those persons who are currently transacting business with the City.

Proposed Action:

That the City Council adopts the proposed ordinance amending Section 4-478 of the City of Miami Gardens Code of Ordinances.

Attachment:

None