

ORDINANCE No. 2005-15-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING GUIDELINES FOR CAMPAIGN CONTRIBUTIONS; PROHIBITING CERTAIN CAMPAIGN CONTRIBUTIONS; PROVIDING FOR COMPLIANCE WITH MIAMI-DADE COUNTY'S ETHICAL CAMPAIGN PRACTICE ORDINANCE; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 5.3 of the City's Charter, the City is required to adopt an Ordinance(s) governing campaign contributions so as to ensure fair elections, and

WHEREAS, pursuant to Section 5.3 of the City's Charter, the City is required to place a cap on campaign contributions and to permit contributions from only individual donors, and

WHEREAS, all candidates for election in Miami Gardens are still required to abide by Miami-Dade County's Ethical Campaign Practice Ordinance,

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 Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. ESTABLISHMENT OF ORDINANCE: An Ordinance is hereby established in the City of Miami Gardens governing campaign contributions.

SECTION 3. CAMPAIGN CONTRIBUTIONS: No person shall make contributions to any City Council or Mayoral candidate in excess of \$500.00 per

candidate.

SECTION 4. CONTRIBUTIONS OR EXPENDITURES BY NATIONAL OR STATE BANKS, CORPORATIONS OR UNINCORPORATED ASSOCIATIONS: It shall be unlawful for any national or state bank or any corporation, incorporated under the laws of the State of Florida, or any other state or foreign country or any unincorporated association to make a contribution or expenditure in connection with the election of any candidate for Mayor or City Council. Furthermore, it shall be unlawful for any candidate for elective office to accept or receive any contribution prohibited by this section or for any officer or any director of any corporation, bank, or any unincorporated association to consent to any contributions or expenditures by a corporation, bank or unincorporated association prohibited by this Section.

SECTION 5. 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 business entities.

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 paragraph shall constitute a separate violation. All contributions received by a candidate in violation of this paragraph, 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 (6) months following the swearing in of the elected official from transacting business with the City.

D) As used in this section, (i) A "vendor" is 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. (ii) A "contribution" is 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 the term includes any interest earned on such account or certificate.

SECTION 6. PAYMENT TO CANDIDATES FOR ELECTIVE OFFICE PROHIBITED:

A) It should be unlawful for any person to give, offer or promise to any candidate for anything of value for the purpose of influencing him or her to withdraw as a candidate for such elected public office, or for the purpose of influencing anyone to file as a candidate for public office.

B) It should be unlawful for any person to solicit or receive a gift, offer or promise of anything of value in exchange for his or her withdrawing or filing of the candidate for any elected office.

SECTION 7. PENALTIES: Unless, otherwise stated herein, every person who

is convicted of a violation of this Ordinance shall be punishable by fine not to exceed \$500.00 or by imprisonment for a term not to exceed sixty (60) days or by both, for each violation.

SECTION 8. MIAMI-DADE COUNTY'S ETHICAL CAMPAIGN PRACTICE ORDINANCE: All candidates for elective office in the City of Miami Gardens are required to abide by the Miami-Dade County Ethical Campaign Practice Ordinance.

SECTION 9. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 10. 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.

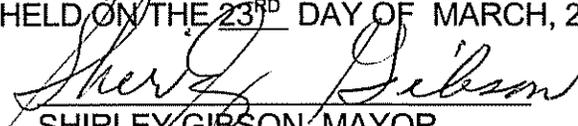
SECTION 11. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and 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; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 12. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

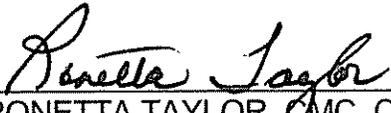
PASSED ON FIRST READING ON THE 9th DAY OF MARCH, 2005.

PASSED ON SECOND READING ON THE 23rd DAY OF MARCH, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 23RD DAY OF MARCH, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: Mayor Shirley Gibson

MOVED BY: Councilman Braynon

SECONDED BY: Councilman Bratton

VOTE: 6-0

Mayor Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oscar Braynon, II	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Audrey J. King	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> </u> (No) Out of room
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)

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