

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION NO. 2016-29375 TO AUTHORIZE THE MAYOR AND CITY COMMISSION, UPON WRITTEN RECOMMENDATION OF THE CITY MANAGER, TO WAIVE, BY 5/7THS VOTE, THE CITY'S MORATORIUM ON THE PURCHASE BY THE CITY OF GOODS OR SERVICES SOURCED IN NORTH CAROLINA AND MISSISSIPPI, WHENEVER ANY SUCH WAIVER MAY BE REQUIRED FOR FEDERAL, STATE, OR MIAMI-DADE COUNTY FUNDING ELIGIBILITY PURPOSES; AND ACCORDINGLY, WAIVING, BY 5/7THS VOTE, THE REQUIREMENTS OF RESOLUTION NO. 2016-29375 WITH RESPECT TO ANY PROJECTS FUNDED BY OR THROUGH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

WHEREAS, the City of Miami Beach's Human Rights Ordinance declares that "there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of prejudice against one another and antagonistic to each other because of differences of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, or disability"; and

WHEREAS, recently, state legislatures across the country have considered a wave of legislation that threatens the health, safety, and welfare and weakens the civil rights of the lesbian, gay, bisexual, and transgender ("LGBT") community; and

WHEREAS, on April 13, 2016, the Mayor and City Commission adopted Resolution No. 2016-29375, condemning invidious and discriminatory legislation adopted by the States of North Carolina and Mississippi, prohibiting official City travel to North Carolina and Mississippi, and imposing a moratorium on the purchase by the City of goods or services sourced in North Carolina or Mississippi, until such discriminatory legislation is either repealed or declared unconstitutional by a court of law; and

WHEREAS, from time to time, the City applies for Federal, State, or Miami-Dade County funding to support a wide range of City projects, and such grants are often contingent on the City's compliance with the requirements of the grantor agency; and

WHEREAS, the purchasing moratorium set forth in Resolution No. 2016-29375 may, on occasion, preclude the City from eligibility for Federal, State, or Miami-Dade County funding; and

WHEREAS, notwithstanding the City's steadfast commitment to equality and nondiscrimination, the City desires to authorize the Mayor and City Commission to waive, by 5/7ths vote, the City's moratorium on the purchase by the City of goods or services sourced in North Carolina and Mississippi, whenever any such waiver may be required for Federal, State, or Miami-Dade County funding eligibility purposes; and

WHEREAS, because such waiver is required for the City's eligibility for Florida Department of Transportation ("FDOT") funds, the Mayor and City Commission desire to waive, by 5/7ths vote, the purchasing restrictions set forth in Resolution No. 2016-29375 with respect to any projects funded by or through FDOT.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby amend Resolution No. 2016-29375 to authorize the Mayor and City Commission, upon written recommendation of the City Manager, to waive, by 5/7ths vote, the City's moratorium on the purchase by the City of goods or services sourced in North Carolina and Mississippi, whenever any such waiver may be required for Federal, State, or Miami-Dade County funding eligibility purposes; and accordingly, waive, by 5/7ths vote, the requirements of Resolution No. 2016-29375 with respect to any projects funded by or through the Florida Department of Transportation.

PASSED AND ADOPTED this ____ day of _____, 2017.

Attest:

Philip Levine
Mayor

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Re. O. J. 3-16-17
City Attorney NK Date