

MIAMI BEACH

City Commission Meeting

ADDENDUM MATERIAL 3

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
April 13, 2016

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

ADDENDUM AGENDA

R7 - Resolutions

- R7P A Resolution Condemning The Invidious And Discriminatory Legislation Recently Adopted By The States Of North Carolina And Mississippi, Prohibiting Official City Travel To North Carolina And Mississippi, And Imposing, As Of The Date Of Adoption Of This Resolution, 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The City Of Goods Or Services Sourced In North Carolina Or Mississippi, Until Such Discriminatory Legislation Is Either Repealed Or Declared Unconstitutional By A Court Of Law; Provided, However, That The Aforestated Moratorium Shall Be Prospective And Shall Not Be Construed To Terminate And/Or Otherwise Impair Any Existing And/Or Previously Awarded City Contracts; And Directing The City's Procurement Director To Include This Resolution In All City Invitations To Bid (ITBs), Invitations To Negotiate (ITNs), Requests For Proposals (RFPs), And Requests For Qualifications (RFQs)..

(Sponsored By Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

1 The sponsor of the addendum agenda item deems that such item either constitutes a public emergency affecting life, health, property, or public safety and should be considered immediately; or does not constitute a public emergency, but should be considered immediately. See Miami Beach Code Sec. 2-12 (c)(3).

R7Q A Resolution Welcoming And Urging Paypal To Relocate Its Proposed Global Operations Center To Miami Beach, In Light Of North Carolina's Enactment Of Legislation Permitting Discrimination Against The LGBT Community, And Welcoming And Urging Other Businesses To Relocate Operations To Miami Beach, Which Is An Inclusive And Diverse City That Boasts Comprehensive Human Rights Protections.

(Sponsored by Commissioner Ricky Arriola)
(Legislative Tracking: Office of the City Attorney)

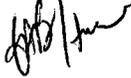
MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

To: Mayor Philip Levine
Members of the City Commission

Date: April 13, 2016

From: Raul J. Aguila
City Attorney 

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, CONDEMNING THE INVIDIOUS AND DISCRIMINATORY LEGISLATION RECENTLY ADOPTED BY THE STATES OF NORTH CAROLINA AND MISSISSIPPI, PROHIBITING OFFICIAL CITY TRAVEL TO NORTH CAROLINA AND MISSISSIPPI, AND IMPOSING, AS OF THE DATE OF ADOPTION OF THIS RESOLUTION, 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; PROVIDED, HOWEVER, THAT THE AFORESTATED MORATORIUM SHALL BE PROSPECTIVE AND SHALL NOT BE CONSTRUED TO TERMINATE AND/OR OTHERWISE IMPAIR ANY EXISTING AND/OR PREVIOUSLY AWARDED CITY CONTRACTS; AND DIRECTING THE CITY'S PROCUREMENT DIRECTOR TO INCLUDE THIS RESOLUTION IN ALL CITY INVITATIONS TO BID (ITBs), INVITATIONS TO NEGOTIATE (ITNs), REQUESTS FOR PROPOSALS (RFPs), AND REQUESTS FOR QUALIFICATIONS (RFQs).

Attached for review by the Mayor and City Commission is a Resolution sponsored by Mayor Philip Levine.

RA/NK/sc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, CONDEMNING THE INVIDIOUS AND DISCRIMINATORY LEGISLATION RECENTLY ADOPTED BY THE STATES OF NORTH CAROLINA AND MISSISSIPPI, PROHIBITING OFFICIAL CITY TRAVEL TO NORTH CAROLINA AND MISSISSIPPI, AND IMPOSING, AS OF THE DATE OF ADOPTION OF THIS RESOLUTION, 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; PROVIDED, HOWEVER, THAT THE AFORESTATED MORATORIUM SHALL BE PROSPECTIVE AND SHALL NOT BE CONSTRUED TO TERMINATE AND/OR OTHERWISE IMPAIR ANY EXISTING AND/OR PREVIOUSLY AWARDED CITY CONTRACTS; AND DIRECTING THE CITY'S PROCUREMENT DIRECTOR TO INCLUDE THIS RESOLUTION IN ALL CITY INVITATIONS TO BID (ITBs), INVITATIONS TO NEGOTIATE (ITNs), REQUESTS FOR PROPOSALS (RFPs), AND REQUESTS FOR QUALIFICATIONS (RFQs).

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, as stated in the Human Rights Ordinance, "prejudice, intolerance, bigotry and discrimination and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the very institutions, foundations and bedrock of a free, democratic society"; and

WHEREAS, in view of this policy, the City's Human Rights Ordinance prohibits discrimination in employment, public accommodations, housing, and public services, on the basis of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, and 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 March 22, 2016, the North Carolina Legislature abruptly convened a special session on March 23, 2016 to consider legislation (i) barring transgender individuals from restrooms and locker rooms that do not match the gender on their birth certificates, (ii) preempting municipalities from enacting local antidiscrimination policies, (iii) preempting local governments from raising minimum wage levels above the state level, and (iv) preempting local

governments from imposing antidiscrimination policies or additional labor requirements (e.g., minimum wage) on their contractors ("HB 2"); and

WHEREAS, the legislation was introduced, voted on, adopted by both houses of the legislature, and signed by North Carolina Governor Pat McCrory, all in one day; and

WHEREAS, Roy Cooper, the Attorney General for North Carolina, has refused to defend the constitutionality of HB 2, finding that the Governor "signed state-wide legislation that puts discrimination into the law"; and

WHEREAS, the American Civil Liberties Union ("ACLU"), the ACLU of North Carolina, Lambda Legal, and Equality North Carolina have filed a lawsuit challenging HB 2 as unconstitutional under the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment, and for violating Title IX of the Civil Rights Act (prohibiting discrimination in education on the basis of sex); and

WHEREAS, on April 5, 2016, Mississippi Governor Phil Bryant signed the deceptively titled "Protecting Freedom of Conscience from Government Discrimination Act," which would allow religious organizations and private businesses with religious objections to discriminate against LGBT individuals in the realms of employment; housing; child adoption services; foster care; psychological, counseling, and fertility services; wedding-related services; student dress codes; access to restrooms; and the issuance of marriage licenses or performance of marriages by state employees; and

WHEREAS, the Mississippi law has been denounced as some of the worst anti-LGBT legislation ever adopted; and

WHEREAS, such widespread discrimination threatens the health, safety, and welfare of the LGBT community; and

WHEREAS, in the wake of such discriminatory legislation, ten mayors, including the mayors of New York City, Washington, D.C., Seattle, Philadelphia, San Francisco, Portland, Honolulu, Santa Fe, Tampa, and Oakland, have formed a coalition called Mayors Against Determination to oppose discriminatory laws, prohibit official travel to states with discriminatory laws, and explore prohibitions on contracting and purchasing from companies in these states; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach vehemently oppose any law that encourages discrimination against members of the LGBT community, many of whom are among society's most vulnerable individuals; and

WHEREAS, in order to communicate the City's clear opposition to discriminatory legislation, the Mayor and City Commission desire to impose a moratorium, effective immediately, on official City travel to North Carolina and Mississippi, and on purchases of goods and services sourced in North Carolina and Mississippi; and

WHEREAS, the aforestated moratorium is not intended to (nor shall it) terminate, prohibit, and/or otherwise impair any existing and/or amended (but not yet executed) City contract for goods and services sourced in North Carolina or Mississippi.

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 condemn the invidious and discriminatory legislation recently adopted by the states of North Carolina and Mississippi, prohibit official City travel to North Carolina and Mississippi, and impose, as of the date of adoption of this Resolution, 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; provided, however, that the aforesated moratorium shall be prospective and shall not be construed to terminate and/or otherwise impair any existing and/or previously awarded City contracts; and direct the City's Procurement Director to include this Resolution in all City Invitations to Bid (ITBs), Invitations to Negotiate (ITNs), Requests for Proposals (RFPs), and Requests for Qualifications (RFQs).

PASSED AND ADOPTED this _____ day of _____, 2016.

Attest:

Philip Levine
Mayor

Rafael E. Granado
City Clerk

(Sponsored by Mayor Philip Levine)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney 4/12/16
Date
NK

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

To: Mayor Philip Levine
Members of the City Commission

Date: April 13, 2016

From: Raul J. Aguila
City Attorney

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, WELCOMING AND URGING PAYPAL TO RELOCATE ITS PROPOSED GLOBAL OPERATIONS CENTER TO MIAMI BEACH, IN LIGHT OF NORTH CAROLINA'S ENACTMENT OF LEGISLATION PERMITTING DISCRIMINATION AGAINST THE LGBT COMMUNITY, AND WELCOMING AND URGING OTHER BUSINESSES TO RELOCATE THEIR OPERATIONS TO MIAMI BEACH, WHICH IS AN INCLUSIVE AND DIVERSE CITY THAT BOASTS COMPREHENSIVE HUMAN RIGHTS PROTECTIONS.

Attached for review by the Mayor and City Commission is a Resolution sponsored by Commissioner Ricky Arriola.

RA/NK/sc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, WELCOMING AND URGING PAYPAL TO RELOCATE ITS PROPOSED GLOBAL OPERATIONS CENTER TO MIAMI BEACH, IN LIGHT OF NORTH CAROLINA'S ENACTMENT OF LEGISLATION PERMITTING DISCRIMINATION AGAINST THE LGBT COMMUNITY, AND WELCOMING AND URGING OTHER BUSINESSES TO RELOCATE THEIR OPERATIONS TO MIAMI BEACH, WHICH IS AN INCLUSIVE AND DIVERSE CITY THAT BOASTS COMPREHENSIVE HUMAN RIGHTS PROTECTIONS.

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, as stated in the Human Rights Ordinance, "prejudice, intolerance, bigotry and discrimination and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the very institutions, foundations and bedrock of a free, democratic society"; and

WHEREAS, in view of this policy, the City's Human Rights Ordinance prohibits discrimination in employment, public accommodations, housing, and public services, on the basis of race, color, national origin, religion, sex, intersexuality, gender identity, sexual orientation, marital and familial status, age, and disability; and

WHEREAS, PayPal is a global payments platform that is available to people in more than 200 markets, allowing customers to get paid in more than 100 currencies, withdraw funds to their bank accounts in 57 currencies and hold balances in their PayPal accounts in 26 currencies; and

WHEREAS, in 2015, PayPal processed \$282 billion in payments, and earned \$9.24 billion in revenue; and

WHEREAS, in March 2016, PayPal announced plans to open a new global operations center in Charlotte and employ over 400 people in skilled jobs—an investment valued at \$3.6 million; 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 March 22, 2016, the North Carolina Legislature abruptly convened a special session on March 23, 2016 to consider legislation (i) barring transgender individuals from restrooms and locker rooms that do not match the gender on their birth certificates, (ii) preempting municipalities from enacting local antidiscrimination policies, (iii) preempting local

governments from raising minimum wage levels above the state level, and (iv) preempting local governments from imposing antidiscrimination policies or additional labor requirements (e.g., minimum wage) on their contractors (“HB 2”); and

WHEREAS, as a direct result of the adoption of HB 2, PayPal has withdrawn its plan to expand its operations into Charlotte; and

WHEREAS, in a press release, PayPal stated that this decision “reflects PayPal’s deepest values and . . . strong belief that every person has the right to be treated equally, and with dignity and respect. These principles of fairness, inclusion, and equality are at the heart of everything [PayPal] seek[s] to achieve and stand for as a company”; and

WHEREAS, though PayPal regrets that it will not have the opportunity to “be a part of the Charlotte community,” PayPal stated that “becoming an employer in North Carolina, where members of [PayPal’s] teams will not have equal rights under the law, is simply untenable”; and

WHEREAS, the American Civil Liberties Union (“ACLU”), the ACLU of North Carolina, Lambda Legal, and Equality North Carolina have filed a lawsuit challenging HB 2 as unconstitutional under the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment, and for violating Title IX of the Civil Rights Act (prohibiting discrimination in education on the basis of sex); and

WHEREAS, Roy Cooper, the Attorney General for North Carolina, has refused to defend the constitutionality of HB 2, finding that the Governor “signed state-wide legislation that puts discrimination into the law”; and

WHEREAS, leaders and high-ranking executives of more than one hundred companies, including American Airlines, Apple, Bank of America, Facebook, GE, Google, IBM, Marriott, and PayPal, have signed a letter urging the repeal of HB 2, arguing that “[t]he business community, by and large, has consistently communicated to lawmakers at every level that such laws are bad for [their] employees and bad for business”; and

WHEREAS, inclusionary state and local laws allow businesses to recruit and retain the most qualified and talented individuals; and

WHEREAS, the City of Miami Beach, which boasts a comprehensive Human Rights Ordinance, and an inclusive and diverse community of residents, businesses, and visitors, hereby urges and welcomes PayPal, and any other companies opposed to harmful discrimination, to relocate their operations to Miami Beach.

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 welcome and urge PayPal to relocate its proposed global operations center to Miami Beach, in light of North Carolina’s enactment of legislation permitting discrimination against the LGBT community, and welcome and urge other businesses to relocate operations to Miami Beach, which is an inclusive and diverse city that boasts comprehensive human rights protections.

PASSED AND ADOPTED this _____ day of _____, 2016.

Attest:

Philip Levine
Mayor

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Ricky Arriola)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rick Arriola 4/12/16
City Attorney Date
NK