



To: Walter Foeman, City Clerk for the City of Coral Gables

From: Stephanie Throckmorton, Assistant City Attorney for the City of Coral Gables

Approved: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Vendor Contributions

Date: July 24, 2018

Walter, you inquired regarding the applicability of City Code provision 2-303 to contributions made by a vendor itself, rather by a principal of a vendor. The City Code provision states in full:

Sec. 2-303. - Vendor contributions.

(a)

Any person, who is the principal of a vendor to the city who contributes to the campaign of a candidate or the campaign committee of a candidate for the office of mayor or city commissioner shall file a disclosure form with the office of the city clerk within 20 days of making said contribution. The term "principal" shall encompass all individuals who meet the provisions of the term "controlling financial interest." The date of the contribution shall be the earlier of either the date of the contribution check or the date of deposit of said check in the campaign fund. The disclosure form shall require, at a minimum, the name and address of the individual making the contribution, the name of the company which has a contract with the city, and the amount of the contribution, as well as the name of the candidate or campaign committee to whom the contribution was made.

(b)

A fine in the amount specified in section 1-7 shall be imposed on every person that violates this prohibition, and fails to correct such violation within 20 calendar days of notification by the city clerk. Each act of soliciting, giving or receiving a contribution in violation of this subsection shall constitute a separate violation. All contributions received by a candidate in violation of this section shall be forfeited to the city's general revenue fund.

Section 2-303 was originally enacted in 2003 and there have been no revisions to the section since initially passed by the Commission. In the intervening years there have been many changes to campaign finance laws, including the 2010 Supreme Court of the United States decision, *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010). Florida Statute 106.011(14) defines a "person" for purposes of campaign finance law as an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate or other combination of individuals having collective capacity. The term includes a political party, affiliated party committee, or political committee.

As such, it is this office's opinion that Section 2-303 mandates that contributions to the campaigns of candidates for the office of mayor or city commissioner by principals of a vendor to the city, **as well as** contributions by the vendor itself (be it a corporation, association, firm, partnership or a single person, or any other entity as defined in F.S. 104. 011 (14)) must be disclosed as stated in Section 2-303 of the City Code.

This opinion is issued in accordance with Sec. 2-252(e)(1) and (8) also 2-300 of the City Code, authorizing the City Attorney's Office to issue opinions.

From: [Throckmorton, Stephanie](#)
To: [Paulk, Enga](#)
Subject: FW: draft opinion re vendors
Date: Tuesday, July 24, 2018 11:20:28 AM
Attachments: [image004.png](#)
[image001.png](#)
[Vendor Opinion.docx](#)

Enga,

Please see attached. Can you conform as a City Attorney Opinion? Should be to Walter from me and Miriam

Thanks!

From: Ramos, Miriam
Sent: Friday, July 20, 2018 10:51 AM
To: Throckmorton, Stephanie
Subject: RE: draft opinion re vendors

Stephanie, this looks good. One minor edit – 105.011 should really be 106.011. Please ask Enga to conform so that we can issue.

Thanks,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

*Board Certified by the Florida Bar in
City, County, and Local Government Law
City of Coral Gables*

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From: Throckmorton, Stephanie
Sent: Thursday, July 19, 2018 3:41 PM
To: Ramos, Miriam <mramos@coralgables.com>
Subject: draft opinion re vendors

Miriam,

I have a draft very short opinion re vendor contributions attached to this email. I saw you have a call with Abby tomorrow, I don't know if you want to run this by her prior to issuing or discussing with Walter.

Thanks,
Stephanie

Stephanie M. Throckmorton

Assistant City Attorney

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Phone: (305) 722-8625
Email: sthrockmorton@coralgables.com



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