

ORDINANCE NO. 2018-1671

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 35(14) OF THE CHARTER OF THE TOWN OF SURFSIDE RELATING TO A REQUIREMENT FOR SEALED BIDS FOR PURCHASES OF \$8500 OR MORE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 35(14) of the Town Charter was originally adopted as Chapter 27914, Special Acts of Florida, in 1951, and subsequently amended by ordinances, including Ordinance No. 1443 adopted on September 9, 2003, requiring that sealed bids be submitted to and opened by the Town Commission for any purchase of \$8,500 or more, and providing that the Town Commission may waive such sealed bid requirement; and

WHEREAS, the Town subsequently created Chapter 3, Purchasing, in the Town Code, establishing purchasing and procurement requirements for purchases of supplies, services and construction, and waived the sealed bid requirement contained in Section 35(14) of the Town Charter; and

WHEREAS, Section 35(14) of the Town Charter has assumed ordinance status pursuant to Section 166.021, Florida Statutes, Home Rule Powers Act, adopted in 1973, subject to modification or repeal as other ordinances of the Town; and

WHEREAS, the Town wishes to amend section 35(14) of the Charter for consistency with Chapter 3, Purchasing, of the Town Code, and recently adopted procedures for purchase of equipment, and repairs and maintenance of public works and utilities infrastructure, and to delete the requirement that sealed bids be submitted to and opened by the Town Commission for any purchase of \$8,500 or more; and

WHEREAS, the Town Commission finds that amending Section 35(14) of the Town's Charter is in the best interest of the Town, and will provide for consistency with the Town's purchasing requirements as set forth in Chapter 3 of the Town Code.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE
HEREBY ORDAINS:¹

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Amending Section 35(14) of the Town Charter. That Section 35(14) of the Town Charter is hereby amended and shall read follows:

* * *

Section 35. – Powers and duties.

The town manager shall be the chief executive officer and the head of the administrative branch of the town government. He shall be responsible to the commission for the proper administration of all affairs of the town and to that end he shall have power and shall be required to:

- (14) Approve all proposed purchases and other expenditures and certify that there is an unencumbered balance of appropriated and available funds. No appropriation shall be encumbered and no expenditure shall be made without such certification. ~~Provided, however, that sealed bids shall be submitted to and opened by the town commission for any purchase of eight thousand five hundred dollars (\$8,500.00) or more. The town commission may waive the sealed bid requirement.~~

* * *

Section 3. Codification. That it is the intent of the Town Commission that the provisions of this ordinance shall become and be made a part of the Town's Charter, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlighted ~~double strikethrough~~ and double underline.

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective on second reading.

PASSED on first reading on the 9th day of January, 2018.

PASSED AND ADOPTED on second reading on the 13th day of February, 2018.

First Reading:

Motion by: Commissioner Karukin
Second by: Commissioner Gielchinsky

Second Reading:

Motion by: Commissioner Karukin
Second by: Commissioner Gielchinsky

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	<u>yes</u>
Commissioner Michael Karukin	<u>yes</u>
Commissioner Tina Paul	<u>Absent</u>
Vice Mayor Barry Cohen	<u>Absent</u>
Mayor Daniel Dietch	<u>yes</u>



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney