

CITY OF MARGATE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AUTHORIZING AND DIRECTING A REFERENDUM TO BE IMPLEMENTED BY THE ADMINISTRATION FOR THE ELECTION OF NOVEMBER 4, 2014, ESTABLISHING THE SUBJECT OF THE REFERENDUM TO BE AS FOLLOWS: CHARTER AMENDMENT FOR CITY DEPARTMENTS, DIRECTOR, OFFICES, AGENCIES AND BOARDS, CONTRACTS, PURCHASES AND BID AWARDS; PROVIDING FOR REPEAL, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: That the City Administration is hereby authorized and directed, and the appropriate County authorities are authorized and directed, to place special referendum questions on the November 4, 2014 ballot, providing for the questions to be applicable only to the City of Margate.

SECTION 2: The form of the question to be placed on the ballot as referred to above shall appear as follows:

QUESTION

"Charter amendment for City departments, director, offices, agencies and boards, contracts, purchases and bid awards."

"Shall the Charter of Margate be amended for proper names for Fire-Rescue Department and Human Resources Director; the City Manager to establish, consolidate, combine, or dissolve departments and offices except Charter offices, removing the Civil Service Board from the Charter, noticing City Commission of emergency purchases within 24 hours when practicable, and for contracts, purchases and bid awards to be authorized by the City Manager unless Commission approval is required by City ordinance?"

FOR _____

AGAINST _____

1 SECTION 3: That the referendum election called for by this
2 ordinance shall be a binding referendum. Upon passage of the
3 question framed in Section 2 of this ordinance, Section 3.09 of
4 the Charter of the City of Margate shall be amended to provide:

5 **Section 3.09. City departments, offices, agencies and boards.**

6 The following are hereby created and permanently
7 established as departments and boards of the City of Margate,
8 Florida:

- 9 (1) The Police Department of the City of Margate;
10 (2) The Fire-Rescue Department of the City of Margate;
11 (3) The Planning and Zoning Board of the City of Margate;
12 (4) The Board of Adjustment of the City of Margate; and
13 ~~(5) The Civil Service Board. The city commission may~~
14 ~~establish by ordinance all further city departments,~~
15 ~~offices, agencies and boards and shall prescribe their~~
16 ~~functions and duties, subject to this Charter, by~~
17 ~~ordinance.~~
18 (5) ~~(6)~~The City Commission may establish by ordinance all
19 further City agencies and boards and shall prescribe
20 their functions and duties, subject to this Charter,
21 by ordinance.
22 (6) ~~(7)~~The City Manager may establish, consolidate,
23 combine, or dissolve all further City departments and
24 offices and shall prescribe the functions and duties
25 of all City Departments except for the Department of
26 the City Clerk and City Attorney. Funding for
27 departments and offices shall be as provided for in
28 the City budget, or by budget amendment, as approved
29 by the City Commission.
30

31 SECTION 4: That the referendum election called for by this
32 ordinance shall be a binding referendum. Upon passage of the
33 question framed in Section 2 of this ordinance, Section 7.01 of
34 the Charter of the City of Margate shall be amended to provide:
35
36
37

38 ~~**Section 7.01. Creation of board.**~~

1 ~~A civil service board for the City of Margate is hereby~~
2 ~~created. This board shall be composed of five (5) members who~~
3 ~~shall take office as follows:~~

4 ~~(1) Two (2) members shall be appointed by the Ceity~~
5 ~~Ceommission;~~

6
7 ~~(2) One (1) member shall be elected by the employees of~~
8 ~~the City of Margate;~~

9
10 ~~(3) One (1) member shall be elected by the employees of~~
11 ~~the City of Margate and shall be an employee of the City of~~
12 ~~Margate;~~

13
14 ~~(4) One (1) member shall be appointed by the four (4)~~
15 ~~previously appointed and elected members.~~

16 ~~Each member shall be appointed or elected for a term~~
17 ~~of two (2) years.~~

18
19 SECTION 5: That the referendum election called for by this
20 ordinance shall be a binding referendum. Upon passage of the
21 question framed in Section 2 of this ordinance, Section 4.08 of
22 the Charter of the City of Margate shall be amended to provide:

23 **Section 4.08. Powers and duties of city manager.**

24 The Ceity ~~M~~anager shall be the chief administrative and
25 executive officer of the Ceity. He/she may head one or more
26 departments and shall be responsible to the Ceity ~~Ceommission~~
27 for the proper administration of all affairs of the city. To
28 that end he/she shall have the power and shall be required to:

29 (a) Appoint and, when necessary for the good of the Ceity,
30 suspend or remove all employees of the Ceity except as
31 otherwise provided by the Ceity Charter or law, and except
32 as he/she may authorize the head of a department or office
33 to suspend or remove subordinates in such department or
34 office.

35 This power of appointment, suspension and removal
36 shall include the power to appoint and suspend or remove
37 all department heads in the Ceity, except that the Ceity

1 Commission reserves to itself the power of appointment,
2 suspension and removal of the following:

3
4 (1) The attorneys for the Ceity; and

5
6 (2) The Ceity Clerk for the Ceity.
7

8 (b) Prepare the budget annually and submit it to the
9 Commission for approval, together with a message
10 describing the important features, and be responsible
11 for administration after adoption by the Commission.
12

13 (c) Prepare and submit to the Commission at the end
14 of the fiscal year a complete report on the finances
15 and administrative activities of the city for the
16 preceding year.
17

18 (d) Keep the Commission advised of the financial
19 condition and future needs of the Ceity on a monthly
20 basis and make such recommendations as he/she may deem
21 desirable.
22

23 (e) Recommend to the governing body a standard
24 schedule of pay for each appointive office and
25 position in the Ceity service, including minimum,
26 intermediate and maximum rates.
27

28 (f) Recommend to the governing body from time to time
29 the adoption of such measures as he/she may deem
30 necessary or expedient for the health, safety or
31 welfare of the community or for the improvement of
32 administrative services.
33

34 (g) Consolidate or combine offices, positions,
35 departments or units under his/her jurisdiction, ~~with~~
36 ~~prior approval of the city commission.~~
37

1 (h) Attend all meetings of the Ceity Ceommission
2 unless excused therefrom and take part in the
3 discussion of all matters coming before the
4 commission, but he/she shall not vote. He/she shall be
5 entitled to notice of all regular and special meetings
6 of the Ceommission and shall have the power to call
7 special meetings of the Ceity Ceommission.
8

9 (i) Investigate and determine whether purchases of
10 current supplies and contractual services are made in
11 accordance with regulations prescribed by Charter and
12 ordinance and whether competitive conditions are
13 maintained in a fair and impartial manner.
14

15 (j) See that all laws and ordinances are duly
16 enforced.
17

18 (k) Investigate the affairs of the Ceity or any
19 department or division thereof; investigate all
20 complaints in relation to matters concerning the
21 administration of the government of the City and in
22 regard to service maintained by the public utilities
23 in the City; and see that all franchises, permits and
24 privileges granted by the Ceity are faithfully
25 observed and, upon knowledge of any violation thereof,
26 call same to the attention of the Ceity Aattorney and
27 the Ceity Ceommission.
28

29 (l) Devote his entire time to the discharge of
30 his/her official duties.
31

32 (m) Perform such other duties as may be required by
33 the Ceommission not inconsistent with the City
34 Charter, law or ordinances.
35

36 (n) Shall be responsible for supervising the
37 acquisition of all available grants.
38

39 SECTION 6: That the referendum election called for by this
40 ordinance shall be a binding referendum. Upon passage of the

questions framed in Section 2 of this ordinance, Section 7.02 of the Charter of the City of Margate shall be amended to provide:

Section 7.02. Personnel system.

(1) *Merit principle.* All appointments and promotions of Ceity officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(2) ~~Personnel~~ Human Resources Ddirector. There shall be a ~~personnel~~ Human Resources Ddirector appointed by the Ceity ~~M~~anager as provided in Section 4.08, who shall administer the personnel system of the Ceity.

(3) *Personnel rules.* The Human Resources ~~personnel~~ director shall prepare personnel rules. ~~The city manager shall refer such proposed rules to the civil service board, which shall report to the city manager its recommendations thereon.~~ When approved by the Ceity ~~M~~anager, the rules shall be proposed to the Ceommission, and the Ceommission may by ordinance adopt them with or without amendment.

SECTION 7: That the referendum election called for by this ordinance shall be a binding referendum. Upon passage of the questions framed in Section 2 of this ordinance, Section 4.10 of the Charter of the City of Margate shall be amended to provide:

Section 4.10. Contracts.

All contracts must be authorized by the City Manager unless required to be approved by the Ceity Ceommission, as determined by ordinance of the City. Where contracts are approved by the City Commission, they must be signed by the City Manager, and the Mayor, or Vice Mayor. ~~Countersigning of contracts [is] required, with the city manager and mayor or vice mayor signing.~~

SECTION 8: That the referendum election called for by this ordinance shall be a binding referendum. Upon passage of the question framed in Section 2 of this ordinance, Section 5.08 of the Charter of the City of Margate shall be amended to provide:

1
2 **Section 4.12. Emergencies.**

3 In case of accident, disaster or other circumstances creating a
4 public emergency, the Ceity Manager may award contracts and
5 make purchases for the purpose of meeting said emergency; but
6 he/she shall file with the Ceommission within a twenty-four-hour
7 period, whenever practicable, a certificate showing such
8 emergency and the necessity for such action, together with an
9 itemized account of all expenditures. (Note: This provision
10 subject to Florida law on this subject.)
11

12 SECTION 9: That the referendum election called for by this
13 ordinance shall be a binding referendum. Upon passage of the
14 question framed in Section 2 of this ordinance, Section 5.08 of
15 the Charter of the City of Margate shall be amended to provide:

16 ~~**Section 5.08. Contracts.**~~

17 ~~Contracts shall be authorized by the Ceity Ceommission, with~~
18 ~~countersigning by the Ceity Manager and the Mayor or Vice-~~
19 ~~Mayor signing.~~

20 SECTION 10: That the referendum election called for by
21 this ordinance shall be a binding referendum. Upon passage of
22 the question framed in Section 2 of this ordinance, Section 4.11
23 of the Charter of the City of Margate shall be amended to
24 provide:

25
26 **Section 4.11. Purchases and bid awards.**

27 The Ceity Manager may authorize purchases and bid awards on
28 behalf of the Ceity when individual expenditures do not exceed
29 an amount provided for by ordinance of the City ~~the amount of~~
30 ~~twenty-five thousand dollars (\$25,000.00).~~

31
32
33 SECTION 11: That all ordinances or parts of ordinances in
34 conflict herewith be and the same are hereby repealed to the
35 extent of such conflict.
36

37 SECTION 12: If any part, section, subsection, paragraph,
38 subparagraph, sentence, phrase, clause, term, or work of this
39 ordinance is declared unconstitutional by the valid judgment or
40 decree of any court of competent jurisdiction of such

unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this ordinance.

SECTION 13: It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Margate Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 14: That this ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS _____ DAY OF _____.

PASSED ON SECOND READING THIS _____ DAY OF _____.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR LESA PEERMAN

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Talerico	_____	Talerico	_____
Donahue	_____	Donahue	_____
Ruzzano	_____	Ruzzano	_____
Simone	_____	Simone	_____
Peerman	_____	Peerman	_____