

ORDINANCE NO

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, CALLING A REFERENDUM TO BE HELD ON THE NOVEMBER 6, 2018 GENERAL ELECTION TO DETERMINE IF A MAJORITY OF THE ELECTORS OF THE CITY OF MARGATE APPROVE REMOVAL OF PROVISION OF SECTIONS 4.10 AND 4.11 THE CHARTER REGARDING PROCUREMENT TO FACILITATE CONSOLIDATION INTO THE CITY CODE OF ORDINANCES PROCUREMENT RULES AND REGULATION, INCLUSIVE OF MONETARY THRESHOLDS WHICH ADDRESS WHEN CITY MANAGER AND CITY COMMISSION REVIEW IS REQUIRED; PROVIDING LANGUAGE FOR THE REFERENDUM ELECTION BALLOT TITLE AND BALLOT EXPLANATION/QUESTION; AUTHORIZING THE CITY ADMINISTRATION TO TAKE APPROPRIATE ACTION TO EFFECTUATE THE INTENT OF THIS ORDINANCE INCLUDING PUBLICATION AND NOTICE TO THE SUPERVISOR OF ELECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Margate, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Commission of the City of Margate, Florida, in an ordinance format; and

WHEREAS, currently, rules and regulations regarding City procurement of are set forth in the City Charter, the City Code of Ordinances and Florida Statutes thereby adding to the complexity of interpretation and application of those rules and regulations; and

WHEREAS, the City Commission finds it would be in the interest of the public to consolidate the provisions for procurement, inclusive of the monetary thresholds for City Manager and City Commission over-sight, authorization and approval, into the City Code of Ordinances; and

WHEREAS; the Commission finds that having provisions setting monetary thresholds for City Manager and the City Commission are found in both sections 4.10 and 4.11 of the City Charter and also in Chapter 2 of Article II of the City Code of Ordinances has created confusion and complexity in application of those regulations; and

WHEREAS; and consolidation of procurement rules and regulations into the City Code of Ordinances will provide more efficient over-sight of procurement by the City Commission by allowing modification by ordinance when need for modification is needed to conform to changes in state law or when changes are otherwise determined by the City Commission to be in the interest of the City and the citizens; and

WHEREAS, the City Commission hereby determines that the qualified electors of the City should decide on the removal of the Charter set forth in Sections 4.10 and 4.11 of the City Charter so that those provision can be set forth in the Code of Ordinances and thereafter subject to amendments by ordinance; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISISON OF THE CITY OF MARGATE, FLORIDA:

SECTION 1.

The foregoing WHEREAS provisions shall constitute the finds of the City Commission in support of the actions taken herein.

SECTION 2.

The City Commission directs that proposed amendments to the City's Charter be put before the registered voters of the City in a duly called referendum at the November 6, 2018 General Election, to amend the Charter to removes Section 4.10 and 4.11 of the Charter concerning procurement regulations so that all procurement regulations can be consolidated in the Code of Ordinances and thereafter subject to amendment by ordinance.

SECTION 3.

The form of the referendum election ballot title shall be as follows:

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CHARTER AMENDMENT CONCERNING PROCUREMENT REGULATIONS

The form of the referendum election ballot explanation and question shall be as follows:

Should the City Charter be amended to remove sections 4.10 and 4.11 regarding the monetary thresholds for City Manager and City Commission administration and approval of procurement matters so that all procurement regulations, including the monetary thresholds for review, can be consolidated into the City Code of Ordinances and thereafter subject to amendment by ordinance?

YES ☐ NO ☐

SECTION 4.

Notice of this referendum shall be published by the City Administration as required by Florida Law and provided to the Supervisor of Elections. The referendum shall in all respects be held and conducted in the manner provided in and by the laws of the State of Florida.

SECTION 5.

If a majority of the votes cast a vote "YES" the City Charter shall be amended to delete in their entirety Sections 4.10 and 4.11 as follows:

If a majority of the votes are cast "NO", sections 4.10 and 4.11 of the Charter shall remain unchanged and remain as part of the Charter.

SECTION 6.

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If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Ordinance.

Section 7.

That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 8.

This Ordinance shall take effect immediately upon adoption.

The amended Charter as set forth in Section 5 above shall be effective upon approval by the electorate of the City at the November 6, 2018, election.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, ON THE FIRST READING, THIS 16th DAY OF MAY, 2018.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, ON THE SECOND AND FINAL READING, THIS _____ DAY OF JUNE, 2018.

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR ARLENE R. SCHWARTZ

Record of vote – 1ST Reading

Peerman	<u>NO</u>
Simone	<u>NO</u>
Ruzzano	<u>YES</u>
Caggiano	<u>YES</u>
Schwartz	<u>YES</u>

Record of vote – 2nd Reading

Peerman	_____
Simone	_____
Ruzzano	_____
Caggiano	_____
Schwartz	_____

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