

ORDINANCE NO. 4186

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 2, SECTION 2-176, RELATING TO THE POWERS AND DUTIES OF THE CITY MANAGER TO INCREASE THE CITY MANAGER'S AUTHORITY TO AWARD AND SIGN CONTRACTS UP TO AN AMOUNT NOT TO EXCEED \$50,000; DELETING SECTION 2-177, THE EMERGENCY POWERS PROVISION FOR THE CITY MANAGER; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach is a home rule municipality organized under the Constitution and the laws of the State of Florida; and

WHEREAS, the City Charter provides that the City Manager is the "chief administrative officer and the head of the administrative of the administrative branch of the city government"; and

WHEREAS, the City Council desires to increase the City Manager's authority to sign and enter contracts, purchase orders and agreements in an amount not to exceed \$50,000; and

WHEREAS, the emergency purchasing power of the City Manager which is in the current Code is outdated and conflicts with the City Manager's authority pursuant to the Procurement Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA that:

SECTION 1: The Code of Ordinances of the City of Riviera Beach, Florida at Chapter 2, ADMINISTRATION, ARTICLE IV. OFFICERS AND EMPLOYEES, DIVISION 2 (CITY MANAGER) is hereby amended at Sec. 2-176 to read as follows:

Sec. 2-176. - Powers and duties.

The city manager shall be the chief administrative officer of the city. The city manager may head one or more departments and shall be responsible to the city council for the proper

administration of all affairs of the city. The city manager shall have power and shall be required to do the following:

- (1) Appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the city except as otherwise provided for by the Charter or laws and except as he or she may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office.
- (2) Prepare the budget annually and submit it to the legislative body together with a message describing the important features and be responsible for its administration after adoption.
- (3) Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
- (4) Keep the city council advised of the financial condition and future needs of the city and make such recommendations as he or she may deem advisable.
- (5) Recommend to the city council a standard schedule of pay for each appointive office and position in the city's service including minimum, intermediate and maximum rates.
- (6) Recommend to the city council adoption of such measures as he or she may deem necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.
- (7) Consolidate or combine offices, positions, departments or units under his or her jurisdiction with the approval of the city council.
- (8) Attend all meetings of the city council unless excused and take part in the discussion of all matters coming before the city. The city manager shall be entitled to notice of all regular and special meetings of the city council.
- (9) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget and unless otherwise authorized by city council ~~after the effective date of this section, the city manager's spending authority for contracts, agreements, or other types of expenditures, shall be the same as the amount authorized in the city's procurement code or procurement policies irrespective of whether the expenditure falls under the procurement code or procurement policies.~~ The city manager may issue such rules governing purchasing procedures within the administrative organization, as the city council shall approve, provided that such rules are consistent with the procurement code.
- (10) For contracts, agreements or other types of purchasing expenditures, the city manager, without the prior city council approval, shall have spending authority in the amount not to exceed \$50,000.00.
- (~~11~~4) See that all laws and ordinances are duly enforced.

(12 11) Investigate the affairs of the city or any department or division. Investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the public utilities of the city and see that all franchises, permits and privileges granted by the city are faithfully observed.

(13 12) Devote his or her entire time to the discharge of his or her official duties.

(14 13) Perform such other duties as may be required by the city council not inconsistent with the Charter, laws or ordinances.

SECTION 2: The Code of Ordinances of the City of Riviera Beach, Florida at Chapter 2, ADMINISTRATION, ARTICLE IV. OFFICERS AND EMPLOYEES, DIVISION 2 (CITY MANAGER) is hereby amended at Sec. 2-177 by deleting the following:

Sec. 2-177. Emergency powers.

~~In case of accident, disaster or other circumstances creating a public emergency, the city manager may award contracts and make purchases for meeting the emergency in any amount not to exceed \$7,500.00. He shall file promptly with the city council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.~~

SECTION 3: **Repeal of Law in Conflict.** That all sections or parts of sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4: **Severability.** If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of the Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstances(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

SECTION 5: **Codification.** Specific authority is hereby granted to codify this Ordinance.

SECTION 6: **Effective Date.** This Ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND APPROVED on the first reading this ____ day of _____, 2021.

PASSED AND ADOPTED on the second and final reading this ____ day of _____ 2021.

APPROVED:

RONNIE L. FELDER
MAYOR

SHIRLEY LANIER
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY, CMC
CITY CLERK

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

TRADRICK MCCOY
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

JULIA A. BOTEL, Ed.D.
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

J. BOTEL: _____

D. LAWSON: _____

T. McCOY: _____

K. MILLER-ANDERSON: _____

S. LANIER: _____

Reviewed as to form and legal sufficiency

_____ **Date** _____

Dawn S. Wynn, City Attorney