

City of Dunnellon
Agenda Summary Form

Meeting Date: June 8, 2022

1. Responsible Department: Finance
2. Presenter: Jan Smith
3. Recommended Action: Review and consider adopting Ordinance #ORD2022-06 Amendment to Section 5 of the City Charter

Subject: Amendment to Section 5 of the City Charter amending purchase requirements for goods and providing the ballot title, summary and text for the proposed amendment

Request for Approval Summary Explanation & Background:

On February 14, 2022 Council approved an amendment to the purchasing policy increasing the purchasing threshold for public improvements requiring sealed bids from \$15,000 to \$35,000. Ordinance #ORD2022-03 was adopted at final reading on March 14, 2022. During the discussion on increasing the purchasing threshold for public improvements staff recommended increasing the purchasing threshold for goods to the same amount of \$35,000. To increase the amount for goods would require a charter referendum.

This ordinance eliminates the purchasing requirement to obtain sealed bids on the purchase of major items (goods) for amounts over \$5,000 but less than \$35,000. The ordinance changes the requirement from sealed bid to obtaining a minimum of 2 written bids or proposals and provides for ballot language to go before the voters to enact this charter change.

Procurement Method:

Fiscal Information:

Attorney Review: Ordinance Amendment Prepared by Andrew Hand

ORDINANCE #ORD2022-06

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, SUBMITTING TO THE ELECTORS OF DUNNELLON A PROPOSED AMENDMENT TO SECTION 5 OF THE CITY CHARTER AMENDING PURCHASE REQUIREMENTS FOR GOODS; PROVIDING THE BALLOT TITLE, SUMMARY, AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR THE EFFECTIVE DATE OF THE CHARTER AMENDMENT IF APPROVED BY A MAJORITY OF ELECTORS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF DUNNELLON, FLORIDA, THAT:

SECTION 1. The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Dunnellon.

SECTION 2. Proposed Amendment to Charter. The City Council of the City of Dunnellon, pursuant to Section 166.031, Florida Statutes, hereby proposes an amendment to the Charter of the City of Dunnellon, which amendment to Section 5 of the Charter is set forth in Exhibit "A" attached hereto and by this reference made a part hereof. Section 5 of the Charter is attached hereto reflect the proposed changes by showing additions with underlining and deletions with ~~strike-through~~ type.

SECTION 3. Submission to Electors. The proposed amendment to the Charter of the City of Dunnellon, as contained in this Ordinance, shall be submitted to a vote of the electors of the City of Dunnellon at the next municipal election to be held on Tuesday, November 8, 2022. The Supervisor of Elections of Marion County is hereby requested to coordinate all matters of said referendum election with the City Clerk.

SECTION 4. Duties of City Clerk. The City Clerk is hereby directed to ensure that all advertising and notice requirements are complied with pursuant to the City's Charter and to coordinate all activities necessary to conduct the referendum election called in Section 3 of this Ordinance with the Supervisor of Elections for Marion County. Should the proposed change to the Charter be approved by the electors, the City Clerk shall ensure that the Department of State is sent the revised Charter.

SECTION 5. Ballot Title and Text. The ballot title and summary of the proposed amendment to the Charter shall appear on the ballot in the form of a question, set forth as follows:

CHARTER BALLOT QUESTION
CITY OF DUNNELLON, FLORIDA
REFERENDUM ELECTION

PURCHASE REQUIREMENTS FOR GOODS

Shall the Charter of the City of Dunnellon be amended to require that purchases of major items (goods) in an amount over \$5,000.00 but less than \$35,000.00 shall not be awarded without first obtaining a minimum of two written bids or proposals, and that purchases of major items (goods) in an amount of \$35,000.00 or greater shall not be awarded until after the City advertises to receive sealed bids proposals?

_____ YES, For Approval

_____ NO, For Rejection

SECTION 6. Effective Date of Amendment to Charter. If approved by a majority of the voting electors of the City of Dunnellon, the amendment set forth in Exhibit “A” shall become effective in accordance with the provisions of Section 166.031, Florida Statutes. If the electors reject an amendment(s), the rejected amendment(s) shall not take effect.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 8. Conflicting Ordinances. All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

SECTION 9. Effective Dates. This Ordinance shall take effect immediately upon its final passage and adoption. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon the approval of a referendum election of the electors of the City of Dunnellon.

Upon motion duly made and carried, the foregoing ordinance was adopted on the first reading on the ____ day of _____ 2022.

Upon motion duly made and carried, the foregoing ordinance was adopted on the second and final reading on the ____ day of _____ 2022.

Ordinance Posted on the City’s website on _____, 2022. Public hearing advertised on the City’s website on _____ and advertised in the Riverland News on _____.

William P. White, Mayor

Attest:

Amanda L. Odom, CMC
City Clerk

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida this _____ day of June 2022 and on the City’s Official Website the _____ day of June 2022.

Amanda L. Odom, City Clerk

EXHIBIT “A”
ORDINANCE #ORD2022-06

SECTION 5 OF THE CHARTER OF THE CITY OF DUNNELLON, FLORIDA

Section 5. - [Additional powers.]

The city council shall have power to levy and collect taxes on all property taxable by law for state purposes; to levy and collect occupational license taxes on all privileges, businesses, trades, occupations, and professions which are operated, conducted, or engaged within the limits of said city, and the amount of such license tax shall be fixed by ordinance, which amounts of said taxes shall not be dependent upon a general state revenue law. To levy special assessments for public improvements, street paving, building, and sidewalks and improving public property and shall have the power and authority to levy and assess against property benefited thereby special assessments; to appropriate money and to provide for the payment of all debts and expenses of the city; to make regulations to prevent the introduction of the contagious diseases in the city; to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to provide for the cleaning and keeping in good sanitary condition all premises within the limits of the city; to provide the city with water by waterworks within or beyond the boundaries, by contract or otherwise; to provide for the extinguishment of fires and to organize and establish fire departments; to establish fire limits and to regulate the construction of buildings therein, and to prevent the construction of any building with inflammable material within such limits. To require the use of brick, stone, or concrete in the erection of all buildings in such limits.

To condemn and order removed, or remove, any building that may endanger the property of others when the owners of such building refuse to make the same safe; to provide for lighting of the city by contract or otherwise; to make appropriations; to open, alter, abolish, widen, extend, establish, pave, improve and keep in repair streets, alleys, and sidewalks; to sell, convey or lease the mining rights in any street or alley abolished or discontinued; to erect, establish, regulate, and keep in repair privies, culverts, sewers, and gutters; to grant rights and privileges to and upon streets, alleys, ways, and avenues of the said city for public utilities; to make appropriations for lighting streets and public buildings, and for erection of all buildings necessary for the use of the city; to license hackney carriages, carts, omnibuses, automobiles, wagons, and drays and to fix the rate to be charged for the carriage of persons and property within the city; to regulate the speed of trains, automobiles, motorcycles, and bicycles within the limits of the city; to prohibit and suppress all gambling houses, bawdy and disorderly houses and obscene pictures and literature; to regulate dance halls, poolrooms, and all places of public amusements, and all saloons; to regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fires and to regulate the license for the sale of firearms and to suppress the carrying of concealed weapons; to prohibit and regulate the storage of combustible, explosive, or inflammable goods or materials or products of any kind; to provide for and to regulate the inspection of beef, pork, flour, meal, and other provisions, oils, whiskey, and other spirits; to regulate inspection of milk, butter, lard, and other provisions; to regulate the vending of meat, poultry, fish, fruits, and vegetables, to establish and regulate markets, and to require all fresh meats, fish, poultry, and vegetables to be sold therein; to regulate, tax, license, or suppress the keeping and going at large of all animals, including dogs, within the city limits, to impound the same, and in default of redemption in pursuance of the

ordinance, to sell, kill, or otherwise dispose of the same; to establish pound limits within the city; to regulate weights and measures; to provide for enclosing, improving, and regulating public buildings and grounds belonging to the city in or out of the corporate limits; to purchase, lease, receive and hold property, real and personal, for the use and benefit of the city, and to sell, lease, mortgage or otherwise dispose of any and all of the corporate property, both real and personal for the benefit of the said city; to erect, repair, alter, and change public buildings and to make any and all other improvements necessary for the city; to borrow money and pledge the corporate property, as security therefor, for making such improvements as may be necessary for the city; to regulate the anchorage or mooring of vessels, lighters, rafts, boats, and all other water craft in front of the streets, and all such property as may be owned or controlled by the city; to pass all ordinances necessary for the health, morals, convenience, and safety of the citizens; to secure peace and good order in the city and to carry out the further intent and meaning of this act and to accomplish the objects of this incorporation; to provide for the appointment of a police force; to punish resisting arrest or restraining process and obstructing or opposing any police officer of said city; to provide for the arrest of any persons violating any ordinance and for their punishment, upon conviction, by fines, forfeitures, penalties, imprisonment with or without labor; but no penalty shall exceed five hundred dollars, and no term of imprisonment shall be for a longer time than three months for the same offense.

~~Prior to purchase by the city of major items over \$5,000.00, they shall be advertised for bids, except in cases where the health and welfare of the community will be jeopardized. Sealed bids shall be accepted and the purchase shall be authorized by a majority vote of the city council.~~

The purchase of goods with an estimated value of over five thousand dollars (\$5,000.00) but less than thirty-five thousand dollars (\$35,000.00) shall not be awarded without obtaining a minimum of two bids or proposals. The purchase of goods with an estimated value of thirty-five thousand dollars (\$35,000.00) or greater shall be awarded after the city advertises to receive sealed bids or proposals. These thresholds shall not apply in cases where the health and welfare of the community will be jeopardized by such requirements.

The city council shall be permitted to waive bidding requirements when, in the discretion of a majority of the council members, it is determined that it is in the best interest of the city to share a bid price with another entity.

No city parks, beaches or recreation areas shall be disposed of without a referendum approval by a majority vote.