

ORDINANCE No 2006-03-84

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 5 OF ORDINANCE NO. 2005-10-48, THE CITY'S PURCHASING ORDINANCE, RELATING TO THE CITY MANAGER'S AUTHORITY TO NEGOTIATE OPTIONS ON REAL PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 9, 2005, the City of Miami Gardens, adopted Ordinance No. 2005-10-48, the City's Purchasing Ordinance, and

WHEREAS, pursuant to Article 1, Section 5(m) of the Purchasing Ordinance, upon direction of the City Council, the City Manager has the power to negotiate options on real property for consideration for City Council, so long as any good faith deposit does not exceed the City Manager's purchasing limits, and subject to a proviso that the City Manager not purchase or close on any real property without the direct authorization of the City Council, and

WHEREAS, when Ordinance No. 2005-10-48 was presented to the City Council, it was intended that the City Manager be permitted to negotiate options within the City Manager's purchasing limits, for consideration by the Council without prior approval by City Council, and

WHEREAS, the City Council would like to amend Article 1, Section 5(m) to permit the Manager the authority to negotiate and execute option agreements on real property, so long as any good faith deposit amount does not exceed the City Manager's purchasing

limits and subject to the proviso that City Manager does not purchase or close on any real property without the authorization of the City Council,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows.

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2 AMENDMENT Section 5(m) of Ordinance 2005-10-48 is hereby amended as follows:

**Section 5: Purchasing agent.**

The City Manager is the purchasing agent for the City. The City Manager may delegate some or all of the purchasing authority, except the authority to make the final decision, to ~~any City employee~~, his designee. The City Manager shall have the authority to do as follows:

(A) Purchase or lease or contract for the purchase or lease of commodities or services required for or by the City, in accordance with purchasing procedures prescribed by this division and in accordance with such administrative policies and procedures as the City Manager may prescribe for internal management and operation of the purchasing office;

(B) Negotiate and recommend execution of contracts for the purchase of commodities or services;

(C) Act to procure for the City the needed quality in commodities or services at least expense;

(D) Discourage uniform bidding and encourage full and open competition on all purchases;

(E) Prepare revisions and amendments to the purchasing regulations set forth herein, as necessary, and recommend such revisions and amendments to the City Council;

(F) Prepare policies and procedures governing the purchase of commodities or services for the City;

(G) Keep informed of current developments in the field of purchasing, prices, market conditions and new projects,

(H) Prescribe and maintain such forms as may be reasonably necessary to the operation of this division and other rules and regulations;

(I) Supervise the inspection of all commodities and services purchased to ensure conformance with specifications;

(J) Transfer surplus commodities between departments as needed;

(K) Maintain a vendors list, vendors catalog file and records needed for the efficient operation of the purchasing office;

(L) Conduct all sales of surplus property that the City Council may authorize to be sold as having become unnecessary or unfit for the City's use;

(M) ~~Upon direction by the City Council, the City Manager shall have the power to~~ Negotiate options, and execute option agreements on real property for consideration by the City Council so long as any good faith deposit money does not exceed the City Manager's purchasing limits; however, the City Manager may not exercise an option, purchase or close on the purchase of real property without the direct authorization of City Council. All statutory requirements governing the purchase of real property by a municipality shall be complied with.

This section does not authorize the City Manager to borrow any money on the City's behalf, including the financing of any purchases that may be made pursuant to this Ordinance, without the direct authorization of the City Council.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. 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

portions of this Ordinance.

SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 5. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 11<sup>th</sup> DAY OF JANUARY, 2006.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 25TH DAY OF JANUARY, 2006.

ATTEST:

  
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RONETTA TAYLOR, CMC, CITY CLERK

  
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SHIRLEY GIBSON, MAYOR

Prepared by SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: Danny Crew, City Manager

Ordinance No. 2006-03-84

MOVED BY: Councilman Campbell

SECONDED BY: Councilwoman Watson

**VOTE:** 6-0

Mayor Shirley Gibson	<u>    </u> (Yes)	<u>    </u> (No)	Not present
Vice Mayor Oscar Braynon, II	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilman Aaron Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilman Ulysses Harvard	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilwoman Sharon Pritchett	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>    </u> (No)	

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# City of Miami Gardens

1515-200 NW 167<sup>th</sup> Street  
Miami Gardens, Florida 33169



Mayor Shirley Gibson  
Vice Mayor Oscar Braynon II  
Councilman Melvin L. Bratton  
Councilman Aaron Campbell Jr.  
Councilman Ulysses Harvard  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson

## MEMORANDUM

**To:** Mayor and City Council  
**From:** Dr. Danny O. Crew  
City Manager  
**Date:** January 6, 2006  
**Re:** Real Estate Option Purchases

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Last month, City Council approved a resolution implementing the ordinance provision in the City's purchasing ordinance authorizing the City Manager to secure options on real property. This provision was to have been in the original purchasing ordinance but was somehow, altered during one of the drafts. This change will fix that glitch.

The change will authorize the City Manager to secure options on real property under the following conditions: That the cost of the option does not exceed the Manager's authorized authority under the purchasing ordinance; and that only the City Council may exercise the option and purchase property.

**Recommendation:** That City Council approve the ordinance implementing this procedure.