ORDINANCE NO. 2019-382

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING PORTIONS OF CHAPTER 2 OF THE CODE OF ORDINANCES RELATING TO PURCHASING AND TO DISPOSING OF SURPLUS PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. The Table of Contents for Chapter 2 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Article I. In General

Secs. 2-1--2-30. Reserved.

Article II. Council

Sec. 2-31. Compensation.
Sec. 2-32. Regular meetings.
Sec. 2-33. Reimbursement.
Secs. 2-34--2-65. Reserved.

Article III. Purchasing

Sec. 2-66. Definitions.
Sec. 2-67. Interpretation.
Sec. 2-68. Requirement for obligating public funds.
Sec. 2-69. Councilperson authorization.
Sec. 2-70. Contracts.
Sec. 2-71. Professional services.
Sec. 2-72. Procurement of commodities and contractual services.
Sec. 2-73. Intentionally Left Blank.

Sec. 2-74. Design-build contracts.
Sec. 2-75. Exceptions to contracting requirements.
Secs. 2-76--2-135. Reserved.

Article IV. Tangible Personal Property

Sec. 2-136. Definitions.
Sec. 2-137. Record inventory of property.
Sec. 2-138. Property supervision and control.
Sec. 2-139. Property acquisition.
Sec. 2-140. Surplus property.

Section 2. Section 2-70 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 2-70. Contracts.

Except for any contracts governed specifically by Sections 287.055 and/or 287.057 of the Florida Statutes, the following shall apply to the purchase of goods and/or services by the city.

(a) All contracts for the purchase of goods and/or services within the applicable total budget for the particular department obligating the city in the amount of $25,000.00 or less may be approved by the applicable department head of the city without the necessity for any (1) public invitations to bid or requests for proposals being sent out, (2) competitive bids being solicited or (3) vote of the council. Said department head shall attempt to obtain the lowest and best price and terms for the purchase.

(b) All contracts for the purchase of goods and/or services within the applicable total budget for the particular department obligating the city in an amount $25,000.01 to and including $250,000.00 shall be approved by the applicable department head of the city after said department head has used best efforts to obtain a minimum of three (3) written quotes from recognized vendors. All contracts for the purchase of goods and/or services not within the applicable total budget for the particular department obligating the city in an amount less than $250,000.00 shall be approved by a majority vote of the council after the city has used best efforts to obtain a minimum of three (3) written quotes from recognized vendors. The city's failure to obtain three (3) written quotes shall not prevent the

city from awarding a contract or invalidate a contract if awarded.

(c) All contracts for the purchase of goods and/or services obligating the city in excess of $250,000.00, whether within the applicable total budget for the particular department or not shall be let by public bid in the following manner:

(1) *Advertisement and bids.* No contract as described in this section shall be awarded by the city unless a request for sealed bids shall have been extended to the public at large by advertisement in a newspaper which has a daily circulation in the city and the general vicinity of the city. Such advertisement shall be published at least once a week for two consecutive weeks prior to the time designated for the opening of bids. The advertisement shall contain all information pertinent to the contract as required under the law. The bids shall conform to the requirements of the advertisement and all other requirements under the law.

(2) *Opening of bids and award of contract.* The time and place for opening of the sealed bids shall be designated by the council, shall be open to the public, and shall not be less than five (5) days after the final publication of the advertisement for bids. The council shall be empowered to reject all bids and shall not be obligated to accept the lowest bid~~s~~, but shall accept the bid that is deemed to be in the best interest of the city after taking into consideration all relevant factors.

(3) *Bids in emergency situations.* When the council finds by two-thirds vote of the members of the council that an emergency exists whereby compliance with the provisions of subsections (c)(1) and (c)(2) of this section would endanger the health, safety or welfare of the citizens of the city or would result in substantial additional expense to the city, public bids may be obtained by informal methods without advertisement as set forth in this article. In any event, a diligent effort shall be made to ensure that the lowest possible bids are obtained.

Section 3. Section 2-73 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 2-73. Intentionally Left Blank.

Section 4. Section 2-140 of the Code of Ordinances, City of Parker, Florida, is amended to read as follows:

Sec. 2-140. Surplus property.

Upon a determination by any department head of the city that any tangible personal property owned by the city in the possession or custody of that department is surplus, obsolete, unrepairable, unnecessary, unsuitable, or otherwise no longer useful to such department, the mayor shall be notified. The mayor, or the mayor's designee, shall determine if such property is useful to another department of the city and if so, the property shall be transferred to the other department. If no such use for said property can be found within the city, the surplus property shall be referred to the city council for disposition together with information indicating the then current value and condition of the property.

(a) The council may vote to dispose of such property based upon the following:

(1) For any item having an original purchase price and a then current value of $10,000.00 or less, such property may be disposed of with or without compensation to the city by appropriate methods and shall not require a public auction.

(2) For any item having original purchase price or a then current value in excess of $10,000.00, it shall be sold for fair consideration at a public auction. The public auction shall be appropriately advertised in a newspaper of general circulation in the city and a notice shall be posted in a conspicuous place in the city hall. The notice of auction shall include a general description of the property to be sold, the time and place of the auction and the terms of auction. All sales shall be made to the

highest bidder, and the custodian shall have the right to reject all bids.

Section 5. Section 2-141 of the Code of Ordinances, City of Parker, Florida, is deleted in its entirety.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, 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 7. Scrivener's Error.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 8. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 9. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention,

and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 10. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 11. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 11th day of April, 2019.

CITY OF PARKER

Richard Musgrave, Mayor

ATTEST:

Nancy Rowell, City Clerk

Examined and approved by me, this 11th day of April, 2019.

Richard Musgrave, Mayor