

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 2, ARTICLE IV, SECTION 2-176 OF THE CODE OF ORDINANCES RELATING TO THE POWERS AND DUTIES OF THE CITY MANAGER BY CLARIFYING THE CITY MANAGER'S SPENDING AUTHORITY; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Code of Ordinances details the role of the City Manager as the chief administrative officer of the City and details the responsibilities that goes along with the position; and

WHEREAS, the Office of the Palm Beach County Inspector General identified what it perceived as a conflict in the City's Code of Ordinance pertaining to the City Manager's powers and duties; and,

WHEREAS, the City desires to eliminate the perception that there is a conflict by clarifying the City Manager's responsibility relating to spending authority.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

SECTION 1. That Chapter 2, Article IV, Section 2-176 entitled "Powers and Duties" of the City of Riviera Beach Code of Ordinances is hereby amended as follows (*deletions shown by ~~strike through~~ and additions shown by underline*):

Sec. 2-176. - Powers and duties.

The City Manager shall be the chief administrative officer of the City. ~~He~~ 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. ~~He~~ 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. He 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 Ordinance, 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. ~~let contracts necessary for operation or maintenance of city services for amounts up to and including \$1,500.00; receive sealed bids for purchases or contracts in excess of \$1,500.00; and present them to the city council for approval and advise the city council on the advantages of contract and bid proposals. No purchase shall be made, contract let or obligation incurred for any item or service which exceeds the current budget appropriation without a supplemental appropriation by the city council. No contract in excess of \$1,500.00 and no contract for new construction shall be let except by the city council.~~ The City Manager may issue such rules governing purchasing procedures within the administrative organization as the City Council shall approve.
- (10) See that all laws and Ordinances are duly enforced.

- (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.
- (12) Devote his or her entire time to the discharge of his or her official duties.
- (13) Perform such other duties as may be required by the City Council not inconsistent with the Charter, laws or Ordinances.

SECTION 2. Should any word, phrase, clause, subsection, section, part of provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared invalid.

SECTION 3. 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, shall be and the same are hereby repealed to the extent of such conflict.

SECTION 4. Specific authority is hereby granted to codify this Ordinance.

SECTION 5. This ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED and APPROVED on first reading this _____ day of _____, 2015.

PASSED and ADOPTED on second and final reading this _____ day of _____, 2015.

APPROVED:

THOMAS A. MASTERS
MAYOR

DAWN S. PARDO
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

TERENCE D. DAVIS
CHAIR PRO TEM

BRUCE GUYTON
COUNCILPERSON

KASHAMBA L. MILLER
COUNCILPERSON

CEDERICK A. THOMAS
COUNCILPERSON

ORDINANCE NO.: _____
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MOTIONED BY: _____

SECONDED BY: _____

D. PARDO _____

T. DAVIS _____

B. GUYTON _____

K. MILLER _____

C. THOMAS _____

1ST READING

2ND & FINAL READING

MOTIONED BY: _____

MOTIONED BY: _____

SECONDED BY: _____

SECONDED BY: _____

D. PARDO _____

D. PARDO _____

T. DAVIS _____

T. DAVIS _____

B. GUYTON _____

B. GUYTON _____

K. MILLER _____

K. MILLER _____

C. THOMAS _____

C. THOMAS _____

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, B.C.S.
CITY ATTORNEY

DATE: _____