

PROPOSED ORDINANCE NO. 2009-17

Revision 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING CHAPTER 35 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "PROCUREMENT PROCEDURES", BY SPECIFICALLY CREATING SECTION 35.34, TO BE ENTITLED "PROMOTING BUSINESS WITH THE CITY; NO EXPENDITURE OF PUBLIC FUNDS"; PROVIDING A MECHANISM WHEREBY THE CITY MAY ENTER INTO ARRANGEMENTS WITH PRIVATE BUSINESSES LOCATED WITHIN THE CITY TO PROVIDE CERTAIN SERVICES, OPPORTUNITIES OR OTHER BENEFITS TO THE CITIZENS AND RESIDENTS OF THE CITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 35 of the City of Pembroke Pines Code of Ordinances provides a process whereby the City is able to engage potential vendors to procure goods and services; and

WHEREAS, the general purpose and intent of Chapter 35 is to provide a competitive bidding environment in an effort to afford all potential outside vendors equal opportunity and access to do business with the City of Pembroke Pines (the "City"); and

WHEREAS, Chapter 35 further ensures that the City's public funds are

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.

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expended in the most efficient and economic matter when procuring goods and services; and

WHEREAS, in addition to an economic benefit, the City Commission recognizes that the ability and opportunity to do business with the City is an intangible benefit to private vendors even if no public funds are appropriated and expended; and

WHEREAS, the City is approached on a relatively regular basis by private vendors seeking to enter into arrangements with the City whereby the vendors propose to offer the City some additional specific benefit or opportunity at no cost; and

WHEREAS, historically the City has not been able to take advantage of such potential opportunities since unilaterally engaging one private business to the exclusion of others provides a benefit to and may amount to an endorsement of a private enterprise; and

WHEREAS, the City Commission recognizes that such opportunities may often serve to benefit the citizens and residents of the City and be in the City's best interest and it seeks to provide a mechanism to allow the City to enter into mutually beneficial arrangements with private businesses in which no public funds are expended; and

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WHEREAS, the City Commission finds that such opportunities and arrangements may serve to incidentally benefit private business located within the City by further promoting economic growth and development; and

WHEREAS, the City Commission considers the opportunity to enter into such arrangements to be in the best interests of the citizens, residents and businesses of the City.

NOW, THEREFORE, BE IT OR BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Commission of the City of Pembroke Pines hereby amends Chapter 35, of the City of Pembroke Pines Code of Ordinances, entitled "Procurement Procedures", by specifically creating Section 35.34, to be entitled "Promoting Business with the City; No Expenditure of Public Funds", as follows:

[Section 35.34 Promoting Business with the City; No Expenditure of Public Funds](#)

[\(1\) Notwithstanding any provision of this Chapter, the City may, by a majority vote of the City Commission, enter into a mutually beneficial arrangement with a private business entity located in the City for the](#)

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specific benefit of the citizens and residents of the City provided that no public funds are expended in furtherance of such arrangement. If the City Commission votes to enter into such an arrangement with a particular private business entity, all such other private businesses within the City that provide the same or similar goods or services shall be fully afforded the same or similar business opportunity.

(2) This section shall be reviewed by the City Commission one (1) year after its adoption.

SECTION 3. Codification. It is the intention of the City Commission of the City of Pembroke Pines, that the provisions of this Ordinance shall become and made a part of the Charter of the City of Pembroke Pines, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other word or phrase in order to accomplish such intention.

SECTION 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

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SECTION 6. Effective Date. This Ordinance shall become effective on
upon adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ___ DAY OF _____, 2009.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ___ DAY OF _____, 2009.

CITY OF PEMBROKE PINES, FLORIDA

By: _____
MAYOR FRANK C. ORTIS

ATTEST:

JUDITH A. NEUGENT, CITY CLERK

ORTIS _____

CASTILLO _____

McCLUSKEY _____

SHECHTER _____

APPROVED AS TO FORM: SIPLE _____

OFFICE OF THE CITY ATTORNEY