

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-03

AN ORDINANCE CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL REFERENDUM ELECTION OF THE CITY OF CORAL GABLES, FLORIDA, ON APRIL 14, 2009, IN ACCORDANCE WITH SECTION 6.03 OF THE CODE OF MIAMI-DADE COUNTY, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID CITY, NOT LESS THAN SIXTY (60) NOR MORE THAN ONE HUNDRED TWENTY (120) DAYS AFTER THE DRAFT IS SUBMITTED, AN ORDINANCE DEALING WITH THE PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF CORAL GABLES, WHEREIN THE VOTERS OF THE CITY OF CORAL GABLES SHALL BE CALLED UPON TO VOTE ON THE FOLLOWING QUESTION, TO BE KNOWN AS CHARTER AMENDMENT BALLOT QUESTION NO. : SHALL THE CITY OF CORAL GABLES CHARTER, SECTION 54, BE AMENDED BY INCREASING THE THRESHOLD FOR FORMAL PUBLIC BID AND AWARD FROM TWENTY-FIVE THOUSAND (\$25,000.00) TO ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS ON PUBLIC WORKS PROJECTS, AND SHALL THIS SECTION BE TRANSFERRED TO THE CITY CODE FOR FURTHER AMENDMENTS BY THE CITY COMMISSION?; INCLUDING, BUT NOT LIMITED TO, AMENDING CERTAIN SECTIONS; STATING THE FORM OF THE QUESTION TO BE VOTED UPON; PROVIDING THE FORM OF THE BALLOT FOR SAID ELECTION; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF THE VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN ORDINANCE TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN SIXTY (60) DAYS PRIOR TO THE DATE OF SUCH SPECIAL MUNICIPAL REFERENDUM ELECTION; FURTHER DIRECTING THE CITY CLERK OF THE CITY OF CORAL GABLES TO PUBLISH NOTICE OF SUCH ELECTION PURSUANT TO SECTION 100.342, FLORIDA STATUTES (2008), WHICH NOTICE SHALL INCLUDE THE FULL TEXT OF THE PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF CORAL GABLES, FLORIDA; PROVIDING AT LEAST THIRTY (30) DAYS' NOTICE OF THE ELECTION OR REFERENDUM IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF CORAL GABLES, AT LEAST TWO TIMES, ONCE IN THE FIFTH WEEK AND ONCE IN THE THIRD WEEK PRIOR TO THE WEEK IN WHICH THE ELECTION OR REFERENDUM IS TO BE HELD; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN

CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, it is the intent and desire of the City Commission to provide a system of formal public bid and award procedures for public works and improvement projects in an amount which would capture large projects; and

WHEREAS, in determining the contract amount which should trigger the public bid and award procedures for public works and improvement projects, the amounts relied on by other local municipalities and local government agencies, the history of projects in the City and the research of the Public Works Department and the Procurement Division that the appropriate amount for the formal public bid and award process should be One Hundred Thousand (\$100,000.00) Dollars; and

WHEREAS, it is in the best interest of the citizens of the City of Coral Gables that the contract amount which should trigger formal public bid procedures should be One Hundred Thousand (\$100,000.00) Dollars; and

WHEREAS, by law, the holding of a special municipal referendum election is to take place not less than sixty (60) nor more than one hundred twenty (120) days after the draft ordinance is submitted; and

WHEREAS, the proposed Charter amendment is set forth in its final form in this Ordinance; and

WHEREAS, the proposed amendment shall be submitted to the electorate at the Special Municipal Referendum Election to be held on April 14, 2009, pursuant to Section 6.03 of the Code of Miami-Dade County for the purpose of submitting the Charter Amendment to the electorate at said election, as called for and provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF
THE CITY OF CORAL GABLES:**

SECTION 1. The foregoing "Whereas" clauses 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. That a special election hereby is called and directed to be held in the regular precincts and the regular voting places as established by ordinance of the City of Coral Gables, Florida from 7:00 o'clock A.M. to 7:00 o'clock P.M. on the 14th day of April, 2009 for the purpose of submitting to the qualified electors of the City, certain proposed Charter amendment to the Charter of the City of Coral Gables, Florida, which Charter amendment is set forth in Section 3.

SECTION 3. The Charter of the City of Coral Gables, Florida, Chapters 13972, Special Acts, 1929, Laws of Florida, as amended, are proposed to be amended in the following particulars ¹:

Sec. 54. Public Works---Bidding contracts.

Any public work or improvement may be executed either by contract or direct labor, as may be determined by the Commission. Before authorizing the direct execution of any work or improvement, detailed plans and estimates thereof shall be submitted to the Commission by the City Manager, and there shall be a separate accounting as to each work or improvement so executed. All contracts for the execution of public work or improvement for more than \$25,000.00 \$100,000.00 shall be awarded to the lowest and most responsive bidder, after public advertising and competition as may be prescribed by ordinance, but the Commission shall have the power to reject all bids and advertise again. All advertisements as to contracts shall contain a reservation of the foregoing rights. Contracts for public work shall be signed by the City Manager and City Clerk after approval of the Commission.

SECTION 4. The manner and form by which the actual balloting shall be conducted shall be in accordance with the General Election laws of the State of Florida, as amended, and the Charter of the City of Coral Gables, Florida.

SECTION 5. The Miami-Dade County Election officials are requested and authorized to place the above questions on the election ballot for the election to be held on the 14th day of April, 2009.

SECTION 6. In compliance with Section 100.342, Florida Statutes (2008), the City Clerk is authorized and directed to provide at least thirty days' notice of the Special Municipal Referendum Election by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the Special Municipal Referendum Election is to be held, which notice shall be substantially in the following form:

**“NOTICE OF SPECIAL MUNICIPAL ELECTION
TO AMEND THE CHARTER TO BE HELD ON
TUESDAY, APRIL 14, 2009
IN THE CITY OF CORAL GABLES, FLORIDA
PURSUANT TO ORDINANCE NO. 2008-__“**

A Special Municipal Election will be held on Tuesday, April 14, 2009 from 7:00 A.M. until 7:00 P.M. in the City of Coral Gables, Florida, at the polling places in the several election precincts designated by the Board of County Commissioners of Miami-Dade County, Florida, as set forth herein, unless otherwise provided by law, and submitting to the qualified electors of the City of Coral Gables, Florida the following ballot question, to be known as Charter Amendment Ballot Question No. __:

“Shall the City of Coral Gables Charter, Section 54 be amended to increase the threshold for formal public bid and award from Twenty-Five Hundred Dollars (\$25,000.00) to One Hundred Thousand (\$100,000.00) Dollars on public works projects, and shall this Section be transferred to the City Code for further amendments by the City Commission?”

The Charter Amendment, if adopted, establishes an amount of One Hundred Thousand Dollars (\$100,000.00), as the amount at which the cost of a public works project or improvement would require a formal public bid and award process, including public advertising and providing for the transfer of these provisions to the City Code which would allow the City Commission to amend these amounts by Ordinance.

By order of the Commission of the City of Coral Gables, Florida

City Clerk

SECTION 7. The official ballot to be used at said Special Municipal Referendum Election shall be in full compliance with the laws of the State of Florida with respect to absentee ballots and to the use of the voting machines of the Computer Election System, and shall be in substantially the following form, to wit:

**“OFFICIAL BALLOT
REFERENDUM SPECIAL ELECTION
TUESDAY, APRIL 14, 2009
FOR APPROVAL OR DISAPPROVAL OF
THE FOLLOWING QUESTION:**

Ballot Question No. ,
**Charter Amendment increasing the threshold
to \$100,000.00 for formal bid on public works
projects.**

 YES
(For the Measure)

**“Shall the Charter of the City of Coral
Gables be amended by transferring
Section 54 of the Charter to the City Code
and increasing the threshold for formal
public bid and award from Twenty-Five
Thousand Dollars (\$25,000.00) to One
Hundred Thousand Dollars (\$100,000.00)
on public works projects, and shall this
Section be transferred to the City Code
for further amendments by the City
Commission?”**

 NO
(Against the Measure)

SECTION 8. Electors desiring to vote in approval of said Charter Amendment Ballot Question No. described above, shall be instructed to vote “YES” within the ballot frame containing the statement relating to the Question. Electors desiring to disapprove Charter Amendment Ballot Question No. , shall be instructed to vote “NO” within the ballot frame containing the statement relating to the Question.

SECTION 9. The City Clerk shall cause to be prepared absentee ballots containing the Question set forth in Section 7 above for the use of absentee electors entitled to cast such ballots in said Special Municipal Referendum Election.

SECTION 10. All qualified electors of said City shall be permitted to vote in said Special Municipal Referendum Election and the Supervisor of Elections of Miami-Dade County, Florida, is requested, authorized, and directed to furnish, at cost and expense of the City of Coral Gables, Florida, a list of all qualified electors residing in the City of Coral Gables, Florida, as shown by the registration books and records of the Office of said Supervisor of Elections and duly certify the same for delivery to and for use by the election officials designated to serve at the respective polling places in said Special Municipal Referendum Election precincts.

SECTION 11. Walter J. Foeman, the City Clerk of the City of Coral Gables, Florida, or his duly appointed successor, is designated and appointed as the official representative of the Commission of the City of Coral Gables, Florida, in all transactions with the Supervisor of Elections of Miami-Dade County, Florida, in relation to matters pertaining to the use of the registration books and the holding of said Special Municipal Referendum Election.

SECTION 12. The City Clerk shall deliver a certified copy of this Resolution to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty days prior to the date of the Special Municipal Referendum Election

SECTION 13. This Ordinance shall become effective ten days from the date of its passage and adoption by the City Commission.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF JANUARY, A.D.,
2009.

(Moved: Kerdyk / Seconded: Withers)
(Yea: Kerdyk, Withers, Anderson, Slesnick)
(Nay: Cabrera)
(Majority (4-1 Vote)
(Agenda Item: E-4)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY