

ORDINANCE No. 2009-03-175

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, IN ORDER TO PROVIDE AUTHORITY FOR THE CITY MANAGER TO EXECUTE PURCHASING SALES AGREEMENTS AND ANY AND ALL OTHER DOCUMENTS NECESSARY IN ORDER TO PURCHASE AND/OR TRANSFER PROPERTY IN ACCORDANCE WITH THE NEIGHBORHOOD STABILIZATION PROGRAM; PROVIDING FOR A SUNSET PROVISION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Neighborhood Stabilization Program, the City of Miami Gardens will receive Six Million Eight Hundred Sixty-Six Thousand One Hundred Nineteen Dollars and 02/100 (\$6,866,119.02) which the City intends to use for the acquisition and redevelopment of foreclosed property in an effort to decrease the level of blight within the City caused as a result of foreclosures, and

WHEREAS, recently the City Council adopted an amendment to its Third-Year Action Plan to account for the additional funding and to provide a plan for use of the funding, and

WHEREAS, in accordance with the Plan, the City has authorized the purchase and sale of foreclosed properties, and

WHEREAS, it would be appropriate to amend the City's Purchasing Ordinance to permit the City Manager to have the authority to execute purchase and sales agreements and any and all attendant documents relating to the Neighborhood Stabilization Program, and

WHEREAS, it would be time consuming and inefficient if all purchase and sales agreements had to come before the City Council for review and approval, in light of the deadlines that are part and parcel to closing real estate transactions,

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 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. 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 lease 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 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 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.
- (N) To execute Purchase and Sales Agreements and any and all other attendant documents that are necessary in order to transfer and purchase properties in accordance with the Neighborhood Stabilization Program and the City's Amendment to its Third-Year Program Action Plan. The only documents authorized by this provision are those that are required to effectuate the actual transfer of real property. The City Manager shall be required to provide a monthly report of all transfers of real property to the City Council. This section of the Ordinance shall automatically sunset as of January 1, 2010, and should be of no further force and effect.

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.

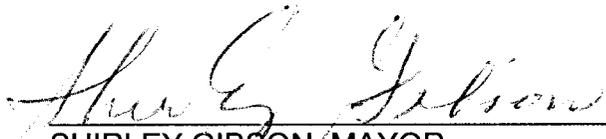
SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not 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 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 10<sup>TH</sup> DAY OF DECEMBER, 2008.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 14<sup>TH</sup> DAY OF JANUARY, 2009.

  
\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson

SECOND BY: Councilman Campbell

**VOTE:** 6-0

Mayor Shirley Gibson	<u>X</u> (Yes)	___ (No)
Vice Mayor Barbara Watson	<u>X</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	___ (Yes)	___ (No) (not present)
Councilman Aaron Campbell	<u>X</u> (Yes)	___ (No)
Councilman Oliver Gilbert, III	<u>X</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___ (No)
Councilman André Williams	<u>X</u> (Yes)	___ (No)

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## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	January 14, 2009		<b>Item Type:</b> <small>(Enter X in box)</small>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
					X		
<b>Fiscal Impact:</b> <small>(Enter X in box)</small>	Yes	No	<b>Ordinance Reading:</b> <small>(Enter X in box)</small>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X				X	
				<b>Public Hearing:</b> <small>(Enter X in box)</small>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
			X				
<b>Funding Source:</b>	<small>(Enter Fund &amp; Dept)</small> NSP Grant		<b>Advertising Requirement:</b> <small>(Enter X in box)</small>	<b>Yes</b>		<b>No</b>	
				X			
<b>Contract/P.O. Required:</b> <small>(Enter X in box)</small>	Yes	No	<b>RFP/RFQ/Bid #:</b>	<small>(Enter #)</small>			
		X					
<b>Sponsor Name</b>	Danny Crew, City Manager		<b>Department:</b>	Community Development			

**Short Title:**

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, IN ORDER TO PROVIDE AUTHORITY FOR THE CITY MANAGER TO EXECUTE PURCHASING SALES AGREEMENTS AND ANY AND ALL OTHER DOCUMENTS NECESSARY IN ORDER TO PURCHASE AND/OR TRANSFER PROPERTY IN ACCORDANCE WITH THE NEIGHBORHOOD STABILIZATION PROGRAM; PROVIDING FOR A SUNSET PROVISION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

**Background**

In accordance with the Neighborhood Stabilization Program (NSP), the City of Miami Gardens is expected to receive \$6,866,119.02 to carry out the activities approved in the City's plan. Said plan was to be incorporated as a Substantial Amendment to the City's 3<sup>rd</sup> Year Annual Action Plan. City Council approved the resolution approving the Substantial Amendment at its meeting of November 12, 2008 and City staff submitted the Amendment document to HUD prior to the December 1<sup>st</sup> deadline. We are now awaiting HUD's approval of the plan, which is expected to be completed within 30-45 days.

The primary purpose of the NSP Funds is to purchase abandoned/boarded up houses with the intent of rehabbing and reselling them to income eligible buyers. The City's plan estimates the purchase of approximately 40 single family housing units. Due to the time constraints imposed by the NSP (18 months to use the funds), City staff must work diligently to ensure program compliance.

To that end, staff has been assembling the necessary resources to be ready to proceed immediately upon receipt of HUD approval. A critical component of our ability to proceed will be our ability to approve the purchases of identified properties in a timely manner. Currently, the City's Ordinance NO. 2005-10-48 requires that all property transfers be approved by City Council. Staff recommends that said Ordinance be amended to authorize the City Manager to execute purchase/sale agreements in relation to the NSP. The proposed amendment will sunset as of January 1, 2010 and will only be applicable for property transfers done thru the NSP.

**Current Situation**

The attached Ordinance (as amended) was approved on 1<sup>st</sup> reading at the December 10, 2008 City Council meeting.

**Proposed Action:**

It is recommended that City Council approve the proposed ordinance amending section 5 of ordinance 2005-10-48.

**Attachment:**

None