

ORDINANCE NO.: 2022-074

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE IV. ENTITLED "PURCHASING AND COMPETITIVE BIDDING", AND IN PARTICULAR AMENDING SECTION 2-781 ENTITLED "SPENDING LIMITATIONS" TO RAISE THE EXPENTIDURE THRESHOLD ABOVE WHICH ALL EXPENDITURES OF MUNICIPAL FUNDS MUST BE APPROVED BY THE CITY COUNCIL FROM \$15,000 TO \$25,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hialeah Charter Section 1.04(c)(1) provides that "[t]he city council, by ordinance shall set spending limits within the range of \$15,000.00 and \$25,000.00...involving the expenditure of municipal funds, that does not require city council approval."; and

WHEREAS, Hialeah, Fla. Code Section 2-781 was last amended in 1999 and authorizes the Mayor to spend municipal funds up to \$15,000.00 without City Council approval; and

WHEREAS, since 1999, the rate of inflation in the United States has more than doubled; and

WHEREAS, inflation reduces purchasing value which in turn hampers efficiency in the daily operations of the city; and

WHEREAS, consistent with the City Charter provisions, raising the expenditure limit to \$25,000.00 above which all expenditures required City Council approval is in the best interest of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Article IV in Chapter 2 of the Code of Ordinances of the City of Hialeah, Florida is hereby amended to read as follows:

Chapter 2

ADMINISTRATION

* * * *

ARTICLE IV. PURCHASING AND COMPETITIVE BIDDING**DIVISION 1. - GENERALLY****Sec. 2-781. Spending limitations.**

Any contract, purchase, agreement, purchase order, requisition or other transaction involving the expenditure of municipal funds in excess of \$25,000.00 ~~\$15,000.00~~ requires city council approval. Any contract, purchase, agreement, purchase order, requisition or other transaction involving the expenditure of municipal funds less than \$25,000.00 ~~\$15,000.00~~ shall be authorized by the mayor. The city council may delegate, by resolution, some or all of its authority to approve expenditures for the settlement of litigation or settlement in contemplation of litigation for liability, property damage, labor, worker's compensation claims or similar demands to the administration or a designated insurance committee.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Any person, business, association, corporation, partnership or any other legal entity who violates the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation constitutes a separate violation.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the code.

Section 5: Severability Clause.

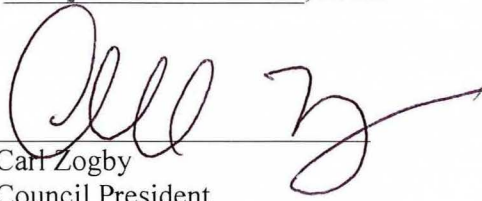
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared

invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor, or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 27 day of September, 2022.



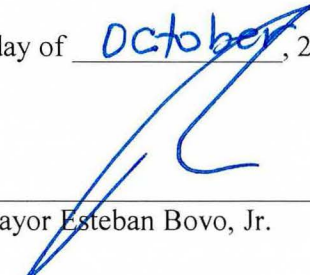
Carl Zogby
Council President

Attest:

Approved on this 11 day of October, 2022.



Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:



Lorena Bravo, City Attorney

Strikethrough indicates deletion. Underline indicates addition.

S:\LEB\LEGISLATION\2022-ORDINANCES\Ch2-45increasing-Mayoral-spending-authorityto\$25,000.docx

Ordinance was adopted by 7-0 vote with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor and Zogby voting "Yes"