

ORDINANCE NO. 2014-10

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE II. DEPARTMENTS, OFFICES AND DIVISIONS, OF THE CODE OF ORDINANCES BY AMENDING DIVISION 8 ENTITLED "FINANCE DEPARTMENT" AND DIVISION 9 ENTITLED "OFFICE OF MANAGEMENT AND BUDGET" TO EFFECTUATE THE TRANSFER OF THE PURCHASING DIVISION TO THE FINANCE DEPARTMENT AND BY AMENDING DIVISION 6 ENTITLED "PUBLIC WORKS DEPARTMENT" TO CORRECT LANGUAGE TO ACCURATELY REFLECT THE CREATION OF A PUBLIC WORKS DEPARTMENT AND OTHER MISCELLANEOUS REVISIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the general purpose and intent of this ordinance is to in the best interest of the health, safety, welfare of the community and the proper administration of its government; and

WHEREAS, the primary purpose of this ordinance is to transfer the supervision of the Purchasing Division to the Finance Department in order to better integrate the procurement, contracting and payment functions within one department.

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

Section 1: Chapter 2 entitled "Administration", Article II. Departments, Offices and Divisions, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Division 8. entitled "Finance Department" and Division 9 entitled "Office of Management and Budget", to read as follows:

Chapter 2

ADMINISTRATION

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**ARTICLE II. DEPARTMENTS, OFFICES
AND DIVISIONS**

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DIVISION 8. FINANCE DEPARTMENT

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Sec. 2-238. ~~Divisions.~~ Retirement division.

(a) *Retirement division created.* There is created and established a retirement division in the finance department.

(b) *Administrator of retirement director.* The administrator of the retirement division shall be the administrative head of the division, ~~subject to the supervision of the finance director.~~ The administrator shall administer the financial affairs of the city employees' retirement system, ~~the police pension fund and the firefighters' relief and pension fund.~~ The administrator shall act as a recording secretary to the board of trustees.

Sec. 2-239. Purchasing division.

The purchasing division shall have the central authority over implementation of policies, procedures, regulations and forms governing city contracting and purchasing methods and procedures. The city purchasing agent shall act as the chief procurement officer for the city, subject to the supervision of the finance director. The city purchasing agent shall maintain a system of inventory and control.

DIVISION 9. OFFICE OF MANAGEMENT AND BUDGET

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Sec. 2-268. Divisions.

~~The purchasing division in the office of management and budget shall have central authority over implementation of policies, procedures, regulations and forms governing city contracting and purchasing methods and procedures. The city purchasing agent shall act as the chief procurement officer of the city, subject to the supervision of the director of the office of management and budget. The city purchasing agent shall maintain a system of inventory and control.~~

Section 2: Chapter 2 entitled "Administration", Article II. Departments, Offices and Divisions, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Division 6. entitled "Public Works Department", to read as follows:

Chapter 2

ADMINISTRATION

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**ARTICLE II. DEPARTMENTS, OFFICES
AND DIVISIONS**

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**DIVISION 6. PUBLIC WORKS
DEPARTMENT**

Sec. 2-158. Created.

There is created and established a ~~water and sewers~~ public works department.

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Section 3: Repeal of Ordinances in Conflict.

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

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: 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 to conform to the uniform numbering system of the Code.

Section 6: 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 7: 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 11 day of February, 2014.




Isis Garcia-Martinez
Council President

Attest:

Approved on this 14 day of February, 2014.



Marbelys Fatjo, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".