

ORDINANCE NO. 523

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, AMENDING THE CHARTER OF THE TOWN OF INDIAN RIVER SHORES ARTICLE 2, MAYOR AND TOWN COUNCIL, SEC. 2-2 CHANGING THE TERM OF OFFICE BEGINNING IN NOVEMBER OF EVEN YEARS, AND MAKING MINOR ADMINISTRATIVE CLARIFICATIONS IN SEC. 2-8 AND 2-12; AMENDING ARTICLE 3, SEC. 3-3 TO CLARIFY THE TOWN MANAGER PROVISION AND MODIFYING SEC. 3-4, ORDINANCE ADVERTISING PROVISION; AMENDING ARTICLE 5, FINANCIAL PROCEDURES TO REMOVE SEC. 5-7 COMPETITIVE BIDDING; AND MODIFYING ARTICLE 6. ELECTIONS, SEC. 6-3(b) RELATING TO CHANGING TOWN COUNCIL ELECTION DATES FROM THE SECOND TUESDAY IN MARCH TO THE GENERAL ELECTION DATE BEING THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN YEARS; REQUIRING A REFERENDUM ON THE MARCH 15, 2016, PRESIDENTIAL PREFERENCE PRIMARY BALLOT; PROVIDING FOR CONFLICT AND PROVIDNG AN EFFECTIVE DATE.

WHEREAS, the Town Council believes that it is in the best interests of voters in the Town to determine whether to hold elections for Town Council in March or at the time of the General Election in November; and

WHEREAS, a voter referendum is required under Florida Statute 166.031 in order to change the Town Charter which specifies the election date; and

WHEREAS, it is the desire of the Town Council to make clerical corrections or clarifications to the Charter in Sections 2-8 and 2-12; and

WHEREAS, Section 3-3 in the Charter regarding provisions for Town Manager were lacking adequate detail for current provision and status; and

WHEREAS, Section 3-4 of the Charter regarding ordinance enactment contained provisions for advertising that were less than what is required by Florida Statute 166.041 (3) (a); and

WHEREAS, the provision for Competitive Bidding is currently found in both Section 5.7 of the Charter and Chapter 31 of the Code of Ordinances; and

WHEREAS, conduct of elections found in Section 6-3 reflect the terms of office found in Section 2-2;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AS FOLLOWS:

SECTION 1. Article 2, Mayor and Town Council, Sec. 2-2 of the Town Charter shall be amended to read as follows:

“Sec. 2-2. Term of Office.

The term of office for each town council member shall be four years and until a successor is duly elected and qualified. The regular annual election of the town council shall be on the first second Tuesday ~~in March~~ following the first Monday in November in ~~odd~~ even number years. The terms of council members shall be staggered four-year terms, with three members elected at one election and two members elected at the next election. In the election of ~~March 2007~~ November 2016, and each four years thereafter, three members will be elected. In the election of ~~March 2009~~ November 2018, and each four years thereafter, two members will be elected.”

“Sec. 2-8. Clerk of council.

The town clerk shall be ex officio the clerk of the town council. As clerk of the council, the town clerk shall give notice of town council meetings as required by law; shall be present at all meetings of the town council; shall record all proceedings of the town in a journal which he shall be maintained for such purpose; shall establish regulations and procedures for making the journal of town council proceedings available to the public; shall be the official depository for the storage and maintenance of all ordinances, resolutions, motions, and documents of the town council; shall establish regulations and procedures by which such ordinances, resolutions, motions, and documents of the town council shall be made available to the public; and shall perform such other duties as the town council may require.”

“Sec. 2-12. Boards, commissions, authorities, and agencies.

- a) The town council may create such boards, commissions, authorities, and agencies as it deems advisable. The powers and duties of such boards, commissions, authorities, and agencies shall be as prescribed by the town council.
- b) Members of the town council may not serve as members of boards, commissions, authorities and agencies which they have created.”

SECTION 2. Article 3, Officers and Employees Generally, of the Town Charter shall be amended to read as follows:

“Sec. 3-3. Town manager.

There is hereby created ~~The town council is authorized to create~~ the office of town manager ~~by ordinance at such time as the council determines it is necessary to create such an office~~ to assist in the operation of the town government. ~~Duties as set forth in this Charter being performed by the mayor may be delegated to the town manager upon creation and activation of such office.~~

The town manager shall be appointed by the town council and shall hold office at the pleasure of the town council. The compensation of the town manager shall be determined by the town council.

The town manager shall be the chief administrative officer of the town and responsible only to the town council. All powers and duties of the town manager are prescribed by ordinance, and all town departments shall be under the supervision of the town manager. The town manager shall perform such other duties as may be required by direction of the town council.

SECTION 3. Article 4, Ordinances, Sec. 4-1, Enactment by town council, third paragraph of the Town Charter shall be amended to read as follows:

“Ordinances proposed by the town council shall be published one time in a newspaper of general circulation within the town, and posted at the town hall no less than ~~seven~~ ten (10) days before passage. Such publication and posting shall be the duty of the town clerk or town attorney who shall report its accomplishment to the town council and who shall note the method and date of publication and posting of the proposed ordinance itself and in the records of the town.”

SECTION 4. Article 5, Financial Procedures, Sec. 5-7, Competitive Bidding, of the Town Charter, shall be amended as follows:

“Sec. 5.7. Reserved. This section is intentionally left blank and reserved for future use. Competitive Bidding.

- a) ~~Required.~~ No purchase by or on behalf of the town requiring the expenditure of \$5,000.00 or more shall be awarded, let, or made ~~except through competitive bidding after the advertisement for bids in the form and manner prescribed in the Charter. No purchase or the quantity thereof shall be split for the purpose of avoiding the requirements of this section.~~
- b) ~~Publication of request for bids.~~ Published notice of each intended purchase shall appear in a newspaper of general circulation within the town once each week for two consecutive weeks prior to the opening date of the bid. ~~In addition to the publication requirements of this section, the town council may direct the town manager to notify, by United States mail, additional potential suppliers of such requests for bids whenever the town council determines that the publication requirement of this section is inadequate to produce sufficiently competitive bidding.~~
- e) ~~Contents of request for the submission of bids.~~ Each ~~request~~ request for the submission of bids shall contain an ~~acceptance clause granting the town a minimum of 30 days in which to accept or reject the bid, during which time the tendered bid shall remain valid. The request for the submission of bids may contain a~~

requirement that the bidder provide a performance bond in the full amount of the contract price and may further contain such other specifications and declarations as the town council shall determine necessary for the proper evaluation of the bidder's proposal and qualifications.

- d) ~~Award.~~ The town council shall award the contract to the lowest fully responsive and responsible bidder; provided, that the town council may award the contract to a bidder other than the lowest bidder should it find that the lowest bidding does not offer the reliability, quality of service, or product afforded by such other bidder. Where a bid other than the lowest bid is taken, the town council shall state the reasons upon which such award was made.
- e) ~~Rejection and resubmission for bids.~~ The town council may reject all submitted bids and provide for the request of additional bids whenever it finds that the bids submitted are not responsive to the request for bids, that the bids are not responsible, or that the bid prices are unacceptable. Request for such additional bids shall comply with the provisions of this section.
- f) ~~Purchases on failure to receive bids.~~ When no bids are received and the council determines that additional requests for bids are unlikely to produce responses, the town council may authorize the purchase, at the best obtainable price, of such products or services as are available on the open market.
- g) ~~Professional services.~~ Contracts for professional services, including but not limited to architects, attorneys, accountants, engineers, and surveyors, may, upon approval by the town council, be entered into without competitive bidding. The town council shall review the qualifications, work history, and other relevant data before contracts for such services are entered.
- h) ~~Other governmental contracts.~~ The town has the authority as granted by F.S. 287 to utilize and participate in existing contracts by governmental entities without receiving a competitive bid.

SECTION 5. Article 6, Elections, Conduct Generally, Sec. 6-3.(b) of the Town Charter shall be amended to read as follows:

“Sec. 6-3. Conduct generally.

(b) Regular elections for the office of town council member shall be held on the ~~second~~ first Tuesday following the ~~first Monday in March~~ November of even years. Each candidate for town council member shall run town-wide. The candidates receiving a plurality of the votes cast for that particular office shall be elected.”

SECTION 6. These proposed Charter amendments shall be submitted to a referendum of voters of the Town of Indian River Shores in the Presidential Preference Primary Election scheduled for March 15, 2016.

SECTION 7. All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. These Charter provisions shall be effective if approved by the voters at the March 15, 2016, election.

Date of First Reading November 19, 2015

Date Advertised December 5, 2015

I HEREBY CERTIFY that the foregoing Ordinance was finally passed by the Town Council of the Town of Indian River Shores, Florida, on the 17th day of December, 2015.

/s _____
Brian M. Barefoot, Mayor

Attest: /s _____
Laura Aldrich, Town Clerk