

ORDINANCE NO. 250

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING CHAPTER 3, PURCHASING, SECTION 3-2. PURCHASE OF COMMODITIES AND SERVICES, SECTION (B) PURCHASING LIMITATIONS, AND SECTION (C) PURCHASE ORDERS AND SECTION (D) OPEN MARKET PURCHASING PROCEDURE, SUBSECTION (1) OF THE CODE OF ORDINANCES; ESTABLISHING TWO THOUSAND AND ONE (\$2,001.00) DOLLARS AS THE THRESHOLD AMOUNT REQUIRING PRIOR TOWN COUNCIL APPROVAL; PROVIDING FOR AUTHORITY; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR A PURPOSE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA ("TOWN"), AS FOLLOWS:

SECTION 1. AUTHORITY.

The authority for the enactment of this Ordinance are §§101.75, 166.021 and 166.041, *Florida Statutes*, and other applicable Florida law.

SECTION 2. LEGISLATIVE FINDINGS AND INTENT.

WHEREAS, this Ordinance amends CHAPTER 3, PURCHASING, of the Town of Cinco Bayou, Code of Ordinances, by establishing Two Thousand and One (\$2,001.00) Dollars as the threshold amount triggering prior Town Council approval regarding the municipal purchase of commodities and services; and

WHEREAS, the Town Council wishes to increase efficiency and timeliness for the Town in making purchases wherever feasible, while maintaining the integrity of the purchasing processes; and

WHEREAS, the Town Council has determined that establishing Two Thousand and One (\$2,001.00) Dollars as the triggering threshold for Town Council approval will prevent delays in ordinary and uncomplicated purchases by the Town Manager that unnecessarily applies to many common commodities and services that have increased in price due to inflation and competitive markets over the previous 9 (nine) years since the adoption of the current purchasing procedures ordinance; and

WHEREAS, a public hearing has been conducted regarding this Ordinance by the Town Council after due public notice; and

WHEREAS, the Town Council has determined that this Ordinance is in the best interests of the Town and its citizens.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to amend the purchasing limitations governing the purchase of commodities and services. Currently, all purchases in the range of Five Hundred and One (\$501.00) Dollars to Thirty Five Thousand (\$35,000.00) Dollars are required to be approved by the Town Council. The threshold of Five Hundred and One (\$501.00) Dollars was a proper amount in 2004 when the ordinance was adopted. However, due to inflation and the general increase in all goods and services, Five Hundred and One (\$501.00) Dollars is no longer an appropriate threshold to require Town Council approval before the Town Manager can make a purchase up to that amount because too many rudimentary and fundamental municipal purchases are requiring the Town Council approval process thus delaying certain minor day to day operational needs for otherwise ordinary and uncomplicated purchases that can be approved competently and efficiently by the Town Manager.

SECTION 4. AMENDING, CHAPTER 3, PURCHASING, OF THE CODE OF ORDINANCES.

CHAPTER 3, PURCHASING, Section 3-2. Purchase of commodities and services, of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended as follows:

CODING: Words ~~stricken~~ are deletions; words underlined are changes.

a. Sec. 3-2(b)(2) Purchase of commodities and services, Purchasing limitations, are hereby amended as follows:

(b) Purchasing limitations.

(2) All purchases of \$2,001.00 and up to \$35,000.00 shall require the approval of the Town Council.

b. Sec. 3-2(c) Purchase of commodities and services, Purchase orders, is amended to read as follows:

(c) *Purchase orders.* All purchases as authorized by the Town Manager/Clerk of up to ~~\$500.00~~ \$2,001.00 shall be made by purchase order. The purchase order shall be maintained by the Town Manager/Clerk for all such expenditures. The Town Manager/Clerk shall certify for each purchase order prior to its issuance that the funds required for the purchase order are available in the approved Town budget. The Ton Manager/Clerk shall maintain a register of purchase orders. No purchase orders may be split in order to avoid compliance with these purchasing policies.

c. Sec. 3-2(d)(1) Purchase of commodities and services, Open market purchasing procedure, is hereby amended as follows:

(d) Open market purchasing procedure.

(1) All purchases of commodities and contractual services of a total estimated

value of more than ~~\$501.00~~ \$2,001.00 dollars and less than \$35,000.00 dollars may be made in the open market without newspaper advertisement and without observing the procedure described in this chapter for competitive bidding.

SECTION 5. INCORPORATION INTO CODE OF ORDINANCES.

This Ordinance shall be incorporated into the Town of Cinco Bayou's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 6. CONFLICTING PROVISIONS.

Town Ordinances and Town Resolutions, or parts, thereof, in conflict with the provisions of this Ordinance are hereby superseded by this Ordinance to the extent of such conflict.

SECTION 7. SEVERABILITY.

If any section, phrase, sentence, 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 thereof.


SECTION 8. EFFECTIVE DATE.


This Ordinance shall take effect immediately upon its final passage and adoption by the Town Council and signature of the Mayor.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU,
FLORIDA ON THIS 9TH DAY OF FEBRUARY 2023.**

THE TOWN OF CINCO BAYOU,
FLORIDA

ATTEST:

By: 
Keith Williams, Town Manager/Clerk

By: 
Jean Hood, Mayor

The form and legal sufficiency of the foregoing
has been approved by the Town Attorney.

By: 
C. Jeffrey McInnis, Town Attorney

