



## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:		Item Type:	1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>5/18/2022</b>		<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	<b>5/4/2022</b>
File No.:			Public Hearing	<input checked="" type="checkbox"/>
<b>22-087</b>			Advertising Required	<input type="checkbox"/>
			Quasi Judicial:	<input type="checkbox"/>
Fiscal Impact (\$):		Account Balance (\$):	Funding Source:	Project Number :
<b>NA</b>		<b>NA</b>	<b>NA</b>	<b>NA</b>
Contract/P.O. Required		RFP/RFQ/Bid Number:	Sponsor Name:	Department:
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<b>NA</b>	<b>City Manager, Dr. Jeremy Earle</b>	<b>City Manager</b>
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input checked="" type="checkbox"/> Organizational Capacity		<input type="checkbox"/> Infrastructure/Projects
Implementation Timeline:				
Estimated Start Date: 5/4/2022    Estimated End Date: 9/30/2022				

### SHORT TITLE:

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 23, CODE OF ORDINANCES, SEC. 23-8 EXCEPTION TO BID REQUIREMENTS TO ADD SUBSECTION (8) AUTHORIZING WAIVER FOR CONFLICT WITH STATE LAW REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

## STAFF SUMMARY:

### **Summary:**

The purpose of the proposed ordinance is to codify Chapter 23, Code of Ordinances, Section 23-8 Exception to bid requirements, to authorize waiver for conflict with state law requirements.

### **Background:**

The Procurement Code currently provides authority to City Manager to select the evaluation committee to review proposals received in response to a Request For Proposals (RFPs).

Florida Statute 218.391, Auditor Selection Procedures, provides the requirement for the City Commission of a municipality to establish an auditor selection committee. The auditor selection committee, must at a minimum, consist of at least three members. The primary purpose of the auditor selection committee is to assist the governing body in selecting an auditor to conduct the annual audit for the City.

The City's Charter, Division 2, Financial Procedures and Audit, Section 5.04: Independent audit states: *"The commission shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The commission may, without requiring competitive bids, designate such accountant or firm of accountants annually or for a period not exceeding two (2) years. If the state makes such an audit, the commission may accept it as satisfying the requirements of this section."* Therefore, a resolution to appoint the evaluation committee for the audit services RFP process will be required to be brought to the City Commission every two (2) years.

### **Current Situation:**

This ordinance is being brought for approval to authorize waiver for conflict with state law and to request the appointment of the auditor selection committee by City Commission. The following section is added to section 23-8:

Sec. 23-8. - (8) To the extent the provisions of this Chapter conflict with procurement requirements of State Law, the provisions of this Chapter are waived and the City shall abide by the requirement of State Law.

### **Why Action is Necessary:**

Pursuant to Article V, Section 5.01 (4)(g) of the City of Hallandale Beach Charter, any action taken to amend a previously adopted City Ordinance must be adopted as an ordinance by the City Commission.

### **Cost Benefit:**

This revision to the Procurement Code is required to adhere to state law requirements.

## STAFF RECOMMENDATIONS:

The City Commission consider the attached Ordinance on 1<sup>st</sup> reading in the best interest of the of the City of Hallandale Beach.

**PROPOSED ACTION:**

The City Commission consider the attached Ordinance on 1<sup>st</sup> reading in the best interest of the of the City of Hallandale Beach.

**ATTACHMENT(S):**

Exhibit 1 – Proposed Ordinance  
Exhibit 2 – Florida Statute 218.391

Prepared By: Andrea Lues  
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Procurement Director

Reviewed By: Noemy Sandoval  
Noemy Sandoval  
Assistant City Manager

Approved By: Jeremy Earle  
Dr. Jeremy Earle  
City Manager