

EXHIBIT 1
ORDINANCE 2017-

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
CHAPTER 28 "TRAFFIC, MOTOR VEHICLES AND BOATS",
ARTICLE V TOWING, SECTION 28-172 ENTITLED TOWING
FRANCHISE TO ALLOW FOR ANY FORM OF COMPETITIVE
SOLICITATION AND AWARD IN ACCORDANCE WITH
GENERAL CITY PROCUREMENT POLICY AND CHARTER
REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING
FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 28-172 of the City Code, last amended in 1980, requires towing from public rights-of-way to be provided on a franchise basis and limits the competitive solicitation of a towing franchise to a bid process.

WHEREAS, by restricting the form of solicitation to a bid process, Section 28-172 limits the ability of the City to take into account factors such as ease of access to towing facilities for residents.

WHEREAS, Section 28-172 requires award of the towing franchise by resolution, conflicting with Charter Section 5.01, which requires a franchise to be awarded by ordinance.

WHEREAS, the City Administration recommends solicitation by way of proposal to enable the city to consider factors such as level of service to residents and accessibility of facilities, among others; and

WHEREAS, other language in Section 28-172 is redundant of requirements in the City's procurement policies; and

WHEREAS, amending Section 28-172 will enable the City to solicit the services in the manner best suited to the needs of the City and its residents, remove language conflicting with the City Charter, and remove language redundant to the City's general procurement policies; and

WHEREAS, the Mayor and the City Commission have determined that it is in the best interest of the residents of the City of Hallandale Beach to amend Chapter 28 Section 28-172 to allow invitations for towing franchise services to be solicited through a competitive solicitation,

evaluated in accordance with general city procurement policies and awarded by way of ordinance, in compliance with City Charter requirements.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF HALLANDALE BEACH, FLORIDA:

SECTION 1. Chapter 28, Traffic, Motor Vehicles and Boats; of Article V, Towing; Section 28-172, Towing franchise; is amended to read as follows:

Section 28-172. – Towing franchise.

(a) In order to provide towing service for all damaged, disabled and abandoned motor vehicles, the city will allow a private towing agency to provide such service on a franchise basis. ~~The city will competitively solicit services for towing. A towing agency desiring to render such service to the city will be provided with specifications and invited to submit a bid in accordance with such specifications. The award of the bid by the city shall be to the towing agency submitting the highest and best bid which meets specifications and conditions. After bids are received and a selection is made, a certificate of compliance must be furnished to the city within 90 days of the award indicating that all specifications have been met; and failure of the successful bidder to provide the certificate shall be cause for the loss of the franchise. The bid specifications and conditions contained in the notice to bidders and the proposal form and agreement will comprise the contractual instruments between the city and the towing agency, upon acceptance by the city. The city commission shall indicate acceptance by a resolution awarding the franchise and authorizing ordering the city manager to enter into an agreement with the successful highest ranked firm.~~

SECTION 2. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 3. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 4. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on March ____, 2017.

PASSED AND ADOPTED on 2nd reading on ____, 2017.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

MARIO BATAILLE, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY and
FORM

JENNIFER MERINO
CITY ATTORNEY