

Temp. Ord. No. 1745
5/13/20

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 20-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING SECTION 2-151 OF THE CODE OF ORDINANCES OF THE CITY OF MIRAMAR RELATING TO THE LEAGL DEPARTMENT; INCREASING THE CITY ATTORNEY'S AUTHORITY TO SETTLE CLAIMS WITH APPROVAL OF THE CITY MANAGER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-151 of the Miramar Code currently establishes a procedure whereby the City Attorney, upon approval of the City Manager, may settle claims up to Five Thousand Dollars (\$5,000.00) without the need for a public hearing or Commission approval; and

WHEREAS, the City Commission believes that the settlement limit shall be increased to Twenty-Five Thousand Dollars (\$25,000.00) to improve the sufficiency of the amount to settle nuisance and small claims;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: That the forgoing WHEREAS clauses are hereby ratified and incorporated herein.

Ord. No. 20-11

Section 2: Section 2-151(c) is hereby amended to read as follows:

(c) Duties and responsibilities of city attorney. The duties of the city attorney shall be to:

- 1) Advise and consult with the mayor, city commission, city manager and other heads of the departments within the city regarding legal matters and to render legal opinions on issues of municipal law as requested by the city administration or the city commission.
- 2) Prepare the city's ordinances and resolutions, at the direction of the city commission, or city manager, and to attend regular and special meetings of the city commission.
- 3) Act as legal advisor to the departments of the city, city manager, and the city commission on matters relating to the city or municipal issues.
- 4) Settle, subject to approval of the city manager and without further commission authority, claims against the city not exceeding ~~five thousand dollars (\$5,000.00)~~ Twenty-five thousand dollars (\$25,000.00), payable from funds maintained for payment of claims within the city's self-insurance program.
- 5) Perform all other legal work assigned by the city manager or the city commission.
- 6) Employ special counsel to the city for specific needs and/or requisite areas of legal expertise with city commission approval.
- 7) Approve as to legal form and sufficiency contracts, deeds, bills of sale and other written instruments to which the city is a party.

Section 3: If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 4: The provisions of this Ordinance shall become and be a part of the

Temp. Ord. No. 1745
5/13/20

Code of Ordinance; that sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" may be changed to "Chapter", "Section", "Article", or other appropriate word.

Section 5: This Ordinance shall be effective upon adoption and second reading.

Section 6: This Ordinance was adopted after a Public Hearing was held upon the subject matter hereof. Notice of hearing was published as required by law, which Public

Hearing was held at 7:00 P.M. on the 17 day of June, 2020, in the City Commission Room, City Hall, City of Miramar, Florida.

Ord. No. 20-11

3

Temp. Ord. No. 1745
5/13/20

PASSED FIRST READING: _____ **May 20, 2020**

PASSED AND ADOPTED ON SECOND READING: _____ **June 17, 2020**

Mayor, Wayne M. Messam

Vice Mayor, Maxwell B. Chambers

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney
Austin Pamies Norris Weeks Powell PLLC

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	Yes
Vice Mayor Maxwell B. Chambers	Yes
Commissioner Yvette Colbourne	Yes
Commissioner Alexandra P. Davis	Yes
Mayor Wayne M. Messam	Yes

