

**SPONSORED BY:
COUNCILOR MESSINGER**



ORDINANCE NO. 2021-04

A BILL TO BE ENTITLED

AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING DIVISION 2, PURCHASING AND CONTRACTS, OF ARTICLE VI, FINANCE, OF CHAPTER 2 OF THE CODE OF ORDINANCES, ADMINISTRATION, BY CREATING SECTION 2-388, PROFESSIONAL SERVICES REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach from time to time undertakes various capital improvement projects of differing natures; and

WHEREAS, the differing nature of such capital improvement projects necessitates a case by case analysis of the professional services required to ensure efficient and proper completion of the project; and

WHEREAS, the Code of Ordinance of the City of Neptune Beach currently provides no procedure for evaluation of projects on a case by case basis to determine the professional services that should be obtained; and

WHEREAS, the City Council desires to establish such a procedure; and

WHEREAS, the City Council has determined that its involvement in the process will advance the City's interest in ensuring efficient and proper completion of capital improvement projects; and

WHEREAS, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's Code will preserve, promote, and protect the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:

SECTION 1. Section 2-388, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby created as follows:

Sec. 2-388. – Professional Services Requirements.

- (a) Notwithstanding anything to the contrary in this code, prior to solicitation of any bid or contract or otherwise undertaking any proposed capital

improvement project by the city, the city manager and director of public services shall jointly prepare a recommendation for professional services to be acquired for such capital improvement project for presentation to the city council and any committee responsible for planning of such capital improvement project. Such recommendation shall be based upon an analysis of those professional services acquired by similarly situated local governments engaging in best practices for similar capital improvement projects. The department head of the department for which the proposed capital improvement project is being undertaken may review such recommendation and provide independent input for consideration of the council. Such recommendation shall be provided to the director of finance in advance of presentation to the council and the director of finance shall prepare a separate financial analysis of the services proposed for independent presentation to the council.

- (b) The city council shall review the proposed capital improvement project and recommendation of the city manager and director of public services, and shall instruct city staff on the professional services that shall be obtained in the course of such capital improvement project.
- (c) In accordance with the terms of this code and Florida Statutes, the city shall procure the services of a firm or firms for each of the professional services required by the city council for each capital improvement project, as well as any others that may otherwise be required by law.
- (d) Definitions

Capital improvement project shall mean any major construction, expansion, purchase, or major repair or replacement of buildings, utility systems, streets, or other physical structures or property, for which the estimated cost exceeds the monetary threshold established in section 2-377(a) and has an expected life or useful life of at least five years.

Firm shall mean any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice their respective professional service.

Professional services shall mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

SECTION 2. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. Effective Date. This ordinance shall take effect upon final reading and approval.

VOTE RESULTS OF FIRST READING:

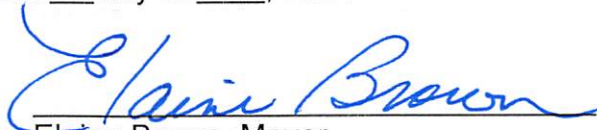
Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	ABSENT
Councilor Josh Messinger	YES

Passed on First Reading this 3rd day of May, 2021.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

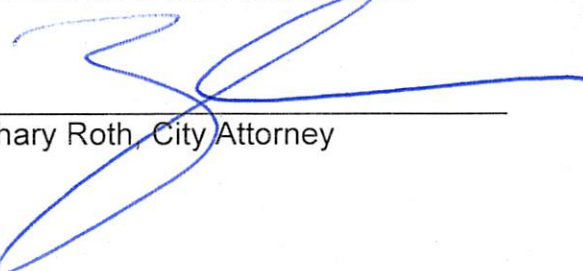
Passed on Second and Final Reading this 7th day of June, 2021


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, City Clerk

Approved as to form and content:


Zachary Roth, City Attorney

