

**Section 3.06. - Compensation; expenses.**

(1) The city commission may ~~determine any~~ change ~~in~~ the monthly salary of the mayor and commissioners as follows:

(a) by adoption by the City Commission of its annual budget for any increase that does not exceed the Consumer Price Index, South Region, for June of the same calendar year in which the annual budget is adopted, with such increase becoming effective at the commencement of the fiscal year for the adopted budget;

(b) \_\_\_ by ordinance for an increase exceeding the Consumer Price Index, South Region, for June; provided that, but no such increase in salary ordinance increasing such salary shall become effective unless approved by a vote of the electors of the city at a referendum election. until the date of commencement of the terms of commissioners elected at the next regular election.

(2) Any benefit plans to be provided to the mayor and commissioners shall first be established by ordinance. A city commissioner is eligible to receive a new benefit established pursuant to this subsection after the next election for that commission seat following the adoption of the ordinance establishing the new benefit. Any changes to established benefits shall be approved by ordinance, said ordinance to be effective immediately upon its passage and final adoption.

(3) The mayor and commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office.

**Section 4.01. - City manager.**

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(4) *Powers and duties.* The city manager shall be the chief administrative officer of the city. The manager shall be responsible to the commission for the administration of all city affairs placed in his or her charge by or under this charter. The manager shall have the following powers and duties:

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(C) To recommend all department heads ~~and designated assistant department heads~~, subject to confirmation by the city commission and to recommend removal at will, subject to confirmation by the city commission; except as otherwise herein provided, to employ and remove all other employees of the city, basing such recommendation and removals upon merit and fitness to perform the duties of the position. The terms "department heads" ~~and "designated assistant department heads"~~, as used in this paragraph (C), also applies to those persons who are not employees of the city but perform the functions or duties of a

department head ~~or designated assistant department head of the city~~. The term "confirmation", as used in this paragraph (C), requires examination and approval by majority vote of the city commission.

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(M) The city manager shall develop job descriptions, pay and benefit plans, personnel policies, and any other matters necessary to exercise control and direction over the city's organization and operations, with such ~~job descriptions,~~ pay and benefit plans, and personnel policies being subject to approval by majority vote of the city commission.

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(F) To submit to the commission and make available to the public within ~~thirty (30)~~ ninety (90) days after the close of each fiscal year, a complete, unaudited report on the finances and administrative activities of the city for the preceding fiscal year. An audited report shall be provided to the commission and made available to the public within one hundred eighty (180) days after the close of each fiscal year.

#### **Section 5.08. - Deposit and investment of city funds.**

(1) *City depositories.* The ~~commission~~ city manager shall, from time to time, in ~~its~~ his or her discretion, designate banks or trust companies as city depositories, subject to approval by the city commission. The commission may, as provided by law, establish rules and regulations governing the deposits, withdrawals of funds, security to be deposited by the depository and other safeguards.

#### **Section 5.11. - Appropriation amendments.**

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(4) The city manager may transfer funds within a department, and may transfer funds between departments up to 2.5% of the then existing current department budget on a cumulative basis. Any interdepartmental transfers beyond the 2.5% cap must be approved by the city commission. Any transfers which would increase the total appropriation for the then current fiscal year must be approved by the city commission.

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(6) To meet a public emergency affecting life, health, property or the public peace, the commission may make emergency appropriations. Such appropriations may be made by emergency ordinance resolution.

### **Section 5.12. - Bonds of city officers and employees.**

The city commission shall determine by ordinance which city officers and employees in addition to the city manager, ~~the city clerk,~~ and finance director shall give bond and the amount of penalty thereof. All persons required by the city commission to give bond shall upon entering upon their respective duties give bond with surety to be approved by the commission, conditioned for the faithful performance of these respective offices, which bond shall be payable to the city in such penalty as the commission may prescribe and surety on any official bond shall be guaranteed only by a known, solvent bonding and surety company authorized to do business in the State of Florida. The premium on any such bonds shall be paid by the city and notice of such bonds shall be filed with the city clerk.

### **Section 5.13. - Requirements for public bidding.**

The city commission shall adopt an ordinance establishing a Procurement Code which ensures the fair and competitive purchase of goods and services by the city.

~~All purchases on behalf of the city, including, but not limited to, supplies, capital equipment, non-capital equipment, rental of space, repairs, improvements, and construction of capital improvements, other than printing of ballots and legal advertising, involving dollar values in excess of \$20,000.00 shall be procured through competitive bidding. Published notice covering each such intended procurement shall appear on a publicly accessible website authorized by general law or in at least one daily newspaper of general circulation within the city once at least ten days prior to the bid opening date. Each invitation for bid shall contain an acceptance clause granting the city a minimum of 30 days for bid acceptance, during which time the tendered bid shall remain valid. In the event of a declared emergency, the city commission may waive the requirements as to competitive bidding and advertisement. The city commission shall have the option to waive the requirements as to competitive bidding and advertising if purchase can be made from a State or Broward County Contract, or contracts involving any governmental agency within the State of Florida.~~

### ~~**Section 5.14. — Commission action public bidding.**~~

~~When public competitive bidding is required, the commission shall award the contract to the lowest fully responsive and responsible bidder, provided however that the commission shall have the right to reject all bids received; and contract for the supplies and services as delineated by~~

~~the terms of the Invitation for Bid. The commission may require such bidder to provide a legally binding faithful performance bond.~~

~~The necessary documentation shall be approved by the city attorney prior to the execution of such documents.~~

~~**Section 5.16. — Expenditure for professional services.**~~

~~Contracts for the services of professionals, including but not limited to architects, engineers and attorneys, may, with the approval of the commission, be entered into without public competitive bidding. Qualifications, work history, and other relevant data shall be reviewed before entering into such contracts.~~

**Section 5.15. - Requirements for referendum and expenditure of public funds.**

~~(1) The City of Cooper City may borrow money, contract loans and issue bonds payable from ad valorem taxes and maturing more than twelve months after issue only to finance or refinance capital projects authorized by law and only when approved by a vote of the electors of the city.~~

The city shall have full power and authority to issue municipal bonds or to borrow funds for municipal purposes to the extent authorized by and subject to the limitations provided in the Constitution of the State of Florida, the Municipal Home Rule Law, other applicable statutes and this charter, as they all may be amended from time to time.

(2) Unless included in the adopted budget for a particular fiscal year, no capital project shall exceed five percent (5%) of the city operating budget of the general fund, as adopted at the beginning of the most recent fiscal year, unless approved by a vote of the electors of the city at a referendum election. This restriction shall not apply to expenditures from the city's enterprise funds, emergency expenditures, or expenditures for projects that were previously approved by the electorate in a prior fiscal year. For purposes of this section, "emergency" shall be as defined in F.S. § 252.34, as may be amended from time to time.