

Resolution No. 2024-3265

A Resolution of the City Commission of the City of Sanford, Florida delegating plenary authority to the City Manager to approve actions, grants and activities involving the City and relating to addressing the requirements of Florida Department of Environmental Protection consent orders OGC File No. 24-1290 and Amended OGC File No. 22-0456; providing for legislative findings and intent; providing for a savings provision; providing for implementing administrative actions; providing for conflicts; providing for severability and providing for an effective date.

Be it adopted and resolved by the City Commission of the City Of Sanford, Florida as follows:

Section 1. Legislative Findings and Intent.

(a). The City of Sanford has complied with all requirements and procedures of Florida law in processing this Resolution.

(b). Controlling Florida law authorizes the City Commission to take any array of actions under its home rule authority to include, but not be limited to, Article VIII, Section 2 of the *Constitution of the State of Florida* and the provisions of Chapters 166 and 403, *Florida Statutes*, the *City Charter of the City of Sanford* and other applicable law.

(c). The City Commission of the City of Sanford hereby finds that actions taken herein are in the public interest and benefits the citizens of the City.

(d). The City's need to address Florida Department of Environmental Protection (FDEP) the stipulated penalties arising from the consent order issued in OGC File No. 24-1290 and Amended OGC File No. 22-0456 is critical to the City's efforts to the provision of high quality utility systems for the benefit of the citizens and customers of the City of Sanford. The purpose of this Resolution is

to provide plenary authority to the City Manager to address time sensitive and ongoing actions that will need to be implemented over time to ensure that the City is making its best efforts to address the requirements of the consent orders.

(e). Section 2.04 of the *City Charter of the City of Sanford* relates to the general powers and duties of the City Commission and provides that “[a]ll powers of the City shall be vested in the Commission, except as otherwise provided by law or this charter, and the Commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law” and Section 3.04 of the *City Charter of the City of Sanford* relates to the powers and duties of the City Manager and provides, in pertinent part that “[t]he City Manager shall be the chief administrative officer of the City. The City 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”.

Section 2. Delegation of Authority to City Manager; FDEP Consent Orders Issues.

(a). The City Commission of the City of Sanford hereby delegates plenary authority to the City Manager to take any and all actions that are necessary to the requirements of the consent orders and issues arising therefrom to include, but not be limited to, those necessary to .

(b). Without limiting the generality of the delegation of authority set forth in Subsection (a) of this Section, the City Manager may engage in any and all procurement and purchasing activities deemed necessary and appropriate to implement the actions and activities of the City to address the requirements of the consent orders. Included, without limitation in the authority are the power to

engage engineering and other consultants, governmental liaison personnel, legal personnel such as is currently engaged, public relations personnel, contractors of every type and nature as well as the procurement of such goods and services as may be necessary to advance the projects, programs, activities and actions of the City relating to the requirements of the consent orders.

(c). The City Manager shall, for example, be deemed to be the agency for the purposes of provisions of the City's Purchasing Policies and Procedures, and the provisions of controlling State law, such as those set forth in Chapter 287, *Florida Statutes*. The Mayor shall be afforded the opportunity to serve on any ranking or selection committee that may be utilized in the context of procurement activities by the City.

(d). The procurement activities of the City Manager shall be subject to review and certification of compliance with this Resolution and controlling State law by the City's Finance Director and the City Attorney in order to ensure pre-audit and post-audit compliance with the essential principles of controlling law.

(e). The City Manager shall report to the City Commission on a regular basis as determined by the City Manager to be appropriate relative to the actions taken by him under the provisions of this Resolution.

(f). The City Manager may delegate the authority delegated herein to appropriate City management personnel, as the City Manager deems appropriate as consistent with the provisions of this Resolution.

Section 3. Savings.

The prior actions of the City Manager of the City of Sanford relating to the addressing of issues arising under or related to the consent orders, of every type and nature, and any and all related activities, are hereby ratified and affirmed.

Section 4. Future Additional Implementing Actions.

(a). Without in any way reducing or qualifying the delegations of authority set forth previously in this Resolution, the City Manager is hereby additionally and supplementally granted authority to take any and all necessary administrative actions that may be desirable or necessary to implement the actions taken in this Resolution.

(b). The City Clerk is hereby granted authority to attest to and approve such documents and agreements as may be presented to her by the City Manager after review by the City's Finance Director and City Attorney.

Section 5. Conflicts.

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

Section 6. Severability.

If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

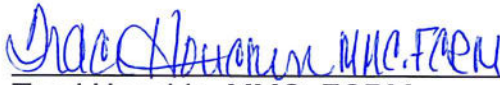
Section 7. Effective Date.

This Resolution shall become effective immediately upon its adoption.

Passed and adopted this 8th day of July, 2024.


Attest:

City Commission of the City of Sanford

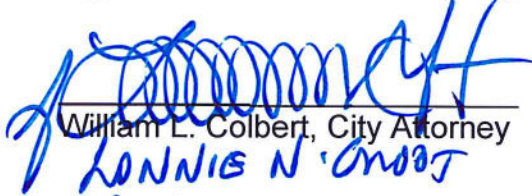


Traci Houchin, MMC, FCRM
City Clerk




Art Woodruff
Mayor

For use and reliance of the Sanford
City Commission only.
Approved as to form and legality.



William L. Colbert, City Attorney

LENNIE N. O'NEAL
ACA



WS	<u>X</u>	RM	<u>X</u>
Item No.	<u>8.F</u>		

CITY COMMISSION MEMORANDUM 24-188
JULY 8, 2024 AGENDA

TO: Honorable Mayor and Members of the City Commission
PREPARED BY: Cynthia Lindsay, CPA, CGFO, Director of Finance
 Lonnie N. Groot, Assistant City Attorney
SUBMITTED BY: Norton N. Bonaparte, Jr., ICMA-CM, City Manager
SUBJECT: Delegation Of Authority To City Manager; Resolution No. 2024-3265

STRATEGIC PRIORITIES:

- Unify Downtown & the Waterfront
- Promote the City’s Distinct Culture
- Update Regulatory Framework
- Redevelop and Revitalize Disadvantaged Communities

SYNOPSIS:

Approval of Resolution No. 2024-3265 pertaining to a delegation of authority to the City Manager relating to necessary procurement actions and activities required to address the requirements upon the City relating to Florida Department of Environmental Protection (FDEP) Stipulated Penalties OGC File No. 24-1290 and Amended OGC File No. 22-0456 is requested.

FISCAL/STAFFING STATEMENT:

The need to address the requirements of the FDEP in order to address the requirements upon the City relating to the requirements of the FDEP and the penalties arising from the consent orders in OGC File No. 24-1290 and Amended OGC File No. 22-0456 is critical to the City’s efforts to operate and maintain a quality system of public utilities for the citizens and customers of the City. The purpose of Resolution No. 2024-3265 is to provide plenary authority to the City Manager to address time sensitive and ongoing procurement actions and activities that will need to be implemented over time to ensure that the City is making its best efforts to address the requirements of the consent orders and the FDEP.

BACKGROUND:

As the City Commission was advised at its meeting of June 10, 2024, the City has been cited for various violations under Consent Order OGC File No. 24-1290 and additional violations under Consent Order OGC File No. 22-0456 by the FDEP and stipulated penalties were assessed. The FDEP assessed the penalties due to a significant amount of non-compliance violations pursuant to Section 403.161(1)(a) and (b), *Florida Statutes*, and Rules 61-604.13(1) and 62-620.30(5), *Florida Administrative Code*, based on the prevention not to “cause pollution so as to harm or injure human health or welfare, animal, plant or aquatic life or property” and also “to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority”. In lieu of the FDEP recommended penalty of \$828,433 in civil penalties, the City was allowed to off-set the penalty amount by implementing a pollution prevention (P2) project or an in-kind project. A P2 project is where the City can elect to implement

a process improvement that reduces the amount of pollution that enters the environment; by conserving resource use, or by minimizing waste generation. With the elected P2 projects the City will pay only \$127,763.35. The City will be required to implement the P2 projects in a timely manner under the consent orders. Procuring goods and services in an expedited manner is, thus, critical.

The provisions of Resolution No. 2024-3265 provide authority for the City Manager to engage in procurement actions and other activities in an expeditious manner and authorizes the City Manager to take all actions needed for the City to address the needs of the City relative to the consent orders and the requirements of the FDEP. The Resolution provides that the procurement activities of the City Manager are subject to review and certification of compliance with the Resolution and controlling State law by the City's Finance Director and the City Attorney in order to ensure pre-audit and post-audit compliance. Thus, there is a check and balance provision incorporated into the action. The Resolution also provides for reporting by the City Manager and inclusion by the Mayor in some procurement activities.

LEGAL REVIEW:

The Assistant City Attorney has assisted in the preparation of this agenda memorandum and Resolution No. 2024-3265 and has no legal objection to the proposed action.

RECOMMENDATION:

City staff recommends that the City Commission adopt Resolution No. 2024-3265.

SUGGESTED MOTION:

"I move to approve Resolution No. 2024-3265, as proposed."

Attachment: Resolution No. 2024-3265.