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Introduction Date: April 14, 2015
Public Hearing Dates: April 14, 2015
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**CITY OF MARATHON, FLORIDA
ORDINANCE 2015-04**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA; AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 OF THE CODE OF THE CITY OF MARATHON, PERTAINING TO PURCHASING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marathon has conducted its purchasing in accordance with a series of policies and procedures but has never formalized that process in a formal ordinance which will mandate its application;

WHEREAS, custom and good government practice would dictate that such processes be formally adopted and approved by the Council; and

WHEREAS, this Ordinance purports to include a majority of such informal processes and procedures as well as address others in a more comprehensive manner to ensure the City procures goods and services on terms and conditions most favorable to the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:¹

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Chapter 2, Article VI, Division 2 of the Code of Ordinances, City of Marathon, Florida, is hereby amended to read as follows:

Chapter 2- Administration

Article VI. – Finance

Division 2. Purchasing

¹ / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

Section 2-172. Purpose.

The purpose of the purchasing procedures of the City of Marathon (hereinafter, "chapter") is to provide for the fair and equitable treatment of all persons involved in purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

Section 2-173. Applicability.

This chapter applies to contracts for the procurement of supplies, services and construction entered into by the City after the effective date of this chapter. It shall apply to every expenditure of public funds by the City for public purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal assistance or state assistance of contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations or state law or regulations. Nothing in this chapter shall prevent the City from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law. This ordinance and the process and procedures set forth herein shall supersede and render null and void any prior policy or procedure.

Section 2-174. Public access to procurement information.

Procurement information shall be a public record to the extent provided in Chapter 119, Florida Statutes, and shall be available to the public as required by such statute.

Section 2-175. Establishment of purchasing agent.

The City Manager or his/her designee (for all purposes) shall be the chief purchasing agent of the City. Subject to the terms of this chapter, and unless the City Attorney, when asked, determines there is an exception to the requirements herein, the purchasing agent shall contract for, procure or so process the procurement, purchase, storage and distribution all supplies, materials, equipment and certain contractual services required by any office, department or agency of the City. The purchasing agent shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials, and equipment purchased for or belonging to the City. All expenditures pursuant to this chapter shall conform to the provisions of the City Charter and Code.

Section 2-176. Unauthorized purchases.

Except as herein provided in this chapter, it shall be a violation of this chapter for any City officer, employee, or other person to order the purchase of, or make any contract for, materials, supplies or services within the purview of this chapter, in the name of or on behalf of the City other than through the purchasing agent or a designee of the purchasing agent, and the City shall not be bound by any purchase order or contract made contrary to the provisions herein.

Section 2-177. Purchasing limitations and prohibitions; effect on competitive bidding requirement.

- A. Purchases less than ~~\$5,000~~ ~~\$2,500~~. Purchases of ~~\$5,000~~ ~~2,500~~ or less will not require use of formal or informal bidding procedures. However, the purchasing agent making the purchase is still required to make a reasonable attempt to insure that the City receives a competitive price that is consistent with the desired quality of materials, workmanship or level of performance.
- B. Purchases in excess of ~~\$5,000~~ ~~2,500~~ but less than \$10,000. Purchases of, or contracts for, materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is in excess of ~~\$5,000~~ ~~2,500~~ but less than \$10,000 may be made or entered into by the City Manager without submittal to the City Council and without formal competitive bidding except that at least three verbal quotes which will be recorded in a quotation memo by the Department Head and/or Manager shall be secured.
- C. Purchases in excess of \$10,000 but less than ~~\$25,000~~ ~~\$35,000~~. Purchases in excess of \$10,000 but less than ~~\$25,000~~ ~~\$35,000~~ will require at least three (3) written quotes. A copy of the quotes will be sent to the Finance Department. The originating department will also retain the necessary documentation within their files to demonstrate compliance with these procedures. ~~Such purchases in this category must be authorized by the City Manager and placed on a City Council agenda as a consent item for approval prior to execution of the contract or consummation of the purchase.~~ Purchases in excess of \$10,000 but less than \$35,000 may be made or entered into by the City Manager without submittal to the City Council. Purchases in excess of \$35,000 must be authorized by the City Manager and placed on a City Council agenda for approval prior to execution of the contract or consummation of the purchase. The City Manager may approve change orders for capital improvement projects less than ~~\$25,000~~ ~~\$35,000~~ and necessary to address emergencies (that is, unforeseen circumstances) that occur between City Council meetings which would stop or significantly delay the progress of such capital improvement project. Said change orders will require an after-the-fact approval by the City Council at the next Council meeting if they are in an amount over \$35,000. Other provisions for emergency authorizations are set forth in Section 2-184 H. 1. herein below.
- D. Purchases in excess of ~~\$25,000~~ ~~\$35,000~~. For purchases in excess of ~~\$25,000~~ ~~\$35,000~~, the City Council shall follow the formal competitive bidding provisions below. Any contract extension or renewal of any existing contract requiring the expenditure of ~~\$25,000~~ ~~\$35,000~~ or more pursuant to the terms thereof shall be approved by the City Council, unless allowed under the terms stated in the contract originally approved by Council. Unless allowed under the terms stated in the contract originally approved by the Council. ~~A change order increasing the value of a contract that was originally approved by Council, regardless of the dollar amount of that change order, shall require Council approval.~~ In addition, Any change order which results in a total contract value of ~~\$25,000~~ ~~\$35,000~~ or more will require City Council approval. Changes to purchase previously approved by the City Council may be authorized by the City Manager provided that total dollar amount and other substantial matters of the purchase do not exceed the City Council authorized maximum.

- E. Donated Assets. Acceptance by the City of donated assets, such as equipment, land or vehicles, must be approved by the City Council.
- F. Budget approved appropriation. The City Manager may not purchase or contract for any item or service which exceeds any budget appropriation until such a time the City Council amends the budget to increase the appropriation to the applicable level. The City Manager is authorized to execute budget line item transfers.
- G. No financial interest. No member of the City Council or any employee of the City of Marathon shall have a financial interest or a personal beneficial interest, either directly or indirectly, in any purchase of items furnished to or used for or by the City.
- H. No split. It is an express violation of this ordinance to intentionally “split” contracts, purchase orders or check requests for the purpose of avoiding dollar limitations set out in this policy.

Section 2-178. Competitive bidding procedure.

- A. Purchases between \$10,000 and under ~~\$25,000~~ \$35,000.
 - 1) Whenever competitive bidding is required by this chapter, the City Manager shall direct that bid proposals which provide specifications for the purchase or contract be prepared.
 - 2) The City Manager shall solicit bids from at least three persons or entities engaged in the business of furnishing such materials, supplies, equipment and public improvements or rendering such services.
 - 3) The City Manager may publish a public invitation to bid items under ~~\$25,000~~ \$35,000.
 - 4) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by the City Council and/or the City Manager as the case may be, subject to the right of the City to reject any and all bids, to waive any irregularity in the bids or bidding procedures and subject also to the right of the City to award bids and contracts to bidders other than the low bidder. Until a formal contract is executed, the City reserves the right to reject all bids.
- B. Purchases of ~~\$25,000~~ \$35,000 or more. Bids for purchases of ~~\$25,000~~ \$35,000 or more shall be awarded in the same manner as purchases as set forth in A., except these additional requirements shall pertain:
 - 1) Conditions for use. All contracts with the City in amounts over ~~\$25,000~~ \$35,000 shall be awarded by competitive sealed bidding except as otherwise provided in this Chapter, or as otherwise approved by City Council.

- 2) Invitation for bids. An invitation for bids (including RFPs and RFQs) shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.
- 3) Public notice. Public notice of the invitation for bids shall be given not less than 14 calendar days prior to the date set forth in the notice for the opening of bids. Such notice may be given by publication in a subscription newspaper of general circulation in the City. The notice shall state the place, date, and time of bid opening. All bids shall be received in the City Manager's office on, or before, the date and time set forth in the notice.

C. Bid Opening Procedure; Awarding of Bids.

- 1) Sealed bids shall be opened by the City Manager or his appointed representative in the presence of two witnesses; one of which will be the City Clerk or the Clerk's appointed representative. The opening of the sealed bids shall be recorded by the City Clerk or the clerk's representative at the date and time specified in the bid proposal. The names of the witnesses and of the City Manager or his appointed representative together with a copy of the bid proposal and the date and time of the opening of the bids shall be filed with the City Clerk.
- 2) Whenever required by the bid proposal, all bid bonds, cash, insurance, checks or other security accompanying the bid shall be received and maintained for safekeeping by the City Clerk. The City Clerk shall be responsible for the return of the bid bonds, cash, insurance, checks or other security of unsuccessful bidders.
- 3) Upon completion of the bid opening and reading, all bids received will be deposited with the City Manager or his designee for tabulation and/or recommendation to the City Council.
- 4) Upon submission of the bid tabulation and recommendation to the City Manager or City Council, as the case may be, the City Manager or the City Council shall accept, reject or refer for additional review the bid tabulation and recommendation.
- 5) The award of a bid will not have the same effect as the award of a contract. The award of a bid will signify the selection of a vendor with which the City will negotiate a contract. In the event that negotiations between the City and that vendor are unsuccessful, the City will thereafter negotiate with the next bidder on the recommended list created by the City Manager.

D. Cancellation of invitations for bids or requests for proposals. An invitation for bids, or request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole, or in part, as may be specified in the solicitation, when it is in the best interests of the City. The reasons therefore shall be made part of the contract file. Each solicitation issued by the City shall state that the solicitation may be canceled and that any bid or proposal may be rejected, in whole or in part, in the best interests of the City. Notice of cancellation shall be sent to all businesses solicited. The

notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items.

- E. Correction or withdrawal of bids; cancellation of awards. In general, bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. However, correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted, where appropriate. Mistakes discovered before bid opening may be modified, or the bid may be withdrawn by written or telegraphic notice received in the office designated in the invitation for bids prior to time set for bid opening. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City, or fair competition, shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
- 1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - 2) The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the purchasing agent.
 - 3) Notwithstanding the foregoing, the City Council shall have the authority to waive any and all irregularities in any and all proposals.

Section 2-179. Award.

- A. All contracts shall be awarded by the City Manager or City Council, as the case may be, as stated above, to the lowest responsible and responsive bidder. In addition to price, there shall be considered the following:
- (1) The capacity, ability and skill of the provider to perform the contract;
 - (2) Whether the provider can perform the contract within the time specified without delay or interference;
 - (3) The character, integrity, reputation, judgment, experience and efficiency of the provider;
 - (4) Professional licensure required when service of a skilled nature as required by law to perform such service and/or skill;
 - (5) The quality of performance of previous contracts;

- (6) The previous and existing compliance by the provider with laws and ordinances relating to the contract;
 - (7) The ability of the provider regarding future maintenance and service for the use of the subject of the contract;
 - (8) The City Manager may, by administrative order, establish a set of criteria of a numerical nature that may be utilized in awarding contracts hereunder.
- B. The contract shall be awarded by the City Manager or the City Council, as the case may be, with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.
 - C. In the event the lowest, most responsive and responsible bid for a project exceeds available funds, and the City Council does not make available additional funds, the City Manager is authorized, when time or economic considerations preclude re-solicitation of bids, to negotiate an adjustment of the bid price as long as the scope of work is not changed with the lowest, most responsive and responsible bidder, in order to bring the bid within the amount of available funds. Final negotiation shall be in written form as approved by the City Manager.
 - D. The City retains the right to reject all bids should negotiations fail. This negotiation may not be used to ascertain the lowest responsive and responsible bid.
 - E. Until a formal contract is executed, the City reserves the right to reject all bids.

Section 2-180. Responsibility of bidders or offerors.

If a bidder or offeror who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility, setting forth the basis of the finding shall be prepared by the City Manager or the purchasing agent. Grounds for determination of non responsibility may include, but are not limited to, the unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to non responsibility. A copy of the determination shall be sent promptly to the non-responsible bidder or offeror. The final determination shall be made part of the contract file and be a public record.

Section 2-181. One response.

If only one responsive bid or proposal for commodity or contractual service is received, in response to an invitation for bid/proposal, an award may be made to the single bidder/proposer, if the City Manager finds the price submitted is fair and reasonable, and that other prospective bidders had reasonable opportunity to respond, or there is not adequate time for re-solicitation. Further, the City Manager reserves the right, if it is in the best interests of the City, to negotiate with the sole bidder/proposer for the best terms, conditions and price. The City Manager shall

document the reasons that such action is in the best interest of the City. Otherwise, the bid/proposal may be rejected and:

- A. New bids or offers may be solicited;
- B. The sole bid/proposal may be rejected;
- C. If the City Manager determines in writing that the need for the supply or service continues, but that the price of the one bid/proposal is unreasonable and there is not time for re-solicitation or re-solicitation would likely be futile, the procurement may then be conducted under § 2-184 F., as appropriate.

Section 2-182. Bidding documentation to remain property of City.

All bids and accompanying documentation received from bidders in response to the invitation to bid shall become the property of the City and will not be returned to the bidders. In the event of contract award, all documentation and work product produced as part of the contract shall become the exclusive property of the City. This subsection is applicable to request for proposal and request for letter of interest documents, which also become property of the City.

Section 2-183. Waiver of competitive bidding procedures.

The City Council may authorize at a public meeting after majority vote the waiver of competitive bidding procedures upon the recommendation of the City Manager that it is in the City's best interest to do so, to obtain goods and services which cannot be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services, or other factors. Purchases authorized by waiver process shall be acquired after conducting a good faith review of available sources and negotiation as to price, delivery and terms.

Section 2-184. Exemptions from competitive bidding.

The following shall be exempt from the competitive bidding procedures outlined in this chapter:

- A. Transactions described in Section 2-177 A. & B. of this chapter.
- B. Contracts for professional services, except for those contracts of more than \$25,000 \$35,000 for professional services governed by Florida Statutes § 287.055 (the Consultants Competitive Negotiations Act).
- C. Purchases made under state general service administration contracts, federal, county or other governmental contracts or competitive bids with other governmental agencies with a substantially similar competitive bidding process.
- D. Purchases arising out of or because of emergencies which shall be defined as a situation, occurrence or matter necessitating immediate or quick action and not permitting adequate time to utilize the competitive bidding process. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be

made and shall set forth the contractor's name, the amount and type of the contract, a listing of the item(s) procured under the contract, and the identification number of the contract file. Emergency purchases are further discussed in Subsection H. herein below.

- E. Under circumstances where time constraints do not permit the preparation of clearly drawn specifications or situations where, after competitive bidding, no bids meeting bid requirements are received, all compliant bids received are too high, or all bids are rejected for failure to meet bid requirements (i.e., bids are noncompliant).
- F. Supplies, equipment or services available from a sole source only may be exempted from the bidding requirements of this chapter by the City Manager upon the filing of a written request by a department head to the City Manager outlining the conditions and circumstances involved, after conducting a good faith review of available sources, finding that there is only one source for the required supply, brand, service, or construction item capable of fulfilling the needs of the City. ~~Subject to the requirements of Florida Statutes Section 287.057(3)(C),~~ The City Manager or purchasing agent shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be available as a public record and shall identify each purchase order and/or contract.
- G. Exempt contractual services and products. Other exempt contractual services and products not subject to the competitive procurement requirements of this Code are listed as follows:
 - 1) Academic program reviews or lectures or seminars by individuals.
 - 2) Artistic services which are original and creative in character and skill in a recognized field of artistic endeavor such as music, dance, drama, painting, sculpture and the like. However, contracts for artistic instructors, coaches and assistants are deemed contractual services subject to the requirements of competitive procurement.
 - 3) Performing artists and entertainers as approved by the City Manager/purchasing agent when deemed in the City's best interests, for the benefit of the citizens of Marathon and the general public at any City function.
 - 4) Advertising.
 - 5) Utilities, including but not limited to, electric, water and telephone.
 - 6) Items purchased for resale to the public.
- H. Competitive proposals shall not be required when a purchase is made for materials, equipment, prefabricated elements and components, appliances, fixtures and supplies, bought under a sales tax saving procedure constituting part of a construction project award, which construction contract has been awarded in accordance with this chapter.

- 1) As indicated in Section 2-177 D. the City Manager is hereby authorized to use his discretion to approve change orders with respect to the utility project in amounts not to exceed ~~\$25,000~~ \$35,000 to address emergencies of unforeseen problems that occur between the City Council meetings which would stop or significantly delay the progress of the project provided however that this change order shall receive after-the-fact approval at the next scheduled Council meeting. Otherwise, in the event of an emergency situation which requires the immediate purchase of goods or supplies, the following procedures will apply:
 - i. A state of emergency must be declared by either the President of the United States or the Governor of Florida or Monroe County.
- 2) Purchases of ~~\$25,000~~ \$35,000 or less may be approved by the City Manager without further approval of the City Council and without requirements for advertising and competitive bids.
- 3) Purchases of more than ~~\$25,000~~ \$35,000 may be approved by the City Council at a public meeting without the requirements for advertising and competitive bidding.

In all cases, when purchases have been made under the authority granted above, the responsible department will submit a report to the City Manager documenting the nature, circumstances and declaration of the emergency and the necessity of the purchases. If the purchase would have required Council approval, a report of the entire matter will be forwarded to Council within 30 days of the purchase authorization.

Section 2-185. Contract administration.

- A. A contract administration system designed to ensure that a bidder/offeror/contractor is performing in accordance with the solicitation under which a contract was awarded and the terms and conditions of the contract shall be maintained by the City Manager.
- B. All determinations and other written records pertaining to the solicitation, award or performance of a contract shall be maintained for the City in a contract file by the City Manager and be retained and disposed of in accordance with the records retention guidelines and schedules approved by the City Clerk.

Section 2-186. Purchase Orders and Check Requests.

- A. Purchase orders. A purchase order is required for purchases of any equipment, materials or contractual services whose cost is in excess of \$5,000 ~~2,500~~. A purchase order represents both a request to acquire an item and the form on which to record the required authorizations. Purchase orders should be used whenever possible, as check requests are for purchases that have already been made. In those instances where a vendor will not accept a purchase order as a commitment of the City, a check request should be used. The originating department will be responsible for completely and accurately preparing the purchase order. This should include the following:

- 1) Complete name and address of the vendor and vendor number, if known.
- 2) Date prepared.
- 3) A description of the item(s) purchased in sufficient detail for adequate identification.
- 4) The account number(s) and amount(s) to be charged and the total amount of the purchase order.
- 5) The signature of the appropriate department director.

After the purchase order has been properly prepared, it must be signed by the appropriate department head and by the City Manager. Purchase orders charged to more than one department must have the signature of all department heads affected.

After the purchase order has been prepared, the originating department shall send the purchase order to the Finance Department for review and approval. When a purchase order is received in the Finance Department, it will be reviewed for accuracy, completeness and verification that there are sufficient funds remaining in the budget. After all information has been checked, the Finance Department will authorize the purchase order by issuing a purchase order number.

Once all required authorizations have been obtained, the Finance Department will retain the original to enter into the accounts payable system and return a copy to the originating department. All open purchase orders will be shown as "encumbrances" of the account number(s) charged. Once paid, the encumbrance will be deleted and shown as an expenditure/expense on the monthly expenditure reports.

A purchase order will then be given to the vendor or supplier. Once the items have been received and accepted by the City, the invoice shall be signed indicating receipt and, along with all the other relevant supporting documentation, should be attached to a copy of the purchase order and forwarded to the Finance Department. Another copy of the purchase order should be retained in the originating department's files for auditing purposes. The Finance Department will verify that all required supporting documentation is attached including evidence that the items have actually been received and accepted by the City, that the correct account number(s) and amount(s) have been charged, and the information contained on the invoice agrees with the purchase order. Any differences or discrepancies between the purchase order and invoice must be documented and reconciled before payment will be made. The Finance Department will then initial the purchase order and process payment to the vendor.

- B. Check Requests. A check request form records required authorization for disbursement of City funds. Check request forms should be used for, but are not limited to, the purchase and/or payment of seminar and conference registrations, travel expenses, payments for contractual services under existing contracts (such as maintenance contracts), professional services under approved contracts, minor office or operating supplies or similar types of transactions. Routine items such as utility bills (water, electric, and

phone) do not require a check request. These items should be coded with the appropriate account number, approved by an authorized signer, and then forwarded to the Finance Department. The originating department will be responsible for completely and accurately preparing the check request. This should include the following:

- 1) Complete name and address of the vendor and the vendor number if known.
- 2) Date prepared and date check is required.
- 3) A description of the items purchased in sufficient detail for adequate identification.
- 4) The account number(s) and amount(s) to be charged and total amount of the check request.
- 5) If the check request is for a purchase of more than \$5,000 ~~2,500~~, evidence of three (3) quotes must be attached and the City Manager must approve.
- 6) If the check request is for a purchase of less than \$5,000 ~~2,500~~, written justification must be included.
- 7) If the check request is for a reimbursement, all required receipts must be attached.
- 8) The authorized signature of the appropriate department director.
- 9) If the vendor is a sole source, the check request must be approved if over \$5,000 ~~2,500~~, in addition to all other required approvals, by the City Manager.
- 10) An invoice, along with packing slip, delivery receipt, or other appropriate documentation must be attached to the check request. Documentation must also include the initials or signature of the person verifying that the items have been received and accepted by the City if other documentation is not available and the account numbers to be charged.

After the department head has approved and signed the check request, it is then sent to the Finance Department for review and approval. Departments shall keep a copy of all check requests for review and fiscal/budgetary control purposes.

The Finance Department shall review the check request for accuracy and completeness, and is responsible for verifying that:

- 1) All required documentation supporting the check request is attached.
- 2) Supporting documentation that the items have been received and accepted by the City.
- 3) The correct account number(s) and amount(s) have been charged.

- 4) There are sufficient funds remaining in the line item(s) budget(s) to make the purchase.
- 5) The check request has been authorized for payment as indicated in Section 2-178.

Section 2-187. Ethics in public contracting.

In addition to all ethical rules and guidelines set forth by the State of Florida, the Code of the City of Marathon, Monroe County Code, if any and as applicable to the City of Marathon, the City Manager may impose any one or more of the following sanctions on a City employee for violations of ethical standards including, but not limited to, oral or written warnings or reprimands, suspension with or without pay for specified periods of time or termination of employment. For nonemployees, for violations of ethical standards, the City Council may terminate any contract with the City of Marathon.

Section 3. The provisions of the Marathon City Code and all Ordinances or parts of Ordinances in conflict with the Provisions of this Ordinance are hereby repealed.

Section 4. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 28th DAY OF APRIL, 2015.

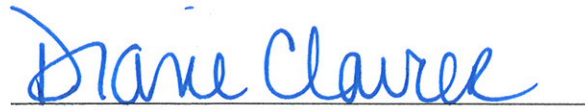
THE CITY OF MARATHON, FLORIDA



Chris Bull, Mayor

AYES: Senmartin, Kelly, Zieg, Keating, Bull
NOES: None
ABSENT: None
ABSTAIN: None

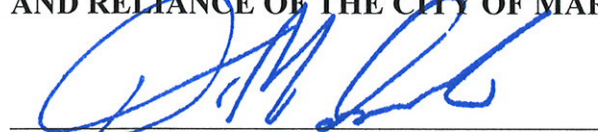
ATTEST:



Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



Dirk Smits, City Attorney