

ORDINANCE NO. 2018- 07**AN ORDINANCE ESTABLISHING THE PURCHASING PROCEDURE FOR CITY OF
DIAMOND CITY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER
PURPOSES**

WHEREAS, pursuant to Arkansas Code Annotated § 14-58-303, the Mayor or the Mayor's duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes in and for the city and to make all necessary contracts for work or labor to be done or material or other necessary things to be furnished for the benefit of the City, or in carrying out any work or undertaking of a public nature;

WHEREAS, Arkansas Code Annotated § 14-58-303 provides that the City Council of any city of the second class may provide by ordinance the procedure for making all purchases;

WHEREAS, the City Council of the City of Diamond City, Arkansas hereby wishes to establish a uniform procedure for making all purchases pursuant to Arkansas Code Annotated § 14-58-303;

**NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF
DIAMOND CITY, ARKANSAS THAT:**

Section 1. Definitions: For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Duly authorized representative: Any city employee so designated by the Mayor in writing.

Section 2. In order to purchase supplies, apparatus, equipment, materials, and other things requisite for public purposes in and for the city, and to make all necessary contracts for work or labor to be done, or materials or other necessary things to be furnished for the benefit of the city, or in carrying out any work or undertaking of a public nature therein, the procedure to be followed shall be as set forth in this Ordinance;

Section 3. A contract providing for the making of major repairs or alterations, for the erection of buildings or other structures, or for making other permanent improvements shall not be entered into by the City of Diamond City, Arkansas, or any board, committee or employee of the City of Diamond City, Arkansas, with any contractor in instances in which all estimated costs of the work exceed the sum of thirty-five thousand dollars (\$35,000) unless the Mayor has certified to the City Council, in writing, that the advertising and bidding requirements of Arkansas Code Annotated. § 22-9-203 have been fulfilled, and the City Council passes a written resolution approving the contract.

Section 4. The Mayor, or his duly authorized representative, shall be the purchasing agent for the city. The Mayor or his duly authorized representative shall purchase all supplies, apparatus, equipment, materials, and other things requisite for public purposes in and for the city. All such purchases shall be subject to prior appropriations in the budget approved by the City Council.

Section 5. Operating departments, committee, boards and employees shall requisition the purchase of all supplies, apparatus, equipment, materials, and other things requisite for such departments on a form prescribed by the Mayor, and

no requisition shall be approved by the Mayor, or an employee designated by him, unless there is an unencumbered budget balance sufficient to meet the obligation. All requisitions must be in writing.

Section 6. The execution of all contracts, conveyances of real or personal property, or lease contracts shall be performed by the Mayor and City Recorder when authorized by a resolution in writing and approved by a majority vote of the City Council.

The Mayor may designate, in writing, a duly authorized representative to execute contracts on the Mayor's behalf. The City Recorder may designate, in writing, a duly authorized representative to execute contracts on the City Recorder's behalf. All such contracts shall be subject to prior appropriations in the budget approved by the City Council.

Section 7. Operating departments, committees, boards and employees shall submit all proposed contracts to the Mayor for review. Upon review and approval, the Mayor or City Attorney shall draft and present a written resolution for the City Council to consider. Operating departments, committees, boards or employees shall not execute any contract on behalf of the City. All contracts must be executed by the Mayor or an employee designated by him and the City Recorder.

Section 8. At the regular meeting of City Council, the Mayor shall have prepared for submission to the City Council a statement of the condition of each departmental budget and a statement containing an itemized statement of all expenditures made by the Mayor or the Mayor's duly authorized representative.

The Mayor may secure the assistance of the City Treasurer or any employee of the City to assist the Mayor with the preparation of the itemized statement.

Section 9. This ordinance shall take effect immediately upon its passage.

Section 10. Any ordinance or part of any ordinance in conflict with this ordinance shall hereby be repealed and replaced or shall be held null and void.

Section 11. The provisions of this Ordinance are hereby declared to be severable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of the Ordinance.

Section 12. EMERGENCY CLAUSE. It is determined by the City Council that the adoption of this Ordinance is immediately necessary to provide clarity to purchasing procedure to be followed by the City, and to protect the interests of the citizens of Diamond City, Arkansas, and an emergency is hereby declared and this ordinance shall be in full force and effect from and after passage and publication.

PASSED AND APPROVED this the 27 day of September, 2018, in a regular meeting.

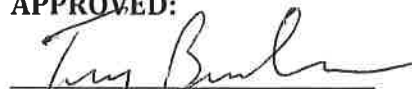
Aye 3 Nay _____ Absent 3 Abstain _____

ATTEST:


Tina Jackson, Recorder

(Mayor vote affirm passage)

APPROVED:


Troy Burleson, acting Mayor

PROOF OF POSTING OF ORDINANCE

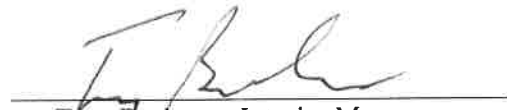
STATE OF ARKANSAS

COUNTY OF BOONE

We, the undersigned, do solemnly swear that as Mayor and City Recorder, respectively, of and for the City of Diamond City, Boone County, Arkansas, that a certified copy of **Ordinance No. 2018-07** was, on the 28th day of September, 2018, duly posted in five separate and distinct places inside the corporate limits of the Town in accordance with city ordinances of the City, and that **Ordinance No. 2018-07** remain posted for thirty (30) days.

Dated this 28 day of September, 2018.


Tina Jackson, City Recorder


Troy Burleson, Interim Mayor