

ORDINANCE 2018 - 20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEARCY, ARKANSAS; AMENDING AND RESTATING SECTION 2-2 OF THE CODE OF ORDINANCES RELATING TO PURCHASES, CONTRACTS AND PROCEDURES ASSOCIATED WITH PURCHASING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

The City Council of the City of Searcy, Arkansas, meeting in regular session, makes the following findings of fact and enacts the following provisions:

WHEREAS, the Searcy City Council recognizes the need permit the Mayor of the City of Searcy has to undertake executive action related to certain purchases and expenditures; and

WHEREAS, the present limitations on authorized expenditures prohibits the effective administration of government and creates unnecessary burdens concerning expenditures that have been approved by the Searcy City Council in its budgeting process; and

WHEREAS, the Searcy City Council finds that, in light of the need to provide for the public peace, health, safety and welfare of its citizens, an emergency exists requiring the immediate enforcement of this Ordinance.

NOW, THEREFORE, the Searcy City Council adopts the following amendment to the Code of Ordinances:

Section 1. Section 2-2 of the Code of Ordinances of the City of Searcy, Arkansas, is hereby amended to read as follows:

“Sec. 2-2. Purchases, Contracts; Procedure. The Mayor or his duly authorized representative shall have the authority and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes in and for the City of Searcy, and to make all contracts for labor or work to be performed 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, within the limits of the Budget for Operations of the City then in effect, to the extent that the reasonably anticipated cost of such supplies, materials, work labor or equipment is equal to or less than the limits imposed by Ark. Code Ann. § 14-58-303 or Ark. Code Ann. § 22-9-203, each as may be amended from time to time, and as may be applicable to the proposed project, purchase or other expenditure of funds with in the Budget for Operations of the City, without the necessity of procuring competitive bids therefor; provided, however, the Mayor or his duly authorized representative shall have the authority to purchase fuel and other commodities and pay all utility expense of the City of Searcy without the requirement of competitive bidding and without further approval of the

City Council to the extent that any such purchase of fuel or any utility expense payment shall be in an amount reflected in Ark. Code Ann § 14-58-303, as may be amended from time to time, or less; and provided, further, that in making such purchases, the said Mayor shall to the extent possible, secure telephone or informal written bids from as many sources of such supplies, materials, labor or equipment as shall, by such Mayor, be deemed reasonable to insure that such purchase made on behalf of the City is made at the lowest possible price. Except with respect to purchases of fuel, other commodities, and payment of utility expense as hereinbefore provided, notwithstanding anything to the contrary herein contained, the Mayor shall make no purchase of any such supplies, materials, apparatus, equipment, nor shall the Mayor contract for the performance of any work or labor to be performed if the reasonably anticipated cost of such purchase or contract is in excess of the sum set forth in Ark. Code Ann. § 14-58-303 or Ark. Code Ann. § 22-9-203, each as may be amended from time to time, and as may be applicable, in which event the Mayor, or his duly authorized representative shall, after having first secured approval therefor from the City Council, invite competitive bidding as otherwise required by law. Further notwithstanding anything to the contrary herein contained, the City Council may, by Ordinance, waive the requirement of competitive bidding in exceptional situations where such procedure is deemed not feasible or practicable.”

Section 2. The provision of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provision shall be enforceable according to their terms.

Section 3. All ordinances, resolution or other acts of the City in conflict with the terms hereof are repealed to the extent of any such conflict.

Emergency Clause. The Searcy City Council has determined that an emergency exists and that the immediate adoption and enforcement of this ordinance being necessary for the public peace, health, safety and welfare, the provisions hereof shall be in full force and effect from and after its passage.

Adopted this 10th day of July, 2018

The City of Searcy, Arkansas

By:

/s/ David Morris
Mayor of Searcy

Attest

/s/ Jerry Morris
Searcy City Clerk-Treasurer