ORDINANCE NO. 463

AN ORDINANCE REPEALING AND REPLACING ORDINANCES 188, 214, 294, 301 AND 354; SETTING FORTH SPENDING LIMITATIONS FOR THE CITY ADMINISTRATOR PURSUANT TO ARKANSAS LAW; SETTING BIDDING REQUIREMENTS AND PROCEDURES FOR THE CITY OF BARLING, ARKANSAS; and DECLARING AN EMERGENCY HEREIN

WHEREAS, pursuant to A.C.A. §§14-48-117(5)(A)(i)-(iii) and 14-48-129, the Board of Directors of the City of Barling Arkansas has previously set the spending limits of the City Administrator without the consent and approval of the Board of Directors; and

WHEREAS, Ordinance 214 of 1992 set said limit at Five Thousand Dollars ($5,000.00); and

WHEREAS, Ordinance 294 of 2002 amended Ordinance 214 of 1992 and increased the spending limit for the payment of the City's utility bills only to Ten Thousand Dollars ($10,000.00); and

WHEREAS, Ordinance 301 of 2003 amended Ordinances 214 of 1992 and 294 of 2002 to remove the spending limit for the purchase of water from the City of Fort Smith; and

WHEREAS, Ordinance 354 of 2009 amended Ordinance 214 of 1992 to increase the spending limit in all areas to Ten Thousand Dollars ($10,000.00); and

WHEREAS, the call for and cost of purchases and payments compelled to be made by the City Administrator pursuant to A.C.A. §14-48-117(5)(A)(i)-(iii) and A.C.A. §14-48-129 have increased over time and require that the spending limit of the City Administrator for such purchases be increased;

NOW, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, THAT:

SECTION 1: The intent of this Ordinance is to establish spending limits for the City Administrator as provided by A.C.A. §14-48-117(5)(A)(i)-(iii) and A.C.A. §14-48-129.

SECTION 2: Current Ordinance Nos. 188, 214, 294, 301 and 354 are hereby repealed and replaced by the present Ordinance.

SECTION 3: For all sums up to the amount of Ten Thousand Dollars ($10,000.00), the City Administrator may:

(a) Contract for and purchase, or issue purchase authorizations for, supplies, materials, and equipment for the various offices, departments, and agencies of the city government, and may contract for, or authorize contracts for, services to be rendered to the city or for the construction of municipal improvements;

(b) Approve for payment, out of funds previously appropriated for that purpose, or disapprove any bills, debts, or liabilities asserted as claims against the city;

(c) Sell or exchange any municipal supplies, materials or equipment.

SECTION 4: For all items described in SECTION 3 hereinabove exceeding the sum of Ten Thousand Dollars ($10,000.00), the City Administrator shall be required to submit said item for competitive bidding. When competitive bidding is required, the City Administrator shall invite competitive bidding by legal advertisement published one time in a local daily newspaper. Bids received pursuant to said advertisement shall be opened not less than fifteen (15) days following the date of invitation to bid. Provided, however, the bidding procedure set forth in this and other ordinances of the City of Barling shall not be exclusive of other state-mandated bidding procedures.

SECTION 5: After receipt of bids as required by SECTION 3, the City Administrator shall transmit to the Board of Directors a tabulation of all bids received thereon and the Board of Directors, by resolution duly passed, shall authorize the purchase or contract to the lowest responsible and responsive bidder; provided, however, the Directors may reject any and all bids.

SECTION 6: For all items described in SECTION 3 hereinabove exceeding the sum of Ten Thousand Dollars ($10,000.00), or having value exceeding the sum of Ten Thousand Dollars ($10,000.00), the approval of Board of Directors shall be required. The sole exception shall be that the City Administrator is hereby authorized to pay any utility or insurance bill or time sensitive billing by the state or federal goverments in excess of Ten Thousand Dollars ($10,000.00), but shall immediately bring said expenditure to the attention of the Board of Directors at the next regularly scheduled meeting.

SECTION 7: Should any portion of this Ordinance be determined to be unconstitutional or invalid and so declared by a Court of competent jurisdiction, the remaining parts and provisions of this Ordinance shall remain in place.

SECTION 8: The enactment of this Ordinance would insure the protection of the financial and fiscal welfare of the City of Barling, Arkansas, in providing specific procedures for purchasing and bidding, so that an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

PASSED and APPROVED this 26 day of November, 2019.

Wally Gattis

Wally Gattis, Mayor

ATTEST:

Florene Brown

Florene Brown, City Clerk

CITY OF BARLING, AR
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