

ORDINANCE NO. 80

AN ORDINANCE ESTABLISHING A PROCEDURE FOR PURCHASING, SALE OR EXCHANGE OF PROPERTY IN COMPLIANCE WITH ACT NO. 28 OF 1959, AS AMENDED BY ACT 344 OF 1981 AND ACT 745 OF 1985 (ARK. STAT. 19-4421 - ARK. STAT. 19-4430), DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS.

SECTION 1. The Mayor or his duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus equipment, materials and other things requisite to public purposes for the City of Tontitown 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 where the amount of the expenditure for any purchase or contract does not exceed the sum of Five Thousand Dollars (\$5,000.00).

SECTION 2. Where the amount of expenditure for any purchase or contract exceeds the sum of Five Thousand Dollars (\$5,000.00), the Mayor or his duly authorized representative, shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder, provided however, the Mayor or his duly authorized representative, may reject any and all bids received.

SECTION 3. The Mayor, or his duly authorized representative, may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city, when funds on hand are adequate to pay such bills, debts, or liabilities. That the payment or disapproval of any bills, debts, or liabilities not covered by a previous appropriation shall require confirmation of the governing body.

SECTION 4. That the Mayor, or his duly authorized representative, may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Thousand Dollars (\$5,000.00). That no supplies, materials or equipment shall be sold without receiving competitive bids thereof if the value thereof exceed the sum of Five Thousand Dollars (\$5,000.00) provided, however, if the Mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Five Thousand

Dollars (\$5,000.00) the same may be sold by the Mayor without competitive bidding.

SECTION 5. This ordinance shall be effective January 7, 1986.

All ordinance or parts of ordinance in conflict herewith are hereby repealed.

SECTION 6. Whereas, State laws require the establishment of a procedure for municipal purchases under Five Thousand Dollars (\$5,000.00) and this ordinance being necessary for the immediate protection of the public peace, health and safety, and emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Approved: Julius P. Dally
Mayor

PASSED: January 7, 1986

ATTEST: Frances Franco
Recorder/Treasurer