

ORDINANCE NO. 2005-11-234

AN ORDINANCE AMENDING ORDINANCE NO. 2005-7-221 AND ESTABLISHING THE PROCEDURE FOR MAKING PURCHASES OF ALL SUPPLIES, APPARATUS, EQUIPMENT, MATERIALS, AND OTHER THINGS REQUISITE FOR PUBLIC PURPOSES IN AND FOR THE CITY OF TONTITOWN, ARKANSAS, AND TO MAKE ALL NECESSARY CONTRACTS FOR WORK OR LABOR TO BE DONE OR MATERIAL TO BE FURNISHED FOR THE BENEFIT OF THE CITY OF TONTITOWN, OR IN CARRYING OUT ANY WORK OR UNDERTAKING OF A PUBLIC NATURE; AND FOR THE PAYMENT OF SAME.

WHEREAS, Pursuant to Ordinance No. 2005-7-221 approved July 5, 2005 and pursuant to Arkansas Code Annotated §14-58-303 et al.

WHEREAS, the City Council has determined that it would be in the best interest of the City of Tontitown, Arkansas to amend ordinance No. 2005-7-221 to be in accordance with Arkansas Code Annotated §14-58-303 et al and;

WHEREAS, the Mayor or his 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 of Tontitown, Arkansas, 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 of Tontitown, or in carrying out any work or undertaking of public nature; and

WHEREAS, the council shall have the management of control of finances and all the real and personal property belonging to the corporation.

WHEREAS, the governing body may alter or revise the budget and unfledged funds appropriated by the governing body, for any purpose, subject to the following exceptions:

- (1) Funds resulting from taxes levied under the statutes or ordinances for specific purposes may not be diverted to another purpose.
- (2) Appropriated funds may not be diverted to another purpose where any creditor of the municipality would be prejudiced thereby.

WHEREAS, city resources are such that they demand careful accounting and control of revenues to guarantee solvency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS, AS FOLLOWS:

Section 1: The Mayor, or the Mayor's duly authorized representative, shall observe the following procedures for purchasing, which shall be the purchasing policy for the City of Tontitown, Arkansas.

- (A) The approval by the council of the budget shall amount to an appropriation of funds, which are lawfully applicable to the items therein contained. Expenditures shall be made only from funds previously appropriated by the council and only for the purposes set forth in such appropriation.
- (B) All miscellaneous administrative expenditures shall be made from a petty cash fund established in an amount appropriated by the city council. No amount shall be expended beyond the monthly amount appropriated by the city council. All payments from said petty cash fund shall be documented by paid receipts. Additional funding must be approved by the city council.
- (C) On all purchases between \$500.00 and \$6,000.00, no less than three (3) telephone bids are not obtainable, the mayor shall document the reason therefore, except in emergency situations where such telephone bids are not obtainable.

Section 2: That all purchases over \$20,000.00 shall be legal advertisement for sealed bids to be opened on a date and time to be specified on the notice for bids, which date and time for receiving bids and opening same shall be set at a date and time for an open City Council meeting. All bids shall be opened before the City Council in a public meeting, except in cases of emergency of where impractical.

(14-58-303)(b)(2)(iii) The Mayor or the Mayor's duly authorized representative shall have exclusive power to award the bid to the lowest responsible bidder, but may reject any and all bids received.

Section 3: All Ordinances, parts of Ordinances, municipal code sections or parts of municipal code sections in conflict herewith are hereby repealed.

Section 4: If for any reason, any portion or portions of this Ordinance shall be held invalid, such invalidity in no way affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.


PASSED AND APPROVED this 11 day of November, 2005.

APPROVED:



Paul Maestri,
Mayor

ATTEST:



Toni Zulpo
City Recorder / Treasurer

Sponsored by:

ROLL CALL:

Shall the Ordinance pass:

	YEA	NAY	
Alderman Andrew Penzo	<u>✓</u>	<u> </u>	<i>(Ward 2, Position 2)</i>
Alderman Arthur Penzo	<u>✓</u>	<u> </u>	<i>(Ward 2, Position 1)</i>
Alderman Henry Piazza	<u>✓</u>	<u> </u>	<i>(Ward 1, Position 2)</i>
Alderman Bradley Marveggio	<u>✓</u>	<u> </u>	<i>(Ward 1, Position 1)</i>
Alderman Ken Robertson	<u>✓</u>	<u> </u>	<i>(Ward 3, Position 2)</i>
Alderman Steve Smith	<u>✓</u>	<u> </u>	<i>(Ward 3, Position 1)</i>
Mayor Paul Maestri	<u> </u>	<u> </u>	

Yeas: 6 Nays: 0 (total)