

**ORDINANCE NO. 2017-09-\_\_\_\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE PROVIDING FOR, AND RATIFYING,  
THE PURCHASE OF NECESSARY CITY EQUIPMENT  
FOR THE CITY OF TONTITOWN BY AND THROUGH AN  
AUCTION CONDUCTED BY MAYOR PAUL COLVIN;  
DECLARING AN EMERGENCY; AND FOR OTHER  
PURPOSES.**

**WHEREAS**, Ark. Code Ann. §14-42-107(b)(1) provides no alderman, council member, official, or municipal employee shall be interested directly or indirectly, in the profits of any contract for furnishing supplies, equipment, or services to the municipality unless the governing body of the city has enacted an ordinance specifically permitting alderman, council members, officials, or municipal employees to conduct business with the city and prescribing the extent of this authority;

**WHEREAS**, on August 15, 2017, the City Council of the City of Tontitown, without Mayor Colvin in attendance, voted to approve the purchase of certain surplus equipment from Washington County, Arkansas by and through an auction which was to be conducted by Block Auction and Realty (the “Washington County Auction”), an auction company which is owned and operated by Mayor Paul Colvin;

**WHEREAS**, the City Council believed it was in the best interests of the City of Tontitown to purchase this surplus equipment at advantageous savings to the taxpayers of the City of Tontitown that would not be available through other means of purchase and therefore authorized city staff to purchase certain items of equipment through the Washington County Auction; and

**WHEREAS**, certain items of surplus equipment were purchased by Tontitown city staff at the Washington County Auction and the City Council of Tontitown desires to ratify, authorize and permit these purchases to be completed by and through the Washington County Auction conducted by Block Auction & Realty.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tontitown, Arkansas:

**SECTION 1.** That Mayor Paul Colvin, who is the owner of Block Auction & Realty, is and shall be permitted to conduct business with the City of Tontitown by and through the Washington County Auction whereby the City of Tontitown shall complete the authorized purchase of surplus equipment. Further, any and all actions taken in furtherance of the purchase of the surplus equipment is hereby ratified, including the permission of the City Council to conduct this business with Mayor Paul Colvin.

**SECTION 2.** Mayor Paul Colvin has fully disclosed his direct or indirect financial interest in the contracts or service agreements regarding the Washington County Auction to the City Council and the purchase of the surplus equipment was approved by the City Council.

**SECTION 3.** No favoritism was or shall be shown to the Mayor over other possible auction sales which may or will have been conducted for the surplus equipment needed by the City of Tontitown.

**SECTION 4.** Because the purchase is for equipment that the City of Tontitown needs and the auction is of a nature which required and requires the City to act with dispatch in order to secure pricing which will save the taxpayers of the City Tontitown substantial money, and this is necessary for the public peace, health, safety and welfare, an emergency is hereby declared to exist. Therefore, this ordinance shall be in full force and effect from after the date of the passage.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

\_\_\_\_\_  
Paul Colvin, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Ardemagni, City Recorder-Treasurer