

ORDINANCE 99-10

ORDINANCE FOR THE PURCHASING AND DISPOSAL OF CITY PROPERTY FOR CITIES OF THE FIRST CLASS

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE PURCHASING, SALE OR EXCHANGE OF PROPERTY IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, 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 Cherokee Village, 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 where the amount of the expenditure for any purchase or contract does not exceed the sum of Five Thousand Dollars (\$5,000.00). (A.C.A. § 14-58-303(a) (Michie Supp. 1995); *see also* A.C.A. § 14-58-303(b) (Michie Supp. 1995); Handbook for Arkansas Municipal Officials, at 464-465 (1998 Edition) (hereinafter "Handbook"))

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 may be awarded to the lowest responsible bidder; however, the Mayor or his representative may reject any and all bids received. (A.C.A. § 14-58-303(b)(2)(A)(i)-(iii) (Michie Supp. 1995); Handbook, at 464-465)

SECTION 3. The Mayor, or his 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. (A.C.A. § 14-58-305(a), (b) (Michie 1987); Handbook, at 465)

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 Hundred Dollars (\$500.00). No supplies, materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Five Hundred Dollars (\$500.00); 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 Ten Thousand Dollars (\$10,000.00), the same may be sold by the Mayor without competitive bidding. (A.C.A. § 14-58-306(a), (b) (Michie 1987); *see also* A.C.A. § 14-58-303 (Michie Supp. 1995); Handbook, at 464-465). Pursuant to A.C.A. § 14-58-303(b)(2)(B) The governing body, by ordinances may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical.

SECTION 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. This ordinance shall be effective June 22, 1999. All ordinances or parts of ordinances in conflict are hereby repealed.

DATED:

June 22, 1999

APPROVED:

Marjorie A. Rogers, Mayor

ATTEST:

Susan E. McManis