

ORDINANCE NO. 01-11

CITY OF DIAMOND CITY, ARKANSAS

AN ORDINANCE REPEALING ORDINANCE NOS. 2-09 AND 3-09 AND AUTHORIZING THE MAYOR OF THE CITY OF DIAMOND CITY TO MAKE PURCHASES OF SUPPLIES, APPARATUS, EQUIPMENT, MATERIALS AND OTHER THINGS REQUISITE FOR PUBLIC PURPOSES FOR THE CITY OF DIAMOND CITY, AND TO MAKE NECESSARY CONTRACTS FOR SUCH WORK OR LABOR TO BE DONE, OR MATERIAL OR OTHER NECESSARY THINGS TO BE FURNISHED TO OR FOR THE BENEFIT OF THE CITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council for the City of Diamond City has determined that it would be in the City's best interest to authorize the Mayor of the City of Diamond, or her authorized representative, to make purchases of supplies, apparatus, equipment, materials and other things requisite for public purposes for the City of Diamond City, and to make necessary contracts for work or labor to be done, or material or other necessary things to be furnished to or for the benefit of the City, with certain restrictions to apply, as set forth below;

WHEREAS, A.C.A. § 14-58-303 as amended by the Arkansas General Assembly, authorizes the mayor of a city of the second class to make the purchases and contracts referred to herein;

WHEREAS, A.C.A. § 14-58-303 further provides that the municipal governing body of any city of the second class may provide by ordinance the procedure for making such purchases;

WHEREAS, the City Council desires to authorize the Mayor to make such purchases and enter into such contracts in accordance with the A.C.A. § 14-58-303, and to set forth the procedure for making such purchases and contracts; and

WHEREAS, the City Council desires that Ordinance Nos. 02-09 and 03-09 concerning the spending limitations of the Mayor and the procedures concerning the employment of city employees are hereby repealed.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Diamond City, as follows:

Section 1. \$1,000.00 or under. The Mayor of the City of Diamond City, Arkansas or her duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes for the City of Diamond City 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, or in carrying out any work or undertaking of a public nature therein, where the amount of the expenditure for any purpose or contract does not exceed the sum of One Thousand and No/100 Dollars (\$1,000.00).

Section 2. Over \$1,000.00. Where the amount of expenditure for any purchase or contract exceeds the sum of One Thousand and No/100 Dollars (\$1,000.00), the Mayor of the City of Diamond City, Arkansas, or her duly authorized representative, shall obtain approval of the City Council prior to making such expenditures.

Section 3. Approval of Payment. The Mayor of the City of Diamond City, Arkansas, 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. The payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the City Council. All bills, debts and liabilities of the City, whether covered by a previous appropriation or not, shall be presented to the City Council by the Mayor, or the Mayor's duly authorized representative, each month. The Mayor, the City Treasurer, and one councilman are hereby appointed as the authorized signature principals on any and all accounts of the City of Diamond City.

Section 4. Sale or exchange of supplies. The Mayor of the City of Diamond City, Arkansas, or her duly authorized representative, may sell or exchange any municipal supplies, materials or equipment having a value in excess of One Thousand Dollars (\$1,000.00) only with the prior approval of the City Council of the City of Diamond City. Supplies, materials or equipment not exceeding the value of One Thousand Dollars (\$1,000.00) may be sold by the Mayor, or his duly authorized representative, without the approval of the Diamond City City Council.

Section 5. Repeal of Ordinance Nos. 02-09 and 03-09. The City Council of the City of Diamond City declares that Ordinance Nos. 02-09 and 03-09 are hereby repealed in their entirety.

Section 6. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.


Section 7. Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.


Section 8. Declaration of Emergency. It is hereby found and determined that there is an immediate need to authorize the Mayor to make purchases and contracts on behalf of the City of Diamond City in accordance with A.C.A. § 14-58-303 as amended, and to set out specific clarification of the power, responsibility and authority of the Mayor to make such purchases and contracts on behalf of the City, in order to assure the proper and efficient operation of the City and to clarify the issue in light of currently pending contracts and future contracts to be considered by the City of Diamond City. Therefore, an emergency is declared to exist, and this Ordinance being immediately necessary for the above-stated purposes, shall become effective immediately from and after the date of its passage, to take effect as provided by the terms of this Ordinance.

PASSED AND APPROVED this 3rd day of January 2011.

APPROVED:

ATTEST:


Cheryl Guthrie, Recorder


Shari L. Marshall, Mayor