

ORDINANCE NO. 125

AN ORDINANCE SETTING OUT GUIDELINES AND LIMITATIONS FOR THE CITY ADMINISTRATOR AS TO PURCHASING, CLAIMS, SALES, AND OTHER FINANCIAL AND FISCAL PROCEDURES ON BEHALF OF THE CITY OF BARLING, ARKANSAS

WHEREAS, the City of Barling, Arkansas has recently converted its form of government to the City Administrator form of government and,

WHEREAS, Arkansas Statutes Ann. 19-811 requires for the Board of Directors to prescribe and ordain certain rules, guidelines and limitations by ordinance as to the City Administrator's powers, rights and duties with respect to financial and fiscal procedures and affairs on behalf of the City;

BE IT HEREBY ORDAINED AND ENACTED by the Board of Directors of Barling, Arkansas, that:

Section 1. Approval of obligations.

The City Administrator is hereby authorized to approve, or disapprove, for payment out of ^{sp}budget funds previously appropriated for the category of the items or service for which payment is sought, any bills, debts or statements presented to the City and resulting from the supplying of goods, properties or services to the City; provided, however, if the amount of any bill, debt or liability exceeds the amount of \$ 2500.00,

the payment or disapproval thereof shall require the confirmation of the Board of Directors.

Section 2. Investigation, approval of claims against City.

With the approval of the City Attorney, the City Administrator is hereby authorized to receive, investigate, deny and/or approve all liability claims, whether arising in contract or tort, and whether or not filed in a court of law, made by any person or entity against the City or an employee of the City for acts arising out of said employee's course of employment with the City where the amount of liability claimed does not exceed the sum of five hundred dollars (\$500.00)^{ok}. Such payment may be in money, services or in some other form, by the City in exchange for an agreed settlement of such claim.

Section 3. Deposit of funds in budgeted checking accounts.

The City Administrator or his designated representative shall deposit, by budget fund, sufficient monies in checking accounts with any state approved bank or banks doing business in the City to meet the day-to-day operating needs of each of the operating funds established by the annual budget. Said banks shall be given generally equal treatment with respect to the amount of deposits of City funds in said banks.

Section 4. Investment of funds.

(a) The City Administrator or his designated representative shall invest in interest-bearing obligations or accounts all monies of the budget funds not necessary for day-to-day operations of the funds, and such deposits shall be made for periods of time that such monies shall not be needed for immediate purposes of the funds.

(b) Before making any investment of monies referred to in subsection (a), the City Administrator or his designated representative shall secure oral bids from all banking and savings and loan associations doing business in Sebastian County that are members of the Federal Deposit Insurance Corporation, or members of the Federal Savings and Loan Insurance Corporation, or their successors, and, in case of banking institutions, which have been designated as depositories for public funds by the state bank department pursuant to Act 21 of the 1935 Acts of Arkansas. In securing such oral bids, the City Administrator or his designated representative shall supply each such institution with identical information regarding the amount of proposed investment and length of investment. The bid of each institution shall be recorded and kept on file for a period of one (1) year.

Section 5. Authority of administrator and purchasing procedures.

(a) The City Administrator or his designated representative shall have the exclusive power and responsibility to make purchases of or contract for any supplies, materials or

equipment for the various offices, departments and agencies of the City government, and to make or authorize contracts for services to be rendered to the City or for the construction of municipal improvements pursuant to the guidelines set out herein.

(b) In regard to purchases or contracts, the amount which is less than two thousand five hundred dollars (\$2,500.00), the following rules shall apply:

- (1) All purchases or contracts where the expenditure therefor is no more than \$1000.00 shall be made by the City Administrator, or his designated representative, after the securing of oral bids therefor.
- (2) All purchases or contracts where the expenditure therefor is not less than \$1000.00 shall be made by the City Administrator, or his designated representative, after the securing of written bids therefor.
- (3) Where the amount of the expenditure for any purchase or contract authorized in Section 5(a) exceeds the sum of two thousand five hundred dollars (\$2,500.00), the City Administrator or his designated representative shall invite competitive bidding thereon by legal advertisement published one time in any local daily newspaper. The City Administrator shall then transmit to the Board of Directors with the recommendation of the City Administrator, by resolution duly passed, shall authorize the purchase or contract to the lowest responsible and responsive bidder; provided, however, the Directors may reject any and all bids.
- (4) The advertisement for bid may state that the Board of Directors may waive any formalities in regard to the bidding other than the requirement of bond, when same is required.

- (5) The Board of Directors, by ordinance, may waive the requirement of competitive bidding in exceptional situations where such procedure is not feasible, but such exceptional situation being lacking, the Board of Directors may not except any particular bid from the requirement of competitive bidding.

- (6) It is recognized that under certain circumstances the City Administrator and the Board of Directors will be hiring independent contractors and professional consultants and that the services of these persons or firms is of such nature that competitive bidding is unwarranted. In such a situation, the Board of Directors with the recommendation of the City Administrator, by resolution duly passed, shall negotiate these contracts based upon the quality of the services to be performed and the rates at which they would be performed and the rates at which they would be performed, insuring to the municipality the best possible service at the best possible price.

Section 6. Authorized sale and exchange of property by City Administrator.

(a) The City Administrator or his designated representative shall have the exclusive power and authority to sell or exchange any supplies, materials, apparatus or equipment owned by the City and not immediately needed by the City for public purposes.

(b) Where the amount of a sale or exchange authorized in Section 6(a) exceeds the sum of \$200.00, that is to say, whenever the value of the property being sold or exchanged is of such value that it will reasonably realize a credit to the City in the amount of \$200.00, the City Administrator or his

designated representative shall invite competitive bidding thereon by legal advertisement published in any local daily newspaper. The City Administrator shall transmit to the Board of Directors a tabulation of all bids received thereon and the board of directors with the recommendation of the City Administrator, by resolution duly passed, shall authorize the sale or exchange thereon to the highest responsible bidder; provided however, the Board of Directors may reject any and all bids.

(c) The advertisement for bid may state that the Board of Directors may waive any formalities to the bidding other than the requirement of bond, when same is required.

(d) No property owned by the City shall be sold or exchanged without competitive bidding unless the City Administrator shall certify in writing that in his opinion the fair market value of such property is less than 200.00.

(e) The Board of Directors, by ordinance, may waive the requirement of competitive bidding in regard to the sale or exchange of such property, in exceptional situations, where such procedure is not feasible, but such exceptional situations being lacking, the Board of Directors may not except any particular sale from the requirement of competitive bidding.

Section 7. Appealing clause.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 8. Severability.

Should any portion of this ordinance be unconstitutional or otherwise invalid and so declared by a court of competent jurisdiction, then the remainder of this ordinance shall not be affected by such partial invalidity.

Section 9. Emergency Clause.

It being found and determined by the Board of Directors of Barling, Arkansas that the specific procedures, guidelines and rules regarding financial dealings and responsibilities by the City and its Administrator or matters that merit immediate attention and concern, the Board of Directors hereby declares an emergency to exist and that this ordinance should be in full force and effect from and after its passage to insure the well-being of the citizenry of the City.

PASSED AND APPROVED by the Board of Directors of the City of Barling, Arkansas on the 30th day of January, 1980.

APPROVED:

Jerry Barling
Jerry Barling, Mayor

ATTEST:

Shirley Ferguson, City Clerk