

ORDINANCE NO. 1073

AN ORDINANCE AMENDING CHAPTER 3.04 OF THE EUREKA SPRINGS MUNICIPAL CODE, ESTABLISHING A NEW PROCEDURE FOR PURCHASING, SALE OR EXCHANGE OF PROPERTY IN COMPLIANCE WITH ACT NO. 28 OF 1959 (ARK. STAT. 19-4421 - ARK. STAT. 19-4430); DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

Section 1. Chapter 3.04 of the Eureka Springs Municipal Code amended.

Chapter 3.04 of the Eureka Springs Municipal Code is hereby amended to read, in its entirety, as follows, to-wit:

Chapter 3.04

PURCHASES

Sections:

- 3.04.01 Less than Five Hundred Dollars
- 3.04.02 More than Five Hundred Dollars but less than Two Thousand Dollars
- 3.04.03 More than Two Thousand Dollars
- 3.04.04 Additional Claims
- 3.04.05 Sale or exchange of supplies, materials or equipment valued at less than Two Thousand Dollars

3.04.01 Less than Five Hundred Dollars. The Mayor, or his duly authorized representative, shall have exclusive power and responsibility of making purchases of all supplies, apparatus, equipment and materials for the City of Eureka Springs, Arkansas, where the total expenditure therefor is below the sum of five hundred (\$500.00) dollars.

3.04.02 More than Five Hundred Dollars but less than Two Thousand Dollars. That all purchases for the city of supplies, apparatus, equipment, materials and other things requisite for public purposes where the expenditure therefor is in excess of five hundred (\$500.00) dollars but less than two thousand (\$2000.00) dollars shall be made by the Mayor, or his duly authorized representative, after the securing of quotation bids therefor. Provided, however, purchases of less than two thousand (\$2000.00) dollars at State bid prices shall be exempt from the provisions of this Chapter.

3.04.03 More than Two Thousand Dollars. Where the amount of expenditure for any purchase or contract exceeds the sum of two thousand (\$2000.00) dollars, 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 shall be awarded to the lowest responsible bidder; provided, however, the Mayor, or his duly authorized representative may reject any and all bids received; provided, however, the City Council, by Ordinance, may waive the requirements of competitive bidding in exceptional situations where such procedure is not deemed feasible or practical.

3.04.04 Additional claims. The Mayor, 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. That the payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the City Council.

3.04.05 Sale or exchange of supplies, materials or equipment valued at less than Two Thousand Dollars. 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 two thousand (\$2000.00) dollars. That no supplies, materials or equipment shall be sold without receiving competitive bids therefor if the value thereof exceeds the sum of two thousand (\$2000.00) dollars; provided, however, if the Mayor shall certify in writing to the City Council that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than two thousand (\$2000.00) dollars, the same may be sold by the Mayor without competitive bidding.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Whereas, State laws require the establishment of a procedure for municipal purchases under two thousand (\$2000.00) dollars and this ordinance being necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WITH SECTION 3 BEING VOTED UPON SEPARATELY, ON THIS 20th DAY OF July, 1979.

APPROVED:

Marcile Davis
Marcile Davis, Mayor

ATTEST:

Vesta C. Johnson
Vesta Johnson, Clerk/Treasurer

(SEAL OF THE CITY)