

CITY OF DYER, ARKANSAS

ORDINANCE NO. 6-16-2009-2

AN ORDINANCE AMENDING ORDINANCE NO. 83-5 AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City Council of Dyer has determined that a its spending limits ordinance may be in conflict with the Arkansas Freedom of Information Act and that clarification of this ordinance would be beneficial for the citizens of Dyer.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DYER, ARKANSAS, AS FOLLOWS:

**SECTION 1:** Ordinance No. 83-5 is hereby amended as follows: (1) SECTION 2 is hereby repealed and (2) SECTION 2 shall be replaced with the following text:

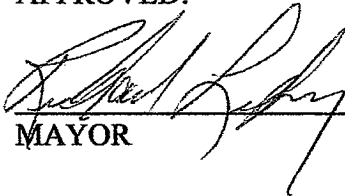
**SECTION 2. Goods and services valued between \$500 and \$2,000.00, without which would seriously hamper town operations, may be contracted for by the Mayor without competitive bidding, but only after City Council approval. Council approval shall be obtained by either a regularly scheduled meeting or by calling a special meeting with all due and proper public notices.**

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed and any portion of this ordinance deemed by a court of competent jurisdiction to be in contravention of state law shall be severed from this ordinance and the remaining portions of this ordinance shall remain in full force and effect.

**SECTION 3:** This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, because this ordinance brings the city into compliance with current state law under the FOIA statutes. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 16<sup>th</sup> DAY OF June, 2009.

APPROVED:

  
MAYOR

ATTESTED:

  
RECORDER/TREASURER

CITY OF DYER, ARKANSAS

ORDINANCE NO. 7-7-2009-1

AN ORDINANCE REPEALING ORDINANCE NO. 83-5 AND ORDINANCE NO. 6-16-2009-2, DECLARING AN EMERGENCY, AND FOR OTHER RELATED PURPOSES.

**WHEREAS**, the City Council of Dyer has determined that its spending limits and procedures ordinance needs to be updated to foster more efficient operation of the city for the benefit of the citizens of Dyer.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DYER, ARKANSAS, AS FOLLOWS:

**SECTION 1:** All purchases of goods and services by the City of Dyer in excess of \$5,000.00 must be by competitive bidding, unless otherwise regulated by statute or ordinance, and a record of such bidding and formal council approval will be contained in city records.

**SECTION 2:** Non-routine goods and services valued between \$1,000.00 and \$5,000.00 without which would seriously hamper city operations, may be contracted for and purchased by the Mayor without competitive bidding, but only after City Council approval. Council approval shall be obtained by either a regularly scheduled meeting or by calling a special meeting with all due and proper public notices.

**SECTION 3:** Routine goods and services valued between \$1,000.00 and \$5,000.00 may be contracted for and purchased by the mayor without council approval. Such goods and services shall include but not be limited to the following: sewage fees, water purchases, city utilities, professional fees, fuel, and city payroll. Records of the use and need must be a part of the city files.

**SECTION 4:** Notwithstanding anything in this ordinance City Council approval and/or competitive bidding shall not be required in cases of emergency repairs, unless required by other state statute, where contracting or purchasing is required immediately to protect and preserve the property or welfare of the City of Dyer or its citizens, and a it is not otherwise practicable to call a special meeting of the City Council. Records of the use and need must be a part of the city files.

**SECTION 5:** Personnel making purchases or contracting services under the provisions of this Ordinance will ensure the most economical service available is utilized and that the town receives proper discounts. Personnel must also utilize the *City of Dyer Scope of Work* form when applicable and said form must be obtained and completed prior to any non-routine work or non-routine purchase of goods and services.

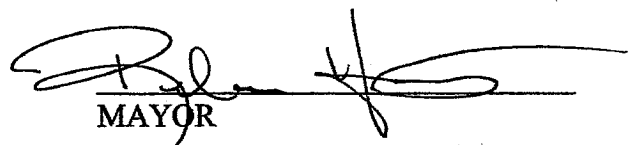
**SECTION 6:** If any Court of competent jurisdiction finds any portion of this ordinance invalid or unenforceable or in contravention of state law for any reason that portion shall be stricken and the remainder of the ordinance shall continue in full force and effect.

**SECTION 7:** All ordinances or parts of ordinances in conflict herewith are hereby repealed, specifically including but not limited to Ordinance No. 83-5 and Ordinance No. 6-16-2009-2.

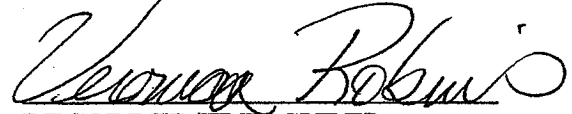
**SECTION 8:** This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, and welfare of the citizens of Dyer, Arkansas, because this ordinance restores the efficient operation of the city government regarding the procedures for purchases of property by the city. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF July, 2009.

APPROVED:

  
MAYOR  
Acting: Rebecca Hatley  
~~for Richard Leakey~~

ATTESTED:

  
RECORDER/TREASURER  
Acting  
Veronica Robins