****SPECIAL CALL****

**O-23-24**

**ORDINANCE NO.**

**AN ORDINANCE PROVIDING FOR THE CITY OF NORTH LITTLE ROCK TO COMPLY WITH ALL STATE PURCHASING AND PROCUREMENT LAWS APPLICABLE TO MUNICIPALITIES; REPEALING SECTION 2-700 OF THE NORTH LITTLE ROCK MUNICIPAL CODE, AS AMENDED BY ORDINANCE NO. 9396B; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, § 2-700 of the North Little Rock Municipal Code ("NLRMC"), as amended by Ordinance No. 9396B, adopted by the North Little Rock City Council on September 27, 2021, provides for City to follow competitive bidding requirements for the purchases of goods and services and for the award of contracts for public improvements according to the statutory procedures set forth in Ark. Code Ann. § 14-58-303 and Ark. Code Ann. § 22-9-203; and

WHEREAS, NLRMC § 2-700, as amended by Ordinance No. 9396B, additionally provides that the City's purchasing agent has the authority to make any and all purchases for goods and services of any amounts less than $35,000, consistent with the provisions of Ark. Code Ann. § 14-58-303(b)(1)(A) which provides that the governing body of any city of the first class shall provide by ordinance the procedure for making all purchases that do not exceed that amount; and

WHEREAS, in addition to the statutes referenced in NLRMC § 2-700, as amended by Ordinance No. 9396B, there are other state procurement and purchasing laws that apply to municipalities; and

WHEREAS, the City Council finds that the City, through the Mayor and the department heads, has kept itself informed of all state procurement laws applicable to municipalities and has made purchases in compliance with state law; and

WHEREAS, the City Council finds that it is in the best interests of the City and its residents to formalize by ordinance the City's obligation to comply with all state purchasing and procurement laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the Mayor, or his designee, shall have the authority to make any and all purchases of any amounts less than $35,000.00, provided that this authority is not in conflict with any other state purchasing or procurement laws applicable to cities of the first class.

SECTION 2: That beginning January 1, 2025, and each January 1 at subsequent five-year intervals, the amount set forth in Section 1 of this ordinance shall be adjusted to reflect the percentage increase based on the increase in the Consumer Price Index for all Urban Consumers,

or its successor, as published by the United States Department of Labor for the five years immediately preceding the percentage increase, as provided to the City by the Arkansas Department of Finance and Administration pursuant to Ark. Code Ann. § 14-58-303(b)(3).

SECTION 3: That, effective March 30, 2023, all purchases and expenditures made by the City shall be made in compliance with all state laws governing purchases and expenditures by cities of the first class in the State of Arkansas.

SECTION 4: That the Mayor or his designee, the City Attorney, and the City's Chief Financial Officer shall be responsible for keeping informed as to all state laws impacting purchasing and procurement and to ensure that all expenditures are made in accordance with this ordinance and with Arkansas state law.

SECTION 4: That Section 2-700 of the North Little Rock Municipal Code and Ordinance No. 9396B are hereby repealed; and any and all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: It is hereby found and determined that the adoption of this Ordinance is immediately necessary to insure that the requirement to comply with state purchasing and procurement laws is formalized by an ordinance adopted by the City Council of the City of North Little Rock, Arkansas and is necessary for the immediate preservation of public, health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:

Terry C Hartwick

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED 11:30 A.M. P.M.
By Amy Fields, CA
DATE 4/3/23
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED BY