

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL MUNICIPAL ELECTION IN THE CITY OF BLACKWELL, KAY COUNTY, STATE OF OKLAHOMA, TO BE HELD ON JUNE 30, 2020, RESCHEDULED FROM APRIL 7, 2020, DUE TO THE EMERGENCY DECLARED BY THE OKLAHOMA STATE ELECTION BOARD, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED VOTERS OF SAID CITY THE PROPOSITION WHETHER ARTICLE III, SECTION 6 OF THE BLACKWELL CITY CHARTER SHOULD BE AMENDED TO PROVIDE FOR AN INCREASE IN THE AMOUNT REQUIRED FOR ADVERTISEMENT AND COMPETITIVE BIDDING AND PROVIDING FOR THE ADOPTION OF A PURCHASING MANUAL; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR SAVINGS; SEVERABILITY; REPEALER; CODIFICATION; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

WHEREAS, Article III, Section 6 the Blackwell City Charter provides that any contract of \$5,000.00 or more must be based on specifications, approved by the City Council, and advertised in the newspaper inviting sealed bids;

WHEREAS, it is recommended that this charter provision be amended by making it applicable to contracts of \$50,000.00 or more, but if the State of Oklahoma's Public Competitive Bidding Act of 1974 is increased above \$50,000.00, then the charter provision is amended by reference to that higher amount and by providing that contracts with expenditures less than the Council bidding amount shall be let pursuant to the terms of the Blackwell Purchasing Manual, as amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA:

Section I: AUTHORITY. That pursuant to Sections 13-111 and 16-112 of Title 11, Oklahoma Statutes, and pursuant to the request of the governing body, T. J. Greenfield, Mayor of the City of Blackwell, Oklahoma, is hereby authorized and directed to call a special municipal election to be held in the City of Blackwell on the 30<sup>th</sup> day of June 2020, for the purpose of submitting to the registered, qualified voters thereof, the following Proposition:

Ordinance No. 2020-01 proposes an amendment to Article III, Section 6 of the Blackwell City Charter which provides that any contract of \$5,000.00 or more must be based on specifications, approved by the City Council, and advertised in the newspaper inviting sealed bids. Ordinance No. 2020-01 amends this charter provision by making it applicable to contracts of \$50,000.00 or more, but if the State of Oklahoma's Public Competitive Bidding Act of 1974 is increased above \$50,000.00, then the charter provision is amended by reference to that higher

amount, which amount shall be the Council bidding amount. Ordinance No. 2020-01 also provides that contracts with expenditures less than the Council bidding amount shall be let pursuant to the terms of the Blackwell Purchasing Manual, as amended. Shall Ordinance No. 2020-01 which amends the charter provision as provided hereinabove and as otherwise provided by Ordinance No. 2020-01, be approved?

Section II. ORDINANCE. Subject to voter approval, shall Article III, Section 6 of the Blackwell City Charter be amended to read as follows:

Sec. 6. - Contracts involving more than \$50,000.00 or more; procedure for letting; contracts under \$50,000.00.

All contracts involving an expenditure of \$50,000.00 or more, or such greater amount as may be hereinafter provided by the Public Competitive Bidding Act of 1974, Tit. 61, Section 101 et seq., or as such Act may be hereinafter amended, which higher amount shall be substituted herein as if originally set out ("Council bidding amount") ~~\$5,000.00 or more~~ shall be made by the city council only after the council shall have first procured specifications therefor, and before any such contract is made the council must cause a notice to be published as provided in Section 4 hereinabove in the official city paper setting forth for what purpose the expenditure is to be made and calling for sealed bids; and the contract shall be let only after the bids have been made and then only to the lowest and best bidder. The council, however, may reject any and all bids if in their judgment the bids are unsatisfactory and may thereupon re-advertise for other bids; and before any bid is accepted by the council it must require of the successful bidder a statement signed by him setting forth that he was not in collusion with any other bid or bidders and that he was not apprised in advance of any other bidder and that he was not a party interested in the filling out or making of said proposed contracts among other bidders, and if such statement is untrue in any particular the contract shall be rendered void and of no effect; and it is provided, however, that the acceptance of any bid shall not bind the city to the successful bidder until a contract therefor has been properly reduced to writing and signed by the proper officers; or in lieu of letting such work by contract or making such purchases by contract, the city may do such work or furnish the material itself direct without the aid of a contractor. This specification herein provided for shall be done under an estimate made by the city engineer of said city or such other proper employee as the city council may designate.

~~It is expressly provided that on all contracts involving an expenditure of in the Council bidding amount or less than \$5000.00 shall be made by shall be let in accordance with the Blackwell Purchasing Manual, or as such Manual may be hereinafter amended by the City Council. the city council of the City of Blackwell only after the council shall have first procured specifications therefore, and the city council then may proceed to make any such contract involving an expenditure of \$5,000.00 or less, without the necessity of publishing notice relative to the purpose of the expenditure or for calling for sealed bids. However, if the city council does not~~

~~unanimously agree in the approval of any contract involving expenditures of less than \$5,000.00, then in such event the city council shall cause notice to be published indicating the purpose of the expenditures and calling for sealed bids, all in the manner and in accordance with the procedure to be followed for contracts involving an expenditure of \$5,000.00 or more as immediately above provided.~~

Section III. EFFECTIVE DATE. This charter amendment shall become effective if approved by a majority of voters at the June 30, 2020, special municipal election.

Section IV. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the Mayor and City Council of the City of Blackwell that this section of the Blackwell Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


Section VI. REPEALER. All charter provisions, ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section VII. CODIFICATION. This ordinance shall be codified as shown in Article III, Section 6 of the Blackwell City Charter.

Section VIII. EMERGENCY. In order to protect the health, safety and welfare of the general public of the City of Blackwell, Oklahoma, and in order to submit this proposed amendment to the City Charter to the voters for their consideration and approval or rejection, an emergency is hereby declared; therefore, this ordinance shall become effective from and after its passage, approval and publication.

Approved and executed this 19<sup>th</sup> day of March 2020.

THE CITY OF BLACKWELL, OKLAHOMA



T. J. Greenfield, Mayor



(Seal)

ATTEST:

Traci Hanebrink, City Clerk

Approved as to Content:

Janet Smith, City Manager

Approved as to Form and Legality:

Bryce S. Kennedy, Jr., City Attorney