

ORDINANCE NO. 2020-02

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 PERMIT THE CITY MANAGER OR DESIGNEE TO PROCURE COMPETITIVE BIDS AND SUBMIT THE BIDS TO THE CITY COUNCIL FOR APPROVAL AND TO EXEMPT PROFESSIONAL SERVICES, EMERGENCIES AND PROCUREMENTS ALREADY SUBJECT TO COMPETITIVE BIDDING BY STATE LAW FROM THE REQUIREMENTS OF ARTICLE III, SECTION 6 THE BLACKWELL CITY CHARTER 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 contains certain competitive bidding requirements;

WHEREAS, it is recommended that this charter provision be amended to authorize the City Manager or designee to procure competitive bids and submit the bids to the City Council for approval and to exempt professional services, emergencies and/or procurements already subject to competitive bidding by state law from the requirements of Article III, Section 6 of the Blackwell City Charter.

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

Section 1: 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 30th day of June 2020, for the purpose of submitting to the registered, qualified voters thereof, the following Proposition:

PROPOSITION 2.

Ordinance No. 2020-02 proposes additional provisions to Article III, Section 6 of the Blackwell City Charter concerning competitive bidding requirements. Shall Ordinance No. 2020-02 which provides that the City Manager or designee is authorized to procure competitive bids and submit the bids procured to the City Council and that existing competitive bidding charter

requirements will not apply to procurements already subject to competitive bidding by state law, or to professional services, which by their nature are unique, or to emergencies, all as more specifically provided for in Ordinance No. 2020-02, 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 \$5,000.00; procedure for letting; contracts under \$5,000.00; Authority Designated for Procurement Process; Contracts Exempted from Competitive Bidding.

All contracts involving an expenditure of \$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 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 less than \$5000.00 shall be made by 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.

The City Manager or designee, is hereby designated the authority to prepare specifications and provide for the publication of the notice seeking bids, on behalf of the City Council, for any contract required to be bid pursuant to this section and to submit the bids to the City Council for their consideration, review and action.

The foregoing competitive bidding provisions shall not apply to professional services, which by their nature are unique and not subject to competitive bidding, nor shall it apply when an emergency is called by a majority of all the members of the City Council, nor shall it apply when the item to be procured has already been competitively bid pursuant to state law by the State of Oklahoma, or any of its agencies, departments, boards, or commissions. For purpose of this subsection:

“Professional services” shall mean and include:

- 1)Appraisal services;
- 2)Architectural services;
- 3)Consulting services;
- 4)Data processing consulting and programming services;
- 5)Engineering services, including surveying;
- 6)Financial, accounting and auditing services;
- 7)Legal services;
- 8)Health insurance services;
- 9)Photographic, art or marketing services,
- 10)Economic or tourism development contracts,
- 11)Testing and inspection services; and
- 12)Agreements with the State of Oklahoma, or any of its agencies, departments, boards, or commissions, any political subdivision, municipality or public trust authority

“Emergency” shall mean and be limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition whereby the public health or safety is endangered or is necessary in order to avoid loss of life, substantial damage to property, or damage to the public peace or safety.

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 19th day of March 2020.

THE CITY OF BLACKWELL, OKLAHOMA



T. J. Greenfield, Mayor
(Seal)

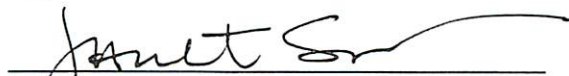


ATTEST:



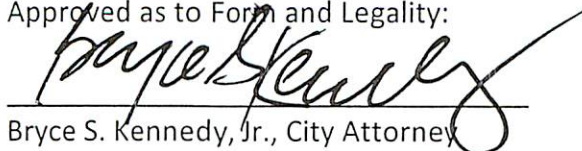
Traci Hanebrink, City Clerk

Approved as to Content:



Janet Smith, City Manager

Approved as to Form and Legality:



Bryce S. Kennedy, Jr., City Attorney