

## ORDINANCE NO. 2018-12

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.04(9), OF THE CITY OF OVILLA CODE OF ORDINANCES, PROVIDING AMENDED PURCHASING AND CONTRACTING AUTHORITY OF THE CITY MANAGER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ovilla has adopted a purchasing policy by Ordinance 2014-033 on October 14<sup>th</sup>, 2014 which provides purchasing procedures for the City; and

WHEREAS, the City has established powers and duties of the City Manager by Ordinance 2015-018 adopted on July 13<sup>th</sup>, 2015; and

WHEREAS, Ordinance 2014-033 and Ordinance 2015-018 lead to conflicts within the Code of Ordinances with regards to the purchasing authority of the City Manager; and

WHEREAS, Section 9.03.04(9) states, in part, "No contract shall be let except by the mayor and the city council;" and

WHEREAS, Section 1.05.071(b) states "The city administrator shall have authority and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes for the city and to make all necessary contracts for work or labor to be done, material or other necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purpose or contract does not exceed the sum of twenty-five thousand dollars (\$25,000.00) as adopted in the policy and procedure guide to purchasing", and

WHEREAS, the City finds and determines that it is necessary and in the best interests of the health, safety and welfare of the citizens of the City of Ovilla to amend the City's Code of Ordinances as set forth herein.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, THAT:

### SECTION 1. AMENDMENT OF CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.04(9) OF THE OVILLA CODE OF ORDINANCES

CHAPTER 9, ARTICLE 9.03, DIVISION 2 "CITY MANAGER," SECTION 9.03.04(9) of the Ovilla Code of Ordinances is hereby amended to read as follows:

#### Sec. 9.03.04 POWERS AND DUTIES

\* \* \*

(9) Have authority and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes for the city and to make all necessary contracts for work or labor to be done, material or other necessary things to be furnished for the benefit of the city where the amount of the expenditure for any purpose or contract does not exceed the sum of twenty-five thousand dollars (\$25,000.00) as adopted in the policy and procedure guide to purchasing. The city manager may issue such rules governing procedures for purchasing within the administrative organization as the governing body shall approve.

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SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the 9th day of July, 2018.

Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary



APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney