

ORDINANCE NO. 1359

AN ORDINANCE OF THE CITY DEL CITY, OKLAHOMA AMENDING THE DEL CITY CODE OF ORDINANCES, CHAPTER 2, ARTICLE I, AMENDING SEC. 2-4, PURCHASES AND CASH DISBURSMENTS; PROVIDING CITY MANAGER MAY AVAIL CITY OF PROVISIONS, CONTRACTS OR PROCESS OF ANY OTHER STATE OR POLITICAL SUBDIVISION, PROVIDED SAID PROVISIONS, CONTRACTS OR PROCESS ARE IN ACCORDANCE WITH RELEVANT CITY ORDINANCES AND CITY CHARTER; PROVIDING FOR SEVERABILITY, DECLARING REPEALER AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEL CITY, OKLAHOMA:

SECTION 1: That the Del City Code of Ordinances, Chapter 2, Article 1, Section 2-4 is hereby amended to read as follows:

Sec. 2-4. Purchases and Cash Disbursements.

- (a) The city shall adhere to the provisions of 61 O.S., §§ 101 et seq. when determining when competitive bidding is required and the manner in which competitive bids will be obtained. If the City Charter or purchasing procedures approved by the governing body provides for additional competitive bidding requirements, such additional requirements shall be met.
- (b) In addition to the requirements of [subsection] (a) above, public trusts created pursuant to 60 O.S. § 176, of which the city is beneficiary, shall also follow the competitive bidding provisions of 60 O.S. § 176(g).
- (c) The city designates the city manager or his designee, the city treasurer, and the purchasing officer, as purchasing officers empowered to purchase or contract against budget appropriations.
- (d) The city manager may contract for or purchase or issue purchase authorization or authorize budget transfers for the city in an amount not to exceed five thousand dollars (\$5,000.00) for items not appropriated in the original budget, or ten thousand dollars (\$10,000.00) for items that are appropriated in the original budget, without the prior approval of the city council and without competitive bidding, subject to any regulations which the council may prescribe.
- (e) The city manager may, also, in accordance with the terms of subsection (d), avail the city of the provisions of the contracts of any municipality in the state, provided that the contract in such other municipality is competitively bid in accordance with the rules, regulations and ordinances of such municipality and in accordance with the law of the state.

- (f) The city manager may, also, unless the contract with the state specifies otherwise, avail the city of provisions of the Oklahoma Central Purchasing contract and the services of the state purchasing director. The city may designate the office of Oklahoma Central Purchasing as its agent for the purchase or procurement of any item or service contracted or available to the state, except only as limited by subsection (d) above and by the Charter of the city.
- (g) The City Manager may, also, avail the city to provisions, contracts, and process of any other state or political subdivision, provided the provisions, contracts or process of such other state or political subdivision satisfy all relevant Del City ordinances and are in accordance with the Del City Charter.
- (h) Surplus items shall be presented to the city council to be declared surplus by action of the council. Such item will then be sold or donated as provided in section 27 of the City Charter.
- (i) For all purchases of goods, services or capital purchase orders or contracts shall be prepared and approved, in writing, by a designated purchasing officer prior to the time the purchase commitment is made.
- (j) For all purchase orders prepared and approved as provided in subsection (h) an encumbering officer (city clerk or deputy city clerk) shall determine and attest in writing that there exists available unencumbered appropriation in the accounts to be charged.
- (k) These encumbering requirements shall not apply to the following type of purchases or commitments:
 - Payroll and personal services;
 - Utility and telephone services (governed by State Corporation Commission);
 - Insurance (governed by contract);
 - Debt service.
- (l) An officer or employee receiving satisfactory delivery of merchandise or contract service shall acknowledge such fact by signing the invoice, claim form, delivery ticket or receiving advice. After satisfactory delivery of the merchandise or completion of contract provisions, an invoice or claim form shall be obtained adequately documenting request for payment.
- (m) Upon approval of the invoices or claims for payment, checks or other payment documents as authorized by state law (11 O.S. § 17-102) shall be prepared for disbursement by the city treasurer. Two (2) authorized signatures are required on checks for five thousand dollars (\$5,000.00) or more.
- (n) A copy of the approved invoice or claims list and/or check register may be provided to the governing body for informational purposes; however, governing body approval is not

required prior to the payment of the invoices or claims if incurred and paid in accordance with the provisions above.

- (o) Except for petty cash procedures adopted by city council, city monies may be disbursed only through the city treasurer. Payment of purchase orders, contracts and commitments shall be processed only by check, wire transfer, direct payroll deposit, or other instrument or method of disbursement through the Federal Reserve System.
- (p) As provided for in 11 O.S. § 17-102(D), the city manager shall have the authority to establish petty cash accounts not to exceed one thousand dollars (\$1,000.00) per city department for use in making payments for costs incurred in operating the city. The petty cash accounts shall be reimbursed by utilizing properly itemized invoices and petty cash vouchers and processing the reimbursements in accordance with the approved purchasing procedures of the city.
- (q) In the event an emergency is declared by the city council, the city council may direct that the above spending limitations by the city manager, set forth in subsection (d) above, be suspended during the declared period of emergency. In the event the city council does direct that said spending limitations by the city manager be suspended during the declared period of emergency, the city council shall further provide an expiration date for the period of suspension. Prior to said date of expiration, the city council may terminate or extend said period of suspension.
- (r) All long-term indebtedness, in the form of bonds, notes or lease purchase obligations, shall only be incurred in the manner provided by law. Once lawfully incurred, payments of principal and interest on the bonds or notes and payments on the lease purchase obligations shall be paid in accordance with the terms as specified in the bond indenture, note agreement or lease purchase contract by the city treasurer without further approval of the governing body. The manner of payment shall be consistent with the manner used for the payment of purchases of goods, services or capital as described in subsection (l) above.
- (s) All transfers of resources between funds (both operating and fund balance transfers) shall only be made in accordance with governing body appropriations. Such appropriations shall be contained in the original or amended budget of the municipality. Once lawfully appropriated, interfund transfer payments may be made by the city treasurer without further governing body approval. The manner of payment shall be consistent with the manner used for the payment of purchases of goods, services and capital as described in subsection (l) above.
- (t) For all public trusts created pursuant to 60 O.S. §§ 176—180, for which the city is beneficiary and for which the trust's governing body (trustees) are comprised entirely of members of the city's governing body, subsections (a) through (r) shall apply.

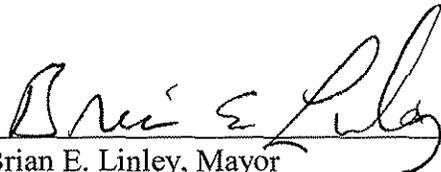
- (u) For the purposes of the public trusts, as used above, the terms governing body shall mean board of trustees of the trust, city manager shall mean trust manager as appointed by the trustees, city treasurer shall mean trust treasurer as appointed by the trustees or required by the trust indenture.

SECTION 2: REPEALER. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: EMERGENCY. It being immediately necessary for the preservation of the public health, peace and safety of the City of Del City and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof; this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED and the Emergency Clause voted upon separately and passed and approved this 18 day of June, 2012.



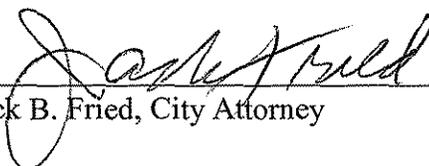
Brian E. Linley, Mayor

ATTEST:



Carol Noble, City Clerk
Angie Sewell Deputy
(Seal)

REVIEWED this 18 day of June, 2012, by:



Jack B. Fried, City Attorney