

## **ARTICLE 13**

### **PURCHASES, SALES, CONTRACTS AND LEASES**

#### ***Section 13.01 ESTABLISHMENT OF PROCEDURES BY ORDINANCE***

The City Council shall provide, by ordinance, a purchasing procedure to be followed in purchasing city supplies, materials, equipment, contractual service, or other forms of personal property. Before making any such purchase or contract to purchase, competitive bids shall be obtained except:

- (a) In the securing of professional services for the city,
- (b) When the purchasing agent for the city is exempted by the purchasing ordinance because of value, or when the City Council shall determine that no advantage to the city would result from competitive bidding, or
- (c) Upon the occurrence of an emergency.

The City Council shall provide in the ordinance required by this section the definition of "lowest responsible bidder," the dollar limit within which the purchasing agent of the city may make purchase without the necessity of obtaining competitive bids, and the dollar limit within which purchases may be made without the necessity of Council approval.

#### ***Section 13.02 PURCHASE, SALE AND LEASE OF PROPERTY***

The Council shall establish by ordinance the procedures for the purchase, sale or lease of real property for the city. The ordinance shall provide a dollar limit within which purchases, sales or leases of real property may be made without necessity of securing competitive bids, and the dollar limit within which purchases or leases may be made without the necessity of prior Council approval.

#### ***Section 13.03 LIMITATIONS ON CONTRACTUAL POWER***

- (a) No contract shall be made with any person, firm or corporation in default to the city.
- (b) The Council's power to sell or dispose of any real property shall be conditioned on the conducting of a public hearing thereon, receiving five (5) affirmative Council votes, and the requisite electoral approval if required by state law.

**Section 13.04 INSTALLMENT CONTRACTS**

The city may enter into installment contracts for the purchase of property or capital equipment. Each such contract shall not extend over a period greater than that permitted by state law nor shall the total amount of principal payments under all such contracts exceed a sum permitted by state law. Each such payment shall be included in the budget for the year in which each respective installment is payable.

**Section 13.05 RESTRICTION ON POWERS TO SELL OR LEASE PROPERTY**

The city may not sell ~~any park or cemetery, or any part thereof,~~public property unless the sale is permitted by a two-thirds (2/3) majority vote of City Council and a majority of city electors voting on the proposed sale before closing.

The transfer or assignment of any agreement or contract for the renting or leasing of public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum, as long as the term of the lease is for a maximum period of three years.

(Section 13.05 Amended by Referendum on November 3, 2020 Ballot)