

ORDINANCE NO: 2008-OR- 22

AN ORDINANCE ESTABLISHING A PURCHASE ORDER SYSTEM FOR THE GENERAL FUND OF THE CITY OF JEFFERSONVILLE AND RESCINDING ORDINANCE 2007-OR-008, ORDINANCE 2006-OR-005, ORDINANCE 2006-OR-037 AND ORDINANCE 1998-OR-040

WHEREAS, Indiana Code 5-22, Et. Seq. applies to every expenditure of public funds by a governmental body;

WHEREAS, the City of Jeffersonville, Indiana is a governmental body as described by Indiana law;

WHEREAS, Indiana Code 36-1-26-3 designates the Common Council of the City of Jeffersonville as the Fiscal Body of the City;

WHEREAS, the Common Council is desirous of enacting legislation that insures that the taxpayers of the City of Jeffersonville receive services at the best possible cost in an effort to maintain control over expenditures and thereby assist in the council's efforts to control property taxes;

WHEREAS, with this goal in mind the Common Council of the City of Jeffersonville wishes to establish a purchase order system for all funds originating from any and all funds of the City of Jeffersonville and

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY JEFFERSONVILLE INDIANA THAT:

Section 1

- 1.1 The duly appointed Board of Public Works (**hereinafter "BPW"**) is hereby designated and established as the Purchasing Agency for the City of Jeffersonville, Indiana to the fullest extent permitted by Indiana Code 5-22-1 et. Seq.,
- 1.2 The BPW, as Purchasing Agency for the City, shall have the authority to designate one (1) or more purchasing agents as provided by the provisions of IC 5-22-4-5 and IC 5-22-4-6. Such designation may be limited to one (1) or more specific purchases, or may be general and continuing in its terms, at the discretion of the Purchasing Agency.
- 1.3 The BPW, as Purchasing Agency for the City, and any person(s) duly appointed as a purchasing agent by such Purchasing Agency, shall approve and/or make purchases of all supplies, materials, equipment, or other tangible personal property, and solicit and accept bids for the construction of "public works" or "public improvement" projects as defined under the applicable Indiana law, in a manner consistent with the

defined under the applicable Indiana law, in a manner consistent with the provisions of IC 5-22-1, et. Seq., the rules and procedures promulgated and adopted by the Purchasing Agency, this Ordinance (including the provision of any other ordinance referred to herein), and any subsequent ordinances adopted by this Common Council. Except upon subsequent amendment of this Ordinance in accordance with the provisions of IC 5-22-6, et. Seq., the provisions of this Ordinance and the jurisdiction of the Purchasing Agency appointed hereunder, shall not in any manner be construed to limit the authority of the executive branch of City government to execute **personal service contracts** for the purchase of **personal services**, provided only that sufficient funds have first been appropriated into a budget line item that may properly be used for payment of such contract.

- 1.4 The provisions of this Ordinance shall apply to each officer, employee, board, commission, and political subdivision of the City, excepting the City's municipal wastewater treatment utility in accordance with the provisions of IC 5-22-1-2(13).

SECTION 2:

The BPW, as the City's Purchasing Agency, shall promulgate and adopt rules, regulations, and procedures implementing a purchase order system for the purchase of all supplies, materials, equipment, or other tangible personal property by any officer, employee, board, commission, or political subdivision of the City that is subject to the provisions of this Ordinance. Such rules shall not be placed in effect until they have been submitted for review and approval on affirmative vote on motion of the City Council. Notice is hereby taken that the City Council by motion approved the initial rules recommended by the Clerk-Treasurer at its regular meeting on February 27, 2007. **However, the BPW shall be given the opportunity to adopt, amend, rescind or repeal the rules that have been previously adopted by the former Purchasing Agency, the Clerk-Treasurer.**

SECTION 3:

No City official, employee, board, commission, political subdivision, or person purporting to act as an agent of the City shall order, purchase, or cause to be ordered or purchased any supplies, materials, equipment, or other tangible personal property without the prior approval of the Purchasing Agency. A properly appointed purchasing agent shall have the authority to complete the ministerial acts necessary to finalize any purchase previously approved by the

Purchasing Agency. Travel expenses incurred or to be incurred by any City official, employee, board, commission, political subdivision, or person purporting to act as an agent of the City are subject to ***the city's Travel Ordinance as adopted herein and shall not be subject to the provisions of this ordinance.***

SECTION 4:

The Purchasing Agency shall grant its approval of any purchase covered by the provisions of this Ordinance, with such approval evidenced by a written record signed by the Purchasing Agency, before any purchasing agent shall be entitled to obligate the City or otherwise complete any particular purchase.

SECTION 5:

The Clerk-Treasurer, as the City's fiscal officer pursuant to the provisions of IC 36-4-10-2(c), shall not pay any claim for the purchase of any supplies, materials, equipment, or other tangible personal property requiring the prior approval of the Purchasing Agency under the provisions of this Ordinance, unless written evidence of such approval by the Purchasing Agency is first received.

ANY CLAIM THAT IS NOT ACCOMPANIED BY THE APPROPRIATE DOCUMENTATION SHALL BE DEEMED TO BE AN "UNLAWFUL" CLAIM AND THE CITY COUNCIL SHALL NOT BE MANDATED PURSUANT TO STATUTE TO PAY SAID CLAIM REGARDLESS OF WHETHER OR NOT MONEY HAS BEEN APPROPRIATED BY THE COUNCIL FOR SAID PURCHASE.

SECTION 6:

The provisions of this Ordinance shall not apply to the purchase of any supplies, materials, equipment, or other tangible personal property not exceeding the value of **One Thousand Dollars (\$1,000.00)**, either singly or in the aggregate at the time of any purchase. Nor shall this Ordinance be construed to in any manner restrict the authority of any officer, employee, board, department, commission, or political subdivision of the City that is subject to the provisions hereof from exercising their discretion in making

decisions to purchase any particular supplies, materials, equipment or other tangible personal property, or in seeking the construction of a "public works" or "public improvement" project as defined under applicable Indiana law, provided only that sufficient funds have been appropriated into a budget line item that may properly be used for payment of such purchases or projects. In instances where sufficient budgeted funds exist for the purpose of making the desired purchase or project, it shall be the sole function of the Purchasing Agency appointed hereunder to assure that such purchase or project is completed on the most favorable terms that can practicably be obtained, and such Purchasing Agency shall not have the discretion or authority to otherwise restrict, prohibit, or veto any such proposed purchase or project.

SECTION 7:

7.1

The City Council reserves the right to alter or amend the provisions of this Ordinance by subsequent ordinance, specifically including, but not limited to, the granting of additional authority and responsibility to the Purchasing Agency in any manner consistent with the provisions of IC 5-22-1, *et seq.*

7.2

This Ordinance shall be in full force and effect following its adoption by this Common Council, and following the dismissal of that pending lawsuit entitled **City of Jeffersonville v. Jeffersonville City Clerk Treasurer and Common Council, Case Number: _____** and approval by the Mayor or override of any veto by the Mayor in accordance with the provisions of Indiana law.

SECTION 8

No employee elected official member of any board or agent of the City shall purchase order or cause to be ordered or purchased any material supply or equipment without the prior approval of the Purchasing Agent All anticipated travel expenses are subject to the procedures adopted by the Common Council of the City of Jeffersonville as set forth by ordinance adopted by the council.

SECTION 9

The Purchasing Agency shall grant its approval of any purchase covered by the provisions of this Ordinance, with such approval evidenced by a written record signed by the Purchasing Agency, before any purchasing agent shall be entitled to obligate the City or otherwise complete any particular purchase.

SECTION 10

Any employee elected official member of any board or agent of the City of Jeffersonville who violates the requirements of this Ordinance will be personally liable for costs incurred and/or shall be subject to any criminal statutes or ordinances that specific apply thereto.

SECTION 11

The Clerk Treasurer of the City of Jeffersonville is instructed to pay no claim that is not accompanied by a signed purchase order.

SECTION 12

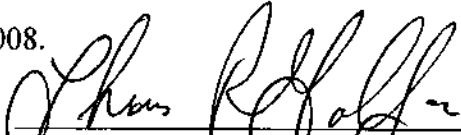
Single purchases in an amount less than **One Thousand Dollars (\$1,000)** are exempt from this ordinance.

SECTION 13

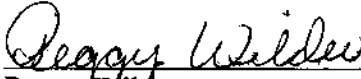
If any provision of this Ordinance or application thereof to any person or circumstance is held unlawful or otherwise invalid such invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid application or provision and to this end each such invalid provision or application of this Ordinance is severable it is hereby declared to be the intent of the Jeffersonville City Council that this Ordinance would have been issued had any such unlawful or otherwise invalid provision or application not be included.

This Ordinance shall be in full force and effect from and after its passage and approval.

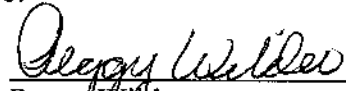
Passed this 5th day of May, 2008.


Thomas Galligan, Presiding Officer

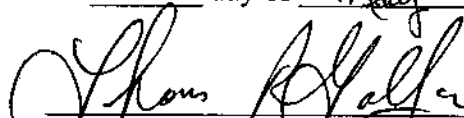
ATTEST:


Peggy Wilder
Clerk and Treasurer

Presented by me as Clerk and Treasurer to the Mayor of said City of Jeffersonville
this _____ day of _____, 2008.


Peggy Wilder
Clerk and Treasurer

This Ordinance approved and signed by me this 29th day of May, 2008.


Thomas Galligan, Mayor