

ORDINANCE NO. 2021-_____

CITY OF TONTITOWN, WASHGINTON COUNTY, ARKANSAS

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING IN ORDER TO PERFORM WORK TO REMOVE DEBRIS AND PERFORM REPAIRS IN AND ALONG BUSHY CREEK IN THE CITY OF TONTITOWN, WASHINGTON COUNTY ARKANSAS; CALLING FOR AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City of Tontitown has experienced significant flooding events over the past few years;

WHEREAS, as a result of these flooding events, and in order to avoid future flooding which will impact city residents and city infrastructure, it has become necessary for the City to perform debris removal and restorative work to certain drainage and waterways in order to properly allow flood waters to be managed;

WHEREAS, the City Council is aware through the work and consultation with civil engineers that Bushy Creek in the City of Tontitown is in need of debris removal and restorative work in order to prevent future and more severe flooding;

WHEREAS, the City of Tontitown has used Charles Ward to perform debris removal and restorative work in and around Bushy Creek in the past, and Mr. Ward is found to be familiar with Bushy Creek and the work that will be required to perform the debris removal and restorative work;

WHEREAS, the City of Tontitown has estimated that this work will not exceed the sum of approximately \$90,000.00; and

WHEREAS, it is in the interest of the citizens of Tontitown to best use the resources of the City and provide a way to reliably and efficiently protect the City's infrastructure and residents and to best promote the health, safety and welfare of the citizens of Tontitown, by waiving competitive bidding as herein described.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Tontitown, as follows:

Section 1. That pursuant to state law and applicable city ordinances, the City Council hereby waives the requirements of competitive bidding for the removal of debris and restorative work to Bushy Creek as described above in this ordinance.

Section 2. The Mayor of the City of Tonittown is hereby authorized to negotiate and execute, upon receiving the advice and approval of the City Attorney and the engineers advising the City, a contract with Charles Ward for the work described herein to be paid from general funds in a form similar, or substantially similar, to the attached Exhibit "A".

Section 3. It is estimated that the total work, including labor, equipment rental and materials will not exceed \$90,000.00.

Section 4. That all ordinances or resolutions or orders, and parts thereof, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5. That in the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 6. EMERGENCY CLAUSE. The Tontitown City Council finds that the need for the removal of debris and other restorative work to Bushy Creek is acute and needs to be performed in an expeditious manner in order to avoid future flooding issues. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto the Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED and APPROVED this ____ day of _____, 2021.

APPROVED:

Paul Colvin, Jr., Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer