

ORDINANCE 16-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE “AMENDMENTS TO TOWN CODE CHAPTER 3, ARTICLE 3, PROCUREMENT, DATED DECEMBER 1, 2016” BY REFERENCE AND AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 3, ARTICLE 3, BY REVISING PROVISIONS RELATED TO PROCUREMENT.

WHEREAS, the Town of Fountain Hills Town Code (the “Town Code”) provides policy direction for procurement of goods and services in Chapter 3, Article 3 thereof (the “Procurement Code”); and

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) desires to modify the Procurement Code to provide for, among other things: (i) an expanded definition of “professional services” that may be procured without formal competition; and (ii) increased authority for the Town Manager to execute contracts and to modify the policies adopted by the Council relating to the various procurement methods and processes (the “Procurement Policy”); and

WHEREAS, the Town Council, through these amendments to the Procurement Code and Procurement Policy, desires to increase efficiency of Town purchasing in a manner that is in the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The document known as the “Amendments to Town Code Chapter 3, Article 3, Procurement dated December 1, 2016”, of which one paper copy and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 are on file in the office of the Town Clerk, which document was made a public record by Resolution 2016-36 of the Town of Fountain Hills, Arizona (the “Procurement Amendments”), is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 3. The Town Code, Chapter 3 (Administration), Article 3-3 (Procurement), is hereby deleted in its entirety and replaced with the Procurement Amendments.

SECTION 4. Any person who fails to comply with any provision of the Procurement Amendments shall be subject to civil and criminal penalties as set forth in Section 1-8-1 of the Town Code, including civil penalties of not more than \$250 base fine. Criminal penalties shall constitute a class one misdemeanor, punishable by a fine not to exceed \$2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

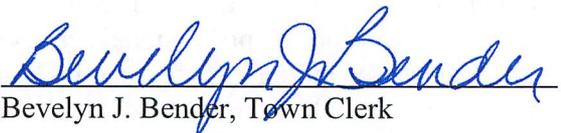
SECTION 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, December 1, 2016.

FOR THE TOWN OF FOUNTAIN HILLS: **ATTESTED TO:**

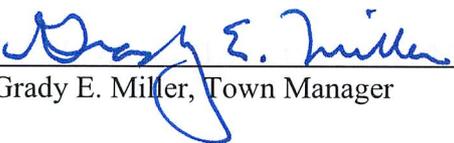


Linda M. Kavanagh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:



Grady E. Miller, Town Manager

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney