

ORDINANCE NO. 184

AN ORDINANCE TO ESTABLISH PROCEDURES WHEREBY EMPLOYEES OF THE CITY MAY BE PERMITTED TO CONDUCT BUSINESS WITH THE CITY AND PRESCRIBING THE EXTENT OF THIS AUTHORITY

WHEREAS, Ark. Code Ann § 14-42-107 provides that no alderman, council member, official, or municipal employee shall be interested, directly or indirectly, in the profits of any contract for the furnishing of supplies, equipment, or services to a municipality unless the governing body of the city has enacted an ordinance specifically permitting aldermen or council members to conduct business with the city and prescribing the extent of such authority;

WHEREAS, Ordinance No. 33 of the City of Goshen permits a member of the City Council to conduct business with the City, subject to the conditions and limitations contained therein, but Ordinance No. 33 is silent with respect to contracts with employees of the City;

WHEREAS, given the size of the City of Goshen, it may be necessary for the City of Goshen to consider contracts with employees of the City for the furnishing of supplies, equipment, or services outside of the scope of the employee's employment; and

WHEREAS, it is appropriate for the City Council to consider an ordinance establishing the circumstances under which an employee of the City can be permitted to enter into a contract with the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN:

SECTION 1. An employee of the City of Goshen, or a business entity in which the employee holds a direct or indirect interest in the profits of the subject City contract ("employee business"), may be permitted to furnish services as an independent contractor to the City only if:

(A) The employee fully discloses his or her direct or indirect financial interest in any contract or service agreement to the City Council and such services are approved by City Council resolution;

(B) No favoritism is allowed to the employee or employee business over other possible service providers;

(C) Such services are not of the same type as performed by the employee in his or her regular City job, nor are services for the department wherein the employee works; and

(D) The employee's immediate supervisor (if applicable) specifically approves such extension of employee service and ensures it will not adversely affect the employee's regular City employment duties.

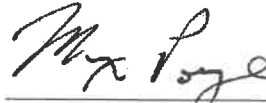
SECTION 2. Nothing herein creates a guarantee or right or protected interest. The City Council reserves the right to decline to enter into a contract with an employee or employee business if the City Council deems it not to be in the best interest of the City or for any lawful reason.

SECTION 3. It is the intent of the City Council in passing this ordinance to comply in all respects with any and all applicable provisions of Arkansas law pertaining to competitive bidding, purchases, and contracts generally.

SECTION 4. REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. SEVERABILITY: If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall 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.

PASSED AND APPROVED this 9th day of June, 2020.



Max Poye, Mayor

Attest:



Linda Moore, Recorder / Treasurer

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names of those voting YEA

Names of those voting NAY

Absent