

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 19 - 2012

AN ORDINANCE TO: (1) ESTABLISH THE BOARD OF CLARK COUNTY COMMISSIONERS AS THE PURCHASING AGENCY FOR CLARK COUNTY, INDIANA, (2) IMPLEMENT A PURCHASE ORDER SYSTEM FOR CERTAIN PURCHASES, AND (3) ESTABLISH CERTAIN RULES AND SANCTIONS AS A PART OF SUCH PURCHASE ORDER SYSTEM.

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the executive body of Clark County Government pursuant to the provisions of Ind. Code 36-2-2-2; and,

WHEREAS, this Board is also the legislative body of Clark County Government pursuant to the provisions of Ind. Code 36-1-2-9; and,

WHEREAS, Ind. Code 5-22, et seq. (the "Act"), applies to every expenditure of public funds by a governmental body; and,

WHEREAS, Clark county (the "County") is a governmental body subject to the Act; and,

WHEREAS, this Board wishes to establish a purchase order system for purchases to be made by all County offices, agencies, and political subdivisions that will require the expenditure of public funds from and all funds maintained by the County for the purchase of one or more items purchased simultaneously and for which a claim in excess of Five Hundred Dollars (\$500.00) will ultimately have to be approved by this Board, and now adopts this Ordinance for such purposes.

NOW, THEREFORE, BE IT ORDAINED BY THIS BOARD OF CLARK COUNTY COMMISSIONERS AS FOLLOWS:

SECTION 1: Designation of Purchasing Agent

This Board is hereby designated and established as the sole Purchasing Agency for Clark County to the fullest extent permitted by the Act. This Board, as the County's Purchasing Agency, also promulgates and adopts the rules and regulations as specified in SECTIONS 9&10 of this ordinance in order to further implement a purchase order system for all purchases of supplies, materials, equipment, or other tangible personal property by any officer, employee, board, commission, or political subdivision of the County that are subject to the provisions of this ordinance.

SECTION 2: Authority to designate a Purchasing Agent

This Board, as the Purchasing Agency for the County, shall have the authority to designate one purchasing agent as provided by the provisions of Ind. Code 5-22-4-5 and Ind. Code 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.

SECTION 3: Approval to make purchases

This Board, as the Purchasing Agency for the County, and any person duly appointed as 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 rules and procedures promulgated and adopted by the Purchasing Agency, this Ordinance (including the provision of any other ordinances referred to herein), and any subsequent ordinances adopted by this Board. Except upon subsequent amendment of this Ordinance in accordance with the provisions of Ind. Code 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 County government to execute contracts for the purchase of services, provided only that sufficient funds have first been appropriated into a budget line item that may properly be used for payment of any such contract.

SECTION 4: Application of Ordinance

The provisions of this Ordinance shall apply to each and every officer, employee, board, commission, and political subdivision of the County, excepting the County Hospital in accordance with the provisions of Ind. Code 5-22-1-2(7).

SECTION 5: Amount of purchases requiring Board approval

No County official, employee, board, commission, political subdivision, or person purporting to act as an agent of the County 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 if the purchase will require the expenditure of public funds from a fund maintained by the County on approval of a claim by this Board in excess of the amount of **Five Hundred Dollars (\$500.00)**. 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 County official, employee, board, commission, political subdivision, or person purporting to act as an agent of the County are subject to the provisions of this Ordinance to the extent that such expenses are reasonably expected to exceed **Five Hundred Dollars (\$500.00)** during any travel event, regardless of whether such event consists of one (1) or more days.

SECTION 6: Personal liability

Any elected official, employee, member of any board or commission, or agent of the County who violates the requirements of this Ordinance shall be personally liable for any an all obligations and costs incurred.

SECTION 7: Claims presented to Auditor

The auditor, as the County's fiscal officer pursuant to the provisions of Ind. Code 36-1-2-7(1), shall not process nor pay any claim for the purpose 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.

SECTION 8: Exclusions of purchases

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 **Five Hundred Dollars (\$500.00)**, either singularly or in aggregate at the time of any purchase. Nor should this Ordinance be construed to in any manner restrict the authority of any officer, employee, board, department, commission, or political subdivision of the County that is subject to the provisions herein from exercising their discretion in making a request to purchase any particular supplies, materials, equipment or other tangible personal property, nor in seeking approval for 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 the payment of such purchases or projects.

SECTION 9: Procedures for obtaining purchase order request forms and approval

- A. Purchase order forms may be obtained from the Clark County Commissioner's office.
- B. Persons requesting a purchase must first have written verification from the Clark County Auditor that sufficient funds are available in the appropriate fund to pay the subsequent claim.
- C. Vendor numbers should be placed on the purchase order request form, and any new vendor must have a W9 completed before payment can be made. W9's may be obtained in the office of the Clark County Auditor.
- D. Purchase Order numbers will be assigned and all invoices for purchases obtained with a Purchase Order must reflect the Purchase Order number for payment.
- E. Purchase Order requests will be available for public review in the office of the Clark County Auditor.
- F. All quotes and/or bids obtained shall be in accordance with Indiana Purchasing Laws.
- G. Any procedure listed in this policy is subject to the Indiana Purchasing Laws and may change accordingly.

SECTION 10: Approval of Board

The Purchasing Agency shall grant its approval for any purchase covered by the provisions of this Ordinance as evidenced by a written purchase order request signed by at least two members of the Board, or the signature of a purchasing agent designated and authorized by the Board, before any officer, employee, board, commission, or political subdivision of the County shall be entitled to obligate the County or otherwise complete any particular purchase.

SECTION 11: Effective Date of Ordinance

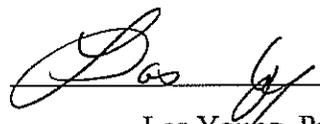
This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 16th day of MAY, 2012

Members voting "NO"

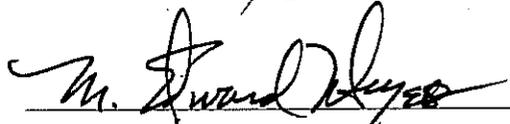
Members voting "YES"

Les Young, President



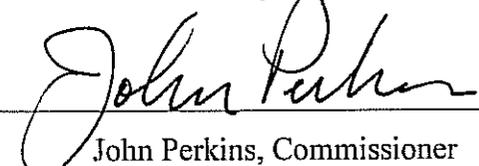
Les Young, President

M. Edward Meyer, Commissioner



M. Edward Meyer, Commissioner

John Perkins, Commissioner



John Perkins, Commissioner

Attest: 
Auditor