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Article I

Council

§ 2-101 *Council form of government.*

The town shall be governed by the council form of government as provided in Sections 5-11-10 through 5-11-40 of the Code of Laws of South Carolina, 1976.

(Ordinance of 4/28/1976, effective 7/1/1976; S. C. Code 1962 §§ 47-70 through 47-73).

State law reference - S.C. Code 1976, § 5-5-10.

§ 2-102 *Composition of council.*

The council shall be composed of a mayor and four (4) council members, elected at large for four year staggered terms.

(Ordinance of 4/28/1976, effective 7/1/1976; S. C. Code 1962 §§ 47-70 through 47-73).

State law reference - S.C. Code 1976, § 5-15-20, § 5-15-40.

§ 2-103 *Compensation of mayor and council.*

(a) An ordinance establishing or increasing salaries of the mayor and all members of council shall not become effective until the commencement date of terms of two or more members elected at the next general election following adoption of the ordinance.

(b) The mayor and each member of council may receive payment for actual expenses incurred in the performance of official duties approved in advance by council, and substantiated by voucher and receipts filed with the clerk.

State law reference - S.C. Code 1976, § 5-7-170.

§ 2-104 *Mayor pro tempore.*

The town council shall, at the first meeting of the newly constituted council after each general election elect one of its members as mayor pro tempore for a term of two (2) years. The mayor pro tempore shall act as mayor during the absence or disability of the mayor or in case of a vacancy in the office of mayor.

State law reference - S.C. Code 1976, § 5-7-190.

§ 2-105 *Absence of mayor and mayor pro tempore.*

In the absence or inability to act of both the mayor and mayor pro tempore, the duties of mayor shall devolve on and be performed by such member of council as the council may designate by vote.

§ 2-106 *Emergency powers; curfew.*

The mayor shall have the power to declare a state of emergency and impose a curfew pursuant to Chapter 3, Article II, of this Code.

Article II
Elections

§ 2-201 *Nonpartisan election procedure.*

All regular and special elections for mayor and members of council shall be conducted and results shall be determined in accordance with the nonpartisan plurality election method authorized by S.C. Code 1976, § 5-15-61 as follows:

- (1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared elected.
- (2) When more persons are seeking election to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest number of votes, equal in number to the number of offices to be filled, shall be declared elected.

§ 2-202 *Method of election.*

The mayor and members of council shall be elected by the town at large pursuant to S.C. Code 1976, § 5-15-20(1).

(Ordinance of 4/28/1976, effective 7/1/1976)

§ 2-204 *Terms of office.*

The mayor shall hold office for four (4) years or until a successor shall be duly elected and qualified. Council members shall be elected to serve for staggered four (4) year terms or until their successors shall be duly elected and qualified.

State law reference – S.C. Code 1976, § 5-15-40.

§ 2-205 *Election dates.*

(a) General elections for town officials shall be held in odd numbered years on the first Tuesday following the first Monday in November. (Ordinance of 6/1/1995)

(b) In the event of a tie vote for any office, a runoff election shall be held pursuant to S.C. Code 1976, § 5-15-125 two (2) weeks after the election in which the tie vote occurred.

(c) Special elections to fill vacancies shall be held pursuant to S.C. Code 1976, § 7-13-190.

§ 2-206 *Notice of election.*

Public notice of a regular or special election shall be given at least sixty (60) days prior to the election, and shall include the location and hours of operation of the polling places.

§ 2-207 *Nominating petition.*

Each person offering as a candidate for mayor or member of council shall do so by filing a nominating petition with the town clerk-treasurer at least forty-five (45) days prior to the date of the election. The petition must bear the signatures of not less than five (5%) percent of the qualified electors of the town. No filing fee is required. The clerk-treasurer shall deliver the petition to the Municipal Election Commission and the Commission shall examine the petition, determine its validity not later than thirty (30) days prior to the scheduled election, and, when the petition is validated, place the name of the candidate on the ballot.

§ 2-208 *Election commission.*

All town elections shall be conducted by a municipal election commission composed of three (3) electors who shall be residents of the town appointed by council for terms of six (6) years. The terms shall be staggered with the term of one member expiring each two years pursuant to S.C. Code 1976, § 5-15-90.

§ 2-209 *Taking office.*

Newly elected officers shall be qualified to take office forty-eight (48) hours after the closing of the polls for an uncontested election, and may assume office on the first Monday in November following a final uncontested election. Incumbents shall hold over until contests are finally determined and successors are qualified and take office.

State law reference - S.C. Code 1976, § 5-15-130.

§ 2-210 *Oath of office.*

The mayor and each member of council, before entering upon the duties of their respective offices, shall take the following oath:

I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. As mayor (or council member) of the Town of Arcadia Lakes, I will equally, fairly, and impartially, to the best of my ability, and skill, exercise the trust reposed in me and will use my best endeavor to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me, God.

State law reference - S.C. Code 1976, § 5-15-150.

Article III
Rules of Procedure

§ 2-301 *Meetings of council.*

(a) Regular meetings of council shall be held on the first Thursday of each month, unless changed by a majority vote of members present at any regular or special meeting. (Ord. 9/4/1980)

(b) Special meetings of council may be held on the call of the mayor, or by a majority of members of council. Notice of a special meeting shall be posted on the town hall bulletin board at least 24 hours prior to the meeting, and shall be sent to available council members and the news media by the town clerk.

(c) Executive sessions may be called in accordance with the South Carolina Freedom of Information Act. Attendance at executive sessions shall be limited to members of Council and invitees unanimously approved by Council. No vote or formal action may be taken in executive session. It shall be unlawful for any person to disclose to another person or the public the substance of a matter discussed in executive session.

(d) All meetings of council except executive sessions shall be open to the public.

§ 2-302 *Agenda.*

(a) Matters to be considered by council at a regular meeting shall be placed on a written agenda prepared by the town clerk not later than noon of the Tuesday immediately preceding a Thursday meeting, or 24 hours prior to a different meeting time set by council. Persons requesting inclusion on the agenda shall state the topic and any request for special equipment prior to the deadline.

(b) The agenda for any public meeting shall be posted by the town clerk on a bulletin board at town hall at least 24 hours prior to the meeting.

(c) Matters not on the agenda may be added and considered upon request of a member of council unless two members object.

§ 2-303 *Quorum; presiding officer.*

(a) A majority of the Council members serving shall constitute a quorum for the transaction of business at any meeting. In the absence of a quorum, members present may adjourn from time to time and seek attendance of absentees. A member disqualified from voting by state law due to a conflict of interest shall be counted for purposes of a quorum.

(b) The mayor, or in his absence the mayor pro tempore, shall preside at all meetings. In the absence of the mayor and mayor pro tempore, the members present shall elect a presiding member.

§ 2-304 *Rules of order.*

(a) Except as otherwise required by state law or ordinance, all proceedings of council shall be governed by *Robert's Rules of Order, Newly Revised*. Questions of order shall be decided by the mayor without debate, subject to appeal to the council.

(b) The order of business shall be as set forth on the meeting agenda, unless changed by majority consent.

(c) A member of Council may not speak until recognized by the presiding officer. No member may speak on any question more than five minutes or more than twice without leave of Council, except to explain a vote.

(d) Only members of Council may speak on a question. Discussion is not in order unless there is a pending question before the Council.

(e) Remarks ruled out of order by the presiding officer may not be continued.

(f) A person disrupting a meeting shall be requested to leave the meeting. Upon failure to leave, the disrupting person shall be subject to prosecution for violation of §2-315 or disorderly conduct.

§ 2-305 *Appearance of citizens.*

Any citizen of the municipality may speak at a regular meeting on a matter pertaining to municipal services and operation, except personnel matters, by signing an agenda list maintained by the clerk prior to the meeting stating the subject and purpose for speaking. Each person who gives notice may speak at a time designated by the mayor and may be limited to a five (5) minute presentation at the discretion of the mayor.

§ 2-306 *Voting.*

(a) All actions of council shall be by majority vote of members present and qualified to vote. Each member, including the mayor, shall have one vote. No proxy or absentee vote may be cast.

(b) The mayor and each member of council shall vote on every question except when required to refrain from voting by state law. A member who refuses to vote when qualified to vote shall be counted and recorded in the minutes as voting in favor of the pending motion.

(c) The vote on a question shall be by roll call.

(d) The vote by name on every question shall be recorded in the minutes by the clerk.

(e) No member of council may leave the council chamber while in public session without permission of the presiding officer.

§ 2-307 *Motions.*

(a) A motion may be made orally or in writing; however, a motion shall be reduced to writing at the request of any member of council.

(b) A motion to reconsider a vote must be made by a member who voted with the majority, and it must be made at the same meeting.

§ 2-308 *Minutes.*

The town clerk shall keep minutes of all public meetings of the council as permanent public records. At each council meeting the minutes of the previous meeting shall be presented for approval. Unless a reading of minutes is requested by a member of Council, minutes distributed to each member prior to a meeting shall be approved or corrected and approved without a reading. Minutes shall not be considered the official record of a meeting until approved by the council by vote at a public meeting. Minutes of executive sessions will not be taken unless required by majority vote of council. Minutes of executive sessions shall not be public records. A member of council may place a written expression of position on a matter in the minutes not later than the next regular meeting.

§ 2-309 *Special committees.*

Council may create a committee, with members appointed by the mayor, to assist council or to hold a public hearing at any time upon a matter pending before it.

§ 2-310 *Meetings and reports of committees, boards and commissions.*

(a) All meetings of committees, boards and commissions shall be held in compliance with the Freedom of Information

(b) Committee reports may be in writing. Reports involving expenditure of money shall include the amount to be expended, or an estimate thereof, and the proposed sources of funding.

(c) All minutes and reports of committees, boards and commissions shall be filed with the town clerk as public records.

§ 2-311 *Town attorney may attend.*

The town attorney shall attend meetings of council when requested to do so. The attorney may act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and legal documents presented to council, and give opinions upon questions of procedure, form and law to any member of council.

§ 2-312 *Town clerk to attend.*

The town clerk shall attend all meetings of council. The clerk shall give notices of meetings, prepare and post the agenda, record votes of council, keep minutes of council meetings, and perform such other duties as may be assigned.

§ 2-313 *Disruption of meetings unlawful.*

It shall be unlawful for any person to disrupt, interrupt, or interfere with the proceedings of council, a committee of council, a town board or commission, municipal court, or any other official body while it is in session.

Article IV
Ordinances

§ 2-401 *Ordinances required.*

The town council shall act by ordinance in all matters required by law to be done by ordinance, including:

- (1) Adopt or amend an administrative code or ordinance, create, alter or abolish any town department, office, or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for the violation thereof;
- (3) Appropriate funds and adopt a budget;
- (4) Grant, renew or extend franchises, licenses or rights in public streets or in public property, and close abandoned streets;
- (5) Authorize the borrowing of money or the issuance of bonds;
- (6) Levy taxes, assess property for improvements or establish service charges;
- (7) Annex areas to the town;
- (8) Convey or lease or authorize the conveyance or lease of any lands of the town; and
- (9) Amend or repeal any ordinance described in items (1) through (8) above.

In all other matters, the council may act either by ordinance, resolution, or on motion, written or oral, which shall be recorded in the minutes.

§ 2-402 *Form of ordinances.*

Every proposed ordinance shall be introduced in writing and in the form required for final adoption which shall include:

- (1) An ordinance number;
- (2) A title briefly describing the contents;
- (3) Findings, reasons or basis for the ordinance, if desired and when appropriate;
- (4) An enacting clause such as: "Be it ordained by the Town Council of Arcadia Lakes, South Carolina,";
- (5) Citation of any ordinance repealed;
- (6) The provisions of the ordinance including section numbers;
- (7) The effective date of the ordinance, dates of first and second readings, public hearings; and
- (8) Space for the signatures of the mayor or, in the absence of the mayor, the presiding member of council and the town clerk attesting notice and adoption.

§ 2-403 *Emergency ordinances.*

Emergency ordinances shall be adopted in accordance with the provisions of S.C. Code 1976, §5-7-250(d) (1976), and §2-406(c) of this Code.

§ 2-404 *Ordinances relating to streets.*

Prior to the introduction of an ordinance granting a franchise, license or consent for the use of any street or public property, or for the permanent closing of any abandoned street, the applicant for such ordinance shall publish a notice in two separate issues of a newspaper having general circulation in the town stating the nature of the franchise, license or consent sought or a description of the street sought to be closed, and the date on which the application is to be presented to town council which shall be at least one week after the last notice. This requirement shall not apply to the temporary closing of a public street initiated by council.

§ 2-405*Introduction of ordinances.*

An ordinance may be proposed by any member of council. A proposed ordinance shall be referred to the town attorney, when appropriate, for approval as to form, and he shall render assistance in the preparation of ordinances when requested to do so. After an ordinance is in proper form and the required notices have been given, the town clerk shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when it appears on an agenda for a public meeting of council and its title is read.

§ 2-406*Enactment of ordinances.*

(a) An ordinance to levy a tax, adopt a budget, appropriate funds, grant a franchise, license or consent to use or occupy a public street or public property for commercial purposes shall be complete in the form in which it is finally passed, and in such form remain on file with the town clerk for public inspection at least six days before final adoption.

(b) No ordinance shall be adopted until it shall have been read two times and on two separate days with at least six (6) days between each reading.

(c) Emergency ordinances may be adopted on one reading without notice or hearing by affirmative vote of two-thirds of members present. An emergency ordinance may not levy taxes, relate to a franchise or a service rate and shall expire automatically on the sixty-first day following enactment.

(d) The introduction and reading of any ordinance shall be by the reading of the title only unless full reading is requested by a member of council.

(e) After the introduction of an ordinance, any member of council may request a public hearing which may be held at any time designated by the council prior to final adoption.

(f) Upon final adoption by vote of council, an ordinance shall be signed by the mayor, or presiding member in the absence of the mayor, and attested by the clerk. The town clerk shall file the original in a book especially prepared for that purpose as a permanent record.

§ 2-407 *Introduction of resolutions.*

A voice motion of a member of council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation by the clerk in the council minutes.

§ 2-408 *Adoption of resolutions.*

Written or oral resolutions may be adopted on one reading unless a public hearing is set by a majority of the members of council present.

§ 2-409 *Codification of ordinances.*

All ordinances relating to administration, health, safety, vehicles, streets (except franchises and encroachments), traffic, crimes and offenses, utilities, municipal court, and any other ordinances or portions of ordinances as required by council shall be codified annually in this Code of Ordinances. Standard codes and technical regulations may be cited in the code by reference and copies thereof shall be made available by the clerk for distribution or for purchase at a reasonable price.

Article V
Administration

§ 2-501. *Offices; departments may be established.*

The council may create and establish town offices, departments and sections as they may deem proper for the orderly and efficient government of the town.

§ 2-502. *Term of office; compensation.*

All appointed officers and employees shall serve at the pleasure of the town council. The compensation of all appointed officers and employees of the town shall be fixed by the council.

§ 2-503. *Clerk-Treasurer; appointment; compensation.*

The council shall appoint an officer to be known as the clerk-treasurer, who shall hold office at the pleasure of the council or until a successor is duly appointed and qualified. The compensation of the clerk-treasurer shall be fixed by the council.

§ 2-504. *Bond of clerk-treasurer.*

Before entering upon the duties of office, the clerk-treasurer shall give bond in a sum as may be required and with a surety company approved by the council, for the faithful performance of the duties of office. The cost of the bond shall be paid by the Town.

§ 2-505. *Duties of clerk-treasurer.*

The clerk-treasurer shall collect all claims and accounts that may be due and pay-able to the town; receive all monies belonging to the town; issue all licenses and building permits for which provisions may be made; pay all bills owned by the town when approved by the council; deposit funds in a bank designated by the council; make statements of financial conditions of the accounts and reports to council; give notice to the members of the council of regular and special meetings; record the ordinances and minutes of meetings of the council; and perform other duties as may be required by the council.

State law reference - S.C. Code 1976, § 5-7-220.

§ 2-506. *Town Attorney; appointment; duties.*

The council shall appoint as town attorney a person admitted to practice law in South Carolina who shall serve at the pleasure of the council. The town attorney shall give oral or written advice to council and staff on legal questions related to town government, draft or review ordinances, resolutions and instruments, attend council meetings when requested, and perform other legal duties prescribed by council.

State law reference - S.C. Code 1976, § 5-7-230.

Article VI
Municipal Court

§ 2-601. Court established.

There is established a Municipal Court for the town, which shall be a part of the unified judicial system of the state, pursuant to S.C. Code 1976, Title 14, Chapter 25, for the trial and determination of all cases within its jurisdiction.

(Ordinance of 11/6/1980) State law reference - S.C. Code 1976, § 14-25-5.

§ 2-602. Judge; magistrate.

a. The Court shall be presided over by one or more part-time judges, at the discretion of Council. The Municipal Judges shall be appointed by Council for a term fixed by Council not to exceed four (4) years, or who shall serve at the pleasure of Council. The compensation of the Municipal Judges shall be as from time to time determined by Council. Vacancies shall be filled in accordance with S.C. Code 1976, § 14-25-25.

b. Council may contract with the county for a magistrate to preside over municipal court instead of appointing a municipal judge.

§ 2-603. Clerk of court.

The Town Clerk is designated as Clerk of Municipal Court, who shall keep such records and make such reports as may be required by the Municipal Judge or the State Court Administrator.

§ 2-604. Jurisdiction.

The Municipal Court shall have jurisdiction to try all cases arising under the ordinances of the municipality. The Court shall also have all such powers, duties, and jurisdiction in criminal cases made under state law and conferred on magistrates. The Court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on Municipal Courts. The Court shall have no jurisdiction in civil matters. An ordinance summons issued pursuant to § 1-203 of this Code shall give the court jurisdiction to hear and dispose of the charges made.

State law reference - S.C. Code 1976, § 14-25-45; § 56-7-80.

§ 2-605. Sentencing.

a. A party guilty of violating a municipal ordinance or a state law within the jurisdiction of the Court may be punished by imposition of a fine of not more than \$500.00, or imprisonment for not more than 30 days, or both, as provided in the general penalty provision of this Code, § 1-202. In addition, the judge may order restitution in an amount not to exceed five thousand dollars pursuant to S. C. Code 1976, § 14-25-65.

b. The judge may suspend sentences imposed on such terms and conditions as the judge deems proper including, without limitation, restitution or public service employment.

State law reference - S.C. Code 1976, § 14-25-75.

§ 2-606. *Disposition of fines.*

All fines and penalties collected by the Municipal Court shall be forthwith turned over to the Clerk for deposit to the general fund of the municipality.

§ 2-607. *Appeals.*

a. Any party shall have the right to appeal from the sentence or judgment of the Municipal Court to the Court of General Sessions. Notice of intention to appeal, setting forth the grounds for appeal, shall be given in writing and served on the Municipal Judge or the Clerk of Municipal Court within ten days after sentence is passed or judgment rendered, or the appeal shall be deemed waived. The party appealing shall enter into a bond, payable to the municipality to appear and defend such appeal at the next term of Court of General Sessions or shall pay the fine assessed.

State law reference - S.C. Code 1976, § 14-25-95.

b. In the event of an appeal, the Municipal Judge shall make a return to the Court of Common Pleas as provided by S.C. Code 1976, § 14-25-105.

§ 2-608. *Jury trials.*

Any person to be tried in the Municipal Court may, prior to trial, demand a jury trial, and the jury when demanded, shall be composed of six persons drawn from the qualified electors of the municipality in the manner prescribed by law. The right to a jury trial shall be deemed waived unless demand is made prior to trial.

State law reference - S.C. Code 1976, § 14-25-125.

§ 2-609. *Jury commissioners.*

The Council shall serve as jury commissioners for the Municipal Court.

State law reference - S.C. Code 1976, § 14-25-135.

Article VII

Finance

§ 2-701. *Fiscal year.*

The fiscal, budget, and accounting year of the town shall begin on the first day of January and shall end on the last day of December of each calendar year.

§ 2-702. *Budget preparation.*

The town council shall prepare a proposed balanced annual budget not later than the fifteenth day of November. A budget summary shall be included which itemizes principal sources of revenue, estimated expenditures, and capital project estimates for the budget.

§ 2-703. *Contingency provisions.*

The budget ordinance may provide for expenditure of contingency funds, and transfer of funds between line items or departments by the town clerk-treasurer within limits set by council.

§ 2-704. *Budget adoption.*

The budget shall be adopted by ordinance after a public hearing for which not less than fifteen days newspaper notice has been given pursuant to S.C. Code 1976, § 6-1-80. The public hearing may be held on the same date as first or second reading of the budget ordinance. The notice shall include the following:

- (1) the name of the town;
- (2) the time, date, and location of the public hearing on the budget;
- (3) the total revenues and expenditures from the current operating fiscal year's budget;
- (4) the proposed total projected revenue and operating expenditures for the next fiscal year as estimated in the next year's budget;
- (5) the proposed or estimated percentage change in estimated operating budgets between the current fiscal year and the proposed budget;
- (6) the millage for the current fiscal year; and
- (7) the estimated millage in dollars as necessary for the next fiscal year's proposed budget.

§ 2-705. *Budget amendments; emergency appropriations.*

The budget may be amended by council during the fiscal year by addition to, deletion of, or transfer of any item; provided, that total amended estimated expenditures do not exceed total anticipated revenue. Emergency appropriations may be made by council for the protection of public health, safety, or welfare upon recommendation of the town clerk-treasurer.

§ 2-706. *Failure to adopt a budget.*

Should council fail to adopt a budget by the beginning of a fiscal year, the town shall operate on the current fiscal year budget until final adoption of the new budget.

§ 2-707. *Deposits and disbursements.*

All revenues and funds received by any town employee or official from any source shall be deposited to the credit of the town in a bank designated by council. Disbursement shall be made by voucher check signed by the town clerk-treasurer and countersigned by a member of council so designated.

§ 2-708. *Financial report.*

The town clerk-treasurer shall make a financial report to council when requested, showing receipts and disbursements for the current fiscal year.

§ 2-709. *Investment of funds.*

The town clerk-treasurer shall establish guidelines for investment of town funds for approval by council. A summary report of transactions shall be made to council annually. All investments must be made in securities authorized by S.C. Code § 6-5-10, or the South Carolina Pooled Investment Fund pursuant to S.C. Code 1976, §§ 6-6-10, *et seq.*

§ 2-710. *Annual audit.*

Prior to the end of each fiscal year, council shall designate a disinterested qualified certified public accountant to conduct an audit of the financial affairs of the town and make a report to the town clerk-treasurer and council.

State law reference - S.C. Code 1976, § 5-7-240.

Article VIII
Procurement

§ 2-801 *Procurement code adopted; administration.*

The provisions of this Article are adopted pursuant to S.C. Code 1976, § 11-35-50, and may be referred to as the "Town Procurement Code." The Procurement Code shall be implemented by the town clerk-treasurer who is authorized to issue regulations for procurement consistent with this Code.

§ 2-802. *Purchasing agent.*

The town clerk-treasurer shall serve as the town purchasing agent.

§ 2-803. *Compliance with state or federal requirements.*

Where a procurement involves expenditure of state or federal funds subject to procurement regulations which are more restrictive than the Town Procurement Code, the state or federal regulations shall be followed.

§ 2-804. *Competitive bidding; exceptions.*

All town contracts shall be awarded by competitive sealed bidding except contracts for the following procurements:

- (1) professional services where the person engaged is customarily employed on a fee basis rather than competitive bidding (e.g., appraiser, architect, auditor, consultant, engineer, legal services, physician);
- (2) proposals invited on a competitive sealed basis;
- (3) negotiations after unsuccessful competitive sealed bidding;
- (4) small purchases under \$500;
- (5) procurements under \$1,500 documented by written quotations from two (2) qualified sources of supply and a written determination by the purchasing agent that the procurement is to the advantage of the town;
- (6) procurements exceeding \$1,500 but less than \$5,000 documented by written quotations from three (3) qualified sources of supply and a written determination by the purchasing agent and the town administrator that the procurement is to the advantage of the town;
- (7) blanket purchase agreements approved by the purchasing agent for repetitive small purchases on a charge account basis not requiring a purchase order for each purchase;
- (8) sole source procurements approved by the purchasing agent when there is only a single supplier, compatibility of equipment or parts is the paramount consideration, the item is one of a kind, or the procurement is for printed material;

- (9) procurements in emergency situations declared by the Mayor to involve a threat to public health, safety, or welfare;
- (10) procurement of information technology;
- (11) leasing or purchasing of real property; or
- (12) purchasing through state contracts.

§ 2-805. *Bidding procedures.*

Procedures promulgated by the town purchasing agent shall provide for fair and equitable sealed bidding when applicable to procurements under this Article. An invitation to bid or request for proposals may be canceled by notice at any time prior to the opening of bids or proposals. The determination of award of a contract for more than \$5,000 to the low responsible bidder shall be made by council after receiving the recommendation of the town purchasing agent. All invitations to bid shall include the provision that the town reserves the right to reject all bids. A tie bid shall be awarded to the firm selected by a majority vote of council.

§ 2-806. *Protests.*

Invitations to bid shall include procedures for the filing of protests by an actual or prospective bidder who is aggrieved in connection with the solicitation or award of a contract.

§ 2-807. *Debarment or suspension.*

The purchasing agent may issue a notice of debarment or suspension to a person or firm upon a determination, after reasonable notice and an opportunity to be heard, that there is cause for doing so in the best interest of the town. The determination of the purchasing agent may be appealed to council by written notice filed with the town clerk within ten (10) days after receipt of the determination. The causes for debarment or suspension shall include, but not be limited to:

- (1) conviction of a criminal offense incident to obtaining or attempting to obtain a public or private contract, or in the performance of such contract;
- (2) conviction for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or professional honesty which currently, seriously, and directly affects responsibility as a town contractor;
- (3) conviction under antitrust laws arising out of submission of bids or proposals;
- (4) a recent deliberate failure without good cause to perform in accordance with the terms of a contract;
- (5) any other cause determined to be so serious and compelling as to affect responsibility as a town contractor, including debarment by another governmental entity.