

ORDINANCE NO. 5256

AN ORDINANCE TO AMEND SUBSTITUTE ORDINANCE NO. 5046

WHEREAS, the Council adopted Substitute Ordinance No. 5046 amending Ordinance No. 3509 to exercise greater fiscal oversight of MLGW's expenditures as authorized by §§ 675 and 681 of the City's Charter; and

WHEREAS, the Council desires to amend Substitute Ordinance No. 5046 to clarify what purchase contract orders and contracts may be entered into without prior Council approval in the event of an emergency or catastrophic event.

NOW, THEREFORE,

SECTION 1. Section 1 of Substitute Ordinance No. 5046 shall be amended to read as follows:

Section 1. Notwithstanding Ordinance No. 3509 to the contrary, all contracts (other than emergency purchases and purchases of natural gas and other derivative instruments) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLG&W, in excess of Twenty-five Thousand Dollars (\$25,000) shall require Council approval in advance of execution. In emergencies MLGW may enter into emergency purchases, as defined herein, which emergency purchases shall be later ratified by the Council. MLGW may also purchase natural gas and other derivative instruments daily as long as the aggregate annual amount of these purchases are approved by the Council in the annual budget of MLGW.

For the purposes of this Ordinance the term "emergency purchases" shall include, but shall not necessarily be limited to any purchase orders and contracts in excess of Twenty-five Thousand Dollars (\$25,000) needed to: (i) remedy any hazardous, unsafe or environmentally harmful event or condition that has created or may create a harmful situation for the public or MLGW employees, whether or not ordered, directed or requested by a federal or state

agency; (ii) insure continuous and reliable utility service to MLGW customers; (iii) take whatever steps are reasonably necessary to address problems caused by a catastrophic event.

SECTION 2. As amended hereby Substitute Ordinance No. 5046 and Ordinance No. 3509 are hereby ratified and confirmed in all other respects.

SECTION 3. BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

SCOTT McCORMICK
Chairman of Council

Attest:
Patrice Thomas, Comptroller