

ORDINANCE NO. O-2025-64

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 2, "FINANCE AND TAXATION", ARTICLE I, "IN GENERAL", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY INCREASING THE DOLLAR AMOUNT REQUIRED FOR COMPETITIVE BIDDING FROM OVER \$50,000.00 TO OVER \$100,000.00 TO REFLECT RECENT CHANGES IN STATE LAW, AND ALSO INCREASING THE DOLLAR AMOUNT FOR MUNICIPAL EXPENDITURES REQUIRING CITY COUNCIL APPROVAL FROM OVER \$50,000.00 TO OVER \$100,000.00; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by the State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, State law, at Texas Local Government Code Chapter 252, contains provisions on purchasing and contracting authority of municipalities, including competitive bidding; and

WHEREAS, Texas Local Government Code Section 252.002 provides that any provision in the charter of a home-rule municipality that relates to notice of contracts, requirements for taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud, or the manner of letting contracts and that is in conflict with Chapter 252 controls over Chapter 252, unless the governing body elects to have Chapter 252 supersede the charter; and

WHEREAS, in City Code Section 2-6.a., the City Council previously elected to have Texas Local Government Code Section 252 supersede the City Charter; and

WHEREAS, Texas Local Government Code Section 252.021(a) previously provided that before a municipality could enter into a contract that required an expenditure of more than \$50,000.000 from one or more municipal funds, the municipality was required to meet the competitive bidding requirements in State law; and

WHEREAS, Tyler City Code Section 2-6.a. contained similar wording that expenditures of more than \$50,000.00 would require bidding; and

WHEREAS, during the 2025 Session, the Texas Legislature adopted HB 1173, which increased the dollar amount required for competitive bidding from \$50,000.00 to \$100,000.00; and

WHEREAS, it is important to amend City Code Section 2-6.a. to reflect the \$100,000.00 amount required for competitive bidding as set forth in State law; and

WHEREAS, City Code Section 2-6.b. currently contains wording that municipal expenditures of more than \$50,000.00 require City Council authorization; and

WHEREAS, it is recommended that City Code Section 2-6.b. be amended to provide that municipal expenditures of more than \$100,000.00 require City Council authorization;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That Tyler City Code Chapter 2, "Finance and Taxation", Article I., "In General", is hereby amended by amending Section 2-6 to read as follows:

Sec. 2-6. Contracts and purchasing.

a. The City Council elects to have the provisions of Chapter 252 of the Texas Local Government Code supersede the Tyler Charter provisions relating to the notice of contracts, advertisement of the notice, requirements for the taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud or the manner of lettering contracts. Currently this means only expenditures of more than one hundred thousand dollars (\$100,000.00) will require bidding. (Ord. No. 0-2008-107; 8/27/08) (Ord. No. 0-2025-64; 9/24/25)

b. All expenditures in the dollar amount required for competitive bidding under State law and as set forth in subsection a. require City Council approval. Currently, this means expenditures of more than one hundred thousand dollars (\$100,000.00) requires City Council approval. (Ord. No. 0-98-21; 3/18/98) (Ord. No. 0-2001-47; 10/03/01) (Ord. No. 0-2008-107; 8/27/08) (Ord. No. 0-2019-33; 5/8/19) (Ord. No. 0-2025-64; 9/24/25)

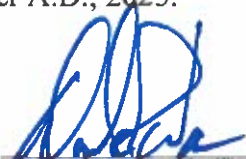
c. The City Council elects to allow the application of Chapter 271 of the Texas Local Government code supersede the Tyler Charter provisions relating to competitive bidding by allowing the alternatives set out in that chapter including competitive sealed proposals, design-build, use of a construction manager, and/or use of job order contracts. (Ord. No. 0-2005-63, 8/17/05).

d. Preference to local bidders in the purchasing of real property, of personal property not affixed to real property, or services, is authorized under circumstances and in accordance with procedures set forth in Texas Local Government Code Section 271.9051 or successor statute. (Ord. No. 0-2009-113; 10/28/09)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That this Ordinance shall be Effective on its date of passage and approval by the City Council.

PASSED AND APPROVED this the 24th day of September A.D., 2025.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM,
CITY ATTORNEY