AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ESTABLISHING A PROCEDURE RELATING TO CONTRACT APPROVALS AND AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS WITHOUT PRIOR INDIVIDUAL APPROVAL BY THE CITY COUNCIL

WHEREAS, RCW 35A.11.010 provides that the City of Sammamish, through its legislative body, may contract and be contracted with; and

WHEREAS, the City enters into a large number of minor and routine contracts for which it is burdensome to individually have City Council approval; and

WHEREAS, the City Council determines that the practical needs of the City require that the City Manager enter into certain contracts without prior individual approval by the City Council in order to allow the City to function in an orderly manner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Contract Approval Authorization. The following procedure is hereby established for the approval of certain contracts and granting the City Manager authority with respect to such contracts:

A. The City Council authorizes the City Manager to enter into and execute on behalf of the City the following contracts without individual approval of each contract by the City Council, so long as the contract is consistent with the approved annual budget for the City, and the City’s liability under the contract does not exceed available fund balances:

1. Contracts for purchase of goods, supplies, materials, or equipment involving a cost or fee (excluding sales tax) of less than Fifteen Thousand Dollars ($15,000).

2. Professional service contracts, including contracts for architectural, engineering, legal, and consulting services involving a cost or fee (excluding sales tax) of less than Fifteen Thousand Dollars ($15,000).

3. Maintenance contracts involving a cost or fee (excluding sales tax) of less than Ten Thousand Dollars ($10,000) per year.

4. Public Works projects involving a cost or fee of less than Thirty-five
Thousand Dollars ($35,000) involving multiple trades, and Twenty Thousand Dollars ($20,000) involving a single trade.

5. Settlement agreements involving a cost or fee of less than Twenty Thousand Dollars ($20,000), and retention of legal counsel and expert consultants, involving risk management claims or suits.

6. Other routine agreements where no expenditure is involved, or the cost, expenditure, or fee (excluding sales tax) does not exceed Ten Thousand Dollars ($10,000).

7. Lease agreements for materials, supplies, and equipment where the expenditure or fee does not exceed Ten Thousand Dollars ($10,000) per year.

8. Sale of unneeded surplus personal property with an estimated cumulative value of Ten Thousand Dollars ($10,000) or less, which has been certified for disposition, such sale or disposition to be made by the City Manager in accordance with informal procedures and in the best interest of the City.

9. Contracts that carry out or implement a provision of the Sammamish Municipal Code or established City policy, e.g., maintenance or performance bonds for plat improvements.

10. Emergency contracts. “Emergency” means a set of unforeseen circumstances that either:

   a. Presents a real, immediate threat to the proper performance of essential functions; or

   b. May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken; or

   c. For public works projects, may result in a substantial loss to the City if the contract is not immediately entered into.

11. Employment and personnel matters. Unless otherwise provided by statute or ordinance, e.g., salaries and compensation are subject to City ordinance.

B. The breaking down of any purchase or contract into units or phases for the purpose of avoiding the maximum dollar amount is prohibited. The amount of a contract includes all amendments; provided, however, that amendments that do not exceed in total ten percent (10%) of the contract amount may be entered into without prior City Council approval.

C. The City Manager may present any contract to the City Council for prior approval, even if the contract is allowed to be approved without prior City Council approval.

D. All interlocal agreements shall be presented to the City Council for prior approval.
E. The City Manager shall promptly, within ten (10) days, provide to the City Council a copy (or summary) of any contract (or amendment) that has not received prior approval by the City Council.

F. “Contract” means any agreement creating a legal relationship between the City and another person or entity, or any amendment thereto.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.


CITY OF SAMMAMISH

[Signature]
Mayor Jack Barry

ATTEST/AUTHENTICATED:

[Signature]
Ruth Muller, Interim City Clerk

Approved as to form:

[Signature]
Bruce L. Disend, City Attorney

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