

**City of Anacortes  
Ordinance No. 3036**

**An Ordinance of the City of Anacortes, Washington, adopting a new Chapter 1.30 in the Anacortes Municipal Code and repealing Resolutions**

**Whereas** Resolution 1301, adopted in 1994, authorized the Mayor to execute contracts with total dollar values of less than \$5,000 without City Council approval; and

**Whereas** Resolution 1591, adopted in 2002, authorized the Mayor to execute Public Works contracts with total dollar values of less than \$30,000 without City Council approval; and

**Whereas** Resolution 1735, adopted in 2006, authorized the Mayor to execute contracts City-wide with total dollar values of less than \$30,000 without City Council approval; and

**Whereas** Resolution 1818, adopted in 2011, authorized the Mayor to execute contract change orders associated with the Water Treatment Plant Improvement Project with total dollar values of less than \$100,000 during the project without City Council approval;

**Now, therefore, the City Council of the City of Anacortes does ordain as follows:**

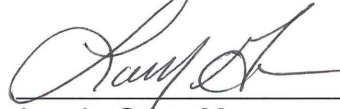
Section 1. A new Chapter 1.30 is created in the Anacortes Municipal Code to read as shown in Attachment A.

Section 2. Resolutions 1301, 1591, 1735, and 1818, and the provisions of any other resolution delegating contract authority are repealed.

Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage and publication.

PASSED AND APPROVED this 18<sup>th</sup> day of March, 2019.

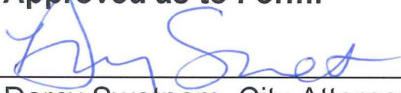
CITY OF ANACORTES:

  
\_\_\_\_\_  
Laurie Gere, Mayor

ATTEST:

  
\_\_\_\_\_  
Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:

  
\_\_\_\_\_  
Darcy Swetnam, City Attorney

**Attachment A**  
**Chapter 1.30 Contracts**

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**Section 1.30.010 General Provisions**

A. Purpose.

1. Per RCW 35A.11.010, the City's authority to contract, and be contracted with, is vested in the City Council.
2. The City Council wishes to delegate certain authority to contract to the Mayor and provide for the orderly review, presentation, and publication of City contracts.

B. Applicability

1. Generally. This Chapter applies to all contracts, as defined in this section, between the City of Anacortes and any person or entity, and amendments to contracts.
2. Exception. This Chapter does not apply to:
  - a. Any grant agreements. Any agreements for the acceptance of donations or interests in real property, which are addressed in Chapter 3.10 AMC.

C. Definitions

1. "Contract" means any agreement, written or spoken, between two or more parties that is intended to be enforceable by law, and includes, but is not limited to:
  - a. Public Works agreements;

- b. Personal services agreements;
  - c. Employment contracts;
  - d. Grant agreements;
  - e. Agreements pursuant to the Interlocal Cooperation Act, RCW Chapter 39.34;
  - f. Leases of real property.
2. "Goods" means products, materials, supplies, or equipment.

#### **Section 1.30.020 Form**

- A. Contracts must be written in the name of the City of Anacortes and not any particular city official or department.
- B. Contracts for services must include a detailed scope of work.
- C. The City Attorney must develop form contracts to implement these requirements.

#### **Section 1.30.030 Review**

- A. All contracts must be reviewed by the following City staff members for consistency with the following criteria prior to approval:
  - 1. The City Clerk-Treasurer must determine the contract is consistent with budget provisions and City finance policies and procedures.
  - 2. The City Attorney must determine the contract is consistent with state, local, federal, and common law.
  - 3. The Department Head responsible for the agreement must determine the contract is consistent with the Department's budget, capital plan, and department objectives. If the contract is not consistent with one of the above, the Department Head must demonstrate the contract is necessary.
  - 4. The City Contract Specialist must determine the contract is consistent with City procurement and contracting policies and procedures.

#### **Section 1.30.040 Approval by mayor.**

- A. The mayor is authorized to approve contracts that meet all of the following criteria:

1. The contract is exclusively for the City's purchase of goods or services.
  2. The total aggregate value of the contract is less than \$45,000.
  3. The contract amount is within budget authority for the specified BARS numbers.
  4. The contract is made, and the vendor has been selected, consistent with the City's purchasing policy.
  5. The contract has been approved by the City Attorney.
- B. The mayor is authorized to approve modifications to contracts that meet all of the following criteria:
1. One of the following applies:
    - a. The modification, either singly or combined with all previous modifications, results in a total contract value under \$45,000.00; OR
    - b. Cost modifications for contracts with an original value between \$45,000-\$99,999 which results in a new total contract amount less than \$10,000 over the original contract amount; OR
    - c. Cost modifications for contracts with an original value \$100,000 or more which results in a new total contract amount less than 110% over the original contract amount.
  2. The modification does not modify the contract's general terms and conditions or extend the term of the contract more than one year.
  3. The modification has been approved by the City Attorney.
- C. Any contract that the mayor is not authorized to approve must be approved by the City Council.
- D. All agreements made pursuant to the Interlocal Cooperation Act at RCW 39.34 must be approved by the City Council.
- E. Any contract that includes the conveyance of a real property interest to or from the City or a lease to which the City is party with a term of one calendar year or more must be approved by the City Council.
- F. The mayor may not delegate authority to sign contracts to any other person.
- G. The City Council reserves the authority to modify this delegation of authority by resolution or motion.

### **Section 1.30.050 Approval by City Council**

- A. Any contract to be approved by City Council must be presented in its entirety to the City Council, with all attachments.
- B. Prior to presentation to City Council, all contracts must be reviewed in accordance with Section 1.30.030.

### **Section 1.30.060 Ratification**

Contracts executed inconsistent with this Chapter are not valid contracts unless ratified by action of the City Council.

### **Section 1.30.070 Numbering, Recording, and Retention**

- A. The City Contract Specialist must assign every contract and modification a unique identifier. Contracts must be identified in the form YY-###-CAT-###, where YY is the two-digit year of project initiation and ### is a number with leading zeros incremented for each contract approved that resets to 1 at the beginning of each year. CAT is the category of the contract, and the final ### is the number of the instrument related to the project.
- B. Effective August 1, 2018, all contracts must be recorded in the City's Electronic Records Management System and made available to the public on the City's website within five days of approval.
- C. After recording in the City's Electronic Records Management System and verification of imaging accuracy, the paper version of a contract may be destroyed consistent with RCW.