



**City of Anacortes
Ordinance No. 4055**

**An Ordinance of the City of Anacortes, Washington, updating Chapter 1.30 in
the Anacortes Municipal Code**

Whereas Ordinance 3036, adopted in 2019, created a new Chapter 1.30 in the Anacortes Municipal Code; and

Whereas the City Council of the City of Anacortes desires to update Chapter 1.30 to improve efficiencies in the contracting review and approval process, as well as add new Section 1.30.090 for the delegation for emergency purchases and contracting.

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

- Section 1. Anacortes Municipal Code Chapter 1.30 revised to read as shown in Attachment A.
- Section 2. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage and publication.

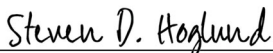
PASSED AND APPROVED this 7th day of August 2023.

CITY OF ANACORTES:



Matt Miller, Mayor

ATTEST:



Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

ATTACHMENT A

Chapter 1.30

CONTRACTS

Sections:

- 1.30.010** **General provisions.**
- 1.30.020** **Form.**
- 1.30.030** **Review.**
- 1.30.040** **Approval and signature authority.**
- 1.30.050** **Approval by City Council.**
- 1.30.060** **Ratification.**
- 1.30.070** **Numbering, recording, and retention.**
- 1.30.080** **Approval of municipal fiber contracts.**
- 1.30.090** **Emergency purchasing and contracting.**

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 AMC Chapter [3.10](#).

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, Chapter [39.34](#) RCW;
 - f. Leases of real property.
2. "Goods" means products, materials, supplies, or equipment.

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.

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. If the contract is within the current approved budget the City Clerk-Treasurer may delegate the review to the department director responsible for the agreement.

2. The City Attorney must determine the contract is consistent with state, local, federal, and common law. If the contract is written on the City Attorney's pre-approved standard forms the City Attorney may delegate the review to the Contracts Specialist.
3. The department director 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 director 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.

1.30.040 Approval and Signature Authority.

- A. The Mayor is authorized to approve and sign 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 and sign 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; or
 - b. Cost modifications for contracts with an original value between \$45,000 – \$99,999 which result 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 of \$100,000 or more which result in a new total contract amount less than 110 percent 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 Chapter [39.34](#) RCW 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 delegate authority to approve and sign contracts and modifications to contracts that meet the requirements of this section to the department director responsible for the agreement. 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.

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 AMC 1.30.030.

1.30.060 Ratification.

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

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 one 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. This subsection does not apply to contracts between the city and customers for residential or business-class internet service or to contracts for direct internet access.

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 execution and receipt of all required contract documentation. The requirement of posting contracts on the city's website in this subsection does not apply to contracts between the city and customers for residential or business-class internet service or to contracts for direct internet access.

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 Chapter [40.14](#) RCW.

1.30.080 Approval of municipal fiber contracts.

A. *Mayor Approval.*

1. The Mayor is authorized to approve the following contracts:

a. *Dark Fiber Leases.* Leases for customer use of unactivated deployed fiber within the city network through which the city transmits neither light nor any other signal; provided, that:

i. The lease is for no more than eight strands per each lessee;

- ii. The lease term is for no more than five years;
- iii. The requested lease will not interfere with the city's ability to provide residential and commercial fiber service to all potential subscribers;
- iv. The lease is on a form approved by the City Attorney;
- v. The lease is consistent with the requirements of AMC [13.56.050](#).

b. *Telecommunication Contracts.* Contracts for the provision of telecommunications services available through the city network, including contracts for point-to-point ethernet service, dedicated internet access service, and static IPv4 addresses; provided, that such contracts are on forms approved by the City Attorney.

2. Any contract that the Mayor is not authorized to approve pursuant to this section must be approved pursuant to the remaining provisions of this chapter.

B. *Director of Fiber Department Approval.*

1. The Director of the Fiber Department is authorized to approve contracts that meet all of the following criteria:

- a. The contract is exclusively for the city's provision of residential and business-class internet services, and may include a right of entry for access to customer premises to complete connection work.
- b. The contract includes the Master Service Agreement approved by the City Attorney.

2. Any contract that the Director of the Fiber Department is not authorized to approve must be approved pursuant to the remaining provisions of this chapter.

1.30.090 Emergency purchasing and contracting.

A. City Council delegates authorization to the Mayor to make emergency purchases or enter into emergency contracts consistent with the procedures outlined in the City of Anacortes Purchasing Policy, as permitted by RCW [39.04.280](#) and Chapter [38.52](#) RCW, in unforeseen circumstances beyond the control of the city that either: (1) present a real, immediate threat to the proper performance of essential functions; or (2) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

B. The Mayor must declare an emergency in writing authorizing a purchase or contract without competitive bid or negotiation and must notify City Council of the declaration. A resolution ratifying the declaration, invoking RCW 39.04.280, and ratifying the contract must be presented to City Council for approval no later than two weeks following the award of the contract. The resolution must include the factual basis for the emergency purchase or contract.

Certificate Of Completion

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Status: Completed

Subject: SIGNATURE REQUIRED: Approved Ordinance 4055

Source Envelope:

Document Pages: 8

Signatures: 3

Envelope Originator:

Certificate Pages: 5

Initials: 0

City Clerk

AutoNav: Enabled

PO Box 547

Enveloped Stamping: Enabled

904 6th St

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Anacortes, WA 98221

cityclerk@cityofanacortes.org

IP Address: 23.90.91.2

Record Tracking

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Holder: City Clerk

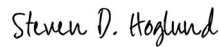
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cityclerk@cityofanacortes.org

Signer Events**Signature****Timestamp**

Steven D. Hoglund



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steveh@cityofanacortes.org

Viewed: 8/8/2023 8:12:33 AM

City Clerk/Treasurer

Signed: 8/8/2023 8:12:37 AM

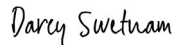
City of Anacortes

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Darcy Swetnam



Sent: 8/7/2023 8:56:52 PM

darcys@cityofanacortes.org

Viewed: 8/9/2023 8:07:11 AM

City Attorney

Signed: 8/9/2023 8:07:19 AM

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Matt Miller



Sent: 8/9/2023 8:07:20 AM

mattm@cityofanacortes.org

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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp**

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