

ORDINANCE NO. O2025-006-S1

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Tumwater Municipal Code Section 2.14, Execution of Contracts and Other Legal Documents, relating to the execution of contracts and other legal documents as more particularly described herein.

WHEREAS, pursuant to RCW 35A.12.190 and RCW 35A.11.010, the City, by and through its legislative body, may contract and be contracted with and may purchase, lease, receive or otherwise acquire real and personal property; and

WHEREAS, the City Council may delegate such authority to the mayor, city administrator or other department heads; and

WHEREAS, in 1996, the City Council passed provisions and procedures for approval and execution of City contracts and other documents including delegation for execution of minor contracts; and

WHEREAS, in 2009, the City Council passed Ordinance No. O2009-006 further defining and delegating authority for executing contracts and other legal documents; and

WHEREAS, the City has more than doubled in size since the contracting provisions were reviewed and revised; and

WHEREAS, the corresponding work load and number of contracts and legal documents has increased; and

WHEREAS, the City Council finds that the thresholds for contracting and the delegation of execution authority is in need of revision to allow for more efficient government operations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 2.14, Execution of Contracts and Other Legal Documents, of the Tumwater Municipal Code is hereby amended to read as follows:

Chapter 2.14

EXECUTION OF CONTRACTS AND OTHER LEGAL DOCUMENTS

Sections:

- 2.14.010 Purpose.
- 2.14.020 Council approval.
- 2.14.030 Mayor approval.
- 2.14.040 Execution of documents – Delegation authorized.
- 2.14.050 Minor purchases – Supplies.
- 2.14.060 ~~Public works~~ Change orders ~~authority~~ or contract amendments.
- 2.14.070 Rules and regulations for contracting.
- 2.14.080 Responsibility of city clerk.

2.14.010 Purpose.

The following provisions and procedures establish a uniform practice for the approval and execution of city of Tumwater contracts, ensure city council review of important and legally required contracts and other legal instruments, provide for efficient, streamlined preparation and execution of contracts not requiring council review, while also ensuring accountability by designating the individuals authorized to execute contracts on the city's behalf.

This chapter does not create any enforceable rights or causes of action in third parties.

(Ord. O2009-006, Amended, 06/02/2009; Ord. O96-043, Added, 12/03/1996)

2.14.020 Council approval.

The following documents and instruments shall be presented to the city council for approval prior to execution by the mayor or city administrator:

A. Interlocal agreements. All contracts, agreements, memoranda of understanding, or other documents between the city of Tumwater and any other governmental agency.

Exceptions:

1. Amendments do not require council approval, provided the total amendment amount does not exceed the original contract amount by more than ten percent, sufficient funds are available within the existing budget and the amendment is consistent with the underlying intent and objectives of the original agreement.

B. Instruments ~~conveying~~ pertaining to real property. Any contract, agreement, lease, easement, bill of sale, or other instrument pertaining to the city's disposition, conveyance or acquisition of real property, ~~except to the extent these documents pertain to the acquisition of real property for purposes of an approved public works project in which case they shall not require council approval.~~

Exceptions:

1. Acceptance by the city in its regulatory capacity of a dedication from a development is not subject to council approval.
2. Temporary construction licenses and rights of entry are not subject to council approval.
3. Instruments pertaining to the use, disposition, conveyance or acquisition of real property by whatever method, provided that such transaction is associated with a capital improvement project that has been previously approved by council, are not subject to council approval.

C. Any contract, agreement, or other document, not otherwise specifically delegated within this chapter, with a cost of more than \$100,000.

(Ord. O2009-006, Amended, 06/02/2009; Ord. O96-043, Added, 12/03/1996)

2.14.030 Mayor approval.

The mayor, or the mayor's designee, is authorized to approve and execute on behalf of the city of Tumwater any contract, agreement, document, amendment or instrument not otherwise subject to TMC 2.14.020.

(Ord. O2009-006, Amended, 06/02/2009; Ord. O96-043, Added, 12/03/1996)

2.14.040 Execution of documents – Delegation authorized.

A. The mayor is authorized, but not required, to delegate to a department director, or the director's designee, the authority to approve and execute on behalf of the city of Tumwater any contract, agreement, document, amendment or instrument which does not exceed \$50,000 with an amount equal to or less than the amount delegated to the Mayor and is not otherwise subject to TMC 2.14.020.

B. The mayor is additionally specifically authorized to approve and execute and may, but is not required to, delegate to the appropriate department directors the following categories of agreements:

1. Contracts for financial services, including:

a. expenses related to approved payroll costs, previously approved debt payments, and investment transactions made in accordance with city policy;

b. all expenses, transfers, or journals related to banking, debt, and investments necessary to implement the city's financial program consistent with city policy and state law;

c. city accounts, provided that prior to signing on behalf of a department, the finance director will make all efforts to coordinate with the department director to secure a signature from an approved delegate and the finance director may approve temporary delegation rights within the department for approval of a payment; and

d. all audit related documents and costs associated with required audits provided funding is available within the existing budget.

2. Contracts for legal services, including attorneys and expert witnesses to assist with litigation or anticipated litigation, or help with areas in which additional or specialized attorney services are necessary for the protection of the city's legal interests provided funding is available within the existing budget.

3. Collective bargaining agreements, including all agreements, letters of understanding, memoranda, or other documents, or subsequent amendments to those agreements, with the city's bargaining units if the financial impact of the agreement or amendment is valued at \$100,000 or less and sufficient funds are available within the existing budget unless the terms of a collective bargaining agreement provide otherwise.

(Ord. O2009-006, Amended, 06/02/2009; Ord. O96-043, Added, 12/03/1996)

2.14.050 Minor purchases – Supplies.

A department director, or their designee, acting within the department budget, is authorized to approve and execute documents for purchases of routine office and operating supplies.

(Ord. O2009-006, Amended, 06/02/2009; Ord. O96-043, Added, 12/03/1996)

2.14.060 ~~Public works~~– Change orders ~~authority~~or contract amendments.

~~The director of public works or the~~ In addition to, and without limiting, the authority granted elsewhere in this chapter, a department director ~~of the project department~~ is authorized to approve and sign any contract change orders or contract amendments, provided the total ~~construction costs with the change order or~~

contract amendment amount does not exceed the contract bid original contract amount by more than ten percent and sufficient funds are available within the existing budget. ~~Total construction costs are the construction costs to date plus the anticipated construction costs (including deducts from savings or additions from quantity increases) plus the proposed change order.~~

(Ord. O2009-006, Amended, 06/02/2009; Ord. O96-043, Added, 12/03/1996)

2.14.070 Rules and regulations for contracting.

The city administrator is authorized to establish written rules and regulations for the acquisition of public works and the procurement of goods, services, and materials by the city. Such rules and regulations shall be governed by sound management practices designed to secure the best quality at a fair price. The city administrator is authorized to revise the rules and regulations from time to time as circumstances change or as the city administrator may, in his or her discretion, deem appropriate.

The exercise of the powers, duties and procedures related to contracting by the city shall comply with the Revised Code of Washington, Washington Administrative Code and all other applicable local, state and federal laws and regulations.

(Ord. O2009-006, Amended, 06/02/2009; Ord. O96-043, Added, 12/03/1996)

2.14.080 Responsibility of city clerk.

It shall be the responsibility of the city clerk to retain signed originals of all contracts, agreements, documents, and instruments to which the city is a party. The failure to retain any such document shall not invalidate or excuse performance of any obligations contained therein.

(Ord. O2019-027, Amended, 09/17/2019; Ord. O2009-006, Added, 06/02/2009)

Section 2. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application

thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this _____ day of _____, 2025.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____