

**ORDINANCE NO. O-19-661**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING CHAPTER 2.75 OF THE MAPLE VALLEY MUNICIPAL CODE ENTITLED "CITY CONTRACTING," PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND CORRECTIONS**

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WHEREAS, the Maple Valley Municipal Code (MVMC) includes a chapter, Chapter 2.75, entitled "City Contracting," that sets forth policies governing the City Manager's authorization to execute contracts; and

WHEREAS, pursuant to MVMC subsection 2.75.020(B), the City Manager is authorized to execute contracts for the procurement of goods, materials, supplies, equipment, non-professional and professional services, and public works without City Council approval for an amount not to exceed \$35,000; and

WHEREAS, there is an exception to the policy set forth above, which authorizes the City Manager to execute contracts for purchases of goods, materials, supplies and equipment without City Council approval in any amount wherein a specific appropriation has been authorized in the City's budget; and

WHEREAS, to ensure consistency, the City Council would like to revise the City Manager's contracting authority to require City Council approval for all contracts exceeding \$35,000, including those contracts for purchases of goods, materials, supplies and equipment even when a specific appropriation has been authorized in the City's budget; and

WHEREAS, MVMC Chapter 2.75 does not address the City Manager's authorization to execute severance agreements; and

WHEREAS, the City Council would like to revise Chapter 2.75 to expressly authorize the City Manager to execute severance agreements in amounts not to exceed \$10,000; and

WHEREAS, slight revisions to subsection 2.75.040 concerning the use of city credit cards were made as they were more appropriately placed within the context of the City's purchasing policies;

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

Section 1. Amendment. Section 2.75.020 of the Maple Valley Municipal Code, entitled "City Manager authorization," is hereby amended to read as follows (new text in underline; deleted text in ~~strikethrough~~):

**2.75.020 City Manager authorization.**

A. The City Manager has authority to develop administrative procedures to implement these policies. Procedures should ensure the fiscal responsibility of the City in expending resources for goods, supplies, materials, equipment and services for the City. The procurement procedures of the City shall be based on the requirements of State law and local law, and by the guidelines established by the State Auditor.

B. The City Manager is authorized to execute contracts for the procurement of goods, materials, supplies, equipment, nonprofessional and professional services, and public works, without Council approval for an amount not to exceed \$35,000 except that the City Manager may execute contracts for purchases of goods, materials, supplies and equipment in any amount wherein a specific appropriation has been authorized in the City's annual budget.\*. The City Manager ~~or his/her designee~~ is further authorized to execute severance agreements without Council approval for an amount not to exceed \$10,000. The City Manager is further authorized to execute change orders for public works projects wherein the change order is within the total project budget, including the contingency amount. See MVMC [2.75.060](#), Public works projects. The authority granted to the City Manager may be delegated by the City Manager to Department Directors as set forth in MVMC [2.75.040](#), General provisions. (Ord. O-10-406 § 1).

~~\*Code reviser's note: The City now has a biennial budget, as established by Ord. O-16-596. See Chapter [3.01](#) MVMC.~~

Section 2. Amendment. Section 2.75.040 of the Maple Valley Municipal Code, entitled "General Provisions," is hereby amended to read as follows (new text in underline; deleted text in ~~strikethrough~~):

**2.75.040 General provisions.**

A. Policies Governing. These policies shall govern the procurement of goods, supplies, materials, equipment, nonprofessional and professional services, and public works. The City utilizes the MRSC Shared Small Works and Consultant Services Roster programs in compliance with RCW [39.04.155](#) and [39.80.030](#) and Resolution R-08-628 as amended by R-09-698. Lease of equipment or other personal property shall follow procedures herein for the purchase of goods, with the aggregate of lease payments used in lieu of purchase price.

B. Legal Authorization Required. Only authorized individuals may legally obligate the City to the payment of expenditures for goods and services, including expenditures obligated by purchase order. Individuals purchasing goods, supplies, materials and equipment on behalf of the City without proper authorization may be personally liable to the vendor and the City, and may be subject to discipline, including termination.

C. Federal or State Funds. When a purchase or contract involves the expenditure of federal or State funds or the receipt of federal or State grants, purchasing shall be conducted in accordance with any applicable federal or State laws or regulations. If the appropriate and relevant federal or State laws or regulations vary from these guidelines, such laws or regulations should be followed. Questions regarding potential conflicts shall be addressed by the City Attorney.

D. Breaking Down or Splitting Purchases (“Bid Splitting”). The breaking down, or splitting, of any purchase or contract into units or phases for the purpose of avoiding the maximum dollar amount is prohibited.

E. Contract Amendments.

1. Amendments must always be written and prepared as an amendment to the original contract, utilizing the City’s standard amendment forms.

a. Amendments whose purpose is to change the contract expiration date (duration or term) may be administratively approved by the City Manager.

b. Amendments that result in the amended contract amount being in excess of the City Manager’s purchasing authority (\$35,000) ~~may be administratively approved by the City Manager if the amount is within the project budget, including any contingency budget.~~ must be authorized by the City Council.

c. Amendments whose purpose is to change the scope of work may be administratively approved by the City Manager if the original contract was a contract approved under the City Manager’s authority;

otherwise, the amendment must be presented to the City Council for approval.

2. Change orders that are executed as part of a public works contract are not considered a contract amendment. See MVMC [2.75.060](#), Public works projects, for policies regarding change orders.

F. Change Orders for Public Works Contracts. Change orders for public works projects shall follow the procedures outlined in MVMC [2.75.060](#), Public works projects.

G. Procurement Methods.

1. Allowable procurement methods include the use of purchase orders, direct purchases, personal reimbursement, petty cash, credit cards, and contracts, as long as those procurement methods are used in compliance with these policies. With appropriate security and internal controls these procurement methods may be used electronically.

2. Pursuant to the requirements of Chapter [39.34](#) RCW and RCW [35A.11.040](#), as written or hereafter amended, the City may enter into an agreement for the purchase of goods, supplies, materials, equipment and services, by entering into a written intergovernmental cooperative purchasing agreement (interlocal agreement).

H. Signature Authority.

1. ~~The City Council shall approve all services, and public works, over \$35,000 in cost by resolution. By adoption of these policies, the City Council authorizes the City Manager to execute contracts for services and public works in the amount of \$35,000 or under. Pursuant to Chapters [35A.35](#), [35A.79](#) and/or [39.34](#) RCW and/or RCW [35A.11.040](#), as applicable, the City Council shall also approve all agreements for the acquisition of real property and shall approve all interlocal or cooperative agreements with other governmental or quasi-governmental agencies, again by resolution. City Council approval is required for the procurement of goods, supplies, materials, equipment, nonprofessional and professional services, and public works when the contract amount exceeds \$35,000, even when a specific appropriation has been authorized in the City's budget\*. If the contract is funded by an existing adopted budget, no resolution is required, but City Council approval is still required.~~

2. ~~The City Manager is authorized to execute all contracts or lease agreements for purchases of goods, supplies, materials and equipment in any amount, wherein the funds for the purchase or lease have been appropriated in the adopted annual budget.\* The City Manager is authorized~~

to execute all contracts for the procurement of goods, supplies, materials, equipment, nonprofessional and professional services, and public works in an amount not to exceed \$35,000. If, however, there are no funds in the existing budget, or no existing funds available in the budget to reallocate, City Council approval is required. Such approval, authorizing the City Manager to execute the contract, shall be sought by way of resolution and budget amendment.

3. Pursuant to Chapters 35A.35, 35A.79 and/or 39.34 RCW and/or RCW 35A.11.040, as applicable, the City Council shall also approve all agreements for the acquisition of real property and shall approve all interlocal or cooperative agreements with other governmental or quasi-governmental agencies, again by resolution.

4. The City Manager is authorized to execute severance agreements in an amount not to exceed \$10,000.

~~3-5.~~ The City Manager may delegate signature authority to other department directors for purposes of efficiency, in an amount up to \$10,000. Such delegation shall be in writing, and filed with the City Clerk with a copy to the Finance Director. The City Clerk's copy shall be placed in the director's personnel file. The authority delegated to a department director shall be for the purpose of making purchases and letting contracts for items, programs and services appropriated by fund in the adopted annual budget.\*

~~With the City Manager's approval, a department director may authorize an employee within that director's supervisory authority to purchase goods, materials, supplies and equipment utilizing a City credit card. (Ord. O-10-406 § 1).~~

\*Code reviser's note: The City now has a biennial budget, as established by Ord. O-16-596. See Chapter 3.01 MVMC.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make necessary corrections to this Ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or section/subsection numbering.

**ADOPTED ON APRIL 22, 2019 AT A REGULAR BUSINESS MEETING BY  
THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY:**

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MAYOR SEAN P. KELLY

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, SHAUNNA LEE-RICE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
PATRICIA TARADAY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED: APRIL 26, 2019  
EFFECTIVE DATE: APRIL 30 , 2019  
ORDINANCE NO. O-19-661