

ORDINANCE NO. 1391

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON ADOPTING INTO THE KALAMA MUNICIPAL CODE CHAPTER 2.08 AS AMENDED TO INCLUDE AN OUTLINE OF THE MAYOR'S AUTHORITY AS DEFINED UNDER RCW 35A.12.100.

WHEREAS, current Kalama Municipal Code does not fully define the authority of the Mayor as outlined by RCW 35A;

WHEREAS, the City Administration and the Council wish to more constructively define the duties and authority of the Council and the Mayor. Specifically addressing salaries, and limitations, certain contracts and business transactions, and when those can be completed on the Mayor's authority:

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code 2.08 is amended to read as follows:

Chapter 2.08 – MAYOR & CITY COUNCIL

2.08.010 - Time and place of meetings.

A. The time for holding regular meetings of the city council shall be on the first and third Wednesdays at seven p.m. of each and every month provided that the second meeting of each month may be changed to a workshop meeting or canceled by the mayor should there be no matters requiring council action to be placed on the regular agenda.

B. All regular and special meetings of the city council shall be held in the City Council Chambers, 320 North First Street, Kalama, Washington, unless a majority of the council designate a different place for meeting and advance notice thereof is circulated to the community.

2.08.020 - Mayor's and councilmembers' salaries.

A. The mayor's salary shall be increased to the sum of seven hundred dollars per month and will become effective with the payroll for January 2016.

B. Council members attendance fees shall be modified to one hundred dollars per meeting, not to exceed two hundred dollars per month.

C. These increases for the city council shall become effective at the next election for the various positions as provided by state law.

2.08.030 - Reimbursement for expenses.

The mayor and members of the city council may be reimbursed for actual expenses incurred by them in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the city council.

2.08.050 – Mayor’s Authority

- A. The authority of the Mayor is as defined by RCW 35A.12.100 and any future amendments there to.
- B. The city council authorizes the mayor, or mayor’s designee, 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 budget for the city, and the city’s liability under the contract does not exceed available fund balances. Department directors or their designees shall be responsible for verifying the availability of fund balances for any contracts, agreements or purchases attributable to their departments.
 - 1. Professional service contracts, including contracts for architectural, engineering, legal, and consulting services involving a cost or fee (excluding sales tax) of less than \$10,000. The term “professional service” means a type of service which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization or activities such as consulting that have a primarily intellectual final product (e.g., accountants, appraisers, engineers, architects, land surveyors, attorneys, and other consulting services in the areas of development, environmental assessment, financial and human resources);
 - 2. Maintenance contracts and service contracts for nonprofessional services involving a cost or fee (excluding sales tax) of less than \$10,000 per year;
 - 3. Public works projects involving a cost or fee of less than \$50,000;
 - 4. Settlement agreements involving a cost or fee of less than \$50,000 and that do not involve claims against an elected official, and retention of legal counsel and expert consultants, involving risk management claims or suits;
 - 5. Other routine agreements where no expenditure is involved, or the cost, expenditure, or fee (excluding sales tax) does not exceed \$10,000;
 - 6. Lease agreements for materials, supplies, and equipment where the expenditure or fee does not exceed \$10,000 per year;
 - 7. Sale of surplus property with an estimated value of \$10,000 or less, which has been certified for disposition, such sale or disposition to be made by the administration in accordance with applicable law and any procedures established by the finance director or designee deemed to be in the best interest of the city;
 - 8. Contracts which carry out or implement a provision of the Kalama Municipal Code or established city policy, e.g., maintenance or performance bonds for plat improvements;

9. Emergency Contracts. For purposes of this chapter, the term “emergency” shall have the same meaning as defined in RCW 39.04.280(3);

10. Employment and Personnel Matters. Unless otherwise provided by statute or ordinance, for example, salaries and compensation are subject to city ordinance;

11. Contracts of a “continuing nature” for the operation of programs and services approved in the budget or for a schedule of payments, including but not limited to interlocal agreements (ILA) and multiple-year personal service contracts which have been expressly approved by the city council, do not require subsequent annual approvals; provided, that any such contract is listed specifically as a line item in the budget under BARS Code Category 40 (Services).

- C. 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, amendments that do not exceed in total 10 percent of the contract amount may be entered into without prior city council approval.
- D. The mayor, in the mayor’s discretion, 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.
- E. All interlocal agreements shall be presented to the city council for prior approval, except for interlocal agreements that create no liability or expense to the city, example., interlocal purchasing agreements as determined by the finance director or designee.
- F. The mayor shall promptly provide to the city council a copy (or summary) of any contract or interlocal agreement (including any amendment) that has not received prior approval by the city council.
- G. “Contract” means any agreement creating a legal relationship between the city and another person or entity, or any amendment thereto.
- H. Amendments and Change Orders.
 - 1. Amendments or change orders to contracts, including interlocal agreements, which result in the final contract amount in excess of purchase limits identified in this chapter may be administratively approved if the changes are:
 - a. Within the scope of the project or purchase;
 - b. Executed in writing;
 - c. The amount in excess of the Mayor’s purchase limits will not exceed \$50,000.
 - 2. Contract amendments that are strictly a change in contract expiration date may be administratively approved.

3. The value of all change orders will be aggregated, and when any single amendment or combination of change orders on the same project or purchase exceeds the limit under subsection (H)(1)(c) of this section the change must be approved by the city council, except:

a. For service contracts to accomplish an ongoing city program rather than a discrete project, the aggregation of administrative change orders shall be recalculated after each contract year;

b. Where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, the city council may, upon recommendation of the city administrator, extend the aggregate limits of subsection (H)(1)(c) of this section upon award of the particular contract; and

c. A contract amendment approved by the city council under subsection (H)(3) of this section shall allow new administrative amendments or change orders to the amended contract that satisfy the requirements of subsection (H)(1) of this section.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 6th day of December, 2017

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

Published:

Effective:

City Attorney