

RESOLUTION NO 16- 1137

**A RESOLUTION OF THE CITY OF THE CITY COUNCIL OF
THE CITY OF BLACK DIAMOND, KING COUNTY,
WASHINGTON ON CONTRACTING PROCEDURES AND
POLICIES**

WHEREAS RCW 35A.11.020 gives the city's contracting authority to the Council, "by and through its legislative body, such municipality may contract and be contracted with;" and

WHEREAS State law imposes certain restrictions on the City's contracting authority which includes bidding requirements, etc., such as that in RCW 39.80; and

WHEREAS The State Auditor has promulgated advisories regarding contracting procedures; and

WHEREAS The City has not fully adopted Financial and Contracting policies as required by RCW42.24; and

WHEREAS The City Council is considering a Resolution Requiring Council Pre-Approval Before Payment of all Claims and Expedited Compliance with RCW 42.24 and BDMC 3.23. This Resolution requests that the Mayor furnish the Council with draft financial and contracting policies. This Resolution has been unable to receive legal review because the mayor has obstructed the City Council-approved contract for a City Attorney, and it is incorrect to characterized existing city Ordinances as fulfilling this requirement; and

WHEREAS The BDMC authorizes the Mayor to sign contracts without Council approval as a way to facilitate the business of the city, but this authority is limited in many ways such as certain types of contracts must be advertised and approved by the Council regardless of amount; a contract up to \$7500 must have the approval of a Finance Committee member; a contract of up to \$15,000 must match a line item in the approved budget; and

WHEREAS Generally accepted accounting procedures suggest that serial contracts are not appropriate; and

WHEREAS Serial contracts are subject to abuse by avoiding bidding processes, enabling favoritism, and circumventing legislative oversight; and

WHEREAS The Council interprets the Black Diamond Municipal Code to authorize the Mayor to sign only one contract per vendor or service to perform the same general service per year; and

WHEREAS The Mayor has signed serial contracts this year; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. It is the policy of the City of Black Diamond to seek competitive bids for all contracts wherever possible.

Section 2. It is the policy of the City of Black Diamond to comply with all applicable law and policies regarding Office of Minority and Women's Business Enterprises (OMWBE) goals and accounting standards.

Section 3. It is the policy of the City of Black Diamond that all requests for proposals are subject to Council approval to ensure that proposals and final contracts reflect legislative intent and are processed in a timely and efficient manner.

Section 4. It is the policy of the City of Black Diamond to incorporate quality control, monitoring, and reporting to the public provisions in all contracts where appropriate.

Section 5. It is the policy of the City of Black Diamond to provide for closing reports and documentation of products delivered in all contracts where appropriate.

Section 6. The Mayor is requested to properly administer these contracting policies.

Section 7. The Mayor is not authorized to circumvent the BDMC by issuing serial contracts. Any contracts that are approved in this manner will be subject to disapproval by the Council.

Section 8. The Mayor is requested to notify the Council prior to the approval of any additional contracts under her signature authority.

Section 9. The Council may not approve vouchers for contracts that do not comply with these policies.

Section 10. Contractors and vendors are hereby notified that contracts that are signed by the Mayor in violation of these policies may not be valid contracts.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON,
AT A REGULAR MEETING THEREOF, THIS 15th DAY OF December, 2016.

CITY OF BLACK DIAMOND:

Mayor

DENIED CB

ATTEST:

Council has no contracting authority.

City Clerk