

ORDINANCE NO. 4917

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO PURCHASING AUTHORITY AND AMENDING SECTIONS 1.06.040 AND 1.06.045 OF THE ELLENSBURG CITY CODE.

WHEREAS, national and worldwide supply chain issues have impacted the City of Ellensburg's ability to routinely acquire necessary products and services in its business; and

WHEREAS, the City utilizes a wide range of trained volunteers to assist with the delivery of city programs and projects and providing department directors the authority to authorize trained volunteers to make purchases on behalf of the City would create efficiencies within the daily operations of City business; and

WHEREAS, many vendors and contractors are now providing stipulations on quotes and bids with very short acceptance timeframes making it impossible for City staff to secure these benefits to the City and its citizens due to City financial policy limitations.

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

**Section 1. Section 1.06.040 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4888, is hereby amended to read as follows:**

**1.06.040 Authority to execute agreements, contracts and leases.**

A. The city manager, and, in the absence of the city manager, the assistant city manager or acting city manager, and designees of the city manager, assistant city manager or acting city manager employed in the administrative service of the city, are authorized to execute the following agreements, contracts and leases on behalf of the city of Ellensburg; provided, that sufficient funds required for any appropriations have been budgeted by the council and there is adherence to the applicable procurement requirements of external funding sources:

1. Purchases and sales that do not exceed \$75,500. The city manager may delegate this authority to department directors for contracts under which the city's liability does not exceed \$25,000. Department directors may delegate this authority to other employees of their department for contracts under which the city's liability does not exceed \$10,000;

2. Agreements and contracts which have an annual value up to \$75,500, and amendments thereto which do not increase the annual value of such agreement or contract beyond an aggregate amount of \$75,500. The city manager may delegate this authority to department directors for agreements and contracts under which the city's liability does not exceed \$25,000. Department directors may delegate this authority to other employees of their department for contracts under which the city's liability does not exceed \$10,000;

3. Leases that do not exceed one year in length and do not exceed \$75,500 in value;
4. Agreements and contracts with the city's designated public depositaries;
5. Agreements, contracts and leases awarded by the council at any regular or special meeting of the council;
6. Any other agreements, contracts and leases authorized by the council by ordinance, resolution, or motion;
7. Amendments to agreements, contracts and leases awarded or authorized by the council; provided, that the aggregate value of all amendments to any agreement, contract or lease may not exceed \$75,500 or 10 percent of the original contract amount, whichever is greater, unless otherwise authorized by the council;
8. Amendments to agreements, contracts and leases awarded or authorized by the council that do not materially alter such agreement, contract or lease, and do not increase the financial obligation of the city beyond the total amount authorized by the council in its award, ordinance, resolution or motion; and
9. Emergency purchases, contracts and leases awarded without competitive bidding due to an emergency as authorized in ECC 1.06.045(A).
10. Agreements, contracts, or leases, to procure supplies, materials, or equipment, in excess of \$75,500 where, due to market or supply chain conditions outside of the City's control, obtaining purchase authority at the next regularly scheduled city council meeting will increase cost, impact the ability to serve customers/serve community needs, or restrict the ability to secure the supplies, materials or equipment due to limited availability. When this specific authority is exercised, the city manager shall report the expenditure at the next city council meeting.

B. Agreements, contracts, and leases executed on behalf of the city shall be filed with the office of the city clerk and open to public inspection in the manner provided by law subject to exceptions, prohibitions, and exemptions therein provided. The city manager shall regularly report to the council all agreements, contracts and leases he or she executes on behalf of the city. [Ord. 4888 § 1, 2022; Ord. 4835 § 1, 2019; Ord. 4804 § 13, 2018.]

**Section 2. Section 1.06.045 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4888, is hereby amended to read as follows:**

**1.06.045 Authority to waive competitive purchasing requirements.**

A. Emergency Waiver of Competitive Bidding Requirements.

1. In the event of an emergency, as defined in RCW 39.04.280, as currently enacted or hereinafter amended, the city manager, and, in the absence of the city manager, the assistant city

manager or acting city manager, or their designees, may issue a declaration of emergency for the purposes of expediently addressing the emergency.

2. A declaration of emergency must recite the facts constituting the emergency. As part of the declaration, or by separate order, the city manager may issue a waiver of the public advertising and competitive procurement requirements of state law and city policy for purchases of personal property, services, and public works.

3. The declaration or separate order must be distributed to the council within 24 hours, and any contract awarded without competitive bidding due to an emergency must be duly entered of record with the city clerk within two weeks, and reported to council at the next city council meeting following the award of the contract.

**B. Nonemergency Waiver of Competitive Bidding and Purchasing Requirements.**

1. The city manager is authorized to waive competitive bidding requirements when awarding contracts for purchases when only one supplier is capable of delivering the required product or service, as determined through research, and purchases involving special facilities or market conditions.

2. The City Manager is authorized to waive competitive bidding and purchasing requirements established in city policy for purchases, contracts, and leases of supplies, materials, and equipment in situations outside of the City's control where the time implications of waiting until a regularly scheduled Council meeting will increase cost, impact the ability to serve customers/serve community needs, or restrict the ability to secure materials due to limited availability.

2.3. Any contract awarded with a waiver of competitive purchasing requirements in this subsection (B) must be reported to council at the next city council meeting following the award of the contract. Immediately after the award of the contract, the contract and the factual basis for the exception must be recorded with the city clerk and open to public inspection. [Ord. 4888 § 2, 2022.]

**Section 3. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

**Section 4. Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 5. Effective Date.** This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 3<sup>rd</sup> day of July, 2023.

ATTEST:

Naomi J. Hillquist  
MAYOR  
Beth Leader  
CITY CLERK

Approved as to form:

CITY ATTORNEY

Publish: 7-6-2023

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4917 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4917 was published as required by law.

Beth Leader  
BETH LEADER