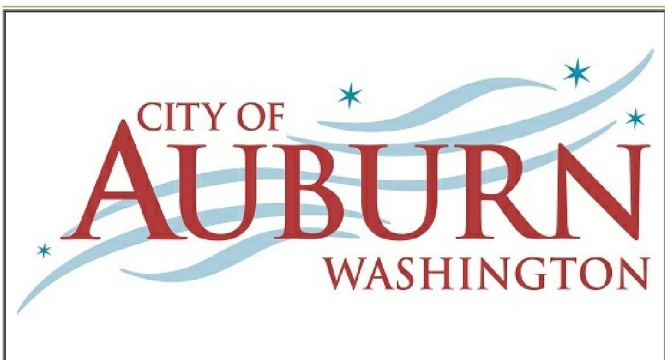


	City Council Meeting April 6, 2020 - 7:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. **CALL TO ORDER**

II. **Virtual Participation Link**

1. Virtual Participation Link

The City Council Meeting will be held virtually and telephonically. The public is highly encouraged to attend the meeting by clicking on the link or calling into the meeting at the phone number listed below.

Please click the link below to join the webinar:

<https://zoom.us/j/707599032>

Or iPhone one-tap :

US: +13462487799,,707599032#

Or Telephone:

Dial:

346 248 7799

888 475 4499 (Toll Free)

Webinar ID: 707 599 032

Per the Governor's Emergency Proclamation 20-28, the City of Auburn is prohibited from holding an in-person meeting at this time. All meetings will be held virtually and telephonically.

A. **Pledge of Allegiance**

B. **Roll Call**

III. **NEW BUSINESS**

A. Council Rules of Procedure

(RECOMMENDED ACTION: Move to extend the suspension of Council Rules of Procedure 3.1(H), 4.1, 10.1, 11.2(B) and 16.1 that were amended on March 12, 2020 during the Special Council through April 27, 2020 and to allow generally the virtual and telephonic participation in Council meetings.)

IV. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Sexual Assault Awareness Month

Mayor Backus to proclaim April 2020 as "Sexual Awareness Month" in the City of Auburn

B. National Public Safety Telecommunicators Week

Mayor Backus to proclaim April 12-18, 2020 as "National Public Safety Telecommunicators Week" in the City of Auburn

V. AGENDA MODIFICATIONS

VI. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings - (No public hearing is scheduled for this evening.)

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

1. Virtual Participation

Participants wishing to speak during a public hearing or public comments are asked to raise their hand within the Zoom program (on the phone it is *9) to indicate they would like to speak for public comment or a public hearing, if applicable. If you are unable to raise your hand, at the end of the virtual public comment period the Mayor will open all lines and ask for additional comments. You will then be asked to state your name and address for the record and be given three minutes to speak.

Participants can alternatively submit written comments to scampbell@auburnwa.gov. All written comments must be received prior to 7:00 p.m. on the day of the scheduled meeting and must be 350 words or less.

C. Correspondence - (There is no correspondence for Council review.)

VII. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Baggett)

VIII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes of the March 12, 2020 and March 23, 2020 Special City Council Meeting

B. Minutes of the March 16, 2020 Regular City Council Meeting

- C. Minutes of the March 23, 2020 and March 30, 2020 Study Session
- D. Claim Vouchers (Thomas)
Claim vouchers list dated April 6, 2020 which includes voucher numbers 457802 through 458027 in the amount of \$2,399,150.59 and ten wire transfers in the amount of \$739,287.77
- E. Payroll Vouchers (Thomas)
Payroll check numbers 538887 through 538896 in the amount of \$585,050.12 and electronic deposit transmissions in the amount of \$2,086,753.22 for a grand total of \$2,671,803.34 for the period covering March 12, 2020 to March 31, 2020

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. ORDINANCES

- A. Ordinance No. 6764 (Thomas)
An Ordinance amending the 2019-2020 Biennial Budget, which represents the sixth budget amendment for the 2019-2020 biennium and the second budget amendment for 2020

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6764.)

- B. Ordinance No. 6765 (Gaub, Comeau, Thomas)
An Ordinance amending sections Chapter 3.10 and 3.12 relating to public contracting and purchasing

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6765.)

XII. RESOLUTIONS

- A. Resolution No. 5491 (O'Neil)
A Resolution amending the agreement with the Auburn School District related to law enforcement services
- B. Resolution No. 5505 (Gaub)
A Resolution to execute an interlocal agreement with the City of Algona regarding water and sewer utility service for properties located along the boundaries between Auburn and Algona

(RECOMMENDED ACTION: Move to adopt Resolution No. 5505.)

XIII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with

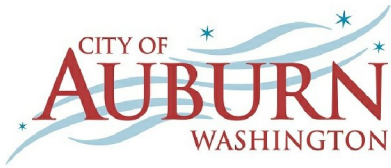
their appointed positions on federal, state, regional and local organizations.

A. From the Council

B. From the Mayor

XIV. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Council Rules of Procedure

Date:

March 26, 2020

Department:

Administration

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Extend the ability to attend meetings through virtual participation until April 27, 2020.

Background Summary:

During the March 12, 2020 Special City Council Meeting the Council voted to approve the below motions through April 5, 2020. To continue with all virtual and telephonic meeting participation, Council will need to extend the following motions:

- To suspend Council Rule 3.1(H), Regular Council Meetings Audience Participation, to allow audience participation and telephonic public comments through April 27, 2020. Council will also encourage audience participation through submitting written statements to: scampbell@auburnwa.gov. All written statements must be submitted by 7PM on the day of the regular set City Council Meeting and will be limited to 350 words.
- To suspend Rule 4.1, Councilmember attendance at meetings, to allow Councilmembers to attend all public meetings virtually or telephonically through April 27, 2020.
- To suspend Rule 10.1, Comments, Concerns, and Testimony to Council, to allow persons addressing the Council to do so telephonically through April 27, 2020.
- To suspend Rule 11.2(B), Public Hearings, to allow virtual or telephonic audience attendance and to allow virtual or telephonic comments for a public hearing through April 27, 2020. Council will also encourage audience participation through submitting written statements to: scampbell@auburnwa.gov. All written statements must be submitted by 7PM on the day of the regular set City Council Meeting and will be limited to 350 words.
- To suspend Council Rule 16.1, Council Study Sessions, Committees, and Citizen Advisory Boards, to allow Councilmembers to attend study sessions virtually or telephonically through April 27, 2020.

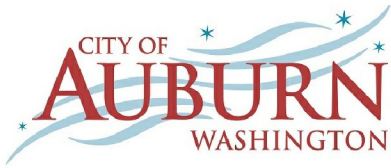
Reviewed by Council Committees:

Councilmember:

Meeting Date: April 6, 2020

Staff:

Item Number: NB.A



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the March 12, 2020 and March 23, 2020 Special
City Council Meeting

Date:

March 31, 2020

Department:

City Council

Attachments:

[03-12-2020 Minutes](#)

[03-23-2020 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

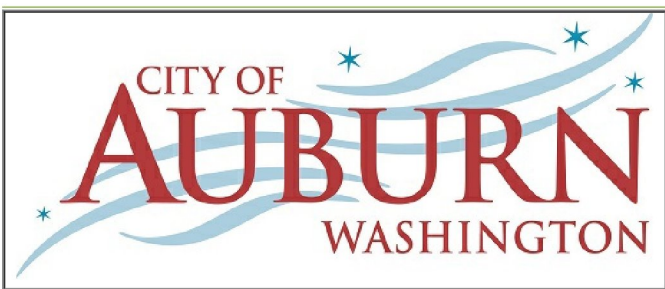
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: April 6, 2020

Staff:

Item Number: CA.A

	Special City Council Meeting March 12, 2020 - 6:30 PM Virtual and City Hall Council Chambers MINUTES
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I. **CALL TO ORDER**

Mayor Nancy Backus called the meeting to order at 6:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn and led those in attendance in the Pledge of Allegiance.

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga and Chris Stearns. Councilmember Yolanda Trout-Manuel was excused.

Mayor Nancy Backus and the following department directors and staff members were present: Assistant City Attorney Doug Ruth, Director of Innovation and Technology David Travis, Network Analyst Brian Nguyen, Innovation and Technical Support Specialist Danika Olson and City Clerk Shawn Campbell.

The following department directors and staff members virtually present: City Attorney Kendra Comeau and Director of Public Works Ingrid Gaub.

A. **VIRTUAL CALL IN NUMBER**

1. Virtual Participation

The Special City Council Meeting was held virtually and in person in the Council Chambers.

II. **NEW BUSINESS**

A. Resolution No. 5504 (Comeau)

A Resolution Ratifying the Emergency Proclamation Regarding the Novel Coronavirus Outbreak

City Attorney Comeau presented Council with information on the Emergency Proclamation regarding the Novel Coronavirus (COVID-19) which will allow the City to take all appropriate action necessary to address and respond to the COVID-19 emergency.

Council discussed when the emergency declaration will conclude, if the Mayor can terminate the emergency and wanted to confirm that the proclamation gives the Mayor sufficient ability to be able to conduct business.

Mayor Backus advised Council that the emergency will conclude when the Governor determines that there is no longer an emergency, that she can also terminate the emergency, but stated it is unlikely she would do so prior to the Governor or the Federal Government. She also confirmed the proclamation will allow her to conduct business as needed.

Deputy Mayor DaCorsi moved and Councilmember Jeyarai seconded to adopt Resolution No. 5504.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Council Rules of Procedure (Comeau)

Deputy Mayor DaCorsi explained the purpose of modifying the Council Rules of Procedure during the State of Emergency and moved to modify the following five rules to allow virtual, telephonic or written statements for Council Meetings, Study Sessions, Public Hearings, Committees and Citizen Advisory Boards:

Deputy Mayor DaCorsi moved and Councilmember Baggett seconded to suspend Council Rule 3.1(H), Regular Council Meetings Audience Participation, to allow audience participation and telephonic public comments. Council will also encourage audience participation through submitting written statements to: scampbell@auburnwa.gov. All written statements must be submitted by 7PM on the day of the regular set City Council Meeting and will be limited to 350 words.

MOTION CARRIED UNANIMOUSLY. 6-0

Deputy Mayor DaCorsi moved and Councilmember Brown seconded to suspend Rule 4.1, Councilmember attendance at meetings, to allow Councilmembers to attend all public meetings virtually or telephonically through April 5, 2020.

MOTION CARRIED UNANIMOUSLY. 6-0

Deputy Mayor DaCorsi moved and Councilmember Brown seconded to suspend Rule 10.1, Comments, Concerns, and Testimony to Council, to allow persons addressing the Council to do so telephonically.

MOTION CARRIED UNANIMOUSLY. 6-0

Deputy Mayor DaCorsi moved and Councilmember Jeyaraj seconded to suspend Rule 11.2(B), Public Hearings, to allow virtual or telephonic audience attendance and to allow virtual or telephonic comments for a public hearing. Council will also encourage audience participation through submitting written statements to: scampbell@auburnwa.gov. All written statements must be submitted by 7PM on the day of the regular set City Council Meeting and will be limited to 350 words.

MOTION CARRIED UNANIMOUSLY. 6-0

Deputy Mayor DaCorsi moved and Councilmember Mulenga seconded to suspend Council Rule 16.1, Council Study Sessions, Committees, and Citizen Advisory Boards, to allow Councilmembers to attend study sessions virtually or telephonically through April 5, 2020.

MOTION CARRIED UNANIMOUSLY. 6-0

III. **ADJOURNMENT**

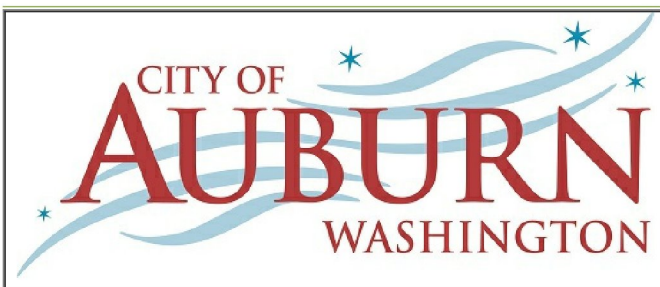
There being no further business to come before the Council, the meeting was adjourned at 6:47 p.m.

APPROVED this 6th day of April, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

	Special City Council Meeting March 23, 2020 - 5:00 PM Virtual and City Hall Council Chambers MINUTES
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I. CALL TO ORDER

Mayor Nancy Backus called the meeting to order at 5:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

A. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, Robyn Mulenga and Yolanda Trout-Manuel. Councilmembers James Jeyaraj and Chris Stearns were excused.

Mayor Nancy Backus and the following department directors and staff members were present: Director of Innovation and Technology David Travis, Innovation and Technical Support Specialist Danika Olson, Network Analyst Brian Nguyen, Chief of Police Dan O'Neil and Deputy City Clerk Teresa Mattingly.

The following department directors and staff members virtually present: City Attorney Kendra Comeau, Assistant Information and Technology Director Ashley Riggs, Director of Administration Dana Hinman, Director of Finance Jamie Thomas and Director of Community Development Jeff Tate.

II. Virtual Participation

A. Virtual Participation

The Special City Council Meeting was held virtually and in person in the Council Chambers.

III. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Mayor Backus to proclaim an emergency related to COVID-19 and the City's commitment to provide a continuing response

Mayor Backus read and proclaimed an Emergency and Temporary Moratorium on Residential Late Payment Fees, an Emergency and Temporary Moratorium on Commercial Evictions and directed City staff to identify opportunities to assist Auburn residents, small businesses, tenants, and other people in Auburn affected by COVID-19.

IV. ORDINANCES

A. Ordinance No. 6767 (Thomas)

An Ordinance temporarily waiving late fees for utility accounts and airport fees, superseding certain sections of Auburn City Code requiring payment of such late fees as set forth in ACC 12.56.045; 13.06.300; 13.06.511; 13.20.390; and 13.48.120, in light of a declared Public Health Emergency Related To COVID-19

Deputy Mayor DaCorsi motioned and Councilmember Trout-Manuel seconded to suspend City Council Procedure Rule 3.1(N)(2) requiring any Ordinance to be included on a Study Session agenda prior to being included in a Council Meeting agenda for consideration.

MOTION CARRIED UNANIMOUSLY. 5-0

Deputy Mayor DaCorsi moved and Councilmember Baggett seconded to adopt Ordinance No. 6767.

MOTION CARRIED UNANIMOUSLY. 5-0

V. RESOLUTIONS

A. Resolution No. 5506 (Thomas)

A Resolution ratifying Emergency Proclamation 2020-03 establishing a temporary moratorium on residential tenant late fees related to late payments

Deputy Mayor DaCorsi moved and Councilmember Mulenga seconded to adopt Resolution No. 5506.

MOTION CARRIED UNANIMOUSLY. 5-0

Council discussed extending the moratorium if necessary.

B. Resolution No. 5507 (Martinson)

A Resolution confirming the Appointment of Kendra Comeau as the City Attorney for the City of Auburn

Deputy Mayor DaCorsi moved and Councilmember Trout-Manuel seconded to adopt Resolution No. 5507.

MOTION CARRIED UNANIMOUSLY. 5-0

C. Resolution No. 5508 (Thomas)

A Resolution ratifying Emergency Proclamation 2020-04 establishing a temporary moratorium on commercial evictions

Deputy Mayor DaCorsi moved and Councilmember Baggett seconded to adopt Resolution No. 5508.

MOTION CARRIED UNANIMOUSLY. 5-0

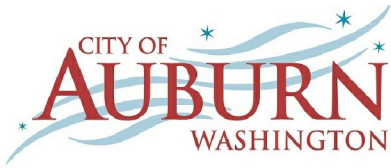
VI. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 5:17 p.m.

APPROVED this 6th day of April, 2020.

NANCY BACKUS, MAYOR Teresa Mattingly, Deputy City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the March 16, 2020 Regular City Council Meeting

Department:

City Council

Attachments:

[03-16-2020 Minutes](#)

Date:

March 31, 2020

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

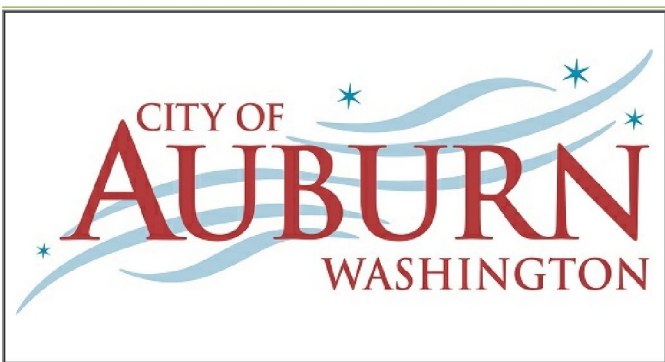
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: April 6, 2020

Staff:

Item Number: CA.B

	City Council Meeting March 16, 2020 - 7:00 PM Virtual and City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. **CALL TO ORDER**

A. **Virtual Participation Link**

1. Virtual Participation Link

The City Council Meeting was held virtually and in person in the Council Chambers.

B. **Pledge of Allegiance**

Mayor Nancy Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn and led those in attendance in the Pledge of Allegiance.

C. **Roll Call**

Councilmembers present virtually: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technology Director David Travis, Innovation and Technical Support Specialist Danika Olson, Network Analyst Brian Nguyen, Chief of Police Dan O'Neil and City Clerk Shawn Campbell.

The following department directors and staff members attended virtually: City Attorney Kendra Comeau, Director of Public Works Ingrid Gaub and Director of Administration Dana Hinman.

II. **ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**

There were no announcements, reports or presentations.

III. **APPOINTMENTS**

A. **Transportation Advisory Board**

City Council to appoint Waylon Menzia to the Transportation Advisory Board, serving as the high school student representative, for a three year term to expire December 31,

2022

Deputy Mayor DaCorsi moved and Councilmember Trout-Manuel seconded to appoint Waylon Menzia to the Transportation Advisory Board for a three-year term to expire December 31, 2022.

MOTION CARRIED UNANIMOUSLY. 7-0

IV. **AGENDA MODIFICATIONS**

There were no modifications to the agenda.

V. **CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE**

A. **Public Hearings**

1. Public Hearing for Right-of-Way Vacation V1-19 (Gaub)

Mayor Backus opened the public hearing at 7:07 p.m.

Virginia Haugen, 2503 R St SE, Auburn

Ms. Haugen expressed her concerns about parking and vacating alleys.

The public hearing closed at 7:10 p.m.

B. **Audience Participation**

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Virginia Haugen, 2503 R St SE, Auburn

Ms. Haugen thanked the Mayor for appearing at this Council Meeting and stated she is not afraid of getting the virus, but is tired of the media hype and politicians telling everyone in the United States how to run their lives.

1. Virtual Participation

Bob Zimmerman, 33029 46th Place S, Auburn

Mr. Zimmerman submitted his comments via email and expressed his concerns regarding the lack of enforcement of safety standards within the City of Auburn.

C. **Correspondence**

There was no correspondence for Council to review.

VI. **COUNCIL AD HOC COMMITTEE REPORTS**

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the

City Council, if any.

1. Finance Ad Hoc Committee (Chair Baggett)

Councilmember Baggett, Chair of the Finance ad hoc committee, reported he and Councilmember Stearns have reviewed the claims and payroll vouchers described on the Consent Agenda this evening and recommended their approval.

VII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes of the March 2, 2020 Special City Council Meeting

B. Minutes of the March 2, 2020 Regular City Council Meeting

C. Claim Vouchers (Thomas)

Claim vouchers list dated March 16, 2020 which includes voucher numbers 457607 through 457801 in the amount of \$4,648,835.35 and one wire transfer in the amount of \$440,993.81

D. Payroll Vouchers (Thomas)

Payroll check numbers 538871 through 538886 in the amount of \$238,554.63 and electronic deposit transmissions in the amount of \$2,111,889.01 for a grand total of \$2,350,443.64 for the period covering February 25, 2020 to March 11, 2020

Deputy Mayor DaCorsi moved and Councilmember Trout-Manuel seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

A. Ordinance No. 6759 (Gaub)

An Ordinance vacating right-of-way of a portion of the alley north of 3rd Street NE between B Street NE and Auburn Avenue

Deputy Mayor DaCorsi moved and Councilmember Jeyaraj seconded to adopt Ordinance No. 6759.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. RESOLUTIONS

A. Resolution No. 5502 (Hinman)

A Resolution approving the Lodging Tax Grant disbursements recommended by the Auburn Lodging Tax Advisory Committee

Deputy Mayor DaCorsi moved and Councilmember Mulenga seconded to adopt Resolution No. 5502.

MOTION CARRIED UNANIMOUSLY. 7-0

XII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

Councilmember Stearns stated he attended the Water Incident Research Alliance 9 (WIRA 9) meeting remotely.

B. From the Mayor

Mayor Backus reported she, Department Directors and City Staff have worked hard this last week to slow the spread of the COVID-19 virus. City offices will be closed to the public starting at 5:00 p.m. today, except as required for public meetings.

Councilmembers Stearns and Trout-Manuel thanked the Mayor and the first responders for their calmness and courage during this crisis.

XIII. ADJOURNMENT

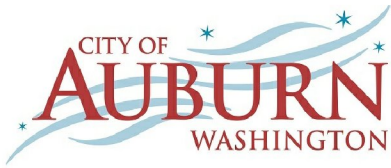
There being no further business to come before the Council, the meeting was adjourned at 6:26 p.m.

APPROVED this 6th day of April, 2020.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the March 23, 2020 and March 30, 2020 Study Session

Date:

April 1, 2020

Department:

City Council

Attachments:

[03-23-2020 Minutes](#)

[03-30-2020 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

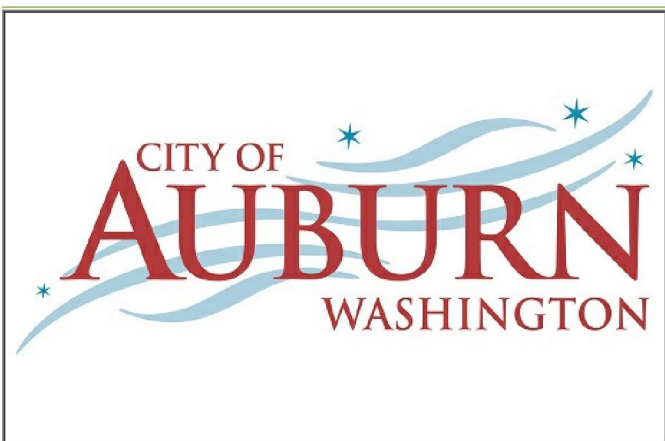
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: April 6, 2020

Staff:

Item Number: CA.C

	City Council Study Session Finance, Technology and Economic Development Special Focus Area March 23, 2020 - 5:30 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor DaCorsi called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

II. Virtual Participation

A. Virtual Participation Link

The City Council Meeting was held virtually and in person in the Council Chambers.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel. Councilmember James Jeyaraj was excused.

Mayor Nancy Backus and the following department directors and staff members were present: Director of Innovation and Technology David Travis, Innovation and Technical Support Specialist Danika Olson, Network Analyst Brian Nguyen, Assistant Police Chief Mark Caillier, Chief of Police Dan O'Neil and Deputy City Clerk Teresa Mattingly.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Assistant Information and Technology Director Ashley Riggs, Director of Administration Dana Hinman, Director of Public Works Ingrid Gaub and Director of Human Resources and Risk Management Candis Martinson.

III. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

Deputy Mayor DaCorsi thanked the Mayor, the Information and Technology Department and the City's staff for their work during these difficult times.

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6757 (Caillier)(5 Minutes)

An Ordinance amending Section 6.35.030 relating to the restraint and registration of potentially dangerous dogs

City Attorney Comeau reviewed the changes to the Auburn City Code related to the restraint and registration of potentially dangerous dogs.

B. Ordinance No. 6765 (Gaub, Comeau, Thomas)(15 Minutes)

An Ordinance amending Chapters 3.10 and 3.12 relating to public contracting and purchasing

Director Gaub reviewed the proposed changes to Chapter 3.10, Policy Purchasing and Chapter 3.12, Public Contracts of the Auburn City Code related to public contracting and purchasing.

Council discussed the Mayor's contract authorization limits and how often she may need to approve unbudgeted expenditures in excess of \$100,000. They also discussed the construction contract approval process, how a contract is awarded and requested to see the results of future construction project bids.

C. Ordinance No. 6766 (Comeau)(15 Minutes)

An Ordinance amending Section 9.22.010 related to controlled substances

City Attorney Comeau discussed moving the controlled substance possession ordinance definition from paragraph (f) of the RCW to paragraph (g) in order to minimize the need for additional ordinance revisions in the future.

V. OTHER DISCUSSION ITEMS

Deputy Mayor DaCorsi discussed ways for Council to make a motion during a meeting since they are all virtual, the Mayor is having regular meetings with the Directors to discuss the COVID-19 crisis and asked the Council to send an email to the Mayor, Deputy Mayor and Council Administrative Assistant Manthey if they have any recommendations that may be helpful dealing with this crisis.

VI. NEW BUSINESS

There was no new business.

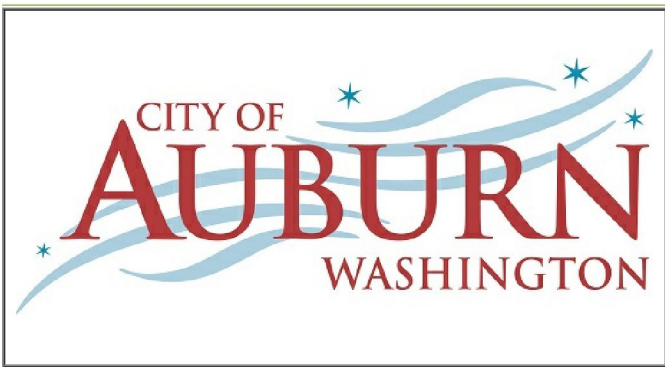
VII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:06 p.m.

APPROVED this 6th day of April, 2020.

CLAUDE DACORSI, DEPUTY MAYOR Teresa Mattingly, Deputy City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

	City Council Study Session March 30, 2020 - 5:30 PM City Hall Council Chambers MINUTES Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor DaCorsi called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

II. Virtual Presentation Link

- A. The City Council Study Session meeting was held virtually and telephonically in the Council Chambers.

- B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga and Yolanda Trout-Manuel. Councilmember Chris Stearns joined the meeting at 5:32 p.m.

Mayor Nancy Backus and the following department directors and staff members were present: Director of Innovation and Technology David Travis, Innovation and Technical Support Specialist Danika Olson, Network Analyst Brian Nguyen, Chief of Police Dan O'Neil and Deputy City Clerk Teresa Mattingly.

The following department directors and staff members attended the meeting virtually: Assistant City Attorney Doug Ruth, Assistant Information and Technology Director Ashley Riggs, Director of Public Works Ingrid Gaub, Director of Finance Jamie Thomas, Director of Community Development Jeff Tate and Planning Services Manager Jeff Dixon.

III. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There were no announcements, reports or presentations.

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

- A. Ordinance No. 6764 (Thomas)(20 Minutes)

An Ordinance amending Ordinance No. 6693, the 2019-2020 biennial budget Ordinance, as amended by Ordinance No. 6712, Ordinance No. 6719, Ordinance No. 6720, and Ordinance No. 6751, authorizing amendment to the City of Auburn 2019-2020 budget as set forth in schedule "A" and schedule "B"

Director Thomas reviewed the sixth budget amendment for the biennium and the second budget amendment for calendar year 2020.

Council discussed the Auburn Avenue Theater purchase, the impact of the Federal minimum wage on the Park's Department budget, the Teamsters contract and how drug seizure money is received and allocated.

B. Planning Commission and Land Use Legislative Process (Tate)(20 Minutes)
Overview of Planning Commission role in local land use legislative process

Manager Dixon provided Council with an overview of the Planning Commission. He explained what a Planning Commission is, their role in the legislative process, the land use legislative process, Auburn City Code basis for the Planning Commission and how the Planning Commission's key role is helping to set the long term direction or vision for the community's future.

Council discussed how the Planning Commission handles public hearings and public engagement.

V. OTHER DISCUSSION ITEMS

There were no other discussion items.

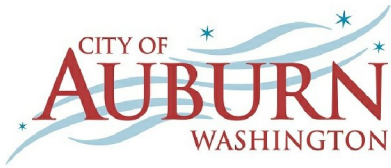
VI. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:13 p.m.

APPROVED this 6th day of April, 2020.

CLAUDE DACORSI, DEPUTY MAYOR Teresa Mattingly, Deputy Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claim Vouchers (Thomas)

Date:

March 31, 2020

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers.

Background Summary:

Claim vouchers list dated April 6, 2020 which includes voucher numbers 457802 through 458027 in the amount of \$2,399,150.59 and ten wire transfers in the amount of \$739,287.77.

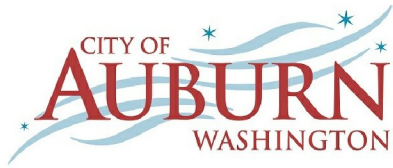
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: April 6, 2020

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Thomas)

Date:

March 31, 2020

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers.

Background Summary:

Payroll check numbers 538887 through 538896 in the amount of \$585,050.12 and electronic deposit transmissions in the amount of \$2,086,753.22 for a grand total of \$2,671,803.34 for the period covering March 12, 2020 to March 31, 2020.

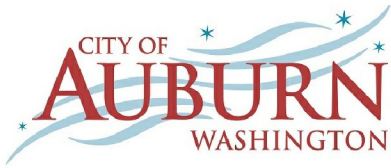
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: April 6, 2020

Item Number:

CA.E



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6764 (Thomas)

Date:

April 1, 2020

Department:

Finance

Attachments:

[Transmittal Memo](#)

[Ordinance No. 6764](#)

[Schedule A](#)

[Schedule B](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Ordinance No. 6764

Background Summary:

Ordinance No. 6764 (Budget Amendment #6) represents the sixth budget amendment for the 2019-2020 biennium and the second budget amendment for 2020. For details, see the attached transmittal memorandum and supporting materials.

Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: April 6, 2020

Item Number:

ORD.A



Interoffice Memorandum

To: City Council
From: Jamie Thomas, Finance Director
CC: Nancy Backus, Mayor
Date: March 24, 2020
Re: Ordinance #6764 – 2019-2020 Budget Amendment #6

The City's biennial 2019-2020 budget was approved by Council as two one-year appropriations. Budget Amendments #1, #2, #3, and #4 amended the budget for calendar year 2019. Budget Amendment #5, which was adopted in November 2019, amended the 2020 budget

This amendment will be the sixth budget amendment for the biennium and the second budget amendment for calendar year 2020. The purpose of this amendment is to 1) realign significant revenue sources; 2) carry forward remaining 2019 budget authority for identified programs and costs that were budgeted in 2019 but not completed; 3) adjust capital project budgets as needed; and 4) add budget authority for new programs and other expected changes in 2020.

Realign Significant Revenue Sources. This category recognizes changes to revenue budgets to more closely align with expected collections as well as new grant revenues. Total general fund revenue adjustments equal a net increase of \$19,200 and include:

- Reduce telephone utility tax revenues to reflect a historical decline (-\$275,200)
- 2020 King County Veterans, Seniors and Human Services levy (\$202,400)
- Recognize new revenue due to the renegotiation of the Iron Horse Casino promissory note (\$57,000)
- Other grants (\$35,000)

Carry forward unspent expenditure spending authority from 2019: This amendment enables the completion of various contracts in 2020 by carrying forward unspent resources at the end of 2019. Note that carry forwards in capital funds are not included in this budget amendment due to the adoption of multi-year capital budget, as approved in Ordinance No. 6682. Total requested carry forwards equal \$2,017,740.

Significant items requested to be carried forward include:

- General Fund – Grant funding to increase residential housing capacity (\$200,000);
- General Fund – Funding for the Façade Improvement program (\$130,000);
- General Fund – Budget for homelessness response (\$129,300);
- General Fund – Funding for Inclusive Auburn program (\$108,400);
- Fund 328 – Budget for the purchase of the Auburn Avenue Theater (\$647,050); and
- Fund 431 – Funds for the Large Diameter Pipe Assessment project (\$790,300).

Adjust capital project budgets. These requests represent changes to project budgets, excluding unspent capital project budgets from 2019 that are automatically carried forward into 2020.

Total requested adjustments to capital projects equal \$3,801,640. Significant project adjustments included in this budget amendment include:

- Fund 105 – 2nd St SE Preservation (cp2003), funded by state transportation grants (\$590,250)
- Fund 105 – Lea Hill Bridge Deck Preservation (cp2007), funded by federal grants (\$547,850)
- Fund 105 – 3rd St SW Bridge Deck Preservation (cp2006), funded by federal grants (\$523,540)
- Fund 102 – M St SE Sidewalk Improvements (cp2012), funded by state transportation grants (\$450,000)
- Fund 460 – Acquisition of property for Lea Hill Pump Station replacement (\$400,000)
- Fund 460 – Loop dead end main (cp1619) for 104th Ave Park development (\$300,000)
- Fund 461 – Sewer Pump Station Electrical Improvements (cp1812) (\$950,000)

Add budget authority for new programs and other expected changes in 2020. These include requests for increased funding for existing programs and funding requests for new projects or programs. New requests include:

- General Fund – Remove non-departmental contra-expenditure (\$2,000,000)
- General Fund – Adjust Parks budget to reflect new state minimum wage for “intermittent” employees (\$85,900)
- Fund 119 – Align budget with 2020 Community Development Block Grant award (\$289,780)
- Fund 560 – Unscheduled purchase of two Police cars, funded by insurance recoveries (\$109,000)

The following table summarizes the current and revised budget as a result of this amendment.

Table 1: 2020 Budget as Amended

2020 Amended Budget	\$ 349,792,293
Budget Amendment #6 (Ord #6764)	<u>5,916,660</u>
2020 Budget as Amended	\$ 355,708,953

Attachments:

- ❖ Ordinance # 6764
- ❖ Schedule “A” – Summary of 2020 Budget Adjustments by Fund
- ❖ Schedule “B” – 2020 Appropriations by Fund

ORDINANCE NO. 6764

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING ORDINANCE NO. 6693, THE 2019-2020 BIENNIAL BUDGET ORDINANCE, AS AMENDED BY ORDINANCE NO. 6712, ORDINANCE NO. 6719, ORDINANCE NO. 6720, AND ORDINANCE NO. 6751, AUTHORIZING AMENDMENT TO THE CITY OF AUBURN 2019-2020 BUDGET AS SET FORTH IN SCHEDULE "A" AND SCHEDULE "B"

WHEREAS, the Auburn City Council at its regular meeting of December 3, 2018, adopted Ordinance No. 6693 which adopted the City of Auburn 2019-2020 Biennial budget; and

WHEREAS, the Auburn City Council at its regular meeting of April 1, 2019, adopted Ordinance No. 6712 (BA#1) which amended Ordinance No. 6693 which adopted the City of Auburn 2019-2020 Biennial budget; and

WHEREAS, the Auburn City Council at its regular meeting of May 20, 2019, adopted Ordinance No. 6719 (BA#2) which amended Ordinance No. 67102 which amended the City of Auburn 2019-2020 Biennial budget; and

WHEREAS, the Auburn City Council at its regular meeting of July 15, 2019, adopted Ordinance No. 6720 (BA#3), which amended Ordinance No. 6719 which amended the City of Auburn 2019-2020 Biennial budget; and

WHEREAS, the Auburn City Council at its regular meeting of December 4, 2019, adopted Ordinances Nos. 6752 (BA#4) and 6751 (BA#5), both of which amended Ordinance No. 6720 which amended the City of Auburn 2019-2020 Biennial budget; and

WHEREAS, the City of Auburn deems it necessary to appropriate additional funds to the various funds of the 2020 budget as outlined in this Ordinance (BA#6); and

WHEREAS, this Ordinance has been approved by one more than the majority of all councilpersons in accordance with RCW 35A.34.200.

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

Section 1. Amendment of the 2019-2020 Biennial Budget. The 2019-2020 Biennial Budget of the City of Auburn is amended pursuant to Chapter 35A.34 RCW, to reflect the revenues and expenditures as shown on Schedule “A” attached hereto and incorporated herein by reference. The Mayor of the City of Auburn, Washington is hereby authorized to utilize revenue and expenditure amounts shown on said Schedule “A” and Schedule “B”. A copy of said Schedule “A” and Schedule “B” is on file with the City Clerk and available for public inspection.

Section 2. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 4. **Effective Date.** This Ordinance will take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

PUBLISHED: _____

Schedule A
Summary of 2020 Budget Adjustments by Fund
Budget Amendment #6 (Ordinance #6764)

	Beg. Fund Balance	2020 Revenues	2020 Expenditures	Ending Fund Balance
General Fund (#001)				
2020 Adopted Budget	12,394,863	75,249,867	80,586,405	7,058,325
Previous Budget Amendments	2,856,654	1,742,520	298,720	4,300,454
2020 Amended Budget	15,251,517	76,992,387	80,885,125	11,358,779
BA#6 (Ordinance #6764, Proposed):	718,800	513,550	3,533,620	(2,301,270)
General Fund Revenues:				
Reduce budgeted telecomm revenues to reflect historical trends	-	(275,200)	-	(275,200)
Administration Department				
Carry forward funding for homelessness response	129,300	-	129,300	-
Carry forward budget for marketing at industry and business trade shows	20,000	-	20,000	-
Carry forward budget for the Buy Local Auburn program	40,000	-	40,000	-
Community Development Department:				
Carry fwd grant funding and expenditures to increase residential capacity	-	200,000	200,000	-
C/F funds for the AWS/SR18 bridge lighting project and corridor planning	105,000	-	105,000	-
C/F funds for the Façade Improvement grant program	130,000	-	130,000	-
Carry forward contracted funds for franchise code update	29,000	-	29,000	-
Public Works Department				
Carry forward budget for Local Road Safety Plan	35,000	-	35,000	-
Traffic signal pole replacements (insurance funded) and emergency contract	-	125,000	141,000	(16,000)
Carry forward funds to refresh thermoplastic pavement markings	56,000	-	56,000	-
Human Resources Department				
Carry forward remaining budget for the Inclusive Auburn program	108,400	-	108,400	-
Parks Department:				
King Conservation District grant for Auburn International Farmers Market	-	20,000	20,000	-
4Culture grant for historic preservation sustained support	-	3,000	3,000	-
4Culture grant for arts re-grant and arts programming	-	12,000	12,000	-
C/F 2019 King County Veterans, Seniors and Human Services Levy funding	-	101,400	101,400	-
Adjust budget for seasonal Parks workers to reflect new state minimum wage	-	-	85,900	(85,900)
2020 King County Veterans, Seniors and Human Services Levy	-	202,400	191,420	10,980
Provide services to Pacific re:Senior Resource Hub via VSHSL grant	-	67,950	60,100	7,850

Schedule A
Summary of 2020 Budget Adjustments by Fund
Budget Amendment #6 (Ordinance #6764)

	Beg. Fund Balance	2020 Revenues	2020 Expenditures	Ending Fund Balance
Non-Departmental:				
Adjust budget to reflect new promissory note with Iron Horse Casino	-	57,000	-	57,000
Remove contra-expenditure from General Fund budget	-	-	2,000,000	(2,000,000)
Carry forward funding for cyber security management project	35,500	-	35,500	-
C/F budget for AutoCAD, BlueBeam, CRM and Password Manager projects	30,600	-	30,600	-
Revised 2020 Budget - Fund 001	15,970,317	77,505,937	84,418,745	9,057,509
Arterial Street Fund (#102)				
2020 Adopted Budget	1,344,477	3,694,600	3,995,900	1,043,177
Previous Budget Amendments and CIP Carry-Forwards	(165,419)	4,455,000	5,075,000	(785,419)
2020 Amended Budget	1,179,058	8,149,600	9,070,900	257,758
BA#6 (Ordinance #6764, Proposed):	-	450,000	450,000	-
Alloc Transportation Imprvmnts Board grant to M St SE Sidewalk Imprvmnts	-	450,000	450,000	-
Revised 2020 Budget - Fund 102	1,179,058	8,599,600	9,520,900	257,758
Arterial Street Preservation Fund (#105)				
2020 Adopted Budget	1,369,417	3,832,640	3,967,840	1,234,217
Previous Budget Amendments and CIP Carry-Forwards	(536,021)	800,000	618,000	(354,021)
2020 Amended Budget	833,396	4,632,640	4,585,840	880,196
BA#6 (Ordinance #6764, Proposed):	-	1,606,240	1,661,640	(55,400)
Reduce budgeted telecomm revenues to reflect historical trends	-	(55,400)	-	(55,400)
Allocate Transportation Improvements Board grant to 2nd St SE Preservation	-	590,250	590,250	-
Allocate federal grant funds to Lea Hill Bridge Deck Preservation (cp2007)	-	547,850	547,850	-
Alloc federal grant funds to 3rd Street SW Bridge Deck Preservation (cp2006)	-	523,540	523,540	-
Revised 2020 Budget - Fund 105	833,396	6,238,880	6,247,480	824,796
Drug Forfeiture Fund (#117)				
2020 Adopted Budget	233,460	152,000	310,956	74,504
Previous Budget Amendments	71,297	-	14,300	56,997
2020 Amended Budget	304,757	152,000	325,256	131,501
BA#6 (Ordinance #6764, Proposed):	-	-	104,200	(104,200)
Purchase Dragon voice remote dictation software from Federal seizure funds	-	-	104,200	(104,200)
Revised 2020 Budget - Fund 117	304,757	152,000	429,456	27,301

Schedule A
Summary of 2020 Budget Adjustments by Fund
Budget Amendment #6 (Ordinance #6764)

	Beg. Fund Balance	2020 Revenues	2020 Expenditures	Ending Fund Balance
Housing & Comm Develop Fund (#119)				
2020 Adopted Budget	36,458	539,970	539,970	36,458
Previous Budget Amendments	6,446	-	-	6,446
2020 Amended Budget	42,904	539,970	539,970	42,904
BA#6 (Ordinance #6764, Proposed):	-	289,780	289,780	-
Align budget to 2020 CDBG award and action plan	-	289,780	289,780	-
Revised 2020 Budget - Fund 119	42,904	829,750	829,750	42,904
Parks Construction Fund (#321)				
2020 Adopted Budget	365,772	590,100	470,000	485,872
Previous Budget Amendments and CIP Carry-Forwards	120,757	1,311,800	1,311,800	120,757
2020 Amended Budget	486,529	1,901,900	1,781,800	606,629
BA#6 (Ordinance #6764, Proposed):	-	758,050	656,790	101,260
Increase King County Parks Levy revenue to reflect current allocation	-	111,000	-	111,000
Carry fwd 2019 budget and add additional funds to purchase Auburn Theater	-	647,050	656,790	(9,740)
Revised 2020 Budget - Fund 321	486,529	2,659,950	2,438,590	707,889
Capital Improvements Fund (#328)				
2020 Adopted Budget	7,679,377	2,605,200	3,944,300	6,340,277
Previous Budget Amendments and CIP Carry-Forwards	3,153,110	2,705,900	5,497,000	362,010
2020 Amended Budget	10,832,487	5,311,100	9,441,300	6,702,287
BA#6 (Ordinance #6764, Proposed):	647,050	40,000	687,050	-
Funding for sewage wet well pump and motors at City Hall (T/F from F505)	-	40,000	40,000	-
Carry fwd 2019 budget and add additional funds to purchase Auburn Theater	647,050	-	647,050	-
Revised 2020 Budget - Fund 328	11,479,537	5,351,100	10,128,350	6,702,287

Schedule A
Summary of 2020 Budget Adjustments by Fund
Budget Amendment #6 (Ordinance #6764)

	Beg. Fund Balance	2020 Revenues	2020 Expenditures	Ending Fund Balance
Water Fund (#430)				
2020 Adopted Budget	5,131,610	16,323,800	14,408,831	7,046,579
Previous Budget Amendments and CIP Carry-Forwards	3,885,549	6,676,400	12,838,066	(2,276,117)
2020 Amended Budget	9,017,159	23,000,200	27,246,897	4,770,462
BA#6 (Ordinance #6764, Proposed):	88,000	-	147,000	(59,000)
Carry forward funding for cyber security management project	7,000	-	7,000	-
Increase budget to reflect impact of new Teamsters' contract	-	-	39,000	(39,000)
Carry forward budget for hydraulic monitoring services	75,000	-	75,000	-
Add budget to purchase hydraulic modeling software	-	-	20,000	(20,000)
C/F budget for AutoCAD, BlueBeam, CRM and Password Manager projects	6,000	-	6,000	-
Revised 2020 Budget - Fund 430	9,105,159	23,000,200	27,393,897	4,711,462
Sewer Fund (#431)				
2020 Adopted Budget	5,528,686	9,394,700	7,777,448	7,145,938
Previous Budget Amendments and CIP Carry-Forwards	1,175,475	-	280,667	894,808
2020 Amended Budget	6,704,161	9,394,700	8,058,115	8,040,746
BA#6 (Ordinance #6764, Proposed):	211,250	-	234,150	(22,900)
Carry forward funding for cyber security management project	5,600	-	5,600	-
Increase budget to reflect impact of new Teamsters' contract	-	-	22,900	(22,900)
Carry forward budget for Large Diameter Pipe Assessment Project	200,850	-	200,850	-
C/F budget for AutoCAD, BlueBeam, CRM and Password Manager projects	4,800	-	4,800	-
Revised 2020 Budget - Fund 431	6,915,411	9,394,700	8,292,265	8,017,846
Storm Drainage Fund (#432)				
2020 Adopted Budget	4,151,402	10,399,200	8,831,070	5,719,532
Previous Budget Amendments and CIP Carry-Forwards	2,148,731	-	280,667	1,868,064
2020 Amended Budget	6,300,133	10,399,200	9,111,737	7,587,596
BA#6 (Ordinance #6764, Proposed):	54,640	-	94,040	(39,400)
Carry forward funding for cyber security management project	6,400	-	6,400	-
Increase budget to reflect impact of new Teamsters' contract	-	-	39,400	(39,400)
Carry forward budget for contracted storm modeling services	42,840	-	42,840	-
C/F budget for AutoCAD, BlueBeam, CRM and Password Manager projects	5,400	-	5,400	-
Revised 2020 Budget - Fund 432	6,354,773	10,399,200	9,205,777	7,548,196

Schedule A
Summary of 2020 Budget Adjustments by Fund
Budget Amendment #6 (Ordinance #6764)

	Beg. Fund Balance	2020 Revenues	2020 Expenditures	Ending Fund Balance
Cemetery Fund (#436)				
2020 Adopted Budget	264,098	1,187,000	1,343,743	107,355
Previous Budget Amendments	261,627	-	-	261,627
2020 Amended Budget	525,725	1,187,000	1,343,743	368,982
BA#6 (Ordinance #6764, Proposed):	-	-	7,800	(7,800)
Increase budget to reflect impact of new Teamsters' contract	-	-	7,800	(7,800)
Revised 2020 Budget - Fund 436	525,725	1,187,000	1,351,543	361,182
Water Capital Fund (#460)				
2020 Adopted Budget	2,562,724	2,070,200	4,282,305	350,619
Previous Budget Amendments and CIP Carry-Forwards	992,643	12,457,400	9,926,400	3,523,643
2020 Amended Budget	3,555,367	14,527,600	14,208,705	3,874,262
BA#6 (Ordinance #6764, Proposed):	-	-	700,000	(700,000)
Purchase land for new location for Lea Hill pump station	-	-	400,000	(400,000)
Loop dead end water main at 104th Ave Park development (cp1619)	-	-	300,000	(300,000)
Revised 2020 Budget - Fund 460	3,555,367	14,527,600	14,908,705	3,174,262
Sewer Capital Fund (#461)				
2020 Adopted Budget	9,049,491	750,500	1,265,000	8,534,991
Previous Budget Amendments and CIP Carry-Forwards	685,814	-	436,500	249,314
2020 Amended Budget	9,735,305	750,500	1,701,500	8,784,305
BA#6 (Ordinance #6764, Proposed):	-	-	950,000	(950,000)
Increase budget for Sewer Pump Station Electrical Improvements (cp1812)	-	-	950,000	(950,000)
Revised 2020 Budget - Fund 461	9,735,305	750,500	2,651,500	7,834,305

Schedule A
Summary of 2020 Budget Adjustments by Fund
Budget Amendment #6 (Ordinance #6764)

	Beg. Fund Balance	2020 Revenues	2020 Expenditures	Ending Fund Balance
Facilities Fund (#505)				
2020 Adopted Budget	1,050,811	4,034,500	4,115,862	969,449
Previous Budget Amendments	34,743	(20,700)	95,000	(80,957)
2020 Amended Budget	1,085,554	4,013,800	4,210,862	888,492
BA#6 (Ordinance #6764, Proposed):	224,300	-	340,500	(116,200)
Carry forward budget for JACE 4 upgrades	120,900	-	120,900	-
Carry forward budget to replace electrical panels at City Hall	103,400	-	103,400	-
Funding for sewage pump and motors and elevator upgrade at City Hall	-	-	95,000	(95,000)
Increase budget to reflect impact of new Teamsters' contract	-	-	21,200	(21,200)
Revised 2020 Budget - Fund 505	1,309,854	4,013,800	4,551,362	772,292
Innovation & Technology Fund (#518)				
2020 Adopted Budget	2,564,974	6,724,153	7,182,511	2,106,616
Previous Budget Amendments	(76,838)	20,000	-	(56,838)
2020 Amended Budget	2,488,136	6,744,153	7,182,511	2,049,778
BA#6 (Ordinance #6764, Proposed):	73,700	121,300	275,000	(80,000)
Carry forward funding for cyber security management project	-	54,500	54,500	-
Add budget to produce the quarterly Auburn Magazine	-	-	80,000	(80,000)
Add budget to purchase hydraulic modeling software	-	20,000	20,000	-
C/F budget for AutoCAD, BlueBeam, CRM and Password Manager projects	73,700	46,800	120,500	-
Revised 2020 Budget - Fund 518	2,561,836	6,865,453	7,457,511	1,969,778
Equipment Rental Fund (#550)				
2020 Adopted Budget	2,352,641	2,075,495	2,785,735	1,642,401
Previous Budget Amendments	164,875	9,900	103,800	70,975
2020 Amended Budget	2,517,516	2,085,395	2,889,535	1,713,376
BA#6 (Ordinance #6764, Proposed):	-	-	12,100	(12,100)
Increase budget to reflect impact of new Teamsters' contract	-	-	12,100	(12,100)
Revised 2020 Budget - Fund 550	2,517,516	2,085,395	2,901,635	1,701,276

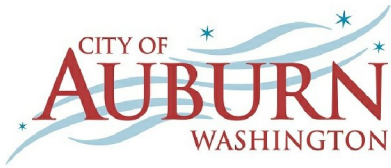
Schedule A
Summary of 2020 Budget Adjustments by Fund
Budget Amendment #6 (Ordinance #6764)

	Beg. Fund Balance	2020 Revenues	2020 Expenditures	Ending Fund Balance
Equipment Rental Capital Fund (#560)				
2020 Adopted Budget	3,302,654	1,594,605	1,331,000	3,566,259
Previous Budget Amendments and CIP Carry-Forwards	14,722	857,500	1,140,000	(267,778)
2020 Amended Budget	3,317,376	2,452,105	2,471,000	3,298,481
BA#6 (Ordinance #6764, Proposed):	-	-	109,000	(109,000)
Adjust budget to reflect unscheduled purchase of two Police vehicles in 2019	-	-	109,000	(109,000)
Revised 2020 Budget - Fund 560	3,317,376	2,452,105	2,580,000	3,189,481
SKHHP Fund (#654)				
2020 Adopted Budget	-	-	-	-
Previous Budget Amendments	78,250	256,500	312,820	21,930
2020 Amended Budget	78,250	256,500	312,820	21,930
BA#6 (Ordinance #6764, Proposed):	-	120,000	120,000	-
Carry fwd grant funding and expenditures to increase residential capacity	-	120,000	120,000	-
Revised 2020 Budget - Fund 654	78,250	376,500	432,820	21,930
Grand Total - All Funds				
2020 Adopted Budget	108,311,321	189,050,270	199,654,274	97,707,317
Previous Budget Amendments	17,840,982	34,589,720	46,711,567	5,719,135
2020 Amended Budget	126,152,303	223,639,990	246,365,841	103,426,452
TOTAL BA#5 (Ordinance #6764, Proposed)	2,017,740	3,898,920	10,372,670	(4,456,010)
Revised 2020 Budget	128,170,043	227,538,910	256,738,511	98,970,442
		355,708,953		355,708,953

Schedule B

2020 Appropriations by Fund

Fund	2020 Adopted Budget	BA#5 (Ord #6751)	CIP Carry Forwards	BA#6 (Ord #6764)	Total Amendments	Revised Budget
General Fund (#001)	87,644,730	4,599,174	-	1,232,350	5,831,524	93,476,254
Arterial Street Fund (#102)	5,039,077	4,109,581	180,000	450,000	4,739,581	9,778,658
Local Street Fund (#103)	2,858,880	249,701	-	-	249,701	3,108,581
Hotel/Motel Tax Fund (#104)	266,121	52,454	-	-	52,454	318,575
Arterial Street Preservation Fund (#105)	5,202,057	(536,021)	800,000	1,606,240	1,870,219	7,072,276
Drug Forfeiture Fund (#117)	385,460	71,297	-	-	71,297	456,757
Housing & Comm Develop Fund (#119)	576,428	6,446	-	289,780	296,226	872,654
Recreation Trails Fund (#120)	78,526	1,550	-	-	1,550	80,076
BIA Fund (#121)	129,873	940	-	-	940	130,813
Cumulative Reserve Fund (#122)	10,360,112	33,754	42,200	-	75,954	10,436,066
Mitigation Fees Fund (#124)	10,408,687	(69,211)	1,944,100	-	1,874,889	12,283,576
1998 GO Library Bond Fund (#229)	-	-	-	-	-	-
City Hall Annex 2010 A&B Bond Fund (#230)	1,658,400	-	-	-	-	1,658,400
Local Revitalization 2010 C&D Bond Fund (#231)	586,996	3,436	-	-	3,436	590,432
SCORE Debt Service Fund (#238)	2,117,000	-	-	-	-	2,117,000
LID Guarantee Fund (#249)	1,688	15	-	-	15	1,703
LID 350 Fund (#275)	8,759	(4,956)	-	-	(4,956)	3,803
Golf/Cemetery 2016 Refunding Fund (#276)	376,000	19	-	-	19	376,019
Parks Construction Fund (#321)	955,872	120,757	1,311,800	758,050	2,190,607	3,146,479
Capital Improvements Fund (#328)	10,284,577	362,010	5,497,000	687,050	6,546,060	16,830,637
Local Revitalization Fund (#330)	-	-	290,500	-	290,500	290,500
Water Fund (#430)	21,455,410	8,307,683	3,230,666	88,000	11,626,349	33,081,759
Sewer Fund (#431)	14,923,386	894,808	280,667	211,250	1,386,725	16,310,111
Storm Drainage Fund (#432)	14,550,602	1,868,064	280,667	54,640	2,203,371	16,753,973
Sewer Metro Sub Fund (#433)	21,890,667	383,462	-	-	383,462	22,274,129
Solid Waste Fund (#434)	21,860,569	91,608	-	-	91,608	21,952,177
Airport Fund (#435)	1,516,440	236,582	-	-	236,582	1,753,022
Cemetery Fund (#436)	1,451,098	261,627	-	-	261,627	1,712,725
Water Capital Fund (#460)	4,632,924	9,187,643	3,286,000	-	12,473,643	17,106,567
Sewer Capital Fund (#461)	9,799,991	249,314	436,500	-	685,814	10,485,805
Storm Drainage Capital Fund (#462)	11,283,288	(1,394,955)	829,800	-	(565,155)	10,718,133
Airport Capital Fund (#465)	875,305	3,028,414	-	-	3,028,414	3,903,719
Cemetery Capital Fund (#466)	35,937	(7,685)	380,400	-	372,715	408,652
Insurance Fund (#501)	1,791,570	4,456	-	-	4,456	1,796,026
Workers' Comp Fund (#503)	3,743,973	(963,880)	-	-	(963,880)	2,780,093
Facilities Fund (#505)	5,085,311	14,043	-	224,300	238,343	5,323,654
Innovation & Technology Fund (#518)	9,289,127	(56,838)	-	195,000	138,162	9,427,289
Equipment Rental Fund (#550)	4,428,136	174,775	-	-	174,775	4,602,911
Equipment Rental Capital Fund (#560)	4,897,259	(267,778)	1,140,000	-	872,222	5,769,481
IT Capital Fund (#568)	800,697	356,536	661,527	-	1,018,063	1,818,760
Fire Pension Fund (#611)	2,236,249	22,922	-	-	22,922	2,259,171
SKHHP Fund (#654)	-	334,750	-	120,000	454,750	454,750
Cemetery Endowment Fund (#701)	1,874,409	56,978	55,400	-	112,378	1,986,787
Total	297,361,591	31,783,475	20,647,227	5,916,660	58,347,362	355,708,953



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6765 (Gaub, Comeau, Thomas)

Department:

Public Works

Attachments:

[Ordinance No. 6765](#)
[Exhibit A](#)

Date:

March 25, 2020

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6765.

Background Summary:

Ordinance No. 6765 modifies Chapter 3.10, Purchasing Policy and Chapter 3.12, Public Contracts. The primary purpose of these modifications are to remove antiquated sections of code that are no longer relevant to how the City processes payments for services as technology advances and to be consistent with best practices and improve processes for contracting. This includes some re-organization of Chapter 3.10 to provide better clarity on requirements for construction contracting and to align sections of code with current state legislation.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: April 6, 2020

Staff:

Item Number:

Gaub/Comeau/Thomas

ORD.B

ORDINANCE NO. 6765

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING SECTIONS 3.10
AND 3.12 OF THE AUBURN CITY CODE RELATING TO
PUBLIC CONTRACTING AND PURCHASING

WHEREAS, after reviewing the City Code related to Public Contracting and Purchasing, it is appropriate to amend contract authorization limits consistent with Washington state law;

WHEREAS, City staff determined that Sections 3.10 and 3.12 of the Auburn City Code (“ACC”) require updates to the language used for consistency with the remainder of the ACC;

WHEREAS, City staff recommend consolidating subsections within former ACC 3.10.025 for clarity;

WHEREAS, ACC 3.10.028 is revised to update current City processes for capital projects;

WHEREAS, the emergency purchasing authorizations are modified for consistency with Chapters 39.04 and 38.52 RCW;

WHEREAS, it is also appropriate to amend the City Code to make it consistent with state law and reflect current City Council practices.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Chapters 3.10 and 3.12 of the Auburn City Code are amended to read as shown in Exhibit A.

Section 2. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

Chapter 3.10

PURCHASING POLICY

Sections:

- ~~3.10.010~~ — ~~Purchase order.~~
- 3.10.0210 Contract authorization limits.
- ~~3.10.0205~~ ~~Professional and personal services~~Contract Amendments.
- ~~3.10.026~~ — ~~Public work projects~~ — ~~Contract amendment~~ — ~~Conditions.~~
- ~~3.10.028~~ — ~~Approval of asset and/or system expansions, additions, and betterments.~~
- 3.10.029 — 030 Competitive negotiations.
- ~~3.10.030~~ — ~~Administrative procedures authority.~~
- 3.10.0450 Emergency purchases – Authorization.
- 3.10.0560 Sole source purchases of equipment and materials – Authorization.

~~3.10.010~~ — ~~Purchase order.~~

~~All payments for city goods and services in excess of \$100.00 shall be made only after a purchase order has been duly authorized and approved, unless authorized by city code or written city policy. (Ord. 6528 § 1, 2014; Ord. 6147 § 1, 2008; Ord. 5490 § 1, 2000.)~~

3.10.0120 Contract authorization limits.

A. The following authorization approval limits shall apply for all city contracts. For contracts with total dollar amounts up to \$10,000, authority rests at the department director ~~(or designee)~~ level. All contracts over \$10,000, up to ~~\$5~~100,000, and contracts that have been individually and separately listed in the city's annual budget shall be approved and signed by the mayor ~~(or designee)~~. For all unbudgeted expenditures not individually and separately listed in the city's annual budget in excess of ~~\$5~~100,000, approval shall be obtained from the mayor and the city council.

B. For purposes of this section, a contract is “individually and separately listed” if it is:

1. Expressly identified, in writing, defining or describing the expenditure or project as a line-item in the budget;
2. Identified by express reference to the CFP or TIP project, or other specific project in the budget.

C. If a contract does not provide for cash consideration, the responsible department will estimate the value of the contract as if there was cash consideration. Authorization authority will be based on that estimated value.

D. If a contract does not provide for cash consideration, but requires the city to indemnify the other party, the responsible department, in consultation with the risk manager, shall determine the value of the city's possible indemnification risk. Authorization authority will be based on that estimated value.

E. Unless the value is ~~\$25,000~~\$50,000 or less, or unless required for a budgeted project, or unless otherwise authorized in this code or otherwise expressly authorized by the city council, all contracts that convey an interest in real estate shall be approved by the city council.

(Ord. 6679 § 1, 2018; Ord. 6528 § 2, 2014; Ord. 6147 § 1, 2008; Ord. 5778 § 2, 2003; Ord. 5490 § 1, 2000.)

~~3.10.0205~~ Professional and personal services: Contract Amendments

~~A. Professional and personal services are those services involving specialized skill, education, and special knowledge. These services include, but are not limited to, architectural, engineering, design services, accounting, art, real estate appraisal, relocation assistance, title abstracts, surveying, soils analysis, and core testing.~~

~~B. Procurement and administration of such contracts are the responsibility of the mayor or the department director. The mayor/designees may sign professional or personal service contracts in conformity with ACC-2.03.030 and 3.10.020. Except as specified in Section B herein, Council action will be required to authorize amendments to contracts that are either not included in the budget or exceed the approved budget as follows:~~

- ~~1. When the original contract is under \$5100,000 and was not included in the budget and the total of the amendment(s) will increase the total contract amount to more than \$5100,000.~~
- ~~2. When the original contract is \$5100,000 or more and was not included in the budget and the total of the amendment(s) will increase the total contract amount by more than \$5100,000 and the amendment(s) are also not budgeted.~~
- ~~3. When the original contract was included in the budget and the total of the amendment(s) to the contract will increase the total contract amount to more than \$5100,000 above the amount included in the budget.~~

~~C. Council action is required for the initial authorization of contracts for on-call services. For contracts solicited for a contract period of up to five years, each on-call contract may be amended by the mayor on an annual basis to extend the contract duration by up to one year for a total duration not to exceed the original solicited contract period and may be amended by the mayor to increase the contract amount by an amount equal to or less than the original contract amount authorized by the city council.~~

~~3.10.026~~ — ~~Public work projects~~ — ~~Contract amendment~~ — ~~Conditions.~~

~~A.B.~~ Construction contracts which have been initially authorized by the city council or the mayor or mayor's designee may be amended administratively by the mayor/designees by change order, letter of instruction, or other legally appropriate form, up to the ~~total maximum~~ authorized total maximum contract amounts set forth below:

1. Awarded contract amount plus up to 20 percent of authorized contingency for contracts originally awarded for up to \$200,000.
2. Awarded contract amount plus up to 15 percent or \$40,000 of authorized contingency, whichever is greater, for contracts originally awarded for between \$200,000 and \$500,000.
3. Awarded contract amount plus up to 10 percent or \$75,000 of authorized contingency, whichever is greater, for contracts originally awarded for between \$500,000 and \$1,000,000.
4. Awarded contract amount plus up to five percent or \$100,000 of authorized contingency, whichever is greater, for contracts originally awarded for between \$1,000,000 and \$5,000,000.
5. Awarded contract amount plus up to two and one-half percent or \$250,000 of authorized contingency, whichever is greater, for contracts originally awarded for over \$5,000,000.

Council approval is required to increase the authorized total maximum contract beyond the limits set forth above.

~~B.~~ If available budget contingency remains after the authorized total maximum contract amount, as defined in subsection A of this section, is reached, additional authorization to increase the total contract amount shall be obtained from the city council.

~~C.~~ No administrative action is authorized, the result of which would be to amend a contract to increase the authorized total maximum contract amount, as defined in subsection A of this section, beyond funds approved by the city council.

(Ord. 6679 § 2, 2018; Ord. 6147 § 1, 2008; Ord. 5640 § 1, 2002; Ord. 5525 § 1, 2001, Ord. 5490 § 1, 2000.)

~~3.10.026~~ — ~~Public work projects~~ — ~~Contract amendment~~ — ~~Conditions.~~

~~A.~~ Construction contracts which have been initially authorized by the city council or the mayor or mayor's designee may be amended administratively by the mayor/designees by change order, letter of instruction, or other legally appropriate form, up to the total maximum contract amounts set forth below:

- ~~1. Awarded contract amount plus up to 20 percent for contracts originally awarded for up to \$200,000.~~

~~2. Awarded contract amount plus up to 15 percent or \$40,000, whichever is greater, for contracts originally awarded for between \$200,000 and \$500,000.~~

~~3. Awarded contract amount plus up to 10 percent or \$75,000, whichever is greater, for contracts originally awarded for between \$500,000 and \$1,000,000.~~

~~4. Awarded contract amount plus up to five percent or \$100,000, whichever is greater, for contracts originally awarded for between \$1,000,000 and \$5,000,000.~~

~~5. Awarded contract amount plus up to two and one-half percent or \$250,000, whichever is greater, for contracts originally awarded for over \$5,000,000.~~

~~B. If available budget contingency remains after the authorized total maximum contract amount, as defined in subsection A of this section, is reached, additional authorization to increase the total contract amount shall be obtained from the city council.~~

~~C. No administrative action is authorized, the result of which would be to amend a contract to increase the authorized total maximum contract amount, as defined in subsection A of this section, beyond funds approved by the city council. (Ord. 6679 § 3, 2018; Ord. 6147 § 1, 2008; Ord. 5525 § 1, 2001.)~~

~~3.10.028 — Approval of asset and/or system expansions, additions, and betterments.~~

~~Asset and/or system expansions, additions, and betterments that have been recognized as authorized capital projects exceeding \$25,000 in the budget shall be reviewed by the mayor or designee to formally initiate the project prior to a call for bids. (Ord. 6532 § 6, 2014; Ord. 6147 § 1, 2008; Ord. 5490 § 1, 2000.)~~

3.10.029030 Competitive negotiations.

Competitive negotiations can be used as an alternative to the competitive bidding procedures for the acquisition of electronic data processing and telecommunications systems, energy-saving or energy-related equipment or services, or when it is determined in writing that the use of competitive bidding is neither practicable nor advantageous to the city of Auburn consistent with RCW 39.04.270.

“Electronic data processing” includes, but is not limited to, systems which comprise a combination of equipment or units to provide input of source data, and storage and processing of data and output in predetermined form, including a central processing unit (CPU) or main frame. (Ord. 6147 § 1, 2008; Ord. 5490 § 1, 2000.)

~~3.10.030~~ ~~Administrative procedures authority.~~

~~The mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation. (Ord. 6147 § 1, 2008; Ord. 5490 § 1, 2000.)~~

3.10.0450 Emergency purchases – Authorization.

A. The mayor is hereby authorized to make emergency purchases or enter into emergency contracts as permitted by RCW 39.04.280 and Chapter 38.52 RCW in unforeseen circumstances beyond the control of the city that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken, such emergencies being:

~~A. In case of any breakage or loss of equipment or in other circumstances in which any necessary service is or is about to be interrupted;~~

~~B. In cases where the city will suffer loss by following the normal purchases and contract procedures;~~

~~C. In situations where public health or safety may be jeopardized;~~

~~D. In other cases as allowed by state law.~~

B. The Mayor will declare an emergency in writing authorizing a purchase or contract without competitive bid or negotiation. The declaration must be entered of record not later than two weeks following the award of the contract. The declaration shall include the factual basis for the emergency purchase or contract, which shall be filed with the City Clerk and open to public inspection.

~~–(Ord. 6147 § 1, 2008; Ord. 5525 § 1, 2001.)~~

3.10.0560 Sole source purchases of equipment and materials – Authorization.

The mayor is hereby authorized to waive competitive bidding requirements for purchases of equipment or material when the purchase is limited to a single source of supply as determined by the city engineer, pursuant to RCW 39.04.280. A “single source of supply” ~~shall be is~~ defined as either (A) only one available brand, manufacturing company, or vendor from which the city may purchase the needed material; or (B) city engineer has determined that it is in the public’s best interest to purchase only one particular brand, type, or model of material for maintenance and/or quality performance reasons. (Ord. 6679 § 9, 2018.)

Chapter 3.12

PUBLIC CONTRACTS

Sections:

3.12.010	Definitions.
3.12.020	Bid solicitation.
3.12.030	Bid opening.
3.12.040	Rejection of bids.
3.12.050	Disqualification of bidders.
3.12.060	Award.
3.12.070	Contractor's bond.
3.12.080	Contractor evaluation form.
3.12.090	Small works roster.
3.12.100	Limited public works process.
3.12.110	On-call contracting.
3.12.120	Publication, printing, and notices.

For statutory provisions requiring public bidding on certain public contracts of second-class cities, see RCW [35.23.352](#); for provisions making RCW [35.23.352](#) applicable to code cities, see RCW [35A.40.200](#) and [35A.65.010](#).

Prior legislation: 1957 code § 1.30.030; Ords. 3689 and 4327.

3.12.010 Definitions.

The following definitions shall apply throughout this chapter:

- A. "Public work" shall be as defined in RCW [39.04.010](#), as currently enacted or hereinafter amended. All public work, including maintenance, when performed by contract shall comply with the provisions of Chapter [39.12](#) RCW. A "public work" shall include all scope of work necessary to result in a complete operating facility. The total scope of work necessary will not be subdivided for the purpose of avoiding public bidding.
- B. "Contract" shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded in conformance with this code.
- C. "Improvements" refers to a public work.
- D. "Responsible bidder" means a contractor who meets the criteria in RCW [39.04.350](#) and the requirements of ACC [3.12.050](#). (Ord. 6545 § 1, 2014; Ord. 4924 § 2, 1997; Ord. 4581 § 2, 1992.)

3.12.020 Bid solicitation.

A. *Formal Advertisement Required.* Except as otherwise authorized in Chapters [39.04](#) and [39.28](#) RCW or RCW [35.23.352](#), relating to emergency public works, or other applicable general state law, as now enacted or as hereafter amended, all public work and improvements shall be done by contract pursuant to public notice and call for competitive bids whenever the estimated cost of such public work or improvement, including the cost of materials, supplies, equipment and labor, will exceed the limits for competitive bid as stated in RCW [35.23.352](#) as now enacted or as hereafter amended, provided the city may use a small works roster pursuant to RCW [35.23.352](#). The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

Where formal bidding is required, a call for bids shall be issued in accordance with the provisions herein before any contract is let for the performance of any public work.

B. *Formal Advertising Procedures.* For projects requiring formal advertisement per this section, a notice of a call for bids, stating the nature of the contract to be let and the time on or before which sealed bids for the same must be filed with the city clerk, shall be given by posting notice thereof on the bulletin board in the lobby of City Hall. The notice shall also be published in the official newspaper, and a newspaper of general circulation most likely to bring responsive bids, at least 13 days prior to the last date upon which bids will be received. The notice shall generally state the nature of the work to be done, where the plans and specifications may be seen or obtained, and a specified hour and date when such bids shall be opened, and that the sealed bids be filed with the city clerk within the time specified therein. The clock within the city clerk's office shall be the official time used for determining receipt of bids.

C. *Council Approval.* Issuance of solicitations for bids shall require city council consent approval unless the solicitation is for a project identified in the city's current approved budget at the time of bid solicitation or if the estimated contract amount is within the budget authority of the mayor as provided in Chapter [3.10](#) ACC.

D. For the purposes of determining whether or not bidding contractors must declare the names of subcontractors for certain work based on the amount of the contractor's expected costs per RCW [39.30.060](#), the expected costs of the contract shall be the engineer's estimate of the contract work plus the amount of any work added by addenda to the bid documents, plus any applicable sales tax computed at the rate in place at the time of bid opening.

E. For contracts not required to be formally advertised, the city shall issue an invitation to bid, request for quote or other form as determined appropriate by the city engineer. Nonformal advertised contracts may conform to the small works roster or limited public works process described in RCW [39.04.155](#) or other procurement process as deemed appropriate by the city engineer. (Ord. 6679 § 4, 2018; Ord. 6545 § 1, 2014; Ord. 5866 § 1, 2004; Ord. 4924 § 2, 1997; Ord. 4581 § 2, 1992. Formerly 3.12.011 and 3.12.020.)

3.12.030 Bid opening.

- A. For contracts utilizing a formal advertisement process per ACC [3.12.020](#), bids shall be opened and publicly read aloud by the city clerk at the time and location as set forth in the contract advertisement.
- B. For contracts not utilizing a formal advertisement process, the city engineer shall determine whether a public reading of the bids is required and indicate this in the new invitation to bidders or request for quote documents. (Ord. 6679 § 5, 2018; Ord. 6545 § 1, 2014.)

3.12.040 Rejection of bids.

The city shall have the power to reject any or all bids, to determine and to waive any irregularities or informalities that do not materially affect the substance of the bid itself, and to make further calls for bids in the same manner as the original call; or, if in its judgment the project can be done by the city at less cost than the lowest bid submitted, it may do so without making further call for bids or awarding any contract therefor. If no bid is received on the first call, the city may re-advertise and make a second call, or may enter into a contract by negotiation without further calls, or may purchase the supplies, material or equipment and perform such work or improvement with in-house forces. (Ord. 6545 § 1, 2014.)

3.12.050 Disqualification of bidders.

A bidder may be deemed not responsible and the proposal rejected, unless contract terms specify otherwise, if:

- A. The bidder does not meet the mandatory bidder responsibility criteria in RCW [39.04.350\(1\)](#) as it is now or as amended; or
- B. Evidence of collusion exists with any other bidder or potential bidder. Participants in collusion will be restricted from submitting further bids; or
- C. The bidder, in the opinion of the city, is not qualified for the work or to the full extent of the bid, or to the extent that the bid exceeds the authorized prequalification amount as may have been determined by a requalification of the bidder; or
- D. An unsatisfactory performance record exists based on past or current contracting work for the city or for others, as judged from the standpoint of conduct of the work; workmanship; or progress; affirmative action; equal employment opportunity practices; termination for cause; of disadvantaged business enterprise, minority business enterprise, or woman's business enterprise utilization; or
- E. An unsatisfactory safety record exists based on past or current contracting work; or

- F. There is uncompleted work, with the city or others, which in the opinion of the city might hinder or prevent the prompt completion of the work bid upon; or
- G. The bidder failed to settle bills for labor or materials on past or current contracts, unless there are extenuating circumstances acceptable to the city; or
- H. The bidder has failed to complete a written public contract or has been convicted of a crime arising from a previous public contract, unless there are extenuating circumstances acceptable to the city; or
- I. The bidder is unable, financially or otherwise, to perform the work, in the opinion of the city; or
- J. A bidder is not authorized to do business in the state of Washington; or
- K. More than one proposal is submitted for the same project by a bidder under the same or different names; or
- L. Any other reasons deemed proper by the city. (Ord. 6545 § 1, 2014; Ord. 4924 § 2, 1997; Ord. 4581 § 2, 1992. Formerly 3.12.022.)

3.12.060 ~~Award.~~

~~For contracts greater than the bid limits as provided in RCW 35.23.352, as now enacted or as hereafter amended, the city council shall award the contract to the lowest responsible bidder. For contracts less than the bid limits provided in RCW 35.23.325, as now enacted or as hereafter amended, the director or designee shall have the authority to award the contract. (Ord. 6679 § 6, 2018; Ord. 6545 § 1, 2014.)~~ Reserved

3.12.070 Contractor's bond.

A. Whenever the city shall contract with any person or corporation to do any work, the city shall require the person or persons with whom such contract is made to make, execute, and deliver to the city clerk a sufficient bond, with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, subcontractors and material suppliers, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work. Said security company in accordance with RCW [39.08.010](#) shall be bound by the laws of the state of Washington and subject to the jurisdiction of the state of Washington. The provisions of RCW [39.08.010](#) through [39.08.030](#) shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work.

B. For contracts using the limited public works process, the city may waive the payment and performance bond requirements of Chapter [39.08](#) RCW and retainage requirements of Chapter [60.28](#) RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen,

suppliers, and taxes imposed under RCW Title [82](#) that may be due from the contractor for the limited public works project; however, the city shall have the right of recovery against the contractor for any payments made on the contractor's behalf. The city engineer shall have the authority to waive the payment and performance bond requirements and retainage requirements based on their evaluation of the project and determination of risk.

C. On contracts of \$150,000 or less, upon request by the contractor, the city may, in lieu of the bond, retain 10 percent of the contract amount for a period of 30 days after the date of final acceptance, or until receipt of all necessary releases from the Department of Revenue, Employment Security Department, and the Department of Labor and Industries, receipt of all affidavits of wages paid for the prime and subcontractors, and settlement of any liens filed under Chapter [60.28](#) RCW, whichever is later.

D. For the purposes of determining the time frame required for notices of claims against retainage and release of retainage, the city engineer shall have the authority to take affirmative action to determine that a contract is complete and to accept the contract work. (Ord. 6679 § 7, 2018; Ord. 6545 § 1, 2014; Ord. 5866 § 1, 2004; Ord. 4924 § 2, 1997; Ord. 4581 § 2, 1992. Formerly 3.12.040.)

Note: See RCW [39.08.010](#).

3.12.080 Contractor evaluation form.

A. After work is performed by a contractor, the city shall evaluate the contractor's work performance as to certain criteria but not limited to the following:

1. Progress of the work, including:
 - a. The ability, capacity and skill of the contractor to perform the work;
 - b. Whether the contractor performed the work promptly and within the time specified without delay or interference;
2. Quality of the work;
3. Equipment;
4. Administration/management/supervision;
5. Coordination and control of subcontractors;
6. Whether the contractor provided a safe working environment for their employees and the general public;
7. Whether the contractor stood behind their service or work performed.

B. A copy of the contractor evaluation form will be sent to the contractor and any contractor responses will be added to the evaluation. The contractor evaluation form may be used by the city to determine whether or not the contractor is a responsible bidder who should be considered for further public works projects. The city may also complete evaluations for subcontractors utilizing the same process described herein for contractors and then utilize the subcontractor evaluations to determine bidder responsibility and in determining whether or not to approve a contractor's request to sublet. (Ord. 6679 § 8, 2018; Ord. 6545 § 1, 2014; Ord. 4924 § 3, 1997. Formerly 3.12.025.)

3.12.090 Small works roster.

~~A. The city need not comply with formal sealed bidding procedures for construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed the current statutory limit in RCW 39.04.155, which includes the costs of labor, material, equipment, and sales and/or use taxes as applicable. Instead, the city may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.~~

~~B.~~ *Number of Small Work Rosters.* The city may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.

~~C.~~ *Contractors on Small Works Roster(s).* The small works roster shall consist of all responsible contractors who have requested to be on the roster(s), and where required by law are properly licensed or registered to perform contracting work in the state of Washington. Contractors desiring to be placed on a roster or rosters must keep current records of any applicable licenses, certificates, registrations, bonding, insurance, or other appropriate matters on file with the city as a condition of being placed on a roster or rosters. The city reserves the right to exclude a contractor from the roster if they are deemed to be not responsible or to remove a contractor from the roster at such time as the city becomes aware of specific facts that would deem the contractor to be not responsible.

~~D.~~ *Publication of Small Works Roster.*

1. At least once a year, the city shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records.
2. The city will utilize the statewide electronic database developed and maintained by the Municipal Research and Services Center of Washington (MRSC Rosters) or successor agency.

ED. *Quotations for Small Works Roster Projects.* The city shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster(s) to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW [39.04.010](#) and [39.04.350](#), and ACC [3.12.050](#), as follows:

1. A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.
2. Quotations may be invited from all appropriate contractors on the appropriate small works roster(s). As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster(s) who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster.
3. For the purpose of this section, “equitably distribute” means that the city may not favor certain contractors on the appropriate small works roster(s) over other contractors on the appropriate roster(s) who perform similar services. At the time bids are solicited, the city shall not inform a contractor of the terms or amount of any other contractor’s bid for the same project.
4. A written record shall be made by the city of each contractor’s bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. (Ord. 6545 § 1, 2014; Ord. 5866 § 1, 2004; Ord. 4924 § 2, 1997; Ord. 4581 § 2, 1992. Formerly 3.12.030, 3.12.032 and 3.12.034.)

3.12.100 Limited public works process.

If a work, construction, alteration, repair, or improvement project does not exceed the current statutory limit in RCW [39.04.155\(3\)](#), the city may award such a contract using the limited public works process.

Public works projects awarded under the limited public works process are exempt from the other requirements of the small works process provided under ACC [3.12.090](#).

For limited public works projects, the city shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder, as defined under RCW [39.04.010](#) and [39.04.350](#), and ACC [3.12.050](#). After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the city may waive the payment and performance bond requirements of Chapter [39.08](#) RCW and the retainage requirements of Chapter [60.28](#) RCW, thereby assuming the liability for the contractor’s nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed

under RCW Title [82](#) that may be due from the contractor for the limited public works project. However, the city shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

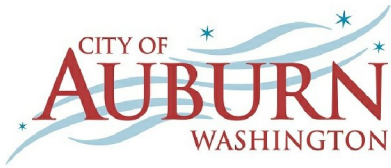
The city shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. (Ord. 6545 § 1, 2014; Ord. 5866 § 1, 2004. Formerly 3.12.036.)

3.12.110 On-call contracting.

The city may use [unit priced contracts as described in RCW 35.23.352](#) or a job order contractor as described in RCW [39.10.420](#) and following the procedures as identified in Chapter [39.10](#) RCW. (Ord. 6545 § 1, 2014.)

3.12.120 Publication, printing, and notices.

The city shall comply with the requirements of state law for publication, printing and notices as now exist or hereafter amended and relating to all public printing for the city and the publication of legal notices by the city. (Ord. 6545 § 1, 2014; Ord. 4581 § 2, 1992. Formerly 3.12.050.)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5491 (O'Neil)

Date:

March 31, 2020

Department:

Police

Attachments:

[RES 5491](#)

[AuburnSROAddendum](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5491.

Background Summary:

The City of Auburn and Auburn School District have a signed contract in which the Auburn Police Department provides 3 School Resource Officers to the district. In order to assist with resources for that position, the School District has agreed to provide the City of Auburn/Police Department with a vehicle for each officer. This agreement is a onetime purchase and there are no replacement costs built into this proposal. At the end of the service life for these vehicles, the Auburn School District and the City of Auburn will revisit this topic based on trends and the status of the School Resource Program at that time.

Reviewed by Council Committees:**Councilmember:****Staff:**

O'Neil

Meeting Date: April 6, 2020

Item Number:

RES.A

RESOLUTION NO. 5491

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF AUBURN AND AUBURN SCHOOL DISTRICT RELATED TO LAW ENFORCEMENT SERVICES

WHEREAS, on April 11, 2019, the City of Auburn entered into an Agreement with Auburn School District No. 408 (School District) for School Resource Officer services to include three Auburn Police Department Officers to serve as school resource officers as well as a one-time contribution to the vehicle fleet; and

WHEREAS, the parties would like to amend the agreement to allow the School District to provide one-time compensation for the purchase of equipment designated for the School Resource Officer and that will become the property of the City of Auburn.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to execute Amendment No. 1 to the Agreement between the City and Auburn School District No. 408 relating to law enforcement services, which Amendment will be in substantial conformity with the Amendment attached as Exhibit A.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

AMENDMENT NO. 1

AMENDMENT TO AGREEMENT BETWEEN THE CITY OF
AUBURN AND AUBURN SCHOOL DISTRICT NO. 408
RELATING TO LAW ENFORCEMENT (SCHOOL
RESOURCE OFFICER) SERVICES

THIS ADDENDUM is made and entered into on this 25 day of
march, 2020, by and between the City of Auburn; a municipal
corporation of the State of Washington (the "City"), and Auburn School District No. 408
(the "School District").

RECITALS:

1. The parties entered into an agreement on April 11, 2019, for School Resource Officer services to include three Auburn Police Department Officers to serve as school resource officers as well as a one-time contribution to the vehicle fleet.
2. The School District has agreed to provide additional one-time compensation for the purchase of equipment designated for the School Resource Officer and that will become the property of the City of Auburn.

2. (A) In the event any of the three Auburn Police Department Officers are no longer serving as school resource officers, the equipment designated to these positions would be returned to the Auburn School District.

AGREEMENT:

The following section 4.1A is added to the April 11, 2019, Agreement:

4.1.A. Within thirty (30) days of signing this Agreement the Auburn School District will compensate the City of Auburn Police Department \$133,728 for the purchase of equipment to be designated for the School Resource Officer and property of the City of Auburn. The Auburn Police Department will have all rights to own, possess, and use all equipment assigned to the SRO for any law enforcement purposes.

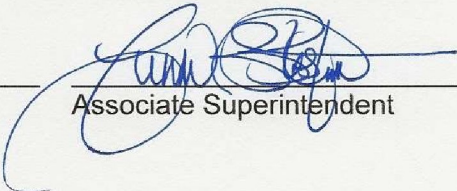
All other provisions of the April 11, 2019, Agreement shall remain unchanged, and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this agreement.

CITY OF AUBURN

AUBURN SCHOOL DISTRICT

Nancy Backus, Mayor



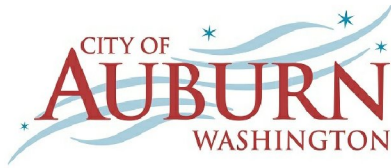
Associate Superintendent

Approved as to Form:

Approved as to Form:

Auburn City Attorney

School District Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5505 (Gaub)

Date:

March 24, 2020

Department:

Public Works

Attachments:

[Resolution No. 5505](#)

[Exhibit A](#)

[Vicinity Map](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5505.

Background Summary:

Resolution No. 5505 authorizes the Mayor to execute an interlocal agreement with the City of Algona establishing a contractual relationship governing the provision of water and sewer utility service for several properties located along the boundaries between Auburn and Algona's utility service areas.

The City of Algona approved this interlocal agreement on March 9, 2020.

Background Summary:

As development occurred along the boundary between the Cities of Auburn and Algona in the 1990s, there were several cases where, for convenience and availability, buildings located in one city were connected to sewer lines owned and maintained by the other city. As a result, provision of sewer service, provision of water service, jurisdictional location of the properties, and billing for utility services have been inconsistent.

The 3 properties along Boundary Boulevard (see the attached map) lie within the city limits of Algona, receive their water from Algona's water system, but are connected to Auburn's sewer main located in Boundary Boulevard. Infrastructure in that area had been constructed as part of a large development, parts of which were in Algona, and parts of which were in Auburn. There was never a formal agreement between the two cities describing the provision of utility service to the properties. Since their construction, the City of Algona has billed the properties for both water and sewer service.

The 3 properties along West Valley Highway (see map) lie within the city limits of Auburn but are connected to the City of Algona's sewer main. At the time that 1611 West Valley Highway was developed, the only sewer line available west of SR-167 belonged to Algona, so the cities entered into an agreement to allow Algona to serve several parcels in that area and three buildings were ultimately connected to those lines. Subsequently, when a large development occurred on the hill west of these parcels, Algona's system was unable to provide service to it, so that developer extended City of Auburn sewer through the area as

shown on the map, making it available for connection to all of these properties. Billing for sewer service for these parcels has been inconsistent, with Auburn currently billing two of the parcels for sewer, while Algona billing one. Auburn currently provides and bills for water service for all of these parcels.

Both Cities staff considered re-connection of the properties to the sewer lines owned by their respective jurisdictions, but determined that that effort would be unnecessary and an inefficient use of resources, as neither city was experiencing capacity or maintenance issues caused by these connections. Alternatively, staff determined that a formal agreement specifying the service and billing responsibilities of each city would be efficient and would provide a clear understanding between the cities.

The effect of this proposed agreement will be to establish a billing and services arrangement that is practical and equitable between the cities. Since the sets of parcels are similar in size and water/sewer use, it is practical for Algona to continue to bill the Boundary Boulevard properties for both water and sewer, and for Auburn to bill the WVH properties for both water and sewer. The agreement does make provision for periodic reviews of water usage data to ensure that the “trade” of sewer service areas remains comparable.

Reviewed by Council Committees:

Councilmember:

Staff:

Gaub

Meeting Date: April 6, 2020

Item Number:

RES.B

RESOLUTION NO. 5505

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT CONCERNING WATER AND SEWER UTILITY SERVICE, BILLING, AND COLLECTION

WHEREAS, both Algona and Auburn (each a “Party” and collectively “the Parties”) are “public agencies” as defined by Chapter 39.34 RCW, and are authorized by that statute to cooperate on a basis of mutual advantage in order to provide for services and facilities;

WHEREAS, Algona owns and operates a water utility (“Algona Water System”) and a sanitary sewer utility (“Algona Sewer System”), which collectively provide water and sewer service to customers located within Algona’s utility service area(s);

WHEREAS, Auburn owns and operates a water utility (“Auburn Water System”) and a sanitary sewer utility (“Auburn Sewer System”), which collectively provide water and sewer service to customers located within Auburn’s utility service area(s);

WHEREAS, there are three parcels located within the City limits of Auburn at 1611 West Valley Highway S (APN 2321049039), 1743 West Valley Highway S (APN 3751600709) and 1929 West Valley Highway S (APN 3751600711) (collectively, “West Valley Parcels”) that are connected to and served by the Auburn Water System, but are also connected to and served by the Algona Sewer System;

WHEREAS, there are four parcels located within the City limits of Algona at 502 Boundary Boulevard (APN 0301510060), 512 Boundary Boulevard (APN 0301510120), 1196 Industry Drive N (APN 0301510190) and a vacant parcel located between 502 and 512 Boundary Boulevard (APN 0301510100) (collectively, “Boundary Boulevard Parcels”)

that are connected to and served by the Algona Water Utility, but are also connected to and served by the Auburn Sewer System;

WHEREAS, the dissociation between the water and sewer service connections for the West Valley Parcels and Boundary Boulevard Parcels is longstanding and of uncertain origin;

WHEREAS, to the best of the Parties' mutual belief and understanding, said dissociation may have resulted from various factors, including without limitation the timing of annexation, development and/or utility connection of the underlying properties;

WHEREAS, the water and sewer utility usage of the West Valley Parcels has historically been roughly equivalent to the water and sewer utility usage of the Boundary Boulevard Parcels;

WHEREAS, each Party's billing and collection for sanitary sewer service usage is based primarily upon water usage, such that each Party may approximately measure, bill and collect for a customer's sewer utility service by measuring the volume of water service provided to that customer;

WHEREAS, the significant expense of connecting the West Valley Parcels to the Auburn Sewer System, and of connecting the Boundary Boulevard Parcels to the Algona Sewer System, would be greatly disproportionate to the practical benefits resulting from such connection, which would be nominal;

WHEREAS, the Parties are currently evaluating permanent options to address the issue of water and sewer utility service for the West Valley Parcels and Boundary Boulevard Parcels and will continue to engage in discussions regarding the same as the

lines require repair or replacement or as development in the respective area(s) occurs;
and

WHEREAS, as an interim approach, the Parties mutually desire to simplify the billing relationships and to contractually define their respective rights, obligations costs and liabilities regarding the provision of water and sewer utility service to the West Valley Parcels and the Boundary Boulevard Parcels while a permanent solution is identified and implemented.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to execute an interlocal agreement with the City of Algona, in substantial conformity with the agreement attached as Exhibit A.,

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed this _____ day of _____, 2020.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

EXHIBIT A TO RESOLUTION 5505

INTERLOCAL COOPERATION AGREEMENT CONCERNING WATER AND SEWER
UTILITY SERVICE, BILLING AND COLLECTION

INTERLOCAL COOPERATION AGREEMENT

Water and Sewer Utility Service, Billing and Collection

THIS INTERLOCAL COOPERATION AGREEMENT (“Agreement”) is entered into as of _____, 2020 (“Effective Date”) by and between the City of Algona, Washington (“Algona”) and the City of Auburn, Washington (“Auburn”), both municipal corporations organized under the laws of the State of Washington, pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

Recitals

- A. Both Algona and Auburn (each a “Party” and collectively “the Parties”) are “public agencies” as defined by Chapter 39.34 RCW, and are authorized by that statute to cooperate on a basis of mutual advantage in order to provide for services and facilities.
- B. Algona owns and operates a water utility (“Algona Water System”) and a sanitary sewer utility (“Algona Sewer System”), which collectively provide water and sewer service to customers located within Algona’s utility service area(s).
- C. Auburn owns and operates a water utility (“Auburn Water System”) and a sanitary sewer utility (“Auburn Sewer System”), which collectively provide water and sewer service to customers located within Auburn’s utility service area(s).
- D. There are three parcels located within the City limits of Auburn at 1611 West Valley Highway S (APN 2321049039), 1743 West Valley Highway S (APN 3751600709) and 1929 West Valley Highway S (APN 3751600711) (collectively, “West Valley Parcels”) that are connected to and served by the Auburn Water System, but are also connected to and served by the Algona Sewer System.
- E. There are four parcels located within the City limits of Algona at 502 Boundary Boulevard (APN 0301510060), 512 Boundary Boulevard (APN 0301510120), 1196 Industry Drive N (APN 0301510190) and a vacant parcel located between 502 and 512 Boundary Boulevard (APN 0301510100) (collectively, “Boundary Boulevard Parcels”) that are connected to and served by the Algona Water Utility, but are also connected to and served by the Auburn Sewer System.
- F. The dissociation between the water and sewer service connections for the West Valley Parcels and Boundary Boulevard Parcels is longstanding and of uncertain origin. To the best of the Parties’ mutual belief and understanding, said dissociation may have resulted from various factors, including without limitation the timing of annexation, development and/or utility connection of the underlying properties.
- G. The water and sewer utility usage of the West Valley Parcels has historically been roughly equivalent to the water and sewer utility usage of the Boundary Boulevard Parcels.
- H. Each Party’s billing and collection for sanitary sewer service usage is based primarily upon water usage, such that each Party may approximately measure, bill and collect for a customer’s sewer utility service by measuring the volume of water service provided to that customer.

Interlocal Cooperation Agreement
Concerning Water and Sewer Utility
Service, Billing, and Collection.

- I. The significant expense of connecting the West Valley Parcels to the Auburn Sewer System, and of connecting the Boundary Boulevard Parcels to the Algona Sewer System, would be greatly disproportionate to the practical benefits resulting from such connection, which would be nominal.
- J. The Parties are currently evaluating permanent options to address the issue of water and sewer utility service for the West Valley Parcels and Boundary Boulevard Parcels and will continue to engage in discussions regarding the same as the lines require repair or replacement or as development in the respective area(s) occurs.
- K. As an interim approach, the Parties mutually desire to simplify the billing relationships and to contractually define their respective rights, obligations costs and liabilities regarding the provision of water and sewer utility service to the West Valley Parcels and the Boundary Boulevard Parcels while a permanent solution is identified and implemented.

NOW, THEREFORE, in consideration of the mutual benefits set forth herein, and other good and sufficient consideration the receipt and sufficiency of which are mutually acknowledged, including without limitation the public interest, the Parties hereby agree as follows:

Terms

Section 1. Authority and Purpose. This Agreement is executed pursuant to Chapter 39.34 RCW as a cooperative endeavor of the Parties. The purpose of this Agreement is to establish a contractual relationship governing the provision of water and sewer utility service for the West Valley Parcels and the Boundary Boulevard Parcels, and to set forth the Parties' respective rights, obligations, costs and liabilities regarding this undertaking. This Agreement shall be reasonably construed in furtherance of said purpose.

Section 2. West Valley Parcels—Connection, Service, Billing and Collection.

2.1 Connection and Service. The West Valley Parcels shall remain connected to and served by the Auburn Water System and the Algona Sewer System.

2.2 Billing and Collection. Auburn shall be exclusively responsible for billing and collecting utility payments from the West Valley Parcels for both water and sewer utility service pursuant to Auburn's adopted utility rate schedule(s). Auburn shall maintain accurate records of water and sewer usage, billing and payments with respect to the West Valley Parcels, but shall not be required to remit any such payments to Algona except as expressly set forth in this Agreement.

Section 3. Boundary Boulevard Parcels—Connection, Service, Billing and Collection.

3.1 Connection and Service. The Boundary Boulevard Parcels shall remain connected to and served by the Algona Water System and the Auburn Sewer System.

3.2 Billing and Collection. Algona shall be exclusively responsible for billing and collecting utility payments from the Boundary Boulevard Parcels for both water and sewer utility service pursuant to Algona's adopted utility rate schedule(s). Algona shall maintain accurate records of water and sewer usage, billing and payments with respect to the Boundary Boulevard Parcels, but shall not be required to remit any such payments to Auburn except as expressly set forth in this Agreement.

Section 4. Inspection Rights; Annual Review.

Interlocal Cooperation Agreement
Concerning Water and Sewer Utility
Service, Billing, and Collection.

4.1 Inspection Rights. Each Party shall, upon written request, promptly provide the other Party with access to and copies of its utility billing records for the West Valley Parcels and the Boundary Boulevard Parcels.

4.2 Annual Review. Upon the request of Algona, Auburn shall provide to Algona a written summary of the water and sewer utility billing and collection records of the West Valley Parcels for the preceding year. Upon the request of Auburn, Algona shall provide a written summary of the water and sewer utility billing and collection records of the Boundary Boulevard Parcels for the preceding year. Upon receipt of the above-referenced written summaries, the Parties shall confer as deemed mutually appropriate to determine whether to continue, terminate or amend this Agreement.

Section 5. Ownership, Regulation Operation, Maintenance and Repairs. Except as otherwise expressly provided herein, nothing in this Agreement shall be construed as altering or otherwise modifying the Parties' respective rights, duties, obligations and liabilities concerning their respective water and sewer utility systems. Without limitation of the foregoing: Auburn shall own and remain exclusively responsible for all regulation, operation, maintenance and repairs of the Auburn Water System and the Auburn Sewer System, and (ii) Algona shall own and remain exclusively responsible for all regulation, operation, maintenance and repairs of the Algona Water System and the Algona Sewer System.

Section 6. Meter Removal. Algona may in its sole discretion remove or otherwise decommission Algona's utility service meters for any or all of the West Valley Parcels. Algona agrees to provide at least five business days' notice to Auburn of any meter removal or decommissioning.

Section 7. Term. This Agreement shall be in force as of the Effective Date written above following mutual execution by the Parties, and shall remain in effect for ten (10) years thereafter ("Term"), unless terminated earlier in accordance with Section 8. The Parties may at their option extend the Term for one or more mutually agreed upon periods through a writing signed by both Parties.

Section 8. Termination. Either Party may terminate this Agreement with or without cause by providing the other Party with one hundred and eighty (180) days written notice of its intent to terminate.

Section 9. Administration; No Separate Entity Created. The Algona Public Works Director and the Auburn Public Works Director shall serve as joint administrators of this Agreement. No separate legal entity is formed hereby.

Section 10. Property Acquisition, Retention and Disposition. No joint acquisition of real or personal property is contemplated by this Agreement. Except as provided in this section, any other real or personal property acquired by a Party shall remain within the sole and exclusive ownership and control of that Party following the termination or expiration of this Agreement.

Section 11. Indemnification. Each Party shall defend, indemnify and hold the other Party, its officers, officials, employees and volunteers harmless from and against any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the first Party in its performance of this Agreement. Without prejudice to the foregoing, it is expressly understood that each Party's obligations under this section shall include exclusive responsibility for any claims, injuries, damages, losses or suits arising out of or otherwise relating to the content and validity of that Party's codes, ordinances and regulations, and that the other Party, its officers, officials, employees and volunteers shall have no liability or responsibility whatsoever therefore.

Interlocal Cooperation Agreement
Concerning Water and Sewer Utility
Service, Billing, and Collection.

It is further specially and expressly understood that the indemnification provided herein constitutes each Party's waiver of immunity under industrial insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties.

The provisions of this section shall survive the expiration or termination of this Agreement.

Section 12. Governing Law and Venue; Attorneys' Fees. This Agreement shall be governed by the laws of the State of Washington. The venue for any action arising out of this Agreement shall be the Superior Court for King County, Washington. The substantially prevailing Party in any such action shall be entitled to an award of its reasonable attorneys' fees.

Section 13. No Employment Relationship Created. The Parties agree that nothing in this Agreement shall be construed as creating an employment relationship between Algona and any employee, agent, representative or contractor of Auburn, or between Auburn and any employee, agent, representative or contractor of Algona.

Section 14. Notices. Notices to Algona shall be sent to the following address:

**City of Algona
Attn: Public Works Director
200 Washington Blvd.
Algona, WA 98001**

Notices to Auburn shall be sent to the following address:

**City of Auburn
Attn: Public Works Director
25 W. Main Street
Auburn, WA 98001**

Section 15. Duty to File or Post Agreement. Prior to this Agreement's entry into force, Auburn shall, pursuant to RCW 39.34.040, (1) file this Agreement with the King County Auditor's Office, or (2) list this Agreement by subject on Auburn's internet web site.

Section 16. Integration. This document, together with any exhibits thereto, constitutes the entire embodiment of the contract between the Parties, and, unless modified in writing by an amendment signed by the Parties hereto, shall be implemented exclusively as described above. All oral agreements and understandings between the Parties related to the subject matter hereof shall be deemed superseded by this Agreement and shall hereinafter be null and void.

Section 17. No Third-Party Beneficiary Created. This Agreement is executed for the sole and exclusive benefit of the signatory Parties. Nothing in this Agreement, whether expressed or implied, is intended to confer any right, remedy or other entitlement upon any person other than the Parties hereto, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party, nor shall any provision herein give any third party any right of action against any party hereto.

Interlocal Cooperation Agreement
Concerning Water and Sewer Utility
Service, Billing, and Collection.

Section 18. Signatory Warranty. Each signatory hereto warrants and represents that he/she has been authorized to execute this Agreement by appropriate action of the legislative body of his/her respective city.

Section 19. Execution in Counterparts. This Agreement may be executed in separate counterparts.

Section 20. Regulatory Authority Reserved. Nothing herein shall be construed as waiving, limiting or otherwise abridging in any manner regulatory authority of either party, which Algona and Auburn each hereby expressly reserve in full.

EXECUTED this _____ day of _____, 2020.

CITY OF ALGONA

CITY OF AUBURN

Dave Hill, Mayor

Nancy Backus, Mayor

ATTEST/AUTHENTICATED

ATTEST/AUTHENTICATED

Jennifer Garnica, City Clerk

Shawn Campbell, City Clerk

APPROVED AS TO FORM

APPROVED AS TO FORM

Algona City Attorney

Auburn City Attorney

Interlocal Cooperation Agreement
Concerning Water and Sewer Utility
Service, Billing, and Collection.

Auburn - Algona Utility Agreement

Printed Date: 3/19/2020
Map Created by City of Auburn eGIS
Imagery Date: May 2015



1,333.3 0 666.7 1,333.3 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in = 667 ft

1:8,000

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Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.