

BUCKLEY CITY COUNCIL STUDY SESSION AGENDA

Tuesday, January 3, 2023

6:00 P.M.

Multi-Purpose Center, 811 Main Street

Or Via Zoom: <https://us02web.zoom.us/j/88284082974>

Call-in Number: 253-215-8782

Meeting ID: 882 8408 2974



A. CALL TO ORDER

B. DISCUSSION ITEMS

1. Council Discussion Rules
2. Amendments to Purchasing Code

C. STAFF REPORTS

1. City Administrator Update
 - a. Amendments to Parking Code
 - b. First Quarter Council Schedule

D. CITY COUNCIL COMMENTS

E. ADJORNMENT



TO: Mayor and City Councilmembers
FROM: Courtney Brunell, City Administrator
DATE: January 3, 2023
SUBJECT: Council Discussion Rules

Background: As of today, the Council has not formally adopted any rules of parliamentary procedure. In the case of debate, there is no formal process for concluding discussion. Historically, the Council has used Robert's Rules of Order with the City Clerk, serving as parliamentarian.

On October 27th via email and during the December 13, 2022 Council meeting, staff stated that a simple ordinance to adopt Council discussion rules would be presented in early 2023.

Discussion: The City attorney has drafted an ordinance adopting Roberts Rules or Order and stating that the rules may be waived by majority vote of the Council. Additionally, staff has provided a "cheat sheet" of basic Roberts Rules of Order proceedings.

Next Steps:

1. January 3, 2023- Council reviews the revised ordinance and recommends any changes.
2. January 24, 2023- Further review & adoption of ordinance establishing parliamentary procedure

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ____-22

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, ADDING A NEW SECTION 2.04.015 TO THE BUCKLEY MUNICIPAL CODE TO PROVIDE THAT CITY COUNCIL MEETINGS SHALL BE GOVERNED BY ROBERT’S RULES OF ORDER AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the Buckley City Council has historically used Robert’s Rules of Order to guide parliamentary procedure for City Council meetings, but has not formally adopted the rules by ordinance or resolution; and

WHEREAS, the City Council wishes to formalize adoption of the rules so that there is no dispute as to their applicability in City Council meetings,

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

Section 1. A new section 2.04.015 is hereby added to the Buckley Municipal Code to provide as follows:

2.04.015 Robert’s Rules of Order

A. The current edition of Robert’s Rules of Order, Revised, shall govern the deliberations of the Council except when in conflict with other applicable law.

B. Amendment or suspension.

The provisions of this section may be altered, amended, or temporarily suspended by a vote of two thirds of the members present.

Introduced, passed and approved this _____ day of January, 2023.

Beau Burkett, Mayor

ATTEST:

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

PUBLISHED: _____

EFFECTIVE: _____



TO: Mayor and City Councilmembers
FROM: Courtney Brunell, City Administrator
DATE: January 3, 2023
SUBJECT: Purchasing Policies

Purpose: The purpose of this memo is to provide an overview of the Cities existing purchasing policies and make recommended amendments.

Contractor Rate Adjustments: The City does not have a code provision to increase contractor rate adjustments without Council Approval. In the past, the Mayor has approved contractor rate increases up to \$7,500 annually, using the provisions currently found in BMC 3.60.010 which authorizes the Mayor to approve contracts up to \$7,500 without Council approval. Many of the rate increases we see are accrued over the course of a year rather than a flat dollar amount. For example, the City currently has ongoing contracts for legal services, Engineering, Planning & Building Review and hearing examiner. We receive regular invoices based on an hourly rate v. a flat contracted amount. The rates for these services are budgeted annually, but the contracts are not individually reviewed. To ensure consistency and compliance with the municipal code the City Attorney has identified two options:

Option 1: Do not amend the code, bring all contractor rate adjustments to Council for approval.

Option 2: Amend 3.60.010 of the Municipal Code to authorize flat rate adjustments. For example, “(5) The mayor and city administrator are authorized, without further action by the city council, to approve rate increases for contractor services provided that such rate increases do not cumulatively exceed a yearly increase of 3% per year. The City Council could choose to set any amount, 3% is based on standard annual COLA’s.

Purchasing of Goods: While reviewing the amendment for contractor rate increases, staff also evaluated purchasing limits. Today any purchase over \$7,500 requires Committee approval and purchases over \$15,000 require full Council approval. Buckley appears to be unique by delegating contractual approval to a Council Committee. Case law shows that the courts significantly rely upon historic and traditional practices when identifying the boundaries of what can be delegated.

Delegating minor contractual authority to the executive department, including the Mayor and City Administrator, is an established practice by almost all cities and counties. Few policies delegate such authority to a Council subcommittee. The City attorney has identified a few options to ensure compliance:

Option 1: Amend BMC 3.60.010 to increase Mayor/ Administrator approval authority for architectural and engineering contracts and change orders for public works projects as consistent with the City Council approval budget.

Option 2: Amend BMC 3.60.010 to require full Council approval for amounts over \$7,500.00, further amend BMC 2.04.030 Consent agenda to include public works and architectural contracts as part of the consent agenda.

Comparisons with Other Cities:

Purchasing policies and limits vary by jurisdiction. To assist the Council with their review of delegating contract approval staff has prepared the following comparison:

Jurisdiction	Population	Goods & Services Executive Purchasing Limit
Waitsburg	1,204	\$ 25,000.00
Buckley	5,321	\$ 7,500.00
Black Diamond	5,839	\$ 15,000.00
Edgewood	12,327	\$ 45,000.00
Anacortes	17,382	\$ 45,000.00
Bonney Lake	22,848	\$ 10,000.00
Bainbridge Island	25,546	\$ 50,000.00
Monroe	20, 209	\$ 50,000.00

Overall, Council has the authority to delegate purchasing of goods and services at their discretion. Projects associated with public works, outside of ordinary maintenance, architects & engineers are subject to bidding requirements. Bid limits are based on population, in Buckley, if materials and supplies are more than \$7,500 we are required to out for bid. The threshold for public works projects are much higher, for one trade, the bid limit is \$75k and for two or more it's \$116,155.

Next Steps: Staff has prepared an ordinance that would authorize the mayor and city administrator to enter into contracts for up to \$15,000, as consistent with the Council approved budget, and to authorize up to a 3% yearly increase for consultant services.

1. Ordinance Reviewed during the January 3, 2023 Study Session- Council recommends amendments.
2. January 22, 2023- Ordinance adopted during regular Council meeting.

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. ____-23

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING BMC 3.60.010 TO INCREASE ADMINISTRATIVE CONTRACT AUTHORITY UP TO \$15,000 AND TO CLARIFY WHEN THE MAYOR AND ADMINISTRATOR MAY APPROVE RATE INCREASES FOR CONSULTANTS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the Mayor and City Administrator have historically approved rate increases for consultant agreements under BMC 3.60.010 and the City Council would like to clarify when such approvals are authorized by BMC 3.60.010; and

WHEREAS, the current BMC 3.60.010 requirement for council ratification of contracts approved by the Council Finance Committee doesn't facilitate the efficient implementation of Council budget choices, since such contracts cannot be acted upon until ratified,

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

Section 1. BMC 3.60.010 is amended to provide as follows:

(1) The mayor and city administrator are authorized, without further action by the city council, to purchase or enter into contracts for materials, equipment, supplies, architectural and engineering contracts, public works change orders, and services, not otherwise subject to other provisions of state law or city code, in amounts up to \$7,500 \$15,000 as consistent with the City Council approved budget.

~~(2) The mayor and city administrator are authorized, without further action by the city council with the consent of the city council finance and administration committee, to enter into architectural and engineering contracts in amounts over \$7,500, and up to \$15,000~~

~~(3) The mayor and city administrator are authorized, with the consent of all city council finance committee members, without further action from the city council, to enter into public works contract change orders for materials, equipment, supplies and services, subject to other provisions of state law and city code, in amounts over \$7,500, and up to \$15,000~~

(4) Purchases made or contracts entered into under subsections (2) and (3) of this section shall be approved by the city council at the next regularly scheduled meeting

(4) The mayor and city administrator are authorized, without further action by the city council, to approve rate increases for consultant services provided that such rate increases do not cumulatively exceed a yearly increase of 3% per year as consistent with the City Council approved budget.

Introduced, passed and approved this 10th day of January 2023.

Beau Burkett, Mayor

ATTEST:

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

PUBLISHED: _____

EFFECTIVE: _____