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ORDINANCE NO. 887

A PUBLIC EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, TEMPORARILY INCREASING CITY MANAGER PURCHASING AUTHORITY IN RESPONSE TO THE COVID-19 VIRUS PUBLIC HEALTH; ESTABLISHING AN IMMEDIATE EFFECTIVE DATE AND A DURATION.

WHEREAS, RCW 35A.13.190 authorizes the City Council to enact a public emergency ordinance that has immediate effect when necessary for the protection of public health, public safety, public property, or public peace; and

WHEREAS, Shoreline Municipal Code ("SMC") Section 2.50.060 grants the City Manager the authority to take action on behalf of the City of Shoreline ("City") in the event of an emergency or disaster subject to ratification by the City Council as soon as practicable; and

WHEREAS, in the exercise of such authority, the City Manager did execute a Local Declaration of Public Health Emergency ("Declaration") related to the COVID-19 virus, dated March 4, 2020; and

WHEREAS, on March 16, 2020, the City Council adopted Resolution No. 454, ratifying the City Manager's March 4, 2020 Declaration; and

WHEREAS, Resolution No. 454 further authorized any and all acts to be undertaken by City Departments and staff consistent with the Declaration to respond to COVID-19; and

WHEREAS, the Shoreline Municipal Code (SMC), at SMC 2.60.040(C) Emergency Procurements states:

> Notwithstanding any other provisions of this chapter, the city manager or their designated agent may make or authorize others to make emergency procurements of materials, supplies, equipment, or services without complying with the requirements of this section when there exists a threat to public health, welfare, or safety or threat to proper performance of essential functions; provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, and listing of the item(s) procured under the contract, which shall be reported to the city council at the next subsequent meeting.

WHEREAS, while the Declaration and the City Council's ratification authorizes necessary measures pursuant to local and state law, SMC 2.60.040(C) incorrectly references the procurement requirements of "this section" rather than of this "chapter," leaving uncertain the purchasing authority of the City Manager or designee; and

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WHEREAS, the City Council desires to clarify this authority and to provide for a temporary increase of such authority;

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

Section 1. Purchasing Authority. The City Manager or designee purchasing limits, as set forth in chapter 2.60 SMC, are temporarily amended as follows:

SMC 2.60.050(A) Materials, Supplies, and Equipment: The City Manager may authorize the acquisition of materials, supplies, or equipment with a cost equal to or less than $150,000.

SMC 2.60.060(B) Public Works Projects: The City Manager's authority shall remain as stated in this SMC provision, with acquisition authority equal to or less than the $350,000 threshold provided in RCW 39.04.155.

SMC 2.60.070(A) Professional and Non-Professional Services: The City Manager may authorize the acquisition of services with a cost equal to or less than $100,000.

Section 2. City Council Authorization. The acquisition of materials, supplies, equipment, services, and for public works projects in excess of the dollar amounts set forth in Section 1 shall require City Council approval.

Section 3. Record Management and Report to Council. A record of each emergency procurement shall be made and shall set forth the supplier or contractor's name, the amount and type of the procurement, and listing of the materials, supplies, equipment, services, or public works procured, which shall be reported to the City Council at its next subsequent meeting, whether that meeting is a regular or special meeting.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 6. Public Emergency Ordinance and Effective Date. The City Council hereby finds and declares that this Ordinance is a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace as stated in Resolution No. 454, and shall take effect and be in full force immediately upon its adoption by a majority vote plus one of the whole members of the Council and that the same is not subject to a referendum (RCW 35A.11.090). The underlying facts necessary to support this emergency declaration are included in

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the WHEREAS clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein.

Section 7. Effective Duration. The purchasing limits set forth in Section 1 of this Ordinance shall be in effect for a period of thirty (30) calendar days from the date this Ordinance is passed unless extended or terminated sooner by the City Council.

Section 8. Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper.

PASSED BY THE CITY COUNCIL ON MARCH 23, 2020

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Julie Ainsworth-Taylor
Assistant City Attorney

Date of Publication: March 27, 2020
Effective Date: March 23, 2020