

ORDINANCE 2013-7

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON,
RELATING TO THE MAYOR'S AUTHORITY TO APPROVE CONTRACT
AMENDMENTS; CREATING A NEW SECTION UNDER CHAPTER 2.02 OF
THE EATONVILLE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, it becomes necessary in the course of managing the Town of Eatonville's contracts, whether they be for services, goods, maintenance, and/or public works, to approve contractual amendments in an expeditious manner; and

WHEREAS, the Town Council desires to establish a uniform policy to vest the appropriate officials in the Administration to manage such contractual amendments without delay while still maintaining sufficient control over the Town's finances;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville as follows:

Section 1. A new section is added to chapter 2.02 EMC, to be codified as EMC 2.02.110, and shall read as follows:

2.02.110 – Contract Amendments/Change Orders

A. For purposes of this section, the term "Change Order" shall mean any amendment to a public works contract as defined in chapter 39.04 RCW. The term "Contract Amendment" shall mean an amendment to a professional service agreement, contract for goods, and/or contract for routine maintenance.

B. If it is deemed that a Change Order or Contract Amendment is necessary and reasonable, the Mayor is authorized to approve any and all Change Orders and Contract Amendments that do not exceed the legally authorized budget limit established by the Town Council for the applicable project or contract.

C. If a proposed Change Order or Contract Amendment will alter the contract amount to a sum in excess of the Town Council's authorized budget appropriation:

1. The Town Administrator shall submit to the Town Council a Change Order Request or Contract Amendment Request to include the amount of requested funds and a written justification describing why the additional funds are necessary and the benefits to be derived.

2. If the Town Council approves the Change Order Request or Contract Amendment Request, the Town Administrator shall take the necessary actions to enact the Change Order or Contract Amendment and complete the work in an expeditious manner in accordance with the Town Council's direction. If the Town Council denies the Change Order Request or Contract Amendment Request, the Town Administrator shall

report back to the Mayor and Town Council with options as to how to accomplish the project/contract within the funds allocated.

D. In the event of an emergency or the need to take immediate or expeditious action necessary to protect or maintain the public health, safety, or welfare; or to prevent damage to public or private property, the Mayor is authorized to enact Change Orders and Contract Amendments in excess of the legally authorized expenditure level. In such event, the Mayor shall timely report at the next regularly scheduled Council meeting such actions to the Town Council.

E. In the event it is necessary to take immediate action on a proposed Change Order or Contract Amendment to prevent the Town from incurring potential liability as a result of a delay to the work on the contract, and such decision must be made before the next regularly scheduled Council meeting in order to avoid such potential liability; the Mayor is authorized to execute such Change Orders and Contract Amendments in excess of the legally authorized expenditure level, PROVIDED that the increase in contract price is not more than \$25,000, regardless of the amount budgeted for the project. In such event, the Mayor shall timely report such actions to the Town Council at the next regularly scheduled Council meeting. If, however, such a proposed Change Order and/or Contract Amendment would increase in contract price, this shall not exceed \$25,000, there shall be a special meeting called pursuant to EMC 2.04.002(B), which shall be held at the earliest date and time possible given the circumstances, at which time the Council will decide whether to accept or reject the request for the Change Order and/or Contract Amendment.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 04/22/2013
2ND READING: ___/___/2013 / 2ND READING WAIVED (EMC 2.04.009(C))

Passed by the Council of the Town of Eatonville at a regular meeting held this _____ day of _____, 2013.

Ray Harper, Mayor

ATTEST:

Kathy Linnemeyer, Town Clerk

APPROVED AS TO FORM:

Daniel G. Lloyd, Town Attorney