



Mayor: Katy Kinney Harris
Councilmembers: Stephan Lagerholm, Steve Bush, Chuck Porter, Michael Hyman, Kathy Smith
Town Attorney: Emily Romanenko
Clerk-Treasurer: Bonnie Ritter
Deputy Clerk: Austen Wilcox

Meeting Participation

The Town of Yarrow Point has moved to hybrid Council meetings, offering both in-person at Town Hall and virtual meeting participation online or by phone. Individuals wishing to speak live should register their request with the Deputy Clerk at 425-454-6994 or email depclerk@yarrowpointwa.gov before 2:00 PM the day of the Council meeting. Please reference *Public Comments for the Council Meeting* in your correspondence. Comments via email may be submitted to depclerk@yarrowpointwa.gov or regular mail to: Town of Yarrow Point, 4030 95th Ave NE, Yarrow Point, WA 98004.

Join on computer, mobile app, or phone

1-253-215-8782

Meeting ID: 874 4885 7807#

Passcode: 003808

<https://us02web.zoom.us/j/87448857807?pwd=kqkuvOXchHy1eZ58ICBhVYx6TBMGxL.1>

1. **CALL TO ORDER:** Mayor Katy Kinney Harris
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Councilmembers Steve Bush, Michael Hyman, Stephan Lagerholm, Chuck Porter, Kathy Smith
4. **APPROVAL OF/AMENDMENTS TO AGENDA**
5. **STAFF REPORTS (5 minutes)**
6. **APPEARANCES/PUBLIC COMMENT** **Speakers will be allotted 3 minutes**
Please wait for the Deputy Clerk to call on you to speak.
If you dial in via telephone, please unmute yourself by dialing *6 when you are recognized. Please state your name and whether you are a Yarrow Point resident (and address if you wish). You will be asked to conclude your remarks when you reach the 3-minute limit. Councilmembers will not respond directly at the meeting or have a back-and-forth exchange, but they may ask staff to research and report back on an issue.
7. **CONSENT CALENDAR (5 minutes)**
Consent agenda items are considered to be routine; the consent calendar is considered for adoption in its entirety by a single motion. There is no separate discussion of these items unless Council or staff requests the removal of an item ahead of the meeting.

A. December Payment Approval in the amount of \$476,528.70 plus Payroll Report in the amount of \$37,644.89, for a total of \$514,173.59

- B. November 12, 2024 Council meeting minutes
- C. November 26, 2024 special Council meeting minutes
- D. Resolution No. 378 – Establish the MRSC Small Works Roster and Adopt an Updated Purchasing Policy

8. REGULAR BUSINESS

- 8.1 2025 Grind and Overlay Project - Project Obligation Documents
- 8.2 2024 Budget Amendment
 - A. Adopt Ordinance 757
- 8.3 Mayor Compensation
 - A. Adopt Ordinance 758
- 8.4 Establishing a Transportation Benefit District
 - A. Public Hearing
 - B. Adopt Ordinance No. 760
- 8.5 2025 Final Budget
 - A. Adopt Ordinance No. 759
- 8.6 Comprehensive Plan Adoption
 - A. Adopt Ordinance No. 761
- 8.7 Appoint Mayor Pro Tem
- 8.8 City of Bellevue Franchise Agreement

9. MAYOR’S REPORT (5 minutes)

10. OLD BUSINESS

11. COUNCIL ROUNDTABLE AND REQUESTS FOR FUTURE AGENDA ITEMS (10 minutes)

12. EXECUTIVE SESSION (30 minutes)

Executive session – To discuss with legal counsel matters relating to town enforcement actions, or to discuss with legal counsel litigation or potential litigation to which the town, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the town, pursuant to RCW 42.30.110(1)(i).

13. ADJOURNMENT

Next regular Town Council Meeting: January 14, 2025 at 4:00 pm

STAFF REPORTS

1. Police Reports
 - November
2. Fire-EMS Report
3. Town Engineer Reports:
 - 94th Ave NE UGC
4. Commission Chair Reports
 - November 19, 2024 Regular Planning Commission Meeting Minutes
 - November 26, 2024 Regular Park Commission Meeting Minutes



MEMO

To: Yarrow Point Council
From: Chief Kyle Kolling
Date: December 10th, 2024
Re: November 2024 Summary

Greetings,

Novembers' training included:

- All officers participated in firearm range training taught by Corporal Humphreys and Officer Donchez
- Officer Donchez attended additional firearms training
- Chief Kolling, Commander Hanson and Public Records Manager Baker attended the WASPC conference in Eastern Washington

On the social media front, we gained 4 new followers for a total of 460, and 21 Facebook posts were created in November. We have 577 followers on our Instagram account. We were able to use our social media outlets to update residents on road closures, storm information, holiday closures and community events.

We dropped off an entire pickup truck bed of donated items from the community to the food bank at Jubilee Reach just before thanksgiving. They were very grateful for everything received.

Officers assisted Public Works with downed trees and lines due to the windstorm. Thankfully there was no serious damage or injuries in Clyde Hill or Yarrow Point.

We hope everyone had a great Thanksgiving holiday.



City of Yarrow Point
November 2024

2024-6826	11/09/2024	9000blk Points Dr NE	Collision	M.Humphreys
2 Vehicle collision, report taken for information				
2024-6827	11/09/2024	9000blk NE 36 th St	Mal Mischief	M. Humphreys
Report that someone broke into mailboxes and stole the mail. No suspect information				
2024-6881	11/13/2024	4600blk 92 nd Ave NE	Behavioral Health	A.Donchez
Police assisted with someone having a mental health crisis				
2024-7051	11/21/2024	9200lk NE 37 th Pl	MV Prowl	C.Hanson
Resident reported items were taken out of her unlocked vehicle. No suspect information				
2024-7141	11/25/2024	9000blk NE 36 th St	Mal Mischief	F. Fernandez
Officer found damaged mailboxes while patrolling. No suspect information				



Town of Yarrow Point

ACTIVITY REPORT

	November 2024	October 2024	2024 YTD	2023 YTD
CRIMES AGAINST PERSONS				
Assault	0	0	0	0
Domestic Violence/Disturbance	0	0	1	3
Harassment	0	0	1	0
Order violation	0	0	0	0
Rape/sex offenses	0	0	0	0
Robbery	0	0	0	0
Other (<i>Abuse, APS, civil, CPS, custodial interference, extortion</i>)	0	0	0	1
PROPERTY CRIMES				
Burglary	0	0	0	2
Fraud	0	0	2	5
MV Prowl	1	0	1	6
MV Theft	0	0	0	0
Theft	0	1	4	8
Other (<i>Arson, illegal dumping, malicious mischief, prowler, trespass</i>)	2	0	7	8
ARRESTS				
Drug/alcohol	0	0	0	1
Warrants	0	1	4	1
Other	0	0	0	0
TRAFFIC ACTIVITY				
Criminal Traffic	0	0	11	5
Infractions	4	11	64	50
Warnings	13	17	186	88
Traffic accidents	1	1	5	6
Traffic stops	17	28	262	144
Parking	5	0	93	11
OTHER				
Alarms	11	5	54	26
Complaints				
~Animal	0	0	5	5
~Fireworks	0	0	0	1
~Noise	1	6	36	20
~Soliciting	0	0	7	5
Deaths	0	0	1	0
Suspicious	0	6	27	33
Drug/alcohol	0	0	0	0
PUBLIC SERVICES				
Other Public Services (<i>area check, assist, community policing, contacts, direct enforcement/patrol, 911 hang-ups, fire assist, follow up, on-view, order service, walk through, welfare check</i>)	94	66	901	448



Issued Ticket Report Summary
Yarrow Point
November 01, 2024-November 30, 2024

<u>Violation Location Address</u>	<u>Date And Time</u>	<u>Violation Description</u>	<u>Issuing Officer</u>
<u>Citations-Non-Traffic: 0</u>			
<u>Citations-Criminal: 0</u>			
<u>Infractions-Traffic: 2</u>			
8800 BLK POINTS DR NE	11/09/2024 10:06:00	FAIL TO YIELD Motor Vehicle	6177 - Humphreys
8800 BLK POINTS DR NE	11/19/2024 12:39:00	MV NO VALID OPER LICENSE WITH VALID ID	6177 - Humphreys
<u>Infractions-Speeding: 2</u>			
8800 BLK POINTS DR NE	11/19/2024 12:39:00	SPEED 13 MPH OVER LIMIT (40 OR UNDER)	6177 - Humphreys
3400 BLK 92ND AVE NE	11/13/2024 09:11:00	SPEED 22 MPH OVER LIMIT (40 OR UNDER)	8796 - Donchez
<u>Infractions-Parking:5</u>			
3700 BLK 94TH AVE NE	11/23/2024 19:20:00	PARKED BLOCKING LANE OF TRAVEL	3236 - Fernandez
3700 BLK 94TH AVE NE	11/23/2024 19:15:00	PARKED BLOCKING LANE OF TRAVEL	3236 - Fernandez
8900 BLK POINTS DR NE	11/22/2024 23:47:00	PARKING ZONES ESTABLISHED	3236 - Fernandez
4200 95TH AVE NE	11/28/2024 19:45:00	PARKING ZONES ESTABLISHED	3236 - Fernandez
4600 92ND AVE NE	11/05/2024 23:40:00	PARKING ZONES ESTABLISHED	3236 - Fernandez

Filter statement

Filters

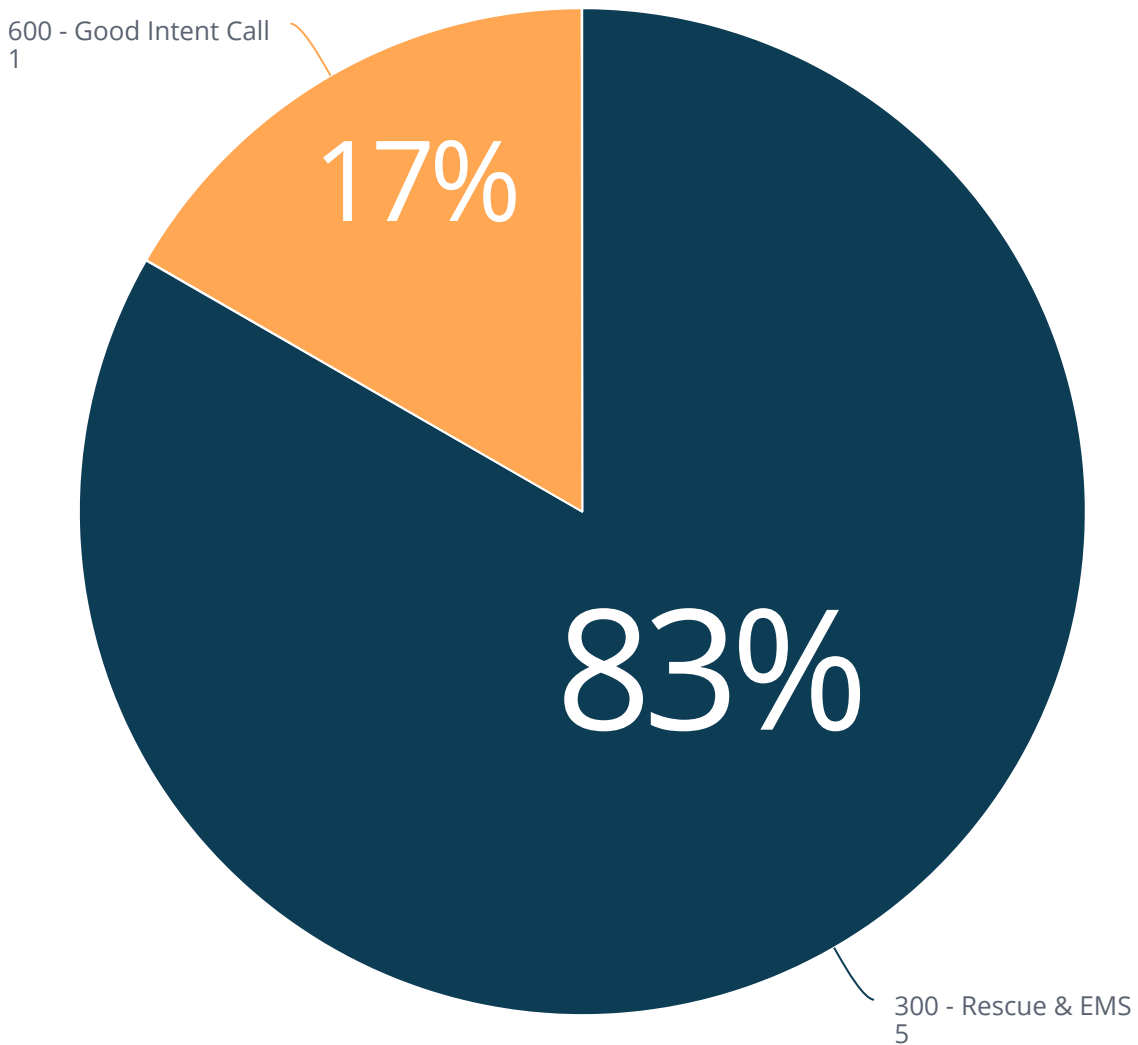
Alarm Date Range Last Month | **Is Locked** true | **Is Active** true | **Location City** YARROW POINT, Yarrow Point

Fire and EMS Summary

Count of Total Incidents

6

Percentage of Incident Type (with count)



Filter statement

Filters

Alarm Date Range Last Month | **Is Locked** true | **Is Active** true | **Location City** YARROW POINT, Yarrow Point

Count of Incidents by Type

Incident Type Group	Incident Type	Type Code	Count
300 - Rescue & EMS	EMS Call, Medical	3211	4
	EMS Call, Other Accident/Trauma	3210	1
300 - Rescue & EMS Total			5
600 - Good Intent Call	Dispatched & canceled en route	611	1
Count			6



PROJECT STATUS REPORT

REPORT DATE	PROJECT NAME	PREPARED BY
12/10/24	2024 94 th Ave NE UGC	Stacia Schroeder

STATUS SUMMARY

The 2024 94th Ave NE underground conversion scope of work includes:

- 3800 – 4700 94th Ave NE (2,320 LF)
- 9200 – 9500 NE 40th Street (800 LF)
- 9200 – 9400 NE 38th Street (320LF)

Town staff has been working on several elements of this project over the past few months including:

- Ongoing resident coordination to answer general questions and coordinate private underground conversions. Twenty (20) residents have been narrowed to eighteen (18):
 - 16 – converted completely or installed the empty conduits so far
 - 2 – owners have building permits for a new SFR (9330 & 9415 NE 40th)
- PSE’s Schedule 74 Underground Conversion Project Construction Agreement, Project Plan, and Facility Conversion/ Modification Billing Detail were approved by the town council on March 12, 2024. The town’s construction costs to install PSE conduits and vaults will be shared 60 PSE / 40 Town at the end of the project. PSE is coordinating with Town Staff, the inspector, individual residents/contractors, and their own internal private overhead to underground crews this week to prioritize the completion of our project before the Jan. 1, 2025, when the eagle window closes access to a portion of the project. We expect private conversions and final cutovers to take place 12/9 – 12/23. PSE is responsible for providing notice to customers in advance of any outage according to their internal policies.
- The PSE IntoLight contract was approved by the Town Council on March 12, 2024. With the exception of installing the pole base caps, PSE IntoLight has completed their work on the project. They are aware of this contract obligation and will be sending out a crew. Several of the residents have asked for new light shields and staff will coordinate these requests and send them all at once to PSE IntoLight later this month.
- Coordination efforts are on-going with other purveyors (ie. PSE gas, Comcast, Lumen, etc.).

In an effort to restructure its facilities to provide fiber, Lumen discontinued service to the Town of Yarrow Point on 12/2. I am currently investigating the timeline and level of service that will be provided after they are back online. I am also working with the Town attorney to create an agreement for conduit use, as may be applicable to existing or newly installed conduits. Specific to the UGC project, Lumen still needs to underground their existing pedestals in the conversion area.

Comcast is 90% complete with underground wire installation pending the arrival of some splicing materials which are expected to arrive the week of 12/9. Once that task is complete, they will transition their team to perform existing UG cutovers and OH to UG conversions.

NOTE: Comcast will install an above ground battery backup cabinet near the southwest corner of Morningside Park on 95th. After several weeks of review and coordination, Gray and Osborne determined this is the only way to provide this required electrical appurtenance and Town Staff verified it is allowed under their current franchise agreement according to the provision below:

- C) Vaults and Pedestals – Comcast agrees to utilize flush mounted vaults throughout the Town for all its non-electrified cable equipment; and use above ground pedestals for necessary electrified cable equipment like power supplies, nodes, amplifiers, and outdoor WiFi receivers.

Both Lumen and Comcast are working to complete the project by 12/23.

- Amendment No. 3 was approved and Gray & Osborne – G&O is working on the following tasks:
 - June 1 – Dec. 31: G&O will provide limited inspection, surveying, and project management support to town staff.
 - Jan. 1 – Jan. 31, 2025: G&O will provide project closeout services.
- King County Roads – TYP will participate in KC Road's 2025 Pavement Preservation Program to grind and overlay the affected streets. Town staff submitted a TIB grant funding application for the full amount of the anticipated cost less the required 10% match.

Pavement and right-of-way restoration – The paving contractor finished permanent patching (including remediation activities) Friday 12/6. Fury will continue to work on shoulder improvements such as gravel, mulch, grass to restore the right-of-way to the existing condition.

PROJECT OVERVIEW

TASK	% DONE	TARGET DUE DATE	LEAD	NOTES
Survey	100	March 2021	PACE/ Town Engineer	
<u>Final Design</u>		2022-2023	Gray & Osborne/ Town Engineer	
PSE	100			
City of Bellevue Utilities Dept.	100			
Comcast/ Lumen Final Design	100			
TYP Stormwater & Landscape Design including Bid Documents	100	2023-2024	Gray & Osborne/ Town Engineer	
Bidding	100	Winter 2023/2024	Gray & Osborne/ Town Engineer	
Construction	95	Spring/Summer/ Fall 2024	Gray & Osborne/ Town Engineer	
Grind & Overlay	0	Summer 2025	Town Engineer	

BUDGET OVERVIEW

CATEGORY	BUDGETED	EXPENDED	ON TRACK?	NOTES
Jan. 2021 – Mar. 2021 PACE Surveying Consultant Task Order No. 3	\$28,250	\$28,250		Completed
May 2022 – Dec. 2023 Puget Sound Energy (Sch. 74 Design Agreement)	Included in PSE Line Below	\$0		Contract Signed 06/13/22 100% Plans Rec'd: 12/2023 Design Fee 60/40 split; included in PSE line item below
Jan. 2022 – Mar. 12, 2024 Town Engineer Project Management		\$ 54,053.35		
Jan. 2023 – Jan. 27, 2024 Civil Engineering Consultant Gray & Osborne, Inc.	\$110,000	\$144,960.00		CIP S-3: \$50,000 Old CIP/ Budget CIP U-1: \$60,000 Old CIP/ Budget Contract Date: 1/10/23 \$127,300 Change Order No. 1 – \$5,500 Change Order No. 2 – \$12,160
Design Total:	\$138,250	\$227,263.35		
June 3 – Nov. 23, 2024 Fury Site Works Construction Contractor	\$2,057,472*	\$1,917,068.18		TIP / CIP Budget S-2: \$700,000 U-1: \$1.3 mil T-1: \$500,000 CO #1: Reduction \$62,400 5% Retainage being held: \$93,484.24
Mar. 24 – Nov. 30, 2024 Gray & Osborne Inspection, Surveying, Project Management Support	\$190,000	\$123,742.15		G&O Contract Amendment No. 3 – Construction Inspection, Surveying, Project Management Support \$158,500; Budget is ~10% higher based on past project experience; Sallys Alley East is separate.
Mar. 13 – Nov. 30, 2024 Town Engineer Project Management	\$97,500	\$43,033.85		Town Expenses – Estimated \$2,500 for permits Sallys Alley East is separate.
Winter 2024 PSE Schedule 74 (Power)	\$200,000	\$0		NOTE: PSE issues one final bill after the project is complete (Winter 2025). Anticipated cost is \$100,000 after 60/40 construction credit, but budget is higher to buffer against any potential increases.
Spring-Winter 2024 PSE Schedule 51 (Lights)	\$74,893	\$74,892.12		Complete; billed out 12/4/24
Spring-Winter 2024 10% Contingency	\$330,627*	\$0		NOTE: All contingency expenditures must be approved by Town Council. *CO #1: +\$62,400 redistributed to contingency
Construction Total:	\$2,950,492	\$2,158,736.30		\$2,252,220.54 w/ retainage being held
Summer 2025 – King County Roads	\$720,000*	\$0		Awarded \$540,000 TIB Grant 11/22/24 KC Roads 60% project estimate \$620,530 *Updated to reflect the latest CIP/TIP value plus 20% contingency in budget
Jan. 2021 – Nov. 23, 2024 Design and Const. Project Total:	\$3,808,742*	\$2,385,999.65		\$2,479,483.89 w/ retainage being held

RISK AND ISSUE HISTORY

ISSUE	STATUS	DATE

CONCLUSIONS/NEXT STEPS

Final Civil Plans, Specifications, Estimate, and Schedule – January 31, 2024

Public Bid: January 31 – February 21, 2024

Town Council March 12, 2024 Approvals:

- Lowest Responsible Bidder: Fury Site Works
- Inspection & Project Management Contract: Gray & Osborne
- PSE Power Underground Conversion Construction Agreement
- PSE IntoLight Contract: Revision #1

April 26, 2024 – Pre-construction office meeting: TYP, G&O, and Contractor

May 10, 2024 – Town Posted Project Notification Letter

May 20, 2024 – Pre-construction site meeting: TYP, G&O, PSE, Fury, Lumen, Comcast, and WE Electric

June – Dec. 2024: Construction

Jan. 2025: Project Closeout

June 2025: Road Grind and Overlay

**TOWN OF YARROW POINT
TOWN PLANNING COMMISSION REGULAR MEETING
November 19, 2024
7:00 p.m.**

The Town Planning Commission of the Town of Yarrow Point, Washington met in regular session on Tuesday, November 19, 2024, at 7:00 p.m. in the Council Chambers of Town Hall.

PLANNING COMMISSION PRESENT: Chair Carl Hellings, Commissioners, Chuck Hirsch, Lee Sims and

PLANNING COMMISSION ABSENT: David Feller

STAFF PRESENT: Deputy Clerk Austen Wilcox, Planner Aleksandr Romanenko

1. CALL TO ORDER

Chair Hellings called the Planning Commission meeting to order at 7:13 p.m.

Chair Hellings noted that the late start to the meeting was due to a power outage at Town Hall and there could be interruptions in the audio recording because of it.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

MOTION: Motion by Commissioner Sims seconded by Commissioner Hirsch to approve the agenda as presented.

VOTE: 3 for, 0 against. Motion carried.

5. APPROVAL OF THE MINUTES

- October 15, 2024 Regular Meeting

MOTION: Motion by Commissioner Hirsch, seconded by Commissioner Sims to approve the October 15, 2024 regular meeting minutes as presented.

VOTE: 3 for, 0 against. Motion carried.

6. STAFF REPORTS

Planner Romanenko discussed the 2025 Planning Commission Work Plan and answered questions from the commissioners about the November 19, 2024 regular Council meeting.

7. PUBLIC COMMENT

No comment.

8. REGULAR BUSINESS

8.1 – Middle Housing

Planner Romanenko discussed state requirements and potential design standards the Town could create to adhere to the requirements.

MOTION: Motion by Commissioner Feller, seconded by Chairman Hellings move to direct staff to begin work on a draft ordinance as discussed at this meeting.

VOTE: 3 for, 0 against. Motion carried.

8.2 – Consolidated Permit Review

Planner Romanenko discussed SB5290 explaining that it requires jurisdictions throughout the state to update their permit processing timeframes and requires consolidated permit review.

MOTION: Motion by Chair Hellings, seconded by Commissioner Sims to move to direct staff to begin work on a draft ordinance regarding SB5290 requirements discussed at this meeting.

VOTE: 3 for, 0 against. Motion carried.

9. PUBLIC COMMENT

No comment.

10. ADJOURNMENT:

MOTION: Motion by Commissioner Sims, seconded by Commissioner Hirsch to adjourn the meeting at 9:12 p.m.

VOTE: 3 for, 0 against. Motion carried.

Carl Hellings, Chair

Attest: Austen Wilcox, Deputy Clerk

DRAFT

**TOWN OF YARROW POINT
TOWN PARK COMMISSION REGULAR MEETING
November 26, 2024
7:00 p.m.**

The Town Park Commission of the Town of Yarrow Point, Washington met in regular session on Tuesday, November 26, 2024, at 7:00 p.m. in the Council Chambers of Town Hall.

PARK BOARD PRESENT: Chair Krista Fleming, Park Commission Members Carolyn Whittlesey, Nancy Daltas, Dicker Cahill, Amy Pellegrini, Robert Afzal and Dicker Cahill

PARK COMMISSION ABSENT: Park Commissioners Dicker Cahill and Nancy Daltas

STAFF PRESENT: Deputy Clerk Austen Wilcox

1. CALL TO ORDER

Chair Fleming called the Park Commission meeting to order at 7:14 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

MOTION: Motion by Park Commissioner Whittlesey, seconded by Park Commissioner Whittlesey to approve the agenda as presented.

VOTE: 4 for, 0 against. Motion carried.

5. APPROVAL OF THE MINUTES:

MOTION: Motion by Park Commissioner Whittlesey, seconded by Park Commissioner Pellegrini to approve the October 22, 2024, regular minutes as presented.

VOTE: 4 for, 0 against. Motion carried.

6. STAFF REPORTS

No comment.

7. APPEARANCES/PUBLIC COMMENT

Mike Koss Chairman of the Wetherill Nature Preserve introduced himself.

8. REGULAR BUSINESS

8.1 – Points Drive Sign Project

Cleaning was done and plants installed around sign.

8.2 – Maintenance/General Updates

New mulch was blown in in the landscaped area between the road and sidewalk along 92nd Ave NE. Additional mulch is needed to continue from NE 40th St to the top of the point.

The 92nd Ave NE sidewalk on 92nd Ave NE needs to be cleaned up after the new mulch.

A resident donated plants from their property to the Town. Plants from the property were transferred to Sally Alley. Some are permanent and some are temporary. They discussed watering and offering hours to students who need community service.

8.3 – Park Commission Chair Interest

Park Commissioner Whittlesey chose to act as chair starting in Jan 2025.

The Commission would like to have more frequented retreats with Council.

The Commission would like to increase communication with the Wetherill Nature Preserve Commission.

9. ADJOURNMENT

Motion by Park Commissioner Afzal, seconded by Park Board Commissioner Pellegrini to adjourn the meeting at 7:50 p.m. All voted in favor. Motion carried.

VOTE: 4 for, 0 against. Motion carried.

Chair, Krista Fleming

Attest: Austen Wilcox, Deputy Clerk

DRAFT

**Business of The Town Council
Town of Yarrow Point, WA**

Consent Calendar
December 10, 2024

Consent Calendar	Proposed Council Action: Approve Consent Calendar
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Presented by: Clerk-Treasurer

Exhibits: Exhibits included for items listed for consideration.

Summary:

The Consent Calendar consists of items considered routine for which a staff recommendation has been prepared, and for which Council discussion is not required. A council member may request that an item be removed from the Consent Calendar and placed under Regular Business for discussion. Items on the Consent Calendar are voted upon as a block and approved with one vote.

Consent Calendar Items for Consideration:

- A. December Payment Approval in the amount of \$476,528.70 plus Payroll Report in the amount of \$37,644.89, for a total of \$514,173.59.
- B. November 12, 2024 Council meeting minutes
- C. November 26, 2024 Council meeting minutes
- D. Resolution No. 378 – Establish the MRSC Small Works Roster and Adopt an Updated Purchasing Policy

Recommended Action:

Motion to approve the Consent Calendar as presented.

Report Criteria:

- Detail report.
- Invoices with totals above \$0.00 included.
- Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
Alexander Moore Homes						
494	Alexander Moore Homes	2018-1	Pagoda repair & replace. 94th-91st-40th-47th	11/07/2024	14,105.60	20,683.60
Total Alexander Moore Homes:					14,105.60	
Banner Bank						
700	Banner Bank	11172024	Constant Contact	11/17/2024	96.98	
700	Banner Bank	11172024	Office supplies	11/17/2024	1,363.68	
700	Banner Bank	11172024	AWS, Msft, etc.	11/17/2024	708.54	
700	Banner Bank	11172024	Comcast Phones, internet, fax	11/17/2024	539.65	
700	Banner Bank	11172024	Hedge trimmer	11/17/2024	443.52	
700	Banner Bank	11172024	ROW Supplies	11/17/2024	419.33	
700	Banner Bank	11172024	Meeting expenses	11/17/2024	391.96	
700	Banner Bank	11172024	Poppies for Vets Day	11/17/2024	33.05	
700	Banner Bank	11172024	MSRC Rosters	11/17/2024	148.65	34,680.88
Total Banner Bank:					4,145.36	
BERGEY, DAVID & MARIAN						
1032	BERGEY, DAVID & MARIAN	122024	Reimburse - debris disposal, drain pipes..	12/04/2024	230.50	958.93
Total BERGEY, DAVID & MARIAN:					230.50	
Casa Bonita Home Care, Inc.						
519	Casa Bonita Home Care, Inc.	203484	Clean Town Hall - Nov & Dec.	11/07/2024	306.00	1,836.00
Total Casa Bonita Home Care, Inc.:					306.00	
CASELLE, INC.						
1300	CASELLE, INC.	137464	Monthly software contract	12/01/2024	805.56	9,510.34
Total CASELLE, INC.:					805.56	
City of Bellevue						
233	City of Bellevue	50772	Fire Contract - 2024 2nd Half	11/12/2024	159,705.00	319,410.00
Total City of Bellevue:					159,705.00	
City of Medina						
533	City of Medina	2024-11-04	Town share of WSDOT mediation costs	11/06/2024	5,743.00	26,779.49
Total City of Medina:					5,743.00	
CODE PUBLISHING						
108	CODE PUBLISHING	GCI0016097	Code web update	11/27/2024	362.56	3,330.67
Total CODE PUBLISHING:					362.56	
CRYSTAL AND SIERRA SPRINGS						
1046	CRYSTAL AND SIERRA SPRING	111624	Town Hall water cooler	11/16/2024	71.75	932.56

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
Total CRYSTAL AND SIERRA SPRINGS:					71.75	
Dash, Trevor						
539	Dash, Trevor	112024	Reimburse for chainsaw chain	11/29/2024	39.67	39.67
Total Dash, Trevor:					39.67	
Elvis' Landscaping Services						
507	Elvis' Landscaping Services	1	Moving and replanting plants labor and material	11/25/2024	2,802.64	
507	Elvis' Landscaping Services	1A	Planting plants at Point Drive town sign labor	11/25/2024	500.00	6,500.00
Total Elvis' Landscaping Services:					3,302.64	
Fury Site Works, Inc.						
530	Fury Site Works, Inc.	EST 6	94th Stormwater and UGC Project	12/04/2024	30,231.05	
530	Fury Site Works, Inc.	EST 6	94th Stormwater and UGC Project	12/04/2024	79,177.09	1,917,068.18
Total Fury Site Works, Inc.:					109,408.14	
Gaylynn Brien						
1151	Gaylynn Brien	780	Sales Tax reports	11/30/2024	50.00	600.00
Total Gaylynn Brien:					50.00	
Gray & Osborne, Inc.						
9043	Gray & Osborne, Inc.	94-8	Town-wide Stormwater & UGC Construction Mg	11/06/2024	5,522.73	
9043	Gray & Osborne, Inc.	94-8	Town-wide Stormwater & JGC Construction Mg	11/06/2024	12,886.44	
9043	Gray & Osborne, Inc.	STD-9	Town Development Standards	12/02/2024	2,557.11	
9043	Gray & Osborne, Inc.	UGC-9	94th UGC & SW Project	12/02/2024	14,265.99	
9043	Gray & Osborne, Inc.	UGC-9	94th UGC & SW Project	12/02/2024	6,114.00	155,980.03
Total Gray & Osborne, Inc.:					41,346.27	
Harris, Katy K						
459	Harris, Katy K	112024	Reimburse Vets Day Expense	11/29/2024	11.98	
459	Harris, Katy K	112024	Meeting travel expenses	11/29/2024	45.54	
459	Harris, Katy K	1124	Reimburse cell phone - October	11/29/2024	113.99	2,789.73
Total Harris, Katy K:					171.51	
ISOsource						
1301	ISOsource	CW302810	Domain expiration, vulnerability, server specs, e	10/31/2024	1,007.00	
1301	ISOsource	CW303454	Monthly Agreement	11/19/2024	110.20	11,720.40
Total ISOsource:					1,117.20	
JGM LANDSCAPE ARCHITECTS						
101	JGM LANDSCAPE ARCHITECTS	4501	Planting Plan for Points Dr Sign	11/18/2024	280.00	280.00
Total JGM LANDSCAPE ARCHITECTS:					280.00	
King County Finance						
603	King County Finance	13775-13775	Street striping	10/31/2024	5,095.90	36,980.75
454	King County Finance	2159582	2% liquor profits and Excise Tax - 3rd Qtr 2024	11/26/2024	83.55	248.56

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
Total King County Finance:					5,179.45	
KIRKLAND MUNICIPAL COURT						
111	KIRKLAND MUNICIPAL COURT	NOV24YPT	Court Costs	11/20/2024	122.46	
111	KIRKLAND MUNICIPAL COURT	OCT24YPT	Court Costs	10/31/2024	632.76	2,863.63
Total KIRKLAND MUNICIPAL COURT:					755.22	
Klean Lots						
538	Klean Lots	2214	Street Cleaning	11/05/2024	420.00	
538	Klean Lots	2214	Street cleaning	11/05/2024	420.00	
538	Klean Lots	2314	Street sweeping	12/01/2024	420.00	
538	Klean Lots	2314	Street sweeping	12/01/2024	420.00	1,680.00
Total Klean Lots:					1,680.00	
MUNICIPAL SERVICES LLC						
350	MUNICIPAL SERVICES LLC	112024	Code Enforcement	11/29/2024	64.51	
350	MUNICIPAL SERVICES LLC	112024	Building Permit Inspections	11/29/2024	2,854.71	
350	MUNICIPAL SERVICES LLC	112024	Mechanical/Plumbing Permit Inspections	11/29/2024	324.56	
350	MUNICIPAL SERVICES LLC	112024	Plan Review	11/29/2024	4,281.25	
350	MUNICIPAL SERVICES LLC	112024	Invoice prep	11/29/2024	250.00	101,524.71
Total MUNICIPAL SERVICES LLC:					7,775.03	
NORTHWEST CIVIL SOLUTIONS						
450	NORTHWEST CIVIL SOLUTIONS	112024	94th UGC & Stormwater Project	11/29/2024	2,943.68	
450	NORTHWEST CIVIL SOLUTIONS	112024	94th UGC & Stormwater Project	11/29/2024	6,868.57	
450	NORTHWEST CIVIL SOLUTIONS	112024	Site Development	11/29/2024	600.75	
450	NORTHWEST CIVIL SOLUTIONS	112024	Right of Way Permits	11/29/2024	600.75	
450	NORTHWEST CIVIL SOLUTIONS	112024	Sally's Alley - General Admin	11/29/2024	280.35	
450	NORTHWEST CIVIL SOLUTIONS	112024	General Administration	11/29/2024	1,401.75	123,759.00
Total NORTHWEST CIVIL SOLUTIONS:					12,695.85	
Ogden Murphy Wallace						
1390	Ogden Murphy Wallace	102024	Clerk	11/15/2024	264.00	
1390	Ogden Murphy Wallace	102024	Council	11/15/2024	1,773.00	
1390	Ogden Murphy Wallace	102024	Land Use	11/15/2024	858.00	
1390	Ogden Murphy Wallace	102024	Mayor/Executive	11/15/2024	528.00	
1390	Ogden Murphy Wallace	102024	Bellevue Water/Sewer Franchise	11/15/2024	132.00	
1390	Ogden Murphy Wallace	102024	Code Enforcement	11/15/2024	1,221.00	
1390	Ogden Murphy Wallace	102024	Public Works	11/15/2024	1,254.00	
1390	Ogden Murphy Wallace	102024	Zhao Litigation	11/15/2024	7,407.00	165,034.00
Total Ogden Murphy Wallace:					13,437.00	
PUGET SOUND ENERGY						
604	PUGET SOUND ENERGY	11212024	Electric Service	11/21/2024	246.93	
604	PUGET SOUND ENERGY	11272004	Street light standards - 94th UGC Project	11/27/2004	74,892.12	87,117.50
Total PUGET SOUND ENERGY:					75,139.05	
SBN Planning LLC						
154	SBN Planning LLC	YP-028	Building Permits	12/04/2024	1,117.08	
154	SBN Planning LLC	YP-028	Mechanical permits	12/04/2024	41.91	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
154	SBN Planning LLC	YP-028	Middle Housing	12/04/2024	2,598.42	
154	SBN Planning LLC	YP-028	Consolidated Permit Review	12/04/2024	1,089.66	
154	SBN Planning LLC	YP-028	Comp Plan	12/04/2024	1,089.66	
154	SBN Planning LLC	YP-028	Climate Planning	12/04/2024	670.56	
154	SBN Planning LLC	YP-028	General Administration	12/04/2024	2,118.52	178,333.89
Total SBN Planning LLC:					8,725.81	
Sound View Strategies LLC						
521	Sound View Strategies LLC	3398	Consulting Services November	11/30/2024	900.00	7,600.00
Total Sound View Strategies LLC:					900.00	
STATE TREASURER'S OFFICE						
601	STATE TREASURER'S OFFICE	A8-2 2024	Pass-through to State from Kirkland Court	12/01/2024	1,936.65	
601	STATE TREASURER'S OFFICE	A8-2 2024	Pass-through State Building Code Fee	12/01/2024	195.00	4,363.92
Total STATE TREASURER'S OFFICE:					2,131.65	
THE SEATTLE TIMES						
192	THE SEATTLE TIMES	87405	Budget hearing publication	11/04/2024	130.00	
192	THE SEATTLE TIMES	89015	SEPA notice for Comp Plan	11/25/2024	100.00	
192	THE SEATTLE TIMES	89105	Ord 756	11/29/2024	112.50	
192	THE SEATTLE TIMES	89218	Hrg Notice TBD	11/29/2024	184.50	4,981.46
Total THE SEATTLE TIMES:					527.00	
Town of Yarrow Point						
904	Town of Yarrow Point	SEPA-2024-06	SEPA-2024-06 for Comp Plan	11/12/2024	1,250.00	4,890.00
Total Town of Yarrow Point:					1,250.00	
Washington State Department of Licensing						
9038	Washington State Department of	112024	Sales Tax on original purchase of 2003 truck	11/13/2024	1,667.00	1,667.00
Total Washington State Department of Licensing:					1,667.00	
Whittlesey, Arthur & Carolyn						
498	Whittlesey, Arthur & Carolyn	112024	Reimburse for plants for ROW	11/29/2024	699.24	2,455.83
Total Whittlesey, Arthur & Carolyn:					699.24	
Zebra Printing						
464	Zebra Printing	64106	Wetherill newsletter printing	11/11/2024	2,775.64	2,871.98
Total Zebra Printing:					2,775.64	
Grand Totals:					476,528.70	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	YTD Payments
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Certification of the Consent Calendar as presented including the Payment Approval Report dated 12/4/2024 approving payments as shown totaling \$476,528.70 plus payroll, tax, and benefit expenses of \$37,644.89, as shown on the attached payroll & tax and benefits report, for a grand total of \$514,173.59.

I, the undersigned, do hereby certify that the items herein listed are proper obligations of the Town in accordance with the Town budget and directives of the Council and Mayor.

Dated: December 10, 2024

Clerk-Treasurer: _____

Mayor: _____

Councilmember:

Steve Bush: _____

Michael Hyman: _____

Stephan Lagerholm: _____

Chuck Porter: _____

Kathy Smith : _____

Report Criteria:

- Detail report.
- Invoices with totals above \$0.00 included.
- Paid and unpaid invoices included.

Report Criteria:

- Includes all check types
- Includes unprinted checks

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Description	GL Account	Amount	D
11/30/2024	CDPT		0	EMPLOYMENT SECURITY DEPT	5	Quarterly Employment Security Pay	999-1010110	59.07-	
11/30/2024	CDPT		0	DEPT OF LABOR & INDUSTRY	6	Quarterly L & I Workers Compensa	999-1010110	321.14-	
11/30/2024	CDPT		0	EMPLOYMENT SECURITY DEPT	8	Quarterly WA FMLA WA Paid Fami	999-1010110	155.96-	
11/30/2024	CDPT		0	WA Cares	10	WA CARES Long Term Ins. Pay P	999-1010110	129.15-	
11/30/2024	PC	11/22/2024	1120241	Lovas, Istvan	9002		999-1010110	5,265.74-	D
11/30/2024	PC	11/22/2024	1120242	Wilcox, Austen	9037		999-1010110	5,399.29-	D
11/30/2024	PC	11/22/2024	1120243	Ritter, Bonnie	9041		999-1010110	7,917.05-	D
11/30/2024	PC	11/22/2024	1120244	Harris, Kathryn K	9047		999-1010110	1,878.41-	D
11/30/2024	CDPT	11/18/2024	82320324	Association of Washington Cities	9	Health and Dental Insurance Visio	999-1010110	3,902.88-	
11/30/2024	CDPT	11/18/2024	82320325	DEPT OF RETIREMENT SYSTEM	1	State Retirement PERS II Pay Per	999-1010110	4,048.09-	
11/30/2024	CDPT	11/18/2024	82320326	Federal Tax	2	941 Taxes Federal Withholding Tax	999-1010110	8,568.11-	
Grand Totals:								37,644.89-	
			11						

**TOWN OF YARROW POINT
COUNCIL MEETING MINUTES
November 12, 2024
4:00 p.m.**

The Town Council of the Town of Yarrow Point, Washington met in regular session on Tuesday, November 12, 2024, at 4:00 p.m. in the Council Chambers of Town Hall.

PRESENT: Mayor Katy Harris; Councilmembers Steve Bush, Michael Hyman, Stephan Lagerholm, Chuck Porter, and Kathy Smith.

STAFF PRESENT: Clerk-Treasurer Bonnie Ritter, Engineer Stacia Schroeder, Deputy Clerk Austen Wilcox, Planner Aleksandr Romanenko (remote), and Town Attorney Emily Romanenko (remote).

1. CALL TO ORDER:

Mayor Katy Kinney Harris called the meeting to order at 4:04 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

Mayor Harris requested the addition of Ordinance 755, revising the levy increase to be placed before item 9.1.

Motion by Bush, seconded by Hyman to add Ordinance 755 before Item 9.1 on the agenda. All voted in favor. Motion carried.

Motion by Porter, seconded by Hyman to approve the agenda as amended. All voted in favor. Motion carried.

5. REPRESENTATIVE VANDANA SLATTER

48th District Representative Vandana Slater addressed the Council. Councilmembers expressed concerns to her, asking for her assistance.

6. APPEARANCES / PUBLIC COMMENT

Dicker Cahill, resident and member of the Park Commission, presented a petition with twenty-two signatures that he obtained today, in support of completing the Sally's Alley Project.

Dave Odegaard also expressed support of the Sally's Alley east end construction.

Laurie Bugbee stated opposition of removing funding from the 2025 budget for the completion of Sally's Alley, stressing that this is part of the Trails Master Plan, used by many, and a safety hazard if the project is not completed.

Jim Bugbee distributed printed comments to the Council, asking that at a minimum, the trail portion of the project be completed.

Jeff Levere stated that there is a great plan for the Sally's Alley project, and it should be finished.

Carolyn Whittlesey, resident and member of the Park Commission, questioned the timing of cutting the Sally's Alley budget when money is being added to the Mayor's salary and Wetherill Nature Preserve Fund.

Sunil Pai stated that Sally's Alley is a beautiful trail, and its preservation should be a priority.

Cray Shank thanked the Council for work on the budget and stated that Sally's Alley needs to be finished and funding should remain in the budget. The Comprehensive Plan calls it a gem and local treasure and views it as an investment in the community and property values.

Chris Coburn asked that Sally's Alley funding be put back into the budget as it's an important part of our Town.

7. STAFF REPORTS

- A. Dawn Hanson presented the Police report for October.
- B. Fire-EMS Report for October
- C. Town Engineer Report – 94th Ave NE UGC Project
- D. Commission minutes: October 15, 2024 Planning Commission meeting; October 22, 2024 Park Commission meeting.

8. CONSENT AGENDA

Motion by Hyman, seconded by Bush to approve the consent calendar as presented. All voted in favor. Motion carried.

- A. November Payment Approval in the amount of \$605,282.03 plus Payroll Report in the amount of \$37,591.63, for a total of \$642,873.66.
- B. October 1, 2024 special Council meeting minutes
- C. October 8, 2024 Council meeting minutes
- D. October 30, 2024 special Council meeting minutes

8A. LEVY INCREASE ORDINANCE (added to agenda)

Motion by Bush, seconded by Hyman to adopt the following ordinance. All voted in favor. Motion carried.

ORDINANCE NO. 756: AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON AMENDING ORDINANCE NO. 754, INCREASING THE TOWN OF YARROW POINT'S PROPERTY TAX REGULAR LEVY FROM THE PREVIOUS YEAR, COMMENCING JANUARY 1, 2025 ON ALL PROPERTY; AND ESTABLISHING AN EFFECTIVE DATE.

Councilmember Porter commented that this ordinance doesn't follow his understanding after speaking to King County earlier today.

Motion by Bush, seconded by Lagerholm to consider Item 9.3 of the agenda before 9.1 as previously approved. All voted in favor. Motion carried.

9. REGULAR BUSINESS

9.3. Planning Commission and Park Commission Work Plan

Planner Romanenko reviewed the proposed 2025 work plans.

Motion by Lagerholm, seconded by Smith to approve the 2025 Planning Commission Work Plan as presented. All voted in favor. Motion carried.

Krista Flemming of the Park Commission stressed that completing Sally's Alley is the #1 concern of the Park Commission.

Motion by Lagerholm, seconded by Hyman to approve the 2025 Park Commission Work Plan as presented. All voted in favor. Motion carried.

9.1 2025 Final Budget

A. Public Hearing – Mayor Harris opened the public hearing at 6:25 p.m.

Andy Valaas stated that he is very supportive of adding the money back into the budget for the completion of the Sally's Alley Project. If the property dispute isn't resolved, we don't have to spend it. He's also distressed about the expenses in Fund 104. He stated we don't have to do a perfect job on the mandated projects, just enough to get by. He also commented in opposition to the increase of the Mayor's salary.

Mayor Harris closed the public hearing at 6:30 p.m.

B. Adoption of 2025 Budget – Mayor Harris stated that adoption of the final budget will take place at the December meeting.

EXECUTIVE SESSION

At 6:30 p.m. Mayor Harris announced that the Council will go into executive session to discuss with legal counsel matters relating to town enforcement actions, or to discuss with legal counsel litigation or potential litigation to which the town, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the town, pursuant to RCW 42.30.110(1)(i). No action will take place at this executive session, and they will return to regular session in approximately 40 minutes.

At 7:20 p.m. Mayor Harris reconvened the regular meeting.

Councilmember Hyman directed the Clerk-Treasurer to add an additional \$500,000 in the proposed 2025 budget for legal fees, and to zero out any allocation for the Sally's Alley Project.

9.2 Comprehensive Plan Update

A. Public Hearing – Mayor Harris opened the public hearing at 7:30, and upon hearing no comment, closed the public hearing at 7:31 p.m.

Motion by Hyman, seconded by Bush to forward the Comprehensive Plan for a vote to adopt at the regular December Council meeting. All voted in favor. Motion carried.

10. MAYOR'S REPORT – Mayor Harris thanked PSE and Republic Services for sponsoring the Veterans Day coffee cart at Town Hall.

11. OLD BUSINESS

Mayor Harris stated that Resolution 378, the Procurement Policy will be on the December Consent Agenda. Discussion on the long-term budget will begin in January, along with amendments to the Personnel Policy. She will follow up on water noise complaints with Mercer Island Marine Patrol in the Spring.

12. COUNCIL ROUNDTABLE AND REQUESTS FOR FUTURE AGENDA ITEMS –

Councilmember Lagerholm asked about a resident requesting an extension on their tree permit. Lagerholm made a motion to purchase a snowplow, as budgeted for in 2024. This motion died for lack of a second.

13. EXECUTIVE SESSION

At 7:55 p.m. Mayor Harris announced that the Council will go into executive session to discuss with legal counsel matters relating to town enforcement actions, or to discuss with legal counsel litigation or potential litigation to which the town, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the town, pursuant to RCW 42.30.110(1)(i). No action will take place at this executive session, and they will return to the regular session in approximately 15 minutes.

At 8:14 p.m. Mayor Harris reconvened the regular meeting.

14. ADJOURNMENT

Motion by Hyman, seconded by Porter to adjourn at 8:15 p.m. All voted in favor. Motion carried.

Katy Kinney Harris, Mayor

Attest: Bonnie Ritter, Clerk-Treasurer

**TOWN OF YARROW POINT
COUNCIL MEETING MINUTES
November 26, 2024**

The Town Council of the Town of Yarrow Point, Washington met in special session on Tuesday, November 26, 2024, at 4:00 p.m. in the Council Chambers of Town Hall.

PRESENT: Mayor Katy Harris; Councilmembers Steve Bush, Michael Hyman, Stephan Lagerholm, Chuck Porter, and Kathy Smith.

STAFF PRESENT: Clerk-Treasurer Bonnie Ritter, Attorney Emily Romanenko, Engineer Stacia Schroeder

1. CALL TO ORDER:

Mayor Katy Kinney Harris called the meeting to order at 4:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVE AGENDA

Motion by Lagerholm, seconded by Bush to approve the agenda. All voted in favor. Motion carried.

4. REGULAR BUSINESS

4.1 Transportation Benefit District

Motion by Bush, seconded by Porter to direct staff to proceed with the process for establishing a Transportation Benefit District. The following voted in favor: Bush, Hyman, Porter and Smith. The following voted against: Lagerholm. Motion carried.

The public hearing and the required ordinance will appear on the December agenda.

EXECUTIVE SESSION

At 4:25 p.m. Mayor Harris announced that the Council will go into Executive session to discuss with legal counsel matters relating to town enforcement actions, or to discuss with legal counsel litigation or potential litigation to which the town, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the town, pursuant to RCW 42.30.110(1)(i). She stated they will return in 30 minutes.

Mayor Harris reconvened the regular session at 4:55 p.m.

4.2 Discussion on the Proposed 2025 Budget

Motion by Bush, seconded by Porter to reverse the \$665,000 transfer out of Fund 001, and to transfer \$545,000 out of Fund 301, into Fund 101, in the 2024 budget. All voted in favor. Motion carried.

The proposed 2025 budget was discussed by the Council. The final budget will be considered for final approval at the December 10, 2024 meeting.

5. ADJOURNMENT

Motion by Lagerholm, seconded by Bush to adjourn at 5:50 p.m. All voted in favor. Motion carried.

Katy Kinney Harris, Mayor

Attest: Bonnie Ritter, Clerk-Treasurer

DRAFT

Business of The Town Council

Town of Yarrow Point, WA

October 8, 2024

Procurement Policy Update	Proposed Council Action: First Reading
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Presented by:	Town Mayor and Town Engineer
Exhibits:	Resolution adopting MRSC Roster and updated Procurement Policy

Background:

The Town's procurement policy was last updated in 2017/2018, so changes were needed to clarify and strengthen processes and procedures.

Additionally, the Town has historically used the Municipal Research and Services Center rosters to procure services, this update affirms that practice and adopts updated statutory requirements to do so, including the changes passed by the State Legislature in SSHB 5268, which modified the small works contracting requirements for local governments.

The biggest change at the state level was to adopt a direct contracting process for public works projects under \$150,000. Three additional policies are required to be adopted by the Town in order to implement this procurement method.

Recommended Motion(s):

1. I move to forward the procurement policy and accompanying documents to the November meeting for a second reading.

**TOWN OF YARROW POINT
RESOLUTION NO. 378**

**A RESOLUTION OF TOWN OF YARROW POINT, WASHINGTON,
ESTABLISHING A SMALL PUBLIC WORKS ROSTER AND THE
AUTHORITY TO USE THE ROSTER PROCESS TO AWARD PUBLIC
WORKS CONTRACTS; A CONSULTING SERVICES ROSTER FOR
ARCHITECTURAL, ENGINEER, AND OTHER PROFESSIONAL SERVICES;
A VENDOR ROSTER FOR GOODS AND SERVICES NOT RELATED TO
PUBLIC WORKS CONTRACTS; ADOPTING AN UPDATED PROCUREMENT
POLICY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Town of Yarrow Point (“Town”) utilizes a Small Works Roster, a Consultant Services Roster, and a Vendor Roster through the Municipal Research Services Center (“MRSC”); and

WHEREAS, MRSC has recently updated its rosters; and

WHEREAS, MRSC is now the centralized system for statewide small works rosters; and

WHEREAS, the Revised Code of Washington (“RCW”) 39.04.151-154 and other laws regarding contracting for public works by authorized local governments, allow certain contracts to be awarded by a small works roster process; and

WHEREAS, to be able to implement the MRSC rosters and process, the Town is required to adopt a resolution, establish reporting procedures that are publicly available, and commit to providing the most practicable opportunities for small businesses when using direct contracting; and

WHEREAS, to be able to use Direct Contracting on occasion, the Town is required to develop a Small Business Utilization Plan; and

WHEREAS, Chapter 39.80 RCW and other laws regarding contracting for consulting services by municipalities allow certain contracts to be awarded by a consultant roster process; and

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies, or equipment not connected to a public works project, allows certain purchasing contracts to be awarded using a vendor list.

NOW THEREFORE, THE [TOWN OF YARROW POINT], WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Repeal and Replace Small Works Rosters. This Resolution repeals, replaces, and supersedes any and all past resolutions establishing small works rosters.

Section 2. Repeal and Replace Procurement Policy. This resolution repeals, replaces, and supersedes any and all past resolutions or policies establishing a procurement policy.

Section 3. MRSC Rosters Adopted. The Town of Yarrow Point hereby elects to use the statewide small works roster established under RCW 39.04.151(2), the statewide consultant services roster established under chapter 39.80 RCW, and the statewide vendor roster established under RCW 39.04.190 and RCW 35.23.352, all as administered by the Municipal

Research Services Center of Washington (MRSC).

Section 4. Small Works Roster. The Town of Yarrow Point adopts the small works roster procedures set forth in Town's Procurement Policy, attached and incorporated herein as Exhibit A, to use in the management and awards of small public works projects as allowed under RCW 39.04.152.

Section 5. Consultant Services Roster. The Town of Yarrow Point adopts the consultant services roster procedures set forth in the Town's Procurement Policy, attached and incorporated herein as Exhibit A, to use for the procurement and award of consultant services.

Section 6. Vendor Roster. The Town of Yarrow Point adopts the use of the MRSC Rosters Vendor Roster (vendor list) to use for the procurement and award of materials, supplies, equipment or similar. The vendor roster procedures set forth in the Town's Procurement Policy are established for use by the Town pursuant to RCW 39.04.190 and RCW 35.23.352.b.

Section 7. Effective Date. This Resolutions shall be effective immediately upon passage.

PASSED this 8th day of October, 2024 and signed in authentication of its passage this 10th day of September, 2024.

Katy Kinney Harris, Mayor

ATTEST:

Bonnie Ritter, Town Clerk

TOWN OF YARROW POINT PURCHASING POLICY

1. GENERAL PRINCIPLES

A. Purpose. The purchasing procedures in this Purchasing and Bidding Policy (“Policy”) govern the purchase of materials, supplies, equipment, services, and public works contracts. This Policy establishes the small works roster process, and an alternative process to award public works contracts, professional consulting services, and nonprofessional services, or materials, supplies or equipment as authorized by RCW 35.23.252, and Chapters 39.04 and 39.10 RCW.

B. Policy Statement. This Policy is intended to direct the purchase of goods and services at a reasonable cost. An open, fair, documented, and competitive process is to be used whenever reasonable and possible. The purchasing function’s integrity, efficiency, and effectiveness are critical elements of sound government.

C. Scope. This Policy only applies to purchases of:

- Public Works projects;
- Architectural and Engineering Services;
- Professional Consulting Services;
- Purchased Services; and
- Supplies, materials, and equipment.

This Policy does not apply to the acquisition, sale, or lease of real property, collective bargaining agreements, interlocal agreements unrelated to purchasing, or any other agreement not listed in these policies. If grant funding is involved in the proposed purchase, applicable requirements should be obtained from the funding agency. Such requirements may be more restrictive than the Policy.

D. Related Policies. The following policies directly relate to and govern certain procedures established herein:

- Small Works Resolution No. ___
- Direct Contract Policy and Procedure
- Rotation Policy

E. Budget. The Town shall assure that the acquisition of goods and services is consistent with relevant budget appropriations.

F. Internal Capacity. The Town will consider internal capacity limitations when planning for projects. The Town will seek external professional planning, design, and/or project management services when warranted.

G. Quality and Cost-Effectiveness. The Town shall strive to obtain the most cost-effective and highest quality purchases for the Town.

H. Conflict. It is the express intent of this policy to provide for the acquisition of necessary goods, services and public works in the most expedient, efficient and legally compliant manner. Nothing in this policy shall be construed as imposing binding procedural requirements more stringent than those established by state law. If a corollary provision of state law expressly imposes requirements different than those set forth herein, the state law provision shall control to the extent of any such conflict.

I. Controlling Laws. All purchases shall comply with relevant federal, state, and City laws and policies. If more restrictive than these guidelines, such laws, regulations, grants, or requirements should be followed. In the event any bid threshold limits in the Revised Code of Washington (RCW) are different from the values listed within this Policy, the RCW limits shall control. The Town Attorney shall be consulted when questions regarding potential conflicts arise. Applicable laws and regulations will be cited throughout this document.

J. Segmentation. The deliberate segmentation of any purchase or public works project into component units, classes or segments in order to circumvent applicable competitive bidding requirements is prohibited.

K. Disclaimer. This Policy is established solely for the convenience of the Town, its officials and employees. Nothing herein shall be construed as establishing any rights, duties, privileges or causes of action in and/or for third parties.

2. DEFINITIONS

The following definitions shall apply for purposes of this policy:

A. "Architectural and engineering services" means those services performed by service providers retained by the Town pursuant to Chapter 39.80 RCW.

B. "Contractor" means the firm, company or agent retained by the Town under contract to perform public works projects.

C. "Cost Threshold" means the maximum dollar value of a contract or amendments above which requires Town Council approval.

D. "Emergency" means unforeseen circumstances beyond the Town's control that either (1) present a real, immediate threat to the proper performance of essential functions,¹ or (2) will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken.²

¹ RCW 39.04.280(3).

² *Id.*

E. "Goods" means equipment, material and supplies.

F. "Ordinary Maintenance" means work not performed by contract and that is performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year), to service, check, or replace items that are not broken; or work not performed by contract that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary.³

G. "Professional services" are services provided by consultants that provide highly specialized, generally one-time expertise to solve a problem or render professional opinions, judgments or recommendations. The labor and skill involved to perform these types of services are predominately mental or intellectual, rather than physical or manual. Examples include graphics design, advertising, analysis, financial expertise, accounting, artists, attorneys, bond brokers, computer consultants, insurance brokers, economists, planners, real estate services, etc. This term does not include architectural and engineering services.

H. "Public works" means all work, construction, alteration, repair or improvement other than ordinary maintenance that is executed at the cost of the Town or another public entity, or which is by law a lien or charge on any property.⁴

I. "RCW" means the Revised Code of Washington. All references in this Policy to the RCW shall include any future amendment(s) to the referenced statute.

J. "Service provider" means the firm, company, consultant or agent retained by the Town to perform services.

K. "Services" means work provided by consultants or other agents retained by the Town but excluding work for public works projects.

L. "Trade" or "Craft" means a recognized construction trade or occupation for which minimum wage categories are established by the Department of Labor and Industries of the State of Washington in the locality of the Town's projects or purchases.

3. DELEGATION OF PURCHASING AUTHORITY

A. The Town Council and Town Staff's purchasing authority shall be exercised pursuant to the following limitations:

1. Town Council. The Town Council shall approve all purchases of goods, services and public works that exceed \$15,001.00.

³ WAC 296-127-010(7)(b)(iii).

⁴ RCW 39.04.010(4).

2. Town Mayor. The Town Mayor may approve any purchase of goods, services and public works that does not exceed \$15,000.00.

3. Town Clerk-Treasurer. The Clerk-Treasurer, or designee may approve any purchase of goods, services and public works that does not exceed \$2,000, provided that such purchase is authorized by the Town's budget.

4. Town Engineer. The Town Engineer may approve any purchase of goods and/or services not exceeding \$5,000, provided that such purchase is authorized by the Town's budget.

5. Town Employees. Any employee may approve purchases of goods not exceeding \$200, provided that such purchase is authorized by the Town's budget.

B. Whenever an amendment to a contract for the purchase of goods, services or public works would cause the total contract amount to exceed the purchase authority set forth in Section A of this article by greater than 15 percent, such amendment shall be approved by the Mayor or Town Council, as applicable.

4. CONTRACT AMENDMENTS

A. Amendments to contracts which result in the final contract amount in excess of purchase limits identified in this Policy may be administratively approved if the changes are:

- a. Within the scope of the project or purchase;
- b. Executed in writing;
- c. Not in excess of Mayor's purchasing threshold.

B. Contract amendments that are strictly a change in contract expiration date and do not exceed the previously approved contract budget may be administratively approved.

C. The value of all amendments will be aggregated, and when any single amendment or combination of amendments on the same project or purchase exceeds the Mayor's purchasing threshold, the change must be approved by the Town Council.

D. Allowable procurement methods include the use of purchase orders, direct purchases (no purchase order), procurement cards, personal reimbursement, petty cash, credit cards, and contracts as long as those procurement methods are used in compliance with this chapter. With appropriate security and internal controls these purchasing methods may be used electronically.

5. DETERMING TOTAL PURCHASE COST

A. Use Anticipated Cost. The anticipated need for a good or service (e.g., an engineer's or architect's estimate for Public Work Projects) shall be used to determine the cost of that good or service for purposes of determining which contract approval level, cost threshold, or other related procurement requirements apply.

B. No "Bid Splitting". The breaking of any project into units, or accomplishing any projects by phases, is prohibited if it is done for the purpose of avoiding compliance with bidding statutes. The Washington Supreme Court has held that jurisdictions cannot break a Public Work into phases for the purpose of estimating the cost of a Public Work project, even though those phases are performed at different intervals of time. Instead, a Town, while completing the actual project in phases, must total the cost of all phases of the Public Work or purchase. If the aggregate cost exceeds the applicable bid limit, the City must bid each phase of the project even though a single phase may cost less than the bid limit. To avoid bid splitting:

1. Combine all phases of a Public Work project when estimating cost including purchases of materials to be included in the final project whether installed by City staff or contractor.

2. Combine the total of foreseen identical items purchased at the same time or within a calendar years' time, in which the cost exceeds competition limits (e.g., office supplies, laundry services, janitorial paper products, etc.).

3. Items that are designed, or intended to be used together (e.g., water meters and covers), and the cost exceeds competition limits should be bid together.

C. Costs to Include. Include costs such as taxes, freight, and installation charges when determining which cost threshold applies. Do not include the value of a trade-in.

D. Include Total Quantity Needed. Requirements for the total quantity of an item (when they can be reasonably projected) should be considered when determining which cost threshold and related purchasing requirements apply.

E. Multiphase Projects. If a project is to be completed in phases, the total accumulated cost for all phases should be considered when determining which cost threshold applies.

6. TYPES OF PROCUREMENT NEEDS

A. Goods, Materials, Supplies, Equipment. Purchases of goods, equipment, supplies, or materials that are not connected with a Public Work project.

B. Public Works Projects. All work, construction, alteration, repairs, or improvements to physical property, other than ordinary maintenance, that are paid for by the Town.

C. Architecture and Engineering Services. Professional services provided by a consultant that fall under architecture, engineering, land surveying, or landscape architecture.

D. Professional Consulting Services. Technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement, not including professional architecture and engineering services.

E. Purchased Services. Services provided by vendors for the routine, necessary, and continuing functions of a local agency, mostly related to physical work.

7. PURCHASES OF EQUIPMENT, MATERIALS, SUPPLIES

A. Summary chart for equipment, materials, and supplies

Purchases of equipment, materials, and supplies unrelated to a public works project.	Contract Value	Competitive Process Requirement
	<\$7,500	None
	\$7,500 - \$40,000	Solicit three quotes from approved vendor list (See Section D)
	>\$40,00.00	Advertisement and Call for Sealed Bids Required (See Section E)

B. Applicability. The provisions of this article govern the purchase of equipment, material and supplies (“goods”) that are not connected with a public works project. The purchase of goods connected with a public works project is governed by Article V.

C. Competitive Procurement Requirements. The following price limitations shall apply with respect to purchases:

1. **Under \$7,500**. No competitive process is required for purchases of goods valued less than \$7,500.⁵

2. **Between \$7,500.01 and \$40,000⁶**. The Town adopts the use of the MRSC Rosters Vendor Roster for the procurement and award of goods under \$40,000. The vendor roster procedures in Subsection 7(C) below are established for use by the Town pursuant to RCW 39.04.190 and RCW 35.23.352.

3. **Over \$40,00**. A competitive process is required for purchases of goods over \$40,000. The competitive procedure in Subsection 7(D) below is established for use by the Town.

⁵ RCW 35.23.352(6).

⁶ RCW 39.04.190; RCW 35.23.352(9).

D. Use of Vendor Roster.

1. Purchase of materials, supplies, or equipment not connected to a public works project. The Town is not required to use formal sealed bidding procedures to purchase materials, supplies, or equipment not connected to a public works project where the cost will not exceed the statutory threshold of the Town as provided in RCW 35.23.352. The Town will attempt to obtain the lowest practical price for such goods and services.

2. Publication of Vender Roster. At least twice per year, MRSC shall, on behalf of the Town, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the vendor list roster and solicit the names of vendors for the vendor list roster. MRSC shall add vendors licensed to do business in the State of Washington to the Vendor Roster at any time when a vendor completes the online application and meets and minimum requirements.

3. Electronic Quotations. The Town shall use the following process to obtain written quotations from vendors for the purchase of materials, supplies, or equipment not connected to a public works project:

- a. A written Invitation (to Bid or Quote) with description shall be drafted for the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, together with any evaluation criteria and any relevant information of the purchase. The contract intended to be signed by the successful vendor is also to be included in with the invitation.
- b. The Town Engineer, or their designee, shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain written quotations from the vendors for the required materials, supplies, or equipment;
- c. The Town Engineer, or their designee, shall not share written quotations received from one vendor with other vendors soliciting for the bid to provide the materials, supplies, or equipment; and
- d. A written record shall be made by the Town Engineer, or their designee, of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor.

4. Determining the Lowest Responsible Bidder. The Town shall purchase the materials, supplies, or equipment from the lowest responsible bidder, provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected, and the Town may call for new bids.

5. Award. All of the bids or quotations shall be collected by the Town Engineer or their designee. The Town Engineer, or their designee, shall create a written record of all bids or quotations received, which shall be made available by request after the award of the contract.

- a. The Town Engineer, or their designee, shall then present all bids or quotations and their recommendation for award of the contract to the Town Council. The Town Council shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract; or
- b. If the Town Council delegates the authority to award bids to the Mayor for materials, supplies, or equipment costing less than or equal to the statutory threshold of the Town of Yarrow Point as provided in RCW 35.23.352 the Mayor shall have the authority to award public works contracts without the Town Council's approval, provided that the Town Council shall ratify the Mayor's approval at the next scheduled Town Council meeting by means of the consent agenda. For materials, supplies or equipment costing more than the statutory threshold of the Town as provided in RCW 35.23.352, the Town Council shall award all vendor contracts.

6. Posting of Awards. In accordance with RCW 39.04.200, all vendor contract awards will be posted to the Town's website at least every other month. The posting will include the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date it was awarded.

E. Competitive Procedure for Procurement of Goods over \$40,000. Purchases of goods exceeding \$40,000 require the use of the formal competitive (sealed) bidding process, with price being the primary factor in the contract award decision. Purchases of custom or specialty goods, and/or products that are subject to proprietary design or similar rights, are sometimes conducted using the Request for Proposal ("RFP") process, with performance criteria as well as price being factors in the contract award decision. Contact the Town Attorney to discuss whether the formal bid or RFP process best fits the situation. The competitive bid process is outlined below:

1. The Town representative prepares the project information, including technical specifications, bid and contract timeframes, pre-bid conference dates/times (if applicable), BARS #.
2. An invitation for bids shall be issued which shall include the specifications and the contractual terms and conditions applicable to the procurement.
3. Public notice of the invitation for bids shall be published at least once in a newspaper of general circulation. In addition, the notice shall be published on the Washington State Office of Minority and Women's Business Enterprises website located here. The public notice shall state the date and time of bid opening. Bids not received by the date and time stated for bid opening will not be accepted or considered.

4. Contract will be awarded to lowest responsible bidder, whose bid meets the specifications and evaluation criteria set forth in the invitation for bids. The Town may reject all bids at its discretion.

5. The following factors, in addition to price, may be taken into account by the Town in determining the lowest responsible vendor. If any or all of these criteria will be applied during the evaluation process, then they must be included in the invitation to bid:

- i. The ability, capacity, and skill of the vendor to perform the contract.
- ii. The character, integrity, reputation, judgment, experience, and efficiency of the vendor.
- iii. Whether the vendor can perform the contract within the time specified.
- iv. The quality of performance of previous contracts or services.
- v. The previous and existing compliance by the vendor with laws relating to the contract.
- vi. Such other information as may be secured having a bearing on the decision to award the contract.

F. Exception for Electronic Data Processing Equipment and Telecommunications Systems. No competitive procurement requirement shall apply with respect to purchases of electronic data processing or telecommunication equipment, software or services, provided that the “competitive negotiation” procedures established in RCW 39.04.270 are followed. The competitive negotiation procedures involve preparing a request for proposal, evaluating the proposals received, and awarding the contract to the qualified bidder whose proposal is most advantageous to the Town with price and other relevant factors considered. Please consult RCW 39.04.270 for more detail.

G. Further Exemptions Contained in Section VI. No competitive procurement requirement shall apply with respect to those purchases of goods that are subject to one of the exemptions listed in Section VI.

8. PURCHASE OF PUBLIC WORKS

A. Summary chart for public works projects

Project Type	Contract Value	Competitive Process Requirement
In-House Public Works Projects Single-Trade or Craft	<\$75,500	May construct with Town forces without calling for bids or quotes.
Multiple Trade or Craft	<\$150,000	
Contract Small Public Works – Direct Contracting	<\$150,000	Direct Contracting using the business utilization plan and business rotation program (D(2)(b).

Contracted Small Public Works - Roster	\$75,500-\$350,000	Quotes solicited from at least 5 contractors on small works roster under Section D(2)(a) Retainage and performance/payment bond required.
Competitively Bid Public Works Projects	>\$350,000	Advertise and call for sealed bids under Section D(3). Retainage and performance/payment bond required.

A. Applicability. The provisions of this section govern public works projects, including the purchase of equipment, supplies and material that are connected with a public works project.

B. Cost. For purposes of estimating the total cost of a public works project, all equipment, supplies, material and labor necessary to complete the project shall be included, together with applicable sales taxes.

C. Exemptions Contained in Section VI. No competitive procurement requirement shall apply with respect to those public works projects that are subject to one of the exemptions listed in Section VI.

D. Competitive Bidding Requirements. The following price limitations shall apply with respect to public works:

1. Public Works Projects Constructed by Town Workers. Public works projects under \$75,500 (single craft or trade) and \$150,000 (multiple craft or trade) may be constructed by Town forces without calling for bids or quotes, except that any public works project involving street signalization or street lighting is subject to competitive bidding requirements if the estimated cost of the project exceeds \$75,500.⁷ Every public works project exceeding \$5,000 that is not let by contract shall be reported on the form required by the State Auditor⁸ (See Attachment A-5 for form). For any project using Town workers that costs in excess of \$25,000, the Town must publish a description of the project and its estimated cost in its official newspaper at least 15 days before beginning the work.⁹

2. Public Works Project between \$75,500- \$350,000 – MRSC Roster.

⁷ RCW 35.23.352(1).

⁸ RCW 35.23.352(5); RCW 39.04.070; RCW 43.09.205.

⁹ RCW 39.04.020.

a. Small Works Roster.

- i. Small Works, as defined by RCW 39.04.152 are public works projects estimated to cost \$350,000 or less, excluding sales tax, for the construction, renovation, remodeling, repair, or improvement of real property.
- ii. A Small Works Roster is a pre-established list of properly licensed contractors, registered to do business with the Town under selected project types and (work) categories.
- iii. The Small Works Roster process is an alternative to publicly advertising public work projects.
- iv. Every small works contract is subject to the same public works bidding, award, and compliance requirements of chapter 39.04 RCW unless specifically included in RCW 39.04.151-154, this resolution, or the incorporated policies or procedures.
- v. Small Work Roster contract procurements will be bid electronically through the Town's procurement processes using [portal, electronic bidding, etc.], except as may be used in small works roster direct contracting process. (RCW 39.04.152(4)).
- vi. Only those contractors registered with MRSC Rosters will be invited to bid on small works roster projects.
- vii. Invitations for bid or direct contracting negotiations 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.
- viii. Small Works contracts will be awarded to a responsible contractor (RCW 39.04.350) submitting the lowest responsive bid, unless using direct contracting where a contract will be awarded to a responsible contractor submitting a competitive bid or negotiated bid.
- ix. Small Works bidding and award information will be entered into the statewide small works roster platform immediately upon conclusion of each small works roster award.
- x. Small Works bidding and award data will be part of the Town's procurement files and records and all documents will be available for review with the Town Engineer and/or Town Deputy Clerk.
- xi. At least once a year, MRSC shall, on behalf of the Town publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the small works roster and invite contractors to register on the statewide small works roster. Additionally, as required by RCW 39.04.151(1)(c), MRSC will notify the Office of Minority and Women's Business Enterprise (OMWBE) directory of certified firms and invite small businesses to apply to the roster.

- xii. MRSC shall add responsible contractors to the small works roster at any time that a contractor completes the online application provided by MRSC and meets minimum State requirements for roster listing.

- b. Direct Contracting for Small Works Projects.
 - i. The Town intends to use the direct contracting option (RCW 39.04.152(4)) whenever practicable for Small Works projects estimated to cost \$150,000 or less, excluding sales tax. The Town has developed additional policies and procedures to ensure the Town uses Direct Contracting with the spirit and intent of the statute; and are incorporated herein as follows:
 - 1. Direct Contracting Procedures (including rotation and negotiation options)
 - 2. Business Utilization Plan

- c. Delegated Authority.
 - i. The Town delegates authority to oversee and manage the use and outcomes of the small works roster to the Town Engineer. As the delegated authority, the Small Works Roster Program Manager will be responsible for ensuring all necessary policies, procedures, templates, contracts or similar are developed and used in accordance with the applicable statutes and guidance provided by MRSC.
 - ii. Further, the Town Engineer will be responsible for establishing and implementing the Town's Business Utilization Plan and reporting annually on the utilization and improvements needed to the policy or contracting processes to meet or exceed the established goals for small business utilization through the Direct Contracting opportunities.
 - iii. The Town Engineer will also be responsible for data collection, reporting, and similar on all activities, uses, and awards for small works and will ensure all information is provided to MRSC, the state, or the public as required or requested.

3. Public Works Projects over \$350,000 - Sealed Competitive Bidding Process. Public works projects estimated to exceed \$350,001 that are not exempt from competitive bidding shall comply with the following process unless otherwise indicated by state law:

- a. The Town will publish a notice calling for sealed bids in the Town's official newspaper at least 14 days prior to the bid submission deadline. The notice shall generally state the nature of the work requested, acknowledge that relevant plans and specifications therefor are available for inspection at Town Hall, and require that bids be sealed and filed with the Town by the applicable deadline.

- b. Each bid must be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the Town for a sum of at least five percent of the bid amount. No bid shall be considered unless accompanied by such a deposit.
- c. The Town shall award the bid to the lowest responsible bidder or shall publicly reject any or all bids and make further calls for bids in the same manner as the original call. Provided, that if no bid is received on the first call the Town may (a) re-advertise and make a second call, (b) enter into a contract without any further call, or (c) purchase the necessary supplies, material and/or equipment itself and complete the project using day labor.
- d. When the contract is let, all bid proposal deposits shall be returned to the bidders except that of the successful bidder, which shall be retained until the contract is fully executed and the bidder has furnished a performance bond pursuant to Chapter 39.08 RCW. If the bidder fails to enter into the contract in accordance with his/her bid and furnish a bond within 10 days of notification of successful bidder status, the amount of the deposit shall be forfeited to the Town.¹⁰

9. EXCEPTIONS

A. Applicability. The following exemptions to the competitive bidding and procurement requirements may be utilized by the Town when awarding contracts for public works and contracts for purchases. If the Town elects to waive competitive bidding requirements pursuant to this Section, immediately after the award of any contract, the contract and the factual basis for the exception must be recorded and open to public inspection.

1. **Sole Source.** (Purchases.) If, after conducting a good faith review of available resources, the Town Mayor determines that there is clearly and legitimately only one source or supply of the required materials, supplies, equipment, a purchase may be awarded without complying with established bid requirements. The vendor must certify that the product is available only through that vendor and that the Town is getting the lowest price offered as compared to similarly situated clients. Any use of this exception shall be approved by the Town Mayor after consultation with the Town Attorney, and shall be documented by Town Council resolution.¹¹

2. **Special Facilities or Market Conditions.** (Purchases.) RCW 39.04.280(1)(b) provides a "special market conditions" waiver from the bidding requirements for purchases of materials, supplies, or equipment. To use this exemption, the Town Council must pass a resolution stating, "the factual basis for the exception".

¹⁰ RCW 35.23.352(1).

¹¹ RCW 39.04.280(1)(a).

No competitive procurement requirement shall apply with respect to purchases of goods that are constrained by special facilities or market conditions. Any use of this exception shall be approved by the Town Mayor after consultation with the Town Attorney, and shall be documented by Town Council resolution.¹²

3. Auctions. (Purchases). No competitive procurement requirement shall apply with respect to purchases of any supplies, equipment, or materials at auctions conducted by the government of the United States or any agency thereof, any agency of the state of Washington, any municipality or other government agency, or any private party if the items can be obtained at a competitive price. The upper bidding limit must be within the approved Town Council budget for that item, and must be within the Town representative's signing authority pursuant to Section XX or prior Council authority approval via a resolution.

4. Emergencies. (Purchases and Public Works.) No competitive procurement or bidding requirement shall apply with respect to purchases of goods or public works that are necessitated by an emergency. Any use of this exception shall be predicated upon a formal declaration of emergency by the Mayor, Town Mayor, or Town Council and shall be documented by Town Council resolution.¹³ The resolution form shall be duly entered into the public record within two weeks following the award of the contract. Public Works and improvements emergencies (e.g., broken water main, washed-out road, sewer main break, etc.) require contract, performance bond, prevailing wages, and insurance. Local, state, and federal laws do not exempt these requirements during an emergency.

5. Insurance or Bonds. No competitive procurement requirement shall apply with respect to purchases of insurance policies or bonds.¹⁴

6. Interlocal Agreements. No competitive procurement requirement shall apply with respect to purchases made or to public works contracts let through an interlocal agreement duly executed pursuant to Chapter 39.34 RCW.¹⁵

7. Lease with an Option to Purchase. No competitive procurement requirement shall apply with respect to any lease with an option to purchase where the estimated cost does not exceed \$7,500.¹⁶ Provided, that the foregoing shall be subject to the debt limitations set forth in RCW 35.42.210.

8. Purchases from other Governments. No competitive procurement requirement shall apply for purchases from other governments, and on other governments' contracts, including the United States government.

¹² RCW 39.04.280(1)(b).

¹³ RCW 39.04.280(1)(c) -.280(2).

¹⁴ RCW 39.04.280(1)(d).

¹⁵ RCW 39.34.030; RCW 39.34.080.

¹⁶ RCW 35.42.210 -.220.

10. CONTRACTING FOR CONSULTANT SERVICES

A. Consultant Services. Consultant services can be “personal services” such as technical expertise, studies, project management, planning, or similar, or “architecture and engineering services” or “professional services” services as defined by chapter 39.80 RCW. For all services, the Town reserves the right to procure using methods other than formal sealed bidding (low bid) as afforded under RCW 39.04.190.

1. **Personal Services**. Personal consultants, firms and individuals that provide subject matter expertise, or services more intellectual in nature such as studies, accounting, legal, project management, or similar shall be procured using a Request for Proposal (RFP). Selection should be based on the best value provided to the Town and include scoring on experience and expertise in the field or industry needed, a proposed approach to completing services, capabilities of the businesses staff, time, and cost to complete the work.

2. **Professional Services**. Professional architecture and engineering services shall be procured under the requirements of chapter 39.80 RCW, using the MRSC Consultant Roster. Procuring professionals will be through a Request for Qualification (RFQ) and/or Request for Proposals (RFP) with Qualifications. Price and/or the cost of the professional services will be 10% or less of the overall score. Selection criteria should clearly define the scope of services and the details on how the Town will determine the most qualified professional (or firm), which will be different depending on the Town need. Further, selection criteria shall include a plan, as appropriate, to include minority and women-owned firms, small business, and veteran-owned firms to the maximum extent practicable.

B. Summary Chart for Consultant Services.

Project Type	Contract Value	Competitive Process Requirement
Consultant Services	>\$49,999.00	Written solicitations not required.
Consultant Services	>\$50,000.	Written solicitations from at least three (3) vendors required. A bid security may be required in an amount. Award of a contract will be based on qualifications and price.

C. Publication of Consultant Roster. At least twice per year, MRSC shall, on behalf of the Town, publish in a newspaper of general circulation within the Town’s jurisdiction a notice of the existence of the consultant list roster and solicit the names of consultants for the consultant list roster. MRSC shall add vendors licensed to do

business in the State of Washington to the Consultant Roster at any time when a consultant completes the online application and meets and minimum requirements.¹⁷

D. Electronic Submissions. As required by RCW 39.04.190(2), the Town established the following procedure for securing written proposals or submittals for consultant services.

1. Unless otherwise adopted, through establishment of an e-procurement tool, the Town will use email communications to request and receive submissions.

2. An RFQ or RFP shall be developed that will include at a minimum a description of the services needed, the time of performance, the scoring criteria with descriptions and relative weighting, the schedule with due dates, and any other relevant information. Attached to each RFQ or RFP shall be the intended contract to be signed.

3. A selection committee will be formed with at least 3 staff members or members of the Town Council, to review and score the submissions. The selection committee will sign statements attesting they have no conflicts of interest in the matter and all proceedings will be confidential until Award.

4. A list of business will be pulled from the MRSC Rosters consultant roster under the category of need, and an email request will be sent only to the businesses on the roster list of businesses.

5. Once submittals are received, the selection committee will review, score, and recommend award to the consultant scored the highest.

6. The original request, responses, scoring, and award documentation will be kept in the Town's records and will be available upon request.

E. Award of Consultant Contracts. There may be two methods for awarding consultant services contracts.

1. The Town Council reviews and scores all proposal(s) or statements of qualifications received, negotiates or similar and then awards the contract; or

2. If the Town Council delegates the authority to award contracts to Mayor for consulting services costing less than or equal to \$15,000.00 the Mayor shall have the authority to award contracts for consulting services without Town Council approval, provided that the Town Council shall ratify the Mayor's signature and delegation of authority through the Town's standard process for such matters. For consulting services anticipated with an anticipated value more than \$15,001.00 the Town Council shall review, score, and award all contracts for consulting services.

¹⁷ RCW 39.04.190(2).

F. Posting of Awards. In accordance with RCW 39.04.200, all consultant/services contract awards will be posted to the Town’s website at least every other month.

G. Duration. Except for ongoing services that are not task or project-specific, contracts for services should generally not exceed five years. Ongoing contracts for services may be renewed in one-year increments, provided that there is a review of the contract form and requirements, the fee schedule remains competitive and the quality of services remains competitive.

11. CONTRACTING FOR PURCHASED SERVICES.

A. Purchased Services. Purchased Services are those provided by vendors for routine, necessary, and continuing functions of the Town, mostly relating to physical activities. These services are usually repetitive, routine, or mechanical in nature, support the City’s day-to-day operations, involve the completion of specific tasks or projects, and involve minimal decision-making. Examples include delivery/courier service, landscaping and building maintenance (janitorial), herbicide application service, recycling/disposal/litter pickup service, vehicle inspection, HVAC system maintenance, and officer furnishings installation, refurbishment, and repairs.

B. Summary Chart for Purchased Services.

Threshold Amount	Requirements
\$0.00-\$10,000.00	Purchases in this price range may be entered through direct negotiation. Written solicitations for competitive proposals NOT required.
\$10,000.01 - \$49,999.99	1 to 3 quotes required. Quotes may be obtained by telephone or in writing. Documentation (e.g., date, time, vendor contract name, phone #, email of applicant) on all quotes must be retained.
\$50,000.00	Quotes should be solicited from at least 3 vendors. Quotes submitted by each vendor do not need to be sealed but shall be in writing only (electronic submittals are okay). A bid security may be required. Award of a contract will be based on qualifications and price. Additionally, additional consideration will be given towards awarding a contract for Minority and Women’s Business Enterprises (“MWBE”) and/or who demonstrate DEIB values. Documentation (e.g., date, time, vendor contract name, phone #, email of applicant) on all quotes must be retained.

C. Duration. Except for ongoing services that are not task-specific, contracts for services should generally not exceed three years. Ongoing contracts for services may be renewed in one-year increments, provided that there is a review of the contract form and requirements, the fee schedule remains competitive and the quality of services remains competitive

Appendix A-1

Determining the Lowest Responsible Bidder

In determining the lowest *responsible* bidder, the Town will rely on information obtained through some or all on the following vetting tools:

- Mandatory Bidder Requirements (RCW 39.04.350)
- Project-Specific Supplemental Criteria (RCW 39.04.350(2))
- Statement of Qualifications
- Bidder References
- Site Visit Discussion and Observation

A. Factors. In determining the lowest responsible bidder, the Town may take into account the following factors, in addition to price, as well as any other considerations permissible by law:

1. any preferences provided by law to Washington products and vendors;
2. the quality of the materials, supplies, and equipment to the Town's specifications;
3. the conformity of the materials, supplies, and equipment to the Town's specifications;
4. the purposes for which the materials, supplies, or equipment are required;
5. the times for delivery of the materials, supplies, or equipment;
6. the character, integrity, reputation, judgment, experience, and efficiency of the bidder; and
7. such other information as may have a bearing on the decision to purchase the materials, supplies, or equipment.

B. Life Cycle Costing. In considering bids for purchase or lease, whenever there is reason to believe that applying the "life cycle costing" method to bid evaluation would result in the lowest total cost to the Town, first consideration shall be given to the bid with the lowest life cycle cost which complies with the specifications. "Life cycle cost" mean the total cost of an item to the Town over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end

of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner.

- a. The ability, capacity, and skill of the bidder to perform the contract;
- b. Whether the bidder can perform the contract within the time specified by the Town;
- c. The quality of the bidder's performance of previous contracts or services; and
- d. The previous and existing compliance by the bidder with laws relating to the contract or services.
- e. In considering bids for the construction of public works projects, whenever there is reason to believe that applying the "life cycle costing" method to bid evaluation would result in the lowest total cost to the Town, first consideration shall be given to the bid with the lowest life cycle cost which complies with the specifications.

Town Mayor

Town Attorney

Appendix A-3

VENDOR LIST QUOTATION FORM

ITEM TO BE PURCHASED:	
QUANTITY:	
PREFERRED BRAND:	
SUBSTITUTION:	
SPECIAL REQUIREMENTS:	
OPTIONAL:	
WHEN NEEDED:	
REQUESTED BY:	DATE:

VENDOR NAME:	PHONE #	
CONTACT PERSON:	DATE:	
ADDRESS:		
TOWN:	STATE:	ZIP:
PRICE:	# PRICE BREAK:	PRICE BREAK:
IN STOCK:	HOW LONG:	DELIVERY TIME:
COMMENTS:	VIA:	

VENDOR NAME:	PHONE #	
CONTACT PERSON:	DATE:	
ADDRESS:		
TOWN:	STATE:	ZIP:
PRICE:	# PRICE BREAK:	PRICE BREAK:
IN STOCK:	HOW LONG:	DELIVERY TIME:
COMMENTS:	VIA:	

VENDOR NAME:	PHONE #	
CONTACT PERSON:	DATE:	
ADDRESS:		
TOWN:	STATE:	ZIP:
PRICE:	# PRICE BREAK:	PRICE BREAK:
IN STOCK:	HOW LONG:	DELIVERY TIME:
COMMENTS:	VIA:	

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Appendix A-4

Public Works Projects - Matrix

	CONTRACT CHECKLIST		DATE
1	Project included in current budget		
2	Approval of project by Council ____ Town Mayor ____		
3	Bid proposal and specification package completed		
4	Bid package presented to Council or Sub-Committee		
5	Publication of call for bids		
6	Affidavit of publications		
7	Opening of bids		
8	Award of bid by Council on _____		
9	Notice of award to successful bidder		
10	Contract signed by Town and Contractor (Approved as to form by Town Attorney)		
11	Performance bond provided by Contractor		
12	Proof of insurance provided by Contractor		
13	Town sends letter of notice to proceed		
14	Notify other bidders of award and return bid bonds		
15	Preconstruction Conference (notes attendees, items discussed, schedules agreed upon)		
16	Town files Notification of Award of Contract with Labor and Industries (FORM F214-003-000)		
17	Contractor files intent to pay prevailing wages with Labor and Industries		
18	Change orders if and when necessary (*only* in writing)		
19	Acceptance of project by Council ____ Town Mayor __ Dpt. ____		
20	Start of 30-day retainage period		
21	File Notice of Completion with Department of Revenue (Form REV31-0020)		
22	Contractor requests release of liability from Labor and Industries		
23	Receive affidavit of wages paid from Labor and Industries		
24	Town receives letter of release of liability from Labor and Industries		
25	Certificate of payment of State Excise Taxes from Dept. of Revenue		
26	Release of retainage		

Appendix A-5

Force Account Form (RCW 39.04.070)

RCW 35.23.352(5), RCW 39.04.070 and RCW 43.09.205 collectively require the Town to document all public works projects exceeding \$5,000 that are performed by the Town's own employees. The records must be available to the public and state auditors upon request.

Project Description/Identification Number	Total Budget for the Project	Current Year Portion - Actual Amount	Current Year Portion Performed by Own Employees - Actual Amount

Appendix A-6

Yarrow Point Mandatory Bidder Responsibility Checklist (RCW 39.04.350)

General Information	
Project Name:	Project Number:
Bidder's Business Name:	Bid Submittal Deadline:
Contractor Registration – https://fortress.wa.gov/lni/bbip/	
License Number:	Status: Active: Yes D No D
Effective Date (must be effective on or before Bid Submittal Deadline):	Expiration Date:
MRSC Small Works Roster Membership	
Is Bidder a member of the MRSC Small Works Roster ? Yes D No D	
Current UBI Number – http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/	
UBI Number:	Account Closed: Open D Closed D
Industrial Insurance Coverage – https://fortress.wa.gov/lni/crpsi/MainMenu.aspx	
Account Number:	Account Current: Yes D No D
Employment Security Department Number –	
Employment Security Department Number:	
<ul style="list-style-type: none"> • Has Bidder provided account number on the Bid Form? Yes D No D • And/or have you asked the Bidder for documentation from Employment Security Department on account number? Yes D No D 	
State Excise Tax Registration Number – http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/	
Tax Registration Number:	Account Closed: Open D Closed D
Not Disqualified from Bidding – http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/default.asp	
Is the Bidder listed on the "Contractors Not Allowed to Bid" list of the Department of Labor and Industries? Yes D No D	
Checked by:	
Name of Employee:	Date:

**Town of Yarrow Point
Small Works Roster
Direct Contracting Policy**

Effective Date	
Plan Administrator	Town Engineer

1.0 Purpose

1.1 This document provides the procedures to be followed under direct contracting using the small works roster allowed under RCW 39.04.152 for contracts estimated to cost \$150,000 or less.

2.0 Policy

2.1 It is the Town’s policy **not to favor contractors** by repeatedly awarding contracts to the same contractor without documented attempts to rotate.

2.2 It is the Town’s policy **to equitably distribute contracting opportunities** to small businesses that are registered on the small works roster, and as feasible, not award to the same contractor twice in a row.

2.3 When project(s) are estimated to cost \$150,000 or less, excluding sales tax, contract and procurement staff will endeavor to exercise the option to direct contract with small, women, minority, and veteran-owned firms registered *on the small works roster* as allowed under RCW 39.04.152(4)(b).

3.0 Procedures

3.1 Planning to Direct Contract

3.1.1 Project Estimate

When a project intended to be procured using the small works roster process and is estimated to cost **\$150,000** or less, the Town will attempt to direct contract.

The project’s estimated cost is assumed to **include** change orders but **exclude** sales tax. To account for inclusions and exclusions, the maximum project cost estimate to use the direct contracting process is **\$135,000**.

3.1.2 Business Utilization Plan

When planning to direct contract Town staff must review the current Business Utilization Plan to understand if the project type and/or (work) category has been identified as a small business opportunity.

3.1.3 Prepare Direct Contracting Bidding Documents

Using the Town’s **small works direct contracting templates**, prepare the following project-specific documents:

A. Invitation to Direct Contract/Negotiate

- B. Direct Contracting/Negotiation Bid Form
- C. Contract (general conditions, etc.)
- D. Other project-specific documents as may be necessary.

3.2 **Generating a “project specific roster”**

- 3.2.1 After the “direct contracting bidding documents” are prepared, log into MRSC Rosters using your specific credentials and select “generate a small works roster.”
- 3.2.2 Enter the Town project name and contract number then select “under \$150,000.”
- 3.2.3 Select the primary project type and (work) category. The project type and work category should reflect the majority project need, it is best not select smaller work scopes or anticipated subcontracting scopes.
- 3.2.4 Generate the roster, assess distribution of certified/small contractors verses non-certified contractors.
- 3.2.5 Apply *rotation*.

3.3 **Rotating**

When using the direct contracting small works process the Town will rotate or attempt to rotate in all cases. If the Town’s rotation policy does not apply to your specific project, you will document the process and rotation applied to assure that a different contractor than the last contracted is provided the opportunity to direct contract.

3.3.1 **Six or more Small Businesses**

If the project specific roster contains **6 or more** Small Businesses, *rotation* must be applied to those Small Businesses.

A. Rotation Process: Rotation is applied by reviewing the date of the last contract with business on the project specific roster in the order they appear. If the last contracted date is within a 12-month period, the next business on the project specific roster is reviewed. This review approach is to continue until a business that has not been contracted with in the last 12-month period is identified.

B. Once the next available/rotated contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** procedure.

3.3.2 **Five or fewer Small Businesses**

If the project specific roster contains **5 or fewer** Small Businesses, rotation must be applied to **all businesses** within the project specific roster.

A. Rotation Process is applied. Once the rotated contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** policy/procedure.

3.3.3 No Small Businesses

If there are no Small Businesses listed on the **project specific roster**, rotation is applied to all businesses.

Rotation Process is applied. Once the rotated contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** policy/procedure.

3.3.4 One Business

If there is only one business on the **project specific roster**, rotation is not practicable. Documentation will include the project specific roster to demonstrate the single contractor.

Once the contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** policy/procedure.

3.3.5 Rotation Documentation

Procurement staff shall document the process and approach used to rotate through responsible contractors on a project specific roster. Documentation could include, but is not limited to, printing the project specific roster, and noting each contractor considered through review of their “last contracted” date and reference to the Small Business Utilization Plan. Staff are encouraged to use the “Rotation Documentation Form.”

3.3.6 Multiple Procurements in the same Project Type and Category

Procurement staff are encouraged to use **the same project specific roster** and rotate starting at the bottom of the list when procurements for the same Project Type and Category are anticipated. This approach provides the maximum practicable opportunities to rotate through the same list of contractors and equitably distribute work among all Small Businesses in registered in a project type and category. (e.g., 3 roof replacements in a 12-month period, goes to 3 different roofers).

3.3.7 Rotated Businesses Declines to Negotiate

If rotated business declines to negotiate, procurement staff will first attempt to negotiate with the next rotated business. If all rotated businesses decline to negotiate, procurement staff can elect to revert the solicitation to the competitive process and invite all businesses on a project specific roster, cancel the solicitation all together, or publicly bid. Procurement staff are encouraged to ask contractors that decline the reason.

3.4 **Determining interest and inviting “rotated” contractor.**

Direct contracting will be conducted using Yarrow Point ***email only***. ***Only one contractor will be invited to direct contract at a time.***

3.4.1 Using the Town email template for “direct contracting interest request,” notify **the contractor** that they are the next rotated business and give them one business day to agree or decline the opportunity. Be sure to include the project type, (work) category, estimate, and general description along with the anticipated timeframe for construction.

A. Should the contractor decline, or not respond within the time given, document the outcome, and move to the next rotated contractor.

3.4.2 Send Invitation and Bidding Documents *only to the next rotated contractor on the project-specific roster*. Include a time frame to receive the bid. Bid due date and time can be project specific and depends on the level of effort involved in preparing a bid, *the default is 10 business days*.

3.4.3 Should the contractor request a site-walk or need to ask questions, the request is to be accommodated similar to the “standard” public works process.

3.5 **Direct contracting without negotiation**

A bid submitted within the stated contract/project estimate should be accepted without negotiation. Only if a bid amount is not acceptable or if the contractor requests negotiations should negotiation be used.

3.6 **Negotiating to determine the award amount.**

“Negotiation” is the term used to indicate a process to be followed when an award amount needs to be established that is different from a bid amount or a potential bid amount. ***Negotiation process and documentation requirements are to be included in the Instructions to Bidders.***

3.6.1 **Intent**

The direct contracting “negotiation” process is intended to the build capacity of small contractors by affording the contractor one-on-one conversation with the Town to prepare a bid without the pressure of competition. It is not intended to be a process to “haggle” or “lower” a bid price. The intent is to build a “pathway to being a prime.”

3.6.2 **Negotiation option 1 – Q&A, Addenda**

One option for documenting negotiations is to set up a specific “question and answer” process. In this option, *the bidder requests “negotiations”* by submitting questions/clarifications in the *form and*

format provided in the bidding documents. Staff will then respond as appropriate and then *issue an addendum* that memorializes the new agreed terms, schedule, price, etc. The bidder proceeds to submit a bid on the template bid form.

3.6.3 Negotiation option 2 – Bid Form

Another option for documenting negotiations is to use the **Small Works Direct Contracting Bid Form** that includes a section for “negotiation.” In this option, *staff requests “negotiations” by “countering”* the bid submitted with questions, clarifications, or similar, to establish an award amount.

3.6.4 Bid Breakdown

It is the policy of the Town to review all bids received through direct contracting at the “bid item” or “schedule of values” level to help the small business carefully and accurately build a bid. As such, all direct contracting processes will include a review of the bid item breakdown and or schedule of values with the award request.

3.6.5 Failure to reach an agreed award amount.

Although rare, there may be an occasion where an award amount cannot be agreed upon. If such occurs, staff will need to send notice to the contractor that the “negotiation process” is terminated and provide 2 business days (protest period) before contacting the next rotated contractor from the project-specific roster. Should a negotiation process be terminated staff will need to document the rationale in place in the project file.

Allowable rationale for terminating direct contract negotiations is:

- A. Scope. The scope of work cannot be agreed.
- B. Schedule. The schedule cannot be agreed.
- C. Budget.¹ After confirmation of scope, schedule, and some cost verification, the budget is determined not sufficient.

3.7 Awarding

Awarding a small works direct contract is the same as awarding a small works competitive contract and will follow standard public works award processes. The successful contractor will be sent a notice of award and requests for bonding and insurance per the contract documents.

3.8 Notification

At the conclusion of negotiations with the directly selected, rotated contractor, procurement staff must send notification to all the *small businesses* on **the project specific roster** of the selection which includes the basis of rotation as documented.

¹ If budget/cost is confirmed to be outside of the project estimate, the solicitation is to be cancelled reassessed. Staff is not allowed to rotate to the next available contractor to try to renegotiate with the next contractor. This will be considered “haggling” and is not compliant with this procedure or our direct contracting policy

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3.9 Posting data

At the conclusion of the Award process, after notification to small businesses on the project specific roster has been issued, direct contracting and award data must be manually entered into the *small works roster data collection portal*. This includes all contractors on the project specific roster and the rotation order.

4.0 Definitions

- 4.1 **Small Works Roster** has the same meaning as RCW 39.04.151-154.
- 4.2 **Direct Contracting** means the ability to select one contractor and negotiate a price for a public works project that is estimated to cost \$150,000 or less in accordance with RCW 39.04.152(4)(b) applicable policies.
- 4.3 **Negotiation** means the process in direct contracting used to establish the award amount with a single contractor.
- 4.4 **Small Business** means the same as RCW 39.04.010(7).
- 4.5 **Small Business Utilization Plan** means the same as described in RCW 39.04.152(4)(b)(iv).
- 4.6 **Project Specific Roster** means the same as “appropriate roster” or “applicable roster” and is the specific list of businesses generated for an individual solicitation.
- 4.7 **Rotation** means identifying a contractor not previously awarded in in the same project type and (work) category.
- 4.8 **Rotation Documentation** means the documented process procurement staff used to ensure compliance with rotation policy and/or procedures.

5.0 Related Documents

- 5.1 Procurement Policy
- 5.2 Business Utilization Plan
- 5.3 Rotation Policy

**Town of Yarrow Point
 Small Works Roster
 Direct Contracting
 Business Utilization Plan**

Effective Date	
Plan Administrator	Town Engineer

1.0 Purpose

Yarrow Point is reserving the option to use Direct Contracting as practicable in the Small Works Roster process. As required under RCW 39.04.152(4)(b)(iv), Yarrow Point has prepared the following small, minority, women, and veteran-owned business utilization plan.

2.0 Intent and Policy

It is the Town’s policy to not favor contractors by repeatedly awarding contracts without documented attempts to negotiate with others.

This plan is intended to help increase the likelihood of small works roster awards going to a broad range of small businesses.

This plan is to be referred to with each procurement for small works with a \$150,000 estimate or less and will be referred to by [Yarrow Point] staff as they solicit and negotiate using Direct Contracting.

3.0 Transparency

This plan will be assessed and posted annually in the second quarter of the year by the *plan administrator*. The achieved utilization will be publicly reported on the Town’s website.

4.0 Goal

The Town’s goal is to award small and diverse businesses **half [50%]** of all the small works projects awarded the *Utilization Plan’s Effective Period* in the following way.

Projects Anticipated	Target Small Business Awards

Project Type	Categories	Small Business Id
Building/Facilities	Renovations	
Building/Facilities	Parking Lot Rehab	
Building/Facilities	Security Upgrades	
Parks, Grounds, Landscaping	Irrigation Replacements	
Parks, Grounds, Landscaping	Lighting Upgrades LED	
Roads	Sidewalk repairs	
Roads	Crosswalk Enhancements	
Roads	Pedestrian Improvements	

Civil	Water pipe replacements	
-------	-------------------------	--

Civil	Side sewer repairs	X
Civil	Slope stabilizations	X

Utilization Achieved

The Town achieved **[50%]** utilization of small business as follows:

Project Name	Project Type	Category	Small Business
Permit Counter Reno	Building/Facilities	Renovation	X
South Hall Parking Lot Restriping	Building/Facilities	Parking Lots	X
Main Street Channelization	Roads	Street Channelization	
Sidewalk Repairs 1 st to 3rd	Roads	Sidewalks	X
Star Park Playground Replacement	Parks	Playgrounds	
19 th Ave Side Sewer Repairs	Civil	Side Sewer	

For details on each award, please see our small works award data publicly available on the Town's website.

Plan Evaluation and Improvements ["+" = positive/useful, "-" = needs improvement]

- Projects Identification/Planning:
 - o Rating: +
 - o Discussion: even though achieved projects were not the same as initially planned the project types and categories were used.

- Businesses Identification:
 - o Rating: -
 - o Discussion: not all bidder pools were reviewed ahead of each solicitation.

- Business Engagement:
 - o Rating: +
 - o Discussion: *notice of upcoming solicitations* were sent ahead of invitations which resulted in small business representation with each solicitation.

- Process Review:
 - o Rating: -
 - o Discussion: struggling with *negotiations*, process is taking too long.

Overall Evaluation: *Not suggesting any significant changes other than identifying new projects and small business opportunities for the next year. Recommend continued training or similar on negotiation process.*

Related Policies

1. Procurement Policy
2. Direct Contracting Policy
3. Negotiation Procedure

**Town of Yarrow Point
Small Works Roster
Direct Contracting
Rotation Policy**

Effective Date	
Plan Administrator	Town Engineer

1.0 Purpose

This document provides policy and implementation guidance regarding small works roster direct contracting rotation.

As required under RCW 39.04.152(4)(b) when an authorized local government or state elects to direct contract, rotation of contractors is required.

This policy applies exclusively to small works roster direct contracting procurements.

2.0 Policy

- A. It is the Town’s policy to **equitably distribute contracting opportunities** to small and diverse businesses on the small works roster.
- B. When project(s) are estimated to cost \$150,000 or less, a rotation contractors must be used in accordance with this policy on every **direct contracting** procurement, when the Town has more than one procurement in a single project type and category within a **12-month**.
- C. Documentation evidencing compliance with this policy, shall be included with each small works direct contracting procurement record.
- D. Each procurement opportunity under which direct contracting is used shall also be consistent with the Town’s “Small Business” **Utilization Plan**.
- E. It is [Yarrow Point’s] policy not to favor certain contractors on a project specific roster by repeatedly awarding contracts without Rotation Documentation. (RCW 39.04.152(4)(b)(iv).

3.0 Implementation

A. Project Specific Roster/List of Businesses

A list of contractors to which “rotation” must be applied is generated by starting a solicitation, selecting a project type and category [of work] then the [statewide] roster produces a **project specific roster**.

B. Six or more Small Businesses

If the **project specific roster** contains 6 or more Small Businesses, *rotation* must be applied to those Small Businesses.

Rotation Process: *Rotation is applied by reviewing the date of the last contract with business on the project specific roster in the order they appear. If the last contracted date is within a 12-month period, the next business on the project specific roster is reviewed. This review approach is to continue until a business that has not been contracted with in the last 12-month period is identified.*

Once the rotated contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** policy/procedure.

C. Five or fewer Small Businesses

If the **project specific roster** contains 5 or fewer Small Businesses, rotation must be applied to all businesses within the project specific roster.

Rotation Process is applied. Once the rotated contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** policy/procedure.

D. No Small Businesses

If there are no Small Businesses listed on the **project specific roster**, rotation must be applied to all businesses.

Rotation Process is applied. Once the rotated contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** policy/procedure.

E. One Business

If there is only one business on the **project specific roster**, rotation is not practicable. Documentation will include the project specific roster to demonstrate the single contractor.

Once the contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** policy/procedure.

F. Rotation Documentation

Procurement staff shall document the process and approach used to rotate through responsible contractors on a project specific roster. Documentation could include, but is not limited to, printing the project specific roster, and noting each contractor considered through review of their “last contracted” date and reference to the Small Business Utilization Plan. Staff are encouraged to use the “Rotation Documentation Form.”

G. Multiple Procurements in the same Project Type and Category

Procurement staff are encouraged to use **the same project specific roster** and rotate starting at the bottom of the list when procurements for the same Project Type and Category are anticipated. This approach provides the

maximum practicable opportunities to rotate through the same list of contractors and equitably distribute work among all Small Businesses in registered in a project type and category. (e.g., 3 roof replacements in a 12-month period, goes to 3 different roofers).

H. Notification

At the conclusion of negotiations with the directly selected, rotated contractor, procurement staff must send notification to all the *small businesses* on **the project specific roster** of the selection which includes the basis of rotation as documented.

I. Rotated Businesses Decline to Negotiate

If rotated business declines to negotiate, procurement staff will first attempt to negotiate with the next rotated business. If all rotated businesses decline to negotiate, procurement staff can elect to revert the solicitation to the competitive process and invite all businesses on a project specific roster, cancel the solicitation all together, or publicly bid. Procurement staff are encouraged to ask contractors that decline the reason.

4.0 Definitions

- A. **Small Works Roster** has the same meaning as RCW 39.04.151-154.
- B. **Direct Contracting** means the ability to select one contractor and negotiate a price for a public works project that is estimated to cost \$150,000 or less in accordance with RCW 39.04.152(4)(b) applicable policies.
- C. **Small Business** means the same as RCW 39.04.010(7).
- D. **Small Business Utilization Plan** means the same as described in RCW 39.04.152(4)(b)(iv).
- E. **Project Specific Roster** means the same as “appropriate roster” or “applicable roster”
and is the specific list of businesses generated for an individual solicitation.
- F. **Rotation** means identifying a contractor not previously awarded in in the same project type and category.
- G. **Rotation Documentation** means the documented process procurement staff used to ensure compliance with this policy.

5.0 Supporting Policies

The following policies/procedures support and may apply to small works roster, direct contracting rotation.

- A. Procurement Policy
- B. Direct Contracting Policy
- C. Business Utilization Plan

**TOWN OF YARROW POINT
RESOLUTION NO. 378**

**A RESOLUTION OF TOWN OF YARROW POINT, WASHINGTON,
ESTABLISHING A SMALL PUBLIC WORKS ROSTER AND THE
AUTHORITY TO USE THE ROSTER PROCESS TO AWARD PUBLIC
WORKS CONTRACTS; A CONSULTING SERVICES ROSTER FOR
ARCHITECTURAL, ENGINEER, AND OTHER PROFESSIONAL SERVICES;
A VENDOR ROSTER FOR GOODS AND SERVICES NOT RELATED TO
PUBLIC WORKS CONTRACTS; ADOPTING AN UPDATED PURCHASING
POLICY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Town of Yarrow Point (“Town”) utilizes a Small Works Roster, a Consultant Services Roster, and a Vendor Roster through the Municipal Research Services Center (“MRSC”); and

WHEREAS, MRSC has recently updated its rosters; and

WHEREAS, MRSC is now the centralized system for statewide small works rosters; and

WHEREAS, the Revised Code of Washington (“RCW”) 39.04.151-154 and other laws regarding contracting for public works by authorized local governments, allow certain contracts to be awarded by a small works roster process; and

WHEREAS, to be able to implement the MRSC rosters and process, the Town is required to adopt a resolution, establish reporting procedures that are publicly available, and commit to providing the most practicable opportunities for small businesses when using direct contracting; and

WHEREAS, to be able to use Direct Contracting on occasion, the Town is required to develop a Small Business Utilization Plan; and

WHEREAS, Chapter 39.80 RCW and other laws regarding contracting for consulting services by municipalities allow certain contracts to be awarded by a consultant roster process; and

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies, or equipment not connected to a public works project, allows certain purchasing contracts to be awarded using a vendor list.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON:

Section 1. Repeal and Replace Small Works Rosters. This Resolution repeals, replaces, and supersedes any and all past resolutions establishing small works rosters.

Section 2. Repeal and Replace Procurement Policy. This resolution repeals, replaces, and supersedes any and all past resolutions or policies establishing a procurement policy.

Section 3. MRSC Rosters Adopted. The Town of Yarrow Point hereby elects to use the statewide small works roster established under RCW 39.04.151(2), the statewide consultant services roster established under chapter 39.80 RCW, and the statewide vendor roster established under RCW 39.04.190 and RCW 35.23.352, all as administered by the Municipal

Research Services Center of Washington (MRSC).

Section 4. Small Works Roster. The Town of Yarrow Point adopts the small works roster procedures set forth in Town’s Procurement Policy, attached and incorporated herein as Exhibit A, to use in the management and awards of small public works projects as allowed under RCW 39.04.152.

Section 5. Consultant Services Roster. The Town of Yarrow Point adopts the consultant services roster procedures set forth in the Town’s Procurement Policy, attached and incorporated herein as Exhibit A, to use for the procurement and award of consultant services.

Section 6. Vendor Roster. The Town of Yarrow Point adopts the use of the MRSC Rosters Vendor Roster (vendor list) to use for the procurement and award of materials, supplies, equipment or similar. The vendor roster procedures set forth in the Town’s Procurement Policy are established for use by the Town pursuant to RCW 39.04.190 and RCW 35.23.352.b.

Section 7. Effective Date. This Resolutions shall be effective immediately upon passage.

Adopted by the Town Council this 10th day of December, 2024.

Katy Kinney Harris, Mayor

ATTEST:

Bonnie Ritter, Clerk-Treasurer

TIB Grant Acceptance (\$540,000) to Overlay 94th Ave NE/ NE 38th St/ NE 40th St	Proposed Council Action: Authorize Mayor to Sign the TIB Project Funding Status Form and the TIB Grant Agreement
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Presented by: Town Engineer – Stacia Schroeder, PE

- Exhibits:**
- 1.) Transportation Improvement Board Award Letter
 - 2.) Transportation Improvement Board Funding Status Form
 - 3.) Transportation Improvement Board Grant Agreement

Summary:

The Town of Yarrow Point will overlay 94th Ave NE, NE 38th St, and NE 40th St in 2025. This project is referenced as T-1 on the adopted 2024 Yarrow Point Capital Improvement Plan (\$600,000) and included in the 2025 Yarrow Point Budget Proposal (Fund 101 - Streets \$720,000). To accomplish this project, town staff will rely on our interlocal agreement with King County Road's and join their 2025 Pavement Preservation Program.

The Transportation Improvement Board (TIB) awarded the Town of Yarrow Point \$540,000 (90% of the anticipated amount) to use in 2025 to overlay 94th Ave NE, NE 38th Street, and NE 40th Street. The remaining \$60,000 (10%) must be from Town funds. The award letter stipulates the project must advertise for bids no later than May 1 and construction activities shall start no later than July 1 of the year of scheduled construction, unless TIB provides an extension in writing. King County Roads is aware of these grant conditions.

Recommended Action:

AUTHORIZE THE MAYOR AND THE TOWN CLERK TO SIGN THE TIB PROJECT FUNDING STATUS FORM AND AUTHORIZE THE MAYOR TO SIGN THE TIB GRANT AGREEMENT.



Washington State Transportation Improvement Board

TIB Members

- Chair
Councilmember Sam Low
Snohomish County
- Vice Chair
Mayor Hilda González
City of Granger
- Susan Carter
Hopelink
- Kent Cash
Port of Vancouver
- Barbara Chamberlain
WSDOT
- Dongho Chang
WSDOT
- Scott Chesney
Spokane County
- Vicky Clarke
Cascade Bicycle Club & Washington
Bikes
- Nick Covey
Link Transit
- Andrew Denham
Town of Twisp
- Stephanie Forman
Forman Consulting
- Preston Frederickson
City of Walla Walla
- Commissioner Al French
Spokane County
- Commissioner Scott Hutsell
Lincoln County
- Councilmember Jon Pascal
City of Kirkland
- Les Reardanz
Whatcom Transportation Authority
- Mayor Kim Roscoe
City of Fife
- Maria Thomas
Office of Financial Management
- John Vicente
City of Kenmore
- Jennifer Walker
Thurston County
- Jane Wall
County Road Administration Board

November 22, 2024

Stacia Schroeder, P.E.
Town Engineer
Town of Yarrow Point
4030 95th Avenue NE
Yarrow Point, WA 98004-1358

Dear Stacia Schroeder:

Congratulations! The Transportation Improvement Board (TIB) is pleased to announce the selection of your project, 2025 Overlay, Multiple Locations, TIB project number 2-P-120(002)-1.

TIB is awarding 90.0000% of approved eligible project costs with a maximum grant of \$540,000.

Before any work is permitted on this project, you must complete and email the following items to your TIB engineer:

- Verify the information on the attached Project Funding Status Form and revise, if necessary. Sign and email a copy.
- Sign and email one copy of the Fuel Tax Grant Distribution Agreement.

You may only incur reimbursable expenses after you receive approval from TIB. **This project must advertise for bids no later than May 1 and construction activities shall start no later than July 1 of the year of scheduled construction, unless provides an extension in writing.**

In accordance with RCW 47.26.084, you must certify full funding by November 22, 2025, or the grant may be terminated. Grants may also be rescinded due to unreasonable project delays as described in WAC 479-05-211.

If you have questions, please contact Greg Armstrong, TIB Project Engineer, at GregA@TIB.wa.gov.

Sincerely,

Ashley Probart
Executive Director

Enclosures

Ashley Probart
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
www.tib.wa.gov



Project Funding Status Form

Agency Name: **YARROW POINT**
Project Name: **2025 Overlay**
Multiple Locations

TIB Project Number: **2-P-120(002)-1**

Verify the information below and revise if necessary.

Email to: Your TIB Engineer

PROJECT SCHEDULE

Target Dates		
Construction Approval	Contract Bid Award	Contract Completion

PROJECT FUNDING PARTNERS

List additional funding partners and amount.

Funding Partners	Amount	Revised Funding
YARROW POINT	60,000	
WSDOT	0	
Federal Funds	0	
TOTAL LOCAL FUNDS	60,000	

Signatures are required from two different agency officials. Return the originally signed form to your TIB Engineer.

Mayor or Public Works Director

Signature

Date

Printed or Typed Name

Title

Financial Officer

Signature

Date

Printed or Typed Name

Title

Town of Yarrow Point
2-P-120(002)-1
2025 Overlay
Multiple Locations

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
Town of Yarrow Point
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the 2025 Overlay, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and Town of Yarrow Point, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

For the project specified above, TIB shall pay 90.0000 percent of approved eligible project costs up to the amount of \$540,000, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW and/or chapter 47.04 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT'S Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT'S submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as

often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:

- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue and other revenue sources. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the maximum payable TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060 and/or WAC 479-10-575. If an increase is denied, the recipient shall be liable for all costs incurred in excess of the maximum amount payable by TIB. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the intended ratio between TIB funds and total project costs, as described in Section 1.0 of this Agreement.

12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.
- d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.

15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington and/or 47.04 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer Date

Executive Director Date

Print Name

Print Name

2024 Budget Amendment	Proposed Council Action: Adopt Ordinance No.757
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Presented by: Clerk-Treasurer Bonnie Ritter

Exhibits: Ordinance No.757

Summary:

Per State Law, the Town cannot exceed the expenditures approved by the 2024 budget unless a Budget Amendment Ordinance is adopted. The Town has unanticipated expenses from when the budget was originally adopted a year ago.

The amended amounts noted in the ordinance were calculated by using the year-to-date expenditures and adding an estimate of the invoices that will be presented in January, but must be accounted for in the 2024 expenses according to RCW.

Recommended Action:

Adopt Ordinance No.757: **AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING THE BUDGET FOR FISCAL YEAR 2024 TO ACCOUNT FOR UNFORESEEN EXPENDITURES, AND ESTABLISHING AN EFFECTIVE DATE.**

**TOWN OF YARROW POINT
ORDINANCE NO. 757**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON,
AMENDING THE BUDGET FOR FISCAL YEAR 2024 TO ACCOUNT FOR
UNFORESEEN EXPENDITURES; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Town Council adopted the Yarrow Point Town budget for fiscal year 2024 by Ordinance No.740 on November 14, 2023; and

WHEREAS; certain expenditures and adjustments, the necessity and/or amount of which were unexpected by the Town, have occurred during the course of 2024; and

WHEREAS; new revenues and corresponding expenditures should be realized in and reflected by the adopted budget through an amendment thereof; and

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF YARROW POINT AS FOLLOWS:

SECTION 1. The budget for the fiscal year 2024 is hereby amended as follows:

FUND	ORIGINAL BUDGETED EXPENDITURES	AMENDED EXPENDITURES
104 – Community Development	\$421,969	\$580,000
301 – Capital Improvement	\$740,000	\$1,285,000
311 – Capital Fund	\$1,300,000	\$1,760,500

SECTION 2. The 2024 budget is hereby amended in accordance with Section 1 of this Ordinance. The Clerk-Treasurer shall cause a copy of this Ordinance to be filed with the Auditor of the State of Washington, Division of Municipal Corporations, and with the Association of Washington Cities.

SECTION 3. If any section, subsection, sentence, clause, phrase or word of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 4. This ordinance shall be in full force and effect five days after its passage and publication.

PASSED by the Town Council of the Town of Yarrow Point at a regularly scheduled meeting this 10th day of December, 2024.

Katy K. Harris, Mayor

ATTEST:

Bonnie Ritter, Clerk-Treasurer

PASSED BY THE TOWN COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 757

Mayor compensation	Proposed Council Action: For Approval
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Presented by:	Clerk-Treasurer
Exhibits:	Ordinance 758

Summary:

As the complexities of running even our small town have increased and the mandates from the State have increased, the Town mayor role has evolved to include the duties of a typical full time City Administrator in addition to the role of mayor, yet the compensation has remained a volunteer honorarium. Council has determined that a change in the mayor compensation is warranted. This will include an increase in the compensation and the inclusion of benefits.

Recommended Action:

Motion to approve Ordinance 758, amending the mayor’s compensation for services rendered in her capacity as Official Representative of the Town, setting the amount of 2025 annual compensation at \$60,000 plus benefits, as stated in the 2025 budget.

**TOWN OF YARROW POINT
ORDINANCE NO. 758**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON AMENDING
THE MAYOR HONORARY PAYMENT TO BE TERMED COMPENSATION FOR
SERVICES RENDERED IN HER CAPACITY AS OFFICIAL REPRESENTATIVE OF
THE TOWN; SETTING THE AMOUNT OF 2025 ANNUAL COMPENSATION AT
\$60,000 PLUS BENEFITS AS STATED IN THE 2025 BUDGET:
AND SETTING THE EFFECTIVE DATE**

WHEREAS, the Yarrow Point Town Council approved Ordinance No. 741, which established a monthly honorarium payment for the position of Mayor at \$40,448, effective January 1, 2024; and

WHEREAS, the Yarrow Point Town Council has indicated in the 2025 budget that this honorarium payment will be replaced by compensation for services rendered in her capacity as official representative of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON:

Section 1. Honorarium payment replaced by compensation. The honorarium payment for the Mayor of the Town of Yarrow Point shall be replaced with compensation for services rendered in her capacity as official representative of the Town, in the annual amount of \$60,000 plus benefits as shown in the 2025 proposed budget.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

Section 3. Corrections. The Town Clerk-Treasurer and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the Town. This Ordinance shall take full force on January 1, 2025.

Approved by the Town Council of the Town of Yarrow Point this 10th day of December, 2024.

Katy Kinney Harris, Mayor

Attest/Authenticated:

Bonnie Ritter, Clerk-Treasurer

PASSED BY THE TOWN COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 758

**Business of The Council
Town of Yarrow Point, WA**

8.4
December 10, 2024

Transportation Benefit District	Proposed Council Action: For Discussion and Approval
Presented by:	Mayor and Clerk
Exhibits:	Ordinance 760

Summary:

The Town may collect an additional .1% sales tax (.001) on town sales. The extra penny for every \$10 spent would be collected and added to our sales tax revenue and could be used on Transportation improvements/projects.

For example, this year, the Town could have collected \$32,000 more in sales tax revenue if we had this TBD.

The second revenue option is to collect a \$20/vehicle registration fee for the Town. The same restricted usage applies – the revenue is designated for transportation projects. This could generate @ \$20/vehicle X ~800 vehicles in town = ~\$16,000/year revenue.

We must approve it at this December meeting and complete the application process before January 16th to start receiving the additional sales tax revenues in April.

Recommended Action:

Move to adopt Ordinance 760, establishing the Town of Yarrow Point as a Transportation Benefit District, imposing an additional one-tenth of one percent sales and use tax, and a \$20/vehicle registration fee.

**TOWN OF YARROW POINT
ORDINANCE NO. 760**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON,
AMENDING THE YARROW POINT MUNICIPAL CODE (YPMC) TO ENACT
A NEW CHAPTER 3.50 – YARROW POINT TRANSPORTATION BENEFIT
DISTRICT, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT,
SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION
BENEFIT DISTRICT, AND FIXING A TIME WHEN THE SAME SHALL
BECOME EFFECTIVE**

WHEREAS, the Town Council of the Town of Yarrow Point has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, protection and operation of public ways within the corporate limits of the Town pursuant to RCW Chapters 35A.11.020 and 35A.47; and

WHEREAS, the Town annually adopts a six-year Transportation Improvement Program pursuant to State Law; and

WHEREAS, the Town has limited transportation funding to pay for necessary transportation preservation and maintenance; and

WHEREAS, while dedicated revenues have decreased, the ongoing annual costs to preserve and maintain the Town's transportation infrastructure continue to rise leaving the Town unable to continue to adequately preserve and maintain the Town's transportation infrastructure; and

WHEREAS, RCW 36.73 provides for the establishment of transportation benefit districts and for the levying of additional revenue sources for transportation improvements within the District that are consistent with existing state, regional and local transportation plans; and

WHEREAS, RCW 3.21.225 authorizes the Town Council to establish a transportation benefit district subject to the provisions of Chapter 36.73; and

WHEREAS, the Town desires to form a Transportation Benefit District which includes the entire Town of Yarrow Point as the boundaries currently exist or as they may exist following future annexations; and

WHEREAS, prior to establishing a Transportation Benefit District, the Town Council conducted the required public hearing on December 10, 2024, which was noticed in accordance with RCW 36.73.050. All persons desiring to comment were given an opportunity to be heard; and

WHEREAS, the Town Council of the Town of Yarrow Point finds it to be in the best interest of the Town to establish a townwide Transportation Benefit District for the preservation and maintenance of the Town's transportation infrastructure consistent with RCW 36.73, to protect the Town's long-term investments in the infrastructure, reduce the risk of transportation facility failures, to improve safety and continue optimal performance of the infrastructure over time, and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, the Town Council of the Town of Yarrow Point shall be the governing body for the Transportation Benefit District acting in an ex officio and independent capacity,

NOW, THEREFORE the Town Council of the Town of Yarrow Point ordains as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to RCW 35.21.225 and RCW 36.73, and to impose an additional one-tenth of one percent sales and use tax authorized by RCW 82.14.0455, and a \$20/vehicle fee as authorized by RCW 82.80.140. The Town Council finds it is in the public interest to provide adequate levels of funding for the purposes of ongoing transportation improvements that preserve, maintain, and as appropriate, construct or reconstruct the transportation infrastructure of the Town of Yarrow Point, consistent with RCW 36.73.

Section 2. Adoption of Chapter. YPMC 3.50 Transportation Benefit District is hereby adopted, which shall read in substantially the same form as Exhibit A.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance shall take effect and be in force five days following its publication in the manner provided by law.

Adopted by the Town Council this 10th day of December, 2024.

Katy K. Harris, Mayor

ATTEST:

Bonnie Ritter, Clerk-Treasurer

PASSED BY THE TOWN COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 760

EXHIBIT A

CHAPTER 3.50

TRANSPORTATION BENEFIT DISTRICT

Sections:

3.50.010	Establishing Transportation Benefit District
3.50.020	Governing Body
3.50.030	Functions of the District
3.50.040	Transportation Improvements Funded
3.50.050	Dissolution of District

3.50.010 Establishing Transportation Benefit District

There is created a transportation benefit district to be known as the Yarrow Point Transportation Benefit District or "District" with geographical boundaries comprised of the corporate limits of the Town as they currently exist or as they may exist following future annexations.

3.50.020 Governing Board

A. The governing board or "Board" of the transportation benefit district shall be the Yarrow Point Town Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

B. The treasurer of the transportation benefit district shall be the Town Clerk-Treasurer.

C. The Board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

D. The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

3.50.030 Functions of the District

A. The District Board may authorize a vehicle tax fee of up to \$20 per vehicle as provided for by RCW 82.80.140.

B. The District Board may impose an additional sales and use tax to be collected from persons who are taxable by the State, as provided for by RCW 82.14.0455. The amount of the additional tax shall be one-tenth of one percent (.1%) of the selling price, in the case of the sales tax, or the value of the article used, in the case of the use tax.

C. When approved by voters pursuant to Chapter 36.73 RCW, the District may assess other taxes, fees, charges and tolls and impose increases in the same for the uses and purposes identified in this chapter.

D. The District may issue general obligation bonds or revenue bonds in accordance with the provisions of RCW 36.73.070.

3.50.040 Transportation Improvements Funded

The funds generated through the District shall be used for any purpose allowed by law including the operation of the district and to make transportation improvements that are consistent with existing state, regional and local transportation plans, and as described in Chapter 36.73 RCW. The transportation improvements funded by the district shall preserve, operate, and maintain the Town's long-term investments in its transportation infrastructure, reduce the risk of transportation facility failure, improve safety and accessibility, expand and upgrade transportation infrastructure, continue optimal performance of the infrastructure over time, and avoid more expensive infrastructure replacements in the future. Additional transportation improvement projects may be funded only after compliance with the provisions of Chapter 36.73 RCW.

3.50.050 Dissolution of the District

The transportation benefit district shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied. Street preservation, maintenance, and operation are ongoing, long-term obligations of the Town.

**Business of The Town Council
Town of Yarrow Point, WA**

8.5

December 10, 2024

2025 Final Budget	Proposed Council Action: Hear comments and discuss Adopt Ordinance No 759
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Presented by:	Mayor Katy Harris
Exhibits:	Ordinance No.759 adopting the 2025 budget, including Appendix A.

Summary:

The public hearing on the final budget was held at the November 12, 2024 Council meeting. It was noted at the November meeting that the 2025 Final Budget would be considered for adoption at the December 10, 2024 meeting.

Recommended Action:

Adopt Ordinance No. 759: AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON ADOPTING THE BUDGET FOR FISCAL YEAR 2025 AND SETTING FORTH IN SUMMARY FORM THE TOTAL OF ESTIMATED REVENUES AND EXPENDITURES FOR EACH SEPARATE FUND AND THE AGGREGATE TOTALS FOR ALL SUCH FUNDS COMBINED; AND ESTABLISHING AN EFFECTIVE DATE.

**TOWN OF YARROW POINT
ORDINANCE NO. 759**

**AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON
ADOPTING THE BUDGET FOR THE FISCAL YEAR 2025 AND SETTING
FORTH IN SUMMARY FORM THE TOTAL OF ESTIMATED REVENUES
AND EXPENDITURES FOR EACH SEPARATE FUND AND THE
AGGREGATE TOTALS FOR ALL SUCH FUNDS COMBINED; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the Clerk-Treasurer of the Town of Yarrow Point, Washington has completed and placed on file a proposed budget and estimate of the amount of monies required to meet the public expense, reserve funds and expenses of government of said Town for the fiscal year ending December 31, 2025; and

WHEREAS, the preliminary budget was printed for distribution and notice timely published in the Seattle Times, setting the time and place for hearing on the budget and stating that all taxpayers requesting a copy of the proposed final budget from the Town’s Clerk-Treasurer would be furnished a copy thereof; and

WHEREAS, the Town Council of the Town of Yarrow Point, having held public hearings on October 8, 2024 and November 12, 2024 for the purpose of reviewing and discussing the proposed budget for the 2025 fiscal year and giving taxpayers within the limits of the Town an opportunity to be heard upon said budget, with proper notice as required by law; and

WHEREAS, the estimated revenues are set forth in Appendix A, and the proposed 2025 budget does not exceed the lawful limit allowed by law to be levied on property within the Town of Yarrow Point for the purposes set forth in said budget that are necessary to carry on the government of the Town for the year and are sufficient to meet the various needs of the Town during the year; and

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON, AS FOLLOWS:

SECTION 1. The budget for the Town of Yarrow Point, Washington for the year 2025 is hereby adopted at the fund level on this 10th day of December, 2024 after the notice of hearings and after the preliminary budget having been filed with the Town Clerk as required by law.

SECTION 2. Estimated revenues for each separate fund of the Town of Yarrow Point and aggregate totals for all such funds combined for the year 2025, are set forth in summary and are hereby appropriated for expenditure at the fund level during the year 2025 as set forth in Appendix A, attached and incorporated by this reference.

SECTION 3. The Town Clerk-Treasurer is directed to transmit a certified copy of the 2025 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

SECTION 4. The Mayor shall administer the budget, and in doing so may authorize adjustments within the funds set forth in Section 1 above, to the extent that such adjustments are consistent with the budget approved in Section 1.

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality, therefore, shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 6. This ordinance shall be in force and take effect on January 1, 2025 following its publication.

PASSED by the Town Council of the Town of Yarrow Point at a regularly scheduled meeting this 10th day of December, 2024.

APPROVED:

Katy K. Harris, Mayor

ATTEST: Bonnie Ritter, Clerk-Treasurer

APPROVED AS TO FORM:

Emly Romanenko, Town Attorney

PASSED BY THE TOWN COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 759

APPENDIX A - ORDINANCE NO. 759

**Town of Yarrow Point
2025 Final Budget**

FUND	Revenues & Other Resources	Expenditures and Other Uses
001 - General Fund	1,583,864	2,222,676
101 - Street Fund	669,930	991,811
102 - Transportation Benefit District	36,500	36,500
104 - Community Development	513,175	599,933
301 - Capital Improvement	310,000	0
311 - Current Year Capital	306,000	690,000
401 - Stormwater	194,456	180,616
701 - Wetherill Endowment Fund	2,200	2,200
Total for Town Funds	3,616,125	4,723,736
		12/5/2024

Comprehensive Plan Update	Proposed Action: Vote
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Presented by:	Town Planner
Exhibits:	<ul style="list-style-type: none"> • Draft 2024 Comprehensive Plan: https://yarrowpointwa.gov/wp-content/uploads/2024/12/DRAFT_TYPCOMP_12-5-24_CompressedFile.pdf • Ordinance 761

Background:

The Comprehensive Plan of Yarrow Point is a strategic policy framework that guides the community's future growth and development. The plan outlines how the town will handle population growth, environmental factors, and ensure essential services and facilities are provided to meet the community's needs for the next 20 years. The update is a mandatory process which occurs every 10 years. For a more detailed overview please visit: <https://yarrowpointwa.gov/comprehensive-plan/>

A full copy of the current draft is available for the public to download on the Town's website listed above.

Summary:

The plan has been reviewed and revised at the direction of the Town Council and Planning Commission over the past two years. Per state law, state and regional agencies with jurisdiction (such as Puget Sound Regional Counsel, WA Department of Commerce, and WA Department of Fish and Wildlife) have also reviewed the Comprehensive Plan and have suggested some revisions. This final draft incorporates minor edits to address the comments from these agencies. These edits are intended to make compliance more explicit and have minimal impact on the plan or its implementation. In brief, these edits include::

- Addition to Land Use Policy 2.1 to respond to WDFW's recommendations and thoroughly comply with RCW 36.70A.070(1) (Page 29)
- A revision to Land Use Goal 3 and addition of Policy 3.5 clarifying the consideration and approach to the Wildland Urban Interface code in Yarrow Point. (Page 30)
- Revision of Housing Policy 3.3 to explicitly name RDI in compliance with RCW 36.70A.070(2)(f) (Page 41)
- Slight changes to the hierarchy and language in the former Bike and Pedestrian Infrastructure (now Active Transportation Infrastructure) to explicitly address the requirements of RCW 36.70A.070(6)(a)(vii). Revisions clarify and reference existing language elsewhere in the plan to clarify the Town's active transportation conditions and related resources. (Page 54)
- Revisions to Capital Facility Policies 1.4 and 3.1 to clarify that funding policies apply to the general CIP *and* transportation improvement projects in response to COM comments and in clear compliance with RCW 36.70A.070(6)(iv) (Pages 130 & 131)

Action Items

- Staff Presentation (5 min)
- Discussion (10 min)
- Vote (5 min)

Recommended Motion:

- I move to repeal the 2015 Comprehensive Plan and to adopt the 2024 Comprehensive Plan.

**TOWN OF YARROW POINT
ORDINANCE NO. 761**

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, REPEALING THE 2015 COMPREHENSIVE PLAN; ADOPTING THE 2024 YARROW POINT COMPREHENSIVE PLAN IN COMPLIANCE WITH THE REQUIREMENTS OF THE GROWTH MANAGEMENT ACT; ADOPTING LEGISLATIVE FINDINGS IN SUPPORT OF SAID AMENDMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Yarrow Point Town Council initially adopted the Town’s Comprehensive Plan (“Comprehensive Plan”) in 1994, and has amended it cyclically thereafter; and

WHEREAS, pursuant to the schedule provided in RCW 36.70A.130, each Washington city/town and county must periodically review and, if needed, revise its Comprehensive Plan and development regulations to ensure that they comply with the Growth Management Act (“GMA”) and other applicable statutory requirements enacted since the last review of the Comprehensive Plan; and

WHEREAS, King County jurisdictions are required to complete a ten (10) year Comprehensive Plan update; and

WHEREAS, the Town Staff applied for a grant to fund the update process, and approved the working scope as the update process for its Comprehensive Plan, and in September, 2022, the Town Council approved the grant signing and a scope of work for the amendments, including amendments needed to comply with applicable statutory requirements; and

WHEREAS, consistent with RCW 36.70A.035, RCW 36.70A.130(2), and RCW 36.70A.140, the Town established and broadly disseminated to the public a Public Participation Program for the review and revision of its Comprehensive Plan and implementing development regulations; and

WHEREAS, the public process for the proposed amendments has provided for early and continuous public participation opportunities including tabling at public events, a public survey, a public open house, a webpage, and by giving the public the opportunity to provide comments via email to the project team; and

WHEREAS, the Planning Commission held over twenty public meetings to consider the 2024 Comprehensive Plan; and

WHEREAS, on May 21, 2024, the Planning Commission forwarded the Comprehensive Plan to the Town Council with a recommendation for additional review of the Land Use and Housing Chapters; and

WHEREAS, the Town Council held over twenty public meetings to consider the 2024 Comprehensive Plan; and

WHEREAS, on November 12, 2024, the Town Council held a duly noticed public hearing for the 2024 Comprehensive Plan; and

WHEREAS, pursuant to RCW 36.70A.210, the Town must collaborate and be consistent with regional agencies and their plans, including the King County Countywide Planning Policies, the Puget Sound Regional Council Vision 2050, and the requirements of the Washington Department of Commerce and other state agencies for periodic updates of comprehensive plans; and

WHEREAS, the Town submitted the Town's draft Plan to the Washington State Department of Commerce and other state agencies through the Plan View portal on October 7, 2024 to provide the required 60-day state notification for comment pursuant to RCW 36.70A.106; and,

WHEREAS, an environmental review of the proposed development regulation amendments has been conducted in accordance with the requirements of the State Environmental Policy Act ("SEPA"), and a SEPA threshold determination of non-significance was issued and Noticed on November 25, 2024, and sent to state agencies and interested parties; and

WHEREAS, the Town Council has considered the recommendation of the Town Planning Commission and the public comments received as well as the goals of the GMA as set forth in RCW 36.70A.020 and determined that the Comprehensive Plan amendments attached hereto reflect the Town's balancing of public interests under the planning goals of the GMA; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by staff and consultants, the proposed revisions forwarded by the Planning Commission, and the public comments received, the Town Council desires to approve the 2024 Comprehensive Plan as set forth in Exhibit A, attached hereto and incorporated herein.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF Yarrow Point, WASHINGTON, DO ORDAIN AS FOLLOWS:

ORD. 761 REPEALING THE 2015 COMPREHENSIVE PLAN & ADOPTING THE 2024 COMPREHENSIVE PLAN

Section 1. Findings. In support of this ordinance, the Yarrow Point Town Council adopts the above recitals. The Town Council further makes the following additional findings:

- A. The proposed Comprehensive Plan amendments are consistent with the GMA and other applicable state laws;
- B. The proposed Comprehensive Plan amendments are consistent with applicable countywide planning policies and Vision 2050 policies;
- C. The proposed Comprehensive Plan amendments are beneficial to the Town as a whole, and to the health, safety and welfare of its residents;
- D. The proposed Comprehensive Plan amendments have been processed in material compliance with all applicable procedural requirements;
- E. The Town Council has considered, and has been guided by, the GMA Planning Goals enumerated at RCW 36.70A.020, as well as all other applicable provisions of the GMA;
- F. The Town Council has considered, and the proposed Comprehensive Plan amendments satisfy, as applicable;
- G. All relevant requirements of SEPA have been satisfied in relation to this ordinance; and
- H. All of the proposed Comprehensive Plan amendments have been considered concurrently so that their cumulative effect has been appropriately ascertained.

Section 2. Repeal of the 2015 Comprehensive Plan—Adoption of 2024 Comprehensive Plan. The 2015 Yarrow Point Comprehensive Plan is hereby repealed in its entirety. The 2024 Yarrow Point Comprehensive Plan is hereby adopted in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Non-Substantive Document Formatting and Administrative Procedures Authorized. Upon authorization of the Town Attorney, the Town Planner or Town Clerk may make non-substantive editing changes and updates to the formatting, color, and pictures in the Comprehensive Plan consistent with best available technology to the amended Comprehensive Plan after adoption in order to provide for consistency and clarity in formatting and content. The Mayor is further authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation to include incorporating the amended Comprehensive Plan, and preparing and publishing the same.

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

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality if the remaining portions of this ordinance or its application to any other person or situation.

Section 6. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the Town, and shall take effect and be in full force five days after passage and publication as provided by law.

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ON THE 10th DAY OF DECEMBER, 2024 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 10th DAY OF DECEMBER 2024.

Katy Kinney Harris, Mayor

ATTEST/Authenticated:

Bonnie Ritter
Town Clerk-Treasurer

APPROVED AS TO FORM:

Emily Romanenko
Town Attorney

PASSED BY THE TOWN COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: 761

Appointment of Mayor Pro Tem	Proposed Council Action: Appoint Mayor Pro Tem
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Presented by: Mayor Harris

Exhibits: None.

Summary:

According to RCW 35.27.160, the Mayor shall preside over all meetings of the Council at which he or she is present. A Mayor Pro Tem may be chosen by the Council for a specified period of time, not to exceed six months, to act as the Mayor in the absence of the Mayor.

Recommended Action:

Move that a member of the Council be appointed to serve as the Mayor Pro Tem for the next six months – January 1, 2025 through June 30, 2025.

**Business of The Council
Town of Yarrow Point, WA**

8.8

December 10, 2024

COB Franchise Agreement	Proposed Council Action: For Discussion and possible Approval
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Presented by:	Mayor and Counsel
Exhibits:	Agreement

Summary:

Pursuant to state law, franchises require two readings in front of Council

This will be the first reading, December 10, 2024.

Council will be able to approve this franchise agreement this evening or in the Consent Agenda at the January Council meeting.

This new franchise contains many updates to better protect the Town’s interests. Some of the highlights include:

- Clearer relocation requirements and obligations for Bellevue to move at their sole cost.
- Delay damages for the Town if Bellevue doesn’t timely relocate or otherwise delays the Town’s project.
- Provisions for Bellevue to provide replacement iron for Bellevue’s facilities in the ROW such as manhole covers, valve boxes, etc.
- Requirement to pay for and obtain permits prior to undertaking work in the ROW.
- Coordination with the Town and other franchisees on an annual basis to discuss future projects in the ROW.
- Updated insurance and indemnification provision.
- Better remedies to enforce compliance.
- Payment of utility tax at 6% (as authorized by code).
- Payment of 1% franchise fee.

In 2024, the Town will receive ~\$40,000 from tax revenue. The franchise fee of another 1% will net the town ~\$6500/year. These amounts are based on total revenue.

Recommended Action:

For Approval