

Memorandum

May 28, 2015

TO: The Honorable Mayor and Members of the City Council
Tony O'Rourke, City Manager

FROM: Sonya Claar Tee, City Clerk

SUBJECT: Preferential treatment for local businesses/vendors

Per Council Member Lover's request at the May 19, 2015 Council meeting, attached is the Attorney General's opinion, and related information, on the issue of whether the City of Yakima can give preferential treatment on purchases and/or contracts to local businesses or vendors. The short answer, is no, the City cannot give preferential treatment to local businesses or vendors.

Source: [My Sources](#) > [Legal](#) > [States Legal - U.S.](#) > [Washington](#) > [Find Statutes, Regulations, Administrative Materials & Court Rules](#) > [By Administrative Materials](#) > [WA Attorney General Opinions](#) [1](#)
Terms: "Atty Gen. Wash. No. 41" and competitive ([Edit Search](#) | [Suggest Terms for My Search](#))

1961 Wash. AG LEXIS 127, *

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF WASHINGTON

[NO NUMBER IN ORIGINAL]

1961 Wash. AG LEXIS 127; 1961-1962 Op. **Atty Gen. Wash. No. 41**

June 26, 1961

CORE TERMS: municipal, bidder, bid, lowest, competitive bidding, municipality, resident, heads of families, differential, arbitrarily, ordinance, arbitrary classification, expressly granted, subcontractor, unemployment, inserted, sewers, public works, special assessment, free competition, fire protection, public utility, specification, manufactured, analagous, lawfully, letting, grown, exact

SYLLABUS:
[*1]

MUNICIPAL CORPORATIONS -- BIDS -- FIVE PERCENT PREFERENTIAL FOR LOCAL BIDDERS.

A county, public utility district, fire protection district or other municipal corporation may not establish a policy by ordinance or resolution arbitrarily allowing a five percent preferential to local bidders.

REQUESTBY:

Honorable Roger L. Olson
Prosecuting Attorney
Franklin County
Pasco, Washington

QUESTION:

By letter previously acknowledged, you have requested the opinion of this office as to whether or not a county, public utility district, fire protection district, or other municipal corporation may establish a policy of giving local bidders five percent preferential treatment on purchases and/or contracts with such municipal corporations.

For simplification of issues, we will assume that your letter relates only to purchases and/or contracts required by law to be made pursuant to **competitive** bidding.

We answer your question in the negative, as explained in the analysis.

OPINIONBY:

JOHN J. O'CONNELL, Attorney General; ROBERT F. HAUTH, Assistant Attorney General

OPINION:
ANALYSIS

The first rule of primary importance to bear in mind is that a municipal corporation has only the

powers expressly granted to it by statute, and those powers necessarily [*2] implied from the powers expressly granted. Any fair or reasonable doubt concerning the existence of a municipal power must be resolved against the municipality. Pacific First Federal Savings and Loan Association v. Pierce County, 27 Wn. (2d) 347, 353, 178 P. (2d) 351 (1947).

On the exact question you have in mind, there appears to be very little authority, either in this or any other jurisdiction. Consequently, resort must be had to general principles and a few closely analogous cases which our research has disclosed.

[[Orig. Op. Page 2]]

The general rule is stated in 10 McQuillin Municipal Corporations, (3rd ed.) § 29.30, as follows: "The requirement of **competitive** bidding in the letting of municipal contracts is uniformly construed [sic] [[construed]] as mandatory and jurisdictional and nonobservance will render the contract void and unenforceable. Under such restriction a fair opportunity must be given for free competition. No scheme or device promotive of favoritism or unfairness or which imposes limitations, not applicable to all bidders alike, will be tolerated. . . ."

The further statement appears in 43 Am.Jur. Public Works and [*3] Contracts, § 23, that: ". . . This procedure [the requirement of **competitive** bidding] involves three vital principles: an offering to the public, an opportunity for competition, and a basis for an exact comparison of bids; and a regulation of the matter which excludes or ignores any of these factors destroys the distinctive character of the system and thwarts the purpose of its adoption. As a broad general principle, it may be said that the inclusion in specifications for the construction of a public work of terms or conditions such as to prevent or restrict full and free competition, or to increase the cost of the work for the benefit of a favored class at the expense of the taxpayers, or, when the work is to be paid for by special assessment, of conditions which add an element to the cost of the work which cannot lawfully be met by special assessment, should not be countenanced." (Emphasis supplied.)

We are not unmindful of the fact that at least some statutes in this state requiring **competitive** bidding on municipal contracts, specify that the award must be made to the "lowest and best" bidder, or some equivalent phrase, rather than the "lowest" bidder. See, for instance, [*4] RCW 36.32.250, relating to counties, requiring the award to be let to the "lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased."; RCW 36.77.040, county road and bridge construction, using the phrase "lowest and best bidder," and others. Under requirements of this kind, the award must be let not necessarily to the person submitting the lowest bid, but the bidder who is most likely, in regard to skill, ability and integrity to do faithful, conscientious work, and promptly [[Orig. Op. Page 3]] fulfill the contract according to its letter and spirit, in addition to consideration of his financial resources and ability. 10 McQuillin Municipal Corporations, supra, § 29.73; 43 Am.Jur., supra, § 42. However, the permissible limit of discretion to be exercised by the municipal officials in this regard must be based upon facts reasonably tending to support their decision, and the rule does not permit them to act arbitrarily; either by an arbitrary rejection of bids, or arbitrary preference of one bid over another which is lower, or an arbitrary classification of bidders, the reason being that the ultimate duty of the public authorities, [*5] all else being equal, is to accept the bid involving the least expenditure of public funds. 10 McQuillin, Municipal Corporations, supra, § 29.73; 43 Am.Jur., supra, § 44.

Thus, while it may be permissible for municipal officers in an individual case to take into consideration locality as one of the factors involved in determining who is the most responsible or "best" bidder, a general practice by ordinance or resolution which establishes a five percent differential favoring local bidders would appear to be in the nature of an arbitrary classification for the benefit of a particular group without regard to the merits of any particular case. To come within the rule permitting consideration of such factors, it would seem only logical that in each case the nature of the contract and other special circumstances must be considered.

It has been held in some jurisdictions that preference may be given to materials produced within the state; however, it has also been said that if the result of the provision had been to restrain competition and enhance the cost of material, it would be void. Pasche v. South St. Joseph Town-Site Co., (Mo.) 190 S.W. 30, (1916), following [*6] Allen v. Labsap, 188 Mo. 692, 698, 87 S.W. 926 (1905). It has also been held that a specification for bids requiring a subcontractor to be a citizen of the state would be valid. Ebbeson v. Board of Public Education in Wilmington, 18 Del. Ch. 37, 156 Atl. 286 (1931). However, in that case it was held as a condition of validity that such a restriction must not be shown to increase the cost of the work.

However, the case we have found which is most closely analogous to the present situation is Bohn v. Salt Lake City, 79 Utah 121, 8 P. (2d) 591, 81 A.L.R. 215 (1932). In that case it was held that a city having power to construct sewers could not insist that provisions be inserted in contracts for the construction thereof requiring, among other things, that materials used should be of local manufacture and that preference should be given to citizens of the United States and to heads of families resident in the city; where it was admitted that these restrictions would increase the cost of the work to a large amount, that they were inserted for the [*7] purpose of relieving unemployment in the city, and added nothing to the value of the sewers to be constructed, the city having no authority to insist upon such restrictions, even in view of the unemployment conditions.

[[Orig. Op. Page 4]]

Specifically, on the point of preference of local citizens as laborers and employees, the court pointed out that Utah had a statute requiring preference to be given to citizens of the United States or those having declared their intention of becoming citizens. However, the court said:

"... But the city, in letting the contracts, has imposed conditions that preference be given to residents of Salt Lake City and who are heads of families. It is thus obvious that the city by so doing imposed a preference not embraced nor included in the statutes, and contrary to the statute restricted and limited the preference to heads of families of Salt Lake City. The city was, as we are, bound by the statute and by the policy so declared by the state, and which may not lawfully be enlarged or restricted. This provision of the contract cannot be sustained." (81 A.L.R. p. 223.)

Similarly, in our own state we have a statute expressly [*8] providing for a five percent differential allowance in certain cases. See, RCW 39.24.010. However, the language of that statute is restricted to "such materials, supplies, goods, wares, merchandise or produce as are grown, produced, or manufactured in the state of Washington when the price or prices quoted for the same are not more than five percent in excess of the lowest bid or prices quoted for the same commodities or articles grown, produced or manufactured elsewhere, quality and service considered."

Another statute, RCW 39.16.010, requires that on public works contracts the contractor or subcontractor shall employ certain percentages of local (state of Washington) residents, where available. This statute appears to have no direct application to your question, so as to warrant an affirmative conclusion.

It is our conclusion that the legislature has defined the only areas in which, all other things being equal, local (meaning "in the state of Washington") factors may be considered even though the result may be to increase substantially the cost to the municipality. We can only conclude that any attempt by a municipality to enlarge the scope of this statute by an ordinance or resolution [*9] arbitrarily allowing a five percent differential to local ("in the county") residents would be contrary to the principle of **competitive** bidding and beyond the power of the municipality to enact.

[[Orig. Op. Page 5]]

We trust that this information will be of assistance to you.

“LOCAL PREFERENCE” ISSUE

Each year, a few local companies continue to contact local government officials requesting that local vendors be given special consideration in contract awards. Such local vendors typically propose that special consideration should be made in the form of a local preference policy, allowing the local company to receive an award even though their offer is not the lowest responsive bid. This, in effect, would create a subsidy for a few business taxpayers at the expense of all residential and business taxpayers.

MRSC: The Municipal Research and Services Center (MRSC) advises the following in regards to the “Local Preference Issue” (Taken from the County Biding Book, Pages 24 and 28, respectively):

On page 24:

“May a county include a preference for local merchants in its advertisement?”

In general, no. RCW 39.30.040 does allow counties to take any sales tax that a county will receive from purchasing supplies, materials, and equipment within its boundaries into consideration when determining the lowest responsible bidder. But, in AGO 61-62 No. 41, the Office of the Attorney General concluded that entities could not establish a policy giving local bidders a preference by reducing their bids by some specified percentage amount in determining the lowest responsible bidder. To do so would “be in the nature of an arbitrary classification for the benefit of a particular group without regard to the merits of any particular case.”

Note: See also No. 12 under the “Adverse Impact” section below.

On page 28:

“Preferences. *RCW 39.30.040 allows (but does not require) counties, in determining the lowest bid, to consider the tax revenues that are generated by a purchase of supplies, materials, and equipment, including those from a local sales tax. If a county considers these tax revenues, it must consider the taxes it would receive from suppliers located both within and without its boundaries. The bid award must be made to the lowest responsible bidder after the tax revenue has been considered.*

Counties may also give preference to products made of recycled materials or to products that may be recycled or reused.” [Ed. See RCW 36.32.245(6)] “Rather than invoke this preference in an arbitrary manner, the county board should establish a policy that states what percentage preference will be given for various products.

If either of these preferences will be used to determine the lowest bidder, that fact should be mentioned in the bid documents. Remember, other “local preferences” favoring local businesses in the award of a contract are not allowed.” [Ed. See AGO 61-62, No. 41]

Washington State Auditor’s Office (SAO): An SAO document dated June 13, 2002, concerning Competitive Bid Laws, states the following regarding the “Local Preference” / “Local Buy” issue (pages 7 and 9, respectively):

On Page 7:

“...state law does not recognize local preference policies...”

On Page 9:

“State law does not recognize, and implicitly prohibits, granting of preferences to local vendors in purchases of goods, supplies and services by local governments. (If an entity can justify imposing a requirement of local availability of a product, the requirement should be made a part of the bid specifications rather than being a factor in choosing bidders.)”

National Institute of Governmental Purchasers (NIGP): An excerpt from NIGP Basic Purchasing Manual states the following:

"Local preference takes several forms; the most prevalent form is the percentage preference. Eleven states still have local-preference laws. Percentage preferences of 1.5% to 10% are given to those eleven states in bid-price competition with out-of-state firms. But what if we were required to give percentage preferences to minority firms? To union shops? To small businesses? To other special-interest groups? The effect is the same: When a percentage preference is given to local businesses, it is given at the added expense of all taxpayers.

The advantages of having local-preference policies are limited and are far outweighed by the disadvantages. Vendors like to say that a local-preference policy will attract many new businesses into a community and thereby will increase the tax base. This idea is a fallacy.

Here are a few of the disadvantages of having local-preference policies:

1. The cost of goods or services are (sic) increased for all taxpayers when a percentage differential is allowed. This practice discourages outside firms that would normally compete and keep the local fellows "honest."

2. Local-preference laws and policies are a barrier to interstate commerce. When these laws have been tested in courts of Illinois, California, New York, and Georgia, they have been held to be unconstitutional.

3. Local-preference laws invite reciprocity. In at least one state, the purchasing authority is prohibited from doing business with any firm located in a state that has local-preference laws or policies.

Those business people who wish to push for local-preference laws should be made aware that they could face the possibility of retribution from other jurisdictions.

Also, preferences given to local businesses by purchasers could easily be looked upon as a subsidy to a firm that is too weak in its own operations to compete on an even, equitable basis."

The NIGP also indicates:

"Although some people assert that buy-local preferences will protect existing jobs, create new jobs, and strengthen the economy, the sad reality is that the practice of favoring vendors within a defined geographical area only encourages inflated prices which are paid by the taxpayers of the jurisdiction who administer them. By causing prices to rise, preference results in a direct subsidy to a few taxpayers at the expense of the general taxpaying public. When an agency has a preference, [ed., then] potential, reliable and sound vendors consider it futile to bid in such a climate. When they do not bid, competition becomes less keen and prices rise."

CURRENT "LOCAL" & "NON-LOCAL" SPENDING

A Spokane County financial system report indicates the following for the 2008 fiscal year:

Total Number of Purchase Orders Year-To-Date:

Local Vendors: 14,221
Non-Local Vendors: 17,667
Total Purchase Orders: 31,888

% Local Vendors: 44.60%
% Non-Local Vendors: 55.40%

Total Value of Purchase Orders Year-To-Date:

Local Vendors: \$55,634,078.16
Non-Local Vendors: \$135,344,986.58
Total Purchase Orders: \$190,979,064.74

% Local Vendors: 29.13%
% Non-Local Vendors: 70.87%

Note: This report is based on zip code, therefore the figures in the above report excludes payments to local companies which may have payables addresses outside of Spokane County.

CURRENT "LOCAL" & "NON-LOCAL" OBSERVATIONS

1. Locally Warehoused - Goods: If there is an immediate need, locally warehoused goods are more readily available than if they had to be shipped into the area. A "Local Preference" policy is not needed in such a case since the needed time is addressed in the bid specifications in the competitive bid (i.e., delivery due date and time).
2. Response Time – Services: Local vendors may generally be better able to comply with "response time" requirements placed on service contracts. A vendor already having a local presence may possess an inherent pricing and/or a time-responsiveness advantage since they may have no new initial "start-up costs" or "mobilization costs or factors. Therefore, a "Local Preference" policy is not needed in regard to this factor.
3. Local Advertising: Local vendors often have an advantage over vendors outside of the area when it comes to their awareness of advertisements published in the County's official legal newspaper – which is a local publication.

ADVERSE IMPACTS AS OBSERVED BY OTHER POLITICAL JURISDICTIONS

The following is a list of observations made by other public jurisdictions concerning the "Local Preference" policy:

1. Prices will rise by the level of the percentage of preference given (*Ed., Percentage preference not allowed in WA State*), and possibly, go even higher because of the restriction on competitive and open bids. A 5% preference on our annual expenditures of approximately \$23 million could raise our initial contract awards by \$1.15 million or more.
2. A preference to local vendors could eliminate the minority vendor participation we get from elsewhere.
3. Federal regulations prohibit the granting of federal funds, such as F.A.A., UDAG or CDBG, to entities that have local preference policies used in bidding procedures.
4. With a "Local Preference" policy our jurisdiction would not be able to participate in many State Contracts and thereby would not be able to take advantage of the combined and leveraged spending of other large political subdivisions, and Group Purchasing Cooperatives, and Inter-local Cooperative Agreements. The County presently participates in numerous such contracts. This would force the County to issue many more bids and would likely increase costs due to reduced purchasing power.
5. Many bidders located outside of the jurisdiction have indicated that they will no longer bid when the integrity to the bidding process is compromised. Most economists believe that a restricted market raises prices.
6. "Local Preference" can actually discourage local economic development because firms which might possibly open a local office pursuant to a contract award will not, since they may be disadvantaged in winning a first contract.
7. Firms that don't qualify as a "Local Vendor" often have a greater positive impact on the local economy than competing "Local Vendors" firms (for example some "Non-local Vendors" may employ more local residents).
8. Historically, when a jurisdiction passes a "Local Preference" policy or ordinance then other jurisdictions in the surrounding areas implement retaliatory legislation.
9. A certification program would need to be implemented to determine and verify "localness," thereby, increasing the cost and burden of the acquisition and procurement process.
10. Establishing a "Local Preference" policy may eliminate the pressure brought to bear by only a few local businesses; however, it could open the door for more demands upon the political subdivision which adopted the policy.
11. "Local Preference" policies and laws have been implemented in large cities where there are many vendors on an equal footing, but it will raise costs where there is little or no competition within the jurisdiction.
12. Implementation of local preference policies elsewhere has caused bid protests lawsuits.
13. "Local Preference" policies and laws are contrary to free and open competition to minimize costs.

14. Even if the County considered sales tax under RCW 39.30.040, if then a "Local Vendor" may still be a higher bidder under the tabulation if the bids are close and if the local sales tax rate were higher than the sales tax rate for the "Non-local vendor."

15. The "Local Preference" would only apply to bids for equipment, materials, or supplies. Taxes for services/constructions are determined by where the service is performed, effectively leveling the playing field by making all bidders essentially "Local Vendors."

COMPLEXITIES IN DEFINING A "LOCAL VENDOR"

1. The definition and application of "local" is subject to legal challenge.
2. Would a "Local Vendor" be one which located anywhere within the County boundaries?
3. Would a "Local Vendor" be one which located only within the boundaries of County where the County (and not the City) receives the full benefit of the sales tax?
4. Would a "Local Vendor" be a taxpayer living within County but who owns a business located outside of the County boundaries?
5. Must the business own property within the County boundaries?
6. How long must a business be established within the County to qualify? What if a vendor from outside the County's boundaries "set up shop" just to submit a bid?
7. Does the home of a sales representative within the County boundaries qualify as a local vendor?
8. Does making payments to a company's remit-to address which is outside of the County boundaries disqualify them as a "Local Vendor?"
9. If a business is owned from outside of the County boundaries will they be allowed to bid? Should the ownership of a business be "Local" to qualify?
10. Should the business have paid local County property taxes or other taxes to qualify?
11. Should a warehouse, distribution center or a small branch office qualify a firm as local?

CONCLUSION

Buying locally is always a primary consideration when the purchase can be accomplished in accordance with sound purchasing practices.

Purchasing professionals believe "Local Preference" is inequitable because it results in part of the tax dollar being spent in "subsidy" instead of value. Sound purchasing equates to the concept of best value purchasing, i.e. lowest responsive bidder. A purchasing agent who has the marketplace artificially constrained cannot exercise the ingenuity and initiative, which is a contributing factor to their effectiveness.

A number of articles and studies have been published on this topic, leading to the same conclusions. Please see the attachments for some of them.

It is the opinion of the Purchasing Agent that the County should not adopt "Local Preference" or "Buy Local" policy.

CONFIDENTIAL AND PRIVILEGED**CITY ATTORNEY'S OFFICE
MEMORANDUM**

To: Gwen Chapman, Financial Operations Manager
Barry Scott, Purchasing Agent

From: Wm. R. Evans, Assistant City Attorney

Date: September 29, 2006

Subject: Local Purchasing Preference

ISSUE

May a municipality adopt a provision in its purchasing code that provides a preference to local businesses when considering or awarding contracts for public purchases?

DISCUSSION

The Washington case law I have reviewed does not provide a clear answer to this question. The issue is further complicated by the Commerce Clause to the U.S. Constitution if the non-local vendor also happens to be out of state. However, the Washington State Auditor's Office has reached a conclusion in this regard under Washington law, which it addresses as follows:

State law does not recognize, and implicitly prohibits, granting of preferences to local vendors in purchases of goods, supplies and services by local governments. (If an entity can justify imposing a requirement of local availability of a product, the requirement should be made a part of the bid specifications rather than being a factor in choosing bidders.)"

Washington State Auditor's Office, *Competitive Bid laws*, 2005, pg. 12.

Based on the foregoing Auditor's position and the lack of any clear direction to the contrary, I would recommend the City not adopt any kind of local preference provision in its purchasing code.

1. Local Preference - May a county or city grant a preference for bids submitted by local vendors or contractors?

A county or city may not grant a local preference for bidders unless there is specific authorization in state law for granting the preference. There is only one preference authorized in state law in relation to the bid law. RCW 39.30.040 was enacted in 1985 and provides that whenever a city or county is required to make purchases from the lowest responsible bidder, it can take into consideration tax revenue it would receive from purchasing the supplies from a source located within the jurisdiction. Tax revenues that may be considered include sales taxes and business and occupation taxes. This preference only applies to purchases of supplies, materials, and equipment, not public works contracts.

The ethics of **preference programs**

Despite good intentions, they can disrupt fair market forces and even impair participating companies.



By Dan Marran

Over time, well-intentioned political figures have sought to “help” businesses they see as disadvantaged in the marketplace by offering preference programs specific to their agency’s public purchasing process. Whether based on geographical location or socio-economic status, these programs seek to offer assistance to a class of business deemed to be at some sort of disadvantage in the public procurement process. However, the existence of preference programs upsets the free market forces that set prices and ensure adequate competition. It can also be argued that establishing any manner of preference in the public procurement process challenges an organization’s ethics by defining a new process to express favoritism in how tax revenues are spent and to establish a market that is no longer fair to all interested parties.

Historically, the management of the public procurement process has been rooted in fairness with public agencies offering a “level playing field” for all vendors wishing to do business with government. Sound policies and procedures govern how public dollars may be spent and how pricing proposals (bids) are received and evaluated. Public procurement professionals work diligently to provide complete bid documents to define clearly what the agency is seeking, the method by which a vendor should provide information and the manner by which the agency evaluates proposals. This methodology assures the vendor community that all interested parties are getting the same information and that, if they respond as directed, they will be evaluated in an equal fashion. This process also assures the taxpaying constituents of the agency that their funds are being spent equitably and fairly. The spending of funds entrusted to public agencies should be fair to anyone wishing to offer services to the local agency. By establishing a preference program that applies to the evaluation of solicitations, the local agency immediately upsets the concept of fairness and equal treatment of the entire vendor community. In action and effect, the agency is stating that a specific class of business deserves an advantage over their competitors when it comes to earning the business of government.

While most preference discussions come from the idea of looking to help develop “local” or (perceived) disadvantaged businesses, the execution of such a policy offers a crutch to affected businesses only when they are competing for the local agency business. When competing for private business among the same field of competitors in the “real world” (outside of government procurement and without a preference), they will be at a disadvantage.

Additionally, the agency runs the risk of putting the preferred class of businesses at a competitive disadvantage when they choose to bid on other governments’ contracts outside the sphere of their base preference. Especially in the case of “local” preference programs, many governments have instituted a “reciprocal” preference whereby a business that enjoys a preference in their home base of operations may be penalized by a similar amount when competing in other localities for that government agency’s business. In an effort to assist the affected vendor class, a local agency runs the real risk of hurting that business as they look for public agency customers beyond the local government that “helped” them via a preference program.

Examining the genesis of preference programs shows that, in most instances, a certain class of vendor is perceived to have a disadvantage in the local agency’s procurement process. But upon further examination, one finds that the vendors in question, more often than not, lack only the experience or understanding of how to compete under the local agency’s rules. The solicitation process for local agencies can be complex and initially confusing, but that process remains the best hope for continuing to offer a fair opportunity for vendors wishing to provide services to their local government. By offering outreach and education on how to provide responsive and competitive bids, the agency can offer far more assistance to the affected classification of vendor than any preference program might, as this education will help them compete in other jurisdictions as well.

In discussing a preference program, a local agency should consider the ethical statement they would make in establishing such a program. In effect, they would be declaring that it is acceptable to upset the concept of fairness in awarding agency contracts in order to assist a particular class of business. Further, they would be declaring that it is acceptable to overpay for services if it is done to assist a specific classification of business. Finally, it would be an acknowledgment or declaration that the affected business class could not otherwise compete for agency business without this assistance. Any such declaration upsets the ethical concept of fairness – to those that would enjoy the preference, those that would compete with those preferred businesses and those responsible for paying the bill.

About the author

Dan Marran, CPPO, C.P.M., is purchasing manager of Sparks, Nev. E-mail him at dmarran@cityofsparks.us. This article is based on the winner of the NIGP’s 2010 Ethics Essay Contest.



Draft

YAKIMA CITY COUNCIL
June 16, 2015
City Hall -- Council Chambers
6 p.m. Business Meeting; 6:30 p.m. Public Hearings

BUSINESS MEETING

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Open Discussions for the Good of the Order**
 - A. Presentations / Recognitions / Introductions
 - i. Recognition of retiring Yakima Police Department employees
Captain Greg Copeland - 25 years of service
Sergeant Lloyd George - 25 years of service
Officer Mike Kryger - 36 years of service

4. Council Reports

5. Consent Agenda

Items listed are considered routine by the City Council and will be enacted by one motion without discussion. A citizen or Council member may request to remove an item from the Consent Agenda and, if approved, it will be placed on the regular agenda for discussion and consideration.

- A. 1st Quarter 2015 Treasury Report
- B. 1st Quarter 2015 Accounts Receivable Status Report
- C. 1st Quarter 2015 Financial Trend Monitoring System

6. Audience Participation

Community members are invited to address items that are not listed on the regular business meeting agenda. A guideline of three (3) minutes per speaker is in place in order to allow as much opportunity as possible for audience participation. A speaker's time may be extended at the discretion of the Mayor and/or the consensus or vote of the Council. Written communication and e-mail messages are strongly encouraged.

PUBLIC HEARINGS

- 7. Public Hearing and resolution authorizing an Interlocal Agreement regarding the 2015 JAG Grant**
- 8. Public Hearing to consider a resolution declaring certain property surplus and authorizing disposition (by sale).**

Draft

9. Public hearing to consider the Hearing Examiner's Recommendation regarding a right-of-way petition submitted by Yakima Valley Community College to vacate Hamm Ave between S 12th Ave & S 13th Ave
10. Public Hearing to consider: A) Adoption of the Six-year Transportation Improvement Program for the years 2016 to 2021, and to amend the Metropolitan Transportation Plan; and B) Amend the Yakima Urban Area Comprehensive Plan Capital Facilities Element

CITY MANAGER REPORTS

11. Report summarizing permit and licensing for food vendors
12. Resolution authorizing Services Agreement with Yakima County Fire District 11

13. Other Business

14. Adjournment

The next meeting will be a Council Business meeting on July 7, 2015 at 6 p.m. at City Hall

15. Council General Information

- A. Council General Information
- B. 1st Quarter 2015 Municipal Courts Office Statistics

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

A Council packet is available for review at the City Clerk's Office and the Library. A packet is also available on-line at www.yakimawa.gov.

The City provides special accommodations, such as hearing devices, wheelchair space or language interpreters, for City meetings. Anyone needing special assistance please contact the City Clerk's office at (509) 575-6037.

CITY MEETING SCHEDULE

For June 1, 2015 – June 8, 2015

Please note: Meetings are subject to change

Monday, June 1

2:00 p.m. Bid opening – Council Chambers

Tuesday, June 2

10:00 a.m. County Commissions agenda meeting – Council Chambers

6:00 p.m. City Council meeting – Council Chambers

Wednesday, June 3

5:30 p.m. Community Review Board – Council Chambers

Thursday, June 4

9:00 a.m. Hearing Examiner – Council Chambers

Friday, June 5

8:00 a.m. Sister City meeting – 2nd Floor Conference Room

Monday, June 8

8:30 a.m. Pension Board meetings – 1st Floor Conference Room

Office Of Mayor/City Council
Preliminary Future Activities Calendar
Please Note: Meetings are subject to change

Meeting Date/Time	Organization	Meeting Purpose	Participants	Meeting Location
Tue. June 2 12:00 p.m.	Yakima Valley Tourism Executive Committee meeting	Scheduled Meeting	Adkison	Tieton Cider
1:00 p.m.	Miscellaneous Issues	Scheduled Meeting	Cawley, Coffey	TBD
6:00 p.m.	City Council meeting	Scheduled Meeting	Council	Council Chambers
Fri. June 5 8:00 p.m.	Sister City Meeting	Scheduled Meeting	Adkison	2nd Floor Conference Room
Mon. June 8 8:30 a.m.	Pension Board meetings	Board Meeting	Dittmar	1st Floor Conference Room
Tue. June 9 12:00 p.m.	Miscellaneous Issues	Scheduled Meeting	Cawley, Coffey	TBD
Wed. June 10 5:30 p.m.	Parks & Recreation Commission	Scheduled Meeting	Adkison	Council Chambers
Thur. June 11 1:00 p.m.	Harman Center Board meeting	Board Meeting	Adkison	Harman Center
1:30 p.m.	Yakima Regional Clean Air	Scheduled Meeting	Cawley	Council Chambers
3:30 p.m.	SAFE Yakima Community Board meeting	Board Meeting	Adkison	Chamber of Commerce
5:30 p.m.	YCDA Board meeting	Board Meeting	Adkison	New Vision
Mon. June 15 2:00 p.m.	Police Retirement Ceremony	Scheduled Event	Open	TBD
Tue. June 16 1:00 p.m.	Miscellaneous Issues	Scheduled Meeting	Cawley, Coffey	TBD
5:00 p.m.	(T) City Council Executive Session	Scheduled Meeting	Council	Council Chambers
6:00 p.m.	City Council meeting	Scheduled Meeting	Council	Council Chambers
Wed. June 17 3:30 p.m.	Arts Commission meeting	Scheduled Meeting	Adkison	2nd Floor Conference Room
Thur. June 18 2:00 p.m.	Council Built Environment Committee meeting	Scheduled Meeting	Coffey, Ensey, Lover	2nd Floor Conference Room
Mon. June 22 12:00 p.m.	Capitol Theatre Executive Committee meeting	Scheduled Meeting	Coffey	Capitol Theatre
Wed. June 24 3:00 p.m.	Yakima Planning Commission	Scheduled Meeting	Ensey	Council Chambers

5:30 p.m.	Historic Preservation Commission	Scheduled Meeting	Coffey	Council Chambers
Thur. June 25 1:30 p.m.	Council Economic Development Committee meeting	Scheduled Meeting	Cawley, Dittmar	2nd Floor Conference Room
Fri. June 26 10:00 a.m.	Council Public Safety Committee meeting	Scheduled Meeting	Adkison, Dittmar, Lover	2nd Floor Conference Room