

ORIGINAL

RESOLUTION NO. 566

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, ESTABLISHING REQUIREMENTS FOR CITY COUNCIL APPROVAL OF PROFESSIONAL SERVICE CONTRACTS EXCEEDING \$5,000 IN ANY CALENDAR YEAR.

WHEREAS, the City Council has determined that all professional services contracts with a vendor which are in excess of \$5,000 in any calendar year should first be reviewed by the legislative body prior to entering into said contract, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. No professional service contracts exceeding \$5,000 during any calendar year shall be entered into with a vendor of such services without first having received the prior approval of the City Council.

Section 2. The requirements set forth in Section 1 of this resolution shall be effective as of November 18, 1980.

RESOLVED this 18th Day of November, 1980.

CITY OF REDMOND

Christine T. Himes
MAYOR, CHRISTINE T. HIMES

ATTEST/AUTHENTICATED:

Paul F. Kusakabe
CITY CLERK, PAUL F. KUSAKABE

FILED WITH THE CITY CLERK: November 13, 1980

this action, it could not have escaped liability on the basis that the police chief was acting outside the scope of his duties. Summary judgment against the plaintiff on this issue was thus proper.

[2] The other principal issue in this case is the propriety of the procedure used by the city to effectuate its purpose to indemnify the police chief. We hold that the city council could properly act by motion and resolution rather than by a formal ordinance and it did not need to justify its actions by findings of fact or conclusions of law. Generally, the legislative body of a municipal corporation may act by resolution or by ordinance unless a particular mode of action is required by the constitution, a statute, a city charter or another city ordinance. State ex rel. Sylvester v. Superior Court, 60 Wash. 279, 111 P. 19 (1910). In this case, there is no constitutional, statutory, charter or ordinance requirement that the indemnification action be taken by a particular form of procedure. The city council was thus empowered to act by resolution, as it did. We note that there is some virtue in a legislative body's establishing, perhaps by ordinance, the criterion or criteria it will use in considering claims for indemnification of the kind raised in this case. However, as we hold above, the city may properly elect not to pass such an ordinance and to proceed by motion without the benefit of such preexisting criteria.

[3] There is likewise no requirement that the legislative body of a municipal corporation must make findings of fact and conclusions of law to support its actions. The legislative body is presumed to have been fully informed and to have acted reasonably and in the best interest of the municipal corporation. *Snohomish County Builders Ass'n v. Snohomish Health Dist.*, 8 Wn. App. 589, 508 P.2d 617 (1973). One challenging the action of a municipal corporation's legislative body must demonstrate that the challenged action is arbitrary and capricious or contrary to law. *Tacoma v. Vance*, 6 Wn. App. 785, 496 P.2d 534 (1972). Plaintiffs have made no showing in the present case that the city council did not take action it was empowered to