

**RESOLUTION NO. 2019-06**

**A RESOLUTION OF THE CITY OF MABTON, WASHINGTON,  
ACCEPTING RETAINAGE BOND**

**WHEREAS**, the City has contracted with P.O.W. Contracting, for construction of Reservoir No. 2 and Water System Improvements; and

**WHEREAS**, said contract and RCW 62.28 require the City to withhold from the principal contract the sum of Five Percent (5%) from monies earned on contract performance and project estimates during the progress of the construction, hereinafter referred to as earned retained fund; and

**WHEREAS**, P.O.W. Contracting has requested that the City disburse any earned retained funds (in the approximate amount of \$142,719.31) and accept a Retainage Bond in lieu of retention of the earned retained fund; and

**WHEREAS**, City Council has determined that such proposal is appropriate and consistent with applicable law.

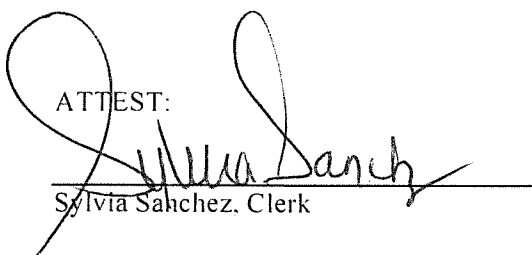
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MABTON,  
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

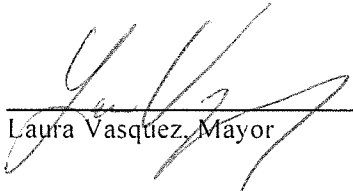
Section 1. The City of Mabton accepts Retainage Bond (Bond No. PB 02218100025) issued by Philadelphia Indemnity Insurance Company, as surety in the penal sum of One Hundred Forty-Two Thousand Seven Hundred Nineteen 31/00 Dollars (\$142,719.31), which is five percent of the contract price in lieu of retention of the earned retained fund. *Attachment A.*

Section 2. City Council authorizes the release of the earned retained fund to P.O.W. Construction in amount determined by City Engineer but not to exceed One Hundred Forty-Two Thousand Seven Hundred Nineteen 31/00 Dollars (\$142,719.31).

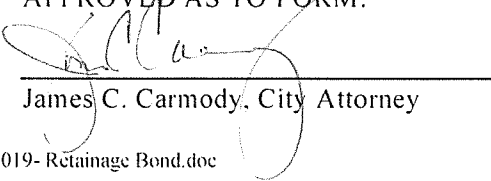
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
MABTON, WASHINGTON THIS 23RD DAY OF JULY, 2019.**

ATTEST:

  
Sylvia Sanchez, Clerk

  
Laura Vasquez, Mayor

APPROVED AS TO FORM:

  
James C. Carmody, City Attorney

ATTACHMENT A



PHILADELPHIA INDEMNITY INSURANCE COMPANY  
One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Amy Farris, Brenda J. Smith, Cynthia L. Heiney, Jon M. Riche, Angie L. Colbert, Ed Heine, George Seaton, Kerry Heine, Lisa Kver, Tyler McIntyre, Dylan Arre, Jaclvn R. Kruse, James Clegg, James E. Majeskey II, Shanalee E. Steele, Thomas Davis, William H. Davis, Melissa Wolf and Mark Theriault of PavneWest Insurance, Inc. its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

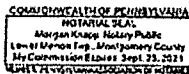
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27<sup>TH</sup> DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 27<sup>th</sup> day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public: Morgan Knapp  
residing at: Bala Cynwyd, PA  
My commission expires: September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 27<sup>th</sup> day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 6th day of May, 20 19.



Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY