

**City Council Regular Meeting
Tuesday, June 5, 2012, 6:00 p.m.
City Hall – Council Chambers**

CALL TO ORDER Mayor Dudley called the meeting to order at 6:00 p.m.

EXECUTIVE SESSION and AMENDED AGENDA

Mayor Dudley asked for a motion to hold an executive session after public comments (number 1 on the agenda) in order to discuss litigation issues.

MOTION

ONE: Councilmember Campbell moved to amend the agenda in order to hold an executive session following public comments. This will be Item 1A. The motion was seconded by Councilmember Almberg and carried unanimously to accept the agenda as amended.

MOTION

TWO: Councilmember Servatius moved to consider Agenda Item 7 - Contract, Steve Powers, Development Services Director ahead of Agenda Item 3 - Public Hearing, Interim Sign Code Ordinance. Councilmember Almberg seconded the motion.

Councilmember Campbell asked why this change in the agenda's order was being considered and Councilmember Servatius felt that, after all Mr. Powers has done for the City, the least Council could do is move this agenda item up. Councilmember Hizon called for a point of order with regard to amendment of the accepted agenda, and Councilmember Almberg called for the question.

VOTE ON MOTION

TWO: Councilmembers Almberg, Hizon, Munns, Paggao, Servatius, and Severns voted in favor of the motion, Councilmember Campbell opposed; the motion carried.

MOMENT OF SILENCE

Raymond "Doc" Ellis passed away on May 26, 2012 and Mayor Dudley talked about Dr. Ellis' life in Oak Harbor. After serving in World War II, "Doc" came to Oak Harbor in 1946 to set up a veterinary practice. He retired in 1994 after 48 years of caring for our animals. "Doc" Ellis' public and community service included: City Councilmember 1952-1960, Mayor 1960-1972, Jaycees, Navy League, Oak Harbor Elks, American Legion, a 56-year member of Oak Harbor Rotary Club, and he played the trumpet in various local bands, including the Community Band. Mayor Dudley called for a moment of silence in honor of Dr. Raymond "Doc" Ellis.

INVOCATION

Councilmember Bob Severns

ROLL CALL

Mayor Scott Dudley
Seven Members of the Council,
Rick AlMBERG
Jim Campbell
Tara Hizon
Beth Munns
Danny Paggao
Joel Servatius
Bob Severns

Steve Powers, Interim City Administrator
Grant Weed, Interim City Attorney
Doug Merriman, Finance Director
Cathy Rosen, Public Works Director
Eric Johnston, City Engineer
Larry Cort, Project and Contract Specialist
Rick Wallace, Police Chief
Ray Merrill, Fire Chief
Renée Recker, Executive Assistant to the Mayor
Karen Crouch, Executive Assistant to the City Administrator

MINUTES

The May 15, 2012 regular meeting minutes were accepted as presented.

PROCLAMATION for MAYOR DUDLEY

Councilmember Munns read a surprise proclamation recognizing Mayor Dudley's kidney donation on May 14, 2012 to Phil Rosario who was suffering from polycystic kidney disease, a disease that four of Mayor Dudley's family have battled. Mayor Dudley was applauded for this humanitarian act, and Mr. Rosario was wished many years of good health.

NON-ACTION COUNCIL ITEMS

Public Comments

Helen Chatfield Weeks, Oak Harbor. Ms. Chatfield-Weeks spoke as Chair of the Oak Harbor Park Board and talked about Dr. Ellis' vision to save and purchase the property that became City Beach (Windjammer) Park and his involvement in the development of the City's Marina.

Pamela Fick, 2643 Olympic Drive, Hillcrest. Ms. Fick spoke about Citizens United and the Supreme Court ruling giving corporations the same free speech rights as individuals. Ms. Fick represents Island County Citizens Ignited who are collecting petition signatures to ask elected officials for a resolution supporting an overturn of this decision with an amendment to the U.S. Constitution.

There were no other public comments.

Executive Session

(Pursuant to RCW 42.30.110(1)(i)): *The city council will hold an executive session to discuss pending litigation with legal counsel representing the city because public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the city.*)

Mayor Dudley called for a twenty-minute executive session and recessed at 6:15 p.m. to discuss litigation issues. At 6:35 p.m., Mayor Dudley extended the executive session for ten additional minutes. The executive session concluded at 6:45 p.m. and the regular meeting reconvened at that time.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS

Consent Agenda

- A. Permit for Ice Cream Truck – G and R Ice Cream
- B. Noise Permit – Island County Democrats
- C. Noise Permit – City of Refuge Christian Church
- D. Appointment – Oak Harbor Youth Commission, Madeline Mosolino
- E. Re-Appointment – Community Police Advisory Board, Lauren Nelson
- F. AHBL Contract Amendment
- G. Approval of Accounts Payable Vouchers

MOTION: Councilmember Hizon moved to approve Consent Agenda Items A through G with item G paying Accounts Payable check numbers 150143 - 150293 in the amount of \$377,204.06, Accounts Payable check numbers 150294 - 150302 in the amount of \$313.56, Payroll check numbers 95551 - 95582 in the amount of \$604,597.59, and Payroll Check numbers 95583 - 95605 in the amount of \$38,343.22. The motion was seconded by Councilmember Munns and carried unanimously.

Councilmember Servatius called for point of order. The Retainer Agreement for Interim City Attorney Services with Weed, Graafstra and Benson, Inc., P.S states that Council needs to approve the agreement. The agreement text: *The City Attorney shall serve at the pleasure of the Mayor, provided that all decisions relative to such employment, or termination of the same, shall be subject to confirmation by a majority vote of the City Council.*

Mr. Weed noted that the executed agreement is the standard agreement his law firm offers to all of the firm's city clients who intend to retain on a longer term rather than interim basis. By city code, a non-interim appointment would need Council approval; the Mayor can secure the agreement on an interim basis. Council would need to approve a more permanent position.

MOTION: Councilmember Servatius moved that an agenda bill be prepared for the next scheduled meeting of the Council, the content of which should be the approval or amendment or disapproval of the Interim Contract for Legal Services tentatively approved by the Mayor on June 4, 2012. The agenda bill should specifically provide for Council consideration of the following issues:

1. **Should the interim contract be automatically renewed at the end of 120 days as currently proposed.**
2. **Should approval of the interim contract be conditioned upon the requirement that the Mayor advertise the opening for the position of City Attorney on or before July 1, 2012.**
3. **Should approval of the interim contract be conditioned upon the Mayor submitting a recommendation for City Council's approval of a City Attorney candidate on or before September 1, 2012.**
4. **Provide a résumé and any other pertinent information regarding qualifications, expertise and experience in dealing with Navy contracts.**
5. **Provide a résumé and any other pertinent information regarding qualifications, expertise and experience in dealing with local Native American Tribes.**

The motion was seconded by Councilmember Almberg.

Discussion continued regarding the firm's background, the Council approval paragraph of the agreement, the interim nature of the agreement which does not require Council approval, and if the interim agreement can be amended. Mayor Dudley asked Mr. Powers and Mr. Weed to comment. Councilmember Servatius called for a point of order regarding the Mayor's discussion of a contract he prepared.

Mr. Powers noted that Council Rules allow Council to make a motion and second without a vote.

No vote was needed.

Contract - Steve Powers, Development Services Director

Finance Director Merriman presented this agenda bill and proposed employment contract for Steve Powers as the City's Development Services Director. Mr. Powers began his urban planning career in 1990 with the City of Phoenix, AZ. He joined the City of Oak Harbor in 1998 as a Senior Planner and he was appointed as the Development Services Director in May 2001. Mr. Powers attended Arizona State University, earning a Bachelor of Science (urban planning) and a Master of Environmental Design (urban design). He has been a member in good standing with the American Institute of Certified Planners since 1992. It is the intention of the City to offer all department directors standard employment contracts. At the time of his hire, Mr. Powers was not offered an employment contract and this needs to be remedied. The proposed contract specifies conditions of employment and sets working conditions for the Development Services Director. As Mr. Powers is a current employee certain items in this contract, such as salary, are already agreed-upon conditions of employment.

Mayor Dudley called for public comments but there were none.

Council Discussion

Discussion followed regarding the use of the word "appointment" rather than "agreement" and the effective date of this appointment. Mr. Merriman felt the word "appointment" is appropriate since it is an appointment by the Mayor and Mr. Weed noted that the agreement confirms or reaffirms Mr. Powers' prior appointment. Discussion continued about approving this agreement at this point in the meeting when the next agenda bills may change "at will" language and create a conflict. Mr. Weed talked about potential conflict but noted there could be later amendments to the upcoming proposed ordinances.

MOTION: Councilmember Almberg moved to approve the Development Services Director Employment Agreement with Mr. Richard Steven Powers and authorize the Mayor to sign the agreement. The motion was seconded by Councilmember Munns.

Mr. Powers was thanked for serving as the Development Services Director without a contract and for his dedication and hard work.

VOTE ON THE

MOTION: The motion carried unanimously.

Public Hearing – Interim Sign Code Extension

Senior Planner Ethan Spoo presented this agenda bill and recommendation that the City Council extend interim Ordinance 1609 - Temporary and Special Signs for a second time. The Planning Commission has also completed their work on a draft temporary sign code.

Mayor Dudley opened the public hearing at 7:15 p.m., but there were no public comments so the public hearing was closed.

MOTION: Councilmember Munns moved to adopt the ordinance extending interim Ordinance Number 1609 for an additional six-month period until December 5, 2012. The motion was seconded by Councilmember Hizon and carried unanimously.

Public Hearing and Final Consideration – Personnel Code Update

Mr. Powers presented this agenda bill and talked about the two agenda bills that will follow:

1. Staff prepared two ordinances and two resolutions for City Council adoption to clearly establish the personnel policies applicable to non-unionized city employment. The first ordinance, which is presented with this agenda bill, revises Chapter 2.34 of the Oak Harbor Municipal Code (OHMC) to set legislative policy by topic and then delegates implementation of each policy to the Mayor. Because the changes are extensive, staff recommends repeal of the existing chapter and re-adoption of a new chapter.

2. The second ordinance is a "housekeeping" ordinance which revises those sections of the City code which address management-level positions to make them consistent with the first ordinance. That ordinance is presented with the next agenda bill.
3. Finally, staff proposes to repeal the existing employee policy manual as it does not adequately meet the City's needs and to put a revised manual into effect. Two resolutions have been drafted for the Council's consideration. One proposes to repeal the existing manual and provide for an administrative approval of the new manual. The other proposes to repeal the existing manual and have legislative approval of the new manual. The resolutions and the revised manual are presented in a third agenda bill.

Mr. Powers suggested that Council might open the public hearing and continue it to a future date.

Mayor Dudley opened the public hearing at 7:20 p.m.

Christon Skinner, Oak Harbor. Mr. Skinner represents two employees who would be affected by the proposed ordinance changes and asked that Council "grandfather" in their status so they will not be adversely affected. The recommended version of the "housekeeping" ordinance would treat them fairly; any staff who are not "at will" would be "for cause" employees.

Shane Hoffmire, Oak Harbor. Mr. Hoffmire noted the length of time this project has been underway and suggested taking the advice of the City's employees.

Council Discussion

Discussion followed regarding union agreements, "at will" employment, that the probationary period does not seem to follow changes in the personnel policy handbook, the definition of full-time and part-time employees (40 and 32 hours) in relation to the declaration of hours worked per week (40 hours) with Mr. Powers explaining that the first references are a definition while the 40 hours defines the work week and that the City uses the term "full-time" rather than "permanent."

Discussion continued regarding disciplinary action and how the procedure is enforced (definition and disciplinary action). Mr. Powers talked about what is not considered a disciplinary action, the difference between a disciplinary action and annual reviews, and the use of language 2.34.170 - Construction with the last sentence stating it shall not be codified. Mr. Weed noted that it is essentially a severability clause and would not be included in the code; it is a note to the code reviser.

Discussion continued that the last review process had taken place only five days before this meeting and if there were unanswered questions (there were some employee concerns but there has been strong attendance at all of the employee meetings). Council noted that they had received more input and communication on this subject than comments on many other projects and Council remained concerned that changes may be rushed.

Mr. Powers noted that the City has consistently encouraged employees to contact Council Members, staff has accomplished the goal of bringing these agenda bills before Council this evening to address some of the issues, that it may be difficult to make everyone happy which can be the nature of rules, and that with Council's input, these changes can be crafted to meet Council's legislative policy. We welcome the input. Council thanked Ms. Neill Hoyson and Mr. Powers for their work on these policies and Councilmember Servatius added this Andrew Carnegie quotation: "Take away my factories, my plants, take away my railroads, my ships, my transportation; take away my money, strip me of all these, but leave me my people and in two or three years, I will have them all again."

MOTION

ONE: Councilmember Almberg moved to have the following text made a permanent part of the draft that will be deferred. Mr. Almberg read this text into the record:

Additional Language - Proposed Amendments to OHMC Section 2.34.055

2.34.055 Management Positions

- (1) Except as provided in section (6), below, employees hired to fill the following appointive offices, shall be subject to the direction and supervision of the Mayor, and are not covered by the grievance, disciplinary action and appeals provisions of this chapter. Persons employed in these appointive positions shall be "at will" employees of the City and may be terminated from the City's employment at the Mayor's discretion.
 - a. City Administrator
 - b. Finance Director
 - c. City Attorney and any Assistant City Attorneys
 - d. Chief of Police
 - e. Fire Chief
 - f. Development Services Director
 - g. Public Works Director
 - h. Executive Assistant to the Mayor
- (2) Subject to the provisions of section (6), below, employees holding the above listed positions shall be offered employment contracts which shall govern the terms and conditions of their employment, including the terms of service, compensation and any severance pay allowance. The Mayor is authorized to enter into employment contracts with employees holding the above described appointive offices, provided, however, that before any such contract or specific contract terms are offered, the content of the same shall first be approved by the City Council.
- (3) Employees holding the above listed positions at the time of the adoption of this ordinance who do not already have employment contracts with the City or whose contracts have not been revised in the previous five years, shall be offered employment contracts providing the terms of service and compensation as approved by the City Council. Such contracts shall be prepared for City Council

review and approval no later than six (6) months from the date of the adoption of this ordinance.

- (4) Employees who decline to enter into contracts of employment offered to them pursuant to this subsection shall continue in their employment status existing at the time of adoption of this ordinance or as set forth in section (6), below; and continuing until that employee's separation from City employment. An employee who does not enter into a contract of employment as provided herein, shall not be entitled to any of the rights or benefits that may be otherwise conferred upon persons employed in the above listed positions by contracts established pursuant to subsection (2) above.
- (5) All other positions are "for cause" (as defined in the Oak Harbor Municipal Code) to focus greater attention on monitoring employee work activity results, the evaluation of employee performance to determine the level of achievement goals, and using performance information to make decisions, allocate resources and communicate whether or not objectives are met.
- (6) It is the policy of the City of Oak Harbor to treat its employees fairly and provide equal opportunity in employment to all employees. The "at will" and "for cause" status of the positions of employment held by the current Chief of Police and the current Director of the City's Public Works Divisions (Director of Public Works upon enactment of OHMC 2.70.010 et seq.) are unclear at the time this ordinance is being enacted. In order to minimize confusion and in order to minimize the risk of litigation related to the enactment of this ordinance, the following exceptions to this ordinance shall apply for so long as the current Chief of Police and the current Director of the City's Public Works Divisions remain in the full time employ of the City of Oak Harbor:
 - a. The current Chief of Police shall be a "for cause" employee and shall not be treated as an "at will" employee who may be terminated from employment without proper cause. All other sections and provisions of this ordinance and OHMC Chapter 2.36 shall apply to the Chief of Police to the extent not inconsistent with this provision. This exceptional designation of "for cause" employment status shall terminate at such time as the current Chief of Police is no longer in the full time employ of the City of Oak Harbor.
 - b. The current Director of the City's Public Works Divisions shall become the Director of the newly created Department of Public Works. At such time as that newly created position of Public Works Director is filled by the current Director of the City's Public Works Divisions, the Public Works Director shall be a "for cause" employee and shall not be treated as an "at will" employee who may be terminated from employment without proper cause. With the exception of OHMC Chapter 2.70.020, all other sections and provisions of this ordinance and newly enacted OHMC Chapter 2.70 shall apply to the Public Works Director to the extent not inconsistent with this provision. This exceptional designation of "for cause" employment status shall terminate at such time as the current Director of the City's Public Works Divisions/Public Works Director is no longer in the full time employ of the City of Oak Harbor.

- c. The current Chief of Police and the current Director of the City's Public Works Divisions may, but shall not be required to enter into the employment contracts referred to in Section (3) above. Provided, however, that in the event that either elects to enter into such a contract, the provisions of section (6)a and (6)b above shall be of no further force and effect.

VOTE ON MOTION

ONE: The motion was seconded by Councilmember Paggao. Councilmembers AlMBERG, Hizon, Munns, Paggao, Servatius, and Severns voted in favor of the motion. Councilmember Campbell abstained. The motion carried.

MOTION

TWO: Councilmember Hizon moved to continue the public hearing on the Personnel Code Update to a future meeting. The motion was seconded by Councilmember Severns.

AMENDMENT TO MOTION

TWO: Councilmember AlMBERG moved to amend the motion to continue the public hearing to the June 18, 2012 meeting. The amending motion was seconded by Councilmember Servatius.

Council Discussion

Council asked if, coming back to the 6/18/12 meeting allowed enough time and, if a special meeting toward the end of June should be considered. Councilmember Campbell will be absent from the 6/18/12 meeting and may not be back for a subsequent special meeting. Mr. Campbell suggested keeping this item in place for the 6/18/12 meeting to see staff's progress and then consider a special meeting, if needed.

VOTE ON THE AMENDMENT TO MOTION

TWO: The amending motion carried unanimously.

VOTE ON MOTION

TWO: The motion carried unanimously.

Public Hearing and Final Consideration – Personnel “Housekeeping” Code

Mr. Powers presented this agenda bill and ordinance which would amend various sections of the Oak Harbor Municipal Code (OHMC) regarding the employment status of the department directors. It would also create a Public Works Department and the position of its Director, and amend Chapter 2.38 regarding the reporting relationship for the Harbormaster.

Mayor Dudley opened the public hearing at 8:10 p.m.

Shane Hoffmire, Oak Harbor. Mr. Hoffmire hoped that, in addition to employee feedback, Council is also seeking citizen feedback.

Martha Yount, Oak Harbor. Ms. Yount talked about ethics, morality, honesty, and fairness and asked Council to incorporate these traits into their decisions.

There were no other comments.

Council Discussion

Public hearings are meant to encourage citizen feedback. Discussion followed regarding the use of the terms "assigned" and "reassigned" and clarification of these terms, additional language suggested for the end of 2.05.040 (3), fiscal impacts of additional responsibilities, micro-management, and incorporation of text to extend beyond the City Administrator.

MOTION

ONE: Councilmember Almberg made a motion, in reference to Section 2.05.040 Reassignment of Duties, requesting:

- Clarification on terms "assignment" and "reassignment."
- Addition of this text at the end of 2.05.040 (3): "provide any cost impacts to the City as the result of the new assignment."

The motion was seconded by Councilmember Severns.

(Clerk's note: the full sentence of 2.05.040(3) would then read: Assure City Council is provided notice of the reassignment as made to City Council in a manner reasonably calculated to advise them of the changes and provide any cost impacts to the City as the result of the new assignment.)

VOTE ON MOTION

ONE: Councilmembers Almberg, Hizon, Munns, Paggao, and Severns voted in favor of the motion. Councilmembers Campbell and Servatius opposed. The motion carried.

MOTION

TWO: Councilmember Campbell made a motion that the text and intent of Section 2.05.040 - Reassignment of Duties (for the City Administrator) be applied to each "at will" employee. Councilmember Almberg seconded the motion.

MOTION WITHDRAWING THE SECOND TO MOTION

TWO: Councilmember Almberg moved to withdraw his second of this motion. Councilmember Hizon seconded Mr. Almberg's motion to withdraw his second and this motion carried unanimously.

NEW SECOND TO MOTION

TWO: Councilmember Hizon then seconded Councilmember Campbell's motion.

VOTE ON MOTION

TWO: Councilmembers Campbell, Hizon, and Servatius voted in favor of this motion. Councilmembers Almberg, Munns, Paggao, and Severns opposed. The motion did not carry.

Break

Mayor Dudley called for a short break at 8:45 p.m. and the meeting reconvened at 8:50 p.m.

MOTION

THREE: Councilmember Munns moved to continue this conversation (public hearing) to the June 18, 2012 meeting. The motion was seconded by Councilmember Campbell and carried unanimously.

Final Consideration – Resolutions, Employee Policy Manual

Mr. Powers presented this agenda bill. A review of the existing employee Personnel Policies Manual was undertaken as part of the employee code update project. It was determined that a re-write of the manual was necessary in order to:

- Clearly implement City Council legislative policy as was intended to be established in OHMC Chapter 2.34, and
- Bring current with State and Federal law a number of the existing policies, and
- Update the document to reflect current administrative policy, and
- Eliminate policies or language covered by other policy documents, and
- Improve the usability of the document.

Before the new manual may be put into use, the existing manual must be repealed. The current Personnel Policies Manual was adopted on August 8, 2007 with Resolution No. 07-16. In order to place the new Employee Policy Manual into effect, the City Council must approve a new resolution, repealing the previous resolution. With respect to establishing the new Employee Policy Manual, two options were presented to the City Council. The first is an administrative approach which requests the Mayor put the Manual into effect and provides that the Mayor may make amendments to the Manual as necessary (e.g. to reflect changes in employment law). The approval of Resolution No. 12-13 would repeal the existing manual and provide for the Mayor to administratively establish the new Employee Policy Manual. The second avenue available to the Council is a legislative approach which requires the adoption of Resolution No. 12-14 that both repeals the existing manual and approves the new Manual. With this approach, the City Council would also need to approve any amendments to the document that may be necessary in the future.

The drafting of the new Employee Policy Manual identified two current City practices that should not be repealed or discontinued at this time. The City's leave sharing program (found in existing Policy 504 – Leaves of Absence) requires some revision in order to be

fully consistent with the Americans with Disabilities Act (ADA). Staff proposes the existing policy be readopted until such time as a replacement program can be created.

Additionally, the City's existing medical coverage opt-out program is not included in the existing Policy Manual. As changes to that program will be studied in the coming months, staff proposes that the existing practice be maintained for the time being.

Mr. Powers then gave a history of the review process which was discussed with both employees and City Council beginning in March 2012 and running through May 2012.

Mayor Dudley called for public comments but there were none.

Council Discussion

Discussion followed regarding page 5 of the draft policy - last paragraph concerning other departmental work rules specific to a department and a suggestion to have them in writing, ending text in Resolution 12-14, appointment versus agreement, and classification of employees. Discussion returned to the earlier ordinances and where language is found (ordinances which will become part of the OHMC or the Policy Manual).

MOTION: Councilmember Almberg moved to continue this agenda item to run commensurate with the previous code amendments that were accepted by the Council earlier this evening. Councilmember Hizon seconded the motion and it carried unanimously.

Amendment to OHMC Chapter 2.390

MOTION: Councilmember Munns made a motion to have an agenda bill prepared for the next scheduled meeting of the City Council (June 18, 2012), amending OHMC 2.390.020, OHMC 2.390.030 and OHMC 2.390.040 to reduce the spending and contracting authority for the Mayor, City Administrator, and Department Heads limited to \$10,000 per individual item or subject matter. Added to that, no contract or expenditure shall be authorized by more than one person nor shall the spending authority be accumulated among the persons who are authorized to enter into contracts or expend funds pursuant to OHMC 2.390.010 - OHMC 2.390.090.

Councilmember Hizon was not feeling well and asked to be excused from the meeting. There was a recess of the meeting at 9:15 p.m. and the meeting reconvened at 9:30 p.m.

SECOND TO THE

MOTION: The motion was seconded by Councilmember Servatius.

Councilmember Munns spoke to her motion noting recent changes and costs and the need to review costs for the City's budget. Councilmember Severns called for a point of order noting that only a motion and second was needed.

No vote was needed for this motion.

FRIENDLY AMENDMENT TO THE

**MOTION: Councilmember Campbell made a friendly amendment to add this text to Ms. Munns' motion: The amendment* will be temporary until reviewed at the City Council's budget consideration to take into account the many extra expenditures that are occurring.
(*Clerk's note: the word "amendment" in Mr. Campbell's friendly amendment is referring to Ms. Munns' motion to amend the referenced OHMC sections.)**

**VOTE ON THE FRIENDLY AMENDMENT: (*Correction from the 6/18/12 Council Meeting)
The friendly amendment was seconded by Councilmember Almberg and carried unanimously. (*Councilmember Hizon was no longer in the meeting.)
(Clerk's note: Per Mr. Weed's comments, amendments to a motion require a vote.)**

Future City Council Pending Items

As presented in the Council packet.

City Administrator's Comments

Mr. Powers talked about upcoming special meetings and thanked everyone for being able to serve as the City Administrator.

Councilmembers' Comments

MOTION: Councilmember Almberg moved that Council direct the Mayor and staff to immediately proceed with the process to fill the following vacancies with "permanent employees" by or before September 4, 2012:

- City Administrator
- City Attorney
- Human Resources Director

The process shall include but not be limited to the staff submitting a schedule for Council review by June 19, 2012 (The Council meeting is scheduled as a special meeting on June 18, 2012). In addition, the Mayor and/or staff shall report to the Council at each future Council meeting as to their progress until the positions have been confirmed by Council.

The motion was seconded by Councilmember Servatius.

Mr. Weed noted that, inherent in the motion is the issue of Council having the authority to direct the Mayor about the process of filling City positions. The Mayor is the chief personnel

officer of the City. Mr. Powers added that in a recruitment process, one party is the City and the second party is the potential candidate(s). Even if a schedule is developed and layered, it may not yield a candidate. A good faith effort can be made, but a yield cannot be guaranteed by September 4, 2012. Council can be kept informed on the progress, but the City cannot control who applies for the positions. Also, Council is already facing a large meeting on June 18, 2012 with the current pending agenda.

Council Discussion

Discussion followed about communication on how these positions will be advertised with concern over how these positions will be filled, the number of department heads who have to be replaced, and whether Mr. Weed's points are a strong legal opinion. Mr. Weed noted that how positions are filled and the timing for such is within the purview of the Mayor; the issue of budget and cost is within the Council's purview. Discussion continued that the City Attorney left this past Friday, the City's Human Resources Manager is still working, and that staff should be given an opportunity to work out a plan; the motion questions staff's capabilities. Discussion followed that the motion and second were more directed at the Mayor and his dismissal of five employees.

AMENDMENT TO THE

MOTION: Councilmember Almberg moved to amend his motion and delete the phrase, "by or before September 4, 2012" but keep June 18, 2012 for the schedule. The amendment to the motion was seconded by Councilmember Severns.

VOTE ON THE

**AMENDMENT: (*Correction from the 6/18/12 Council Meeting)
Councilmembers Almberg, Munns, Paggao, Servatius and Severns voted in favor of the amendment. Councilmember Campbell abstained from the vote. (*Councilmember Hizon was no longer in the meeting.)The motion carried.**

VOTE ON THE ORIGINAL (*Correction from the 6/18/12 Council Meeting)

MOTION: Councilmembers Almberg, Hizon, Munns, Paggao, Servatius and Severns voted in favor of the original motion. Councilmember Campbell abstained from the vote. (*Councilmember Hizon was no longer in the meeting.) The motion carried.

Councilmember Munns thanked the Navy and community for supporting the Battle of Midway recognition. 130 people attended this event. Councilmember Severns talked about the annual Economic Development meeting to be held on June 15, 2012, 11:00 a.m., at the Best Western. Councilmember Servatius enjoyed the Parliamentary Procedure Workshop presented by Ann Macfarlane and then he thanked Fire Chief Merrill for the Fire Department tour which also included Councilmember Munns.

Mayor's Comments

Mayor Dudley talked about the great work of the City's Wellness Committee and AWC's Well City Award to Oak Harbor which also nets a 2% discount for the benefits premium. Many thanks to Dina Nichols and the entire Wellness Committee. Mayor Dudley also talked about the Relay for Life event at North Whidbey Middle School - 16 teams, 1,000-plus participants, over \$180,000 raised. Mayor Dudley thanked Steve Powers for stepping up and serving as the City Administrator in light of all of the work demanded by juggling two busy positions. And, in reference to the motion to fill vacancies, Mayor Dudley responded that two months ago he was chastised for pushing confirmation of the Fire Chief. The City is underway with the Police Chief position, and the Human Resources Manager position will be a priority. Mayor Dudley asked if Council would like to use executive search firms ("head hunters") for these positions.

Adjourn

With no other business coming before the Council, Mayor Dudley adjourned the meeting at 10:00 p.m.

Connie T. Wheeler
City Clerk