# City of Oak Harbor

# City Council Meeting Agenda for

# 6:00 p.m. June 18, 2012

Summer begins June 20th

# Oak Harbor City Council
# SPECIAL MEETING
# 6:00 p.m.
# Monday, June 18, 2012

*As a courtesy to Council and the audience, **PLEASE TURN YOUR CELL PHONES OFF** before the meeting begins. During the meeting's Public Comments section, Council will listen to your input regarding subjects of concern or interest that are not on the agenda. For scheduled public hearings, please sign your name to the sign up sheet, located in the Council Chambers if you wish to speak. The Council will take all information under advisement, but generally will not take any action during the meeting. To ensure your comments are recorded properly, state your name and address clearly into the microphone. Please limit your comments to three minutes in order that other citizens have sufficient time to speak. **Thank you for participating in your City Government!***

**CALL TO ORDER**

**INVOCATION**

**ROLL CALL**

**MINUTES** 5/30/12 Workshop, 6/5/12 Regular Meeting, 6/7/12 Special Meeting

**NON-ACTION COUNCIL ITEMS:**

1. Public Comments.

**COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:**

2. Consent Agenda:

**Page 59**

a. Noise Permit – 2012 Rotary Car Show.

**Page 63**

b. Noise Permit – Jessica Kimani Wedding.

**Page 67**

c. Noise Permit – Life Church.

**Page 71**

d. Noise Permit – Adrenaline Lacrosse.

**Page 75**

e. Noise Permit – Chamber of Commerce – 4th of July.

**Page 79**

f. Noise Permit – Race Week, Clear Ahead Marine Productions.

**Page 83**

g. Re-Appointment – Arts Commission, Kit Christopherson.

**Page 85**

h. Re-Appointment – Planning Commission, Kristi Jensen.

**Page 87**

i. Professional Services Agreement – Tamra Sipes, Whidbey Island Marathon.

**Page 103**

j. Excused Absence Request - Bob Severns from the July 3, 2012 Council Meeting.

**Page 105**

k. Approval of Accounts Payable Vouchers (Pay Bills).

**Page 123**

3. Easement Agreement – Navy Fuel Line.

**Page 135**

4. Agreement – Interim City Attorney Services.

**Page 143**

5. Public Hearing – Six-Year TIP, 2013-2018.

**Page 165**

6. Public Hearing – Plat Alteration, Fairway Point PRD.

**Page 181**

7. Continuation of Public Hearing from 6/5/12 and Final Consideration – Personnel Code Update.

**Page 197**

8. Continuation of Public Hearing from 6/5/12 and Final Consideration – Personnel Code Housekeeping Ordinance.

**Page 207**

9. Employee Policy Manual.

**Page 301**

10. Amendments to OHMC Chapter 2.390 – Contract Authority.

**Page 303**

11. Schedule for Staff Vacancies – City Administrator, City Attorney and Human Resources Manager.

**Page 307**

12. Sole Source – Roll Carts Purchase.

**Page 317**

13. Future City Council Pending Items.
14. City Administrator's Comments.
15. Council Members' Comments.
16. Mayor's Comments.

*If you have a disability and are in need of assistance, please contact the City Clerk at (360) 279-4539 at least two days before the meeting.*

*If you ask me what I came into this life to do, I will tell you: I came to live out loud.*
- Emile Zola

**Oak Harbor City Council Workshop**
**Parliamentary Procedures**
**May 30, 2012**
**City Council Chambers**
**6:00 p.m. – 9:00 p.m.**

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**IN ATTENDANCE**

Seven members of the City Council,
- Danny Paggao, Mayor ProTem
- Rick Almberg
- James Campbell
- Tara Hizon
- Beth Munns
- Joel Servatius
- Bob Severns

Staff:
- Interim City Administrator Powers
- City Attorney Hawkins
- Project Specialist Larry Cort
- Senior Services Director McIntyre
- Executive Assistant Recker

Mayor Dudley was excused due to recent surgery.

Interim City Administrator Powers called the meeting to order at 6:00 p.m. Mr. Powers introduced Professional Registered Parliamentarian Ann Macfarlane.

Ms. Macfarlane gave a brief background of her accomplishments and advised the group the presentation would be given in three segments: presentation of content, interactive role play and a review of the City's Rules and Guidelines. She gave a brief overview of the history of parliamentary procedures, including Roberts Rules of Order.

Ms. Macfarlane distributed a handout entitled Making Council Meetings Effective and Productive to Council and staff. She discussed types of organizations and their differences. The two types discussed were accountability hierarchy and voluntary association. Ms. Macfarlane proceeded with a review and thorough discussion of the points contained in the handout, which is attached as Exhibit A.

The Council members participated in a role play exercise regarding the motion process from the origin of the motion to the final vote.

Discussion was held regarding ways to remove an item from the agenda, changing the order of items on the agenda, voting methods, points of order, withdrawing a motion and public comment.

Ms. Macfarlane made several recommendations for changes to the Administration and Personnel Council Rules which were noted by staff for a future Council discussion.

Ms. Macfarlane thanked the Council for their participation in the workshop.

There being no further business to come before the Council, the workshop was adjourned at 9:05.

_____

Karen Crouch, Executive Assistant

Jurassic Parliament Lessons for Leaders

# Making Council Meetings Effective and Productive

# Making Council Meetings Effective and Productive

## I. INTRODUCTION

| | |
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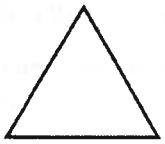
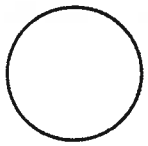
|  |  |
| Accountability hierarchy | Voluntary association |

**Three duties of leader of a voluntary association**

1. to manage or administer the association
2. to lead the association
3. to preside at the association's meetings

**Three types of meetings**

1. large assembly
2. Committee (workgroup)
3. small board

**Nature of boards**

All members of a governing board share in a joint and collective authority which exists and can be exercised only when the group is in session.

*The Standard Code of Parliamentary Procedure*

Perhaps the single most important attribute of an effective board is also its most intangible: an independent sense of itself. This sense of self is the board's identity as a BODY rather than, for instance, as a loose collection of individuals who each finds ways to support the organization.

Jan Masaoka, *Blue Avocado*

## PRINCIPLES

### Lochrie's six principles of a meeting

> The fundamental essence of a meeting is the equal opportunity of members to initiate ideas, oppose ideas, and to do so without coercion. Six principles underlie the rules of any meeting.
>
> James Lochrie, *Meeting Procedures*, p. 1
> used with permission

ADVANCE QUIZ

Take a guess and fill in the blanks, using the words given below

1. The majority must be allowed to rule.
2. The minority have rights that must be respected.
3. Members have a right to information to help make decisions.
4. Respect and courtesy are required.
5. All members have equal rights, privileges and obligations.
6. Members have a right to an efficient meeting.

**respect** **efficient** **minority** **equal** **courtesy** **majority** **information**

## Jurassic Parliament's six informal principles of a meeting

While these principles seem universally acceptable, it is not so easy to carry them out in practice. Sometimes one principle interferes with another. The following "informal" principles help balance the formal requirements listed on the opposite page.

1. The role of the presider is paradoxical. When running a meeting, you are both

   the most important person in the room and the

   least important person in the room.

2. The presider must be strict on process—a benevolent dictator.

3. The presider is not responsible for the decision the group makes.

4. The presider debates last and votes last.

   Two reasons:

   to remain as impartial as possible, and

   to summarize the group's observations.

   Note that this is a Jurassic Parliament suggestion.

5. Don't try to do it all yourself.

6. The presider must balance the procedure and the emotion aspects of every meeting.

not discussed

## II. DISCUSSION

The key point to remember about discussion at a board or council meeting is that _____ is not a _____.

### Large assemblies versus small boards

The rules for discussion differ in large assemblies and in small boards. In general, a group of up to about _____ people is considered to be a small board.

In a large group (assembly), there must be a main motion before

_____.

Under *The Standard Code*, this rule does not apply. Groups may discuss a subject before they are ready to make a motion on it ("informal consideration"). However, the chair should request that someone provide a formal motion

_____.

### Essential rules for discussion

1. All members have an equal right to _____ and _____.
2. _____ do not have the right to speak or make motions.
3. _____ is discussed at a time.
4. _____ speaks at a time.
5. No _____ (except in certain special circumstances).
6. _____ are required at all times.
7. No one may speak _____ until everyone who wishes to do so has spoken once.
8. Discussion of other members' _____ is always out of order.

not discussed

## Groupthink and how to avoid it

Round robin

Individual notes

The single best indicator of the health of a group is _____

_____

## Helpful Techniques

1. Use as much formality as you can get away with, or are personally comfortable with.

   Refer to people by their title rather than their name (Mr. Chair, Ms. Director, the Treasurer)
   or, refer to people by title and surname (Ms. Brown, Mr. Smith)
   or, refer to people by first and last name (Mary Brown, John Smith)
   or, refer to people by full name and position (Mary Brown, our Director of Administration)

AVOID referring to people as _____ or _____.

2. Don't say "you." Use the "third person" rather than the "second person" whenever possible.
   *Second person:* "Hey you, you're out of order!"
   *Third person:* "The member is reminded that it is out of order to make personal remarks."

3. Require everyone to _____ before speaking.

4. Require everyone to address all remarks to _____.

5. Avoid crosstalk _____

6. Avoid sidebar conversations _____

## Most important

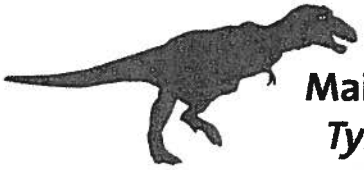
The most important things that the presider can do during the meeting are _____

_____ and

_____.

(For more on these topics, see our publications *Robert Has Special Rules for Small Boards*, *Using the Round Robin Method for Efficient Board/Council Meetings*, and *When Should You Interrupt a Speaker?*)

## III. MAIN MOTIONS EXPEDITE YOUR PROCESS



### Main Motion
***Tyrannosaurus rex***

A motion is a proposal to do something. A main motion takes the general ether and distills it into a specific proposal. Most new ideas will be considered on the basis of a main motion.

How do you introduce a main motion? Three little words:

I move that

A main motion has these important characteristics:

- It should be in writing unless it is very short.
- It should be precise and unambiguous.
- It should be phrased in the grammatical positive.
- It must comply with the bylaws and the procedural law of the land.
- It is in order when no other business is pending.

A main motion has the "default setting."

**Default setting**

1. Needs a second.
2. Can be debated.
3. Can be amended.
4. Takes a majority vote to pass.

## EXAMPLE Main motion

**Member A**: *I move that we hold a cruise on Dino Bay.*

**Member B**: *I second the motion!*

**Chair**: It has been moved and seconded that we hold a cruise on Dino Bay. We will now debate the motion. [debate]

**Chair**: Are you ready to vote?

The motion is that we hold a cruise on Dino Bay. All those in favor say "aye." All those opposed say "no." The "ayes" have it, the motion passes, and we will hold a cruise on Dino Bay. The Social Committee will make the plans for this event. Our next item of business is...

### Eight steps to process a motion

1. A member makes a motion.
2. Another member seconds the motion.
3. The presider states the motion.
4. Members debate the motion and amend it if desired.
5. The presider states the motion again and calls for the vote.
6. The members vote on the motion.
7. The presider states the results of the vote, whether the motion passes or fails, and what will happen as a result of the vote.
8. The presider moves on to the next item of business.

In taking the vote, the presider must call for the negative or the vote is not legitimate.

The presider has a duty to make things clear so that members understand what they are doing.

## Amendment
### *Dimetrodon*

To amend a motion is to change it. You amend a motion to improve it—because you've come up with a better idea.

The amendment applies to the main motion.

The amendment must be germane.

The amendment has the default setting:

1. second.
2. debated.
3. amended.
4. majority vote to pass.

**Four ways to amend**

You can amend a motion in several different ways:

1. add or insert words
2. strike out words
3. strike out and add or insert
4. substitute

Note that we vote on amendments before we vote on the main motion, in order to make the main motion as good as possible—to perfect the motion.

**EXAMPLE** Making a motion, debating it, amending it, voting for the amendment, voting for the motion as amended

**Member A:** *I move that we hold a cruise on Dino Bay.*

**Member B:** *I second the motion!*

**Chair**: It has been moved and seconded that we hold a cruise on Dino Bay. We will now debate the motion. [debate]

**Member C**: *I move that we amend the motion by adding the words "to be organized by the Delta Cruise Company."*

**Member D**: *I second the motion!*

**Chair**: It has been moved and seconded that we amend the motion by adding the words "to be organized by the Delta Cruise Company." We will now debate the motion to amend. [debate]

**Chair**: Are you ready to vote?

The motion is that we amend the motion by adding the words "to be organized by the Delta Cruise Company."

All those in favor say "aye."

All those opposed say "no."

The "ayes" have it, the motion passes, the words "to be organized by the Delta Cruise Company" are added. We will now return to debate on the main motion as amended. [more debate]

**Chair**: Are you ready to vote?

The motion is that we hold a cruise on Dino Bay, organized by the Delta Cruise Company.

All those in favor say "aye."

All those opposed say "no."

The "ayes" have it, the motion passes, and we will hold a cruise on Dino Bay, organized by the Delta Cruise Company. The Social Committee will make the plans for this event. Our next item of business is...

### When?

When can amendments be made?

before the final motion has been voted on.

### "Friendly" amendment

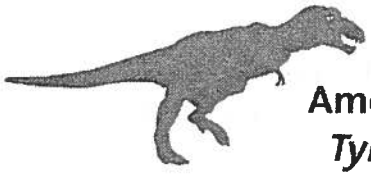
People frequently misunderstand and misuse the term "friendly amendment."

1. Before the motion has been stated by the chair, it is fine for other members to suggest changes to the text. The maker may accept them or not as he or she chooses.

2. Once the motion has been stated by the chair, if someone offers a "friendly amendment," it is handled

   just like any other amendment.

DO NOT ask the maker or seconder if they accept the amendment.



## Amended main motion
***Tyrannosaurus rex***

Once a motion has been amended, it can be amended again if the amendment applies to

some aspect of the main motion.

It takes special actions to go back and change something that's already been amended.

The only limit to the number of amendments is

the patience of the group.

## IV. WHO'S IN CHARGE HERE ANYWAY?

We are so accustomed to the role of the "boss" in everyday situations that we often fail to realize who is in charge of a voluntary board of directors or publicly elected body.

The chair of the meeting, or the president, or the mayor, is the servant of the group.

Every leader, and every member, should know that

the group is the final authority.

Everyone must know this principle and live this principle if the group is to carry out its tasks and fulfill its mission.

Even if your group has not adopted a specific authority, common parliamentary law is founded on this principle, and the courts have found that it applies.

Sometimes a new member of a board or council feels inadequate. She suspects that others know more about the history and responsibilities of the group. She may be reluctant to speak up lest she appear ignorant.

Yet from the moment we accept a position on a board or council, we are a vital part of that board.

Each of us has a serious responsibility to:

1. Read the materials ahead of time.
2. Stay alert during the meeting.
3. know the rules of procedure.
4. Speak up when the rules are broken.

These principles produce this flow of authority at a meeting:

The group adopts its rules and guidelines.

↓

In attending, members accept the rules of the group.

↓

During meetings, the presiding officer applies the rules for the benefit of the group.

↓

All persons present at a meeting have an obligation to obey the legitimate orders of the presiding officer.

↓

Any member who disagrees with a ruling, decision or order by the presiding officer may appeal the ruling.

↓

If another member seconds the appeal, the group will decide by majority vote whether the ruling, decision or order is legitimate.

↓

The presiding officer obeys the group's decision.

## V. TWO IMPORTANT MOTIONS

### Point of Order
### *Pteranodon*

A point of order is a statement or claim that something is being done wrong procedurally.

It must be made in a timely manner—right after the offense. It may interrupt a speaker.

In essence it is a cry of "mistake".

How is it handled? The chair Rules.

No second no debate no amendment no vote.

This motion has special setting, not the default setting.

Always remember: if a member does not agree with the chair's ruling, the ruling can be appealed. The group is the ultimate authority.

**EXAMPLE** Raising a point of order

**Member A**: *Madam Chair, I rise to a point of order.*

**Chair**: State your point.

**Member A**: *My esteemed colleague has used the term "cream-faced loon" in referring to the mayor of our fair city. Insults are not allowed in debate.*

**Chair**: The point is well taken. Members will refrain from using insulting language.

## Parliamentary inquiry
### *Pterodactyl*

This is a request for information about procedure that is relevant to the debate, and about which there is some urgency.

The correct way to respond is to say: State your question.

Once the chair has heard the question, there are three ways to answer:

1. answer yourself.
2. ask someone else to answer.
3. say, "We will get back to you later."

No second no debate no amendment no vote.

This motion has special setting, not the default setting.

**EXAMPLE** Making a parliamentary inquiry

**Member A**: *Madam Chair, I rise to make a parliamentary inquiry.*

**Chair**: State your question.

**Member A**: *Does the proposed rule that a special meeting may be called by a majority of council members conform to the requirements of the RCW?*

**Chair**: The chair will research the matter and get back to you.

**Chair**: [after research] *According to RCW 35A.12.110, any three members may call a special meeting. This proposed rule may not be taken up, because it is more restrictive than the law of our state.*

## VI. WHAT TO DO WHEN THE RULES ARE BROKEN

### For the presider

When a member of the group breaks one of these rules, the presider should correct the offender. State the rule firmly and calmly while looking the offender in the eye:

- *Members are reminded that it is never in order to use insults in debate.*
- *Members are requested to refrain from offensive body language.*
- *Members will confine their remarks to the merits of the pending question.*

A presider may interrupt the speaker to do this, though restraint is advisable. With experience one learns when to wait, and when to leap right in.

In making corrections, and while presiding in general, do not use the words "I" and "you." Speak in the "third person," not the "second person." This depersonalizes your speech and keeps people focused on the business at hand, rather than treating exchanges as a personal contest of wills. As an example, contrast these two sentences:

- *Hey you, you're out of order!*
- *The member is reminded that it is never in order to make personal remarks.*

Note that it is fine for members to use the pronoun "I" when speaking. However, members should also avoid the use of the word "you" whenever possible, referring to the presider as "the chair" and fellow members as "my esteemed colleague" or "the treasurer" or "my fellow director," if they have the stomach for this type of language. If they don't, it's not worth insisting on.

### For the members

If the presider fails to stop the offense, any member may speak up and say "point of order." A point of order is a motion claiming that a mistake has been made. Only members, not any of the public in attendance, have the right to raise a point of order. It must be made in a timely manner—right after the offense. You may interrupt the speaker if necessary.

This is the way to process a point of order:

- A member says "point of order" (no second is needed).
- The presider responds, "State your point."
- The member explains the breach (violation of the rules of procedure or speaking).
- The presider rules.
  - — If she agrees, she says "The point is well taken" and then corrects the offender.
  - — If she disagrees, she says "The point is not well taken" and moves on.

EXAMPLE

**Member A**: *Madam President, I rise to a point of order.*

**Chair**: State your point.

**Member A**: *My esteemed colleague from Dinopolis has used the term "cream-faced loon" in referring to the mayor of our fair city. According to our rules of order, insults are not allowed in debate.*

**Chair**: The point is well taken. Members will refrain from using improper language.

Note that if any two members disagree with the presider, they may appeal the ruling. In that case, the group itself will decide whether the point of order is correct or not.

## In case of emergency

Note that under Robert's Rules, only the group has the right to order one of its members from the room. If a member becomes belligerent or offensive, the chair may ask if one of the members would like to move that the member be directed to leave the meeting. It takes a majority vote in favor to do this. If a member is so ordered by the group and refuses to leave, the chair has the authority to direct the sergeant-at-arms to escort the member from the room. *The Standard Code has a different rule*: the presider has the authority to order an unruly member from the room, as does the assembly.

## If the presider fails to take action

If the presider fails to take a proper action, such as responding to a point of order, a member may stand up and put the motion to the group herself. The group will make the final decision by voting on the motion.

## VII. APPEALING A RULING OF THE CHAIR

Let's look at how a group might appeal the ruling of the chair in the previous example.

EXAMPLE

**Member A:** *Madam President, I rise to a point of order.*

**Chair:** State your point.

**Member A:** *My esteemed colleague from Dinopolis has used the term "cream-faced loon" in referring to the mayor of our fair city. According to Robert's Rules, insults are not allowed in debate.*

**Chair:** The point is well taken. Members will refrain from using improper language.

**Member B:** *I appeal from the decision of the chair on the grounds that "cream-faced loon" is a literary reference and not an insult.*

**Member C:** *Second!*

**Chair:** Very well, since the ruling of the chair has been appealed, the group will decide. Shall the decision of the chair be upheld? All those who believe that "cream-faced loon" is an insult, please say "aye." All those who believe that it is not an insult, please say "no."

[if the ayes have it] The ayes have it, the ruling of the chair is upheld, and members will refrain from using this term.

[if the noes have it] The noes have it, the ruling of the chair is not upheld, and members may use this term.

# Appendix A.
## What Are the Duties of the Person Running the Meeting?

*Robert's Rules of Order Newly Revised, 11th edition*, lists the following on pp. 449-450 as the principal duties of the presiding officer of an assembly (group):

1. To open the meeting at the appointed time by taking the chair and calling the meeting to order, having ascertained that a quorum is present.
2. To announce in proper sequence the business that comes before the assembly or becomes in order in accordance with the prescribed order of business, agenda, or program, and with existing orders of the day.
3. To recognize members who are entitled to the floor.
4. To state and to put to vote all questions that legitimately come before the assembly as motions or that otherwise arise in the course of proceedings (except questions that relate to the presiding officer himself in the manner noted below), and to announce the result of each vote; or, if a motion that is not in order is made, to rule it out of order.
5. To protect the assembly from obviously dilatory motions by refusing to recognize them.
6. To enforce the rules relating to debate and those relating to order and decorum within the assembly.
7. To expedite business in every way compatible with the rights of members.
8. To decide all questions of order, subject to appeal – unless, when in doubt, the presiding officer prefers initially to submit such a question to the assembly for decision.
9. To respond to inquiries of members relating to parliamentary procedure or factual information bearing on the business of the assembly.
10. To authenticate by his or her signature, when necessary, all acts, orders, and proceedings of the assembly.
11. To declare the meeting adjourned when the assembly so votes or—where applicable—at the time prescribed in the program, or at any time in the event of a sudden emergency affecting the safety of those present.

# Appendix B.
# When Should You Interrupt a Speaker?

We see so many instances of rude behavior in public life today that it is not easy to keep our bearings about civility. Polite people who have been well brought up sometimes feel stymied when public discourse disintegrates. It might be helpful to review some circumstances in which people should be interrupted.

1. **Stop a speaker who is rude and offensive.** Speakers who make personal and insulting remarks, question motives, or show discourtesy in other ways must be stopped. The chair of the meeting has the responsibility to do this, even when it means interrupting. The gavel can be helpful here—a single firm tap will often be effective.

2. **Stop a speaker who breaks the rules**. When someone breaks the rules that your group has in place for conducting meetings, stop him. If members of the public are allowed three minutes to make their points, don't let an angry citizen continue past the time. If members of the council are required to seek recognition from the chair, don't let a councilmember blurt something out of turn. If you have implemented that supremely useful rule that no one may speak a second time until everyone has spoken once, don't let an old-timer have a second chance to talk while the newly elected is waiting patiently for her turn.

3. **Interrupt to make a "point of order" when a procedural mistake has been made**. When a member notices that a significant procedural mistake has been made, he should call out loudly, "point of order." The chair has the duty to ask what the point is, and then to rule as to whether it is correct (the jargon term for correct is "well taken," the term for incorrect is "not well taken"). For example, if the chair has called for a vote without allowing any discussion, a member can bring this to everyone's attention. Since a "point of order" must be made in a timely manner, it can interrupt a speaker. If a chair fails to do anything in the situations listed above, an ordinary member of the group can use this motion to take action and stop the offense.

4. **Interrupt to call for a "division" when it seems that the chair may have made an error in announcing the result of a vote**. After a voice vote, the chair has the duty of announcing the results. If it seems that she may have made an error, any member may call out "division." The chair is then obliged to retake the vote in such a way that everyone can ascertain the results. On a city council, requesting a "roll call vote" will achieve the same result.

Under Robert's Rules, these are the most significant instances in which a speaker should be interrupted. If your city council or other body has not adopted specific rules of procedure, it is still appropriate under common parliamentary law to use these techniques when things go awry. Sometimes we have to interrupt a speaker in order to preserve politeness and fairness for all.

And one final, and important, point. If you as a member, or as the presiding officer, decide to let some infraction of the rules go by and not raise a point of order to correct the error (or even if you don't realize that there was an error committed at all), it will most likely be too late to do anything about it later on. Most points of order must be raised very promptly right when the infraction occurs, or else it is just too late. There are a small number of very serious errors recognized by Robert's Rules that can be corrected well after the fact, but these are rather rarely encountered. So don't let a false sense of not wanting to be a "troublemaker" cause you to delay interrupting and making your point of order—it is your right and duty to do so.

# Appendix C.
# Using the Round Robin Method for Efficient Council Meetings

The simplest way to make city council meetings more efficient is to use the round robin method of discussion. In a round robin, each member of the body is given an opportunity to speak once before anyone may speak a second time, commonly by calling on the members around the table in turn. Sometimes, however, it's harder to employ this method than it seems. These are our tips for successful use of the round robin.

**1. Somebody has to keep track and somebody has to be the enforcer.** A person in authority, usually the presider, must track who is speaking, and who has yet to speak. That person must also intervene when someone speaks out of order. We have seen instances where the presider gets carried away in the press of business and makes errors, or finds it a challenge to keep the order straight. We recommend splitting the job. The number two person, vice-president or mayor pro tem, can track speakers. The presider must be alert and ready to get things back on track when necessary.

**2. The maker of the motion starts the debate.** Under Robert's Rules, the person who makes the motion has the right to speak first. The round robin would then move to left or right or alphabetically, depending on custom.

**3. Everybody has to be patient.** Sometimes members aren't sure what they think, or are slow to express themselves. Since council business often involves matters on which members have strong feelings, it can be a challenge to wait one's turn. Everybody involved needs to be patient for this method to succeed.

**4. Members may pass.** It is appropriate to allow members to pass when their turn arrives, and then to offer those who passed a chance to speak at the end of the round.

**5. It helps to vary the order.** Psychology has demonstrated the "order effect," under which those who come first in a listing often have undue influence over those who come later. If your council literally goes "around the table," we recommend alternating between moving to the left and moving to the right. If your council uses alphabetical order, start with A one time and Z the next.

**6. You can use the popcorn style.** Under this style, there is no set order. Each person raises his hand and speaks as the spirit moves him. However, the presider or the vice-presider still tracks who has spoken, to ensure that each person gets a fair turn. If your council members are very self-disciplined, and will hold back once they've spoken the first time, you can even allow people to speak up without being recognized by raising a hand.

**7. Members must show restraint.** One of the most common violations of the round robin occurs when a member is strongly moved by a colleague's comments, and bursts out with a strong reaction. While the temptation to shout "that's a lie!" is understandable, each member must hold back any comment until the second round.

**8. The presider must show restraint.** Another common violation of the round robin occurs when the presider, feeling that she possesses special information of relevance to the debate, responds to each speaker. This is patently unfair, since the presider then has five or seven chances to speak to each member's single chance. Like the members, the presider must gather her thoughts in silence, and then respond to the members when her turn arrives.

**9. The presider speaks last.** Because of the special position and weight of the presider's position, he speaks last, after all the members have spoken. This supports the neutrality of the presider's position, and also allows him to summarize the opinions expressed, a very important function—so long as it is a fair summary.

**10. The members must be prepared to speak up.** In the round robin, as in any gathering committed to fair use of procedure, members must be prepared to speak up when violations occur. A simple call of "point of order" should cause the presider to stop and ask, "State your point?" The member then voices her observation, and the presider either accepts the point or rules it invalid, or "not well taken." The point of order must be timely and may interrupt a speaker.

**11. The members have the final say.** If someone disagrees with the presider's decision on a point of order, any two members may appeal it. One says, "I appeal from the decision of the chair" and another says "second." The matter is then referred to the council as a whole for decision. The council itself has the final authority. Any debate on an appeal follows the same round robin pattern.

**12. Amendments restart the round robin.** If an amendment is offered, the round robin is restarted for any debate on the amendment. Once the amendment is disposed of, the debate on the main motion picks up where it left off in the original round robin sequence.

**13. Guidelines have to be explicit.** Each council has its own culture. It's important for everyone to agree on which guidelines will be observed. These suggestions can serve as a starting point for discussion.

While this method of conducting discussion at council meetings will lessen the amount of high drama and excitement so thrilling to observers and the press, it offers the fairest and most equitable way to discuss city business. It also has the virtue of being required by Robert's Rules of Order for meetings in general. We strongly recommend it to everyone who is committed to fair and judicious discussion of issues in which each member has an equal opportunity to participate.

# Appendix D.
# Addressing Disorder in the Council Chambers

Jurassic Parliament provides the following suggested language for the presider in dealing with disorder in the council chambers or at other public meetings. Key points to remember:

1. All persons present at a meeting must obey the legitimate orders of the presiding officer.
2. The presiding officer is the servant of the group and must obey the group's directives.
3. The presiding officer has the right to order non-members to leave the room.
4. Only the group has the right to order its members to leave the room.
5. Courtesy and respect are essential for good deliberation and must be enforced.
6. Don't use the words "I" and "you." Speak in the third person, as in the examples.

This material is based on *Robert's Rules of Order Newly Revised*, 11th edition. The underlying principles are taken from common parliamentary law and hold good for all public meetings. We strongly recommend that councils adopt additional rules of procedure for their specific circumstances.

| **WHEN a councilmember says...** | **You can say...** |
|---|---|
| Point of order! | State your point |
| Point of information | State your question |
| Question *or* I call the question | Is there a second to the call for the question? |
| I withdraw my motion | Is there any objection if the member withdraws the motion? |
| **IF someone says...** | **You can say, "Everyone present is reminded that...** |
| I'm sick of all those bleeding-heart liberal dinosaurs. | ...courtesy is required at all times in our council meetings. |
| You're a jerk. | ...the rules of our council forbid the use of insults or personal attacks. |
| You only want to do that because you're in love with him. | ...under Robert's Rules of Order it is never in order to speak about the motives of other members. |
| All those flying dinosaurs are lazy bums who don't pull their weight. | ...our council code of procedure requires that we respect all the stakeholders in our community. |

| | |
|---|---|
| He's a liar! *or* fraud *or* embezzlement *or* baloney | ...inflammatory remarks are not allowed at our meetings. The member will phrase his comment in a neutral manner. |
| **IF someone says...** | **You can say...** |
| !*@*@*! | Profanity is not allowed at our meetings. The speaker will kindly refrain from these improper expressions. |
| I think that our clerk/treasurer is on the take. | Members/citizens must refrain from making accusations of this type during a meeting, and will kindly follow our established personnel policies for dealing with concerns about possible criminal behavior. |
| Hiss hiss *or* hooray hooray | Attendees will refrain from improper expressions of sentiment. |
| We demand the right to speak before you vote on each motion! | [In Washington State] Under state law, RCW 35A.12.120, city councils have the right to determine rules for the orderly conduct of their business. We welcome citizen input during the "public comment period." |
| **IF a citizen continues to offend despite your direction...** | **You can say...** |
| | Our rules of procedure prohibit behavior of this type. The attendee will kindly leave the room. |
| **And if he doesn't leave...** | The sergeant-at-arms is directed to remove the attendee from council chambers. |
| **If a councilmember continues to offend despite your direction...** | **You can say...** |
| | The member is reminded that the rules of our council forbid offensive behavior. The chair will ask whether any member would care to move that the offending councilmember be directed to leave the meeting. |
| **If such a motion is made and a majority of the councilmembers vote in favor...** | The councilmember is directed to leave the room. |
| **And if he refuses...** | The sergeant-at-arms is directed to remove the councilmember from the chambers. |
| ***OR* if the motion fails...** | The motion fails, the meeting will continue. |
| **IF a riot breaks out...** | **You can say, "This meeting is hereby adjourned."** |

# Appendix E.
# Running Successful Public Comment Sessions at Council Meetings

Would you like to run orderly, effective public meetings? Do you want to provide opportunities for the public to speak, without losing control? These suggestions create the structure for orderly and successful public comment sessions during council, commission or committee meetings.

We explain the background to these suggestions on the next page. Please note that different guidelines apply to public hearings, which have the sole purpose of gathering public input, and to quasi-judicial hearings.

**TIME CONSIDERATIONS**

1. Establish one or two specific periods for public comment during your meetings, in a way that is consistent with your community's expectations and customs.
2. Set a length of time by which each period will conclude, unless the council votes to extend it.
3. Set a time limit for each individual to speak.

**WRITTEN GUIDELINES**

4. Provide printed copies of the guidelines and expectations.
5. Review the guidelines at the beginning of each comment period if necessary, and explain that this is a time for citizens or residents to express their views in order to inform the council.

**DURING PUBLIC COMMENT**

6. Require all speakers to address their remarks to the presider.
7. The presider should thank each speaker, whether positive or negative.
8. Authorize the presider to provide brief factual information, if she judges it appropriate, in response to public comments, or to ask the staff to provide such information.
9. The presider must not under any circumstances enter into back-and-forth exchanges with the public.
10. Councilmembers refrain from speaking during this portion of the meeting.
11. When feasible, have staff ready to note input or questions from the public and to provide responses at a later date.

**BEHAVIORAL EXPECTATIONS**

12. Model courtesy and respect and require members of the public to do the same.
13. Personal attacks, insults or profanity are not allowed.
14. Booing or hissing is not allowed.
15. During public comment, the presider should correct members of the public who fail to observe the guidelines. If the presider does not do this, a councilmember should raise a point of order. It is important for presider and members to speak in a firm, matter-of-fact manner, but not to sound overly harsh or critical.
16. If members of the public become abusive, disruptive or violent, the presider has the authority to order them from the room.

**OTHER SUGGESTIONS**

17. Provide clearly marked paper inviting individuals who are not heard during the public comment period due to time constraints to provide written comment for the council.
18. Do not invite or allow public comment or questions during council discussion of its own agenda items.
19. Be consistent in enforcing all the rules that you establish.
20. Recognize that a governmental body must craft its requirements with care in order not to unduly limit free speech by citizens, and obtain legal review of your guidelines.

**Background:** These guidelines are based on *Robert's Rules of Order Newly Revised, 11th edition.* One fundamental principle of Robert's Rules of Order is that discussion among the members of a governing body, followed by voting, is the way that the body does its work. All members have an equal right to speak during discussion. Non-members do not have the right to speak during discussion; however, the body may seek the input of non-members in order to increase its understanding of the issues and make better decisions. It is important, both for the public and for councilmembers, not to confuse input from non-members with the council's discussion of its own issues.

The guidelines are excerpted from our Mastery Lesson, Master Your Council Meetings.

# Epilogue: Thoughts on Leadership

By Jerry Harvey

When I speak of leadership, I am describing what Elliot Jaques and Steve Clement call

> "that process in which one person sets the purpose or direction for one or more others and gets them to move along with him or her and with each other in that direction with competence and full commitment."

Leadership, so defined, is expressed in a wide array of organization roles – managerial leadership, pastoral leadership, professorial leadership, parental leadership, political leadership, military leadership, anarchic leadership and an infinite variety of other types of leadership, depending on your role in a particular organization....

This definition of leadership, I hope you realize, requires that

> you, the leader, be emotionally bonded, attached, connected or linked with those whom you lead. It also requires that those whom you lead be emotionally bonded, attached, connected, or linked with you and with one another. That's what shared purpose and commitment are all about.

In the absence of those emotional bonds, individuals in leadership roles are unable to exert the type of influence that is required for them to lead. They may coerce potential followers to comply with their desired by employing a wide range of organizational rewards and sanctions that go with the authority of their offices, but such actions have nothing to do with leadership. True leadership manifests itself only in volitional relationships between and among leaders and followers.

Jerry B. Harvey, *How Come Every Time I Get Stabbed in the Back My Fingerprints Are on the Knife?* pp. 111–112. Used with permission.

# Resources

## BOOKS

*The Standard Code of Parliamentary Procedure, 4th Edition.*
McGraw Hill. New York, 2001.
ISBN 0-07-136513-3. Paperback $14.95
www.dacapopress.com

*Robert's Rules of Order Newly Revised, 11th Edition.*
DaCapo Press, Perseus Books Group. Cambridge, MA. 2011.
ISBN 978-0-306-82020-5. Paperback $18.95

(We recommend purchasing the spiral-bound version offered by the National Association of Parliamentarians, which lies flat and is easier to work with.)

## WEBSITES

*Jurassic Parliament*
www.jurassicparliament.com

*National Association of Parliamentarians*
213 S. Main St.
Independence, MO 64050-3808
816-833-3892 www.parliamentarians.org
Promotes *Robert's Rules* exclusively. Has a wide variety of great materials available.

*American Institute of Parliamentarians*
550M Ritchie Highway #217
Severna Park MD 21146
888-664-0428 | www.parliamentaryprocedure.org
Promotes a variety of parliamentary rules.

**Making Council Meetings Effective and Productive**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**City Council Regular Meeting**
**Tuesday, June 5, 2012, 6:00 p.m.**
**City Hall – Council Chambers**

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**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:**
**The friendly amendment was seconded by Councilmember Almberg and carried unanimously.**
**(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:** **Councilmembers Almberg, Hizon, Munns, Paggao, Servatius and Severns voted in favor of the amendment. Councilmember Campbell abstained from the vote. The motion carried.**

**VOTE ON THE ORIGINAL MOTION:** **Councilmembers Almberg, Hizon, Munns, Paggao, Servatius and Severns voted in favor of the original motion. Councilmember Campbell abstained from the vote. 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.

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Connie T. Wheeler
City Clerk

**Oak Harbor City Council Special Meeting**
**June 7, 2012**
**City Council Chambers**
**6:00 p.m.**

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**IN ATTENDANCE**

Mayor Scott Dudley
Six members of the City Council,
Danny Paggao, Mayor ProTem
Rick Almberg
James Campbell
Tara Hizon
Joel Servatius
Bob Severns

Staff:
Project Specialist Larry Cort
Interim City Attorney Grant Weed
Public Works Director Cathy Rosen
Police Chief Rick Wallace
Fire Chief Ray Merrill
Executive Assistant Renee Recker

Councilmember Munns was unable to attend.

Mayor Dudley called the meeting to order at 6:03 p.m.

Mayor Dudley advised Council and members of the audience there are three agenda items continued from April 17, 2012 before Council as follows:

1. Parliamentary Procedure and Rules
   (Parliamentary Procedure was covered during City Council's May 30, 2012 Workshop with Ann Macfarlane). Items remaining from this agenda bill include:
   A. Meeting Start and Ending Times
   B. Public Comment Period
   C. Deletion of Standing Committee Reports since they are video-taped.
2. City Council Voting Method
3. City Council Meeting Rule banning the wearing of Hats in the Council Chambers.

Mayor Dudley opened the meeting for public comment.

Billie Cook, Ed Johnson, Richard Everett, Kristie Jensen and Mel Vance addressed Council.

There being no further comment, the comment period was closed.

Councilmember Campbell made note of an email message that was left by Councilmember Munns regarding the topic items. He referenced the Council's Administration and Personnel Rules, Rule 4 which in part states "*No Councilmember may participate by electronic means.*" He suggested the message not be discussed.

Council discussion followed regarding the Rule.

**MOTION: A motion was made by Councilmember Hizon to suspend Rule 4 and allow Councilmember Munns' email to be considered. The motion was seconded by Councilmember Servatius. The motion carried 5:1. Councilmember Campbell opposed.**

Mayor Dudley asked Councilmember Almberg to address his April 3, 2012 motions.

Councilmember Almberg noted the May 30, 2012 workshop regarding Parliamentary Procedures and that portion of his original motion had been covered. He reviewed the intent of his motion regarding meeting start and ending times.

**MOTION: Councilmember Almberg reiterated his original motion to begin City Council meetings at 6:00 p.m. and set a mandatory stop time of 9:00 p.m. unless extended by the majority vote of the Council. The motion was seconded by Councilmember Servatius. The motion carried unanimously.**

Councilmember Almberg reviewed the intent of his motion regarding the deletion of Standing Committee Reports from the Councilmember's comments at the end of each regular meeting.

**MOTION: Councilmember Almberg reiterated his original motion to delete the Council's Standing Committee reports. The motion was seconded by Councilmember Hizon. The motion carried unanimously.**

With regard to public comment, Councilmember Almberg noted his original motion was to schedule the public comment period at the end of Council meeting.

**MOTION: Councilmember Almberg made a motion to maintain the public comment period at the beginning of the meeting in accordance with Council Rule No. 6 and to request the Mayor to enforce the three minute per speaker portion of the rule. The motion was seconded by Councilmember Servatius.**

Discussion followed regarding the need to enforce the rule as written, the possibility of amending the rule to extend the total time to 30 minutes instead of 15 and the possibility of suspending the rule, if needed, to allow for additional comments due to the number of people in the audience. Councilmember Munns' comments were included in the discussion.

**The motion carried 5:1. Councilmember Campbell abstained.**

**MOTION: Councilmember Hizon made a motion to direct staff to bring back no later than August, what the Council rules would like based upon the recommendations made by Professional Parliamentarian, Ann Macfarlane, at the recent Council Workshop. The motion was seconded by Councilmember Almberg and carried unanimously.**

Mayor Dudley asked Councilmember Servatius to address his April 3, 2012 motions.

Councilmember Servatius reviewed the intent of his motion regarding the show of hands in addition to a verbal vote.

**MOTION: Councilmember Servatius reiterated his motion to amend the Council's voting rule (Rule No. 17) to include a show of hands with each vote. The motion was seconded by Councilmember Hizon and carried unanimously.**

Councilmember Servatius reviewed the intent of his motion regarding a policy or procedure to ban the wearing of hats in Council Chambers out of respect for the City, Mayor, and Council.

**MOTION: Councilmember Servatius reiterated his motion to amend the Administrative and Policy Rules to include a policy to ban the wearing of hats in the City Council Chambers. The motion was seconded by Councilmember Almberg.**

Discussion followed regarding respect, free speech, common courtesy, possible safety concerns and the need to remind members of the public Council meetings are a formal setting in which to conduct the City's business.

Councilmember Campbell called for the question.

Further discussion was held regarding personnel expression, court rulings on similar subjects, headwear as an expression of religious belief and enforcement of the ban if passed.

**The motion failed on a 2:4 vote (Councilmembers Servatius and Almberg voted yes, Councilmembers Hizon, Campbell, Severns and Paggao voted no).**

**MOTION: Councilmember Almberg made a motion that it be a Council rule that all persons other than those expressing religious freedom remove their hats during Invocation and the Pledge of Allegiance. The motion was seconded by Councilmember Servatius.**

Councilmember Hizon amended the motion to simply ask the Mayor to ask audience members to remove their hats during the Invocation and Pledge of Allegiance.

Mayor Dudley advised Councilmember Hizon she didn't have to make a motion as she is just asking the Mayor to do something.

Councilmember Servatius asked to withdraw his second and stated he is thankful to have had the discussion.

**MOTION: Councilmember Servatius made a motion to withdraw his second, which was seconded by Councilmember Hizon and carried unanimously.**

**The original motion died due to lack of a second.**

**MOTION: Councilmember Hizon made a motion to direct Mayor Dudley to use the Round Robin method of discussion for Council meetings. The motion was seconded by Councilmember Almberg.**

Councilmember Hizon distributed handouts regarding round robin discussion and public comment sessions that were previously provided to the Council by Parliamentarian Ann Macfarlane at the recent City Council Workshop. She noted in round robin, each member of the body is given an opportunity to speak once before anyone may speak a second time.

Discussion followed regarding the need for additional review of the method before voting on the item.

**The motion tied 3:3 (Councilmembers Servatius, Almberg and Hizon voted in favor of the motion. Councilmembers Campbell, Paggao and Severns voted no).**

As the vote was tied, Mayor Dudley noted it has been his observation Council meetings are longer if each Councilmember feels compelled to make a comment so he looks for hands to expedite the meeting.

**Mayor Dudley voted no on the motion. The motion failed.**

Upon motion of Councilmember Hizon and second by Councilmember Campbell the meeting was adjourned at 7:40.

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Karen Crouch, Executive Assistant

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** 1

**Date:** JUNE 18, 2012

**Subject:** **PUBLIC COMMENTS**

**FROM:** **Scott Dudley, Mayor**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Larry Cort, Interim City Administrator
Doug Merriman, Finance Director
Grant Weed, Interim City Attorney

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**SUMMARY STATEMENT**

City Council will accept public comments for items not otherwise on the agenda for the first 15 minutes of the Council meeting. You may also speak to any of the consent agenda items.

**City of Oak Harbor**
**City Council Agenda Bill**

**Agenda Bill No.** CA 2A
**Date:** June 18, 2012
**Subject:** Noise Permit –Rotary Club of Oak Harbor

**FROM:** Larry Corl, Interim City Administrator

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Doug Merriman, Finance Director
Legal Review, as to form

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**PURPOSE:**

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the Rotary Club of Oak Harbor for the use of amplified sound associated with the 2012 Rotary Car Show scheduled for August 11th, 2012 at Ft. Nugent Park.

**AUTHORIZATION:**

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event may include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) is not undertaken in disregard of the rights of others, or 2) is temporary, or 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

**SUMMARY STATEMENT:**

The Rotary Club of Oak Harbor submitted a Noise Permit request for amplified sound associated with the 2012 Rotary Car Show scheduled for August 11, 2012. The request states that amplified sound will be used for music and announcements.

The Application was reviewed by Fire, Police, and Public Works Departments.

**STANDING COMMITTEE REVIEW:**

Not required.

**RECOMMENDED ACTION:**

Grant a noise permit for amplified sound to the Rotary Club of Oak Harbor.

**ATTACHMENTS:**

Noise Permit.

**MAYOR'S COMMENTS:**

# *CITY OF OAK HARBOR*

# *NOISE PERMIT*

| | |
|---|---|
| Name of Organization: | Oak Harbor Rotary Club |
| Location of Event: | Windjammer Park between the treatment plant and west parking lot |
| Date of Event: | August 11, 2012 |
| Hours of Operation: | 8:00 a.m. to 5:00 p.m. |
| Permitted Noise: | PA system and speakers for music and announcements |
| Approval Conditions: | Face speakers away from the campground |
| Date of City Council Approval: | |

Issued this  day of June, 2012.

_____

Karen Crouch, Special Events Coordinator

***This Noise Permit is limited to the date and time specified.***

***Please post this notice on site***

**City of Oak Harbor**
**City Council Agenda Bill**

**Agenda Bill No.** CIA 2B
**Date:** June 18, 2012
**Subject:** Noise Permit – Jessica Kimani

**FROM:** Larry Cort, Interim City Administrator

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Doug Merriman, Finance Director
Legal Review, as to form

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**PURPOSE:**

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from Jessica Kimani for the use of amplified sound associated with a wedding and reception scheduled for August 25, 2012 at Windjammer Park.

**AUTHORIZATION:**

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event may include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) is not undertaken in disregard of the rights of others, or 2) is temporary, or 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

**SUMMARY STATEMENT:**

Jessica Kimani submitted a Noise Permit request for amplified sound associated with a wedding and reception scheduled for August 25, 2012. The request states that amplified sound will be used for music.

The Application was reviewed by Fire, Police, and Public Works Departments. A condition of approval for the permit will be to face the speakers away from the campground area.

**STANDING COMMITTEE REVIEW:**

Not required.

**RECOMMENDED ACTION:**

Grant a noise permit for amplified sound to Jessica Kimani.

**ATTACHMENTS:**

Noise Permit.

**MAYOR'S COMMENTS:**

# *CITY OF OAK HARBOR*

# *NOISE PERMIT*

| | |
|---|---|
| Name: | Jessica Kimani |
| Location of Event: | Windjammer Park Gazebo and surrounding area |
| Date of Event: | August 25, 2012 |
| Hours of Operation: | 8:00 a.m. to 10:00 p.m. |
| Permitted Noise: | PA system and speakers for music |
| Approval Conditions: | Face speakers away from the campground |
| Date of City Council Approval: | |

Issued this day of June, 2012.

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Karen Crouch, Special Events Coordinator

***This Noise Permit is limited to the date and time specified.***

***Please post this notice on site***

**City of Oak Harbor**
**City Council Agenda Bill**

**Agenda Bill No.** NA 2C
**Date:** June 18, 2012
**Subject:** Noise Permit – Life Church

**FROM:** Larry Cort, Interim City Administrator

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Doug Merriman, Finance Director
Legal Review, as to form

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**PURPOSE:**

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from Life Church for the use of amplified sound associated with a Picnic/BBQ – worship service scheduled for August 26, 2012 at Windjammer Park.

**AUTHORIZATION:**

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event may include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) is not undertaken in disregard of the rights of others, or 2) is temporary, or 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

**SUMMARY STATEMENT:**

Life Church submitted a Noise Permit request for amplified sound associated with a Picnic/BBQ – worship service scheduled for August 26, 2012. The request states that amplified sound will be used for music.

The Application was reviewed by Fire, Police, and Public Works Departments. A condition of approval for the permit will be to face the speakers away from the campground area.

**STANDING COMMITTEE REVIEW:**

Not required.

**RECOMMENDED ACTION:**

Grant a noise permit for amplified sound to Life Church.

**ATTACHMENTS:**

Noise Permit.

**MAYOR'S COMMENTS:**

# *CITY OF OAK HARBOR*

# *NOISE PERMIT*

| | |
|---|---|
| Name of Organization: | Life Church |
| Location of Event: | Windjammer Park Gazebo and surrounding area |
| Date of Event: | August 26, 2012 |
| Hours of Operation: | 9:00 a.m. – 7:00 p.m. |
| Permitted Noise: | Amplified sound system for music |
| Approval Conditions: | None |
| Date of City Council Approval: | |

Issued this day of June, 2012.

_____

Karen Crouch, Special Events Coordinator

***This Noise Permit is limited to the date and time specified.***

***Please post this notice on site***

**City of Oak Harbor**
**City Council Agenda Bill**

**Agenda Bill No.** CA 2D
**Date:** June 18, 2012
**Subject:** Noise Permit – Adrenaline Lacrosse/Starz Foundation

**FROM:** Larry Corl, Interim City Administrator

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Doug Merriman, Finance Director
Legal Review, as to form

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**PURPOSE:**

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from Adrenaline Lacrosse/Starz Foundation for the use of amplified sound associated with a Lacrosse Tournament scheduled for August 4-5, 2012 at Ft. Nugent Park.

**AUTHORIZATION:**

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event may include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) is not undertaken in disregard of the rights of others, or 2) is temporary, or 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

**SUMMARY STATEMENT:**

Adrenaline Lacrosse/Starz Foundation submitted a Noise Permit request for amplified sound associated with a lacrosse tournament scheduled for August 4-5, 2012. The request states that amplified sound will be used for music and announcements.

The Application was reviewed by Fire, Police, and Public Works Departments.

**STANDING COMMITTEE REVIEW:**

Not required.

**RECOMMENDED ACTION:**

Grant a noise permit for amplified sound to Adrenaline Lacrosse/Starz Foundation.

**ATTACHMENTS:**

Noise Permit.

**MAYOR'S COMMENTS:**

# *CITY OF OAK HARBOR*

# *NOISE PERMIT*

| | |
|---|---|
| Name of Organization: | Adrenaline Lacrosse/<br>Starz Foundation |
| Location of Event: | Ft. Nugent Park |
| Date of Event: | August 4-5, 2012 |
| Hours of Operation: | 8:00 a.m. – 7:00 p.m. |
| Permitted Noise: | Amplified sound system for<br>announcements and music |
| Approval Conditions: | None |
| Date of City Council<br>Approval: | |

Issued this day of June, 2012.

_____

Karen Crouch, Special Events Coordinator

***This Noise Permit is limited to the date and time specified.***

***Please post this notice on site***

**City of Oak Harbor**
**City Council Agenda Bill**

**Agenda Bill No.** CA 28
**Date:** June 18, 2012
**Subject:** Noise Permit – Oak Harbor Chamber of Commerce

**FROM:** Larry Cort, Interim City Administrator

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Doug Merriman, Finance Director
Legal Review, as to form

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**PURPOSE:**

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the Oak Harbor Chamber of Commerce for the use of amplified sound associated with the 4th of July festivities.

**AUTHORIZATION:**

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event may include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) is not undertaken in disregard of the rights of others, or 2) is temporary, or 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

**SUMMARY STATEMENT:**

The Oak Harbor Chamber of Commerce submitted a Noise Permit request for amplified sound associated with the 4th of July festivities. The request states that amplified sound will be used for music and announcements.

The Application was reviewed by Fire, Police, and Public Works Departments. A condition of approval will be to face the speakers away from the campground area.

**STANDING COMMITTEE REVIEW:**

Not required.

**RECOMMENDED ACTION:**

Grant a noise permit for amplified sound to the Oak Harbor Chamber of Commerce.

**ATTACHMENTS:**

Noise Permit.

**MAYOR'S COMMENTS:**

# *CITY OF OAK HARBOR*

# *NOISE PERMIT*

| | |
|---|---|
| Name of Organization: | Oak Harbor Chamber of Commerce |
| Location of Event: | Parade Route – along Bayshore Drive and Pioneer Way |
| Date of Event: | July 4th, 2012 |
| Hours of Operation: | 10:00 a.m. – 2:00 p.m. |
| Permitted Noise: | Sound system for announcements before, during and after the parade |
| Approval Conditions: | Face speakers away from campground area. |
| Date of City Council Approval: | |

Issued this day of June, 2012.

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Karen Crouch, Special Events Coordinator

***This Noise Permit is limited to the date and time specified.***

***Please post this notice on site***

**City of Oak Harbor**
**City Council Agenda Bill**

**Agenda Bill No.** N/A 2F
**Date:** June 18, 2012
**Subject:** Noise Permit – Clear Ahead Marine Productions

**FROM:** Larry Cort, Interim City Administrator

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Doug Merriman, Finance Director
Legal Review, as to form

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**PURPOSE:**

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from Clear Ahead Marine Productions for the use of amplified sound during Whidbey Island Race Week, scheduled for July 14-20, 2012.

**AUTHORIZATION:**

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event may include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) is not undertaken in disregard of the rights of others, or 2) is temporary, or 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

**SUMMARY STATEMENT:**

Clear Ahead Marine Productions submitted a Noise Permit request for amplified sound associated with Whidbey Island Race Week. The request states that amplified sound will be used for live bands from 6:00 p.m. to 9:00 p.m. at race headquarters located at Catalina Park.

The Application was reviewed by Fire, Police, and Public Works Departments.

**STANDING COMMITTEE REVIEW:**

Not required.

**RECOMMENDED ACTION:**

Grant a noise permit for amplified sound to Clear Ahead Marine Productions.

**ATTACHMENTS:**

Noise Permit.

**MAYOR'S COMMENTS:**

# *CITY OF OAK HARBOR*

# *NOISE PERMIT*

| | |
|---|---|
| Name of Organization: | Clear Ahead Marine Productions<br>Whidbey Island Race Week |
| Location of Event: | Oak Harbor Yacht Club and<br>Catalina Park |
| Date of Event: | July 14th – 20th, 2012 |
| Hours of Operation: | 6:00 p.m. – 9:00 p.m. |
| Permitted Noise: | Amplified sound system associated<br>with live bands. |
| Approval Conditions: | None |
| Date of City Council<br>Approval: | |

Issued this  day of June, 2012.

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Karen Crouch, Special Events Coordinator

***This Noise Permit is limited to the date and time specified.***

***Please post this notice on site***

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** NA 2G
**Date:** June 18, 2012
**Subject:** Arts Commission Re-Appointment – Kit Christopherson

**FROM:** **Scott Dudley, Mayor**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
~~Steve Powers~~ Larry Cort, Interim City Administrator
Doug Merriman, Finance Director
Bill Hawkins, City Attorney, as to form

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## PURPOSE

The purpose of this agenda bill is for the Council to confirm Mayor Dudley's re-appointment of Kit Christopherson to the Arts Commission.

## AUTHORITY

Oak Harbor Municipal Code, Chapter 2.29 Oak Harbor Arts Commission:
**2.29.040 Membership of commission.**
The majority voting membership of said commission must reside within the city of Oak Harbor or work within the city.

## FISCAL IMPACT DESCRIPTION

None

## SUMMARY STATEMENT

Kit Christopherson was appointed to the Arts Commission in May 2008. He resides within the city of Oak Harbor and is the Art Teacher at Oak Harbor High School. If confirmed, Mr. Christopherson's four-year term would expire June 2016.

Mr. Christopherson is an active and valued member of the Board. Mayor Dudley recommends that Kit Chirstopherson be confirmed to serve a four-year term on the Arts Commission.

## STANDING COMMITTEE REPORT

None.

## RECOMMENDED ACTION

Confirm Mr. Christopherson's re-appointment to the Arts Commission.

## ATTACHMENTS

None.

6.18.2012 Agenda Bill – Arts Commission re-apptmt – Christopherson

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** N/A 2H
**Date:** June 18, 2012
**Subject:** Planning Commission Re-Appointment – Kristi Jensen

**FROM:** **Scott Dudley, Mayor**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
Larry Cort, Interim City Administrator
Doug Merriman, Finance Director
Grant Weed, Interim City Attorney, as to form

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## PURPOSE

The purpose of this agenda bill is for the Council to confirm Mayor Dudley's re-appointment of Kristi Jensen to the Planning Commission.

## AUTHORITY

Oak Harbor Municipal Code, Chapter 18.04 Planning Commission:
**18.01.010 Commission created - Membership.**
The city planning commission shall consist of seven members, appointed by the mayor, subject to approval of the city council.

## FISCAL IMPACT DESCRIPTION

None

## SUMMARY STATEMENT

Kristi Jensen was appointed to the Planning Commission in June 2006. Ms. Jensen is an active and valued member of the Commission. She has confirmed that she will serve another term if re-appointed. If confirmed, Ms. Jensen's three-year term would expire June 2015.

Mayor Dudley recommends that Kristi Jensen be confirmed to serve another three-year term on the Planning Commission.

## STANDING COMMITTEE REPORT

None.

## RECOMMENDED ACTION

Confirm Ms. Jensen's re-appointment to the Planning Commission.

## ATTACHMENTS

None.

**City of Oak Harbor**
**City Council Agenda Bill**

Bill No. CA 21
Date: June 18, 2012
Subject: Marathon Coordinator Contract

**FROM:** **Larry Corl, Interim City Administrator**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
Scott Dudley, Mayor
Doug Merriman, Finance Director
City Attorney, as to form

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**PURPOSE**
A professional service agreement with Tamara Sipes to perform services necessary to coordinate the 2013 Whidbey Marathon event.

**AUTHORITY**
Under RCW 35A.11.020, The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees;

**SUMMARY STATEMENT**
The City desires to contract with Tamara Sipes for the provision of services and tasks to include general overall coordination of the 2013 Whidbey Marathon event, the obtainment of sponsorship contributions, the coordination and promotion of marketing events, and other duties as outlined in the attached scope of work. The contract is for eleven months at the rate of $2,546 per month, plus an incentive based on increased attendance at the event.

Please see the attached scope of work for a detailed listing of required job duties.

**FISCAL IMPACT DESCRIPTION**

Funds Required: $ $28,006 plus incentive
Appropriation Source: General Fund #001, sub-fund #006 Professional Services

**STANDING COMMITTEE REPORT**
This topic has been presented to the Finance Standing Committee on June 13, 2012.

**RECOMMENDED ACTION**
1. Approve Professional Services Agreement and authorize the Mayor to sign.

**ATTACHMENTS**
1. Proposed agreement.
2. Scope of work.

**PROFESSIONAL SERVICES AGREEMENT**

THIS AGREEMENT, is made and entered into in duplicate this 18th day of June, 2012, by and between the CITY OF OAK HARBOR, a Washington municipal corporation, hereinafter referred to as the "CITY" and **Ms. Tamra Sipes,** 1124 Landing Circle, Oak Harbor, WA 98277, referred to as the "SERVICE PROVIDER".

WHEREAS, the CITY desires to have certain services and/or tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient CITY resources are not available to provide such services; and

WHEREAS, the SERVICE PROVIDER represents the SERVICE PROVIDER is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

1. Scope of Services.

   The SERVICE PROVIDER shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as SERVICE PROVIDER Scope of Work responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein as **2012 Whidbey Island Marathon Race Coordinator Scope of Work**.

2. Term.

   The Project shall begin on June 18, 2012 and shall be completed no later than May 17, 2012, unless sooner terminated according to the provisions herein.

3. Compensation and Method of Payment.

   3.1 Payments for services provided hereunder shall be made following the performance of such services, unless otherwise permitted by law and approved in writing by the CITY.

   3.2 No payment shall be made for any service rendered by the SERVICE PROVIDER except for services identified and set forth in this Agreement.

   3.3 The CITY shall pay the SERVICE PROVIDER for work performed under this Agreement on a monthly basis for eleven (11) consecutive months, beginning June 18, 2012 up to and including May 17, 2013 at $2,546.00 per month. A full monthly payment will be made on the last day of each month with the first

payment occurring on June 30 2012, with the final payment occurring on April 30, 2013, or sooner if terminated by either party. Total monthly payments amount will not exceed **$28,006.00** without written approval by the City.

3.4 As an incentive for the SERVICE PROVIDER to work towards increasing participation in the Whidbey Island Marathon, the City shall pay an incentive bonus calculated as the percentage increase in total participants from the previous year multiplied against the annual total as provided in Section 3.3.

3.5 The scope of services as shown on, as shown on Exhibit "A" attached hereto, may require the SERVICE PROVIDER to travel to and attend expositions or other events for marketing or early registration purposes, such travel and attendance subject to review by the CITY. The CITY agrees to reimburse the SERVICE PROVIDER for the reasonable costs of lodging and travel upon presentation of receipts and other supporting documentation.

4. Reports and Inspections.

4.1 The SERVICE PROVIDER at such times and in such forms as the CITY may require, shall furnish to the CITY such statements, records, reports, data, and information as the CITY may request pertaining to matters covered by this Agreement.

4.2 The SERVICE PROVIDER shall at any time during normal business hours and as often as the CITY or State Auditor may deem necessary, make available for examination all of its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the CITY or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The CITY shall receive a copy of all audit reports made by the agency or firm as to the SERVICE PROVIDER'S activities. The CITY may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the SERVICE PROVIDER'S activities that relate, directly or indirectly, to this Agreement.

5. Independent Contractor Relationship.

5.1 The parties intend that an independent SERVICE PROVIDER/CITY relationship will be created by this Agreement. The CITY is interested primarily in the results to be achieved; subject to paragraphs herein, the implementation of services will lie solely with the discretion of the SERVICE PROVIDER. No agent, employee, servant or representative of the SERVICE PROVIDER shall be deemed to be an employee, agent, servant or representative of the CITY for any purpose, and the employees of the SERVICE PROVIDER are not entitled to any of the benefits the CITY provides for its employees. The SERVICE PROVIDER will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, subcontractors or representatives during the performance of this Agreement.

5.2 In the performance of the services herein contemplated, the SERVICE PROVIDER is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the CITY and shall be subject to the CITY'S general rights of inspection and review to secure the satisfactory completion thereof.

6. Service Provider Employees/agents.

The CITY may at its sole discretion require the SERVICE PROVIDER to remove an employee(s), agent(s) or servant(s) from employment on this Project. The SERVICE PROVIDER may, however, employ that (those) individual(s) on other non-CITY related projects.

7. Hold Harmless/Indemnification.

7.1 SERVICE PROVIDER shall defend, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the SERVICE PROVIDER in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

7.2 For purposes of this indemnification and hold harmless agreement, the SERVICE PROVIDER waives any immunity that may be granted to it under the Washington State Industrial Insurance Act, Title 51 RCW. The parties expressly agree that this waiver of workers' compensation immunity has been negotiated.

7.3 No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

8. Insurance.

The SERVICE PROVIDER shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the SERVICE PROVIDER, its agents, representatives, or employees.

8.1 Minimum Scope of Insurance. SERVICE PROVIDER shall obtain insurance of the types described below:

a. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

b. Commercial General Liability insurance: N/A

c. Workers' Compensation coverage: N/A

d. Professional Liability Insurance: N/A

8.2 Minimum Amounts of Insurance. SERVICE PROVIDER shall maintain the following insurance limits:

a. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of One Hundred Thousand Dollars ($100,000) per occurrence and Three Hundred Thousand Dollars ($300,000) general aggregate per accident.

b. Commercial General Liability insurance: N/A

c. Professional Liability insurance: N/A

8.3 Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability insurance:

a. The SERVICE PROVIDER'S insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the SERVICE PROVIDER'S insurance and shall not contribute with it.

b. The SERVICE PROVIDER'S insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

8.4 Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

8.5 Verification of Coverage. SERVICE PROVIDER shall furnish the City with original certificates and a copy of the amendatory endorsements including, but not necessarily limited to, the additional insured endorsement, evidencing the insurance requirements of the SERVICE PROVIDER before commencement of the work.

9. Treatment of Assets.

Title to all property furnished by the CITY shall remain in the name of the CITY and the CITY shall become the owner of the work product and other documents, if any, prepared by the SERVICE PROVIDER pursuant to this Agreement.

10. Compliance with Laws.

10.1 The SERVICE PROVIDER, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

10.2 The SERVICE PROVIDER specifically agrees to pay any applicable business and occupation (B&O) taxes that may be due on account of this Agreement.

11. Nondiscrimination.

11.1 The CITY is an equal opportunity employer.

11.2 Nondiscrimination in Employment. In the performance of this Agreement, the SERVICE PROVIDER will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability; provided that the prohibition against discrimination in employment because of disability, or the use of a trained dog guide or service animal by a person with a disability, shall not apply if the particular disability prevents the proper performance of the particular worker involved. The SERVICE PROVIDER shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The SERVICE PROVIDER shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

11.3 Nondiscrimination in Services. The SERVICE PROVIDER will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability.

11.4 If any assignment and/or subcontracting has been authorized by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The SERVICE PROVIDER shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. Assignment/subcontracting.

12.1 The SERVICE PROVIDER shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the CITY, and it is further agreed that said consent must be sought in writing by the SERVICE PROVIDER not less than thirty (30) days prior to the date of any proposed assignment. The CITY reserves the right to reject without cause any such assignment.

12.2 Any work or services assigned hereunder shall be subject to each provision of this Agreement and proper bidding procedures where applicable as set forth in local, state and/or federal statutes, ordinances and guidelines.

12.3 Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the CITY.

13. Changes.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. Maintenance and Inspection of Records.

14.1 The SERVICE PROVIDER shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit, by the CITY, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

14.2 The SERVICE PROVIDER shall retain all books, records, documents and other material relevant to this Agreement, for six (6) years after its expiration. The SERVICE PROVIDER agrees that the CITY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. Other Provisions.

The following additional terms shall apply: It is agreed between the parties that pursuant to changes in state law necessitating that services hereunder be expanded, the parties shall negotiate an appropriate amendment. If after thirty (30) days of negotiation, agreement cannot be reached, the CITY may terminate this Agreement no sooner than sixty (60) days thereafter.

16. Termination.

16.1 Termination for Convenience. The CITY may terminate this Agreement, in whole or in part, at any time, by giving at least thirty (30) days' written notice to the SERVICE PROVIDER. Upon such termination for convenience, the City shall pay the SERVICE PROVIDER for all services provided under this Agreement through the date of termination.

16.2 Termination for Cause. If the SERVICE PROVIDER fails to perform in the manner called for in this Agreement, or if the SERVICE PROVIDER fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within five (5) days' written notice thereof, the CITY may terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the SERVICE PROVIDER setting forth the manner in which the SERVICE PROVIDER is in default. The SERVICE PROVIDER will only be paid for services performed in accordance with the manner of performance set forth in this Agreement through the date of termination.

17. Notice.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

18. Attorneys Fees and Costs.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

19. Jurisdiction and Venue.

19.1 This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is agreed by each party hereto that this Agreement shall be governed by laws of the State of Washington, both as to interpretation and performance.

19.2 Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in any of the courts of competent jurisdiction in Island County, Washington.

20. Severability.

20.1 If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

20.2 If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision that may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions.

21. Entire Agreement.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute a material breach of contract and be cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

| CITY: | SERVICE PROVIDER: |
|---|---|
| CITY OF OAK HARBOR<br>865 SE Barrington Drive<br>Oak Harbor, WA 98277 | Ms. Tamra Sipes<br>1124 Landing Circle<br>Oak Harbor, WA 98277 |
| _____<br>Scott Dudley, Mayor | _____<br>Tamra Sipes |

Attest:

_____
Connie Wheeler, City Clerk

EXHIBIT "A"

2013 WHIDBEY ISLAND MARATHON

Scope of Work for Race Director

1. General Organizational Coordination

Race Coordinator shall provide general coordination between all Whidbey Island Marathon 2013 ("Marathon") related parties and individuals to assure proper communication, task completion and contract provision adherence for race event preparation and performance. Those known parties and individuals shall include the Race Contractor, City of Oak Harbor Departments (Administration, Mayor, Police, Fire and Public Works), Oak Harbor Chamber of Commerce, local media, expo exhibitors, race sponsors, race volunteers, the Oak Harbor School District, Whidbey SeaTac Shuttle, and Coupeville School District No. 204. The above listing is not to be considered exclusive. The Race Director will be responsible for organizing and chairing task meetings with the City, Race Contractor and Race Director.

2. Sponsorship.

Race Director shall make all reasonable efforts to secure relevant cash sponsors for the 2013 Whidbey Island Marathon event. The minimum direct cash sponsorship goal for 2013 is $35,000. Race Director agrees to work closely with the City of Oak Harbor to recommend, coordinate and complete the necessary steps to ensure that the sponsor focused efforts are strategically done and not duplicated. Race Director will leverage the working relationship it has with past sponsors to invite them to become sponsors of the 2013 Whidbey Island Marathon event.

3. Coordination of Promotion and Marketing Tasks

Race Director shall develop an overall marketing and promotion plan to ensure continued race participation levels for the Whidbey Island Marathon. This task shall include the development of a marketing, promotion and distribution plan. This plan can include the preparation of print ads, posters, rack cards, electronic media, awards, maps, banners, stuffers, campaigns, brochures and entry forms. Race Director shall consult with the City regarding public announcements, news releases and Internet advertising. Race Director will coordinate the adequate distribution of marketing and promotion materials to a pre-approved list of distribution points including other races. Race Director will assist with the execution of any and all promotional programs as agreed upon with the City. Those specific tasks for coordination of promotion and marketing tasks are as follows:

- Provide any marketing-focused coordination required with the City of Oak Harbor and any other race partners or sponsors to ensure that a clean and consistent

marketing message gets communicated to the targeted demographic of the 2013 Whidbey Island Marathon event.

- Review and coordinate the distribution of the 2013 Whidbey Island Marathon event promotion materials to health focused businesses and points of registrant contact located in Washington to ensure that these items are well distributed.
- Review and coordinate the distribution of the 2013 Whidbey Island Marathon promotion materials to regional health and fitness locations on the west coast from California north through Canada.
- Secure the distribution of Whidbey Island Marathon promotion materials to established half and full marathon events throughout the United States in the months leading up to the marathon through running organization memberships.
- Review and coordinate with Race Contractor an email marketing campaign sending up to three 2013 Whidbey Island Marathon specific emails to Race Contractor's 25,000 person runner/walker participant database. Race Director will work closely with the City of Oak Harbor to make sure that the content within the emails positively communicates the interests of Oak Harbor as well as the 2013 Whidbey Island Marathon event.
- If requested, Race Director will secure and work closely with any outsourced marketing or graphics design agency to ensure that any and all relevant marathon related information is included within the marketing materials created.
- Assist with the development of display materials for the Whidbey Island Marathon booth for the rock 'n' Roll Marathon Expo and for the Seattle Marathon Expo. The Race director may be requested to attend other expos. subject to the approval of the City.
- Race Director shall work with the City website administrator to assure consistency and accuracy of marketing and promotion themes.

4. <u>Expo Coordination</u>

Race Director shall coordinate with Race Contractor and the Oak Harbor School District, to organize and conduct the Marathon Expo. Such tasks shall include securing the expo site, assistance with set up and vendor booth layout coordination, the rental of all necessary equipment, coordination between expo vendors, coordinating expo volunteers and coordinating the preparation and disbursement of "goody bags". Race Director shall work with Race Contractor to ensure a well-organized packet pickup for the participants and volunteers. Those specific tasks for Expo coordination are as follows:

- The reviewing of the selected expo site and strategically creating an expo layout that best suits the goals and size of the 2013 Whidbey Island Marathon event.
- The contacting and securing an adequate volume of Expo exhibitors to support the goals and size of the 2013 Whidbey Island Marathon event.
- Provide all the exhibitor contract documents needed for the securing of the exhibitors.

- The coordination and continual contact with any equipment rental companies required for creating a professionally designed Expo. Such equipment includes the rental of pipe & drapes, tables, chairs, podiums, stages, etc.
- The management of the participant goodie bag giveaways, including the contacting and securing of the bags, items to go in the bags and volunteers to stuff them.
- Coordination of transportation of the goodie bags to the event expo site.
- The responsibility for the physical set up of the event expo site.
- Coordinate with the City and volunteers as needed to perform late registration, t-shirt and bib distribution and disseminate aid as needed for providing troubleshooting and general race information.
- Coordinate and procure all volunteers for registration/health and fitness expo.
- Responsible for volunteer needs, concerns and/or general well being to assure all volunteers receive required and adequate care, recognition, t-shirts and other amenities during their time with the Expo event.
- Ensure all volunteers complete and submit City volunteer agreement forms.
- Maintain a volunteer database and keep everyone informed of changes or updates.
- The management of all the on-site activities during the hours of operation for the Expo. This includes the management of any onsite volunteers, the coordination with any onsite exhibitors or sponsors, the coordination with the facility where the Expo takes place and all the registration and packet pickup activities.
- The creation and management of the Expo schedule, including any onsite guest speakers, or special exhibitor giveaways.
- The creation and management of the day-of-race program script ensuring that all the pertinent race related information gets communicated to the Expo attendees and race participants.
- The management of the interaction with the event timing company to ensure that the race registration and packet pickup operates smoothly.
- The management of the clean-up of the Expo site ensuring that the Expo site is returned to its original condition.

5. Race Course Coordination

Race Director shall provide coordination with the Race Contractor and City to assure all race course tasks are in place and covered as well as conducting direct and specific race course tasks. Those specific tasks for race course coordination are as follows:

- Recruit and coordinate all necessary volunteer assistance and training of water/aid stations.
- Recruit and coordinate all necessary volunteer assistance and training of course monitors and certified flaggers.
- Recruit and coordinate necessary law enforcement assistance.
- Recruit and coordinate all necessary volunteers for the race start(s) which includes set up and tear down.

- Coordinate overall water/aide station supplies and distribution materials (emergency kits, banners, gloves, anti-friction cream, etc.) that are not part of the Race Contractor duties.
- Recruit and coordinate ham radio operators and motorcycle volunteers for the race course.
- Coordinate and organize the gear check at the race starts and finish.
- Coordinate the procurement and placement of porta potties throughout the race course, starts and finishes of Whidbey Island Marathon event.
- Assist the City with the coordination of providing sound systems as needed, decorative amenities, refreshments as prescribed, and banners at the starts and finishes.

6. Start/Finish Event Coordination

Race Director shall provide coordination with the Race Contractor and City to assure all Start/Finish Event tasks are in place and covered as well as conducting direct and specific Start/Finish Event tasks. Those specific tasks for Start/Finish Event coordination are as follows:

- Assist the City with the coordination of safe and efficient passenger shuttle service for marathon and half marathon race participants.
- Coordinate and organize the scheduling of shuttle service to bring runners to the start of both races and to return runners from the finish area to designated areas throughout the City of Oak Harbor.
- Coordinate and organize volunteers for the gear check, late t-shirt distribution and any remaining general information and assistance to race participants.
- Coordinate and organize the procurement of race start amenities such as marathon start heaters, refreshments and decorations.
- Procure, organize and coordinate food and refreshment distribution.
- Procure, organize and coordinate awards ceremony, entertainment, food and activity tents, vendor set-up, sponsor promotions, all volunteer tasks to staff the start and finish events and an adequate number of porta potties strategically placed and adequately stocked with associated supplies.
- Coordinate with Race Contractor first aid station, race results, race finish line set-up, banners, awards stage set-up, and sound system.
- Coordinate with City regarding parking, security, trash pick-up, recycling, shuttle information, medal distribution, event photographer, banners, balloons, and award ceremony.

7. 5K Fun Run Coordination

Race Director shall provide coordination with the Race Contractor and City to assure the 5K Fun Run is produced and conducted as a community wellness and overall fitness event. Those specific tasks for the 5K Fun Run coordination are as follows:

- Coordinate the recruitment and training for any volunteers required to assist such as course monitors, finish line assistants, registration assistants, t-shirt assistants, water/aid station volunteers and set-up volunteers.
- Coordinate with the City for trash collection, water/aid station set-up, registration/t-shirt/bib distribution station set-up and vendor/sponsor banner set- up
- Coordinate with Race Contractor for all amenities related to race course lay-out, start/finish line set-up, race bib distribution, finish results, sound system set-up,

# whidbey island

## MARATHON & HALF MARATHON
## 5K FUN RUN/WALK

## April 13 & 14, 2013

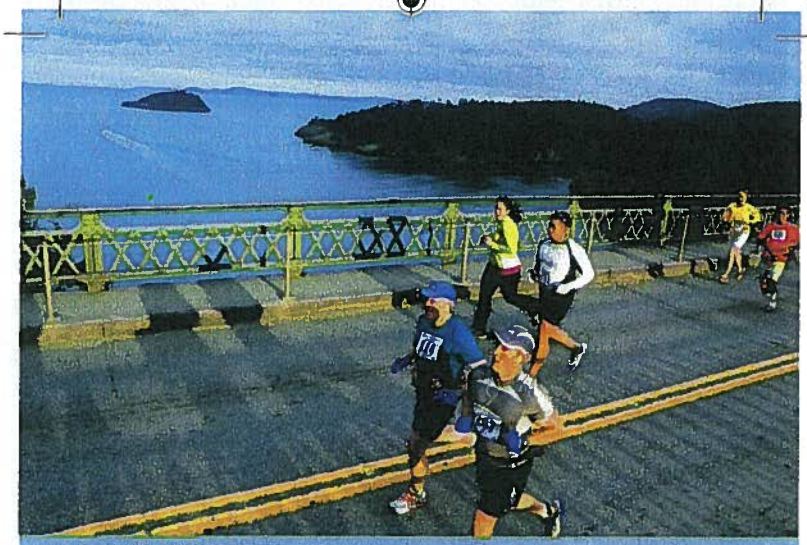
*THIS IS MORE THAN A RACE.*

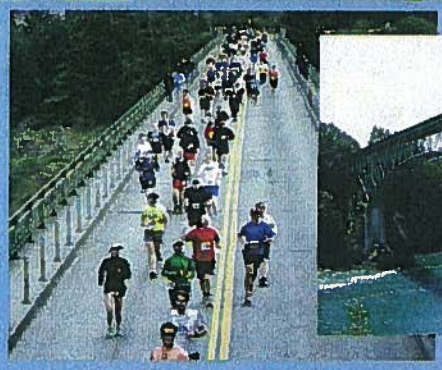
Rolling Country Backroads and
Breathtaking Waterfront Coastlines

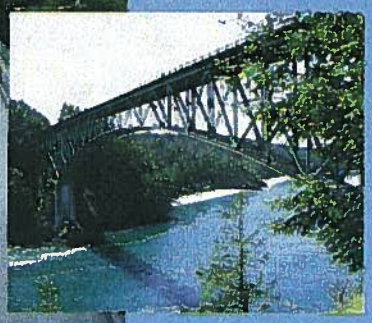
Boston
Qualifier

USATF Sanctioned & Certified

www.whidbeyislandmarathon.com







## Marathon Run Only

$75 .....Through December 31, 2012
$90.....January 1, 2013 to March 1, 2013
$100.....March 2, 2013 to April 10, 2013
$115..... At Expo, April 13, 2013

## Half Marathon Run/Walk

$55 .....Through December 31, 2012
$70 .....January 1, 2013 to March 1, 2013
$80 .....March 2, 2013 to April 10, 2013
$95 ..... At Expo, April 13, 2013

Entertainment, food and beverages will be available for no charge for partipants. All participants recieve a Finishers Medal and Tech Shirt.

## 5K Fun Run/Walk

All participants receive a Finishers Medal
$25.....Through April 12, 2013
$30..... Onsite, day of registration

*Entry fees are non-refundable, non-transferable and includes state sales tax.*

**City of Oak Harbor**
**City Council Agenda Bill**

Bill No. CA RJ
Date: June 18, 2012
Subject: Excused Absence Request
Councilmember Robert Severns

**FROM:** Scott Dudley
Mayor

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

_____ Larry Cort, Interim City Administrator
_____ Doug Merriman, Finance Director
_____ Legal Review, as to form

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## PURPOSE

The purpose of this agenda bill is to present and approve Councilmember Bob Severns' excused absence request for the July 3, 2012 City Council meeting.

## AUTHORITY

Per RCW 35A.12.060: *...A council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.*

## SUMMARY STATEMENT

Councilmember Severns has submitted an excused absence request for the July 3, 2012 City Council meeting.

## STANDING COMMITTEE REPORT

N/A

## RECOMMENDED ACTION

Approve Councilmember Severns' excused absence for the July 3, 2012 City Council meeting.

## ATTACHMENTS

None

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** CA 2K
**Date:** JUNE 18, 2012
**Subject:** Approval of Accounts Payable Vouchers

**FROM:** **Doug Merriman, Finance Director**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
Scott Dudley, Mayor
Larry Cort, Interim City Administrator
GW Grant Weed, Interim City Attorney

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## SUMMARY

Oak Harbor Municipal Code Chapter 3.72 establishes procedures for claims (vouchers) payment. The documentation that regularly supports the signature cover sheets is included in this agenda packet. Claim cover sheets will continue to be on hand prior to the City Council meeting for City Council signatures.

## AUTHORITY

Oak Harbor Municipal Code Chapter 3.72.

## RECOMMENDED ACTION

Approve accounts payable vouchers.

Bank code : bank

| Voucher | Date | Vendor | | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|---|
| 150303 | 6/8/2012 | 0000860 | STANDARD INSURANCE COMPANY | 053112 | | LONG TERM DISABILITY | 4,340.78 |
| | | | | | | **Total :** | **4,340.78** |
| 150304 | 6/8/2012 | 0000066 | AWC EMPLOYEES BENEFITS TRUST | 060812 | | PREMIUMS | 44.66 |
| | | | | | | **Total :** | **44.66** |
| 150305 | 6/11/2012 | 0006452 | HOAGLAND, JAMES | TRAVEL ADVANCE | | TRAVEL ADVANCE | 81.69 |
| | | | | | | **Total :** | **81.69** |
| 150306 | 6/13/2012 | 0000029 | ALL PHASE ELECTRIC SUPPLY | 0952-612624 | | LIGHT POLE | 4,131.14 |
| | | | | | | **Total :** | **4,131.14** |
| 150307 | 6/13/2012 | 0005024 | ALMBERG, RICHARD | TRAVEL ADVANCE | | TRAVEL ADVANCE | 105.00 |
| | | | | | | **Total :** | **105.00** |
| 150308 | 6/13/2012 | 0000712 | AMERIGAS | 3008552286 | | PROPANE/MARINA | 87.77 |
| | | | | | | **Total :** | **87.77** |
| 150309 | 6/13/2012 | 0000042 | ANACORTES, CITY OF | 900-9080-00 | | MAY 2012/WATER PURCHASED | 72,716.58 |
| | | | | 901-9080-01 | | MAY 2012/WATER PURCHASED | 655.15 |
| | | | | 901-9080-02 | | MAY 2012/WATER PURCHASED | 8,448.51 |
| | | | | | | **Total :** | **81,820.24** |
| 150310 | 6/13/2012 | 0006324 | ARXCIS, INC | 995951 | | CRANE INSPECTION | 650.00 |
| | | | | | | **Total :** | **650.00** |
| 150311 | 6/13/2012 | 0004019 | ASSOCIATED PETROLEUM PRODUCTS | 0306789-IN | | FUEL | 19,943.48 |
| | | | | | | **Total :** | **19,943.48** |
| 150312 | 6/13/2012 | 0000159 | AT&T MOBILITY | 996009348X06012012 | | CURRENT CELL CHARGES | 103.68 |
| | | | | | | **Total :** | **103.68** |
| 150313 | 6/13/2012 | 0004733 | BARRON HEATING & AIR COND, INC | 124519 | | AC REPAIRS | 442.88 |
| | | | | | | **Total :** | **442.88** |
| 150314 | 6/13/2012 | 0000083 | BAZA, ALVIN | 060612 | | WELLNESS INCENTIVE | 20.00 |

Bank code : bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150314 | 6/13/2012 | 0000083 0000083 BAZA, ALVIN | (Continued) | | Total : | **20.00** |
| 150315 | 6/13/2012 | 0004631 BLAKE, KAY | 1 | | TRAVEL REFUND | 30.00 |
| | | | | | Total : | **30.00** |
| 150316 | 6/13/2012 | 0000109 BLUMENTHAL UNIFORMS | 933609 | | UNIFORM ITEMS/NORDSTRAND | 769.11 |
| | | | 934916 | | LIFE SAVING BARS | 100.44 |
| | | | | | Total : | **869.55** |
| 150317 | 6/13/2012 | 0003097 BOYER, TALLIE | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | Total : | **20.00** |
| 150318 | 6/13/2012 | 0006769 BRAUN CONSULTING GROUP | 1531 | | APR 2012/RETAINER | 2,650.00 |
| | | | | | Total : | **2,650.00** |
| 150319 | 6/13/2012 | 0002943 BRAUNSTEIN, ANGELA | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | Total : | **20.00** |
| 150320 | 6/13/2012 | 0001074 BRAUNSTEIN, BRIAN | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | Total : | **20.00** |
| 150321 | 6/13/2012 | 0006767 CASCADE SUBSCRIPTION | 1197063 | | SUBSCRIPTION | 76.00 |
| | | | | | Total : | **76.00** |
| 150322 | 6/13/2012 | 0000167 CHEVRON AND TEXACO BUSINESS | 565473 | | FUEL | 165.60 |
| | | | | | Total : | **165.60** |
| 150323 | 6/13/2012 | 0000173 CINTAS CORPORATION #460 | 460414124 | | MATS/TOWELS | 70.88 |
| | | | | | Total : | **70.88** |
| 150324 | 6/13/2012 | 0000179 CLERKS PETTY CASH | 061112 | | PETTY CASH | 85.00 |
| | | | | | Total : | **85.00** |
| 150325 | 6/13/2012 | 0003734 COACHMAN INN | 228969 | | HOTEL ACCOMMODATIONS/MACFA | 88.56 |
| | | | | | Total : | **88.56** |
| 150326 | 6/13/2012 | 0005773 COMCAST | 8498300270032028 | | XFINITY | 8.32 |
| | | | | | Total : | **8.32** |

Bank code : bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150327 | 6/13/2012 | 0000197 CONCRETE NORWEST | 804894 | | DUMP FEE | 8.15 |
| | | | 805131 | | DUMP FEE | 10.87 |
| | | | | | **Total :** | **19.02** |
| 150328 | 6/13/2012 | 0000202 COREY OIL COMPANY | 12962 | | OIL | 201.30 |
| | | | | | **Total :** | **201.30** |
| 150329 | 6/13/2012 | 0000222 CUSTOM ENGRAVING | 12-599 | | NAMETAG/ESPIRITU | 25.00 |
| | | | | | **Total :** | **25.00** |
| 150330 | 6/13/2012 | 0000256 DAY WIRELESS SYSTEMS | 154650 | | NARROWBANDING | 1,521.80 |
| | | | 154811 | | ANTENNA REPLACEMENT | 138.05 |
| | | | 443184 | | RADIO MAINTENANCE | 361.61 |
| | | | | | **Total :** | **2,021.46** |
| 150331 | 6/13/2012 | 0004084 DFAS CLEVELAND | 20120531T060 | | MAY 2012/ANIMAL SHELTER | 299.26 |
| | | | | | **Total :** | **299.26** |
| 150332 | 6/13/2012 | 0000247 DIAMOND RENTALS | 500608-5 | | PORTABLES | 49.95 |
| | | | 500612-5 | | PORTABLES | 49.95 |
| | | | 500613-5 | | PORTABLES | 99.90 |
| | | | 500619-5 | | PORTABLES | 49.95 |
| | | | 500627-5 | | PORTABLES | 49.95 |
| | | | 501366-3 | | PORTABLES | 170.00 |
| | | | 501576-2 | | PORTABLES | 49.95 |
| | | | 501577-2 | | PORTABLES | 49.95 |
| | | | 501578-2 | | PORTABLES | 49.95 |
| | | | 501579-2 | | PORTABLES | 99.90 |
| | | | 501580-2 | | PORTABLES | 49.95 |
| | | | 501581-2 | | PORTABLES | 49.95 |
| | | | 501582-2 | | PORTABLES | 49.95 |
| | | | 502698 | | JCB | 233.71 |
| | | | | | **Total :** | **1,103.01** |
| 150333 | 6/13/2012 | 0000175 DUNN-TERRY, ROXANN | EXP REIMB | | EXP REIMB | 255.00 |
| | | | EXP REIMB | | EXP REIMB | 765.00 |
| | | | EXP REIMB2 | | EXP REIMB | 1,008.12 |

Bank code : bank

| Voucher | Date | Vendor | | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|---|
| 150333 | 6/13/2012 | 0000175 | 0000175 DUNN-TERRY, ROXANN | (Continued) | | Total : | 2,028.12 |
| 150334 | 6/13/2012 | 0000257 | DUTCH MAID CLEANERS | 053112 | | MAY 2012/LAUNDRY SERVICES | 641.34 |
| | | | | 1085 | | CLEANING SERVICES | 6.52 |
| | | | | | | Total : | 647.86 |
| 150335 | 6/13/2012 | 0000259 | DYER, JOHN | EXP REIMB | | EXP REIMB | 59.50 |
| | | | | | | Total : | 59.50 |
| 150336 | 6/13/2012 | 0000273 | EDGE ANALYTICAL, INC | 12-08029 | | TESTING SERVICES | 18.00 |
| | | | | | | Total : | 18.00 |
| 150337 | 6/13/2012 | 0000278 | EMERALD SERVICES, INC | I162343 | | OIL RECYCLING | 255.00 |
| | | | | I162568 | | OIL RECYCLING | 45.00 |
| | | | | | | Total : | 300.00 |
| 150338 | 6/13/2012 | 0006747 | EQUINOX RESEARCH & CONSULTING | 11-411-3 | | PROF SVC/PIT ROAD | 85,564.75 |
| | | | | | | Total : | 85,564.75 |
| 150339 | 6/13/2012 | 0006771 | ERGA, INC | 3731 | | WORKSHOP | 1,096.43 |
| | | | | | | Total : | 1,096.43 |
| 150340 | 6/13/2012 | 0005826 | ESPARZA, NIKKI | 060112 | | MAY 2012/PROF SVC | 7,500.00 |
| | | | | | | Total : | 7,500.00 |
| 150341 | 6/13/2012 | 0006276 | EXPRESS SERVICES, INC | 11006875-6 | | OFFICE SERVICE SUPPORT | 978.40 |
| | | | | 11037174-7 | | OFFICE SERVICE SUPPORT | 978.40 |
| | | | | 11074902-5 | | OFFICE SERVICE SUPPORT | 978.40 |
| | | | | | | Total : | 2,935.20 |
| 150342 | 6/13/2012 | 0005086 | EZINE INDUSTRIES, INC | 807467 | | MAY 2012/COMMUNITY ALERT NET | 9.75 |
| | | | | | | Total : | 9.75 |
| 150343 | 6/13/2012 | 0006480 | FENWICK, KAREN | 1 | | TRAVEL REFUND | 30.00 |
| | | | | | | Total : | 30.00 |
| 150344 | 6/13/2012 | 0000304 | FERGUSON ENTERPRISES, INC | 0336586 | | UNIPRO 100A USB COMM PC | 293.49 |
| | | | | 0337201 | | SRH TRPL REG ONLY | 320.67 |

Bank code : bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150344 | 6/13/2012 | 0000304 0000304 FERGUSON ENTERPRISES, INC (Continued) | | | Total : | 614.16 |
| 150345 | 6/13/2012 | 0000309 FERGUSON, LARRY | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | Total : | 20.00 |
| 150346 | 6/13/2012 | 0000314 FISHERIES SUPPLY COMPANY | 1735196A | | ACCOUNT CHARGE | 24.98 |
| | | | | | Total : | 24.98 |
| 150347 | 6/13/2012 | 0006093 FRAZIER SURVEYING, LLC | 43 | | SURVEYING SERVICES | 4,397.50 |
| | | | | | Total : | 4,397.50 |
| 150348 | 6/13/2012 | 0000355 FRONTIER | 279-1060 | | CURRENT PHONE CHARGES | 52.34 |
| | | | 675-1669 | | CURRENT PHONE CHARGES | 52.19 |
| | | | 675-5190 | | CURRENT PHONE CHARGES | 34.79 |
| | | | 679-2530 | | CURRENT PHONE CHARGES | 52.19 |
| | | | 679-4150 | | CURRENT PHONE CHARGES | 48.46 |
| | | | | | Total : | 239.97 |
| 150349 | 6/13/2012 | 0000326 FRONTIER BUILDING SUPPLY | 63637 | | FIR | 11.04 |
| | | | | | Total : | 11.04 |
| 150350 | 6/13/2012 | 0001706 GARDNER, PAT | EXP REIMB | | EXP REIMB | 1,202.18 |
| | | | EXP REIMB | | EXP REIMB | 275.00 |
| | | | | | Total : | 1,477.18 |
| 150351 | 6/13/2012 | 0000340 GIFFORD, KATHY | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | Total : | 20.00 |
| 150352 | 6/13/2012 | 0006774 GLEASON, LYNN | 5966 | | MOORAGE REFUND | 153.55 |
| | | | | | Total : | 153.55 |
| 150353 | 6/13/2012 | 0000345 GREATER OAK HBR CHAMBER OF COI | 9322 | | JUN 2012/TOURIST PROMOTION | 6,667.00 |
| | | | | | Total : | 6,667.00 |
| 150354 | 6/13/2012 | 0002747 GUARDIAN SECURITY | 1381578 | | ALARM MONITORING | 171.00 |
| | | | | | Total : | 171.00 |
| 150355 | 6/13/2012 | 0006590 HAFFNER, OTTO | 060612 | | WELLNESS INCENTIVE | 20.00 |

Bank code : bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150355 | 6/13/2012 | 0006590 0006590 HAFFNER, OTTO | (Continued) | | Total : | 20.00 |
| 150356 | 6/13/2012 | 0003505 HAMLIN, BERNADINE | 1 | | TRAVEL REFUND | 10.00 |
| | | | | | Total : | 10.00 |
| 150357 | 6/13/2012 | 0006768 HAWKINS, LISA | 060712 | | DUMPSTER DEPOSIT REFUND | 1,295.29 |
| | | | | | Total : | 1,295.29 |
| 150358 | 6/13/2012 | 0005311 HB JAEGER COMPANY, LLC | 129573/1 | | PLASTIC STIFFENERS | 17.22 |
| | | | 31583/2 | | PIPE/COUPLERS | 443.28 |
| | | | | | Total : | 460.50 |
| 150359 | 6/13/2012 | 0000323 HD FOWLER COMPANY | I3137524 | | HANDWHEEL | 55.89 |
| | | | | | Total : | 55.89 |
| 150360 | 6/13/2012 | 0000382 HELTSLEY, RAY | EXP REIMB | | EXP REIMB | 300.00 |
| | | | | | Total : | 300.00 |
| 150361 | 6/13/2012 | 0006765 HICKAM, JESSE | 060412 | | KEY DEPOSIT REFUND | 5.00 |
| | | | | | Total : | 5.00 |
| 150362 | 6/13/2012 | 0006629 HIZON, TARA | TRAVEL ADVANCE | | TRAVEL ADVANCE | 152.00 |
| | | | | | Total : | 152.00 |
| 150363 | 6/13/2012 | 0003095 HOME DEPOT CREDIT SERVICES | 160871 | | COMPAST/EARTHGRO | 198.11 |
| | | | | | Total : | 198.11 |
| 150364 | 6/13/2012 | 0006520 HOPKINS, CAMERON | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | Total : | 20.00 |
| 150365 | 6/13/2012 | 0000392 HUBBARD, SCOTT | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | Total : | 20.00 |
| 150366 | 6/13/2012 | 0000394 HUMAN RESOURCE SERVICES | 052412 | | JUN 2012/UNEMPLOYMENT SERVI( | 110.00 |
| | | | | | Total : | 110.00 |
| 150367 | 6/13/2012 | 0000396 I-COM | 12-USFQ3-44 | | 3RD QTR 2012/USER FEES | 8,024.00 |
| | | | 12-USFQ3-45 | | 3RD QTR 2012/USER FEE | 89,654.00 |

Bank code : bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150367 | 6/13/2012 | 0000396 0000396 I-COM | (Continued) | | Total : | 97,678.00 |
| 150368 | 6/13/2012 | 0005872 IMPAIRED DRIVING IMPACT PANEL | 060112 | | DUI/UNDERAGE DRINKING PREVEI | 200.00 |
| | | | | | Total : | 200.00 |
| 150369 | 6/13/2012 | 0000401 ISLAND COUNTY AUDITOR | 0053260 | | RECORDING | 144.00 |
| | | | | | Total : | 144.00 |
| 150370 | 6/13/2012 | 0000410 ISLAND COUNTY SOLID WASTE | 053112 | | MAY 2012/TIPPING FEES | 76,594.30 |
| | | | 988280 | | DUMP FEE | 267.00 |
| | | | | | Total : | 76,861.30 |
| 150371 | 6/13/2012 | 0000411 ISLAND COUNTY TREASURER | 060112 | | CRIME VICTIM COMPENSATION | 237.06 |
| | | | | | Total : | 237.06 |
| 150372 | 6/13/2012 | 0000415 ISLAND DISPOSAL | 060112 | | MAY 2012/RECYCLING | 4,393.35 |
| | | | 2864712 | | RECYCLING | 41.00 |
| | | | | | Total : | 4,434.35 |
| 150373 | 6/13/2012 | 0000433 ISLAND DRUG | 137859 | | INMATE MEDS | 15.00 |
| | | | | | Total : | 15.00 |
| 150374 | 6/13/2012 | 0000441 ISLAND SYSTEMS | 156551 | | WATER/MARINA | 17.70 |
| | | | 156925 | | WATER/MARINA | 11.80 |
| | | | | | Total : | 29.50 |
| 150375 | 6/13/2012 | 0000447 JAMESON, KEITH | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | Total : | 20.00 |
| 150376 | 6/13/2012 | 0000454 JET CITY EQUIPMENT RENTAL | 70957 | | BRUSH DUMPING | 25.65 |
| | | | | | Total : | 25.65 |
| 150377 | 6/13/2012 | 0005010 JOHNSON DDS, SAMUEL F | 052212 | | INMATE SERVICES | 437.00 |
| | | | | | Total : | 437.00 |
| 150378 | 6/13/2012 | 0000457 JOHNSTON, ERIC | TRAVEL REIMB | | TRAVEL REIMB | 84.00 |
| | | | TRAVEL REIMB2 | | TRAVEL REIMB | 240.75 |

Bank code : bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150378 | 6/13/2012 | 0000457 0000457 JOHNSTON, ERIC | (Continued) | | Total : | 324.75 |
| 150379 | 6/13/2012 | 0006760 K AND D DEVELOPMENT | 052312 | | RIGHT OF WAY PERMIT REFUND | 313.00 |
| | | | | | Total : | 313.00 |
| 150380 | 6/13/2012 | 0005678 KAISER, JOHN | 053012 | | WHIDBEY ISLAND MARATHON-FIN/ | 12,000.00 |
| | | | | | Total : | 12,000.00 |
| 150381 | 6/13/2012 | 0001475 KOCH, MARGARET | 1 | | TRAVEL REFUND | 20.00 |
| | | | | | Total : | 20.00 |
| 150382 | 6/13/2012 | 0006773 LAING, CLIFFORD | 5752 | | MOORAGE REFUND | 216.50 |
| | | | | | Total : | 216.50 |
| 150383 | 6/13/2012 | 0000494 LAKESIDE INDUSTRIES | 5100973MB | | ASPHALT | 911.60 |
| | | | | | Total : | 911.60 |
| 150384 | 6/13/2012 | 0001104 LAWSON PRODUCTS, INC. | 9300875896 | | DRILL BITS/PAD KIT | 96.95 |
| | | | | | Total : | 96.95 |
| 150385 | 6/13/2012 | 0004502 LEXISNEXIS RISK DATA MANAGE | 1404645-20120531 | | MAY 2012/MINIMUM COMMITMENT | 54.35 |
| | | | | | Total : | 54.35 |
| 150386 | 6/13/2012 | 0000950 LICENSING, WASHINGTON STATE DEP | 052912 | | CONCEALED WEAPON PERMITS | 453.00 |
| | | | 061212 | | CONCEALED WEAPON PERMITS | 417.00 |
| | | | | | Total : | 870.00 |
| 150387 | 6/13/2012 | 0000522 LUEHR, TOM | 1 | | DRIVING SERVICES | 96.00 |
| | | | 2 | | DRIVING SERVICES | 138.00 |
| | | | | | Total : | 234.00 |
| 150388 | 6/13/2012 | 0000524 LYNDEN ICE | 117002778 | | ICE | 129.60 |
| | | | | | Total : | 129.60 |
| 150389 | 6/13/2012 | 0001661 MACAULAY & ASSOCIATES LTD | 12-126B | | PROF SVC/PRELIMINARY SPECIAL | 10,575.00 |
| | | | | | Total : | 10,575.00 |
| 150390 | 6/13/2012 | 0000530 MAILLIARD'S LANDING NURSERY | 56443 | | YARD WASTE | 226.80 |

Bank code : bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150390 | 6/13/2012 | 0000530 MAILLIARD'S LANDING NURSERY | (Continued) | | | |
| | | | 57327 | | YARD WASTE | 135.10 |
| | | | 57619 | | YARD WASTE | 166.95 |
| | | | 57661 | | YARD WASTE | 159.25 |
| | | | 57692 | | YARD WASTE | 10.00 |
| | | | 57698 | | YARD WASTE | 294.70 |
| | | | 57730 | | YARD WASTE | 385.70 |
| | | | 57921 | | YARD WASTE | 255.50 |
| | | | 57949 | | YARD WASTE | 40.00 |
| | | | 57995 | | YARD WASTE | 40.00 |
| | | | 57998 | | YARD WASTE | 198.80 |
| | | | 58037 | | YARD WASTE | 50.00 |
| | | | 58082 | | YARD WASTE | 326.55 |
| | | | 58140 | | YARD WASTE | 309.40 |
| | | | 58205 | | YARD WASTE | 314.65 |
| | | | 58237 | | YARD WASTE | 218.40 |
| | | | 58483 | | YARD WASTE | 202.65 |
| | | | 58532 | | YARD WASTE | 168.70 |
| | | | 58625 | | YARD WASTE | 291.20 |
| | | | 58678 | | YARD WASTE | 264.95 |
| | | | 58749 | | YARD WASTE | 176.75 |
| | | | 58789 | | YARD WASTE | 30.00 |
| | | | 58953 | | YARD WASTE | 26.30 |
| | | | 58981 | | YARD WASTE | 118.30 |
| | | | 59031 | | YARD WASTE | 168.00 |
| | | | 59076 | | YARD WASTE | 151.55 |
| | | | 59141 | | YARD WASTE | 305.20 |
| | | | 59381 | | YARD WASTE | 407.75 |
| | | | 59437 | | YARD WASTE | 286.30 |
| | | | 59496 | | YARD WASTE | 299.25 |
| | | | | | Total : | **6,028.70** |
| 150391 | 6/13/2012 | 0000660 MARKET PLACE FOOD & DRUG | 198444 | | GROCERIES | 249.47 |
| | | | 764453 | | GROCERIES | 491.55 |
| | | | 764460 | | GROCERIES | 414.17 |
| | | | | | Total : | **1,155.19** |

Bank code : bank

| Voucher | Date | Vendor | | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|---|
| 150392 | 6/13/2012 | 0006072 | MASTER'S TOUCH, LLC | 24176 | | MAR 2012/MAILING SERVICES | 258.92 |
| | | | | M121471 | | TMT STORAGE | 1,565.28 |
| | | | | | | **Total :** | **1,824.20** |
| 150393 | 6/13/2012 | 0000558 | MERRILL, RAY | TRAVEL REIMB | | TRAVEL REIMB | 72.00 |
| | | | | TRAVEL REIMB | | TRAVEL REIMB | 20.00 |
| | | | | | | **Total :** | **92.00** |
| 150394 | 6/13/2012 | 0006772 | MORRIS, JIM | 3762 | | MOORAGE REFUND | 155.13 |
| | | | | | | **Total :** | **155.13** |
| 150395 | 6/13/2012 | 0004423 | MUNICIPAL EMERGENCY SERVICES | 00315306_SNV | | GLOVES/FLEECE HOODS | 128.25 |
| | | | | | | **Total :** | **128.25** |
| 150396 | 6/13/2012 | 0005005 | MUNNS, BETH | TRAVEL ADVANCE | | TRAVEL ADVANCE | 152.00 |
| | | | | | | **Total :** | **152.00** |
| 150397 | 6/13/2012 | 0006763 | MURRAY, RICHARD | 1 | | TRAVEL REFUND | 29.00 |
| | | | | | | **Total :** | **29.00** |
| 150398 | 6/13/2012 | 0002633 | NEXXPOST LLC | 188708 | | MAIL MACHINE RENTAL | 1,200.05 |
| | | | | | | **Total :** | **1,200.05** |
| 150399 | 6/13/2012 | 0000621 | NIIRO, CEDRIC | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | | **Total :** | **20.00** |
| 150400 | 6/13/2012 | 0000633 | NORTH SOUND BUSINESS SYSTEMS | 9014 | | PRINTER CARTRIDGES | 289.14 |
| | | | | | | **Total :** | **289.14** |
| 150401 | 6/13/2012 | 0000672 | OAK HARBOR ACE | 201658 | | WAND MARKING | 26.08 |
| | | | | 203880 | | CONNECTOR/POWERCNTR | 58.65 |
| | | | | 204191 | | UNION/BUSHING | 5.20 |
| | | | | 204246 | | PAINTBRUSHES/ENGRAVER | 3.99 |
| | | | | 204247 | | SEALANT | 8.14 |
| | | | | 204259 | | NOZZLE/BRUSH | 12.48 |
| | | | | 204265 | | CHALK | 1.08 |
| | | | | 204286 | | OIL | 41.28 |
| | | | | 204308 | | SUPER GLUE | 3.79 |

Bank code : bank

| Voucher | Date | Vendor | | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|---|
| 150401 | 6/13/2012 | 0000672 | OAK HARBOR ACE | (Continued) | | | |
| | | | | 204318 | | BOLT SNAPS | 9.33 |
| | | | | 204350 | | SCRUBBER | 52.17 |
| | | | | 204408 | | TIE WRAP | 3.80 |
| | | | | 204433 | | FASTENERS/POLISH | 8.47 |
| | | | | 204466 | | CAPS | 8.45 |
| | | | | 204482 | | CAPS/FASTENERS | -5.47 |
| | | | | 204523 | | RECEPTACLES | 8.67 |
| | | | | 204536 | | BATTERY/SQUEEGEE/HANDLE | 29.32 |
| | | | | 204548 | | ANG VALVE | 20.63 |
| | | | | 204602 | | AUTOCUT/NYLON LINE | 47.81 |
| | | | | 204604 | | FUNNELS/HOSE | 12.22 |
| | | | | 204652 | | AERATOR | 4.12 |
| | | | | 204672 | | MENDERHOSE/STOOL | 29.27 |
| | | | | 204697 | | RIVET/HEAD | 34.75 |
| | | | | | | **Total :** | **424.23** |
| 150402 | 6/13/2012 | 0000681 | OAK HARBOR SCHOOL DISTRICT | 0000110509 | | JUN 2012/COMPUTER NETWORK S | 6,708.33 |
| | | | | | | **Total :** | **6,708.33** |
| 150403 | 6/13/2012 | 0000688 | OVERHEAD DOOR CO | JS55685 | | DOOR REPAIR | 748.40 |
| | | | | | | **Total :** | **748.40** |
| 150404 | 6/13/2012 | 0000696 | PAGGAO, DANNY | TRAVEL ADVANCE | | TRAVEL ADVANCE | 152.00 |
| | | | | | | **Total :** | **152.00** |
| 150405 | 6/13/2012 | 0003164 | PAINTERS ALLEY | 14774 | | FUSOR | -54.35 |
| | | | | 7164 | | FUSOR | 97.83 |
| | | | | | | **Total :** | **43.48** |
| 150406 | 6/13/2012 | 0000709 | PERS | 00931237 | | MAY 2012/UNFUNDED LIABLITY | 26.98 |
| | | | | | | **Total :** | **26.98** |
| 150407 | 6/13/2012 | 0000730 | POWELL, JANIS | 1 | | DRIVING SERVICES | 114.00 |
| | | | | | | **Total :** | **114.00** |
| 150408 | 6/13/2012 | 0004622 | POWERS, LISA | 060612 | | WELLNESS INCENTIVE | 20.00 |

Bank code : bank

| Voucher | Date | Vendor | | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|---|
| 150408 | 6/13/2012 | 0004622 | 0004622 POWERS, LISA | (Continued) | | Total : | 20.00 |
| 150409 | 6/13/2012 | 0001665 | PUBLIC SAFETY SELECTION, PC | 2195 | | PRE-EMPLOYMENT/ESPIRITU | 350.00 |
| | | | | | | Total : | 350.00 |
| 150410 | 6/13/2012 | 0000743 | PUGET SOUND ENERGY | 0682202007 | | ELECTRICITY/SW ERIE ST SW BAR | 156.26 |
| | | | | 1306445121 | | ELECTRICITY/CITY BEACH PARK | 136.44 |
| | | | | 6240913613 | | ELECTRICITY/2075 SW FT NUGENT | 371.05 |
| | | | | 6847901524 | | ELECTRICITY/PARKS | 56.62 |
| | | | | | | Total : | 720.37 |
| 150411 | 6/13/2012 | 0001463 | RASMUSSEN, SHIRLEY | 1 | | TICKET REIMBURSEMENT | 468.00 |
| | | | | | | Total : | 468.00 |
| 150412 | 6/13/2012 | 0003694 | RECYCLING, WASHINGTON STATE ASS | 060412 | | MEMBERSHIP RENEWAL | 150.00 |
| | | | | | | Total : | 150.00 |
| 150413 | 6/13/2012 | 0006770 | RED LION HOTEL | 120477 | | HOTEL ACCOMMODATIONS/JAMES | 217.36 |
| | | | | 120510 | | HOTEL ACCOMMODATIONS/BEBEE | 217.36 |
| | | | | 120511 | | HOTEL ACCOMMODATIONS/BAZA | 217.36 |
| | | | | | | Total : | 652.08 |
| 150414 | 6/13/2012 | 0003060 | RED LION HOTEL YAKIMA CENTER | 78889 | | HOTEL ACCOMMODATIONS/MERRI | 226.30 |
| | | | | | | Total : | 226.30 |
| 150415 | 6/13/2012 | 0006764 | RIFFE, LINDA | 1 | | TRAVEL REFUND | 20.00 |
| | | | | | | Total : | 20.00 |
| 150416 | 6/13/2012 | 0002508 | RINEY PRODUCTION SERVICES | 10-770 | | TAPING SERVICES | 2,678.94 |
| | | | | | | Total : | 2,678.94 |
| 150417 | 6/13/2012 | 0005400 | RYBIJ, JOHN | 1 | | TRAVEL REFUND | 60.00 |
| | | | | | | Total : | 60.00 |
| 150418 | 6/13/2012 | 0000852 | SENIOR CENTER PETTY CASH | 060712 | | PETTY CASH | 188.29 |
| | | | | | | Total : | 188.29 |
| 150419 | 6/13/2012 | 0000809 | SENIOR SERVICES OF ISLAND | OH05-2012 | | MAY 2012/SENIOR SERVICES | 1,500.00 |

Bank code : bank

| Voucher | Date | Vendor | | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|---|
| 150419 | 6/13/2012 | 0000809 | 0000809 SENIOR SERVICES OF ISLAND (Continued) | | | Total : | 1,500.00 |
| 150420 | 6/13/2012 | 0002358 | SERVICEMASTER OF THE ISLAND | 8358 | | JUN 2012/JANITORIAL SERVICES | 775.00 |
| | | | | | | Total : | 775.00 |
| 150421 | 6/13/2012 | 0000719 | SEVERNS, RHONDA | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | EXP REIMB | | EXP REIMB | 52.18 |
| | | | | | | Total : | 72.18 |
| 150422 | 6/13/2012 | 0005085 | SEVERNS, ROBERT | TRAVEL ADVANCE | | TRAVEL ADVANCE | 152.00 |
| | | | | | | Total : | 152.00 |
| 150423 | 6/13/2012 | 0000822 | SHRED-IT WEST WASHINGTON | 101231362 | | SHREDDING | 55.10 |
| | | | | | | Total : | 55.10 |
| 150424 | 6/13/2012 | 0000814 | SKAGIT FARMERS SUPPLY | 303145 | | GLOVES/BOOTS | 33.66 |
| | | | | 303254 | | GLOVES | 6.51 |
| | | | | | | Total : | 40.17 |
| 150425 | 6/13/2012 | 0006605 | SKAGIT POWDER COATING, INC | 8984 | | COATING | 278.62 |
| | | | | | | Total : | 278.62 |
| 150426 | 6/13/2012 | 0000879 | SOLID WASTE ASSOCIATION OF | 2013-73442 | | MEMBERSHIP RENEWAL | 324.00 |
| | | | | | | Total : | 324.00 |
| 150427 | 6/13/2012 | 0000846 | SOUND PUBLISHING | 626454 | | ORD 1625 | 52.83 |
| | | | | 626569 | | CC 11 | 70.44 |
| | | | | 626572 | | CC 12 | 70.44 |
| | | | | 626831 | | PUBLIC HEARING CC12-14 | 70.44 |
| | | | | | | Total : | 264.15 |
| 150428 | 6/13/2012 | 0005488 | SPOO, ETHAN | 060612 | | WELLNESS INCENTIVE | 20.00 |
| | | | | | | Total : | 20.00 |
| 150429 | 6/13/2012 | 0000851 | SPRINT | 140239187 | | LONG DISTANCE | 8.95 |
| | | | | 144603707 | | LONG DISTANCE | 13.99 |
| | | | | | | Total : | 22.94 |

Bank code : bank

| Voucher | Date | Vendor | | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|---|
| 150430 | 6/13/2012 | 0000860 | STANDARD INSURANCE COMPANY | 052112 | | POCFFS/LIFE | 237.50 |
| | | | | | | Total : | **237.50** |
| 150431 | 6/13/2012 | 0003883 | STAPLES BUSINESS ADVANTAGE | 3174441258 | | PRINT HOLDER | 15.05 |
| | | | | 3174441260 | | STOARGE/THERMAL ROLLS | 35.86 |
| | | | | 3174441261 | | NATURAL ERGONOMIC DESKTOP | 126.47 |
| | | | | 3174441262 | | CD/DVD ALBUM REFILLS | 54.31 |
| | | | | | | Total : | **231.69** |
| 150432 | 6/13/2012 | 0003749 | STUMP, PATRICK L | 1 | | DRIVING SERVICES | 1,040.55 |
| | | | | | | Total : | **1,040.55** |
| 150433 | 6/13/2012 | 0000874 | SURETY PEST CONTROL | 321274 | | PEST EXTERMINATION | 326.10 |
| | | | | 322209 | | PEST EXTERMINATION | 38.05 |
| | | | | 322210 | | PEST EXTERMINATION | 30.44 |
| | | | | 322211 | | PEST EXTERMINATION | 43.48 |
| | | | | 322212 | | PEST EXTERMINATION | 30.44 |
| | | | | 322213 | | PEST EXTERMINATION | 43.48 |
| | | | | 322214 | | PEST EXTERMINATION | 32.61 |
| | | | | | | Total : | **544.60** |
| 150434 | 6/13/2012 | 0006540 | SWCA ENVIRONMENTAL CONSULTANT | 11791 | | PROF SVC/PIONEER WAY ARCHAE | 8,458.64 |
| | | | | | | Total : | **8,458.64** |
| 150435 | 6/13/2012 | 0006730 | SWINOMISH INDIAN TRIBAL | 052312 | | OAK HARBOR SITE SERVICES | 25,176.77 |
| | | | | | | Total : | **25,176.77** |
| 150436 | 6/13/2012 | 0000986 | TRANSPORTATION, WASHINGTON STA | RE 41 JA7689 L001 | | PROF SVC/ALTERED TRAFFIC | 502.91 |
| | | | | | | Total : | **502.91** |
| 150437 | 6/13/2012 | 0001053 | TREASURER, WASHINGTON STATE | 060112 | | COURT/BC FEES | 13,080.80 |
| | | | | | | Total : | **13,080.80** |
| 150438 | 6/13/2012 | 0006766 | TTT ENVIRONMENTAL | IS120089 | | CALIBRATION BOTTLES | 364.58 |
| | | | | | | Total : | **364.58** |
| 150439 | 6/13/2012 | 0000922 | UNUM LIFE INSURANCE COMPANY | 051812 | | LONG TERM CARE | 141.00 |

Bank code : bank

| Voucher | Date | Vendor | | Invoice | PO # | Description/Account | | Amount |
|---|---|---|---|---|---|---|---|---|
| 150439 | 6/13/2012 | 0000922 | 0000922 UNUM LIFE INSURANCE COMPAN\ (Continued) | | | | Total : | 141.00 |
| 150440 | 6/13/2012 | 0004903 | US BANK | 4485591000304067 | | CREDIT CARD PURCHASES | | 1,561.31 |
| | | | | | | | Total : | 1,561.31 |
| 150441 | 6/13/2012 | 0004903 | US BANK | 4485590100104922 | | CREDIT CARD PURCHASES | | 969.45 |
| | | | | | | | Total : | 969.45 |
| 150442 | 6/13/2012 | 0004903 | US BANK | 4485591000222970 | | CREDIT CARD PURCHASES | | 371.75 |
| | | | | | | | Total : | 371.75 |
| 150443 | 6/13/2012 | 0004903 | US BANK | 4485590001191861 | | CREDIT CARD PURCHASES | | 256.88 |
| | | | | | | | Total : | 256.88 |
| 150444 | 6/13/2012 | 0000934 | UTILITIES UNDERGROUND LOCATION | 2050161 | | MAY 2012/LOCATES | | 75.40 |
| | | | | | | | Total : | 75.40 |
| 150445 | 6/13/2012 | 0006694 | VALLQUIST, MARIE | 1 | | TRAVEL REFUND | | 30.00 |
| | | | | | | | Total : | 30.00 |
| 150446 | 6/13/2012 | 0003196 | VILLAFLOR, RAMON | 060612 | | WELLNESS INCENTIVE | | 20.00 |
| | | | | | | | Total : | 20.00 |
| 150447 | 6/13/2012 | 0003941 | VILLAGE THEATRE | 060112 | | SEASON SUBSCRIPTION | | 5,461.00 |
| | | | | | | | Total : | 5,461.00 |
| 150448 | 6/13/2012 | 0002557 | WAGNER, CLIFF | 1 | | TRAVEL REFUND | | 58.00 |
| | | | | | | | Total : | 58.00 |
| 150449 | 6/13/2012 | 0001044 | WASHINGTON CRIMINAL JUSTICE | 2013-0981 | | REGISTRATION/SILVEIRA | | 75.00 |
| | | | | | | | Total : | 75.00 |
| 150450 | 6/13/2012 | 0001052 | WASHINGTON STATE PATROL | I12008886 | | BACKGROUND CHECKS | | 40.00 |
| | | | | I12009164 | | BACKGROUND CHECKS | | 610.50 |
| | | | | | | | Total : | 650.50 |
| 150451 | 6/13/2012 | 0000990 | WATER ENVIRONMENT FEDERATION | 9000114935 | | MEMBRANE BIOREACTORS | | 114.50 |
| | | | | | | | Total : | 114.50 |

Bank code : bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150452 | 6/13/2012 | 0002496 WENDELL, ANN | 1 | | TRAVEL REFUND | 29.00 |
| | | | | | **Total :** | **29.00** |
| 150453 | 6/13/2012 | 0003067 WHIDBEY ANIMALS' IMPROVEMENT | 1165 | | MAY 2012/ANIMAL SHELTER | 7,083.33 |
| | | | | | **Total :** | **7,083.33** |
| 150454 | 6/13/2012 | 0001000 WHIDBEY AUTO PARTS, INC. | 141383 | | FILTERS | 80.89 |
| | | | | | **Total :** | **80.89** |
| 150455 | 6/13/2012 | 0001007 WHIDBEY CLEANERS | 218447 | | SEWING/GRAVEL | 2.49 |
| | | | 218616 | | SEWING/GRAVEL | 8.74 |
| | | | | | **Total :** | **11.23** |
| 150456 | 6/13/2012 | 0000675 WHIDBEY COMMUNITY PHYSICIANS | 052312 | | PHYSICALS | -145.00 |
| | | | 637342 | | PRE-EMPLOYMENT/ESPIRITU | 357.00 |
| | | | 639473 | | PHYSICAL/LAWSON | 210.00 |
| | | | | | **Total :** | **422.00** |
| 150457 | 6/13/2012 | 0001017 WHIDBEY PRINTERS | 45480 | | BUSINESS CARDS/MERRILL | 77.72 |
| | | | 45504 | | 1 YEAR MOORAGE LEASE AGREEM | 288.72 |
| | | | 45505 | | WINTER MOORAGE LEASE AGREE | 122.41 |
| | | | 45506 | | SMALL BOAT MOORAGE LEASE AG | 156.65 |
| | | | 45520 | | MONTHLY MOORAGE LEASE AGRE | 122.41 |
| | | | 45521 | | AGREEMENTS FOR STORAGE SHE | 37.70 |
| | | | | | **Total :** | **805.61** |
| 150458 | 6/13/2012 | 0001010 WHIDBEY TELECOM | 3439393 | | CURRENT NET CHARGES | 42.07 |
| | | | | | **Total :** | **42.07** |
| 150459 | 6/13/2012 | 0001499 WINDWARD CONSULTING | 052312 | | RIGHT OF WAY PERMIT REFUND | 698.45 |
| | | | | | **Total :** | **698.45** |
| 150460 | 6/13/2012 | 0006775 WORKSAFE SERVICE, INC | 161655 | | PRE-EMPLOYMENT/ESPIRITU | 52.00 |
| | | | | | **Total :** | **52.00** |
| 150461 | 6/13/2012 | 0001061 XEROX CORPORATION | 062015520 | | MAY 2012/COPIER RENTAL | 204.37 |
| | | | 062015521 | | MAY 2012/COPIER RENTAL | 242.51 |
| | | | 062015522 | | MAY 2012/COPIER RENTAL | 197.70 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 150461 | 6/13/2012 | 0001061 XEROX CORPORATION | (Continued) | | | |
| | | | 062015527 | | MAY 2012/COPIER RENTAL | 1,452.35 |
| | | | 062123516 | | MAY 2012/COPIER RENTAL | 762.47 |
| | | | 062123517 | | MAY 2012/COPIER RENTAL | 762.86 |
| | | | 062123518 | | MAY 2012/COPIER RENTAL | 591.74 |
| | | | | | **Total :** | **4,214.00** |

**159 Vouchers for bank code :** bank **Bank total : 543,195.30**

**159 Vouchers in this report** **Total vouchers : 543,195.30**

# Navy Jet Fuel Pipeline Easement Agenda Bill

Please note that the proposed easement is not attached to the agenda bill. It will be provided to the City Council as soon as it is available.

# City of Oak Harbor
# City Council Agenda Bill

**Bill No.** 3
**Date:** June 18, 2012
**Subject:** Navy Jet Fuel Pipeline Easement

**FROM:** Steve Powers
Development Services Director

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

_____ Scott Dudley, Mayor
_____ Larry Cort, Interim City Administrator
_____ Doug Merriman, Finance Director
_____ Grant Weed, Interim City Attorney, as to form

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**PURPOSE**

This agenda bill presents a proposed easement with the United States of America/Department of the Navy for the City Council's consideration. If granted, this easement would allow the Navy to construct a new jet fuel pipeline within the Regatta Avenue right-of-way.

**AUTHORITY**

RCW Title 35A provides the authority for the City Council to grant an easement for the use of public right-of-way.

**FISCAL IMPACT DESCRIPTION**

Funds Required: Not applicable
Appropriation Source: Not applicable

**SUMMARY STATEMENT**

The Navy plans to replace the existing, out-dated aviation fuel pipeline with a modern facility that will enable NASWI to continue its mission well into the future. Navy staff has requested the City of Oak Harbor grant an easement for this project. Fair market value for the easement has been established at $9,125.00. City and Navy staff have spent approximately one year negotiating the terms under which the easement could be granted by the City Council.

This military construction project is funded through a Congressional appropriation. Such appropriations come with deadlines by which the funding must be obligated. While an extension to the original expiration date has been granted, Navy staff has informed the City that they still believe it is important to award this project in FY12 (by September 30, 2012). This item is on the Council's agenda for this meeting in order to assist the Navy in meeting their project goals.

**BACKGROUND**

The United States Navy is planning to replace the existing jet fuel pipeline that connects NASWI Seaplane Base with NASWI Ault Field. The existing line generally follows the alignment of Torpedo Road, Regatta Avenue, SR-20 and Ault Field Road. This line was constructed in the early 1950's in its present location along the edge of the roadway through a franchise agreement granted by Island County. Portions of the existing line now fall within the city limits and within the City's public right-of-way (ROW). The Navy has requested the City of Oak Harbor grant them an easement within the Regatta Avenue ROW in which to construct the new pipeline. Unlike the existing pipeline, the new pipeline will be located in approximately the center of the street. The replacement pipeline will be constructed to modern standards, meet a variety of safety and environmental regulations and will include a monitoring system.

Navy and City staff discussions regarding the project began approximately one year ago, with the Navy submitting a formal offer on December 20, 2011 to acquire an easement. Staff from both agencies met numerous times to discuss a wide variety of project details. The focus of the negotiations, however, has been on determining the legal instrument by which the City allows the pipeline to be located within the ROW (franchise versus easement) and the conditions under which the City grants its approval (the extent to which the City can be indemnified).

**DISCUSSION**

The City normally uses a franchise agreement, which includes indemnification language, when allowing other parties to place utilities within the ROW. Such an agreement establishes the terms under which both parties operate and financially protects the City from the actions of others. While not a private utility company, the Navy wishes to place a 'utility' (their pipeline) within the right-of-way. Following our standard practice, the City originally proposed the use of a franchise agreement. The City has come to understand that the Navy cannot accept a franchise agreement nor can they fully indemnify the City. City and Navy staff have been involved in lengthy negotiations as to how best to overcome these obstacles and achieve the goals of both entities. The City has determined that the use of an easement agreement would be acceptable. However, the City is concerned that should there be an incident related to the pipeline resulting in either personal or property damage, that it could incur significant costs in defending itself against a lawsuit.

On May 2, 2012 Representatives from the Navy, the City and Washington Cities Insurance Authority (WCIA) met. The main purpose of this meeting was for the Navy to brief the City and WCIA on the proposed project, its design and its operation and safety features. The goal of the meeting was to develop a better understanding of the relative risk and to evaluate how this risk might be reduced to an acceptable level that would allow the City to grant the easement. For instance, the new pipeline will be designed to meet modern safety standards and will include a modern monitoring system. The location of the pipeline in the center of the street and its depth below the street surface (5 to 8 feet) eliminates the

possibility of accidental damage due to private property owner excavations. A copy of the Navy's presentation is attached to this memo (Attachment 1). Navy staff is scheduled to be in attendance at this meeting to brief the Council.

The City consulted with WCIA both before and after the May 2, 2012 meeting to determine if additional insurance coverage was warranted. WCIA recommends that the City obtain additional general liability insurance and pollution liability insurance to help limit the City's financial exposure. The lowest level of coverage they recommend would cost approximately $30,000 to $55,000 annually for the life of the pipeline (the actual premium amount is dependent on a variety of factors). Given current and probable future budgetary constraints it does not seem likely the City can afford such coverage. The Navy also appears to be prohibited from paying for such insurance on the City's behalf.

Language within the proposed easement seeks to mitigate the City's potential liability in several ways, while at the same time recognizing the statutory framework that must be followed. For instance, sections of the easement establish the appropriate permitting, design and construction standards that must be followed. Other sections restrict the use of the pipeline to only the federal government and identify the appropriate mechanism for the City to seek redress should it be necessary.

The proposed easement represents the culmination of the parties' negotiation efforts. The high points of the agreement are as follows:

- The City will be paid $9,125.00 for the easement.
- The agreement is between the City and the United States of America; it is in gross and is not appurtenant to any parcel of property; and the agreement is not assignable outside the federal government.
- It clearly states the City and the Navy agree that the Navy does not have statutory authority to indemnify and hold the City harmless; and it states the Federal Tort Claims Act is the statutory authorization for tort claims to be brought against the United States of America.
- The new pipeline will be constructed to a depth and in a location that will minimize the possibility of maintenance or construction conflicts with existing or proposed City utilities. This location will also eliminate the possibility of adjoining property owners accidentally disturbing the pipeline.
- The project must comply with the City's permitting process for projects within the ROW. [Note: The City's legal counsel for this project (Langebeer & Tull) has determined that amendments to OHMC Chapter 11.08, Excavations, are necessary in order to be absolutely clear what the appropriate insurance and indemnification requirements are for this project. They will develop a list of recommended amendments to the code; however this list will not be available by the June 18, 2012 meeting.]
- The Navy will provide the City copies of its pipeline maintenance and monitoring reports.

- The Navy is required to provide an emergency call-out response to City/County notices of emergency available twenty-four hours a day, seven days a week, with a response time of one hour once notified.

Negotiations between the City and Navy are still continuing on the final language of the easement agreement. Accordingly, a copy of the draft easement is not attached to this agenda bill but will be provided to the City Council at the June 18, 2012 meeting.

## CONCLUSION

The Navy needs to replace an aging jet fuel pipeline that is currently (partially) located within the city limits. The replacement pipeline will be constructed to modern standards, meet a variety of safety and environmental regulations and will include a monitoring system. The Navy has asked the City to grant them an easement to place the new pipeline within the Regatta Avenue ROW. The City normally uses a franchise agreement with indemnification language when allowing other parties to place utilities within the ROW. Unfortunately, the Navy cannot accept a franchise agreement and federal law prohibits them from indemnifying the City. City and Navy staff have been involved in lengthy negotiations as to how to best achieve the goals of both entities.

The City has determined that the use of an easement agreement would be acceptable. The proposed easement agreement requires, among other things, that the project comply with all local statutes and regulations pertaining to public works project. This language, coupled with amendments to the OHMC, should provide the City adequate protection from any incidents arising as the result of construction. However, the City is concerned that should there be a post-construction incident resulting in either personal or property damage, that it could incur significant costs in defending itself against a lawsuit.

## STANDING COMMITTEE REPORT

This item was presented to the Governmental Services Standing Committee at their June 12th meeting.

## RECOMMENDED ACTION

Consider request to grant an easement to the United States of America and the Department of the Navy for the purposes of constructing a new jet fuel pipeline within the Regatta Avenue right-of-way. Staff recognizes that the City Council may wish to continue this item in order that the final easement language is available for review and so that the recommended code amendments can be made known.

## ATTACHMENTS

Attachment 1: Navy presentation dated 5/2/12

NAVFAC
Naval Facilities Engineering Command
NAVFAC Northwest

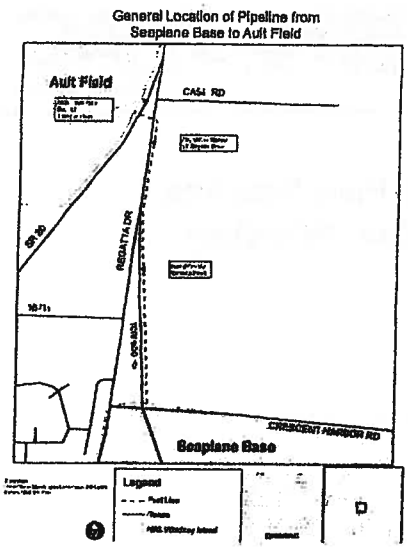
# P-188 Replace Fuel Pipeline Naval Air Station, Whidbey Island WA

Brief provided to City of Oak Harbor's insurance provider to address risk of project
2 May 2012

## Agenda

- Project overview
- Easement
- Liability
- Operations and safety
- Spill Response

## Project Overview




The project replaces 8" & 4" pipelines (circa 1952) with a single modern 12" pipeline designed to carry the DOD's Single Battlefield Fuel (JP-8)

- 20 FT wide easement in roadway
- 2020 LF in the City of Oak Harbor
- 1750 LF in Island County

Project Drivers
- Ensure mission readiness of NASWI
- Current fuel line is reaching the end of it's useful life.
- Federal emphasis on pipeline safety
- Modern Technology
  - Seismic Design
  - Upgraded Leak Detection
  - Welding and coating advancements
- Economic driver for local economy (88%)

## Real Property Interest

- **Current:**
  - **4" and 8" fuel lines on public land**
  - **Permitted March 10, 1951**
  - **Issued by Island County**
- **Plan:**
  - **Requesting an easement to install a new 12" pipeline**
    - Based on 10 U.S.C. 2663 2(c) and 10 U.S.C. 2852
    - Easement is the appropriate property right for use/duration
    - A franchise agreement is not a property right or an interest in real property.

## Liability

- **Indemnification Clause**
  - **Government agencies, including the Navy, do not have the authority to enter into an indemnification clause.**
    - See Hercules Inc. v. U.S., 516 U.S. 417 (1996)
- **Federal Tort Claims Act (28 USC 2671 et seq)**
  - **Statutory mechanism holding US responsible to injured persons for common law torts**
  - **Process for Claim – SF 95 Presented to Agency**
    - Claim for money damages in sum certain
    - For injury/loss of property; personal injury; or death
  - **Denial of Claim**
    - File within 6 months in Federal District Court

## Operations & Safety Features

- **Regulations & Regulators**
  - **Regulated by the US Coast Guard and the WA Dept of Ecology**
  - **33 CFR 156 Oil Transfer Operations (US Coast Guard)**
  - **WAC 173-180 Facility Oil Handling Standards**
  - **WAC 173-180-340 Transfer Pipeline Requirements (WA Dept of Ecology)**

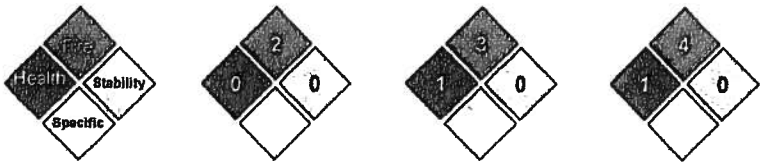
ATTACHMENT 1

## Operations & Safety Features

- **Construction**
  - Weld inspection – 100% radiographed
  - Coating – Fusion bonded epoxy
  - Cathodic protection system installed
- **Operations**
  - Pipeline precision leak tested monthly near operating pressure
  - Pipeline precision leak tested annually at 1.5 x MAWP per 33 CFR 156.170
  - Pipeline right-of-way patrolled weekly
  - Intelligent pigging to inspect wall thickness periodically
  - Transfers monitored IAW WAC 173-180-340, using Automated Fuel Handling Equipment
  - Pipeline surge control system will detect and immediately shut-down pumps if event is detected

## Jet Fuel JP-8 Features

- JP-8 fuel has a flash point of 100° F (like kerosene, considered a "combustible" liquid)
- Gasoline is extremely volatile and has a flash point of negative 49° F, considered a "flammable" liquid. The Bellingham disaster involved a gasoline pipeline.
- JP-8 is a less flammable, less hazardous fuel used across the DOD for better safety and combat survivability

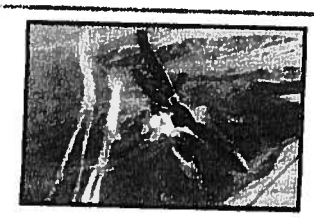



NFPF JP-8 Gasoline Natural Gas

## Spill Response

- NASWI meets or exceeds requirements:
  - 33 CFR 154, Response Plans for Oil Facilities
  - 173-183 WAC, Oil Spill Contingency Plan
  - 40 CFR 112, Response Requirements
- Regional Integrated Contingency Plan is approved by Department of Ecology
- Spill Drills
  - Equipment deployment (bi-annual), table top (annual), worst case exercise with multiple agencies (triennial)
- Local response team is required within 1 hour by contract. Additional resources available from Navy Region and oil spill response organizations.

## Risk Mitigation Summary



- Replaces circa 1952 fuel pipelines
- Modern Technology
  - Seismic Design Upgrades
  - Automatic Fuel Handling Equipment & Shut Off
  - Upgraded Leak Detection System
  - Welding and Coating advancements
- Regulated by the US Coast Guard and WA DOE
  - 3rd Party Validation of leak testing
- Reduces exposure to Non-Federal Lands
  - 2.1 Miles to 0.8 Miles
- DOD's use of less flammable fuels
- Organic spill response and extensive reach back support

ATTACHMENT 1

# City of Oak Harbor
# City Council Agenda Bill

**Bill No.** 4
**Date:** June 18, 2012
**Subject:** Retainer Agreement for Interim City Attorney Services

**FROM:** **Larry Corr, Interim City Administrator**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Doug Merriman, Finance Director
_____ Grant Weed, Interim City Attorney

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## PURPOSE

During the June 5, 2012 City Council meeting, a motion was made and seconded to have an agenda bill prepared for the next scheduled Council meeting to discuss several issues related to the Retainer Agreement for Interim City Attorney Services with the firm of Weed, Graafstra and Benson, including "approval or amendment or disapproval" of the Agreement. This agenda bill responds to that direction by providing a forum for discussing this matter and to seek further direction from the City Council about how to proceed.

## AUTHORITY

The Oak Harbor Municipal Code states:

***2.310.050 Professional service contracts.***

*Contracts for professional services, including contracts for legal and consulting services, are not subject to the bidding requirements of Chapters 2.310 through 2.390 OHMC. The mayor or his/her designee shall promulgate procedures and standards for the approval of such contracts. Contracts for architectural and engineering services shall be awarded in accordance with Chapter 2.350 OHMC and Chapter 39.80 RCW. For purposes of this section, "professional services" are those services involving skill, education and special knowledge and where the work is predominately mental and intellectual, rather than physical and mechanical. The mayor shall establish guidelines and procedures for obtaining professional services. Professional service contracts in excess of $30,000 shall require approval by the city council. Contracts for professional services under $30,000 shall be reviewed by the finance director or the city attorney prior to signing to assure compliance with the Oak Harbor biannual budget, provisions of Chapter 2.390 OHMC and purchasing policies promulgated by the mayor. (Ord. 1470 § 2, 2006).*

## FISCAL IMPACT DESCRIPTION

Funds Required: None (discussion only)

## SUMMARY STATEMENT

Due to recent staffing changes in the Legal Department, the City moved forward to retain interim legal services from the Snohomish, WA firm of Weed, Graafstra and Benson. This firm specializes in municipal law, comes highly recommended and is currently representing a number of cities in western Washington, including Snohomish, Lake Stevens, Marysville and Coupeville, among others. To respond to the

immediate need to retain legal services for the City and under the authority provided at Section 2.310.050 OHMC, the Mayor signed a Retainer Agreement with Weed, Graafstra and Benson on June 4, 2012 for interim legal services through September 30, 2012. In accordance with Section 2.310.050 OHMC, City Council authorization would be required for expenditures under this Agreement in excess of the Mayor's authorized limit of $30,000.

At the June 5, 2012 City Council meeting, Councilmember Servatius moved and Councilmember Almberg seconded the following 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. No vote was needed.*

This agenda bill has been prepared at the direction of the City Council to provide a forum to discuss this motion and to solicit direction on how the Council would like to proceed in answering the questions posed in Issues 1, 2 and 3. With respect to Issues 4 and 5, the Council was under separate cover provided with background information on the firm of Weed, Graafstra and Benson. The following responses from Mr. Weed specifically address the firm's experience with Navy contracts and tribal issues:

**Navy Contracting**

In its role as City Attorney for the City of Marysville the firm has provided legal advice and representation associated with the Everett Navy Housing facility located in Marysville. Services include land use and project development issues, infrastructure and utility variance issues, and annexation of federally owned property. The firm has also provided legal services regarding communication site lease agreements and renewals of lease agreements for communication facilities leases by the US Department of Justice on city owned property.

**Tribal Issues**

The firm has assisted the Cities of Snohomish and Marysville for many years concerning Tribal issues. Some examples would be:

1. Negotiation of complex water and sewer agreements by Marysville to serve Tulalip Tribes;

2. Assistance with agreements concerning the discovery of Native American remains at a cemetery site owned by City of Snohomish and the relocation and reinternment of such remains;
3. Cooperation on behalf of Marysville with the Tulalip Tribes on a private party appeal of shoreline substantial development permit by a private property owner;
4. Cooperation on behalf of Marysville with the Tulalip Tribes concerning odor and public nuisance issues caused by private industry;
5. Joint roadway and bridge maintenance and improvement agreements and advice concerning formation of joint Transportation Benefit Districts;
6. Assistance with drafting and negotiation of various interlocal agreements between the City and Tribes for law enforcement, jail and related services.

## STANDING COMMITTEE REPORT

This Agreement has not been presented to a Standing Committee.

## RECOMMENDED ACTION

There is no recommendation at this time.

## ATTACHMENTS

1. Retainer Agreement for Interim City Attorney Services

# RETAINER AGREEMENT
# FOR INTERIM CITY ATTORNEY SERVICES

## I - PARTIES/EMPLOYMENT

The CITY OF OAK HARBOR (hereinafter "CITY") agrees to retain the law firm of WEED, GRAAFSTRA AND BENSON, INC., P.S., 21 Avenue A, Snohomish, Washington, and said law firm (hereinafter "CITY ATTORNEY") agrees to serve as interim CITY ATTORNEY on the terms and conditions stated below. 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.

## II - QUALITY OF SERVICES

The CITY ATTORNEY shall perform all legal services covered by this contract in a capable and efficient manner, and in accordance with the professional and ethical standards of the Washington State Bar Association.

## III - COMPENSATION

A. Basic Retainer: The CITY shall pay the CITY ATTORNEY a retainer in the amount of $6,400.00 per month, which retainer shall be compensation for up to 40 hours of work per month for the following legal services:

1. To oversee and supervise the prosecution function for the CITY in municipal court.

2. To attend the two regularly scheduled meetings of the City Council per month.

3. To provide legal advice to the Mayor, Councilpersons, City Administrator and administrative heads of the various departments of the CITY under the direction of the Mayor and City Administrator.

4. To prepare such ordinances, resolutions, and instruments as the Mayor, City Council and City Administrator may direct, to render legal advice on all civil and criminal matters, and to prepare or review such correspondence, contracts, easements, and instruments as may be necessary and appropriate.

B. Additional Services: The CITY shall pay the CITY ATTORNEY for the following additional or special legal services at the rate of $170.00 per hour, or, if said services are performed by a paralegal in the CITY ATTORNEY's office the same shall be compensated at the rate of $130.00 per hour:

1. Time in excess of basic retainer. Any and all hours expended on legal services referred to in paragraph A above (Basic Retainer) in excess of 40 hours per month.

2. Extra meetings. Attendance, at the request of the Mayor or City Administrator, at evening meetings of CITY boards, commissions or committees, except for regular City Council meetings held two times a month.

3. Local Improvement Districts. All legal services performed in connection with the formation and financing of any LID or ULID (although it is understood that the primary responsibility for this type of legal work will fall under the exceptions referred to in paragraph V below).

C. Litigation. The CITY shall pay the CITY ATTORNEY for all superior and appellate court litigation and all administrative hearings of a quasi-judicial nature, except those conducted by the CITY itself, at the rate of $180.00 per hour.

D. Time Records. In order to determine appropriate compensation, the CITY ATTORNEY shall maintain accurate time records, copies of which shall be made available to the CITY.

E. Time for Payment. The CITY shall pay all compensation provided herein to the CITY ATTORNEY on a monthly basis, and within two weeks of the date on which each billing statement is received.

**IV - REIMBURSEMENT**

In addition to compensation for the legal services specified above, the CITY shall reimburse the CITY ATTORNEY for direct expenses incurred, and costs advanced, including but not limited to court costs, filing fees, witness fees, recording fees, copying expenses at cost, long distance phone calls, library charges for municipal law books, and the cost of travel, at the

hourly rate one way, lodging and tuition relating to meetings of the Association of Washington Cities and Association of Municipal Attorneys which shall be pro-rated. However, ordinary law office operating expenses, such as rent and secretarial services, shall not be compensated or reimbursed.

## V - EXCEPTIONS

This contract shall not cover legal representation relating to insurance defense, the formation and financing of local improvement districts, or other specialized fields where it is agreed by the parties that outside legal counsel should be retained.

## VI - INSURANCE COVERAGE

The CITY ATTORNEY shall provide errors and omissions, and malpractice insurance coverage, while acting in the capacity of CITY ATTORNEY. Provided, the CITY shall indemnify and hold the CITY ATTORNEY harmless from any and all claims brought by third parties against the CITY ATTORNEY acting in said capacity.

## VII – EMPLOYMENT

The CITY agrees for a period of two years from the effective date of this Agreement it shall not employ or contract with any employee or former employee of WEED, GRAAFSTRA AND BENSON, INC., P.S., for services. This provision shall survive expiration and/or termination of this Agreement.

## VIII - EFFECTIVE DATE AND DURATION

This contract shall take effect on and June 1, 2012 and shall continue in effect through September 30, 2012 unless earlier terminated or renegotiated by either party upon 60 days' written notice. This contract may be renewed automatically upon the mutual agreement of the CITY and CITY ATTORNEY for an agreed upon period of time and upon the same terms and conditions.

DATED this 4th day of June, 2012.

WEED, GRAAFSTRA AND BENSON, INC., P.S.

By Grant K. Weed
GRANT K. WEED, PRESIDENT

CITY OF OAK HARBOR

By Scott Dudley
SCOTT DUDLEY, MAYOR

ATTEST:

By
CONNIE WHEELER, CITY CLERK



/resume/oh/ret.agmt.F.060112

**City of Oak Harbor**
**City Council Agenda Bill**

Bill No. 5
Date: June 18, 2012
Subject: Six-Year Transportation Improvement Program

**FROM:** Cathy Rosen, Public Works Director
Eric Johnston, City Engineer

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Larry Cort, Interim City Administrator
Doug Merriman, Finance Director
Legal Review, as to form

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**PURPOSE:**
This agenda bill presents the draft 2013-2018 Six-Year Transportation Improvement Program (TIP) for Council consideration.

**AUTHORITY:**
The City is authorized and required to adopt a Six-Year Transportation Improvement Program and forward the program to the State of Washington under RCW 35.77.010.

**DISCUSSION**
The City is required by State law to submit an approved six-year Transportation Improvement Program (TIP). The primary purpose of the TIP is to facilitate use of Federal transportation funds awarded to the City. Projects that have Federal funding must appear in the six-year TIP at the local and State level so that the City can obligate and eventually use the Federal funds.

The projects listed on the TIP are coordinated with those listed in the Transportation Element of the Comprehensive Plan.

Coordinating projects in the Transportation Comprehensive Plan, the six-year TIP and the Capital Facilities Plan improve our communication and coordination with other agencies and utility companies and help the City remain focused on a manageable list of transportation projects. Coordination of projects enhances communication with the public on planned transportation projects.

The six-year TIP form includes a number of codes and symbols used in the statewide management of the regional TIP documents. A copy of the TIP code key is attached. A symbol in the status column of "S" means funding is secured while a symbol of "P" indicates the project is not currently funded. The form of the six-year TIP includes a priority number associated with each project. Please note that the priority numbering in the TIP is not intended to supersede or be superimposed into the citywide effort of overall capital project prioritization.

As was previously noted, the City is required by State law to submit an approved six-year TIP. This submittal process is accomplished in conjunction with the Regional Transportation Planning Organization (RTPO). Once approved by the Council, the City's TIP is submitted to the RTPO. In turn, the RTPO submits a regional TIP to the State by October of each year. The State then prepares a statewide TIP in January of each year. The incorporation of the City's projects into this statewide TIP is what enables Oak Harbor to spend Federal funds on local transportation projects.

**STANDING COMMITTEE REVIEW**

This item was presented to the Planning Commission on May 22, 2012 and the Public Works Standing Committee on June 7, 2012; Planning Commission moved to forward a recommendation for approval to City Council.

**RECOMMENDED ACTION**:

1. Conduct a public hearing.
2. Adopt Resolution 12-15 approving the 2013-2018 Six-Year Transportation Improvement Program.

**ATTACHMENTS:**

- ✓ Resolution 12-15
- ✓ Six-Year Transportation Improvement Program (TIP)
- ✓ TIP code key
- ✓ Map of improvement locations
- ✓ Minutes from Planning Commission meeting (draft)

**RESOLUTION NO. 12-15**

**RESOLUTION** adopting the 2013-2018 Six-Year Transportation Improvement Program.

**WHEREAS,** the City of Oak Harbor has reviewed the work accomplished under the prior Six-Year Transportation Improvement Program (2012-2017); and

**WHEREAS,** after an extensive public involvement process the City of Oak Harbor adopted a Comprehensive Plan Transportation Element on January 15, 2008 which established the six-year and long term transportation needs for the community; and

**WHEREAS**, the City Council finds that the projects identified in the Transportation Improvement Program (TIP) should closely follow those found in the Comprehensive Plan Transportation Element; and

**WHEREAS,** the City Council finds that basing the TIP on the six-year project list from the Comprehensive Plan will provide for a more realistic transportation planning approach than including all possible projects on the TIP; and

**WHEREAS**, the City Council finds that utilizing this approach to preparing the TIP will assure that the community will have available a coordinated and realistic approach to carrying out a transportation improvement program; and

**WHEREAS,** with respect to the provisions of RCW 35.77.010(2) the City Council finds that the City has identified non-motorized transportation projects in the form of trail projects and street projects which include trail and bikeway components; and

**WHEREAS**, with respect to the provisions of RCW 35.77.010(3) the City Council finds that the City is not served by rail transportation and therefore need not plan to preserve railroad right-of-way; and

**WHEREAS,** proper notice has been given; and

**WHEREAS,** a public hearing was held at the regular Council meeting on June 18, 2012, at the hour of 6:00 p.m. and at said hearing, the Six-Year Transportation Improvement Program 2013-2018 was presented.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Oak Harbor, Washington that the Six-Year Transportation Improvement Program 2013-2018, a copy of which is attached hereto as Schedule "A", be and the same is hereby adopted as the Six-Year Transportation Improvement Program 2013-2018 for the City of Oak Harbor for the ensuing year, and previous plans are amended accordingly.

**PASSED** by the City Council of the City of Oak Harbor and approved by its Mayor this 18th day of June, 2012

THE CITY OF OAK HARBOR

_____

MAYOR

Attest:

_____

City Clerk

Approved as to Form:

_____

City Attorney

Six Year Transportation Improvement Program
From 2013 to 2018

Agency: Oak Harbor
County No.: 15
City No.: 895

Co. Name: Island
MPO/RTPO RTPO

Hearing Date: _____ Adoption Date _____
Amend Date: _____ Resolution No.: _____

| Fupctional Class | Priority Number | Project Identification<br>A. PIN/Federal Aid No.: B. Bridge No.<br>C. Project Title<br>D. Street/Road Name or Number<br>E. Beginning MP or Road - Ending MP or Road | Improvement Type(s) | Status | Total Length | Utility Codes | Project Costs in Thousands of Dollars: Project Phase | Phase Start | Fund Source Information: Federal Funding: Federal Fund Code | Federal Cost by Phase | State Fund Code | State Funds | Local Funds | Total Funds | Expenditure Schedule (Local Agency): 1st | 2nd | 3rd | 4th Thru 6th | Federally Funded Projects Only: Envir. Type | R/W Required Date (MM/YY |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 16 | 1 | SW Heller Street Improvements<br>SW Heller Street<br>from: SW Swantown Ave to: W Whidbey Ave<br>R/W Acq., pave, curb, gutter, sidewalk, utilities, transit | 04 | P | 0.78 | CGOPSWT | All | 6/1/2014 | | | Other | 1000 | 6630 | 7630 | | | | 7630 | CE | Yes 1/2014 |
| | | | | | | | Totals | | | | | 1000 | 6630 | 7630 | | | | 7630 | | |
| 16 | 2 | Whidbey Avenue Reconstruction<br>Whidbey Avenue<br>from: Heller St. to: Regatta Dr.<br>Sidewalk, curb & gutter, drainage, transit facilities, non- | 03 | P | 1.80 | CGOPSWT | All | 1/1/2013 | | | | | 8300 | 8300 | | | | 8300 | CE | No |
| | | | | | | | Totals | | | | | | 8300 | 8300 | | | | 8300 | | |
| 17 | 3 | NE 7th Ave Reconstruction<br>from: N. Oak Harbor St. to: SR-20<br>Street reconstruction, pedestrian, ADA,non-motorized and transit facilities, illumination. | 04<br>23<br>28 | S | 0.47 | CGOPSWT | All | 6/1/2012 | STP-R | 1315 | | | 1885 | 3200 | | | | 1885 | CE | Yes 1/2015 |
| | | | | | | | Totals | | | 1315 | | | 1885 | 3200 | 38 | 236 | 314 | 1297 | | |
| 16 | 4 | Midwal Blvd./ NE 7th Ave Intersection<br>from: Intersection to: Intersection<br>Traffic Signal | 03 | P | | CGOPSWT | All | 1/1/2013 | | | | | 1000 | 1000 | | | | 1000 | CE | No |
| | | | | | | | Totals | | | | | | 1000 | 1000 | | | | 1000 | | |
| 17 | 5 | Eagle Vista Street - West Extension<br>from: SR-20 to: SW Rosario Pl.<br>Street extension | 01 | P | 0.44 | | All | 1/1/2015 | | | | | 2800 | 2800 | | | | 2800 | CE | No 1/2015 |
| | | | | | | | Totals | | | | | | 2800 | 2800 | | | | 2800 | | |
| 19 | 6 | SE 4th Ave Reconstruction<br>from: SW Midway Blvd to: SW Ely St.<br>Street reconstruction, sidewalk, curb & gutter, storm water facilities, utilities | 04 | P | 0.41 | CGOPSWT | All | 1/1/2016 | | | | | 2300 | 2300 | | | | 2300 | CE | No |
| | | | | | | | Totals | | | | | | 2300 | 2300 | | | | 2300 | | |
| 14 | 7 | SR-20 Improvement<br>from: SE Barrington Dr. to: SW Swantown Ave<br>R/W Acq., intersection improvements & channelization, widening, sidewalk, curb& gutter, retaining walls, | 03 | P | 0.69 | CGOPSWT | All | 12/31/2016 | | | Other | 25000 | 175 | 25175 | | | | 25175 | CE | Yes 6/1/2017 |
| | | | | | | | Totals | | | | | 25000 | 175 | 25175 | | | | 25175 | | |

## APPENDIX A

## IMPROVEMENT TYPE CODES

01 – New Construction Roadway

03 – Reconstruction, Added Capacity

04 – Reconstruction, No Added Capacity

05 – 4R Maintenance Resurfacing

06 – 4R Maintenance – Restoration & Rehabilitation

07 – 4R Maintenance – Relocation

08 – Bridge, New Construction

10 – Bridge Replacement, Added Capacity

11 – Bridge Replacement, No Added Capacity

13 – Bridge Rehabilitation, Added Capacity

14 – Bridge Rehabilitation, No Added Capacity

15 – Preliminary Engineering

16 – Right of Way

17 – Construction Engineering

18 – Planning

19 – Research

20 – Environmental Only

21 – Safety

22 – Rail/Highway Crossing

23 – Transit

24 – Traffic Management/Engineering – HOV

## APPENDIX A (continued)

## IMPROVEMENT TYPE CODES

25 – Vehicle Weight Enforcement Program

26 – Ferry Boats

27 – Administration

28 – Facilities for Pedestrians and Bicycles

29 – Acquisition of Scenic Easements and Scenic or Historic Sites

30 – Scenic or Historic Highway Programs

31 – Landscaping and Other Scenic Beautification

32 – Historic Preservation

33 – Rehab & Operation of Historic Transp. Buildings, Structures, Facilities

34 – Preservation of Abandoned Railway Corridors

35 – Control and Removal of Outdoor Advertising

36 – Archaeological Planning & Research

37 – Mitigation of Water Pollution due to Highway Runoff

38 – Safety and Education for Pedestrians/Bicyclists

39 – Establishment of Transportation Museums

40 – Special Bridge

41 – Youth Conservation Service

42 – Training

43 – Utilities

44 – Other

45 – Debt Service

47 – Systematic Preventive Maintenance

## APPENDIX B

## FEDERAL FUNCTIONAL CLASSIFICATIONS

No Functional Classification

| < 5,000 Population | > 5,000 Population |
|---|---|
| Interstate Rural | Interstate Urban |
| Principal Arterial Rural | Freeways & Expressways Urban |
| Minor Arterial Rural | Other Principal Arterials Urban |
| Major Collector Rural | Minor Arterial Urban |
| Minor Collector Rural | Collector Urban |
| Local Access Rural | Local Access Urban |

## APPENDIX C

## FEDERAL FUND CODES

| | |
|---|---|
| 5307 | FTA Urbanized Area Formula Program |
| 5309(Bus) | FTA Bus and Bus Facilities |
| 5309(FG) | FTA Fixed Guideway Modernization |
| 5309(NS) | FTA New Starts |
| 5310 | FTA Elderly Persons and Persons with Disabilities |
| 5311 | FTA Rural Area Formula Grants |
| 5316 | FTA Job Access & Reverse Commute Program (JARC) |
| 5317 | FTA New Freedom Program |
| FTA Discretionary | Discretionary Programs such as Alternatives Analysis (5339) and TIGGER Program |
| BIA | Bureau of Indian Affairs |
| BR | Bridge Replacement/Rehabilitation Program |
| CBI | Coordinated Border Infrastructure |
| CDBG | Community Development Block Grant (Dept. of Commerce) |
| CMAQ | Congestion Mitigation and Air Quality |
| DEMO | Demonstration Projects (High Priority, Sect. 112, 115, 117, 125 and 129) |
| Discretionary – FBD | Ferry Boat Discretionary |
| Discretionary – IMD | Interstate Maintenance Discretionary |
| Discretionary – ITS | intelligent Transportation Systems |
| Discretionary – PLH | Public Lands Highways (Federal Lands) |
| Discretionary – SB | Scenic Byways |
| Discretionary – STP | Surface Transportation Priorities |

## APPENDIX C (continued)

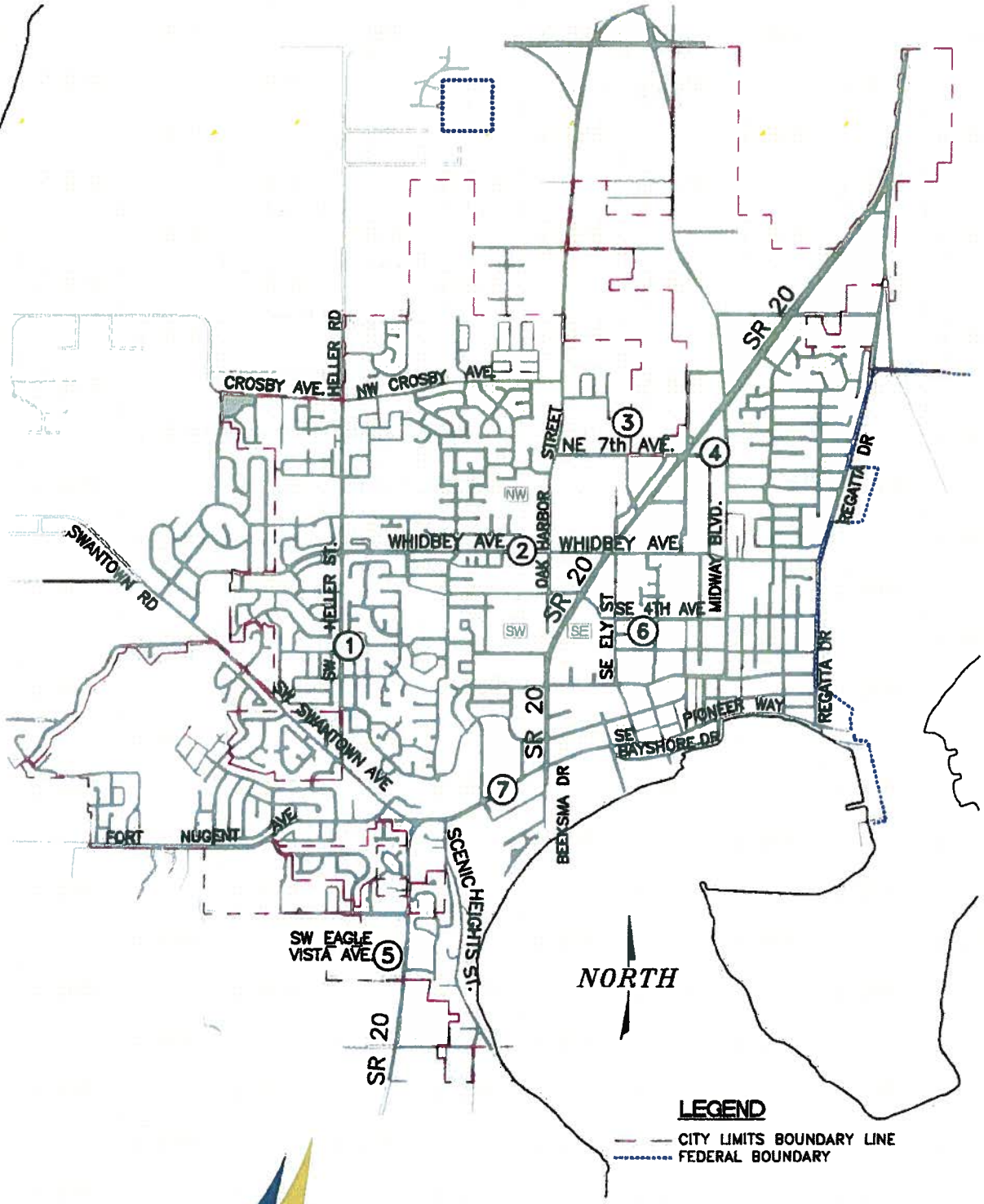
## FEDERAL FUND CODES

| | |
|---|---|
| Discretionary – TCSP | Transportation, Community & System Preservation Program |
| DOD | Department of Defense |
| FMSIB | Freight Mobility Strategic Investment Board |
| IM | Interstate Maintenance |
| IRR | Indian Reservation Roads |
| NHS | National Highway System |
| SRTS | Safe Routes to Schools |
| STP | Surface Transportation Program (WSDOT Use Only) |
| STP(E) | Surface Trans. Program - Enhancements |
| STP(L) | Surface Trans. Program – Legislative Earmarks |
| STP(S) | Surface Trans. Program – Safety (Includes Highway Safety Improvement Program, Hazard Elimination, Railway/Highway Crossing Program and 2010-15 County Road Safety Program) |
| STP(R) | Surface Trans. Program – Rural Regionally Selected |
| STP(U) | Surface Trans. Program – Urban Regionally Selected |

## APPENDIX C (continued)

**STATE FUND CODES**

| | |
|---|---|
| CRAB | County Road Administration Board |
| FMSIB | Freight Mobility Strategic Investment Board |
| PWTF | Public Works Trust Fund |
| SRTS | Safe Routes to Schools |
| TIB | Transportation Improvement Board |
| TPP | Transportation Partnerships Program |
| WSDOT | WSDOT funds |
| OTHER | Any other state funds not listed a |




CITY OF Oak Harbor WHIDBEY ISLAND, WASHINGTON

# SIX YEAR TRANSPORTATION IMPROVEMENT PLAN 2012 - 2017

**PLANNING COMMISSION**
**REGULAR MEETING**
**CITY HALL – COUNCIL CHAMBERS**
**May 22, 2012**

**ROLL CALL:** **Present:** Bruce Neil, Kristi Jensen, Greg Wasinger, Keith Fakkema, Jeff Wallin and Jill Johnson-Pfeiffer.
**Absent:** Gerry Oliver.
**Staff Present:** Senior Planners, Ethan Spoo and Cac Kamak; Associate Planner, Melissa Sartorius; Project Engineer, Arnie Peterschmidt.

Chairman Neil called the meeting to order at 7:30 p.m.

**MINUTES:** **MR. FAKKEMA MOVED, MS. JOHNSON-PFEIFFER SECONDED, MOTION CARRIED TO APPROVE THE APRIL 24, 2012 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:**
No comments.

**SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP)** – Public Hearing
Mr. Neil opened the public hearing on this item.

Mr. Peterschmidt reported:
The City is required by State law to submit an approved six-year Transportation Improvement Program. The primary purpose of the TIP is to facilitate use of Federal transportation funds awarded to the City. The submittal process is accomplished in conjunction with the Regional Transportation Planning Organization (RTPO). Once approved by the Council, the City's TIP is submitted to the RTPO. In turn, the RTPO submits a regional TIP to the State by October of each year. The State then prepares a statewide TIP in January of each year. The incorporation of the City's projects into this statewide TIP is what enables the City to spend Federal funds on local transportation projects.

The projects listed on the TIP are coordinated with those listed in the Transportation Element of the Comprehensive Plan. Coordinating projects in the Transportation Comprehensive Plan, the Six-Year TIP and the Capital Facilities Plan improve our communication and coordination with other agencies and help the City remain focused on a manageable list of transportation projects. The six-year TIP form includes a number of codes and symbols used in the statewide management of the regional TIP documents. A symbol in the status column of "S" means funding is secured while a symbol of "P" indicates the project is not funded.

Mr. Powers added that the recommendation to the Planning Commission is to conduct a public hearing and make a recommendation to the City Council to adopt the 2013-2018 Six-Year Transportation Improvement Program.

Discussion
Ms. Jensen pointed out that SW Heller Street Improvements have the number 12 listed as the improvement type code and there is no improvement type code number 12 in Appendix A. Mr. Peterschmidt said it is a typographical error and the improvement type code should be number 4 which is "Reconstruction, no added capacity".

Ms. Johnson-Pfeiffer asked what the Eagle Vista – West Extension does. Mr. Peterschmidt said the extension would provide access to the highway and would be a development driven project. Mr. Powers added that the extension would facilitate east/west circulation in the southern portion of the City limits and that we need to ensure that we have good east/west circulation as parcels develop. If we don't plan ahead for the project there will only be local street connections to the highway. This project will line up with Eagle Vista on the east side of the highway so that there is alignment that makes sense.

Mr. Neil asked for public comment. Seeing none the public hearing was closed.

**ACTION:** **MR. WALLIN MOVED, MS. JENSEN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADPOPT THE 2013-2018 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM WITH THE CORRECTION OF THE IMPROVEMENT TYPE CODE TO NUMBER 4 FOR THE SW HELLER STREET IMPROVEMENTS PROJECT. MOTION CARRIED.**

**SIGN CODE – Public Hearing**

The Planning Commission continued its discussion of amendments to OHMC 19.36.080 ("Temporary and Special Signs"). Mr. Spoo summarized the changes that were made to the draft sign code resulting from comments made at the March Planning Commission meeting as follows:

Organizational Changes:

- Two main sections: (1) Private property (2) Public property
- Public property section reorganized by forum
  - Public rights-of-way = traditional public forum
  - City parks = traditional public forum
  - City vehicles = non-public forum
  - City buildings = non-public forum

Key Changes:

- Definition of political signs expanded. Mr. Spoo provided a comment letter from the American Civil Liberties Union (ACLU) regarding the definition of "political sign" (the letter is attached as Attachment A to these minutes)
- Permit system – eliminated (also commented on by ACLU)
- Time limits – 6 mos. eliminated. Shorter and more specific timelines remain
- Post election timeframe: 14 days
- Community events signs: can be posted 4-6 weeks prior, removal within a week.
- "Appearance of professionalism" language: Staff is seeking Planning Commission input. There are two choices - either keep the "appearance of professionalism" language in the code or remove it all together. Previously the Planning Commission had a discussion about hand-drawn or hand-painted images and lettering. Based on public input and previous discussion, the Planning Commission wanted to allow for artistic signs that might have hand-drawn images or lettering. Planning Commission asked to draw a distinction between spray paint on plywood and more artistic signs. Mr. Spoo indicated that there is a question about whether these types of quality standards are desirable for temporary signs. Most communities don't have quality standards.

Mr. Spoo continued reviewing the changes to the draft sign code:

Signs within public ROW

- Limits on commercial sign types (portable A-frame, flag pole banners, residential directions "open house" signs, subdivision directional signs designating new development and community events and fund raisers)
- Garage sale deleted - only allowed on private property

Signs within public parks

- Signs cannot be installed (may not be affixed to park equipment, land of facilities in any way, this prohibition includes pounding a temporary sign into the ground)
- Transitory signs allowed (signs such as those used for protest, picket, demonstrate etc.)
- Exceptions - signs for sponsorships in Windjammer and Volunteer Parks. Notifications for youth sports leagues and information banners in Gateway-Beeksma Park.
- City vehicles/buildings: are non-public forums and signs are not allowed

Mr. Spoo reported that there were two meetings with Downtown Merchants Association. On April 18 they discussed:

- Flag banners
- A-frames/sandwich boards: ability to have & location
- Remote placement of temporary signs
- Event signage – clarified
- Sign directory

On May 16 the Association re-emphasized their desire for a sign directory.

Mr. Spoo concluded by noting that substantial work went into this project by the Planning Commission and staff. The draft code is detailed and specific and public input was sought and considered and we have done our best to meet constitutional standards. Mr. Spoo also noted that additional legal review is likely. Mr. Spoo recommended that the Planning Commission conclude their discussion and forward the draft sign code to the City Council for their approval.

Discussion

Mr. Fakkema commented that he noticed that public right-of-way was not defined in Section 19.36.020 and asked if the public right-of-way was defined somewhere else in the code. Mr. Powers said that it was either in the zoning definitions or the subdivision code but that it should be in the sign code section as well and will be added.

Mr. Fakkema commented that he objected to the change in Section 19.36.080(1)(b)(ii)(C) which deletes Christmas and replaces it with Holiday Season, but he realized that it would not be changed.

Mr. Wallin asked if the banners were only allowed in the CBD zone public right-of-ways. Mr. Spoo said that was correct.

Ms. Johnson-Pfeiffer asked if the holes in the sidewalks were public or privately owned. Mr. Spoo said they are on public property. Ms. Johnson-Pfeiffer said she was concerned that any type of speech could also go into the flag pole holes.

Mr. Wasinger asked if permission was granted to put the holes for the flags in the sidewalk. Mr. Powers said that since the sidewalk is the City's we didn't need permission. Mr. Powers also

noted that there is language in the code that says that before placing a sign in the public right-of-way that you have to get permission from the private property owner adjacent to the sign. This language has been used in other communities and has been upheld.

Ms. Johnson-Pfeiffer commented that the expensive planters downtown should be protected from signs because the planters are intended for a specific purpose (beautification). She was concerned that there could be a "free-for-all" of signs in the planters and all it would take is one sign to start a "free-for-all." Mr. Spoo offered to craft language about what type of sign holder could be used in the planters in an effort to protect the planter but still allow speech. Ms. Johnson said her preference was to keep the signs out of the planters. Mr. Powers offered that there could be a subset within the public forum within the public right-of-way that says that you don't utilize planters that are above ground as opposed to the strips that are more traditionally available for the placement of signs.

Mr. Wallin thought that there was already discussion about the type of sign holder that would be allowed i.e. thin metal stakes as opposed to thick wooden stakes. Mr. Spoo said that language could be crafted but we shouldn't restrict to a certain type of sign holder that is more expensive. That could effectively amount to content restriction because you would not be allowing an underfunded candidate to express their viewpoint. In the interest in maintaining the city's investment in the planters and avoiding underground pipes and things that might be in the planter, we can craft language to that effect.

Mr. Neil asked if we are still allowing the dancing pizza person in the right-of-way. Mr. Spoo said that the dancing pizza signs have not been called out as prohibited but if you look at the list of types of signs allowed in the public right-of-way the dancing pizza sign is not listed and would not be allowed as the code is drafted.

Mr. Fakkema voiced his support of Ms. Johnson-Pfeiffer's comments about not allowing signs in the raised planters.

Ms. Jensen asked whether the planters were private property in the public right-of-way. Mr. Powers said that the planters were purchased with public dollars so they are public property. Mr. Powers said that as long as there is the ability to have some form of political speech sign within the CBD that he didn't believe it was necessary to allow them on every location within the public right-of-way. Staff can look at language that prohibits all temporary sign from being in those planters so long as we allow political speech signs elsewhere within the right-of-way within the CBD.

Mr. Neil asked for public comment.

**Mr. John Voigt** (732 La Conner Street, Coupeville WA) asked what the effective date would be if the ordinance was adopted. Mr. Powers said the effective date would be five days after it was published in the newspaper.

Planning Commission discussed whether or not to leave the "Appearance of professionalism" language in the code. Commission members agreed that the language should be left in the code.

**ACTION: MS. JOHNSON-PFEIFFER MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADPOPT THE SIGN CODE ORDINANCE INCLUDING THE LANGUAGE "APPEARANCE OF**

**PROFESSIONALISM" AND THE ADDITION OF THE DEFINITION OF PUBLIC RIGHT-OF-WAY AND SOME INCLUSION OF RESTRICTIONS FOR RAISED PLANTERS WITHIN THE CENTRAL BUSINESS DISTRICT. MOTION CARRIED.**

**SHORELINE MASTER PROGRAM (SMP) – Public Meeting**

Mr. Spoo briefed the Planning Commission on their role in the SMP project which is to listen, understand and question and make recommendations. The Planning Commission will review the draft through August and make recommendations to City Council. The SMP is also being reviewed by the Department of Ecology (DOE). It is possible that DOE will have comments that will affect the draft and those proposed changes will be reviewed with the Planning Commission.

Mr. Spoo explained the purpose of the Shoreline Management Act (state legislation that guides the creation of SMP's) and the Shoreline Master Program is to promote and enhance public access, prioritize water dependent and water oriented uses over non-water oriented uses, and to preserve and restore the environment.

Mr. Spoo noted that the shoreline jurisdiction is 200 feet back from the ordinary high watermark (OHWM) and also includes wetlands that cross that 200 foot mark and goes to the edge of the wetland.

Mr. Spoo explained that the SMP requires DOE approval and if we don't meet their standards DOE will step in and adopt an SMP that suits their needs. This is our chance to exercise our local preferences in the SMP.

Mr. Spoo explained that jurisdictions are required to meet what is called "no net loss" of ecological functions. Ecological functions are hydrology, vegetation and habitat. We have to demonstrate that whatever development occurs in the shoreline jurisdiction meets no net loss.

Mr. Spoo moved on to Chapter 2 of the SMP and explained Shoreline Environment Designations. They are akin to zoning and are a type of overlay zoning that applies within the shoreline jurisdiction and they apply in addition to the underlying zoning.

Mr. Spoo displayed the following table which shows the State designations and the proposed designations for Oak Harbor and describes the types of allowed uses:

| State Designation | Types of Uses Allowed | Purposed Designations | Types of Uses Allowed | Intensity |
|---|---|---|---|---|
| Natural | Low intensity, recreation, restoration | N/A | N/A | Less intense |
| Aquatic | Applies to area waterward of OHWM. Uses must be water-dependent, public access, or ecological restoration. | Aquatic | Same as for State | |
| Urban Conservancy | Focus is on maintaining or restoring sensitive lands, wetland, etc. | Residential Bluff Conservancy | Focus on maintenance of bluff, plus permitting single-family residential in appropriate places | |
| Shoreline Residential | Residential, public access, recreation | Residential | Single-family, recreation, public facilities. | |
| High intensity | High intensity commercial, industrial, residential. Preference order: water-dependent, water-oriented, non-water-oriented. | Maritime | High intensity, water-dependent, commercial and industrial uses. | |
| | | Urban Mixed Use | High Intensity, water-oriented commercial and residential. | More intense |

While displaying the map depicting the proposed shoreline environment designations for Oak Harbor, Mr. Spoo reviewed the designations and explained that the map is just a depiction of the approximate location of shoreline jurisdiction and is not accurate enough to do a determination on a parcel-by-parcel basis. Mr. Spoo also noted that Maritime allows for industrial and commercial uses and allows for water-dependent industry (shipping, boat building, aquaculture, etc.). The Residential - Bluff Conservancy is appropriately sited development along bluff and is generally more precise than existing designation.

*Planning Commission Discussion*

Commissioners had questions about the Residential Bluff Conservancy designation. Mr. Spoo explained that the current SMP's designation of the bluff area as "Natural" which states that any type of residential use within 200 feet of the OHWM. The proposed designation (Residential Bluff Conservancy) would allow uses within 200 feet as long as there was a geotechnical survey of the slope.

Commissioners asked about the Navy property which is designated "Conservancy" and whether the designation could be changed if the land were to be used in another way. Mr. Spoo said that the SMP would have to be amended. Commissioners asked if labeling something "conservancy" would ever allow a change of use. Mr. Spoo said that it was possible and that

there is a legal avenue to do so but it is probably not likely because the areas that are designated conservancy are wetlands and have a high ecological value. DOE would asked how no net loss could be achieved if a wetland was opened up for development. Mr. Spoo also noted that the Navy is not subject to the City SMP, federal actions on federal land are not subject to the SMP only private action on federal is subject to the SMP. Mr. Powers added that it is not the ownership of the land that is driving the designation but the ecological function of the land that is driving the designation.

Commissioners asked if it was possible for areas that were developable now to change if a wetland was to expand into that developable land. They also asked if no net loss was measured from today's conditions. Mr. Spoo said that the City is required to do an inventory and characterization report every 7 years to look at where the boundaries of the wetlands are so, we are setting a baseline as to what the conditions of the shoreline is now and no net loss will be measured against that in the future. Mr. Powers noted that the data that was used to develop the map was through the National Wetland Inventories map.

Mr. Spoo moved on to Chapter 3 General Provisions. Mr. Spoo explained that the general provisions apply to all areas within the shoreline jurisdiction and are not environment specific. The two things that generated the most discussion in the Shoreline Advisory Committee were public access and vegetation conservation. Mr. Spoo reminded the Commission that public access was one of the three main goals of the Shoreline Management Act. The definition of public access includes both physical and visual access to the shoreline. So it is not just paths, trails and walkways along the shoreline it is also views of the shoreline from public areas. This is based on the Public Trust Doctrine which says that waters of the State are publicly owned and are available for the public's enjoyment and use. In order to promote the Public Trust Doctrine the State sometimes requires public access over private properties in specific instances. To put this in perspective there are very few opportunities for the State to require public access with new development along our shoreline because most of the Oak Harbor shoreline is already developed. Mr. Spoo reiterated that the regulations only apply to the shoreline jurisdiction and are only triggered by new development. Mr. Spoo also noted an exclusion to the public access requirement, which states that single-family residential and subdivisions of 4 lots or less are excluded. Mr. Spoo cited several other exclusions and requirements and noted that the key point is to balance private property rights with the public interest.

Mr. Spoo talked about Vegetation Conservation which is a DOE required element. Vegetation Conservation provides human and environmental benefits such as shoreline stabilization, filters sediments and provides food to aquatic life in the form of insects. Ecology prefers a buffer and setback system with buffers of 30 feet in urban settings. Oak Harbor's draft SMP proposes a two-zone vegetation conservation system composed of a vegetation management zone (VMZ), also known as a buffer, and a setback. Zone 1, nearest the water, is a 30-foot (VMZ) buffer from the OHWM. Zone 2 is a 50-foot structural setback from the OHWM, extending 20 feet beyond the vegetative buffer. Whenever new development is proposed beyond 50% of the assessed value of the property, a shoreline landscaping plan must be submitted, which complies with vegetation conservation requirements. Mr. Spoo detailed the regulations that apply to Zone 1 and Zone 2.

*Planning Commission Discussion*

Commissioners asked about non-conforming uses. Mr. Spoo said there were provisions for expanding non-conforming uses. If you wanted to expand a non-conforming use a conditional

use permit would be required. Mr. Powers added that there is not a specific square foot threshold but threshold comes as a result of the value of the proposal permit.

Mr. Spoo concluded his presentation and noted that next month the Planning Commission would cover Chapter 4 of the draft SMP.

Mr. Neil asked for public comment.

**Carl Freund** (2498 SW Freund Street) expressed his concern about the mapping that has been used and would like to see it updated to reflect the portion of his land that has been designated as upland for a long time. He also noted that the seven acres adjacent to the Dillard property was man-made wetland permitted by DOE and the Army Corp of Engineers and the materials that came out of that wetland was put as fill on the adjacent land that was designated uplands and he didn't want to see it labeled as "Conservancy".

Mr. Spoo said that the map that shows the shoreline environment designation is an approximate map and if there is better information about where the actual edge of the wetland is we will take that into consideration and if the information shows that the wetland is not on Mr. Freund's property then we wouldn't consider that part of the shoreline jurisdiction.

**<u>OHMC Chapter 17.24 SIDEWALKS, CURBS AND GUTTERS INSTALLATION</u> – Public Meeting**

**ACTION: MR. WALLIN MOVED, MS. JENSEN SECONDED A MOTION TO MOVE THIS AGENDA ITEM TO THE NEXT PLANNING COMMISSION BUSINESS MEETING. MOTION CARRIED.**

**ADJOURN: 9:37 p.m.**

SHANKAR NARAYAN
*LEGISLATIVE DIRECTOR*


April 24, 2012

Planning Commission
City of Oak Harbor, WA

VIA ELECTRONIC MAIL

**Re: Draft Language for Temporary Sign Code**

Dear Planning Commission Members:

AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
901 5TH AVENUE, SUITE 630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

JESSE WING
*BOARD PRESIDENT*

KATHLEEN TAYLOR
*EXECUTIVE DIRECTOR*

The American Civil Liberties Union of Washington State (ACLU) welcomes the opportunity to comment on the draft code for temporary signs that the City of Oak Harbor Planning Commission is currently in the process of revising. We are a statewide, non-partisan, non-profit organization with over 20,000 members, dedicated to the preservation and defense of constitutional and civil liberties, including the freedom of speech.

We thank the City and its staff for engaging positively with us on the sign code issue to meet our common goal of preserving constitutional protections for freedom of speech while meeting the City's interest in reasonable regulation. We understand that the City will continue to work on the draft code, and look forward to offering our input in that process. So for now, we want to express some general concerns based on the memo written by Ethan Spoo, dated March 14 2012, which contained a rough draft of the temporary sign code.

**The draft code unduly restricts protected speech on the basis of its content—such content-based classifications should be eliminated. Time limits should be uniform across all temporary signs.**

Political speech is the lifeblood of our democracy—the true core of free speech, and deserving of the highest protection under both the state and federal constitutions. Such speech should not be restricted by the government based on its content, but this is what the draft code appears to do.

First, the definition of a "political sign" in the draft code only appears to include those political signs used for electioneering purposes. So some common political signs would be excluded from that definition. For example, under the current language, it would be permissible to post a sign in a planting strip that expresses support for a congressional candidate, but it would not be permissible to post a sign expressing support for a bill that is presently before Congress. The Commission should ensure that the sign code protects all political speech, not just electioneering signs.

Second, the code permits only the display of four relatively narrow categories of signs (political signs, real estate open house signs, portable A-frame signs, and garage sale signs) in public areas, like planting strips, which courts consider a "traditional public forum." This excludes protected speech that does not fall into those categories from areas that have traditionally been open for such speech—on the basis of the signs' content.

Third, signs should not be banned simply because they contain hand-drawn or hand painted images or lettering. In speech, the medium is sometimes a part of the message, which means this could be viewed as a content-based restriction.

Finally, the seven-day post-election removal period for political signs is too short. In practice, this provision places more onerous restrictions on political signs than other signs. For example, a political sign that is posted on Election Day could only be on display for a total of eight days, while other signs could be on display for six months, or even longer. Oak Harbor's legitimate interest in avoiding unsightly debris and litter caused by old signs could be achieved simply through a uniform time limit on all temporary signs.

Accordingly, we recommend eliminating the content-based classifications in the proposed code, and uniformly applying the proposed six-month time limitation to all temporary signs.

**The proposed permitting process should be eliminated.**

The draft speech code requires a permit to be issued before most signs can be set out. As a general rule, requiring people to get a permit from the government before engaging in protected expressive activities raises significant constitutional questions, particularly in the context of regulating protected speech on private property. On a more practical level, we share the pragmatic concerns about the permitting process that have been expressed by members of the Commission—not only does creating more red tape hinder free speech, but the educational objective of the permitting program would be better served by other means, such as direct outreach by the City. We therefore recommend eliminating the permitting process.

We look forward to providing further input as the Commission continues its discussions, and appreciate the Commission's consideration of these comments. Please do not hesitate to contact me with questions or concerns.

Sincerely,

Shankar Narayan
Legislative Director

Cc: Steve Powers, Development Services Director
Ethan Spoo, Senior Planner

**City of Oak Harbor**
**City Council Agenda Bill**

Bill No. 6
Date: June 18, 2012
Subject: Fairway Point PRD Final Plat Alteration – Divisions 1 and 1a, Driveway Access Expansion for Lot 19

**FROM:** Steve Powers
Director of Development Services

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Larry Cort, Interim City Administrator
Doug Merriman, Finance Director
Grant Weed, City Attorney, as to form

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**PURPOSE**

This agenda bill requests City Council approval of an alteration to the Fairway Point Planned Residential Development (PRD) Divisions 1 and 1a Final Plat (Attachment 1). The alteration is requested by the owner (Fairway Point 1, Inc. represented by Mr. Kendall Gentry) and would expand the driveway access for Lot 19 located at 2919 SW Fairway Point Drive by 10 feet for the purpose of accommodating a specific house plan.

**AUTHORITY**

The authority to alter a subdivision is found in RCW 58.17.215. RCW 58.17.100 provides the authority for city councils to approve final plats. The City Council has the authority to approve or deny the alteration pursuant to RCW 58.17.215. Oak Harbor Municipal Code section 18.20.280 assigns the review of final plats to the City Council.

**SUMMARY STATEMENT**

Fairway Point PRD is a subdivision consisting of 140 lots located on the north side of Ft. Nugent Avenue, and west of Whidbey Golf and Country Club. The developer requests an alteration to the final plat of Divisions 1 and 1a to widen the driveway access for Lot 19 (Attachment 2).

**Project Information**

| | |
|---|---|
| Developer: | Landed Gentry Development |
| Owner: | Landed Gentry Development |
| Location: | West Ft. Nugent Avenue, west of Whidbey Golf & Country Club. |
| Zoning: | R-1 Single-family Residential |
| Comprehensive Plan: | Low-Density Residential |
| Site Area: | 36 acres (total site) |
| Units: | 140 single family residential lots (total site) |
| Density: | 3.8 dwelling units per acre (total site) |
| Open Space: | 3.6 acres (total site) |

**Background**
On October 19, 2004 the City Council approved the preliminary plat plans for Fairway Point Divisions 1, 1a and 2 and the Preliminary and Final Planned Residential Development (PRD) for Divisions 1-3. On June 6, 2006 the City Council approved the final plat for Divisions 1 and 1a of Fairway Point PRD.

As shown on the final plat (Attachment 1), Lot 19 is a corner lot located at the junction of SW Fairway Point Drive and SW Carnegie Street. The final plat contains the following language as shown on Lot 19 (Sheet 4 of 4): "No driveway allowed in this area". This restriction limits driveway access for this lot to two delineated 30 foot driveways. The developer requests an alteration of the final plat to widen the access to the lot from SW Fairway Point Drive from 30 feet to 40 feet for the purposes of accommodating a specific house plan on the lot (Attachment 2). Specifically, the house plan incorporates a three-car garage and the driveway would not be aligned with the garage if access is restricted as presently shown on the final plat.

**Discussion**
Driveway access to corner lots is often restricted in order to prevent cars from blocking sight distance as well as to provide some reaction distance for vehicles turning the street corner and encountering vehicles turning into or backing out of a driveway. The basis for such a limitation is found in the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets which specifically states that "Driveways should not be situated within the functional boundary of at-grade intersections."

During the preliminary and final platting process for the Fairway Point subdivision, a decision was made to restrict access for corner lots. However, so long as the driveway access is not too near the corner of the lot the intent of the AASHTO policy can be met and the consideration of a plat alteration is possible. The City Engineer has reviewed the proposed alteration and determined that proposed access is acceptable and meets the intent of the access policy.

**Process**
As was previously noted, the authority for the alteration of a subdivision is found in RCW 58.17.215. The review of a subdivision alteration includes:

- The application for subdivision alteration shall be signed by the majority of persons having an ownership interest in lots proposed for alteration.
- The requested alteration must be reviewed to determine if it violates any recorded covenant governing the use of the property.
- Notice of the proposed alteration must be provided to all owners of property within the subdivision. The notice shall set the date for a public hearing or provide that a hearing may be requested by a person within fourteen days of receipt of the notice.
- The legislative body shall determine the public use and interest in the proposed alteration.

In this case Fairway Point 1, Inc. is the owner of Lot 19 and has the authority to request revision

of the access restriction. The requested alteration would not violate any recorded covenant. The required notice was provided (see below). The public use and interest of the proposed alteration is met (in the context of still meeting traffic safety policies). It is staff's conclusion that the requirements of RCW 58.17.215 are met. A resolution addressing the items noted above and other requirements of the RCW, and approving the proposed alteration, is attached for the City Council's consideration as Attachment 3.

The Oak Harbor Municipal Code requires City Council approval of final plats (OHMC 18.20.280 and 21.40.050).

**Public Notice**

A combined Notice of Application and Notice of Public Hearing, advertising the hearing for June 18, 2012 was sent to all of the property owners within the subdivision and within 300 feet of the subdivision on May 24, 2012 and again on May 30, 2012. The same notice was published in the Whidbey News Times on May 26, 2012 and again on June 2, 2012.

**Conclusion**

The proposed plat alteration is in conformance with the engineering requirements for traffic safety and will not affect other improvements to the lot or within the subdivision. Staff has reviewed the application and has determined that the proposed alteration to the final plat meets the State's subdivision alteration requirements of RCW 58.17.

## STANDING COMMITTEE REVIEW

This item was reviewed by the Governmental Services Standing Committee at their June 12th meeting.

## RECOMMENDED ACTION

1. Conduct public hearing.
2. Approve resolution

## ATTACHMENTS

1. Final plat dated June 6, 2006.
2. Application for Re-Plat of Lot 19 Fairway Point PRD Division 1 - dated May 9, May 17, and May 24, 2012.
3. Resolution

## MAYOR'S COMMENTS

EASI FILE CORP. IRVINE CA EFN 84

PLATS 2006
FAIRWAY POINT

1/4

314

# FAIRWAY POINT P.R.D.
# PHASE 1
# DIVISION 1 & DIVISION 1a

SEC. 4, TWP. 32 N., RNG. 1 E., W.M.
CITY OF OAK HARBOR
ISLAND COUNTY, WASHINGTON

## LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTH HALF OF SECTION 4, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, ISLAND COUNTY, STATE OF WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 4;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER AND THE CENTERLINE OF FORT NUGENT ROAD SOUTH 88°38'29" EAST, A DISTANCE OF 160.01 FEET;

THENCE PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER, NORTH 1°57'48" EAST, A DISTANCE OF 1,407.64 FEET;

THENCE NORTH 20°13'04" WEST, A DISTANCE OF 190.00 FEET;

THENCE PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 4, NORTH 88°41'20" WEST, A DISTANCE OF 795.00 FEET;

THENCE SOUTH 82°32'50" WEST, A DISTANCE OF 560.00 FEET;

THENCE NORTH 58°12'42" WEST, A DISTANCE OF 133.80 FEET;

THENCE NORTH 37°52'04" WEST, A DISTANCE OF 245.98 FEET;

THENCE NORTH 63°54'37" WEST, A DISTANCE OF 307.31 FEET TO THE SOUTHEASTERLY CORNER OF LOT 1, IN THE PLAT OF WHIDBEY COUNTRY CLUB ESTATES, DIVISION NUMBER 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 12, OF PLATS, PAGES 57 AND 58, RECORDS OF ISLAND COUNTY, WASHINGTON;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PLAT, SOUTH 82°21'26" WEST, A DISTANCE OF 101.50 FEET;

THENCE SOUTH 44°13'40" WEST, A DISTANCE OF 287.48 FEET TO A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 325.00 FEET, A RADIAL BEARING OF SAID CURVE TO SAID POINT BEARS SOUTH 42°51'50" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°18'10", AN ARC LENGTH OF 68.79 FEET;

THENCE NORTH 34°50'00" WEST, A DISTANCE OF 48.65 FEET, TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 25.00 FEET;

THENCE NORTHWESTERLY, ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 79°02'26", AN ARC LENGTH OF 34.50 FEET;

THENCE SOUTH 44°13'28" WEST, A DISTANCE OF 71.55 FEET;

THENCE NORTH 34°50'00" WEST, A DISTANCE OF 86.96 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 25.00 FEET;

THENCE SOUTHERLY, ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 85°55'50", AND ARC LENGTH OF 37.48 FEET;

THENCE SOUTH 51°05'50" WEST, A DISTANCE OF 1[illegible].07 FEET TO THE SOUTHWEST CORNER OF LOT 6 IN SAID PLAT OF WHIDBEY COUNTRY CLUB ESTATES, DIVISION NUMBER 3, AND THE EASTERLY CORNER OF ISLAND COUNTY SHORT PLAT NUMBER 79-236, RECORDED IN BOOK 7 OF SURVEYS, PAGE 480, UNDER AUDITOR'S FILE NUMBER 9200[illegible]389, RECORDS OF SAID ISLAND COUNTY;

THENCE LEAVING SAID PLAT BOUNDARY, SOUTH 34°50'00" EAST, A DISTANCE OF 308.59 FEET;

THENCE SOUTH 1°18'40" WEST, A DISTANCE OF 20.00 FEET TO A POINT ON THE SOUTH LINE OF THE AFORESAID NORTH HALF OF THE SOUTHWEST QUARTER, WHICH LIES 488.53 FEET FROM THE SOUTHWEST CORNER THEREOF;

THENCE, ALONG SAID SOUTH LINE, SOUTH 88°41'20" EAST, A DISTANCE OF 2,[illegible]73.92 FEET TO THE SOUTHEAST CORNER OF SAID NORTH HALF OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 1°57'48" WEST, A DISTANCE OF 1,321.09 FEET TO THE POINT OF BEGINNING

TOGETHER WITH THE NORTH 80.00 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4;

ALSO TOGETHER WITH THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4

EXCEPT THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, OF SAID SECTION 4;

ALSO EXCEPT FROM THE ABOVE DESCRIPTIONS, THE RIGHT-OF-WAY FOR FORT NUGENT ROAD

ALL SUBJECT TO EASEMENTS AND RESERVATIONS OF RECORD

ALL SITUATED IN ISLAND COUNTY, STATE OF WASHINGTON.

## DEDICATION

KNOW ALL MEN THAT BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNER IN FEE SIMPLE OR CONTRACT PURCHASER AND MORTGAGE HOLDER OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER, THE STREETS AND AVENUES SHOWN HEREON AND THE USE THEREOF FOR ALL PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES; ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF ALL SUCH STREETS AND AVENUES SHOWN HEREON.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 12 DAY OF July, 2006.

## EASEMENT PROVISION

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF OAK HARBOR, PUGET SOUND ENERGY, VERIZON TELEPHONE CO. OF THE NORTHWEST, CASCADE NATURAL GAS CORPORATION, U.S. WESTEL SERVICE, AT&T TELECOMMUNICATIONS INC., AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE PUBLIC ROADWAYS, PRIVATE ROADWAYS, AND UTILITY EASEMENTS (10') SHOWN HEREON, AND ALONG THE ROUTE OF THE AS-BUILT OR YET TO BE BUILT UTILITY ALIGNMENTS, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE, MAINTAIN AND REMOVE THE SYSTEMS, LINES FIXTURES, AND APPURTENANCES ATTACHED THERETO, FOR THE PURPOSE OF PROVIDING UTILITY SERVICES TO THE LOTS WITHIN THIS PLAT AND OTHER PROPERTIES AS MAY BE DEVELOPED IN ASSOCIATION WITH EXPANSIONS TO THIS P.R.D., TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES STATED, WITH THE UNDERSTANDING THAT ANY GRANTEE SHALL BE RESPONSIBLE FOR ALL UNNECESSARY DAMAGE TO REAL PROPERTY OWNED IN THIS P.R.D. OR TO THE HOMEOWNERS ASSOCIATION BY THE EXERCISE OF RIGHTS AND PRIVILEGES HEREIN GRANTED. ALL COMMON ELEMENT AREAS AND ALL UNDEVELOPED LOTS IN THIS PHASE ARE SUBJECT TO DEVELOPMENT RIGHTS SET FORTH IN THE DECLARATION. AN ADDITIONAL EASEMENT IS HEREBY RESERVED TO PUGET SOUND ENERGY, INC., THAT RESTRICTS INSTALLATION OF DRIVEWAYS, PARKING SPACES, AND ANY OTHER VEHICULAR ACTIVITIES WITHIN A FIVE (5) FOOT PERIMETER AROUND ELECTRICAL VAULTS, TRANSFORMERS, PEDESTALS, AND HANDHOLDS LOCATED WITHIN SAID P.R.D., ALSO AN EASEMENT RESTRICTION TO MAINTAIN A TEN (10) FOOT CLEARANCE BETWEEN SAID ELECTRIC TRANSFORMERS AND COMBUSTIBLE WALLS (INCLUDING STUCCO) DOORS, WINDOWS, VENTS, FIRE ESCAPES AND OTHER BUILT-IN OPENING AND A THREE (3) FOOT CLEARANCE BETWEEN SAID ELECTRIC TRANSFORMERS AND NON-COMBUSTIBLE WALLS (INCLUDING BRICK, CONCRETE STEEL AND STONE).

## ACKNOWLEDGEMENT

STATE OF Washington
COUNTY OF Skagit
THIS IS TO CERTIFY THAT ON THE 12th DAY OF July, 2006, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED
Brian Sealby
OF Larkin Central Development, Inc., Washington
CORPORATION, TO ME KNOWN TO BE THE REPRESENTATIVES OF SAID CORPORATION WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVE.
Jeanette M. Pool
NOTARY PUBLIC IN AND FOR THE STATE OF Washington RESIDING AT Sedro-Woolley
JANELLE M. POOL NOTARY PUBLIC STATE OF WASHINGTON 2-28-07

## ACKNOWLEDGEMENT

STATE OF Washington
COUNTY OF Skagit
THIS IS TO CERTIFY THAT ON THE 12th DAY OF July, 2006, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED
Doug Rowell
OF Washington Fed Savings, A Washington
CORPORATION, TO ME KNOWN TO BE THE REPRESENTATIVES OF SAID CORPORATION WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVE.
Janet C. Johnston
NOTARY PUBLIC IN AND FOR THE STATE OF Washington RESIDING AT Island County
JANET C. JOHNSTON NOTARY PUBLIC STATE OF WASHINGTON

## SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF FAIRWAY POINT P.R.D. IS BASED UPON ACTUAL FIELD AND SUBDIVISION SURVEY OF SECTION 4, TOWNSHIP 32 N., RANGE 1 E., W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON, THAT THE MONUMENTS HAVE BEEN SET AND LOT AND BLOCK CORNERS WILL BE STAKED IN THE FIELD AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE STATUTES AND PLATTING REGULATIONS.

## APPROVALS

EXAMINED AND APPROVED THIS 12th DAY OF July, 2006.
OAK HARBOR CITY ENGINEER

APPROVED BY THE COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON THIS 21st DAY OF June, 2006.
MAYOR OF OAK HARBOR
Karen Franch / Deputy
CLERK OF OAK HARBOR

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS OR FOR OTHER PUBLIC USE ARE PAID IN FULL THIS 12 DAY OF June, 2006
DOUGLAS A. MERRIMAN
OAK HARBOR FINANCE DIRECTOR

## TREASURER'S CERTIFICATES

THIS IS TO CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED, HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE, UP TO AND INCLUDING THE YEAR OF 2006.
7/13/06
ISLAND COUNTY TREASURER

## AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF Larkin Central Development Inc.
THIS 13 DAY OF July 2006 AND RECORDED IN PLATS, UNDER AUDITOR'S FILE NO. 4176744 RECORDS OF ISLAND COUNTY, WASHINGTON.
DEPUTY COUNTY AUDITOR
COUNTY AUDITOR

## TITLE CERTIFICATE

RECORDED UNDER A.F.# 4176745

## DEVELOPERS / OWNERS

LARKIN CENTRAL DEVELOPMENT, INC.
504 E. FAIRHAVEN AVENUE
BURLINGTON, WA 98233
(360) 755-9021

12062

| | | | |
|---|---|---|---|
| SUMMIT ENGINEERS & SURVEYORS, INC<br>2218 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON WA 98273<br>PHONE: (360) 416-4968 FAX: (360) 416-4949<br>E-MAIL: YSK@SUMMITES.COM | FAIRWAY POINT P.R.D. - PHASE 1, DIVISIONS 1 & 1a<br>SEC 4, TWP 32 N, RNG 1 E, W.M.<br>CITY OF OAK HARBOR, ISLAND COUNTY, WASHINGTON | JOB NO. 02062<br>DRAWING NO. Final Plat<br>DRAWN BY: SGB<br>CHECKED BY: YSK | SHEET OF 4 |

EASY FILE CORP. IRVINE, CA EFH 24

| PLATS | 2006 |
|---|---|
| FAIRWAY POINT | |

2/4

# FAIRWAY POINT P.R.D
## DIVISION 1 & DIVISION 1a

SEC. 4, TWP. 32 N, RNG 1 E, W.M.
CITY OF OAK HARBOR
ISLAND COUNTY, WASHINGTON

(PHASE 3) TRACT "C"

(PHASE 2) TRACT "B"

PHASE 1 DIVISION 1

PHASE 1 DIVISION 1a

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | DELTA | RADIUS | LENGTH | TANGENT | |
| C1 | 12°18'10" | 322.00 | 69.79 | 35.03 | (RECORD) |
| C2 | 78°03'28" | 25.00 | 34.50 | 20.63 | (RECORD) |
| C3 | 85°55'50" | 25.00 | 37.48 | 23.28 | (RECORD) |
| C4 | 6°25'19" | 250.00 | 28.02 | 14.03 | |
| C5 | 81°38'11" | 25.00 | 35.62 | 21.59 | |
| C6 | 36°36'48" | 25.00 | 15.85 | 8.76 | |

GRAPHIC SCALE
200 0 100 200 400
(IN FEET)
HORIZ. SCALE: 1 INCH = 200 FEET

FORT NUGENT ROAD

VICINITY MAP

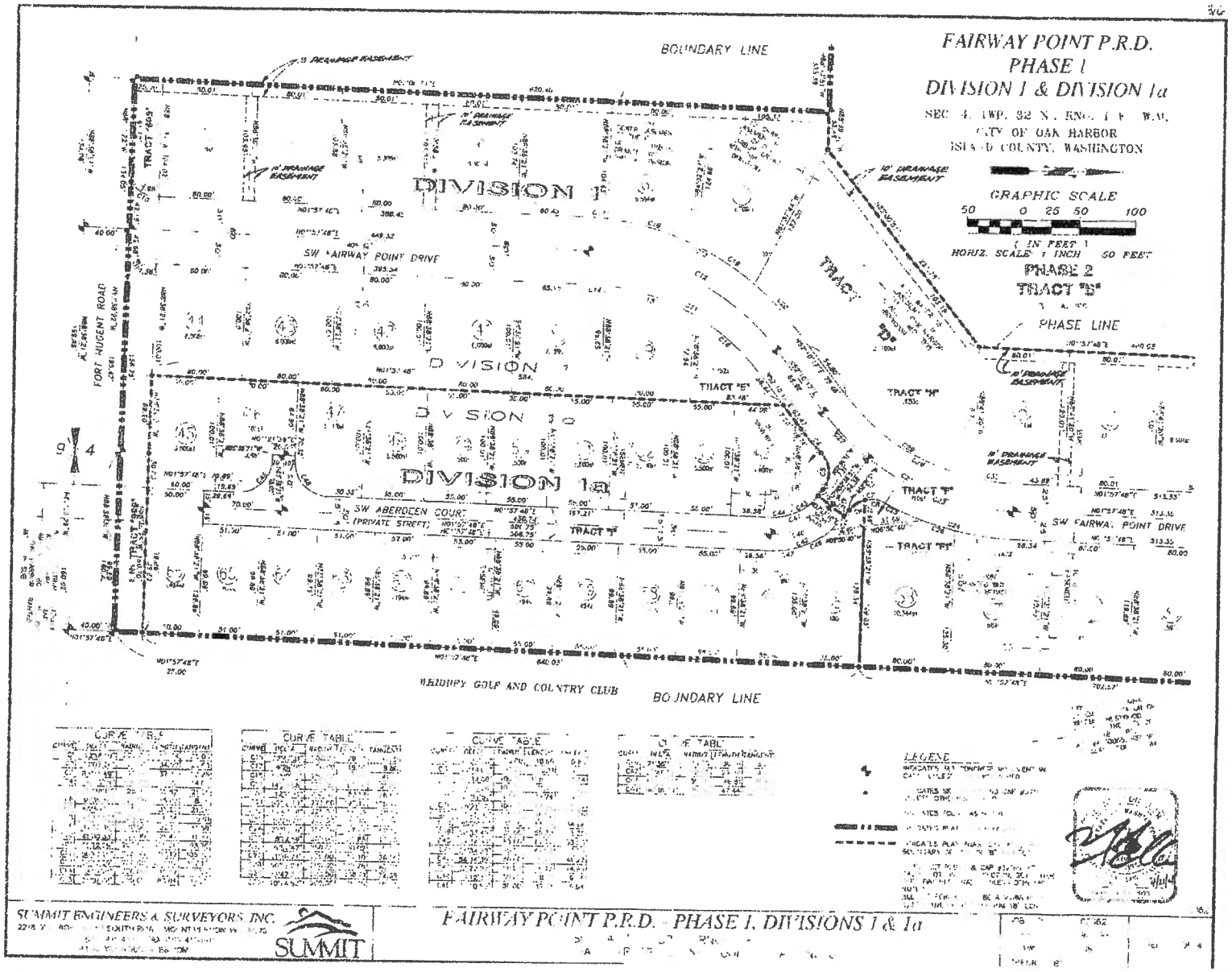
SUMMIT ENGINEERS & SURVEYORS, INC.

FAIRWAY POINT P.R.D. - PHASE 1, DIVISIONS 1 & 1a

EAST FILE CORP. IRVINE, CA

| PLATS | 2006 |
|---|---|
| FAIRWAY POINT | |

3/4

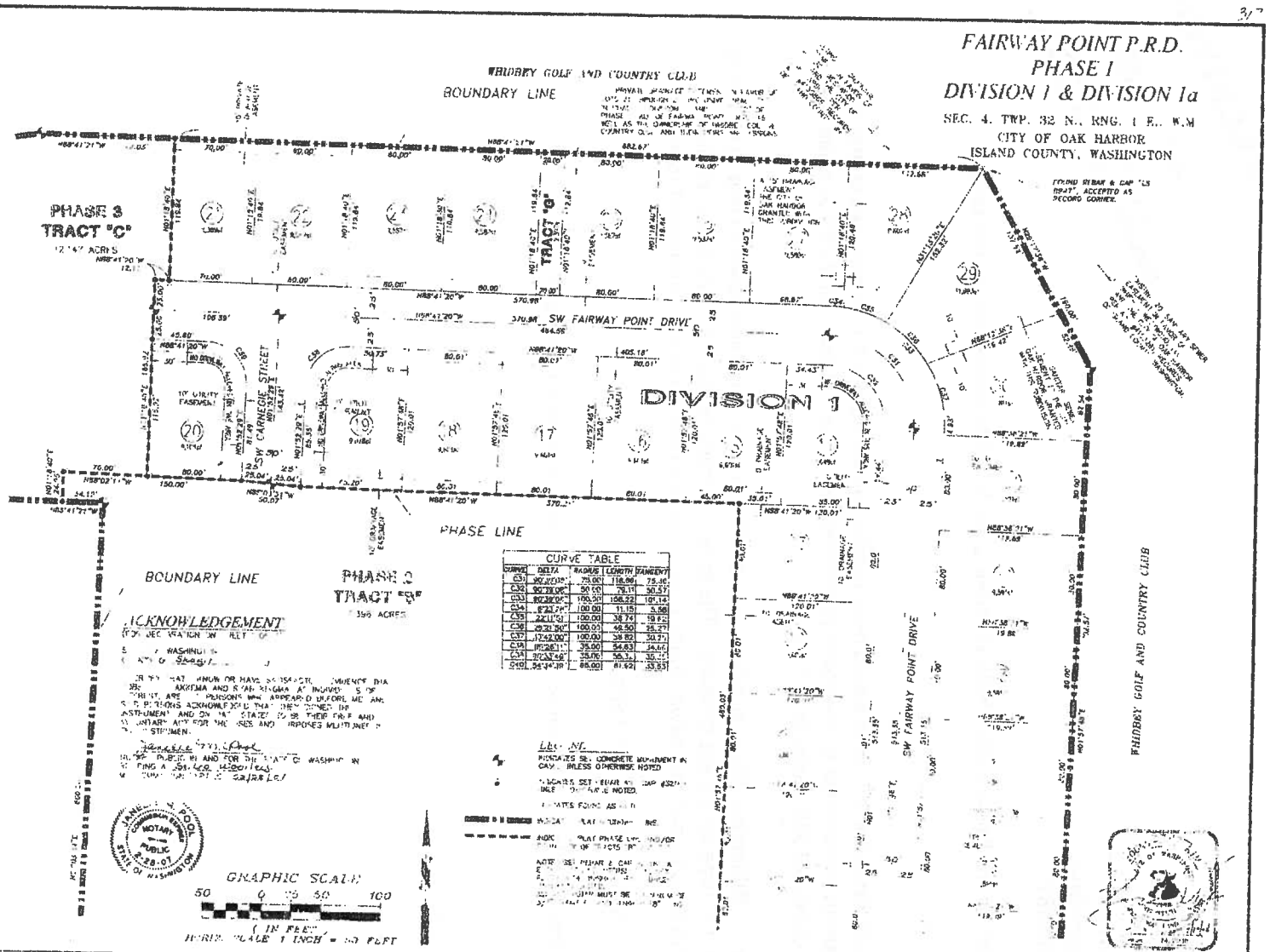


PLATS 2006
FAIRWAY POINT

4/4

# FAIRWAY POINT P.R.D.
## PHASE I
## DIVISION I & DIVISION Ia

SEC. 4, TWP. 32 N., RNG. 1 E., W.M.
CITY OF OAK HARBOR
ISLAND COUNTY, WASHINGTON




| CURVE TABLE | | | | |
|---|---|---|---|---|
| CURVE | DELTA | RADIUS | LENGTH | TANGENT |
| C33 | 90°00'00" | 75.00 | 118.86 | 75.36 |
| C38 | 90°00'00" | 50.00 | 78.11 | 50.51 |
| C53 | 90°00'00" | 100.00 | 156.52 | 101.14 |
| C34 | 6°23'27" | 100.00 | 11.15 | 5.58 |
| C39 | 22°11'03" | 100.00 | 38.74 | 19.62 |
| C36 | 25°21'00" | 100.00 | 46.50 | 23.27 |
| C37 | 17°52'00" | 100.00 | 34.82 | 30.21 |
| C35 | 90°00'11" | 35.00 | 54.83 | 34.99 |
| C34 | 90°00'49" | 35.00 | 54.83 | 35.01 |
| C40 | 54°34'39" | 85.00 | 81.62 | 33.83 |

SUMMIT ENGINEERS & SURVEYORS, INC.
SUMMIT

FAIRWAY POINT P.R.D. - PHASE I, DIVISIONS I & Ia

LANDED GENTRY
HOMES AND COMMUNITIES

RECEIVED
MAY 24 2012
CITY OF OAK HARBOR
Development Services Department

May 17, 2012

Ms Melissa Sartorius
City of Oak Harbor
Planning Department
865 SE Barrington Drive
Oak Harbor, WA 98277

RE: Amendment to the Fairway Point PRD, Divisions 1, for lot 19 to amend the access width.

Melissa,

As we have been discussing for some weeks now, Landed Gentry Homes & Communities wishes to formally request an amendment to the above referenced division of Fairway Point PRD to allow a change to the corner lot #19 access dimensions.

Lot 19, Division 1: Widen the driveway access area on SW Fairway Point Drive from 30 feet to 40 feet to accommodate the three car garage driveway. The access location on SW Carnegie Street remains unchanged. This lot is owned by Fairway Point 1, Inc. of which I am a principal authorized to make this application.
Parcel numbers: S6612-00-00019-0 / 80769

Thank you for the effort that you have put into helping me cue up this application.

Sincerely,

Kendall Gentry

Old City Hall Bldg. • 504 E. Fairhaven • Burlington, WA 98233
(360) 755-9021 • Toll Free (877) 769-8070 • Fax (360) 755-9029
www.LandedGentry.com • #LANDEGD062D4

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

# CITY OF OAK HARBOR
## *Development Services Department*

RECEIVED
MAY 09 2012
CITY OF OAK HARBOR
Development Services Department

## Application Form

**Project Name:** FAIRWAY POINT PRD

**Type(s) of Application:** PRD Alteration Revising Access Requirements

**Description of Proposal:** Revise Access Location on the PRD map for Lots 19, Phase 1 & Lots 171 & 176 Phase 4.

| | |
|---|---|
| **APPLICANT NAME/CONTACT PERSON** (or legal representative): KENDALL GENTRY | Address: 504 E. FAIRHAVEN AVE. BURLINGTON, WA 98233 |
| E-mail Address: Kendall@kendalgentry.com | Phone and Fax: 360-661-3812 / 360-755-9029 |
| **PROPERTY OWNER NAME** (list multiple owners on a separate sheet): Fairway Point 1, INC FP 4, LLC | Address: SAME AS Applicant |
| E-mail Address: Same as Applicant | Phone and Fax: |
| **ENGINEER/SURVEYOR:** N/A | Address: |
| E-mail Address: | Phone and Fax: |
| **PROJECT SITE INFORMATION** (address/location): 2919 SW Fairway Point Dr. | Comp. Plan Designation: Low Density Residential |
| Zoning: R-1 | Parcel Number(s): |
| Legal Description (attach separate sheet): | Acreage of Original Parcel(s): |
| Section/Township/Range: Sec 4, Twp 32 N, Rge 1 EWM | Total Square Footage of Proposed Building or Number of Units: |

**AUTHORIZATION:**
The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request.

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct and complete.

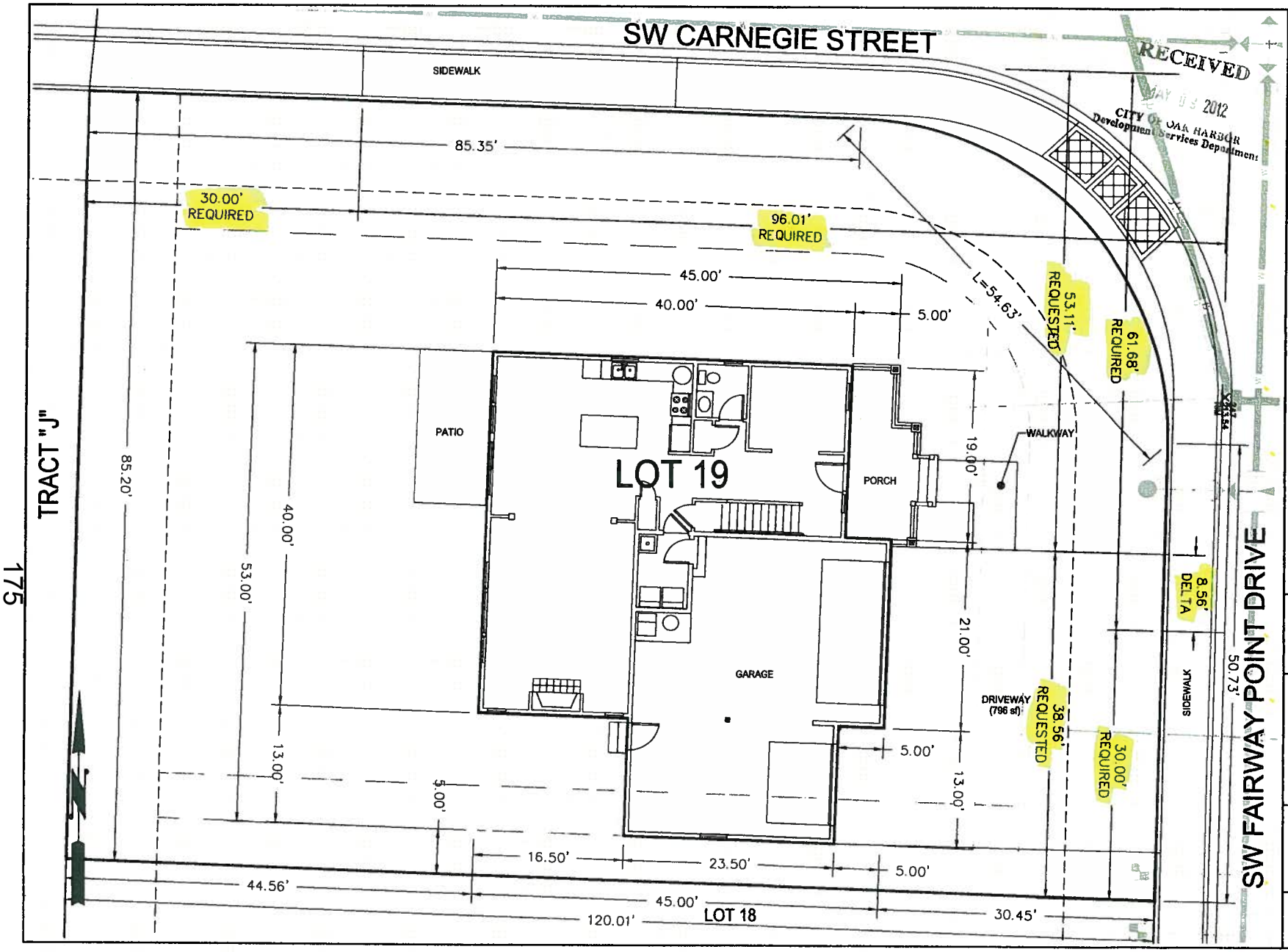
**Authorized Signature** 5/9/12 **Date**

C:\Users\kgentry\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\ITM6QR0T\Application Form.doc
REV: 5/9/12

LEGAL DESCRIPTION:

LOT 19 OF FAIRWAY POINT P.R.D. PHASE 1, DIVISION 1 & DIVISION 1a, AS PER MAP RECORDED UNDER AUDITOR'S FILE NUMBER 4175742, IN BOOK 13, OF MAPS, ON PAGES 314 THROUGH 317, INCLUSIVE, RECORDED JULY 13, 2006, SAID PLAT BEING A PORTION OF SECTION 4, TOWNSHIP 32 NORTH, RANGE 1 EAST, W.M., IN THE COUNTY OF ISLAND, STATE OF WASHINGTON.

ATTACHMENT 2




LANDED GENTRY
HOMES AND COMMUNITIES

## GENERAL NOTES

**OWNER:**
LANDED GENTRY
504 E. FAIRHAVEN
BURLINGTON, WA
98233

1-(360)-755-9021

**BUILDING:**
1ST FLOOR AREA- 1,180 SF
2ND FLOOR AREA- 1,550 SF
TOTAL LIVING AREA- 2,730 SF

GARAGE AREA- 830 SF

**SITE:**
TYPICAL

**ZONING:**
P.U.D

**SETBACKS:**
ALL SETBACKS IN COMPLIANCE WITH CITY GUIDLINES
SIDEYARDS MIN 5'
REAR YARD MIN 10'
FRONT OF GARAGE TO STREET 20'

**HEIGHT:**
MAX. ALLOWED: 35'
PROPOSED: UNDER

**PARKING:**
PARKING SPACES PROVIDED--
2 IN GARAGES, 2 IN DRIVEWAY

FAIRWAY POINT 1
SALISH
(3-CAR GARAGE LEFT)

SITE PLAN
LOT 19
2919 SW FAIRWAY POINT DRIVE

0' 5' 10'
GRAPHIC SCALE
1" = 10'

Date: 01/31/2012
SHEET: A1.1

ATTACHMENT 2

# RE-PLAT OF LOT 19
# FAIRWAY POINT P.R.D., PHASE 1, DIVISION 1 & DIVISION 1a

SEC. 4, TWP. 32 N., RNG. 1 E., W.M.
CITY OF OAK HARBOR
ISLAND COUNTY, WASHINGTON

## LEGAL DESCRIPTION:

THAT PORTION OF THE SOUTH HALF OF SECTION 4, TOWNSHIP 32 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, ISLAND COUNTY, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS:

LOT 19 OF FAIRWAY POINT P.R.D. PHASE 1, DIVISION 1 & DIVISION 1a, AS PER MAP RECORDED UNDER AUDITOR'S FILE NUMBER 4175742, IN BOOK 13, OF MAPS, ON PAGES 314 THROUGH 317, INCLUSIVE, RECORDED JULY 13, 2006, SAID PLAT BEING A PORTION OF SECTION 4, TOWNSHIP 32 NORTH, RANGE 1 EAST, W.M., IN THE COUNTY OF ISLAND, STATE OF WASHINGTON.

ALL SUBJECT TO EASEMENTS AND RESERVATIONS OF RECORD.

ALL SITUATED IN ISLAND COUNTY, STATE OF WASHINGTON.

## NOTE:

LOT 19, AS REPLATED HEREIN, IS SUBJECT TO ALL APPLICABLE NOTES AS SHOWN ON SHEET 2 OF 4 OF THE UNDERLYING RECORDED PLAT OF SAID FAIRWAY POINT P.R.D. PHASE 1, DIVISION 1 & DIVISION 1a, AS PER MAP RECORDED UNDER AUDITOR'S FILE NUMBER 4175742, IN BOOK 13, OF MAPS, ON PAGES 314 THROUGH 317, INCLUSIVE, RECORDED JULY 13, 2006, SAID PLAT BEING A PORTION OF SECTION 4, TOWNSHIP 32 NORTH, RANGE 1 EAST, W.M., IN THE COUNTY OF ISLAND, STATE OF WASHINGTON.

## DEDICATION

KNOW ALL MEN THAT BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS IN FEE SIMPLE OR CONTRACT PURCHASER AND MORTGAGE HOLDER OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER, THE STREETS AND AVENUES SHOWN HEREON AND THE USE THEREOF FOR ALL PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES; ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF ALL SUCH STREETS AND AVENUES SHOWN HEREON.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS_____ DAY OF _____, 2012.

_____

_____

## EASEMENT PROVISION

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF OAK HARBOR, PUGET SOUND ENERGY, VERIZON TELEPHONE CO. OF THE NORTHWEST, CASCADE NATURAL GAS CORPORATION, U.S. POSTAL SERVICE, AT&T TELECOMMUNICATIONS INC., AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE PUBLIC ROADWAYS, PRIVATE ROADWAYS, AND UTILITY EASEMENTS (10') SHOWN HEREON, AND ALONG THE ROUTE OF THE AS BUILT OR YET TO BE BUILT UTILITY ALIGNMENTS, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE, MAINTAIN AND REMOVE UTILITY SYSTEMS, LINES FIXTURES, AND APPURTENANCES ATTACHED THERETO, FOR THE PURPOSE OF PROVIDING UTILITY SERVICES TO THE LOTS WITHIN THIS P.R.D. AND OTHER PROPERTIES AS MAY BE DEVELOPED IN ASSOCIATION WITH EXPANSIONS TO THIS P.R.D., TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES STATED, WITH THE UNDERSTANDING THAT ANY GRANTEE SHALL BE RESPONSIBLE FOR ALL UNNECESSARY DAMAGE IT CAUSES TO ANY REAL PROPERTY OWNER IN THIS P.R.D. OR TO THE HOMEOWNERS ASSOCIATION BY THE EXERCISE OF RIGHTS AND PRIVILEGES HEREIN GRANTED. ALL COMMON ELEMENT AREAS AND ALL UNDEVELOPED LOTS IN THIS PHASE ARE SUBJECT TO DEVELOPMENT RIGHTS SET FORTH IN THE DECLARATION. AN ADDITIONAL EASEMENT IS HEREBY RESERVED TO PUGET SOUND ENERGY, INC., THAT RESTRICTS INSTALLATION OF DRIVEWAYS, PARKING SPACES, AND ANY OTHER VEHICULAR ACTIVITIES WITHIN A FIVE (5) FOOT PERIMETER AROUND ELECTRICAL VAULTS, TRANSFORMERS, PEDESTALS, AND HANDHOLDS LOCATED WITHIN SAID P.R.D., ALSO AN EASEMENT RESTRICTION TO MAINTAIN A TEN (10) FOOT CLEARANCE BETWEEN SAID ELECTRIC TRANSFORMERS AND COMBUSTIBLE WALLS (INCLUDING STUCCO), DOORS, WINDOWS, VENTS, FIRE ESCAPES AND OTHER BUILDING OPENING AND A THREE (3) FOOT CLEARANCE BETWEEN SAID ELECTRIC TRANSFORMERS AND NON-COMBUSTIBLE WALLS (INCLUDING BRICK, CONCRETE, STEEL AND STONE).

## ACKNOWLEDGEMENT

STATE OF_____)
COUNTY OF_____)
THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 2012, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED

_____

OF FAIRWAY POINT I, INC., A WASHINGTON CORPORATION, TO ME KNOWN TO BE THE REPRESENTATIVE OF SAID CORPORATION WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION. WITNESS MY HAND AND OFFICAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVED.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF
_____,RESIDING AT_____.

## ACKNOWLEDGEMENT

STATE OF_____)
COUNTY OF_____)
THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 2012, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED

_____

OF_____, A _____ CORPORATION, TO ME KNOWN TO BE THE REPRESENTATIVES OF SAID CORPORATION WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY WERE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION. WITNESS MY HAND AND OFFICAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVED.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF
_____,RESIDING AT_____.

YOUNG-SOO KIM
STATE OF WASHINGTON
32169
REGISTERED
PROFESSIONAL LAND SURVEYOR
1/24/2014

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE RE-PLAT OF LOT 19, FAIRWAY POINT P.R.D., PHASE 1, DIVISION 1 & DIVISION 1a IS BASED UPON AN ACTUAL SURVEY AND IS A SUBDIVISION OF SECTION 4, TOWNSHIP 32 NORTH, RANGE 1 EAST, W.M.; THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS HAVE BEEN SET AND THE LOT AND BLOCK CORNERS STAKED CORRECTLY ON THE GROUND; AND THAT I HAVE FULLY COMPLED WITH THE PROVISIONS OF THE STATUTES AND PLATTING REGULATIONS.

_____
YOUNG-SOO KIM, P.L.S. #32169

## PARCEL NUMBER

(GEO ID) S6612-00-00019-0; (PID) 807669

## COVENANTS, CONDITIONS, RESERVATIONS AND RESTRICTIONS

FILED UNDER AF# 4175743 & 4175744

## DECLARATION

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED DEVELOPER(S) HEREBY CERTIFY THAT THE ATTACHED PLANNED RESIDENTIAL DEVELOPMENT, PLAT OF "FAIRWAY POINT" IS MADE AS OUR FREE AND VOLUNTARY ACT AND DEED.

_____
FAIRWAY POINT I, INC.

_____
PEOPLES BANK

## APPROVALS

EXAMINED AND APPROVED THIS_____DAY OF_____2012.

_____
OAK HARBOR CITY ENGINEER

APPROVED BY THE COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON THIS_____DAY OF _____ 2012.

_____ _____
MAYOR OF OAK HARBOR CLERK OF OAK HARBOR

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS OR FOR OTHER PUBLIC USE ARE PAID IN FULL. THIS_____DAY OF _____2012.

_____
DOUGLAS A. MERRIMAN
OAK HARBOR FINANCE DIRECTOR

## TREASURER'S CERTIFICATES

THIS IS TO CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED, HAVE BEEN FULLY PAID AND DISCHARGED, ACCORDING TO THE RECORDS OF MY OFFICE, UP TO AND INCLUDING THE YEAR OF 2006.

_____
ISLAND COUNTY TREASURER

## AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF _____
THIS_____DAY OF_____,2012 AND RECORDED IN PLATS, UNDER AUDITOR'S FILE NO._____, RECORDS OF ISLAND COUNTY, WASHINGTON.

_____ _____
DEPUTY COUNTY AUDITOR ISLAND COUNTY AUDITOR

## TITLE CERTIFICATE

RECORDED UNDER A.F.# _____

## DEVELOPERS / OWNERS

FAIRWAY POINT I, INC.
504 E. FAIRHAVEN AVENUE
BURLINGTON, WA 98233
(360) 755-9021

02062

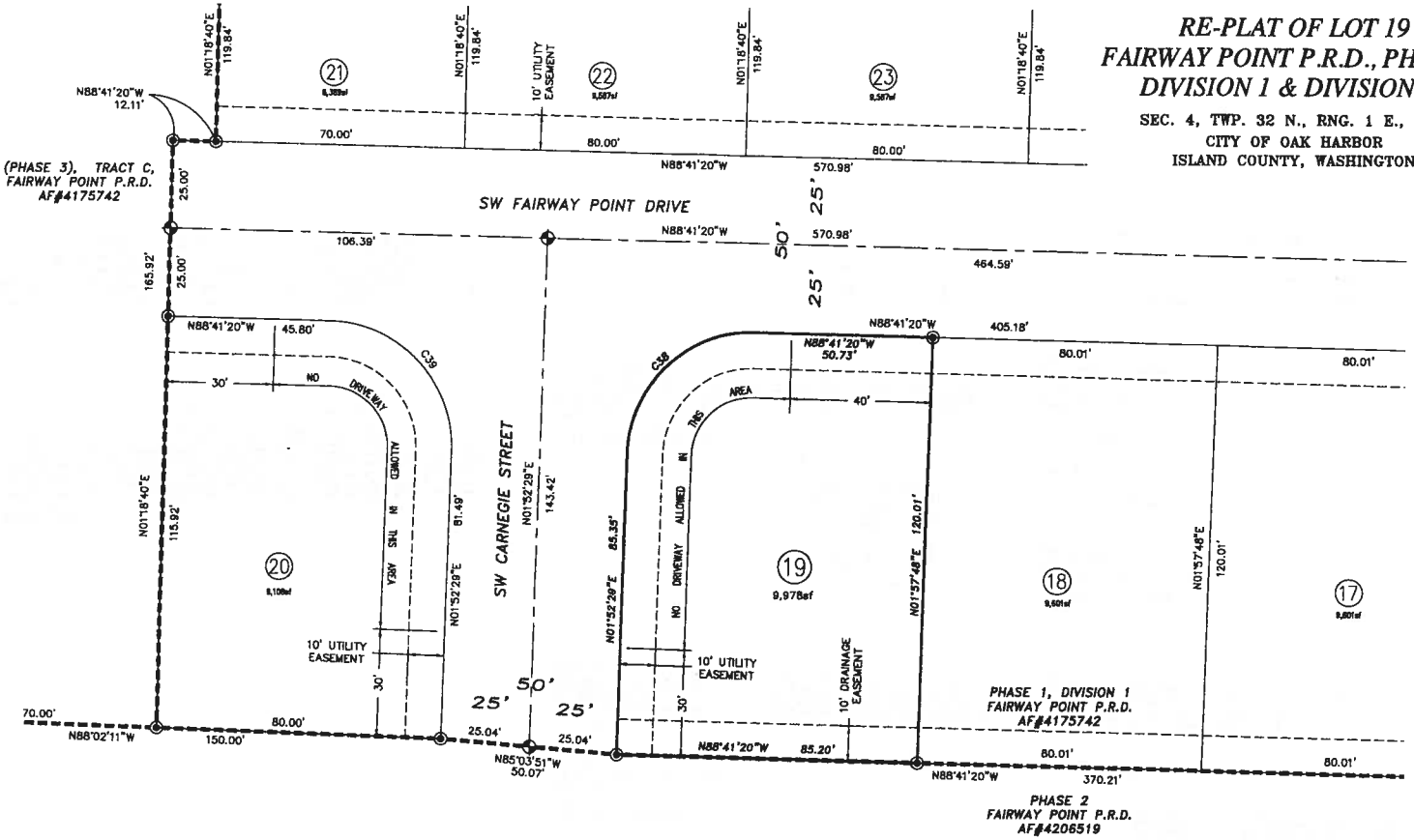
SUMMIT ENGINEERS & SURVEYORS, INC.
2218 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON, WA. 98273
PHONE: (360) 416-4999 FAX: (360) 416-4949
E-MAIL: YSK@SUMMITES.COM
SUMMIT

RE-PLAT LOT 19, FAIRWAY POINT P.R.D. - PHASE 1, DIVISIONS 1 & 1a
SEC. 4, TWP. 32 N. RNG. 1 E., W.M.
CITY OF OAK HARBOR, ISLAND COUNTY, WASHINGTON

| | | |
|---|---|---|
| JOB NO. | 02062 | SHEET 1 OF 2 |
| DRAWING NO. | Final Plat | |
| DRAWN BY: | SGB | |
| CHECKED BY: | YSK | |

# RE-PLAT OF LOT 19
# FAIRWAY POINT P.R.D., PHASE 1, DIVISION 1 & DIVISION 1a

SEC. 4, TWP. 32 N., RNG. 1 E., W.M.
CITY OF OAK HARBOR
ISLAND COUNTY, WASHINGTON




**LEGEND**

- INDICATES FOUND CONCRETE MONUMENT IN CASE.
- INDICATES FOUND REBAR AND CAP #32189.
- INDICATES FOUND AS NOTED.
- INDICATES PLAT BOUNDARY LINE.
- INDICATES PLAT PHASE LINE AND/OR BOUNDARY OF TRACTS "B" AND "C".

CURVE TABLE

| CURVE | DELTA | RADIUS | LENGTH | TANGENT |
|---|---|---|---|---|
| C38 | 89°28'11" | 35.00 | 54.63 | 34.68 |
| C39 | 90°33'49" | 35.00 | 55.32 | 35.35 |

GRAPHIC SCALE
20 0 10 20 40
( IN FEET )
HORIZ. SCALE: 1 INCH = 20 FEET

YOUNG-SOO KIM
STATE OF WASHINGTON
32189
REGISTERED PROFESSIONAL LAND SURVEYOR
1/24/2014

02062

| | | | |
|---|---|---|---|
| SUMMIT ENGINEERS & SURVEYORS, INC.<br>2216 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON, WA. 98273<br>PHONE: (360) 416-4999 FAX: (360) 416-4949<br>E-MAIL: YSK@SUMMITES.COM<br>SUMMIT | RE-PLAT LOT 19, FAIRWAY POINT P.R.D. - PHASE 1, DIVISIONS 1 & 1a<br>SEC. 4, TWP. 32 N. RNG. 1 E., W.M.<br>CITY OF OAK HARBOR, ISLAND COUNTY, WASHINGTON | JOB NO. 02062<br>DRAWING NO. RE-PLAT 19<br>DRAWN BY: SGB<br>CHECKED BY: YSK | SHEET 2 OF 2 |

**RESOLUTION NO. _____**

A RESOLUTION OF THE CITY OF OAK HARBOR APPROVING AN ALTERATION TO THE FINAL PLAT OF FAIRWAY POINT PRD, DIVISIONS 1 AND 1A, LOT 19, FOR THE PURPOSES OF WIDENING THE DRIVEWAY ACCESS OF LOT 19.

WHEREAS, the City Council granted preliminary plat approval for Divisions 1, 1a and 2 of the Fairway Point PRD subdivision on October 19, 2004; and

WHEREAS; the City Council approved the final plat for Divisions 1 and 1a on June 6, 2006; and

WHEREAS, those approvals restricted vehicular access to Lot 19 of the Fairway Point subdivision; and

WHEREAS, Fairway Point 1, Inc., owner of Lot 19, submitted an application to alter the final plat for Divisions 1 and 1a of Fairway Point PRD by widening the driveway access for Lot 19; and

WHEREAS, the requested alteration does not violate any recorded covenant governing the use of the property; and

WHEREAS, written notice of the proposed alteration was provided to all owners of property within the subdivision, and those property owners within 300 feet of the subdivision, on May 30, 2012; and

WHEREAS, the written notice identified June 18, 2012 as the date of the public hearing for the proposed alteration; and

WHEREAS, the proposed alteration does not increase or decrease the number of lots within the Fairway Point subdivision, the division of any outstanding assessments is not necessary; and

WHEREAS, the proposed alteration does not affect any dedications to the general use of persons residing within the subdivision.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

1. The City Council determines the public use and interest in the proposed alteration is met because the alteration conforms with City traffic safety policies.
2. The proposed alteration of the Fairway Point PRD Final Plat Divisions 1 and 1a Lot 19 driveway access expansion is hereby approved.
3. The Mayor is authorized to sign and Fairway Point 1, Inc. is ordered to produce a revised drawing of the approved alteration for the Fairway Point subdivision, which shall be filed with the County Auditor to become the lawful plat of the property.

PASSED and approved by the City Council this 18th day of June, 2012.

THE CITY OF OAK HARBOR

_____
Scott Dudley
Mayor

Attest:

_____
City Clerk

Approved as to form:

_____
Grant Weed
City Attorney

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** 7
**Date:** June 18, 2012
**Subject:** Personnel Code Update

**FROM:** Larry Corl, Interim City Administrator
Jessica Neill Hoyson, Human Resources Manager

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Scott Dudley, Mayor
Doug Merriman, Finance Director
Legal Review, as to form

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**AGENDA BILL UPDATE**

This agenda bill was presented at the June 5, 2012 City Council Meeting and a public hearing was held. Staff was given direction by the City Council to amend Oak Harbor Municipal Code Section 2.34.055 – Management Positions. Based upon the comments received, staff has amended the section as attached to this agenda bill.

**PURPOSE**

This agenda bill presents an ordinance for City Council's consideration, that if adopted establishes the Council's legislative intent as to the personnel policies applicable to non-represented city employees. This ordinance assists in clarifying the City Council's policies on wages, hours and conditions of employment.

**AUTHORITY**

The City Council has authority pursuant to RCW 35A.11.020 to set the rules for city employment:

> The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people (RCW 35A.11.020 in pertinent part).
>
> The mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service. The head of a department or office of the city government may be authorized by the mayor to appoint and remove subordinates in such department or office, subject to any applicable civil service provisions. All appointments of city officers and employees shall be made on the basis of ability and training or experience of the appointees in the duties they are to perform, from among persons having such qualifications as may be prescribed by ordinance or by charter, and in compliance with provisions of

qualifications as may be prescribed by ordinance or by charter, and in compliance with provisions of any merit system applicable to such city. Confirmation by the city council of appointments of officers and employees shall be required only when the city charter, or the council by ordinance, provides for confirmation of such appointments. Confirmation of mayoral appointments by the council may be required by the council in any instance where qualifications for the office or position have not been established by ordinance or charter provision. Appointive offices shall be without definite term unless a term is established for such office by law, charter or ordinance.

## FISCAL IMPACT DESCRIPTION

Funds Required: N/A
Appropriation Source: N/A

## SUMMARY STATEMENT

After lengthy study and review, staff has 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 (please see attachment). Because the changes are extensive, staff recommends repeal of the existing chapter and re-adoption of a new chapter.

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.

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.

## REVIEW PROCESS

The principles behind the proposed ordinance were discussed with City Council at the March 3, 2012 retreat/workshop. The draft ordinance amending OHMC Chapter 2.34 was then introduced to the full City Council at the April 17, 2012 meeting. Next, City employees were briefed on the proposed changes, as well as those proposed to the employee handbook, at one of two meetings held on April 18th. Employees were invited to submit their questions and comments to the Human Resources Manager by May 11th.

The Administration reviewed all of the submitted comments and questions. Responses were drafted and the employees' suggestions for changes were incorporated where possible. It is worth noting that the vast majority of employee questions and comments were related to the personnel policies manual and not to

comments/questions and the responses was posted for the employees to review on May 15th. The City Council was provided copies of the notes from the April 18th meetings on May 11th and a copy of the employees' comments/questions and the Administration's responses on May 15th.

A revised draft of the policy manual was posted for the employees to review and forwarded to the City Council on May 30th. Follow-up meetings with the employees were held on May 31st.

## STANDING COMMITTEE REPORT

The draft ordinance was discussed with the Governmental Services Standing Committee at their April 10, 2012 meeting.

## RECOMMENDED ACTION

- Review amended draft ordinance.
- Adopt ordinance repealing and re-adopting OHMC Chapter 2.34 to set policy with respect to city employment

## ATTACHMENTS

Draft ordinance repealing and re-adopting OHMC Ch. 2.34

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND READOPTING CHAPTER 2.34 OF THE OAK HARBOR MUNICIPAL CODE, THE PERSONNEL ORDINANCE FOR CITY EMPLOYEES

WHEREAS, the regular and orderly performance of services to the public requires a system of public employment which is also regular and orderly; and

WHEREAS, the city council has the responsibility to establish legislative policies regarding city employment; and

WHEREAS, the city council intends to set legislative policy by ordinance; and

WHEREAS, the city council intends that administrative procedures implementing these policies shall be established in a personnel handbook or manual; and

WHEREAS, the administrative procedures found in the personnel handbook or manual shall be administered by the mayor; and

WHEREAS, the city council shall retain fiscal oversight of the city employment system through review and adoption of the wage and salary schedules and classification plan as part of the biennial budget; and

WHEREAS, employees subject to a collective bargaining agreement are governed by the terms of these policies unless otherwise provided in an adopted collective bargaining agreement; and

WHEREAS, the city council intends to set the terms of employment for management employees by employment contract;

WHEREAS, this ordinance was introduced to the City Council at the April 17, 2012 meeting; and

WHEREAS, the City Council considered this ordinance at ~~a~~ public hearings held on June 5, 2012 and on June 18, 2012~~;~~.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF OAK HARBOR DO HEREBY ORDAIN:

**Section One.** The Personnel Ordinance of the City of Oak Harbor, Chapter 2.34 of the Oak Harbor Municipal Code, last amended by Ordinance No. 1592 in 2010, is hereby repealed and re-adopted to read as follows:

## Chapter 2.34
## PERSONNEL

**Sections:**



**2.34.010 Short title.**
This chapter shall be known as the "Personnel Ordinance."

**2.34.020 Purpose.**
This chapter is enacted to establish city personnel policies and to delegate the administration of those policies to the Mayor and his/her designee. No provision of this chapter shall be deemed to limit the power of the city council to amend, modify or repeal this chapter.

**2.34.025 Civil Service.**
(1) The city council has determined not to create a city civil service system for all city employees. Pursuant to state law, the city has established a civil service commission for police and fire department employees (Ch. 2.32 OHMC). Where the rules or requirements of civil service for city police and civil service for city firefighters provided under state law or a collective bargaining agreement between the city and any police or fire bargaining unit address a matter also addressed by the personnel code or the

personnel rules adopted pursuant to this ordinance, the provisions of state law and/or the collective bargaining agreement in effect at the relevant time period shall apply.

(a) All full-time, paid employees of the police department, other than the chief and positions designated by the civil service commission pursuant to RCW 41.12.050, are covered by Civil Service for City Police (Ch. 41.12 RCW).
(b) All full-time, paid employees of the city fire department, other than the chief of such department, are covered by Civil Service for City Firefighters (Ch. 41.08 RCW) as provided by state law.

**2.34.030 Collective Bargaining.**

(1) It is the policy of the City of Oak Harbor to honor the collective bargaining obligations imposed upon the city under state law.
(2) The human resources manager and the mayor's designee shall represent the city in collective bargaining agreements and shall consult with the city council on bargaining strategy at appropriate stages in the collective bargaining process.
(3) Where a subject also covered by these rules is the subject of a collective bargaining agreement in effect at the relevant time period, then the terms of the collective bargaining agreement shall prevail as to the applicable represented employees.

**2.34.040 Definitions.**

The following terms and phrases shall have the meanings ascribed to them herein:

(1) "Administrator" means the human resources manager;
(2) "Covered employee" means an employee appointed to a position to which the rules of this chapter pertaining to disciplinary action and appeals apply. Such provisions of this chapter do not apply to the following positions:
    (a) Members of the city council;
    (b) The mayor;
    (c) Employees holding management positions set out in OHMC 2.34.055;
    (d) Members of appointive city boards, city commissions and city committees;
    (e) Persons engaged under contract to provide any service to the city for a limited purpose or on a temporary or part-time basis;
    (f) Volunteers;
    (g) Persons hired from time to time to perform casual work including, but not limited to, those employed to perform seasonal work or to meet the immediate requirements of an emergency condition.
    (h) Employees represented by a union or guild pursuant to certification of a bargaining unit by the Public Employees Relations Commission; and
    (i) Employees subject to the city's civil service commission for police and fire department employees.
(3) "Department head" means a person working for the city who has been designated by the mayor to be the head of a department;
(4) "Disciplinary action" means an action imposing discipline on a covered employee, which shall include, but not be limited to, written reprimands, suspensions, demotions and disciplinary discharges/terminations from employment. Verbal warnings, counseling, written statements of performance expectations, including related notes, and performance

appraisals, shall not be considered disciplinary actions, and are not subject to the grievance process. Layoffs, resignations and reinstatements are also not considered discipline;

(5) "Disciplinary appeal" means an appeal by a covered employee to the personnel appeals board after the employee has exhausted the grievance process;

(6) "Employee Policy Manual" means all of those policies, guidelines and procedures adopted by the mayor pursuant to OHMC 2.34.050;

(7) "Full-time" means a regular employee working in a regularly budgeted position allocated at least 32 hours per week;

(8) "Grievance" means a complaint by a covered employee regarding disciplinary action taken against that employee or the application of any of the provisions of this chapter to that employee;

(9) "Hourly" means any employee who is paid on an hourly basis;

(10) "Part-time" means an employee working in a regularly budgeted position allocated work hours of less than thirty-two (32) hours per week and whose hours may be regular or irregular;

(11) Probationary employee" means an employee who has not yet successfully completed his or her probationary period set pursuant to OHMC 2.34.140.

(12) "Regular employee" means an employee who has successfully completed his or her probationary period and is retained in a fully budgeted position in the biennial budget

(13) "Temporary employee" means a person employed to meet a temporary or seasonal need of the city. An employee may not remain in this category more than 12 months without the written approval of the mayor;

**2.34.050 Administration.**

The mayor shall have general authority to oversee administration of the personnel matters of the city. The city council recognizes that the management of the city and the administration of personnel are administrative matters and not legislative functions. For that reason, and also because there are complex and constantly changing state and federal regulations affecting city employees, it would be unwise, inefficient and impractical to attempt to incorporate all details of personnel policies in an ordinance, resolution or motion of the city council. Thus, the city council expressly authorizes and directs the mayor to adopt such additional or clarifying personnel policies by administrative actions. Such policies shall be in accordance with this chapter and shall be for the purpose of carrying out the goals and policies of this chapter. Such personnel policies shall not create rights in employment, but instead shall implement the personnel policies provided for in this chapter and other applicable ordinances. The mayor may incorporate personnel policies into a handbook or other informational document for employee use.

(1) Nothing in any handbook, manual or other informational document shall, nor shall any oral promises, assurances or other statements by city employees, officers or agents, be binding upon the city in personnel matters.

(2) The city reserves the right to modify personnel policies at any time and the same shall not be construed as guaranteeing or promising contract or property rights in employment with the city.

**2.34.055 Management Positions**

(1) ~~The following positions serve at the pleasure of the mayor and are not covered by the grievance, disciplinary action and appeals provisions of this chapter:~~
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, ~~E~~employees holding the above-listed positions shall be offered ~~serve pursuant to~~ employment contracts which shall govern ~~provide~~ the terms and conditions of their employment, including the terms of service, compensation and any severance pay allowance.~~and compensation~~. 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 ~~these positions, which contracts shall be approved~~ by city council.

(3) Employees holding the above-listed positions at the time of 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 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, ~~service and~~ 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.

**2.34.060 Human Resources Manager – Appointment – Duties**

(1) The "manager" or the "human resources manager" as those terms are used in this chapter shall mean the human resources manager, who, under the direction of the city administrator, shall administer the provisions of this chapter and any personnel rules and regulations adopted pursuant to delegation under this chapter.

(2) The manager shall advise and consult with city department heads and supervisors on all disciplinary, benefit, compensation, workplace and labor matters. Department heads and supervisors shall provide the human resources manager with a copy of all such actions taken concerning individual employees and bargaining units.

(3) The manager shall be the custodian of all official employee records on behalf of the city, including medical records, and shall maintain confidentiality of those records to meet the requirements of state and federal law.

**2.34.070 Recruitment and Hiring.**

(1) It is the policy of the City of Oak Harbor that employees shall be selected on the basis of merit and fitness to perform the duties of the position for which the employee is hired. The City is an equal opportunity employer and shall not discriminate against any employee or applicant for employment on any grounds prohibited by state or federal law including race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability; as provided by state or federal law.

(2) The mayor and/or mayor's designee and human resources manager are directed to develop hiring and recruitment procedures and practices to implement this policy.

**2.34.080 Compensation.**

(1) It is the policy of the City of Oak Harbor to pay adequate levels of compensation to city employees. Providing adequate compensation to city employees promotes productivity, reduces turnover, and improves the city's ability to attract and retain qualified personnel to carry out the functions of city government. Compensation levels should reflect the market for such personnel in the region.

(2) The human resources manager is directed to develop a wage and salary schedule for all regular positions within city government. The human resources manager shall prepare a current wage and salary schedule for presentation to the city council for consideration and adoption at the time of the adoption of the biennial budget. The wage and salary schedule, together with the current description of all regular positions within city employment to be known as "the classification plan", shall be adopted as part of the biennial salary ordinance.

(3) Where wages and salaries are established through collective bargaining agreements, compensation for employee-members of each collective bargaining unit shall be reflected in the wage and salary schedule in conformity with the applicable collective bargaining agreements. This chapter shall not impair any obligations of the city under present or future collective bargaining agreements.

(4) At the time of adoption of the wage and salary schedule, the city council shall decide whether to set a cost of living adjustment (COLA) for regular employees not subject to collective bargaining agreement.

**2.34.085 Health Insurance Benefits.**

(1) It is the policy of the City of Oak Harbor to provide health insurance benefits to its employees at a level which is comparable to benefits provided by other local municipal governmental entities in the state of Washington. Health insurance benefits for city employees promote the health and well-being of city employees, reduce the use of sick leave, and promote employee retention.

(2) The level of benefits offered to city employees shall be established by the city council through the biennial salary ordinance. Part-time employees working less than twenty (20) hours per week shall not be entitled to health care benefits unless otherwise provided in an employment contract. The human resources manager shall prepare the benefit plan for city council approval.

(3) Because an active wellness program has been shown to reduce employee use of sick leave, improve productivity and reduce the need for health care services, the city council

authorizes the participation of the city of Oak Harbor in the wellness program offered by the city's health care administrator.

**2.34.090 Hours of Work.**

(1) For purposes of the Fair Labor Standards Act and the Washington Minimum Wage Act, the City of Oak Harbor declares the work period to be forty (40) hours, Monday through Sunday, for all regular employees, except police and fire department employees. The work period for police and fire employees shall be established in their respective collective bargaining agreements.

(2) The human resources manager and the finance director are directed to establish work hour recording and compensation procedures to comply with state and federal law.

**2.34.100 Leave.**

(1) It is the policy of the City of Oak Harbor to comply with all state and federal leave laws. The human resources manager is directed to establish procedures and practices to ensure that the city complies with such laws and can demonstrate compliance.

(2) It is the city's policy to coordinate leave granted to city employees with leave requirements of state and federal law so that city-granted leave is counted towards fulfillment of any state and federal requirements. The human resources manager is directed to establish procedures and practices to coordinate city-granted leave with state and federal requirements; to minimize conflicts; and to maximize credit of city-granted leave towards state and federal requirements.

(3) Full-time city employees not subject to collective bargaining agreement shall earn vacation and sick leave per month of service. The rate of vacation and sick leave to be earned shall be set in the biennial salary ordinance.

(4 ) Employees are encouraged to use their vacation leave in the year it is earned. The mayor/designee and human resources manager shall establish rules for maximum accrual and use of both sick and vacation leave.

**2.34.105 Disciplinary Action.**

(1) It is the policy of the City of Oak Harbor to uphold high standards of customer service and professionalism in the performance of city functions and services. Employees are expected to follow the standards of conduct established for the city, their departments and their positions. The human resources manager is directed to establish standards of conduct for city employment and to work with department directors to establish departmental and position-related standards of conduct.

(2) A covered employee is subject to disciplinary action when, in the opinion of the department head, disciplinary action is necessary for the good of the city or when an employee has violated any standards of conduct established by the city or the department director.

(3) The city may impose upon any covered employee any disciplinary action or form of discipline which the department head or, in the case of a management employee, the mayor finds appropriate given conduct of the employee. There shall be no requirement that any specific number or sequence of disciplinary actions be followed. However, the administrator shall establish procedures which provide for progressive discipline of covered employees for minor, correctible offenses.

**2.34.110 Grievances.**

(1) It is the policy of the City to resolve covered employee grievances promptly. To that end, the human resources manager shall promulgate a grievance procedure to serve as a check on initial disciplinary decision-making. This procedure shall be published and made available to all employees. The procedure shall be internal to the city and shall include an internal appeal to the city administrator. Failure to follow the procedures for a grievance, including the time limits set out in it, shall constitute a waiver of the grievance process and a failure to exhaust administrative remedies.

(2) It is the policy of the City to provide a post-deprivation remedy in the event that a covered employee is dissatisfied with the final decision of the city after the grievance process has been exhausted. This remedy shall be an appeal to the personnel appeals board from the final decision of the city.

(3) An employee who wishes to appeal the final decision of the city after exhaustion of the city's internal grievance process must file a written appeal with the City Administrator or designee no later than fifteen (15) days from the date of the city's written final decision. Such written appeal shall contain:

(a) The name and current address of the employee filing the appeal;

(b) A brief description of the action being appealed with a copy of the final decision of the City, the department in which the employee works or worked, the date of the final written decision and the grounds for the appeal;

(c) The remedy sought;

(d) A telephone number at which the employee may be reached during the pendency of the appeal; which number the employee shall keep current throughout the appeal and whose messaging capabilities shall be sufficient for the city to leave any notices in the employee's absence.

(4) The written appeal shall be signed and dated by the employee. Failure to substantially comply with these requirements shall result in dismissal of the appeal.

**2.34.120 Personnel appeals board.**

(1) There shall be a personnel appeals board consisting of three members appointed by the mayor and approved by the city council. Members shall serve four-year terms and may be re-appointed by the mayor and approved by the city council for additional term(s). Members of the personnel advisory board at the time of the adoption of the ordinance codified in this section shall continue to serve on the newly created personnel appeals board through the expiration of their terms of office. No officer, official, or employee of the city or any of their immediate family members may serve on the board. "Immediate family member" as used in this section means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee. Members of the personnel appeals board shall live or work in the city of Oak Harbor at the time of appointment. Board members shall be appointed on the basis of knowledge of personnel practices and/or labor relations.

(2) The board shall hear disciplinary appeals by covered employees who have exhausted the internal grievance procedure. The board shall have authority to conduct hearings, administer oaths, direct the appearance of witnesses and adopt procedures for that purpose. The board may adopt rules governing procedures for hearing disciplinary grievances. In the absence of conflicting rules adopted by the board, the following provisions of the Administrative Procedures Act shall apply: RCW 34.05.434, 34.05.437, 34.05.440, 34.05.449, 34.05.452, 34.05.455, 34.05.458, 34.05.461, 34.05.467, 34.05.473, and 34.05.476. The proceedings shall be recorded and the decision of the board shall be in writing.

(3) The mayor shall appoint a secretary for the personnel appeals board.

(4) The board shall meet as needed.

(5) The board shall represent the public interest.

(6) The board shall issue a written decision upon every appeal. Appeal from the decision of the board shall be to the Island County Superior Court and must be brought within 30 days of issuance of the board's written decision.

**2.34.130 Employment Discrimination.**

(1) The City of Oak Harbor shall not discriminate against any employee on the basis of being a member of any class protected under state or federal law nor shall the city retaliate against any employee for asserting any rights to be protected from discrimination as prohibited by state or federal law. Allegations of sexual or racial harassment are employment discrimination claims. Employee complaints of prohibited employment discrimination shall be subject to an employment discrimination grievance process. The human resources manager shall develop and publish the procedures for the employment discrimination grievance process and post those procedures for ready employee access.

(2) Employment discrimination complaints shall be expedited for prompt and fair resolution and shall be confidential to the extent practicable, consistent with public disclosure laws and due process.

**2.34.140 Probationary period.**

(1) All new employees shall be appointed subject to a probationary period. The length of the probationary period shall be established at the time of appointment but shall be for a period no shorter than six months nor longer than two years; provided, in any case the department head with the approval of the city administrator may extend the trial period for a period not to exceed an additional six months if the department head finds it is necessary to fully evaluate the employee's suitability for the position. Determination that a new employee has failed to satisfactorily complete the probationary period is in the sole discretion of the appointing authority.

(2) A regular city employee promoted to another regular position shall serve a probationary period as part of a promotion decision, until the probationary period has been satisfactorily completed, the promoted employee shall be subject to return to his/her prior position if, in the sole discretion of the appointing authority, the promoted employee fails to satisfactorily complete his/her probationary period..

(3) The adoption of the ordinance codified in this chapter shall not change the trial status of current trial employees and they each shall remain on trial status without loss of service time accrued toward regular employee status.

**2.34.150 Resignation, layoff and reinstatement.**
The personnel policies shall provide for layoff and reinstatement of employees conforming to the following:

(1) Resignations. An employee may resign by filing his reasons with the department head. An employee resigning in good standing may be reinstated to any position in the same class or other class for which he was qualified, if there is need for his services, within one year after his date of resignation.
(2) Layoffs may occur as a result of lack of work, lack of funds, material change in duties or organization, the interests of economy or efficiency, or other causes as determined to be for the good of the city service by the mayor.

(3) The order of layoffs among positions within departments shall be first casual workers, then employees serving a trial period, and then all other employees. Exceptions to this sequence may be made to retain persons with qualifications significant to a particular department.
(4) Within each of the three categories identified in subsection (2) of this section, the order in which employees in a department will be laid off shall be determined by the city, in its sole discretion, based on employee job knowledge, skill and other qualifications; attendance, safety, performance and disciplinary records; the existing and anticipated needs of the department; and the good of the city service. When two employees are equally qualified under such factors, the employee with the most time served since the current date of hire shall be retained.
(5) The names of persons laid off shall be maintained on a reinstatement list. Personnel policies and procedures shall provide for reinstating employees from a reinstatement list. An employee's name may be maintained on the reinstatement list for up to one year following the employee's layoff.
(6) As an alternative to layoff, the mayor may demote an employee or authorize part-time employment. Layoffs and substitutions, therefore, are not disciplinary matters.

**2.34.160 Code of Ethics**
(1) Highest standards of professionalism and customer service are expected of city of Oak Harbor employees. The human resources manager is directed to incorporate a code of ethics in public service in the standards of conduct that reflect these values.
(2) The code of ethics shall describe and prohibit nepotism, conflicts of interest, and official misconduct by city employees.

**2.34.170 Construction.**
(1) If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. This provision shall not be codified.

**Section Two.** Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

**Section Three**. Effective Date.
This Ordinance shall be in full force and effect five days after publication.

PASSED by the City Council this _____ day of _____, 2012.

THE CITY OF OAK HARBOR

Veto ( )
Approve ( )

_____
Mayor

_____
Date

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Published: _____

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** 8
**Date:** June 18, 2012
**Subject:** Personnel Code Housekeeping Ordinance

**FROM:** Larry Corf, Interim City Administrator
Jessica Neill Hoyson, HR Manager

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
Scott Dudley, Mayor
Doug Merriman, Finance Director
Legal Review, as to form

## AGENDA BILL UPDATE

This agenda bill was presented at the June 5, 2012 City Council Meeting and a public hearing was held. Staff was given direction by the City Council to amend Oak Harbor Municipal Code Section 2.05.040 – Reassignment of Duties. Based upon the comments received, staff has amended the section as attached to this agenda bill.

## PURPOSE

This agenda bill presents an ordinance for City Council's consideration that if adopted would amend various sections of the Oak Harbor Municipal Code (OHMC) regarding the employment status of the department directors. It would also create public works department and the position of its director, and amend Chapter 2.38 regarding the reporting relationship for the Harbormaster.

## AUTHORITY

The City Council has authority pursuant to RCW 35A.11.020 to set the rules for city employment:

> The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people (RCW 35A.11.020 in pertinent part).
>
> The mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service. The head of a department or office of the city government may be authorized by the mayor to appoint and

remove subordinates in such department or office, subject to any applicable civil service provisions. All appointments of city officers and employees shall be made on the basis of ability and training or experience of the appointees in the duties they are to perform, from among persons having such qualifications as may be prescribed by ordinance or by charter, and in compliance with provisions of any merit system applicable to such city. Confirmation by the city council of appointments of officers and employees shall be required only when the city charter, or the council by ordinance, provides for confirmation of such appointments. Confirmation of mayoral appointments by the council may be required by the council in any instance where qualifications for the office or position have not been established by ordinance or charter provision. Appointive offices shall be without definite term unless a term is established for such office by law, charter or ordinance.

## FISCAL IMPACT DESCRIPTION

Funds Required: $ N/A
Appropriation Source: N/A

## SUMMARY STATEMENT

The draft ordinance amends various chapters of the OHMC regarding the employment status of the City's department directors. The proposed ordinance clarifies that all department directors are appointed by the Mayor and confirmed by the City Council, that all directors serve at the pleasure of the Mayor and that they all have or are offered employment contracts approved by the City Council.

The proposed ordinance corrects a deficiency in the code by creating the Public Works Department as a city department. It also amends the Marina Code (OHMC Chapter 2.38), by adding that the Harbormaster may report to the City Administrator's designee. This change is required to reflect the current reporting relationship.

## STANDING COMMITTEE REPORT

The draft ordinance was presented to the Governmental Services Standing Committee at their May 8th meeting.

## RECOMMENDED ACTION

•Review amended draft ordinance.
•Adopt ordinance revising various sections of the Oak Harbor Municipal Code regarding the employment status of the department directors and regarding other personnel administration matters

## ATTACHMENTS

Draft ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTERS OF THE OAK HARBOR MUNICIPAL CODE REGARDING THE EMPLOYMENT STATUS OF THE DEPARTMENT DIRECTORS, INCLUDING CREATION OF THE POSITION OF PUBLIC WORKS DIRECTOR AND THE DEPARTMENT OF PUBLIC WORKS, AND AMENDING CHAPTER 2.38 REGARDING THE REPORTING RELATIONSHIP FOR THE HARBORMASTER.

WHEREAS, all the department director positions in city employment should be treated in a consistent manner; and

WHEREAS, the department directors employed by the city are typically employed in an at-will capacity pursuant to employment contract; and

WHEREAS, code adoptions over time have resulted in different provisions for different department directors; and

WHEREAS, it is the intention of the city council to treat all department director positions similarly; and

WHEREAS, the department of public works has existed as a city function for a considerable length of time; and

WHEREAS, there exists a public works director; and

WHEREAS, references to the public works department, public works superintendent and/or public works director are found throughout the municipal code, including in Title 13, Water; Chapter 10.12, Parking and Traffic Control; Chapter 6.13, Recreational Camping in Public Parks; Chapter 3.95, Utility Billing and Collection Procedures; Chapter 12.20, Stormwater Facility Maintenance; Chapter 15.04, Municipal Solid Waste Collection; and Section 18.20.185, Interpretation of Development Regulations; and

WHEREAS, although the public works function and director exist, and are referenced in numerous ways within the code, no department of public works was created in the code and likewise no position of public works director was defined by city code; and

WHEREAS, it is necessary to amend the code to correct these deficiencies; and

WHEREAS, certain other amendments are necessary to clarify the reporting relationship of the harbormaster; and

WHEREAS, this ordinance was introduced to the City Council at the May 15, 2012 meeting; and

WHEREAS, the City Council considered this ordinance at ~~a~~ public hearings held on June 5, 2012 and June 18, 2012.;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One**. Section 2.06.010 of the Oak Harbor Municipal Code, pertaining to the city attorney, last amended by Ordinance 569 in 1980, is hereby amended to read as follows:

**2.06.010 Appointment – Duties.** ~~The mayor may appoint for the city of Oak Harbor an attorney whose duty~~ The city attorney shall be appointed by the mayor and confirmed by the city council. The city attorney shall serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council. The duties of the city attorney shall be to draft and prepare all ordinances, orders, resolutions, contracts, agreements, forms, pleadings and other papers and documents as the mayor or council of the city may direct or require him to make or may be necessary, and to appear and defend the city of Oak Harbor in all actions of law or in equity or otherwise wherein the city may be interested or be a party and appear for the city in municipal court on all charges brought in the name of the city. In the event that the city attorney is unable to represent the city he may appoint other counsel or in the event of a conflict of interest or other like situation he may ask the mayor to appoint other counsel for a particular project or cause and the mayor may so appoint another attorney to represent the city in that cause.

**Section Two**. Chapter 2.05 of the Oak Harbor Municipal Code, pertaining to the city administrator, last amended by Section 1 of Ordinance No. 1259 in 2001, is hereby amended to read as follows:

2.05.010 Office created. There is created the office of city administrator, which office shall be filled by appointment by the mayor, subject to confirmation by the city council. The city administrator shall ~~be subject to removal by the mayor~~ serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council.

**2.05.020 Administrative officer**. The city administrator shall be the administrative executive officer for the city, under the direction and authority of the mayor. The city administrator shall also have all duties and authority assigned to the city supervisor by city ordinance(s).

**2.05.030 Duties.**
The city administrator shall have the following specific duties, powers and responsibilities, in addition to others provided in this chapter or otherwise:

(1) Under the direction and authority of the mayor:

(a) Supervise the public works, finance, marina, ~~engineering and permitting~~ and development services of the city;

(b) Administer and coordinate the activities and functions of the various city offices, departments and boards;

(c) Carry out the various duties as prescribed by the city ordinances and policies of the city council. Administer those duties as prescribed by the zoning code and the building code. ~~The police and fire departments shall report to and be directly responsible to the mayor and none of the duties prescribed in this section shall apply to said departments unless directed by the mayor.~~

(2) Regularly report to the mayor and city council concerning the status of all assignments, duties, projects and functions of the various city offices and departments.

(3) Supervise all purchasing by the various city offices, departments and boards. Supervise all expenditures by the various city offices, departments and boards, for the purpose of keeping the same within the limitations of the annual budget of the city.

(4) Coordinate the preparation of the annual budget for the city.

(5) Assist the mayor and city council generally in conducting the city's business in all matters, and perform such other duties and assume such other responsibilities as the mayor may direct, and as by ordinances and resolutions of the city council may be required.

(6) The police and fire departments shall report to and be directly responsible to the mayor and none of the duties prescribed in this section to the city administrator shall apply to said departments unless directed by the mayor.

**2.05.040 Reassignment of duties.**

The mayor may reassign duties and responsibilities of the city administrator or listed as the city supervisor in other ordinances of the city to such employee or contractor as deemed appropriate. When making such a reassignment, the mayor shall:

(1) Assure the assignment is in writing;

(2) File a copy of the assignment with the city clerk; and

(3) 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 a result of the new assignment.

**Section Three**. Section 2.07.020 of the Oak Harbor Municipal Code, pertaining to the finance director, last amended by Section 3 of Ordinance No. 1117 in 1997, is hereby amended to read as follows:

**2.07.020 Appointment – Term.** The finance director shall be appointed by the mayor~~, subject to approva~~ and confirmed by the city council. The finance director shall serve ~~for an indefinite term and~~ at the ~~discretion~~ pleasure of the mayor~~. The council may authorize a~~ pursuant to an employment contract ~~for services~~ proposed by the mayor and approved by the city council.

**Section Four.** Section 2.36.030 of the Oak Harbor Municipal Code, pertaining to the chief of police, last amended by Section 2 of Ordinance 984 in 1994 is hereby amended to read as follows:

**2.36.030 Police chief – Appointment.**
The department of police shall be under the direction and control of the police chief subject to the direction of the mayor or the mayor's designee. The chief of police shall be appointed by the mayor and confirmed by the city council.

~~The chief of police shall be a non-civil service employee and shall be appointed by the mayor subject to approval of the city council. The police chief shall serve at the discretion of the mayor. Nothing in this provision shall forbid the city from entering into agreement with the police chief concerning salary and benefits.~~ The police chief shall serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council.

**Section Five**. Section 2.40.020 Oak Harbor Municipal Code, pertaining to the development services director, last amended by Section 3 of Ordinance No. 1256 in 2001, is hereby amended to read as follows:

**2.40.020 Director – Appointment and removal.** The department of development services shall be headed by a director who shall be appointed by the mayor and confirmed by the city council. The ~~director of~~ development services director under direction of the mayor shall supervise and direct all employees assigned to the department of development services and manage and administer activities of the department. The ~~mayor may at any time remove the director of~~ development services director ~~upon filing a statement~~shall serve at the pleasure of ~~reasons therefor with~~ the mayor pursuant to an employment contract proposed by the mayor and approved by the city council. All references to "planning director", and "director of planning and community development" ~~and "building official"~~ shall be deemed references to the ~~director of~~ development services director. ~~or such other person or persons designated by the mayor.~~

**Section Six.** Section 2.44.010 of the Oak Harbor Municipal Code, pertaining to the fire chief, last amended by Section 1 of Ordinance 505 in 1978 is hereby amended to read as follows:

**2.44.010 Appointment.** The ~~position of~~ fire chief ~~should~~ shall be ~~an appointive office~~ appointed by the mayor and confirmed by the city council. ~~The fire chief shall be appointed by~~

~~the mayor, subject to the approval of the appointment by the council, and he serves at the pleasure of the mayor.~~ The fire chief shall serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council.

**Section Seven.** A new Chapter 2.70, Department of Public Works, is hereby added to the Oak Harbor Municipal Code:

## CHAPTER 2.70
## DEPARTMENT OF PUBLIC WORKS

**Sections:**



**2.70.010 Department created.** There is hereby created a department of public works for the purpose of administering city ordinances and contracts pertaining to city public works and city engineering requirements for private and public construction projects within the city limits.

**2.70.020 Director – Appointment and removal.** The department of public works shall be headed by a director who shall be appointed by the mayor and confirmed by the city council. The public works director shall have all those duties assigned under city ordinance or resolution to the public works director, the superintendent of public works and the public works superintendent. The public works director shall serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council.

**2.70.030 Powers and duties of the department.** The public works department shall be responsible for the following city services: streets, water, wastewater, storm drains, solid waste, parks, equipment rental and engineering; and such other projects and services as are specified by city ordinance or resolution.

**Section Eight**. Chapter 2.38 of the Oak Harbor Municipal Code, pertaining to the marina, last amended by Section 1 of Ordinance 1541 in 2008, is hereby amended to read as follows:

## CHAPTER 2.38
## OAK HARBOR CITY MARINA

**Sections:**

**2.38.010 Created.** There is hereby created as a division of city government the Oak Harbor city marina. This division may also be called "the marina" in the Oak Harbor Municipal Code.

**2.38.020 Purpose.** The purpose of the marina shall be to administer, promote, maintain and develop the marina for the benefit of present and future city residents. The marina shall:

(1) Maintain safe and accessible moorage facilities financed through moorage rates and user fees;
(2) Provide a mix of uses that fulfills recognized needs for the recreational boating public, is economically feasible and which maximizes the use of the marina property;
(3) Promote public access to and use of the marine waters and shorelines of Oak Harbor subject to reasonable rules and regulations for the public peace, safety and welfare;
(4) Create public/private partnerships for more efficient use of the marina; and
(5) Participate in economic development opportunities on the city waterfront consistent with the city's comprehensive plan.

**2.38.030 Harbormaster.** The marina shall be headed by a harbormaster who shall be appointed by the mayor. Under the direction of the mayor and city administrator (or designee), the harbormaster shall supervise and direct all employees assigned to the marina, and manage and administer activities of the marina. The harbormaster shall also have such additional powers and duties as shall be established by ordinance or resolution of the city council.

**2.38.040 Marina master plan.** The marina shall be subject to a 10-year master plan which is adopted by the city council. The purpose of the marina master plan shall be to describe the goals and vision for the marina over the next 10-year period. At the end of the 10-year period, the city council shall consider whether the goals and vision of the marina master plan have been met. Based upon that review, the city council shall revise the marina master plan as needed and adopt a new marina master plan for the next 10-year period. The marina master plan shall be consistent with the city's comprehensive plan.

**2.38.050 Marina improvement plan.** The city council shall adopt a five-year marina improvement plan which shall list the anticipated projects necessary for the safe and efficient operation of the marina over the subsequent five-year period. The marina improvement plan shall include a plan for financing the listed projects over the five-year period. The marina improvement plan shall be reviewed every year and amended as necessary annually by the city council. The marina improvement plan shall be consistent with the capital facilities element of the comprehensive plan and the capital improvement plan.

**2.38.060 No right to rely upon the marina master plan or marina improvement plan.** No liability shall attach to the city as a consequence of the adoption of the marina master plan or the

marina improvement plan. No person shall have the right to rely upon either the marina master plan or the marina improvement plan.

**Section Nine**. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

**Section Ten**. Effective Date. This Ordinance shall be in full force and effect five days after publication.

PASSED by the City Council this _____ day of _____, 2012.

THE CITY OF OAK HARBOR

Veto ( )
Approve ( )

_____
Mayor

_____
Date

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Published: _____

# City of Oak Harbor
# City Council Agenda Bill

**Bill No.** 9
**Date:** June 18, 2012
**Subject:** Employee Policy Manual

**FROM:** Larry Cort, Interim City Administrator
Jessica Neill Hoyson, HR Manager

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

___ Scott Dudley, Mayor
___ Doug Merriman, Finance Director
___ Legal Review, as to form

## AGENDA BILL UPDATE

This agenda bill was presented at the June 5, 2012 City Council Meeting. Staff was given direction by the City Council to amend 1.01 of the Policy and Resolution No. 12-14. Based upon the comments received, staff has amended those items. Replacement pages reflecting these amendments are attached to this agenda bill.

## RECOMMENDED ACTION

- Approve Resolution No. 12-13 repealing Resolution No. 07-16 and providing for the administrative approval of the Employee Policy Manual

OR

- Approve Resolution No. 12-14 repealing Resolution No. 07-16 and approving the Employee Policy Manual

## ATTACHMENTS

Amendment to Policy Section 1.01
Amendment to Resolution No. 12-14
June 5, 2012 Agenda Bill with original attachments

# Introduction

## 1.01 PURPOSE AND SCOPE OF EMPLOYEE POLICY MANUAL

This manual is intended to implement the city council's policy on City employment, not to change or add to them. The City Council primarily sets its policies in the Oak Harbor Municipal Code and in the biennial salary ordinance and classification study. This manual summarizes the City's basic personnel policies and is intended to serve as a resource concerning your employment with the City. Personnel policies may change as the City grows or as needed to better serve City residents or personnel. The City, therefore, reserves the right to modify, revoke, suspend, or terminate the policies set forth in this manual at any time. It is important to understand that these policies do not constitute an employment contract or a promise of employment conditions between the City and its employees. The City Council sets employment policies and neither this manual nor any other city employee or official can make specific promises to you concerning your employment unless the City Council adopts an ordinance, resolution or motion to that effect.

This Employee Policy Manual applies to all covered employees of the City of Oak Harbor. In cases where these policies conflict with a City ordinance, state or federal law, a valid and effective collective bargaining agreement, or an individual written employment contract, the terms of the law or contract shall prevail over the terms of this Manual. Additionally, if your position is covered by a union contract, you should look to that contract as the exclusive source of information regarding your wages and benefits. No elected official, supervisor, manager or representative of the City has the authority to modify or waive these policies.

Please note that in addition to the policies included in the Manual, your Department or work group may have standard operating procedures or other work rules in writing that pertain to you. Those rules and procedures supplement the personnel policies included in this Manual, and tend to be specific to certain departments or work groups.

RESOLUTION NO. 12-14

A RESOLUTION REPEALING RESOLUTION NO. 07-16 WHICH ADOPTED THE PERSONNEL POLICIES MANUAL ON AUGUST 8, 2007; AND PROVIDING FOR CITY COUNCIL APPROVAL OF A NEW EMPLOYEE POLICY MANUAL; AND READOPTING THE EXISTING LEAVE SHARING PROGRAM.

WHEREAS, the Oak Harbor City Council adopted a Personnel Policies Manual on August 8, 2007 by Resolution No. 07-16; and

WHEREAS, the Oak Harbor City Council has revised the personnel policies pertaining to city employment in Ch. 2.34 of the Oak Harbor Municipal Code; and

WHEREAS, the Personnel Policies Manual is no longer current with the City's employment policies; and

WHEREAS, City staff have drafted a new Employee Policy Manual that will implement the Council's employment policies; and

WHEREAS, the City Council wishes to adopt the new Employee Policy Manual through approval of a resolution; and

WHEREAS, the Council acknowledges that the Mayor or his designee may interpret and apply the policies to specific employment situations; and

WHEREAS, the Council further acknowledges that amendments to the Employee Policy Manual will require separate Council action; and

WHEREAS, the City's existing shared leave policy is a beneficial program, but one that requires changes in order to more fully comply with the ADA and has therefore been purposefully omitted from the new manual; and

WHEREAS, that portion of Policy 504 – Leaves of Absence, related to leave sharing, shall ~~should~~ be re-adopted separately until such time as a suitable alternative can be drafted and adopted.

NOW, THEREFORE,

The City Council of the City of Oak Harbor do hereby repeal Resolution No. 07-16, adopted on August 8, 2007, ~~2012~~,

And

Do approve the Employee Policy Manual dated June ~~5~~18, 2012,

And

Do re-adopt that portion of Policy 504 -- Leaves of Absence, related to leave sharing, which shall remain in effect until January 1, 2013 unless sooner repealed by City Council action.

PASSED by the City Council this ~~5th~~ 18th day of June 2012.

CITY OF OAK HARBOR

_____

Scott Dudley, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

# City of Oak Harbor
# City Council Agenda Bill

**Bill No.** _____
**Date:** June 5, 2012
**Subject:** Employee Policy Manual

**FROM:** Steve Powers, Interim City Administrator PCP
Jessica Neill Hoyson, HR Manager

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
___ Scott Dudley, Mayor
___ Doug Merriman, Finance Director
___ Bill Hawkins

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## PURPOSE
This agenda bill requests the repeal of the existing Personnel Policies Manual and presents a new Employee Policy Manual for the City Council's consideration.

## AUTHORITY
The City Council has authority pursuant to RCW 35A.11.020 to set the rules for city employment:

> The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people (RCW 35A.11.020 in pertinent part).

## FISCAL IMPACT DESCRIPTION
Funds Required: N/A
Appropriation Source: N/A

## SUMMARY STATEMENT
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.

A bulleted list of the major changes to the existing policy manual is shown in Attachment 1. The resulting new document, the "Employee Policy Manual" is shown in Attachment 2.

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 are being 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 (Attachment 3) would repeal the existing manual and provide for the Mayor to administratively establish the new Employee Policy Manual.

The second avenue available to the City Council is a legislative approach which requires the adoption Resolution No. 12-14 (Attachment 4) 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.

**REVIEW PROCESS**

The following describes the review process for the overall employee code/policy manual project:

The principles behind the proposed ordinance were discussed with City Council at the March 3, 2012 retreat/workshop. The draft ordinance amending OHMC Chapter 2.34 was then introduced to the full City Council at the April 17, 2012 meeting. Next, City employees were briefed on the proposed changes, as well as those proposed to the employee handbook, at one of two meetings held on April 18th. Employees were invited to submit their questions and comments to the Human Resources Manager by

May 11th.

The Administration reviewed all of the submitted comments and questions. Responses were drafted and the employees' suggestions for changes were incorporated where possible. It is worth noting that the vast majority of employee questions and comments were related to the personnel policies manual and not to either the personnel code ordinance or the housekeeping ordinance. A copy of all of the comments/questions and the responses was posted for the employees to review on May 15th. The City Council was provided copies of the notes from the April 18th meetings on May 11th and a copy of the employees' comments/questions and the Administration's responses on May 15th.

A revised draft of the policy manual was posted for the employees to review and forwarded to the City Council on May 29th. Revisions made to the document as a result of the employee comments and questions are shown in legislative edit in manual. Follow-up meetings with the employees were held on May 31st.

**STANDING COMMITTEE REPORT**
Please see above the review process associated with the proposed Employee Policy Manual.

**RECOMMENDED ACTION**

- Approve Resolution No. 12-13 repealing Resolution No. 07-16 and providing for the administrative approval of the Employee Policy Manual

OR

- Approve Resolution No. 12-14 repealing Resolution No. 07-16 and approving the Employee Policy Manual

**ATTACHMENTS**
Attachment 1: Overview of changes to the policy manual
Attachment 2: Draft "Employee Policy Manual"
Attachment 3: Draft Resolution No. 12-13
Attachment 4: Draft Resolution No. 12-14

**Overview of changes to policy manual**

- Removed Code of Employer - Employee Relations
- Added EEO Statement
- Added ADA Statement
- Changed the minimum pay increase for promotions to 3% rather than 9%
- Clarified probationary periods
  - PT or FT 20 hours or more - 12 months
  - PT less than 20 hours - 24 months
  - Transferred or promoted - 6 months
- Added nepotism policy
  - Close personal relationships or relatives
- Moved language on employment Contracts to the OHMC
- Included new performance evaluation process
- Clarified how reference requests are handled
  - HR must approve first if representing as City employee
- Shortened layoff language and made it a part of the separation from employment policy rather than a stand-alone policy
- Changed disciplinary steps to start at written rather than verbal warning
- Ethics policy was updated with language from Public Officer Ethics
- Removed meal reimbursement policy - it is part of the Travel policy
- Clarified that interactions with media must be approved by Dept Director or Mayor
- Substance abuse policy was amended to allow alcohol on City premises if for celebrations or functions that are pre approved and subject to law
- City Vehicle Policy - Allow incidental personal use
- Personal Appearance - removed most specific language and clarified business casual
  - outlined dress for casual Friday
- Hours of work and scheduling
  - defined a 40 hour work week as Monday through Sunday
  - Allow alternative work schedules
- Overtime - created as own policy
  - Does not include time off to count towards overtime
  - Comp time - set max accrual at 160 hours
  - Clarified how comp time would be used
    - No carryover
    - cash out at end of year unless employee has a preapproved absence for which comp will need to be used
    - must be used before vacation or lwop
- Out of class assignments
  - changed minimum to 3%
- Pay procedures

  - updated to reflect bi-monthly pay change
  - Changed to policy to align with standard pay practices for paydays that fall on the weekend or holidays
- Wellness
  - Added Wellness day off
- Updated FMLA to include federal changes in law
- Added Pregnancy Disability Leave and WFLA
- Unpaid Leave
  - Clarified that "generally" other leave must be exhausted
- Vacation
  - FT employees on a temporary PT assignment for more than 1/2 month will have accruals adjusted
- Sick Leave
  - Removed program for exchange of sick leave for vacation
- Continuing education
  - If employee separates from employment within one year they must pay back funds advanced
- Removed Personal Finances Policy
- Changed dispute resolution process to a grievance process to be used only in instances of deprivation to the employee
- Removed leave sharing program to be under a separate resolution

City of Oak Harbor

# Employee Policy Manual

June 5, 2012

# Table of Contents

# Introduction

## 1.01 PURPOSE AND SCOPE OF EMPLOYEE POLICY MANUAL

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Please note that in addition to the policies included in the Manual, your Department or work group may have standard operating procedures or other work rules that pertain to you. Those rules and procedures supplement the personnel policies included in this Manual, and tend to be specific to certain departments or work groups.

# General Employment Policies

## 2.01 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

The City of Oak Harbor is an equal opportunity employer. The City believes the participation of men and women of diverse ages, races, religions, cultures, abilities and personalities will add to professional development and organizational success. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex, race, religion, marital status, honorably discharged veteran or military status, age, national origin, sexual orientation, color, creed, ancestry, disability or any other basis prohibited by law.

It is against the City's policy for any employee to discriminate against an applicant for employment or another employee protected by applicable discrimination laws. When such discrimination or harassment is detected in the workplace, the City will take aggressive, prompt, and fair measures to eradicate the misconduct. To this end the City, upon confirming the existence of discrimination or harassment prohibited by this Policy, shall take disciplinary action against those responsible for the discrimination or harassment up to and including termination of employment. Refer to the Appendix of this Manual for the EEO discrimination complaint procedure.

## 2.02 ADA STATEMENT

The City of Oak Harbor prohibits unlawful discrimination on the basis of a disability, and is committed to providing reasonable accommodation to any qualified individual with a disability who needs such accommodation to perform the essential functions of his/her job. Any employee who has a disability and desires reasonable accommodation should promptly contact Human Resources. Human Resources will work with the employee and his/her health care provider to evaluate reasonable accommodation options. Any medical information obtained in this interactive process will be maintained confidentially.

## 2.03 PROHIBITION OF UNLAWFUL HARASSMENT

The City of Oak Harbor is committed to providing a workplace that is free from unlawful discrimination or any kind of unlawful harassment. In keeping with this commitment, the City will not tolerate harassment by City employees or of City employees by anyone, including any co-worker, contractor, vendor, member of the public or other third party. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status,

honorably discharged veteran or military status, citizenship status or other protected group status. The City will not tolerate such harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment.

**Employees should refer to the "EEO Discrimination Complaint Procedure" located in the Appendix of this Manual for resolution of EEO, ADA or unlawful harassment violations.**

## 2.04 WORKPLACE VIOLENCE

The City of Oak Harbor is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Violence, intimidating behavior or threats of violence will not be tolerated. Violations of this policy may result in disciplinary action, up to and including termination of employment.

Prohibition of Workplace Violence. The City of Oak Harbor strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around City premises or the workplace, or otherwise related to City employment.

- Bullying;
- Threatening or causing injury to a person;
- Using or threatening to use a weapon while on any City premises;
- Abusing or damaging property
- Using obscene or abusive language or making gestures in a threatening manner;
- Speaking in a threatening manner;
- Because of the potential for misunderstanding, joking about or parodying of any of the above misconduct is also prohibited.

Definition:

"City premises" means all areas under City ownership and/or control, including, but not limited to: buildings, offices, vehicles, work areas, lounges, parking lots, desks, cabinets, lockers and storage areas. The City reserves the right to search all City premises and employee property brought onto City premises when the City determines that such a search is a reasonable and necessary precaution for work place safety.

Reporting Violent Conduct: Any workplace violence incident or incidents indicating a potential for violence are to be reported by an employee to their supervisor (and/or Human Resources) as soon as possible. Incident reports are to be completed as appropriate. If management determines that an employee has violated this policy, the employee will be subject to discipline up to and including

termination, as deemed appropriate by the City. The City shall handle specific concerns with customers or other public parties as it determines under its policies and procedures.

Imminent Danger/Violence Incident Procedure: Any employee who reasonably believes that a situation with an aggressive employee, guest, contractor, vendor or other party is likely to become violent and may put the employee or others in imminent danger a the work site, should promptly leave the work area and report to his/her supervisor (and/or Human Resources). Depending on the circumstances, the employee may first call 911. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time at the work site. The supervisor should take immediate action by calling 911 (if warranted) and contacting Human Resources. The timing and circumstances of the return by the employee to the work area should be coordinated by the employee with City Management.

Security: Staff security is one of the City of Oak Harbor's highest priorities. The City will make every reasonable effort to provide for the security of its property, its employees, and visitors to its premises.

All City security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, City solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforces at all times (e.g., doors locked after hours).

All personal property brought onto the City's premises, such as vehicles, packages, briefcases, backpacks, purses, bags and wallets are subject to inspection. In addition the City may inspect the contents of lockers, storage areas, file cabinets, desks and work stations at any time and may remove all City property and other items that are in violation of City of Oak Harbor rules and policies.

Employees working in sensitive or high security positions must meet any applicable security clearance requirements, such as positions in the Police and Fire Departments and those requiring access to Naval Station Whidbey Island. These security requirements may include background checks, fingerprinting, bonding or other special security measures. Failure or inability to meet or comply with any applicable security clearance requirement is grounds for termination of employment, or rejection of an applicant.

Employees are expected to exercise reasonable care for their own protection and for their personal property while on City premises and while away from the premises on business. The City of Oak Harbor assumes no responsibility for loss, damage or theft of personal property.

Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, as deemed appropriate by the City.

## 2.05 REPORTING IMPROPER GOVERNMENTAL ACTION (WHISTLEBLOWER POLICY)

The City of Oak Harbor, in compliance with the Local Government Employee Whistleblower Protection Act RCW 42.41.050, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy can be found in a separate executive order for ease of employee reference.

## 2.06 JOB OPENINGS

Internal job postings may be noticed/placed on the City's website, circulated via City email and/or noticed in the City's newspaper of record as appropriate for positions being advertised.

Pursuant to state law, the City will grant a preference in hiring to the following individuals: (1) an honorably discharged veteran of any war or military campaign of the United States; (2) the widow or widower of such a veteran; or (3) the spouse of an honorably discharged veteran with a service-connected permanent and total disability. This preference serves as a tie-breaker in the event all other qualifications of job applicants are equal. Any individual applying for a position with the City who is eligible for this hiring preference should indicate eligibility on the job application form.

## 2.07 TRANSFERS/PROMOTIONS

TRANSFERS: The City of Oak Harbor may, at its discretion, initiate or approve employee job transfers from one position to another, or from one location to another.

The City may require employees to transfer to either a temporary or regular position to accommodate the organization's business needs.

Employees transferred to a position within the same salary range will continue to receive their existing rate of pay.

PROMOTIONS: The City of Oak Harbor may offer an existing employee a promotion to a higher-level position, when appropriate. The City may first consider current employees with the necessary qualifications and skills to fill vacancies above entry level, unless management determines that outside recruitment is in the City's best interest.

All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their Department Director and the Human Resources Department.

Pay for promoted employees generally will be handled as follows:

1. Employees transferred to a position in a higher salary range normally will be paid at a rate which is no less than three percent (3%) higher than their current pay.

2. Employees transferred to a position in a lower salary range may be paid at their former rate. At management's discretion, employees may be paid at a rate within the lower salary range of the new position.

Transferred and promoted employee's anniversary date used to determine eligibility for step increases will be adjusted to match that of the date of transfer or promotion.

At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new positions may be returned to their original position if a vacancy exits.

## 2.08 PROBATIONARY PERIODS

The City of Oak Harbor carefully monitors and evaluates all new employees and all current employees transferred or promoted to a new job during an initial probationary period. Newly hired, transferred or promoted employees should also use this probationary period to ensure that the new position is satisfactory.

Unless stated otherwise in a collective bargaining agreement or other written contract, the probationary period(s) will generally be set at the time of hire. Probationary periods will generally follow the guidelines set forth below:

- For an individual who is not a city employee and was hired into a full-time position or a part-time position which is 20 hours per week or more: the first 12 months following hire.
- For an individual hired into a part-time position which is less than 20 hours per week: the first 24 months following hire.
- For a current employee promoted or transferred to a new position: the first 6 months following the date of transfer or promotion

During this time if it is determined that the placement is not working out satisfactorily, the employee may be terminated or returned to a prior position (if available) at any time without cause or advance notice. An employee's probationary period may be extended up to six (6) months if deemed appropriate in light of absences, performances issues, or other considerations.

New employees will normally be reviewed at six (6) months during the probationary period to determine if they are meeting employment requirements and near the end of their probationary period.

Transferred or promoted employees will normally be reviewed near the end of their probationary period.

Employees will generally be allowed to continue in their position if the Department Director approves and the employee receives a satisfactory evaluation by the end of his/her probationary period.

## 2.09 EMPLOYEE CLASSIFICATIONS

For a variety of reasons, it is helpful to define the working classification of each employee employed by the City. Each position has a job description which will be provided to the employee by Human Resources at the time of hire. Employment classifications relate to the nature of the job responsibilities, work schedule and participation in City benefit programs. The City recognizes the following employee classifications:

- Full-time: A regular employee working in a regularly budgeted position allocated at least thirty-two (32) hours per week.
- Part-time: An employee working in a regularly budgeted position allocated to work hours of less than thirty-two (32) hours per week whose hours may be regular or irregular. An employee who is regularly schedule to work less than 20 hours per week are not generally entitled to City-provided benefits.
- Probationary: An employee who has not yet completed his/her probationary period.
- Regular: An employee who has successfully completed his or her probationary period and is retained in a fully budged position in the biennial budget.
- Temporary: an individual hired on a temporary basis. Temporary employees shall not be eligible for City-provided benefits or accrue seniority. Temporary employment shall not exceed a maximum of one (1) year. Temporary employees may be eligible for Public Employees' Retirement benefits dependent upon duration of appointment and hours worked.

In addition to the foregoing classifications, all employees classified as Fair Labor Standards Act/Washington Minimum Wage Act exempt or non-exempt can be seen as:

Exempt: Exempt employees are ordinarily paid on a salary basis and are not eligible for overtime pay.

Non-Exempt: Non-exempt employees are ordinarily paid by the hour and are eligible for overtime pay.

If an employee has any questions regarding his/her classification or exempt/non-exempt status, please contact Human Resources.

## 2.10 PERSONAL/FAMILY RELATIONSHIPS

The City recognizes the potential for problems, both real and perceived, where employees with close personal relationships and/or relatives work for a common employer. As a result, applicants for employment with the City who have a close personal relationship with or are related to a current employee or City Council member will not be employed by the City where:

- One of the parties would have authority (or practice power) to benefit, supervise, appoint, remove or discipline the other; or
- One party would be responsible for auditing the work of the other.

Current employees who enter into a close personal relationship, or become relatives, during their employment should inform the City if any of the above situations are created (See Ethics Policy)

## 2.11 SAFETY AND REPORTING OF WORKPLACE INJURY

Every employee is responsible for maintaining a safe work environment and following the City's safety policies. Employees must promptly report all unsafe or potentially hazardous conditions to the employee's supervisor. The City will make every effort to remedy problems as quickly as possible.

Employees who are provided safety clothing or equipment for their personal protection are required to wear or utilize it in accordance with applicable regulations. Failure to do so may result in disciplinary action up to and including termination. Additionally, individual departments may promulgate rules or procedures to address any safety issues unique to that work group, and employees must observe those rules or procedures as outlined.

If an employee is injured while on the job, no matter how minor, the employee shall immediately notify their supervisor, Department Director or Human Resources about the injury. The supervisor should promptly complete appropriate forms.

The City retains the right to inspect the employee's lockers, work areas, desks, packages, computers and other work equipment and tools when there is a concern for the safety or security of city employees and/or members of the public. City employees have no expectation of privacy in furnishings or equipment provided to employees by the City, including but not limited to desks, lockers, work areas, equipment and tools.

CPR and First Aid: Employees may be offered CPR and First Aid training. Certain position may require this certification.

Blood Borne Pathogen Training: The Blood Borne Pathogen Exposure Control Plan identifies positions by job title that may be exposed to pathogens and require training. Employees should refer to the

published Blood Borne Pathogen Exposure Control Plan to determine if their position requires the training.

Hepatitis A or B Vaccinations: Employees who may be exposed to Hepatitis A or B, as indicated in their job description, have the option to receive Hepatitis A and/or B vaccinations paid for by the City. Employees will be advised during orientation of the risks of exposure and will be given the opportunity to accept or decline the vaccinations.

## 2.12 PERSONNEL RECORDS

The City maintains personnel files for each employee. Those files may include, but are not limited to, the employee's application and resume, performance evaluations, commendations, and disciplinary memoranda.

The Human Resources Department is responsible for overseeing record-keeping of all personnel information and identifying information to be collected, store and secured.

Employees have a responsibility to keep their personnel records up-to-date and shall notify the Human Resources Department, in writing, of any changes in at least the following:

a) Employee name, including last name when changed due to marriage or divorce;

b) Employee mailing and physical address;

c) Employee telephone number;

d) Number of dependents; and/or

e) Persons to be notified in case of emergency.

The Accounting Technician–Payroll/Accounts Payable is responsible for retention of employee payroll and tax records.

Employees who have a change in the number of dependents or marital status should complete a new form W-4 for income tax withholding purposes.

Employees should forward copies of all training certificates received from outside conferences or vendors to the Human Resources Department to be place in the employee personnel file.

With reasonable notice, employees may inspect their personnel record and may request a copy, but shall not remove documents from the file. Inspections by employees must be requested in writing to the Human Resources Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resources Department. A

reasonable charge, not to exceed the actual cost to the City, will be applied for any copies of records requested by the employee.

Employees who believe that file documents are incomplete, inaccurate or irrelevant may submit a request for file revisions to the Human Resources Department. If the request is not granted, the employee may place a written rebuttal statement in the file.

Only supervisory and management employees who have an employment-related need-to-know reason about another employee may inspect the files of that employee. The inspection must be approved by the Human Resources Department and be in the presence of a designated member of the Human Resources Department.

Employee Medical Files: The City of Oak Harbor works to ensure the confidentiality and security of its medical records and the privacy of its employees. It is the policy of the City of Oak Harbor to treat all medical information about employees as confidential in accordance with all applicable laws and regulations.

## 2.13 PERFORMANCE EVALUATIONS

The City of Oak Harbor believes that goal setting and frequent feedback improve performance. Supervisors should communicate to their employee's the specific performance standards for their position. The City considers a consistently positive, cooperative, self-motivated, courteous and professional behavior to be an essential function of every position.

Department Directors are responsible for ensuring completion of evaluations for employees within their department as follows:

- 6-month evaluation for newly hired employees and transferred or promoted employees from the date of hire, transfer or promotion.
- End of probation evaluation for newly hired employees, typically completed prior to the end of the probationary period.
- Annual evaluation completed in January for all non-probationary non-supervisory employees.
- Annual evaluation completed in February for all non-probationary supervisory employees.

Police and Fire Department personnel may receive probationary evaluations on a different cycle than outlined in this policy in order to align with training requirements specific to those departments.

Performance evaluations are designed to enhance communication and performance. If for some reason you do not receive your performance evaluation at the appropriate time, please talk to your supervisor, Department Director or Human Resources.

## 2.14 PERSONNEL REFERENCES

All inquires by third parties regarding current or former City employees are to be referred to Human Resources. No employee should provide any reference information to a third party regarding another current or former City employee unless the reference request has first been referred to Human Resources. Human Resources will respond to such requests, or coordinate with the appropriate supervisor to respond, to ensure legal considerations are observed.

Providing professional reference information (meaning that you have indentified yourself as a City employee and/or commenting on the job performance of a current or former employee) without coordinating with and obtaining authorization from Human Resources is a violation of City policy and could result in discipline, up to and including termination of employment.

## 2.15 SEPARATION FROM EMPLOYMENT

Termination of employment with the City may be for a number of reasons, including but not limited to resignation, discharge, retirement or layoff.

Resignation/Retirement: To retire in good standing with the City, the City requires that at least two weeks' notice be given. The notification should be in writing and provided to either their supervisor, Department Director or the Human Resources Department. Employees intending to retire should notify their Department Director and Human Resources of their intent to retire at least thirty (30) days prior to the date of retirement. Proper notification will give the City the opportunity to adjust workloads and other plans with the least amount of interruption to City operations. Absent extenuating circumstances, failure to provide required prior notice may result in ineligibility for rehire and a resignation not in good standing. In certain circumstances, a resignation may be accepted and implemented immediately upon receipt.

An employee who terminates his/her employment with the City in good standing may be considered for re-employment. A former employee who is re-employed will be considered a new employee from the date of re-employment, unless the break in service is less than three (3) months, in which case the employee will retain accumulated seniority.

In certain circumstances an employee who retires may be eligible for rehire.

Layoff: A layoff is a separation from employment initiated by the City. Layoffs may occur for reasons such as; lack of work, lack of funding and material changes in the organization. In the event a layoff becomes necessary the City of Oak Harbor will make every effort to communicate information about the layoff as soon as possible to employees.

# Employee conduct

## 3.01 STANDARDS OF CONDUCT AND PERFORMANCE

The City of Oak Harbor strives to provide outstanding public service, and expects excellence from each and every employee. Each employee was selected to work for the City based on the belief that he or she would be able to fulfill that expectation.

It is important to establish certain expectations regarding employee performance and conduct to ensure efficient City operations, and for the benefit and safety of all employees. As a general matter, employees should conduct themselves in a professional manner and use good judgment in performing their job duties.

The City of Oak Harbor expects all employees to comply with the City's standards of performance and conduct. At management's discretion, any violation of the City of Oak Harbor's policies or any conduct considered inappropriate or unsatisfactory may subject any employee to disciplinary action.

Standards of Conduct: Conduct that interferes with City operations, is detrimental to the City and/or offensive to coworkers or constituents will not be tolerated. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of behavior that is against City policy and that will result in disciplinary action, up to and including termination.

a. Poor performance of job duties, or failure to perform job duties as directed;

b. Unauthorized absences, or excessive tardiness or absences;

c. Smoking except in designated areas;

d. Failing to report damage to City property, public property or customer;

e. Failure to treat employees and/or citizens in a courteous and respectful manner;

f. Disrupting the City's business or work effort of other employees;

g. Negligence or improper conduct resulting in injury or damage to City property;

h. Using profanity or abusive or offensive language;

i. Refusing to follow managements lawful instructions or otherwise being insubordinate

j. Concealing defective work;

k. Dishonesty;

l. Serious (intentional/willful) violation of safety procedures or policies;

m. Misusing City communication systems, including electronic mail, internet access, telephones and computers;

n. Knowingly misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;

o. Disclosing confidential information regarding the City, its employees or City resident(s);

p. Assaulting, threatening, or intimidating supervisors or any other fellow employee, vendor, or any member of the public;

q. Unauthorized possession of explosives or weapons on the premises at any job site;

r. Reporting to work under the influence of alcohol, illegal drugs, non-prescribed controlled substances, or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises;

s. Fighting;

t. Engaging in off-duty misconduct that interferes with an employee's ability to do their job i.e.; a traffic citation that results in the loss of the employee's driver's license which is needed to perform job duties);

u. Engaging in any form of sexual or other unlawful harassment of, or discrimination towards, another employee, a member of the public, a vendor or other third party;

v. Falsifying or altering any City of Oak Harbor record or report, such as an employment application, medical reports, production records, time records, absentee reports, or the like; or

w. Failure to fully cooperate with a lawful City investigation.

## 3.02 DISCIPLINARY ACTION

The City supports the principle of progressive discipline. A system of progressive discipline is used for the purpose of motivating an employee to correct unacceptable behavior and/or performance. Degrees of discipline are progressive and are used to ensure the employee has the opportunity to correct their conduct and/or performance.

Factors that are considered in the steps of progressive discipline are:

- The variety and number of problems involved
- The seriousness of the offense
- The time interval and employee response to prior disciplinary action(s)
- Previous work history of the employee

The following are illustrative of the forms of disciplinary action that may be used depending on the particular situation;

- Written Reprimand: A Written Reprimand is often used when previous coaching has not changed the employee conduct or performance. Certain circumstances may warrant issuing a Written Reprimand before any previous coaching has occurred.
- Suspension, Demotion or Termination: A Suspension, Demotion or Termination will normally occur when the employee willfully and knowingly violated City policy.

Subjective to collective bargaining agreements and other legal requirements, the City shall have the right to determine the appropriate level of discipline (if any) in a particular situation in light of the seriousness of the offense and aggravating or mitigating circumstances.

Depending on the nature of the behavior at issue, the City may place an employee on administrative leave pending an investigation and determination regarding discipline. As deemed appropriate by the City based on the particular circumstances, an employee on administrative leave shall be available to the City as needed during regular work hours, turn over all City property (cell phone, keys, etc.) and/or remain away from City facilities without prior permission and escort.

To appeal disciplinary action, refer to the "Employee Grievance Procedure" in the Appendix to this Manual.

## 3.03 ETHICS

The highest standards of professionalism and Customer Service are expected of City of Oak Harbor Employees. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

a) Using public office or public position for private gain;

b) Giving preferential treatment to any person or entity;

c) Lacking impartiality; or

d) Diminishing the confidence of the public in the integrity of the City of Oak Harbor.

The highest standards of ethical business conduct are required of City employees in the performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, reputation or otherwise cause embarrassment to the City, therefore, the following acts are prohibited:

- No employee may use his or her position to secure special privileges for himself, herself or others; and
- No employee may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except from the City, for a matter connected with or related to the employee's services unless otherwise ~~prohibited~~ permitted by law; and
- No employee may accept employment or engage in business or professional activity that the employee might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position; and
- No employee may disclose confidential information gained by reason of the employee's position, nor may the employee otherwise use such information for his or her personal gain or benefit.

Conflicts of Interest: Employees are expected to represent the City of Oak Harbor in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their Department Director.

No employee of the City may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the employee's official duties.

Any conflict or potential conflict of interest must be disclosed to the City. Failure to do so may result in disciplinary action, up to and including termination.

## 3.04 ELECTRONIC COMMUNICATIONS AND TECHNOLOGY

It is the policy of the City of Oak Harbor to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources capable of offering computing resources, electronic mail (email), internet access, telephone and voicemail, facsimile machines, cellular telephones, personal digital assistants and other electronic communications devices (collectively referred to as the City's Technology Resources) to employees to assist in and facilitate City business and communications. The primary purpose of the City's network and systems is to provide service to the public as part of City business, in a manner that is consistent with the City's vision and values.

Prohibited Uses of City's Technology Resources: Use of the City's Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any City policy, is strictly prohibited at all times. In addition, the following uses of the City's Technology Resources are inappropriate and are prohibited at all times, unless specifically exempted below:

- Personal commercial use (benefiting an employee's outside employment or commercial business);
- Accessing, receiving or sending pornographic or sexually explicit materials, including materials of an unreasonably offensive nature (unless as part of a law enforcement investigation conducted by authorized Police personnel);
- Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability, or other protected status;
- Gambling;
- Usage for recreational purposes including the loading of computer games or playing games online;
- Usage that precludes or hampers City network performance; such as viewing or listening to streaming audio and/or video (unless for City business, such as online training);
- Unauthorized copying or downloading of copyrighted material;
- Usage that violates software license agreements;

- Downloading of software programs (unless specifically authorized);
- Usage for political purposes, including partisan campaigning;
- Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
- Deliberately propagating any virus, worm, Trojan horse, malware, spyware, or other code file designated to disrupt, disable, impair or otherwise harm either the City's network or systems, or those of any other individual or entity;
- Using abusive, profane, threatening, racist or sexist language in either public or private messages;
- Use of Technology Resources in an excessive manner so as to deprive others of system use or resources, including the sending of bulk email for other than official City business or forwarding "chain letter" emails of any kind;
- Connecting without authorization to the City network, or any specific software package, utilizing somebody else's security identification login information to gain alternate security permissions;
- Any personal use, even if incidental, that results in expense to the City;
- Usage that violates the guidelines set forth in the Standards of Conduct described in this Manual.

Any employee who violates these policies could be subject to disciplinary action, up to and including discharge. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

## 3.05 OUTSIDE EMPLOYMENT

The primary job for all full-time regular City employees is the position they hold with the City. Due to the high performance and emergency service expectations of City employees, any outside employment must be approved in advance in writing by your Department Director or the City Administrator.

Outside Employment: Employees may engage in another job outside their City employment if the outside job does not conflict with the interests of the City or interfere with the employee's ability to perform the City job. For example, a City police officer could provide security services for a third party during his/her off-duty hours if advance approval from the Department Director was obtained. Specifically, outside activities may not:

1. Interfere with the City job responsibilities;
2. Be conducted during the employee's work hours;
3. Utilize City telephones, computers, supplies, or any other resources, facilities or equipment or imply City support for the outside activities;
4. Involve employment or the provision of consulting services with a firm that contracts with or does business with the City, including employment firms whose work is reviewed or regulated by the City;
5. Involve service in a decision-making or policy-formulating capacity with a public, private, or non-profit agency that receives funds from the City and where the employee has a role in the City to influence such actions; or
6. Be reasonably perceived as a conflict of interest, or raise a reasonable conflict of interest issue, or otherwise discredit the employee's public service.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued and, if necessary, normal disciplinary procedures will be followed to address specific problems.

## 3.06 POLITICAL ACTIVITIES

The City of Oak Harbor employees are free to exercise their Constitutional First Amendment rights and participate in political activities or partisan activities of their choosing, except as noted below.

1. Employees may not utilize City property and resources;
2. Employees may not campaign on City time, in a City uniform or while representing the City in any way;
3. Employees may not allow others to use City facilities or funds for political activities;
4. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public in the regular course of his/her job duties, may not wear or display any button, badge or sticker concerning any candidate or ballot issue during working hours;
5. Employees may not solicit political contributions on City property or City time; and

6. Employees must be respectful of other employees', our customers' and visitors' political beliefs and are advised not to discuss political issues in the workplace during work hours.

## 3.07 INTERACTIONS WITH THE PUBLIC OR MEDIA

All media inquiries should be referred to your Department Director or the Mayor. The Mayor or designee must approve all press releases, publications, speeches or other declarations made on behalf of the City. The Mayor or Department Director may authorize specific employees to respond to media inquiries, either in a particular situation or on an ongoing basis. Unless an employee has received direct authorization to communicate with the media on behalf of the City, the employee shall not respond to media inquires and shall instead refer the inquiry as instructed above.

As a City employee, your interactions with the public or other third parties should be courteous and professional at all times. This expectation even applies in those situations where a member of the public is being discourteous towards you. If you are not sure how to proceed in dealing with a particular individual, you should seek assistance or intervention of a supervisor.

## 3.08 SOLICITATION

Employees may not solicit any other co-worker during work time, nor may employees distribute literature or items in work areas at any time. This encompasses solicitations for the sale of goods or services, or on behalf of charitable groups. The only exception is that employees may engage in occasional passive sales on behalf of charitable, school or community groups (for example, an employee could communicate that he/she is selling fundraising cookies or other items for his/her child, as long as the employee did not actively solicit co-workers to purchase the items). Except for authorized City programs, or unless authorized by the Mayor and/or the City Administrator, individuals not employed by the City are not permitted to enter City premises at any time to solicit, survey, petition or distribute literature.

## 3.09 TOBACCO PRODUCTS

The City of Oak Harbor complies with all applicable federal, state and local smoking in the workplace regulations and provides a work environment promoting productivity and the well-being of all employees.

The City recognizes that use of tobacco in the workplace can adversely affect employees. Accordingly, the use of smoking and smokeless tobacco products are restricted on City premises.

Smoking and use of smokeless tobacco products is prohibited inside all City of Oak Harbor facilities, including City-owned buildings, vehicles, offices or other facilities rented or leased by the City, including

individual employee offices. The smoking policy applies to employees during working time and to customers and visitors while on the City of Oak Harbor's premises.

Smoking is only allowed during breaks and lunch time in designated areas outside City facilities a minimum of twenty-five (25) feet from any entrances, exits, windows that open and ventilation intakes.

Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to their use of tobacco products.

Users of tobacco products have a special obligation to keep smoking areas litter-free and not to abuse break and work rules.

## 3.10 SUBSTANCE ABUSE

The City is committed to providing and maintaining a safe and productive work environment that is free from the adverse effects of drugs, alcohol and other job impairing substances.

This policy applies to all City employees while on the job and to situations where an employee's off-the-job or off-premise conduct impairs work performance or undermines the public confidence in the City. The City's concern is to ensure that employees report to work in condition to perform their duties safely and efficiently in the interest of the City, fellow workers and the public. In addition, various federal and state laws prohibit the possession, distribution, and use of controlled substances, unless in compliance with licensing requirements or a physician's prescription. Violations of federal and state laws may result in legal sanctions, including criminal prosecution.

The City strictly prohibits the manufacture, possession, distribution, sale, dispensing or unlawful use of controlled substances on City property or City work sites. When employees are on the job, they are expected to be physically free from any impairment or substance that would contribute to an injury, property damage, or that would interfere with productivity. They are to be free from illegal drugs or potentially impairing levels of legal substances.

The manufacture, possession, distribution, dispensing, sale or unlawful use of controlled substances on City property or City work sites will be cause for disciplinary action up to and including termination. This will be treated as a criminal matter and referred to law enforcement for investigation and appropriate action. The use of alcohol in City vehicles in strictly prohibited. Alcohol may be permitted on City premises for celebrations or functions, provided that any use has written pre-approval by the Mayor or City Administrator and subject to applicable statues, rules and regulations.

Employees must notify the City within five (5) days of any conviction of an illegal substance or alcohol-related crime. Violation of this policy may result in disciplinary action, up to and including termination.

Use of Medication: The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employees shall have no obligation to inform his or her supervisor or such use, unless the employee has knowledge that the medication is causing or likely to cause an impairment that prevents the employee from performing his or her job safely or effectively. In such cases the employee should notify his or her supervisor so that a determination can be made as to whether it is in the best interest of the City and the employee that the employee work, not work or be reassigned during the period medication is used.

All employees taking prescription medications are encouraged, for safety reasons, to carry the medicines in the original container issued by the pharmacy.

Resources Available for Employees: Employees are encouraged to request confidential assistance through Human Resources or to access diagnostic, counseling and treatment programs such as those provided by the City's Employee Assistance Program (EAP) if dealing with problems of alcohol or substance abuse.

When Job Performance is Affected: Although the City encourages voluntary rehabilitation, disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job, or drug or alcohol use has otherwise impacted an employee's performance.

Any employee who is under discipline and/or pending termination may not be excused as a result of a claim of being a substance abuser. A diagnosed substance abuse problem may not alter the final outcome of a proposed discipline action when an employee fails to seek out the treatment options available prior to the disciplinary or testing process used to support the disciplinary process.

Employees who return to work after treatment may be subject to a performance review plan, as well as additional testing procedures.

If an employee who is tested under "reasonable suspicion" due to work related performance factors returns a positive test result (or a test result showing the presence of illegal drugs or alcohol), the employee may be referred to a physician for a fitness for duty medical examination.

Drug/Alcohol Testing: An employee may be required to submit to appropriate tests, including urinalysis or breath tests, to determine the existence of alcohol or prohibited drugs or substances in the employee's system where the City has a reasonable suspicion that an employee may be under the influence of non-prescribed controlled substances or alcohol while on duty.

Any employee who is ordered under the provisions of this policy and its related procedures to take a "random" or "reasonable suspicion" drug/alcohol screen test and who refused to take the test, will be

considered to have committed an act of insubordination and will be disciplined, up to and including termination.

Employees who dispute positive results may have a second test performed on the original sample at their expense (unless the second test is negative).

Any employee who is rendered unconscious as a result of an accident for an unknown reason will be given a drug/alcohol screen test based on a blood sample taken at the medical facility by a licensed technician.

Employees required to have a Commercial Driver's License are subject to drug and alcohol testing requirements as set forth in regulations issued by the United States Department of Transportation. Those requirements are explained in the City's policy on Commercial Driver's License Standards, which is included in the Appendix to this Manual. In the event of a conflict between this Manual and the Commercial Driver's License Standards policy with regard to an employee required to maintain a commercial driver's license, the Commercial Driver's License policy shall control.

DEFINITIONS

Illegal Drugs: Refers to those drugs listed in Schedule I through V of the controlled Substances Act, or as otherwise classified as illegal by local, state or federal law. Illegal drugs also includes drugs legally prescribed to one person, but used by another, and mood-altering chemicals that can be abused and impair work performance, including glues, solvents and other chemicals.

Prescription Drugs: Drugs legally prescribed to the employee in the original container

Over-the-Counter Drugs (OTC): Refers to non-prescription drugs and remedies commonly sold at retail to treat various medical problems.

## 3.11 VEHICLE USE

The City of Oak Harbor provides vehicles for appropriate City business use, and also reimburses employees for business use of their personal vehicles, according to the following standards. (The term "vehicle" as used in these standards includes, but is not limited to cars, trucks, backhoes, front-end-loaders, graders, and any motorized watercraft.)

Standards Applicable for Use of City Vehicles or Use of Personal Vehicle for City Business: The following standards shall apply to driving on City business, regardless of whether you are using a City vehicle or your personal vehicle.

Operators of City-owned vehicles or recipients of any form of vehicle or mileage reimbursement or allowance shall possess a valid Washington driver's license. Only licensed drivers, 18 years of age or

older, under the employ of the City are authorized to operate vehicles. Operators of vehicles or equipment requiring a special class license (e.g., a Commercial Driver's License) shall possess the appropriate license prior to operating such vehicles or equipment on a public roadway.

Employees who are required to maintain a Commercial Driver's License for their job will be subject to the City's Commercial Driver's License Standards Policy, included in the Appendix to this Manual.

Employees may not drive any vehicle for City business without prior approval of their supervisor. Employees approved to drive on City business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.

Employees who drive a vehicle on City business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, avoid distractions while driving and maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving on City business, and must report the same to their supervisors. The City will pay the cost of the required update physical, test and CDL license.

Under no circumstances should an employee operate a City vehicle or a personal vehicle on City business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness or medication.

Employees shall not operate any City vehicle at any time or operate any personal vehicle while on City business while using, consuming, under the influence and/or in the possession of alcohol beverages or illegal drugs. Further, employees may not operate any City vehicle or personal vehicle on City business when using prescription medications or over-the-counter medications that may affect their ability to drive. The City of Oak Harbor has a zero-tolerance policy prohibiting operators of vehicles from drinking alcohol, consuming illegal drugs, and taking prescription or over-the-counter medications, which may affect their ability to drive or operate equipment. Violation of this section shall result in disciplinary action, up to and including termination.

Use of Personal Vehicle for City Business: In addition to the generally-applicable requirements set forth above, the following shall apply when an employee uses his or her personal vehicle for City Business:

The use of a private vehicle to conduct official City business shall be reimbursed at a rate consistent with the established Internal Revenue Service reimbursement mileage rate where such use has been pre-approved by the City. Use of a personal vehicle to conduct City business within the City limits will not be reimbursed. Employees requesting such mileage reimbursement shall submit mileage reimbursement forms in the form and manner prescribed by the Finance Department. Commute miles (round trip distance between employee's residence and regular place of work) are generally not reimbursable.

Use of City Vehicles: In addition to the above generally-applicable standards and any standard operating procedures or rules established by your Department, the following requirements apply to employee use of City vehicles:

Employees operating City vehicles must promptly report any theft or damage involving a City vehicle to their immediate supervisor, Department Director or the City Administrator regardless of the extent of damage.

City vehicles shall be used for City business purposes only, provided that incidental personal use is permitted for those employees attending City business functions such as conferences, trainings or meetings. Employees who use a City vehicle as part of their regular work may not use their City vehicle for any personal use.~~.~~

Non-employees are prohibited from operating City vehicles. Non-employees may be passengers in City vehicles only when their presence is necessary in connection with City business~~. Non-employees must sign a City waiver before travelling in a City vehicle.~~Passengers who are not City employees must sign a waiver before riding in a City vehicle.

Operators and passengers of City vehicles and equipment shall wear seat belts.

Before driving a City vehicle, the employee should walk around the vehicle to assess general appearance and condition. A City vehicle must not be driven if there is any malfunction that will affect the safety of the vehicle and its occupants. All unsafe conditions (involving lights, brakes, tires, etc.) shall be immediately reported to the designated fleet managers and repaired before the vehicle is driven.

Operators of City vehicles shall keep the interior of vehicles clean. Vehicle operators shall properly remove ignition keys, secure and lock the vehicle any time during which the vehicle is parked an unattended.

City vehicles must not be left running while unattended.

The use of alcohol and lighted tobacco products is prohibited in all City vehicles and equipment.

Taking City Vehicles Home: City vehicles may be assigned on a take-home basis in accordance with the following:

1. Employees who, on a continuous basis, have primary supervisory responsibilities (first call-out) in case of an emergency and whose immediate response is required to save life or property.

2. Employees who are stand-by in case of emergency and who require special tools and equipment carried in their assigned vehicles in order to perform emergency duties.

3. Employees who have an early departure or late return from assigned classes or conferences.

4. Assigned vehicles shall be used only for the conduct of City business.

5. Employees shall not perform any maintenance, including washing or waxing, on City vehicles on off-duty time.

Vehicle Accident Reporting: If an employee is involved in an accident while on City business, the City employee who operated the City vehicle, equipment, or a personal vehicle involved in the accident shall do the following:

1. Notify his or her supervisor immediately.

2. Notify local law enforcement authorities.

3. Remain at the scene of the accident until released by his/her supervisor and/or appropriate law enforcement authority.

4. Obtain names and addresses of the other party or parties involved in the accident and any witnesses.

5. Under no circumstances, give statements or talk with anyone except law enforcement officers and management personnel about the accident at the scene or after leaving the scene, without first obtaining approval from the Department Director.

6. Except otherwise required under this policy, shall not sign or place his/her signature upon any papers or documents related to the accident, except for official police reports and ticket citations, without prior approval from the Department Director.

7. Take photos (if possible).

8. In the event that there is a reasonable suspicion that the employee is under the influence of a controlled substance and/or alcohol, the employee shall submit to a drug and alcohol testing in according with the City's Substance Abuse Policy.

9. If the employee is required to have a CDL and is subject o a the City's Commercial Driver's License Standards Policy, the employee shall submit to post accident and/or other drug and alcohol testing as required under said policy.

10. Complete and submit the Employee Accident/Injury Report and Vehicle Accident Form no later than 48 hours after the accident or upon return to work after the accident. A vehicle accident reporting kit (including accident forms and proof of insurance) is in each City vehicle.

Accident Investigation: In the event that a City employee is involved in an accident while driving a City vehicle, the City will conduct a thorough investigation. Depending on the facts surrounding the accident, the employee may be subject to disciplinary action up to and including termination.

## 3.12 PERSONAL APPEARANCE

It is the City's intent that work attire should complement an environment that reflects an efficient, orderly and professionally operated organization. Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is performed.

In general office environments the City has adopted a business casual dress code but emphasizes that some positions may call for dressier attire at times. If the employee is conducting or attending meetings, seminars, roundtables, etc. where they come in contact with other business professionals, the employee is expected to represent the City in a professional manner and dress appropriately for conducting such business.

All non-uniformed personnel in City departments are permitted to wear casual clothing on Friday of each week. Casual clothing should be free of rips, tears, and stains and may include dress jeans, walking shorts, polo shirts and special community event shirts.

## 3.13 MEMBERSHIP IN COMMUNITY CLUBS AND CIVIC ORGANIZATIONS

The Mayor may identify certain community organizations in which the City desires representation and then designate the employee it will sponsor for membership. Employees who are designated for membership act as City of Oak Harbor representatives in the organization and are expected to promote its interests.

The Mayor will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership.

- The nature and purpose of the club or organization.
- The potential benefit to the City of Oak Harbor, including enhancement of the employee's leadership and organizational skills.
- The cost to the City of Oak Harbor.
- The extent to which the City of Oak Harbor is already represented in the club or organization.
- The employees job responsibilities, length of service and overall qualifications for membership

Employees who are classified as exempt under the Fair Labor Standards Act will be first considered for membership in order to avoid overtime costs to the City.

Employees who are not designated and sponsored for membership in community organizations and choose to participate in such an organization are responsible for their own expenses and time spent at organization events will not be considered hours worked for pay purposes.

## 3.14 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS

The City of Oak Harbor encourages employees to participate in trade and professional associations that promote City goals, individual skill development and professional recognition. However, employee participation in those associations must not conflict with the City's interests and must fit within budgetary constraints.

The City may identify certain trade and professional associations in which representation is desirable and then designate the employees it will sponsor for membership. Employees who are designated for membership act as City of Oak Harbor representatives in the association and are expected to promote its interests and to participate accordingly.

Department Directors are responsible for coordinating representation in trade and professional associations. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:

- The nature and purpose of the association.
- The potential benefit to the City of Oak Harbor, including enhancement of the City of Oak Harbor's reputation.
- Development of the employee's leadership and organizational trade and professional skills.
- Cost to the City of Oak Harbor.
- Extent to which the City of Oak Harbor is already represented in the association.
- Employee's job responsibilities, length of service and overall qualifications for membership.

The City of Oak Harbor will pay or reimburse the approved and reasonable expenses of the employee sponsored for membership in such associations. An employee not sponsored for association membership may be eligible for reimbursement of expense with prior written approval of the Department Director.

Employees must request the Department Director's approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.

Employees are encouraged to contribute articles, present papers and speeches to trade and professional associations. Employees must obtain prior approval from the Law Department for any communication that might represent the position of the City of Oak Harbor or involve information that is confidential.

# Hours of work and compensation

## 4.01 ATTENDANCE AND PUNCTUALITY

Regular attendance and punctuality are important parts of your responsibilities as a City employee. You are to work the hours scheduled by your supervisor. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

Employees unable to report to work on time should notify their supervisor as soon as possible ordinarily before the workday begins or within thirty (30) minutes of the employee's usual starting time. Non-exempt employees who are delayed in reporting for work more than thirty (30) minutes and who have not notified the Department Director of their expected tardiness may lose the right to work the balance of the work day.

Employees must report to the Department Director after being late or absent and provide an explanation of the circumstances surrounding the tardiness or absence and, when applicable, certify they are fit to return to work.

Employees who are frequently away from the premises for business reasons should inform their Department Director of their whereabouts during working hours.

An absence is considered to be unauthorized if the employee has not followed proper notification procedures, or the absence has not been pre-approved.

## 4.02 JOB ABANDONMENT

Employees who are absent from work for three (3) consecutive days without providing proper notice to the City of Oak Harbor will be considered to have abandoned their job. At that time, the City of Oak Harbor will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

## 4.03 HOURS OF WORK AND SCHEDULING

For purposes of the Fair Labor Standards Act and the Washington Minimum Wage Act, the City of Oak Harbor recognizes a forty (40) hour work week, Monday through Sunday, for all regular employees, except Police and Fire Department employees.

The normal workday generally consists of eight (8) hours. Individual departments may establish work hours that meet the need of their particular duties. Different work schedules, such as in the case of

Police, Fire and Public Works employees, may be established by the City to provide necessary City services.

An employee's scheduled work hours will be determined by his/her Department Director or designee. The Department Director or designated supervisor will inform employees of their daily work schedule, including meal periods/rest breaks and any changes that are considered desirable by the City.

Employees may request an alternative work schedule on a temporary or ongoing basis, provided such an alternative work schedule shall not result in overtime liability to the City. The supervisor and Department Director will determine if the requested schedule will adversely impact operational needs or otherwise be inconsistent with the City's interest. Alternative work schedules must be approved in writing by the Department Director. Approval may be withdrawn in the event it is determined that the arrangement is not in the City's best interest.

Managers and supervisors also have discretion to require alternative work schedules where necessary to meet operational needs.

## 4.04 OVERTIME

In accordance with state and federal law, the City pays employees who have a non-exempt status (that is, who are eligible for overtime pay) overtime for all hours worked in excess of 40 hours during the workweek. Paid time off excluding holiday pay, for the purposes of this policy, is not included as hours worked for overtime pay calculations. Non-exempt status is determined by legal standards based on the tasks and responsibilities associated with a job. Each employee will be informed of their status at the time of hire. Questions about exempt or non-exempt status should be referred to Human Resources.

Department Directors may schedule overtime or extra shifts, as needed. Employees are not permitted to work overtime without prior approval of their Department Director. In extraordinary circumstances justified by unforeseen conditions, an employee may work overtime without prior approval, so long as the Department Director or designee approves the overtime in writing no later than end of business the next business day.

Overtime for exempt employees is regarded as part of the job requirements and will not result in additional compensation.

Call-Back Pay: Non-exempt hourly employees normally will be granted a minimum of two (2) hours "call-back pay" for call-back work, i.e., irregular or occasional overtime work performed by an employee on a day when no work is scheduled, or at a time that requires the employee to return to work from an off-duty status.

Compensatory Time Off: In lieu of overtime pay, full-time non-exempt employees may request to receive compensatory time off (comp time) in lieu of overtime, at the same rate that the overtime hours a due (usually 1.5 times hours worked). Request for compensatory time must be approved by the Department Director. The maximum amount of compensatory time that an employee may accrue is 160 hours. Once an employee has reached that accrual level, overtime compensation will be paid for any overtime hours worked.

Election of comp time in lieu of overtime is with the following understanding:

- Comp time generally cannot be carried over and must be used in the calendar year in which it was earned.
- Comp time still on the books at the end of the calendar year will be paid as overtime instead.
- Employees may request to carryover comp time if the employee has a scheduled and approved leave for which the employee has no other accrued leave (sick or vacation) to cover the absence in the following year.
- Comp time must be used before vacation leave and leave without pay (or converted to overtime).

## 4.05 MEAL AND BREAK PERIODS

Full-time employees are allowed an unpaid meal period which must be taken between two (2) and five (5) hours after the start of the work shift. Meal periods shall be sixty (60) minutes, unless otherwise approved by the Department Director. Part-time employees scheduled to work more than five (5) consecutive hours during any workday will receive a meal period of the same duration as full-time employees in their department.

Employees required to work more than ten (10) hours in any workday will be allowed a second meal period no later than six (6) hours after returning from their first meal period.

Non-exempt employees are entitled to a paid fifteen-minute break for every four hours of working time. Department Directors are responsible for scheduling time for non-exempt employee's break periods. Where the nature of the work allows employees to take intermittent rest periods equivalent to fifteen minutes for every four hours, scheduled rest periods are not required.

Time spent on breaks will be compensated as work time. However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness.

Employees are required to take their breaks and are not permitted to use break time to lengthen their meal period or shorten their work day.

## 4.06 INTERIM/OUT-OF-CLASS ASSIGNMENTS

The City of Oak Harbor may authorize interim/out-of-class assignments to cover operational needs or absences. Interim/out-of-class assignments provide valuable on-the-job training and continued performance of critical workload.

Interim/out-of-class assignments will be assigned in advance and in writing by the Department Head. If an employee is working an interim/out-of-class assignment that will be in effect for more than fifteen (15) consecutive days, beginning on the sixteenth (16th) consecutive day of the assignment, the employee will receive a wage premium of no less than three percent (3%).

Interim/out-of-class assignments are limited to ninety (90) business days. Extensions require approval by the Mayor or City Administrator.

## 4.07 TIME RECORDS

Maintaining accurate time records is essential in computing employee pay and overtime, ensuring compliance with applicable laws and regulations, and generating accurate cost and leave information. Each employee is responsible for completing and submitting his or her own time sheet in a timely manner. The City provides standard timesheets for exempt and non-exempt employees.

Employees shall turn in vacation approvals and scheduled sick leave approvals along with the timesheet for the pay period in which the vacation or scheduled sick leave was taken.

## 4.08 PAY PROCEDURES

Employees are paid twice monthly, on ~~the first (1st) last day and~~ the fifteenth (15th) and the last day of each month. ~~In the event a payday falls on a Saturday, employees will be paid on the preceding Friday; if the payday is on a Sunday, employees will be paid on the following Monday. If a payday falls on a holiday, employees will typically be paid the workday preceding the holiday, unless the holiday falls on Monday, in which case paychecks will be provided the following Tuesday.~~ If a regularly scheduled payday falls on a Saturday or Sunday, paychecks will be distributed on Friday. If a payday falls on a holiday, paychecks will be distributed on the regularly scheduled working day prior to the holiday.

The City will withhold from the employee's paycheck those deductions required by law, as well as any voluntary deductions authorized by the employee and approved by the City Administrator. The City will resolve payroll errors promptly.

Employees who discover a mistake on their paycheck, lose their paycheck or have it stolen shall notify the Finance Department immediately.

Employees who repeatedly lose or destroy their paychecks, or fail to cash them, may be required to authorize payment by direct deposit.

All non-exempt employees are required to complete an individual time record showing the daily hours worked. The following points should be considered when filling out time records:

1. Non-exempt employees shall record their total hours worked for each workday.
2. Non-exempt employees are not permitted to sign in or begin work before their normal starting time, or to sign out or stop work after the normal quitting time, without prior approval of their Department Director.
3. Non-exempt employees are required to take scheduled meal periods and scheduled or intermittent breaks.
4. Employee time records shall be checked and signed by the Department Director involved.
5. Unapproved absences shall not be considered hours worked for pay purposes.
6. Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions.

## 4.09 SALARY ADMINISTRATION

The City of Oak Harbor's Position Classification Plan is designed to pay salaries that are internally equitable. It is also the policy of the City to pay salaries that reflect the market for each classification and be commensurate with the compensation paid at comparable municipal governments in Washington State, within budget limitations and with full consideration of the public's interest. However, all compensation policy decisions must take into consideration the City of Oak Harbor's overall financial condition and competitive position.

The Position Classification Plan will be reviewed by Human Resources every two years and submitted to city council for consideration as part of the biennial budget cycle.

Reclassification: Classification reviews of specific positions will be performed by Human Resources when requested by the Department Director. It is the Department Director's responsibility to ensure that each of his/her employees is properly classified and receiving proper salary. When an employee is performing work outside of his/her classification at least sixty percent (60%) of the time, the employee's Department Head should initiate appropriate action, including possible reclassification. If an employee

believes they are working outside of their classification at least sixty percent (60%) of the time, they should contact their Department Director.

## 4.10 REIMBURSEMENT OF BUSINESS EXPENSES

Travel Expenses: From time to time, City employees may be required to travel away from the City in connection with City business or training opportunities. Department Directors must approve overnight travel in advance. Travel may be by common carrier, City vehicles, or personal vehicles, as approved by the Department Director. Pooling of travel in passenger cars should be used whenever possible.

City employees will be reimbursed for reasonable and customary expenses incurred in connection with the business of the City, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages.

Mileage reimbursement will be in accordance with the then-current reimbursement rate established by the IRS.

Expenses for lodging, meals, parking and other travel-related expenses must generally be supported with legible original detailed receipts, and must be signed by the employee and Department Director.

Employees who will be travelling overnight ~~must~~ are required to submit Travel Advance form to the Finance Department. Travel advances will be paid using current per diem rates.

For detailed information on travel restrictions and reimbursements employees should refer to the "Travel Policy" which is kept by the Finance Department.

Other Work-Related Expenses: The City will reimburse employees for reasonable work-related expenses, such as long-distance or cellular phone calls for City business. Expenses should generally be approved by your supervisor, and must be supported by actual documentation. Employees should submit expense reimbursements to the Finance Department.

## 4.11 ADVERSE WEATHER, EMERGENCIES, AND NATURAL DISASTERS

In the event of inclement weather, an emergency or natural disaster, the City must continue to provide essential public services. Therefore, employees must make every reasonable effort to report to work if they can do so without endangering their personal safety or the safety of employee family members. An employee who is unable to get to work or leaves work early because of unusual weather or other conditions may charge the time missed to vacation, sick leave, compensatory time or use their floating holiday. If an employee has no leave available, he/she will be place on leave without pay status for the time missed.

During periods of inclement weather, emergency or a natural disaster, employees may be assigned emergency services work schedules other than their normal work assignments, and/or may be assigned to perform duties other than their regular duties.

If, due to inclement weather, emergency or natural disaster, the City determines either to send employees home before the conclusion of their workday or not to have employees come to work, the employees will be paid their normal rate of pay for their regularly scheduled hours for that day.

Non-exempt employees who are required to perform essential services when the City is otherwise closed will receive overtime at the rate of time and one half hours worked. Employees may request compensatory time in lieu of overtime. Department Directors will identify essential non-exempt employees.

# benefits and insurance

## 5.01 HEALTH AND WELFARE BENEFITS

The City of Oak Harbor provides a comprehensive benefits package to employees, subject to eligibility requirements. Benefits generally include insurance coverage for medical, dental and vision, as well as an employee assistance program (EAP), life and disability insurance and a flexible spending account under which employees can take pre-tax deductions for heath care and dependent care expenses. The benefit programs and eligibility information will be explained upon hire, complete information about the benefit programs can be found in the Summary Plan Descriptions provided to employees. If you lose or misplace those Summary Plan Descriptions or have questions regarding benefit programs, please see Human Resources. Represented employees should also refer to their union contract for health insurance and other information.

Benefit programs, coverages and cost-sharing are subject to change from time to time based on insurance market conditions, City resources and changes in applicable labor laws.

Coverage for Spouses, Domestic Partners and Dependents: Employees are entitled to obtain insurance coverage under the City's health insurance programs for their spouse or domestic partner, as well as any dependents, subject to any cost-sharing and eligibility requirements.

Employees who want to obtain coverage for a spouse or domestic partner will need to complete an affidavit of marriage or domestic partnership. Employees should contact the Accounting Technician – payroll for appropriate forms.

Benefits Eligibility for Regular Part-time Employees: Employees who work twenty (20) hours per week are eligible for employee health care coverage, but must pay for spouse, domestic partner and dependent health care coverage. Employees who work thirty-two (32) hours or more but less than forty (40) hours per week on a regular basis are eligible for partial payment of spouse, domestic partner and dependent health care coverage.

Employee Assistance Program: Employees will be provided with an EAP brochure that provides information on services offered and contact information. All employees are encouraged to use this program as well as local community resources. The EAP Assessment Counselor can aid the employee in determining what benefits are covered by insurance, or available based on a "sliding fee" basis. If an employee requires in-patient treatment for a substance abuse or other problem, the EAP Assessment Counselor will work with the employee and the City to arrange for benefit coverage, use of leave, treatment and possible return to work.

Voluntary use of the EAP by any employee prior to the initiation of performance counseling or disciplinary action, or who is referred to the program by a Department Head, will not be reflected in the employee's personnel file, nor will the use in any way affect promotions or assignments, provided the employee has demonstrated compliance with any treatment and return to work plans.

No employee who is ordered for assessment and requires in-patient treatment of any kind will be allowed to return to work without first signing and abiding by the conditions of a "Reinstatement Agreement". The City of Oak Harbor requires written documentation of successful attendance and completion of any approved follow-up program. All documentation of this nature will be treated as confidential.

## 5.02 COBRA

In compliance with COBRA (the federal Consolidated Omnibus Budget Reconciliation Act), the City offers continuing group health care coverage on a self-pay basis to employees and/or dependents when a "qualifying event" would normally result in a loss of eligibility. Some common qualifying events are termination (for reasons other than gross misconduct), a reduction in hours affecting coverage, divorce or legal separation, retirement or death. Depending on the qualifying event, continuation coverage may be available for 18 months or 36 months, or until the affected party becomes eligible for other employer-provided health insurance coverage, whichever occurs first. Generally, the full policy premium must be paid by the employee or beneficiary in order to ensure COBRA continuation coverage.

Employees will be provided with information describing COBRA rights, including eligibility for any subsidy, upon termination or when the City learns that a qualifying event has occurred. If you desire further information regarding COBRA, or if you anticipate a change in your job or family status that may affect benefits eligibility qualify as a COBRA "event" please contact Human Resources.

## 5.03 RETIREMENT BENEFITS

All City employees in eligible positions are required to participate in the State of Washington's retirement systems (PERS or LEOFF). Eligibility will be reviewed at time of hire, and will be reviewed periodically as required. Participating employees shall pay any required contributions through payroll deduction. The City shall also make appropriate contributions as required by state law. You can find further details or possible changes to state retirement systems by accessing the Washington Department of Retirement Systems website at www.drs.wa.gov.

In addition to the state retirement systems, the City offers a choice of two deferred compensation 457 plans, under which employees may make tax-deferred contributions toward retirement. Employees should contact the Accounting Technician – Payroll for details.

## 5.04 OTHER MISCELLANEOUS BENEFITS

To enhance your employment experience with the City, the City will consistently strive to make available a range of benefits and incentive programs for employees, such as additional life insurance, supplemental insurance (e.g., short-term disability), continuing education and wellness programs. Information regarding programs currently being offered by the City can be found in the Appendix of this Manual. Information regarding the terms and availability of these programs will be updated from time to time. Please see Human Resources if you are not sure whether you have the most current information regarding available programs.

## 5.05 WORKERS' COMPENSATION INSURANCE

All eligible employees are covered by the state workers' compensation (Industrial Insurance) program. For qualifying cases, state Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illness.

All job-related accidents or illness should be reported immediately to the supervisor. The Supervisor shall be responsible for directing the employee to get medical treatment, if necessary, and shall report the injury/illness to Human Resources. When an employee is absent for one (1) or more days due to an on-the-job accident or injury he/she is required to file a claim for Workers' Compensation.

Unless otherwise required by law or contract, the process for workers' compensation time loss payment/reimbursement will be as follows: if the job-related injury or illness requires the employee to be absent from work, the time the employee is unable to work will be charged to sick leave. At the option of the employee, when and if his/her sick leave is exhausted, compensatory or accrued vacation leave may be used pending receipt of workers' compensation benefits.

Coordination of Benefits: When an employee receives workers' compensation benefits, the employee is required to repay to the City the amount covered by workers' compensation and previously advance by the City (via sick leave or other accrued leave). This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability as long as accrued sick or other leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon repayment of funds advanced, the appropriate amount of leave used by the employee will be restored to the employee's account. Any failure by the employee to notify the City of an overpayment of benefits resulting from payment of both City provided leave and Workers' Compensation benefits, or failure to arrange for prompt repayment of City provided leave to the City, once Workers' Compensation benefits for that same period have been paid, will be grounds for discipline up to an including termination.

Continuation of Insurance Coverage: An employee on leave and receiving Worker's Compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The City will

determine the six (6) month beginning date. The City will also continue to pay the employer's portion of the employee's health insurance premiums, provided the employee continues to pay his/her share of premiums, if any. After six (6) months, the employee's health benefits shall cease unless the City Administrator approves an extension. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Worker's Compensation benefits.

Return to Work: In the event of an injury, the City will coordinate with the attending medical care provider to return the injured employee to work as soon as is medically possible. To the extent required by law, the City will provide reasonable accommodation, including temporary reassignment to light duty tasks (if available), in consultation with the employee's medical care provider while the injured employee is recovering.

The City may require an employee to submit to a City-paid medical examination performed by a physician selected by the City, to determine if an employee can return to work and whether the employee is or will be capable of performing the essential duties of the position.

## 5.06 FAMILY AND MEDICAL LEAVE

Recognizing the importance of family and out of concern for the well being of its employees, the City of Oak Harbor family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This policy shall be administered in accordance with the federal Family and Medical Leave Act (FMLA) and the State Family Leave Act. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy.

Eligibility: This family and medical leave policy shall apply to regular employees who have been employed by the City at least 12 months and have worked at least 1,250 hours in the preceding 12 months.

Leave Entitlement: An eligible employee may request up to twelve (12) weeks of FMLA leave per "leave year." The city defines the leave year as the rolling twelve-month period measured forward from the date an employee first uses FMLA leave. FMLA leave may be used for the following reasons:

- To care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care; or
- To care for a spouse, child or parent who has a serious health condition; or
- To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal care or childbirth); or

- For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration debriefings.

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the City are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child or spouse with a serious health condition, or for either employee's own serious health condition.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured servicemember who is the employee's spouse, parent, child or next of kin. A covered servicemember is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

Serious Health Condition: A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential care facility;
- A period of incapacity of more than three (3) full, consecutive calendar days from work, school, or other regular daily activity that also involves continuing treatment by (or under the supervision of) a health care provider;
- A period of incapacity due to pregnancy or for prenatal care;
- A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple

treatments for restorative surgery after an accident or injury for a condition that would likely result in an incapacity of more than three (3) full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

Intermittent or Reduced Work Schedule Leave: In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

Notice and Certification: Employees who want to take FMLA ordinarily must provide the City with at least 30 days' notice of the need for leave, if the need for lease is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practicable (which is generally the same day or next business day after the need for leave becomes known). Absent unusual circumstances, employees are required to follow the City's regular procedural requirements when requesting FMLA leave. When requesting leave, employees must provide sufficient information for the City to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

When leave is requested in connection with a planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City's operations.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition. The City may require a second or third opinion (at the City's expense), periodic recertifications of the serious health condition and, when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper medical certification.

Please contact Human Resources to obtain forms relating to FMLA leave requests.

Continuation of Pay and Benefits: FMLA leave is unpaid leave. However, employees are required to use any accrued sick leave available to them as part of their 12 weeks of FMLA leave. Use of vacation leave during an unpaid FMLA leave is at the employee's option. Determination of applicability of accrued leave time or leave without pay to be used during an FMLA leave of absence will be made by Human Resources and communicated to the employee as soon as possible following receipt of the leave request.

During all leave under this family and medical leave policy, the City will continue to pay the employer's portion of health care insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City for the employer portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave. If an unpaid leave extends more than half (1/2) a month, vacation, holiday and sick leave will not be accrued.

Job Restoration Upon Return From Leave: Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

Leave for Pregnancy Disability and to Care for a Newborn: In addition to leave under the federal FMLA described above, state law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled to Pregnancy Disability leave for a period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverages at her expense.

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlements to 12 weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with

FMLA leave. However, the FLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee time to care for her newborn once she has recovered from Pregnancy Disability. For example, an FMLA and FLA-eligible employee works up to her delivery date, and needs six weeks of Pregnancy Disability leave to recover from childbirth. This six-week period is also covered by FMLA leave. At that point, where the employee is no longer disabled from childbirth, the employee also has up to 12 weeks of FLA leave available to care for the newborn. The remaining six weeks of FMLA leave would run concurrently with the FLA leave. Thus, the total leave entitlement in this case would be 18 weeks: six weeks of Pregnancy Disability leave (running concurrently with the first six weeks of FMLA leave) followed by 12 weeks of FLA leave (running concurrently with the remaining six weeks of FMLA leave).

For more information on any of these leave policies, or if you think you may need to take a Family Medical Leave, please contact Human Resources.

## 5.07 OTHER UNPAID LEAVE

Subject to operational and other considerations, the Mayor or the City Administrator may grant a leave of absence without pay. Generally, any available accrued leave must be exhausted before unpaid leave will be approved. Only in exceptional circumstances will unpaid leave be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation or a personal family emergency requiring the employee to spend considerable time away from work.

## 5.08 ADMINISTRATIVE LEAVE

On a case-by-case basis, the Mayor or City Administrator may place an employee on Administrative Leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interest of the City of Oak Harbor, as determined by the Mayor or City Administrator, pending an investigation or other administrative proceedings.

While on paid Administrative Leave all employer contributions to employee benefits will continue and the employee's share shall be provided to maintain benefits in place prior to the employee being placed on Administrative Leave.

Administrative Leave in itself is not a disciplinary action but in some circumstances may be used by the City to investigate a complaint that may lead to disciplinary action.

## 5.09 BENEFITS DURING LEAVE

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement and health insurance benefits. Unless stated otherwise in these polices, an employee's benefits (including health insurance and leave accruals) will be suspended during any period of unpaid leave that extends longer than half (1/2) a month. In certain cases, self-payment of insurance premiums may apply (see COBRA information).

## 5.10 JURY DUTY

Employees who are required by law to render jury service will be granted time off with pay for up to two (2) weeks each time they are called for jury service. In general, if the jury duty extends beyond two (2) weeks, the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two (2) weeks should contact the City Administrator to discuss if further paid leave will be provided.

Employees should notify their supervisor as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided upon request. If an employee is summoned for jury service during a critical work period, the City may ask the employee to request a waiver from duty; in such cases, the City will provide documentation supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four (4) hours during jury duty where the employee is not required to report to the court.

Payment received from the courts for service during paid jury duty leave must be paid to the City if the employee received paid time off for the jury duty from the City. Expense reimbursements such as mileage do not need to be paid to the City.

Witness Duty: Employees subpoenaed to testify in court are allowed time off for the period they serve as a witness. In general, witness duty is unpaid unless the City, in a case involving the City, calls the employee as a witness. Employees can use vacation, floating holiday, compensatory time or leave without pay to account for these hours. The salary of exempt employees will continue only for absences of less than a full-day, unless the employee is called as a witness for the City, as noted above.

## 5.11 MILITARY LEAVE

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military leave will have

whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

Paid Leave of 21 Days Per Year: Under Washington Law, a public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1st and ending the following September 30th. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military training. Military leave beyond the 21 days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of their need to report for military duty, and provided their supervisor with a copy of their orders.

## 5.12 VACATION

Full-time regular employees will accrue paid vacation time on a monthly basis. The rate of vacation accrual, which may be adjusted from time to time, is set by the biennial salary ordinance. The present rate is set forth below.

| Years of Employment | Vacation Hours Earned | Maximum Accrual of Hours Earned |
|---|---|---|
| 0 - 5 years | 96 hours/year | 192 hours |
| 6 - 10 years | 120 hours/year | 240 hours |
| 11 - 15 years | 159.96 hours/year | 319.92 hours |
| 16 - 20 years | 180 hours/year | 360 hours |
| 21 + | 199.92 hours/year | 399.84 hours |

Part-time employees who work twenty (20) hours or more per week are eligible to accrue paid vacation on a pro rata basis on their percentage of full-time employment. For example, a part-time employee who regularly works 75 percent of a full-time schedule will accrue vacation hours equal to 75 percent of what a full-time employee would earn. Full-time employees who are on a temporary schedule change to Part-time for more than one half (1/2) month will have their vacation accruals adjusted to their part-time percentage. Should a full-time employee be on a temporary schedule change to part-time at less than twenty (20) hours per week for more than one half (1/2) a month, the employee will not be eligible to accrue vacation leave. Part-time employees working less than twenty (20) hours per week and temporary employees do not receive paid vacation.

Employees may accrue no more than the maximum accrual, according to their years of employment, as set forth in the applicable salary ordinace. Employees whose vacation balance exceeds the maximum accrual will cease earning vacation benefits until the vacation balance falls below the maximum accrual. In extraordinary circumstances, the Mayor may grant approval for an employee to carry over the excess accrual. Request for carryover must be pre-approved in writing.

All vacation leave shall be taken at a time mutually agreeable to the employee and his or her supervisor. The City reserves the right to deny requested vacation leave when such leave would interfere with the operations of the City or create an adverse impact on the completion of work.

Employees should submit vacation requests to their Department Head or designee(s) at least two (2) weeks in advance of the requested start date of the leave.

The city will not "advance" employees paid leave before it has been accrued. Accrued but unused vacation will be paid out to an employee upon separation from employment with the City.

## 5.13 SICK LEAVE

Full-time regular employees and part-time employees who are regularly scheduled to work twenty (20) hours or more per week will accrue paid sick leave on a monthly basis. For full-time employees' sick leave will be earned at the rate of eight hours per month. Part-time employees who work twenty (20) hours or more per week will accrue sick leave on a pro-rata basis based on their percentage of full-time employment. For example, a part-time employee who regularly works 75 percent of a full-time schedule will accrue 6 sick leave hours per month (75 percent of the full-time entitlement of 8 hours). Full-time employees who are on a temporary schedule change to Part-time for more than one half (1/2) month will have their sick leave accrual adjusted to their part-time percentage. Should a full-time employee be on a temporary schedule change to part-time at less than twenty (20) hours per week for more than one half (1/2) a month, the employee will not be eligible to accrue sick leave.

The maximum sick leave that may be accrued for employees employed after October 20, 1998 is 1,440 hours. Part-time employee's maximum accrual will be prorated in accordance with the employee's full-time equivalent. If an employee's FTE is reduced, his/her sick leave accrual will be frozen until the usage reduces the balance to the adjusted number of hours.

Employees hired after October 20, 1998 are not compensated for earned but unused sick leave when their employment with the City is terminated. Employees hired before October 20, 1998 are eligible for a sick leave buy-out, subject to the maximum set for the in the following guidelines.

| Years of Service | Sick Leave Buy-Out |
|---|---|
| After 5 | 10% of accumulated leave |

| | |
|---|---|
| After 10 | 25% of accumulated leave |
| After 15 | 35% of accumulated leave |
| After 20 | 45% of accumulated leave |
| After 25 | 50% of accumulated leave |
| After 30 | 60% of accumulated leave |

Sick leave may be used for the following purposes:

- Personal illness or incapacity of the employee;
- Forced quarantine of the employee by a public health official;
- ~~Serious~~ Iinjury or illness of a member of the employee's household;
- To attend the birth of the employee's child;
- Maternity leave;
- Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably b scheduled during off-duty time
- For any purpose described in the Family Care policy as set forth below.

The City shall be entitled to request medical or other documentation to verify the appropriate use of sick leave. A doctor's note will typically be required when an employee is absent for three (3) or more consecutive days, or in other situations as deemed appropriate by the City (i.e., pattern absences on Fridays and/or Mondays). Notwithstanding a sick leave balance, the City may terminate an employee who is habitually absent due to illness or disability if their condition cannot be reasonably accommodated in light of job duties and operational considerations. Reasonable accommodation may include consideration by the City of retraining or reassignment.

## 5.14 USE OF ACCRUED LEAVE TO CARE FOR SICK FAMILY MEMBER

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave (whether vacation, sick leave, comp time, or floating holidays) that they have available for their own use in order to care for their child, spouse, parent, parent-in-law, domestic partner, or grandparent. This policy reflects requirements for all employees under state law, and therefore represented and non-represented employees alike.

An employee may use available paid time off to care for his/her child where the child has a serious health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical or immunization services).

An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition", which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility;
- Resulting in a period of incapacity or treatment or recovery following outpatient care;
- Involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e., demanding immediate action).

Where the need for family care leave is unexpected, the City understands that advance approval of the use of leave (as required for certain kinds of leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to require verification or documentation confirming that a family member has or has had a "serious or emergency" health condition when available leave is used to care for that family member.

## 5.15 HOLIDAYS

The City of Oak Harbor provides paid time off for 11 holidays per year for regular full-time employees and part-time employees regularly scheduled to work twenty (20) hours or more per week. The holidays observed by the City are:

| | |
|---|---|
| New Year's Day | January 1st |
| Martin Luther King, Jr.'s Birthday | 3rd Monday in January |
| President's Day | 3rd Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4th |
| Labor Day | 1st Monday in September |
| Veteran's Day | November 11th |
| Thanksgiving Day | 4th Thursday in November |
| Day after Thanksgiving | 4th Friday in November |
| Christmas Day | December 25th |

| | |
|---|---|
| 1 Floating Holiday | See below |

Eligibility and Pay: In order to be eligible for a holiday, an employee must be in a paid status on the regular workdays immediately preceding and immediately following the scheduled holiday. A new employee will be eligible for a floating holiday on their first day of employment. Full-time regular employees will receive eight (8) hours of pay for the holiday (unless an alternative approach is established in a written agreement regarding an alternative work schedule). Part-time regular employees who are regularly scheduled to work twenty (20) hours or more per week will receive holiday pay on a pro-rated basis.

Floating Holidays: A floating holiday will be chosen by mutual agreement of an employee and his/her supervisor. A floating holiday must be taken in the same calendar year it is earned. At the end of the year unused floating holiday hours are forfeited, with the exception of an employee who requested a floating holiday and the request was denied. Unused floating holidays cannot be cashed out at termination.

The City of Oak Harbor recognizes some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City's regular holiday schedule. Employees may use their accrued leave, excluding sick, or leave without pay for such occasions.

## 5.16 COMPASSIONATE LEAVE

All regular full-time employees and part-time employees regularly scheduled to work twenty (20) hours or more per week will be granted limited paid leave in the event of a death in the employee's immediate family.

"Immediate Family" for purposes of compassionate leave includes the employee's parents, spouse, certified domestic partner, child, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild or other relative who lives in the employee's home.

An employee may be granted a paid leave of absence not to exceed five (5) working days, upon approval of the Department Director or Mayor. If necessary for health or travel, an additional five (5) days of leave may be charged to the employee's sick leave, upon approval of the Department Director or Mayor.

Regular part-time employees who are scheduled to work twenty (20) or more hours per week are eligible to receive compassionate leave on a pro rata basis (for example, a part-time employee working twenty (20) hours per week would be eligible for one-half (1/2) the paid time-off a full-time employee receives).

When requesting compassionate leave, employees should inform their Department Director as to who died and the date of death. Proof of death and/or relationship may be required by Human Resources.

# Acknowledgement of receipt of employee manual

I have received the City of Oak Harbor Employee Policy Manual and understand that it is my responsibility to read these policies and ask questions about anything I do not understand.

I acknowledge that these policies are general guidelines only. They do not promise specific treatment in specific circumstances, they do not create an employment contract either express or implied, and they do not guarantee employment for any length of time with the City. While I understand that the Employee Policy Manual does not amount to a contract, I understand it contains policies that are very important to the City's ability to provide a lawful and respectful work environment. I have reviewed the policies in the Manual – including but not limited to the policies regarding unlawful harassment, workplace violence, safety, substance abuse and electronic communications – and I agree to comply with those policies. I understand that violation of City policies may result in discipline, up to and including discharge, subject to legal and collective bargaining agreement requirements.

I acknowledge that the City must be flexible in responding to the needs of the public or changes in the law, and that the City has therefore reserved the right to revise, supplement, clarify, deviate from or rescind any policy or portion of a policy when deemed appropriate by the City and in accordance with any applicable collective bargaining obligations. I acknowledge that no elected official, supervisor, manager, or representative of the City ~~other than the Mayor or City Administrator~~ has the authority to make any written or verbal statements or representations that are inconsistent with these policies.

I know that if I am covered by a union contract, that contract will control in the event of any conflict with the policies in this Employee Policy Manual and that the union contract is the exclusive source of information regarding my benefits with the City.

_____ _____

Employee Signature Print Name

_____

Date

# APPENDIX A

## EEO DISCRIMINATION COMPLAINT PROCEDURE

### I Introduction

### A. PURPOSE

The purpose of the EEO Discrimination Complaint Procedure (hereinafter referred to as the "Procedure") is to promote equal employment opportunities for City employees by providing a means for internal resolution of sexual harassment complaints, and/or discrimination complaints which are based on age, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability.

### B. ELIGIBILITY TO UTILIZE THE PROCEDURE

The Procedure may be used by all City employees.

### C. USE OF OTHER PROCEDURES

An employee may use either the Employee Grievance Procedure, if applicable, or the EEO Discrimination Complaint Procedure; however, an employee shall not be entitled to use both procedures for the same complaint. Use of the Employee Grievance Procedure or the EEO Discrimination Complaint Procedure shall not preclude an employee from filing a complaint with the Equal Employment Opportunity Commission.

### D. ADMINISTRATION OF THE PROCEDURE

The Human Resources Manager shall be responsible for administration of the Procedure to assure compliance therewith. Any interpretation of the Procedure shall be reviewed and approved by the City Attorney or his/her designee prior to its issuance.

E. ASSURANCE OF CONFIDENTIALITY

The identity of the Complainant, and all records developed during the investigation of the complaint, shall be considered confidential and shall not be released unless otherwise required by law.

## II Definitions

For purposes of this Procedure, the following terms shall have the definitions set forth below:

A. DISCRIMINATION

The demonstration of bias, whether intended or not, against an employee with respect to the terms and conditions of his or her employment on the basis of the employee's sex, age, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such bias may be demonstrated by the actions of another employee, of a non-employee, or by the application of a City, departmental, divisional or other policy, practice, or procedure to an employee or group of employees.

B. SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
2. Submission to, or rejection of, such conduct by an employee is used as a basis for employment decisions affecting such employee; or
3. Such conduct has the purpose ~~of~~ or effect ~~or~~ of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive working environment.

C. COMPLAINANT

The City employee who files a complaint of discrimination and/or sexual harassment.

D. RESPONDENT

The individual named in the discrimination and/or sexual harassment complaint as having taken the action which is the basis for the complaint, or the individual responsible for drafting and/or implementing an allegedly discriminatory policy, practice or procedure.

## III Informal Procedure

The Complainant is encouraged to discuss the complaint with the Respondent. Human Resources staff may be present during such discussions if either party requests such presence. If either the Complainant or the Respondent does not agree to discuss the complaint informally, or if the parties are unable to resolve the complaint through informal discussion, the Complainant may proceed to the formal procedure. (See Section IV)

## IV Formal Procedure

A. FORMAL COMPLAINT

An employee who has a complaint of discrimination and/or sexual harassment may initiate a formal complaint by submitting a written statement to Human Resources or by signing a written statement prepared by Human Resources based upon information provided by the Complainant. The written statement shall include the following information:

1. A description of the action, policy, practice or procedure upon which the complaint is based;
2. If the complaint is based on an action(s), the date(s) and time(s) thereof;
3. The name of the Respondent;
4. The nature of the alleged discrimination or sexual harassment;
5. A statement regarding whether or not the Complainant has informally discussed the matter with the Respondent or supervisor; and, if so, the results of the discussion(s); and
6. A statement regarding whether or not the Complainant has filed a separate grievance through another City procedure(s) or has filed a charge of discrimination with the EEOC.

B. TIME FRAME FOR FILING A COMPLAINT

When the complaint involves an action, the complaint shall be submitted to Human Resources within thirty (30) calendar days of the date upon which the action described in the complaint occurred.

When the complaint involves a City policy, practice or procedure, the complaint may be submitted to Human Resources at any time.

C. RESPONSE TO THE COMPLAINT

1. Within ten (10) working days of receipt of the complaint, Human Resources shall conduct an interview with the Complainant.
2. Within ten (10) working days of the Complainant's interview, Human Resources shall notify the Respondent that a complaint has been filed and that an interview has been conducted. Such notification shall include a summary of the complaint.
3. Within ten (10) working days of receipt of notification from Human Resources, the Respondent shall provide Human Resources with a written reply to the complaint.

D. INVESTIGATING A COMPLAINT

When the Respondent's written reply has been received by Human Resources, Human Resources staff shall:

1. Provide an opportunity for the Complainant and Respondent to meet with Human Resources staff to discuss the complaint;
2. Interview all individuals whom the parties have identified as having pertinent information; and
3. Review all relevant documents either provided or identified by the parties and any other documents deemed to be relevant to investigation of the complaint.

E. CONCLUSION OF PROCEDURE

1. Within ten (10) working days of the date on which the investigation is concluded, the Human Resources staff shall prepare a report of the investigation for submission to the City Administrator and the City Attorney for their approval.
2. If it is determined that there is insufficient evidence to believe that discrimination and/or sexual harassment has occurred, the mayor and the City Administrator shall be notified regarding this determination.
3. If it is determined that there is sufficient evidence to believe that discrimination and/or sexual harassment has occurred, a recommendation shall be made regarding an appropriate remedy to the mayor and City Administrator.
4. The mayor and city administrator shall review the recommended remedy and shall uphold, reverse or modify the recommendation.
5. The mayor's decision shall be provided to the Complainant and the Respondent in writing by Human Resources or designees within thirty (30) calendar days of the conclusion of the investigation.

F. DEPARTMENT NOTIFICATION

Contact with the department head(s) of the Complainant and Respondent shall be maintained for the purpose of providing information regarding the existence of, and status of, complaints filed under this Procedure. In the event that the department head is the Complainant or Respondent, the information shall be provided in accordance with the Procedure.

G. EXTENSION OF TIME LIMITS

The time limits referred to herein may be extended by the Human Resources Manager for good cause.

## APPENDIX B

# EMPLOYEE GRIEVANCE PROCEDURE

## I. Introduction

### A. PURPOSE

The purpose of the Employee Grievance Procedure is to provide a process for employees to resolve disputes with the application of City polices and to receive careful consideration and a prompt resolution.

### B. ELIGIBILITY TO UTILIZE THE PROCEDURE

This policy applies to all City employees. Employees who have not successfully completed their initial probationary period shall not have the right to file grievances under this procedure involving dismissal, demotion, or their performance evaluation.

## II. Definitions

### A. Grievance

A complaint by a covered employee regarding disciplinary action taken against that employee or the application of any of the City policies to that employee;

## III. POLICY

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly and fairly with those which occur. No adverse action will be taken against an employee who files a grievance in good faith for reason of his/her exercise of the grievance right.

## IV. PROCEDURE

Misunderstandings or conflicts can arise in any organization and should be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation arise that the employee believes is a violation of City policy, the employee should follow the procedure described here for bringing the complaint to management's attention.

### A. Formal Grievances

Step 1: The employee shall file a formal written grievance with their Department Head. The grievance must be filed within ten (10) working days of the occurrence leading to the complaint or ten (10) working days after the employee became aware of the circumstances. If the Department Head is the subject of the grievance the employee may proceed to step two.

A: Formal Grievances must be in writing and contain, at a minimum:

1. A description of the dispute;
2. The date of the circumstances leading the complaint, or the date when the employee first became aware of those circumstances;
3. The remedy sought by the employee to resolve the complaint.
4. ~~Signed and dated by the employee~~The signature of the employee and the date signed.

B: The Department Director will investigate and provide a response to the employee within ten (10) working days of receipt of the formal grievance.

Step 2: If the employee is not satisfied with the response from the Department Director, he/she may submit the Formal Grievance to Human Resources, the City Administrator or his/her designee. The grievance must be submitted within ten (10) workings days of the response from the Department Director.

A: The employee will receive a response from the City within ten (10) working days of receipt of the grievance. This response will be the final decision of the City.

If the employee grievance is due to a disciplinary action that resulted in suspension without pay or termination, and the employee is not satisfied with the final decision of the City, the employee may submit a "Disciplinary Appeal" to the Personnel Appeals Board. (OHMC 2.34.070)

# APPENDIX C

## CONTINUING EDUCATION

The City of Oak Harbor firmly believes educational development of its employees is integral to the success of the City. The City encourages all employees to take courses or training to increase their competence in their present assignment or to prepare for future advancement.

The City may offer employees flexible work schedules if the courses of study are directly related to the employee's present job, or will enhance the employee's potential for advancement within the City.

The City may consider payment of job-related college level courses taken from an accredited college if funds are budgeted and the following conditions are met:

- The need for additional training is required by statue or law;
- The required skills are not available in the local labor market; or
- The employee seeking training is a qualified candidate for the training and will be able to provide training for other employees.

Any request for continuing education reimbursement must be approved prior to the employee starting a program. The supervisor must provide a written request to the Department Head and include a description of the course, how it relates to the employee's position and the approximate cost of tuition.

If approved, reimbursement is based on successful completion of the course under the following parameters:

- Letter grade of A or B qualifies for 100% reimbursement
- Letter grade of C qualifies for 85% reimbursement
- Letter grade lower than C will not qualify for reimbursement

Employees should submit their final grades to the Department Director for determination of reimbursement level.

Employees who receive this benefit may be required to complete a summary of their training course and design a training session based upon their course for presentation to other employees.

Should an employee separate from employment with the City, within one (1) year of completing a course for which the employee received reimbursement, the employee may be responsible for repayment of the reimbursed funds to the City.

# APPENDIX D

## WELLNESS PROGRAM

### Program Outline

The Wellness program was established in 2009 by the Wellness Committee, with the support of the Mayor, City Council members and Department Directors. This program was initiated through the Association of Washington Cities (AWC), as part of their Health Care Cost Containment Program. The program's mission is to improve City employee health and well being. Participation in the City of Oak Harbor Wellness Program is voluntary and is limited, in some situations, to employees who receive health benefits through the City.

The program's primary goal is to enhance employees' well being by:

- Increasing employee awareness of healthy lifestyle choices.
- Providing support to employees in making healthy lifestyle choices.
- Assisting in the development of supportive workplace environments in order to meet health promotion goals.
- Increasing employee awareness of health risks.

The program is designed to provide incentives for healthful employee activities.

### Guidelines

The Wellness Committee has set the following guidelines to keep a record of participation in wellness activities.

- If an employee attends a wellness presentation/activity, they will be asked to sign the attendance/participation sheet.
    - Signature sheets will be used to determine level of participation in wellness activities, employees must sign the sheet to confirm participation.
- If an employee participates in a personal exercise program they will be required to:
    - Confirm the place of exercise (e.g., gym, physical therapist) is recognized by the City for Wellness program participation

- Complete their personal exercise program the required number of times per month. (The number of sessions required is set by the Wellness Committee and may change from year to year).
- Complete a waiver of liability for participation in their personal exercise program

**Wellness Incentives**

*Membership Fee Incentive:* Employees who complete a personal exercise program may be eligible to receive payment from the City to offset membership costs per the following guidelines:

- Employees must complete their personal exercise program the required number of times per month as set forth by the Wellness Committee. (Check with the Wellness Committee to confirm current requirements)
- Employees must confirm that their place of exercise has been approved by the City for participation in the Wellness Program.
- Each approved location will provide the City with confirmation of employee participation in their personal exercise program.
- Membership Fee Incentives will be paid to the employee ~~as part of~~separately from their regular paycheck.

*Wellness Day:* Employees who participate in City sponsored wellness activities may be eligible to earn eight (8) hours of wellness time off. Employees must follow the guidelines as set forth below:

- Employees must participate in no less than 75% of City sponsored wellness activities that occur during normal working hours in a calendar year.
- Employees' participation will be confirmed by the employee signing the signature sheet provided by the Wellness Committee.
- The Wellness Committee will identify to employees which events will count toward their annual participation at the time the event is announced.
- Employees who cannot participate in a wellness event/activity due to a disability should contact Human Resources at least two days in advance of the event for alternative ways to participate.
- Employees who are unable to participate due to work requirements will be given the opportunity to "make-up" their participation.

- Employees must provide written confirmation, at least two days in advance, from their supervisor to Human Resources, that they are unable to participate due to work requirements.
- The Wellness Committee will provide the employee with the required "make-up" activity

- Employees who meet the criteria will be credited eight (8) hours of wellness time in their leave accruals for the following year.
- Wellness hours must be used before vacation and cannot be carried over into the following year.
- Wellness hours will not be paid to the employee if the employee separates from employment.

# APPENDIX E

## COMMERCIAL DRIVER'S LICENSE STANDARDS

**Commercial Driver's License Requirements**

All City employees who hold positions that may require them to operate any of the following vehicles are required to have and maintain a Commercial Driver's License Endorsement ("CDL") and to comply with this policy.

- All single vehicles with a manufacturer's weight rating of 26,001 pounds or more.
- All trailers with a manufacturer's weight rating of 10,001 pounds or more, if the gross weight rating of the combined vehicle(s) is 26,001 pounds or more.
- All vehicles designed to transport 16 or more persons (including the driver) (e.g. buses & vans).
- All vehicles that carry placarded amounts of hazardous materials.

This policy does not apply to employees who hold positions that do not require them to have and maintain a CDL.

City employees who operate vehicles that carry placarded amounts of hazards must also have and maintain a Hazardous Materials Endorsement.

**CDL STANDARDS**

1. A City employee who is required to have and maintain a CDL must comply with all applicable state and federal laws, including but not limited to Federal Motor Carrier Safety Regulations, 49 CFR, and the Washington Uniform Commercial Driver's License Act, RCW Chapter 46.25.
2. Except to the extent it conflicts with this policy, a City employee with a CDL shall comply with the City Vehicle Use Policy in the use and operation of City vehicles (commercial or otherwise).
3. No City employee shall operate a commercial motor vehicle unless he/she has in their immediate possession a commercial driver's license and applicable endorsements valid for the

vehicle they are driving, and the original or photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle.

4. No City employee shall, operate a commercial motor vehicle when the employee has a suspended, revoked or a cancelled driver's license, has temporarily or permanently lost the privilege to operate a commercial vehicle, or has been disqualified from operating a commercial motor vehicle.

5. A driver whose driver's license is suspended, revoked or cancelled, or who loses the privilege to drive a commercial motor vehicle for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the supervisor, Division Manager or Department Director of that fact before the end of the business day following the day the driver received notice of that fact. The driver must provide written confirmation to the employee within five (5) working days of the suspension, revocation, and cancellation, lost privilege or disqualification.

6. A City employee or prospective City employee shall provide 10 years previous employment information when applying for a position within the City that requires a CDL license. An applicant must certify that all information furnished on the application form is true and complete.

7. Prior to the City making an offer of employment, the Department Director must obtain and review the drug and alcohol testing record of applicants and prospective employees, after obtaining the applicant or prospective employee's written consent, (refer to Driver Release Form). Past employers are required under the law to provide this information to prospective employers.

**DRIVER QUALIFICIATION FILES**

The Public Works Administrative Assistant shall maintain a driver qualification file containing information for each driver with a CDL. This information will be retained for as long as the driver is employed, and for six (6) years thereafter. This information may be combined with the driver's personnel file.

**DRIVING COMMERCIAL MOTOR VEHICLES**

A driver must also be sure his/her vehicle is safe and properly working before each trip. A pre-trip safety inspection must be conducted prior to use of the vehicle.

City employees shall wear seat belts, comply with all driving laws, and understand the requirements of when to use headlights, who must stop at railroad crossings and proper procedure to follow when stopping and parking a vehicle.

**DRUG AND ALCOHOL TESTING**

Definitions:

The following definitions apply to this Policy.

1. Accident: Accident means an occurrence associated with the operation of a vehicle if, as a result;

    a. An individual dies;

    b. An individual suffers bodily injury and immediately receives medical treatment away from the accident scene;

    c. A vehicle sustains disabling damage and is transported away from the accident scene by a tow truck or other vehicle; or

    d. A revenue service vehicle is removed from the revenue service.

2. Alcohol Test: An alcohol test is a test conducted by a Breath Alcohol Technician (BAT), or any other person approved by the Department of Transportation rules, using an Evidential Breath Testing Device (EBT) to measure the amount of alcohol concentration in a volume of breath; provided, however, that a blood alcohol test may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or BAT is not readily available.

3. Alcohol Use: Alcohol use means the consumption of any beverage, mixture or preparation, including medication containing alcohol.

4. Controlled Substance: Controlled Substances include: illegal drugs, including but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the USDA or the USFDA; unauthorized prescription drugs; and prescription drugs not used for their prescribed purposes. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected must be immediately reported to supervisory personnel.

5. Controlled Substance Test: A method for determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR Part 40, as amended.

6. Failing a Controlled Substance or Alcohol Test: Failing a controlled substance or alcohol test means that the controlled substance or alcohol test showed positive evidence of the presence of a controlled substance or alcohol in an employee's system that is at or above a determined threshold level. This determination shall be made by the contracted City Medical Review Officer (MRO). Failing a substance test shall be referred to as "testing positive." Employees who refuse to take a substance or alcohol test when requested to do so shall be considered to have failed the test.

7. Refusal to Submit: An employee who "refuses to submit" to an alcohol or controlled substances test when the employee fails to provide adequate breath or urine for testing without a valid medical explanation, the employee engages in conduct that obstructs the testing process, or the employee refuses to take the test.

8. Substance Abuse Professional (SAP): A person who evaluates employees who have violated a DOT drug and alcohol, regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare. For a full listing of SAP professional requirements refer to Department of Transportation regulations 49 CRF part 40.

**PROHIBITED ALCOHOL RELATED ACTIVITIES**

1. No employee shall report to work or be at work in an impaired condition due to alcohol.

2. No employee shall report to work or remain on duty while having an alcohol concentration of 0.02 or greater.

3. No employee shall use or possess an open container of alcohol during work.

4. No employee required to take a post-accident alcohol test hereunder shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

5. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol testing.

6. No employee who is on stand-by shall use alcohol during the specified stand-by hours. The supervisor shall provide the employee as opportunity to acknowledge the use of alcohol at the time he/she is called to report for duty and the inability to drive. The employee will be required to take an alcohol test if he/she acknowledges the use of alcohol at the time he/she reports for duty, but claims the ability to drive.

**PROHIBITED CONTROLLED SUBSTANCE ACTIVITIES**

1. No employee shall report for duty or remain on duty while under the influence of any Controlled Substance.

2. No employee shall report for duty, or remain on duty, if the employee tests positive for Controlled Substances.

3. No employee shall refuse to submit to a Controlled Substances testing.

4. No employee shall manufacture, distribute, dispense, possess or use any Controlled Substance in the workplace, while on duty or while performing City business.

**CONSEQUENCES OF POLICY VIOLATION**

1. A violation of this policy shall result in disciplinary action.

2. A positive controlled substance test and/or an alcohol test indicating an alcohol concentration of 0.02 or more shall result in disciplinary action.

3. If an employee refuses to take a required alcohol or controlled substance test, there shall be a presumption that the employee tests positive for alcohol or one of the controlled substance. Refusal to submit to a required alcohol and/or controlled substances test shall result in disciplinary action.

4. If an employee refuses or fails to comply with testing procedures, it shall be considered a positive test. The testing procedures include the following:

   a. ~~Fail to appear~~Appearing for any test within a reasonable time, as is determined by the employer.

   b. ~~Fail to remain~~Remaining at the testing site until the testing process in completed.

   c. ~~Fail to permit~~Permitting the observation or monitoring of the provision of a specimen.

   d. ~~Fail or decline to take~~Taking a second test the employer or collector has directed you to take.

   e. ~~Fail to sign~~Signing the certification at Step 2 of the ATF.

5. Any attempt by an employee to tamper with a urine sample or otherwise obstruct the testing process shall be considered to have refused to take a test resulting in disciplinary action.

6. The refusal of an employee to participate in a Substance Abuse Professional (SAP) evaluation and/or comply with any corresponding SAP recommended/prescribed rehabilitation and/or

treatment programs where directed by the City as a condition of returning to work, shall disqualify the employee from employment with the City.

**TYPES OF TESTING**

All employees covered by this Policy may be subject to testing prior to employment and prior to returning to duty after completion of substance abuse treatment or if the employee has not performed a safety sensitive function for 90 consecutive calendar days and they were not included in a random selection pool during that time period (also referred to as pre-employment testing). In addition, employees covered by this Policy will be subject to random, reasonable suspicion, post-accident and fitness for duty testing where appropriate.

**Pre-employment Testing**

All prospective employees who have been given a conditional offer of employment with the City for a position covered herein and current employees transferring from a non-CLD to a position covered herein must undergo and pass a controlled substances; drug and alcohol test. A verified positive test will result in a rescinding of the conditional offer of employment. Employees seeking to transfer to a position covered by this Policy will be denied transfer and shall be subject to disciplinary action. Prospective or transferring employees who refuse to take the controlled substances test or who test positive shall be considered ineligible for City employment; positions covered herein for six (6) months. In accordance with 49 CRF Part 40, Section 655.41(a)(2), when a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the City proof of having successfully completed a referral, evaluation and treatment plan as described in Section 655.62.

**Random Testing**

Employees covered by this policy are subject to random alcohol and controlled substances testing in accordance with the following:

a) At least 25% of the average number of covered employees shall undergo random alcohol testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum annual percentage determined by the Department of Transportation (DOT).

b) At least 50% of the average number of covered employees shall undergo random controlled substances testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum percentage determined by the DOT.

c) The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random

number generator that is matched with the employees' Social Security numbers, payroll identification numbers or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

d) Random alcohol and controlled substances tests shall be unannounced and the dates for administering such random tests shall be spread reasonably throughout the calendar year.

e) Employees who are notified of selection for random alcohol or controlled substances testing shall proceed to the test site immediately.

**REASONALBE SUSPICION**

a) Employees covered by this Policy are subject to a controlled substance or alcohol test, when there is a reason to suspect that they are under the influence of alcohol or a controlled substance immediately prior, during or immediately after performing job duties or anytime while on duty.

b) An employee shall submit to alcohol and/or controlled substance test at the employers' expense whenever a supervisor or manager has a reasonable suspicion to believe that the employee is under the influence or impaired by alcohol and/or a controlled substance. The employee shall be removed from duty immediately in order to undergo testing.

c) A supervisor's or manager's determination that reasonable suspicion exists for alcohol and/or controlled substances, drug or alcohol use shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odors of the suspected employee. The required observations must be made by a supervisor or manager who has received training to detect symptoms of alcohol misuse and the signs and symptoms of drug use. The supervisor shall make a signed written record of his/her observations within twenty-four (24) hours of the observed behavior or as soon as reasonably practical thereafter.

d) No employee shall be subject to reasonable suspicion alcohol testing later than eight (8) hours following the determination that reasonable suspicion exists to require the employee to undergo such test.

**POST-ACCIDENT TESTING**

Employees covered under this Policy are subject to post-accident alcohol and controlled substances testing in accordance with the following:

a) Fatal accidents. As soon as practicable following an accident involving the loss of human life, and regardless of fault, the driver of the subject vehicle, at the time of the accident, and any

other covered employee whose performance could have contributed to the accident, shall be tested for alcohol and controlled substances.

b) Non-fatal Accidents. As soon as practicable following an accident not involving the loss of human life, the driver of the subject vehicle: at the time of the accident shall be tested for alcohol and controlled substances unless the City determines tha the employee's performance can be completely discounted as a contributing factor to the accident. Any other employee whose performance could have contributed to the accident shall also be tested for alcohol and controlled substances.

c) If a post-accident alcohol test is not administered within two (2) hours following an accident, the supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not administered within that time period. If a test is not administered within eight (8) hours after the accident, the supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within eight (8) hours.

d) If a post-accident controlled substance test is not administered within thirty-two (32) hours of the accident, the supervisor shall cease attempts to have the controlled substances test administered and prepare and maintain on file a record stating the reasons the test was not done within said thirty-two (32) hours.

e) An employee subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured, or to prohibit an employee from leaving the accident scene for the time period required to obtain emergency assistance.

**Return to Duty Testing**

If an employee who has engaged in and/or violated the alcohol and/or controlled substances prohibitions remains in the City's employ, he/she shall not be allowed to return to duty until that employee has complied with the following:

a) If the employee has violated the alcohol prohibitions, he/she shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, and the employee shall provide a true copy of the retest results to his/her supervisor.

b) If the employee has violated the controlled substances prohibitions, he/she shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for

controlled substances use, and the employee shall provide a true copy of the results to his/her supervisor.

c) The employee has been evaluated by an SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances.

d) The employee has complied and remains in compliance with any and all SAP prescribed/recommended rehabilitation and/or treatment programs.

e) Upon completion of SAP prescribed/recommended rehabilitation and/or treatment program and successful return to work, an employee will be subject to follow-up testing for alcohol and or controlled substances. The SAP shall determine the frequency and duration of the follow-up testing, but such shall consist of at least six (6) unannounced tests in the first twelve (12) months following the employee's return to duty. After that period of time the SAP may recommend additional follow-up testing or termination of follow-up testing. Follow-up testing shall not go beyond sixty (60) months after the employee return to duty.

**ADDITIONAL EMPLOYEE RIGHTS AND RESPONSIBILITIES**

1. An employee or applicant who wishes to challenge a positive controlled test must do so within seventy-two (72) hours of notification of the positive result: The employee or applicant must notify the Medical Review Officer (MRO) that he/she wishes to challenge the test result. The re-test must be processed at a Department of Health and Human Services-certified laboratory. The employee will be solely responsible for the costs necessary for the re-test.

2. An employee required to undergo reasonable suspicion or post-accident alcohol and/or controlled substance testing shall be put on paid administrative leave for the time period necessary for conducting the testing.

3. The City supports employees who volunteer for treatment of alcohol or drug abuse prior to engaging in any prohibited conduct or violating City rules. Alcoholism and drug dependency can be successfully dealt with if identified in their early states and referred to an appropriate source for treatment. The City encourages employees to seek treatment voluntarily and makes available the EAP. Any employee who comes forth and notifies the City of alcohol or chemical abuse problems prior to engaging in misconduct will be given assistance and insurance coverage for treatment will be provided to the extent of individual coverage.

4. Employees are encouraged to contact Human Resources for help in understanding benefits and leave policies. Any decision to seek help through the EAP or privately will not interfere with an employee's continued employment or eligibility for promotional opportunities. Confidentiality

of information by Human Resources and management will be maintained at all times as much as possible to the extent allowed by law.

5. While the City is anxious to assist employees with alcohol or chemical dependence problems, employees are expected to remember that safety is the City's first priority. Therefore, employees must not report for work or continue working if they are under the influence or impaired by drug or alcohol use. Failure to observe the Prohibited Conduct rules established in this Policy will result in disciplinary action, regardless of whether or not an employee has requested or is participating in a treatment program. Such employees are expected to observe all other job performance standards and work rules, including attendance, required of all employees.

**COLLECTION AND TESTING PROCEDURES**

1. All alcohol and controlled substance testing shall comply with DOT's Procedure for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR Part 40, as amended. These procedures are designed to ensure the accuracy and integrity of the test results and include screening tests, confirmation tests, chain of custody safeguards and appropriate privacy and confidentiality protections.

2. Controlled substance testing will normally be performed by urinalysis in a test laboratory certified by the U.S. Department of Health & Human Services ("DSHS"). The test involves an initial screening performed by the enzyme multiplied immunoassay test ("EMIT"). Any positive test is then confirmed by a second test of the same sample by Gas Chromatography/Mass Spectrometry ("GC/MS"). The City's designated MRO shall receive and interpret test results and report them to the City.

3. Prior to reporting a positive test result, the MRO shall give the employee an opportunity to discuss the test result. If the employee meets with the MRO and fails to present information affecting the test result, or if the employee-refuses to meet with the MRO, the MRO will verify a positive test result and will inform Human Resources on a confidential basis that the employee tested positive. The MRO will also inform the employee at the time the test result is verified that he or she may request a "re-test" at their own expense within seventy-two (72) hours. Upon request, the employee shall be given a copy of the positive test results.

4. Alcohol testing will normally be performed by a trained breath alcohol technician (BAT) utilizing an evidential breath-testing device (EBT). Testing will take place at a site designated by the City. The BAT will inform an employee of the EBT results at the time of testing. If the screening test shows an alcohol concentration of greater than 0.02, a confirmation test will be conducted after fifteen (15) minutes of the screening test and before thirty (30) minutes if the confirmation test

shows an alcohol concentration of 0.02 or greater. The BAT will show the employee the painted test results and shall notify City Human Resources of the test results.

5. In extremely limited circumstances, such as where it is not possible to test by urinalysis, the City may authorize blood tests to test for the presence of controlled substances or alcohol, under strict procedural requirements of the MRO. I the blood test is utilized, the employee will normally be notified of the results by the MRO. An employee, at his or her own expense, may make a written request for re-test of a test sample within seventy-two (72) hours of receiving the test results.

**RETENTION OF RECORDS AND CONFIDENTIALITY**

1. The City shall maintain records regarding alcohol and controlled substance testing as required by law.

2. The City shall also maintain all records required to be retained under DOT rules and regulations in a secure location with controlled access. Only City management representatives with a "need-to-know" responsibility will be made aware of substance abuse situations or test results. Except as required by law or expressly authorized, the City shall not release information that is contained in records required to be maintained under the DOT rules and regulations. Upon written request, an employee may obtain copies or any records pertaining to the employee's use of controlled substances and/or alcohol. All results of alcohol and/or controlled substances testing conducted pursuant to the DOT rules and regulations shall be made available upon request, to appropriate government officials having regulatory authority over the City and its employees.

RESOLUTION NO. 12-13

A RESOLUTION REPEALING RESOLUTION NO. 07-16 WHICH ADOPTED THE PERSONNEL POLICIES MANUAL ON AUGUST 8, 2007; AND PROVIDING FOR ADMINISTRATIVE APPROVAL OF A NEW EMPLOYEE POLICY MANUAL; AND READOPTING THE EXISTING LEAVE SHARING PROGRAM.

WHEREAS, the Oak Harbor City Council adopted a Personnel Policies Manual on August 8, 2007 by Resolution No. 07-16; and

WHEREAS, the Oak Harbor City Council has revised the personnel policies pertaining to city employment in Ch. 2.34 of the Oak Harbor Municipal Code; and

WHEREAS, the Personnel Policies Manual is no longer current with the City's employment policies; and

WHEREAS, City staff have drafted a new Employee Policy Manual that will implement the Council's employment policies; and

WHEREAS, the City Council has delegated the responsibility to implement its adopted employment policies to the Mayor; and

WHEREAS, it is appropriate for the Mayor to have responsibility to update city procedures as needed to meet federal and state requirements; and

WHEREAS, the Mayor may issue a procedures and policy manual to apprise the city employees of the procedures applicable to employment matters in city employment PROVIDED that such manual may not create any rights in employment with the City of Oak Harbor, that authority residing solely in the City Council; and

WHEREAS, the City's existing shared leave policy is a beneficial program, but one that requires changes in order to more fully comply with the ADA and has therefore been purposefully omitted from the new manual; and

WHEREAS, that portion of Policy 504 – Leaves of Absence, related to leave sharing, should be re-adopted separately until such time as a suitable alternative can be drafted and adopted; and

WHEREAS, the City Council requests the Mayor immediately put into effect the new Employee Policy Manual so that there is a seamless transition between the past and current policies.

NOW, THEREFORE,

The City Council of the City of Oak Harbor do hereby repeal Resolution No. 07-16, adopted on August 8, 2012,

And

Do re-adopt that portion of Policy 504 – Leaves of Absence, related to leave sharing, which shall remain in effect until January 1, 2013 unless sooner repealed by City Council action.

PASSED by the City Council this 5th day of June 2012.

CITY OF OAK HARBOR

_____

Scott Dudley, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

RESOLUTION NO. 12-14

A RESOLUTION REPEALING RESOLUTION NO. 07-16 WHICH ADOPTED THE PERSONNEL POLICIES MANUAL ON AUGUST 8, 2007; AND PROVIDING FOR CITY COUNCIL APPROVAL OF A NEW EMPLOYEE POLICY MANUAL; AND READOPTING THE EXISTING LEAVE SHARING PROGRAM.

WHEREAS, the Oak Harbor City Council adopted a Personnel Policies Manual on August 8, 2007 by Resolution No. 07-16; and

WHEREAS, the Oak Harbor City Council has revised the personnel policies pertaining to city employment in Ch. 2.34 of the Oak Harbor Municipal Code; and

WHEREAS, the Personnel Policies Manual is no longer current with the City's employment policies; and

WHEREAS, City staff have drafted a new Employee Policy Manual that will implement the Council's employment policies; and

WHEREAS, the City Council wishes to adopt the new Employee Policy Manual through approval of a resolution; and

WHEREAS, the Council acknowledges that the Mayor or his designee may interpret and apply the policies to specific employment situations; and

WHEREAS, the Council further acknowledges that amendments to the Employee Policy Manual will require separate Council action; and

WHEREAS, the City's existing shared leave policy is a beneficial program, but one that requires changes in order to more fully comply with the ADA and has therefore been purposefully omitted from the new manual; and

WHEREAS, that portion of Policy 504 – Leaves of Absence, related to leave sharing, should be re-adopted separately until such time as a suitable alternative can be drafted and adopted.

NOW, THEREFORE,

The City Council of the City of Oak Harbor do hereby repeal Resolution No. 07-16, adopted on August 8, 2012,

And

Do approve the Employee Policy Manual dated June 5, 2012,

And

Do re-adopt that portion of Policy 504 – Leaves of Absence, related to leave sharing, which shall remain in effect until January 1, 2013 unless sooner repealed by City Council action.

PASSED by the City Council this 5th day of June 2012.

CITY OF OAK HARBOR

_____
Scott Dudley, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** 10
**Date:** June 18, 2012
**Subject:** Limiting purchasing authority to $10,000.

**FROM:** **Larry Cort, Interim City Administrator**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
Scott Dudley, Mayor
Doug Merriman, Finance Director
City Attorney, as to form

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**PURPOSE**
During the June 5, 2012 City Council meeting, a motion as made and seconded to have an agenda bill prepared for the next scheduled meeting of the City Council (June 18, 2012), to discuss amending OHMC 2.390 to reduce the spending and contracting authority for the Mayor, City Administrator, and Department Heads to $10,000 per individual or subject matter. This agenda bill responds providing the forum for having discussions on this matter, and to achieve group consensus as to the direction Council would like to proceed.

**AUTHORITY**
RCW 35A.11.020(3) Powers vested in legislative bodies of noncharter and charter code cities.

"...The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership... of real or personal property... in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns."

**FISCAL IMPACT DESCRIPTION**
Funds Required: None

**SUMMARY STATEMENT**

**STANDING COMMITTEE REPORT**
This item was not presented to any standing committee.

**RECOMMENDED ACTION**
This agenda bill is prepared at the direction of City Council at the June 5, 2012 City Council meeting. There is no recommended action at this time.

**ATTACHMENTS**
Information on original motion.

**Employee 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 cumulated among the persons who are authorized to enter into contracts or expend funds pursuant to OHMC 2.390.010 - OHMC 2.390.090. The motion was seconded by Councilmember Servatius.

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 budget consideration to take into account the many extra expenditures that are occuring.
(Clerk's note: the word "amendment" in Mr. Campbell's friendly amendment is referring to Ms. Munns' motion to amend the referenced OHMC sections.)

The friendly amendment was seconded by Councilmember Almberg and carried unanimously.

(Clerk's note per Mr. Weed's comments, amendments to a motion require a vote.)

**Staff Vacancies**
**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

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** 11
**Date:** June 18, 2012
**Subject:** Schedule for Filling Staff Vacancies

**FROM:** **Jessica Neill Hoyson, HR Manager**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
Larry Cort, Interim City Administrator
Doug Merriman, Finance Director
Grant Weed, Interim City Attorney, as to form

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## PURPOSE

Per the request of Council motion at the June 5, 2012 City Council Meeting, the purpose of this agenda bill is for Human Resources to provide a proposed schedule for filling current staff vacancies.

## AUTHORITY

None

## FISCAL IMPACT DESCRIPTION

None

## SUMMARY STATEMENT

The City of Oak Harbor currently has the following positions vacant or becoming vacant within the next month: Chief of Police, Human Resources Manager, City Attorney, City Administrator.

The proposed schedule and recommendations will provide a timeline of the "best case" scenario for filling these positions.

## STANDING COMMITTEE REPORT

None

## RECOMMENDED ACTION

Follow the proposed *Schedule for Filling Staff Vacancies*, keeping in mind there may be variables that affect the schedule.

## ATTACHMENTS

Schedule for Filling Staff Vacancies

**Police Chief Recruitment**

The Police Chief position has been advertised and closed for review. HR has reviewed the applications for minimum qualifications and for the specific needs of the Police Department. This has resulted in 7 remaining applicants.

These applicants will be further narrowed through a second screening process. Each applicant will be asked to provide a 10 minute presentation on the challenges facing the department. The screening panel will be comprised of two Council Members, the Human Resources Manager and a department head. The goal will be to narrow the applicants to 4 for in-person interviews. The timeline for interviews and selection is to be determined.

**Human Resources Manager**

It is difficult to determine an exact schedule for the hiring of an HR Manager. While we can determine when the position will be posted for applications, we cannot determine the level of interest in the position and thus how long it will take to find the right candidate for the job. The City will be facing two challenges in replacing the HR Manager position. One, currently HR professionals are in high demand and there are many local agencies recruiting for those professionals. Two, Oak Harbor, while being an excellent place to live, is not on the I-5 corridor and therefore must overcome geographic issues when recruiting. The schedule below assumes no difficulties in finding the correct person for the position. This is a best-case scenario.

The HR Manager and HR Analyst will prepare the recruiting materials and open the position prior to the HR Manager's departure in late June, and the HR Analyst's departure in mid-July. The Interim HR Manager will complete the process.

Timeline for Human Resources Manager recruitment

| | |
|---|---|
| June 11 - 18 | Prepare recruiting materials<br>Determine advertising locations<br>Determine panelists (because this is a manager position, not a director-level position, the panel has previously included the City Administrator, two to three department heads and HR personnel)<br>Set tentative date for panel interviews (August 6 - 10) |
| June 20 | Position opens |

| | |
|---|---|
| July 18 | Position closes for first review<br>(this is a 4 week posting) |
| July 19 - 27 | Processing applications and selection of applicants for interview |
| August 6 - 10 | Interviews should occur one day in this week. Date will depend on candidate availability. |
| August 13 | Finalists interview with City Administrator (because this is a manager position, not a director-level position, and reports to the City Administrator, the final interviews are with the City Administrator. Mayor interviews are not required.) |
| August 13 - 17 | Select final candidate<br>Conduct background and reference checks |
| August 20 | Negotiate employment offer<br>The Human Resources Manager position does not require Council confirmation or a contract |
| September 10 | Start date of HR Manager - this is a best-case scenario and assuming the finalist will provide current employer with minimum two-week notice this date may vary |

**City Attorney**

Given the staffing changes in HR, we cannot advertise two high-level positions simultaneously. The earliest likely week for advertising the City Attorney position would be when the HR Manager position is in the interview phase.

The HR Analyst will prepare the recruiting materials prior to her departure mid-July. The Interim HR Manager and/or new HR Manager will complete the process. As with the HR Manager position, the following timeline is a best-case scenario.

Timeline for City Attorney recruitment

| | |
|---|---|
| June 25 - July 6 | Prepare recruiting materials<br>Determine advertising locations<br>Determine panelists<br>Set tentative date for panel interviews (September 24 - 28) |
| August 8 or 10 | Position opens (earliest recommendation for posting, HR Manager position will be in interview phase) |

| | |
|---|---|
| September 5 or 7 | Position closes for first review<br>(this is a 4 week posting) |
| September 10 - 14 | Processing applications and selection of applicants for interview |
| September 24 - 28 | Interviews should occur one day in this week. Date will depend on candidate and panel availability. |
| October 1 | Finalists interview with Mayor |
| October 1 - 5 | Select final candidate<br>Conduct background and reference checks |
| October 8 | Negotiate employment offer |
| October 9 - 12 | Prepare employment contract and notify council of selection |
| October 15 - 19 | Agenda bill preparation |
| November 6 | Council confirmation of final selection and contract |

**City Administrator**

Due to the high demand and difficulty of filling this high-level position, and the current limited resources of the HR department, HR recommends hiring the City Administrator position through use of a recruiting firm.

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** 12
**Date:** June 18, 2012
**Subject:** Sole Source-Roll Cart Purchase

**FROM:** **Cathy Rosen, Public Works Director**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**
Scott Dudley, Mayor
Larry Cort, Interim City Administrator
Doug Merriman, Finance Director
Legal Review, as to form

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**PURPOSE**
This agenda bill seeks authorization to utilize the sole source procurement process to purchase 1,200 customized roll carts to be used by the Solid Waste Division.

**AUTHORITY**
OHMC 2.320.120 Sole Source Procurement.

A contract for the purchase of materials, supplies or equipment may be awarded without complying with the bidding requirements of this chapter when the Purchasing Coordinator determines in writing, subject to the approval of the Finance Director or such other person appointed by the Mayor to review the determination, after conducting a good faith review of available sources, that there is only one source for the required materials, supplies or equipment. The Purchasing Coordinator shall conduct negotiations, as appropriate, as to price, terms, and delivery time. A record of sole source procurements shall be maintained that lists each contractor's name, the amount and type of each contract, and a listing of the item(s) procured under each contract. Sole source determinations in excess of $30,000 shall be made by the City Council (Ord. 1470 § 3, 2006).

**FISCAL IMPACT DESCRIPTION**

Funds Required: $71,380.79

Appropriation Source: 403.30.501.038.3500

**SUMMARY STATEMENT**
In December of 2012, the City of Oak Harbor will be annexing approximately 600 customers. In order to provide refuse, recycling and yard waste services, additional roll carts will need to be purchased. City roll carts come in a variety of sizes and colors depending upon the service. There is also customized molded graphics that indicate recycling information. In addition, the City logo and a number for identification purposes are also placed on the roll carts.

The City has over 13,000 roll carts issued to customers and they all have been purchased from SSI-Schaefer. There is another roll cart company, but they do not have the same style or the same sizes as our current provider.

Sole source procurement is a purchasing tool that allows the City to waive the formal bid requirements when the purchase is clearly and legitimately limited to a single source or supply. In order to utilize this purchasing tool, a resolution must be passed and the sole source justification documented.

The sole source justification and resolution have been completed. Therefore, staff is proposing to use sole source procurement to continue to use SSI-Schaefer in order to remain compatible with existing equipment and services.

**STANDING COMMITTEE REPORT**

This agenda item was included in the June 7, 2012 Public Works Standing Committee meeting.

**RECOMMENDED ACTION**

Approve Resolution 12-12 and authorize the sole source purchase of 1,200 roll carts in the amount of $71,380.79 to SSI-Schaefer and authorize the Mayor to sign.

**ATTACHMENTS**

- Sole Source Resolution 12-12
- Sole Source Justification
- Roll Cart Pictures

RESOLUTION NO. 12-12

RESOLUTION DECLARING SSI-SCHAFER A SOLE SOURCE FOR PURPOSES OF PURCHASING CUSTOMIZED ROLL CART CONTAINERS.

WHEREAS, the City is interested in purchasing certain property described in Exhibit "A" hereto attached; and

WHEREAS, the Purchasing Coordinator has determined in writing , subject to the approval of the Finance Director, that the items specified in Exhibit "A" are only reasonably obtainable from SSI-Schaefer, 10021 Westlake Drive, Charlotte, North Carolina 28273; now, therefore

BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

1. That the supplier above-named is the sole source supplier of the property identified in Exhibit "A" hereto attached;

2. That the City is authorized to purchase the same without proceeding to secure competitive bids.

PASSED and approved by the City Council this 18th day of June, 2012.

THE CITY OF OAK HARBOR

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

L:\LGLA\WORK\Res-Ord12\Sole Source Resolution.doc

**City of Oak Harbor**
**City Council Agenda Bill**

# REQUEST FOR SOLE SOURCE

To: City Council

From: Cathy Rosen / Public Works/Solid Waste
Name of Department Head — Department/Division

Subject: Sole Source Request for the Purchase Of: Customized Roll Carts

Requested Supplier: SSI-Schaefer

Cost Estimate: Not to Exceed $72,000.00

Sole source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological ground such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances which are totally justified to satisfy compatibility or technical performance needs.

STATEMENT OF NEED:
The Public Works Department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached Sole Source Justification, as prepared by the department, to the attached review of available products/services and to the completed Purchase Requisition.

| **Requestor** | **Department Head** |
|---|---|
| Steve Bebe / 5-21-12 | [illegible] / 5-21-12 |
| Signature / Date | Signature / Date |

| **Finance Director** | **City Administrator** |
|---|---|
| / | [illegible] / 6-11-12 |
| Signature / Date | Signature / Date |

**City of Oak Harbor**
**City Council Agenda Bill**

## SOLE SOURCE JUSTIFICATION

**Requisition Item:** 95, 65, 35 and 20 gallon Customized Roll Carts

**Requisition Number:** 8672

1. **Please describe the item and its function:**
   The City of Oak Harbor uses roll carts for residential recycling and refuse collection. These roll carts are customized by placing molded graphics on the roll carts. In order to keep consistent with the roll carts already in use, we are requesting to use the sole source procurement process. Schaefer is the only company that makes the style of roll carts that we currently utilize in the City.

2. **This is a sole source* because:**
   - O sole provider of a licensed or patented good or service
   - X sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
   - X sole provider of goods and services for which the City has established a standard
   - O sole provider of factory-authorized warranty service sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
   - X the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc.)

3. **What necessary features does this vendor provide which are not available from other vendors**?
   *Please be specific.* Schaefer is the only provider of this style of roll cart. It is the only provider we have used and, in order to stay compatible with existing equipment and inventory, we are asking to procure through them. In addition, the other vendors do not have the same sizes as our existing roll carts which would make it very difficult to monitor different pricing based on sizes. For example, we have a 95 gallon cart and they have a 96 gallon cart. That extra gallon would be an issue.

4. **What steps were taken to verify that these features are not available elsewhere?**
   There are other roll cart manufacturers, however, the style changes and they do not currently have the molded graphics which would be a greater cost to implement. If we were to change, confusion could arise due to the look and feel of another roll cart. Staying consistent and compatible is logical to keep the program running smoothly.

**Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation. Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.*

# City of Oak Harbor
# City Council Agenda Bill

Exhibit A

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

## PURCHASE REQUEST

Solid Waste/Storm Drain
WW Collections/WWTP

Requisition or PO Number: 8472

☑ Check here if this order has already been given to the supplier.

Suggested Source:
SSI-Schaefer
10021 Westlake Drive
Charlotte, NC 28273

Ship To:
City of Oak Harbor Public Works
1400 NE 16th Avenue
Oak Harbor, WA 98277

| REQUEST DATE | REQUISITIONER | PHONE | BUDGETED | TIME SENSITIVE |
|---|---|---|---|---|
| 26-Apr-12 | George Place | 4766 | Yes | 14 days |

| ITEM NUMBER OR DESCRIPTION | BARS LINE ITEM | QTY | UNIT PRICE | EXTENDED PRICE |
|---|---|---|---|---|
| 95 gallon Schaefer Refuse container grey (USD95M) | 3100 | 59 | $ 51.95 | $ 3,065.05 |
| 95 gallon Schaefer Recycle container Blue (USD95M) | | 25 | $ 50.95 | $ 1,273.75 |
| 95 gallon Schaefer Yard waste container Green (USD95M) | | 252 | $ 51.45 | $ 12,965.40 |
| 65 gallon Schaefer Recycle container Blue (USD65B) | | 525 | $ 48.50 | $ 25,462.50 |
| 35 gallon Schaefer Refuse container Grey (USD35B) | | 266 | $ 39.75 | $ 10,573.50 |
| 35 gallon Schaefer Recycle container Blue (USD35B) | | 26 | $ 39.25 | $ 1,020.50 |
| 20 gallon Schaefer refuse container grey (GMT80) | | 55 | $ 57.00 | $ 3,135.00 |
| Recycle information in Mold Graphics | | 1200 | $ 2.81 | $ 3,372.00 |
| | | | | $ - |
| | | | | $ - |

COMMENTS:

| | | |
|---|---|---|
| SHIPPING | | $ 4,800.00 |
| OTHER | | $ - |
| SUBTOTAL | | $ 65,667.70 |
| SALES TAX | 0.087 | $ 5,713.09 |
| TOTAL | | $ 71,380.79 |

Division Approval Date

Division Manager Approval Date 4-26-12

SCHAEFER

# Quotation

**Quotation Confirmation Number: 11322-12-1 Date: April 25, 2012**

**10021 Westlake Drive**
**Charlotte, NC 28273**
**(704) 944-4500**
**Fax: (704) 944-4569**

| BILL TO: | SHIP TO: |
|---|---|
| City of Oak Harbor<br>865 SE Barrington Drive<br>Oak Harbor, WA 98277<br>**TEL: 360-914-7268**<br>**E-Mail: gplace@oakharbor.org** | **City of Oak Harbor**<br>**P. W. Department**<br>**1400 NE 16th Avenue**<br>**Oak Harbor, WA 98277** |

| QUOTE DATE | REQUESTED BY | LEAD TIME | F.O.B. | TERMS |
|---|---|---|---|---|
| 4/25/2012<br>Quote expiry extended to June 25, 2012 | George Place | 4-6 Weeks,ARO & receipt of all signed artwork approvals | Lodi, CA | Net 30 Days |

| QUANTITY | DESCRIPTION | UNIT PRICE | TOTAL |
|---|---|---|---|
| 59 | 95-Gallon Schaefer Refuse Container, Model Number USD95M, with 10" Plastic Snap-on Wheels, Color-Grey (3 hot stamps on lid) | $51.95 | $3,065.05 |
| 25 | 95-Gallon Schaefer Refuse Container, Model Number USD95M, with 10" Plastic Snap-on Wheels, Color-Blue w/In-Mold Graphic | $50.95 | $1,273.75 |
| 252 | 95-Gallon Schaefer Refuse Container, Model Number USD95M, with 10" Plastic Snap-on Wheels, Color-Green (2 hot stamps on lid) | $51.45 | $12,965.40 |
| 525 | 65-Gallon Schaefer Refuse Container, Model Number USD65B, with 10" Plastic Snap-on Wheels, Color-Blue w/In-Mold Graphic | $48.50 | $25,462.50 |
| 266 | 35-Gallon Schaefer Refuse Container, Model Number USD35B, with 8" Plastic Snap-on Wheels, Color-Grey (3 hot stamps on lid) | $39.75 | $10,573.50 |
| 26 | 35-Gallon Schaefer Refuse Container, Model Number USD35B, with 8" Plastic Snap-on Wheels, Color-Blue (2 hot stamps on lid) | $39.25 | $1,020.50 |
| 55 | 20-Gallon Schaefer Refuse Container, Model Number GMT80, with 8" Rubber Wheels, Color-Grey (2 hot stamps on lid) | $57.00 | 3,135.00 |
| 1200 | In-Mold Graphics | $2.81 | $3,372.00 |

**THIS QUOTE IS VALID FOR 14 DAYS FROM THE ABOVE DATE.**

*DUE TO CURRENT RESIN CRISIS ALL ORDERS RECEIVED PAST QUOTE EXPIRY DATE WILL BE REVIEWED FOR POSSIBLE PRICE ADJUSTMENT

REV AUG 4, 2011 JB

SSI SCHAEFER

# Quotation

Quotation Confirmation Number: 11322-12-1 Date: April 25, 2012

10021 Westlake Drive
Charlotte, NC 28273
(704) 944-4500
(704) 944-4569

**SALES TAX:** Sales Tax will be charged on your final invoice, unless a tax-exempt certificate is on file at Schaefer Systems.

**MARKING:** **All container lids shall be embossed with:**
SSI Schaefer/No Hot Ashes
Instructions for Use
**Hot Stamping/In-Mold Graphic: Non Standard customization may result in additional cost.**
**Minimum Hot Stamp Quantity 50 (per cart type and color)**

**ESTIMATE FREIGHT: From Lodi, CA to Oak Harbor, WA is $2400.00 per truckload (2 trucks)**
**Due to fluctuating fuel prices and fuel surcharges, freight quoted above is based on today's quoted price. Freight will be charged as per actual cost incurred at time of shipping.**

**IMPORTANT NOTE:** **Both pages of signed Quotation/Order Confirmation, along with any artwork, (and down payment if applicable) must be received <u>before</u> order can be processed.**

**ASSEMBLY:** Assembly is required for wheels, axles and lower bars. Assembly is to be provided by City of Oak Harbor.

**TERMS OF SALE:** Schaefer Systems International, Inc. is pleased to solicit your order to purchase the goods described in this quotation. Please forward a signed copy of proposal indicating your acceptance to our office in Charlotte, NC. Should you have any questions regarding this agreement, please contact our sales office at (704) 944-4500. **Orders with custom hot stamping are *non-cancelable*. All orders are subject to credit approval.** All merchandise remains the property of SSI Schaefer until payment in full.

**AGREED AND ACCEPTED BY:**
**Schaefer Systems International, Inc.**

MFrizzell

Maria Frizzell
Executive Director – Sales and Operations
Waste Technology Division

**AGREED AND ACCEPTED BY:**
**City of Oak Harbor**

Name & Title: _____

Signature: _____

Date: _____

REV AUG 4, 2011 JB



June 5, 2012 – Sole Source Roll Cart Purchase

**City of Oak Harbor**
**City Council Agenda Bill**

**Bill No.** 13
**Date:** JUNE 18, 2012
**Subject:** Pending Items for Future City Council Meetings

**FROM:** **Scott Dudley, Mayor**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

Larry Cort, Interim City Administrator
Doug Merriman, Finance Director
Grant Weed, Interim City Attorney

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**SUMMARY STATEMENT**

The attached list of pending items is meant to be an organizational tool and not a definitive list of what will come before the Council for a given meeting's date. As a tentative list, it is subject to frequent, if not daily changes.

# Pending Items As of: June 13, 2012 This list is subject to change.

**Council Absences:** Bob Severns from the 7/3/12 meeting

| Targeted Meeting Date | Agenda Bills ARE DUE | Public Hearing Notice Date (if needed) | Consent Agenda | Subject | Department |
|---|---|---|---|---|---|
| 7/3/12 | 6/13/12 | | | Proclamation - City of Oak Harbor's Wellness Committee | Admin |
| 7/3/12 | 6/13/12 | | | Proclamation - Christmas in July | Admin |
| 7/3/12 | 6/13/12 | | ✓ | Noise Permit – Military Appreciation Picnic | Admin |
| 7/3/12 | 6/13/12 | | ✓ | Noise Permit – Pregnancy Care Clinic | Admin |
| 7/3/12 | 6/13/12 | | ✓ | Noise Permit – Island Classic Mustang Club | Admin |
| 7/3/12 | 6/13/12 | | ✓ | Noise Permit – Sunrise Rotary – Challenge Series | Admin |
| 7/3/12 | 6/13/12 | | ✓ | Noise Permit – Phi Theta Kappa | Admin |
| 7/3/12 | 6/13/12 | 6/16/12 | | Public Hearing - Fairway Point PRD ADU Amendment | Dev Srv |
| 7/3/12 | 6/13/12 | | | Contract for Archaeological Services - ERCI, Phase 3 | P.Works |
| 7/3/12 | 6/13/12 | | | Authorization to Solicit Bids – Rescue Unit | Fire |
| 7/3/12 | 6/13/12 | | | Position - HR Analyst | HR |
| 8/8/12 | 7/19/12 | | ✓ | Introduction - Ordinance, Credit Card Fees | Finance |
| 8/8/12 | 7/19/12 | | | Introduction – Arts Commission Ordinance | Admin |
| 8/8/12 | 7/19/12 | | | Mutual Aid Agreement with Navy | FD |
| 8/8/12 | 7/19/12 | | | Asset Transfer to Water Utility – Reservoir | P.Works |
| 8/8/12 | 7/19/12 | | | Authorization to Advertise for Bids - Water Reservoir | P.Works |
| 8/8/12 | 7/19/12 | | | Resolution – Marina, Facility Use Fee | Dev Srv |
| 8/8/12 | 7/19/12 | | | Existing Council Rules and Macfarlane Recommendations | Legal |
| 8/8/12 | 7/19/12 | | | Agreement - With Whidbey General Hospital for EMS Services | FD |
| August or September (tentative) | | | | Recommendations from HDR – System Development Fees (future workshop) | P.Works |
| August or September (tentative) | | | | Public Hearing – Binding Site Plan Code Amendment | Dev Srv |
| September | | | | Public Hearing - Ordinance, Credit Card Fees | Finance |
| September | | | | Final Consideration – Arts Commission Ordinance | Admin |
| | | | | Contract Award - Study for Solid Waste Transfer Station, Phase 1 | P.Works |
| | | | | Contract – Automated Pay Station for Staysail RV Park | P.Works |
| | | | | Shoreline Master Program | Dev Srv |
| | | | | Authorization to Advertise for Bids - C-Dock Roof Repair | P.Works |
| | | | | Council Rule Change – Public Forum | Legal |
| | | | | Channel 10 Rules | Admin and Legal |
| | | | | Banner Program Guidelines | P.Works |
| | | | | Impact Fees – under review for deferral at closing | Dev Srv / P.Works |
| | | | | RFP - WAIF Contract | Dev Srv |
| | | | | Legal Department Restructure | Legal |

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|---|---|---|---|---|---|
| | | | | Utilities Office, City Council Chambers, Law Department Remodels | Finance, Dev Srv |
| | | | | Interlocal Agreement – Island County Housing Authority, Oak Harbor, Coupeville, and Langley - Affordable Housing. Recording surcharge funds to fund housing programs. | Admin |

## STANDING COMMITTEES and other meetings and activities

| Date | Subject | Dept. |
|---|---|---|
| ~~6/21/12~~ | CANCELLED - ~~PUBLIC SAFETY COMMITTEE, 3:30 p.m., at City Hall~~ | PD/FD |
| 6/27/12 Wednesday | Open House, 6:00 p.m. - 7:30 p.m., Dillard's Special Benefit Analysis, at Public Works. This has also been noticed as a special meeting for Council in case a quorum attends the open house. | P.Works |
| 7/2/12 | MARINA COMMITTEE, 7:00 p.m., City Hall Conference Room | Committee Members |
| 7/5/12 | PUBLIC WORKS STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers | Committee Members |
| 7/9/12 | ARTS COMMISSION, 6:00 p.m., 6:00 p.m., City Hall Conference Room | Committee Members |
| 7/10/12 | GOVERNMENTAL SERVICES STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers | Committee Members |
| 7/11/12 | FINANCE STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers | Committee Members |
| 7/12/12 (Thursday, per Eric) | CITY COUNCIL SPECIAL MEETING, 6:00 p.m. - 8:00 p.m., at City Hall. Waste Water Treatment Facility, Design Charrette Results. | Council |
| 7/19/12 | PUBLIC SAFETY STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers | Committee Members |
| 8/14/12 (Tuesday, per Eric) | CITY COUNCIL SPECIAL MEETING, 6:00 p.m. - 9:00 p.m., at City Hall. Waste Water Treatment Facility, Final Site Selection. (Will need to reschedule Maribeth's community presentation series normally held on this evening if the special meeting date stays in place.) | Council |
| 12/8/12 | CITY COUNCIL RETREAT – Review Goals set at March Retreat | Council |