



**City of Oak Harbor  
City Council  
Agenda for**

**December 18, 2012  
6:00p.m.**

**Happy Holidays!**





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 City Council  
 Agenda for

December 18, 2013  
 6:00 p.m.

Happy Holidays!



**Oak Harbor City Council**  
**REGULAR MEETING**  
**6:00 p.m.**  
**Tuesday December 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**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL**

**MINUTES**

**Page 7** Regular City Council meeting held December 4, 2012

**Page 17** Special City Council Minutes of December 10, 2012

**PROCLAMATIONS**

**PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS**

**CITIZEN COMMENTS PERIOD**

**CONSENT AGENDA**

**Page 21** AB 1. a. Approval of Claims Voucher # 152155 – 152300 in the amount of \$635,175.06

**Page 41** b. Approval of Claims Voucher # 152301 – 152305 in the amount of \$280.65

**Page 43** c. Approval of Claims Voucher # 152306 in the amount of \$255.00

**Page 45** d. Approval of Claims Vouchers #152307 – 152494 in the amount of \$ 578,348.38

**Page 69** e. Approval of Payroll Vouchers # 95971 – 96003 in the amount of \$596,083.63

**Page 79** f. Approval of Payroll Vouchers # 96004 – 96023 in the amount of \$40,335.90

**Page 85** g. Adoption of Resolution 12-41 Increasing Finance Petty Cash

**Page 89** h. Councilmember Severns excused absence February 19, 2013

**PUBLIC HEARINGS AND ORDINANCES/RESOLUTIONS**

**Page 91** AB 2. Adoption of Resolution No. 12-29 Purchasing Fire Aid Truck under special market conditions.

**Page 105** AB 3. Public Hearing 2012 Comprehensive Plan Code Amendment and adoption of Ordinance 1647, 2012 Comprehensive Plan Amendments. The amendments include



the creation of a new “Maritime” land use category that would allow water-dependent, water-oriented and other related commercial uses on property in the vicinity of the Oak Harbor Marina. The amendments also include updates to the City’s Capital Improvement Plan.

- Page 129 AB 4. Public Hearing and adoption of Ordinance No. 1643 Impact Fee Deferral
- Page 131 AB 5. Public Hearing and adoption of Ordinance No. 1651 Public Nuisance Abatement.
- Page 133 AB 6. Public Hearing to consider adopting Ordinance 1642 granting a franchise for solid waste disposal services to Island Disposal for a period of ten (10) years in the recently annexed portion of the City.
- Page 143 AB 7. Adoption of Ordinance 1637 amending Title 6, Public Peace, Safety & Morals of the OHMC Relating to Weapons, providing for severability and effective date.
- Page 153 AB 8. Adoption of Resolution 12-25 Utility Tax Allocation for Arts Acquisition
- Page 155 AB 9. Adoption of Resolution 12-28 Award of 2% Grant – Lodging Tax
- Page 163 AB 10. Resolution No. 12-39 Employee Manual revision for the Wellness Program
- Page 171 AB 11. Adoption of Resolution 12-36 Policy Enactment Fire, Bomb Threats, Guns & Earthquakes
- Page 181 AB 12. Interlocal with Island County for Solid Waste Services
- Page 189 AB 13. Resolution 12-40 Amending Agreement for Art Donation for One Year – Three Settlers Memorial

#### **OTHER BUSINESS**

- Page 195 AB 14. Emergency electrical repairs at the Seaplane Base Wastewater Lagoon Treatment Plant.
- Page 203 AB 15. Extension of City Attorney Contract
- Page 209 AB 16. Chamber Contract
- Page 223 FUTURE CITY COUNCIL PENDING ITEMS – Included in Packet

#### **CITY ADMINISTRATOR COMMENTS**

#### **COUNCILMEMBER’S COMMENTS**

#### **MAYOR’S COMMENTS**

**EXECUTIVE SESSION - Pursuant to RCW 42.30.110(1)(i)): Labor Negotiations and Potential Litigation.**

#### **ADJOURNMENT**

***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.***



**Oak Harbor City Council  
REGULAR MEETING  
6:00 p.m.  
Tuesday, December 4, 2012**

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**CALL TO ORDER**

The Mayor called the regular meeting of the City Council to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

The Mayor led the pledge of allegiance to the flag.

**INVOCATION**

Councilmember Servatius gave the invocation.

**ROLL CALL**

The clerk called the roll.

**Present:**

Mayor Scott Dudley  
Mayor Pro Tempore Danny Paggao  
Councilmember Tara Hizon  
Councilmember Beth Munns  
Councilmember Jim Campbell  
Councilmember Rick AlMBERG  
Councilmember Joel Servatius  
Councilmember Bob Severns

**Staff Present:**

Interim City Administrator Larry Cort  
Public Works Director Cathy Rosen  
Fire Chief Ray Merrill  
Finance Director Doug Merriman  
Human Resources Manager Cheryl Lawler  
Chief of Police Edgar Green  
Interim City Attorney Scott Thomas  
Interim City Clerk Nacelle Heuslein

**ACCEPTANCE OF AGENDA:**

**MOTION:** It was moved by Councilmember AlMBERG and seconded by Councilmember Servatius to amend the agenda and move Agenda Bill 7 before Agenda Bill 2. The motion carried. There were no other changes to the agenda and it was accepted as amended.

**MINUTES of the Regular City Council meeting held November 7, 2012 and November 20, 2012**

The Mayor presented the minutes of the Regular City Council meetings. Councilmember Severns excused himself from voting on the November 20, 2012 meeting due to his absence. When there were no additions or corrections the Mayor declared the minutes approved as presented.

**PROCLAMATIONS**

**National Impaired Driving Prevention Month, December 2012**

Councilmember Hizon read and presented this proclamation to JoAnn Hellmann, Executive Director of Impaired Driving Impact Panel of Island County (IDIPIC).

## **PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS**

### **Presentation of Holiday Wreath by Boy Scout Troop 59**

On behalf of Scout Master Dan Hague, Bob Smith, Assistant Scout Master of Troup 4059 thanked the City of Oak Harbor for letting them be a part of the community. The Scout Troup presented the Mayor, Council and Citizens with a beautiful Holiday Wreath thus continuing the 25 year tradition.

### **Presentation by Senior Services of Island County**

Cheryn Weiser, Executive Director of the Senior Services of Island County, provided a comprehensive overview of services that are provided to the citizens of Oak Harbor and Whidbey Island.

## **CITIZEN COMMENTS PERIOD**

**Larry Eaton, Oak Harbor resident** requested the Council reconsider the ban on chickens found in the OHMC 19.08.045 and pass an ordinance allowing them. Seattle, Coupeville, Anacortes and Mt. Vernon have provisions in their codes to allow chickens and other fowl.

**Helen Chatfield Weeks, Oak harbor resident** thought the City had the best senior center in the whole state and further expressed that staff at the Senior Center worked so hard for the seniors of the community and provided so many activities for them. She and the audience gave three hip-hip hoorays for Mike McIntyre, Senior Services Administrator.

## **CONSENT AGENDA**

- a. **Approval of Accounts Payable Voucher 152155 - 152300 in the amount of \$635,175.06**
- b. **Introduction of Ordinance 1637 amending Chapter 6, Public Peace, Safety and Morals of the OHMC**
- c. **Introduction of GASB 54 Ordinance 1641**
- d. **Set a Public Hearing for December 18<sup>th</sup> and Introduction of Ordinance No. 1642 for Marin Annexation Agreement Franchise for Solid Waste Collection**
- e. **Excused Absence January 15, 2013 and February 5, 2013 for Mayor Pro Tempore Danny Paggao**

**MOTION:** Moved by Councilman Severns and seconded by Councilmember Almborg to approve the consent agenda as presented. The motion carried unanimously.

## **HEARINGS AND ORDINANCES/RESOLUTIONS**

**Adoption of Resolution 12-26 Proposition No. 1 School Program Levies and Supporting the School Levy. The City Council will provide equal time for all citizens to give input concerning this resolution including, but not limited to, expression of views both in favor and in opposition to this resolution and the ballot measure.**

Interim City Administrator Cort introduced Resolution 12-26 endorsing the Oak Harbor School District's 4-Year Replacement Levy for partial financing of operation and maintenance expenses for the School District for the Council's consideration.

Mayor Dudley opened the meeting up for public comments.

**Lance Gibbons, Assistant Superintendent of Oak Harbor School District** thanked the Council for the partnerships the city and the district shared. He spoke in favor of support for this resolution and thanked the community for the past support for their bond levies.

**Lynn Goebel, Oak Harbor resident** and past co-chair of Citizens for Better Schools spoke in favor of the Resolution and encouraged support from the Council

**Erica Wasinger, Oak Harbor resident** and a new volunteer with Citizens for Better Schools also asked for support of the city passing the resolution.

**Richard Everett, Oak Harbor resident** spoke in favor of the Council adopting the resolution before them.

**Cory Johnson, Oak Harbor resident** and past school district board president spoke in favor of the resolution and encouraged the Council to support the school levy by adopting it.

**MOTION:** Councilmember Severns moved to approve Resolution 12-26, a resolution of the City endorsing the Oak Harbor School district 4-year Replacement Levy. Councilmember Munns seconded the motion and the motion carried.

**Recess**

The Mayor recessed the meeting at 7:01 p.m.

**Reconvene**

The Mayor reconvened the meeting at 7:06 p.m.

**Continuation of Budget Hearing - 2013-2014 Biennial Budgets and Adoption of 2013-2014 Biennial Budgets by Ordinance 1645**

Finance Director Douglas Merriman presented the City Council with the ordinance to adopt the budget authorizations that have been established as a result of presentations made by staff to City Council during previous budget workshops.

The Mayor re-opened the continued Public Hearing at: 7:22 p.m.

**JoAnn Hellman, Executive Director of IDIPIC** requested the Council re-consider its \$2,400 a year funding for IDIPIC and stated they would be willing to accept \$2,000 and provide one less panel per month.

The Mayor closed the Public Hearing at: 7:27 p.m.

**MOTION:** Councilmember Campbell moved to re-evaluate the proposal provided by JoAnn Hellmann and bring it back for discussion at the January 15, 2013 Council meeting. Councilmember AlMBERG seconded the motion and the motion carried.

**MOTION:** Councilmember AlMBERG moved to adopt Ordinance 1645 in the total amount of \$82,179,786. Councilmember Campbell seconded the motion and upon vote with all councilmembers voting no, the motion failed.

**MOTION:** Councilmember Alberg moved to adopt Ordinance 1645 an ordinance to encumber resources and to establish expenditure authority through the adoption of the city's 2013-2014 Biennial Budget for \$82,179,786 for 2013 and \$80,307.016 for 2014. Councilmember Campbell seconded the motion and the motion carried unanimously.

**Recess**

The Mayor declared the meeting recessed at 8:00 p.m.

**Reconvene**

The Mayor reconvened the meeting at 8:06 p.m.

**Public Hearing to consider Ordinance No. 1646 to eliminate Fund #505 Technology Reserve Fund.**

Finance Director Doug Merriman provided the staff report. Currently, the State Auditor's BARS rules require Cities utilize the minimum number of funds possible in the recording and transacting of City business. Therefore, this ordinance is to eliminate Fund 505. Moneys from it will be moved into 502.

The Mayor opened the Public Hearing at: 8:09 p.m.

When there no comments from the public he closed the Public Hearing at 8:09 p.m.

**MOTION:** Councilmember Alberg moved to adopt Ordinance 1646, an ordinance repealing code Section 3.22 of the OHMC eliminating Fund #505 Technology fund. The motion was seconded by Councilmember Severns and the motion carried unanimously.

**Public hearing to consider Ordinance 1648 REET I**

Finance Director Douglas Merriman provided the staff report, stating the 2011 legislature expanded, for a limited period of time, the uses of the real estate excise tax, for the first quarter percent (REET I) under RCW 82.46.010. They now can be used, with some restrictions, for operations and maintenance of capital projects. The authority expires December 31, 2016.

The Mayor opened the Public Hearing at 8:12 p.m.

The Mayor declared the Public Hearing closed at 8:12 p.m.

**MOTION:** Councilmember Munns moved to adopt Ordinance 1648 amending Section 3.62.040 of the OHMC to allow the first quarter percent of the Real Estate Excise Tax (REET I) to be used, with some conditions, for operations and maintenance of existing capital projects. Councilmember Campbell seconded the motion and the motion carried.

**Public hearing to consider Ordinance 1649 REET II**

Finance Director Douglas Merriman provided the staff report stating the 2011 legislature expanded, for a limited period of time, the uses of the real estate excise tax, the second quarter percent (REET II) under RCW 82.46.035 cities may now, with some restrictions, use REET II funds for operations and maintenance of existing capital projects. This new authority expires on December 31, 2016.

The Mayor opened the Public Hearing at 8:14 p.m.

When there were no comments from the public, Mayor Dudley closed the Public Hearing at: 8:14 p.m.

**MOTION:** Councilmember Munns moved to adopt Ordinance 1649 amending Section 3.62.140 of the OHMC to allow the second quarter percent of the Real Estate Excise Tax revenues (REET II) to be used, with some conditions, for operations and maintenance of existing capital projects. The motion was seconded by Councilmember Severns and passed unanimously.

#### **Resolution 12-35 Wellness Day December 24<sup>th</sup>**

Interim City Administrator Larry Cort provided the staff report for this resolution designating December 24, 2012 as a Wellness Day for employees and closing City Offices except for essential personnel. The resolution is supported by the administration.

There were no public comments.

**MOTION:** Councilmember Hizon moved to approve Resolution No. 12-35, a resolution of the City designating December 24, 2012 as a Wellness Day for employees and closing City offices except for essential personnel. Councilmember Campbell seconded the motion and the motion carried.

#### **OTHER BUSINESS**

##### **Council Discussion of National League of Cities and Capitol Hill Visit**

Finance Director Douglas Merriman presented the staff report stating \$11,550 has been set aside for travel as well as \$1500 for registrations in 2013.

There were no public comments.

**CONSENSUS:** After a brief discussion there was consensus that Councilmembers Almberg, Hizon and Servatius would attend the National League of Cities Conference in Washington, DC with Councilmember Munns being there for the Pentagon visit.

##### **Short Term extension agreement with Whidbey Animal Improvement Foundation (WAIF)**

Police Chief Ed Green provided a staff report to Council recommending their authorizing the Mayor to extend the contract with WAIF until a new provider can be selected through an RFP process.

**Michaela Irvin, Oak Harbor resident** actually traps, neuters and releases feral cats back into the neighborhood. She expressed some concern about extending the WAIF contract. She encouraged the Council to take a look at the parameters that are currently in place with WAIF as they relate to euthanizing animals and consider narrowing those parameters, as well as providing more accountability and record keeping. She didn't think there was enough transparency for the organization.

**Steven Paysse, Executive Director of WAIF** has been with that organization for 23 years and spoke of the transparency of the WAIF organization. The organization is here for the animals they serve and the community. There are less than 1% of the dogs and cats in the facility that are euthanized. Information comes to the city every month and citizens can ask them for information, as well.

**Larry Eaton, Oak Harbor resident** and former Councilmember had been asked to sign a waiver that would prevent him from speaking about anything he may have observed at WAIF. Having to do so concerned him and prevented him from volunteering.

**Maryann Cummings, Oak Harbor resident** spoke about the waiver that needed to be signed if someone volunteered at WAIF. Often there were young people who were making restitution for trouble they had gotten into, but mostly it was for the children that worked there. WAIF is all about second chances for animals and for children and adults.

#### **Extension of Meeting**

**MOTION:** Councilmember Servatius moved to suspend the Council Rules and extend the meeting until 10:00 p.m. The motion was seconded and carried.

**MOTION:** Councilmember Alberg moved to authorize the Mayor to sign Contract Amendment No 1 between the City of Oak Harbor and Whidbey Animal Improvement Foundation. Councilmember Campbell seconded the motion and the motion carried

#### **Authorization to Advertise for Proposals – Animal Shelter Services**

Police Chief Ed Green presented the staff report seeking authorization to issue a Request for Proposals (RFP) for Animal Shelter Management and Operations Services.

The Mayor opened the meeting for public comments.

**Barbara Moran, Whidbey Animal Guild** was excited about the RFP and felt it would provide better documentation, transparency and better accounting standards. The RFP sets a standard of excellence for not just the City of Oak Harbor, but for the entire Puget Sound Region.

**Dr. Baker, Oak Harbor** spoke in favor of the RFP and feels the city has done a great job with it.

**Linda Foth, Washington State Licensed Vet Technician**, stated she has kept a log of information as it relates to euthanizing animals for the last 5 years and anyone is welcome to see it.

The Mayor closed public comments

**MOTION:** Councilmember Severns moved to authorize the issuance of the RFP for Animal Shelter Management and Operating Services. Councilmember Munns seconded the motion and the motion carried.

#### **Authorization to Bid for the Construction of Picnic Shelters at Ft. Nugent Park**

Public Works Director Cathy Rosen provided the staff report to seek authorization to advertise for bids to construct two covered picnic shelters at Ft Nugent Park. The Community Park Impact Fee Fund No. 126 has accrued sufficient funds so that the picnic shelters may now be constructed. A design has been completed and plans are ready to go to bid.

There were no public comments.

**MOTION:** Councilmember Campbell moved to authorize the advertisement for bids to construct the two covered picnic shelters. The motion was seconded by Councilmember Munns and the motion carried.

**Confirmation and Employment contract for Assistant City Attorney Nikki Esparza**

Interim City Administrator Larry Cort provided the staff report. Due primarily to the record of exemplary work demonstrated by Ms. Esparza over the past 16 months, the Mayor has exercised his authority under Section 2.34.055(2) OHMC to bring a contract forward with a request the City Council consider and approve an employment contract with Nikki Esparza as Assistant City Attorney. Police Chief Ed Green fully endorsed the appointment of Nikki Esparza.

There were no public comments.

**MOTION:** Councilmember Munns moved to approve the content and authorize the Mayor to sign the Assistant City Attorney Employment Agreement with Nikki Esparza. Councilmember Hizon seconded the motion and the motion carried unanimously.

**Employment Contract for Finance Director Douglas Merriman**

The staff report was presented by Interim City Administrator Larry Cort stating Douglas Merriman had been employed as the City's Finance Director since 1997 and during that time has demonstrated both strong technical proficiency and effective strategic thinking in managing the City's financial affairs. He further noted in 2001 he had been appointed him as Deputy City Administrator which is also reflected in his contract.

There were no public comments

**MOTION:** Councilmember Munns moved to authorize the Mayor to sign the Finance Director Employment Agreement with Douglas A. Merriman. Councilmember Severns seconded the motion and the motion carried.

**Confirmation and Employment Contract for City Administrator Larry Cort**

Mayor Dudley introduced Dr. Larry Cort as his candidate for the city's next City Administrator effective January 1, 2013 and requested council confirmation of this anticipated appointment and authorization for him to sign the City Administrator Employment Agreement.

**Barbara Moran, Oak Harbor** stated she fully supported this appointment.

**MOTION:** Councilmember Severns moved to confirm the appointment of Larry E. Cort as Oak Harbor City Administrator and authorized the Mayor to sign the City Administrator Employment Agreement with Larry E Cort. Councilmember AlMBERG seconded the motion and the motion carried

**Extension of Public Defense Services Agreement, Chief Public Defender Matt Montoya**

Interim City Administrator Larry Cort provided the staff report indicating this appointment was for a full caseload of indigent defense cases.

**MOTION:** Councilmember AlMBERG moved to authorize the Mayor to enter into the extension for a period of six months to the Professional Services Agreement with Matthew J. Montoya, Esq., Chief Public Defender, to provide indigent defense services for a full caseload. The motion was seconded by Councilmember Campbell and carried unanimously.

**Extension of Public Defense Services Agreement, Assistant Public Defender Georgina Sierra**  
Interim City Administrator Larry Cort provided the staff report indicating this appointment was for a partial caseload of indigent defense cases.

There was no public comment.

**MOTION:** It was moved by Councilmember Severns to authorize the Mayor to enter into an extension for a period of six months to the Professional Services Agreement with Georgina Sierra, Esq., Assistant Public Defender, to provide indigent defense services for a partial caseload. Councilmember Munns seconded the motion and motion carried unanimously.

**FUTURE CITY COUNCIL PENDING ITEMS - In Packet**

**CITY ADMINISTRATOR COMMENTS**

Interim City Administrator Cort stated the Council has a number of special meetings coming up. The Council Retreat will be held at the Public Works Building on Saturday December 8, 2012 and the agenda should be out to Council on Wednesday. On December 10, 2012 from 6-9 p.m. a Special Meeting will be held to discuss the Council's legislative priorities with the newly elected state legislative contingency. The second half of that meeting will be used to discuss lodging tax issues and the changes for 2013 and recommendations on how the moneys can be spent. Also on December 10<sup>th</sup> at 1:30 in the afternoon the State Auditors will be conducting their Exit Conference. On December 13, 2012 at 10:00 a.m. there will be a Special Council meeting to meet Legislator Norma Smith. On Tuesday, February 12, 2013 the contingency of Councilmembers will be traveling to the AWC Legislative Conference. Council will be leaving after the Government Services Standing Committee meeting. And finally, he will be traveling to England the latter part of December, 2012 and will be missing the December 18<sup>th</sup> Council meeting. Finance Director Doug Merriman will act as Deputy City Administrator.

**Extension of Meeting:**

**MOTION:** Councilmember Servatius moved to suspend the Council's rules and extend the meeting until 10:30 p.m. Councilmember Munns seconded the motion and the motion carried.

**COUNCILMEMBER'S COMMENTS**

**MOTION:** Councilmember AlMBERG moved to have staff prepare a chicken ordinance allowing chickens to be raised within the city limits of Oak Harbor and present it to the Council at their March 5, 2013 Council meeting for their review. Councilmember Munns seconded the motion and the motion carried.

Mayor Pro Tempore Paggao stated the Public Works Standing Committee meeting will be held December 6<sup>th</sup> at 3:30 p.m.

Councilmember Campbell stated the Government Services Standing Committee will be held December 11<sup>th</sup> at 3:30 p.m.

Councilmember Almberg stated December 12<sup>th</sup> at 3:30 p.m. the Finance Standing Committee meeting will be held. He also thanked everyone who came downtown for the tree lighting.

Councilmember Munns stated the Public Safety Standing Committee will be holding its meeting on December 20<sup>th</sup> at 3:30 p.m. and reminded everyone to remember the Help House for the needy.

Councilmember Severns stated he had attended an Economics Board of Directors meeting on November 28<sup>th</sup> in Coupeville where they talked about leadership, Sno Isle discussion for business leader opportunities, Whidbey Scenic Isle Way project and it looking forward to working on a wedding expo to take place in Coupeville at some future time.

Councilmember Hizon was pleased to hear of personnel appointments.

Councilmember Servatius had nothing to add, but was also pleased for the personnel appointments.

Mayor Dudley stated Prothman and Company were moving ahead with the City Attorney selection process.

Interim City Administrator Cort reported the City Engineer interviews would be held tomorrow and the third and final City Clerk interview would be held on Friday, December 7<sup>th</sup>.

Fire Chief Merrill stated on December 29<sup>th</sup> a safety preparedness fair in conjunction with Whidbey Island Hospital will be held at the Fire Station. It will be a round-robin event between 10:00 a.m. and 2:00 p.m.

#### **MAYOR'S COMMENTS**

Mayor Dudley stated the Holiday Magic on Pioneer Way was standing room only. He thought the Christmas lighting event was great.

#### **EXECUTIVE SESSION - Pursuant to RCW 42.30.110(1)(i)): Personnel Issues**

At 10:03 p.m. the Mayor and Council moved into Executive Session. The Mayor stated the Executive Session would last approximately one-half hour.

The Mayor reconvened the meeting at 10:32 p.m. and stated no formal action would be taken as a result of the Executive Session.

#### **ADJOURNMENT**

**MOTION:** Councilmember Servatius moved for adjournment at 10:32 p.m. Councilmember Almberg seconded the motion and the motion carried.

1. Die folgenden Aussagen sind wahr oder falsch? Begründen Sie Ihre Antwort!

1.1. Ein Vektorraum über einem Körper  $K$  ist ein  $K$ -Modul, der zusätzlich die Nullvektoren  $0$  und  $1$  enthält.

1.2. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.3. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.4. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.5. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.6. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.7. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.8. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.9. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.10. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.11. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.12. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.13. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

1.14. Ein  $K$ -Modul  $M$  ist ein Vektorraum über  $K$ , wenn  $M$  ein  $K$ -Modul ist, der die Nullvektoren  $0$  und  $1$  enthält.

**City Council Special Meeting  
Monday, December 10, 2012, 6:00 p.m.  
City Hall – Council Chambers**

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**CALL TO ORDER**

The Mayor called the regular meeting of the City Council to order at 6:03 p.m.

**Present:**

Mayor Scott Dudley  
Mayor Pro Tempore Danny Paggao  
Councilmember Tara Hizon  
Councilmember Beth Munns  
Councilmember Jim Campbell  
Councilmember Rick Almberg  
Councilmember Joel Servatius  
Councilmember Bob Severns

**Staff Present:**

Interim City Administrator Larry Cort  
Finance Director Doug Merriman  
Interim City Clerk Nacelle Heuslein

**Discussion of Legislative Priorities with Senator-Elect Barbara Bailey**

Mayor Dudley introduced Senator-Elect Barbara Bailey. The Council reviewed their Legislative priorities with her that had been adopted by Resolution 12-32.

1. **Retain** CAPRON Transportation funding as a critical resource for Whidbey Island surface transportation needs.
2. **Continue** to retain and support funding for the Public Works Trust Fund Program.
3. **Refrain** from supporting any Legislative proposals that would establish a mandate upon local government without providing the necessary funds to fully support the mandate.
4. **Support** a Legislative effort to limit local government liability and financial burdens caused by unreasonable public records requests
5. **Support** a Legislative effort to **continue** planning for an alternative to and preservation of the Deception Pass Bridge.
6. **Support** a Legislative effort to repeal those portions of RCW 36.70A.070(6) requiring Island County and its cities such as Oak Harbor to include State highways and ferry route capacity in determining transportation concurrency in local comprehensive plans.
7. **Continue** to support Legislative efforts to provide ongoing funding assistance for Phase II cities subject to NPDES storm water regulation and permitting.
8. **Refrain** from supporting any Legislative proposal that requires the election of all municipal court judges.

9. **Support** Legislation that better clarifies and retains Legislative decision making for determining reasonable and cost effective indigent defense services rules.
10. **Continue** to be diligent in addressing the State budget crisis without transferring State obligations onto local government.
11. **Continue** to support Legislation that provides flexibility at the point of collecting development impact fees. Should reflect at the state level what their thinking is as well
12. **Support** amending the frequency of required financial audits for cities and towns with records of clean audits.
13. **Remove** the permanent \$10 million diversion of liquor taxes to local governments and reinstate the historic revenue sharing system for liquor profits. Still have law enforcement issues

Senator-Elect Bailey stated it would be very helpful to the Legislature for a representative from the Council, who was knowledgeable with information and specifics to come and testify before the committees so the Senators are really educated as to the needs of Oak Harbor. The Council and Senator-Elect Bailey discussed each of these priorities and how the City might address them. Mayor Dudley thanked Ms. Bailey for coming and listening and discussing the Council's priorities.

### **Lodging Tax Discussion**

Finance Director Douglas Merriman stated the Hotel/Motel Tax applies to the sale or charge of lodging, by a hotel, motel, rooming house or trailer camp of less than one month in duration. The tax is collected by the seller of the lodging and remitted to the State which, in turn, distributes to cities. There are two types of Hotel/Motel Tax. One is the basic hotel-motel tax of 2% the other is an additional hotel-motel tax of 2%. The formation of a Lodging Tax Advisory Committee is required for cities with a population of 5,000 or more. They are tasked with addressing any change in use of tax revenues and these changes are required to go to the committee for review and comment at least 45 days before taking action on a proposal. The Lodging taxes support tourism activities via agreement with the Chamber of Commerce, 2% grant program and other tourism related projects. The City continues to have an agreement with the Chamber. 2% Grant Program funds \$16,000 to \$20,000 per year; grants are on a reimbursement basis; they primarily fund tourism related events and are designed to provide "seed money" for new events. Island-wide marketing a more global tourism effort has been supported with varying amounts; the Banner Program and Windjammer.

The Council supported the Public Restroom project and the possibility of providing more funds to the Island-wide Marketing effort. Councilmember Campbell would have the representative of that group at a meeting in January, 2013 with more quantifiable answers. Ways of making the Billboard more visible were also discussed as well as a splash pool and supporting of more events.

**Adjournment**

Mayor Dudley closed the meeting at 8:49 p.m.

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Nacelle J. Heuslein, Interim City Clerk

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

Bill No.

AB1 - CAa

Date:

Subject:

Approval of Accounts Payable  
Vouchers

FROM: Doug Merriman, Finance Director *DM*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

*SD* Scott Dudley, Mayor  
*LC* 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
		152167	11/28/2012	0004019 ASSOCIATED PETROLEUM PRODUCTS (Continued)	0365518-IN		FUEL	2,420.50
							<b>Total :</b>	<b>13,355.80</b>
		152168	11/28/2012	0001667 BAINBRIDGE ASSOCIATES	BAI12-1113-006		MODEL MULTIMAG/SENSOR CABLE	10,372.62
							<b>Total :</b>	<b>10,372.62</b>
		152169	11/28/2012	0000081 BAY PRINTING	21500		RECEIPTS	171.75
							<b>Total :</b>	<b>171.75</b>
		152170	11/28/2012	0006943 BINDER, DIANNE	1		TRAVEL REFUND	30.00
							<b>Total :</b>	<b>30.00</b>
		152171	11/28/2012	0000103 BLADE CHEVROLET, INC	132907		LAMP	20.09
							<b>Total :</b>	<b>20.09</b>
		152172	11/28/2012	0004631 BLAKE, KAY	1		TRAVEL REFUND	28.00
							<b>Total :</b>	<b>28.00</b>
		152173	11/28/2012	0004168 BLUETARP FINANCIAL, INC	27071788		TOOLS	443.48
							<b>Total :</b>	<b>443.48</b>
		152174	11/28/2012	0000109 BLUMENTHAL UNIFORMS	962264-80		PANTS/MERRILL	76.08
					964125		PANTS/GREEN	379.46
					964707		PANTS/STERKEL	166.30
					964967		PANTS/NIRO	68.47
					969150		BOOTS/BRAUNSTEIN	125.54
					TRAVEL REIMB2		TRAVEL REIMB	354.25
							<b>Total :</b>	<b>1,170.10</b>
		152175	11/28/2012	0006769 BRAUN CONSULTING GROUP	1584		OCT 2012/RETAINER	2,650.00
							<b>Total :</b>	<b>2,650.00</b>
		152176	11/28/2012	0000131 BROADVIEW APPLIANCE	31190		DOOR SEAL REPLACEMENT	286.91
							<b>Total :</b>	<b>286.91</b>
		152177	11/28/2012	0006946 BUCHANAN AUTOMATION, INC	0583437		MAC CSW	90.31

Bank code :	bank				Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount		
152177	11/28/2012	0006946	BUCHANAN AUTOMATION, INC	(Continued)			Total :	90.31
152178	11/28/2012	0005027	BURT'S SAW & MOWER	1793			HEDGE CLIPPER SHARPENING	152.18
							Total :	152.18
152179	11/28/2012	0005126	CASCADE ENGINEERING SERV, INC	ML-12111604790			METROLOGY	193.09
				ML-12111604791			METROLOGY	223.82
							Total :	416.91
152180	11/28/2012	0000150	CASCADE NATURAL GAS	08793000004			NATURAL GAS/POLICE STATION	274.37
				18583000007			NATURAL GAS/TREATMENT PLANT	10.00
				36624000000			NATURAL GAS/FIRE STATION	841.69
				58793000009			NATURAL GAS/CITY HALL	428.58
				80434000008			NATURAL GAS/CITY SHOP	905.68
				82193000005			NATURAL GAS/ANNEX	77.06
				90134000000			NATURAL GAS/ADULT CARE CENTI	44.70
							Total :	2,582.08
152181	11/28/2012	0000160	CENTRAL WELDING SUPPLY	AN15927			RETAINING CAP/NOZZLES/ELECTR	229.43
							Total :	229.43
152182	11/28/2012	0000162	CHANNING L BETE CO, INC	52570300			WATER CONSERV PACKS	229.86
							Total :	229.86
152183	11/28/2012	0001563	CHICAGO TITLE COMPANY	245353347-1			PROPERTY SEARCH	326.10
				245353350-1			OWNER'S POLICY	326.10
				245353460			OWNER'S POLICY	326.10
				245353463-1			OWNER'S POLICY	326.10
				245353465-1			OWNER'S POLICY	326.10
							Total :	1,630.50
152184	11/28/2012	0000170	CHIEF SUPPLY	142887			STREAMLIGHT/SWITCH	103.75
							Total :	103.75
152185	11/28/2012	0001711	COMMERCIAL FILTER SALES & SVC	286746			PLEATS	1,948.14
							Total :	1,948.14
152186	11/28/2012	0002954	COMMERCIAL PLUMBING, INC	41124			LEAK REPAIRS	1,265.33



Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : bank						
152197	11/28/2012	0002900	0002900	FASTENAL		
152198	11/28/2012	0000355	FRONTIER			
(Continued)						
			007-9244		CURRENT PHONE CHARGES	27.90
			240-0614		CURRENT PHONE CHARGES	282.32
			279-0841		CURRENT PHONE CHARGES	93.94
			675-1572		CURRENT PHONE CHARGES	71.47
			675-2111		CURRENT PHONE CHARGES	58.94
			675-3121		CURRENT PHONE CHARGES	59.37
			675-6794		CURRENT PHONE CHARGES	53.61
			679-3541		CURRENT PHONE CHARGES	54.67
			679-4091		CURRENT PHONE CHARGES	50.75
			679-5551		CURRENT PHONE CHARGES	91.70
			679-8702		CURRENT PHONE CHARGES	183.70
			770-2694		CURRENT PHONE CHARGES	60.13
			770-2715		CURRENT PHONE CHARGES	40.11
					<b>Total :</b>	<b>31.50</b>
						<b>1,132.21</b>
152199	11/28/2012	0000326	FRONTIER BUILDING SUPPLY	69057	LUMBER	2,382.55
					<b>Total :</b>	<b>2,382.55</b>
152200	11/28/2012	0000349	GRAINGER	9968982562 9977979948	CRIMPER INSERTS/DRYER/RIBBON CARTRIC	50.17 118.25
					<b>Total :</b>	<b>168.42</b>
152201	11/28/2012	0000345	GREATER OAK HBR CHAMBER OF COM	030126	NOV 2012/TOURIST PROMOTION	6,667.00
					<b>Total :</b>	<b>6,667.00</b>
152202	11/28/2012	0004974	GREEN LIGHT SOLUTIONS	8200	MAINTENANCE & INSPECTIONS	940.00
					<b>Total :</b>	<b>940.00</b>
152203	11/28/2012	0002747	GUARDIAN SECURITY	1423270	ALARM TESTING	448.27
					<b>Total :</b>	<b>448.27</b>
152204	11/28/2012	0004126	HABEEB, HEATHER	1	TRAVEL REFUND	28.00
					<b>Total :</b>	<b>28.00</b>
152205	11/28/2012	0005008	HAMMER, RENEE	EXP REIMB	EXP REIMB	77.32



Bank code :	bank					Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount			
152210	11/28/2012	0003095 HOME DEPOT CREDIT SERVICES	(Continued)						
			7031918		PUTTY/BASKET	12.98			
			9020666		WASHER/CONNECTOR	3.38			
			9031462		TEEWASHETS/VINYL	27.53			
			95484		MINT KEYSAFE/MNTGTP	35.81			
					<b>Total :</b>	<b>1,034.15</b>			
152211	11/28/2012	0000627 HSBC BUSINESS SOLUTIONS	114707945211		SUPPLIES	282.27			
					<b>Total :</b>	<b>282.27</b>			
152212	11/28/2012	0000394 HUMAN RESOURCE SERVICES	112012		DEC 2012/UNEMPLOYMENT SERVI	110.00			
					<b>Total :</b>	<b>110.00</b>			
152213	11/28/2012	0000417 INDUSTRIAL BOLT & SUPPLY	523284-1		DRILL/O-RING/STUDS	135.86			
					<b>Total :</b>	<b>135.86</b>			
152214	11/28/2012	0000415 ISLAND DISPOSAL	3033725		RECYCLING	41.00			
					<b>Total :</b>	<b>41.00</b>			
152215	11/28/2012	0000433 ISLAND DRUG	114507124678		INMATE MEDS	20.00			
					<b>Total :</b>	<b>20.00</b>			
152216	11/28/2012	0000438 ISLAND PAINT & GLASS	23365		PAINT	485.76			
			23577		PAINT	308.66			
					<b>Total :</b>	<b>794.42</b>			
152217	11/28/2012	0002828 KAR MART	808822		WHEEL STEEL	298.63			
					<b>Total :</b>	<b>298.63</b>			
152218	11/28/2012	0006362 KBA, INC	3000833		PROF SVC/GUN CLUB ROAD WATE	4,680.15			
					<b>Total :</b>	<b>4,680.15</b>			
152219	11/28/2012	0000477 KESSELRING'S	34485		HOLSTER	86.91			
					<b>Total :</b>	<b>86.91</b>			
152220	11/28/2012	0001475 KOCH, MARGARET	1		TRAVEL REFUND	30.00			
					<b>Total :</b>	<b>30.00</b>			

Bank code :	bank		Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152221	11/28/2012	0000494 LAKESIDE INDUSTRIES	5101454MB		ASPHALT	233.23
					<b>Total :</b>	<b>233.23</b>
152222	11/28/2012	0006947 LAMPLINE LIGHTING COMPANY	131444		WHELEN H60SN12	54.91
					<b>Total :</b>	<b>54.91</b>
152223	11/28/2012	0005996 LEONARDI, CONNIE	1		TRAVEL REFUND	30.00
					<b>Total :</b>	<b>30.00</b>
152224	11/28/2012	0000979 LES SCHWAB	41400028665		ALIGNMENT	61.14
					<b>Total :</b>	<b>61.14</b>
152225	11/28/2012	0006941 LEXIPOL, LLC	7769		MANUAL DEVELOPMENT	6,950.00
					<b>Total :</b>	<b>6,950.00</b>
152226	11/28/2012	0000950 LICENSING, WASHINGTON STATE DEP	110812		CONCEALED WEAPON PERMITS	630.00
					<b>Total :</b>	<b>630.00</b>
152227	11/28/2012	0000515 LOGGERS & CONTRACTORS, INC	00057462		BLADES/BOLTS/NUTS	771.07
					<b>Total :</b>	<b>771.07</b>
152228	11/28/2012	0000522 LUEHR, TOM	1		DRIVING SERVICES	138.00
					DRIVING SERVICES	96.00
					<b>Total :</b>	<b>234.00</b>
152229	11/28/2012	0002449 LUNDGREN, KATHLEEN	1		TRAVEL REFUND	30.00
					<b>Total :</b>	<b>30.00</b>
152230	11/28/2012	0000530 MAILLIARD'S LANDING NURSERY	63442		YARD WASTE	102.90
			63459		YARD WASTE	105.35
			66061		PLANTS	64.26
					<b>Total :</b>	<b>272.51</b>
152231	11/28/2012	0000660 MARKET PLACE FOOD & DRUG	159137		GROCERIES	240.47
			159196		GROCERIES	312.22
			828389		GROCERIES	471.29
					<b>Total :</b>	<b>1,023.98</b>

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
		152232	11/28/2012	0000362 MARSH-MCBIRNEY - HACH COMPANY	8025441		PROBE W/CABLE	720.63
							Total :	720.63
		152233	11/28/2012	0006072 MASTER'S TOUCH, LLC	26508		SEP 2012/MAILING SERVICES	867.75
					O121850		WINDOW ENVELOPES	1,565.28
							Total :	2,433.03
		152234	11/28/2012	0006944 MATHIESON, SHIRLEY	1		TRAVEL REFUND	28.00
							Total :	28.00
		152235	11/28/2012	0006028 MCI COMM SERVICE	679-3902		LONG DISTANCE	35.03
							Total :	35.03
		152236	11/28/2012	0006942 MEEKS, RHONDA	111312		KEY DEPOSIT REFUND	5.00
							Total :	5.00
		152237	11/28/2012	0004818 MICHAEL BOBBINK LAND USE SRVCS	111912		NOV 2012/HEARING EXAMINER	1,500.00
							Total :	1,500.00
		152238	11/28/2012	0005127 MICHALSKI, PAT	1		TRAVEL REFUND	30.00
							Total :	30.00
		152239	11/28/2012	0005445 MONTOYA, MATTHEW J	83		NOV 2012/PUBLIC DEFENSE	5,500.00
							Total :	5,500.00
		152240	11/28/2012	0000612 NELSON PETROLEUM	0486590-IN		FUEL	1,399.88
							Total :	1,399.88
		152241	11/28/2012	0000623 NITCHER, WENDY	TRAVEL REIMB		TRAVEL REIMB	63.05
							Total :	63.05
		152242	11/28/2012	0000633 NORTH SOUND BUSINESS SYSTEMS	9060		PRINTER CLEANING	81.53
					9061		PRINTER REPAIR	326.10
							Total :	407.63
		152243	11/28/2012	0000600 NORTHWEST CLEAN AIR AGENCY	112712		GRANT FUNDS	7,500.00
							Total :	7,500.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152244	11/28/2012	0000672 OAK HARBOR ACE	212555		BLADE/ADAPTER	23.89
			212682		EXTRACTOR BIT SET	14.12
			212691		FASTENERS	3.24
			212695		TAPE	55.30
			212718		TEE/PIPE	1.27
			212726		CASCADE POWDER/MIG WIRE	28.23
			212763		WAX	7.60
			212829		SCREWDRIVER	3.25
			212858		RUBBER SPNG/CAULK	8.46
			212861		BLADES	4.33
			212931		FASTENERS/INSERTS	7.14
			212939		FASTENERS	2.05
			212960		RSTP	5.42
			212970		FASTENERS	5.04
			212978		CLEANER	6.51
			213038		STARTER FLOUR	6.07
			213208		CLEANER	10.86
			213216		VELCRO	11.38
			213242		RSTP	32.54
			213290		RSTP	16.27
					<b>Total :</b>	<b>252.97</b>
152245	11/28/2012	0000668 OAK HARBOR AUTO CENTER	001-148491		OXYGEN SENSOR	58.34
			001-148773		FILTERS	16.22
			001-148805		FILTERS	71.63
			001-149020		ICE CHISEL	55.61
			001-149021		ICE CHISEL	60.24
			001-149581		BEAM	26.62
			001-149609		REPLACEMENT	20.51
			001-149957		STUD	3.20
			001-150247		OIL/CAN	6.56
					<b>Total :</b>	<b>318.93</b>
152246	11/28/2012	0003007 OFFICE DEPOT	628495592001		APC BACK	132.56
					<b>Total :</b>	<b>132.56</b>
152247	11/28/2012	0000665 OFFICEMAX, INC	300301		SPINDLE/SLEEVES	49.68



Voucher List  
City of Oak Harbor

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152255	11/28/2012	0000743 PUGET SOUND ENERGY	(Continued)			
			0948350004		ELECTRICITY/KITCHEN EAST SIDE	12.51
			1055170003		ELECTRICITY/STREET LIGHTS	12,100.27
			1149160002		ELECTRICITY/POLICE STATION	1,558.13
			1306440155		ELECTRICITY/180 PIT RD	23.71
			1306440387		ELECTRICITY/SR 20 & SW 24 ST	280.58
			1306444926		ELECTRICITY/34777 STATE ROUTE	105.80
			1306447796		ELECTRICITY/2000 SW SCENIC HE	22.68
			1306449073		ELECTRICITY/1780 SW SPRINGFIE	10.36
			1306449248		ELECTRICITY/3285 SW SCENIC HE	89.38
			2069491005		ELECTRICITY/1577 NW 8TH AVENU	9.66
			2117261004		ELECTRICITY/CITY BEACH PARK	647.38
			2149541001		ELECTRICITY/945 E WHIDBEY AVE	32.44
			2438649366		ELECTRICITY/NW CROSBY AVE & T	116.16
			2668731009		ELECTRICITY/SENIOR CENTER	755.78
			2728350006		ELECTRICITY/ANNEK	19.15
			2972721001		ELECTRICITY/2081 NE 9TH AVENUJ	10.80
			3004881003		ELECTRICITY/HELLER RD AND 700	61.85
			3069491003		ELECTRICITY/1679 SW 8TH AVENU	9.66
			3223642657		ELECTRICITY/SAB 4993 SR 20 E SII	319.03
			3415305956		ELECTRICITY/626 N CHRISTIAN RC	9.66
			3460950003		ELECTRICITY/MIDWAY & SE 8TH S'	157.71
			3997850007		ELECTRICITY/SEWAGE LIFT PMP	9.75
			4249160005		ELECTRICITY/LIFT STATION E PION	102.37
			4763991009		ELECTRICITY/SMITH PARK	9.66
			5039160006		ELECTRICITY/1137 NW KATHLEEN	38.80
			5145502000		ELECTRICITY/90 SE PIONEER WAY	59.40
			5315850007		ELECTRICITY/700 AV W & MIDWAY	209.90
			5410100654		ELECTRICITY/1957 SW FORT NUGI	165.95
			5462650002		ELECTRICITY/HELLER RD TELEME	367.72
			5839160008		ELECTRICITY/DISPOSAL PLANT	3,097.64
			5848181003		ELECTRICITY/FIDALGO & HATHAW,	21.99
			6012561814		ELECTRICITY/3300 OLD GOLDIE RC	81.49
			6012568561		ELECTRICITY/SWANTOWN RIDGE	181.99
			6160160005		ELECTRICITY/1285 NE TAFTSON S'	32.33
			6258350005		ELECTRICITY/TRAILER PK S END	24.46
			6768202001		ELECTRICITY/1501 S BEEKSMA DR	25.39

Voucher List  
City of Oak Harbor

Voucher	Bank code :	Date	Vendor	Invoice	PO #	Description/Account	Amount
152255	bank	11/28/2012	0000743 PUGET SOUND ENERGY	(Continued)			
				6847904155		ELECTRICITY/1948 NW CROSBY AV	92.87
				6847904528		ELECTRICITY/1661 NE 16TH AVENUE	22.95
				6847906499		ELECTRICITY/MIDWAY AVE STREET	315.59
				6847906598		ELECTRICITY/651 SE BAYSHORE DRIVE	89.66
				6847908149		ELECTRICITY/CITY BEACH PARK	9.66
				6847908198		ELECTRICITY/SE PIONEER WAY & ...	249.75
				6847908362		ELECTRICITY/1300 NE BIG BERRY	19.41
				6847909006		ELECTRICITY/90 SE PIONEER WAY	158.65
				6847909394		ELECTRICITY/MIDWAY & SE 4TH STREET	201.25
				6847909501		ELECTRICITY/SE PIONEER WAY & ...	106.45
				6902550000		ELECTRICITY/MCCROHAN & BARR	40.12
				7195081000		ELECTRICITY/600 NE 7TH AVENUE	106.17
				7258350003		ELECTRICITY/CITY BCH-COMFORT ST	169.08
				7479771003		ELECTRICITY/552 NW CLIPPER STREET	9.66
				7647999403		ELECTRICITY/SE CITY BEACH STREET	23.09
				7848350000		ELECTRICITY/75 SE JEROME STREET	9.66
				7944581003		ELECTRICITY/5941 STATE ROUTE 2	13.55
				8191791048		ELECTRICITY/ADULT CARE CENTE	10.89
				8258350001		ELECTRICITY/RESTROOM KITCHEN	10.70
				8291970286		ELECTRICITY/2330 SW ROSARIO P	38.13
				8382791005		ELECTRICITY/FABER ST & HARVES	9.66
				8549402009		ELECTRICITY/2075 SW FT NUGENT	18.21
				8848350008		ELECTRICITY/CITY BCH PARK	9.75
				8922751006		ELECTRICITY/128 E WHIDBEY AVE	9.66
				8926771000		ELECTRICITY/PIONEER PARK	18.48
				9045851004		ELECTRICITY/1370 SE DOCK STREET	56.35
				9049160006		ELECTRICITY/CITY HALL	926.10
				9142061002		ELECTRICITY/SR 20 & 650 AV W	1,186.42
				9173951006		ELECTRICITY/287 SE CABOT DRIVE	71.06
				9249160004		ELECTRICITY/WELL #6	12.24
				9269160009		ELECTRICITY/MARINA	2,505.69
				9374761006		ELECTRICITY/TREATMENT PLANT	2,679.00
				9406881004		ELECTRICITY/CITY SHOP	2,295.86
				9640160009		ELECTRICITY/VALVE PIT EAST SIDE	15.07
				9816271002		ELECTRICITY/FIRE STATION	1,201.31
				9848350006		ELECTRICITY/BATHHOUSE EAST BE	20.00

Bank code :	bank				Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor						
152255	11/28/2012	0000743	0000743	PUGET SOUND ENERGY	(Continued)		Total :	38,043.32
152256	11/28/2012	0002806	RADIA		57993-RADA		INMATE SERVICES	76.80
					57993-RADA		INMATE SERVICES	313.20
							Total :	390.00
152257	11/28/2012	0003979	RED LION RIVER INN		121645		HOTEL ACCOMMODATIONS/D ANDI	384.40
							Total :	384.40
152258	11/28/2012	0000960	REVENUE, WASHINGTON STATE DEPT	112012			OCT 2012/SALES/USE TAX	47,399.47
							Total :	47,399.47
152259	11/28/2012	0004654	RILEY, KENNETH				TRAVEL ADVANCE	89.00
							Total :	89.00
152260	11/28/2012	0001649	RIX, KATHY		1		TRAVEL REFUND	30.00
							Total :	30.00
152261	11/28/2012	0005827	ROBINSON, JACK				EXP REIMB	61.00
							Total :	61.00
152262	11/28/2012	0000781	SAFEWAY		090612		GROCERIES	37.98
							Total :	37.98
152263	11/28/2012	0005967	SEATTLE AUTOMOTIVE DIST		05-444096		CONNECTOR	-27.19
					06-788479		PUMP ASM	45.44
					06-788516		BOOT-IGNITION	53.57
					06-788580		DISC PADS	42.01
							Total :	113.83
152264	11/28/2012	0000809	SENIOR SERVICES OF ISLAND		OH10-2012		OCT 2012/SENIOR SERVICES	1,500.00
							Total :	1,500.00
152265	11/28/2012	0003782	SHARP ELECTRONICS CORPORATION	C760506-701			OCT 2012/MAINTENANCE CONTRA	17.84
							Total :	17.84
152266	11/28/2012	0000817	SHELLEY, TIM				EXP REIMB	8.88





Bank code :	bank				Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor						
152286	11/28/2012	0000937	0000937	VALLEY FREIGHTLINER, INC	(Continued)			
152287	11/28/2012	0002557	0002557	WAGNER, CLIFF	1		TRAVEL REFUND	Total : 125.27
152288	11/28/2012	0006387	0006387	WALTON BEVERAGE COMPANY	11572		COOLERS	Total : 60.00
152289	11/28/2012	0006853	0006853	WEED, GRAAFSTRA & BENSON, INC, L 3	4		PROF SVC/GENERAL 2012	Total : 411.97
					5		PROF SVC/GENERAL 2012	16,618.51
							PROV SVC/GENERAL 2012	8,568.00
								26,324.03
								Total : 51,510.54
152290	11/28/2012	0003897	0003897	WELSHANS, KINDLE	EXP REIMB		EXP REIMB	Total : 30.00
152291	11/28/2012	0000996	0000996	WEST PUBLISHING COMPANY	825964420		OCT 2012/WEST INFORMATION CH	Total : 30.00
152292	11/28/2012	0003785	0003785	WESTGATE RV CENTER	110612		NOV 2012/MOBILE OFFICE UNIT RE	Total : 627.12
152293	11/28/2012	0001000	0001000	WHIDBEY AUTO PARTS, INC.	159078		FITTING/HOSE	Total : 627.12
152294	11/28/2012	0001007	0001007	WHIDBEY CLEANERS	231097		EMBROIDERY	Total : 51.36
152295	11/28/2012	0000675	0000675	WHIDBEY COMMUNITY PHYSICIANS	651676		PRE-EMPLOYMENT/PEABODY	Total : 7.61
152296	11/28/2012	0002272	0002272	WHIDBEY GOLF & COUNTRY CLUB	110812		CATERING	Total : 7.61
152297	11/28/2012	0006151	0006151	WHIDBEY MARKETPLACE & NEWS,LLC 6274	6295		ADVERTISING	Total : 270.00
							ADVERTISING	Total : 270.00
								750.00
								Total : 750.00
								250.00
								25.00
								Total : 275.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152298	11/28/2012	0001017 WHIDBEY PRINTERS	45841		CAMPING REMITTANCE ENVELOPE	915.36
			45848		WINDOW ENVELOPES	248.92
					<b>Total :</b>	<b>1,164.28</b>
152299	11/28/2012	0001022 WILKIE, WILLIAM	TRAVEL REIMB		TRAVEL REIMB	213.50
152300	11/28/2012	0001067 ZEP SALES & SERVICE	63082013		AEROSOL	226.79
					<b>Total :</b>	<b>213.50</b>
					<b>Total :</b>	<b>226.79</b>
					<b>Bank total :</b>	<b>635,175.06</b>
					<b>Total vouchers :</b>	<b>635,175.06</b>

146 Vouchers for bank code : bank

146 Vouchers in this report

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

Bill No. AB1 CAB  
Date: \_\_\_\_\_  
Subject: Approval of Accounts Payable  
Vouchers

FROM: Doug Merriman, Finance Director *DM*

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

*SD* Scott Dudley, Mayor  
*LC* Larry Cort, Interim City Administrator  
*GW* Grant Weed, Interim City Attorney

**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.

Voucher List  
City of Oak Harbor

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152301	11/30/2012	0006948 HEATH, KATHERINE	Ref000200849		UB Refund Cst #00154456	174.17
152302	11/30/2012	0006950 MATA, TERESA F	Ref000200852		UB Refund Cst #00121427	19.66
152303	11/30/2012	0006876 MCCANN, DEAN	Ref000200850		UB Refund Cst #00154941	19.66
152304	11/30/2012	0006923 NELSON, DOROTHY	Ref000200848		UB Refund Cst #00124962	11.20
152305	11/30/2012	0006949 THORNTON, DARIUS	Ref000200851		UB Refund Cst #00159824	18.06
5 Vouchers for bank code : bank						57.56
5 Vouchers in this report						57.56
Bank total :						280.65
Total vouchers :						280.65

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

Bill No.

AB1 - CAC

Date:

Subject:

Approval of Accounts Payable  
Vouchers

FROM: Doug Merriman, Finance Director *DM*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

*SD* Scott Dudley, Mayor  
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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			
152306	11/30/2012	0000950 LICENSING, WASHINGTON STATE DEP	112712		CONCEALED WEAPONS PERMITS	255.00			
					<b>Total :</b>	<b>255.00</b>			
					<b>Bank total :</b>	<b>255.00</b>			
					<b>Total vouchers :</b>	<b>255.00</b>			

1 Vouchers for bank code : bank

1 Vouchers in this report

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

Bill No.

AB1 - CAD

Date:

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  
 Grant Weed, Interim City Attorney

**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.

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152307	12/7/2012	0000066 AWC EMPLOYEES BENEFITS TRUST	120712		PREMIUMS	44.67
					<b>Total :</b>	<b>44.67</b>
152308	12/10/2012	0000860 STANDARD INSURANCE COMPANY	113012		LONG TERM DISABILITY	4,157.51
					<b>Total :</b>	<b>4,157.51</b>
152309	12/12/2012	0006845 48 NORTH	32174		ADVERTISING	328.00
					<b>Total :</b>	<b>328.00</b>
152310	12/12/2012	0000004 A+ AUTO GLASS & RADIATOR	40848		WINDSHIELD INSTALLATION	241.34
					<b>Total :</b>	<b>241.34</b>
152311	12/12/2012	0006157 AHBL, INC	87570		PROF SVC/OAK HARBOR SMP	279.60
					<b>Total :</b>	<b>279.60</b>
152312	12/12/2012	0000424 ALL BATTERY SALES AND SERVICE	463318		BATTERIES	232.51
					<b>Total :</b>	<b>232.51</b>
152313	12/12/2012	0000028 ALL ISLAND LOCK & KEY	45344 45401		RESTROOM DOORS LOCK REPLACEMENT	152.18 163.92
					<b>Total :</b>	<b>316.10</b>
152314	12/12/2012	0000029 ALL PHASE ELECTRIC SUPPLY	0952-225756 0952-636197 0952-636335 0952-636538 0952-636541		DPLX RCPT WP CVR LAMPS DPLX RCPT WP CVR HID LAMP CVR	-9.24 183.87 18.48 21.46 12.04
					<b>Total :</b>	<b>226.61</b>
152315	12/12/2012	0001609 ALL QUALITY STITCHES	138		SHIRT	25.00
					<b>Total :</b>	<b>25.00</b>
152316	12/12/2012	0006953 ALLISON, DIANE	5471		MOORAGE REFUND	171.17
					<b>Total :</b>	<b>171.17</b>
152317	12/12/2012	0000033 ALPINE PRODUCTS, INC	TM-129293		GLASS BEADS/SOLVENT	2,492.01

Bank code :	bank	Date	Vendor	Invoice	PO #	Description/Account	Amount
152317	12/12/2012	0000033	0000033 ALPINE PRODUCTS, INC	(Continued)			
152318	12/12/2012	0000712	AMERIGAS	3012362940		PROPANE/MARINA	61.01
						<b>Total :</b>	<b>2,492.01</b>
152319	12/12/2012	0000042	ANACORTES, CITY OF	900-9080-00		NOV 2012/WATER PURCHASED	76,496.58
				900-9080-00		JUL 2012/WATER PURCHASED	72,716.58
				901-9080-01		NOV 2012/WATER PURCHASED	182.81
				901-9080-01		JUL 2012/WATER PURCHASED	1,217.10
				901-9080-02		NOV 2012/WATER PURCHASED	9,176.10
				901-9080-02		JUL 2012/WATER PURCHASED	10,280.92
						<b>Total :</b>	<b>170,070.09</b>
152320	12/12/2012	0002044	ANACORTES.NET/HOW IT WORKS	31800		DEC 2012/WEB HOSTING	75.00
						<b>Total :</b>	<b>75.00</b>
152321	12/12/2012	0005001	ARAMARK	516793000		NOV 2012/UNIFORM SERVICES	1,179.69
						<b>Total :</b>	<b>1,179.69</b>
152322	12/12/2012	0000053	ARROW PEST CONTROL, INC	144587		PEST CONTROL	108.70
						<b>Total :</b>	<b>108.70</b>
152323	12/12/2012	0004019	ASSOCIATED PETROLEUM PRODUCTS	0368476-IN		FUEL	8,711.53
				0370598-IN		FUEL	5,339.27
				0373080-IN		FUEL	11,845.47
						<b>Total :</b>	<b>25,896.27</b>
152324	12/12/2012	0000159	AT&T MOBILITY	287248275930X1022201		HOT SPOTS	419.51
				287248275930X1122201		HOT SPOTS	13.75
				287249477751X1024201		HOT SPOTS	19.36
				287249477751X1124201		HOT SPOTS	456.49
						<b>Total :</b>	<b>909.11</b>
152325	12/12/2012	0000065	AVOCET ENVIRONMENTAL TESTING	1203945-IN		TESTING SERVICES	133.00
						<b>Total :</b>	<b>133.00</b>
152326	12/12/2012	0000078	BARNETT IMPLEMENT COMPANY	641084		SEAL	27.44

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
		152326	12/12/2012	0000078	BARNETT IMPLEMENT COMPANY (Continued)			
		152327	12/12/2012	0004733	BARRON HEATING & AIR COND, INC	130129 130342	REPAIR SERVICES COIL CLEANING	Total : 27.44 195.66 415.78 611.44
		152328	12/12/2012	0000082	BAYSHORE OFFICE PRODUCTS, INC	0608873-001	LEDGER PAPER	Total : 133.90
		152329	12/12/2012	0000083	BAZA, ALVIN	120512	WELLNESS INCENTIVE	Total : 20.00
		152330	12/12/2012	0000091	BENS CLEANER SALES, INC	231091	OIL SERVICES	Total : 20.00
		152331	12/12/2012	0000109	BLUMENTHAL UNIFORMS	958448-80 962264-80 964125 964707 964707-01 964967 967686 969150 969870 971813	PANTS/BRAUNSTEIN PANTS/MERRILL PANTS/GREEN PANTS/STERKEL PANTS/STERKEL PANTS/NIRO CARDIGAN/BRAUNSTEIN BOOTS/BRAUNSTEIN UNIFORM ITEMS/GREEN PANTS/LITTLE/BAILEY	Total : 294.58 294.58 -54.34 76.08 379.46 166.30 219.95 68.47 83.64 125.54 255.06 233.12 1,553.28
		152332	12/12/2012	0000112	BOB BARKER COMPANY, INC	WEB000247481	JAIL SUPPLIES	Total : 267.04 267.04
		152333	12/12/2012	0002643	BODE'S PRECAST, INC	40580	MEMORIAL BENCH	Total : 434.00 434.00
		152334	12/12/2012	0003097	BOYER, TALLIE	120512	WELLNESS INCENTIVE	Total : 20.00 20.00
		152335	12/12/2012	0002644	C JOHNSON CONSTRUCTION, INC	5	PROF SVC/GUN CLUB ROAD WATE	Total : 110,323.83

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : bank						
152335	12/12/2012	0002644	0002644 C JOHNSON CONSTRUCTION, INC (Continued)			
152336	12/12/2012	0006215	CAROLLO	0125532	PROF SVC/PRELIMINARY ENGINEE	110,323.83
					<b>Total :</b>	<b>38,948.62</b>
152337	12/12/2012	0000160	CENTRAL WELDING SUPPLY	A2 2458	SAFETY TRIGGER ASSEMBLY/SPRI	62.22
				AN 16013	O-RING	1.38
				RN1120994	CENTRASHIELD	12.17
					<b>Total :</b>	<b>75.77</b>
152338	12/12/2012	0000167	CHEVRON AND TEXACO BUSINESS	572192	FUEL	70.13
					<b>Total :</b>	<b>70.13</b>
152339	12/12/2012	0000170	CHIEF SUPPLY	151732	STREAMLIGHT	129.56
					<b>Total :</b>	<b>129.56</b>
152340	12/12/2012	0000172	CHRISTIANS TOWING STORAGE	TOW 25444	TOWING SERVICES	196.75
					<b>Total :</b>	<b>196.75</b>
152341	12/12/2012	0000173	CINTAS CORPORATION #460	460520981	LAUNDRY SERVICES	67.21
					<b>Total :</b>	<b>67.21</b>
152342	12/12/2012	0000179	CLERKS PETTY CASH	120412	PETTY CASH	81.48
					<b>Total :</b>	<b>81.48</b>
152343	12/12/2012	0000186	COASTWIDE LABORATORIES	w2494741	CLEANER	58.13
					<b>Total :</b>	<b>58.13</b>
152344	12/12/2012	0000188	CODE PUBLISHING COMPANY	42115	MUNICIPAL CODE UPDATES	508.63
					<b>Total :</b>	<b>508.63</b>
152345	12/12/2012	0001433	COLE, DONNA	1	TRAVEL REFUND	25.00
					<b>Total :</b>	<b>25.00</b>
152346	12/12/2012	0005773	COMCAST	8498300270032028	XFINITY TV	8.12
					<b>Total :</b>	<b>8.12</b>
152347	12/12/2012	0005716	COMFORT INN	322	HOTEL ACCOMMODATIONS/PETER	88.56

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
		152347	12/12/2012	0005716	COMFORT INN			
		152348	12/12/2012	0001891	COMFORT INN AUBURN	13814446	HOTEL ACCOMMODATIONS/BEBEE	174.60
		152349	12/12/2012	0002954	COMMERCIAL PLUMBING, INC	41279	PLUMBING SERVICES	174.60
		152350	12/12/2012	0000197	CONCRETE NORWEST	844744	SCREENINGS	182.97
						845069	SCREENINGS	182.97
						845077	CRUSHED ROCK	471.67
						846503	SCREENINGS	442.94
						846505	CRUSHED ROCK	336.98
						846687	SCREENINGS	435.70
						846976	SCREENINGS	336.98
						846992	CRUSHED ROCK	732.16
						847305	CRUSHED ROCK	414.72
						847344	CRUSHED ROCK	168.49
							11CDA20	336.98
								630.46
								<b>4,307.08</b>
		152351	12/12/2012	0000202	COREY OIL COMPANY	72218	FUEL	23.34
								<b>23.34</b>
		152352	12/12/2012	0006204	CRA PAYMENT CENTER	WB38359	PART	187.47
								<b>187.47</b>
		152353	12/12/2012	0005029	CRANDELL, MARIBETH	EXP REIMB	EXP REIMB	21.74
						EXP REIMB		20.14
								<b>41.88</b>
		152354	12/12/2012	0000256	DAY WIRELESS SYSTEMS	156186	DEPOT REPAIR	363.55
						156401	ANTENNA	24.31
						443420	RADIO MAINTENANCE	361.61
								<b>749.47</b>
		152355	12/12/2012	0004084	DFAS CLEVELAND	20121130T056	NOV 2012/ANIMAL SHELTER	322.83
								<b>322.83</b>

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152356	12/12/2012	0000247	DIAMOND RENTALS	1322		LABOR LINE REPAIRS	74.39	
				500608-11		PORTABLES	49.95	
				500619-11		PORTABLES	49.95	
				500627-11		PORTABLES	49.95	
				501576-8		PORTABLES	49.95	
				501582-8		PORTABLES	49.50	
				502855-7		PORTABLES	49.95	
				504393-4		PORTABLES	99.90	
				505139-3		PORTABLES	49.95	
				505564-2		PORTABLES	49.95	
				505565-2		PORTABLES	49.95	
				505566-2		PORTABLES	49.95	
				505567-2		PORTABLES	49.95	
				505569-2		PORTABLES	49.95	
				505581-2		PORTABLES	49.95	
						<b>Total :</b>	<b>823.19</b>	
152357	12/12/2012	0006724	DIEKMAN POLYGRAPH SERVICES	12-19		PRE-EMPLOYMENT	175.00	
						<b>Total :</b>	<b>175.00</b>	
152358	12/12/2012	0000175	DUNN-TERRY, ROXANN	EXP REIMB		EXP REIMB	244.50	
						<b>Total :</b>	<b>244.50</b>	
152359	12/12/2012	0000257	DUTCH MAID CLEANERS	1022		NOV 2012/LAUNDRY SERVICES	13.04	
						<b>Total :</b>	<b>13.04</b>	
152360	12/12/2012	0005622	EC POWER SYSTEMS	415109		GENERATOR REPAIR	221.75	
						<b>Total :</b>	<b>221.75</b>	
152361	12/12/2012	0000273	EDGE ANALYTICAL, INC	12-20801		TESTING SERVICES	18.00	
						<b>Total :</b>	<b>18.00</b>	
152362	12/12/2012	0003252	EMBLEM AUTHORITY	12759		EMBLEMS	334.05	
						<b>Total :</b>	<b>334.05</b>	
152363	12/12/2012	0005826	ESPARZA, NIKKI	1		NOV 2012/PROF SVC	7,500.00	
						<b>Total :</b>	<b>7,500.00</b>	

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
		152364	12/12/2012	0001582 EVERGREEN PACIFIC PUBLISHING	4322		TIDE GUIDES	108.15
							<b>Total :</b>	<b>108.15</b>
		152365	12/12/2012	0006276 EXPRESS SERVICES, INC	11807206-5		OFFICE SUPPORT	1,164.48
							<b>Total :</b>	<b>1,164.48</b>
		152366	12/12/2012	0005086 EZINE INDUSTRIES, INC	821564		NOV 2012/COMMUNITY ALERT NET	9.75
							<b>Total :</b>	<b>9.75</b>
		152367	12/12/2012	0006951 FAKKEMA, ROBERT	EXP REIMB		EXP REIMB	150.00
							<b>Total :</b>	<b>150.00</b>
		152368	12/12/2012	0002900 FASTENAL	WAOAK13017 WAOAK13120		TOILET PAPER NUTS	1,055.65
							<b>Total :</b>	<b>24.96</b>
							<b>Total :</b>	<b>1,080.61</b>
		152369	12/12/2012	0000309 FERGUSON, LARRY	120512		WELLNESS INCENTIVE	20.00
							<b>Total :</b>	<b>20.00</b>
		152370	12/12/2012	0000954 FIRE CHIEFS, WASHINGTON STATE AS 09-5448			REGISTRATION/ANDERSON	195.00
							<b>Total :</b>	<b>195.00</b>
		152371	12/12/2012	0000314 FISHERIES SUPPLY COMPANY	2068247 2082925		HOSE CAP REPLACE	6.05
							<b>Total :</b>	<b>12.78</b>
							<b>Total :</b>	<b>18.83</b>
		152372	12/12/2012	0000355 FRONTIER	240-2350 279-1060 675-1568 675-1669 675-5190 675-6858 679-0500 679-1640 679-1651 679-1789 679-2530 679-2628		CURRENT PHONE CHARGES CURRENT PHONE CHARGES	1,134.15
								59.11
								203.00
								58.94
								40.84
								53.61
								58.58
								53.78
								58.94
								53.78
								58.94
								318.70

Bank code :	bank					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152372	12/12/2012	0000355 FRONTIER	(Continued)			
			679-3013		CURRENT PHONE CHARGES	53.61
			679-3321		CURRENT PHONE CHARGES	45.28
			679-3902		CURRENT PHONE CHARGES	58.40
			679-4150		CURRENT PHONE CHARGES	54.79
			679-4541		CURRENT PHONE CHARGES	107.22
			679-6391		CURRENT PHONE CHARGES	45.28
			679-8477		CURRENT PHONE CHARGES	77.76
					<b>Total :</b>	<b>2,594.71</b>
152373	12/12/2012	0000326 FRONTIER BUILDING SUPPLY	69914		LUMBER	61.74
			70371		LUMBER	15.78
					<b>Total :</b>	<b>77.52</b>
152374	12/12/2012	0001706 GARDNER, PAT	EXP REIMB		EXP REIMB	828.00
					<b>Total :</b>	<b>828.00</b>
152375	12/12/2012	0000330 GARDNER, TERI	TRAVEL REIMB		TRAVEL REIMB	141.50
					<b>Total :</b>	<b>141.50</b>
152376	12/12/2012	0000340 GIFFORD, KATHY	120512		WELLNESS INCENTIVE	20.00
					<b>Total :</b>	<b>20.00</b>
152377	12/12/2012	0001598 GORDON D KEYES DDS, INC	112912		INMATE SERVICES	170.00
					<b>Total :</b>	<b>170.00</b>
152378	12/12/2012	0000349 GRAINGER	9004892361		TUBING	33.15
					<b>Total :</b>	<b>33.15</b>
152379	12/12/2012	0002747 GUARDIAN SECURITY	1421277		ALARM MONITORING	1,284.00
			1428597		ALARM MONITORING	171.00
			1430518		SMOKE DETECTOR REPLACEMENT	331.54
					<b>Total :</b>	<b>1,786.54</b>
152380	12/12/2012	0004126 HABEEB, HEATHER	1		TRAVEL REFUND	25.00
			1A		TRAVEL REFUND	30.00
					<b>Total :</b>	<b>55.00</b>

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
		152381	12/12/2012	0006590 HAFFNER, OTTO	120512		WELLNESS INCENTIVE	20.00
							<b>Total :</b>	<b>20.00</b>
		152382	12/12/2012	0005311 HB JAEGER COMPANY, LLC	33571/2		VERSAMAX	189.35
							<b>Total :</b>	<b>189.35</b>
		152383	12/12/2012	0000323 HD FOWLER COMPANY	13270091 13274319 13274542		REDUCER FREIGHT CHARGES SEALS/COUPLING	165.22 11.52 556.81
							<b>Total :</b>	<b>733.55</b>
		152384	12/12/2012	0001497 HEARTH & HOME	2729		2012 RACE WEEK BANNERS	1,875.08
							<b>Total :</b>	<b>1,875.08</b>
		152385	12/12/2012	0000382 HELTSLEY, RAY	EXP REIMB		EXP REIMB	101.80
							<b>Total :</b>	<b>101.80</b>
		152386	12/12/2012	0006868 HEUSLEIN, NACELLE	EXP REIMB		EXP REIMB	357.25
							<b>Total :</b>	<b>357.25</b>
		152387	12/12/2012	0006119 HOLMAN, DAYMAN SCOTT	EXP REIMB		EXP REIMB	85.00
							<b>Total :</b>	<b>85.00</b>
		152388	12/12/2012	0003095 HOME DEPOT CREDIT SERVICES	4078137		FLCARE	264.13
							<b>Total :</b>	<b>264.13</b>
		152389	12/12/2012	0005250 HONEYMOON BAY COFFEE ROASTERS	842820		COFFEE SUPPLIES	93.22
							<b>Total :</b>	<b>93.22</b>
		152390	12/12/2012	0006520 HOPKINS, CAMERON	120512		WELLNESS INCENTIVE	20.00
							<b>Total :</b>	<b>20.00</b>
		152391	12/12/2012	0000627 HSBC BUSINESS SOLUTIONS	113670155211 15505055211 186250155211		SUPPLIES SUPPLIES SUPPLIES	371.69 623.38 1,609.26
							<b>Total :</b>	<b>2,604.33</b>
		152392	12/12/2012	0001910 HUGHES, BETTY	1		TRAVEL REFUND	12.00

Bank code :	bank		Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor				
152392	12/12/2012	0001910 HUGHES, BETTY	120112		DUI/UNDERAGE DRINKING PREVEI	12.00
152393	12/12/2012	0005872 IMPAIRED DRIVING IMPACT PANEL	120112			200.00
152394	12/12/2012	0000417 INDUSTRIAL BOLT & SUPPLY	522275-2			200.00
152395	12/12/2012	0005280 INNOVYZE, INC	524058-1		HWH SUR-GRIP	20.37
152396	12/12/2012	0001469 INTERNATIONAL CODE COUNCIL	16168AM		O-RINGS/STUDS/CONNECTORS/DI	276.53
152397	12/12/2012	0004410 ISLAND COUNTY PUBLIC HEALTH	INV0226266			296.90
152398	12/12/2012	0000410 ISLAND COUNTY SOLID WASTE	113012		SUBSCRIPTION	1,087.00
152399	12/12/2012	0000411 ISLAND COUNTY TREASURER	113012		COMMENTARY SET CDS/LOOSE TA	1,087.00
152400	12/12/2012	0000412 ISLAND COUNTY TREASURER	113012		FOOD SERVICE PERMIT	1,101.79
152401	12/12/2012	0000415 ISLAND DISPOSAL	120312		NOV 2012/TIPPING FEES	358.00
152402	12/12/2012	0000454 JET CITY EQUIPMENT RENTAL	112812		NOV 2012/RECYCLING	358.00
152403	12/12/2012	0006952 JUPIN, TIMOTHY	20086		CRIME VICTIM COMPENSATION	69,600.86
152404	12/12/2012	0000476 KERR, JACK	TRAVEL REIMB		4TH QTR 2012/JOINT TOURISM	69,600.86
			11-12		NOV 2012/RECYCLING	178.30
					EXCAVATOR RENTAL	178.30
					TRAVEL REIMB	5,000.00
					NOV 2012/PUBLIC DEFENSE SCORE	5,000.00
						4,458.15
						4,458.15
						2,500.10
						2,500.10
						26.30
						26.30
						1,400.00
						1,400.00

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
		152405	12/12/2012	0000291 KRIEG CONCRETE PRODUCTS, INC	125157		RISERS	155.44
							<b>Total :</b>	<b>155.44</b>
		152406	12/12/2012	0000485 KRIEG CONSTRUCTION	7782		ASPHALT	388.06
							<b>Total :</b>	<b>388.06</b>
		152407	12/12/2012	0002227 LABORATORY CORPORATION OF	39611095		PRE-EMPLOYMENT	339.50
							<b>Total :</b>	<b>339.50</b>
		152408	12/12/2012	0004920 LAWSON, OTTO	EXP REIMB		EXP REIMB	85.00
							<b>Total :</b>	<b>85.00</b>
		152409	12/12/2012	0000505 LEFEBER TURF FARM, LLC	54370		ICO-PRIORA 8CM	14.36
							<b>Total :</b>	<b>14.36</b>
		152410	12/12/2012	0000979 LES SCHWAB	41400034056		REPAIR SERVICES	102.12
							<b>Total :</b>	<b>102.12</b>
		152411	12/12/2012	0006895 LOCHMILLER, OLIVIA	1		TRAVEL REFUND	24.00
							<b>Total :</b>	<b>24.00</b>
		152412	12/12/2012	0000522 LUEHR, TOM	1		DRIVING SERVICES	99.00
							DRIVING SERVICES	165.00
							DRIVING SERVICES	87.00
							<b>Total :</b>	<b>351.00</b>
		152413	12/12/2012	0000530 MAILLIARD'S LANDING NURSERY	63801		YARD WASTE	148.75
					65563		YARD WASTE	121.80
					65594		YARD WASTE	102.55
					65662		YARD WASTE	93.80
					65704		YARD WASTE	85.75
					65724		YARD WASTE	155.40
					65759		YARD WASTE	127.05
					65793		YARD WASTE	137.20
					65907		YARD WASTE	161.35
					65922		YARD WASTE	98.70
					65949		YARD WASTE	97.30
					65974		YARD WASTE	84.35

Bank code :	Vendor	Date	Invoice	PO #	Description/Account	Amount
bank	12/12/2012 0000530 MAILLIARD'S LANDING NURSERY		(Continued)			
152413			66027		YARD WASTE	54.25
			66041		YARD WASTE	29.75
			66047		YARD WASTE	30.00
			66060		YARD WASTE	71.05
			66074		YARD WASTE	71.75
			66123		YARD WASTE	62.30
			66167		YARD WASTE	161.70
			66180		YARD WASTE	88.20
			66198		YARD WASTE	121.45
					<b>Total :</b>	<b>2,104.45</b>
152414	12/12/2012 0003120 MAMMOTH STONEWORKS		2526		ENGRAVING/GROUTING	46.87
					<b>Total :</b>	<b>46.87</b>
152415	12/12/2012 0000660 MARKET PLACE FOOD & DRUG		411351		GROCERIES	5.12
			764378		GROCERIES	291.16
			802827		GROCERIES	475.00
					<b>Total :</b>	<b>771.28</b>
152416	12/12/2012 0006072 MASTER'S TOUCH, LLC		P27469		NOV 2012/POSTAGE FOR LATE NO	385.11
			P27471		NOV 2012/POSTAGE FOR STATEME	2,603.18
					<b>Total :</b>	<b>2,988.29</b>
152417	12/12/2012 0006072 MASTER'S TOUCH, LLC		27469		NOV 2012/MAILING SERVICES FOR	245.01
			27471		NOV 2012/MAILING FOR STATEMEN	864.93
					<b>Total :</b>	<b>1,109.94</b>
152418	12/12/2012 0000040 MATRIX		608038990		LONG DISTANCE	393.66
					<b>Total :</b>	<b>393.66</b>
152419	12/12/2012 0000561 MERRIMAN, DOUGLAS		TRAVEL REIMB		TRAVEL REIMB	340.77
					<b>Total :</b>	<b>340.77</b>
152420	12/12/2012 0006954 MINCKLER, SHERWOOD		2722		MOORAGE REFUND	115.74
					<b>Total :</b>	<b>115.74</b>
152421	12/12/2012 0006914 MORAN, JOHN		4401		MOORAGE REFUND	795.16

Bank code :	bank		Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor				
152421	12/12/2012	0006914	0006914 MORAN, JOHN			
152422	12/12/2012	0000593	MUELLER, DEBORAH	120512	WELLNESS INCENTIVE	<b>Total : 795.16</b>
152423	12/12/2012	0004423	MUNICIPAL EMERGENCY SERVICES	00361466_SNV	LUBRICANT/ELEMENTS	1,280.39
				00365216_SNV	SHIRTS	231.62
				00365701_SNV	SHIRT	60.87
					<b>Total :</b>	<b>1,572.88</b>
152424	12/12/2012	0001892	MUTUAL MATERIALS CO	1002077	MORTAR	5.87
				1002135	MORTAR	23.47
					<b>Total :</b>	<b>29.34</b>
152425	12/12/2012	0005640	NATIONAL LAW ENFORCEMENT	86161	TIES	31.44
				86168	BLANK TAGS	76.14
					<b>Total :</b>	<b>107.58</b>
152426	12/12/2012	0000624	NATIONAL LEAGUE OF CITIES	86287	MEMBERSHIP RENEWAL	1,861.00
152427	12/12/2012	0000616	NEW PIG CORPORATION	4564461-00	ABSORBENT MATS/BOOMS	<b>Total : 1,861.00</b>
152428	12/12/2012	0000618	NEXTEL COMMUNICATIONS	343702312-132	CURRENT COMM CHARGES	1,187.76
					<b>Total :</b>	<b>1,187.76</b>
152429	12/12/2012	0000621	NIIRO, CEDRIC	120512	WELLNESS INCENTIVE	20.00
152430	12/12/2012	0004424	NORTHWEST LEADERSHIP SEMINAR	1768	REGISTRATION/BUXTON/BAER	<b>Total : 20.00</b>
152431	12/12/2012	0005767	NORTHWEST RUNNER MAGAZINE	3979	ADVERTISING	550.00
					<b>Total :</b>	<b>550.00</b>
152432	12/12/2012	0006855	NORTHWEST YACHTING MAGAZINE	110812	OUTSTANDING CREDIT	725.00
				112612	OUTSTANDING CREDIT	<b>Total : 725.00</b>
						-58.00
						-59.00

Bank code :	bank		Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor	(Continued)			
152432	12/12/2012	0006855 NORTHWEST YACHTING MAGAZINE	43368			
152433	12/12/2012	0000672 OAK HARBOR ACE				
			212999		ADVERTISING	432.00
			213000		ELBOW	5.21
			213262		RSTP SPRAY	21.70
			213329		CABLE TIES/ANGLER	81.42
			213336		DENS PLAS/SPRAY/FASTENERS	56.45
			213395		BULBS	7.15
			213408		DENS PLAS/SPRAY/FASTENERS/C	18.10
			213432		CABLE TIES/PLIERS	19.00
			213435		STEM/GLD SFTIP	16.17
			213437		CAULK	13.00
			213462		CABLE TIES	13.02
			213464		CABLE TIES	7.05
			213479		NET LIGHTS	65.15
			213484		TAPE/PIPE	72.58
			213509		CABLE TIES	7.05
			213538		FILTER	10.86
			213562		PORTABLE PLUG IN	28.25
			213571		HARDWARE	2.38
			213592		TUBE/CLAMP	5.11
			213614		RUBBER SPNGE	14.12
			213622		ANTI-FREEZE	9.33
			213628		HOOK/FASTENERS	10.97
			213633		SWISS TREE	27.16
			213661		COVER	15.20
			213670		DIESEL CAN/STABILIZER	35.84
			213714		DISCS	107.02
			213722		LEADER HOSE	7.60
			213735		GLOVES	5.97
			213796		EXTENSION CORD/TAPE/BATTERY	83.82
			213806		CAULK/DECKSL	26.92
			213816		FASTENERS	8.87
			213837		RATCHET/SOCKET/HANDBOX	110.82
			213854		COVER	-7.60
					CABLE TIES/STAPLE	15.74
					<b>Total :</b>	<b>315.00</b>

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152433	12/12/2012	0000672 OAK HARBOR ACE	(Continued)			
			213856		CABINET/CHEST	163.04
			213863		WRENCH	13.03
			213894		FASTENERS	4.72
			213911		VELCRO STRIP	7.59
			213925		FASTENERS	13.57
			213927		FASTENERS	4.61
			213949		FASTENERS	18.14
			213965		CAULK/BULBS	35.83
			213974		PLY	8.14
			213976		SNAPS	26.07
			214040		ADAPTER	1.62
			214092		FASTENERS/SCREWS	57.94
			214128		FASTENERS	1.17
			214134		FLR	-52.13
			214145		FASTENERS	1.26
			214151		BALL VALVES	44.40
			214216		GRIP/FASTENERS	28.08
					<b>Total :</b>	<b>1,298.51</b>
152434	12/12/2012	0000668 OAK HARBOR AUTO CENTER	001-150277		FILTERS	61.32
			001-150566		FLASHER	4.74
			001-150700		FILTERS	103.71
			001-150725		FILTERS	24.34
			001-150733		LAMP	6.94
			001-150745		PUSH BUTTON	2.52
			001-150754		BELTS	16.75
			001-150762		BLADERUNNER	41.25
			001-150873		SPARK PLUGS	90.91
			001-150875		NON-RESISTOR	4.21
			001-150955		IMPACT	38.01
			001-151102		FILTERS	8.10
			001-151103		FILTERS	8.10
			001-151170		FUSE	1.83
			001-151171		FUSE	5.47
			001-151187		FILTERS	142.67
			001-151196		BELTS	-16.75

Voucher List  
City of Oak Harbor

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152434	12/12/2012 0000668	OAK HARBOR AUTO CENTER	(Continued)					
			001-151225				MINI LAMPS	12.89
			001-151288				RELAY	13.01
			001-151292				FILTERS	4.68
			001-151367				STARTER	137.02
							<b>Total :</b>	<b>711.72</b>
152435	12/12/2012 0000669	OAK HARBOR FIRE DEPARTMENT	121012				PETTY CASH	35.70
							<b>Total :</b>	<b>35.70</b>
152436	12/12/2012 0000676	OAK HARBOR POLICE DEPARTMENT	123112				PETTY CASH	53.77
							<b>Total :</b>	<b>53.77</b>
152437	12/12/2012 0000681	OAK HARBOR SCHOOL DISTRICT	0000120256				DEC 2012/COMPUTER NETWORK	6,708.33
							<b>Total :</b>	<b>6,708.33</b>
152438	12/12/2012 0000665	OFFICEMAX, INC	149322				COUPLER	11.94
			300302				WIRELESS MOUSE	18.46
							<b>Total :</b>	<b>30.40</b>
152439	12/12/2012 0001377	ORCA INFORMATION	312131				PRE-EMPLOYMENT/LAWLER	75.00
			312798				PRE-EMPLOYMENT/HOPKINS	75.00
			313194				PRE-EMPLOYMENT/MOON	75.00
			313195				PRE-EMPLOYMENT/MCLEARY	75.00
			313207				PRE-EMPLOYMENT/GRUBB	75.00
			313208				PRE-EMPLOYMENT/STANFORD	75.00
			313210				PRE-EMPLOYMENT/ARMSTRONG	75.00
			313211				PRE-EMPLOYMENT/FIKSE	75.00
			313425				PRE-EMPLOYMENT/COX	75.00
			313502				PRE-EMPLOYMENT/ESPARZA	75.00
							<b>Total :</b>	<b>750.00</b>
152440	12/12/2012 0000688	OVERHEAD DOOR CO	JS57447				DOOR MAINTENANCE	1,911.16
							<b>Total :</b>	<b>1,911.16</b>
152441	12/12/2012 0002985	PACIFIC TIRE CO. INC	0062095				TIRES	63.84
			0062216				TIRES	471.14



Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
		152453	12/12/2012	0000746	PUGET SAFETY EQUIPMENT (Continued) 0009008-IN		SHARPTS-A-GATOR	20.39 <b>356.18</b>
		152454	12/12/2012	0000743	PUGET SOUND ENERGY 0682202007 1306445121 6240913613 6847901524		ELECTRICITY/SW ERIE ST SW BAR ELECTRICITY/CITY BEACH PARK ELECTRICITY/2075 SW FT NUGENT ELECTRICITY/PARKS	158.34 138.49 376.07 57.58 <b>730.48</b>
		152455	12/12/2012	0000754	RAINBOW METALS 10670		PLAQUE	153.17 <b>153.17</b>
		152456	12/12/2012	0002508	RINEY PRODUCTION SERVICES 10-882		TAPING SERVICES/RENTALS/DVDS	2,851.44 <b>2,851.44</b>
		152457	12/12/2012	0004415	SEATTLE PUMP 12-4798		HOSE	505.94 <b>505.94</b>
		152458	12/12/2012	0000852	SENIOR CENTER PETTY CASH 112912		PETTY CASH	38.49 <b>38.49</b>
		152459	12/12/2012	0002358	SERVICEMASTER OF THE ISLAND 8715		DEC 2012/JANITORIAL SERVICES	775.00 <b>775.00</b>
		152460	12/12/2012	0000719	SEVERNS, RHONDA 120512		WELLNESS INCENTIVE	20.00 <b>20.00</b>
		152461	12/12/2012	0000817	SHELLEY, TIM 120512		WELLNESS INCENTIVE	20.00 <b>20.00</b>
		152462	12/12/2012	0004184	SIPES, TAMRA 123112		DEC 2012/RACE COORDINATOR SE	2,546.00 <b>2,546.00</b>
		152463	12/12/2012	0000814	SKAGIT FARMERS SUPPLY 135251		PST WINTER MIX	779.04 <b>779.04</b>
		152464	12/12/2012	0004341	SMITH, JACK TRAVEL REIMB		TRAVEL REIMB	128.76

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
		152464	12/12/2012	0004341	0004341 SMITH, JACK			
		152465	12/12/2012	0000843	SOLID WASTE SYSTEMS, INC			
		152466	12/12/2012	0000846	SOUND PUBLISHING			
					0059911-IN			
					692792		SEAL KIT	128.76
					692793		ORD 1636	23.50
					693495		ORD 1638	23.50
					693964		NOA 12-04	56.07
					693965		CC 12-27	56.07
					693967		CC 12-26	49.84
					696571		CALL FOR BIDS	49.84
					696572		ORD 1636	62.30
					696575		BIENNIAL BUDGET	49.84
					698681		NOA 12-05	112.14
					703532		COMP PLAN	43.61
					703550		ORD 1640	224.28
					704889		PUBLIC HEARING	56.07
							PUBLIC HEARING	137.06
								43.61
								990.57
		152467	12/12/2012	0000851	SPRINT			
					140239187		LONG DISTANCE	8.94
					144603707		LONG DISTANCE	14.20
					414568819-060		CURRENT CELL CHARGES	514.09
								537.23
		152468	12/12/2012	0000860	STANDARD INSURANCE COMPANY			
					112012		LIFE/POCFF	370.63
								370.63
		152469	12/12/2012	0003883	STAPLES BUSINESS ADVANTAGE			
					31856661113		TONER/INK	586.21
					3186028924		LABEL KIT	15.92
					3186028925		SANDISK	75.98
					3186028927		PENS/ENVELOPES/STAPLER	32.57
					3186028928		INK	156.51
					3186028932		INK	78.25
					3186028933		FOLDERS	29.22
					3186423100		KEYBOARD/CLIPBOARDS	80.27
					3186423101		TONER	540.24

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152469	12/12/2012 0003883	STAPLES BUSINESS ADVANTAGE	(Continued)					
			3186423102				MESSAGE BOOK/PENS/EXAM GLO	50.47
			3186423103				CREDIT	-250.00
			3186423104				USBS	75.98
			3186715685				HP CB541A/CB542/CB543A	421.73
			3186715686				PAPER/TAPE/FOLDERS	92.84
							<b>Total :</b>	<b>1,986.19</b>
152470	12/12/2012 0006460	STATEWIDE RENT-A-FENCE, INC	25324				PANELS	114.51
							<b>Total :</b>	<b>114.51</b>
152471	12/12/2012 0005786	STOWES SHOES & CLOTHING	0008323				BOOTS/LAWSON	108.19
			0008415				BOOTS/NYDAM	150.00
			0008418				BOOTS/NUCKOLS	150.00
							<b>Total :</b>	<b>408.19</b>
152472	12/12/2012 0003749	STUMP, PATRICK L	1				DRIVING SERVICES	120.00
			1				DRIVING SERVICES	132.00
			1				DRIVING SERVICES	150.00
							<b>Total :</b>	<b>402.00</b>
152473	12/12/2012 0000874	SURETY PEST CONTROL	344626				PEST EXTERMINATION	38.05
			344629				PEST EXTERMINATION	30.44
			344630				PEST EXTERMINATION	43.48
			344631				PEST EXTERMINATION	30.44
			344632				PEST EXTERMINATION	43.48
			344634				PEST EXTERMINATION	32.61
			345086				PEST EXTERMINATION	59.79
			345745				PEST EXTERMINATION	106.53
							<b>Total :</b>	<b>384.82</b>
152474	12/12/2012 0006194	TANDECKI, STELLA	1				TRAVEL REFUND	50.00
							<b>Total :</b>	<b>50.00</b>
152475	12/12/2012 0001938	TECHNICAL SYSTEMS, INC	14989				CALIBRATION SERVICES	1,076.13
							<b>Total :</b>	<b>1,076.13</b>
152476	12/12/2012 0001053	TREASURER, WASHINGTON STATE	120312				COURT/BC FEES	8,338.03

Bank code :	bank				PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice				
152476	12/12/2012	0001053	0001053	TREASURER, WASHINGTON STATI (Continued)			<b>Total : 8,338.03</b>
152477	12/12/2012	0000923	0000923	UNITED PARCEL SERVICE	0000A0182W472	SHIPPING	29.82
152478	12/12/2012	0004903	0004903	US BANK	4485591000304067	CREDIT CARD PURCHASES	<b>Total : 29.82</b>
152479	12/12/2012	0004903	0004903	US BANK	4485590001557665	CREDIT CARD PURCHASES	<b>Total : 2,783.53</b>
152480	12/12/2012	0000926	0000926	USABLUBOOK	823050 825485	MARKING PUMP	<b>Total : 1,126.74</b>
152481	12/12/2012	0000934	0000934	UTILITIES UNDERGROUND LOCATION	2110161	NOV 2012/LOCATES	<b>Total : 712.30</b>
152482	12/12/2012	0005223	0005223	VELASQUEZ, PETE	120512	WELLNESS INCENTIVE	<b>Total : 467.26</b>
152483	12/12/2012	0005920	0005920	VICKERS, JAMES	1	TRAVEL REFUND	<b>Total : 1,179.56</b>
152484	12/12/2012	0003196	0003196	VILLAFLO, RAMON	120512	WELLNESS INCENTIVE	<b>Total : 83.05</b>
152485	12/12/2012	0000978	0000978	WALLACE, RICHARD	EXP REIMB	EXP REIMB	<b>Total : 229.00</b>
152486	12/12/2012	0006853	0006853	WEED, GRAAFSTRA & BENSON, INC, L 6		PROF SVC/GENERAL 2012	<b>Total : 229.00</b>
152487	12/12/2012	0000996	0000996	WEST PUBLISHING COMPANY	826059456	SUBSCRIPTION CHARGES	<b>Total : 20,350.00</b>
152488	12/12/2012	0001000	0001000	WHIDBEY AUTO PARTS, INC.	159336 159459	O RINGS BRK ASSY	<b>Total : 219.03</b>
							8.04
							34.23

Bank code :	bank	Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152488		12/12/2012	0001000	WHIDBEY AUTO PARTS, INC.	(Continued) 159501		CONNECT/HOSE	39.61
							<b>Total :</b>	<b>81.88</b>
152489		12/12/2012	0001007	WHIDBEY CLEANERS	232214		EMBROIDERY	33.10
							<b>Total :</b>	<b>33.10</b>
152490		12/12/2012	0000675	WHIDBEY COMMUNITY PHYSICIANS	658036 658673		PHYSICAL/BIDDLE PHYSICAL/WILLIAMS	210.00 210.00
							<b>Total :</b>	<b>420.00</b>
152491		12/12/2012	0001017	WHIDBEY PRINTERS	45892 45893		NAME PLATES TIME CHITS	55.44 303.18
							<b>Total :</b>	<b>358.62</b>
152492		12/12/2012	0001010	WHIDBEY TELECOM	3511528		CURRENT NET CHARGES	41.45
							<b>Total :</b>	<b>41.45</b>
152493		12/12/2012	0001022	WILKIE, WILLIAM	TRAVEL REIMB		TRAVEL REIMB	354.25
							<b>Total :</b>	<b>354.25</b>
152494		12/12/2012	0001037	WORK OUTFITTERS	49896 49965 49966		BOOTS/ALVARADO BOOTS/ROBINSON BOOTS/RUSSELL	202.29 150.00 202.29
							<b>Total :</b>	<b>554.58</b>
188	Vouchers for bank code :	bank					<b>Bank total :</b>	<b>578,348.38</b>
188	Vouchers in this report						<b>Total vouchers :</b>	<b>578,348.38</b>



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

Bill No. AB1-CA e  
Date: \_\_\_\_\_  
Subject: Approval of Accounts Payable  
Vouchers

FROM: Doug Merriman, Finance Director *DM*

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

*SD* Scott Dudley, Mayor  
*LC* 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.

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

Bill No.

ABI - CA #

Date:

Subject:

Approval of Accounts Payable  
Vouchers

FROM: Doug Merriman, Finance Director *DM*

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

*SD* Scott Dudley, Mayor  
*LC* 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.

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

Bill No.

AB1 - CAG

Date:

December 18, 2012

Subject:

Petty Cash Resolution

FROM: Doug Merriman, Finance Director 

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

Scott Dudley, Mayor

 Larry Cort, City Administrator

 Grant Weed, Interim City Attorney, as to form

**PURPOSE**

A resolution to eliminate the Fire Department petty cash fund, and to increase the Finance Department petty cash from \$600.00 to \$900.00.

**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;

**FISCAL IMPACT DESCRIPTION**

There is no direct fiscal impact of eliminating the municipal court change fund.

Funds Required: \$ 0

Appropriation Source: Not Applicable

**SUMMARY STATEMENT**

The City's maintains an authorized listing of Petty Cash and Change Funds to be used by departments for various purchases requiring small incidental amounts of cash on hand. In addition, some funds are maintained in the Police Department for varying investigative needs. The City authorizes this list through a resolution that sets the location and dollar amount of each fund in the City. This resolution also assists Finance in ensuring that cash controls are maintained at appropriate levels.

The Fire Department petty cash fund has experienced minimal activity over several years and, accordingly, should be eliminated. The Finance Department petty cash fund needs to be increased from \$600.00 to \$900.00 to allow for an additional \$300.00 teller cash drawer. Having the 3<sup>rd</sup> drawer allows an additional person to assist customers during high volume periods of activity.

**STANDING COMMITTEE REPORT**

The Finance Standing Committee reviewed this item at their December 12, 2012 meeting.

# City of Oak Harbor City Council Agenda Bill

## RECOMMENDED ACTION

1. Approve resolution eliminating the municipal court change fund.

## ATTACHMENTS

1. Draft resolution.

RESOLUTION NO.12-41

RESOLUTION ELIMINATING THE FIRE DEPARTMENT PETTY CASH AND INCREASING THE FINANCE DEPARTMENT CHANGE FUND FROM SIX HUNDRED DOLLARS (\$600.00) TO THE SUM OF NINE HUNDRED DOLLARS (\$900.00).

WHEREAS, the minimal use of the Fire Department petty cash has shown that the petty cash is no longer necessary; and

WHEREAS, a change in operational procedures in order to facilitate better customer service necessitates an increase in the Finance Department change fund;

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

1. This Resolution supersedes Resolution Nos. 12-73, 15-73, 5-74, 6-74, 1-75, 3-79, 2-82, 10-82, 90-10, 90-18, 91-04, 91-12, 92-01, 93-08, 94-30, 97-16, 2000-09, 02-16, 03-07, 07-09, 10-07 and 12.03.
2. There is hereby established the following Change and Petty Cash Funds in the amounts indicated:

Change Fund (Marina)	\$400.00	
Change Fund (Police Department)	250.00	
Change Fund (Finance Department)	<del>600.00</del>	<b>900.00</b>
Petty Cash (Police Department)	200.00	
Chief of Police (Investigative)	5,000.00	
Change Fund (Senior Center)	75.00	
Petty Cash (Senior Center)	300.00	
Petty Cash (Finance Department)	300.00	
<del>Petty Cash (Fire Department)</del>	<del>200.00</del>	<b>0.00</b>
Change Fund (Library)	34.00	

Investigative Fund excepted, change and petty cash funds may not be used for personal cash advances even if secured by check or other IOU's. Any person making a purchase with money from said funds shall obtain a receipt therefore evidencing the transaction. At least once monthly or when withdrawals exceed 75% of the authorized amount of said fund, the fund custodian shall account to and request reimbursement to the fund from the Accounts Payable Clerk by submission of a claim voucher supported by the appropriated receipts. The funds so received shall be used to replenish the petty cash fund. Cash on hand and receipts for purchases shall at all times equal the amount of the petty cash authorized by this Resolution.

The Finance Director is authorized to transfer additional funds as may be necessary to bring the petty cash funds up to the amounts indicated above and to establish the investigative fund and change fund.

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

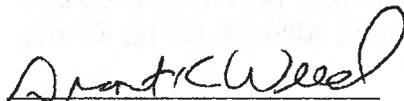
THE CITY OF OAK HARBOR

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

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

Bill No. AB-2  
Date: December 18, 2012  
Subject: Resolution 12-29, Special  
Market Conditions - Light  
Rescue Vehicle

FROM: Ray Merrill, Fire Chief *RAM*

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

*[Signature]* Scott Dudley, Mayor  
*[Signature]* Larry Cort, Interim City Administrator  
*[Signature]* Doug Merriman, Finance Director  
*[Signature]* Legal Council, City Attorney, as to form

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**PURPOSE**

This agenda bill recommends awarding a contract for the purchase of a rescue unit to North Star/Braun in the amount of \$128,152.55.

**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."

**RCW 39.04.280 Competitive bidding requirements-Exemptions.**

This section provides uniform exemptions to competitive bidding requirements utilized by municipalities when awarding contracts for public works and contracts for purchases. The statutes governing a specific type of municipality may also include other exemptions from competitive bidding requirements. The purpose of this section is to supplement and not to limit the current powers of any municipality to provide exemptions from competitive bidding requirements.

- (1) Competitive bidding requirements may be waived by the governing body of the municipality for:
- (a) Purchases that are clearly and legitimately limited to a single source of supply;
  - (b) Purchases involving special facilities or market conditions;
  - (c) Purchases in the event of an emergency;

# City of Oak Harbor City Council Agenda Bill

(d) Purchases of insurance or bonds; and

(e) Public works in the event of an emergency.

(2)(a) The waiver of competitive bidding requirements under subsection (1) of this section may be by resolution or by the terms of written policies adopted by the municipality, at the option of the governing body of the municipality. If the governing body elects to waive competitive bidding requirements by the terms of written policies adopted by the municipality, immediately after the award of any contract, the contract and the factual basis for the exception must be recorded and open to public inspection.

If a resolution is adopted by a governing body to waive competitive bidding requirements under (b) of this subsection, the resolution must recite the factual basis for the exception. This subsection (2)(a) does not apply in the event of an emergency.

(b) If an emergency exists, the person or persons designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record no later than two weeks following the award of the contract.

(3) For purposes of this section "emergency" means unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

## **FISCAL IMPACT DESCRIPTION**

Funds Required: \$ 135,000.00

Appropriation Source: 502.00.594.000.6400

## **SUMMARY STATEMENT**

On July 3, 2012, the City Council authorized staff to advertise for a light rescue unit. The purpose of this vehicle is to respond to medical incidents and carry the rescue and extrication equipment necessary to rescue citizens. This vehicle is called out on every car accident, medical issue, 2<sup>nd</sup> alarm structural fire and all rescues. This vehicle is instrumental to the Fire Department to provide efficient and reliable service to the citizens of Oak Harbor.

The City's current rescue unit is 26 years old and is beginning to show signs of internal engine wear due to age, it will need new tires and the electrical system will need to be re-wired because the unit fails to meet the minimum lighting requirements in accordance with National Fire Protection Association. In addition, the vehicle is not designed to accommodate all of the equipment that is needed to respond to an incident

# City of Oak Harbor City Council Agenda Bill

which requires alternative methods to secure the equipment which can result in a delay of equipment removal at the incident scene.

The bid was advertised in the Daily Journal of Commerce and Whidbey New Times. Eight bid packets were requested and/or sent out to vendors.

*Amount of the Bids:* Staff received and opened four sealed bids on August 7, 2012

The bid totals are tabulated below:

Vendor	Unit Price	Sales Tax	Grand Total
KME	\$104,300.00	\$9,074.10	\$113,374.10
North Star/Braun	\$121,451.00	\$9,837.53	\$131,288.53
KME	\$120,782.00	\$10,508.04	\$131,290.04
H&W/Spartan	\$135,862.00	\$12,227.58	\$148,089.58

The North Star/Braun demo unit meets all of the specifications as established by the Fire Department. In addition, their demo unit includes many more options that would make this vehicle highly desirable over the low bid. The Fire Chief has seen this unit at the NW Fire Expo in Portland and North Star/Braun brought this unit to the Fire Station as well. The Fire Chief is confident that this unit will meet the needs of the department.

It was recommended to City Council on September 4, 2012 to award the bid in the amount of \$131,288.53 and be awarded to North Star/Braun was the lowest responsible bidder.

On September 4, 2012, City Council deferred the award of the rescue vehicle until after the 2013-2014 budget was approved and the firefighter's negotiations were underway.

On November 20, 2012, Braun NW notified the City that the rescue unit they turned in the bid on was still available and that the price has been reduced to \$128,152.55. This resulted in a savings of \$3,152.55. In addition, KME notified the City that they no longer have the demo unit in the amount of \$131,290.04 available.

RCW 39.04.280 competitive bidding exemption provides a way for the City to waive the competitive bidding process due to special market conditions. Facts and circumstances that justify the special market condition purchase are more fully described in the attached memorandum of history and Resolution 12-29. An additional reason for a special market condition purchase is this unit is being offered at a favorable price and may be sold before the City will have a chance to complete the bidding process now that the vendors are no longer locked into the bid due to the sixty day bid expiration period.

It is recommended that a motion be made to reject all of the bids submitted on August 7, 2012. In addition, it is recommended that a motion be made to pass resolution 12-29 allowing the City to utilize special market conditions in order to purchase a rescue unit from North Star/Braun in the amount of \$128,152.55.

December 18, 2012 – Special Market Condition-Bid Award

# City of Oak Harbor City Council Agenda Bill

Lastly, in order to be efficient, it is recommended that a motion be made to authorize the surplus and disposal of the 1986 Chevrolet rescue unit.

*Funding:* The funding for the rescue unit has not been budgeted in Equipment Rental 502 fund; therefore, a budget amendment to increase the expenditure line will be necessary.

## **STANDING COMMITTEE REPORT**

- The Public Safety Standing Committee reviewed this item at their meeting on May 17, 2012.
- The Public Safety Standing Committee reviewed this item at their meeting on September 20, 2012.

## **RECOMMENDED ACTION**

1. A motion to reject all of the bids submitted on August 7, 2012; and
2. A motion to pass resolution 12-29 allowing the City to utilize special market conditions in order to purchase a rescue unit from North Star/Braun in the amount of \$128,152.55; and
3. A motion to authorize the surplus and disposal of the 1986 Chevrolet rescue unit/pick up.

## **ATTACHMENTS**

- Exhibit A: Resolution 12-29 with Attachments A and B.
- Exhibit B: Memorandum of History.

RESOLUTION NO. 12-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAK HARBOR WA AUTHORIZING THE PURCHASE OF A RESCUE UNIT, AND WAIVING THE COMPETITIVE BIDDING REQUIREMENT DUE TO A SOLE SOURCE PURCHASE AND SPECIAL MARKET CONDITIONS.

**WHEREAS**, RCW 39.04.280 (1) (a) and (b), allows for the Special Market Conditions and Sole Source Bidding for special purchases

**WHEREAS**, the City recently competitively bid the purchase of a Rescue Unit. The Braun NW Inc. Rescue Unit #1340-4 was the lowest and only responsive bidder to meet all specification requirements, including delivery date - for the price of \$131,288.53. However, the bid award date lapsed prior to awarding the contract; and

**WHEREAS**, the City has the continued immediate need to purchase a rescue unit as its current rescue unit is in need of repairs; and

**WHEREAS**, the same Braun NW Inc Rescue Unit #1340-4 meets all of the specific specifications required by the City, is located in Washington state and ready for immediate delivery, is still available for purchase but is being offered at the reduced price of \$128,152.55 (see attached **Exhibit A**- Bid Comparison sheet from the previous bid process and **Exhibit B** the November 15, 2012 Proposal from Braun NW) ; and

**WHEREAS**, the City Council finds that there is one Rescue Unit that will meet the City's immediate needs, and thus the vendor is a sole source of supply and that there is a special market condition because the City has received the lowest price offered by the vendor; and

**WHEREAS**, it is appropriate for the City Council to waive the competitive bidding requirements for the above reasons; and

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF OAK HARBOR HEREBY RESOLVES AS FOLLOWS:**

Section 1. The City's purchase of the Braun NW Inc. Rescue Unit #1340-4 is authorized in the amount of \$128,152.55 (including tax and delivery), and

Section 2. The competitive bidding requirement for the Braun NW Inc. Rescue Unit #1340-4 is waived pursuant to RCW 39.04.280 (1) (a) and (b) as this is a sole source purchase and involves special market conditions as set forth above in the **WHEREAS** section and **Exhibits A and B** to this resolution and hereby adopted as findings by the City Counsel.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_ 2012.

CITY OF OAK HARBOR

\_\_\_\_\_  
Scott Dudley, Mayor

\_\_\_\_\_  
Date

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Nacelle Heuslein, Interim City Clerk

  
Grant K Weed, Interim City Attorney

Published: \_\_\_\_\_

**Exhibit A**  
**Bid Comparison Sheet from Previous Bid submittals.**

	UNIT #1 (low bid)	UNIT #2	UNIT #3	UNIT #4 (high bid)
Manufacture	KME	North Star / Braun	KME	H&W / Spartan
New / Demo	New	Demo	Demo	New
Location	Nesquehoning PA	Chehalis WA	Nesquehoning PA	Ocala FL
Bid Price	\$104,300	\$121,451	\$120,782	\$135,862
WA Sales	\$9,074.10 (8.7%)	\$9,837.53 (8.1%)	\$10,508.04 (8.7%)	\$12,227.58 (12%)
Total	\$113,374.00 (Bid) \$113,374.10 (Actual)	\$131,288.53	\$131,290.04	\$148,089.58
Delivery Time	Approx 240 days	45 days	45 days	102 days
Meets Delivery Specs.	No	Yes	Yes	No
Chassis	2013 Ford F-550	2011 Ford F-550	2012 Ford F-550	2013 Ford F-550
Meets Specs	Yes	Yes	YES	Yes
F.O.B. Oak Harbor	Deduct \$3,000.00 for Factory pick-up	Yes	Deduct \$3,000.00 for Factory pick up	Deduct \$5,000.00 for Factory pick up

All chassis are the Ford F-550 and as such all meet the minimum requirements for the chassis portion of the bid specifications. All units are supplied with OEM standard bumper to bumper warranty and engine / drive train warranty. All units were specified with the "shift on the fly" 4-wheel drive feature.

Specification	UNIT #1	UNIT #2	UNIT #3	UNIT #4
1.01 Chassis	Yes	Yes	Yes	Yes
1.02 Ratings	Yes	Yes	Yes	Yes
1.03 Power Train	Yes	Yes	Yes	Yes
1.04 Exhaust	Yes	Yes	Yes	Yes
1.05 Power Steer	Yes	Yes	Yes	Yes
1.06 Brakes	Yes	Yes	Yes	Yes
1.07 Tires	Yes Spare tire frame mounted	Yes Shipped loose	Yes – no spare tire listed	Yes – Shipped loose
1.08 Electrical	Yes	Yes	Yes	Yes
1.09 Gauges	Yes	Yes	Yes	Yes
1.09 Vehicle Data	Yes	No Not required when vehicle was	Yes	Yes

RESOLUTION No. \_\_\_\_\_

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		built		
1.10 Cab Ext.	Yes	Yes	Yes	Yes
1.11 Cab Int.	Yes	Yes	Yes	Yes
1.12 Paint	Vermillion Red	Ford Red	No color provided	Ford Red
<b>Modular Unit</b>				
2.01 Dimensions				
Length 108"	123"	116"	123"	144"
Width 95"	92"	96"	92"	98"
Height 66"	70"	75.375"	76"	78"
2.02 Compartment L-1 and R-1 29" Wide 52" High Fully Transverse Two (2) Adj. Slv.	31-1/4" 60" 24" deep Trans over frame Yes	29" 70" Fully transverse Yes + 1 additional Shelf	31-1/4" 60" 24" deep trans over frame No L-1 no shelving R-1: 1 adj, 1 rollout	51" 48" Fully transverse Yes
L-2 and R-2 31" Wide 43" High 19.5" Deep One (1) Shelf	51-1/2" 35" 24" One (1) Shelf	40.5" 43" 23.5" One (1) shelf	51-1/2" Wide 35" high Transverse frames rails Roll-out tray	39.5 23.5 Fully transverse Yes
L-3 and R-3 23" Wide 63" high 19.5" Deep Two (2) Slvs	38-1/8" 60" 24" Yes	31" 70" 23.5 Two (2) + One (1) each	38-1/8" 60" 24" 1 floor tray each side	31" 48" 21.5 No
Rear Compt 46" High 73" Deep Slide out tray 1,000# Cap.	47-3/4" Approx 80" No Tray	60" 77.25 Tray Yes Plus one fixed Shelf	47-3/4" Unknown by bid No tray	43.5" 36" Yes
Roll-up Doors ROM or equal	Robinson Doors	ROM	Robinson Doors	ROM
Rubberized Tiles	Yes	Yes	Yes	Yes
3.01 Paint Sherwin Williams acrylic urethane Ford Red	PPG Delta polyurethane Customer Color Choice	Yes	PPG Delta polyurethane Vermillion	PPG Delta polyurethane Customer choice
3.02 Compartment finish	No Zolztone #20 Scuff rest.	Yes Aluminum mill	No Painted White	Yes Aluminum mill
3.03 Undercoating	Yes	Yes	Yes	Yes
4.01 Step	Yes	Yes	Yes	Yes

RESOLUTION No. \_\_\_\_\_

Page 4 of 8

Bumper				
4.02 Rub Rails	Yes	Yes	Yes	Yes
4.03 Fuel Fill	Not Specked	Yes	Not Specked	Yes
4.04 Fender Rings	Yes	Yes	Yes	Yes
4.05 Rock Guard	Yes	Yes	Yes	Yes
4.06 License	Yes	Yes	Yes	Yes
<b>5.0 Electrical</b>				
NFPA 1901	Yes	Yes	Yes	Yes
5.01 Circuitry to SAE J1128	Not Specked	Yes	Not Specked	
5.02 Driver's Console	Yes Class 1 ES-Key	Yes Load manager	Yes Class 1 ES-Key	Yes Load manager
5.03 Back-up Alarm	Yes	Yes	Yes	Yes
5.04 Light Bar	Whelen LED 56" Cab	Whelen LED 94" Body	Code 3 LED 58" Cab	Whelen LED 56" Cab
5.05 Scene Side, Rear, lights	Whelen LED NFPA 1901 compliant system	Whelen LED NFPA 1901 compliant system	Code 3 LED NFPA 1901 compliant system	Whelen LED NFPA 1901 compliant system
5.06 Siren – Whelen 200 watt 2-100 watt speakers	Yes	Yes	No Whelen 100 watt 1 – 100 watt speaker	Yes
5.07 FMVSS 108 compliant DOT lighting	Yes	Yes	Yes	Yes
5.08 Door Ajar Warning	Yes	Yes	Yes	Yes
5.09 Map light	Yes	Yes	Yes	Yes
6.0 Striping	Yes	Yes	Yes	Yes
7.0 Repair Center	Not Stated	Yes	Not Stated	Yes
Additional Items not listed on the bid specs	Pre-construction meeting (travel costs for meeting)  2-CD's of operational manuals  Battery Disconnect  Kussmaul Auto Eject shore power connection  Rear wheel liners  Tow eyes on rear	Repair manuals  SCBA Cylinder storage 2 each one on each side of vehicle, in front of rear wheels with cover plate/door  Telescoping lights located on rear of vehicle 12VDC  Kussmaul auto eject shore power connections,	Repair manuals  Wheel trim kits for all wheels  One (1) antenna w/wire  Battery Disconnect  Kussmaul Auto Eject shore power connection  Rear wheel liners Tow eyes on rear	Repair manuals  Painted wheels  Battery disconnect  Battery charger  Kussmaul auto-eject 120VAC shore power  2 tow eyes  Fender liners  4-scene lights 2

RESOLUTION No. \_\_\_\_\_

Page 5 of 8

	<p>One (1) antenna w/wire</p> <p>Painted wheels</p> <p>1 compartment light per compartment</p> <p>Discounts for pre-payment</p>	<p>120VAC power panel, vehicle battery charger, pre-wired for</p> <p>120VAC outlets located on modular body, wired for generator power connection.</p> <p>Four (4) antennas w/wires</p> <p>Engine block heater</p> <p>2 LED strip lights on all exterior compartment doors</p> <p>Stainless steel wheel simulators on all wheels</p> <p>400,000 candle power handheld spot light</p> <p>4 Scene lights – 2 mounted on each side of body – LED</p> <p>Rear Light bar – Traffic Controller .</p>	<p>Battery charger</p>	<p>located on each side of body</p> <p>2 tow eyes</p>

**Recommendation:**

The recommendation of the Fire Department is to award the bid to Braun NW / North Star. The total cost of the demo unit is \$131,288.54. This amount is \$17,914.43 above the low bid of \$113,374.10. The bid amount of \$131,288.54 is within the projections of cost for the vehicle.

**Justification:**

KME's low bid does not meet the specification as established by the Fire Department. One of the bid requirements is to deliver the vehicle with 45 days of the awarding of the bid. KME's bid had a delivery date of 120 days after receipt of the 2013 Ford F-550 chassis. The

anticipated delivery time of the chassis is 90 to 120 days after order is placed. This vehicle would not be delivered for 210 – 240 days from receipt of order. KME also does not provide listing of authorized repairs centers located with 300 miles of Oak Harbor. The compartments do not meet the minimum requirements and the shelving is not as specified. A pre-construction meeting would be highly recommended prior to the beginning of the project. This would require additional funds of approximately \$2,000.00 in travel expenses. Although the KME bid is low the Braun NW / North Star demo has additional features not listed on the KME unit.

The Braun NW / North Star demo unit has:

- A pre-wired 120VAC system allowing for the installation of a generator if so desired.
- Pre-wired 120VAC outlets located in and on the body of the vehicle.
- Battery charger to maintain vehicle batteries
- The additional rear telescoping lights provide for improved scene lighting and safety.
- LED left and right body mounted scene lights providing for additional scene safety/
- The traffic control light bar on the rear of the apparatus provides for an increased ability to direct traffic and early warning of the apparatus.
- Additional compartment lighting
- SCBA cylinder storage tubes located on the street and curb side of the vehicles body
- Four (4) antenna mounting systems including antennas and wire runs
- Engine block heater
- Stainless steel wheel covers on the wheels.
- Braun is a Washington based company. Should there be an issue with the vehicle Braun's sales / management team and factory are located in Chehalis WA.

**Exhibit B**

**Braun NW Inc November 15, 2012 Proposal.**

**MEMORANDUM**

**Purchase 2012 Braun – NorthStar Rescue Vehicle**

**History:**

- 1980 Purchased a 1980 Ford Chassis with a Marion body rescue vehicle designated Rescue 5. Vehicle to respond on all medical calls, rescue calls, and auto accident
- 1986 Purchased a 1986 Chevy 4X4 four door cab pick-up truck, designated Support 5. Vehicle to tow rescue boat and move supplies
- 1991 Obtained an older ambulance from Whidbey General Hosp designated Whidbey 4 – to be used for Basic Life Support transports. Removed pick-up box from Support 5 and installed a Servus Utility box – installed cascade mobile air system to refill SCBA bottles. Vehicle carried de-watering pumps, water vacuums, and some rescue equipment
- 1992 Moved into in new fire station units renumbered: R-5 becomes R-81, Support 5 becomes S-81, Whidbey 4 becomes Whidbey 6 – stays in service until 1993
- 1997 Sold R-81 to North Whidbey Fire & Rescue – obtained a 1986 Ford Ambulance from US Forest Service, designated Aid-81, unable to license as BLS transport vehicle – installed rescue equipment, medical equipment, Hurst Tool. Unit used as a rescue unit
- 2008 A-81 (86 Ford Ambulance) taken out of service due to mechanical problems. S-81 removed the cascade system, and renamed it Aid-81. Installed rescue equipment, extrication equipment and aid equipment. Vehicle responds to all medical calls, and auto accidents.

Present: Since 1980 OHFD has utilized four (4) different vehicles and condensed that number down to one (1). During the previous 32 years OHFD had a rescue vehicle for 17 years, a support / rescue / aid vehicle 26 years, an ambulance for 2 years, and then an aid / modified rescue vehicle for 11 years. Some of these vehicles have served in more than one capacity.

During the July 3, 2012 City Council meeting a request was present to and authorization was given by council to begin the bidding process for a light rescue vehicle. A request to bid was advertised in the Whidbey News Times, and the Daily Journal of Commerce–July 11, 2012 and July 18, 2012. Bids were opened on August 7, 2012 at 2:00PM PDT. Three (3) manufacturing companies submitted bids for four (4) rescue vehicles.

Braun NW, Chehalis WA	\$131, 288.53	Demo Unit available immediately – Reduced to \$128,152.55 (Nov. 20, 2012)
KME, Nesquehoning PA	\$113,374.10	New Unit, 240 days delivery time
KME, Nesquehoning PA	\$131,290.04	Demo Unit, available in 45 days – <b>vehicle has been sold</b>
H&W Spartan Ocala FL	\$148,089.58	New Unit 102 day delivery time

(1)

At the September 4, 2012 council meeting the purchase of the vehicle was placed into an on-hold status. The rationale was awaiting the outcome of the 2013 / 2014 budget and the Firefighters contract. *“Councilmember Almberg moved to defer this decision until after the City Council has completed their budget for 2013-2014 and the city has resolution with the firefighter’s union. Councilmember Servatius seconded the motion. Upon vote, Councilmembers Severn, Almberg and Servatius voted to postpone the decision and Mayor Pro Tempore Paggao and Councilmember Hizon voted no. The motion carried 3-2.”*

On October 6, 2012 the sixty (60) day waiting period for the bids submitted expired. No action has been taken on the rescue vehicle since the September 4, 2012 meeting. Braun NW stated they would honor their bid price as long as the vehicle was available.

Braun NW retains the 2011/2012 rescue vehicle. As of November 20, 2012 Braun NW has reduced the total price to \$128,152.55.

**Rational for Purchase:**

The Braun NW rescue meets or exceeds all of the basic bid requirements. The unit is available for immediate delivery. The Braun rescue unit was a Demo model that traveled to all the Northwest trade shows. As such the vehicle is equipped with an upgraded lighting package including LED scene lights, LED strip lights on the compartment doors, rear traffic control light bar, and telescoping scene lights located on the rear of the apparatus. The unit is also wired for 120VAC outlets and generator connections. The unit has four (4) radio antennas installed. Two (2) SCBA storage tubes located on the exterior of the body are installed.

It is the Fire Department’s opinion this unit far exceeds the minimum requirements as established in the bid documents. This vehicle will provide a quality rescue platform for many years. Should there be any problems with the vehicle chassis or the modular body Braun NW is a Washington based business and as such is conveniently located in Chehalis WA. This unit will be covered by the Ford Chassis and Braun NW standard warranties.

The low bid by KME failed to meet the minimum bid requirements as to compartment sizes, and delivery schedule, they do not have an authorized repair center within the 300 mile radius as required by the bid specs. KME’s second bid for the Demo unit has been sold.

H&W / Spartan was high bid of \$148,089.58 and was not considered.

All units meet the minimum chassis requirements, by each providing the Ford F-550 Chassis.

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

Bill No. AB3  
Date: December 18, 2012  
Subject: 2012 Comprehensive  
Plan Amendments

FROM: Steve Powers *rsp*  
Development Services Director

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

- [Signature]* Scott Dudley, Mayor
- [Signature]* Larry Cort, Interim City Administrator
- [Signature]* Doug Merriman, Finance Director
- [Signature]* Grant Weed, Interim City Attorney, as to form

**PURPOSE**

This agenda bill presents the 2012 Comprehensive Plan Amendments. The amendments include updates to the Capital Improvements Plan (CIP) and the creation of a land use designation for maritime uses. The 2012 Comprehensive Plan Amendment docket also included a study of scenic view corridors. That study is still underway and will be continued into the 2013 amendment cycle.

**AUTHORITY**

Updates to the Comprehensive Plan are required by RCW 36.70A.070 and RCW 36.70A.130. The Oak Harbor Municipal Code categorizes amendments to the Comprehensive Plan as a Type V review process (OHMC 18.20.270). This process requires the Planning Commission to hold a public hearing on the proposed amendments and make a recommendation to the City Council. The Council may conduct their own public hearing before making their legislative decision. The Council has traditionally conducted a hearing in order to provide one more opportunity for public participation in the amendment process.

**FISCAL IMPACT DESCRIPTION**

Funds Required:     n/a    

Appropriation Source:     n/a    

There are no immediate fiscal impacts with the addition of a new maritime land use designation to the Comprehensive Plan and its depiction on the Future Land Use Map in the area of the Oak Harbor Marina. However, future developments in this vicinity will likely require the extension or improvement of city infrastructure such as water, sewer, storm drain, and streets. Most infrastructure construction in this area will be driven by private development proposals. As such, the use of public funds is not

# City of Oak Harbor City Council Agenda Bill

anticipated for these improvements; however the City may choose to expend funds in this area as an economic development incentive if deemed appropriate.

The Capital Improvements Plan is a planning document that lists the projects the City anticipates planning, designing and implementing over a six year planning period. The City of Oak Harbor's CIP includes projects in enterprise funds<sup>1</sup> such as wastewater, stormwater, etc and also non-enterprise funds such as streets, parks and recreation, fire and law enforcement. The document also attempts to anticipate and plan for the non-infrastructure capital project needs of the City.

Updates are undertaken annually to reflect the implementation of projects over the upcoming budget cycle (in this case, 2013-2014) and make the necessary adjustments over the six-year planning horizon. Revenue projections and expenditures are also updated annually.

## **BACKGROUND**

The City Council approved the docket for the 2012 Comprehensive Plan Amendments on March 20, 2012. The docket included a land use amendment for maritime uses, updates to the Capital Improvements Plan and a study of scenic views in Oak Harbor, with the intent of protecting them. A brief discussion of each of these topics is included below. Please note that web links have been provided in the "Attachment" section of this agenda bill to the various documents discussed below. The ordinance adopting the amendments will have one clean paper copy of the amendments filed with the City Clerk. The ordinance in the Council member's packet does not include paper copies of the amendments.

### **Maritime Use Land Use Amendment**

This amendment considered ways in which maritime uses could be permitted in the vicinity of the Oak Harbor Marina. The creation of a new land use designation (Maritime) for the Comprehensive Plan was chosen over either amending the existing zoning designation (Public Facilities) or the use of an overlay zone.

### **Capital Improvements Plan Update:**

The amendments to the CIP this year include:

- Removal of completed projects - The Pioneer Way reconstruction project and related infrastructure projects have been deleted from the CIP.
- Updates to the projected revenues - This is done annually with information obtained from the Finance Department. Most of these changes are in Section 6 of the CIP.
- Updates to reflect the adopted Transportation Improvements Plan (TIP) - This year the changes include removing Pioneer Way improvements from the document, updating cost estimates on the NE 7<sup>th</sup> Avenue reconstruction and rescheduling of for future projects.

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<sup>1</sup> Enterprise funds are self supporting funds with user fees and include utilities such as water, sewers, stormwater, solid waste. The Marina is also an enterprise fund.

# City of Oak Harbor City Council Agenda Bill

- Updates to project schedules –These changes are shown in Appendix C, List of Needed Capital Facilities, where project descriptions and schedules listed. The schedule is updated every year to match available funds. The major projects that are tracking for implementation over the next few years include:
  - Streets – NE 7<sup>th</sup> Avenue reconstruction followed by SE 4<sup>th</sup> Street
  - Parks – upgrades to the splash park, lagoon bridge, continuing to acquire land for open space, community and neighborhood parks
  - Wastewater System – sewer line replacements and continuing work on a new treatment facility
  - Water System – North Reservoir and associated improvements
  - Stormwater System – 42-inch outfall reconstruction
- New projects
  - The only project added to the CIP this year is the proposed Technical Drive sewer project. This project, which would extend sanitary sewer up Technical Drive, is seen as the next logical step in providing sewer service to the Goldie Road area.
- Other updates –
  - The CIP document has been updated to reflect the City Council’s decision on the general location of the wastewater treatment facility.
  - The cost for improvements to SR20 has been updated to reflect the most recent estimates.
  - Basic statistics (Section 3) for the various facilities that serve the community were updated.

## Scenic View Study

The study of scenic views in Oak Harbor is still underway. This study will continue into the 2013 amendment cycle. The Planning Commission is starting to discuss the topic and is anticipated to narrow down the scenic views for analysis in the next few months.

## COMPREHENSIVE PLAN REVIEW CRITERIA

OHMC 18.15.080 establishes the criteria that the Planning Commission and the City Council shall use when reviewing proposed comprehensive plan amendments. These criteria and the staff response to each are shown below:

- (1) The amendment will not adversely affect the public health, safety and welfare in any significant way.

*The proposed amendments will not adversely affect the public health, safety and welfare. The proposed maritime land use designation, if adopted, will result in zoning code amendments that will regulate impacts on surrounding uses with a goal to protect the public health, safety and welfare of the community. Projects in the CIP are scheduled based on need identified in approved plans and are intended to serve the public needs and improve health, safety and welfare.*

## City of Oak Harbor City Council Agenda Bill

- (2) The proposed amendment is consistent with the overall goals and intent of the comprehensive plan.  
*The proposed maritime land use designation is in sync with the goals and intent of the proposed Shoreline Master Program. The process undertaken by both the Shoreline Master Program and the Comprehensive Plan Amendment process reflect the overall goals and intent of the community through the public input process. These proposed amendments do not conflict with other goals and policies in the Comprehensive Plan. The changes to the Capital Improvements Plan include projects for implementation of adopted plans over the next six years.*
- (3) The amendment is in compliance with the Growth Management Act and the Countywide Planning Policies.  
*The amendments are in compliance with the Growth Management Act and the Countywide Planning Policies. The Capital Improvements Plan includes projects from other adopted plans.*
- (4) The amendment addresses the needs or changing circumstances of the community as a whole or resolves inconsistencies in the city's comprehensive plan.  
*The proposed maritime land use designation is in response to the needs and changing circumstances of the community as it seeks a more diversified use of the shoreline. . The proposed land use designation is supported by the Marina Redevelopment Plan and the Shoreline Master Program (current and proposed). The amendments to the Capital Improvements Plan reflect the ongoing changes to projects and schedules based on budget, permits or other related issues.*
- (5) Environmental impact from the amendments have been addressed through the SEPA review and /or measures have been included that reduce possible impacts.  
*A SEPA checklist has been prepared for the amendments. No significant environmental impacts have been identified with the adoption of the proposed maritime land use designation and the updated CIP. However, projects that are in the maritime land use designation and the CIP may likely face environmental compliance with implementation. Each individual project will have a separate SEPA review and impacts will be addressed on a project by project basis.*
- (6) The amendment is consistent with the land uses and growth projections which were the basis of the comprehensive plan or to subsequent updates to growth allocations.  
*The proposed maritime land use designation is within the parameters of the growth projections. The maritime land use designation does not intend to provide dwelling units and will not add any additional capacity than the current land use designation. If developed as intended, there will be more jobs and economic impacts. The community can absorb these with its current and future capacity. There are several projects in the CIP that are intended to address level of service*

# City of Oak Harbor City Council Agenda Bill

*issues which is primarily related to land use and population growth.*

- (7) The amendment is generally compatible with neighboring land uses and surrounding neighborhoods.  
*The proposed maritime land use is compatible with neighboring land uses which is primarily Navy property and the Marina. The new land use designation is also sufficiently distanced from residential neighborhoods. The CIP document and its adoption by itself do not create any land use compatibility issues. However, there may be individual projects within the CIP that may have to address compatibility with surrounding uses through permitting and design. These will be addressed on a project by project basis.*
- (8) The proposed amendment accommodates new policy direction from the city council.  
*The proposed land use designation is a proactive approach to accommodating future water-dependent and water-related uses. This will allow the City to address maritime use proposals in a more expedient way than through the currently available process. The amendments to the CIP include decisions made by the City Council during the course of the year.*
- (9) Other specific criteria that may have been identified as the beginning of the process.  
*No special criteria were identified as the beginning of the process to consider this year's amendments.*

## **PLANNING COMMISSION**

The Planning Commission reviewed the 2012 Comprehensive Plan Amendments at different times throughout the year. For instance, the Commission discussed various methodologies to incorporate maritime uses and determined that creating a new land use designation was the best approach. They reviewed the various uses that the new land use designation should accommodate and incorporated commercial uses to supplement the industrial nature of maritime uses. The Commission also reviewed the updates to the Capital Improvements Plan and began the process of evaluating scenic views within and from Oak Harbor.

The Planning Commission opened the public hearing on the amendments at its October 23<sup>rd</sup> meeting and closed it at their November 27<sup>th</sup> meeting. Copies of the staff reports and minutes from those two meetings are included with this agenda bill as Attachment 1. At the conclusion of the public hearing, the Planning Commission recommended approval of the new Maritime land use designation, the revised Future Land Use Map depicting this new designation in the vicinity of the Oak Harbor Marina and of the updated 2013-2018 CIP. An ordinance reflecting this recommendation has been drafted for the City Council's consideration.

## **STANDING COMMITTEE REPORT**

The Governmental Services Standing Committee reviewed the 2012 Comprehensive Plan Amendments at its November 13<sup>th</sup> meeting.

# City of Oak Harbor City Council Agenda Bill

## RECOMMENDED ACTION

- Conduct public hearing.
- Adopt Ordinance No. 1647

## ATTACHMENTS

1. Planning Commission staff reports and minutes on the 2012 Comprehensive Plan Amendments.
2. Draft Ordinance No. 1647, adopting the 2012 Comprehensive Plan Amendments
3. Proposed amendment to the Land Use Element of the Comprehensive Plan – available for viewing at the City’s website at:  
<http://www.oakharbor.org/uploads/documents/40422012compplanlandusechapterlegislativeedit.pdf>
4. Proposed Future Land Use Designation Map - available for viewing at the City’s website at:  
[http://www.oakharbor.org/uploads/documents/7180land\\_use2012\\_reducedres.pdf](http://www.oakharbor.org/uploads/documents/7180land_use2012_reducedres.pdf)
5. Clean Copy of the 2012 Comprehensive Plan – available for viewing at the City’s website at:  
<http://www.oakharbor.org/uploads/documents/13462012compplanleancopy.pdf>
6. Legislative edit copy of the 2013-2018 Capital Improvements Plan – available for viewing at the City’s website at:  
[http://www.oakharbor.org/uploads/documents/3018capitalfacilitiesplan2013\\_2018legislativeedit.pdf](http://www.oakharbor.org/uploads/documents/3018capitalfacilitiesplan2013_2018legislativeedit.pdf)
7. Clean Copy of the 2013-2018 Capital Improvements Plan– available for viewing at the City’s website at:  
[http://www.oakharbor.org/uploads/documents/1431capitalfacilitiesplan2013\\_2018clean\\_copy.pdf](http://www.oakharbor.org/uploads/documents/1431capitalfacilitiesplan2013_2018clean_copy.pdf)

# Attachment 1

## Planning Commission Staff Reports and Minutes

**City of Oak Harbor  
Planning Commission**

**Bill No.** \_\_\_\_\_  
**Date:** November 27, 2012  
**Subject:** 2012 Comprehensive Plan  
Amendments

**FROM: Cac Kamak, AICP  
Senior Planner**

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The Planning Commission opened a public hearing on the 2012 Comprehensive Plan Amendments at its October 23, 2012 meeting. Staff presented the amendments at the meeting. There were no public comments on the amendments. The Planning Commission continued the hearing to the November 27, 2012 meeting.

Staff has no additional information to add to this item. Since the hearing is still open, the Planning Commission can continue to take any public testimony at the meeting. The Planning Commission is recommended to close the hearing and make a recommendation to the City Council.

OHMC 18.15.040 requires that the City Council act on the annual amendments before December 31<sup>st</sup> of each year. The amendments have been scheduled for the December 18, 2012 City Council meeting.

Note: Since there is no additional information on the amendments, the Planning Commission report on this item provided at the October 23<sup>rd</sup> meeting formulates the basis for recommendation to the City Council. If you need copies of this report, please contact me at 360-279-4514 or email me at [ckamak@oakharbor.org](mailto:ckamak@oakharbor.org).

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
November 27, 2012**

**ROLL CALL:** **Present:** Keith Fakkema, Greg Wasinger, Jeff Wallin, Kristi Jensen Jill Johnson-Pfeiffer and David Fikse.  
**Absent:** Gerry Oliver.  
**Staff Present:** Development Services Director, Steve Powers; Senior Planner, Cac Kamak and Building Official, David Anderson.

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

**MINUTES: MS. JENSEN MOVED, MS. JOHNSON-PFEIFFER SECONDED, MOTION CARRIED TO APPROVE THE OCTOBER 23, 2012 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:**

None present for comment.

**2012 COMPREHENSIVE PLAN AMENDMENTS – Public Hearing**

For the benefit of the newly appointed Planning Commissioner (Mr. Fikse), Mr. Kamak provided a brief summary of the Comprehensive Plan amendment process and the 2012 amendments (Capital Improvements Plan update and creation of a new "Maritime" land use category). This agenda item was discussed and the public hearing was opened at the October 23<sup>rd</sup> Planning Commission meeting. The Planning Commission continued the public hearing to the November 27, 2012 meeting. Mr. Kamak recommended that the Planning Commission close the public hearing and make a recommendation to the City Council.

Mr. Fakkema asked for any additional public comment, seeing none the public hearing was closed.

**ACTION: MR. WALLIN MOVED, MS. JENSEN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE 2012 COMPREHENSIVE PLAN AMENDMENTS. MOTION CARRIED.**

**2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting**

Mr. Kamak reported that the Planning Commission included this item on the 2012 Comprehensive Plan Docket with an interest to protect view within the community. This item will continue into the 2013 amendments cycle.

Mr. Kamak explained that the intent of this docket item was to identify existing desirable scenic views within the community and determine appropriate methodologies to eventually protect them.

On October 23, 2012 staff presented to the Planning Commission public input on scenic views that staff collected from citizens via a flyer in the utility bills as well as photos taken by staff.

Mr. Kamak displayed the following table which presented criteria for evaluating the feasibility of protecting scenic views. After Planning Commission discussion about downtown height limits, gateway views entering and exiting the City, tools for protecting views (zoning regulations and

# City of Oak Harbor Planning Commission

Bill No. \_\_\_\_\_  
Date: October 23, 2012  
Subject: 2012 Comprehensive Plan  
Amendments

FROM: **Cac Kamak, AICP  
Senior Planner**

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## **PURPOSE**

This memo presents the 2012 Comprehensive Plan Amendments. The amendments include updates to the Capital Improvements Plan (CIP) and creating a land use category for maritime uses. The 2012 docket also included a study and implementation of scenic view corridors. The study is still underway and will be continued into the 2013 amendment cycle.

The Planning Commission is requested to open a public hearing at the October 23<sup>rd</sup> meeting and take public testimony. Staff recommends continuing the public hearing to the November 27<sup>th</sup> meeting. The Planning Commission is expected to make a recommendation to the City Council at the November 27<sup>th</sup> meeting.

## **AUTHORITY**

Updates to the Comprehensive Plan are required by RCW 36.70A.070(3) and RCW 36.70A.130. The City of Oak Harbor code categorizes the amendments to the Comprehensive Plan as a Type V process (OHMC 18.20.270) and therefore requires the Planning Commission to hold a public hearing on the proposed amendments and make a recommendation to the City Council.

## **FISCAL IMPACT DESCRIPTION**

There are no immediate fiscal impacts with the addition of a new maritime land use category to the Comprehensive Plan. However, future developments in this area will add and extend city infrastructure such as water, sewer etc. The proposed land use changes in the area recognize potential for transportation issues as well. Most infrastructure construction in this area will be driven by development proposals. Use of city funds in this area is not anticipated; however the city may choose to expend funds in this area as an economic incentive if deemed necessary.

The Capital Improvements Plan is a planning document that lists the projects the City anticipates to plan, design and implement over a six year planning period. The City of Oak Harbor's CIP includes projects in Enterprise<sup>1</sup> Funds such as wastewater, stormwater, etc and also Non-Enterprise Funds such as streets, parks and recreation, fire and law enforcement. Since this is a "planning" document, it includes all the anticipated capital needs of the City and their cost estimates. Amendments are made every year based on available resources.

Updates are made every year to reflect the implementation of projects over the upcoming budget year (2012-2013) and make the necessary adjustments over the six-year planning horizon. Revenue projections and expenditures are also updated every year.

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<sup>1</sup> Enterprise Funds are self supporting funds with user fees and includes utilities such as Water, Sewers, Stormwater, Solid Waste and Marina

# City of Oak Harbor Planning Commission

## BACKGROUND

The City Council approved the docket for the 2012 Comprehensive Plan Amendments on March 20, 2012. The docket included land use amendments for maritime uses, updates to the Capital Improvements Plan and a study on scenic views in Oak Harbor with an intent to protect them.

The Planning Commission discussed the land use amendments on August 14, 2012 and directed staff to pursue the creation of a new land use category to accommodate maritime uses. The August 14<sup>th</sup> Planning Commission report has been attached to this memo for your reference (Attachment 1). The Planning Commission chose to create a new land use category since some of the other methods such as Text Amendment and Overlay Zones were not adequate to address the intent of development along the shoreline adjacent to the marina. The proposed amendment to include a new land use category into the Land Use section of the comprehensive plan has also been attached for your review (Attachment 2).

The Planning Commission discussed the Capital Improvements Plan (CIP) at its September 25, 2012 meeting. The CIP is updated annually to reflect changes in revenues and expenditures for the various enterprise<sup>2</sup> funds such as wastewater, stormwater, etc and also non-enterprise funds such as streets, parks and recreation, fire and law enforcement. Since this is a “planning” document, it includes all the capital needs of the City and their estimates. Amendments are made every year based on available resources. The September 25<sup>th</sup> Planning Commission report, that discusses the changes to the document, is attached for your reference (Attachment 3). A marked copy of the 2012-2018 Capital Improvements Plan has also been attached.

The study of scenic views in Oak Harbor is still underway. This study will continue into the 2013 amendment cycle. The Planning Commission is not requested to make any recommendations on this study at this time.

## DISCUSSION

### Comprehensive Plan Review Criteria

In accordance with OHMC 18.15.080 the Planning Commission shall review and make a recommendation to the City Council based on the criteria listed below.

- (1) The amendment will not adversely affect the public health, safety and welfare in any significant way.  
*The proposed amendments will not adversely affect the public health, safety and welfare. The proposed maritime land use category, if adopted will result in zoning code amendments that will regulate impacts on surrounding uses with a goal to protect the public health, safety and welfare of the community. Projects in the CIP are scheduled based on need identified in approved plans and are intended to serve the public needs and improve health, safety and welfare.*
- (2) The proposed amendment is consistent with the overall goals and intent of the comprehensive plan.  
*The proposed maritime land use category is in sync with the goals and intent of the proposed Shoreline Master Program. The process undertaken by both the Shoreline Master Program*

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<sup>2</sup> Enterprise Funds are self supporting funds with user fees and includes utilities such as Water, Sewers, Stormwater, Solid Waste and Marina

## City of Oak Harbor Planning Commission

*and the Land Use Amendment state the overall goals and intent of the community through the public input process. These proposed amendments do not conflict with other goals and policies in the Comprehensive Plan.*

*The changes to the Capital Improvement Plan include projects for implementation of adopted plans over the next six years.*

- (3) The amendment is in compliance with the Growth Management Act and the Countywide Planning Policies.  
*The amendments are in compliance with the Growth Management Act and the Countywide Planning Policies. The Capital Improvements Plan includes projects from other adopted plans.*
- (4) The amendment addresses the needs or changing circumstances of the community as a whole or resolves inconsistencies in the city's comprehensive plan.  
*The proposed maritime land use category is in response to the needs and changing circumstances of the community seeking more diversified use of the shoreline. The community also realized the lack of a land use category that took advantage of the shoreline that the community has. The proposed land use category is supported by the Marina Redevelopment Plan and the Shoreline Master Program (current and proposed).  
The amendments to the Capital Improvements Plan reflect the ongoing changes to projects and schedules based on budget, permits or other related issues.*
- (5) Environmental impact from the amendments have been addressed through the SEPA review and /or measures have been included that reduce possible impacts.  
*A SEPA checklist has been prepared for the amendments. No significant environmental impacts have been identified with the adoption of the proposed maritime land use category and the updated CIP. However, projects that are in the maritime land use category and the CIP may likely face environmental compliance with implementation. Each individual project will have a separate SEPA review and impacts will be addressed on a project by project basis.*
- (6) The amendment is consistent with the land uses and growth projections which were the basis of the comprehensive plan or to subsequent updates to growth allocations.  
*The proposed maritime land use category is within the parameters of the growth projections. The maritime land use category does not intend to provide dwelling units and will not add any additional capacity than the current land use category. If developed as intended, there will be more jobs and economic impacts. The community can absorb these with its current and future capacity. There are several projects in the CIP that are intended to address level of service issues which is primarily related to land use and population growth.*
- (7) The amendment is generally compatible with neighboring land uses and surrounding neighborhoods.  
*The proposed maritime land use is compatible with neighboring land uses which is primarily navy property and the marina. The new land use category is also sufficiently distanced from residential neighborhoods. The CIP document and its adoption do not create any land use changes. However, there may be individual projects within the CIP that may have to address compatibility with permitting and design. These will be dealt on a project by project basis. For example, the location of a new treatment facility will have to address its compatibility with*

## City of Oak Harbor Planning Commission

*the surrounding properties based on its eventual location.*

- (8) The proposed amendment accommodates new policy direction from the city council. *The proposed land use category is a proactive approach to accommodating future water-dependent and water-related uses. This will allow the city to address maritime use proposals in a more expedient way than through the currently available process. The amendments to the CIP update include decisions made by the City Council during the course of the year.*
- (9) Other specific criteria that may have been identified as the beginning of the process. *No special criteria were identified as the beginning of the process to consider this year's amendments.*

### **RECOMMENDATIONS**

The Planning Commission is recommended to open the public hearing, take any public testimony, and continue the hearing to the November 27, 2012 meeting. The Planning Commission will be expected to make a recommendation to the City Council at the November 27<sup>th</sup> meeting.

### **ATTACHMENTS**

1. August 14<sup>th</sup> Planning Commission report on land use amendment
2. Proposed amendment to the Land Use section of the Comprehensive Plan
3. September 25<sup>th</sup> Planning Commission report on the Capital Improvements Plan
4. Marked copy of the 2012-2018 Capital Improvements Plan (provided to Planning Commissioners on CD, also available for viewing on the City's web site at <http://www.oakharbor.org/uploads/documents/92192012draftcapitalfacilitiesplan.pdf>)

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
October 23, 2012**

**ROLL CALL: Present:** Keith Fakkema, Greg Wasinger, Jeff Wallin, Kristi Jensen and Jill Johnson-Pfeiffer.  
**Absent:** Gerry Oliver.  
**Staff Present:** Development Services Director, Steve Powers; Senior Planner, Cac Kamak and Associate Planner, Melissa Sartorius.

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

Mr. Powers reminded the Planning Commission that Mr. Neil has resigned his position on the Planning Commission therefore it is necessary for the Planning Commission to elect a Chair and Vice Chair.

**ELECTION OF CHAIR**

**ACTION: MS. JENSEN MOVED MR. WALLIN SECONDED, MOTION CARRIED TO ELECT MR. FAKKEMA AS PLANNING COMMISSION CHAIR.**

**ELECTION OF VICE CHAIR**

**ACTION: MS. JOHNSON-PFEIFFER MOVED MR. WALLIN SECONDED, MOTION CARRIED TO ELECT MR. WASINGER AS PLANNING COMMISSION VICE CHAIR.**

**MINUTES: MS. JOHNSON-PFEIFFER MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE SEPTEMBER 25, 2012 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:**

No comments.

**2012 COMPREHENSIVE PLAN AMENDMENTS – Public Hearing**

Mr. Kamak reported that the 2012 Comprehensive Plan amendments include the creation of a new "Maritime" land use category that would allow water-dependent, water-oriented and other related commercial uses on property adjacent to the marina. This topic was discussed at the August 14<sup>th</sup> Planning Commission meeting and the Planning Commission chose to designate a new "Maritime" land use category on the land use map. Mr. Kamak also noted that new language has been inserted in the Land Use element of the Comprehensive Plan that introduces the new land use category.

Mr. Kamak stated that amendments to the Comprehensive Plan also includes updates to the Capital Improvements Plan which was presented to the Planning Commission at the September 25<sup>th</sup> meeting. The third amendment item is to protect scenic views within the community. This item will likely continue into the 2013 amendments cycle.

Mr. Kamak provided the land use map that includes the new "Maritime" land use category (Attachment 1).

Planning Commission  
October 23, 2012  
Page 1 of 4

Planning Commission Discussion

Ms. Jensen asked what date the land use map was adopted. Mr. Kamak explained that we adopt the land use map every year.

Mr. Kamak recommended opening the public hearing and continuing this item to the November 27, 2012 meeting.

Mr. Fakkema opened the public hearing for public comment. Seeing none, Mr. Fakkema continued the public hearing to the November 27<sup>th</sup> Planning Commission meeting.

**2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS** – Public Meeting

Mr. Kamak reported that the Planning Commission included this item on the 2012 Comprehensive Plan Docket with an interest to protect view within the community. This item will likely continue into the 2013 amendments cycle.

Mr. Kamak explained that the intent of this docket item was to identify existing desirable scenic views within the community and determine appropriate methodologies to eventually protect them. The Comprehensive Plan currently addresses scenic views in several locations. The Parks, Recreation and Open Space Plan that is incorporated by reference in the Comprehensive Plan, identifies a few scenic view corridors. The scenic views identified on the Parks, Recreation and Open Space Plan map are a transfer of information from the Open Space element of the Comprehensive Plan prior to its replacement by the goals and policies of the Park, Recreation and Open Space Plan in 2009. The identified scenic views are general and don't have specific regulations (codes) that would protect them.

The importance of protecting scenic views in Oak Harbor is also captured in goals and policy statements within the Urban Design section of the Comprehensive Plan.

Mr. Kamak reported that a public involvement exercise was conducted over the summer. All households in the City of Oak Harbor received a flyer in their utility bill that asked citizens to submit photographs from where they think there are scenic views. Staff received many photos but some of the pictures were of places not in Oak Harbor. Mr. Kamak displayed the photos for the Planning Commission and noted that the photos can also be accessed on the City's website.

Mr. Kamak explained that the next step will be mapping the views and narrow down some criteria that the Planning Commission can use to determine which of the scenic views are in the public interest to preserve.

Mr. Kamak asked the Planning Commission if there were other views that were not captured.

Planning Commission Discussion

Ms. Johnson-Pfeiffer mentioned the view on Pioneer Way which is currently a vacant lot where you can see the marina.

Mr. Fakkema said that we need to be mindful of private property rights. Mr. Kamak said that this would be where the criteria would be helpful. If the Commission feels strongly that the view should not come at the cost of property rights then that is something that can be included as a criterion.

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**CITY OF OAK HARBOR**

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**TO:** PLANNING COMMISSION  
**FROM:** CAC KAMAK, SENIOR PLANNER  
**SUBJECT:** 2012 COMPREHENSIVE PLAN AMENDMENTS – LAND USE  
CONSIDERATIONS  
**DATE:** 6/19/2012  
**CC:** STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

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**Purpose:** The City Council approved the 2012 Comprehensive Plan Amendment Docket on March 20, 2012; this approval included consideration of land use amendments to properties adjacent to the marina (see Attachment 1 for map). The intent of the land use amendment is to consider a designation that would allow additional uses that support the marina and other water-oriented uses. The current land use designation is PF, Public Facilities.

**Background:** The marina and adjacent lands are currently designated as Public Facilities on the City's Comprehensive Land Use Map and on the zoning map. A copy of the Public Facilities zoning code is shown in Attachment 2. The primary reason for designating it as Public Facilities is the city-owned and operated marina. The storage sheds, boatyard and the yacht club are all considered accessory (customarily incidental and subordinate to a principal use) to the marina. Although "accessory" to the marina can be broadly interpreted, there are several water-dependent and water-related uses that do not fit under the marina's scope but could benefit from the proximity to the shoreline and water. This was evident when there was a recent request to locate a boat building business in the area.

The Marina Redevelopment Plan adopted in 2006 recommends upland improvements to support the marina's long term economic vitality. Though specific improvements are not listed in the plan, it would be beneficial to list options for commercial and industrial uses to locate in the area. Including specific language to permit some commercial and industrial uses in the area will provide options for private investment and will also allow a clearer path for enterprises to work with financial institutions and investors to consider investing in this area.

The City is currently in the process of updating its Comprehensive Shoreline Master Program (SMP). The draft SMP currently includes a new designation termed "Maritime". This new designation covers a larger geographical area than what is under consideration with this amendment but its intent is similar. The SMP when approved and adopted will be an element of the Comprehensive Plan.

**Discussion:** There are several ways to accommodate a wider range of uses without impacting the current uses. Text amendments, overlay zones and new land use and zoning designations are a few ways to address this topic. Prior to determining the best methodology to address this change it would be beneficial to determine the kind of uses that are desired in this area. The intent for this amendment was to accommodate high intensity water oriented commercial and industrial uses, water oriented transportation uses and other water related uses. Some of the uses to consider are suggested below. This is an area where the Planning Commission and the public can provide additional ideas and comments to consider.

#### Permitted Uses

- Marina
- Accessory uses to the marina such as storage sheds, parking lots, boat and trailer storage
- Private clubs ancillary to the marina
- Private boat yards and storage
- Boat and ship builders
- Water-dependent uses – ferry and passenger terminals, ship building and dry docking, float plane facilities, sewer and storm outfalls and similar uses.
- Water-related uses – warehousing of goods transported by water
- Parks and trails

#### Conditional Uses

- Principal permitted uses in the Central Business District (CBD) except residential dwelling units (see attachment 3 for permitted uses in the CBD District)

**Text Amendments:** This method can introduce the additional uses that are desirable into the existing PF, Public Facilities zoning classification. However, unless otherwise restricted adding these uses to the existing zoning classification will allow them to be permitted wherever there is PF, Public Facility designations in the City such as Windjammer Park, Flintstone Park, schools etc. Since some of these uses may not be desirable in other locations, it can potentially lead to challenging issues in the future.

**Overlay Zones:** This is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. Overlay zones are used to protect resources such as environmentally sensitive areas, historic district, or encourage or discourage specific types of development. In this case, the overlay zone would encourage additional uses above and beyond what is currently permitted in the underlying base zone. An overlay zone has a clearly defined boundary and can be created by adding a section in the zoning ordinance describing its intent and the uses that would be permitted. The drawback of an overlay zone is the potential for conflict between regulations or requirements between the

underlying base zone and the overlay zone, especially if the overlay zone is trying to accommodate many uses that the underlying zone does not permit.

**New land use category:** This method would create a new land use category in the Comprehensive Plan and create a corresponding zoning code section. Choosing to create a new land use category to address a small area in the city appears like a major change. However, in the future, if the Navy made more land available at the seaplane base for private or public development, this land use category can be used to designate the area and encourage development.

Staff recommends that the Planning Commission discuss the issue and gather input from the public on uses to consider/accommodate in the area. The Commission's discussion and public input will help create a framework and establish a preference for methodology to consider changes in the area.

# City of Oak Harbor Planning Commission

Bill No. 7  
Date: September 25, 2012  
Subject: 2012-2018 Capital  
Improvements Plan

**FROM: Cac Kamak, AICP  
Senior Planner**

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## **PURPOSE**

This memo presents a draft of the 2012-2018 Capital Improvements Plan (CIP). The CIP is reviewed annually as part of the annual Comprehensive Plan Amendment process.

## **BACKGROUND**

The Capital Improvements Plan is a planning document that lists the projects the City anticipates to plan, design and implement over a six year planning period. The City of Oak Harbor's CIP includes projects in Enterprise<sup>1</sup> Funds such as wastewater, stormwater, etc and also Non-Enterprise Funds such as streets, parks and recreation, fire and law enforcement. Since this is a "planning" document, it includes all the capital needs of the City and their estimates. Amendments are made every year based on available resources.

The CIP document includes goals and policies, revenue sources, rates and projections for enterprise and non-enterprise funds, infrastructure needs over the next six years and a proposed schedule for implementation. Below is a summary of the various sections contained within the CIP:

- Section 1 provides an introduction to the CIP, its link to the Growth Management Act and the Revised Code of Washington (RCW).
- Section 2 provides the planning context for the CIP and lists the goals and policies that provide the framework for the CIP.
- Section 3 is an inventory of the existing capital facilities within the City. It provides the basic foundation for the CIP.
- Section 4 of the CIP contains the list of projects for the non-enterprise funded systems such as Streets, Parks and Recreation, Windjammer etc., as well as the enterprise funded systems such as Sewer, Water, Wastewater and Marina.
- Section 5 includes the prioritization process for the non growth related capital facilities listed in Table 4.4. The prioritization process was done in 2006.
- Section 6 provides information on revenues sources for the various funds and includes projections for these revenues over the next six years.
- Section 7 is the implementation plan for the non-growth related projects that are listed in Table 4.4 and prioritized in Section 5.
- The appendix section of the CIP contains most of the details of the projects, their cost and the schedule.

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<sup>1</sup> Enterprise Funds are self supporting funds with user fees and includes utilities such as Water, Sewers, Stormwater, Solid Waste and Marina

## City of Oak Harbor Planning Commission

The highlights of the changes to this year's CIP are provided below:

- Removal of projects that have been completed – The Pioneer Way reconstruction project and related infrastructure projects have been struck out of the CIP. Though there will be some costs that will overflow into next year as the project gets closed out, it can be deleted from this planning document.
- Update to the current and projected revenues – This is done annually with information obtained from the Finance Department. Most of these changes are in Section 6 of the CIP.
- Updating the list of street projects to reflect the adopted Transportation Improvements Plan (TIP) – The Planning Commission held a hearing on May 22, 2012 on the TIP and made a recommendation to the City Council to approve the document. This year the changes include removing Pioneer Way improvements from the document, updates to cost estimates on the NE 7<sup>th</sup> Avenue reconstruction and reschedule of allocation for future projects.
- Update to project schedules – Most of these changes to the schedule are done in Appendix C of the documents since it contains more details of the project. The schedule is updated every year to match available funds. The major projects that are tracking for implementation over the next few years are:
  - Streets – NE 7<sup>th</sup> Avenue reconstruction followed by SE 4<sup>th</sup> Street
  - Parks – upgrades to the splash park, lagoon bridge, continuing to acquire land for open space, community and neighborhood parks
  - Wastewater System – sewer line replacements and continuing work on a new treatment facility
  - Water System – North Reservoir and associated improvements
  - Stormwater System – 42 inch outfall reconstruction
- Other updates –
  - The CIP document has been updated to reflect the City Council's decision on the location of the wastewater treatment facility.
  - The cost for the improvements on SR20 has been updated to reflect the most recent estimates.
  - Basic statistics (Section 3) on the various facilities that serve the community were updated.

It is clear from the document that the needs of the community greatly outweigh the resources available. Therefore, updates are made every year to reflect the implementation of projects over the upcoming budget year (2013-2014) and make the necessary adjustments over the six-year planning horizon.

The Planning Commission is requested to review the documents and provide input and comments. The CIP will come forward to the Planning Commission with the 2012 Comprehensive Plan amendments for a public hearing at the October 23, 2012 meeting.

### ATTACHMENTS

1. 2012-2018 Capital Improvements Plan (document attached separate from the PC agenda packet)

ORDINANCE NO. 1647

AN ORDINANCE AMENDING OAK HARBOR MUNICIPAL CODE SECTION 18.10.010 ENTITLED "COMPREHENSIVE PLAN" ADOPTING A REVISED COMPREHENSIVE PLAN FOR THE CITY OF OAK HARBOR, AMENDING SECTION 18.10.011 ADOPTING A REVISED FUTURE LAND USE MAP AND AMENDING SECTION 18.10.015 ADOPTING AN UPDATED CAPITAL IMPROVEMENTS PLAN

WHEREAS, the City of Oak Harbor first adopted a Comprehensive Plan consistent with the requirements of the Washington State Growth Management Act (Chapter 36.70A RCW) in 1995 by Ordinance 1027, and adopted amendments to the plan in 1997 by Ordinance 1100, in 1998 by Ordinance 1161, in 2000 by Ordinance 1215, in 2001 by Ordinance 1287, in 2003 by Ordinance 1340, in 2004 by Ordinance 1396, in 2005 by Ordinance 1439 and in 2007 by Ordinance 1488 and in 2008 by Ordinance 1542; and in 2009 by Ordinance 1564; and 2010 by Ordinance 1594; and

WHEREAS, the City of Oak Harbor, in the public interest, may adopt amendments as revisions to the Comprehensive Plan no more frequently than once per year in accordance with the State of Washington Growth Management Act RCW 36.70A.130(2); and

WHEREAS, the City of Oak Harbor initiated the 2012 Comprehensive Plan Amendments in October 2011 with a call for applications to the public; and

WHEREAS, the preliminary docket for the 2012 Comprehensive Plan Amendments was compiled and noticed to the public, and the review of which included public hearings held by the Planning Commission and City Council; and

WHEREAS, the City Council, after holding a public hearing, approved a final docket for the 2012 Comprehensive Plan Amendments on March 20, 2012; and

WHEREAS, the City of Oak Harbor initiated the 2012 Comprehensive Plan Amendments in March 2012 that included consideration of a new land use designation, a study of scenic views and an update to the Capital Improvements Plan; and

WHEREAS, the Planning Commission held several public meetings in May, June, August and September reviewing the 2012 Comprehensive Plan Amendment docket items; and

WHEREAS, a SEPA Determination of Nonsignificance was issued for the 2012 Comprehensive Plan amendments on October 22, 2012 with a 14 day appeal period ending on November 9, 2012, which received no substantive comment; and

WHEREAS, the 2012 Comprehensive Plan amendment review process beginning in March 2012 and continuing through the adoption of this Ordinance involved early and continuous public involvement through public meetings, blogs, and hearings, as required by the Growth Management Act and the City's public participation plan; and

WHEREAS, as required by RCW 36.70A.106, the City provided 60-days' notice to the Department of Commerce on September 11, 2012 and received no substantive comments from the Department; and

WHEREAS, changes in conditions have occurred in the community since adoption of the previous Comprehensive Plan making it desirable to amend the plan; and

WHEREAS, after due and proper notice, public hearings were conducted by the Planning Commission on October 23, 2012, November 27, 2012 and City Council on December 18, 2012 covering all proposed changes in the update of the Comprehensive Plan;

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** Section 18.10.010 of the Oak Harbor Municipal Code last amended by Section 1 of Ordinance 1594 in 2010 is amended to read as follows:

The comprehensive plan, a copy of which is on file with the city clerk, and is available for inspection, is hereby adopted on December 18, 2012 as Oak Harbor's Comprehensive Plan, amending and revising the comprehensive plan as adopted under Ordinance No. 1594.

**Section Two.** Section 18.10.011 of the Oak Harbor Municipal Code last amended by Section 2 of Ordinance 1594 is hereby amended to read as follows:

The Oak Harbor Comprehensive Plan Future Land Use Designation Map, a copy of which is on file with the city clerk, and is available for inspection, is hereby adopted on December 18, 2012 as Oak Harbor's Future Land Use Designation Map, amending and revising the Future Land Use Designation Map adopted under Ordinance No. 1594.

**Section Three.** Section 18.10.015 of the Oak Harbor Municipal Code last amended by Section 1 of Ordinance 1619 is hereby amended to read as follows:

The Capital Improvements Plan 2013-2018, a copy of which is on file with the city clerk, and is available for inspection, is hereby adopted on December 18, 2012 as Oak Harbor's Capital Improvements Plan, amending and revising the Capital Improvements Plan adopted under Ordinance No. 1619.

**Section Four.** **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 Five.** **Effective Date.** This Ordinance shall be in full force (5) five days following publication.

PASSED by the City Council this 18<sup>th</sup> day of December, 2012.

( ) APPROVED by its Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

( ) Vetoed

THE CITY OF OAK HARBOR

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

Published: \_\_\_\_\_

**NOTICE OF A PUBLIC HEARING BEFORE THE OAK HARBOR CITY COUNCIL  
2012 COMPREHENSIVE PLAN AMENDMENTS  
CC 12-34**

Notice is hereby given that a public hearing will be held before the Oak Harbor City Council in the Council Chambers at City Hall, 865 SE Barrington Drive, Oak Harbor, Washington on Tuesday, December 18, 2012 at 6:00 p.m. or as soon thereafter as possible to consider 2012 Comprehensive Plan Amendments.

The amendments include the creation of a new "Maritime" land use category that would allow water-dependent, water-oriented and other related commercial uses on property in the vicinity of the Oak Harbor Marina. The amendments also include updates to the City's Capital Improvement Plan.

Information is available at City Hall, 865 SE Barrington Drive, Oak Harbor, Washington; 279-4500.

Nacelle Heuslein  
Interim City Clerk

Published: Whidbey News Times  
Saturday, December 1, 2012

To Paper: November 20, 2012

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

Bill No. AB4  
Date: December 18, 2012  
Subject: Impact Fee /Utility System  
Development Charge  
Deferral Code

FROM: Steve Powers *SP*  
Development Services Director

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

*SD* Scott Dudley, Mayor  
*LC* Larry Cort, Interim City Administrator  
*DM* Doug Merriman, Finance Director  
*GW* Grant Weed, Interim City Attorney, as to form

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**PURPOSE**

Staff requests this item be continued in order to allow additional time to complete the draft code.

**RECOMMENDED ACTION**

Continue the impact fee and utility system development charge deferral code to the January 15, 2013 meeting.



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

Bill No. AB 5  
Date: December 18, 2012  
Subject: Property Nuisance  
Abatement Code Amendment

FROM: Steve Powers *SP*  
Development Services Director

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

*SD* Scott Dudley, Mayor  
*LC* Larry Cort, Interim City Administrator  
*DM* Doug Merriman, Finance Director  
*GW* Grant Weed, Interim City Attorney, as to form

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**PURPOSE**

Staff requests this item be continued in order to allow additional time to complete the draft code.

**RECOMMENDED ACTION**

Continue the property nuisance abatement code amendment to the January 15, 2013 meeting.



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

Bill No. AB 6  
Date: December 18, 2012  
Subject: 2012 Solid Waste Franchise  
(Marin Annexation) Public Hearing

**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  
\_\_\_\_ Grant Weed, Interim City Attorney, as to form

**PURPOSE**

Ordinance No. 1642 provides a solid waste franchise to Island Disposal for areas annexed under Ordinance No. 1634. City Council has set this date for a Public Hearing to consider adopting the ordinance granting a franchise for solid waste disposal services to Island Disposal for a period of ten (10) years in the recently annexed portion of the City.

**AUTHORITY**

Pursuant to RCW 35A.14.900, the City is required to award a franchise for a term of not less than seven (7) years to a garbage disposal firm which had been operating pursuant to permit or franchise in territory that was annexed by the City. Further, such a firm may have a cause of action for “measurable damages” for cancellation of the prior franchise through annexation. Island Disposal was operating a solid waste disposal firm pursuant to Washington UTC certificate in the annexation area at the time of the annexation and is, therefore, entitled to a franchise from the City.

**FISCAL IMPACT DESCRIPTION**

Funds Required: \$0  
Appropriation Source: Solid Waste Fund 403

**SUMMARY STATEMENT**

This ordinance grants the franchise required by RCW 35A.14.900. The franchise covers territory annexed under Ordinance No. 1634.

The franchise also provides an additional three-year term (total of 10 years). This term is an agreed settlement of any claim for “measurable damages” that Island Disposal otherwise might have.

**STANDING COMMITTEE REPORT**

The Public Works Standing Committee will review the Solid Waste Franchise at the December 6, 2012 meeting.

**RECOMMENDED ACTION**

- Conduct Public Hearing
- Consider adopting Ordinance No. 1642 granting a franchise for solid waste disposal services to Island Disposal for a period of ten (10) years in the recently annexed portion of the City.

**ATTACHMENTS**  
**Ordinance No. 1642**



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**Return to:**  
City of Oak Harbor  
865 SE Barrington Drive  
Oak Harbor, WA 98277

**GRANTOR:** City of Oak Harbor

**GRANTEE:** Island Disposal

**LEGAL DESCRIPTIONS:**

- Being a portion of the Northeast ¼ of the Northeast ¼ Section 4, Township 32 North, Range 1 East, Willamette Meridian, Island County, Washington, described as follows:  
(See Exhibit "A" for complete legal description)

**PARCEL NUMBER: R 13204-459-4200**

**ORDINANCE NO. 1642**

**AN ORDINANCE OF THE CITY OF OAK HARBOR PROVIDING A SOLID WASTE FRANCHISE TO ISLAND DISPOSAL FOR THE AREA ANNEXED UNDER ORDINANCE NO. 1634**

WHEREAS, Island Disposal (hereafter referred to as "Grantee") holds a permit from the State of Washington Utilities and Transportation Commission ("WUTC") to collect solid waste in unincorporated areas within Island County; and

WHEREAS, Ordinance No. 1634 annexed certain land subject to the Grantee's franchise from the WUTC into the City of Oak Harbor; and

WHEREAS, RCW 35.13.280 provides that a solid waste collection franchise in unincorporated areas is canceled for that area upon annexation of the area to a city; and

WHEREAS, RCW 35.13.280 requires the annexing city to grant at least a seven (7) year franchise to a business whose franchise was extinguished by annexation or to purchase or condemn the original franchise rights;

Island Disposal Solid Waste Franchise  
Ordinance (Marin Annexation) - 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** A franchise to provide solid waste disposal services to certain areas within the city limits of the city of Oak Harbor is hereby granted to Island Disposal on the following terms and conditions:

- (1) Franchise area. This franchise applies to the area annexed into the city through the adoption of Ordinance No. 1634, described in Exhibit "A" hereto attached.
- (2) Nature of the franchise. Grantee shall hereby have an exclusive right during the term of the franchise granted by this ordinance to collect and haul for hire over the streets and alleys of the city all solid waste collected from private customers located within the corporate limits of the city in the franchise area described in paragraph (1) above.

"Solid waste", as used herein, shall be interpreted to mean and include all solid waste, animal and vegetable matter, rubbish, trash, debris, ashes, tin cans, and other waste materials generally, including articles ordinarily and customarily hauled away and dumped.

- (3) Duration of the franchise. The franchise shall become effective five (5) days after publication of this ordinance and shall continue for ten (10) years from its effective date. Thereafter, the franchise shall terminate unless extended by written agreement approved by City Council.
- (4) Acceptance of franchise. Acceptance of this franchise shall constitute Grantee's agreement that the ten (10) year franchise period provided herein constitutes full and fair compensation to Grantee for any damages that Grantee may have suffered as a result of the annexation of territory pursuant to Ordinance No. 1634.
- (5) Utility tax. The Grantee shall pay utility taxes imposed on solid waste utility services by the City of Oak Harbor for all solid waste utility services provided by the franchise within the city of Oak Harbor and all areas listed in this franchise ordinance in which a franchise is granted or extended or both granted and extended.

It is further provided that such taxes shall apply to this franchise upon its effective date.

- (6) Collection rates. Grantee's collection rates inside the city shall be at the same levels as those filed with and approved by the WUTC for regulated Island County service by Grantee or its successor; provided, nothing in this section shall be construed as preventing Grantee from increasing the collection rates approved by the WUTC to account for the cost of any utility taxes or increases in utility taxes imposed by the City on solid waste services.

Grantee will provide notice to the City of applications for changes in rates or charges made to WUTC which affects rates in the franchise area. Grantee will further notify the City if WUTC ceases to regulate rates for Grantee in Island County.

It is further provided, that if the WUTC ceases regulating rates for Grantee in Island County, then the Grantee's rates for solid waste collection services in the franchise area shall be the same as those rates established by the City for customers of the City solid waste utility; provided, that the Grantee shall have the right to request a public hearing within thirty (30) days of notice of the application of City rates to the franchise area to establish a different rate structure for the franchise area. After public hearing on the Grantee's proposed rates, the City shall establish such rates as are reasonable based on the charges last approved by the WUTC to cover the cost of service and to allow for sufficient profit in the provision of solid waste collection service.

At the time of enactment of this franchise, the City requires mandatory accounts within all franchise areas. Grantee will cooperate in providing information in this regard unless and until the franchise expires or the City amends its requirements for mandatory accounts.

- (7) Frequency of collections. Grantee shall offer regular collections of solid waste throughout the business areas assigned to the Grantee and shall offer once a week collection in all residential districts assigned to the Grantee in accordance with the franchise issued by the WUTC; provided, that the City may modify this clause as to frequency of collections or solid waste and may prescribe the hours during which collections will be made, and Grantee shall comply with all such regulations so adopted and prescribed.
- (8) Service required. Grantee shall furnish collection service to any person or organization, public or private, within the franchise area within thirty (30) days of receipt of a written request for such service.

Grantee shall not, however, be required to furnish service to any household, dwelling, business establishment or other building requiring service unless the owner thereof shall furnish an opening to his yard or grounds from the alley or street where solid waste is customarily collected, and Grantee shall not be required to service any household, dwelling, business establishment or other building, where a private road

must be used to obtain access thereto unless such private road is more than twenty (20) feet in width. The Grantee shall notify the City of addresses and locations of any household, dwelling, business establishment or other building in the area which it is not providing service under this provision with the reason why it is not providing service.

- (9) Customer list. Grantee will advise City of lists of customers on a regular basis to be established by the City so that the City may use such information to assure universal collection of solid waste service for the City of Oak Harbor.
- (10) Yard Waste Services. The City may provide yard waste collection services in the annexation areas.
- (11) Reserved regulations. The City reserves the right to impose additional regulations upon Grantee in its discretion for purposes of health, welfare and safety.

**Section Two.** Notice of Tax on Utility Business. This ordinance shall establish written notice to Island Disposal that the rate for solid waste utilities is presently set at six and one-quarter percent (6.25%) on the gross income derived from doing business in Oak Harbor. This rate is subject to change by Oak Harbor ordinance.

**Section Three.** 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 shall not be affected.

**Section Four.** Effective Date. This Ordinance shall be in full force and effect five (5) days after publication as required by law.

PASSED by the City Council and approved by its Mayor this \_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF OAK HARBOR

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



**Nacelle Heuslein**

---

**From:** Lisa Bebee  
**Sent:** Wednesday, December 12, 2012 8:58 AM  
**To:** Nacelle Heuslein

Nacelle-

I am wondering if you would have a file on 640 N Oak Harbor St. It would be for the Cove Apartments.

I am attempting to locate an agreement with that apartment complex to have sewer pump maintenance done quarterly.

Thank you,  
Lisa Bebee  
Permit Coordinator  
City of Oak Harbor  
(360)279-4510  
Fax (360)279-4519

**NOTICE OF A PUBLIC HEARING BEFORE THE OAK HARBOR CITY COUNCIL  
To consider adopting Ordinance 1642 and Granting a Franchise to Island  
Disposal**

**CC 12-37**

Notice is hereby given that a public hearing will be held before the Oak Harbor City Council in the Council Chambers at City Hall, 865 SE Barrington Drive, Oak Harbor, Washington on Tuesday, December 18, 2012 at 6:00 p.m. or as soon thereafter as possible to consider adopting Ordinance 1642 granting a franchise for solid waste disposal services to Island Disposal for a period of ten (10) years in the recently annexed portion of the City.

Information is available at City Hall, 865 SE Barrington Drive, Oak Harbor, Washington; 279-4500.

Nacelle Heuslein  
Interim City Clerk

Published: Whidbey News Times  
Saturday, December 1, 2012

To Paper: November 27, 2012

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

Bill No. AB 7  
Date: December 18, 2012  
Subject: Amendments to Title 6 OHMC –  
Firearms in Public Places  
Ordinance 1637

**FROM:** Edgar J. Green, Chief of Police

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

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

**PURPOSE:**

The purpose of this agenda bill is to propose several amendments to the Oak Harbor Municipal Code (Sections 6.12.010; 6.14.070; 6.40.180) to bring the City into compliance with state law as it relates to a person's right to lawfully carry a firearm within the State of Washington.

**AUTHORITY**

RCW 9.41.300(2) Cities, towns, counties, and other municipalities may enact laws and ordinances: (a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others.

**FISCAL IMPACT DESCRIPTION**

Funds Required: None  
Appropriation Source: N/A

**SUMMARY STATEMENT**

On October 8, 2012 the City of Oak Harbor was contacted by the Second Amendment Foundation requesting and formally demanding that the City amend Oak Harbor Municipal Code Sections 6.12.010, 6.14.070 and 6.40.180 for consistency with State law. Among other things, all three sections prohibit the carrying of firearm in City parks.

The Oak Harbor Municipal Code Sections 6.12.010, 6.14.070 and 6.40.180 were written and adopted between 1961 and 1999 and have not been addressed since that time. These Oak Harbor Municipal Code sections restrict a person's right to carry a firearm in a public place; specifically a City park. The Second Amendment Foundation argues that this restriction is an infringement on Washington State Law [RCW 9.41.300(2)(a)] and the Washington State Constitution (Article 1;

**CITY OF OAK HARBOR  
Oak Harbor , Washington**

**ORDINANCE 1637**

**AN ORDINANCE OF THE CITY OF OAK HARBOR , WASHINGTON,  
AMENDING OMC SUBSECTION 6.12.010 (1) (h); AMENDING OMC  
SECTION 6.14.070; AMENDING OMC SUBSECTION 6.40.180 (1) (h)  
RELATING TO WEAPONS; PROVIDING FOR SEVERABILITY AND  
EFFECTIVE DATE**

WHEREAS, The City desires to update the Oak Harbor Municipal Code to be consistent with state law particularly RCW 9.41.290 and 300.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR , WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. OMC Subsection 6.12.010 (1) (h) is hereby amended to read as follows (the remainder of 6.12.010 remain in effect and unchanged).

**6.12.010 Prohibited activities – Gross misdemeanors.**

(1) The following activities are not permitted in city parks:

...

(h) ~~Displaying or~~ Using weapons in the park except in lawful self-defense or defense of another;

Section 2. OMC Section 6.14.070 entitled “Firearms and Fireworks” is amended to read as follows:

**6.14.070 Firearms and fireworks.**

It is unlawful to shoot, fire or explode any firearm, fireworks, firecrackers, torpedo or explosive of any kind ~~or to carry any firearm~~ or to shoot or fire any air gun, bows and arrows, B.B. gun or use any slingshot in any park without the written permission of the council. (Ord. 214 § 8, 1965).

Section 3. OMC Subsection 6.40.180 (1)(h) is amended to read as follows (the remainder of Section 6.40.180 remains in effect and unchanged).

**6.40.180 Prohibited activities – Gross misdemeanors.**

(1) The following activities are not permitted in the marina:

(h) ~~Displaying or~~ Using weapons in the marina except in lawful self defense or defense of another;

**Section 4. Severability.** If any section, clause, and/or phrase of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity and/or unconstitutionality shall not affect the validity and/or constitutionality of any other section, clause, and/or phrase of the Ordinance.

**Section 5. Effective Date.** This Ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

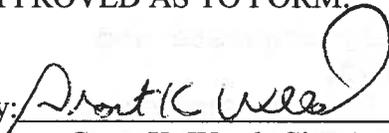
CITY OF OAK HARBOR

By: \_\_\_\_\_  
Scott Dudley, Mayor

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
Nacelle Heuslein, City Clerk

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Grant K. Weed, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_



# Second Amendment Foundation

October 8, 2012

Grant Weed  
City of Oak Harbor Attorney  
865 SE Barrington Dr.  
Oak Harbor, WA 98277

Dear Mr. Grant,

It has come to my attention that the City of Oak Harbor purports to regulate firearms in violation of state law, particularly RCW 9.41.290. In OHMC 6.14.070, OHMC 6.12.010(1)(h), and OHMC 6.40.180, Oak Harbor purports to prohibit the carrying and display of weapons in parks and the marina.

The City of Oak Harbor has no legal authority to adopt or enforce these sections of the Oak Harbor Municipal Code and should, out of respect for the supremacy of the Washington legislature, and out of respect for the rule of law, repeal them.

The Second Amendment Foundation respectfully requests and formally demands Oak Harbor repeal §6.14.070, §6.12.010(1)(h), and §6.40.180 of the Oak Harbor Municipal Code. Failure to do so puts the City of Oak Harbor at risk for a lawsuit.

We await your prompt reply.

Sincerely,

Alan M. Gottlieb  
Executive Vice President

<sup>1</sup> RCW 9.41.290 states:

**"The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law, as in RCW 9.41.300, and are consistent with this chapter. Such local ordinances shall have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.."**

**Oak Harbor Municipal Code**

(Proposed Form)

The displaying part is contrary to state law.

**6.12.010 Prohibited activities – Gross misdemeanors.**

(1) The following activities are not permitted in city parks:

(h) ~~Displaying or~~ Using weapons in the park except in lawful self defense or defense of another;

The to carry any firearm is contrary to state law.

**6.14.070 Firearms and fireworks.**

It is unlawful to shoot, fire or explode any firearm, fireworks, firecrackers, torpedo or explosive of any kind ~~or to carry any firearm~~ or to shoot or fire any air gun, bows and arrows, B.B. gun or use any slingshot in any park without the written permission of the council. (Ord. 214 § 8, 1965).

The displaying part is contrary to state law.

**6.40.180 Prohibited activities – Gross misdemeanors.**

(1) The following activities are not permitted in the marina:

(h) ~~Displaying or~~ Using weapons in the marina except in lawful self defense or defense of another;

(2) Every offense defined by this section or conduct made unlawful hereby shall constitute a gross misdemeanor and any person convicted of such crime may be punished by a fine in any sum not to exceed \$5,000 or by imprisonment not to exceed one year, or both such fine and imprisonment. (Ord. 1167 § 4, 1999)

## **RCW 9.41.300**

# **Weapons prohibited in certain places — local laws and ordinances — exceptions — penalty.**

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slung shot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or

other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

(8) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(9) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(10) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(11) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

(12) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(13) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

[2011 c 221 § 2; 2008 c 33 § 1. Prior: 2004 c 116 § 1; 2004 c 16 § 1; 1994 sp.s. c 7 § 429; 1993 c 396 § 1; 1985 c 428 § 2.]

1. The first part of the document is a list of names and titles, including the names of the authors and the titles of their works. This list is arranged in a specific order, likely based on the authors' names or the titles of their works.

2. The second part of the document is a list of names and titles, similar to the first part. This list is also arranged in a specific order, likely based on the authors' names or the titles of their works.

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

Bill No. AB-8  
Date: December 18, 2012  
Subject: Utility tax for Art Acquisition &  
Maintenance Resolution 12-25

**FROM:** Doug Merriman, Finance Director

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

SD Scott Dudley, Mayor  
JL Larry Cort, Interim City Administrator  
GW Grant Weed, Interim City Attorney, as to form

**PURPOSE**

The purpose of this agenda item is for the City Council to decide, per Oak Harbor Municipal Code section 3.71.060, what proportion of the utility tax collected shall be allocated to the art acquisition fund for the biennial budget period of 2013-2014.

**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**

In 2009, City Council passed Ordinance #1547 which in part established OHMC Section 3.71.060 with the following language:

**3.71.060 Allocation of utility tax to the art acquisition and maintenance fund.**

The city council shall decide, no less frequently than through the adoption of every biennial budget, what proportion of the utility tax collected pursuant to this chapter shall be allocated to the art acquisition and maintenance fund for the purposes set forth in Chapter 3.26 OHMC. (Ord. 1547 § 1, 2009)."

In order to comply with this code section, City Council needs to formally decide what proportion of the utility tax collected shall be allocated to the art acquisition and maintenance fund. Currently, a .25% proportion of the utility tax collected for water, sewer, and storm drain businesses is directed to art acquisition and maintenance purposes under this section. This discussion does not address the remaining 6% utility tax charged to each utility.

**FISCAL IMPACT DESCRIPTION**

Funds Required: \$ Not Applicable  
Appropriation Source: Not Applicable

**STANDING COMMITTEE REPORT**

This topic has been presented to the Finance Standing Committee on September 12, 2012.

**RECOMMENDED ACTION**

1. Hold discussion per OHMC 3.71.060
2. Adopt Resolution 12-25

**ATTACHMENTS**

1. Draft resolution 12-25

**RESOLUTION NO. 12-25**

**A RESOLUTION OF THE CITY OF OAK HARBOR COUNCIL REGARDING THE PROPORTION OF UTILITY TAX COLLECTED UNDER OHMC 3.71 THAT SHALL BE ALLOCATED TO THE ART ACQUISITION AND MAINTNENACE FUND.**

WHEREAS, The City of Oak Harbor has an established utility tax on suppliers of water, sewer collection and treatment, solid waste, and storm water collection services within the City; and

WHEREAS, Oak Harbor Municipal Code section 3.71.060 requires City Council of the City of Oak Harbor to decide, no less frequently than through the adoption of every biennial budget, what proportion of utility tax collected shall be allocated to art acquisition and maintenance purposes; and

WHEREAS, the City Council of the City of Oak Harbor wishes to set the proportionate utility tax allocation for the 2013-2014 biennial budget period.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON, SETS THE PROPORTIONATE PERCENTAGE OF UTILITY TAX ALLOCATED TO THE ART ACQUISITION AND MAINTENANCE FUND UNDER OAK HARBOR MUNICIPAL CODE SECTION 3.71.060 TO BE \_\_\_% OF ACTUAL RECEIPTS RECEIVED DURING THE 2013-2014 BIENNIAL BUDGET PERIOD.

PASSED and approved by the City Council this 18<sup>TH</sup> day of December, 2012.

THE CITY OF OAK HARBOR

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

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

Bill No. AB 9  
Date: December 18, 2012  
Subject: 2013 2% Lodging Tax Grant  
Program Recommendations  
Resolution 12-28

**FROM:** Doug Merriman  
Finance Director



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

Scott Dudley, Mayor



Larry Cort, City Administrator

Grant Weed, Interim City Attorney, as to form

---

**PURPOSE**

To receive and approve the funding recommendations from the Lodging Tax Advisory Committee for the City's 2013 Lodging Tax Grant Program.

**AUTHORITY**

RCW 67.28.180 Lodging tax authorized – Conditions: Establishes City authority to levy the “basic” hotel-motel tax of 2%.

RCW 67.28.181 Special excise taxes authorized: Establishes City authority to levy an “additional” hotel-motel tax of 2%.

RCW 67 28.1817 Establishes a Lodging Tax Advisory Committee in large municipalities. Submission of a proposal for imposition of or change in tax or use establishes that before proposing a change in the use of revenue received under this chapter, a municipality with a population of five thousand or more shall submit the proposal to the Lodging Tax Advisory Committee for review and comment. The submission shall occur at least forty-five days before final action on or passage of the proposal by the municipality. The advisory committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures.

**SUMMARY STATEMENT**

The City of Oak Harbor sponsors an annual grant program funded by revenues from 2% lodging tax proceeds, more commonly known as the Lodging Tax Grant Program. Organizations are encouraged to apply for funding if they feel that their activity promotes tourism in a manner that attracts visitors to Oak Harbor from other localities.

The Lodging Tax Advisory Committee met on December 6, 2012 after City Council approved beginning the 45-day review period during Council's September 4, 2012 regular meeting.

Please note that the new uses of lodging tax monies approved in 2007 via SSB 5647 are scheduled to “sunset” on June 30, 2012. These new uses included payments for operations of special events and support of the operations and capital expenditures owned by non-profit organizations. Should this topic not be addressed and the law extended during the next legislative session, certain costs defined

as reimbursable today may become ineligible.

Five applications were reviewed by the Lodging Tax Advisory Committee. The following are the requests:

**Total Requests**

Oak Harbor Arts Commission – Driftwood Day	\$4,090
Oak Harbor Music Festival	50,000
Downtown Merchants Advertising	10,775
Whidbey Island Marathon	30,000
Chamber of Commerce Branding and Marketing	14,500
	<u>\$109,365</u>

**Total Awarded (\$20,000 available)**

Oak Harbor Arts Commission – Driftwood Day	\$2,500
Oak Harbor Music Festival	7,300
Whidbey Island Marathon	6,000
Chamber of Commerce Branding and Marketing	4,200
	<u>\$20,000</u>

**STANDING COMMITTEE REPORT**

This issue was presented to the Finance Standing Committee on December 12, 2012.

**RECOMMENDED ACTION**

1. Adopt Resolution 12-28 awarding the 2013 Lodging Tax Grants and authorize payment of funds.

**ATTACHMENTS**

1. Resolution 12-28
2. Pertinent RCW cites for lodging tax authorization and procedural requirements.

**MAYOR'S COMMENTS**

**RESOLUTION NO. 12-28**

**A RESOLUTION OF THE CITY OF OAK HARBOR COUNCIL REGARDING THE ACCEPTANCE AND APPROVAL OF THE RECOMMENDATIONS OF THE LODGING TAX ADVISORY COMMITTEE FOR THE 2013 LODGING TAX GRANT PROGRAM AWARDS.**

WHEREAS, the City of Oak Harbor has imposed both the "basic" hotel-motel tax of 2% (RCW 67.28.180) and the additional lodging tax of 2% (RCW 67.28.181) upon the sale of, or change made for the furnishing of lodging.

WHEREAS, cities, with a population of 5,000 or more, must establish a lodging tax advisory committee to ensure that interested parties have a forum for debating the merits of a proposed imposition of a lodging tax, of a proposed increase in a lodging tax rate, of a proposed removal of a tax exemption, or a proposed "change in use" of tax revenues. Proposals for change must be submitted to the lodging tax advisory committee for review and comment at least 45 days prior to taking action on the proposal.

WHEREAS, the City Council of the City of Oak Harbor submitted the proposal for the 2013 Lodging Tax Grant Program to the Lodging Tax Advisory Committee on December 6, 2012.

WHEREAS, the Lodging Tax Advisory Committee reviewed the applications submitted for the 2013 Lodging Tax Grant Program, and makes the following recommendations for funding to the City Council:

Oak Harbor Arts Commission - Driftwood Day	\$2,500
Oak Harbor Music Festival	7,300
Whidbey Island Marathon	6,000
Chamber of Commerce Branding and Marketing	4,200
	<u>\$20,000</u>

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON, ACCEPTS THE RECOMMENDATIONS OF THE LODGING TAX ADVISORY COMMITTEE TO PROVIDE 2% FUNDING TO THE LISTED APPLICANTS FOR THE AMOUNTS AS SHOWN, AND AUTHORIZES THE AWARDS RECOMMENDED BY THE LODGING TAX ADVISORY COMMITTEE.

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

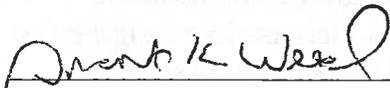
THE CITY OF OAK HARBOR

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

What cities and legislators need to know about the

# Hotel-Motel Tax

The hotel-motel tax is a tax imposed by cities and counties upon the sale of, or charge made for the furnishing of lodging. The tax applies to sales of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property. The occupancy of real property for a continuous period of one month or more is presumed to be a rental or lease of real property rather than a sale of lodging and therefore not subject to the tax.

The tax is collected by the seller of lodging and remitted to the Washington State Department of Revenue, which distributes the tax to the appropriate local government.

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## What is the rate of the hotel-motel tax?

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The maximum tax rate varies. As of March 12, 1998, the tax consists of two components:

- 1) A "basic" hotel-motel tax of 2% (RCW 67.28.180), and
- 2) An additional lodging tax of up to 2% subject to certain rate limitations (RCW 67.28.181).

The basic tax is credited against the state sales tax, which means the customer pays no additional tax on sales of lodging. If both the county and a city within the county impose the basic tax, the county must allow a credit for the city tax.

In King County, however, Bellevue may impose the tax and both the county tax and city tax are credited against the state sales tax. (The so-called "double dip"). Likewise, Yakima County and the City of Yakima may impose the basic tax and both taxes are credited against the state sales tax.

Approximately 120 cities currently impose the basic tax.

Most cities may also impose an additional lodging tax. The general rule is that the additional lodging tax may not exceed 2%, or a rate that, when added to all other taxes on the sale of lodging other than the regional transit authority (RTA) tax, does not exceed 12%.

Cities located in counties that imposed lodging taxes of 4% or more on January 1, 1997 (Pierce, Snohomish, Grays Harbor, Cowlitz) generally may not impose the additional lodging tax.

Some cities are authorized to exceed these rate limitations. In addition, some cities are authorized to impose the additional lodging tax even though they are located in counties that imposed lodging taxes of 4% or more on January 1, 1997. This is because these cities had this authority under "special" hotel-motel taxes that were repealed by 1997 legislation.

Approximately 20 cities currently impose additional lodging taxes ranging from 1% to 5%.

*continued*

Tax Facts

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## What were the "Special" Hotel-Motel Taxes?

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Prior to 1997, a few cities and counties were authorized to impose "special" hotel-motel taxes in addition to the "basic" tax. Special taxes were not credited against the state sales tax, but were in addition to the rate of tax charged to the customer. State law specified in considerable detail how revenues from the various special taxes could be used.

The special taxes were repealed as part of chapter 452, Laws of 1997 (SSB 5867) because the Legislature was concerned about the proliferation of a confusing array of special taxes enacted on sales of lodging over the years.

The intent of SSB 5867 was to replace the "basic" and "special" hotel-motel taxes with a uniform lodging tax of 4% (or a rate which, when combined with other taxes on sales of lodging, does not exceed 12%). The bill included a "grandfather clause" intended to allow jurisdictions taxing at higher rates as of January 1, 1998, to continue to do so in the future. The bill also liberalized how tax revenues may be used, but required creation of lodging tax advisory committees in cities with population of 5,000 or more.

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## What is the "partial veto" problem we've heard so much about?

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The original intent of SSB 5867 was thwarted because two sections were vetoed. The effective date section (April 1, 1998) was vetoed, so that the act would take effect 90 days after session. A section making changes to the "basic" tax (RCW 67.28.180) was vetoed because of a conflict with the football stadium referendum bill, ESHB 2192.

The partial veto resulted in a number of unintended and unforeseen consequences:

- Several cities suffered a reduction in their rate authority, because the "grandfather clause" intended to allow cities to continue

to tax at whatever rates were in effect on January 1, 1998, was rendered invalid.

- The "double dip" was eliminated.
- There was some confusion about application of lodging tax advisory committee requirements to the "basic" tax.
- The new 4% lodging tax, in combination with the "basic" 2% tax, allowed most cities to tax at up to 6% instead of 4% as intended by the Legislature. (East Wenatchee and Wenatchee each have imposed a tax of 6%.)

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## What did cities do in response to the partial veto?

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Yakima and Bellevue sued the state to preserve their current rate authority and the "double dip." They argued that the law created an unconstitutional impairment of their contractual obligations. Both had issued bonds in reliance on the revenue stream from these taxes. The court issued a preliminary injunction that preserved status quo for those cities until May 15, 1998, to allow the Legislature to fix problem during the 1998 session. Five other cities (Ocean Shores, Lakewood, and Tacoma, later joined by Westport and Fife) filed a similar suit and were granted a comparable preliminary injunction.

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## How did the 1998 Legislature respond to the partial veto?

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The 1998 Legislature enacted HB 2698, which resolved the problems created by the partial veto, and eliminated the need for the aforementioned litigation to proceed. The bill contained the following elements:

- The 2% "basic" hotel motel tax is left in place [RCW 67.28.180].
- The additional lodging tax is reduced from 4% to 2% [RCW 67.28.181].

- Cities imposing a total tax of 6% prior to January 1, 1998 (i.e. East Wenatchee and Wenatchee) are allowed to continue to impose a tax at that rate.
- A new "grandfather clause" allows municipalities that had authority to impose "special" and "basic" hotel-motel taxes prior to July 27, 1997, at rates higher than generally allowed to continue to have that authority through January 1, 1999. Thereafter, the municipality may not exceed the tax rate actually imposed on January 1, 1999. *Note the "use it or lose it" feature. A city that had authority to tax at a higher rate prior to July 27, 1997, must act by January 1, 1999, in order to preserve that authority.*
- The "double dip" for the cities of Bellevue and Yakima is restored.
- It is clarified that the lodging tax advisory committee requirements apply to the "basic" tax, but only if the tax or use of tax revenues is changed.

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### **What action is required now?**

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If you're a city that imposed one of the special hotel-motel taxes prior to July 27, 1997, you need to reenact your taxing ordinances under the new statutory authority by January 1, 1999, if you have not already done so. This is particularly important if the tax ordinance refers specifically to one of the special hotel-motel tax statutes that was repealed in 1997. It would be prudent to reenact the tax ordinance even if it does not refer to a specific statute. If your city only imposes the basic tax, you do not need to reenact your ordinance.

Secondly, if your city had authority to impose special hotel-motel taxes at rates higher than current law, but you have not actually imposed the taxes, you have until January 1, 1999, to use your full taxing authority. If you do not act before this date, you will be subject to the rate limitations under current law.

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### **Now that the dust has settled, are cities any better off than before?**

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Yes. Many cities that had no special hotel-motel tax authority may now impose a 2% lodging tax in addition to the basic tax. Also, cities in King County, other than Bellevue, could not previously impose the basic tax. Now, for the first time, many cities in King County can impose a tax on lodging.

Also, where the prior law narrowly prescribed how hotel-motel tax revenues could be spent, the law now provides greater flexibility by allowing lodging tax revenues to be used for "tourism promotion" and "tourism-related facilities," as broadly defined in the law.

Finally, believe it or not, the law is actually less complicated than it was prior to 1997.

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### **What about the Lodging Tax Advisory Committee requirement?**

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In exchange for the additional flexibility in the use of hotel-motel tax receipts, the Legislature decided to impose additional procedural requirements on cities with a population of 5,000 or more. These cities must establish a lodging tax advisory committee prior to imposing a lodging tax and submit any proposal to impose a lodging tax, increase the tax rate, remove a tax exemption, or "change in the use" of tax revenues, to the advisory committee for review and comment at least 45 days prior to taking action on the proposal.

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### **What is a "change in the use" of tax revenues?**

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The term is not defined in the law, which leaves several unresolved questions. If, for example, current funding goes to tourism promotion and proposed funding would go to a convention center board, this would clearly be a "change in the use."

*continued*

However, even more subtle changes might be regarded as a "change in the use." The best approach is to take a conservative view and submit to the advisory committee any change in the current spending pattern that could conceivably be challenged as a "change in the use." For example:

- Proposed funding for a new recipient for services currently performed by a different recipient.
- Proposed funding for a current recipient for new services.
- Change in the proportional distribution among current recipients.

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### **What if the Lodging Tax Advisory Committee disagrees with the proposal?**

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Although the advisory committee's recommendations are not binding, the Legislature clearly intended to ensure that interested parties have a forum for debating the merits of any proposal. It is in the best interest of everyone if differences are resolved before moving forward with a proposal.

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### **Who must serve on the advisory committee?**

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The advisory committee must consist of at least five members. One member must be an elected official of the city or town. This member serves as the chair of the committee.

In addition, membership **must** include:

- a) At least two representatives of businesses that collect the lodging tax, and
- b) An equal number of persons involved in activities authorized to be funded by lodging tax revenues.

An advisory committee for a town or city **may** also include one non-voting member who is an elected official of the county in which the city or town is located.

Although the law does not expressly forbid the inclusion of other members, the provision for the inclusion of "one non-voting" county elected official clearly implies that the committee should not include members in addition to those mentioned above. That is, a city should not appoint other unrelated individuals, such as retail merchants, travel agents, restaurateurs, "at large" members, and so forth, even though they might have an interest in tourism.

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### **Does my city need to form an advisory committee if we impose only the "basic" hotel-motel tax?**

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A city that already imposes the "basic" hotel-motel tax is not required to form an advisory committee unless or until it changes the rate of tax, removes a tax exemption, or makes a change in the use of tax revenues.

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### **Questions?**

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Contact **Ron Rosenbloom** or **Faith Trimble** of AWC at (360) 753-4137 if you have additional questions about the hotel-motel tax.

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# City of Oak Harbor City Council Agenda Bill

Bill No. AB 10  
Date: December 18, 2012  
Subject: Resolution 12-39 to Amend  
Wellness Program

FROM: Cheryl L. Lawler  
Human Resources Manager

## 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

## PURPOSE

This agenda bill introduces a Resolution to Amend the Wellness Program incorporated in the Employee Policy Manual that was adopted by ordinance on June 18, 2012. The amendment is to revise the wording of Appendix D, Wellness Program.

## AUTHORITY

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. (Ord. 1627 § 1, 2012).

## FISCAL IMPACT DESCRIPTION

None.

# City of Oak Harbor City Council Agenda Bill

## SUMMARY STATEMENT

The City has a Wellness Program and participation is open to all employees. The program provides criteria to earn a Wellness Day off annually.

## STANDING COMMITTEE REPORT

The City Wellness Committee has drafted and recommends the revisions to the Wellness Program, in collaboration with Human Resources.

## RECOMMENDED ACTION

Staff recommends that City Council approve the attached Resolution No. 12-39 to amend Appendix D as written in Employee Policy Manual.

## **ATTACHMENT:**

Resolution No. 12-39

RESOLUTION NO. 12-39

A RESOLUTION AMENDING THE EMPLOYEE POLICY MANUAL REGARDING THE CITY OF OAK HARBOR WELLNESS PROGRAM INCENTIVES

WHEREAS, the City of Oak Harbor implemented Wellness Incentives as a part of its Wellness Program; and

WHEREAS, the City of Oak Harbor Wellness Incentives include a Wellness Day Off which entitles employees who participate in certain activities to become eligible to earn eight (8) hours of wellness time off; and

WHEREAS, the criteria for earning this Incentive has been that an employee must participate in no less than 75% of City sponsored wellness activities that occur during normal working hours; and

WHEREAS, the definition of City sponsored wellness activities has been unclear and cumbersome to track; and

WHEREAS, it is the purpose of this Resolution to amend the Guidelines outlined in the current Wellness Program removing the current criteria; and

WHEREAS, the Wellness Committee has created Guidelines which provide for a wide range of activities and events incorporating the physical, intellectual, social, spiritual/emotional, and occupational dimensions of wellness; and

WHEREAS, the Wellness Committee amends the criteria to earn the Wellness Day off as follows:

- Employees must choose activities from a minimum of four of five health categories as outlined on the City of Oak Harbor Wellness Rewards Program Log.
- Employees must track their progress on the City of Oak Harbor Wellness Rewards Program Log.
- Employees must attain a minimum of 100 points to qualify for the Wellness Day Off within the designated timeframe.
- Employees must participate in a minimum of one health campaign and one social event (see chart on following page) during the year.
- Employees must submit the Wellness Rewards Program Log no later than December 15, 2012 of each year to earn a Wellness Day off in the following year.

NOW, THEREFORE, be it resolved by the City Council of the City of Oak Harbor as follows:

The Mayor is hereby authorized and directed to execute said changes and amendments to the Employee Policy Manual for the City of Oak Harbor Employees, Appendix D, a copy of which is attached hereto and by this reference made a part hereof.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

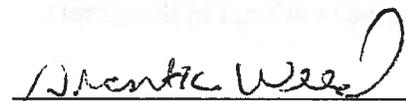
THE CITY OF OAK HARBOR

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Interim City Clerk

Approved as to Form:

  
\_\_\_\_\_  
Interim City Attorney

## **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 confirm participation in wellness activities.
- 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 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 log their participation in eligible activities as set forth by the Wellness Committee.
- Employees' participation will be confirmed by the documentation criteria on the Wellness Rewards Program Log.
- Employees must attain a minimum of 100 points to qualify for the wellness time off.
- Employees must choose their eligible activities from a minimum of four of the health categories established on the Wellness Rewards Program Log.
- Employees must participate in a minimum of one health campaign and one eligible social event during the year.
- Employees must submit the Wellness Rewards Program Log no later than December 15 of each year to earn a Wellness Day off in the following year.

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 meet the criteria will be credited eight (8) hours of wellness time in their leave accruals for the following year.



# 2013 City of Oak Harbor Wellness Rewards Program Log

*This form must be completed and submitted to the HR director no later than November 30, 2013 to earn a Wellness Day off in 2014.*

Date Submitted: \_\_\_\_\_  
(must be submitted no later than November 30th, 2013)

Employee Name: \_\_\_\_\_  
(First and Last)

Department: \_\_\_\_\_



**Eligible Activities:** Please check off your completed activities, you may submit additional logs/forms if needed.

Completed?	Activities and Events	Points Per Activity/Event	Wellness Sponsored Events	Total Possible Points	Documentation
<b>Physical</b> [*participation in one (1) health campaign* is required]					
<input type="checkbox"/>	Exercise	1	N/A	No Limit	Main Activity(s):
<input type="checkbox"/>	Health Campaigns*	20	2	40	Sign Up
<input type="checkbox"/>	Health Questionnaire / Health Screening	40	1	40	Show reward card
<input type="checkbox"/>	Annual Physical Exam	20	N/A	20	Date of Exam: Physician:
<input type="checkbox"/>	Successful completion of smoking cessation program	80	N/A	80	Name of Program:
<b>Category Total</b>			<b>3</b>	<b>No Limit</b>	
<b>Intellectual</b>					
<input type="checkbox"/>	Lunch & Learn	10	2	20	Sign Attendance sheet
<input type="checkbox"/>	AWC Webinars (more info to follow)	10	6	60	Sign Attendance sheet
<input type="checkbox"/>	Read for learning (Specify materials read)	1	N/A	10	What did you read and what did you learn? (attach additional sheet if necessary)
<b>Category Total</b>			<b>8</b>	<b>90</b>	
<b>Social</b> [*participation in one (1) of these events is required]					
<input type="checkbox"/>	Summer Picnic	10	1	10	Sign Attendance sheet
<input type="checkbox"/>	Fall Potluck	10	1	10	Sign Attendance sheet
<input type="checkbox"/>	Annual Bowling Event	10	1	10	Sign Attendance sheet
<b>Category Total</b>		<b>30</b>	<b>3</b>	<b>30</b>	
<b>Spiritual / Emotional</b>					
<input type="checkbox"/>	Meditation/Prayer	1	N/A	10	Self-report
<input type="checkbox"/>	Yoga	1	N/A	10	Self-report
<input type="checkbox"/>	Nature Walk	1	N/A	10	Self-report
<input type="checkbox"/>	Journaling	1	N/A	10	Self-report
<input type="checkbox"/>	Other (Please Specify)	1	N/A	10	Specify Activity(s):
<b>Category Total</b>			<b>N/A</b>	<b>50</b>	
<b>Occupational</b>					
<input type="checkbox"/>	Volunteer @ Wellness Committee Events	1	10	10	Sign-Up Sheet / Wellness Committee Reports
<input type="checkbox"/>	Community Volunteer Activity	1	N/A	10	Volunteer activity(s):
<input type="checkbox"/>	Donate Blood	10	N/A	10	Date/Location of donation:
<b>Category Total</b>			<b>10</b>	<b>30</b>	
			<b>TOTAL POINTS</b>		

Minimum qualifications for Wellness Day Off: (1) Employees must have a minimum of 100 points to qualify for Wellness Day Off, (2) Employees must choose activities from a minimum of five health categories, and (3) Employee must participate in a minimum of one health campaign and one social event (see \* above) during the year.

*I confirm that I have completed enough approved activities to receive my Wellness Day Off for the current period of the Wellness Rewards Program and have attached all required documentation. I understand that each eligible participant can earn a maximum of one Wellness Day Off.*

Participant Signature \_\_\_\_\_

Date \_\_\_\_\_

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

AB11

**Bill No.**  
**Date:** December 18, 2012  
**Subject:** Resolution 12-36 to Adopt  
Safety Policies and Procedures

**FROM:** Cheryl L. Lawler  
Human Resources Manager

**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

**PURPOSE**

This agenda bill introduces a Resolution to adopt and implement three safety policies and procedures to be incorporated in the Employee Policy Manual that was adopted by ordinance on June 18, 2012.

**AUTHORITY**

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. (Ord. 1627 § 1, 2012).

# City of Oak Harbor City Council Agenda Bill

## FISCAL IMPACT DESCRIPTION

None.

## SUMMARY STATEMENT

The City of Oak Harbor Fire Chief has drafted policies and procedures that address earthquakes, fires, and bomb threats to City Employees, upon the request of the City Wellness Committee.

## STANDING COMMITTEE REPORT

None

## RECOMMENDED ACTION

Staff recommends that City Council approve the attached Resolution No. 12-36 to adopt an Earthquake Policy and Procedures, Fire Policy and Procedures, and a Bomb Threat Policy and Procedures and incorporate these in the Employee Policy Manual.

## ATTACHMENT:

Resolution No. 12-36

RESOLUTION NO. 12-36

A RESOLUTION TO ADOPT EARTHQUAKE, FIRE, AND BOMB THREAT POLICIES AND PROCEDURES

WHEREAS, the City of Oak Harbor values the safety of City employees; and

WHEREAS, the City of Oak Harbor participates in the Association of Washington Cities, WellCity Award program which provides a financial reward to members with outstanding wellness programs. Trust members who earn the WellCity Award receive a 2% discount on employee and spouse premiums applied to the following year's premium; and

WHEREAS, the City of Oak Harbor has won the WellCity Award for the past seven years; and

WHEREAS, one criteria for earning the WellCity Award requires written policies and procedures intended to prevent accidents and protect employees in the event of an emergency; and

WHEREAS, the City of Oak Harbor has created a Fire Policy and Procedures, Earthquake Policy and Procedures and a Bomb Threat Policy and Procedures,

NOW, THEREFORE, be it resolved by the City Council of the City of Oak Harbor as follows:

The Mayor is hereby authorized and directed to execute said policies and amend the Employee Policy Manual for the City of Oak Harbor Employees to incorporate the Fire, Earthquake and Bomb Threat Policies and Procedures, a copy of which is attached hereto and by this reference made a part hereof.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF OAK HARBOR

\_\_\_\_\_  
Scott Dudley, Mayor

Attest:

\_\_\_\_\_  
Nacelle Heuslein, Interim City Clerk

Approved as to Form:

\_\_\_\_\_  
Interim City Attorney

# City of Oak Harbor

## Emergency Procedures for Employees Earthquake Preparation and Response Guide

### A. INTRODUCTION

This Guide is designed to help familiarize City of Oak Harbor employees with procedures and safety considerations before, during, and after an earthquake.

### B. SCOPE

This guide is designed to help city employees respond to and prepare for earthquakes and should be used in conjunction with the *City of Oak Harbor Emergency Evacuation Plan*.

*The following are best practices recommended by the Federal Emergency Management Agency guidelines for earthquake safety.*

### C. RESPONSE

***If You Are Indoors:*** Remain indoors and seek protection until the earthquake subsides. Stay calm and take precautions to protect yourself from potential debris by:

- \* **Drop** to the floor and get under or adjacent to a sturdy table, desk, or permanent fixture.
- \* **Cover** your head and neck with your arms and hands.
- \* **Hold On** to the table or desk you are under as objects may shift during the earthquake.
- \* If you are not near a sturdy table or desk, drop to the floor against an interior wall and cover your head and neck with your arms and hands.
- \* Stay away from windows, overhead fixtures, objects on walls, tall furniture, large appliances and cabinets filled with objects that may be displaced and fall during an earthquake.
- \* Stay inside until the shaking stops and it is safe to go outside. Do not exit the building during the shaking. Research has shown that most injuries occur when people inside buildings attempt to move to a different location inside the building or try to leave.
- \* Be aware that the electricity may go out or the sprinkler systems or fire alarm systems may turn on.
- \* If trapped under debris do not move about or kick up dust. Cover your mouth with a handkerchief or clothing. Tap on a pipe or wall so that rescuers can locate you. Shout only as a last resort. Shouting can cause you to inhale dangerous amounts of dust.

***If You Are Outdoors:*** Move away from buildings, overhangs, trees, and power lines to a clear area such as a large open public area or field. The greatest danger exists directly outside buildings, at exits and along exterior walls. Most earthquake related casualties result from collapsing walls, flying glass, and falling objects.

\*If you're driving, pull over and stop in an area that does not have any overhead hazards and remain in your vehicle. Once the earthquake has stopped, proceed cautiously and avoid roads and bridges that may have been damaged by the earthquake.

***After the Earthquake:*** Once the earthquake has stopped do the following:

- \* Exit the building when safety permits and move to the designated assembly areas.
  - \* Conduct roll call and report missing persons to emergency response personnel.
  - \* Expect aftershocks. These secondary shockwaves are usually less violent than the main quake but can be strong enough to do additional damage to weakened structures and can occur in the first few hours, days, weeks, or even months after the quake.
  - \* Give first aid where appropriate. Do not move seriously injured persons unless they are in immediate danger of further injury. Remember to help customers and co-workers who may require special assistance
  - \* Do not re-enter any building until it has been assessed for damage and deemed structurally safe to enter.
  - \* Look for and extinguish small fires. Fire is the most common hazard after an earthquake.
  - \* Listen to a battery operated radio or a car radio for the latest emergency information.
  - \* Be aware of possible tsunamis. When local authorities issue a tsunami warning, assume that a series of dangerous waves are on the way. Stay away from the beach areas.
  - \* Go to a designated public shelter if your home has been damaged and is no longer safe. Text SHELTER + your zip code to 43362 (4FEMA) to find the nearest shelter in your area (example: shelter 98277).
  - \* Never re-enter a building that appears to have structural damage.
- \* After it has been determined that it is safe to return, your safety should be your primary priority as you begin clean up and recovery. If reporting to work following an earthquake, wear long pants, a long sleeve shirt, sturdy shoes and work gloves to protect against injury from broken objects.
- \*Inspect Utilities:**
- \* Check for gas leaks. If you smell gas or hear blowing or hissing noise, open a window and quickly leave the building. Turn off the gas at the outside main valve and call the gas company from a safe location. If you turn off the gas for any reason, it must be turned back on by a professional.
  - \* Look for electrical system damage. If you see sparks or broken or frayed wires, or if you smell hot insulation, turn off the electricity at the main fuse box or circuit breaker.
  - \* Check for sewer and water line damage. If you suspect sewer lines are damaged, avoid using the toilets and contact a plumber. If water pipes are damaged, secure water to the building and contact public works.
- \* Open cabinets cautiously. Beware of objects that can fall off shelves.
  - \* Check work area and clean up minor spills. Leave the area if you smell gas or fumes from other chemicals.
  - \* Limit personal cell phone usage to text messaging only to allow emergency response communications to function properly.

\*If you are unable to re-enter your work area for an extended period of time consider alternate work arrangements and discuss them with your supervisor or instructor.

\*Limit travel as major road ways may be congested due to regional evacuations and emergency responses.

\*Monitor Island County Department of Emergency Management webpage for information updates.

\* Buildings and roadways may remain closed for a period of time following an earthquake while damage assessments and repairs are conducted.

#### **D. PREPARATION**

Earthquakes cannot be forecasted therefore it is best to be prepared at all times. The following are best practices recommended by the Red Cross and the Federal Emergency Management Agency guidelines to prepare for earthquakes.

\* Create a family plan that identifies alternate meeting locations in the event that you or your family are unable to return home.

\*Identify a contact such as a friend or relative who lives out-of-state for household members to notify they are safe. It may be easier to make a long-distance phone call than to call across town, so an out-of-town contact may be in a better position to communicate among separated family members.

\*Text messages can often get around network disruptions when a phone call might not be able to get through.

\*Consider purchasing a solar or hand crank cell phone battery charging system.

\* Identify your Primary and Alternate Assembly Areas.

\* Store heavy or breakable objects in closed cabinets, as low as possible.

\* Secure appliances, book shelves, water heaters and other heavy items to prevent them from falling during an earthquake.

\* Evaluate where hanging and suspended objects are placed. Pictures unsecured near seating areas could fall and cause injury. Arrange or secure items so they do not pose a fall hazard to those below.

\*It is vital that all employees know how to secure gas, water and electricity to the building that they occupy. This should be located and demonstrated on an annual basis.

\*Locate safe spots in each room under sturdy tables or against an inside wall. Reinforce this information by moving to these places during drills.

\*Hold earthquake drills: Drop, cover and hold on.

# City of Oak Harbor

## **Emergency Procedures for Employees Fire Safety in the Work Place**

### **A. INTRODUCTION**

This Guide is designed to help familiarize City of Oak Harbor employees with procedures and safety considerations during any fire event.

### **B. SCOPE**

This guide is designed to help city employees respond to and prepare for fires in city owned buildings and used in conjunction with the *City of Oak Harbor Emergency Evacuation Plan*.

*The following are best practices recommended by the National Fire Protection Association and the International Fire Code.*

### **C. RESPONSE**

#### **Prior to a fire:**

All employees shall be trained in the proper operation and location for all portable fire extinguishers. Portable fire extinguishers shall be located on walls and shall be clearly marked. No portable fire extinguisher shall be obstructed or covered. Employees shall make themselves aware of the locations of all portable fire extinguishers.

#### **At time of fire:**

Upon seeing smoke or flames the employee shall:

- Verbally sound the alarm, and notify co-workers of the fire. Begin the evacuation process.
- **IF** the fire is small, **AND** a portable fire extinguisher is readily available **AND** you believe you are capable of extinguishing the fire do so. A small fire is considered to be a fire that is still in the container/area of origin, such as a garbage can.
- **IF** the fire is large, or growing in size evacuate the building. Close doors and/or windows if this can be done without risk of personal injury.
- **IF** possible secure all open transactions and secure all money.
- **IF** possible, while evacuating the building activate the manual fire alarm pull station and obtain the roll-call notebook located at all exits. Once outside the building call 911. The automatic fire alarm system should activate and notification made to the alarm center.
- Once outside the building report to the 'assigned meeting place' and conduct an employee roll-call. Prior to exiting, and only if safe to do so, make sure to remove important personal belongs i.e. purse, keys, wallet and the like. Employees may not be able to re-enter the structure due to fire conditions and building safety.

- Once outside of the building do not reenter the building until the building is cleared by the Fire Department.

When using a portable fire extinguisher remember the P.A.S.S. acronym

- P** – Pull the pin
- A** – Aim at the base of the fire
- S** – Squeeze the trigger
- S** – Sweep the base of the fire

**Smell of Smoke:**

In the event an employee smells smoke but sees no smoke or fire call 911.

Notify others employees in the immediate vicinity. Investigate for the source of the smell.

# **City of Oak Harbor**

## **Emergency Procedures for Employees Bomb Threats**

### **A. INTRODUCTION**

This Guide is designed to help familiarize City of Oak Harbor employees with procedures and safety considerations during bomb threats

### **B. SCOPE**

This guide is designed to help city employees respond to and prepare for bomb threats in city owned buildings and used in conjunction with the *City of Oak Harbor Emergency Evacuation Plan*.

### **C. RESPONSE**

If you receive a bomb threat, do the following:

- Listen carefully and write down as much information as possible, where the bomb is located and when it is expected to detonate.
- Try to get the caller's name. If not possible, note the apparent gender and any accent, vocal characteristics, or background noises.
- Dial 911 from a phone other than the one the call was received on to report the incident.
- Do not attempt to search for the bomb, do not use portable radios or cell phones, do not touch, or move anything.
- Move away from windows
- While exiting the building leave all interior doors open
- IF safe to do so, secure all transactions and secure all money.
- Evacuate to the pre-designated meeting site immediately until an investigation is complete and It is safe to return to the building. If possible take purses, keys, coats and the like. You may not be able to re-enter the building soon. Conduct a roll-call to verify all personnel are out of the building.

Bombs can be constructed to look like almost anything and can be placed or delivered in any number of ways. The probability of finding a bomb that looks like the stereotypical bomb is almost nonexistent. The only common denominator that exists among bombs is that they are designed or intended to explode. A suspicious-looking box, package, object, or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object.

# CHINA'S RISE

China's rise as a superpower

## A. Introduction

The world is witnessing a dramatic shift in power. For the first time in centuries, a non-Western nation is emerging as a global superpower.

## B. Background

China's economic growth has been nothing short of remarkable. Over the past few decades, it has transformed from a poor, agrarian society into a modern industrial power.

## C. Economic Power

China's economy is now the world's second largest, and it is growing at a rapid pace.

The country's massive population and vast natural resources provide a strong foundation for its economic success.

China's investment in infrastructure and technology has further fueled its growth.

The country's growing middle class is driving domestic demand and innovation.

China's economic power is reshaping the global economic landscape.

## D. Military Power

China's military has grown significantly in size and capability.

The country's military modernization program is making it a more formidable force.

China's military power is a key factor in its growing influence on the world stage.

China's rise as a superpower is a major challenge to the existing international order. The world must find a way to manage this new reality.

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

Bill No. AB 12  
Date: December 18, 2012  
Subject: Island County Solid Waste  
Management Contract

**FROM: Cathy Rosen, Public Works Director  
Joe Stowell, Interim City Engineer**

**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

**PURPOSE**

The purpose of this agenda bill is to authorize the Mayor to sign a one year agreement with Island County for Solid Waste Management Services. This agreement is very similar to our previous agreement except for updates in definitions, RCWs, WACs, etc.

**AUTHORITY**

Oak Harbor Municipal Code Chapter 2.390.010 provides for Council approval unless otherwise authorized or directed by law, ordinance or council resolution (for example, responding to an emergency), all contracts over \$10,000 require council approval. (Ord. 1629 § 1, 2012; Ord. 1470 § 8, 2006)

**FISCAL IMPACT DESCRIPTION**

Funds Required: \$0  
Appropriation Source: Solid Waste Fund 403

**SUMMARY STATEMENT**

The City has a contract with Island County to provide long haul transport and permanent disposal of solid waste at a solid waste facility in western Washington. Island County also develops and manages the Solid Waste and Moderate-Risk Waste Management Plan for the County, including the City of Oak Harbor. The contract with Island County expires in December 2012.

Staff is requesting a one year agreement to allow time to work through the Solid Waste Transfer Station Study and determine if a City of Oak Harbor transfer station is feasible.

**STANDING COMMITTEE REPORT**

The Solid Waste Management Contract with Island County was discussed at the Public Works Standing Committee meeting on December 6, 2012.

**RECOMMENDED ACTION**

A motion authorizing the Mayor to sign a one year agreement with Island County for Solid Waste Management Services.

**ATTACHMENTS**

Solid Waste Management Contract

**AGREEMENT REGARDING  
SOLID WASTE MANAGEMENT**

Section 1. **AGREEMENT.** This Agreement Regarding Solid Waste Management ("Agreement") is among Island County, Washington ("County") and the cities and towns ("cities") located in the County that determine pursuant to RCW 70.95.080 to contract with the County for solid waste planning and management. The County and cities entering this Agreement are the "Parties." The Parties agree as follows.

Section 2. **RECITALS/PURPOSE.**

2.1 Island County and each of the cities executing this Agreement are authorized and directed by Chapter 70.95 RCW to prepare a Comprehensive Solid and Moderate Risk Waste Management Plan (Comprehensive Plan), and are further authorized by RCW 70.95.080, and other authority including but not limited to RCW 36.58.040 and RCW 35.21.152, to contract for the administration and implementation of a Comprehensive Plan.

2.2 Island County has prepared a Comprehensive Plan which has been approved by the Washington State Department of Ecology and adopted by the Board of Island County Commissioners. The adopted Plan includes a Moderate Risk Waste Element and a Recycling element for the County and cities of the County.

2.3 Providing the most effective and efficient management and control of solid waste generated in Island County, including its cities, requires designation and use of the solid waste handling and disposal system established by the County and the County Comprehensive Plan to the fullest extent possible. This Agreement designates and provides for the use of the County System by the cities. The County System will incorporate any mutually approved changes in a city's operation as part of that system, by separate agreement with any such city.

Section 3. **DEFINITIONS.** For the purposes of this Agreement, and unless the context provides otherwise, the following definitions apply.

3.1 "Agreement" means this Agreement Regarding Solid Waste Management.

3.2 "City" means a city or town located in Island County, Washington, that signs this Agreement.

3.3 "Comprehensive Solid and Hazardous Waste Management Plan" or "Comprehensive Plan" means the Island County Comprehensive Solid and Hazardous Waste Management Plan, including a recycling element, adopted by Island County on January 28, 2008 and as may be revised or amended from time to time thereafter.

3.4 "County" means Island County, Washington.

3.5 "County System" means all facilities for solid waste handling owned or operated, or contracted for, by the County, and all administrative activities related thereto.

3.6 "Person" means an individual, firm, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation or any other entity whatsoever.

3.7 "Solid Waste" means solid waste as defined by RCW 70.95.030(22) and WAC 173-350-100 with the exception of wastes excluded, by WAC 173-350-020 as now in effect or hereafter amended.

3.8 "Solid waste handling" means, the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms, or combinations thereof; and as the term "solid waste handling" may be modified by amendments to RCW 70.95.030(23).

Section 4. **RESPONSIBILITY FOR SOLID WASTE DISPOSAL.** For the duration of this Agreement, the County shall be responsible for the disposal of all Solid Waste generated within unincorporated areas of the County and within each of the cities, consistent with the Comprehensive Plan. The County shall not be responsible for disposal of, and this Agreement does not apply to, Solid Waste that has been eliminated through waste reduction or waste recycling activities in conformity with the Comprehensive Plan.

Section 5. **COMPREHENSIVE PLAN.** For the duration of this Agreement, each city shall participate in the Comprehensive Plan prepared and periodically reviewed and revised every five years pursuant to chapter 70.95 RCW. By this Agreement, each city authorizes the County to include in the Comprehensive Plan provisions for the management and handling of solid waste generated in each City.

Section 6. **CITY DESIGNATION OF COUNTY SYSTEM FOR SOLID WASTE DISPOSAL.** By this Agreement each City hereby designates the County System for the disposal of all Solid Waste generated within the corporate limits of that City. And, within the scope of the Comprehensive Plan, each city authorizes the County to designate a disposal site or sites for the disposal of all Solid Waste generated within the corporate limits of that City, except for (1) recyclable and other materials removed from solid waste by reduction or waste recycling activities under the Comprehensive Plan, and (2) those wastes including hazardous or hard-to-handle wastes either prohibited by law or required by the County Solid Waste Department to be specially handled. This designation of the County System shall continue in full force and effect for a period of one (1) year after the effective date of this Agreement except as provided in Agreement Section 12. The designation of the County System in this Agreement shall not reduce or otherwise affect each city's control over Solid Waste collection as permitted or required by applicable state law.

Section 7. **FINANCE AND BUDGETING.**

7.1 The County will prepare and submit to a city or its contract-hauler on a monthly basis an invoice listing the weight in tons of Solid Waste delivered by a city or contract-hauler to the County's Coupeville Transfer Station (or, as provided by separate contract, the City of Oak Harbor's Transfer Station). The Town of Coupeville and the City of Langley will reimburse Island County for processing and disposing of the delivered Solid Waste at the current disposal rate duly adopted by the Board of Island County Commissioners. (Note: any "billing charge" for the disposal of delivered Solid Waste is included in the adopted rate). The City of Oak Harbor will reimburse the County the invoiced amount for the cost of transport, disposal of Solid Waste, moderate risk waste handling and disposal, post-closure care costs, and other specific, mutually-agreed charges for which the City is responsible as detailed in Island County's adopted Solid Waste and Septage Rate Study and any other applicable agreement(s) between County and City of Oak Harbor.

7.2 If hazardous or dangerous waste of any origin, as defined in Chapter 173-303 WAC is found to be in a container of solid waste originating in a city (whether from municipal collector or

contract-hauler), city will reimburse County the actual cost incurred in disposing of the hazardous waste at a permitted hazardous waste landfill.

7.3 Each party shall be responsible for budgeting and financing its own obligations under this Agreement.

Section 8. **WASTE REDUCTION AND RECYCLING.** The cities and the County hereby agree to cooperate to achieve the priorities for waste reduction and waste recycling set forth in the Comprehensive Plan or subsequent adopted revisions.

Section 9. **HAZARDOUS WASTE ELIMINATION.** To extent required by Federal and State law, each city will establish operating procedures for elimination and management of hazardous waste for municipal collectors and contract collectors, and will prevent hazardous waste from either municipal collectors and/or contract collectors from being transferred or delivered to the County System.

Section 10. **DURATION – EFFECTIVE DATE.** This Agreement shall take effect and be in force following execution by a duly authorized representative of the County and of a city (as to that city) – the “Effective Date.” The Agreement shall continue to be in full force and effect for one (1) year from the Effective Date, unless terminated as described in Agreement Section 12.

Section 11. **NO SEPARATE LEGAL AGENCY OR PROPERTY.**

11.1 No separate legal or administrative agency is created by this Agreement. Administration of this agreement shall be by the County, working through the below-identified city representatives.

County  
Island County Solid Waste Manager  
P.O. Box 5000  
Coupeville, WA 98239

City of Langley

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Town of Coupeville

---

City of Oak Harbor

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11.2 Each party will be responsible for acquiring, holding and disposing of property, real and/or personal, to carry out the terms of this Agreement. This Agreement does not provide for or authorize the joint acquisition, holding or disposition of any property.

Section 12. **REVISION, AMENDMENT, SUPPLEMENTATION OR TERMINATION.** This Agreement shall be reviewed by the parties in 2013. At that time the terms of the Agreement may be revised, amended or supplemented upon written agreement of participating parties. No revision, amendment or supplementation shall be adopted or put into effect if it impairs any contractual obligation of the County. This Agreement may be terminated by either party prior to the expiration date in conjunction with the revision of the Comprehensive Plan as described in Agreement Section 5.

Section 13. MISCELLANEOUS.

13.1 No waiver by any party of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach whether of the same or of a different provision of this Agreement.

13.2 No other person or entity shall be entitled to be treated as third party beneficiary of this Agreement.

13.3 Passage of this Agreement replaces, rescinds and supersedes any prior contract or agreement between any of the contracting parties dealing with or relating to solid waste handling in Island County.

13.4 This Agreement shall be construed pursuant to the laws of Washington. The venue for any dispute arising out of or relating to this Agreement shall be the Superior Court of the State of Washington for Island County.

13.5 No provision or provisions of this Agreement or any authority granted by this Agreement is intended to create or result in any personal liability for any public official or employee or agent of the County or a city, nor shall any provision or provisions of this Agreement be construed to create any such liability.

13.6 This Agreement has been freely and fairly negotiated by the Parties hereto and has been reviewed and discussed by legal counsel for each of the Parties, each of whom has had the full opportunity to modify the draftsmanship hereof and, therefore, the terms of this Agreement shall be construed and interpreted without any presumption or other rule requiring constructional interpretation against the Party causing the drafting of the Agreement.

13.7 This Agreement contains the complete statement of the understanding of the Parties with respect to the subject matter of this Agreement. There are no other representations, agreements, or understandings, oral or written, by the Parties relating to the subject matter of this Agreement that are not fully expressed in this Agreement. Each Party acknowledges and represents to the other Party that it is executing this Agreement solely in reliance upon its own judgment and knowledge and that it is not executing this Agreement based upon the representation or covenant of the other Party, or anyone acting on such Party's behalf, except as expressly stated herein.

13.8. Indemnification: Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents or employees to the fullest extent required by law, and further agrees to save, indemnify, defend and hold the other party harmless from any such liability.

**[Remainder of this page blank. Signature page follows.]**

AGREEMENT REGARDING SOLID WASTE MANAGEMENT

SIGNED:

\_\_\_\_\_  
Board of Island County Commissioners  
HELEN PRICE-JOHNSON, Chair

\_\_\_\_\_  
City of Oak Harbor  
SCOTT DUDLEY, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

See Agreement with Town of Coupeville

See Agreement with City of Langley

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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THE UNIVERSITY OF CHICAGO LIBRARY

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

Bill No. AB 13  
Date: December 18, 2012  
Subject: Extending Agreement for Art  
Donation for One Year

*LAC*  
FROM: Larry E. Cort, Interim City Administrator

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

*SD* Scott Dudley, Mayor  
*DM* Doug Merriman, Finance Director  
*GW* Grant Weed, Interim City Attorney, as to form

**PURPOSE**

The purpose of this agenda bill is to consider extending for an additional year the "Agreement for Art Donation" as approved by the City Council on December 21, 2010. The planned donation is a public memorial honoring the first three settlers to take up land claims in Oak Harbor: Mr. Freund, Mr. Sumner and Mr. Tafetzon. This memorial will commemorate the first land claims made 160 years ago at the location where the settlers arrived.

**AUTHORITY**

Oak Harbor Municipal Code 2.29.030 gives the Oak Harbor City Council the authority to accept or reject gifts of public art. The City of Oak Harbor Parks Gifts and Memorials Catalog includes a Substantial Gift, Memorial or Tribute policy which also allows for the acceptance or rejection of gifts, memorials or tributes, with the discretion of the Park Board and City Council.

**SUMMARY STATEMENT**

At the December 21, 2010 City Council meeting, the Council approved Resolution No. 10-27 (Attachment 1) accepting a memorial to the City of Oak Harbor's first three settlers, to be gifted to the City by local donors. Approval was subject to an Agreement for Art Donation (Attachment 2). Among the provisions of the Agreement for Art Donation, under the Rights and Obligations of the Memorial Donor, was the stipulation that the art piece would be donated on or before December 31, 2012. The organizer of the fundraising effort, Sue Karahalios, has requested that this deadline be extended for a year to December 31, 2013.

**STANDING COMMITTEE REPORT**

The Government Services Standing Committee will review the proposal at the December 11 meeting.

**RECOMMENDED ACTION**

Approve an amendment to Section 1 of the Agreement for Art Donation under Rights and Obligations of the Memorial Donor for the "Three Settlers" public art.

**ATTACHMENTS**

- Resolution regarding Art Donation
- Agreement for Art Donation

**MAYOR'S COMMENTS**

December 18, 2012 – Extending Three Settlers Agreement  
Page 1 of 1

**RESOLUTION NO. 10-27**

**A RESOLUTION OF THE CITY OF OAK HARBOR COUNCIL REGARDING THE ACCEPTANCE OF A MEMORIAL TO THE CITY OF OAK HARBOR'S FIRST THREE ORIGINAL LAND CLAIM HOLDERS, GIFTED TO THE CITY BY LOCAL DONORS.**

WHEREAS, the City of Oak Harbor has established a Substantial Gift, Memorial or Tribute Policy in order to accept such gifts of permanent artwork within the City; and

WHEREAS, Sue Karahalios has agreed to raise the appropriate funding to donate a permanent art piece to be placed at Windjammer Park commemorating the City of Oak Harbor's first three original land claim holders, Mr. Ulrich Freund, Mr. Clement Washington Sumner and Mr. Zakarias Martin Taftezon, who took up the claims 160 years ago in Oak Harbor; and

WHEREAS, City staff has reviewed the request, addressed the Approval Criteria and taken the request through all appropriate approval steps including the Park Board, Standing Committees and the Arts Commission and received their support; and

WHEREAS, the art piece will be designed and constructed by artist Richard Nash and will include three corten steel sculptures, standing approximately 9 ½ feet tall, representing the three original land claim holders; and

WHEREAS, the donor and the artist have agreed to sign a waiver of transfer of rights as identified in the Visual Artists Rights Act; and

WHEREAS, the art piece will be placed at Windjammer Park near the Waterfront Trail on a concrete pad with a plaque explaining the history and significance of the sculpture; and

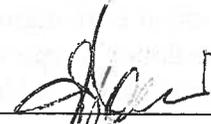
WHEREAS, the City of Oak Harbor will establish an agreement with the donor regarding the acceptance of the art piece as a gift to the City once completed; and

WHEREAS, the City will reserve the right to relocate the art piece if deemed necessary in the future.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON, RESOLVES TO ACCEPT A MEMORIAL TO THE CITY OF OAK HARBOR'S FIRST THREE ORIGINAL LAND CLAIM HOLDERS, ONCE COMPLETED, AS PER THE AGREEMENT.**

PASSED and approved by the City Council this 21<sup>st</sup> day of December, 2010.

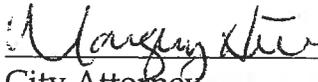
THE CITY OF OAK HARBOR

  
\_\_\_\_\_  
Mayor

Attest:

<sup>7</sup>  
  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

## AGREEMENT FOR ART DONATION

This Agreement is entered into this 21<sup>st</sup> day of December, 2010, by and between the City of Oak Harbor, a municipal corporation (hereafter referred to as "City"), and Sue Karahalios (hereafter referred to as "the donor") representing citizens proposing to place a memorial honoring the first original land claims holders in the City of Oak Harbor at Windjammer Park.

WHEREAS, the donor is desirous of making a donation of a public memorial to the City commemorating Ulrich Freund, Clement Washington Sumner, and Zakarias Martin Taftezon, the first three settlers to take up land claims (on January 4, 1851) on the 160<sup>th</sup> anniversary as a historical marker in the form of public art.

WHEREAS, Oak Harbor Municipal Code 2.29.030 and the Substantial Gift, Memorial or Tribute Policy gives the City the authority to accept gifts of public arts and memorials.

WHEREAS, the donor has chosen a memorial that is aesthetically pleasing, architecturally compatible with its surroundings, is safe and low maintenance.

WHEREAS, the City is pleased to receive the memorial to the original land claim holders and wishes to ensure that the rights and obligations of all parties concerning the donation are clear.

NOW, THEREFORE, the parties agree to the following terms and conditions:

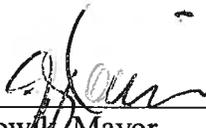
### **Rights and Obligations of the Memorial Donor**

1. On or before December 31, 2012, an art piece, designed and constructed by artist Richard Nash, shall be donated to the City. The art piece, consisting of three corten steel pillars standing approximately 9 ½ feet tall, will be placed on a concrete surface. The pillars represent the three settlers who were the first land claim holders in the City of Oak Harbor.
2. Located along the Waterfront Trail at Windjammer Park, the memorial shall be available to the public to promote public interactions and social activities through conversations about Oak Harbor's history.
3. As part of the donation, the donor will be responsible for the installation of the memorial in accordance with City Parks and Building Division's requirements and will bear the cost of all necessary permits.
4. The donor is responsible for complying with all federal, state and local laws, which might include competitive bidding and state prevailing wage laws.
5. No contingencies shall be placed on the acceptance of the gift from the donor.
6. Prior to acceptance of the memorial, a waiver of certain rights and conditions attributed to the artist, in the Visual Artists Rights Act 106A, must be signed by the artist and donor.

### Rights and Obligations of the City of Oak Harbor

1. The City shall prepare the site for installation of the memorial, subject to the donor supplying the necessary building materials.
2. Upon installation of the memorial, the City Parks Division shall inspect the memorial and, if satisfied that it meets all City requirements, accept it as a gift to the City.
3. Upon acceptance of the memorial by the Parks Division, it shall become the sole property of the City and the donor shall have no special rights to its use other than as members of the general public.
4. Upon acceptance of the memorial, the City shall have responsibility for the maintenance and repair of the memorial. The donor shall have no liability for any defect or use of the memorial arising out of the generous donation to the City by the donor.
5. The City reserves the right to relocate the memorial, if deemed necessary in the future, at its sole discretion.
6. Prior to acceptance of the memorial a waiver of certain rights and conditions attributed to the artist in the (visual artists rights act 106A) must be signed by the artist and donor.

This Agreement for the donation of a Memorial to the City of Oak Harbor's First Three Original Land Claim Holders as public art was approved by the Oak Harbor City Council this 21<sup>st</sup> day of December 2010.

  
\_\_\_\_\_  
Jim Slowik, Mayor

Entered into this 21<sup>st</sup> day of December 2010.

By   
\_\_\_\_\_

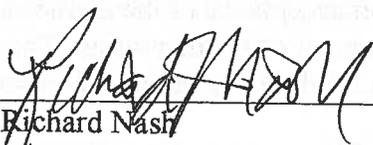
**ARTIST WAIVER OF RIGHTS**

On this date, 12/21/2010, in Oak Harbor, Washington, Mr Richard Nash, artist, in consideration of being/retained as the artist to complete the memorial to the City of Oak Harbor's first three settlers, hereby voluntarily releases and waives all artist rights to the artwork described as:

“City of Oak Harbor’s Founding Fathers Sculpture of three pillars of corten steel – erected in Windjammer Park, Oak Harbor, Washington”.

This Waiver has been executed by artist Mr Richard Nash, voluntarily and with full knowledge of the rights afforded him under the Visual Artist Right’s Act, Section 106A of Title 17 of the United States Code.

Dated: 12/21/2010

  
Mr. Richard Nash

City of Oak Harbor  
City Council Agenda Bill

Bill No. AB 14  
Date: December 18, 2012  
Subject: Emergency Repair at Seaplane Base  
Wastewater Lagoon

FROM: Cathy Rosen, Public Works Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

**PURPOSE**

The purpose of this agenda bill is to advise the City Council that emergency repairs were required at the Seaplane Base Lagoon Wastewater Treatment Plant in order to keep the plant operational, and that those repairs exceed \$10,000.

**AUTHORITY**

**Oak Harbor Municipal Code Chapter 2.390.010 Council Approval.**

Unless otherwise authorized or directed by law, ordinance or council resolution (for example responding to an emergency), all contracts over \$10,000 require council approval. (Ord. 1629, 2012)

**2.310.070 Emergency procurements.**

Notwithstanding any other provisions of this chapter, the mayor or his/her designated agent(s) may make or authorize others to make emergency procurements of materials, supplies, equipment, services or public works, without complying with the requirements of this chapter, when there exists a threat to public health, welfare, or safety or where the city may suffer a substantial monetary loss by reason of the time required to follow regular purchasing procedures; provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, and a listing of the item(s) procured under the contract, which shall be reported to the city council at the next subsequent meeting. (ord. 1470 § 2, 2006).

**FISCAL IMPACT DESCRIPTION**

Funds Required: \$13,021.66  
Appropriation Source: Wastewater Fund 402

**SUMMARY STATEMENT**

On December 3, 2012, two underground 800 AMP power lines at the Lagoon Wastewater Treatment Plant failed for unknown reasons. The treatment plant was kept operational through the use of an emergency generator until the repairs were completed. The City hired QEC Electric to make the necessary repairs. The repairs included but were not limited to replacement of one large electrical panel and six 1" diameter underground cables. The cost of these repairs came to \$13,021.66.

Power was restored to the plant on the afternoon of December 7, 2012. Staff is working with QEC Electric and Puget Sound Energy to determine the cause of the power failure and related damage.

**STANDING COMMITTEE REPORT**

This issue was mentioned to the Public Works Standing Committee members at their December 6, 2012 meeting.

**RECOMMENDED ACTION**

Information only.

**ATTACHMENTS**

Corrective Action Report.

# Corrective Action Report

Date: 12/3/2012

<b>Equipment/System</b>	<b>Electrical feed to the lagoon</b>
<b>Manufacture:</b>	
<b>Serial #:</b>	
<b>Model:</b>	
<b>Contact:</b>	<b>Brad Quinton (QEDC Electric)</b>
<b>Phone:</b>	<b>360-428-6055</b>
<b>Email:</b>	<b>quintonelectric@msn.com</b>
<b>Address:</b>	

Safety Concerns			
<b>Alarm status</b>	<b>Forced Armed</b>	<input checked="" type="checkbox"/>	<b>Bypassed</b>
Running on Generator Power since 12/3/2012			

PPE Requirements			
<b>Steel Toe</b>	<input checked="" type="checkbox"/>	<b>Leather Gloves</b>	<input checked="" type="checkbox"/>
<b>Eye Protection</b>	<input checked="" type="checkbox"/>	<b>Hearing Protection</b>	<input checked="" type="checkbox"/>
		<b>Hard Hat</b>	<input checked="" type="checkbox"/>

**Corrective Action needed**

Excavate with Vactor

Set up fuel delivery for the generator

QDEC will be replacing the wiring in 1 of 3 conduits. Brad will Megger the wire before it's all said and done to make sure. The CT Box had to be replaced and a little piping in the ground, and some of the bonding inside the building.

**Tools, Parts and Equipment Needed**

Vactor, shovels

**Corrective Action taken**

Same as above

**Suggestions for the Future Operation and/or Repairs**

Design a tertiary plug-in for a portable generator (small scale and directed to critical processes).  
Backup - Running 1 Effluent pump, OSPS and Disinfection

**12/3/2012**

7:15am

When I arrived at the Lagoon the generator was running, I visited Capehart headworks to see if we had a blown disconnect on the pole coming into the facility.

There was one switch blown on the far left looking at the pole and the middle ceramic was cracked.

I went back to the lab and acknowledged the alarm and tried to contact PSE. I called Larry Michaels to inform him of the situation and asked if he would contact PSE, he did and they said that there was a power outage and it would be restored between 9:00 am and 10:00 am. I told Larry we needed PSE to come out and repair the disconnects on the pole, so he made the call.

8:15am the junction box under the PSE meter caught on fire. I called Larry Michaels to notify him of the situation and asked him to come out to the Lagoon, he did. He called an electrician which was in the area, Brad Quinton, to let him know we might need his services as the situation was deemed an emergency at this point.

PSE arrived around 9:00am, the lineman told me that a crew was on their way to replace all three disconnects I told him about the meter box. The line man called Kevin Case PSE's meter journeyman to come out and take a look.

10:00am Kevin looked at the damage and said it was customer owned equipment but there are parts in the box that are PSEs, so I called Larry to get Brad out to survey the damage and make a recommendation on how to proceed. I also gave Kevin Brad's cell number to correspond with him directly.

12:00pm I returned to the Lagoon and found PSE at the pole repairing the disconnects, also Kevin and other PSE worker were working on the main transformer, Kevin said there was damage to the transformer and they were in the middle of repairing it.

1:30pm Called Sandra to arrange a fuel delivery for Tuesday

2:30pm Called Doug Nuckols to let him know we might need to use his truck to fuel the generator after hours.

Later in the afternoon Brad arrived and looked at the damage. He wasn't able to give me an estimate till we expose the conduit in the ground.

2:45pm I called Keith with Collections to arrange for the Vactor to come out first thing Tuesday morning to soft dig the site. Brad said he would be back tomorrow around 11:00am.

8:00pm the duty personal Scott Hubbard check on the generator fuel level and all around status of the treatment plant. A particular note was made concerning fuel consumption rate. It was determined we had enough fuel.

**12/4/2012**

Collection showed up at 7:15 am and soft dug to expose the conduit. I took pictures of the damaged conduit and sent them to Brad via text messaging.

10:30 am fuel truck delivered 242 gals. fuel, I scheduled a fuel delivery on Thursday with the driver.

11:30 am Brad starts tearing out damaged components, he finds that there is also damage to the 800 amp main disconnect in the shop. I asked Brad to please write up an estimate for the job the best he could. He said by the end of the day he would know the estimated cost. Cost estimate was received and passed to my Supervisors Wednesday at 8AM

**12/5**

Electricians replacing conduit and installing a new bucket, they hope to start pulling wire tomorrow. Sent Steve Bebee the Corrective action report. I scheduled a fuel delivery for the 6<sup>th</sup>.

**12/6**

9:45 am fuel truck delivered 324 gals. Brad continuing to work on restoring power. I ask him again what could have caused the power outage, he is going to cut the damage conduit to see if it failed there. Purchase Piping from Home Depot to direct the down spout away from the building.

**12/7**

7:30 am upon arriving at the lagoon I noticed the Generator was running rough, I found a warning light on the generator control display. I went through the menu display and found all levels and temps were in range. I did find a fault reading "Low Fuel Level". I checked the fuel level and it was at about at a half tank. Called Larry Michaels about the situation. He said he would call Steve Bebee about using the Godwin pump for the OSPS. Then I called Ken at the mechanic shop for his help, he came out to the Lagoon to check the generator, he couldn't find anything different. He did suggest that maybe the fuel level sensor was faulty. The same time Steve Bebee called and said that EC Services was coming out to take a look. He gave them my cell number and told them that I was the person to contact. 9:30 am EC services Tech called and I explained to him what the symptoms were and what I was hearing. He didn't have any answers for me but he said he would come up if the generator shut down.

10:30 am Power should be restored by this afternoon, PSE has been notified and a crew is standing by. Talked to Brad about installing a hook up for a portable generator, he said he could do it for about \$ 2000.00.

2:40 Power was restored to the Lagoon. I check on that equipment critical to the operation to verify they were working properly. I called APP Fuel Service to let them know I would not need a Saturday delivery but would need a top off next week on their regular Scheduled delivery.

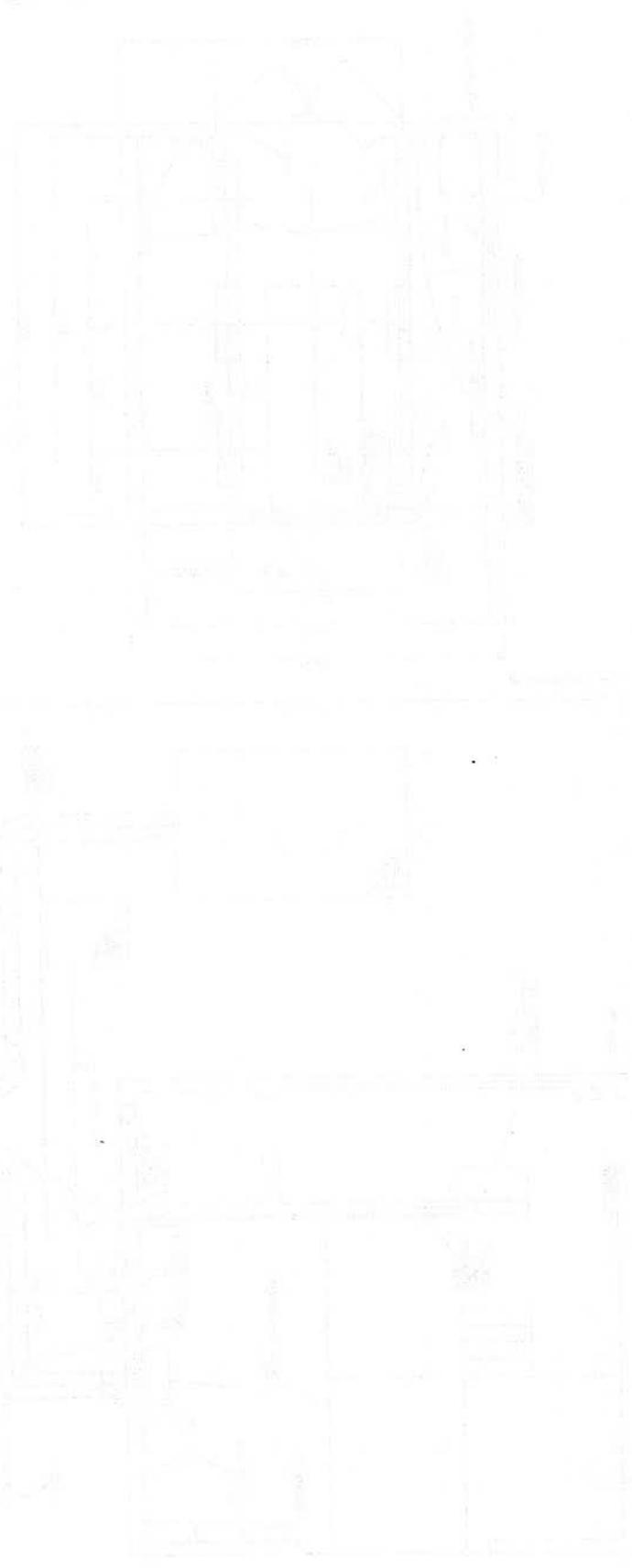
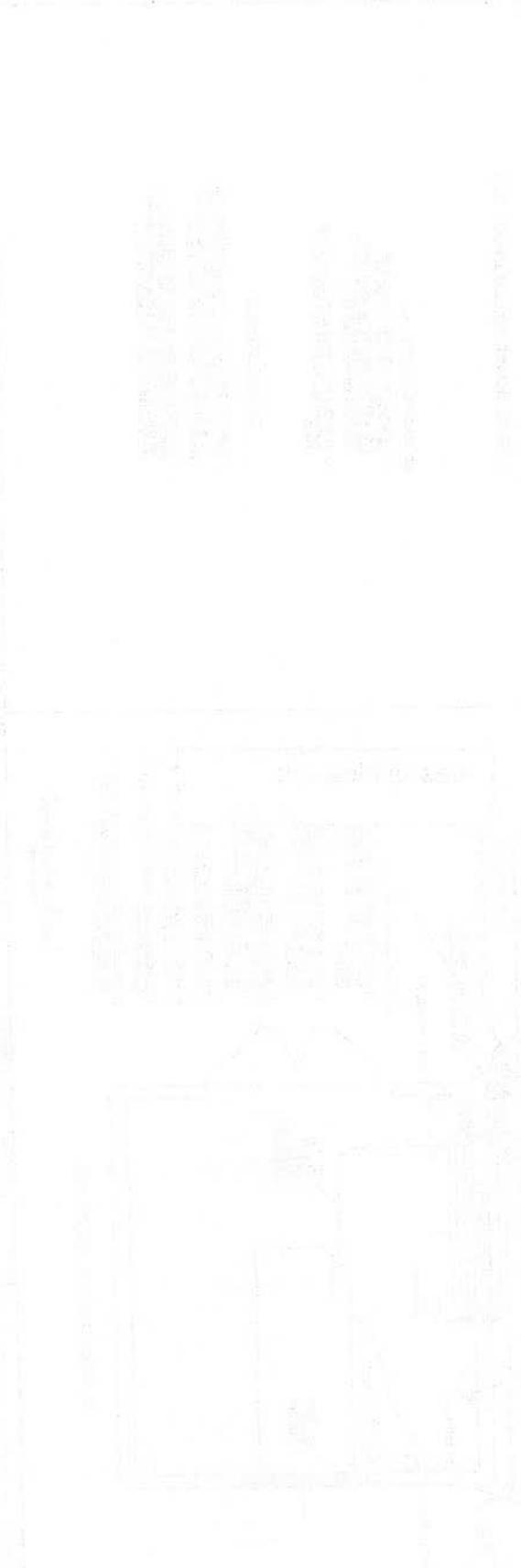
**12/8**

All was good. Will follow-up on the generator through Sandra.





1. Name of the project	2. Location of the project	3. Date of the project	4. Name of the client	5. Name of the architect	6. Name of the contractor	7. Name of the engineer	8. Name of the estimator	9. Name of the quantity surveyor	10. Name of the project manager
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**City of Oak Harbor  
City Council Agenda Bill**

Bill No. AB 15  
Date: December 18, 2012  
Subject: Retainer Agreement for Interim  
City Attorney Services

*me*  
FROM: Larry Cort, Interim City Administrator

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

XX Scott Dudley, Mayor  
\_\_\_\_ Doug Merriman, Finance Director  
\_\_\_\_ Nikki Esparza, Assistant City Attorney

**PURPOSE**

During the October 16, 2012 City Council meeting, the Council approved a Retainer Agreement for Interim City Attorney Services with the firm of Weed, Graafstra and Benson. In doing so, this action established a contract termination date of January 2, 2013. This agenda bill proposes to renew the Retainer Agreement for Interim City Attorney under the same terms with effect from January 3, 2013 to April 16, 2013.

**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: Retainer is \$6,400 per month for 40 hours, \$170 per hour above 40 hours  
Appropriation Source: Primarily General Fund (Legal)

**SUMMARY STATEMENT**

Due to staffing changes in the Legal Department, the City retained interim legal services on June 4, 2012 from the Snohomish, WA firm of Weed, Graafstra and Benson. This firm specializes in municipal law, came highly recommended and is currently representing a number of cities in western Washington,

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

including Snohomish, Lake Stevens, Marysville and Coupeville, among others. The City Council confirmed the hiring of this firm on June 18, 2012 through August 8, 2012, extended the contractual relationship on August 8, 2012 through October 16, 2012 and most recently extended the contract once again to January 2, 2013.

The attached Retainer Agreement, if approved, would extend the City's contractual arrangement with Weed, Graafstra and Benson through the second meeting in April 2013. City staff continues to be well pleased with the overall quality, responsiveness and expertise by the small team of lawyers working at the firm. With the exception of the termination date, which has been amended from January 2, 2013 to April 16, 2013, the provisions in this Agreement are identical to those in the Agreement approved on October 16, 2012. With the executive search now underway by Prothman Company, the City can realistically expect to hire a new City Attorney toward the end of this revised contract period.

### **STANDING COMMITTEE REPORT**

This Agreement has not been presented to a Standing Committee.

### **RECOMMENDED ACTION**

Authorize the Mayor to sign a Retainer Agreement for Interim City Attorney Services with the firm of Weed, Graafstra and Benson, Inc., beginning on January 3, 2013 and ending on April 16, 2013

### **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**

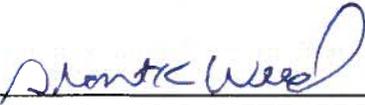
The CITY agrees for a period of two years from the effective date of this Agreement it shall not employ or contract with any employee, former employee or independent contractor of WEED, GRAAFSTRA AND BENSON, INC., P.S., for services. This provision shall survive expiration and/or termination of this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

#### **VIII - EFFECTIVE DATE AND DURATION**

This contract shall take effect on January 3, 2013 and shall continue in effect through March 31, 2013 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.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

By:   
\_\_\_\_\_

GRANT K. WEED, PRESIDENT

CITY OF OAK HARBOR

By \_\_\_\_\_  
SCOTT DUDLEY, MAYOR

ATTEST:

By \_\_\_\_\_  
NACELLE HEUSLEIN,  
INTERIM CITY CLERK

# City of Oak Harbor City Council Agenda Bill

Bill No.

AB 16

Date:

December 18, 2012

Subject:

Tourism Services Agreement –  
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  
 Grant Weed, Interim City Attorney, as to form

## PURPOSE

This agenda bill presents a Tourism Services Agreement between the City of Oak Harbor and the Greater Oak Harbor Chamber of Commerce to replace the current agreement that is due to expire on December 31, 2012. The City Council is requested to consider the replacement Agreement and, as appropriate, authorize the Mayor to sign the Tourism Services Agreement with the Greater Oak Harbor Chamber of Commerce.

## AUTHORITY

### **RCW 67.28.18**

(2) Any municipality that proposes imposition of a tax under this chapter, an increase in the rate of a tax imposed under this chapter, repeal of an exemption from a tax imposed under this chapter, or a change in the use of revenue received under this chapter shall submit the proposal to the lodging tax advisory committee for review and comment. The submission shall occur at least forty-five days before final action on or passage of the proposal by the municipality. The advisory committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures. The comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the fund created under RCW 67.28.1815. Failure of the advisory committee to submit comments before final action on or passage of the proposal shall not prevent the municipality from acting on the proposal. A municipality is not required to submit an amended proposal to an advisory committee under this section.

### **OHMC 2.66.040 Committee proposals.**

The city council shall submit to the lodging tax advisory committee, for its review and comment, proposals on (1) the imposition of a tax under Chapter 67.28 RCW; (2) any increase in the rate of such a tax; (3) repeal of an exemption from such a tax; or (4) a change in the use of the revenue received from such a tax. The city council shall submit such a proposal to the lodging tax advisory committee at least 45 days before taking final action on any such proposal. The lodging tax advisory committee shall provide its comments to the city council at least two weeks prior to the scheduled date for final city council action. Comments by the lodging tax advisory committee should include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-range stability of the special fund created for the lodging tax revenues. (Ord. 1535 § 1, 2008).

## FISCAL IMPACT DESCRIPTION

Funds Required: \$72,000 for 2013

Appropriation Source: Fund 116 Civic Improvement

## SUMMARY STATEMENT

The source of funds to promote tourism is typically referred to as the lodging sales tax that is authorized by the State of Washington and generated locally through the sales tax revenue from the sale of lodging rooms. The lodging sales tax available to the City totals 4% of room sales receipts, 2% in the form of a

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

credit from the State's share of the overall sales tax and 2% imposed locally on lodging businesses. These revenues are restricted in that they must be used to promote tourism in our community which, at least in concept, generates more visitors to the lodging establishments.

The current contract between the City of Harbor and the Greater Oak Harbor Chamber of Commerce for tourism services commenced on July 1, 2009 and is set to expire on December 31, 2012. As detailed on the attached Exhibit to the Tourism Services Agreement, the scope of services includes maintenance and operation of the Tourist Information Facility and other promotional activities.

As drafted, the proposed contract would reduce the monthly amount payable to the Chamber of Commerce from \$6,667 per month to \$6,000 per month. The reduction is entirely attributable to the deletion of the \$650 per month charge for the billboard on SR-20 near March Point Road, along with associated costs for producing the artwork for this billboard. The effect of eliminating this cost is to reduce the overall contract amount from \$80,000 to \$72,000 per year. The draft contract also proposes that this new contract period be for one year only in anticipation of changes to how the lodging tax monies can be used after July 1, 2013.

The Chamber's contract for tourism services was discussed at the November 29, 2012 meeting of the Lodging Tax Committee with no comments forthcoming.

### **STANDING COMMITTEE REPORT**

This item has not been presented at any standing committee meetings.

### **RECOMMENDED ACTIONS**

Authorize the Mayor to sign the Tourism Services Agreement between the City of Oak Harbor and the Greater Oak Harbor Chamber of Commerce for \$72,000 in 2013.

### **ATTACHMENTS**

Draft Tourism Services Agreement

## **TOURISM SERVICES AGREEMENT**

THIS AGREEMENT, is made and entered into in duplicate this \_\_\_\_ day of December, 2012, by and between the City of Oak Harbor, a Washington municipal corporation hereinafter referred to as the "CITY" and the Greater Oak Harbor Chamber of Commerce, hereinafter referred to as the "CHAMBER OF COMMERCE".

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 CHAMBER OF COMMERCE represents that the CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein.

2. Term.

The tourism service agreement shall begin on January 1, 2013 and, shall end no later than December 31, 2013, 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 CHAMBER OF COMMERCE except for services identified and set forth in this Agreement.

3.3 The CITY shall pay the CHAMBER OF COMMERCE for work performed under this Agreement as follows: For tourist information and tourist promotion services - not to exceed \$6,000 per month, based upon actual costs of employee time at the regular hourly wage of such employee(s) and actual cost of promotion materials including employee time.

4. Reports and Inspections.

4.1 The CHAMBER OF COMMERCE at such times and in such form 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. The CHAMBER OF COMMERCE reporting responsibilities for this Agreement are as detailed in Exhibit "B" attached hereto and incorporated herein.

4.2 The CHAMBER OF COMMERCE will be requested upon invite to present an annual report to the CITY no later than the last regularly scheduled City Council meeting in April for the prior calendar year's reportable activities.

4.3 The CHAMBER OF COMMERCE shall, with reasonable notice and during reasonable work hours, 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 CHAMBER OF COMMERCE'S activities. The CITY may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the CHAMBER OF COMMERCE'S activities that relate, directly or indirectly, to this Agreement.

5. Independent Contractor Relationship.

5.1 The parties intend that an independent CHAMBER OF COMMERCE/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 CHAMBER OF COMMERCE. No agent, employee, servant or representative of the CHAMBER OF COMMERCE shall be deemed an employee, agent servant or representative of the CITY for any purpose, and the employees of the CHAMBER OF COMMERCE are not entitled to any of the benefits the CITY provides for its

employees. The CHAMBER OF COMMERCE will be solely 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 CHAMBER OF COMMERCE 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. Chamber of Commerce Employees/Agents

The CITY may at its sole discretion make recommendation to the CHAMBER OF COMMERCE to remove an employee(s), agent(s), or servant(s) from employment on this project. The CHAMBER OF COMMERCE may, however, employ that (those) individual(s) on other non-CITY related projects. In the event the CHAMBER elects not to remove an employee upon CITY recommendation, the CITY may consider such enact as termination for cause.

#### 7. Hold Harmless/Indemnification

7.1 CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE in performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY. For purposes of this Hold Harmless/Indemnification Agreement, CHAMBER OF COMMERCE hereby waives its immunity under Worker's Compensation (Title 57 RCW) and acknowledges that this waiver has been expressly negotiated.

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

#### 8. Insurance

The CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE, its agents, representatives or employees.

- 8.1 Minimum scope of insurance. CHAMBER OF COMMERCE shall obtain insurance of the types described below.
  - a. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The CITY shall be named as an additionally insured under the CHAMBER OF COMMERCE'S General Liability insurance policy with respect to the work performed for the CITY.
  - b. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- 8.2 Minimum Amounts of Insurance. CHAMBER OF COMMERCE shall maintain the following insurance limits:
  - a. Commercial General Liability insurance shall be written with limits no less than One Million Dollars (\$1,000,000) each occurrence, Two Million Dollars (\$2,000,000) general aggregate.
- 8.3 Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability insurance:
  - a. The CHAMBER OF COMMERCE'S insurance coverage shall be primary insurance as respects the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the CHAMBER OF COMMERCE'S insurance and shall not contribute with it.
  - b. The CHAMBER OF COMMERCE'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. CHAMBER OF COMMERCE shall furnish the CITY with original certificates and a copy of the amendatory endorsement, including but not necessarily limited to, the additional insured endorsement, evidencing the

insurance requirements of the CHAMBER OF COMMERCE 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.

10. Compliance with Laws

10.1 The CHAMBER OF COMMERCE, 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 service.

10.2 The CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE 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 a 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 CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE 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 have been authorized by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE 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 CHAMBER OF COMMERCE not less than thirty (30) days prior to the date of any proposed assignment.

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

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 and made part of this Agreement.

14. Maintenance and Inspection of Records

14.1 The CHAMBER OF COMMERCE shall maintain all 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. The CITY anticipates no more than one audit per year.

14.2 The CHAMBER OF COMMERCE shall retain all books, records, documents and other material relevant to this Agreement, for six (6) years after its expiration. The CHAMBER OF COMMERCE 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 for any reason by giving at least one hundred twenty (120) days' written notice to the CHAMBER OF COMMERCE. Upon such termination for convenience, the CITY shall pay the CHAMBER OF COMMERCE for all services provided under this Agreement through the date of termination.

16.2 Failure of Appropriation. The CITY may terminate this Agreement due to failure of appropriation by giving at least thirty (30) days' written notice to the CHAMBER OF COMMERCE. Upon such termination the CITY shall pay the CHAMBER OF COMMERCE for all services provided under this Agreement through the date of termination.

16.3 Termination for Cause. If the CHAMBER OF COMMERCE fails to perform in the manner called for in this Agreement, or if the CHAMBER OF COMMERCE fails to comply with any provisions of this Agreement and fails to correct such noncompliance within twenty (20) days' written notice thereof, the CITY may terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the CHAMBER OF COMMERCE setting forth the manner in which the CHAMBER OF COMMERCE is in default. The CHAMBER OF COMMERCE 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. Attorney 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 be in conflict herewith 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 provisions 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:

CITY OF OAK HARBOR

Address:

865 SE Barrington Drive  
Oak Harbor, WA 98277

CHAMBER OF COMMERCE:

GREATER OAK HARBOR CHAMBER  
OF COMMERCE

Address:

32630 SR 20  
Oak Harbor, WA 98277

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Scott Dudley, Mayor

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Jason McFayden, President

Attest:

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Nacelle Heuslein, Interim City Clerk

# Tourism Services Agreement

## Exhibit "A"

### Scope of Services

1. Maintenance and Operation of Tourist Information Facility. The Chamber of Commerce will maintain and operate a tourist facility for the distribution of tourist-related information as follows:
  - i. **Services:** The Chamber of Commerce will furnish services generally considered to be of an informational and assistance nature to tourists and visitors to the community, including travel directions, directions to points of interest, lodging accommodations and other hospitality services, recreational activities, cultural events, emergency services, and other referral services.
  - ii. **Hours of Operation:** The City anticipates the Chamber of Commerce shall generally maintain minimum hours of operation of the Tourist Information Facility located at 32630 SR 20 in Oak Harbor from 9:00 AM to 5:00 PM, Monday through Friday, on regularly recognized business days. If minimum hours are reduced by the Chamber of Commerce, the City may adjust the payment to the Chamber of Commerce to reflect the reduction on operation hours.
  - iii. **Staffing:** The Chamber of Commerce will provide qualified, trained staff to operate the tourist information facilities in a professional and competent manner.
2. Other Tourist Promotion Activities:
  - i. In addition to the operation of the tourist information facility, the Chamber of Commerce will provide "Tourist Promotion" services as defined by RCW 67.28.080(6), including purchase and distribution of media (print, broadcast or electronic) and the facilitation of special events and festivals designed to attract tourists.
  - ii. The Chamber of Commerce agrees that all tourist promotion funds received from the City will promote tourism within the City of Oak Harbor and not benefit individual members of the Chamber of Commerce.
3. Funding Allocation Outline
  - i. The Chamber of Commerce will perform Tourist Information Facility Services and Tourism Promotion Activities in accordance with Funding Outline set forth herein:

a. Annual Operation Cost of Tourist Information Facility	\$70,000
b. Annual Tourist Promotion Activities Cost	<u>\$ 2,000</u>
 Total Annual Fund Allocation	 \$72,000

**Tourism Services Agreement**  
**Exhibit “B”**  
Record Keeping and Reporting

1. No later than the last regularly scheduled City Council meeting of April for the prior calendar year’s reportable activities, Chamber of Commerce will schedule and present a written and oral annual report to the Mayor and City Council consisting of the following items:
  - a) Total revenue received from the City of Oak Harbor for the fiscal year or any partial fiscal year from this agreement.
  - b) The list of festivals, special events, or other non-profit organizations that received funds or services from the Chamber of Commerce under this agreement.
  - c) The list of festivals, special events or tourism facilities sponsored or owned by the Chamber of Commerce that received funds from this agreement.
  - d) The amount of revenue expended on each festival, special event or tourism-related facility owned by the Chamber of Commerce or sponsored by other non-profit organizations that received funds from the Chamber of Commerce under this agreement.
  - e) The estimated number of tourists, persons, traveling over fifty miles to Oak Harbor, persons remaining in Oak Harbor overnight and lodging stays generated per festival or special event.
  
2. Chamber of Commerce shall schedule and present at a regularly scheduled City Council meeting no later than October 31, an annual budget proposal that includes the following information:
  - a) Those tourism and promotion budget goals and objectives for the upcoming budget year that will require City reimbursement.
  - b) A summary total of all budgeted expenditures that will require City reimbursement.
  - c) A summary total for each proposed tourism or promotion program of all budgeted expenditures requiring City reimbursement.
  - d) A summary total for each proposed festival or planned event of all budgeted expenditures requiring City reimbursement.

# THE HISTORY OF THE CITY OF NEW YORK

The history of the city of New York is a subject of great interest and importance. It is a city that has grown from a small settlement of Dutch and English traders to a metropolis of millions of people. The city's history is a story of struggle, growth, and achievement. It is a story that has shaped the city's character and identity. The city's history is a story that is still being written. The city's future is bright and full of promise. The city's people are proud of their city and its history. The city's people are proud of their city and its history. The city's people are proud of their city and its history.

**+Pending Items** As of: December 12, 2012 **This list is subject to change.**

Council Absences: Mayor Pro Tempore Danny Paggao absent 1-15-13 & 2-5-13 Munns absent Dec 18<sup>th</sup> Severns absent Feb 19, 2013

Targeted Meeting Date	Agenda Bills ARE DUE	Public Hearing Notice Date (if needed)	Consent Agenda	Subject	Department
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12/13/12				Legislative Priorities with Norma Smith	
12/18/12	11/28/12			City Council Meeting December 18, 2012	
12/18/12	11/28/12			PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS	
12/18/12	11/28/12			CONSENT AGENDA	
				Approval of Accounts Payable Vouchers in the amount of \$	Fin
				Approval of Payroll Vouchers in the amount of	
				Adoption of Resolution 12-41 Increasing Finance Petty Cash	
				Councilmember Severns excused absence February 19, 2013	
12/18/12	11/28/12			PUBLIC HEARINGS & ORDINANCES/RESOLUTIONS	

				Public Hearing 2012 Comp Plan Amendments Ordinance No. 1647	DS
				Adoption of Ordinance No. 1637 amending Title 6, Public Peace, Safety & Morals of the OHMC	Police
				Adoption of Ordinance 1641 GASB 54	Fin
				Resolution No. 12-29 Declaring a Special Market Condition for purchase of a Fire Aid Vehicle	Fire
				Resolution 12-25 Utility Tax Arts Acquisition Fund	Finance
				Resolution 12-28 Award of 2% Grant – Lodging Tax Committee	Finance
				Resolution No. 12-36 Policy Enactment Fire, Bomb Threats & Earthquakes	Fire
				Resolution 12-39 Employee Manual revision for the Wellness Program	Admin HR
				Interlocal with Island County for Solid Waste Services new 1- year interlocal	PW
				Resolution 12-40 extending acceptance for memorial donations land claimants	
<b>12/18/12</b>	<b>11/28/12</b>			<b>OTHER BUSINESS</b>	<b>12/18/12</b>
				Emergency electrical repairs at the Seaplane Base Wastewater Lagoon Treatment Plant.	PW
				Extension of Interim City Attorney Contract	Admin
				Chamber of Commerce Contract	Admin
<b>12/18/12</b>	<b>11/28/12</b>			<b>EXECUTIVE SESSION – Labor Negotiations</b>	

				<b>City Council Meeting January 2, 2013</b>	
<b>1/2/13</b>		<b>Noon on 12/20/12</b>		<b>PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS</b>	
<b>1/2/13</b>		<b>Noon on 12/20/12</b>		<b>Proclamation Whidbey Island Relay for Life Kickoff January 16, 2013</b>	
<b>1/2/13</b>		<b>Noon on 12/20/12</b>		<b>CONSENT AGENDA</b>	
<b>1/2/13</b>		<b>Noon on 12/20/12</b>		<b>PUBLIC HEARINGS &amp; ORDINANCES/RESOLUTIONS</b>	
<b>1/2/13</b>		<b>Noon on 12/20/12</b>		<b>OTHER BUSINESS</b>	
				City Wide Sewer Plan Septic to Sewer Plan Policy discussions	PW
				Adoption of Department of Corrections Contract	Police
				Contract for the Water System Plan	PW
				Authorization for RFQ for pump station upgrades & transmission line	PW
				Contract – Automated Pay Station for Staysail RV Park	PW
<b>1/15/13</b>		<b>Noon on 1/3/13</b>		<b>City Council Meeting January 15, 2013</b>	
				<b>Mayor Pro Tempore Danny Paggao, absent</b>	

1/15/13	Noon on 1/3/13			<b>PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS</b>	
				A presentation by Cathy Lange from the Youth Commission	Admin
				Annual Report from Community Police Advisory Board	Police
1/15/13	Noon on 1/3/13			<b>CONSENT AGENDA</b>	
1/15/13	Noon on 1/3/13			<b>PUBLIC HEARINGS &amp; ORDINANCES/RESOLUTIONS</b>	
				Public Hearing and adoption of Ordinance No. 1643 Impact Fee Deferral	DS
				Public Hearing Property Maintenance & Abatement Code Ordinance & adoption of Ordinance No. 1651	DS
1/15/13	Noon on 1/3/13			Adoption of Resolution 12-37 Solid Waste Standard (move ahead) KPG Engineering Program Planning Report	PW/Fin
1/15/13	Noon on 1/3/13			Adoption of Resolution 12-38 Solid Waste Standard (do not move ahead) KPG Engineering Program Planning Report	PW/Fin
1/15/13	Noon on 1/3/13			<b>OTHER BUSINESS</b>	
1/15/13	Noon on 1/3/13			New appointment of Planning Commissioner	Admin/DS
1/15/13	Noon on 1/3/13			Solid Waste Transfer Study	PW/Fin
1/15/13	Noon on 1/3/13			Authorization to bid for Water Reservoir	PW
1/15/13	Noon on 1/3/13			Discussion of Marina Fees	Fin/ DS
1/15/13	Noon on 1/3/13			Art Purchase by Arts Commission – Spirit of the Islands	Fin/ Admin

1/15/13	Noon on 1/3/13				Funding for IDIPIC	
1/16/13	Event in Council Chambers Do Not Schedule Anything					
3/5/13					Chicken Ordinance by March 5 <sup>th</sup> .....	
					Mayor Pro Tempore Paggao absent for 2-5-2013 Meeting	
					Employment Contracts for Recker	Admin
					Report on Cyber Security	Admin
					Develop a list of acronyms for the City's website	
					Binding Site Plan Code Amendment: No public hearing for this meeting, introduction only Consent Agenda Ordinance No. 1644	DS
					Authorization to Advertise for Bids - Water Reservoir	PW
					Council Resolution to authorize submittal of the Wastewater Facility Plan to the Department of Ecology	PW
					Reconcile Youth Commission Code Reference 2.250 & 2.240	
					Amend code to place fees in Resolution form	
					Agreement Renewal - Puget Sound Energy Franchise Agreement	PW Admin Legal
					Authorization to Advertise for Bids - Online Payment Services	Finance

				Council Rule Change – Public Forum – Free Speech	Legal
				Channel 10 Rules	Admin/Legal
				Banner Program Guidelines	PW/DS
				Legal Department Restructure	Legal
				Utilities Office, City Council Chambers, Law Department Remodels	Finance, DS
				Decision regarding selection of consultant for preliminary & final design of WWTP	PW

STANDING COMMITTEES and other meetings and activities

Date	Subject	Dept.
12/3/12	Marina Committee 7:00 p.m. City Hall	DS
12/6/12	PUBLIC WORKS STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers	Committee Members
12/10/12	ARTS COMMISSION, 7:00 p.m., City Hall Conference Room	Committee Members
12/11/12	GOVERNMENTAL SERVICES STANDING COMMITTEE, City Hall Council Chambers	Committee Members
12/12/12	FINANCE STANDING COMMITTEE, City Hall Council Chambers 3:30 p.m.	Committee Members
12/20/12	PUBLIC SAFETY STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers	Committee Members
Date TBD	CITY COUNCIL SPECIAL MEETING, Workshop on Recommendations from HDR - System Development Fees	PW and Finance

12/8/12	CITY COUNCIL RETREAT – Review Goals set at March Retreat	Council
12/10/12	City Council Meeting with Legislators - Lodging Tax	Admin
12/11/12	Planning Commission Meeting 7:00 p.m. Public Works	Dev Ser

