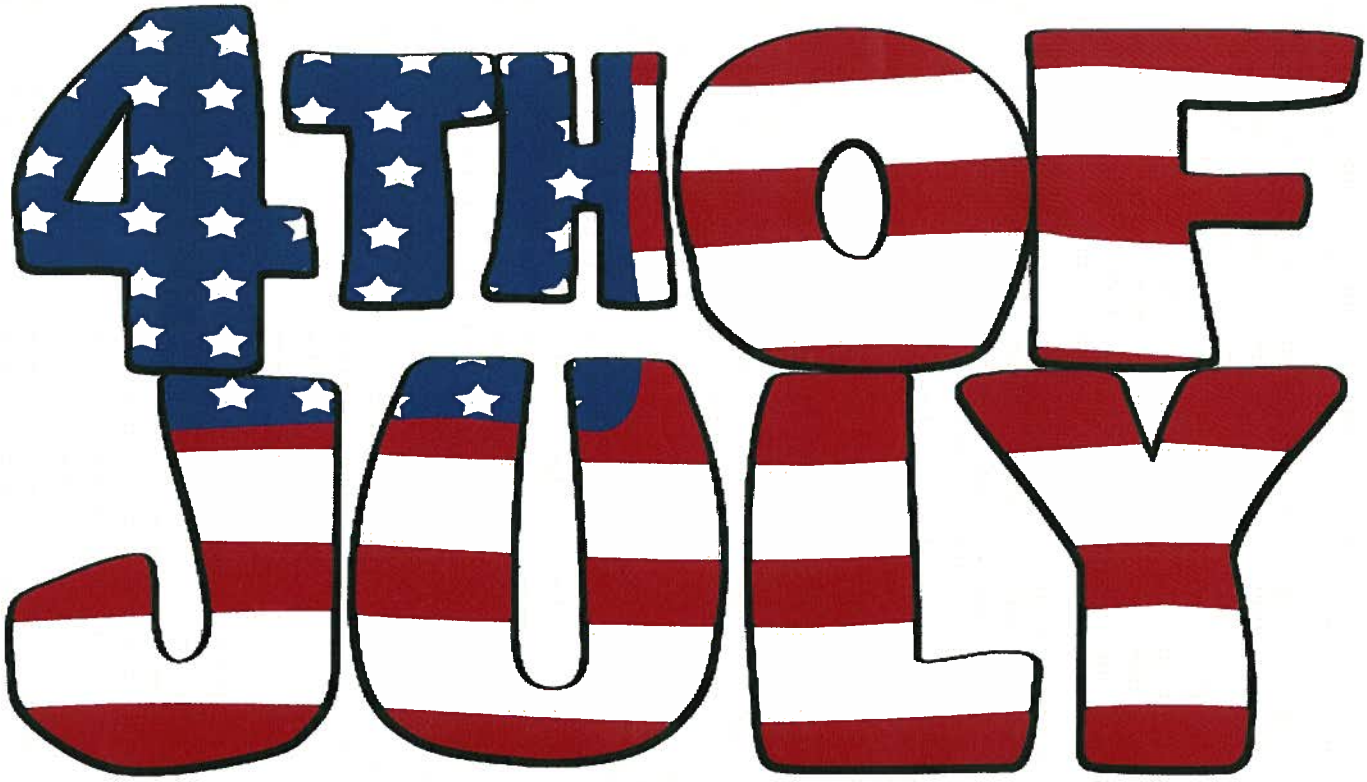
City of Oak Harbor

City Council Meeting Agenda

For

July 3, 2012
6:00 p.m.



Have a Safe Independence Day!

Oak Harbor City Council
REGULAR MEETING
6:00 p.m.
Tuesday, July 3, 2012

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

CALL TO ORDER

INVOCATION

ROLL CALL

MINUTES 6/18/12 Meeting, 6/14/12 Workshop, 6/5/12 Meeting (6/5/12 corrections only, see packet pages 5 and 6, which is 6/18/12 minutes pages 1 and 2)

NON-ACTION COUNCIL ITEMS:

1. Proclamation – City of Oak Harbor's Wellness Committee.
2. Proclamation – Christmas in July.
3. Proclamation – Riley Borden, National History Day Gold Medalist.
4. Public Comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

5. Consent Agenda:

Page 59

a. Noise Permit – Fidalgo Merchant's Association.

Page 63

b. Noise Permit – Island Classic Mustang Club.

Page 67

c. Noise Permit – Sunrise Rotary – Challenge Series.

Page 71

d. Noise Permit – Phi Theta Kappa.

Page 75

e. Noise Permit – American Cancer Society, Bark for Life.

Page 79

f. Excused Absence Request – Danny Paggao from the 8/8/12 meeting.

Page 81

g. Special Assistant City Attorney Agreement – Nikki Esparza.

Page 91

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

Page 109

6. Public Hearing – Discussion of revenue projections for the 2013-2014 Biennial Budget.

Page 111

7. Public Hearing – An ordinance to limit the purchasing authority of the Mayor and City Administrator to $10,000 and to have all contracts over $10,000 approved by the City Council.

Page 117

8. Public Hearing – An ordinance to create a Stabilization Fund setting the minimum fund balance of the General Fund at the greater of 25% or $3,000,000.

Page 121

9. Authorization to Advertise for Bids – Light Rescue Unit.

Page 127

10. Future City Council Pending Items.
11. City Administrator's Comments.
12. Council Members' Comments.
13. Mayor's Comments.

ADJOURN

For disappearing acts, it's hard to beat what happens to the eight hours supposedly left after eight of sleep and eight of work. ~ Doug Larson

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.

City Council Special Meeting
(No quorum for the June 19. 2012 regular meeting date)
Monday June 18, 2012, 6:00 p.m.
City Hall – Council Chambers

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

AMENDMENT TO THE AGENDA

MOTION:

Councilmember Almberg moved to amend the agenda and move agenda item no. 10 (Amendments to OHMC Chapter 2.390 - Contract Authority) up to agenda item no. 4's position and move no. 4 (Agreement - Interim City Attorney Services) down to no. 10's position. The motion was seconded by Councilmember Munns and carried unanimously.

INVOCATION Councilmember Danny Paggao gave the invocation.

ROLL CALL

Mayor Scott Dudley
Six Members of the Council,
Rick Almberg
Tara Hizon
Beth Munns
Danny Paggao
Joel Servatius
Bob Severns

Councilmember Jim Campbell was absent and formally excused from this meeting.

Larry Cort, Interim City Administrator
Grant Weed, Interim City Attorney
Doug Merriman, Finance Director
Cathy Rosen, Public Works Director
Eric Johnston, City Engineer
Steve Powers, Development Services Director
Melissa Sartorius, Associate Planner
Tim Sterkel, Interim Chief of Police,
Ray Merrill, Fire Chief
Renée Recker, Executive Assistant to the Mayor
Karen Crouch, Executive Assistant to the City Administrator

MINUTES

The **5/30/12 workshop minutes** were accepted as presented.
The **6/7/12 workshop minutes** were accepted as presented.
There are **three corrections to the 6/5/12 regular meeting** reflecting Councilmember Hizon's absence toward the end of that meeting and the 6/5/12 minutes will now read:

VOTE ON THE FRIENDLY AMENDMENT:
*(*Correction from the 6/18/12 Council Meeting for page 13 of the 6/5/12 minutes)*
The friendly amendment was seconded by Councilmember Almberg and carried unanimously.
(*Councilmember Hizon was no longer in the meeting.)

VOTE ON THE AMENDMENT:
*(*Correction from the 6/18/12 Council Meeting for page 14 of the 6/5/12 minutes)*
Councilmembers Almberg, Munns, Paggao, Servatius and Severns voted in favor of the amendment. Councilmember Campbell abstained from the vote. (*Councilmember Hizon was no longer in the meeting.) The motion carried.

VOTE ON THE ORIGINAL MOTION:
*(*Correction from the 6/18/12 Council Meeting for page 14 of the 6/5/12 minutes)*
Councilmembers Almberg, Hizon, Munns, Paggao, Servatius and Severns voted in favor of the original motion. Councilmember Campbell abstained from the vote. (*Councilmember Hizon was no longer in the meeting.) The motion carried.

The 6/5/12 minutes are to be accepted as corrected during the 7/3/12 meeting.

NON-ACTION COUNCIL ITEMS

Public Comments

JoAnn Hellman, IDIPIC Director. Ms. Hellman talked about IDIPIC's successful partnerships and the June 30, 2012 "Evening with IDIPIC" event. www.idipic.org
Shane Hoffmire, Oak Harbor. Mr. Hoffmire spoke about his pride for Oak Harbor, the people of Oak Harbor and Mayor Dudley, and expressed disappointment with Council comments in the newspaper.
Steve Bowder, Oak Harbor. Mr. Bowder spoke with concern regarding the noise at Element Nightclub and felt the noise suppression plan is not being used.
Dave Harrington, Oak Harbor. Mr. Harrington spoke with concern about the condition of Oak Harbor's streets and formally asked the City Attorney to provide an outline for legal requirements, including justifiable cause, to file recall petitions, specifically regarding the Mayor.
Mel Vance, Oak Harbor. Mr. Vance spoke with concern about Council actions during special meetings on items brought forward by Council and not shown on the agenda, and concern with time limits on comments and meeting protocol.
Jeff Trumbler, Oak Harbor. Mr. Trumbler spoke with concern over recent changes in the City and impact on the City's fiscal standing and bond rating.
Gary Jackson, Oak Harbor. Mr. Jackson spoke with concern about the Police Chief's firing and the Mayor's decisions for the City, and said he would initiate a recall petition.
Richard Everett, Oak Harbor. Mr. Everett spoke with concern about the noise at Element Nightclub and asked that Council re-energize their efforts to solicit cooperation from Element Nightclub owner, Mike Kummerfeldt.

Time Extension for Public Comments

MOTION:

> **Councilmember Hizon moved to extend public comments for an additional fifteen minutes. The motion was seconded by Councilmember Almberg and carried unanimously.**

Brian Jones, Oak Harbor. Mr. Jones spoke with concern regarding the dismissal of Police Chief Wallace and asked the Mayor to consider what is best for community. Mr. Jones also spoke with concern regarding the working relationship between the Council and Mayor.

There were no other public comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS

MOTION ONE:

Councilmember Almberg moved that the Council declare an emergency and direct the Mayor and Finance Director to prepare an ordinance creating a Stabilization Account establishing a minimum reserve of $3,000,000 or 25% of the general budget whichever is greater. This account shall have set parameters and policies regarding its use. The Stabilization Account, with set parameters and policies, shall be presented to the Council for action at the next Council Meeting on July 3, 2012. The motion was seconded by Councilmember Severns.

Discussion followed about ordinance introductions with subsequent final consideration at a second meeting, OHMC Chapter 1.04 allowing for final consideration at a single meeting if an emergency is declared, and continued discussion regarding first declaring an emergency or fiscal emergency.

VOTE ON MOTION ONE:

The motion was unanimously opposed.

MOTION TWO:

Councilmember Almberg moved to declare a fiscal state of emergency. Councilmember Paggao seconded the motion and the motion carried unanimously.

MOTION THREE:

Councilmember Almberg moved to direct the Mayor and Finance Director to prepare an ordinance creating a Stabilization Account establishing a minimum reserve of $3,000,000 or 25% of the general budget whichever is greater. This account shall have set parameters and policies regarding its use. The Stabilization Account, with set parameters and policies, shall be presented to the Council for action at the next Council Meeting on July 3, 2012. The motion was seconded by Councilmember Munns.

Discussion followed regarding parameters and policies, GASB 54, the decline in City revenues, and use of stabilization accounts in other cities.

VOTE ON MOTION THREE:

The motion carried unanimously.

MOTION FOUR:

Councilmember Almberg moved that the Council declare a state of emergency and add 15A to the June 18, 2012 agenda to discuss and/or take action on the following questions:

1. **The Mayor/Staff shall state the authority (OHMC) which allows the Mayor to appoint interim department heads without Council's approval.**
2. **The Mayor/Staff shall state the authority (OHMC) which allows the Mayor to appoint interim department heads who do not meet the minimum requirements for a department head.**

City Attorney Weed noted that a general discussion could be held at that time.

SECOND AND VOTE ON MOTION FOUR:

The motion to amend the agenda was seconded by Councilmember Servatius and carried unanimously.

Consent Agenda

A. Noise Permit – 2012 Rotary Car Show
B. Noise Permit – Jessica Kimani Wedding
C. Noise Permit – Life Church
D. Noise Permit – Adrenaline Lacrosse
E. Noise Permit – Chamber of Commerce – 4th of July
F. Noise Permit – Race Week – Clear Ahead Marine Productions
G. Reappointment – Arts Commission, Kit Christopherson
H. Reappointment – Planning Commission, Kristi Jensen
I. Professional Services Agreement – Tamra Sipes, Whidbey Island Marathon
J. Excused Absence Request – Bob Severns from the July 3, 2012 Council Meeting
K. Approval of Accounts Payable Vouchers

Councilmember Servatius removed Item E - Noise Permit for the Chamber of Commerce and Councilmember Paggao removed Item A - Noise Permit for the Rotary Car Show.

MOTION:

Councilmember Munns moved to approve Consent Agenda Items B,C, D, F, G, H, I, J, and K with Item K paying Accounts Payable Check Numbers 150303 - 150461 in the amount of $543,195.30, and Payroll Check Numbers 95606 - 94620 in the amount of $416,179.07. The motion was seconded by Councilmember Servatius and carried unanimously.

Item A - 2012 Rotary Car Show
Councilmember Paggao asked for confirmation that the car show will be held at Windjammer Park (yes).

MOTION:

Councilmember Munns moved to approve Consent Agenda Item A, the motion was seconded by Councilmember Almberg and carried unanimously.

Item E - Chamber of Commerce Fourth of July
Councilmember Servatius sits on the Chamber's Board and would abstain from this vote.

MOTION:

Councilmember Severns moved to approve Consent Agenda Item E and the motion was seconded by Councilmember Munns. Councilmembers Almberg, Hizon, Munns, Paggao, and Severns voted in favor of the motion. Councilmember Servatius abstained. The motion carried.

Councilmember Hizon's Absence from the July 3, 2012 Council Meeting
Councilmember Hizon will also be out of town on July 3, 2012 and asked that Council Rule No. 4 (2) be suspended so she could participate by electronic means; a conference phone call.

MOTION:

Councilmember Servatius moved to suspend Council Rule No. 4 (2) and allow Councilmember Hizon to participate in the July 3, 2012 meeting. The motion was seconded by Councilmember Munns.

Discussion followed about State provisions which might preclude this participation and City Attorney Weed cited MRSC's interpretation (there are no case decisions yet) that this would not be a violation of the Open Public Meetings Act. Other cities have adopted policies which address and allow such participation.

VOTE ON THE MOTION:

The motion carried unanimously.

Easement Agreement – Navy Fuel Line
Development Services Director Steve Powers presented this agenda bill for a proposed easement with the United States of America/Department of the Navy allowing the Navy to construct a new jet fuel pipeline within the Regatta Drive right-of-way. Mr. Powers introduced Robert Tull, Langabeer and Tull, Commander Michael Dysart, USN, Angela Stanton, Naval Facilities Northwest, and Don Hill, Naval Facilities Northwest.

Mayor Dudley called for public comments but there were none.

Council Discussion
Discussion followed about liability, pipeline size, a formal opinion from Langabeer and Tull, and the long-standing and positive relationship between the City and Navy.

MOTION:

Councilmember Munns moved to grant an easement to the United States of America and the Department of the Navy for the purposes of constructing a new jet fuel pipeline within the Regatta Drive right-of-way. The motion was seconded by Councilmember Severns.

FRIENDLY AMENDMENT TO THE MOTION:

Councilmember Almberg made a friendly amendment to the motion to approve the motion subject to receipt of a formal opinion from the law firm of Langabeer and Tull. The motion was seconded by Councilmember Hizon.

VOTE ON THE FRIENDLY AMENDMENT:

The amendment carried unanimously.

Discussion followed about insurance and liability, the use of a tort claim, and insurance and bond requirements for contractors.

VOTE ON THE MOTION AS AMENDED:

The motion carried unanimously.

Amendment to OHMC Chapter 2.390 - Contract Authority
Finance Director Doug Merriman presented this agenda bill, as requested by a motion and second during the June 5, 2012 Council meeting, to discuss amending OHMC Chapter 2.390 to reduce the spending and contracting authority for the Mayor, City Administrator, and Department Heads to $10,000 per individual or subject matter.

Mayor Dudley called for public comments.

Mel Vance, Oak Harbor. Mr. Vance spoke about the $50,000 limit (not the correct amount, see Mr. Merriman's correction below*), Council-Manager form of government instead of Council-Mayor, and the need to have a reasonable spending authority.
Dave Harrington, Oak Harbor. Mr. Harrington spoke in favor of a $10,000 limitation.
Brian Jones, Oak Harbor. Mr. Jones spoke in support of existing limits and the City's good fiscal record.

There were no other public comments.

*Mr. Merriman noted that current authority limit is $30,000 for the Mayor, $20,000 for the City Administrator, and $10,000 for Department Heads; not the $50,000 Mr. Vance stated in his comments.

Council Discussion

Discussion followed regarding how the spending authority is used, if the authority could be used in perpetuity, Council's prerogative to set spending limits, and impact on contracts and staffing.

MOTION ONE:

Councilmember Almberg made a motion to delete the entirety of number four and substitute another motion in its place.

Councilmember Servatius called for a point of order and asked for a copy of Mr. Almberg's text for the motion before it had been fully stated.

MOTION ONE WAS WITHDRAWN:

Councilmember Almberg withdrew his motion.

MOTION TWO:

Councilmember Almberg made a motion to delete the entirety of number four. The motion was seconded by Councilmember Servatius and carried unanimously.

MOTION THREE:

Pursuant to OHMC 1.04.020 (3) (a), Councilmember Almberg moved that:

A. The Council declare an emergency, and,

B. Immediately amend OHMC 2.390.010 - OHMC 2.390.090 so that the authority to contract permitted the Mayor, City Administrator and Department Heads be limited to no more than $10,000 without prior City Council approval, and,

C. That no contract or expenditure shall be authorized by more than one person, nor shall spending authority be cumulated among persons authorized to enter into contracts or expend funds pursuant to OHMC 2.390.010 - OHMC 2.390.090, without prior City Council approval, and,

D. Immediately amend OHMC 2.310.050 so that the authority of the Mayor, or his or her designee, to enter into professional service contracts, including legal and consulting services, be limited to contracts for professional services totaling no more than $10,000 per vendor or provider, without prior approval of the City Council. In addition, contracts for professional services under $10,000 shall be reviewed by the Finance Director or the City Attorney prior to signing to assure compliance with the Oak Harbor Biennial Budget, provisions of Chapter 2.390 OHMC and purchasing policies promulgated by the Mayor.

The motion was seconded by Councilmember Severns.

Discussion followed about identifying individual sections rather than a spread of sections, if there was a need to limit the spending authority to $10,000 since there are varying limits already in place, the benefit of this limitation and better control until a stabilization plan is in place, potential adverse impacts of losing a $30,000 limitation, and the use of special meetings.

VOTE ON MOTION NUMBER THREE:

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

Public Hearing – Six-Year TIP, 2013 – 2018

City Engineer Eric Johnston presented this agenda bill and six-year transportation improvement program (TIP) for 2013 - 2018.

Mayor Dudley opened the public hearing at 8:25 p.m. but there were no comments so the public hearing was closed.

Council Discussion

Discussion followed regarding grant or Federal funding and how the list would be prioritized, and the progression of this document from the City, to the County, and then to the State.

MOTION:

Councilmember Munns moved to adopt Resolution 12-15 approving the 2013 - 2018 Six-Year Transportation Improvement Program. The motion was seconded by Councilmember Almberg and carried unanimously.

Public Hearing – Plat Alteration, Fairway Point PRD

Associate Planner Melissa Sartorius presented this agenda bill and PowerPoint for Council approval of an alteration to the Fairway Point Planned Residential Development (PRD) Divisions 1 and 1A Final Plat. The alteration was requested by the owner (Fairway Point 1, Inc., represented by Mr. Kendall Gentry) and would expand the driveway access for Lot 19, located at 2919 SW Fairway Point Drive, by 10 feet to accommodate a specific house plan.

Mayor Dudley opened the public hearing at 8:28 p.m..

Kendall Gentry, Fairway Point 1, Inc. 30 foot accesses are designed for two-car garages and the customer wants a three-car garage.

There were no other comments so the public hearing was closed at 8:30 p.m.

MOTION:

Councilmember Almberg moved to approve the resolution approving an alteration to the final plat of Fairway Point PRD, Divisions 1 and 1A, Lot 19 for the purposes of widening the driveway access of Lot 19. The motion was seconded by Councilmember Severns and carried unanimously.

Public Hearing Continued from 6/5/12 – Final Consideration, Personnel Code Update

Public Hearing Continued from 6/5/12 – Final Consideration, Personnel Code Housekeeping Ordinance

Employee Policy Manual

Human Resources Director Jessica Neil Hoyson discussed these agenda items together and suggested jointly re-opening the public hearings on both the Personnel Code Update Ordinance and the Personnel Code Housekeeping Ordinance. The Personnel Policy Manual does not require a public hearing since approval would be by resolution.

Before the public hearing was opened, discussion with Council, Mr. Weed, and Ms. Neil Hoyson followed regarding the 6/5/12 motions concerning the Police Chief and Public Works Director in light of Chief Wallace's termination last week (the Personnel Code Housekeeping Ordinance) and if Council wanted to keep the proposed language, the "grandfathering" language, or consider action at a future time.

Mayor Dudley opened the public hearing at 8:37 p.m. for both the Personnel Code Update Ordinance and the Personnel Code Housekeeping Ordinance.

Mel Vance, Oak Harbor. Mr. Vance spoke with concern about the 6/5/12 motions, the use of a cost benefit analysis which would also add costs, micro-management, legal consequences and proceeding forward at this point.

With no other comments coming forth, Mayor Dudley closed the public hearing at 8:40 p.m.

Mayor Dudley called for public comments on the Employee Policy Manual but there were none.

MOTION ONE:

Councilmember Hizon moved to strike all references to the Police Chief in the revised version of the Personnel Code. Councilmember Almberg seconded the motion.

Mr. Almberg distributed that language (Section 2.34.055 - Management Positions) which shows the stricken text and is attached to these minutes as Exhibit A for purposes of this motion.

Discussion followed about its intent and whether it was to strike the entire ordinance or eliminate references "grandfathering" the Police Chief. Intent is for the language in 2.34.055 (6) only.

VOTE ON MOTION ONE:

The motion carried unanimously.

Discussion continued regarding 2.05.040 (3) of the Personnel Housekeeping Ordinance and the addition of the word "Council," which was Mr. Almberg's intention during the 6/5/12 Council meeting, after the word, "City."

MOTION TWO:

Councilmember Almberg moved to amend 2.05.040 (3) with the addition of the word "Council" after the word "City." The motion was seconded by Councilmember Severns and carried unanimously.

That paragraph would then read:

2.05.040 (3) Assure City Council is provided notice of the reassignment as made to City Council in a manner reasonably calculated to advise them of the changes and provide any cost impacts to the city council as a result of the new assignment.

Discussion continued about 2.70.020 - Director - Appointment and Removal of the Personnel Housekeeping Ordinance being inconsistent with the text of 2.34.055 in the Personnel Code Ordinance "grandfathering" in the Public Works Director. City Attorney Weed suggested language to help craft a motion.

MOTION THREE:

Councilmember Almberg moved that the language for 2.70.020 would begin by saying: *Except as otherwise provided in OHMC 2.34.055 (6),* and then continue with the sentence that says, *the Department of Public Works shall be headed by a Director who shall be appointed by the Mayor and confirmed by the City Council.* The motion was seconded by Councilmember Hizon and carried unanimously.

MOTION FOUR:

Councilmember Almberg moved to approve Resolution 12-14 repealing Resolution No. 07-16 and approving the Employee Policy Manual. The motion was seconded by Councilmember Munns.

Discussion followed about any other changes for employees (none), if Council and Mayor are subject to the manual, nepotism, whistleblower, compassionate leave, domestic partners, and leave of absence.

VOTE ON MOTION FOUR:

The motion carried unanimously.

Meeting Time Extension at 9:00 p.m.

MOTION:

Councilmember Almberg moved to extend the meeting for 45 minutes. The motion was seconded by Councilmember Hizon and carried unanimously.

Council returned to the **Personnel Ordinances.**

MOTION FIVE:

Councilmember Hizon moved to adopt, as amended, the Personnel Code Ordinance. The motion was seconded by Councilmember Almberg and carried unanimously.

See Motion One for the adopted, amended language. This motion approved the ordinance, as amended, repealing and re-adopting OHMC Chapter 2.34 to set policy with respect to City employment.

MOTION SIX:

Councilmember Almberg moved to adopt, as amended, the Personnel Code Housekeeping Ordinance. The motion was seconded by Councilmember Servatius and carried unanimously.

See Motion Two and Motion Three for the adopted, amended language. This motion approved the ordinance revising various sections of the Oak Harbor Municipal Code, as amended, regarding the employment status of the Department Directors and regarding other personnel administration matters.

Retainer Agreement for Interim City Attorney Services

City Administrator Larry Cort presented this agenda bill to discuss issues related to the retainer agreement for interim City Attorney services with the firm of Weed, Graafstra and Benson, including approval or amendment or disapproval of the agreement.

Council Discussion

Discussion followed about the agreement's first paragraph, second sentence: *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.* Discussion continued about the law firm's provided résumés and experience, positive support from the Mayors of Coupeville, Langley and Larry Cort, and potential conflict of interest if Mr. Weed advises Council regarding this agreement. Mr. Weed could speak to the firm's qualifications but would not provide legal advice about entering into the agreement. Discussion followed about Police Department personnel, costs for Interim City Attorney Services, the agreement's term, and actions this evening limiting contract authority amounts. Discussion also followed regarding case back log, other legal needs of Oak Harbor, the differences between an interim City Attorney and an in-house City Attorney, and Council's desire for

an assessment of the City's needs and City Attorney costs in July or August. Since the agreement has been signed by Mr. Weed and Mayor Dudley, Council expressed concern regarding a breach of contract if changes are made or the agreement is rescinded; independent legal advice was suggested.

Meeting Time Extension at 9:45 p.m.

MOTION:

Councilmember Almberg moved to extend the meeting for another 15 minutes. The motion was seconded by Councilmember Munns. Councilmembers Almberg, Hizon, Munns, Servatius, and Severns voted in favor of the motion. Councilmember Paggao opposed. The motion carried.

Council returned to the **Retainer Agreement for Interim City Attorney Services.**

MOTION ONE:

Councilmember Almberg moved to approve the agreement with an effective date of June 1, 2012 as presented and a termination date effective through July 3, 2012. The motion died for lack of a second.

MOTION TWO:

Councilmember Munns moved to approve the agreement through August 8, 2012. The motion was seconded by Councilmember Severns.

Discussion followed about the current agreement's last paragraph saying the agreement can be renegotiated "by either party upon 60 days' written notice" and if the agreement would be confirmed as amended then. Discussion continued that the agreement also says "the contract may be renewed automatically upon the mutual agreement of the City and City Attorney" (not an automatic renewal) and a new agreement could be considered in August, or to leave the agreement in place until July 3, 2012 so remaining questions could be answered.

MOTION TWO WAS WITHDRAWN:

Councilmember Severns withdrew his second and Councilmember Munns withdrew her motion.

MOTION THREE:

Councilmember Almberg moved to reconsider August 8, 2012 as the termination date. The motion was seconded by Councilmember Severns. Councilmembers Almberg, Hizon, Munns, Servatius, and Severns voted in favor of the motion. Councilmember Paggao opposed. The motion carried.

Schedule for Staff Vacancies

Human Resources Director Jessica Neil Hoyson presented this schedule, as requested by Council during the 6/5/12 meeting. Ms. Neil Hoyson also noted that the City now has an interim Human Resources Manager, Cheryl Lawler and assistance from employment

law attorney, Kimberly Geariety Discussion followed about Human Resources' recommendation to use a recruitment firm for the City Administrator's position (potential cost of $10,000 - $20,000). Council compliments were extended to departing Human Resources Manager Jessica Neil Hoyson for the exemplary and professional work she has done for the City.

Meeting Time Extension at 10:00 p.m.

MOTION:

Councilmember Servatius moved to extend the meeting for another 30 minutes. The motion was seconded by Councilmember Almberg and carried unanimously.

Council returned to the **Schedule for filling Staff Vacancies.**

Mayor Dudley called for public comments.

Mel Vance, Oak Harbor. Mr. Vance spoke with concern regarding the timeline in light of personnel code revisions. Councilmember Hizon responded to Mr. Vance's comments.

There were no other public comments,

MOTION:

Councilmember Almberg moved to follow the proposed schedule for filling staff vacancies keeping in mind there may be variables that affect the schedule. The motion was seconded by Councilmember Servatius and carried unanimously.

Councilmember Beth Munns was excused from the remainder of this meeting.

Sole Source Agreement – Roll Carts Purchase

Public Works Director Cathy Rosen presented this agenda bill seeking the use of sole source procurement to purchase 1,200 customized roll carts for the Solid Waste Division in the amount of $71,380.79.

There were no public comments.

MOTION:

Councilmember Hizon moved to approve Resolution 12-12, authorize the sole source purchase of 1,200 roll carts in the amount of $71,380.79 to SSI-Schaefer, and authorize the Mayor to sign. The motion was seconded by Councilmember Almberg. The motion carried unanimously. (Councilmember Munns was no longer in the meeting.)

Future City Council Pending Items
As noted in the packet.

City Administrator's Comments
Dr. Cort thanked Ms. Neil Hoyson for her work and for securing such qualified Human Resources replacement staff as Ms. Neil Hoyson leaves the City. Dr. Cort and other Council Members will be attending the AWC Conference for the rest of the week.

Councilmembers' Comments
Councilmember Almberg talked about the City Clerk's resignation and thanked the Clerk for her work. As noted in motion four on page 4, Councilmember Almberg asked:

1. The Mayor/Staff shall state the authority (OHMC) which allows the Mayor to appoint interim department heads with Council's approval.
2. The Mayor/Staff shall state the authority (OHMC) which allows the Mayor to appoint interim department heads who do not meet the minimum requirements for a department.

Discussion followed regarding RCW 35A.12.090 which states "the mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service" and, Personnel Rules Policy 304 which says interim supervisory assignments may be authorized in the absence of supervisory employees. Comments accompanying Policy 304 do not address guidance or explanation of the policy or the legal effect of that policy. The limitation is 90 days for interim assignments. Discussion continued about an appointment which does not comply with the education requirement (Interim Police Chief) versus an appointment that meets the education requirement but could create a conflict since that appointee is also an applicant. Discussion followed about other potential conflicts along with comments that the interim appointment will need to perform the position's duties and the City is moving ahead to fill the Police Chief position.

(Clerk's note: Policy 304 was part of the existing Employee Personnel Policy Manual; a new Employee Personnel Policy Manual was approved this evening and Interim/Out-of-Class Assignments is now number 4.06).

Mayor's Comments
With the lateness of the hour, Mayor Dudley did not have comments this evening.

ADJOURN
With no other business coming before the Council, Mayor Dudley adjourned the meeting at 10:30 p.m.

_____
Connie T. Wheeler
City Clerk

Proposed amendments to Oak Harbor Municipal Code section 2.34.055

2.34.055 Management Positions

(1) Except as provided in section (6), below, employees hired to fill the following appointive offices, shall be subject to the direction and supervision of the mayor, and are not covered by the grievance, disciplinary action and appeals provisions of this chapter. Persons employed in these appointive positions shall be "at will" employees of the City and may be terminated from the City's employment at the mayor's discretion.

a. City administrator
b. Finance director
c. City attorney and any assistant city attorneys
d. Chief of Police
e. Fire Chief
f. Development Services Director
g. Public Works Director
h. Executive Assistant to the Mayor

(2) Subject to the provisions of section (6), below, employees holding the above listed positions shall be offered employment contracts which shall govern the terms and conditions of their employment, including the terms of service, compensation and any severance pay allowance. The mayor is authorized to enter into employment contracts with employees holding the above described appointive offices, provided, however, that before any such contract or specific contract terms are offered, the content of the same shall first be approved by the city council.

(3) Employees holding the above listed positions at the time of the adoption of this ordinance who do not already have employment contracts with the city or whose contracts have not been revised in the previous five years, shall be offered employment contracts providing the terms of service and compensation as approved by the city council. Such contracts shall be prepared for city council review and approval no later than six (6) months from the date of the adoption of this ordinance.

(4) Employees who decline to enter into contracts of employment offered to them pursuant to this subsection shall continue in their employment status existing at the time of adoption of this ordinance or as set forth in section (6), below; and continuing until that employee's separation from city employment. An employee who does not enter into a contract of employment as provided herein, shall not be entitled to any of the rights or benefits that may be otherwise conferred upon persons employed in the above listed positions by contracts established pursuant to subsection (2) above.

(5) All other positions are "for cause" (as defined in the Oak Harbor Municipal Code) to focus greater attention on monitoring employee work activity results, the evaluation of employee performance to determine the level of achievement goals; and using performance information to make decisions, allocate resources and communicate whether or not objectives are met.

(6) It is the policy of the City of Oak Harbor to treat its employees fairly and provide equal opportunity in employment to all employees. The "at will" and "for cause" status of the position~~s~~ of employment held by ~~the current chief of police and~~ the current director of the City's public works divisions (Director of Public Works upon enactment of OHMC 2.70.010 et seq.) ~~are~~is unclear at the time this ordinance is being enacted. In order to minimize confusion and in order minimize the risk of litigation related to the enactment of this ordinance, the following exception~~s~~ to this ordinance shall apply for so long as ~~the current Chief of Police and~~ the current director of the City's public works divisions remain~~s~~ in the full time employment of the City of Oak Harbor:

a. ~~The current chief of police shall be a "for cause" employee and shall not be treated as an "at will" employee who may be terminated from employment without proper cause. All other sections and provisions of this ordinance and OHMC Chapter 2.36 shall apply to the chief of police to the extent not inconsistent with this provision. This exceptional designation of "for cause" employment status shall terminate at such time as the current Chief of Police is no longer in the full time employ of the City of Oak Harbor.~~

~~b.~~ The current director of the city's public works divisions shall become the director of the newly created Department of Public Works. At such time as that newly created position of Public Works Director is filled by the current director of the city's public works divisions, the Public Works Director shall be a "for cause" employee and shall not be treated as an "at will" employee who may be terminated from employment without proper cause. With the exception of OHMC Chapter 2.70.020, all other sections and provisions of this ordinance and newly enacted OHMC Chapter 2.70 shall apply to the Public Works Director to the extent not inconsistent with this provision. This exceptional designation of "for cause" employment status shall terminate at such time as the current director of the city's public works divisions/ Public Works Director is no longer in the full time employ of the City of Oak Harbor.

Formatted: Indent: Left: 1.25", No bullets or numbering

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

Special Meeting - City Council Workshop
Budget Environment
Thursday, June 14, 2012, 6:00 p.m.
City Hall – Council Chambers

CALL TO ORDER

ROLL CALL

Mayor Scott Dudley	Larry Cort, Interim City Administrator
Five Members of the Council,	Doug Merriman, Finance Director
Rick Almberg	Steve Powers, Development Services Director
Beth Munns	Cathy Rosen, Public Works Director
Danny Paggao	Ray Merrill, Fire Chief
Joel Servatius	Rhonda Severns, Water Services Lead and Downtown
Bob Severns	Merchant's Liaison

Councilmembers Jim Campbell and Tara Hizon were absent and formally excused from this workshop.

Mr. Merriman lead this meeting and noted this was Council's first budget meeting, as identified in the budget resolution and budget calendar, with this meeting introducing the current budget environment. Mr. Merriman's PowerPoint presentation is attached to the minutes as Exhibit A and covered these general topics:

- Global and regional economic dynamics
- Regional economic trends impacting Oak Harbor
- Current Oak Harbor trends

Though the GDP is up 2%, the job market is lagging which affects discretionary spending. There is also a broader-based reduction in sales tax; sales tax revenues are -8.9% behind budgeted projections. Actual cash receipts are -8.3% lower than 2011. In addition to Mr. Merriman's discussion of each PowerPoint slide, Mr. Merriman specifically talked about business and utility taxes (the City's number three revenue source), building permits (reflecting the first quarter; may increase in April), and the two revenue sources from liquor (control board and excise tax - the City will receive half of its prior excise tax which will amount to $105,000 in both 2012 and 2013 even though it was meant to be cut for a one-year period).

Council Discussion

Discussion followed regarding the Navy base and the stability it provides, the Case-Shiller data for building permits based on the Seattle market, and the amount of time it takes for the construction industry to recover from a recession (it can be three flat years followed by three years of recovery). There is not enough information for 2012 to make an exact prediction; home starts and sales remain flat.

Discussion continued regarding the use of zero on the Building Permits chart (Case-Shiller data), use of the year 2000 as the baseline in this chart, and the cash flow jumps in the historical cash flow chart with the traditional jump in April reflecting property taxes.

The key is to notice where the City is starting out in each of the years shown on this chart.

Discussion followed regarding the City's minimum fund balance and the Other Items sheet in the PowerPoint slide with note that 2011 total revenues were 97.43% of the budget (this percentage was calculated using actual dollars and not percentage averages). The PowerPoint's summary sheet holds two items that are unknown quantities at this time: the impact of archaeological work on utilities and the impact of operations on the 2012 ending fund balance.

Discussion continued regarding the monetary impact of department heads who have been fired (currently at $500,000 - $600,000 but could top out at $1 million), how this amount will be covered (from different reserves), and the nature of one-time costs and impact on ending fund balances.

Mr. Merriman's last slide listed a 90-page booklet titled, " Recommended Budget Practices" which he encouraged Council to review via the website link www.gfoa.org/services/nacslb/. Mr. Merriman will be focusing on some of the recommendations, not the full 90 pages, in future budget workshops.

Questions

Discussion followed about the concept of creating a stabilization account and the benefit of such an account. Mr. Merriman talked about GASB 54 and Council's approval of a minimum fund balance set at 16.67%. A stabilization account offers a formalized plan of additional procedures if the City falls below the minimum fund balance and it becomes a commitment by the City Council which benefits the City's financials, bonding, and shows that an extra level is in place. Regarding bonding, an analyst would include it with the City's "attitude" - the extra steps the City takes: 1% property tax increase, rate studies, and stabilization account. Although there is no action at this evening's meeting, Council can bring this matter forward as a motion during a regular Council meeting.

Discussion continued regarding end-of-the-year budget adjustments, the impact of weak sales tax revenue, financial contingency plans, how financial figures are presented - whether as a weighted average, above and below figures, or the percentage of budget. Mr. Merriman noted that he presents a six-year look forward in the budgeting process, and when that is laid out, the first two years are then adopted. Mr. Merriman talked about revenue projections, living within the budget, establishing the revenue base and matching expenses to it, the pitfall of looking at the general fund and asking for an across the board reduction since each department is different in size, and consideration of Council's goals (established during the retreat) and how they can be prioritized.

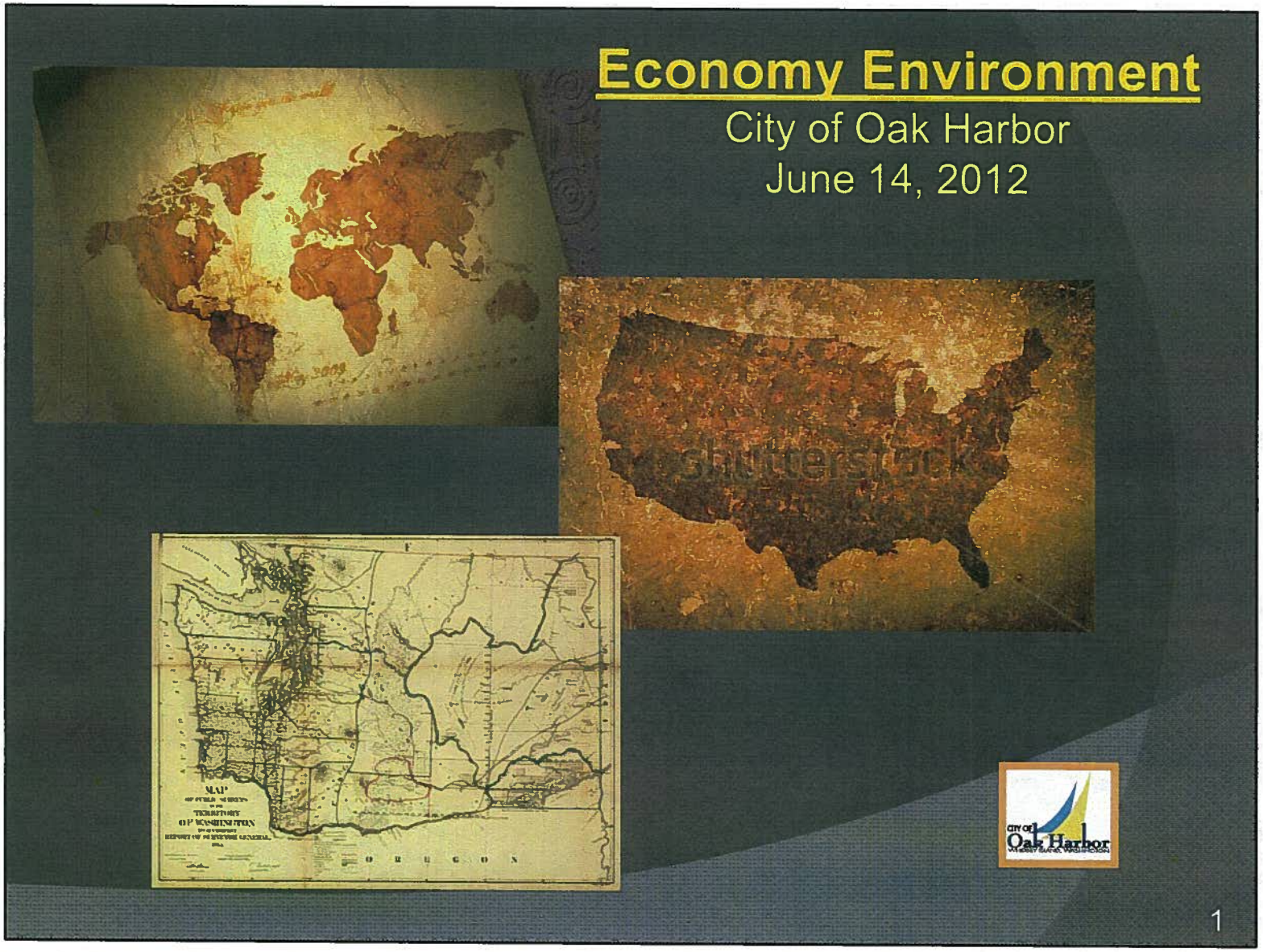
ADJOURN

With no other discussion coming forward, the Mayor adjourned the workshop at 6:50 p.m.

_____

Connie T. Wheeler
City Clerk

Exhibit A

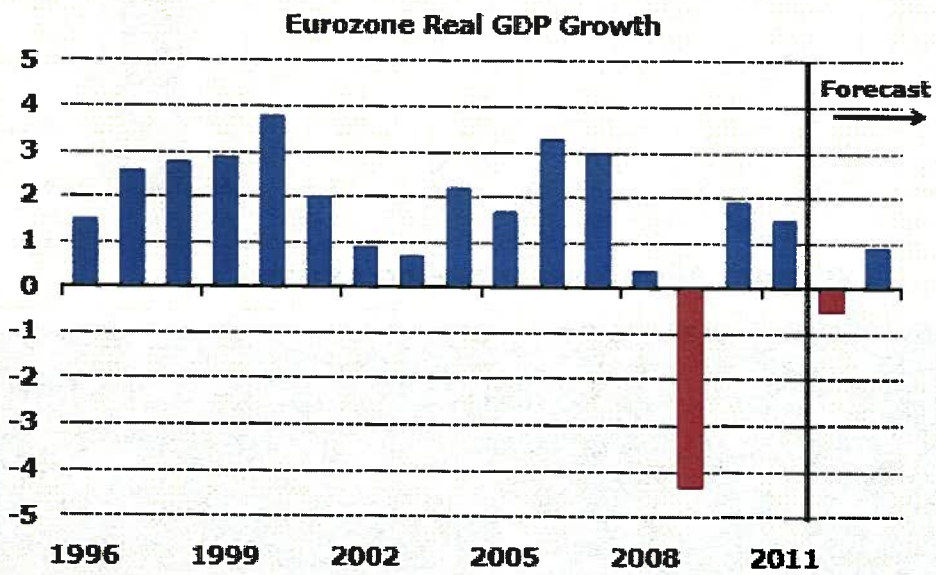

Economy Environment
City of Oak Harbor
June 14, 2012
shutterstock
MAP
TERRITORY
OF WASHINGTON
OREGON
City of Oak Harbor
1

Economy Environment

- Global and regional economic dynamics
- Regional economic trends impacting Oak Harbor
- Current Oak Harbor trends

Current events in Eurozone:

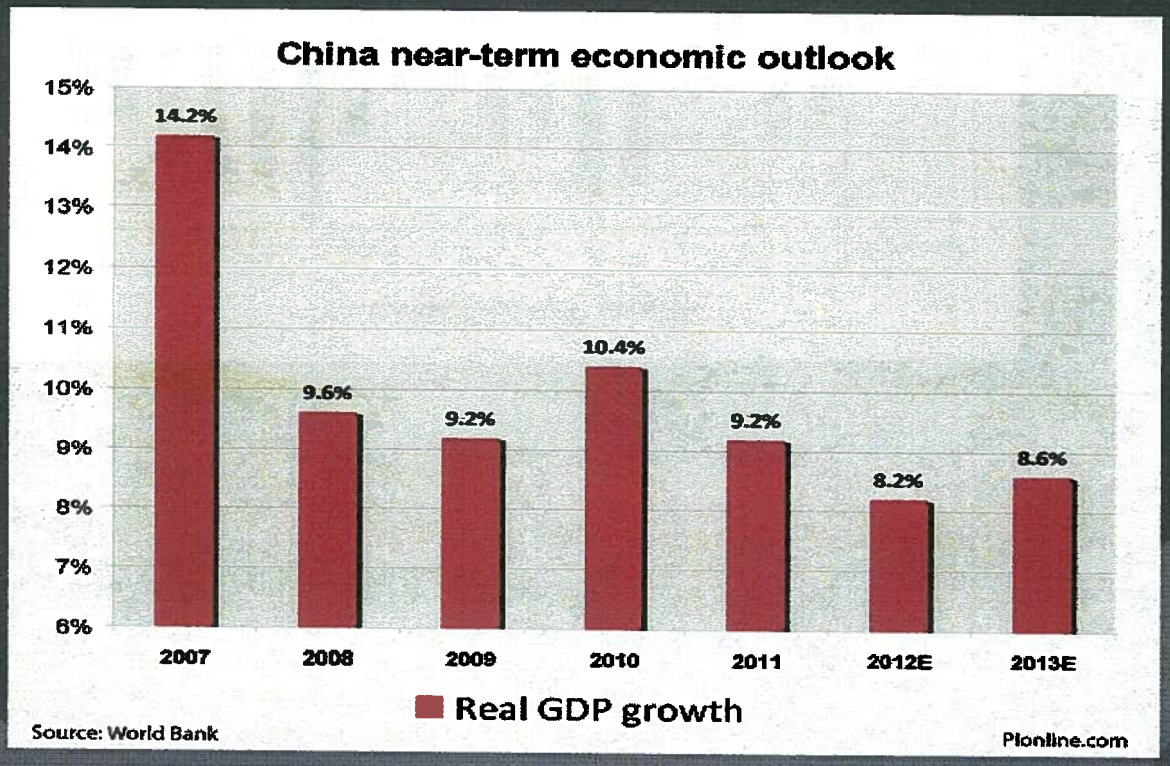
- Upcoming membership vote in Greece
- Debt and economic issues in Spain
- Recessionary trends in GDP Growth



Source: Eurostat, Blue Chip Economic Indicators, data through May 2012

Current events in China:

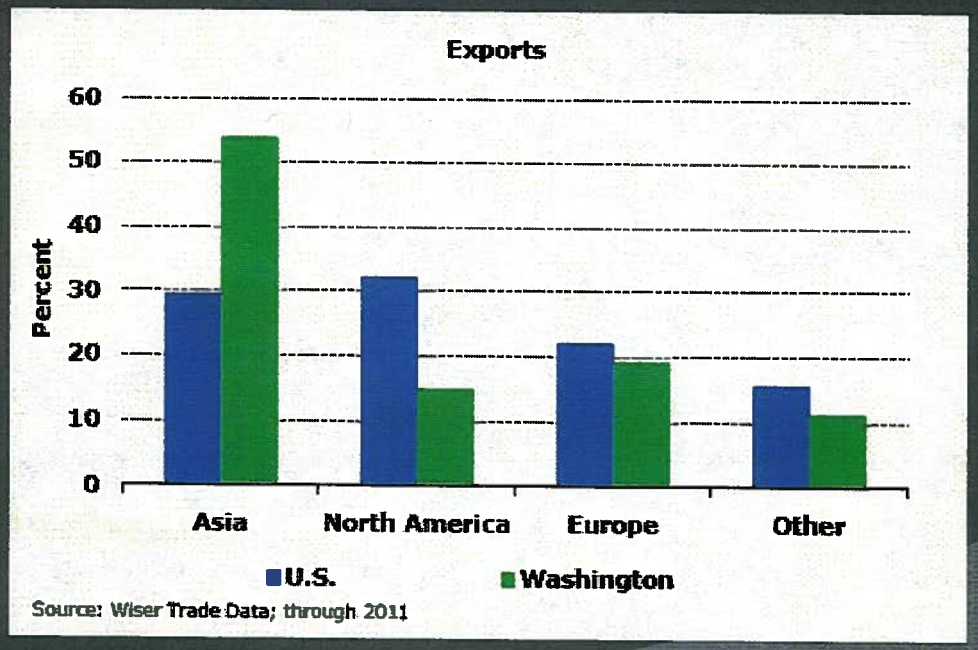
- First rate cut since 2008
- Inflationary fears.



How does this impact Washington State?

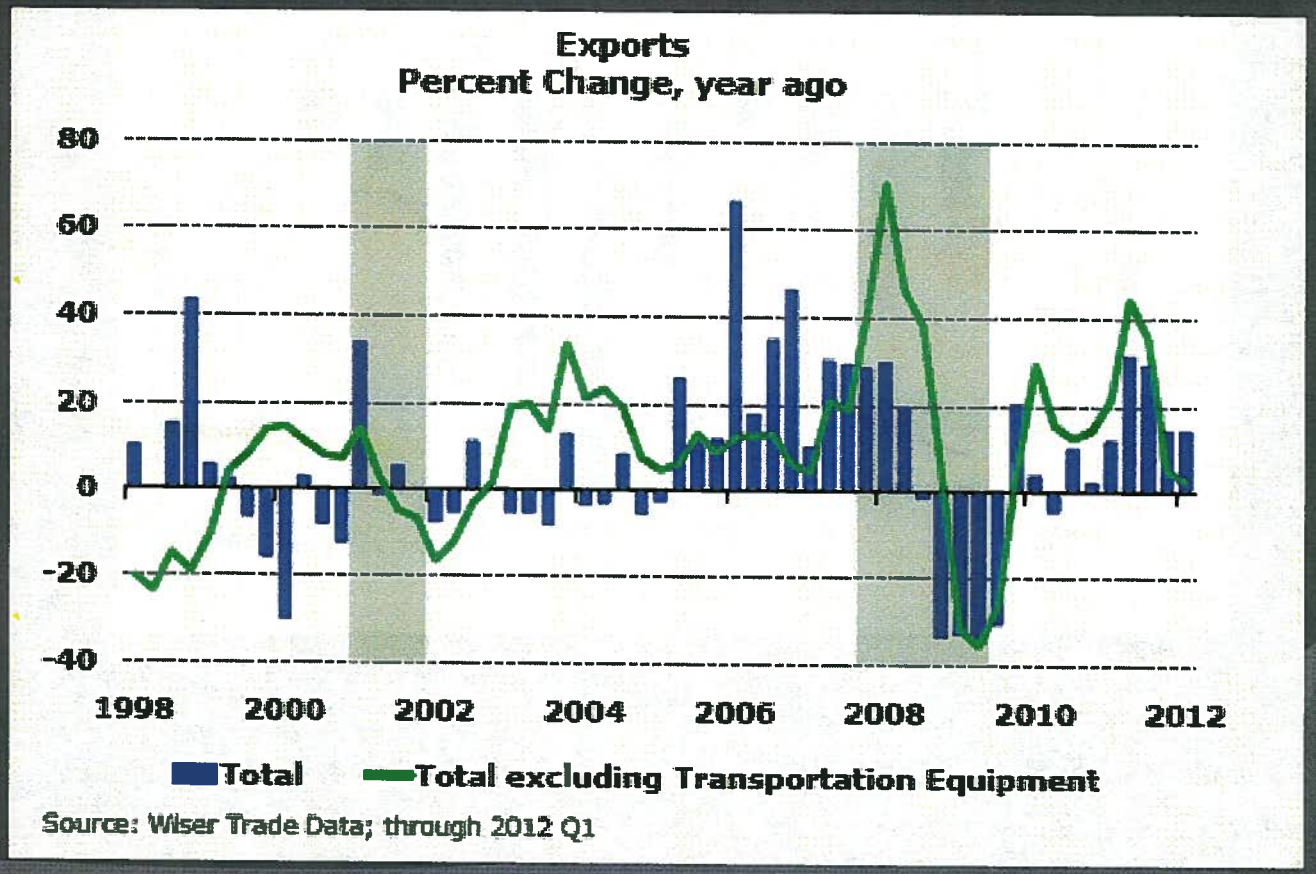
Why important?

- 22% of Washington exports are with Eurozone
- 53% of Washington exports are with Asia



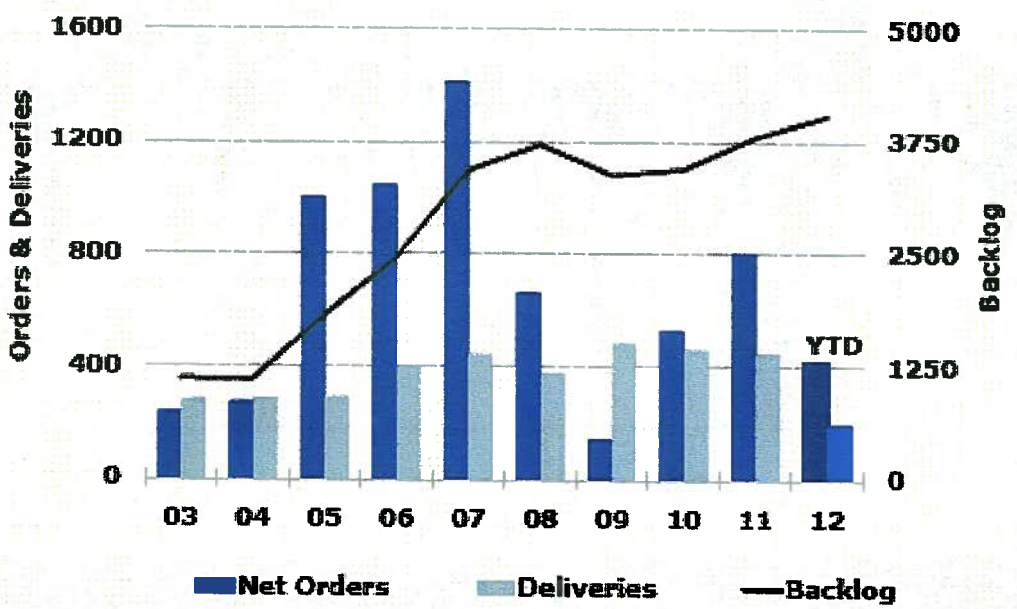
Washington State Exports

Total exports from Washington are slowing



Washington State Economy

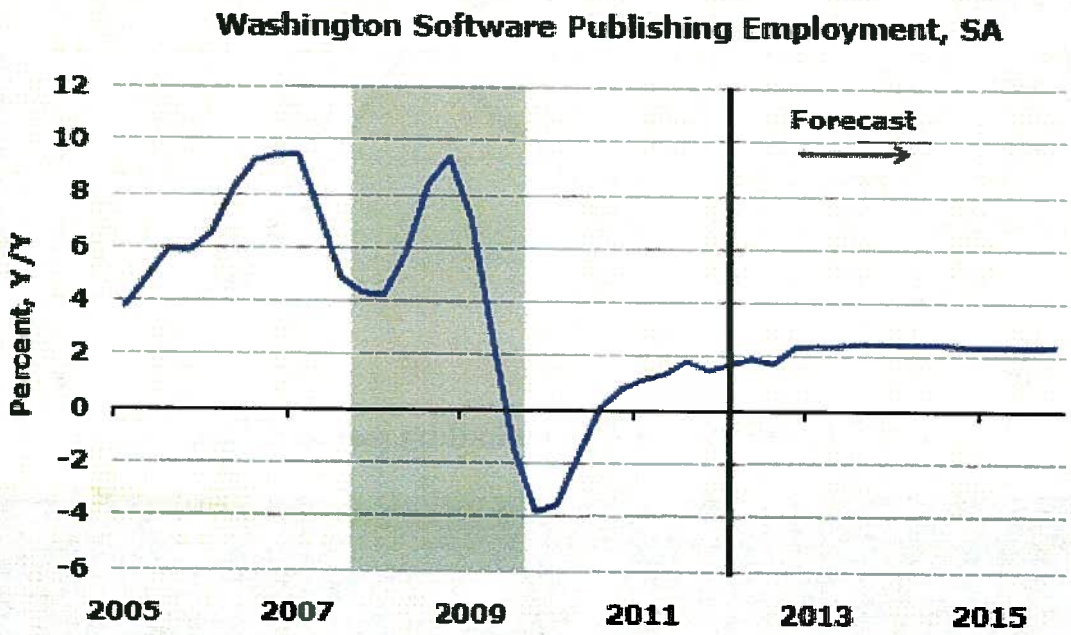
Boeing has 7 years of backlog on commercial orders



Source: Boeing, data through May 2012

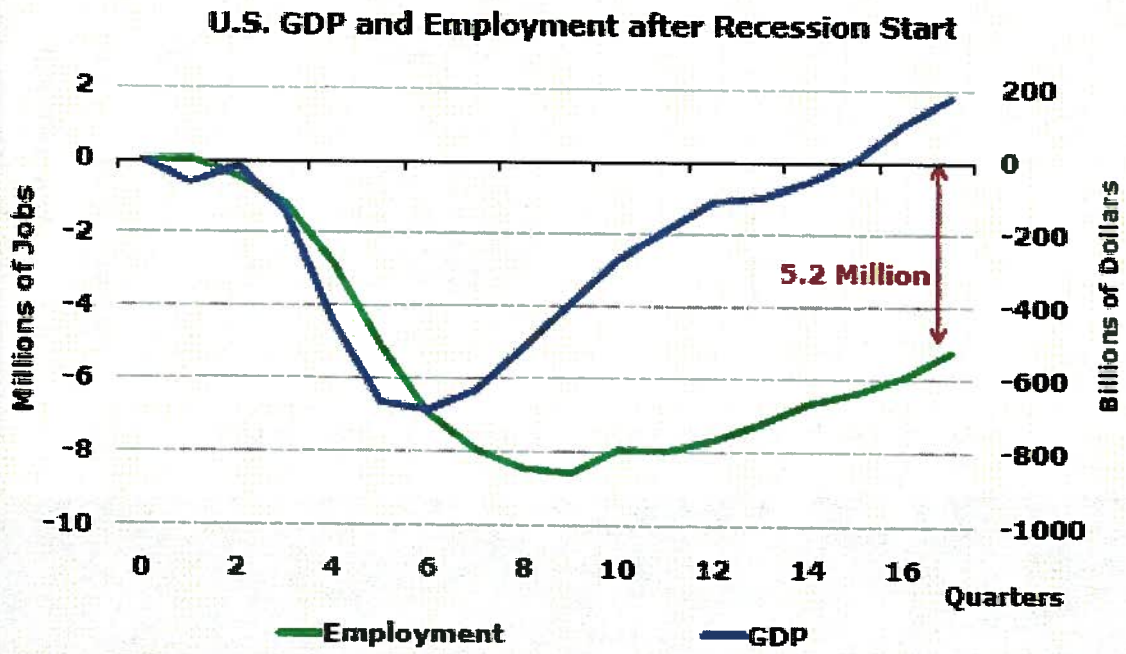
Washington State Economy

Software employment is projected to be flat.



Source: ERFC June 2012 Preliminary forecast; actual data through 2012Q1

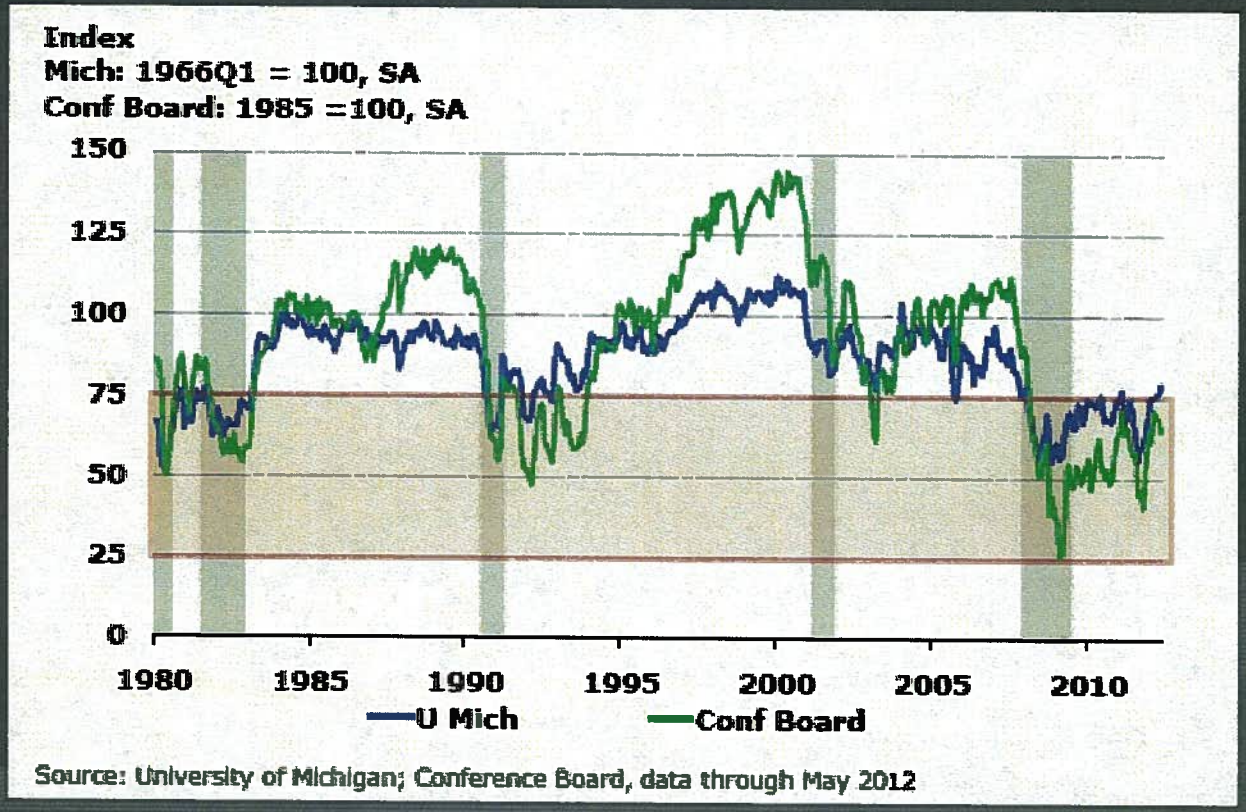
The economy is now producing more than its pre-recession output with fewer jobs



Source: BEA, BLS, ERFC; data through 2012 Q1

Consumer confidence

Level has firmed up but still weak comparatively.



How does this impact Oak Harbor?

Regional discretionary spending is lower as:

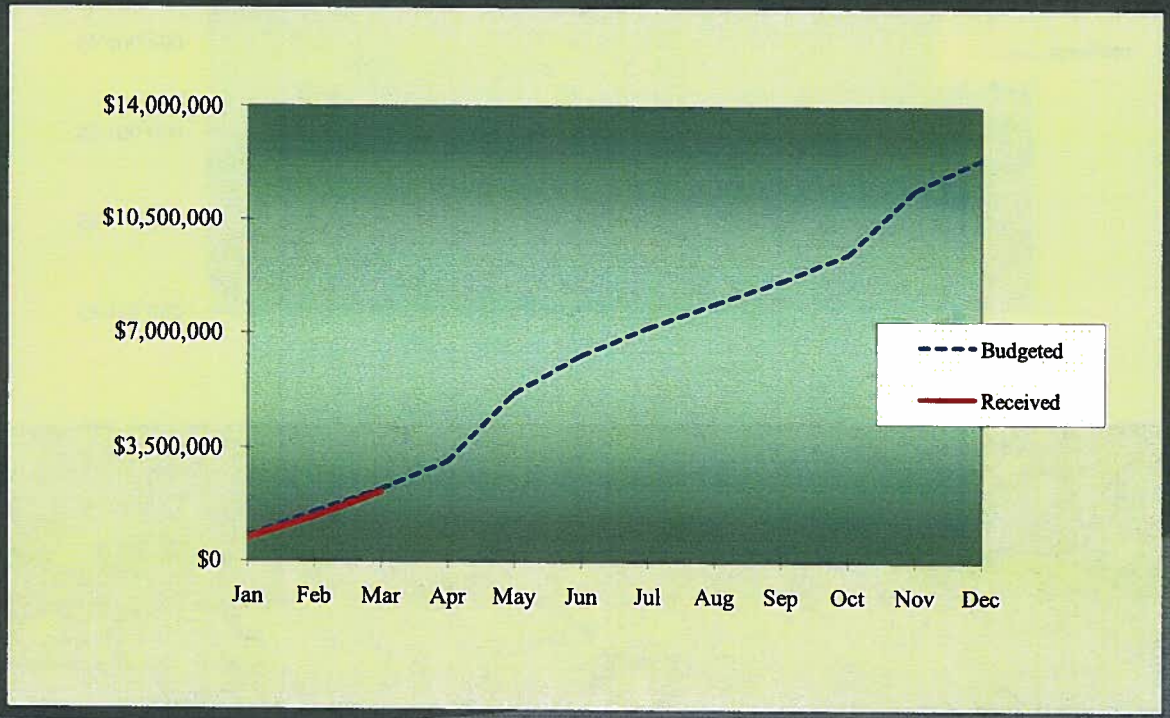
1) Job market has tightened
2) Economic activity is by impacted global economies
3) Consumer confidence in economy has waned
4) Impact of fuel prices on everyday living

Decreased spending impacts City's Sales Tax

- Tourism
- General business activity levels

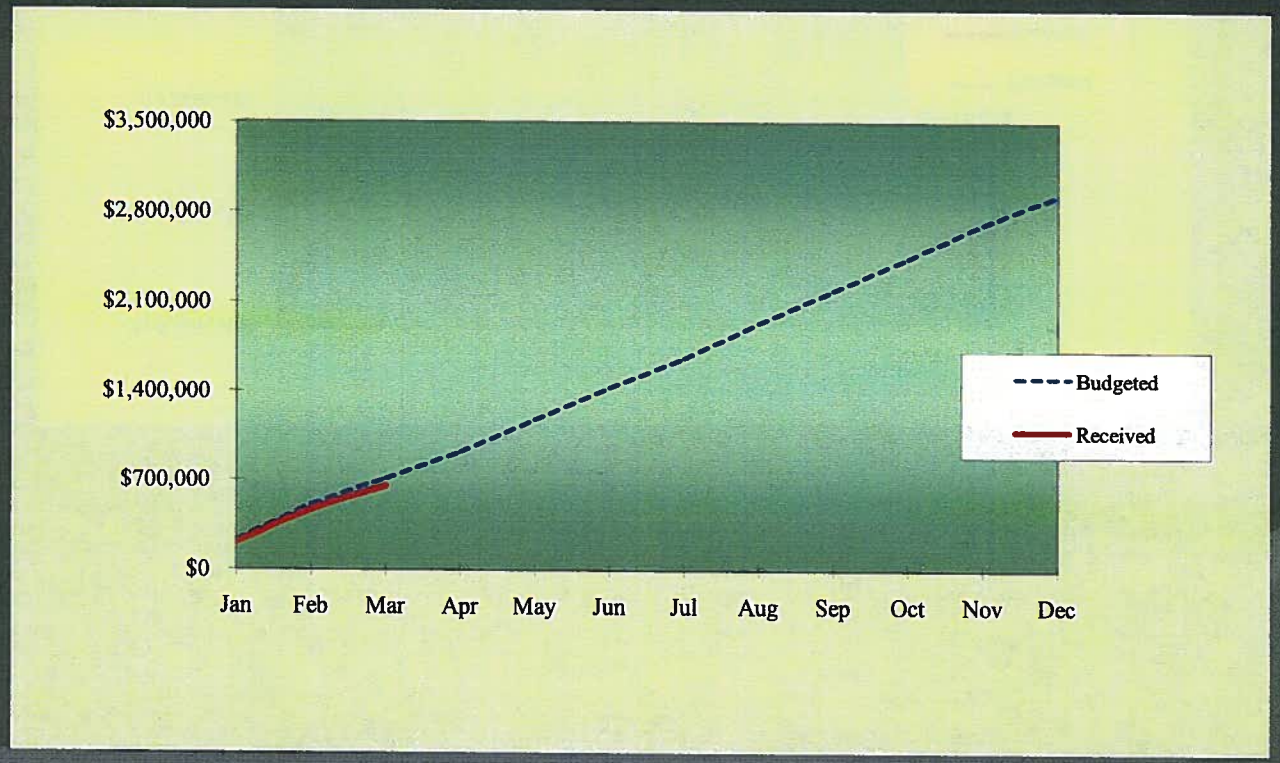
2012 Total General Fund Revenues

- Actual revenue receipts are 3.6% behind budgeted projections.
- Equates to $81,000



Sales Tax Revenues

- Revenues are -8.9% behind budgeted projections
- Actual cash receipts are -8.3% lower than 2011



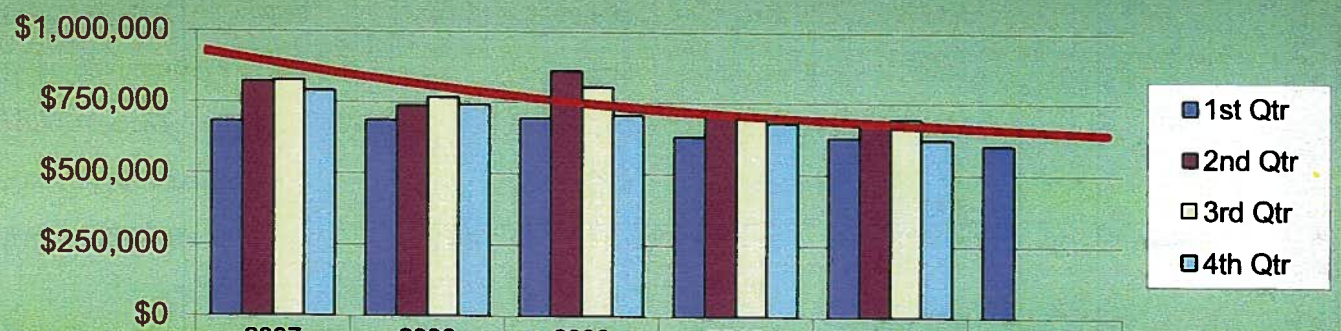
Sales Tax Revenues – May 2012

Top 10 Standard Industry Sectors

Sales tax sector	2012 This year	2012 Last Year	% Change	% Total
General Merchandise	$162,534	$166,675	-2.48%	
Food services	127,142	129,603	-1.90%	
Building material and garden	83,949	79,952	5.00%	
Motor vehicles and parts	64,681	68,622	-5.74%	
Food and beverage stores	50,945	49,317	3.30%	67.36%
Specialty trade contractors	34,149	50,095	-31.83%	
Telecommunications	41,410	39,621	4.52%	
Miscellaneous store retailers	44,693	49,504	-9.72%	
Nonstore retailers	41,838	35,024	19.46%	
Construction of buildings	25,408	53,545	-52.55%	
All others	327,936	373,697	-12.25%	32.64%
	$1,004,685	$1,095,655	-8.30%	100.00%

Sales Tax Revenues

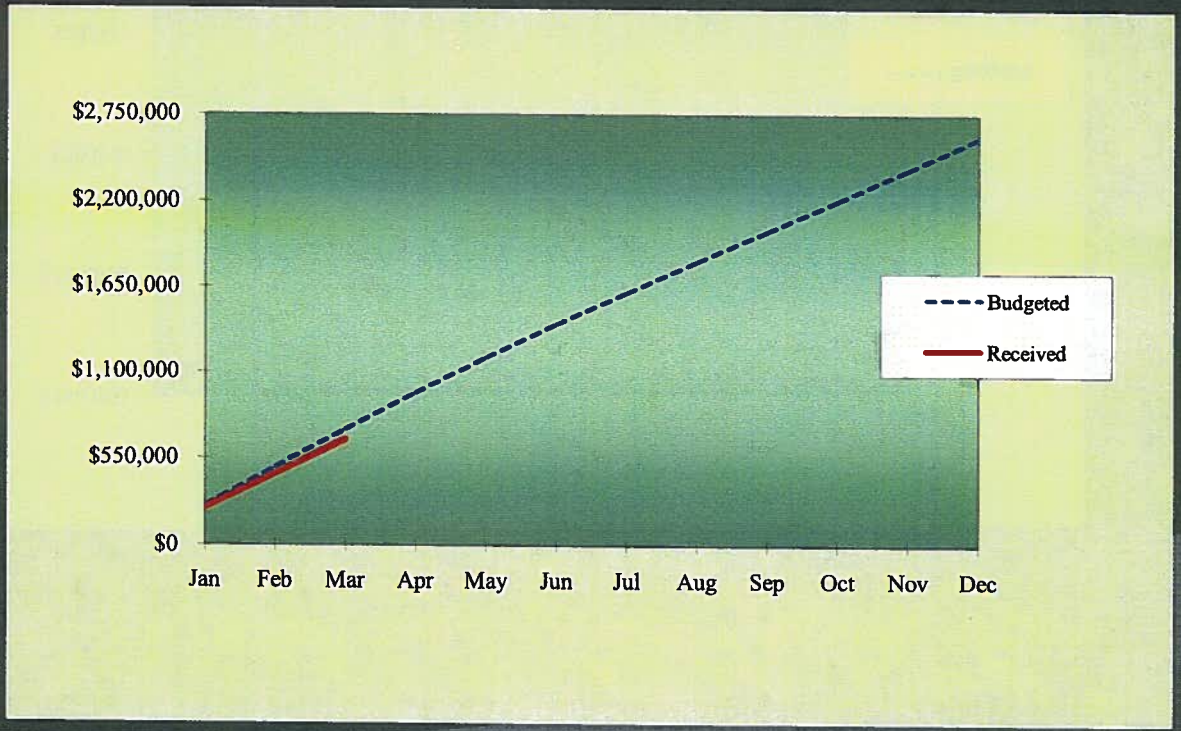
- If trend continues, revenues will be ($261,000) behind projections by end of year.



	2007	2008	2009	2010	2011	2012
1st Qtr	681,256	685,826	694,594	630,205	628,791	603,448
2nd Qtr	823,026	735,634	863,495	705,861	689,282	
3rd Qtr	827,959	769,722	805,580	708,371	694,984	
4th Qtr	790,894	741,772	707,252	680,871	624,133	

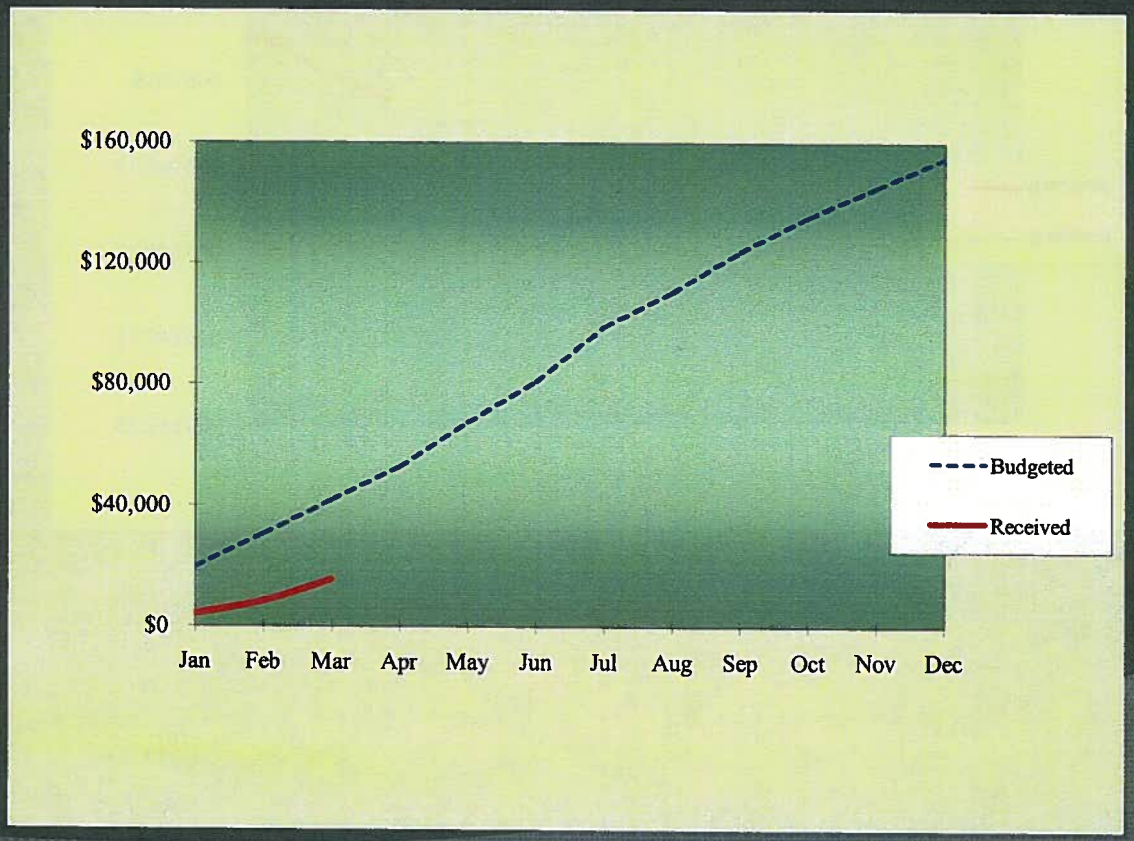
Business and Utility Taxes

- Receipts are running -8.75% behind budgeted projections.
- Utility taxes on wireless, phone, and other utilities.



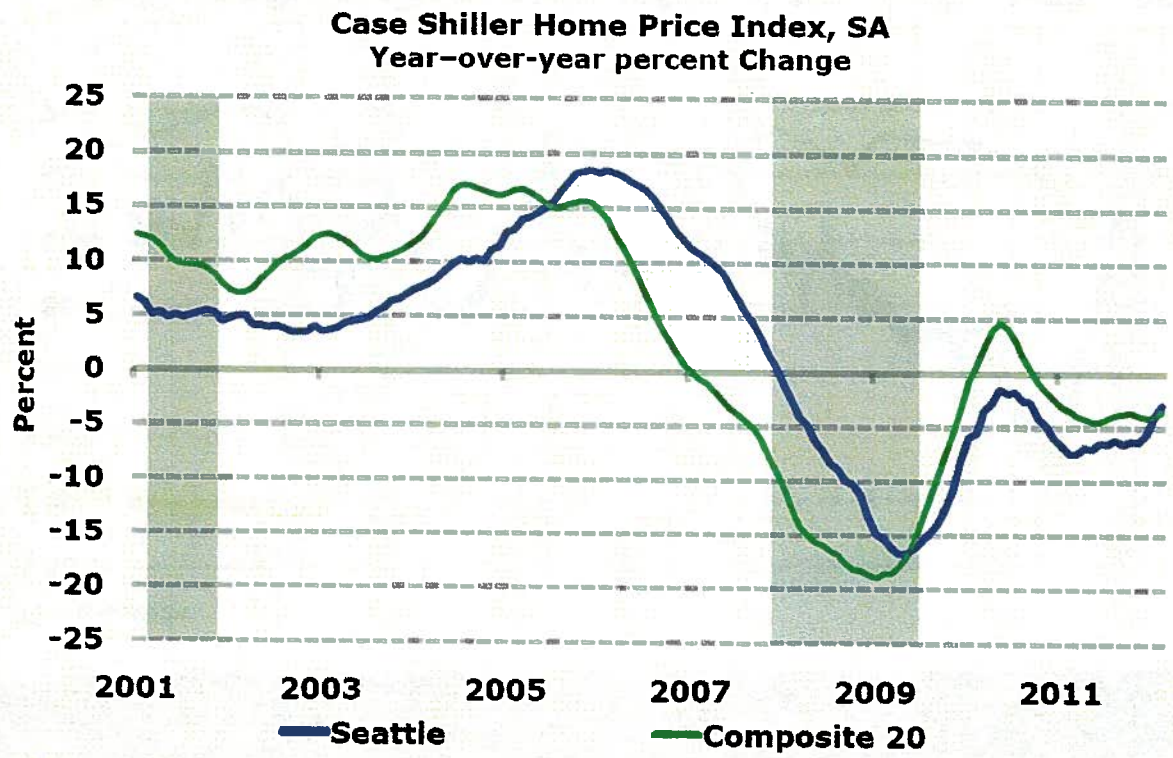
Building Permits

- Receipts are running -62.8% behind budgeted projections.



Building Permits

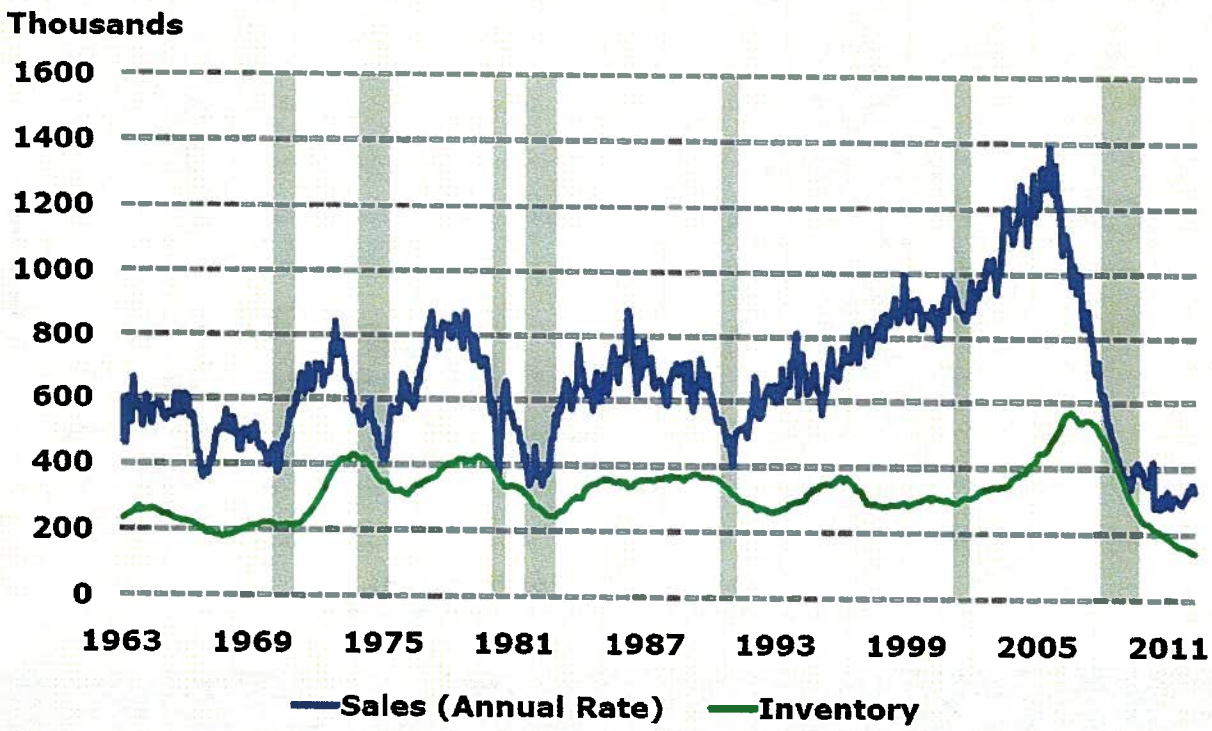
- Single family home prices have leveled off.



Source: S&P/Case-Shiller; data through February 2012

Building Permits

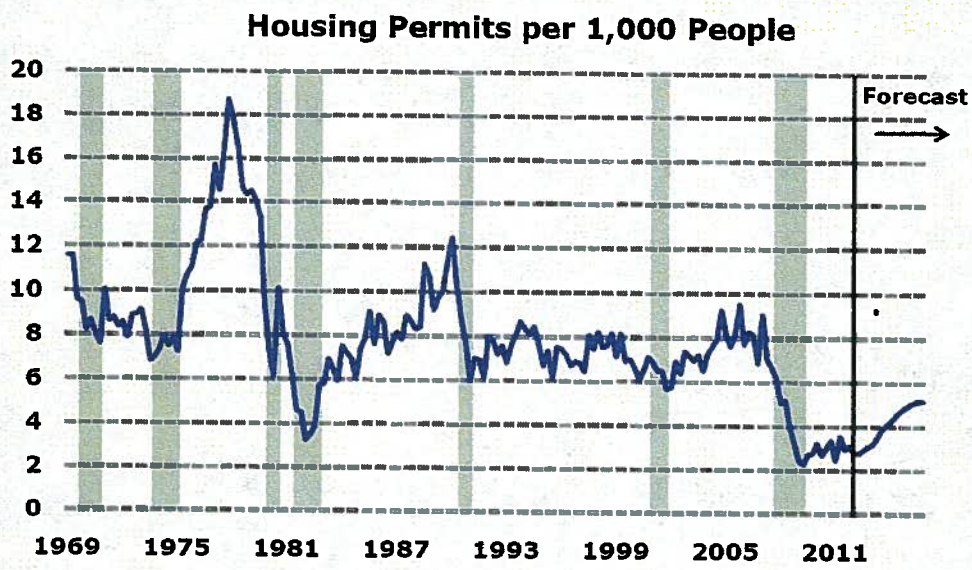
- Builders have reduced inventory of new homes..



Source: Bureau of the Census data through March 2012

Building Permits

- Housing permits relative to population will remain lower than historical levels



Source: U.S. Census Bureau, WA State Employment Security, ERFC February Forecast; data through 2011 Q4

Liquor Excise Taxes

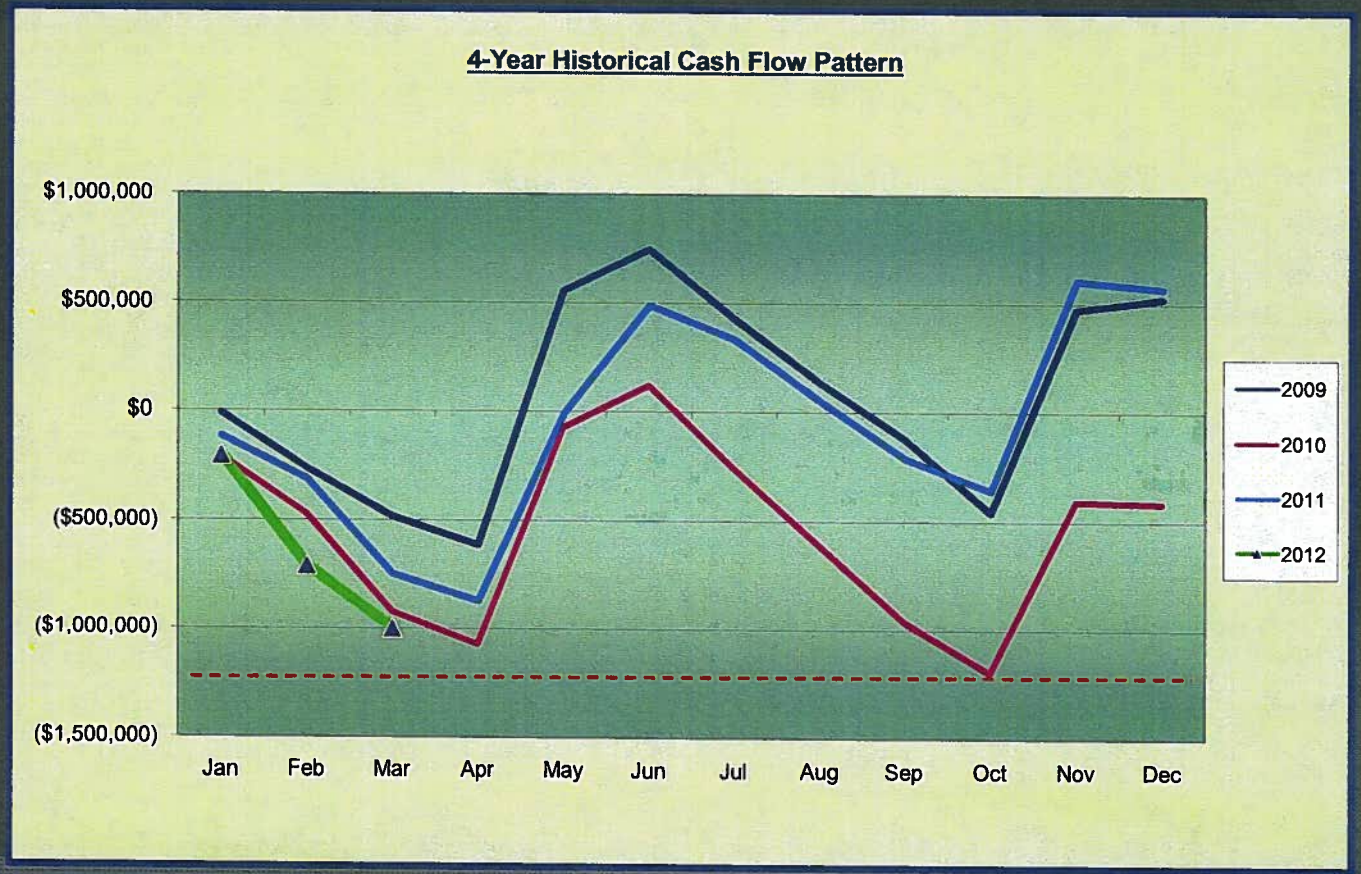
1) Eliminated for cities effective 7/1/2012

2) Elimination period is for 12 months

3) Annual budget 2012 : $105,000
4)
5) Equates to an annual revenue loss for both 2012 and 2013 of $52,500

Historical Cash Flow:

- Cumulative effect on cash



Other items:

- All utility funds are within budget and on track for revenues.
- CAPRON funds and motor vehicle fuel tax: 104%
- Transportation Impact Fees: 191%
- Park Impact Fees: Averaging about 60% of budget
- REET Funds (real estate excise tax) 68% of budget
- 2011 total revenues were 97.43% of budget

Summary:

- Revenue issues for 2012 and into 2013:

Projected sales tax loss:	$261,000
Projected Liquor tax loss:	52,500
Total Projected loss:	$313,500

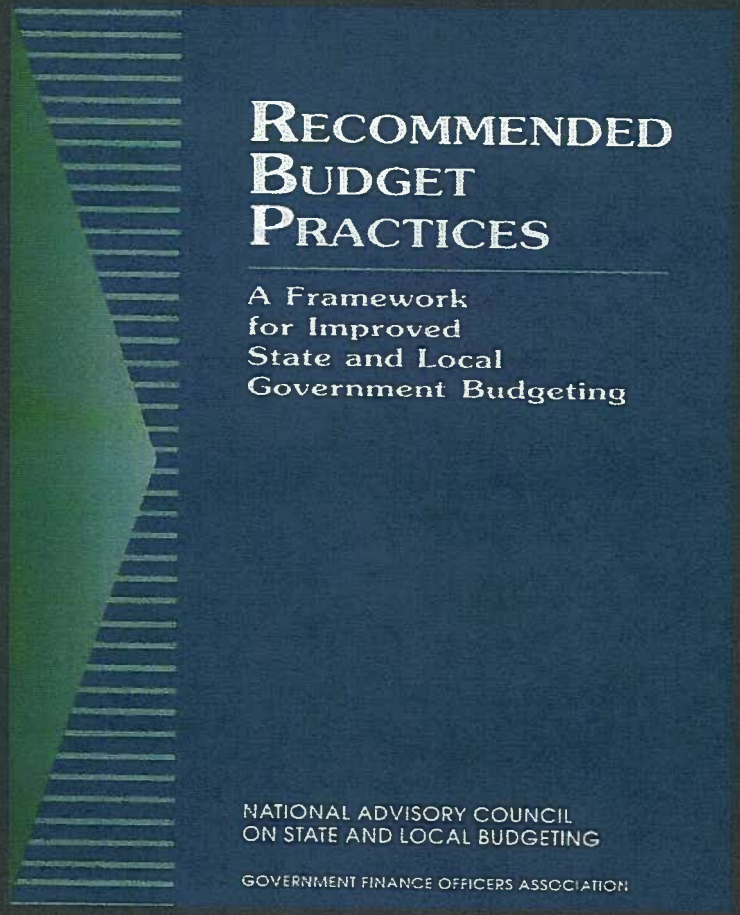
- Inflation: running at 2.7% (Seattle CPI-U)
  - Inflationary cost on 2013 budget compared to 2012: $322,500
- Impact of archeological work on utilities
- Impact of operations on 2012 Ending Fund Balance

Summary:

- Revenue issues for 2012 and into 2013:

Projected sales tax loss:	$261,000
Projected Liquor tax loss:	52,500
Total Projected loss:	$313,500

- Inflation: running at 2.7% (Seattle CPI-U)
  - Inflationary cost on 2013 budget compared to 2012: $322,500
- Impact of archeological work on utilities
- Impact of operations on 2012 Ending Fund Balance



http://www.gfoa.org/services/nacslb/

Questions or comments

City of Oak Harbor

OFFICE OF THE MAYOR
SCOTT DUDLEY
MAYOR

PROCLAMATION IN RECOGNITION OF

CITY OF OAK HARBOR'S WELLNESS COMMITTEE
JULY 3, 2012

WHEREAS, The City of Oak Harbor is a member of the Association of Washington Cities (AWC); and

WHEREAS, AWC serves its members through advocacy, education and services, with WellCity being one of its many programs available to its members; and

WHEREAS, WellCity standards serve as a model for creating a healthy workplace culture that fosters employee health and well-being while moderating health related costs; and

WHEREAS, since 2006, the City of Oak Harbor has continually received the designation of a WellCity thanks to the hard work of our Wellness Committee; and

WHEREAS, in addition to receiving the 2012 WellCity Award of Excellence, the City of Oak Harbor also receives a 2% premium discount on our health benefit costs; and

WHEREAS, we would like to acknowledge and thank our Wellness Committee – Dina Nichols, Lisa Bebee, Kim Perrine, Janet Sabalausky, Tim Shelley and Angela Braunstein - for a job well done.

NOW, THEREFORE, WE, Scott Dudley, Mayor, and Councilmembers of the City of Oak Harbor do hereby recognize **The City of Oak Harbor Wellness Committee** for all that they do to encourage employees to take better care of themselves.

Signed this 3rd day of July, 2012

Scott Dudley, Mayor

City of Oak Harbor

OFFICE OF THE MAYOR
SCOTT DUDLEY
MAYOR

PROCLAMATION IN RECOGNITION OF

CHRISTMAS IN JULY

HELP HOUSE FOOD AND FUND DRIVE

WHEREAS, North Whidbey Help House is a local non-profit food bank that serves northern Whidbey Island; and

WHEREAS, in response to the annual slow down of donations during the summer months, the Christmas in July Food and Fund Drive was developed to help keep the shelves stocked; and

WHEREAS, through May 2012, North Whidbey Help House had distributed 2,821 food baskets that have fed 7,164 people, an increase of 319 food baskets and 1,127 people fed over the same time last year; and

WHEREAS, with food and cash donations down and an average of five new applicants daily, donations are needed now more than ever; and

WHEREAS, on Saturday, July 14th, volunteers from Soroptimist International of Oak Harbor, Oak Harbor Lions Club and NAS Whidbey Island, will be staged at local grocery stores and Wal-Mart asking shoppers to contribute to the Help House Christmas in July Food and Fund Drive.

NOW, THEREFORE, WE, Scott Dudley, Mayor, and Council members of the City of Oak Harbor do hereby proclaim **July 14, 2012** as **Christmas in July** and urge all citizens of our City to support North Whidbey Help House and its effort to provide assistance to those in need.

Signed this 3rd day of July, 2012

Scott Dudley, Mayor

City of Oak Harbor

OFFICE OF THE MAYOR
SCOTT DUDLEY
MAYOR

PROCLAMATION TO CONGRATULATE

RILEY BORDEN
NATIONAL HISTORY DAY GOLD MEDALIST

WHEREAS, Each year, more than half a million students from across the United States, American Samoa, Guam, International Schools and Department of Defense Schools participate in the National History Day contest; and

WHEREAS, for their projects, students choose a historical topic related to the annual theme, which for 2012 was *Revolution, Reaction and Reform in History*; and

WHEREAS, contestants present their work in one of five ways: as a paper, an exhibit, a performance, a documentary or a web site; and

WHEREAS, through a series of local and state contests, the best projects compete at the National History Day Contest; and

WHEREAS, Riley Borden, an Oak Harbor Home Connection sixth grader, competed in the Junior Individual Performance category with her topic of "Indian Boarding Schools: A Revolution against Native American Culture" at the national finals in June; and

WHEREAS, Riley is the first Oak Harbor student to compete in the National History Day Finals, and to be awarded a Gold Medal.

NOW, THEREFORE, WE, Scott Dudley, Mayor, and Councilmembers of the City of Oak Harbor do hereby congratulate **Riley Borden** for winning the Junior Individual Performance Gold Medal at the National History Day competition.

Signed this 3rd day of July, 2012

_____
Scott Dudley, Mayor

City of Oak Harbor
City Council Agenda Bill

Bill No. 4

Date: JULY 3, 2012

Subject: **PUBLIC COMMENTS**

FROM: **Scott Dudley, Mayor**

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

SUMMARY STATEMENT

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

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. CJA 5A
Date: July 3, 2012
Subject: Noise Permit – Fidalgo Avenue Merchant's Association Block Party

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:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the Fidalgo Avenue Merchant's Association for the use of amplified sound associated with the annual Block Party scheduled for August 12, 2012.

AUTHORIZATION:

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

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

SUMMARY STATEMENT:

The Fidalgo Avenue Merchant's Association submitted a Noise Permit request for amplified sound associated with the annual Block Party scheduled for August 12, 2012. The request states that amplified sound will be used for a PA system for live music and announcements.

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

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to the Fidalgo Avenue Merchant's Association.

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization:	Fidalgo Avenue Merchant's Association
Location of Event:	Fidalgo Avenue between Dock & Hathaway
Date of Event:	August 12, 2012
Hours of Operation:	Noon – 5:00 p.m.
Permitted Noise:	PA system and speakers for 2 live bands and announcements.
Approval Conditions:	None
Date of City Council Approval:	

Issued this day of July, 2012.

_____

Karen Crouch, Special Events Coordinator

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

Please post this notice on site

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. CA 5B
Date: July 3, 2012
Subject: Noise Permit – Island Classic Mustang Club

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:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the Island Classic Mustang Club for the use of amplified sound associated with a car show scheduled for September 22, 2012 at Windjammer Park.

AUTHORIZATION:

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

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

SUMMARY STATEMENT:

The Island Classic Mustang Club submitted a Noise Permit request for amplified sound associated with a car show scheduled for September 22, 2012. The request states that amplified sound will be used for music and announcements. A condition of approval will be to face the speakers away from the campground area.

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

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to Island Classic Mustang Club.

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization:	Island Classic Mustang Club
Location of Event:	Windjammer Park - Gazebo and surrounding area
Date of Event:	September 22, 2012
Hours of Operation:	8:00 a.m. to 6:00 p.m.
Permitted Noise:	PA system and speakers for a DJ and announcements
Approval Conditions:	Face speakers away from the campground
Date of City Council Approval:	

Issued this day of July, 2012.

_____

Karen Crouch, Special Events Coordinator

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

Please post this notice on site

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. N/A 5c
Date: July 3, 2012
Subject: Noise Permit – Sunrise Rotary – Challenge Series

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:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the North Whidbey Sunrise Rotary for the use of amplified sound associated with the annual Challenge Series scheduled for August 25, 2012 on Barrington Drive between Island Thrift and the Dutchmaid Laundry.

AUTHORIZATION:

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

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

SUMMARY STATEMENT:

The North Whidbey Sunrise Rotary submitted a Noise Permit request for amplified sound associated with the annual Challenge Series scheduled for August 25, 2012. The request states that amplified sound will be used for announcements.

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

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to Sunrise Rotary for the Challenge Series.

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization:	North Whidbey Island Sunrise Rotary Club – Challenge Series
Location of Event:	Barrington Drive from Island Thrift to Dutchmaid Laundry
Date of Event:	August 25, 2012
Hours of Operation:	8:00 a.m. to 2:00 p.m.
Permitted Noise:	Sound system for announcements
Approval Conditions:	None
Date of City Council Approval:	

Issued this day of July, 2012.

_____

Karen Crouch, Special Events Coordinator

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

Please post this notice on site

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. N/A 5D
Date: July 3, 2012
Subject: Noise Permit – Phi Theta Kappa (Skagit Valley College)

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:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from Skagit Valley College Student Government Chairperson Lauren Cribb on behalf of Phi Theta Kappa for the use of amplified sound associated with a fund-raising/small-business awareness event scheduled for July 28, 2012 on Pioneer Way.

AUTHORIZATION:

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

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

SUMMARY STATEMENT:

Skagit Valley College Student Government Chairperson Lauren Cribb submitted a Noise Permit request for amplified sound associated with a fund-raising/small business awareness event scheduled for July 28, 2012. The request states that amplified sound will be used for a PA system for live music and possible announcements.

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

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to Phi Theta Kappa (Skagit Valley College).

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization:	Phi Theta Kappa (Skagit Valley College)
Location of Event:	Pioneer Way – next to Whidbey Coffee (general vicinity)
Date of Event:	July 28, 2012
Hours of Operation:	11:00 a.m. to 5:00 p.m.
Permitted Noise:	Sound system for live bands and possible announcements
Approval Conditions:	None
Date of City Council Approval:	

Issued this day of July, 2012.

_____

Karen Crouch, Special Events Coordinator

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

Please post this notice on site

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. CA 5e
Date: July 3, 2012
Subject: Noise Permit – American Cancer Society Bark for Life

FROM: Larry Corl, 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:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the American Cancer Society Bark for Life organization for the use of amplified sound associated with a fundraising event scheduled for July 28, 2012 or August 4, 2012. The final date for the event has not been set.

AUTHORIZATION:

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

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

SUMMARY STATEMENT:

The American Cancer Society Bark for Life organization submitted a Noise Permit request for amplified sound associated with a fundraising event scheduled for July 28, 2012 or August 4th. The details of the event are still in the planning stages at this time, but since the City Council has one meeting in July and the August meeting will take place after the second proposed date, the Council is asked to consider both dates. The event will include educational materials, pet licensing information and the promotion of the use of canine support for cancer survivors and to honor those lost to the disease. The request states that amplified sound will be used for a PA system for music and announcements.

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

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to the American Cancer Society Bark for Life organization.

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization:	American Cancer Society Bark for Life 2012
Location of Event:	Windjammer Park – Kitchen A area
Date of Event:	July 28, 2012 OR August 4, 2012
Hours of Operation:	11:00 a.m. to 4:00 p.m.
Permitted Noise:	Sound system for music and announcements
Approval Conditions:	Face speakers away from the campground area
Date of City Council Approval:	June 18, 2012

Issued this 26th day of July, 2012.

_____

Karen Crouch, Special Events Coordinator

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

Please post this notice on site

City of Oak Harbor
City Council Agenda Bill

Bill No. CA 5F
Date: July 3, 2012
Subject: Excused Absence Request
Councilmember Danny Paggao

FROM: Scott Dudley
Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

PURPOSE

The purpose of this agenda bill is to present and approve Councilmember/Mayor Pro Tem Danny Paggao's excused absence request for the August 8, 2012 City Council meeting.

AUTHORITY

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

SUMMARY STATEMENT

Councilmember Paggao has submitted an excused absence request for the August 8, 2012 City Council meeting.

STANDING COMMITTEE REPORT

N/A

RECOMMENDED ACTION

Approve Councilmember Paggao's excused absence for the August 8, 2012 City Council meeting.

ATTACHMENTS

None

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. CA 50
Date: July 3, 2012
Subject: Special Assistant City Attorney Contract

FROM: Grant K. Weed, Interim City Attorney

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

PURPOSE
This agenda bill presents the Professional Services Agreement with Nikki Esparza as the City's Special Assistant City Attorney.

AUTHORITY
The City Council derives its authority to offer employment contracts from both State law and Municipal Code. RCW 35.A.11.020 states:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people.

FISCAL IMPACT DESCRIPTION
Funds Required: 001 General Fund - Legal

SUMMARY STATEMENT
The Interim City Attorney, Grant K. Weed, recommends the attached Professional Services Agreement for Nikki Esparza.

Ms. Esparza has been a contract employee since August of 2011, performing the prosecution duties as Special Assistant City Attorney to prosecute all municipal criminal cases, including but not limited to covering the City's weekly court calendars, and any civil duties requested by the City Attorney. Ms. Esparza is qualified, a member in good standing of the Washington State Bar Association, 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 the attached Agreement. The current Agreement expires on August 3, 2012.

STANDING COMMITTEE REPORT

This item has not presented at any standing committee meetings.

RECOMMENDED ACTION

Approve the Professional Services Agreement as Special Assistant City Attorney with Nikki Esparza and authorize the Mayor to sign.

ATTACHMENTS

Professional Services Agreement for Nikki Esparza.

L:\LGLB\Civil 2012\Esparza - Professional Services Agreement AB 2012.doc

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this _____ day of _____, 2012, by and between the CITY OF OAK HARBOR, a Washington municipal corporation, hereinafter referred to as the "CITY" and Nikki Esparza, attorney at law, hereinafter referred to as the "SERVICE PROVIDER".

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

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

WHEREAS, the SERVICE PROVIDER represents the SERVICE PROVIDER is qualified, a member in good standing of the Washington State Bar Association, and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

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

1. Scope of Services. The SERVICE PROVIDER shall perform the prosecution duties as Special Assistant City Attorney for the City of Oak Harbor in the Island County District Court from August 4, 2012 through December 31, 2012 to prosecute all municipal criminal cases, including but not limited to covering the City's weekly court calendars, and any civil duties requested by the City Attorney during that period.

2. Term. This Agreement shall begin on August 4, 2012 and shall be completed no later than December 31, 2012 unless sooner terminated according to the provisions herein or extended at the request of the City.

3. Compensation and Method of Payment.

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

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

   3.3 The CITY shall pay the SERVICE PROVIDER for work performed under this Agreement as follows: One Thousand Dollars ($1,500.00) per week for performing prosecution services for the City from August 4, 2012 through December 31, 2012.

4. Reports and Inspections.

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

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

5. Independent Contractor Relationship.

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

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

6. Hold Harmless/Indemnification.

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

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

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

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

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

a. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

b. Professional Liability Insurance appropriate to the SERVICE PROVIDER's profession.

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

a. Professional Liability insurance shall be written with limits no less than One Million Dollars ($1,000,000) per claim and One Million Dollars ($1,000,000) policy aggregate limit.

7.3 Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

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

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

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

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

9. Compliance with Laws.

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

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

10. Nondiscrimination.

10.1 The CITY is an equal opportunity employer.

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

10.3 Nondiscrimination in Services. The SERVICE PROVIDER will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, 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.

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

11. Assignments/subcontracting.

11.1 The SERVICE PROVIDER shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the CITY. The CITY reserves the right to reject without cause any such assignment.

11.2 Any work or services assigned hereunder shall be subject to each provision of this Agreement.

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

13. Maintenance and Inspection of Records.

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

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

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

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

16. 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 other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

17. Jurisdiction and Venue.

    17.1 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.

    17.2 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.

18. Severability.

    18.1 If, for any reason, any part, term or provisions 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.

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

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

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

CITY:

City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

_____

Scott Dudley
Mayor

ATTEST:

_____

Connie Wheeler, City Clerk

SERVICE PROVIDER:

Nikki Esparza
P O Box 1763
Oak Harbor, WA 98277

_____

Nikki Esparza
WSBA #37884

L:\LGLB\Civil 2012\Thompson Prof Serv Agmt August 4 - Dec 31 2012 - Court.doc

City of Oak Harbor
City Council Agenda Bill

Bill No. d/A 5H
Date: July 3, 2012
Subject: Approval of Accounts Payable Vouchers

FROM: **Doug Merriman, Finance Director**

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

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
150462	6/13/2012	0006727 ROMAINE ELECTRIC	3-073186		CLUTCH/PULLE	151.14
					Total :	**151.14**
150463	6/18/2012	0005131 RED LION AT THE QUAY	052512		HOTEL ACCOMMODATIONS/ALMBE	244.68
					Total :	**244.68**
150464	6/18/2012	0005131 RED LION AT THE QUAY	052512A		HOTEL ACCOMMODATIONS/SEVER	367.02
					Total :	**367.02**
150465	6/18/2012	0005131 RED LION AT THE QUAY	052512B		HOTEL ACCOMMODATIONS/HIZON	367.02
					Total :	**367.02**
150466	6/18/2012	0005131 RED LION AT THE QUAY	052512C		HOTEL ACCOMMODATIONS/PAGGA	367.02
					Total :	**367.02**
150467	6/18/2012	0006776 KNICKERBOCKER, HARRY	6078		MOORAGE REFUND	221.00
					Total :	**221.00**
150468	6/18/2012	0004974 GREEN LIGHT SOLUTIONS	8172		MAINTENANCE & INSPECTIONS	940.00
					Total :	**940.00**
150469	6/18/2012	0004903 US BANK	4485591000119689		CREDIT CARD PURCHASES	4,925.00
					Total :	**4,925.00**
150470	6/21/2012	0006136 REEDY, MICHAEL J AND ELIZABETH D	062112		PROPERTY PURCHASE	5,000.00
					Total :	**5,000.00**
150471	6/27/2012	0000424 ALL BATTERY SALES AND SERVICE	50196747		BATTERIES	191.20
					Total :	**191.20**
150472	6/27/2012	0000028 ALL ISLAND LOCK & KEY	21080		KEYS	7.34
			21105		KEYS	16.31
					Total :	**23.65**
150473	6/27/2012	0000033 ALPINE PRODUCTS, INC	TM-124490		PAINT/STENCIL GUARD/GLASS BE/	2,977.29
					Total :	**2,977.29**

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150474	6/27/2012	0000712 AMERIGAS	3008899380		PROPANE/MARINA	59.08
			3008899425		PROPANE/DOG POUND	111.96
					Total :	**171.04**
150475	6/27/2012	0002044 ANACORTES.NET/HOW IT WORKS	30563		JUN 2012/WEB HOSTING	75.00
			40218		WEBSITE UPDATES/SSL RENEWAL	171.25
					Total :	**246.25**
150476	6/27/2012	0006015 ANCHOR SIGNS & AWNINGS	4122		SIGNAGE/LETTERING	857.64
					Total :	**857.64**
150477	6/27/2012	0005001 ARAMARK	516793000		MAY 2012/UNIFORM SERVICES	1,808.67
					Total :	**1,808.67**
150478	6/27/2012	0000053 ARROW PEST CONTROL, INC	141226		PEST CONTROL	108.70
					Total :	**108.70**
150479	6/27/2012	0004019 ASSOCIATED PETROLEUM PRODUCTS	0308051-IN		FUEL	5,959.31
			0308494-IN		FUEL	15,855.47
			0312554-IN		FUEL	5,480.64
					Total :	**27,295.42**
150480	6/27/2012	0004733 BARRON HEATING & AIR COND, INC	125027		PRE SEASON COOLING PREVENTA	262.40
					Total :	**262.40**
150481	6/27/2012	0000082 BAYSHORE OFFICE PRODUCTS, INC	0598753-001		SCANNING/DVDS	112.99
					Total :	**112.99**
150482	6/27/2012	0000091 BENS CLEANER SALES, INC	225008		ELECTRONIC IGNITION MODULE/R	975.05
					Total :	**975.05**
150483	6/27/2012	0000103 BLADE CHEVROLET, INC	128394		RECEPTACLE	-62.50
			412133		MAY 2012/VEHICLE RENTAL	600.00
			452348A		APR 2012/VEHICLE RENTAL	350.00
			452348C		APR 2012/RENTAL CREDIT	-425.00
					Total :	**462.50**
150484	6/27/2012	0004917 BLATTMAN, ENA KAY	1		TRAVEL REFUND	25.00

Bank code : bank

Voucher	Date	Vendor		Invoice	PO #	Description/Account	Amount
150484	6/27/2012	0004917	0004917 BLATTMAN, ENA KAY	(Continued)			
						Total :	25.00
150485	6/27/2012	0000109	BLUMENTHAL UNIFORMS	943748		UNIFORM ITEMS/ESPIRITU	387.31
						Total :	387.31
150486	6/27/2012	0000131	BROADVIEW APPLIANCE	30686		SERVICE CALL	130.39
						Total :	130.39
150487	6/27/2012	0002644	C JOHNSON CONSTRUCTION, INC	1		PROF SVC/GUN CLUB ROAD WATE	344,631.47
						Total :	344,631.47
150488	6/27/2012	0005889	CASCADE RECREATION, INC	5361		DOGIPOT DISPENSER/WASTE REC	562.25
						Total :	562.25
150489	6/27/2012	0000160	CENTRAL WELDING SUPPLY	631878		ARGON/CENTRASHIELD	220.50
				RN05121052		CENTRASHIELD	12.17
						Total :	232.67
150490	6/27/2012	0000167	CHEVRON AND TEXACO BUSINESS	34691969		FUEL	137.73
						Total :	137.73
150491	6/27/2012	0000179	CLERKS PETTY CASH	062012		PETTY CASH	95.00
						Total :	95.00
150492	6/27/2012	0003125	COMMERCE, DEPARTMENT OF	PWTF-153003		SR 20 QUIET COVE WATER TRANS	30,490.40
				PWTF-93039		TROXEL ROAD	24,589.84
						Total :	55,080.24
150493	6/27/2012	0000197	CONCRETE NORWEST	807747		0160A/CALCIUM CHLORIDE	676.11
						Total :	676.11
150494	6/27/2012	0006780	COOK, JOHN	3678		MOORAGE REFUND	140.13
						Total :	140.13
150495	6/27/2012	0003065	COVENANT JANITORIAL	1335666		MAY 2012/JANITORIAL SERVICES	3,465.40
						Total :	3,465.40
150496	6/27/2012	0000256	DAY WIRELESS SYSTEMS	154839		RADIO REPAIR	29.76

Bank code : bank

Voucher	Date	Vendor		Invoice	PO #	Description/Account		Amount
150496	6/27/2012	0000256	0000256 DAY WIRELESS SYSTEMS	(Continued)			Total :	29.76
150497	6/27/2012	0000247	DIAMOND RENTALS	502850		PORTABLES		69.35
							Total :	69.35
150498	6/27/2012	0002228	DIVERSIFIED INSPECTIONS/	212655-DIITL		INSPECTION		780.00
							Total :	780.00
150499	6/27/2012	0000254	DON'S WELDING	1333		1/4 X 4 X 38 22#		35.87
							Total :	35.87
150500	6/27/2012	0000175	DUNN-TERRY, ROXANN	EXP REIMB		EXP REIMB		4,746.90
							Total :	4,746.90
150501	6/27/2012	0000273	EDGE ANALYTICAL, INC	12-08893		TESTING SERVICES		18.00
				12-08896		TESTING SERVICES		18.00
				12-09101		TESTING SERVICES		21.00
				12-09115		TESTING SERVICES		18.00
				12-09609		TESTING SERVICES		260.00
							Total :	335.00
150502	6/27/2012	0000251	ENTERPRISE SERVICES, WASHINGTOI	18-1-57632		CO-OP MEMBERSHIP		500.00
				18-1-57642		CO-OP MEMBERSHIP		250.00
							Total :	750.00
150503	6/27/2012	0006276	EXPRESS SERVICES, INC	11092453-7		OFFICE SERVICE SUPPORT		782.72
				11123081-9		OFFICE SERVICE SUPPORT		978.40
							Total :	1,761.12
150504	6/27/2012	0002900	FASTENAL	WAOAK11360		HDG		-31.11
				WAOAK11687		CONFINED SPACE RESCU		2,013.75
				WAOAK11695		BANDSAWS		54.18
				WAOAK11805		TOILET PAPER		1,039.42
							Total :	3,076.24
150505	6/27/2012	0006778	FIELDS, JANET	1		TRAVEL REFUND		90.00
							Total :	90.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150506	6/27/2012	0000355 FRONTIER	007-9244		CURRENT PHONE CHARGES	282.32
			240-0614		CURRENT PHONE CHARGES	89.12
			279-0841		CURRENT PHONE CHARGES	67.46
			675-1572		CURRENT PHONE CHARGES	57.52
			675-2111		CURRENT PHONE CHARGES	57.95
			675-3121		CURRENT PHONE CHARGES	52.19
			675-6794		CURRENT PHONE CHARGES	53.95
			679-3541		CURRENT PHONE CHARGES	49.40
			679-4091		CURRENT PHONE CHARGES	86.54
			679-5551		CURRENT PHONE CHARGES	184.42
			679-8702		CURRENT PHONE CHARGES	56.97
			770-2694		CURRENT PHONE CHARGES	40.11
			770-2715		CURRENT PHONE CHARGES	31.65
					Total :	**1,109.60**
150507	6/27/2012	0000326 FRONTIER BUILDING SUPPLY	64637		WHITE WOOD/DOUGLAS FIR/MOUI	23.58
					Total :	**23.58**
150508	6/27/2012	0001706 GARDNER, PAT	EXP REIMB		EXP REIMB	480.00
					Total :	**480.00**
150509	6/27/2012	0000349 GRAINGER	9789985125		CONTROL STATION	197.83
			9844344664		V-BELTS	163.07
					Total :	**360.90**
150510	6/27/2012	0004974 GREEN LIGHT SOLUTIONS	8175		MAINTENANCE & INSPECTIONS	1,050.00
					Total :	**1,050.00**
150511	6/27/2012	0000323 HD FOWLER COMPANY	I3143405		METERS	2,855.46
			I3143489		METERS	2,855.46
			I3146674		ROTORS	148.05
					Total :	**5,858.97**
150512	6/27/2012	0005250 HONEYMOON BAY COFFEE ROASTERS	427702		COFFEE SUPPLIES	93.22
					Total :	**93.22**
150513	6/27/2012	0000627 HSBC BUSINESS SOLUTIONS	115934484211		SUPPLIES	285.66
			191684784211		SUPPLIES	1,111.29

Bank code : bank

Voucher	Date	Vendor		Invoice	PO #	Description/Account	Amount
150513	6/27/2012	0000627	0000627 HSBC BUSINESS SOLUTIONS	(Continued)			
						Total :	1,396.95
150514	6/27/2012	0001910	HUGHES, BETTY	1		TRAVEL REFUND	25.00
						Total :	25.00
150515	6/27/2012	0000417	INDUSTRIAL BOLT & SUPPLY	511297-1		HWH SUR-GRIP TEK ZP/ELBOWS/F	260.04
				512423-1		PHIL PAN HD/PLUGS/COUPLINGS/S	170.04
						Total :	430.08
150516	6/27/2012	0001307	INSIGHT PUBLIC SECTOR	1100264495		SMARTNET FOR PART	287.57
						Total :	287.57
150517	6/27/2012	0000401	ISLAND COUNTY AUDITOR	0053992		RECORDING SERVICES	109.00
				B0038117		2012 VOTER REGISTRATION	18,927.58
						Total :	19,036.58
150518	6/27/2012	0002383	ISLAND COUNTY SHERIFF	061212		INMATE MEDS	8.92
						Total :	8.92
150519	6/27/2012	0000415	ISLAND DISPOSAL	060512		MAY 2012/COLLECTION CHARGES	13,032.47
						Total :	13,032.47
150520	6/27/2012	0000794	JOHN DEERE FINANCIAL	22491		BLADES/ROLLERS	282.57
						Total :	282.57
150521	6/27/2012	0000476	KERR, JACK	06-12		JUN 2012/PUBLIC DEFENSE SCREI	1,400.00
						Total :	1,400.00
150522	6/27/2012	0005959	LANGABEER & TULL, PS	3008621		PROF SVC/NAVY PIPELINE	2,173.75
						Total :	2,173.75
150523	6/27/2012	0000950	LICENSING, WASHINGTON STATE DEP	062512		CONCEALED WEAPON PERMITS	435.00
						Total :	435.00
150524	6/27/2012	0001909	LONG, JAY	1		DRIVING SERVICES	135.00
				2		DRIVING SERVICES	99.00
						Total :	234.00

Bank code : bank

Voucher	Date	Vendor		Invoice	PO #	Description/Account	Amount
150525	6/27/2012	0000522	LUEHR, TOM	1		DRIVING SERVICES	117.00
				1		DRIVING SERVICES	72.00
						Total :	**189.00**
150526	6/27/2012	0000530	MAILLIARD'S LANDING NURSERY	58170		YARD WASTE	30.00
				60042		YARD WASTE	7.50
						Total :	**37.50**
150527	6/27/2012	0000660	MARKET PLACE FOOD & DRUG	764514		GROCERIES	376.45
				764518		GROCERIES	260.87
				828337		GROCERIES	13.34
				828356		GROCERIES	8.67
						Total :	**659.33**
150528	6/27/2012	0003508	MARTENSEN, SANDY	1		TRAVEL REFUND	25.00
						Total :	**25.00**
150529	6/27/2012	0006072	MASTER'S TOUCH, LLC	25115		MAY 2012/MAILING SERVICES FOR	247.40
				25116		MAY 2012/MAILING SERVICES FOR	853.19
						Total :	**1,100.59**
150530	6/27/2012	0000538	MID AMERICAN RESEARCH CHEMICAL	0470562-IN		SPEED WIPES/PT/SAFE-SOLV	504.37
				0471081-IN		WIPE-OUT	481.81
						Total :	**986.18**
150531	6/27/2012	0005445	MONTOYA, MATTHEW J	76		JUN 2012/PUBLIC DEFENSE	5,500.00
						Total :	**5,500.00**
150532	6/27/2012	0000587	MOTOR TRUCKS, INC	MTS201874		ENGINE REPAIR	1,662.16
				mts202072		LADDERTRUCK SERVICES	2,089.65
						Total :	**3,751.81**
150533	6/27/2012	0004423	MUNICIPAL EMERGENCY SERVICES	00320815_SNV		UNIFORM ITEMS	601.23
						Total :	**601.23**
150534	6/27/2012	0000604	NATIONAL FIRE SPRINKLER ASSOC	7090		MEMBERSHIP DUES/MERRILL	85.00
						Total :	**85.00**

Bank code : bank

Voucher	Date	Vendor		Invoice	PO #	Description/Account	Amount
150535	6/27/2012	0006779	NELSON, WILLIAM RAY	3207		MOORAGE REFUND	188.49
						Total :	**188.49**
150536	6/27/2012	0000618	NEXTEL COMMUNICATIONS	343702312-12		CURRENT COMM CHARGES	4,378.67
						Total :	**4,378.67**
150537	6/27/2012	0000610	NORTH CENTRAL LABORATORIES	305702		BOD SEED/BUFFER SOLUTION/AM	560.81
						Total :	**560.81**
150538	6/27/2012	0000672	OAK HARBOR ACE	1281		TENNIS COURT SURFACING	9,783.00
				204553		FASTENERS	6.46
				204643		QUICK LINK	3.03
				204664		FASTENERS/COVERS	28.98
				204720		DUSTPAN/HANDLE	21.16
				204756		COUPLE	1.08
				204859		INGNITION MODULE/OIL/LINE	168.44
				204866		SCRUBBER PADS/LYSOL/GRILL PA	17.67
				204871		NUTS/BOLTS	35.72
				204920		RSTP SPRAY	9.76
				204936		CLEANER/PRUNER	30.96
				204950		CHAIN LOOP/PAINT	73.88
				204952		BULB/CLAMP	12.26
				204968		TIEDOWN	19.56
				204971		PUMP	72.82
				204993		BRUSHES/CLEANER/HANDLE	65.15
				205009		PAINTBRUSHES	4.21
				205087		BIBB HOSE BRASS	7.60
				205096		RSTP SPRAY	24.40
				205107		COUPLER	8.25
				205160		TUBE/CARTON CUTTER/BLADE/CL	8.20
				205163		BUNGEE	5.41
				205174		CONDUIT/BOX/WALLPLATE/RECEP	25.71
				205188		OUTLET TESTER	7.60
				205202		NAIL SETTER/SANDSPONGE/FILLE	27.13
						Total :	**10,468.44**
150539	6/27/2012	0000668	OAK HARBOR AUTO CENTER	001-127467		LIFTSTATION	4.98

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150539	6/27/2012	0000668 OAK HARBOR AUTO CENTER	(Continued)			
			001-127482		CORE	-54.35
			001-131700		FILTERS	77.23
			001-132084		FUEL PUMP ASSEM	-241.64
			001-132087		BELT	66.49
			001-132487		CERAMIC PAD SET	38.94
			001-132506		FILTERS	43.82
			001-132717		RADIATOR/BELT TENSIONER	142.92
			001-132721		BRAKE LINING	17.88
			001-133023		BRAKE LINING	21.63
			001-133064		FILTERS	235.79
			001-133123		FILTERS	39.43
			001-133141		OIL SEAL	3.33
			001-133215		LUBE/HITEMP RTV	13.11
			001-133491		U-JOINT	11.64
			001-133507		FILTERS	43.62
			001-133568		BATTERY CABLE	2.04
			001-133614		SILICONE	12.51
			001-133869		FILTERS	31.93
			001-133872		FILTERS	417.56
			001-134121		SWITCH	33.03
			001-134375		BRAKE LINING	28.91
					Total :	**990.80**
150540	6/27/2012	0001635 OAK HARBOR INTERNAL MEDICINE	800905		INMATE SERVICES	244.00
			802133		INMATE SERVICES	193.00
					Total :	**437.00**
150541	6/27/2012	0003007 OFFICE DEPOT	610507694001		CD-R SPINDLES/ENVELOPES/PAPE	96.62
			613218186001		FLASH DRIVE	95.55
					Total :	**192.17**
150542	6/27/2012	0000688 OVERHEAD DOOR CO	JS55904		DOOR REPAIR	119.57
					Total :	**119.57**
150543	6/27/2012	0005867 PACIFIC POWER BATTERIES	16061826		BATTERIES	-6.00
			16062200		BATTERIES	100.47

100

Bank code : bank

Voucher	Date	Vendor		Invoice	PO #	Description/Account	Amount
150543	6/27/2012	0005867	PACIFIC POWER BATTERIES	(Continued)			
				16062600		BATTERIES	367.58
						Total :	**462.05**
150544	6/27/2012	0002985	PACIFIC TIRE CO. INC	0056824		TIRES	67.63
				0056825		TIRES	47.61
				0056826		TIRES	47.61
				0056827		TIRES	2,344.65
				0057139		TIRES	224.47
				0057167		TIRES	848.73
						Total :	**3,580.70**
150545	6/27/2012	0003164	PAINTERS ALLEY	7236		DUAL LANCE PRESSURE GUN/WA:	274.42
						Total :	**274.42**
150546	6/27/2012	0001615	PART WORKS, INC	333973		KITS/VALVE REPAIR	416.34
				337097		BUBBLER CARTRIDGE	59.06
						Total :	**475.40**
150547	6/27/2012	0005783	PARTSMASTER	20584027		NUTS/CAPS/FLAP DISKS/PIPE FITT	207.60
						Total :	**207.60**
150548	6/27/2012	0000724	PONY MAILING & BUSINESS CENTER	196249		SHIPPING	17.19
						Total :	**17.19**
150549	6/27/2012	0000746	PUGET SAFETY EQUIPMENT	0005155-IN		FIRST AID SUPPLIES/HARD HATS/C	770.73
						Total :	**770.73**
150550	6/27/2012	0000743	PUGET SOUND ENERGY	0889461000		ELECTRICITY/SEWAGE LAGOON S	6,381.18
				0908850001		ELECTRICITY/285 SE JEROME STR	34.19
				0948350004		ELECTRICITY/KITCHEN EAST SIDE	15.01
				1149160002		ELECTRICITY/POLICE STATION	1,468.80
				1306440155		ELECTRICITY/180 PIT ROAD	23.61
				1306440387		ELECTRICITY/SR 20 & SW 24 STRE	176.41
				1306444926		ELECTRICITY/34777 STATE ROUTE	68.24
				1306447796		ELECTRICITY/2000 SW SCENIC HE	17.41
				1306449073		ELECTRICITY/1780 SW SPRINGFIE	10.16
				1306449248		ELECTRICITY/3285 SW SCENIC HE	86.43

101

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150550	6/27/2012	0000743 PUGET SOUND ENERGY	(Continued)			
			2069491005		ELECTRICITY/1577 NW 8TH AVENU	9.56
			2117261004		ELECTRICITY/CITY BEACH PARK	874.06
			2149541001		ELECTRICITY/945 E WHIDBEY AVE	27.79
			2438649366		ELECTRICITY/NW CROSBY AVENU	75.08
			2668731009		ELECTRICITY/SENIOR CENTER	609.20
			2728350006		ELECTRICITY/ANNEX	15.01
			2972721001		ELECTRICITY/2081 NE 9TH AVENUE	10.65
			3004881003		ELECTRICITY/HELLER RD AND 700	49.69
			3069491003		ELECTRICITY/1678 SW 8TH AVENU	9.60
			3223642657		ELECTRICITY/SAB 4993 SR 20 E SI	194.82
			3415305956		ELECTRICITY/626 N CHRISTIAN RC	20.71
			3460950003		ELECTRICITY/MIDWAY & SE 8TH S	98.11
			3997850007		ELECTRICITY/SEWAGE LIFT PMP 9	14.23
			4249160005		ELECTRICITY/LIFT STATION E PION	191.28
			4763991009		ELECTRICITY/SMITH PARK	9.56
			5039160006		ELECTRICITY/1137 NW KATHLEEN	39.83
			5145502000		ELECTRICITY/90 SE PIONEER WAY	42.11
			5315850007		ELECTRICITY/700 AV W & MIDWAY	135.70
			5410100654		ELECTRICITY/1957 SW FORT NUGE	114.69
			5462650002		ELECTRICITY/HELLER RD TELEME	438.86
			5528850000		ELECTRICITY/NEIL PARK & HOLLAN	28.25
			5839160008		ELECTRICITY/DISPOSAL PLANT	3,038.60
			5848181003		ELECTRICITY/FIDALGO & HATHAW	14.11
			6012561814		ELECTRICITY/3300 OLD GOLDIE R	76.36
			6012568561		ELECTRICITY/SWANTOWN RIDGE	174.65
			6160160005		ELECTRICITY/1285 NE TAFTSON S	31.69
			6768202001		ELECTRICITY/PARKS	23.62
			6847904155		ELECTRICITY/1948 NW CROSBY AV	93.62
			6847904528		ELECTRICITY/1661 NE 16TH AVENU	22.57
			6847906499		ELECTRICITY/MIDWAY AVE STREE	205.75
			6847906598		ELECTRICITY/651 SE BAYSHORE D	63.63
			6847908149		ELECTRICITY/CITY BEACH PARK	9.56
			6847908198		ELECTRICITY/SE PIONEER WAY &	161.06
			6847908362		ELECTRICITY/1300 NE BIG BERRY	9.57
			6847909006		ELECTRICITY/SE PIONEER WAY &	115.33
			6847909394		ELECTRICITY/MIDWAY & SE 4TH S	131.68

102

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150550	6/27/2012	0000743 PUGET SOUND ENERGY	(Continued)			
			6847909501		ELECTRICITY/SE PIONEER WAY &	75.23
			6902550000		ELECTRICITY/MCCROHAN & BARR	38.35
			6969160008		ELECTRICITY/PUMP STA AULT FLD	443.95
			7195081000		ELECTRICITY/600 NE 7TH AVENUE	110.93
			7258350003		ELECTRICITY/CITY BCH COMFRT S	159.11
			7479771003		ELECTRICITY/552 NW CLIPPER ST	9.56
			7647999403		ELECTRICITY/SE CITY BEACH ST B	105.05
			7848350000		ELECTRICITY/75 SE JEROME STRE	9.74
			7944581003		ELECTRICITY/5941 STATE ROUTE 2	12.11
			8191791048		ELECTRICITY/ADULT CARE CENTE	12.59
			8258350001		ELECTRICITY/RESTROOM KITCHEI	14.20
			8291970286		ELECTRICITY/2330 SW ROSARIO P	34.21
			8382791005		ELECTRICITY/FABER STREET & HA	10.49
			8549402009		ELECTRICITY/2075 SW FT NUGENT	15.09
			8833451001		ELECTRICITY/700 AV W & 80 NW	258.19
			8848350008		ELECTRICITY/CITY BEACH PARK	9.56
			8922751006		ELECTRICITY/128 E WHIDBEY AVEI	9.57
			8926771000		ELECTRICITY/PIONEER PARK	15.40
			9045851004		ELECTRICITY/1370 SE DOCK STRE	65.10
			9049160006		ELECTRICITY/CITY HALL	867.95
			9142061002		ELECTRICITY/SR 20 & 650 AV W	797.46
			9173951006		ELECTRICITY/287 SE CABOT DRIVE	66.24
			9269160009		ELECTRICITY/MARINA	2,074.95
			9374761006		ELECTRICITY/TREATMENT PLANT	3,511.88
			9406881004		ELECTRICITY/CITY SHOP	1,963.78
			9640160009		ELECTRICITY/VALVE PIT E SIDE RE	18.95
			9816271002		ELECTRICITY/FIRE STATION	1,166.04
			9848350006		ELECTRICITY/BATHOUSE EAST BE	20.86
					Total :	**27,358.57**
150551	6/27/2012	0006777 QUINTANA, ELAINE	061312		ANIMAL LICENSE OVERPAYMENT	15.00
					Total :	**15.00**
150552	6/27/2012	0000753 RADIOSHACK	014240		ADAPTER	5.42
					Total :	**5.42**

Bank code : bank

Voucher	Date	Vendor		Invoice	PO #	Description/Account	Amount
150553	6/27/2012	0005944	RESULTS GROUP, LTD	6023		REGISTRATION/BAILEY	500.00
						Total :	**500.00**
150554	6/27/2012	0000960	REVENUE, WASHINGTON STATE DEPT	061312		MAY 2012/SALES/USE TAX	44,498.02
						Total :	**44,498.02**
150555	6/27/2012	0006727	ROMAINE ELECTRIC	3-074046		MITS CLUTCH	51.15
				3-074059		NEW 12V 160A PAD MNT	169.99
				3-074176		MITS CLUTCH	-51.15
				3-074177		NEW 12V 160A PAD MNT	-169.99
				3-074178		MITS CLUTCH	55.60
				3-074179		NEW 12V 160A PAD MNT	184.78
						Total :	**240.38**
150556	6/27/2012	0000911	RON TURLEY ASSOCIATES, INC	37540		2007 SALES TAX	95.45
						Total :	**95.45**
150557	6/27/2012	0006704	SCIMITAR CONSTRUCTION	5		PROF SVC/SAFE ROUTES TO SCH(	117,376.06
						Total :	**117,376.06**
150558	6/27/2012	0000799	SCOTTIES PLUMBING AND REPAIR	34534		SHOWER/FLOOR DRAIN GRID	135.88
						Total :	**135.88**
150559	6/27/2012	0005967	SEATTLE AUTOMOTIVE DIST	06-776236		ELEMENT KIT	83.00
				06-777614		POLICE DISC PADS	42.01
				06-777706		RESISTOR ASM	33.90
				06-777710		CONNECTOR	32.01
						Total :	**190.92**
150560	6/27/2012	0000807	SEIM, CARL	EXP REIMB		EXP REIMB	76.48
						Total :	**76.48**
150561	6/27/2012	0003782	SHARP ELECTRONICS CORPORATION	C748469-701		MAY 2012/MAINTENANCE CONTRA(	14.96
						Total :	**14.96**
150562	6/27/2012	0000964	SHERIFFS & POLICE CHIEFS, WASHIN(	48673		HOMEGUARD/MONITORING	51.75
						Total :	**51.75**

104

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150563	6/27/2012	0000822 SHRED-IT WEST WASHINGTON	101203214		SHREDDING	49.50
					Total :	**49.50**
150564	6/27/2012	0005444 SIERRA, GEORGINA D	062112		JUN 2012/PUBLIC DEFENSE	2,500.00
					Total :	**2,500.00**
150565	6/27/2012	0000831 SIX ROBBLEES', INC	14-251194		PRESET OIL DISPEN	523.48
			14-251222		BRAKE KIT/DRUM/LINE SHOE	964.84
			14-251434		PRO-TORQ NUTS	76.00
			14-251571		SAFETY CROSS VIEW BRK/8IN RNI	72.00
			14-251696		GLOVES	144.46
			1-759811		SPRING	68.17
					Total :	**1,848.95**
150566	6/27/2012	0000814 SKAGIT FARMERS SUPPLY	301659		CHEMICALS	195.63
			306653		PROPANE	73.20
			309460		ROUNDUP	108.69
					Total :	**377.52**
150567	6/27/2012	0000876 SKAGIT VALLEY COLLEGE	32690		REGISTRATION/BOON/DOVE	108.00
					Total :	**108.00**
150568	6/27/2012	0001238 SKILLPATH SEMINARS	10452154		REGISTRATION/BEBEE	299.00
			10452155		REGISTRATION/JAMESON	299.00
			10452156		REGISTRATION/PLACE	299.00
			1729012		REGISTRATION/BEBEE	34.68
					Total :	**931.68**
150569	6/27/2012	0000843 SOLID WASTE SYSTEMS, INC	0056631-IN		DRIVING SHAFT	178.62
					Total :	**178.62**
150570	6/27/2012	0000846 SOUND PUBLISHING	629057		FAIRWAY POINT PRD	135.01
			632877		NOA MDNS SEPA BLUE	64.57
			632878		CC 12-16	70.44
			632896		CC 15	88.05
					Total :	**358.07**
150571	6/27/2012	0000851 SPRINT	694209817-055		CURRENT CELL CHARGES	839.86

105

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150571	6/27/2012	0000851 0000851 SPRINT	(Continued)		Total :	839.86
150572	6/27/2012	0000851 SPRINT	414568819-055		MAY JUN LAPTOPS	514.09
					Total :	514.09
150573	6/27/2012	0000851 SPRINT	182311697		LONG DISTANCE	5.74
					Total :	5.74
150574	6/27/2012	0003883 STAPLES BUSINESS ADVANTAGE	3169725374		MOUSE	31.62
			3175064647		CREDIT	-5.44
			3175064649		BOX FILE	206.52
			3175410934		CREDIT	-39.97
			3175410935		CREDIT	-12.07
			3175410936		LABELS/HANGING FOLDERS	42.96
			3175410937		LETTER TRAY/PENCIL CUP	33.73
					Total :	257.35
150575	6/27/2012	0005786 STOWES SHOES & CLOTHING	0008153		BOOTS/WELSHANS	128.71
					Total :	128.71
150576	6/27/2012	0003749 STUMP, PATRICK L	1		DRIVING SERVICES	108.00
					Total :	108.00
150577	6/27/2012	0000874 SURETY PEST CONTROL	325598		PEST EXTERMINATION	43.48
			325925		PEST EXTERMINATION	59.79
			325946		PEST EXTERMINATION	106.53
					Total :	209.80
150578	6/27/2012	0006402 TEKTRONIX, INC	USG706938		CALIBRATION SERVICES	940.01
			USG706938CM		CALIBRATION SERVICES	-940.01
			USG713771		CALIBRATION SERVICES	322.58
					Total :	322.58
150579	6/27/2012	0000923 UNITED PARCEL SERVICE	0000A0182W212		SHIPPING	12.74
			0000A0182W222		SHIPPING	9.74
					Total :	22.48
150580	6/27/2012	0005920 VICKERS, JAMES	1		TRAVEL REFUND	25.00

Bank code : bank

Voucher	Date	Vendor		Invoice	PO #	Description/Account	Amount
150580	6/27/2012	0005920	0005920 VICKERS, JAMES	(Continued)			
						Total :	**25.00**
150581	6/27/2012	0000978	WALLACE, RICHARD	EXP REIMB		EXP REIMB	75.00
						Total :	**75.00**
150582	6/27/2012	0000996	WEST PUBLISHING COMPANY	825058471		MAY 2012/WEST INFORMATION CH	599.42
						Total :	**599.42**
150583	6/27/2012	0001039	WESTERN PETERBILT, INC	S746043		SWITCH	179.98
						Total :	**179.98**
150584	6/27/2012	0001000	WHIDBEY AUTO PARTS, INC.	138096		PANEL BOND ADHESIVE	60.72
				138238		PANEL BOND ADHESIVE	-60.72
				140327		REAR CRS VIEW AS	97.82
				141065		FLEET-FL	32.41
				141507		NON-DETER 3/SPOUT	32.96
				141766		CUTTING ATTACHMENT/ACETYLEN	194.55
				141859		BATT CABLE TERMI	2.88
				142548		CABLE ASSEMBLY	97.24
						Total :	**457.86**
150585	6/27/2012	0001017	WHIDBEY PRINTERS	45444		APPLICATION FOR UTILITY LICENS	205.02
				45546		BUSINESS CARDS/HORN	77.72
				45557		BUSINESS CARDS/T SAMPSON	77.72
						Total :	**360.46**
150586	6/27/2012	0001014	WHITNEY EQUIPMENT COMPANY, INC	71350		SALT	932.53
						Total :	**932.53**
150587	6/27/2012	0005558	WILTSE, KRIS	1019		KIOSK SIGNS	7,500.00
						Total :	**7,500.00**
150588	6/27/2012	0004627	WOODS LOGGING SUPPLY, INC	1072011		BEARINGS/SEAL/WASHERS/CAPS/	72.18
				1072154		WLD CASTER	119.49
						Total :	**191.67**
150589	6/27/2012	0001037	WORK OUTFITTERS	49783		BOOTS/WISE	142.51

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150589	6/27/2012	0001037 0001037 WORK OUTFITTERS	(Continued)		**Total :**	**142.51**
150590	6/27/2012	0001061 XEROX CORPORATION	061565390		APR 2012/COPIER RENTAL	377.59
			062015523		MAY 2012/COPIER RENTAL	848.56
					Total :	**1,226.15**
150591	6/27/2012	0001067 ZEP SALES & SERVICE	63069523		ZEPRESERVE	555.71
					Total :	**555.71**
150592	6/27/2012	0001068 ZUMAR INDUSTRIES, INC	0155927		SURFACE MOUNT BASES	569.37
					Total :	**569.37**

131 Vouchers for bank code : bank — **Bank total : 761,227.96**

131 Vouchers in this report — **Total vouchers : 761,227.96**

108

City of Oak Harbor
City Council Agenda Bill

Bill No. 6
Date: July 3, 2012
Subject: 2013-2014 Revenue Projections

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, as to form

PURPOSE

A presentation of the financial projections of City revenues for the 2013-2014 biennial budget period will be made, including a discussion of a 1% property tax cost of living increase for 2013.

AUTHORITY

RCW 84.55.120 Public hearing -- Taxing district's revenue sources - A taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, shall hold the hearing.

SUMMARY STATEMENT

A presentation will be made of the 2013-2014 revenue projections, which are the basis for the initial financial structuring of the City's 2013-2014 biennial budget. As this presentation is for informational purposes with no requested action, a detailed outline and other additional information will be provided at the meeting.

FISCAL IMPACT DESCRIPTION

Funds Required: $ Not Applicable
Appropriation Source: Not Applicable

STANDING COMMITTEE REPORT

This topic has not been presented to Standing Committees.

RECOMMENDED ACTION

1) Hold public hearing on revenue sources for the 2013-2014 budget biennium.

City of Oak Harbor
City Council Agenda Bill

Bill No. 7
Date: July 3, 2012
Subject: Limiting purchasing authority to $10,000.

FROM: **Doug Merriman, Finance Director**

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

____ Scott Dudley, Mayor
____ Larry Cort, Interim City Administrator
____ City Attorney, as to form

PURPOSE

During the June 18, 2012 City Council meeting, a motion was made, seconded, and approved by a majority of City Council to have an ordinance prepared for the next scheduled meeting on July 3, 2012. The proposed ordinance amends certain sections of OHMC 2.390 and OHMC 2.310.050 to require City Council approval of all contracts over $10,000, to set the contracting authority of the Mayor, City Administrator to $10,000 per individual or subject matter, and to require Finance Director or City Attorney review of certain contracts under $10,000. This agenda bill responds providing the requested ordinance.

AUTHORITY

RCW 35A.11.020(3) Powers vested in legislative bodies of noncharter and charter code cities.

"...The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership... of real or personal property... in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns."

FISCAL IMPACT DESCRIPTION

Funds Required: None

SUMMARY STATEMENT

STANDING COMMITTEE REPORT

This item was not presented to any standing committee.

RECOMMENDED ACTION

1) Hold a public hearing on this matter.
2) Consider the passage of the proposed ordinance.

ATTACHMENTS

1) Draft Ordinance
2) Copy of motion.

Motions limiting Purchasing Authority to $10,000

MOTION:

Councilmember Almberg made a motion to delete the entirety of number four. The motion was seconded by Councilmember Servatius and carried unanimously.

MOTION:

Pursuant to OHMC 1.04.020 (3) (a), Councilmember Almberg moved that:

A. The Council declare an emergency, and,

B. Immediately amend OHMC 2.390.010 - OHMC 2.390.090 so that the authority to contract permitted the Mayor, City Administrator and Department Heads be limited to no more than $10,000 without prior City Council approval, and,

C. That no contract or expenditure shall be authorized by more than one person, nor shall spending authority be cumulated among persons authorized to enter into contracts or expend funds pursuant to OHMC 2.390.010 - OHMC 2.390.090, without prior City Council approval, and,

D. Immediately amend OHMC 2.310.050 so that the authority of the Mayor, or his or her designee, to enter into professional service contracts, including legal and consulting services, be limited to contracts for professional services totaling no more than $10,000 per vendor or provider, without prior approval of the City Council. In addition, contracts for professional services under $10,000 shall be reviewed by the Finance Director or the City Attorney prior to signing to assure compliance with the Oak Harbor Biennial Budget, provisions of Chapter 2.390 OHMC and purchasing policies promulgated by the Mayor.

The motion was seconded by Councilmember Severns. Councilmembers Almberg, Munns, Paggao, Servatius, and Severns voted in favor of the motion. Councilmember Hizon opposed. The motion carried.

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE OAK HARBOR MUNICIPAL CODE SECTIONS 2.390.010, 2.390.020, 2.390.030, AND A NEW SECTION 2.390.070 TO REQUIRE ALL CONTRACTS OVER $10,000 TO HAVE CITY COUNCIL APPROVAL, AND TO REDUCE THE CONTRACTING AUTHORITY OF THE MAYOR AND CITY ADMINISTRATOR TO $10,000.

WHEREAS, prudent budget planning is to ensure that a sound, logical, and responsible approach is taken to ensure budgetary compliance during times of financial hardship; and

WHEREAS, a revenue shortfall is defined as any event or condition where revenues are reduced in an amount greater than $50,000 of the operating budget of any division, program, or fund; and

WHEREAS, with the economic downturn having impacted the revenues of the City, City Council desires to establish stronger controls and approval authority over the purchasing of materials, supplies, equipment and services, and contracts for public works; and

WHEREAS, the City Council directs that any contracts in excess of $10,000 shall not be let without specific prior Council approval even if mentioned directly in the budget or notes thereto and even if funds are authorized therefore;

WHEREAS, it is the desire of the City Council that no contract shall be authorized by more than one person nor shall the spending authority of more than one person be aggregated to exceed $10,000.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR DO ORDAIN as follows:

Section 1. Chapter 2.390 of the Oak Harbor Municipal Code is amended to read as follows:

Chapter 2.390
CONTRACT AUTHORITY

Sections:

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 ~~$30,000~~ $10,000 require council approval. (Ord. 1470 § 8, 2006).

2.390.020 Mayor's authority to contract.
The mayor shall, subject to budgetary restrictions, and the conditions and exceptions stated in Chapters 2.310 through 2.390 OHMC, regulation, procedures adopted by the mayor and state law, make purchases of materials, supplies, equipment and services and contract for public works and enter into contracts or purchase orders for the same in amounts up to ~~$30,000~~ $10,000 without prior council approval so long as the same is within the fund budget; provided, that this restriction does not apply to emergencies or market conditions as defined by state law so long as the conditions and procedures therein imposed are followed for exercise of these powers. (Ord. 1470 § 8, 2006).

2.390.030 City administrator's authority to contract.
The city administrator shall, subject to the mayor's direction and control, budgetary restrictions, and the conditions and exceptions stated in Chapters 2.310 through 2.390 OHMC, regulation, procedures promulgated by the mayor and state law, make purchases of materials, supplies, equipment and services and enter into contracts or purchase orders for the same in amounts up to ~~$20,000~~ $10,000 without prior council approval so long as the same is within the fund budget. (Ord. 1470 § 8, 2006).

2.390.040 Departmental authority to contract.
Each department director shall, subject to the mayor's direction and control, budgetary restrictions, and the conditions and exceptions stated in Chapters 2.310 through 2.390 OHMC, regulation, procedures adopted by the mayor and state law, make purchases of materials, supplies and equipment and enter into contracts or purchase orders for the same in amounts up to $10,000 without prior council approval. (Ord. 1470 § 8, 2006).

2.390.050 Contracts exceeding one year or the limit of the ~~biannual~~ biennial budget.
Authorizations under this chapter shall not authorize contracts to be made by the mayor, city administrator or department director which exceed one year in length or exceed the end of the term of the ~~biannual~~ biennial budget in which contract is made, whichever is longer, unless the same is terminable by 30 days' notice or less without penalty and payments are prorated monthly or based on effort expended or goods supplied. (Ord. 1470 § 8, 2006).

2.390.060 Records and reporting of contracts.
The department director, city administrator or mayor making a contract made without specific prior council approval pursuant to the authorizations in this chapter or under other law, ordinance or resolution shall immediately document the same and advise the finance director. In addition, a report of the contracting shall be made to the city council. The report can be by agenda item or separate report in a form determined appropriate to provide information to the council. This provision does not apply to purchase of supplies, materials and equipment since these are normally reported through the accounts payable system. (Ord. 1470 § 8, 2006).

2.390.070 Aggregation of purchase authority.
No contract shall be authorized by more than one person such that individual spending authorities are aggregated to exceed the $10,000 amount requiring City Council approval.

Section 2. Chapter 2.310.050 of the Oak Harbor Municipal Code is to read as follows:

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~~ $10,000 shall require approval by the city council. Contracts for professional services under ~~$30,000~~ $10,000 shall be reviewed by the finance director or the city attorney prior to signing to assure compliance with the Oak Harbor ~~biannual~~ biennial budget, provisions of Chapter 2.390 OHMC and purchasing policies promulgated by the mayor. (Ord. 1470 § 2, 2006).

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED and approved by the City Council this _____ day of _____ 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. 8
Date: July 3, 2012
Subject: Creation of a General Fund Revenue Stabilization Fund

FROM: Doug Merriman, Finance Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

____ Scott Dudley, Mayor
____ Larry Cort, Interim City Administrator
____ City Attorney, as to form

PURPOSE
An ordinance creating a General Fund Revenue Stabilization Fund through the adoption of OHMC Chapter 3.09 General Fund Revenue Stabilization Fund.

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
At its June 18, 2012 meeting, the City Council directed staff to bring forward an ordinance to create a General Fund Revenue Stabilization Arrangement. Finance has reviewed its existing fund structure and, accordingly, proposes the creation of OHMC Chapter 3.09 General Fund Revenue Stabilization Fund. The General Fund Revenue Stabilization Fund is proposed to be a sub-fund of the General Fund with the revenue sources, uses, and fund management structured as outlined in the proposed ordinance.

FISCAL IMPACT DESCRIPTION

Funds Required: $_____Not Applicable_____
Appropriation Source: ___Not Applicable_____

STANDING COMMITTEE REPORT
The topic of Stabilization Arrangements has been discussed at the May and June Finance Standing Committee meetings.

RECOMMENDED ACTION
1. Hold public hearing.
2. Pass ordinance creating OHMC Chapter 3.09 General Fund Revenue Stabilization Fund

ATTACHMENTS
1. Draft Ordinance.

Motions for Stabilization Fund

MOTION:

Councilmember Almberg moved to declare a fiscal state of emergency. Councilmember Paggao seconded the motion and the motion carried unanimously.

MOTION:

Councilmember Almberg moved to direct the Mayor and Finance Director to prepare an ordinance creating a Stabilization Account establishing a minimum reserve of $3,000,000 or 25% of the general budget whichever is greater. This account shall have set parameters and policies regarding its use. The Stabilization Account, with set parameters and policies, shall be presented to the Council for action at the next Council Meeting on July 3, 2012. The motion was seconded by Councilmember Munns. The motion carried unanimously.

ORDINANCE NO. ____

AN ORDINANCE RELATING TO CITY FINANCES, ESTABLISHING A GENERAL FUND REVENUE STABILIZATION FUND, AND ADOPTING A NEW OHMC CHAPTER 3.09 GENERAL FUND STABILIZATION FUND.

WHEREAS, it has become increasingly difficult for the City Council to identify and account for available reserves in the General Fund that could be used by the City in the event of an unanticipated revenue shortfall or other circumstance warranting the use of city reserves; and

WHEREAS, the City Council intends by this ordinance to create a General Fund Revenue Stabilization Fund in order to identify, reserve, and accumulate unexpended General Fund resources for use in mitigating impacts of future unanticipated General Fund revenue shortfalls, budgetary imbalances, and shortages in working capital as provided herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR DO ORDAIN as follows:

Section 1. Chapter 3.09 of the Oak Harbor Municipal Code is to read as follows:

Chapter 3.09

GENERAL FUND REVENUE STABILIZATION FUND

Sections:

3.09.010 Name of fund.
There is created a General Fund sub-fund within the General Fund to be known as the General Fund Revenue Stabilization Fund.

3.09.020 Purpose of fund.
The purpose of the General Fund Revenue Stabilization Fund is to identify, reserve, and accumulate unexpended General Fund resources in order to mitigate impacts of future unanticipated General Fund revenue shortfalls, budgetary imbalances, shortages in working capital, and to provide revenue for emergency or other exigent circumstances.

3.09.030 Source of resources.
(1) There shall be deposited into the General Fund Revenue Stabilization Fund contributions from the General Fund in amounts determined by the city council.
(2) Such contributions may consist of:
(a) General Fund resources identified in the adopted budget for a fiscal year or any year of a fiscal biennium as contributions to the General Fund Revenue Stabilization Fund;
(b) General Fund revenues in amounts greater than anticipated in the budget for a fiscal year or any year of a fiscal biennium; and

(c) other General Fund resources deemed appropriate by the city council.

3.09.040 Operation of fund.
(1) The budget submission for each year shall include a recommendation for a General Fund contribution to the General Fund Revenue Stabilization Fund.
(2) Each year as soon as possible after the General Fund for the prior year is closed and audited by the state auditor, the Finance Director shall submit a written report to the city council stating the amount of the year-end fund balance in the General Fund, if any, along with a recommendation for a General Fund contribution to the General Fund Revenue Stabilization Fund to carry out the General Fund reserve policy. The report shall be based on an analysis by the department of finance of available reserves in the General Fund and shall include a description of relevant liquidity requirements and the purpose of any available reserves not recommended for deposit to the General Fund Revenue Stabilization Fund.

(3) The resources in the General Fund Revenue Stabilization Fund shall accumulate from year to year until such time as:

(a) available reserves in the General Fund Revenue Stabilization Fund exceed twenty five percent (25%) of prior year revenues to the General Fund or $3,000,000, whichever is greater, and the Council by majority vote appropriates all or part of the excess available reserves; or (b) the council makes a written finding that emergency or other exigent circumstances exist that require use of city General Fund reserves and by a minimum of four affirmative votes appropriates all or part of the available reserves in the General Fund Revenue Stabilization Fund.

3.09.050 Fund manager.
The director of the department of finance or the director's designee shall administer the General Fund Revenue Stabilization Fund within the financial management system, and shall serve as the fund manager.

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED and approved by the City Council this _____ day of _____ 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. 9
Date: July 3, 2012
Subject: Call for Bid – Light Rescue Vehicle

FROM: **Ray Merrill, Fire Chief**

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 seek City Council's authorization to advertise for bids. The Fire Department desires to replace the 1986 Support / Aid Vehicle, and would like to call for bids in order to purchase a new Light Rescue Vehicle.

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."

Oak Harbor Municipal Code Section: 2.320.040 Competitive bidding – Materials, supplies and equipment.

(1) General. Any purchase of material, supplies, and equipment where the cost thereof exceeds $30,000 shall be by competitive bidding, except for purchases made pursuant to this chapter.
(2) Invitation for Bids. An invitation for bids shall be issued which shall include the specifications and the contractual terms and conditions applicable to the procurement.

FISCAL IMPACT DESCRIPTION

Funds Required: $ 135,000.00

Appropriation Source: Equipment Replacement Funds -

The Fire Chief and Finance Director have reviewed the equipment replacement schedule and have determined that there are funds available for the purchase.

City of Oak Harbor
City Council Agenda Bill

SUMMARY STATEMENT

Vehicle A-81, a 1986 Chevy 4X4 pick-up / Servus Box is nearly overloaded, fails to meet the minimum lighting requirements in accordance with National Fire Protection Association, the total cubic inch space for storage is greatly diminished. Insufficient storage space is provided on this vehicle for the equipment required to be carried. The Fire Department desires to replace this vehicle with a:

2010 or 2011 F550 Ford OEM or comparable chassis with a diesel engine and automatic transmission. Chassis shall be bid as a 2-door cab with an option for a 4-door cab. The OEM chassis will be equipped with a 4-wheel drive drive-train. Chassis/rescue body shall meet all requirements of the National Fire Protection Association Standard #1901 for lighting, electrical systems and operating standards. The rescue box shall be constructed of tubular aluminum framing, a minimum of 9 feet long with ROM roll-up doors for each compartment. There shall be a minimum of seven (7) compartments. Three (3) compartment on each side and one (1) tailboard compartment, with the front side compartments to be fully transverse. All emergency lighting systems shall be load center controlled and of the same manufacturer. The vehicle shall be painted red in color.

History of Vehicle

In 1980 the Fire Department took delivery of a 1980 Ford / Marion light rescue vehicle (R-5 / R-81). The intended use was to respond on medical incidents and carry rescue / extrication equipment for entrapments / extrication events. During 1986 the Department took delivery of a 1986 Chevy 4X4 extended cab pick-up truck. (S-5 / S-81) This vehicle's primary purpose was to tow the rescue boat, and be used as a pick-up truck. In 1991 the Fire Department entered into an agreement with Whidbey General Hospital for Basic Life Support transportation, (W-4 / W-6) WGH provided an ambulance for this purpose. In 1991 a Servus Box was installed on S-81, a Cascade Air System was also installed. During 1997 R-81 was sold to North Whidbey Fire and Rescue. Some of the extrication equipment moved to S-81. The Cascade Air System was removed from S-81 and paced into a trailer.

Also in 1997 OHFD took delivery of a used 1986 Ford / Wheeled Coach Ambulance (Aid-81) from DRMO US Government. This vehicle was outfitted with some aid equipment and extrication equipment. In 2008 Aid-81 was taken out of service, Support-81 placed into service as Aid-81. Since 1980 three vehicles have been combined into one.

STANDING COMMITTEE REPORT

A presentation was given to the Public Safety Standing Committee at the May 17, 2012 meeting.

RECOMMENDED ACTION

1) A motion authorizing staff to proceed with the advertisement to competitively bid on a light rescue vehicle.

ATTACHMENTS

Equipment replacement fund – yellow hi-lighted areas equates to $138,273.00

City of Oak Harbor
City Council Agenda Bill

	2011 Begin Bal	2011 Replacement Contributions	Contributions Transfered to/fr Other Vehicles	$$ Contributions from Other Sources	Total Contributions	Captial Equip Purchases .6400	Non Capital Purchases .4800	Non Capital Purchases .3500	Ops Transfers
#F-01 '96 Ford Van (Command 8)	-	-	-	-	-				
#F-02 '09 Blazer Utiltiy Trailer	3,023.00	-	-	-	3,023.00				
#F-03 '92 Chevy Van (Fire Marshall)	-	-	-	-	-				
#F-04 '04 Chevrolet Tahoe	24,947.57	-	-	-	24,947.57				
#F-05 Portable Water Tank	-	-	-	-	-				
#F-06 '86 Chevy 4x4 Crew Cab Pickup (Support 81)	-	-	-	-	-				
#F-07 '04 Chevrolet Tahoe	25,112.69	-	-	-	25,112.69				
#F-09 '97 Seagraves Pumper (Engine 81)	658.82	-	-	-	658.82				
New '08 E-One Engine	-	-	-	-	-				
#F-10 '97 Seagraves Pumper (Engine 812)	979.06	-	-	-	979.06				
New '08 E-One Engine	-	-	-	-	-				
#F-11 '88 Emergency One Pumper (Engine 813)	12,500.00	-	-	-	12,500.00				
#F-11B '97 Seagraves Engines	-	-	-	-					
~~#F-12 '79 Seagraves Pumper (Engine 814)~~	-	-	-	-	-				
#F-12B '97 Seagraves Engines	-	-	-	-					
#F-13 '07 Cargo Trailer	-	-	-	-	-				
#F-14 '92 Seagraves Aerial (Ladder 81)	121,113.74	-	-	-	121,113.74				
~~#F-18 '77 5 Ton Wrecker w/pintel hitch (R 812) - DNR~~	-	-	-	-	-				
#F-19 '89 Ford Wheeled Coach Ambulance (Medic-81) - DNR	-	-	-	-	-				
#F-20 '86 Chevrolet Pick Up	-	-	-	-	-				
#F-21 '79 Case 10,000 lb Forklift (FL) - DNR	-		-	-					

City of Oak Harbor
City Council Agenda Bill

			-			-			
#F-22 '42 International Chasis w/500 Gal Pump (Wally)		-	-	-	-	-			
#F-24 '94 28' Flatbed Trailer (#81) - DNR		-	-	-	-	-			
#F-26 '83 Dyna Utility Trailer (Box Trailer 812) - **DNR**		-	-	-	-	-			
#F-27 '83 Dyna Utility Trailer (Box Trailer 813) - **DNR**		-	-	-	-	-			
#F-28 '83 Dyna Utility Trailer (814)		-	-	-	-	-			
#F-29 '85 International 36 Passenger Bus - DNR		-	-	-	-	-			
#F-30 '86 International 36 Passenger Bus		-	-	-	-	-			
#F-33 '80 International Single Axle Tractor Truck 2 - **DNR**		-	-	-	-	-			
#F-34 '84 International Flatbed Truck 3 - **DNR**		-	-	-	-	-			
#F-35 '85 International Tandem Axle Tractor Truck 1 - DNR		-	-	-	-	-			
#FG-01(a) '90 5 KW Generator		-	-	-	-	-			
#FG-01(b) '90 5 KW Generator		-	-	-	-	-			
#FG-02 '84 60 KW Diesel Generator/Pintel Hitch		-	-	-	-	-			
#FG-03 '84 50 KW Trailer Mounted Generator		-	-	-	-	-			
#FL-01 '81 Gen/Light Unit (L/U 1) - DNR		-	-	-	-	-			
SCBA's, Comp, Mobile Air System	**95,870.80**		-	-	-	**95,870.80**			
Fire Pagers	**9,000.00**		-	-	-	**9,000.00**			3,861.02
Portable Radios	**4,992.00**		-	-	-	**4,992.00**			
Thermal Imagers	**9,996.00**		-	-	-	**9,996.00**			
Hose		-	-	-	-	-			
misc									
TOTALS	**308,193.68**		-	-	-	**308,193.68**	-	-	**3,861.02** -

City of Oak Harbor
City Council Agenda Bill

Fire pagers have an available balance of $5,138.98 not the $9,000.00 shown

City of Oak Harbor
City Council Agenda Bill

Bill No. 10
Date: JULY 3, 2012
Subject: Pending Items for Future City Council Meetings

FROM: **Scott Dudley, Mayor**

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

SUMMARY STATEMENT

The attached list of pending items is meant to be an organizational tool and not a definitive list of what will come before the Council for a given meeting's date. As a tentative list, it is subject to frequent, if not daily changes.

Pending Items As of: June 27, 2012 This list is subject to change.

Council Absences: Danny Paggao from the 8/8/12 meeting

Targeted Meeting Date	Agenda Bills ARE DUE	Public Hearing Notice Date (if needed)	Consent Agenda	Subject	Department
8/8/12	7/19/12			Proclamation - National Assistance Dog Day	Admin
8/8/12	7/19/12		✓	Introduction - Ordinance, Credit Card Fees	Finance
8/8/12	7/19/12		✓	Introduction – Arts Commission Ordinance	Admin
8/8/11	7/19/12	7/21/12		Public Hearing - Fairway Point PRD ADU Amendment (moved from the 7/3/12 meeting since the Planning Commission did not have a quorum)	Dev Srv
8/8/12	7/19/12			Agreement - City Attorney Services with Weed, Graafstra and Benson	Admin
8/8/12	7/19/12			Existing Council Rules and Macfarlane Recommendations, Formalize Meeting Ending Times	Legal and Admin
8/8/12	7/19/12			Mutual Aid Agreement with Navy	FD
8/8/12	7/19/12			Asset Transfer to Water Utility – Reservoir	P.Works/ Finance
8/8/12	7/19/12			Marin Annexation	Dev Srv
8/8/12	7/19/12			Contract Award - Study for Solid Waste Transfer Station, Phase 1	P.Works
				Position - HR Analyst	HR
8/8/12 (tentative)	7/19/12			Agreement - With Whidbey General Hospital for EMS Services	FD
August or September (tentative)				Recommendations from HDR – System Development Fees (future workshop)	P.Works
August or September (tentative)				Public Hearing – Binding Site Plan Code Amendment	Dev Srv
September				Public Hearing - Ordinance, Credit Card Fees	Finance
September				Final Consideration – Arts Commission Ordinance	Admin
September				Authorization to Advertise for Bids - Water Reservoir	P.Works
9/4/12	8/15/12			Resolution – Marina, Facility Use Fee	Dev Srv
9/18/12	8/29/12	9/1/12		Public Hearing - Marin Annexation	Dev Srv
				Contract – Automated Pay Station for Staysail RV Park	P.Works
October				Shoreline Master Program	Dev Srv
				Authorization to Advertise for Bids - C-Dock Roof Repair	P.Works
				Council Rule Change – Public Forum	Legal
				Channel 10 Rules	Admin and Legal
				Banner Program Guidelines	P.Works/ Dev Srv
				Impact Fees – under review for deferral at closing	Dev Srv / P.Works

				RFP - WAIF Contract	PD and Admin
				Legal Department Restructure	Legal
				Utilities Office, City Council Chambers, Law Department Remodels	Finance, Dev Srv
				Interlocal Agreement – Island County Housing Authority, Oak Harbor, Coupeville, and Langley - Affordable Housing. Recording surcharge funds to fund housing programs.	Admin/Dev Srv

STANDING COMMITTEES and other meetings and activities

Date	Subject	Dept.
~~7/2/12~~	CANCELLED, ~~MARINA COMMITTEE, 7:00 p.m., City Hall Conference Room~~	Committee Members
7/5/12	PUBLIC WORKS STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers	Committee Members
7/9/12	ARTS COMMISSION, 6:00 p.m., 6:00 p.m., City Hall Conference Room	Committee Members
7/10/12	GOVERNMENTAL SERVICES STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers	Committee Members
7/11/12	FINANCE STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers	Committee Members
7/12/12	CITY COUNCIL SPECIAL MEETING, 6:00 p.m. - 8:00 p.m., at City Hall. Workshop - Waste Water Treatment Facility, Design Charrette Results.	Council
7/19/12	PUBLIC SAFETY STANDING COMMITTEE, 3:30 p.m., City Hall Council Chambers	Committee Members
8/14/12	CITY COUNCIL SPECIAL MEETING, 6:00 p.m. - 9:00 p.m., at City Hall. Waste Water Treatment Facility, Final Site Selection. (Will need to reschedule Maribeth's community presentation series normally held on this evening if the special meeting date stays in place.)	Council
12/8/12	CITY COUNCIL RETREAT – Review Goals set at March Retreat	Council