



*City Council Special Meeting*



Thursday, January 27, 2011, 6:00 p.m.

City Council Chambers  
865 SE Barrington Drive  
Oak Harbor, WA 98277



***AGENDA***

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6:00 p.m. **CALL TO ORDER**

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

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1. **Continuation of Public Hearing** from the January 18, 2011 City Council Meeting  
Bond Ordinance – Marina Project Redevelopment  
Phase Two / Dredging

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2. **Standing Committee Format**  
Discuss options to facilitate the legislative functions of City Council

**ADJOURN**

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

Continued from the  
January 18, 2011 regular City  
Council meeting.

Bill No. \_\_\_\_\_  
Date: January 18, 2011  
Subject: Bond Ordinance: Marina Project  
Redevelopment Phase 2/Dredge

**FROM: Doug Merriman, Finance Director**

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



Jim Slowik, Mayor

Paul Schmidt, City Administrator

Approved to form by bond counsel, Foster Pepper PLLC

**PURPOSE**

An ordinance of the City of Oak Harbor, Washington, relating to the City's small boat harbor and marina; providing for the issuance of approximately \$2,745,000 par value of Marina Revenue Bonds, 2011, of the City to provide part of the funds with which to pay the cost of making redevelopment improvements and dredging work to the Oak Harbor Marina; to fund a debt service reserve for the bonds herein authorized and to pay the costs of issuance and sale of such bonds; fixing the date, form, maturities, interest rates, terms and covenants of such bonds; establishing a bond redemption account and a construction account; and approving the sale and providing for the delivery of the bonds to Martin Nelson & Company of Seattle, Washington.

**AUTHORITY**

The City has authority under RCW 35A.11.020 to regulate its internal affairs and to provide for the improvement of public ways 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.

**SUMMARY STATEMENT:**

This ordinance is the guiding document authorizing the sale of the revenue bonds required to finance the Oak Harbor Marina Redevelopment Phase 2/Dredge Project. The ordinance specifies all of the financial terms and agreements pertaining to the bond issue, including the proposed use of the bond proceeds and the proposed repayment schedule. The ordinance was introduced at the January 4, 2011 City Council meeting.

Jim Nelson from Martin Nelson and Company will be in attendance to answer questions.

**STANDING COMMITTEE REVIEW:**

This item was reviewed by the Finance Standing Committee on January 12, 2011.

**RECOMMENDED ACTION:**

1. Hold a public hearing on this matter.
2. Approve ordinance authorizing issuance of Marina revenue bonds.

**ATTACHMENTS:**

Proposed bond ordinance.

CITY OF OAK HARBOR, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE of the City of Oak Harbor, Washington, relating to the City's small boat harbor and marina; providing for the issuance of \$2,745,000 par value of Marina Revenue Bonds, 2011, of the City to provide part of the funds with which to pay the cost of making improvements to that small boat harbor and marina, including dredging, to fund a debt service reserve for the bonds herein authorized and to pay the costs of issuance and sale of such bonds; fixing the date, form, maturities, interest rates, terms and covenants of such bonds; establishing a bond redemption fund and a construction fund; and approving the sale and providing for the delivery of the bonds to Martin Nelson & Company of Seattle, Washington.

*This document prepared by:*

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**CITY OF OAK HARBOR, WASHINGTON**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE of the City of Oak Harbor, Washington, relating to the City's small boat harbor and marina; providing for the issuance of \$2,745,000 par value of Marina Revenue Bonds, 2011, of the City to provide part of the funds with which to pay the cost of making improvements to that small boat harbor and marina consisting of dredging, to fund a debt service reserve for the bonds herein authorized and to pay the costs of issuance and sale of such bonds; fixing the date, form, maturities, interest rates, terms and covenants of such bonds; establishing a bond redemption fund and a construction fund; and approving the sale and providing for the delivery of the bonds to Martin Nelson & Company of Seattle, Washington.

The City Council of the City of Oak Harbor, Washington, do ordain as follows:

Section 1. Recitals and Findings. The City Council of Oak Harbor, Washington (the "City") makes the findings and determinations set forth below. Capitalized terms have the meanings given in Section 2.

1.1 Background. The City now owns, operates and maintains a small boat harbor and marina (the "Marina") constructed pursuant to Ordinance No. 372, as the Marina has been added to, bettered and extended.

1.2 Project Description. The City's Marina requires various improvements, additions, and betterments including dredging, the estimated cost of which is \$2,745,000 and the City does not have available sufficient funds to pay the cost.

1.3 Project Description. The City Council specifies, adopts and orders the carrying out of the improvements to the Marina, comprising the Project described in Exhibit A, which is incorporated by this reference. The life of the improvements comprising the Project is declared to be at least equal to the term of the Bonds. The cost of carrying out the improvements shall

be paid from the proceeds of the Bonds and from other money available to the City for such purpose.

1.4 Sufficiency of Gross Revenue. The City Council finds and determines that the Gross Revenue and benefits to be derived from the operation and maintenance of the Marina at the rates to be charged for use of and services provided at the Marina will be more than sufficient to meet all of the Maintenance and Operation Expense and to permit the setting aside into the Bond Fund out of the Gross Revenue of amounts sufficient to pay the principal of and interest on the Bonds when due. The City Council declares that in fixing the amounts to be paid into the Bond Fund under this ordinance it has exercised due regard for Maintenance and Operation Expense and has not obligated the City to set aside and pay into the Bond Fund an amount of Gross Revenue of the Marina that in its judgment will be available over and above such Maintenance and Operation expense.

1.5 Purchase Offer. Martin Nelson & Company has presented a Bond Purchase Agreement offering to purchase the Bonds under the terms and conditions as set forth in this ordinance.

1.6 Issuance of Bonds. Based on the foregoing, the City Council therefore determines that it is necessary and in the best interest of the City to issue and sell the Bonds to pay the cost of constructing such improvements to the Marina, to fund a reserve for the Bonds and to pay the costs of issuance and sale of the Bonds;

Section 2. Definitions. As used in this ordinance, the following words shall have the following meanings:

**“Annual Debt Service”** means, in any calendar year, all amounts required to be paid in that year (including mandatory redemption amounts of Term Bonds) in respect of principal of and interest on the Parity Bonds outstanding or maturing in that year.

**“Average Annual Debt Service”** means, as of the date of its calculation, the sum of the Annual Debt Service with respect to the Parity Bonds outstanding (including all Parity Bonds maturing in the calendar year of calculation) for all calendar years during which those Parity Bonds are scheduled to remain outstanding, divided by the number of those calendar years (without regard to bond years).

**“Bond Counsel”** means Foster Pepper PLLC or any firm of lawyers nationally recognized and accepted as bond counsel and so engaged by the City for that purpose.

**“Bond Fund”** means the Marina Revenue Bond Fund, 2011, created in Section 11 of this ordinance in the office of the Finance Director, for the purpose of paying and securing the principal of and interest on the Parity Bonds.

**“Bond Insurer”** means, for any Future Parity Bonds, such provider of bond insurance as may be approved by the City Council.

**“Bond Register”** means the books or records maintained by the Bond Registrar containing the name and mailing address of the owner of each Bond and the principal amount and number of Bonds held by each owner.

**“Bond Registrar”** means the fiscal agent of the State of Washington as the same may be designated by the State from time to time.

**“Bonds”** means the \$2,745,000 par value Marina Revenue Bonds, 2011.

**“City”** means the City of Oak Harbor, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Washington.

**"Code"** means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.

**"Construction Fund"** means the special fund created in Section 23 of this ordinance in the office of the Finance Director designated as the Marina Construction Fund.

**"Coverage Requirement"** means for any calendar year, that Net Revenue in that calendar year, plus all amounts on deposit in the Principal and Interest Account on the last business day prior to the commencement of that calendar year, shall be equal to at least 1.25 times the Average Annual Debt Service on all outstanding Parity Bonds.

**"DTC"** means The Depository Trust Company, New York, New York.

**"Finance Director"** means the Finance Director of the City.

**"Future Parity Bonds"** means all revenue bonds and other obligations of the City for borrowed money (including, without limitation, financing leases) issued or incurred after the date of the issuance of the Bonds, the payment of which constitutes a lien and charge on the Net Revenue in equal rank with the lien and charge upon such revenue required to be paid into the Bond Fund to pay and secure the payment of the principal of and interest on the Parity Bonds.

**"Government Obligations"** means those obligations described under the definition of government obligations in RCW 39.53.010(4), as it now reads or hereafter may be amended, and which otherwise lawful investments for the City at the time of such investment.

**"Letter of Representations"** means the Blanket Issuer Letter of Representations dated December 8, 1997, between the City and DTC.

**"Marina"** means the small boat harbor and marina owned and operated by the City constructed pursuant to Ordinance No. 372 and any additions and betterments and extensions

thereof at any time made, including the improvements acquired and constructed with the proceeds of the Bonds.

***“Marina Revenue”*** or ***“Gross Revenue”*** means the gross operating income received from the operation and maintenance of the Marina.

***“Maintenance and Operation Expense”*** means all reasonable expenses incurred by the City in causing the Marina to be operated and maintained in good repair, working order and condition.

***“MSRB”*** means the Municipal Securities Rulemaking Board.

***“Maximum Annual Debt Service”*** means, as of any calculation date, the maximum amount of Annual Debt Service that will mature or become due in any future calendar year with respect to all the outstanding Parity Bonds.

***“Net Revenue”*** for any calendar year means the Gross Revenue for that calendar year less Operations and Maintenance Expenses for that calendar year. In calculating Net Revenue, the City shall not take into account any non-cash gains or losses with respect to any real or personal property, investment or agreement that it may be required to recognize under generally accepted accounting principles, such as unrealized mark-to-market gains and losses.

***“Operating Fund”*** means the Marina Construction and Operating Fund established by Ordinance No. 372 in the office of the Finance Director, into which fund the City has pledged to pay all Marina Revenue as received.

***“Parity Bonds”*** means the Bonds and any Future Parity Bonds.

***“Parity Conditions”*** means those conditions for the issuance of Future Parity Bonds, as such conditions are set forth in Exhibit B attached to this ordinance and incorporated by this reference.

***“Permitted Investments”*** means investments that are legal investments for the City at the time of such investment.

***“Principal and Interest Account”*** means the account of that name created in the Bond Fund.

***“Project”*** means the improvements and betterments to the Marina specified in Exhibit A, which is incorporated by this reference.

***“Rating Agency” or “Rating Agencies”*** means any nationally-recognized securities rating agency or agencies providing a rating on any of the Parity Bonds at the request of the City.

***“Registered Owner”*** means a person shown on the Bond Register as the owner of a Parity Bond.

***“Reserve Account”*** means the account of that name created in the Bond Fund.

***“Reserve Requirement”*** means, as of any date of calculation, the lesser of Maximum Annual Debt Service on the outstanding Parity Bonds or 125% of Average Annual Debt Service on the outstanding Parity Bonds, but at no time shall the Reserve Requirement exceed an amount equal to 10% of proceeds of the Parity Bonds secured by the Reserve Account.

***“Reserve Security”*** means any bond insurance, security, letter of credit, guaranty, surety bond or similar credit enhancement device providing for or securing the payment of all or part of the principal of and interest on the Parity Bonds, issued by an institution which has been assigned a credit rating at the time of issuance of the device in one of the two highest rating categories of each of at least two Rating Agencies (without regard to graduations within a rating category).

**“Rule”** means paragraph (b)(5) of Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934, as such Rule may be amended from time to time.

**“SEC”** means the United States Securities and Exchange Commission.

**“State”** means the State of Washington.

**“Term Bond Maturity Year”** means the year in which a Term Bond matures.

**“Term Bonds”** means Parity Bonds that are subject to mandatory redemption prior to their scheduled maturity date or dates.

**“Undertaking”** means the City’s undertaking pursuant to Section 26 of this ordinance to provide annual financial information and notice of material events.

Section 3. Project. The City Council orders the making of improvements to the Marina, consisting of dredging (collectively, the “Project”).

Section 4. Authorization and Description of Bonds. For the purposes set forth above, the City shall issue the Bonds in the aggregate principal amount of \$2,745,000. The Bonds shall be designated Marina Revenue Bonds, 2011; shall be dated their date of initial delivery; shall be in the denomination of \$5,000 or any integral multiple thereof within a single maturity; shall be numbered separately in the manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification; shall bear interest (computed on the basis of a 360-day year of twelve 30-day months), payable semiannually on each April 1 and October 1, commencing on April 1, 2011, to the maturity or earlier redemption of the Bonds; and shall mature on October 1 in years and amounts and bear interest at the rates per annum as follows:

<u>Maturities</u>	<u>Principal Amounts</u>	<u>Interest Rates</u>	<u>Maturities</u>	<u>Principal Amounts</u>	<u>Interest Rates</u>
2011	\$	%	2018	\$	%
2012			2019		
2013			2020		
2014	To Be Determined		***		
2015			2025		
2016			***		
2017			203		

The life of the capital facilities finance with the proceeds of the Bonds exceeds the term of the Bonds.

**Section 5. Registration and Transfer of Bonds.** The Bonds shall be issued only in registered form as to both principal and interest and recorded on the Bond Register. The Bond Register shall contain the name and mailing address of the owner of each Bond and the principal amount and number of each of the Bonds held by each owner. Bonds surrendered to the Bond Registrar may be exchanged for Bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Any exchange or transfer shall be without cost to the owner or transferee. The Bond Registrar shall not be obligated to exchange or transfer any Bond during the 15 days preceding any principal payment or redemption date.

The Bonds initially shall be registered in the name of Cede & Co., as the nominee of DTC. The Bonds so registered shall be held in fully immobilized form by DTC as depository in accordance with the provisions of the Letter of Representations. Neither the City nor the Bond Registrar shall have any responsibility or obligation to DTC participants or the persons for whom they act as nominees with respect to the Bonds regarding accuracy of any records maintained by DTC or DTC participants of any amount in respect of principal of or interest on

the Bonds, or any notice which is permitted or required to be given to registered owners hereunder (except such notice as is required to be given by the Bond Registrar to DTC).

For so long as any Bonds are held in fully immobilized form, DTC or its successor depository shall be deemed to be the registered owner for all purposes hereunder and all references to registered owners, bondowners, bondholders or the like shall mean DTC or its nominees and shall not mean the owners of any beneficial interests in the Bonds. Registered ownership of such Bonds, or any portions thereof, may not thereafter be transferred except: (i) to any successor of DTC or its nominee, if that successor shall be qualified under any applicable laws to provide the services proposed to be provided by it; (ii) to any substitute depository appointed by the City or such substitute depository's successor; or (iii) to any person if the Bonds are no longer held in immobilized form.

Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository, or a determination by the City that it no longer wishes to continue the System of book entry transfers through DTC or its successor (or any substitute depository or its successor), the City may appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

If (i) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (ii) the City determines that the Bonds are to be in certificated form, the ownership of Bonds may be transferred to any person as provided herein and the Bonds no longer shall be held in fully immobilized form.

Section 6.     Payment of Bonds. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid

by checks or drafts of the Bond Registrar mailed on the interest payment date to the registered owners at the addresses appearing on the Bond Register on the 15th day of the month preceding the interest payment date or, if requested in writing by a Registered Owner of Bonds prior to the applicable record date, by wire transfer on the interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds by the Registered Owners to the Bond Registrar. Notwithstanding the foregoing, as long as the Bonds are registered in the name of DTC or its nominee, payment of principal of and interest on the Bonds shall be made in the manner set forth in the Letter of Representations. The Bonds shall be payable solely out of the Bond Fund and shall not be general obligations of the City.

Section 7. Redemption and Open Market Purchase of Bonds.

7.1 Optional Redemption. Bonds maturing in the years 2011 through 2020, inclusive, shall be issued without the right or option of the City to redeem those Bonds prior to their stated maturity dates. The City reserves the right and option to redeem Bonds maturing on or after October 1, 2025, prior to their stated maturity dates at any time on or after October 1, 2020, as a whole or in part within one or more maturities selected by the City, at a price equal to the principal amount to be redeemed, without premium, plus accrued interest to the date fixed for redemption.

7.2 Mandatory Redemption. If not previously redeemed as described above or purchased in the open market under the provisions set forth herein, the Term Bonds due on October 1 in the years 2025 and 2030 will be called for redemption randomly (in such manner as the Bond Registrar shall determine) at a price of par, plus accrued interest, on October 1 in the years and amounts as follows:

**2025 Term Bonds**

<u>Mandatory Sinking Fund</u> <u>Redemption Dates</u>	<u>Mandatory Sinking Fund</u> <u>Redemption Amounts</u>
2021	\$
2022	
2023	
2024	
2025 ( <i>Maturity</i> )	

**2030 Term Bonds**

<u>Mandatory Sinking Fund</u> <u>Redemption Dates</u>	<u>Mandatory Sinking Fund</u> <u>Redemption Amounts</u>
2026	\$
2027	
2028	
2029	
2030 ( <i>Maturity</i> )	

7.3 Partial Redemption of the Bonds. Portions of the principal amount of any Bond, in installments of \$5,000 or any integral multiple thereof, may be redeemed. If less than all of the principal amount of any Bond is redeemed, upon surrender of that Bond at either of the principal offices of the Bond Registrar, there shall be issued to the registered owner, without charge therefor, a new Bond (or Bonds, at the option of the registered owner) of the same maturity and interest rate in any of the denominations authorized by this ordinance in the aggregate principal amount remaining unredeemed.

7.4 Open Market Purchase. The City further reserves the right and option to purchase any or all of the Bonds in the open market at any time at any price acceptable to the City plus accrued interest to the date of purchase.

7.5 Cancellation of Bonds. All Bonds purchased or redeemed under this section shall be canceled.

Section 8. Notice of Redemption. While the Bonds are held by DTC in book-entry only form, any notice of redemption shall be given at the time, to the entity and in the manner

required by DTC in accordance with the Letter of Representations, and the Bond Registrar shall not be required to give any other notice of redemption. If the Bonds cease to be in book-entry only form, the City shall cause notice of any intended redemption of Bonds to be given by the Bond Registrar not less than 20 nor more than 60 days prior to the date fixed for redemption by first-class mail, postage prepaid, to the registered owner of any Bond to be redeemed at the address appearing on the Bond Register at the time the Bond Registrar prepares the notice, and the requirements of this sentence shall be deemed to have been fulfilled when notice has been mailed as so provided, whether or not it is actually received by the owner of any Bond.

In the case of an optional redemption, the notice may state that the City retains the right to rescind the redemption notice and the related optional redemption of Bonds by giving a notice of rescission to the affected registered owners at any time prior to the scheduled optional redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and the Bonds for which the notice of optional redemption has been rescinded shall remain outstanding.

In addition, the redemption notice shall be mailed within the same period, postage prepaid, to the MSRB and to such other persons and with such additional information as the Finance Director shall determine, but these additional mailings shall not be a condition precedent to the redemption of Bonds.

Interest on Bonds called for redemption shall cease to accrue on the date fixed for redemption unless the Bond or Bonds called are not redeemed when presented pursuant to the call.

Section 9. Failure to Redeem Bonds. If any Bond is not redeemed when properly presented at its maturity or call date, the City shall be obligated to pay interest on that Bond at

the same rate provided in the Bond from and after its maturity or call date until that Bond, both principal and interest, is paid in full or until sufficient money for its payment in full is on deposit in the bond redemption fund hereinafter created and the Bond has been called for payment by giving notice of that call to the registered owner of each of those unpaid Bonds.

Section 10. Operating Fund. By Ordinance No. 372 there previously has been created and established, and the City shall continue to maintain, in the office of the Finance Director a Marina Construction and Operating Fund (the "Operating Fund"), into which fund the City pledges to pay all Marina Revenue as received. Money on deposit in the Operating Fund shall be spent and used by the City only in the manner and order specified by Ordinance No. 372 and this ordinance. Provision shall first be made for the payment from the Operating Fund of the debt service requirements of the Bonds and any Future Parity Bonds in each year and making up any deficiency in the Reserve Account arising from any withdrawal of cash therefrom. After provision has been made for the payment of that debt service and making up any deficiency in the Reserve Account, current expenses shall be paid from the Operating Fund. Current expenses shall include all necessary operating expenses, current maintenance charges, expenses of reasonable upkeep and repairs, properly allocated share of charges for insurance and all other expenses incident to the operation of a small boat harbor and marina, but shall exclude depreciation and all general administrative expenses of the City. If in any year Marina Revenue is insufficient to pay the debt service requirements on the Bonds and any Future Parity Bonds and such current expenses, the deficiency in the payment of such current expenses shall be paid from other revenues of the City legally available for that payment.

Section 11. Bond Fund. The Bond Fund is created and established in the office of the Finance Director as a special fund of the City to be designated the Marina Revenue Bond

Fund, 2011, which fund is hereby divided into two accounts, namely a Principal and Interest Account and a Reserve Account. The City may create sinking fund accounts or other accounts in the Bond Fund for the payment or securing the payment of Parity Bonds as long as the maintenance of such accounts does not conflict with the rights of the owners of Parity Bonds.

Section 12. Flow of Funds. The funds deposited in the Operating Fund shall be used only for the following purposes in the following order of priority:

(a) Payment of debt service requirements of the Bonds and any Future Parity Bonds in each year and making up any deficiency in the Reserve Account arising from any withdrawal of cash therefrom;

(b) Current expenses, which will include all necessary operating expenses, current maintenance charges, expenses of reasonable upkeep and repairs, properly allocated share of charges for insurance and all other expenses incident to the operation of a small boat harbor and marina, but will exclude depreciation and all general administrative expense of the City. If in any year Marina Revenue is insufficient to pay the debt service requirements on the Bonds and any Future Parity Bonds and such current expenses, the deficiency in the payment of such current expenses will be paid from other revenues of the City legally available for that payment.

Section 13. Payments into the Bond Fund. So long as any of the Bonds are outstanding against the Bond Fund, the City pledges and irrevocably binds itself to set aside and pay into the Bond Fund from the Marina Revenue, certain fixed amounts without regard to any fixed proportion, namely:

(a) Into the Principal and Interest Account on or before each debt service payment date an amount which, together with other money on deposit therein, will be sufficient to pay the debt service coming due and payable on that next debt service payment date, including mandatory redemption amounts due on that date with respect to any Term Bonds; and

(b) Into the Reserve Account, either:

(1) on the date of issue, and thereafter annually in regular installments over a period of not to exceed five years an amount, which together with other money and Reserve Securities on deposit therein, will equal the Reserve Requirement for the outstanding Parity Bonds; or

(2) one or more Reserve Securities the value of which, together with any amount deposited under subsection (1), above, are equal to the Reserve Requirement for the outstanding Parity Bonds. of the Bonds from the proceeds of the Bonds, the Reserve Requirement for the Bonds.

Section 14. Covenant to Maintain Reserve Account. The City covenants and agrees that it will at all times maintain in the Reserve Account an amount (including the value of all Reserve Securities deposited therein) equal to the Reserve Requirement, except for withdrawals as authorized in this subsection, until there is a sufficient amount in the Principal and Interest Account and Reserve Account to pay the principal of and interest on all outstanding Parity Bonds, at which time the money in the Reserve Account may be used to pay any such principal and interest so long as the money remaining on deposit in the Reserve Account is not less than the Reserve Requirement calculated based on the remaining outstanding Parity Bonds. If there are sufficient funds in the Bond Fund to pay all outstanding Parity Bonds and the Reserve Requirement as to those outstanding Parity Bonds is met, excess money in the Bond Fund may be used for any Marina purpose.

In the event that the amounts in the Bond Fund are insufficient to make any debt service payment on any outstanding Parity Bonds, amounts shall be withdrawn from the Reserve Account to make up that deficiency. Any deficiency created in the Reserve Account by reason of such a withdrawal shall then be made up from Net Revenue, but only after necessary provision has been made for Operations and Maintenance Costs and for the required payments into the Principal and Interest Account.

Section 15. Investment of Funds. All money in the Bond Fund may be kept in cash or may be invested in any investment lawful for the City. Interest earned on investments in the Reserve Account allocable to the Bonds shall be deposited in and become a part of the Principal and Interest Account, or be deposited in an appropriate fund and used for capital purposes of

the Marina as determined by the City. Interest earned on the investment of funds on deposit in the Principal and Interest Account for payment of debt service on the Bonds shall be retained in the Principal and Interest Account.

If the City fails to set aside and pay into the Bond Fund the amounts above set forth, the registered owner of any of the outstanding bonds payable out of the Bond Fund may bring an action against the City to compel the setting aside and payment of such money.

Section 16. Pledge of Revenue and Lien Position. Gross operating income received from the operation and maintenance of the City's Marina is pledged for the payment of the Bonds and any Future Parity Bonds which may be issued hereafter. This pledge constitutes a lien and charge upon the Marina Revenue prior and superior to any other liens and charges whatsoever, except that the charge and lien of the Bonds will be on a parity with the charge and lien thereon for any Future Parity Bonds. After fulfilling the requirements each year for payment of debt service on the Bonds and maintaining the Reserve Requirement, the Marina Revenues may be used to pay operation and maintenance expenses of the facilities and capital expenditures for the Marina. In the event that Marina Revenue is insufficient to pay the operation and maintenance expenses of the Marina, the deficiency in the payment of such expenses will be paid from other revenues of the City legally available for that payment.

Section 17. Form and Execution of Bonds. The Bonds shall be printed or lithographed on good bond paper in a form consistent with the provisions of this ordinance and state law and shall be signed by the Mayor and City Clerk, either or both of whose signatures may be manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon.

Only Bonds bearing a Certificate of Authentication in the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance:

CERTIFICATE OF AUTHENTICATION

This Bond is one of the fully registered City of Oak Harbor, Washington, Marina Revenue Bonds, 2011, described in the Bond Ordinance.

WASHINGTON STATE FISCAL AGENCY  
Bond Registrar

By \_\_\_\_\_  
Authorized Signer

The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered and are entitled to the benefits of this ordinance.

If any officer whose facsimile signature appears on the Bonds ceases to be an officer of the City authorized to sign bonds before the Bonds bearing his or her facsimile signature are authenticated or delivered by the Bond Registrar or issued by the City, those Bonds nevertheless may be authenticated, delivered and issued and, when authenticated, issued and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign bonds. Any Bond also may be signed on behalf of the City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign bonds, although he or she did not hold the required office on the date of issuance of the Bonds.

Section 18. Duties of Bond Registrar. The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient books for the registration and transfer of the Bonds, which shall be open to inspection by the City at all times. The Bond Registrar is

authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the Bonds and this ordinance, to serve as the City's paying agent for the Bonds and to carry out all of the Bond Registrar's powers and duties under this ordinance and City Ordinance No. 789 establishing a system of registration for the City's bonds and obligations.

The Bond Registrar shall be responsible for its representations contained in the Bond Registrar's Certificate of Authentication on the Bonds. The Bond Registrar may become the owner of Bonds with the same rights it would have if it were not the Bond Registrar and, to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as members of, or in any other capacity with respect to, any committee formed to protect the rights of Bond owners.

Section 19. Covenants. The City covenants and agrees with the owner of each of the Bonds for as long as any of the same remain outstanding as follows:

(a) It will duly and punctually pay or cause to be paid out of the Bond Fund the principal of and interest on the Bonds at the times and places as provided in this ordinance and in the Bonds, and it will faithfully do and perform and at all times observe any and all covenants, undertakings and provisions contained in this ordinance and in the Bonds.

(b) It will at all times keep and maintain or cause to be kept and maintained the Marina facilities in good repair, working order and condition and will at all times operate the same and the business in connection therewith in an efficient manner and at reasonable cost.

(c) It will at all times establish, maintain and collect rentals, tariffs, rates and charges for the use, operation and lease of its Marina facilities that will produce Net Revenue which each year will be sufficient to meet the Coverage Requirement.

(d) It will not allow the use of the Marina without charge for any purpose for which by ordinance or regulation charges must be made, nor shall it permit the use of the Marina by any person on a basis different than permitted to all members of the general public or that otherwise results in "private business use" of the Marina under the Code.

(e) It will keep and maintain proper books of accounts and accurate records of all of its Marina Revenue received and all costs of maintenance and operation of the Marina.

(f) It will at all times keep and arrange to keep all of its Marina properties producing material amounts of Marina Revenue insured against loss or damage by fire, extended coverage or other casualties usually insured against in the ordinary course of business in an amount equal to not less than 90 percent of the full insurable value of such property, and it will further keep such property covered by war risk insurance to the extent the same is or may become available.

(g) It will at all times keep or arrange to keep in force and effect policies of public liability and property damage insurance insuring against damages that may result from the use of such property and which will protect the City against anyone claiming damages of any kind or nature arising from the use, occupancy or operation of those properties.

Section 20. Preservation of Tax Exemption for Interest on Bonds. The City covenants that it will take all necessary actions to prevent interest on the Bonds from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of the Bonds or other funds of the City treated as proceeds of the Bonds at any time during the term of the Bonds which will cause interest on the Bonds to be included in gross income for federal income tax purposes. The City also covenants that it will, to the extent the arbitrage rebate requirement of Section 148 of the Code is applicable to the Bonds, take all actions necessary to comply (or to be treated as having complied) with that requirement in connection with the Bonds, including the calculation and payment of any penalties that the City has elected to pay as an alternative to calculating rebatable arbitrage, and the payment of any other penalties if required under Section 148 of the Code to prevent interest on the Bonds from being included in gross income for federal income tax purposes.

Section 21. Small Governmental Issuer Arbitrage Rebate Exception and Designation of Bonds as "Qualified Tax-Exempt Obligations." The City finds and declares that (a) it is a duly organized and existing governmental unit of the State of Washington and has general

taxing power; (b) no Bond which is part of this issue of Bonds is a "private activity bond" within the meaning of Section 141 of the United States Internal Revenue Code of 1986, as amended (the "Code"); (c) at least 95% of the net proceeds of the Bonds will be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); (d) the aggregate face amount of all tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) issued by the City and all entities subordinate to the City (including any entity that the City controls, that derives its authority to issue tax-exempt obligations from the City, or that issues tax-exempt obligations on behalf of the City) during the calendar year in which the Bonds are issued is not reasonably expected to exceed \$5,000,000; and (e) the amount of tax-exempt obligations, including the Bonds, designated by the City as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code during the calendar year in which the Bonds are issued does not exceed \$10,000,000. The City therefore certifies that the Bonds are eligible for the arbitrage rebate exception under Section 148(f)(4)(D) of the Code and designates the Bonds as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code.. Refunding or Defeasance of the Bonds. The City may issue refunding bonds pursuant to the laws of the State of Washington or use money available from any other lawful source to pay when due the principal of and interest on those Parity Bonds, or any portion thereof included in a refunding or defeasance plan (the "Defeased Bonds"), and to redeem and retire, refund or defease such Defeased Bonds and to pay the costs of such refunding or defeasance.

If the City deposits irrevocably with an escrow agent money and/or Government Obligations sufficient in amount, together with the earnings thereon, sufficient to pay the

principal of and premium, if any, on any particular Parity Bond or Parity Bonds or portions thereof becoming due (the "Defeased Bonds"), together with all interest accruing thereon to the due date or redemption date, and pays or makes provision for payment of all fees, costs and expenses of that escrow agent due or to become due with respect to the Defeased Bonds, all liability of the Marina with respect to the Defeased Bonds shall cease, the Defeased Bonds shall be deemed not to be outstanding hereunder and the Registered Owners of the Defeased Bonds shall be restricted exclusively to the money or Government Obligations so deposited, together with any earnings thereon, for any claim of whatsoever nature with respect to the Defeased Bonds, and that escrow agent shall hold that money, Government Obligations and earnings in trust exclusively for those Registered Owners and that money, Government Obligations and earnings shall not secure any other Parity Bonds under this ordinance. After establishing such an escrow account, the City may apply any money in any other fund or account established for the payment or redemption of the Defeased Bonds to any lawful purposes as it shall determine, subject only to the rights of the owners of any other Parity Bonds then outstanding. Defeased Bonds shall be excluded from computation of the Coverage Requirement and other covenants under this ordinance.

Section 23. Construction Fund; Deposit of Bond Proceeds. There is created and established in the office of the City Finance Director a special fund designated as the Marina Construction Fund, 2011 (the "Construction Fund"). The principal proceeds received from the issuance and sale of the Bonds shall be deposited as follows: (1) an amount equal to the Reserve Requirement for the Bonds shall be deposited in the Reserve Account as a reserve for Parity Bonds, and (2) the balance shall be deposited in the Construction Fund and shall be used to pay the costs of carrying out the Project and the costs of issuance of the Bonds. Other

District funds shall be deposited in the Construction Fund as required to accomplish its purpose. Pending the expenditure of the principal proceeds out of the Construction Fund, the Finance Director may temporarily invest such proceeds in any legal investment and the investment earnings may be retained in the Construction Fund and spent for the purposes of that fund except that any earnings subject to the federal rebate requirement may be withdrawn from the Construction Fund and used to meet that rebate requirement.

Section 24. Approval of Bond Purchase Contract. Martin Nelson & Company of Seattle, Washington, has presented a purchase contract (the "Bond Purchase Contract") to the City offering to purchase the Bonds under the terms and conditions provided in the Bond Purchase Contract, which written Bond Purchase Contract is on file with the City Clerk. The City Council finds that entering into the Bond Purchase Contract is in the City's best interest and therefore accepts the offer contained therein and authorizes its execution by City officials. The Bonds will be printed at City expense and will be delivered to the purchaser in accordance with the Bond Purchase Contract, with the approving legal opinion of Foster Pepper PLLC, municipal bond counsel of Seattle, Washington, regarding the issuance of the Bonds. The proper City officials are authorized and directed to do everything necessary for the prompt delivery of the Bonds to the purchaser and for the proper application and use of the proceeds of the sale thereof.

Section 25. Preliminary Official Statement Deemed Final. The City Council has been provided with copies of a preliminary official statement dated January 6, 2011 (the "Preliminary Official Statement"), prepared in connection with the sale of the Bonds. For the sole purpose of the Bond purchaser's compliance with Securities and Exchange Commission Rule 15c2-12(b)(1), the City "deems final" that Preliminary Official Statement as

of its date, except for the omission of information as to offering prices, interest rates, selling compensation, aggregate principal amount, principal amount per maturity, maturity dates, options of redemption, delivery dates, ratings and other terms of the Bonds dependent on such matters.

**Section 26. Undertaking to Provide Continuing Disclosure.** To meet the requirements of SEC Rule 15c2-12(b)(5) (the "Rule"), as applicable to a participating underwriter for the Bonds, the City makes the following written undertaking (the "Undertaking") for the benefit of holders of the Bonds:

**26.1 Undertaking to Provide Annual Financial Information and Notice of Material Events.** Undertaking to Provide Annual Financial Information and Notice of Material Events. The City undertakes to provide or cause to be provided, either directly or through a designated agent, to the MSRB, in electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB:

- (a) Annual financial information and operating data of the type included in the final official statement for the Bonds and described in subsection (b) of this section ("annual financial information");
- (b) Timely notice (not in excess of ten business days after the occurrence of the event) of the occurrence of any of the following events with respect to the Bonds:
  - (1) principal and interest payment delinquencies;
  - (2) non-payment-related defaults, if material;
  - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) substitution of credit or liquidity providers, or their failure to perform;
  - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notice of Proposed Issue (IRS Form 5701 – TEB) or other material notices or determinations with respect to the tax status of the Bonds;
  - (7) modifications to rights of holders of the Bonds, if material;
  - (8) Bond calls (other than scheduled mandatory redemptions of Term Bonds), if material, and tender offers;

- (9) defeasances;
  - (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
  - (11) rating changes;
  - (12) bankruptcy, insolvency, receivership or similar event of the City (a "Bankruptcy Event"), which is considered to occur when any of the following occur: (A) the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or (i) in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or (ii) if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or (B) the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person;
  - (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
  - (14) appointment of a successor or additional trustee or the change of name of a trustee, if material.
- (c) Timely notice of a failure by the City to provide required annual financial information on or before the date specified in subsection (b) of this section.

**26.2 *Type of Annual Financial Information Undertaken to be Provided.*** The annual financial information that the City undertakes to provide in subsection (a) of this section:

- (a) Shall consist of (1) annual financial statements prepared (except as noted in the financial statements) in accordance with applicable generally accepted accounting principles promulgated by the Government Accounting Standards Board and made applicable to Washington State local governmental units such as the City, as such principles may be changed from time to time, which statements shall not be audited, except, however, that if and when audited financial statements are otherwise prepared and available to the City they will be provided; (2) a statement of authorized, issued and outstanding Parity Bonds; and (3) debt service coverage ratios;

- (b) Shall be provided not later than the last day of the ninth month after the end of each fiscal year of the City (currently, a fiscal year ending December 31), as such fiscal year may be changed as required or permitted by State law, commencing with the City's fiscal year ending December 31, 2010; and
- (c) May be provided in a single or multiple documents, and may be incorporated by specific reference to documents available to the public on the Internet website of the MSRB or filed with the SEC.

26.3 *Amendment of Undertaking.* The Undertaking is subject to amendment after the primary offering of the Bonds without the consent of any holder of any Bond, or of any broker, dealer, municipal securities dealer, participating underwriter, rating agency or the MSRB, under the circumstances and in the manner permitted by the Rule. The City will give notice to the MSRB of the substance (or provide a copy) of any amendment to the Undertaking and a brief statement of the reasons for the amendment. If the amendment changes the type of annual financial information to be provided, the annual financial information containing the amended financial information will include a narrative explanation of the effect of that change on the type of information to be provided.

26.4 *Beneficiaries.* The Undertaking evidenced by this section shall inure to the benefit of the City and any holder of Bonds, and shall not inure to the benefit of or create any rights in any other person.

26.5 *Termination of Undertaking.* The City's obligations under this Undertaking shall terminate upon the legal defeasance of all of the Bonds. In addition, the City's obligations under this Undertaking shall terminate if those provisions of the Rule which require the City to comply with this Undertaking become legally inapplicable in respect of the Bonds for any reason, as confirmed by an opinion of Bond Counsel, or other counsel familiar with federal securities laws, delivered to the City, and the City provides timely notice of such termination to the MSRB.

26.6 *Remedy for Failure to Comply with Undertaking.* As soon as practicable after the City learns of any failure to comply with the Undertaking, the City will proceed with due diligence to cause such noncompliance to be corrected. No failure by the City or other obligated person to comply with the Undertaking shall constitute a default in respect of the Bonds. The sole remedy of any holder of a Bond shall be to take such actions as that holder deems necessary, including seeking an order of specific performance from an appropriate court, to compel the City or other obligated person to comply with the Undertaking.

(g) *Designation of Official Responsible to Administer Undertaking.* The Finance Director of the City (or such other officer of the City who may in the future perform the duties of that office) or his or her designee is authorized and directed in his or her discretion to take such further actions as may be necessary, appropriate or convenient to carry out the Undertaking of the City in respect of the Bonds set forth in this section and in accordance with the Rule, including, without limitation, the following actions:

- (a) Preparing and filing the annual financial information undertaken to be provided;
- (b) Determining whether any event specified in subsection (a) has occurred, assessing its materiality, where necessary, with respect to the Bonds, and, if material, preparing and disseminating any required notice of its occurrence;
- (c) Determining whether any person other than the City is an "obligated person" within the meaning of the Rule with respect to the Bonds, and obtaining from such person an undertaking to provide any annual financial information and notice of listed events for that person in accordance with the Rule;
- (d) Selecting, engaging and compensating designated agents and consultants, including but not limited to financial advisors and legal counsel, to assist and advise the City in carrying out the Undertaking; and
- (e) Effecting any necessary amendment of the Undertaking.

Section 27. Effective Date of Ordinance. This ordinance shall take effect and be in force from and after its passage and five days following its publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Oak Harbor, Washington, at a regular open public meeting thereof, this 18<sup>th</sup> day of January, 2011.

\_\_\_\_\_

Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

CERTIFICATION

I, the undersigned, City Clerk of the City of Oak Harbor, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. \_\_\_\_ (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on January \_\_\_\_, 2011, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effect five days after publication in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of January, 2011.

CITY OF OAK HARBOR, WASHINGTON

\_\_\_\_\_  
Connie Wheeler, City Clerk

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**EXHIBIT A**

**Project Description**

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**EXHIBIT B****Parity Conditions**

The City may issue Future Parity Bonds only for lawful Marina purposes and only if the following conditions are met and complied with at the time of the issuance of those Future Parity Bonds:

(a) All payments then required by this ordinance and any other ordinance hereafter enacted pertaining to the Bonds or to any Future Parity Bonds hereafter issued shall have been made into the Bond Fund and maintained intact therein.

(b) Provision shall be made for payment into the Reserve Account in the Bond Fund of such additional amounts over a period of not to exceed 5 years from the date of issuance of the Future Parity Bonds as may be necessary to maintain a balance in the Reserve Account at least equal to the Reserve Requirement.

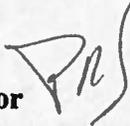
(c) The City shall have on file a certificate from a certified public accountant or licensed professional engineer showing that the annual Net Revenue available for debt service on all Bonds, any Future Parity Bonds then outstanding and the Future Parity Bonds proposed to be issued shall be at least equal to 1.25 times Average Annual Debt Service; provided that if such parity computation is based exclusively upon the historical operating revenue of the Marina facilities, the parity certificate may be provided by the Finance Director. The Marina Revenue to be used in such parity computation shall include the historical operating revenue of the Marina facilities for any twelve consecutive calendar months out of the twenty-four calendar months immediately preceding the month of delivery of such Future Parity Bonds, and may be adjusted to include revenue derived from rate changes, if any, placed in effect subsequent to the twelve-month period used in the certificate and estimates of any revenue to be derived from the facilities constructed with the proceeds of the Future Parity Bonds proposed to be issued. In calculating historical operating revenue with respect to any portion of the Marina facilities which was in operation for a portion of but not the entire twelve-month period used in the certificate, the revenue from that portion of the Marina facilities may be adjusted to reflect a reasonable estimate of revenue that would have been produced in a full twelve-month period.

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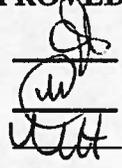
**City of Oak Harbor  
City Council Agenda Bill**

Bill No. \_\_\_\_\_

Date: March 1, 2011  
Subject: Standing Committee  
Format (Proposed Amendment)

FROM: Paul Schmidt, City Administrator 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:



Jim Slowik, Mayor  
Doug Merriman, Finance Director  
Margery Hite, City Attorney

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PURPOSE

The purpose of this agenda bill is to propose an amendment to the City Council Rules to assure compliance with the Open Public Meeting Act and City of Oak Harbor Standing Committee procedures.

AUTHORITY

The authority to address the establishment of internal city council committees can be found in RCW 35A.12.120, which provides, in part: *The council shall determine its own rules and order of business and may establish rules for the conduct of council meetings and the maintenance of order.*

SUMMARY STATEMENT

On November 30, 2010, the Attorney General of Washington posted AGO 2010 No. 9, which provided a legal opinion response to State Representative Barbara Bailey's questions surrounding the proper notice of a standing committee meeting when a quorum of elected officials are present at a local government standing committee meeting (see Exhibit A).

In effect, AGO 2010 No. 9 states; *A meeting of the city council may occur if a quorum of the city council members take action at the standing committee meeting, as action is defined in RCW 42.30.020(3). If so, a separate meeting of the city council has occurred (in addition to the standing committee's meeting). In that case, the additional meeting must comply with the Open Public Meetings Act's notice requirements. Where the city council takes action at a standing committee's meeting, it is not sufficient to rely on the notice that was provided for the standing committee meeting.*

So based upon the above statement, Staff recommends that City Council amend Rule No. 28 of the City of Oak Harbor "Administration and Personnel Council Rules" as the most effective and efficient means to comply with the new Attorney General Opinion 2010 No. 9 in consideration of our current Standing Committee procedures. A draft Motion that would amend Rule No. 28 is provided for review (see Exhibit B).

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

The recommendation to amend Rule No. 28 simply requires a city council member who wishes to attend a standing committee, but is not a regularly assigned member of that standing committee, provide at least 48 hours notice to the City Clerk so proper notice of the meeting can be arranged. In that regard, the standing committee meeting can proceed with notice as a special meeting of the City Council, with the added city council member seated in the audience and all other standing committee rules being observed (see Exhibit B, subparagraph (2)).

It should be noted that if there is not adequate notice provided by a city council member wishing to attend a standing committee meeting without being an assigned member of the standing committee, then the chair shall adjourn the meeting until special notice can be provided (see Exhibit B, subparagraph (3)).

### STANDING COMMITTEE REPORT

None

### RECOMMENDED ACTION

Approve the motion amending Resolution No. 04-02, "Administration and Personnel Council Rules" to amend Rule No. 28 to provide notice of a council quorum planning to attend a standing committee meeting.

### ATTACHMENTS

Exhibit A – AGO 2010 No. 9

Exhibit B – Motion amending Resolution No. 04-02

Exhibit C – AGO 2006 No. 6

Exhibit D – AGO 1986 No. 16

Exhibit E – MRSC provided list of Washington cities utilizing standing committee formats

### MAYOR'S COMMENTS



Rob McKenna

Attorney General of Washington

**OPEN PUBLIC MEETINGS ACT—Meetings Of Committee Attended By Other Members Of Governing Body**

The Open Public Meetings Act requires that notice be properly given of a meeting of the governing body. This requirement is not satisfied by notice given for a meeting of a standing committee of a city council as a governing body, where a quorum of members of the city council attend the meeting and take action as defined in the act, such that a meeting of the city council as a governing body takes place.

November 30, 2010

The Honorable Barbara Bailey  
State Representative, District 10  
PO Box 40600  
Olympia, WA 98504-0600

Cite As:  
AGO 2010 No. 9

Dear Representative Bailey:

By letter previously acknowledged, you requested our opinion on four questions, which we have consolidated into two as follows:

1. **If a meeting of a standing committee of a city council is regularly scheduled, noticed, and open to the public, and a majority of the city council members attend, but do not participate in, the standing committee meeting, is there both a standing committee meeting and a council meeting; and must notice for a special meeting be provided separately for the council meeting, in addition to the notice for the standing committee meeting, in order for the meeting to comply with the Open Public Meetings Act?**
2. **If a meeting of a standing committee of a city council is regularly scheduled, noticed, and open to the public, and a majority of the city council members attend and participate in the meeting, is there both a standing committee meeting and a council meeting; and must notice for a special meeting be provided separately for the council meeting, in addition to the notice for the standing committee meeting, in order for the meeting to comply with the Open Public Meetings Act?**

Attorney General of Washington  
Post Office Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200

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**BRIEF ANSWER**

The answers to your questions depend on whether a meeting of the city council takes place when notice has been given only of a standing committee meeting. A meeting of the city council may occur if a quorum of the city council members take action at the standing committee meeting, as action is defined in RCW 42.30.020(3). If so, a separate meeting of the city council has occurred (in addition to the standing committee's meeting). In that case, the additional meeting must comply with the Open Public Meetings Act's notice requirements. Where the city council takes action at a standing committee's meeting, it is not sufficient to rely on the notice that was provided for the standing committee meeting.

**BACKGROUND**

Before turning to your precise questions, we explain the general legal framework of the Open Public Meetings Act (Act), RCW 42.30, which governs our answers to your questions. The Act requires that all meetings of the governing body of a public agency shall be open and public. RCW 42.30.030. "Public agency" includes any "subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act . . ." RCW 42.30.020(1)(c). "Governing body" may include the "policy or rule-making body of a public agency [such as the city council], or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." RCW 42.30.020(2). The Act is only concerned with a meeting where action is taken. RCW 42.30.020(4). "'Action' means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions."<sup>1</sup> RCW 42.30.020(3).

There are two types of meetings contemplated under the Act: regular and special meetings. Regular meetings are scheduled by ordinance, resolution, bylaws, or rule. RCW 42.30.070. The Act does not require that public agencies provide an agenda as part of the notice requirements for a regular meeting. *Hartman v. State Game Comm'n*, 85 Wn.2d 176, 181, 532 P.2d 614 (1975); *Dorsten v. Port of Skagit Cnty.*, 32 Wn. App. 785, 789-90, 650 P.2d 220, review denied, 98 Wn.2d 1008 (1982).<sup>2</sup> Special meetings are meetings other than regular meetings. See *Mead Sch. Dist. 354 v. Mead Educ. Ass'n*, 85 Wn.2d 140, 142, 530 P.2d 302 (1975). They may be called with at least twenty-four hours' notice to each member of the governing body and to each local newspaper and radio or television station which has previously requested in writing to be notified of special meetings. RCW 42.30.080. The notice for special

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<sup>1</sup> "'Final action' means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance." RCW 42.30.020(3).

<sup>2</sup> However, other statutes may impose additional notice requirements. For example, RCW 35.23.221 requires second class cities to notify the public of the preliminary agenda for the forthcoming council meeting. See also RCW 35A.12.160.

ATTORNEY GENERAL OF WASHINGTON

The Honorable Barbara Bailey

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AGO 2010 No. 9

meetings must specify the time and place of the special meeting and the business to be transacted. RCW 42.30.080.

In your request, you provide factual background that frames the scope of our opinion. For purposes of analyzing your questions, we assume these facts. First, you indicate that city councils have created a number of standing committees by ordinance. You explain that the ordinance requires regularly-scheduled and noticed committee meetings. You further state, in your letter, that “[t]he requirements for standing committee meetings are intended to be the same as or substantially similar to the requirements for full council meetings in order to ensure compliance with the [Act].”

Additionally, as you describe in your letter, the applicable ordinance provides that standing committees are composed of less than a quorum of city council members, however, city council members may attend the standing committee meetings if desired. No votes or final actions may be taken at standing committee meetings.

ANALYSIS

- 1. If a meeting of a standing committee of a city council is regularly scheduled, noticed, and open to the public, and a majority of the city council members attend, but do not participate in, the standing committee meeting, is there both a standing committee meeting and a council meeting; and must notice for a special meeting be provided separately for the council meeting, in addition to the notice for the standing committee meeting, in order for the meeting to comply with the Open Public Meetings Act?**

The Act’s requirements are triggered at any point that the governing body of a public agency has a meeting as defined by the Act. RCW 42.30.030. Since, according to your request, standing committee meetings are already regularly noticed and scheduled,<sup>3</sup> a concern arises under the Act only if an additional meeting results from the attendance or participation of other city council members at the standing committee meetings.

A city council is a distinct entity from a standing committee. RCW 42.30.020(3) (defining a “governing body” both as a council and a committee acting on behalf of the

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<sup>3</sup> Because the ordinances you reference treat standing committee meetings as regular meetings under the Act, we need not explore under what circumstances such meetings would be subject to the Act. For general reference, however, such meetings would be subject to the Act if the standing committee constitutes a public agency under RCW 42.30.020(1)(c) (“public agency” defined to include any “subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act”). *See also* AGO 1971 No. 33, at 8–9 (concluding subcommittees created by statute or ordinance are agencies under the Act). Even if the standing committee does not constitute a public agency, it would be subject to the Act when it acts as a governing body by either acting on behalf of the city council or by conducting hearings, or taking testimony or public comment. RCW 42.30.020(2).

ATTORNEY GENERAL OF WASHINGTON

The Honorable Barbara Bailey

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council). Although a standing committee may be created by and made up of members of the city council, it is a “governing body” when it “acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” RCW 42.30.020(2); *see also* AGO 1971 No. 33, at 8–9. Meetings of the city council must comply with the Act, and may not rely upon the notice provided of a standing committee meeting.

Your question, therefore, depends on whether a meeting of the city council occurs, despite the fact that notice was given for only a committee meeting. This would occur only if a quorum of the full council takes an “action,” as that term is defined in statute. RCW 42.30.020(4). The statutory definition of “action” is quite broad. *Miller v. City of Tacoma*, 138 Wn.2d 318, 327, 979 P.2d 429 (1999); AGO 1971 No. 33, at 19. The Act defines “action” as “the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.” RCW 42.30.020(3). As noted by the court in *Eugster v. City of Spokane*, 110 Wn. App. 212, 39 P.3d 380 (2002), the definition includes a list that is not exhaustive of conduct that might constitute action. If an additional meeting occurs because the city council—a governing body distinct from the standing committee—attends and takes action, that new meeting requires separate compliance with the requirements of the Act. To put the matter differently, the Act is not satisfied by giving notice of a meeting of a standing committee, if the meeting turns out to constitute a meeting of the city council itself. Such notice would not satisfy the purpose of the Act—to assure advance notice to the public of meetings of a governing body, so that the actions of a governing body are “taken openly and . . . deliberations [are] conducted openly.” RCW 42.30.010 (declaration of legislative intent). Therefore, in answering your questions, we consider whether either of the described scenarios constitutes a “meeting” of the city council implicating the Act.

Although your request frames the question based on whether or not the council members “participate” in the standing committee’s meeting, the relevant inquiry is whether the council members take action while attending the meeting. RCW 42.30.020(4) (defining a meeting as a meeting at which action is taken). We concluded in 2006 that a quorum of city or county council members could attend a public meeting called by a third party without violating the Act, as long as the council members did not take action. AGO 2006 No. 6.<sup>4</sup> We emphasized that whether members take action depends on whether the particular circumstances fall within the “transaction of the official business” of the governing body.” AGO 2006 No. 6, at 2. For example, council members are taking action where they deliberate or discuss a decision they might eventually make. AGO 2006 No. 6, at 2 (citing *In re Recall of Beasley*, 128 Wn.2d 419, 908 P.2d 878 (1996)).

Additionally, for example, action occurs where a governing body receives public testimony. AGO 2006 No. 6, at 2. As we cautioned in the 2006 opinion, council members

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<sup>4</sup> Because we cite our 2006 opinion several times during the course of this analysis, a copy is attached for ease of reference.

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would need to consider whether they are receiving public testimony or taking other action while attending the meeting. Ultimately, whether a quorum of the city council is taking action is a fact-specific analysis that cannot be answered in the abstract, and accordingly, cannot be answered in the context of this opinion.

However, it bears mentioning that it is more likely in the scenarios you present, than in the situation discussed in the 2006 opinion, that the council members would be taking action while attending the standing committee meeting. In the questions that you present, the standing committee is a subpart of the city council—it is created by the city council and the business it is transacting is almost certainly within the scope of the city council's official business. That makes the present scenario quite different from attendance at a completely unrelated third party's meeting discussed in the 2006 opinion. It is more likely that city council members attending a meeting of the council's own standing committee could be receiving public testimony, considering proposals, or performing other types of action.

This is not to suggest that council members cannot attend committee meetings. We do not conclude that council members who are not members of the committee are disqualified from attending what is otherwise an open public meeting; we merely conclude that if such a meeting is one at which the council takes "action," then compliance with the Open Public Meetings Act is required. Moreover, even where the council members' attendance constitutes a meeting of the council under the Act, they are not prohibited from attending the standing committee meetings by the Act. Rather, as long as the council follows the requirements for a special meeting under RCW 42.30.080, the members may attend and take action at the standing committee meeting. AGO 2006 No. 6, at 3.

2. **If a meeting of a standing committee of a city council is regularly scheduled, noticed, and open to the public, and a majority of the city council members attend and participate in the meeting, is there both a standing committee meeting and a council meeting; and must notice for a special meeting be provided separately for the council meeting, in addition to the notice for the standing committee meeting, in order for the meeting to comply with the Open Public Meetings Act?**

As mentioned above, the relevant question for purposes of analyzing whether the city council members' attendance triggers additional notice requirements under the Act depends on whether the city council takes action (as it is defined by RCW 42.30.020(3)) at the standing committee meeting. Assuming it does, a meeting of the city council has occurred in addition to a meeting of the standing committee. In such a situation, the Act requires notice of the city council's meeting in addition to notice of the standing committee's meeting.

When a quorum of the city council takes action at a standing committee meeting, a city council meeting has occurred, and the city council must provide notice of its meeting consistent with the Act. The standing committee meeting is a separate governing body from the

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city council. It is not sufficient to rely on the notice that was provided for the standing committee meeting.

We trust that the foregoing will be useful to you.



ROB MCKENNA  
Attorney General

ALICIA O. YOUNG  
Assistant Attorney General  
(360) 664-4183

WTOS

MOTION

MOTION AMENDING RESOLUTION NO. 04-02, "ADMINISTRATION AND PERSONNEL COUNCIL RULES" TO AMEND RULE NO. 28 TO PROVIDE NOTICE OF A COUNCIL QUORUM PLANNING TO ATTEND A STANDING COMMITTEE MEETING

WHEREAS, the Council amended Ch. 1.04 OHMC on June 15, 2010 to provide for standing committees; and

WHEREAS, the Council adopted Rule 28 to address procedures to apply during standing committee meetings on October 5, 2010; and

WHEREAS, the Council wishes to ensure that the public is notified if a quorum of the city council plans to attend a standing committee meeting;

NOW, THEREFORE, UPON MOTION, the City Council hereby amends Resolution No. 04-02, "Administration and Personnel Council Rules" to amend Rule No. 28 on Standing Committee Procedures as follows:

RULE NO. 28 -- STANDING COMMITTEE PROCEDURES

- (1) The chair of the standing committee shall preside at standing committee meetings. If the chair is not present, the attending primary committee members shall choose a presiding officer *pro tempore*.
- (2) If a city councilmember wishes to attend a standing committee meeting of a standing committee of which he or she is not a primary member, that city councilmember shall notify the Mayor's office at least 48 hours prior to the standing committee meeting so that special notice of a city council meeting may be issued.
- (3) If a city councilmember appears for a standing committee meeting without having given the notice required in Paragraph (2) above, the meeting shall be adjourned until special notice can be given.
- (42) The council members assigned to the standing committee as primary members shall be seated at the table or dais. Councilmembers who attend standing committee meetings to which they are not assigned as primary member shall not sit at the council table or dais but in the seating designated for observers.

MOTION AMENDING "ADMINSTRATION AND PERSONNEL COUNCIL RULES" ADOPTED MARCH 2, 2004 TO AMEND RULE NO. 28 ON STANDING COMMITTEE PROCEDURES

(53) Public comment shall be allowed, unless the chair finds exceptional circumstances exist.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF OAK HARBOR

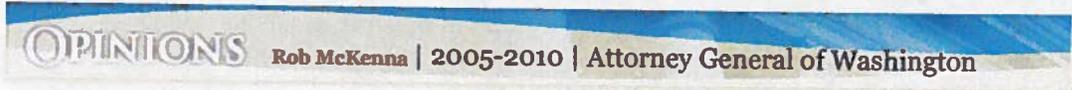
\_\_\_\_\_  
Jim Slowik, Mayor

ATTEST:

\_\_\_\_\_  
Connie Wheeler, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Margery Hite, City Attorney



**OPEN PUBLIC MEETINGS ACT – CITIES AND TOWNS – COUNTIES – Applicability of Open Public Meetings Act when a quorum of the members of a governing body are present at a meeting not called by that body.**

The presence of a quorum of the members of a city or county council at a meeting not called by the council does not, in itself, make the meeting a “public meeting” for purposes of the Open Public Meetings Act (RCW 42.30); the Open Public Meetings Act would apply if the council members took any “action” (as defined in RCW 42.30) at the meeting, such as voting, deliberating together, or using the meeting as a source of public testimony for council action.

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**March 28, 2006**

The Honorable Alex Deccio  
State Senator, 14th District  
P. O. Box 40414  
Olympia, WA 98504-0414

**Cite As:**  
**AGO 2006 No. 6**

Dear Senator Deccio:

This letter responds to your request for an opinion with regard to the following question:

**When a city or county council or council members are invited to attend a public meeting not called by the city or county council, is it legal for a quorum of such members to be present without violating the Open Meeting law?**

**BRIEF ANSWER**

The presence of a quorum of members of a city or county council does not, of itself, cause the Open Public Meetings Act to apply if council members attend a public meeting called by a third party. The gathering of council members would be a “meeting” for purposes of the Act only if the council members take “action” as defined in the Act, such as voting, deliberating, or other official business of the council. Assuming the Act applied, it would not be violated if the council has followed the advance notice requirements and treated the gathering as a special meeting.

**ANALYSIS**

The Open Public Meetings Act (the Act) applies to all meetings of a governing body of a public agency. RCW 42.30.030 provides the core requirement of the Act:

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**[original page 2]** All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

(Emphasis added.)

City and county councils, as well as numerous other types of state and local multi-member boards, are “governing bodies” of “public agencies” within the meaning of the Act. RCW 42.30.020(1) (defining “public agency”); RCW 42.30.020 (2) (defining “governing body”). The Act defines “meeting”, however, as only meetings where an “action” is taken there. See RCW 42.30.020(4) (“ ‘meeting’ means meetings at which action is taken”). The Act then defines an “action” as the “transaction of the official business of the agency”. RCW 42.30.020(3). Some specific examples of “actions” are provided in the Act: “[T]he transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.” RCW 42.30.020(3).[1]

Your question asks whether the presence of a quorum of the governing body at a third party’s meeting by itself violates the Act, and we conclude that it does not. The fact that a quorum of the council members is present at the same time and place does not “automatically” mean that a “meeting” has occurred for purposes of the Act because an “action” must occur to trigger the Act. See *In re Recall of Estey*, 104 Wn.2d 597, 604, 707 P.2d 1338 (1985). In *Estey*, the Supreme Court rejected proposed recall charges based on alleged violations of the Act because the charges did not sufficiently identify an action taken at a meeting. Similarly, in *Eugsterv. City of Spokane*, 118 Wn. App. 383, 424, 76 P.3d 741 (2003), the Court of Appeals explained the Act as applying when “(1) members of a governing body (2) held a meeting of that body (3) where that body took action”. *Id.*(emphasis added).[2]

We emphasize that whether the members take an “action” depends on if the particular circumstances fall within the “transaction of the official business” of the governing body. Examples of an “action” include members deliberating or discussing a decision they might eventually make. See, e.g., *In re Recall of Beasley*, 128 Wn.2d 419, 908 P.2d 878 (1996) (discussions among school board members regarding contract issue would constitute “meetings”). Another express example of an “action” is when the members take a vote on a matter. RCW 42.30.020(3). “Action” includes “receipt of public testimony”, so council members attending a third party’s public meeting would need to consider whether they are receiving public testimony.[3]

**[original page 3]** Even if some “action” takes place when council members attend some other entity’s public meeting, the conclusion that the Act applies does not force the members to choose between attendance or violation of the Act. The Act requires that a meeting to which the Act applies be “open and public and all persons shall be permitted to attend”. RCW 42.30.030. If the gathering or event is in fact open to the public, as your question assumes, then even if the Act applies, council members may avoid violating the Act if proper advance notice is given, designating the third party’s event as a “special meeting.”

State law provides for calling a special meeting, setting forth certain requirements for a special meeting, including that (1) the meeting be called by the presiding officer (such as a chairman) or by a majority of the membership, and (2)

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notice be given personally or by mail delivery to all of the members, as well as to local media who have requested notice. RCW 42.30.080 (requirements for special meeting). The notice must designate the time and place and the business to be transacted, and final action cannot be taken as to any matter for which notice is not given. *Id.* Therefore, if the council is concerned that, given the nature of any particular gathering, public testimony, discussions, or some other action might take place, the council can designate it in advance as a "special meeting" for the purpose of complying with the Act and removing any doubt as to the legality of any action that might be taken there.

For these reasons, we conclude that the presence of a quorum of members of a city council or county council at a public event, gathering, or meeting does not trigger application of the Act unless the quorum takes an "action" by transacting official business of the city or county. We also conclude that when the Act applies to council members attending a third party's meeting, the council members do not violate the Act if the meeting is open to the public and if the governing body follows the requirements of the Act for giving notice of a special meeting.

We trust that the foregoing analysis will be helpful to you.

Sincerely,

ROB MCKENNA  
Attorney General

JAY DOUGLAS GECK  
Deputy Solicitor General

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[1] The statute goes on to define the term "final action", but it is not necessary to consider that definition in order to respond to your question.

[2] Additionally, before a member of the governing body incurs personal liability for a violation, RCW 42.30.120(1) requires that the person act "with knowledge of the fact that the meeting is in violation" of the Act.

[3] It goes beyond your question to define what is, and is not, the taking of public testimony. We do not mean to suggest that council members "take public testimony" simply by attending a meeting with information that has general relevance to their council work. Whether council members are taking public testimony depends, at a minimum, on the type of official business facing the council and whether the third party's meeting falls within the concept of public testimony for purposes of the council's official business.

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MEETINGS -- PUBLIC -- APPLICABILITY OF OPEN PUBLIC MEETINGS ACT TO A COMMITTEE OF THE GOVERNING BODY.

- (1) The definition of governing body, including any "committee thereof," covers both committees composed of members of the governing body and committees composed of nonmembers appointed by the governing body.
- (2) A committee of the governing body is required to comply with the provisions of the Open Public Meetings Act when it acts on behalf of the governing body by exercising actual or de facto decisionmaking power.

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December 31, 1986

Honorable Robert V. Graham  
State Auditor  
Legislative Building, AS-21  
Olympia, Washington 98504

Cite as: AGO 1986 No. 16

Dear Sir:

By letter previously acknowledged, you have requested our opinion regarding an amendment to the Open Public Meetings Act (ACT), chapter 42.30 RCW, which defines the term "governing body." (Section 1, chapter 155, Laws of 1983 amended RCW 42.30.020(2).) The amendment expanded the definition of "governing body" to include "any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." You have requested our opinion about the meaning of the phrase underscored above.

Your inquiry raises two questions which we phrase as follows:

- (1) Does a "committee thereof" include both committees composed of members of the governing body and committees composed of nonmembers of the governing body when appointed by the governing body?
- (2) Under what circumstances is a committee of a governing body required to comply with the provisions of the Open Public Meetings Act?

[[Orig. Op. Page 2]]

We answer the first question in the affirmative and the second question in the manner set forth in our analysis.

ANALYSIS

We begin our analysis by reciting two rules of statutory construction we will rely on in answering both questions. The first rule of construction is that words in a statute that are not defined must be accorded their usual and ordinary meaning.

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Pacific First Fed. Sav. & Loan Ass'n v. State, 92 Wn.2d 402, 409, 598 P.2d 387 (1979). In determining the usual and ordinary meaning of words, it is appropriate to consult the dictionary. See Purse Seine Vessel Owners Ass'n v. Moos, 88 Wn.2d 799, 808, 567 P.2d 205 (1977).

The second rule of statutory construction is that where legislative intent is not clear from the language of the statute it is appropriate to consider the legislative history of the statute. Bellevue Fire Fighters Local 1604 v. Bellevue, 100 Wn.2d 748, 751, 675 P.2d 592 (1984). This legislative history can include the sequence of amendments to the statute as well as comments made during the statute's consideration. See State v. Turner, 98 Wn. 2d 731, 735, 658 P.2d 658 (1983).

With these two principles of statutory construction in mind, we turn to your first question:

Does a "committee thereof" include both committees composed of members of the governing body and committees composed of nonmembers of the governing body when appointed by the governing body?

To answer this question, we must first review what committees were subject to the Act prior to the 1983 amendment at issue here. The Open Public Meetings Act was enacted in 1971. Laws of 1971, 1st Ex. Sess., ch. 250. The scope of the Act was set forth in section 3, (now codified as RCW 42.30.030) which stated:

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this act.

Laws of 1971, 1st Ex. Sess., ch. 250, § 3, p. 1114.

[[Orig. Op. Page 3]]

Under section 3 the Act applied only to the "governing body" of a "public agency." The term "public agency" was specifically defined in section 2(1) to include committees and states:

"Public agency" means:

(a) Any state board, commission, committee, department, educational institution or other state agency which is created by or pursuant to statute, other than courts and the legislature.

(b) Any county, city, school district, special purpose district or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, and other boards, commissions, and agencies. (Emphasis supplied)

Laws of 1971, 1st Ex. Sess., ch. 250, § 2(1), p. 1113.

In AGO 1971 No. 33, copy enclosed, we answered a number of questions pertaining to the scope and operation of the Act. Two of those questions dealt

specifically with whether certain committees and subcommittees were subject to the Act. These two questions were as follows:

Question (2):

Are advisory committees, boards and commissions subject to the provisions of the open meetings act?

...

Question (3):

When a governing body of a public agency forms a subcommittee composed of members of the governing body, is the subcommittee subject to the provisions of the open public meetings act?

AGO 1971 No. 33, at 8-9.

[[Orig. Op. Page 4]]

With regard to question 2, we concluded that advisory committees, boards, and commissions were not subject to the Act unless they were "public agencies" under section 2(1) of the Act. To be a public agency under section 2(1)(a) or (c), a committee or other group must be created "by or pursuant to statute, ordinance or other legislative act." Based on this requirement, AGO 1971 No. 33 concluded: "[W]e do not believe that this definition would include those discretionary ad hoc groups which may be formed pursuant to a general, implied executive authority instead of a specific statute or ordinance." AGO 1971 No. 33, at 8.

We reached a similar conclusion in responding to question 3, where we stated:

Such a subcommittee is normally not created "by or pursuant to a statute, ordinance or other legislative act" and, therefore, it would not be included within the definition of a public agency. If it is not a "public agency," then even though it has a multimember composition its activities would not be subject to the provisions of the act. However, if the subcommittee membership is such that it comprises a majority of the governing body, then the "subcommittee" would have to be considered as the governing body itself, under the act, and would then be subject to all of the notification and meeting requirements of the act.

AGO 1971 No. 33, at 9.

Thus, as enacted in 1971, the Act did not apply to committees, subcommittees, and other groups that were not created by or pursuant to statute, ordinance, or other legislative act.

This gap in the coverage of the Act seems to have been a matter of concern. For example, in 1983 we received a letter from Representative Nelson inquiring whether certain committee meetings of the Washington Public Power Supply System (WPPSS) were subject to the Act. We responded to this inquiry by letter dated March 18, 1983, copy enclosed. In that letter, we referred Representative Nelson to AGO 1971 No. 33 and indicated that only committees created by or pursuant to a statute, ordinance, or other legislative act were subject to the Act.

In 1983 the Legislature amended the definition of "governing body" in RCW 42.30.020(2) to include committees thereof. The amendatory language in question here is as follows:

[[Orig. Op. Page 5]]

"Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body conducts hearings, or takes testimony or public comment.

Laws of 1983, ch. 155, § 1, p. 669.

It appears to us that the purpose of this amendment was to extend the coverage of the Act to committees, subcommittees, and other groups that are not created by or pursuant to statute, ordinance, or other legislative act. This conclusion is buttressed by the legislative history of the 1983 amendment. In response to a point of inquiry, Senator Thompson, one of the sponsors, stated:

Senator McDermott, this language does, indeed, relate to the WPPSS situation, because another portion of the bill that Senator Lee alluded to, brings committees of governing bodies under the effect of the open meetings act, which is substantial in its effect on WPPSS operations, because they have organized into committees. The executive board is organized into committees and as I understand it, they are substantially conducting their business in that manner. This has caused some concern, because an LBC auditor was even prevented from attending some of those sessions, even though he was under instruction to do so. It does, indeed, apply to the WPPSS situation.

Senate Journal, 48th Legislature (1983), at 880.

Under the 1983 amendment, a committee is considered to be part of the governing body itself, even though the committee does not, in and of itself, constitute a new public agency or subagency because it is not created by or pursuant to statute, ordinance, or other legislative act.

The thrust of your question goes to the scope of the term "committee thereof." In our opinion, the term "committee thereof" includes all committees created by a governing body pursuant to its executive authority as opposed to a specific statute, ordinance, or other legislative act. Thus, a "committee thereof" includes [[Orig. Op. Page 6]] committees composed solely of a minority of the members of the governing body. It also includes committees composed of nonmembers of the governing body.

We reach this conclusion for two reasons. The first is the policy of the Act itself. RCW 42.30.010 states:

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

RCW 42.30.910 further provides that the Act is remedial and shall be liberally construed.

These two provisions were relied upon by the Supreme Court in Cathcart v. Andersen, 85 Wn. 2d 102, 107, 530 P.2d 313 (1975). In that case, the court ruled that the University of Washington Law School is a subagency and its faculty is a governing body subject to the Act.

The second reason for our conclusion is the plain meaning of the words "committee thereof." Neither of these words is defined in the statute. Thus, we must resort to their usual and ordinary meaning. The term "committee" is defined as "2a: a body of persons delegated to consider, investigate, or take action upon and usu. to report concerning some matter of business; . . ." Webster's Third New International Dictionary 458 (1971).

There are two significant points about the definition of the word "committee." The first is that a committee is a body of persons. This definition would apply equally to any group, be it called a committee or some other name such as board or council. The second is that there is nothing in the definition that restricts the composition of the group to members of the governing body or, for that matter, to nonmembers of the governing body. The definition includes both.

The term "thereof" is defined as: "1: of that: of it . . . 2: from that cause: from that particular: Therefrom . . ." Webster's Third New International Dictionary 2372 (1971). There are two definitions of the word "thereof". The first definition would seem to limit the composition of committees to members of the [[Orig. Op. Page 7]] governing body. However, the second definition includes any committee the governing body brings into being.

We find nothing in the language of the Act or its legislative history to indicate that the Legislature intended the more restrictive first definition. Also, the policy of the Act and the legislative declaration that the statute be liberally construed support our application of the broader definition of the word "thereof."

Having concluded that the phrase "committee thereof" includes all committees, regardless of the identity of their members, we turn to your second question:

Under what circumstances is a committee of a governing body required to comply with the provisions of the Act?

The 1983 amendment at issue here added the following words to the term "governing body": "or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." Laws of 1983, ch. 155, § 1, p. 669.

In responding to your second question, we are concerned with the phrase "when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." Your question focuses specifically on when a committee "acts on behalf of the governing body." We begin our analysis by again turning to the dictionary. The term "act" or "acts" has a number of definitions. These include:

4: to discharge the duties of a specified office or post: perform a specified function: . . . 5a: to exert power or influence: produce an effect . . . b: to produce a desired effect: perform the function for which designed or employed: work . . .

Webster's Third New International Dictionary 20 (1971). The term "on behalf of" is defined as: "in the interest of: as the representative of: for the benefit of . . ." Webster's Third New International Dictionary 198 (1971).

These definitions present two alternate meanings to the phrase "acts on behalf of." On the one hand, a committee might act on behalf of the governing body whenever it performs a specified function in the interest of the governing body. This would be a [[Orig. Op. Page 8]] very broad definition. Under this construction, all acts of a committee would be subject to the Act, just as a governing body is subject to the Act whenever it meets to take action.

On the other hand, a committee might act on behalf of the governing body only when it exerts power or influence or produces an effect as the representative of the governing body. This is a narrower interpretation of the phrase. Under this construction, a committee acts on behalf of the governing body when it exercises actual or de facto decisionmaking authority for the governing body.

The policy of the Act set out in RCW 42.30.010 and the legislative declaration of liberal construction in RCW 42.30.910 support the broad interpretation of the phrase. However, we are persuaded that the narrower construction correctly reflects the intent of the Legislature.

We reach this conclusion for two reasons. The first is the rule or statutory construction that the Legislature is presumed not to have used superfluous words. If possible, each word in a statute is to be accorded meaning. State v. Lundquist, 60 Wn.2d 397, 403, 374 P.2d 246 (1962). Here, the phrase "when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment" would be superfluous if all committee meetings were subject to the Act.

RCW 42.30.030 provides that "[a]ll meetings of the governing body of a public agency shall be open and public . . ." The term "meeting" is defined as "meetings at which action is taken." RCW 42.30.020(4).

Before 1985, the word "action" was defined in RCW 42.30.020(3) as:

the transaction of the official business of a public agency by a governing body including but not limited to a collective decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

Laws of 1971, 1st Ex. Sess., ch. 250, § 2(3), p. 1114.

[[Orig. Op. Page 9]]

In AGO 1971 No. 33, we interpreted the term "action" broadly. Under our construction, the Act applied to any meeting of a majority of the members of a governing body, even an informal one, where matters within the ambit of the agency's official business were considered. This interpretation is reinforced by the 1985 amendment to the definition which is even broader than the 1971 definition. Laws of 1985, ch. 366, § 1, p. 1301.1/

If the Legislature intended a broad interpretation of the phrase "acts on behalf of," it simply would have added the words "or any committee thereof" to the definition of "governing body." Had the Legislature done so, a committee would have been subject to the Act on the same basis as the governing body itself--whenever it conducts a meeting at which action is taken.

However, the Legislature also added the phrase "when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." These words would be rendered meaningless if a committee is required to comply with the Act when it holds a meeting where action is taken. Under this language a committee of a governing body is required to comply with the Act only "when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment."

We also note that the Legislature selected the word "acts" instead of the word "action," which is broadly defined in RCW 42.30.020(3). If the Legislature intended the phrase "acts on behalf of" to be broadly construed we believe it would have used the word "action."

The second reason we conclude that the phrase should be narrowly construed is the legislative history of the amendment. The 1983 amendment was introduced as part of Senate Bill 3206. That bill would have amended the definition of "governing body" by [[Orig. Op. Page 10]] adding the following language to the definition: "or any committee thereof if the committee is authorized to act on behalf of the governing body in conducting hearings, taking testimony or public comment, or deliberating the making of policy or rules." Senate Bill 3206, 48th Legislature (1983).

Subsequently, Senate Bill 3206 was replaced by Substitute Senate Bill 3206. The substitute bill narrowed the amendment to the term governing body as follows: "or any committee thereof if the committee is authorized to act on behalf of the governing body, conduct hearings or take testimony or public comment." Substitute Senate Bill 3206, 48th Legislature (1983).

The substitute bill eliminated the phrase "or deliberating the making of policy or rules." We believe this change indicates that the Legislature did not intend to extend the coverage of the Act to committees that do nothing more than deliberate the making of policy or rules.

The 1983 amendment to the term "governing body" was modified once more on the floor of the Senate in an amendment proposed by Senator Hemstad. His amendment struck the language: "if the committee is authorized to act on behalf of the governing body, conduct hearings, or take testimony or public comment." In its place Senator Hemstad proposed the following language: "when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment." Senate Journal, 48th Legislature (1983), at 881.

On the floor of the Senate, Senator Hemstad explained the purpose of the amendment as follows:

Frankly, I was thus very uncertain as to how far that would go because it does not limit the situation to where it was acting on behalf of the governing body, conducting hearings or taking public comment but was authorized to. So it would mean that any subcommittee acting in other kinds of capacities would at least

technically come within the scope of the new language. I think my phrasing now if it says when the committee acts on behalf of the governing body, conducts hearings and takes testimony or public comment, it would then require to be open would limit it, define it, and I think would make it more acceptable.

Senate Journal, March 30, 1983 (transcribed from tape).

[[Orig. Op. Page 11]]

The Senate adopted the Hemstad amendment and this is the language that became law. The Hemstad amendment further demonstrates that the Legislature did not intend all committee meetings to be subject to the Act.

This conclusion is also supported by the legislative history of the 1983 amendment in the House of Representatives. In response to a point of inquiry from Representative Isaacson, Representative Hine described the scope of the 1983 amendment as follows:

Mr. Isaacson: "Representative Hine, would formal notices be required when preliminary discussions were being held by members of the city council and city staff?"

Ms. Hine: "Representative Isaacson, I believe that is not the intent of this legislation."

Mr. Isaacson: "Would the bill apply to the meeting of a budget committee consisting of less than a majority of the governing body, discussing the budget with a department head?"

Ms. Hine: "No, Representative Isaacson."

Mr. Isaacson: "What are the requirements with respect to giving formal notice?"

Ms. Hine: "It's the intent of the legislation, we believe, subject to the deliberations of the governing body, that this apply only to the deliberations of the governing body or subcommittees which the governing body specifically authorizes to act on its behalf, or which policy, testimony or comments are made in its behalf. In other words, it's when making policy or rules, not for general comments or any kind of informal type meeting they may have. Those would not require the official formal notice." (Emphasis supplied.)

House Journal, 48th Legislature (1983), at 1294.

In our judgment, this legislative history establishes that the Legislature intended the narrower definition of the phrase "acts on behalf of." Based on this narrow definition, we conclude that a committee acts on behalf of the governing body when it exercises actual or de facto decisionmaking authority for the governing body. This is in contrast to the situation where the committee simply [[Orig. Op. Page 12]] provides advice or information to the governing body. In our opinion such advisory committees do not act on behalf of the governing body and are therefore not subject to the Act.

Since your question does not pose a specific factual situation, we are unable to say precisely when a committee acts on behalf of the governing body and is thus

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subject to the Act. The line between exercising actual or de facto decisionmaking powers and simply giving advice will obviously depend upon the responsibilities and powers of the particular committee in question. Two decisions by the Supreme Court of Oklahoma interpreting that state's open meeting law, prior to its repeal and reenactment in 1977, illustrate this distinction.

Oklahoma's prior open meeting law provided that all meetings of certain governing bodies must be public meetings. 25 O.S. 1971 § 201. In Sanders v. Benton, 579 P.2d 815 (Okla. 1978) the court considered the application of the open meeting law to a citizens advisory committee impaneled to provide information to assist in determining the site for a community treatment center. The plaintiff claimed that the citizens advisory committee was subject to the open meeting law because it was acting for and on behalf of the Board of Corrections, which was clearly a governing body subject to the Oklahoma law. In Sanders, the court ruled that the citizens advisory committee was not subject to the open meeting law because the citizens advisory committee exercised no governmental powers or decisionmaking authority.

The court in Sanders distinguished its decision in Carl v. Board of Regents, 577 P.2d 912 (Okla. 1978). Carl concerned an admissions board of the University of Oklahoma. The court ruled that the admissions board was subject to the open meeting law because the Board of Regents, which was ultimately responsible for admissions, had delegated decisionmaking authority to the admissions board to select students for the college of medicine.

In our opinion a committee acts on behalf of the governing body when it exercises actual or de facto decisionmaking power, such as the admissions board in Carl. Such a committee is subject to the Act whenever it meets to conduct business related to the exercise of its decisionmaking power. An advisory committee, such as the citizens advisory committee in Sanders, is not subject to the Act.

A committee that exercises decisionmaking power and also serves a separate advisory function is subject to the Act when it [[Orig. Op. Page 13]] meets to conduct business related to the exercise of decisionmaking power. To the extent the committee has a separate advisory role, it is not subject to the Act when it meets to conduct business related to that advisory role. However, where a committee performs both functions it is subject to the Act unless the advisory function can be separated from the exercise of its decisionmaking authority.

We trust that the foregoing will be of assistance to you.

Very truly yours,  
KENNETH O. EIKENBERRY  
Attorney General

WILLIAM B. COLLINS  
Assistant Attorney General

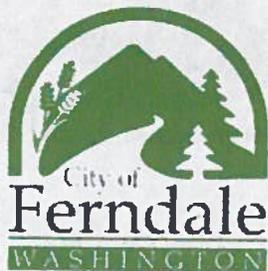
CHRISTINE O. GREGOIRE  
Deputy Attorney General

\*\*\* FOOTNOTES \*\*\*

1"Action" means the transaction of the official business of a public agency by a governing body including, but not limited to, receipt of public testimony, deliberations, discussions,

considerations, reviews, evaluations, and final actions. "Final action" means a collective ((~~decision made by a majority of the members of a governing body to make~~ a)) positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

## Exhibit E



## City Council Committees

In addition to serving as members of the City Council, Council members also participate in various committees which have been created to assist them in examining issues that may come before the Council in greater depth and detail. Every two years the Council organizes itself with respect to the number and makeup of the Committees. Often times, issues are resolved in Committee without further action on the part of the Council. Frequently the Committees make recommendations which are then later considered by the full City Council. The following is a list of Committees, as reorganized in August of 2008: Public Works and Utilities, Finance and Administration, Planning and Land Use, Police Station/Library Ad Hoc, and Public Health and Neighborhood Services.

Council Committees meetings are set by Ordinance and convene on Wednesday mornings prior to the regularly scheduled City Council meetings. Meeting are held in the City Hall Main Conference Room, located at 2095 Main Street.

City of Ferndale -- PO Box 936 -- 2095 Main Street -- Ferndale, WA 98248 -- Ph (360) 384-4302

Designed, developed, and maintained by NW Technology



## **Council Committees**

In accordance with the broad powers given to a Council to establish rules for the conduct of their proceedings, Councils may form standing committees. Council committees are often assigned tasks of doing preliminary work on problems and serve as advisory boards to the remainder of the Council.

The City of Maple Valley has two standing committees:

1. Audit Committee
2. Public Safety Oversight Committee

All committee meetings are open to the public.

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# Metropolitan King County Council

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 TTY/TDD: 206-296-1024  
 Fax: 206-296-0198

[council@kingcounty.gov](mailto:council@kingcounty.gov)

## Council Committees

### Council Agenda and Minutes

Regular meetings of the full [Metropolitan King County Council](#) are held Mondays starting at 1:30 p.m. in the Council Chambers on the 10th floor of the King County Courthouse, at 516 Third Avenue between James and Jefferson in Seattle.

### Cable broadcast and online video archive

Meetings are carried live on King County Television on Cable Channel 22, and streamed live through the [KCTV Web site](#). Council meetings are scheduled for replay on KCTV on **Monday at 7:00 p.m.**, [archived video of Council meetings](#) are available anytime.

### Committee Staffing and Information

The County Council functions through the work of its standing committees and regional committees, which scrutinize proposed legislation for consideration by the full Council. Regional committees include elected officials from other jurisdictions. See each [agenda](#) for the time and place of specific committee meetings or call 206-296-1000. [Watch archived Committee meetings.](#)

- [Committee of the Whole](#)
- [Budget and Fiscal Management](#)
- [Environment and Transportation](#)
- [Government Accountability and Oversight](#)
- [Law, Justice, Health and Human Services](#)
- [Regional Policy Committee](#)
- [Regional Transit Committee](#)
- [Regional Water Quality Committee](#)

### Special purpose governments

Under legislative authority to counties provided by the state Legislature, members of the King County Council also serve as ex-officio members of the Boards of two special purpose governments.

- [King County Ferry District](#)
- [King County Flood Control District](#)



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Special meetings of the Committee of the Whole

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## City Council

### COUNCIL COMMITTEES

Most items brought before the Council are referred from a committee. The committees have studied and reviewed issues before being referred to the full Council for their review. More than one committee may have studied an issue. Committee reports are presented on the agenda under the committee's name such as, Transportation, Utilities, General Government and Public Safety, Finance and Economic Development, Land Use, and Community Relations and Public Affairs. Three Councilmembers serve on each committee.

Select the Lacey City Council committee below to view agendas and minutes.

Committee	Schedule	Responsibility
<a href="#">Community Relations &amp; Public Affairs</a>	3rd Wednesday of the month at noon	Lacey's community relations, historic preservation, parks and recreation.
<a href="#">Finance &amp; Economic Development</a>	4th Monday of the month at noon	Budget, financial and economic development matters.
<a href="#">General Government &amp; Public Safety</a>	3rd Wednesday of the month at 2:00 p.m.	General administrative and regulatory functions of the city; licensing and regulation, selected intergovernmental relations matters, cultural activities, social and health services, library services, human rights, public safety matters, including police, fire, criminal justice, emergency services, dispatch and communication systems, disaster and emergency planning and water safety.
<a href="#">Transportation</a>	2nd Friday of the month at noon	Streets, highways, public transit, sidewalks, bicycle routes, traffic safety, rail, parking, and regional transportation plans.
<a href="#">Utilities</a>	1st Tuesday of the month at 11 a.m.	City utilities including water and sewer, and policy on all energy-related matters. Reviews existing and proposed utility service delivery areas and the boundaries for all proposed annexation areas.
<a href="#">Land Use</a>	2nd Wednesday of the month at 7 a.m.	Non-utility items referred by the city's Planning Commission and Thurston Regional Planning Council, as well as urban growth policy, and housing issues.

#### Special Accommodations

The City of Lacey provides reasonable accommodations to persons with disabilities. We invite any person with special needs to contact the City Clerk at (360) 491-3214 at least seventy-two hours before the meeting to discuss any special accommodations that may be necessary. Citizens with hearing impairment may call the TDD line at (800) 833-6388.

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## Council Committees

The Olympia City Council has four standing committees. Public notice for Council Committee meetings is included on the weekly [Agenda](#) of City Council meetings.

### Committee of the Chairs

**Members:** Craig Ottavelli, Rhenda Strub, Stephen Buxbaum

**Staff Liaison:** Steve Hall, City Manager, [shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)

**General Topics:** Council Committee referrals, administrative issues related to the three substantive committees (Finance, General Government, and Land Use/Environment)

### Finance Committee

**Members:** Stephen Buxbaum, Chair; Steve Langer and Karen Rogers

**Staff Liaison:** Jane Ragland Kirkemo, Administrative Services Director, [jkirkemo@ci.olympia.wa.us](mailto:jkirkemo@ci.olympia.wa.us)

**General Topics:** Budget, Revenues, Expenses

### General Government Committee

**Members:** Craig Ottavelli, Chair; Steve Langer and Jeannine Roe

**Staff Liaison:** Cathie Butler, Communications Manager, [cbutler@ci.olympia.wa.us](mailto:cbutler@ci.olympia.wa.us)

**General Topics:** Public Safety, General City policy, Advisory Committees, Community Relations

### Land Use and Environment Committee

**Members:** Rhenda Strub, Chair; Jeannine Roe and Karen Rogers

**Staff Liaison:** Keith Stahley, Director of Community Planning & Development, [kstahley@ci.olympia.wa.us](mailto:kstahley@ci.olympia.wa.us)

**General Topics:** Community Development, Land Use, Planning, Utilities, Environment and Sustainability

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## Interjurisdictional Committee Assignments

Councilmembers also represent the Council and City on numerous interjurisdictional and community boards:

[List of 2010 Interjurisdictional Assignments](#)

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## Council Committees

Many items brought before the entire Council are referred to a working committee for review. Upon completion of that review, the committee makes a recommendation to the entire Council for a vote at a subsequent Council meeting. Committee reports are presented under "Unfinished Business" on the [agenda](#).

Upcoming Council committee meetings are announced during the Council meeting. A recorded schedule is available by calling 425.430.6512, or view the schedule on cable T.V. [channel 21](#) within the Renton City limits or on the City of Renton [Public Meetings](#) web page. All committee meetings are open to the public.

### Committee of the Whole

Meets for work session Mondays prior to the Council meeting in the Council Chambers  
 Example Topics: regional issues; policy issues; monitoring proposed local, state and federal legislation; labor negotiations; joint meetings with boards and commissions; budget review; emergency ordinances and resolutions; other items referred by Council.

**Chair: Terri Briere**

### Community Services Committee

Meets 2nd and 4th Mondays at 5:00 p.m. in the 7th Floor Council Conference Room of City Hall  
 Example Topics: parks, recreation, golf course, community centers, general services, facilities, library, senior services, human services, appointments to boards and commissions.

**Chair: Marcie Palmer**

**Vice-Chair: Randy Corman**

**Member: Rich Zwicker**

### Finance Committee

Meets Mondays at 4:00 p.m. in the 7th Floor Council Conference Room of City Hall  
 Example Topics: financial reports, computer/information systems, insurance issues, claims/vouchers review, organizational and personnel issues and reports.

**Chair: Don Persson**

**Vice-Chair: Greg Taylor**

**Member: King Parker**

### Planning & Development Committee

Meets the 2nd & 4th Thursdays at 2:00 p.m. in the 7th Floor Council Conference Room of City Hall  
 Example Topics: building regulations, zoning, planning, annexations, land use appeals.

**Chair: King Parker**

**Vice-Chair: Rich Zwicker**

**Member: Greg Taylor**

### Public Safety Committee

Meets 1st and 3rd Mondays at 5:00 p.m. in the 7th Floor Council Conference Room of City Hall  
 Example Topics: fire-related issues, police-related issues, emergency communications, public safety facilities.

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**Chair: Greg Taylor**  
**Vice-Chair: Don Persson**  
**Member: Marcie Palmer**

### **Transportation/Aviation Committee**

Meets the 2nd & 4th Thursdays at 4:00 p.m. in the 7th Floor Council Conference Room of City Hall  
Example Topics: streets, airport, HOV/mass transit, signals/lighting.

**Chair: Randy Corman**  
**Vice-Chair: Marcie Palmer**  
**Member: Don Persson**

### **Utilities Committee**

Meets the 2nd & 4th Thursdays at 3:00 p.m. in the 7th Floor Council Conference Room of City Hall  
Example Topics: water utility, wastewater (sewer) utility, surface water (storm drainage) utility, garbage, recycling, flood control.

**Chair: Rich Zwicker**  
**Vice-Chair: King Parker**  
**Member: Randy Corman**

### **Email the [Renton City Council](#)**

*NOTICE: The members of the Renton City Council are elected officials. State law provides that all correspondence sent to them (by any means, including email) is a public record. Certain records such as personal information may be exempt from disclosure. Therefore, any correspondence relating to City business sent to the Council (by any means, including email) by any member of the public will be disclosed to any person who makes a request, unless exempt from disclosure under state law.*

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**RULE 9 - COMMITTEES**

**Rule 9.1 STANDING COMMITTEES**

There shall be five standing committees: the Public Safety Committee, the Finance Committee, the Public Works Committee, the Neighborhood Committee and the Planning/Community and Economic Development Committee.

Committee membership shall be comprised of the Council President or his or her designee, and two other Council members nominated by the Council President and approved by the City Council. The Council President or his or her designee shall preside over the committee meetings

A) The Public Safety Committee, upon the request of the City Council or Mayor shall review, consider and make recommendations to the City Council on issues related to the public health, safety and welfare of the citizens of Spokane specifically including, but not limited to, considering and reviewing programs, plans and other non-personnel activities involving the police and fire departments and other public safety activities of the City of Spokane, and making recommendations where appropriate.

The Public Safety Committee shall be the liaison between the City Council and the citizens' review commission, receive reports and complaints and summaries of findings thereon from the commission and instruct the commission on trend monitoring.

B) The Finance Committee is charged with the responsibility to review and report its recommendations on the annual budget and to this end may hold public hearings. The committee shall also consider and report on such other financial matters as may from time to time be referred to it by the Council.

The Finance Committee shall meet not less than quarterly for the purposes of fulfilling its obligations.

C) The Public Works Committee reviews subjects of a public works nature.

D) The Neighborhood Committee shall act as liaison between the City Council and the various neighborhood organizations.

E) The Planning/Community and Economic Development Committee shall review, consider and make recommendations to the City

Council on issues relating to planning, community and economic development including land use planning and programs and policies to improve community and economic development.

F) The Council President shall appoint the members of standing committees at the second meeting in January of each year.

**Rule 9.2 SELECT COMMITTEES**

Select committees with specified functions may be established for a designated term by motion of the Council. Unless already determined by the Council, such matters as number, members and time for report of a committee shall be declared by the Chair subject to appeal.

**Rule 9.3 REFERRAL**

By declaration of the Chair (subject to appeal) or by motion of the Council, a matter before the Council may be referred to a committee, except that no committee shall investigate the facts of, nor shall any member or members of the Council take independent action on, any pending or contemplated adjudicative matters.

**Rule 9.4 REPORT**

9.4.1 A committee shall advise the Council that it is ready to report by making such announcement at a briefing session, at which time the Council may decide on what agenda the matter shall be placed, or by filing the report with the Clerk for placement on an agenda in coordination with the Council President and Mayor as any other agenda item.

9.4.2 A report of a committee recommending that the Council take specific action shall be in writing and pre-filed, except in emergencies, in the manner of a formal resolution. Such pre-filing may substitute for full reading. Any committee member disagreeing with any part of the committee's report shall be given the opportunity to express his or her disagreement, orally or in writing, prior to Council action on the matter. If it be moved and seconded that the minority report be adopted, that motion shall be voted on before a motion to adopt the committee report.

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**Rule 9.5 INTER-GOVERNMENTAL COMMITTEES AND BOARDS**

Unless governed by other regulations, statutes or ordinances, appointment of City Council members to inter-governmental committees or boards shall be made by the Council President with the City Council's consent.

**Rule 9.6 OPEN MEETINGS**

If a committee be comprised of more than three Council members, or if other Council members attend a meeting so that more than three are present, the meeting shall comply with the Open Public Meetings Act (RCW 42.30).

*Adopted October 1, 2001 (Resolution No. 01-84)*  
*Amended March 11, 2002 (Resolution No. 02-27)*  
*Amended September 3, 2002 (Resolution No. 02-83)*  
*Amended March 29, 2004 (Resolution No. 04-27)*  
*Amended December 19, 2005 (Resolution No. 05-0148)*

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**ARTICLE 4 - COMMITTEES, BOARDS & COMMISSIONS****4.1 Committees.**

- (a) All standing committees which are required by state law shall consist of three members of the Council appointed by the Mayor in January of each year, or at such time as new standing committees are required by state law.
- (b) All other Council committees, liaisons and citizen's taskforce groups and rules or operating procedures thereof shall be established by Council directive with special attention to RCW 35A.13.120, and after consultation with the City Manager. Such committees shall be subject to periodic review so as to determine whether the committee and its function continues to be appropriate and necessary.
- (c) Special ad hoc committees for a particular purpose may be appointed by the Mayor, along with a clear task description and "sunset" provision.
- (d) Committees, liaisons and citizen's taskforce groups shall make a recommendation, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility or interest, before action is taken by the Council. The appropriate spokesperson shall present the recommendation(s) which could lead to final action during the discussion of the business item on Council agenda.
- (e) No committee shall be delegated the authority to take any final action outside of an open public meeting.

**4.2 Council Relations with Boards, Commissions and Council Citizen Advisory.**

All statutory boards and commissions and Council citizen advisory bodies shall provide the City with copies of minutes of all meetings. Communications from such boards, commissions and bodies to the City Council shall be acknowledged by the Council. Any member of the Council may also bring such communication to the Presiding Officer's attention under the agenda item "Committee, Board and Liaison Reports." Should any member of the Council determine that any such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting.

**4.3 Standing committees shall be appointed by Mayor and confirmed by Council:**

**Finance -- three members**

Committee Procedures: Standing Council committees shall have no regular prescribed duties or meetings except the required bills and payroll procedures required by state law, unless specifically charged by the City Council. Members of standing committees constitute a COUNCIL LEADERSHIP POOL wherein each member has a special expertise and/or interest.

Committee meetings (when held) should be open to the public unless discussing matters which would qualify for an executive session if discussed within the whole Council. All Council Committee meetings shall be for the purpose of considering legislative policy matters, rather than administrative matters unless requested by the City Manager. Legislative policy considerations should be brought to the Council-of-the-Whole, unless referred to a committee for pre-study.

The Mayor may appoint such other ad-hoc advisory committees or liaisons from the Council or community for the purpose of advising the Council in legislative policy matters. All ad-hoc committees shall be defined by a clear task and a method of "sunsetting" the committee at the conclusion of the assigned task.

**4.4 Council liaison appointees shall be appointed by the Mayor (no confirmation required):**

Board and Commission liaisons:

Planning Commission - one member

Park Advisory Board - one member

Lodging Tax Advisory Committee (Sequim Marketing Action Committee (SMAC)) - one member who shall serve as chair

Others as designated and assigned

**Liaison Procedures.**

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attendance when the group or activity takes place or communication with appropriate leaders so the liaison Councilor can keep Council informed. Liaisons may, at times, advocate Council actions on behalf of their assigned group or activity. Extreme care must be taken to avoid appearance of fairness or conflict of interest possibilities with agencies or circumstances where such possibilities may exist (ie: Planning Commission quasi-judicial). Liaisons functions and duties may be further defined and/or directed by the Presiding Officer with concurrence of Council.

**4.5 Task Force/Public Forum Steering Procedures.**

Upon being commissioned by a motion of the City Council, a Councilor may be appointed by the Mayor as a liaison leader to organize a steering group for a particular task force subject or issue. The steering group shall consist of two Councilors and one member of City administration. The Councilors shall be appointed by the Mayor and the technical support shall be appointed by the City Manager. Such appointments shall identify the task(s) and a method of determining how the group shall "sunset" when the task is completed. The steering group shall serve as a collection point for information and activity pertaining to the task or issue assigned. Various City representation roles and Council liaisons may be involved in bringing information together on the task or issue. The steering group liaison informs Council of the group's activity at Council meetings (when appropriate). Such task force group shall be created by Council motion.

**Task Force/Public Forum Procedures.**

When major public policy development warrants, and after adequate preparation of issues and alternatives, the steering group may conduct larger citizen forums to help develop a public consensus on the issues. The product of such citizen forums, when held, shall be presented to the City Council prior to the customary City Council deliberations (i.e., agenda actions, public hearings, etc.) which could normally result in final action.

The City Manager may also appoint such ad-hoc or special projects **administrative advisory task groups** as he or she may deem necessary to assist City administrative activity. Such appointments shall identify the task(s) and a method of determining how the group shall "sunset" when the task is completed.

**4.6 Citizens Task Force Steering Procedures.**

When the nature of a major issue indicates a need for increased citizen involvement or expertise at the steering level of a task force, the Council may, by legislative directive, commission a **Citizens Task Force Steering Group** consisting of one (1) council member, one (1) qualified citizen, and the City Manager. The Citizens Task Force shall function in a manner similar to the Task Force Procedures contained in Sections 4 and 5 above.

**4.7 Multi-Agency Coordinating Task Force Steering Procedures.**

When a major public/private effort involves key agencies outside of City Government but vital to community coordination, the Council may create by legislative directive, an appropriately named **Coordinating Task Force Steering Group**. Membership shall consist of one (1) council member, the City Manager, one (1) representative from each City Board or Commission key to the issue or project and one (1) member from each private, non-profit agency with key interest or resources vital to the issue or project.

Each agency shall appoint one (1) member to serve on the Steering Group and one (1) member to serve as alternate. Except for the first organizational start-up meeting, alternates shall not attend Steering Group meetings. Steering Group members shall function in a manner similar to the task force procedures described in Sections 4, 5, and 6 above.

**4.8 General Town Hall/Neighborhood Meetings.**

The public should be encouraged to attend regular and special City Council meetings to participate in their government. The City Council Rules of Procedure are designed to facilitate an open atmosphere for citizen participation. However, any two (2), but not more than three (3), members of the City Council may desire to convene a citizens town hall/neighborhood meeting or series of meetings for the purpose of providing a general forum on city operations. Such town hall meetings shall, when convened, provide information pertaining to any known issues as well as opportunity for citizens to express their views on any subject. The Councilors may request that the City Manager or his/her designee attend these meetings to answer questions on administrative matters. Although

not official council meetings, members of the City Council shall report issues to the City Council. Councilors should avoid discussion or receiving testimony which pertains or may pertain to potential lawsuits, land use issues, or other quasi-judicial proceedings which might later come before the Council.

*End of Article 4 - Committees, Boards & Commissions*

January 11, 2011

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**Purpose**

Council committees are to be policy review and discussion arms of the city council, providing an opportunity to explore the implications of policy alternatives and the policy development process; to serve in an advisory capacity to the council as a whole in reviewing policy matters referred to them; to inform and educate the council on existing city programs and issues; and other such matters as the committee deems appropriate. The city council committees shall not become involved in the administration of city government.

**Links to Council Committees**

- [Community and Economic Affairs](#)
- [Finance & Administration](#)
- [Planning & Parks](#)
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**Council Committees**

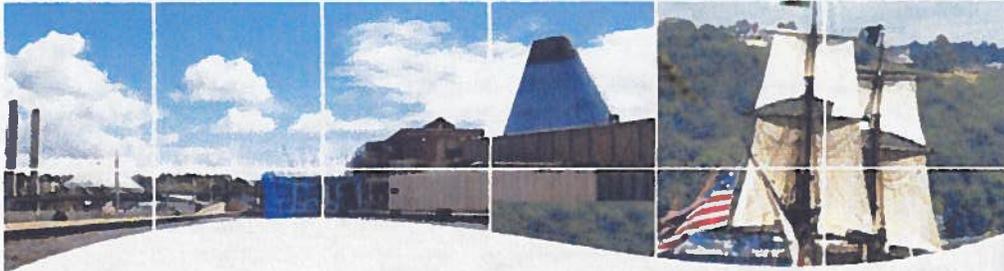
Committees	Committee Members	Times & Locations
<a href="#">Community and Economic Affairs Committee</a>	<b>Maria Henriksen, Chair</b> Bob Jeans and Jeff MacNichols, Members Staff Support: Joan Pliego, Communications Coordinator	<i>Each Tuesday of the month that follows a Council Meeting</i> 5:30 PM ***City Hall
<a href="#">Finance &amp; Administration</a>	<b>Kathi Prewitt, Chair</b> Maria Henriksen and Jeff MacNichols, Members Staff Support: Jodi Warren, City Clerk	<i>1<sup>st</sup> and 3<sup>rd</sup> Tuesdays</i> 5:30 PM ***City Hall
<a href="#">Planning &amp; Parks</a>	<b>Kingston Wall, Chair</b> Bryan Holloway & Charles Peterson, Members Staff Support: Gwyn Berry, Administrative Assistant	<i>1<sup>st</sup> and 3<sup>rd</sup> Mondays</i> 6:00 PM ***City Hall
<a href="#">Public Safety</a>	<b>Bob Jeans, Chair</b> Kingston Wall, Member Staff Support: Liz Luizzo, Administrative Assistant	<i>2<sup>nd</sup> and 4<sup>th</sup> Thursdays</i> 5:00 PM ***Fire Station
<a href="#">Public Works</a>	<b>Bryan Holloway, Chair</b> Charles Peterson and Kathi Prewitt, Members Staff Support: Diane Humes, Administrative Assistant	<i>1<sup>st</sup> and 3<sup>rd</sup> Mondays</i> 5:00 PM ***City Hall

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City Hall / Government / City Council / Council Standing Committees

City Council Standing Committees

The Tacoma City Council created the standing committees to explore new policy recommendations and develop recommendations to the full City Council. On September 30, 2003, the Tacoma City Council passed Resolution No. 35969 which established the Neighborhoods Committee and Economic Development Committee.

On January 20, 2004, the Tacoma City Council passed Resolution No. 36084 which established additional Council Standing Committees including the Environment and Public Works Committee, Government Performance Committee, and Public Safety and Human Services Committee. This resolution also renamed the Neighborhoods Committee as the Neighborhoods and Housing Committee. On June 24, 2008, the Council passed Resolution No. 37509 renaming the Public Safety and Human Services Committee as the Public Safety, Human Services, and Education Committee.

Each Council Committee is composed of four Council Members appointed by the Mayor and confirmed by the Council, and each chair and vice-chair are selected by their respective committee.

Scroll down the page for an overview of each Committee, or click on the Committee name below to view the Committee's web page, including agendas, handouts, and minutes.

- Committee of the Whole
Economic Development Committee
Environment & Public Works Committee
Government Performance & Finance Committee
Neighborhoods & Housing Committee
Public Safety, Human Services, & Education Committee

Click here to access on-demand audio archives from recent meetings of the City Council standing committees

Committee of the Whole

The purpose of the City Council Committee of the Whole is to serve as the foundation of the Council standing committees and to provide a forum for detailed analysis and exploration of systemic, Citywide issues. The membership consists of the Mayor and all Council members.

The Committee of the Whole determines which standing committees will review specific issues pending before the Council, including the City Manager's proposed assignment of issues to the standing committees; receive progress reports from the standing committees on their activities;

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and hear final reports of the standing committees on specific issues and the standing committee's recommendations. The Committee of the Whole will not hear staff reports except as requested by Council Members as part of a standing committee report.

Members: Mayor and all Council Members  
 Meeting Time/Frequency: 3:00 pm on the first and third Tuesdays of the month  
 Location: Tacoma Municipal Building, 9th Floor Visibility Center  
 Web site for agendas, handouts, and minutes: <http://www.cityoftacoma.org/COW>

#### Economic Development Committee

Reviews, evaluates and proposes economic development concepts, initiatives and policies relating, but not limited to, business climate, neighborhood business districts, international trade and development, regional economic issues and opportunities, technology, tourism, workforce development, historic preservation and capital projects planning and development.

Members: David Boe, Jake Fey, Spiro Manthou, Lauren Walker  
 (Alternate: Marty Campbell)  
 Chair: [Spiro Manthou](#)  
 Vice Chair: [Jake Fey](#)  
 Term: One Year  
 Meeting Time/Frequency: 3:00 pm on the second, fourth, and fifth Tuesdays of the month.  
 Location: Tacoma Municipal Building, Room 248  
 Web site for agendas, handouts, and minutes: <http://www.cityoftacoma.org/ED>  
 Staff Contact Information:  
 Executive Liaison - Tansy Hayward, (253) 591-5133,  
 Scheduling and Coordination - Christian Clegg, (253) 591-5125  
 Clerical Support - April Larsen, (253) 591-5178

#### Environment and Public Works Committee

Reviews, deliberates and makes recommendations on legislative and policy matters relating to environmental issues, wastewater management, surface water management, solid waste management, arterial streets, and infrastructure funding.

Members: David Boe, Jake Fey, Ryan Mello, Lauren Walker  
 (Alternate: Victoria Woodards)  
 Chair: [Jake Fey](#)  
 Vice Chair: [Lauren Walker](#)  
 Term: One Year  
 Meeting Time/Frequency: 4:30 pm on the second and fourth Wednesdays of the month.  
 Location: Tacoma Municipal Building, Room 248  
 Web site for agendas, handouts, and minutes: <http://www.cityoftacoma.org/EPW>  
 Staff Contact Information:  
 Executive Liaison - Rey Arellano, (253) 573-2500  
 Scheduling and Coordination - Shane Pettit, (253) 594-7944  
 Clerical Support - April Larsen, (253) 591-5178

#### Government Performance and Finance Committee

Deliberates and makes recommendations on legislative and policy matters to continuously improve the quality, accountability, cost-effectiveness and efficiency of all governmental services.

Members: Marty Campbell, Joe Lonergan, Marilyn Strickland, Victoria Woodards  
 (Alternate: Jake Fey)  
 Chair: [Marilyn Strickland](#)  
 Vice Chair: [Joe Lonergan](#)  
 Term: One Year  
 Meeting Time/Frequency: 4:30 pm on the on the first, third, and fifth Wednesdays of the month.  
 Location: Tacoma Municipal Building, Room 248  
 Web site for agendas, handouts, and minutes: <http://www.cityoftacoma.org/GPF>

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**Staff Contact Information:**

Executive Liaison - Rey Arellano, (253) 573-2500  
 Scheduling and Coordination - Shane Pettit, (253) 594-7944  
 Clerical Support - April Larsen, (253) 591-5178

**Neighborhoods and Housing Committee**

Proposes, deliberates and makes recommendations on legislative and policy matters relating to neighborhoods and housing, including neighborhood plans and their implementation, affordable housing, residential zoning, open space issues and initiatives related to neighborhoods.

Members: Jake Fey, Joe Lonergan, Spiro Manthou, Lauren Walker  
 (Alternate: David Boe)  
 Chair: [Lauren Walker](#)  
 Vice Chair: [Spiro Manthou](#)  
 Term: One Year  
 Meeting Time/Frequency: 4:30 pm on the first and third Mondays of the month.  
 Location: Tacoma Municipal Building, Room 248  
 Web site for agendas, handouts, and minutes: <http://www.cityoftacoma.org/NH>  
 Staff Contact Information:  
 Executive Liaison - Tansy Hayward, (253) 591-5133,  
 Scheduling and Coordination - Gabe Engeland, (253) 591-5590  
 Clerical Support - Wendy Fowler, (253) 591-5167

**Public Safety, Human Services, and Education Committee**

Explores new concepts to address an expanded scope of public safety issues including, but not limited to, police, fire, emergency medical, emergency management, law enforcement record services, domestic violence, human services delivery and strategic planning, chronic street population, crime free housing, and civil rights compliance.

Members: Marty Campbell, Joe Lonergan, Marilyn Strickland, Victoria Woodards  
 (Alternate: Ryan Mello)  
 Chair: [Marilyn Strickland](#)  
 Vice Chair: [Victoria Woodards](#)  
 Term: One Year  
 Meeting Time/Frequency: 4:30 pm on the second and fourth Thursdays of the month.  
 Location: Tacoma Municipal Building, Room 248  
 Web site for agendas, handouts, and minutes: <http://www.cityoftacoma.org/PSHSE>  
 Staff Contact Information:  
 Executive Liaison - Tansy Hayward, (253) 591-5133,  
 Scheduling and Coordination - Gabe Engeland, (253) 591-5590  
 Clerical Support - Jennifer Joyce, (253) 591-5505

If you're interested in attending meetings of the Council Committees or any of our other boards or committees, click on City Hall's current [Schedule of Meetings](#) to view their times and locations.

Citizen involvement continues to define Tacoma as a beautiful, thriving city, and we are always looking for people willing to serve on our many committees, boards and commissions. Please take a look at the City Council's [Committees, Boards & Commissions](#) to learn about these groups and how to apply for membership.

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## City of Tumwater, WA

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**2010  
CITY OF TUMWATER  
CITY COUNCIL COMMITTEES**

In addition to serving on the City Council, Councilmembers also chair and/or represent the citizens of Tumwater on at least one Council committee. Each year the Mayor polls the Councilmembers for their interest in participating on both Council committees and intergovernmental committees.

The Mayor meets with the full Council to discuss the results and any conflicts. Through consensus, the Council comes to an agreement on the assignments. Once those assignments are made, the representatives on each committee elect their chairperson. The Mayor is the chair of the Budget Committee, which consists of the chairpersons from each of the other three committees: General Government, Public Safety, and Public Works.

The committees will handle numerous issues throughout the year, some of which will go forward for Council consideration. Other issues may not get to the Council level.

As the committees discuss issues and hear testimony, they generally will make a recommendation to the Council for action. This recommendation is a suggestion to Council only. The full Council will vote on issues brought before them and may or may not vote according to the committee recommendation.

The City Administrator attends all committee meetings as a facilitator and liaison to and from all other committees.

**Budget Committee:**

The Budget Committee handles fiscal issues of the City. Budget appropriations, expenditures and adjustments are the most common issues to come before this committee.

Mayor Pete Kmet, Chair  
Councilmember Joan Cathey  
Councilmember Ed Stanley  
Councilmember Neil McClanahan

**City Contact Person:**

City Administrator, John Doan, 754-4120  
Finance Director, Jim Hendrickson, 754-4130

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**General Government Committee:**

The General Government Committee tackles environmental concerns, planning and zoning regulations, and annexations.

Councilmember Ed Stanley, Chair  
Councilmember Joan Cathey  
Councilmember Tom Oliva

**City Contact Person:**

Planning and Facilities Director Michael Matlock, 754-4210

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**Public Safety Committee:**

The Public Safety Committee deals with law enforcement issues, fire services, animal control, emergency management, police and fire staffing concerns, and other public safety issues.

Councilmember Judith Hoefling, Chair  
Councilmember Ed Hildreth  
Councilmember Betsy Murphy

**City Contact Person:**

Fire Chief John Carpenter, 754-4170  
Police Chief John Stines, 754-4200

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**Public Works Committee:**

The Public Works Committee is responsible for dealing with water, sewer, storm sewer and street concerns as well as all Public Works construction projects.

Councilmember Neil McClanahan, Chair  
Councilmember Ed Hildreth  
Councilmember, Tom Oliva

**City Contact Person:**

Public Works Director Jay Eaton, 754-4140

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Updated: February 9, 2010

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## WOODLAND CITY COUNCIL STANDING COMMITTEES

### Human Resources/Government;

- A. Councilperson Susan Humbyrd Chair
- B. Councilperson Aaron Christopherson Member
- C. The charge of this committee will be to review the current employee policy, hiring policy, and step plans of the City of Woodlands employees with the City Clerk/Treasurer on a needed basis. This committee shall meet monthly with the Clerk/Treasurer to discuss these issues and report their findings at Woodland City Council meetings, and make any recommendations in regards to new or amended ordinances concerning this area. In addition to the above at least one of the members of this committee shall be present at all collective bargaining sessions for the employees of this City.

### Finance

- A. Councilperson John Burke Chair
- B. Councilperson Marilee McMall Member
- C. The charge of this committee will be to review and sign off on the City's vouchers each and every month of the fiscal year and to bring back to the City Council any that may be questionable for further review. In addition, to review the budgeting process based on the revenue projections over the past ten (10) years in order to better estimate the Cities revenue and therefore be better enabled to project expenditures. Work with the Clerk/Treasurer on making the budget process more user friendly during the budget season.

### Public Safety

- A. Councilperson Marilee McCall Chair
- B. Councilperson Darwin Rounds Member
- C. The charge of this committee will be to work with the civil service commission on matters connected to the Woodland Police Department Members and to the paid Members of the Woodland Fire Department. They will also work with the Police Chief and the Fire Chief on matters connected with safety, protection, and emergency management for the citizens of Woodland, and bring these suggestions to the City Council for their consideration. In addition with the Fire Chief review the Woodland Fire, Rescue, and EMS rules and regulations that were last reviewed in 2003 and bring any recommendations to the City Council for consideration.

### Public Utilities

- A. Councilperson Darwin Rounds Chair
- B. Councilperson John Burke Member
- C. The charge of this committee will be very broad with regards to the Cities infrastructure, water treatment, waste water treatment, streets, curbs, gutters, sidewalks, and street lighting. The Cities facilities including building and maintenance issues that will need to be addressed by the Council. In addition land use issues such as comprehensive land use planning, storm water runoff planning, critical areas planning, and environmental and zoning issues. With the Public Works Director look into the possibility of creating a fifth department for the City of Woodland, consisting of Building, Planning, and Engineering. The overall charge of the Public Works Committee will be to asses the needs of the Cities infrastructure, facilities, and land use elements and to bring to the Woodland City Council recommendations for any new or the updating of current ordinances. In addition to the above responsibilities one of the members of this committee, to be determined by the Chairman, is to be assigned to work with the reestablished Horseshoe Lake Management Committee covered under Title 2 WMC, Chapter 2.80, as a non-voting member, and to report their findings and requests at Council meetings.

### Parks and Recreation

- A. Councilperson Aaron Christopherson Chair
- B. Councilperson Susan Humbyrd Member
- C. The charge of this committee shall be to assist the Park Board with recommended improvements, operation and maintenance of the City of Woodlands Park systems. Assist with the Cowlitz-Wahkiakum Council of Governments, Woodlands Community Development Planner, and Public Works Director in the acquisition and development of new open space for Parks, a plan for pedestrian and bicycle paths through out the City, and the recommendation for the enforcement of reasonable rules and regulations necessary in the operation of Parks. Assist in the development of an annual Park budget, staffing levels to maintain the Park system, and bring this information to the Council for its consideration. In addition the Park committee is to co-ordinate and to communicate on issues to where parks may be involved with projects with relation to the Downtown Woodland Revitalization Committee, and to the Horseshoe Lake Management Committee and to work as a unit to move these projects forward.

### Ad Hoc Committees

1. 50 year Comprehensive plan review committee, this committee should consist from five to nine members and their charge would be to advise the Woodland City Council and Planning Commission, on issues of growth, growth management, environmental, open space, critical areas, transportation, and zoning. They should be residents from within the Woodland Zip Code area. Councilperson Marilee McCall and the Mayor are to form this committee.
2. Cowlitz-Wahkiakum Council of Governments, This committee should consist of at least one elected official as well as the Public Works Director, and Planning. This Committee meets at least once per month in Kelso, and the City of Woodland needs to be represented. At this time the Mayor will represent the City, unless a Councilperson would like to volunteer.
3. AWC/Legislative, a resource committee for the Woodland City Council, to keep the Council informed of their lobbying efforts on behalf of Cities, up coming training sessions, workshops, and annual convention for elected officials. Aaron Christopherson to Chair.
4. Woodland Chamber of Commerce, This committee reports to the Council and the City concerning issues and events of the business community. The Chamber appoints one of their members to do this.
5. Downtown Woodland Revitalization, Chairperson Tom Golik, who or someone he should appoint, reports to the Council concerning issues and needs of this committee, which is a private group of citizens.