

**City of Oak Harbor
City Council Meeting
Council Agenda for
June 5, 2012
6:00 p.m.**

June 14th is Flag Day

**Oak Harbor City Council
REGULAR MEETING
Tuesday, June 5, 2012, 6:00 p.m.**

Welcome to the Oak Harbor City Council Meeting

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

CALL TO ORDER

INVOCATION

ROLL CALL

MINUTES

NON-ACTION COUNCIL ITEMS:

1. Public Comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

2. Consent Agenda:

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- a. Permit for Ice Cream Truck – G and R Ice Cream.

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- b. Noise Permit – Island County Democrats.

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- c. Noise Permit – City of Refuge Christian Church.

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- d. Appointment – Oak Harbor Youth Commission, Madeline Mosolino.

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- e. Re-Appointment – Community Police Advisory Board, Lauren Nelson.

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- f. AHBL Contract Amendment.

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- g. Approval of Accounts Payable Vouchers (Pay Bills).

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3. Public Hearing – Interim Sign Code Extension.

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4. Public Hearing and Final Consideration – Personnel Code Update.

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5. Public Hearing and Final Consideration – Personnel “Housekeeping” Code.

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6. Final Consideration – Resolutions, Employee Policy Manual.

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7. Contract – Steve Powers, Development Services Director.

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8. Future City Council Pending Items.

9. City Administrator’s Comments.

10. Council Members’ Comments.

11. Mayor’s Comments.

ADJOURN

*A good head and a good heart are always a formidable combination.
- Nelson Mandela*

**City Council Regular Meeting
Tuesday, May 15, 2012, 6:00 p.m.
City Hall – Council Chambers**

CALL TO ORDER Mayor Pro Tem Danny Paggao called the meeting to order at 6:00 p.m.

INVOCATION Councilmember Tara Hizon

ROLL CALL

Mayor Pro Tem Danny Paggao
Five Members of the Council,
Rick AlMBERG
Jim Campbell
Tara Hizon
Joel Servatius
Bob Severns

Steve Powers, Interim City Administrator
Bill Hawkins, City Attorney
Doug Merriman, Finance Director
Cathy Rosen, Public Works Director
Larry Cort, Project and Contract Specialist
Eric Johnston, City Engineer
Cac Kamak, Senior Planner
Lt. John Dyer, OHPD
Ray Merrill, Fire Chief
Chris Sublet, Interim Harbormaster
Renée Recker, Executive Assistant to the Mayor

Councilmember Beth Munns was absent and excused due to illness.

Councilmember Danny Paggao sat as Mayor Pro Tempore in Mayor Scott Dudley's absence.

MINUTES

May 1, 2012 Regular Meeting, May 4, 2012 Workshop

MOTION: Councilmember Severns moved to approve the May 1, 2012 regular meeting minutes and May 4, 2012 workshop minutes. The motion was seconded by Councilmember Campbell.

**VOTE ON THE 5/1/2012
REGULAR MEETING
MINUTES:**

The minutes were unanimously approved.

**VOTE ON THE 5/4/2012
WORKSHOP MINUTES:**

Councilmembers Campbell, Hizon, and Servatius voted to approve the workshop minutes. Councilmembers AlMBERG and Severns abstained from the vote since they did not attend the workshop. The motion carried.

NON-ACTION COUNCIL ITEMS

Proclamation – National Public Works Week

Councilmember Severns read and presented this proclamation to Public Works Director Cathy Rosen. Public works services are an integral part of our everyday lives and the staff of Oak Harbor's Public Works Department are qualified, efficient, and dedicated; they understand the importance of the work they perform.

Public Comments

Mel Vance, Oak Harbor. Mr. Vance offered these ideas to encourage downtown shopping: Create a local currency; produce shopper's cards through a partnership between the Chamber of Commerce and downtown merchants.

Cecil Pierce, Oak Harbor. Mr. Pierce spoke with concern about an upcoming Council special meeting which will include discussion about hats in Council Chambers: This has been going on since the 1600s, the Quakers, and hat removal in front of royalty. You are not royalty. Legislation is totally inappropriate. There will also be discussion about conduct - focus on how you conduct yourself. Mr. Pierce also talked about a meeting with the City Engineer and WSDOT and how intersection push buttons are placed. For Fairhaven and Whidbey, they were done well and the City placed them at the right height. Overall, you are doing a good job.

There were no other comments, so Mayor Pro Tem Paggao closed this portion of the meeting at 6:10 p.m.

Consent Agenda

- A. Appointment – Youth Services Advisory Board, Ron Lawler
- B. Appointment – Youth Services Advisory Board, McKenzie Schneider
- C. Noise Permit – Mision Emanuel – Youth Event
- D. Noise Permit – Whidbey Cruzers
- E. Noise Permit – Living Faith Christian Center
- F. Noise Permit – Seanotes Big Band
- G. Noise Permit – Oak Harbor Key Club
- H. Noise Permit – Relay for Life
- I. Approval of Accounts Payable Vouchers (Pay Bills)

MOTION: Councilmember Almberg moved to approve Consent Agenda items A through I with Item I paying Accounts Payable check numbers 149949 - 149953 in the amount of \$2,360.22, Accounts Payable check numbers 149954 - 150142 in the amount of \$882,841.40, and Payroll Check numbers 95538 - 95550 in the amount of \$399,134.06. The motion was seconded by Councilmember Servatius and carried unanimously.

Public Hearing – Youth Services Advisory Board Code Revision

City Administrator Steve Powers presented this agenda bill and talked about the history of the Youth Services Advisory Board and Youth Coordinator position (no longer a City position). Following a hiatus since 2006, the Board has begun meeting again and determined that the code establishing the Board's makeup and defining its tasks needed updating. The makeup and purpose of City boards can and should change over time to better respond to new opportunities and circumstances. The draft ordinance with this agenda bill contained amendments proposed by the Board which were forwarded by Councilmember Tara Hizon, the Board's Council representative, and Lieutenant John Dyer, the Board's staff representative. The ordinance would amend Chapter 2.250 of the Municipal Code entitled "Youth Services Advisory Board" to rename the body the "Oak Harbor Youth Commission" and make other revisions to reflect an updated purpose for the Commission.

Mayor Pro Tem Paggao opened the public hearing at 6:20 p.m.

Lt. John Dyer, Oak Harbor Police Department and Commission Member. Thank you for the opportunity to be part of the Youth Commission. Lt. Dyer talked about the Board's changes and the past Board which sat as an advisory body for the Youth Coordinator. Circumstances have changed. Two members were appointed this evening and one of those appointments is a student. Lt. Dyer also talked about planning future community forums.

There were no other comments so Mayor Pro Tem Paggao closed the public hearing at 6:25 p.m.

MOTION: Councilmember Severns moved to adopt the ordinance amending OHMC 2.250 "Youth Services Advisory Board" to rename the body the "Oak Harbor Youth Commission" and make other revisions to reflect an updated purpose for the Commission. The motion was seconded by Councilmember Hizon and carried unanimously.

Introduction – Personnel "Housekeeping" Code

Human Resources Director Jessica Neill Hoyson presented this agenda bill. An ordinance repealing and readopting OHMC Chapter 2.34 was introduced to the City Council on April 17, 2012. That proposed ordinance is intended to clearly establish the Council's legislative policy regarding City employment. During its introduction, staff noted that a separate ordinance (referred to as a "housekeeping ordinance") proposing a variety of changes to other related sections of the Code would be forthcoming. The draft ordinance attached to this agenda bill was that "housekeeping ordinance." The draft ordinance amends various chapters of the OHMC regarding the employment status of the City's department directors. The proposed ordinance clarifies that all department directors are appointed by the Mayor and confirmed by the City Council, that all directors serve at the pleasure of the Mayor and that they all have or are offered employment contracts approved by the City Council. This

ordinance corrects a deficiency in the code by creating the Public Works Department as a City department. It also amends the Marina Code (OHMC Chapter 2.38), by adding that the Harbormaster may report to the City Administrator's designee. This change is required to reflect the current reporting relationship.

Ms. Neill Hoyson also noted that Council will be provided an update on the personnel code in relation to the employee meeting notes and responses to submitted questions. Ms. Neill Hoyson will be working to incorporate these into the handbook, provide a draft, and then a follow up meeting with employees. Since Council has made no recommendations, this may be presented at Council's 6/5/12 regular meeting.

Mayor Pro Tem called for public comments but there were none.

Council Discussion

Discussion followed about the emails from Human Resources and feedback, the reporting relationship for the Marina, use of the phrase "at the pleasure of the Mayor" (Mr. Hawkins responded that this is classic "at will" language), and if the City's organization chart will be need to be changed (no, this language would not change reporting relationships on a day-to-day basis). Discussion continued regarding *Section Five, 2.40.020 Director - Appointment and Removal* and that the last sentence seems inconsistent with Council approval. Mr. Hawkins noted that an interim appointment would not come before Council and the standard timeline is ninety days. Discussion followed about classifying the City Engineer as an "at will" employee with Ms. Neill Hoyson responding that the Engineering Department is a division of the Public Works Department and the City Engineer's position would not be among department heads classified as "at will." This could be changed if Council chose to make Engineering its own department. Discussion returned to this section and the difference between the words "approval" and "confirmed." Ms. Neill Hoyson responded that this is meant to show that the Director of the Department of Development Services would be confirmed by the City Council. The last sentence's phrase, "such other person or person designated by the Mayor" - could this be clarified to specify that this scenario would only apply to an interim position. Mr. Powers noted that the code, in reference to the Development Services Department and the Development Services Director, at one time referred to the Planning Director. This sentence was meant to update the code, by reference, when the phrase Planning Director is used. The last portion of the sentence could be removed.

MOTION: Councilmember Hizon moved to amend the last sentence of *Section Five, 2.40.020 Director - Appointment and Removal* by striking the sentence's ending phrase: "or such other person or persons designated by the Mayor." The motion was seconded by Councilmember Almberg and carried unanimously.

Discussion continued regarding the effective date of this proposed ordinance and how it would affect staff who are not currently "at will." Ms. Neill Hoyson responded that this ordinance does not change the employment status of directors who are currently "at will" employees.

Council asked about Mr. Merriman's review since he did not initial the agenda bill (Mr. Merriman was out of the office when the agenda bill was circulated but has reviewed this item), and if other staff and directors have given their input (they have not but this could be done before Council's 6/5/12 meeting).

MOTION: Councilmember Alberg moved to set June 5, 2012 as the public hearing date for this ordinance. The motion was seconded by Councilmember Hizon and carried unanimously.

Agreement – Reimbursement for Services, Swinomish Indian Tribal Community
Larry Cort presented this agenda bill and Reimbursement for Services Agreement noting that today marks two weeks for Pit Road's archaeological recovery. This work is very labor-intensive and going well. Representatives from the Lummi, Upper Skagit, and Swinomish Tribal Communities are on-site and will soon be joined by Tulalip representatives. All Tribal representatives are working through this one agreement.

On September 20, 2011, the City County authorized the Mayor to sign a Reimbursement for Services Agreement between the Swinomish Indian Tribal Community and the City of Oak Harbor. This agreement stipulated the terms for reimbursing the Swinomish Tribe for work performed on Pioneer Way (Site No. 45IS45) under Archaeological Excavation Permit No. 2011-33. All work under this agreement concluded by the end of December of 2011. With the field work now complete on Site 45IS45 (Pioneer Way), the City in partnership with Equinox Research and Consulting International (ERCI) applied for a new Archaeological Excavation Permit to perform recovery work on Site 45IS300 (Pit Road plus four outlier sites). On April 30, 2012, the Washington State Department of Archaeology and Historic Preservation issued Permit No. 2012-19 authorizing this work.

In common with the Pioneer Way portion of the work, the City would once again welcome the participation of Tribal community members in helping to fulfill the requirements in Permit No. 2012-19. This Reimbursement for Services Agreement is almost identical to the agreement approved by the City on September 20, 2011 in that it provides for reimbursement for Tribal spiritual leaders, Tribal handlers and monitors, benefits and indirect costs, mileage and archival and funerary boxes. The estimated costs for the services rendered are shown in Section 4 and are based on two assumptions supplied by the City's archaeological consultant, Kelly Bush of ERCI. First, Ms. Bush has estimated that the work will take approximately 32 weeks to complete (160 working days). Second, the estimate assumes that up to 15 Tribal community members will be available to support the archaeological recovery work. The total estimated cost for services rendered under the Permit is \$548,301.85. Staff recommended that the agreement establish a not-to-exceed contract amount of \$600,000.00. The archaeological work to be performed under this agreement will be paid for out of the same combination of funds that paid for the Pioneer Way project (i.e., water, sewer, storm, arterial, REET). The proportion charged to each fund for archaeology will be based on the percentage that each of these funds was used to cover expenditures incurred during the Pioneer Way construction. In other words, if 8% of the total project cost for Pioneer Way was paid by the water fund, then 8% of the archaeology costs would be charged to the water fund.

Mayor Pro Tem Paggao called for public comments.

Paul Brewer, Oak Harbor. Mr. Brewer asked about the source for additional funds to pay for Pit Road: Will the City's insurance cover this cost or will the cost be added to utility costs and paid by utility consumers?

There were no other public comments.

Council Discussion

Council asked Dr. Cort to address Mr. Brewer's question. Dr. Cort responded that he could answer a portion of Mr. Brewer's question in that additional monies would come from the original funding sources that paid for the Pioneer Way project; a package of funding sources broken out as a percentage from water, sewer, stormwater, REET, and arterial funds. Costs will be allocated according to the percentage formulas used for the main construction of the Pioneer Way project. Dr. Cort could not address use of the City's insurance pool but could not think of a method to apply for such coverage. These costs were unexpected but remain part of the construction costs.

Council asked that since these costs are known, could an impact on utility rates be estimated. Finance Director Merriman responded that staff has been discussing this issue but the difficulty lies in the estimated range of costs and the actual impact on rates; perhaps 1 to 2 percent spread over a five-year period. Dr. Cort showed a PowerPoint slide detailing Pioneer Way project cost updates which is attached to these minutes as Exhibit A.

Discussion followed on how pending archaeological costs at \$1.02 million to \$1.93 million will be covered. Mr. Merriman talked about GASB inquiries on allocating costs noting that the cost of an asset, construction costs, or other costs (archaeological costs) are capitalized into the asset. The State Auditor agreed with Mr. Merriman's methodology for the cost share and again noted the funds affected and 1 to 2 percent impact (potentially one to two additional dollars a month on citizens' utility bills).

Council asked about other projects which will be curtailed because of these costs and Mr. Merriman noted that Shawn Koorn, HDR Engineering will return to talk about rates, but with the next budget cycle, capital facility plan, and schedule, the City will have to analyze this impact on other City projects.

MOTION: Councilmember Campbell moved to authorize the Mayor to sign the Reimbursement for Services Agreement between the Swinomish Indian Tribal Community and City of Oak Harbor for services rendered under the terms of Archeological Excavation Permit No. 2012-19 as issued by the State Department of Archaeology and Historic Preservation. The motion was seconded by Councilmember Hizon and carried unanimously.

Contract Award – Gun Club Road Water Main

City Engineer Eric Johnston presented this agenda bill. The Gun Club Road Water Main Construction project involves the installation of new water mains to serve the future North Reservoir. The scope of the water main project includes installation of approximately 5,500 feet of 18-inch and 24-inch ductile iron water main pipe, a pressure reducing valve station, connections to the existing system, valves, pipe fittings, and street repairs. The project will extend water mains west of Oak Harbor Street along Gun Club Road and then north into the reservoir site. Water mains installed along Gun Club Road will be within Island County right-of-way (ROW) by permit and franchise. North of Gun Club Road, the mains will be installed in a utility and access easement held by the City. All work is to be performed in accordance with the contract plans, contract provisions, and standard specifications. Funding is included in the approved 2011-2012 budget, water utility capital fund, and system development fees. Island County has issued the permit for the installation along Gun Club Road ROW and all City permits and SEPA procedures have been completed. An archaeology investigation has been completed and the results suggest there is a low probability of encountering cultural resources. An inadvertent discovery plan has been developed and is included in the construction contract provisions.

The North Reservoir project will add four million gallons of standby storage to the City's water system. The site for the new reservoir was selected based on the overall short and long term benefits to the City. The North Reservoir site is a City-owned property, located between N Oak Harbor and NW Heller Streets, and north of the Gun Club Road ROW. In addition to the reservoir site property, the City has a 30-foot easement for access and utility installation across private property between the Gun Club Road ROW and the reservoir site. The City acquired the property through a court settlement in the 1990s. As part of the settlement, the City currently owns 10 acres but is required to give back 5 acres. A boundary line adjustment application process has been started to execute the required property action. The boundary line adjustment process is not required in order to begin construction of the water mains along Gun Club Road.

The project was advertised for bidding in the Daily Journal of Commerce and Whidbey News Times. In addition, the project was posted to the Builders Exchange of Washington Online Plan Center. Staff received and opened fifteen sealed bids on April 24, 2012. The bid totals are tabulated below.

Contractor	Location	Bid Total
C Johnson Construction, Inc.	Oak Harbor, WA	\$1,143,575.63
Colacurcio Brothers, Inc.	Blaine, WA	\$1,328,828.15
Jennings Northwest, LLC	Sumner, WA	\$1,351,126.87
RRJ Company LLC	Monroe, WA	\$1,377,235.52
Faber Construction Corp.	Lynden, WA	\$1,401,460.06
SRV Construction, Inc.	Oak Harbor, WA	\$1,420,944.34
Strider Construction Co., Inc.	Bellingham, WA	\$1,431,644.22
Tiger Construction Ltd	Everson, WA	\$1,477,394.42
Buno Construction, LLC	Snohomish, WA	\$1,521,213.02
Interwest Construction, Inc.	Burlington, WA	\$1,522,645.69
I&E Construction, Inc.	Clackamas, OR	\$1,571,916.14

Krieg Construction, Inc.	Oak Harbor, WA	\$1,587,688.51
Kar-Vel Construction	Renton, WA	\$1,594,802.92
RAM Construction	Bellingham, WA	\$1,629,249.95
NOVA Contracting, Inc.	Olympia, WA	\$1,653,767.24

<i>Engineer's Estimate</i>	<i>Oak Harbor, WA</i>	<i>\$2.2M to \$2.5M</i>
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Mayor Pro Tem Paggao called for public comments.

Paul Brewer, Oak Harbor. Mr. Brewer commended the City and Council for moving forward with this project whose history goes back to the Hackney property. Mr. Brewer thought that Gun Club Road was going to be annexed into the City, and if so, will the City do the necessary upgrades to Gun Club Road and sewer connections rather than going through this process twice?

There were no other comments.

Council Discussion

Council asked Mr. Johnston to address Mr. Brewer's questions. Mr. Johnston noted that the reservoir site is within the City limits but Gun Club Road is not proposed for annexation. The City is not planning to do major street or sewer upgrades; this is a utility project associated with the water utility. Council asked about the amendment and change in asphalt. Mr. Johnston responded that warm mix asphalt is better for large street projects and, as a general policy, will continue to be used on major street projects. This was discussed with Gray and Osborne since it was not included, and the change was done by an addendum a week before the bid opening and all bidders were aware of the addendum. The increased cost is less than one percent. Council noted the bids were all below the Engineer's Estimate and this bid's award to a local contractor.

Discussion continued about this project coming in below the Engineer's Estimate and if they can help offset Pioneer Way's archaeological discovery costs (yes), but Mr. Merriman noted that the Gun Club Road Water Main project only addresses the water fund. Council asked about the performance bond (in place) and if this includes the reservoir (no, but the reservoir project should come before Council this August).

MOTION: Councilmember Hizon moved to authorize the Mayor to sign a contract with C. Johnson Construction, Inc., in the amount of \$1,143,575.63 plus all applicable taxes and authorize the City Engineer to administratively approve changes to the construction contract totaling not more than \$110,000. The motion was seconded by Councilmember Campbell and carried unanimously.

Construction Management Contract – Gun Club Road Water Main

City Engineer Eric Johnston presented this agenda bill for approval of an agreement with KBA Construction Management for their services on the Gun Club Road Water Main project. The bid for the construction work is approximately \$1.0 million less than the original planning level budget estimate. Using the savings resulting from the low bid to pay for assistance with the construction management on this project allows staff to focus on other tasks and accelerate work on other capital projects. These other capital projects include the Ely Street sewer main repair, Well No. 9 replacement, and increased public involvement on the Waste Water Facility Plan. Funding is included in the approved 2011-2012 budget, Water Utility Capital Fund and System Development Fees. The City construction inspector will be responsible for the daily inspections with the construction management consultant handling the construction engineering and documentation. The draft contract has language related to the indemnification that has not been fully reviewed by the City Attorney. It was recommended that Council authorize the Mayor to sign the contract once the City Attorney approves the revisions.

Mayor Pro Tem called for public comments but there were none.

Council Discussion

Discussion followed about approving this agreement now or returning it to Council once the indemnification language has been reviewed by the City Attorney (only a small technical change, it can be approved at this meeting and not returned to Council), that this was originally planned as in-house construction management, and that the Ely Street, Well No. 9, and public outreach for the Waste Water Facility Plan will be done in-house. Council asked which staff members were originally slated for the Gun Club Road Water Main project - Larry Cort and Joe Stowell, (Dr. Cort is now becoming the Interim City Administrator), and if funds were being traded or if a consultant will cost more (more cost with a consultant but no comparable estimate is in place if Dr. Cort had remained on this project).

MOTION: Councilmember Almberg moved to authorize the Mayor to sign a contract in a form approved by the City Attorney with KBA Construction Management, Inc., in the amount of \$115,000. The motion was seconded by Councilmember Servatius and carried unanimously.

Marina Rates Resolution – Contract Pricing and New Fuel Pricing Method

Since Councilmember Severns leases a storage unit at the Marina, he asked to be recused from this agenda item and left Council Chambers. Senior Planner Cac Kamak and Harbormaster Chris Sublet presented this agenda bill and resolution that would revise the Marina Rate Schedule to include contract pricing for moorage and a new fuel pricing methodology. The current rates schedule was adopted in December 2011. The Marina Advisory Committee recommended inclusion of contract pricing and fuel pricing formulas in this latest version as a means to provide incentives to retain existing customers and attract new customers. All of the rates adopted in December 2011 will remain the same and the proposed options are additions to the current rate schedule.

Contract pricing offers a reduced price for a long-term lease at Oak Harbor Marina. Possible fiscal impact is described in terms of the existing customer base and in terms of future customers. Assuming that all existing permanent moorage customers decide to take advantage of the proposed contract pricing and the Marina received no new customers, then the revenue on the annual permanent moorage would drop by approximately \$23,350 in 2012. If the same situation continued into 2013, the revenue would be decreased by approximately \$48,840. This sets the baseline for the fiscal impact if there was no increase or decrease in permanent moorage. Since contract pricing is being considered as an incentive, the expectation is that occupancy will increase in the next few years and will therefore provide a long-term solution for higher occupancy than the current occupancy rate (occupancy has dropped from 80 percent in 2009 to 56 percent today) and therefore higher revenues.

In addition to the current month-to-month moorage pricing, the Marina Advisory Committee has identified three pricing strategies that may help in retaining occupancy levels and a potential to increase occupancy. These pricing strategies consist of small boat, winter moorage, and yearly contract pricing. All of these three new pricing strategies will be offered to existing customers and new customers and offer customers an option for reduced rates over a period of time. For example, a 12 month lease for an 11 month rate, or a lower rate in winter. Signed contracts would be in effect for the duration of the contract. A boat owner could enter into a contract at anytime during the year. The contracts will terminate at the end-of-contract date which will be determined by the type of contract. However, a customer can terminate the contract prior to the contract termination date if they sell their boat, pass away, or receive sudden military orders. In the event that a tenant breaks a contract without one of these events occurring, the tenant would be financially responsible for the remainder of the contract. All of the proposed options for contract pricing apply only to the moorage rates and will not be applied to the dredging fee.

The proposed fuel pricing policy is based on the invoice rate of the purchase and not the rack price that is a frequently fluctuating value. The State's rack price fluctuates every few days and therefore the Marina's fuel price also fluctuates. The Marina Advisory Committee identified problems regarding use of the State's rack price in Oak Harbor's fuel pricing policy since it does not accurately represent the cost the City paid for fuel. In searching for an alternative, the Marina Advisory Committee reviewed other options and eventually thought it best to use the City's invoice price with a flat rate markup and sales tax. This methodology would allow fuel prices at the Marina to stay consistent until the supplies are replenished. The fuel pricing policy also includes a recommendation to offer a 20 cent discount to customers that stay overnight at the marina. The discount of 20 cents is to not exceed the price of guest moorage. For a 40 foot boat on guest moorage, it would offer a 20 cent discount on approximately 175 gallons of fuel. The Marina Advisory Committee believes that this will be an incentive for boaters sailing along Saratoga Pass to spend overnights at Oak Harbor Marina.

In terms of providing an incentive, it must be noted that the proposed change in fuel pricing policy may not always yield a lower price than nearby marinas. Since most nearby marinas' prices fluctuate more often than Oak Harbor, there will be times when Oak Harbor's fuel prices may be higher than other marinas in the region.

Both Mr. Kamak and Mr. Sublet emphasized that these concepts would be heavily marketed through Facebook, 125 yacht clubs, flyers, signs, channel 10, and area boat shows. It is difficult to predict the success of these changes, and if 100% of the Marina's tenants opt for a contract and occupancy remained the same, there would be a drop in revenue. However, these options should generate increased occupancy which would offset the contract discount; it should be a good and popular program and return boats to the Marina.

Mayor Pro Tem Paggao called for public comments.

Chris Skinner, Oak Harbor. Mr. Skinner is the Chair of the Marina Advisory Committee and introduced other committee members attending this evening's meeting: Ken Hulett, Dave French, and Bob Nelson. This program is the result of a considerable amount of study. Mr. Kamak and Mr. Sublet have done a great job of keeping us informed. The Marina is an enterprise fund and has been self-supporting for thirty years. We are looking at these plans like the operation of a private marina and want to bring in more revenue through higher numbers of moorage customers and distinguish the Marina through innovative contracting and fuel pricing options. A lot of thought has gone into this; look at the potential rather than the worst case scenario.

Paul Brewer, Oak Harbor. Mr. Brewer thanked the committee and staff for "thinking outside the box" during this time of economic decline. Mr. Brewer, using Florida as an example, asked about road tax on fuel. If Washington's fuel carries a road tax, then contact the legislators to find out why.

Ken Hulett, Marina Advisory Committee. Mr. Hulett is well aware of the risks but felt this is the best course of action for the Marina. Mr. Hulett answered Mr. Brewer: The State does not charge road tax on dyed diesel (the diesel available at the Marina). Gas is taxed but the State has a methodology in place for application to get the tax back. Mr. Hulett also noted that the main point is not to reduce rates for existing tenants but rather to fill empty slips and be competitive.

Bob Nelson, Marina Advisory Committee. Mr. Nelson has had a boat at the Marina since 2005 and is pleased with the fuel pricing strategy: This is an easy decision since the Marina will still be making 20 cents a gallon over the cost. Clubs used to come to Oak Harbor for the fuel costs, but that stopped a few years ago when the fuel policy was changed. Mr. Nelson holds memberships in a number of maritime organizations and will be marketing these changes to those organizations.

Mel Vance, Oak Harbor. Mr. Vance noted: If a customer pulls out of their contract early, they pay a penalty with what is owed. (The City's) marketing incentives on Pioneer Way was controlled by State law. I assume the City Attorney has looked at this closely so the City doesn't step into a legal morass. Look at subcontracting the fuel with one of the gas stations. They get a discount on their wholesale pricing.

There were no other public comments.

Council Discussion

Discussion followed about gifting with Mr. Powers noting this would not be a gifting issue since Council sets the rates. Discussion continued about the Marina's budget (adopted and provided in December and this agenda bill's attached revenue and expenditure projections extend out to 2015), how to sustain a revenue loss, and that a follow up report to Council will be provided at the end of this year or beginning of next year. Contract enforcement will be pursued through normal legal means. Council congratulated the committee, Mr. Kamak, and Mr. Sublet for this positive plan and detailed presentation.

MOTION: Councilmember Hizon moved to approve Resolution No. 12-11. The motion was seconded by Councilmember Campbell. The motion carried with Councilmembers Almberg, Campbell, Hizon, and Servatius voting in favor of the motion. Councilmember Severns had recused.

Mr. Severns returned to the meeting.

Delegate Selection – AWC Annual Meeting

Council needed to elect three voting delegates to serve during the 2012 Association of Washington Cities (AWC) Annual Business Meeting. Councilmember Munns sits on AWC's Board of Directors, so Council felt she may not be able to also act as a delegate. Discussion continued about Councilmember Almberg (attending but did not wish to be a delegate) and Councilmember Servatius (not attending).

MOTION: Councilmember Almberg nominated Council Members Danny Paggao, Tara Hizon, and Bob Severns as the 2012 voting delegates. The motion was seconded by Councilmember Servatius and carried unanimously.

Future City Council Pending Items

As noted in the packet.

Councilmembers' Comments (presented ahead of the City Administrator's Comments)

Councilmember Almberg talked about the Finance Standing Committee meeting scheduled for the next day, Wednesday, 5/16/12, 3:30 p.m.; Councilmember Hizon noted the Youth Commission was also meeting on Wednesday, 5/16/12, 5:15 p.m., United Way Office, and Councilmember Campbell asked about re-scheduling the 6/19/12 regular Council meeting.

City Administrator's Comments

City Administrator Powers noted the 6/19/12 regular meeting will be held as a special meeting on Monday, 6/18/12, 6:00 p.m., City Hall Council Chambers. City Attorney Hawkins noted that Councilmember Campbell's excused absence request for the 6/19/12 meeting can apply to the 6/18/12 special meeting. The Parliamentary Procedure Workshop will be held on 5/30/12, 6:00 p.m., with Ann Macfarlane facilitating this workshop.

Mayor's Comments

Mayor Pro Tem Paggao talked about Mayor Dudley's successful surgery and wished him well with an early recovery.

ADJOURN

With no other business coming before the Council, **Councilmember Campbell moved to adjourn, the motion was seconded by Councilmember Severns and carried unanimously.** The meeting adjourned at 8:05 p.m.

Connie T. Wheeler
City Clerk

Pioneer Way Reconstruction Project Cost Update

Project to Date	\$ 7,059,112.73	Amount Paid as of 5/14/2012
Outstanding Invoices	\$ 18,353.43	Pioneer Way Archaeology
	\$ 330,000.00	PSE – Estimate
	\$ 7,500.00	KBA – Final Bill Estimate
	\$ 25,000.00	Other
Pit Road Estimated	\$ 318,758.25	ERCI – Phases 1 & 2 Estimate
	\$ 548,301.85	Swinomish - Estimate
	\$ 50,000.00	Lease, Security Fencing, Power, other
	\$ 8,357,026.26	Subtotal
Archaeology Pending	1.02m – 1.93m	ERCI – Phase 3 Pit Road
	unknown	Reburial Costs

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

Bill No. 1

Date: JUNE 5, 2012

Subject: **PUBLIC COMMENTS**

FROM: Scott Dudley, Mayor *SD*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

SP Steve Powers, Interim City Administrator

DM Doug Merriman, Finance Director

BH Bill Hawkins, City Attorney

SUMMARY STATEMENT

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

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

RECEIVED

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

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

Bill No. CJA 2A
Date: June 5, 2012
Subject: Application for Ice Cream
Truck – G and R Ice Cream

FROM: Doug Merriman *DM*
Finance Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

SD Scott Dudley, Mayor
SP Steve Powers, Interim City Administrator
DM Doug Merriman, Finance Director
BH Bill Hawkins, City Attorney, as to form

PURPOSE

This agenda bill seeks City Council approval of a Peddler's Permit Application to allow G and R to operate an ice cream truck in the City of Oak Harbor. The applicants are Genelyn M. Uy and Robert M. Uy.

AUTHORITY

Pursuant to OHMC Chapter 5.52 – Hawkers, Peddlers and Solicitors: *"A peddler includes any person traveling from place to place conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering the same for sale..."* OHMC 5.52.050 – License – Fee: *"The City Council upon application may permit the use of streets, parks, walks and other public places for the sale and/or display of wares or goods and may set dates and hours of operation and may waive the fees required in this section."*

FISCAL IMPACT DESCRIPTION

Funds Required: 0
Appropriation Source: _____

SUMMARY STATEMENT

Genelyn M. Uy and Robert M. Uy have made application to operate an ice cream truck, G and R Ice Cream, year 'round with operation occurring full-time during the summer months. They have obtained a City business license, master business license from the State of Washington, completed a background check and have paid the appropriate fees. The Uys have requested waiver of the daily peddler's licensing fee as set forth in OHMC 5.52.050 (2).

STANDING COMMITTEE REPORT

This application has not come before a standing committee.

RECOMMENDED ACTION

Approve the peddler’s permit for G and R Ice Cream to operate an ice cream truck in the City of Oak Harbor and waive the daily peddler’s fee.

ATTACHMENTS

1. Peddler’s Permit Application which includes background check
2. City Business License Application (State Master Business License is evidenced in their UBI number issued by the State)
3. Letter requesting waiver of the daily Peddler's Permit fee
4. OHMC Chapter 5.52



BUSINESS LICENSE
865 S.E. BARRINGTON DRIVE
OAK HARBOR, WA 98277
(360) 279-4500

EXPIRATION DATE: 12/31/2012

ISSUED DATE: 01/01/2012
LICENSE NUMBER: BL-005303

LOCATION OF BUSINESS
1880 NE 7TH AVE
OAK HARBOR, WA 98277

BUSINESS CLASSIFICATIONS:
GENERAL BUSINESS

THIS CERTIFIES that the business or individual listed below is hereby licensed to do business within the **CITY OF OAK HARBOR**

G & R ICE CREAM
DBA: GENELYN & ROBERT UY
1880 NE 7TH AVE
OAK HARBOR, WA 98277


FINANCE DIRECTOR

owner GENELYN & ROBERT UY

This license is to be displayed conspicuously at the location of business, and is not transferable or assignable.

May 9, 2012

TO CITY COUNCIL,

I request to wave my daily
peddler's permit fee and pay the
annual fee since a daily fee would
be prohibitive.

Thank You!

Respectfully,
Genevyn M. Uy

Chapter 5.52
HAWKERS, PEDDLERS AND SOLICITORS

Sections:

- 5.52.010 Definitions.
- 5.52.020 License – Required.
- 5.52.030 License – Application.
- 5.52.040 License – Qualification of applicant.
- 5.52.050 License – Fee.
- 5.52.051 License to be exhibited.
- 5.52.052 License nontransferable.
- 5.52.060 License – Suspension or revocation.
- 5.52.070 Sound devices prohibited.
- 5.52.080 Exemptions.

5.52.010 Definitions.

As used in this chapter the words set forth in this section shall be defined as follows:

(1) "Canvasser" or "solicitor" is defined as any individual, whether a resident of Oak Harbor or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether for compensation or without compensation, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided, that such definition includes any person who, for himself or for another person, firm or corporation, uses or occupies any building, structure, tent, boat, hotel, room, lodginghouse, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery; provided, that anyone transacting such business above described with a business having a valid occupancy permit and required business license or that anyone soliciting orders or transacting business with business establishments, governmental agencies or retail or wholesale outlets for resale or retail sales by said outlets in the city shall be excluded from the definition set forth in this section and the scope of this chapter.

(2) "Peddler" includes any person, whether a resident of Oak Harbor or not, traveling from place to place, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale, from a truck, automobile or other vehicle or conveyance; and, further provided, that one who solicits, orders and as a separate transaction makes separate deliveries to purchasers as a part of the scheme or design to evade the provisions of this chapter. The word "peddler" includes the word "hawker" and "huckster." The term "peddler" shall not include any person vending newspapers, magazines or books; or person selling farm products produced and/or manufactured by

him as provided by RCW 36.71.090, and no license shall be required of such persons. (Ord. 609 § 1, 1982).

5.52.020 License – Required.

It is unlawful for any person to engage in the business of peddler, solicitor or canvasser as defined in this chapter within the corporate limits of the city without first obtaining a license and occupancy permit, if required, therefor as provided in this chapter. A license issued under this chapter will not exempt any person, company or organization from obtaining proper permits which are required by state or county laws and regulations in force. (Ord. 643 § 1, 1983; Ord. 609 § 2, 1982).

5.52.030 License – Application.

(1) In addition to the information required to be provided pursuant to the general requirements for all licenses, applicants shall furnish the city clerk the following information:

- (a) A brief description of the nature of the business, a description of the goods to be sold and the name and address of the supplier, and in the case of products of farm or orchard, whether produced or grown by the applicant;
- (b) A letter from the property owner indicating approval must accompany the application;
- (c) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (d) The dates for which the right to do business is desired;
- (e) Provide state sales tax identification number;
- (f) If a vehicle is to be used, a description of the same, together with license number or other means of identification.

(2) If the applicant has received license for the same business within the previous 180 days, the city clerk may waive any license application requirements except for subsection (1)(a) of this section. (Ord. 643 § 2, 1983; Ord. 609 § 4, 1982).

5.52.040 License – Qualification of applicant.

All applicants, or managers, or owners of the applicant cannot have been convicted of a crime of moral turpitude or intent to defraud within 10 years from the date of application and, furthermore, cannot have been released from a penal institution or from active supervision on parole as a result of the conviction of any of the aforementioned crimes, within 10 years from the date of application. (Ord. 609 § 3, 1982).

5.52.050 License – Fee.

(1) The fee for a peddler, canvasser or solicitor license is \$20.00 for the first day and \$10.00 for each additional day as indicated in OHMC 5.52.030 (1)(d). The city council, upon application, may waive the license fee for nonprofit organizations.

(2) The city council, upon application, may permit the use of streets, parks, walks and other public places for the sale and/or display of wares or goods and may set dates and hours of operation and may waive the fees required in this section. The fee for all persons shall be \$5.00 per calendar year. (Ord. 609 § 5, 1982).

5.52.051 License to be exhibited.

Anyone required to be licensed under this chapter shall exhibit the license at the request of any person contacted in connection with an activity regulated under this chapter. (Ord. 643 § 3, 1983).

5.52.052 License nontransferable.

The license shall be personal to the individual to whom it is issued and may not be transferred. (Ord. 643 § 4, 1983).

5.52.060 License – Suspension or revocation.

In addition to the grounds specified in the general licensing provisions, the city clerk may revoke or suspend licenses specified in this chapter on the following grounds:

- (1) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler;
- (2) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public;
- (3) Failure to have proper state and federal tax registration certificate. (Ord. 609 § 8, 1982).

5.52.070 Sound devices prohibited.

No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loudspeaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell, except as otherwise permitted by the city council. (Ord. 609 § 7, 1982).

5.52.080 Exemptions.

This chapter shall not apply and the word "person" shall not be interpreted to define any nonprofit, nonstock corporation or charitable or religious organization who would otherwise fall within the definition of peddler as set forth in OHMC 5.52.010, and who conducts such peddling or who distributes goods, wares or merchandise through the exclusive use of local members of their respective organizations. (Ord. 609 § 6, 1982).

This page of the Oak Harbor Municipal Code is current through Ordinance 1620, passed December 20, 2012.

Disclaimer: The City Clerk's Office has the official version of the Oak Harbor Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

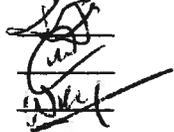
City Website: <http://www.oakharbor.org>
(<http://www.oakharbor.org>)
City Telephone: (360) 279-4539
Code Publishing Company
(<http://www.codepublishing.com/>)
eLibrary
(<http://www.codepublishing.com/elibrary.html>)

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

Agenda Bill No. CHA 28
Date: June 5, 2012
Subject: Noise Permit – Island County
Democrats

FROM: Steve Powers, Interim City Administrator *SP*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:



Scott Dudley, Mayor
Doug Merriman, Finance Director
Bill Hawkins, City Attorney, as to form

PURPOSE:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the Island County Democrats for the use of amplified sound associated with an outdoor reception scheduled for June 10, 2012.

AUTHORIZATION:

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

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

SUMMARY STATEMENT:

Island County Democrats submitted a Noise Permit request for amplified sound associated with an outdoor reception scheduled for June 10, 2012 at Windjammer Park. The request states that amplified sound will be used for music and announcements.

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

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to Island County Democrats.

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR
NOISE PERMIT

Name of Applicant: Island County Democrats
Location of Event: Windjammer Park
Date of Event: June 10, 2012
Hours of Operation: 1:00 p.m. to 5:00 p.m.
Permitted Noise: Amplified sound for music and
announcements
Approval Conditions: Face speakers away from the
campground area.
Date of City Council
Approval:
Issued this day of June, 2012.

Karen Crouch, Special Events Coordinator

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

Please post this notice on site

TYPE OF ORAL ANSWERS

NOISE PRACTICE

1. What is the capital of France? Paris.

2. How many continents are there? Seven.

3. What is the largest city in the world? New York.

4. How many days are there in a week? Seven.

5. What is the name of the planet we live on? Earth.

6. How many months are there in a year? Twelve.

7. What is the tallest mountain in the world? Mount Everest.

8. How many bones are there in the human body? Two hundred and six.

9. What is the largest ocean? The Pacific Ocean.

10. How many states are there in the USA? Fifty.

11. What is the name of the largest country in the world? Russia.

12. How many hours are there in a day? Twenty-four.

13. What is the name of the largest island in the world? Greenland.

14. How many teeth are there in a human mouth? Thirty-two.

15. What is the name of the largest city in Europe? London.

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

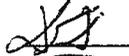
Agenda Bill No. CHA 20

Date: June 5, 2012

Subject: Noise Permit – City of Refuge
Christian Church

FROM: Steve Powers, Interim City Administrator *SP*

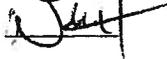
INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:



Scott Dudley, Mayor



Doug Merriman, Finance Director



Bill Hawkins, City Attorney, as to form

PURPOSE:

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the City of Refuge Christian Church for the use of amplified sound associated with an outdoor church service scheduled for June 24, 2012 at Windjammer Park.

AUTHORIZATION:

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

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

SUMMARY STATEMENT:

City of Refuge Christian Church submitted a Noise Permit request for amplified sound associated with an outdoor church service scheduled for June 24, 2012. The request states that amplified sound will be used for music and worship.

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

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to City of Refuge Christian Church.

ATTACHMENTS:

Noise Permit.

MAYOR'S COMMENTS:

CITY OF OAK HARBOR
NOISE PERMIT

Name of Applicant: City of Refuge Christian Church

Location of Event: Windjammer Park

Date of Event: June 24, 2012

Hours of Operation: 9:00 a.m. to 4:00 p.m.

Permitted Noise: Amplified sound for music and
announcements

Approval Conditions: Face speakers away from the
campground area.

Date of City Council
Approval:

Issued this day of June, 2012.

Karen Crouch, Special Events Coordinator

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

Please post this notice on site

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

Bill No. N/A 2D
Date: June 5, 2012
Subject: Oak Harbor Youth Commission
Appointment - Madeline
Mosolino

FROM: Scott Dudley, Mayor *SD*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

SP Steve Powers, Interim City Administrator
DM Doug Merriman, Finance Director
BH Bill Hawkins, City Attorney, as to form

PURPOSE

The purpose of this agenda bill is for the Council to approve Mayor Dudley's recommendation to appoint Madeline Mosolino to the Oak Harbor Youth Commission.

AUTHORITY

Oak Harbor Municipal Code, Chapter 2.250 Oak Harbor Youth Commission:
2.250.020 Membership.

- (1) The Commission shall consist of up to 17 members appointed by the mayor subject to city council approval. Prior to appointing members, the mayor shall obtain recommendations for possible members from the Commission, city councilmembers and from the youth service provider community.
- (2) The city council shall appoint at least one member of the city council to the Commission.
- (3) Membership for the Commission shall be primarily drawn from individuals working or residing in Oak Harbor, with a vested interest in youth. Two seats on the Commission will be reserved for students between the ages of 14-18 residing within the Oak Harbor School District boundaries.
- (4) Persons shall have three-year terms and may be appointed for no more than two consecutive terms. Terms of the first members appointed under this chapter shall be staggered so that no more than one-third of the positions shall be regularly open during any one calendar year.

FISCAL IMPACT DESCRIPTION

None

SUMMARY STATEMENT

Ms. Mosolino is a student between the ages of 14-18 and resides within the Oak Harbor School District boundaries. If appointed, Ms. Mosolino's three-year term would expire June 2015.

Mayor Dudley recommends that Madeline Mosolino be appointed to the Oak Harbor Youth Commission for a three-year term.

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

STANDING COMMITTEE REPORT

None.

RECOMMENDED ACTION

Appoint Madeline Mosolino to the Oak Harbor Youth Commission.

ATTACHMENTS

Biography Form of Ms. Mosolino.

Biography Form

Recommended Board Appointment for: Youth Commission

Name: Madeline Mosolino Date: May 6, 2012

Address: 1777 Bridge Lane

City, State, Zip: Oak Harbor, WA 98277

Telephone Number: (360)320-9143 Email Address: madeline.mosolino@gmail.com

Mailing Address (if different from above): same address

Resident of Oak Harbor/Whidbey Island for: 15 yrs years/months

Occupation and Place of Employment (if retired, reference previous occupation):

student at oak harbor high school

Local Group or Civic Affiliations: National Honor society at OTHS,
Ecology Club at OTHS

Special Interests: volunteering in community, e.g. beach cleanups
and cleaning up community

Other General Comments: I am very interested in being involved
with this group and addressing the issues youth face
in oak harbor, and being a part of the dialogue to
resolve these issues.

Introduction

The purpose of this study is to investigate the effects of the independent variable on the dependent variable. The study is designed to explore the relationship between the two variables and to determine the extent to which the independent variable influences the dependent variable. The study is based on a sample of individuals who were selected through a random sampling process.

The study is based on a sample of individuals who were selected through a random sampling process. The sample size was determined based on the desired level of statistical power and the expected effect size. The study is designed to explore the relationship between the two variables and to determine the extent to which the independent variable influences the dependent variable.

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The study is based on a sample of individuals who were selected through a random sampling process. The sample size was determined based on the desired level of statistical power and the expected effect size. The study is designed to explore the relationship between the two variables and to determine the extent to which the independent variable influences the dependent variable.

City of Oak Harbor City Council Agenda Bill

Bill No. CJA 28
Date: June 5, 2012
Subject: Community Police Advisory
Board Re-Appointment -
Lauren Nelson

FROM: Scott Dudley, Mayor 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Steve Powers, Interim City Administrator
 Doug Merriman, Finance Director
 Bill Hawkins, City Attorney, as to form

PURPOSE

The purpose of this agenda bill is for the Council to confirm Mayor Dudley's re-appointment recommendation of Lauren Nelson to the Community Police Advisory Board.

AUTHORITY

Oak Harbor Municipal Code, Chapter 2.50 Community Police Advisory Board:

2.50.020 Composition of the board.

The board shall consist of nine members, who shall meet the following qualifications:

- 1) Not less than five of the members shall be city residents;
- 2) At least two members shall be owners or managers of businesses located within the city;
- 3) One member shall be a currently enrolled high school student.

2.50.030 Appointment – Terms.

- 3) All subsequent appointments, except for vacancies, shall be for four-year terms; provided, that members shall remain in office until their successors are appointed and confirmed, with the exception of the high-school age student, whose term will remain at one year.

FISCAL IMPACT DESCRIPTION

None

SUMMARY STATEMENT

Lauren Nelson was appointed to the Community Police Advisory Board in April 2011 as the "currently enrolled high school student" member. Ms. Nelson is a student at Oak Harbor High School and has confirmed that she will serve if re-appointed. If re-appointed, her term would expire June 2013.

Mayor Dudley recommends that Ms. Nelson be re-appointed to serve a one-year term on the Community Police Advisory Board.

STANDING COMMITTEE REPORT

None.

6.5.2012 Agenda Bill – CAB Reappointment Nelson

City of Oak Harbor City Council Agenda Bill



RECOMMENDED ACTION

Confirm Ms. Nelson's re-appointment to the Community Police Advisory Board.

ATTACHMENTS

None.

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

Bill No. CJA 2F
Date: June 5, 2012
Subject: AHBL contract amendment

FROM: Steve Powers, Interim City Administrator *PSP*
Ethan Spoo, Senior Planner

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

[Signature] Scott Dudley, Mayor
[Signature] Steve Powers, Interim City Administrator
[Signature] Doug Merriman, Finance Director
[Signature] Bill Hawkins, City Attorney, as to form

PURPOSE:

The purpose of this agenda bill is to authorize the Mayor to sign a contract amendment to the professional services agreement with AHBL for consulting services associated with the Shoreline Master Program Update project.

AUTHORITY:

Oak Harbor Municipal Code states:

2.310.050 Professional service contracts.

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

FUNDING

Budget amount: \$0.00

Funds required: \$ 0.00

Appropriation Requested: \$ 0.00

Appropriation Source: External Sources

SUMMARY STATEMENT:

City Council authorized the Mayor to sign a contract with AHBL on August 4, 2010 for consulting services for the City's Shoreline Master Program Update Project. The contract amount was for \$120,000. The funds for this project came entirely from a State Department of Ecology Grant in the amount of \$125,000, which was awarded to the City in early 2010.

The contract called for the consultant to facilitate six meetings of an ad hoc committee. This ad hoc committee was known as the "Shoreline Advisory Committee." Due to the nature of conversations with the Advisory Committee, the consultant prepared materials for and facilitated two additional meetings with the Advisory Committee and one additional staff meeting not anticipated under the initial contract. Preparation of additional materials included graphics and additional drafts of the SMP document for these three meetings. These additional meetings and draft work products led to unanticipated project expenses.

To cover the additional cost, staff was able to secure an additional \$4,000 in grant funding from the State Department of Ecology. Staff is proposing to use these additional state funds to compensate AHBL for the additional work performed outside of the original scope of work. For this reason, staff is requesting council authorization to increase the original contract amount from \$120,000 to \$124,000. Please note that none of the funding for this contract comes from City funds; all funding, including the additional \$4,000, has been made available by the Department of Ecology.

RECOMMENDED ACTION:

Authorize the Mayor to sign the attached contract amendment with AHBL for additional consulting services for the Shoreline Master Program Update project increasing the contract a maximum of \$4,000.

ATTACHMENTS:

Contract amendment form
Amended professional services agreement

MAYOR'S COMMENTS:

Professional Services Agreement Amendment Number <u>1</u>	Organization and Address	
Original Agreement Title: City of Oak Harbor Shoreline Master Program Update	City of Oak Harbor 865 SE Barrington Drive Oak Harbor, WA 98239 Phone: 360-279-4500	
Project Number: N/A	Execution Date 08/04/2010	Completion Date (Prior) 12/1/2012
Project Title City of Oak Harbor Shoreline Master Program Update	New Maximum Amount Payable \$ <u>124,000</u>	
Description of Work		

The City of Oak Harbor
desires to supplement the agreement entered into with AHBL
and executed on 08/04/2010 and identified as City of Oak Harbor Shoreline Master
Program Update

All provisions in the basic agreement remain in effect except as expressly modified by this supplement

The changes to the agreement are described as follows:

SCOPE OF WORK is hereby amended to add the following:
Phase III, Task 3.5 has been revised to reflect that extended work that occurred with the Ad Hoc Committee ("Shoreline Advisory Committee). The Phase IV due dates have been amended, accordingly, to account for the two additional public involvement and Advisory Committee meetings which occurred in Phase III. Additionally, the Phase IV and total project budget amounts have been increased by \$4,000 to reflect the additional work performed.

SCOPE OF WORK is hereby changed and supplemented with the following:
No change.

PROJECT COMPLETION DATE AMENDED TO: June 30, 2013

TIME OF COMPLETION – SCOPE OF SERVICES: _____

PAYMENT shall be amended as follows:

Amendment reflects additional time and effort for consultant to prepare project materials for and facilitate additional meetings of the Shoreline Advisory Committee and of project staff as compared with what was anticipated under the original scope of work. The scope of work specified that consultant would facilitate six Advisory Committee meetings and four project staff meetings, whereas eight Advisory Committee meetings and five project staff meetings actually occurred. Additionally, the consultant prepared additional graphics and draft materials for each of these meetings not originally anticipated under the scope of work. The maximum amount payable under the contract is increased by \$4,000 from \$120,000 to \$124,000 to reflect additional activities specified above.

Payment shall be made in accordance with the terms and conditions described in the original contract.

If you concur with this amendment and agree to the changes as stated above, please sign in the appropriate spaces and return to this office for final action.

By: _____

By: _____

Consultant Signature

Approving Authority Signature

Date

PROFESSIONAL SERVICES AGREEMENT

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

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

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

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

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

1. Scope of Services.

The SERVICE PROVIDER shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as SERVICE PROVIDER responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein (the "Project").

2. Term.

The Project shall begin on August 5, 2010, and shall be completed no later than June 30, 2013, unless sooner terminated according to the provisions herein.

3. Compensation and Method of Payment.

- 3.1 Payments for services provided hereunder shall be made following the performance of such services, unless otherwise permitted by law and approved in writing by the CITY.
- 3.2 No payment shall be made for any service rendered by the SERVICE PROVIDER except for services identified and set forth in this Agreement.
- 3.3 The CITY shall pay the SERVICE PROVIDER for work performed under this Agreement as follows: Not more than monthly for services provided in the preceding month not to exceed a total of \$124,000.00.

4. Reports and Inspections.

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

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

5. Independent Contractor Relationship.

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

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

6. Service Provider Employees/agents.

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

7. Hold Harmless/Indemnification.

- 7.1 SERVICE PROVIDER shall, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, to the extent arising out of or resulting from the negligent acts, errors or omissions of the SERVICE PROVIDER in performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY.
- 7.2 For purposes of this indemnification and hold harmless agreement, the SERVICE PROVIDER waives any immunity that may be granted to it under the Washington State Industrial Insurance Act, Title 51 RCW. The parties expressly agree that this waiver of workers' compensation immunity has been negotiated.
- 7.3 No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

8. Insurance.

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

- 8.1 Minimum Scope of Insurance. SERVICE PROVIDER shall obtain insurance of the types described below:
- a. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
 - b. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The CITY shall be named as an insured under the SERVICE PROVIDER'S Commercial General Liability insurance policy with respect to the work performed for the CITY.
 - c. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
 - d. Professional Liability Insurance appropriate to the SERVICE PROVIDER'S profession.

- 8.2 **Minimum Amounts of Insurance.** SERVICE PROVIDER shall maintain the following insurance limits:
- a. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of One Million Dollars (\$1,000,000) per accident.
 - b. Commercial General Liability insurance shall be written with limits no less than One Million Dollars (\$1,000,000) each occurrence, Two Million Dollars (\$2,000,000) general aggregate.
 - c. Professional Liability insurance shall be written with limits no less than One Million Dollars (\$1,000,000) per claim and One Million Dollars (\$1,000,000) policy aggregate limit.
- 8.3 **Other Insurance Provisions.** The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:
- a. The SERVICE PROVIDER'S insurance coverage shall be primary insurance with respect to the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the SERVICE PROVIDER'S insurance and shall not contribute with it.
 - b. The SERVICE PROVIDER'S insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice has been given to the CITY, except for non-payment of premium, in which case ten (10) days written notice will be provided.
- 8.4 **Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- 8.5 **Verification of Coverage.** SERVICE PROVIDER shall furnish the CITY with original certificates and a copy of the amendatory endorsements including, but not necessarily limited to, the additional insured endorsement, evidencing the insurance requirements of the SERVICE PROVIDER before commencement of the work.

9. **Treatment of Assets.**

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

10. Compliance with Laws.

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

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

11. Nondiscrimination.

11.1 The CITY is an equal opportunity employer.

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

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

11.4 If any assignment and/or subcontracting has been authorized by the CITY, said assignment or subcontract shall include appropriate safeguards against

discrimination. The SERVICE PROVIDER shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. Assignment/subcontracting.

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

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

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

13. Changes.

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

14. Maintenance and Inspection of Records.

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

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

15. Other Provisions.

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

16. Termination.

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

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

17. Notice.

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

18. Attorneys Fees and Costs.

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

19. Jurisdiction and Venue.

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

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

20. Severability.

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

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

21. Entire Agreement.

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

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

CITY:

CITY OF OAK HARBOR
865 SE Barrington Drive
Oak Harbor, WA 98277

SERVICE PROVIDER:

AHBL
2215 North 30th Street, Suite 300
Tacoma, WA 98403

Scott Dudley, Mayor

Wayne Carlson, Associate Principal

Attest:

Connie Wheeler, City Clerk

**Exhibit A – AHBL Scope of Work
City of Oak Harbor
Shoreline Master Program Update**

Project Description:

The Consultant will assist the City of Oak Harbor in completing an update of the Shoreline Master Program (SMP). The SMP shall be developed and adopted in a manner consistent with the procedural and substantive requirements of the Shoreline Management Act (SMA) and its implementing rules, including the Shoreline Master Program Guidelines (Guidelines). Responsibilities of the Consultant will generally include completion of inventory and analysis reports with corresponding maps and illustrations that characterize shoreline ecological conditions; development of shoreline policies, environment designations, and use regulations; as well as analysis of cumulative impacts and uses, preparation of a shoreline restoration plan and limited assistance with the formal local adoption process. The Consultant will also assist with public involvement activities, as directed by City and as described in this agreement.

Specific responsibilities of the Consultant are noted below. Specific responsibilities of the City and Ecology, where needed to provide clarity and address required elements of the related Ecology Grant Scope of Work, are also noted below.

Please note that for all project deliverables, except as specifically noted in this scope, a maximum of three revisions is assumed. The due date identified in the contract is the date that the Consultant shall submit an initial draft to the City for review. Within two weeks of receiving City review comments, the Consultant shall submit a revised draft to the City that addressed the comments. The Consultant shall submit the third and final draft under each task to the City within one month of receiving Ecology review comments, unless special arrangements are made with the City in writing based on the extent of Ecology comments. Revisions the preliminary data inventory (Task 2.1) and the Preliminary Cumulative Impacts Analysis (Task 3.6) that address Ecology comments will be provided as part of the deliverables for Task 2.3 and 4.2, respectively.

Work Program: The Consultant shall perform the following tasks and phases, divided into Ongoing, Year 1, Year 2 and Year 3, consistent with the Ecology Grant and funding schedule:

Ongoing

Task A: Coordination

The City will coordinate throughout the SMP update process with Ecology and other applicable state agencies, neighboring jurisdictions, and Indian tribes as provided in the Guidelines and SMA procedural rules and as specified in the City's contract with Ecology. Specific public involvement activities and responsibilities will be further detailed in the Public Participation Plan that is Task 1.2 of this scope of work. In addition, the City will consult with all other appropriate entities which may have useful scientific, technical, or cultural information, including federal agencies, watershed management planning units, salmon recovery lead entities, universities and other institutions, local individual outdoor recreationists and conservationists, and organizations with special expertise representing these interests.

The Consultant will assist the City with said coordination by providing relevant information to the City as directed by the City, and where specifically authorized by the City to do so, the Consultant will contact Ecology and other parties directly to obtain information to facilitate efficient communication. The Consultant will further assist with project coordination as detailed in the Public Participation Plan in Task 1.2.

The City will coordinate with adjacent jurisdictions that share areas within shoreline jurisdiction (for example, jurisdictions on the same lake or stream) for the purpose of efficiently using grant funds; sharing information and methods of analysis; drafting compatible SMP policies, regulations, environment designations; and coordinating public involvement.

The Consultant will assist the City with coordination by providing relevant information as directed by the City, and where authorized by the City to do so, the Consultant will contact adjacent jurisdictions to facilitate efficient communication.

The City will attend Ecology-sponsored coordination meetings, which occur on a regular basis, for the duration of the project. The City shall provide Ecology opportunities for review of draft deliverables at appropriate intervals. When requested, the City shall include a written response to Ecology's comments on draft deliverables. The Consultant will assist the City with said coordination by providing relevant information and work products as directed by the City and according to this scope of work.

The Consultant will attend Ecology-sponsored coordination meetings to the extent budget allows, but is not responsible for attending these meetings on a regular basis.

Deliverables:

1. The Consultant shall provide monthly progress reports to the City.

Dates Due: Monthly, by the 28th of each month.

2. The Consultant shall provide written responses to Ecology's comments on draft deliverables, when requested. (provided in email format.)

Date Due: The Consultant will provide written responses within seven days following receipt of Ecology's comments. Written responses do not constitute revisions to work products, but rather will be acknowledgement of receipt of Ecology comments, questions or clarification on DOE comments, and confirmation of next steps.

3. The Consultant shall meet with a group of key project contacts at least four times during the project. This group is intended to aid in project coordination and will include representatives from the military and from various City agencies, such as the Development Services Department, Public Works Department, and other contacts as identified by the City.

Date Due: To be determined. The intent is for meetings to occur at key project junctures such as before the inventory, analysis, SMP and Restoration Plan are finalized.

Task C: Implement Public Participation Plan

Throughout Phases 1 through 5 of the SMP update process, the Consultant shall assist the City in informing and involving the public in updating the SMP consistent with the objectives of the Shoreline Management Act (see RCW 90.58.130) and WAC 173-26.

Public involvement activities of the Consultant will be limited by the budget funds available for this task. Because of the nature of community involvement, specific activities may be modified based on a variety of factors, including input from participants and emerging issues or community concerns. Changes to the public involvement efforts identified in this contract may be made based on mutual agreement between the City and Consultant. Additional information about public involvement activities will be identified in the forthcoming Public Involvement Plan, a deliverable in Task 1.2.

Activities of the Consultant are expected to include:

Deliverables:

1. Summary of public participation completed to-date in monthly progress reports.
2. Consultant will prepare meeting materials and facilitate meetings within the parameters specified in the Public Participation Plan (Task 1.2). However, at a minimum the Consultant has budgeted to prepare a powerpoint presentation, fact sheet and up to six (6) display boards for issue meetings, open houses or other public involvement activities which may occur under Task 1.2.
3. Budget assumes consultant preparation and attendance at up to 6 Shoreline ad hoc committee meetings, 2 issue-oriented meetings, one visioning meeting (covered under Task 3.1) and one project open house.

Dates Due: Monthly progress reports due on the 28th, additional target dates for public involvement activities will be defined in the Public Participation Plan prepared as part of Task 1.2.

Year 1

PHASE 1: Preliminary Assessment of Shoreline Jurisdiction and Public Participation Plan

Task 1.1: Identify preliminary shoreline jurisdiction

The Consultant shall identify the preliminary geographic scope for the comprehensive SMP update project. The Consultant will use available information to map required and optional Shorelines of the State as defined by statute and rule in order to identify the initial area under SMA shoreline jurisdiction. The shoreline jurisdiction area will be refined during later tasks. The preliminary jurisdiction mapping will include:

- Statutory minimum areas consisting of the following Shorelines, Shorelines of Statewide Significance and Shorelands (per RCW 90.58.030(2)). This includes federal or tribal areas that are not under sole jurisdiction of the federal government or tribes.
 - Marine shorelines
 - Rivers and streams with mean annual flow over 20 cubic feet per second.
 - Lakes and reservoirs exceeding 20 acres.
 - Associated wetlands of these areas.

- Lands extending landward 200 feet from the ordinary high water mark, floodways and floodplain areas landward 200 feet from the ordinary high water mark.

Optional areas to be considered for inclusion in the SMP:

- Floodplains: All or part of the floodplain landward of the 200-foot mark from the floodway (per RCW 90.58.030(2)(f)(i)).
- Buffers: Buffers necessary for the protection of Critical Areas as defined in Growth Management Act regulations (per RCW 90.58.030(2)(f)(ii)).

The Consultant, with City approval, shall contact the Ecology project officer for the most recent maps of stream segments meeting the 20 cfs threshold and other available information. If federal or tribal areas are proposed for exclusion, the City, in coordination DOE, will provide documentation that the area is under sole jurisdiction which precludes application of local and state authorities.

Note: the project budget is based on the assumption that marine shorelines and associated wetlands are the only areas that fall within Oak Harbor SMP Jurisdiction and that only limited data collection will be performed for lands within NAS Whidbey to support future non-federal actions on federal lands. The Consultant will coordinate with the City, DOE and Navy representatives in Phase I of the project to determine the required scope of work for mapping and inventory activities on Navy property.

Deliverable:

1. One, two-hour conference call with DOE, City and Navy representatives to determine the scope of the project within Navy jurisdiction.
2. Preliminary jurisdiction map (digital) of Shorelines of the State subject to local SMP.

Dates Due: September 30, 2010

Task 1.2: Prepare plan for public participation

The Consultant shall prepare a draft public participation plan for Phases 1 – 5 of the project that identifies:

1. Specific objectives,
2. Outreach strategies,
3. Key stakeholders (e.g. Navy Liaison Officer, shoreline property owners, Planning Commission and elected officials, state agencies, Tribes, local residents, neighboring jurisdictions, etc.),
4. Establishes timelines for public participation activities and
5. Responsibilities for carrying out these activities (*City or Consultant*)

The Consultant shall work with the City to engage all parties early and continuously in the update process, particularly those relevant individual recreationists and conservationists or organizations that may not typically seek involvement in new shoreline regulations. The City shall provide upfront input, as well as review comments on the draft public participation plan and shall be responsible for documenting all public outreach and public events related to SMP development.

Deliverables:

1. Public participation plan for city review (digital copy).
2. Public participation updates in monthly progress reports.

Dates Due: September 30, 2010

PHASE 2: Shoreline Inventory, Analysis & Characterization

Task 2.1: Conduct shoreline inventory

The Consultant shall compile all pertinent and reasonably available data, plans, studies, inventories, maps and other applicable information. The City shall assist the consultant by gathering all applicable information that they are aware of, including providing access to relevant information in City electronic and hard copy files.

The Consultant shall collect the following information to the extent that such information is relevant and reasonably obtainable:

- Shorelines of the State (all marine shorelines, streams >20 cfs mean annual flow, lakes >20 acres, and shorelands) as defined in RCW 90.58.030, located in the Recipient's jurisdiction.
- General location of channel migration zones, floodplains, and the floodway.
- Critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, geologically hazardous areas, and frequently flooded areas, as defined in RCW 36.70A, the Growth Management Act.
- Shoreline and adjacent land use patterns/density and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications within shoreline jurisdiction. Platted lots including undeveloped lots (except those not developable under local subdivision ordinance).
- Degraded areas and sites with potential for ecological restoration.
- Areas of special interest, such as priority habitats, rapidly developing waterfronts, previously identified toxic or hazardous material clean-up sites, and eroding shorelines.
- Existing and potential shoreline public access sites, including public rights-of-way and utility corridors. The inventory will include descriptions of recorded public access easements, their prescribed use, maintenance and terms.
- Historical aerial photographs documenting past conditions to assist in preparing an analysis of cumulative impacts of development
- Archaeological and historic resources in shoreline jurisdiction.
- Policies and regulations in shorelands and adjacent areas that affect shorelines, such as surface water management and land use plans and regulations (Critical Areas Ordinance, flood ordinance, etc.).

Based on available budget for GIS mapping, the Consultant shall provide a complete map portfolio and inventory data list to the client and revise it based on one round of City comments. The City will then provide these items to DOE as a deliverable for Task 2.1. The Consultant will address DOE comments on the map portfolio and the data inventory as part of the deliverables for Task 2.3.

Please note that additional revisions of the map portfolio beyond the two rounds of revisions identified will be the responsibility of the City. All data collected or generated by the Consultant will be provided to the City.

Deliverables:

1. Draft list of inventory data sources.

2. Digital working maps of inventory information displayed at appropriate scales.

Dates Due: November 30, 2010

Task 2.2: Conduct shoreline analysis

The Consultant shall conduct the shoreline analysis and create a shoreline characterization report. The report will define the ecological functions of the shorelines in Oak Harbor jurisdiction, identify shoreline management challenges, and present recommendations for protection and restoration of shoreline functions. (Please see description of this report in Task 2.3.)

The Consultant shall conduct an analysis of the inventory information and data collected in Task 2.1 as it relates to development of an effective SMP, and develop a characterization of the ecosystem processes and shoreline functions. The report shall identify opportunities for shoreline protection and restoration, and current and potential public access sites. The Consultant shall conduct a shoreline use analysis. The Consultant shall identify measures and actions to protect and restore shoreline functions and ecosystem wide processes (e.g. appropriate land use activities or environment designations, regulations, development standards, etc.)

Note: For most Puget Sound jurisdictions, the Department of Ecology will prepare a broad-scale characterization of ecosystem-wide processes. It is anticipated this information will be provided to Oak Harbor by DOE in Late 2010 or early 2011. The Consultant budget assumes this information will be available for Oak Harbor.

2.2.1 Characterize ecosystem-wide processes

This characterization will include a coarse-scale analysis of the broader area that influences the shoreline jurisdiction. It will include a narrative with reference to maps that describes and illustrates the processes in the larger drainage area that are linked to the shoreline through hydrologic flows. These processes include the uptake, transport and deposition of sediment, nutrients, woody debris, and pollutants. Specifically, the characterization prepared by the Consultant will:

- Present the geographic context for shoreline jurisdiction areas –with geology, soils, topography, vegetation, and drainage patterns of the watersheds. Describe how these large scale upland areas relate to and affect the shoreline. Review existing regional watershed or natural resource related plans for inclusion of relevant information.
- Identify areas throughout the watersheds, or, within and beyond shoreline jurisdiction, that are important to maintaining shoreline ecological functions (e.g. wetlands, forest cover, floodplains, higher permeability deposits, discharge, organic/clay soils, etc.)
- Identify areas that are key impairments (e.g. forest clearing, impervious cover, channelized streams, altered wetlands, roads and ditches, dams/diversions, groundwater withdrawals, and listed impairments such as those published in the 303(d) list.
- Identify opportunities for protection/restoration of upland and adjacent areas essential for maintaining shoreline processes and function.

2.2.2 Characterize shoreline functions

The Consultant shall delineate shoreline reaches based on land use and ecological processes (such as man-made physical features, stream confluences, or littoral drift cell boundaries). This will be a more detailed analysis of the shoreline jurisdiction that includes a narrative with reference to maps and GIS data. The Consultant shall describe functions

that are associated with each shoreline reach. Specifically, the characterization prepared by the Consultant will:

- Detail the physical, biological, and land-use components within the shoreline jurisdiction.
- Evaluate and assess shoreline ecological function using current scientific understanding of the relationship between the conditions of ecosystem-wide processes and functions within the Town's shoreline jurisdiction. Identify functions that are healthy, functions that are adversely impacted and functions that may have existed and are now missing.

2.2.3 Conduct Shoreline Use Analysis; analyze opportunities for public access

- The Consultant shall conduct shoreline use analysis:
 - Identify current patterns of land uses in shoreline areas.
 - Identify likely or projected uses in shoreline areas.
 - As applicable, analyze potential use conflicts and identify possible adverse impacts those could have on current ecological functions.
 - Estimate future demand for shoreline space consistent with WAC 173-26-201(3)(d)(ii) requirements.
 - Identify opportunities and demand for SMA preferred uses and potential use conflicts based on current use patterns and projected trends.
- The Consultant shall identify current public access sites and opportunities for future access sites.

Task 2.3 Prepare shoreline inventory and characterization report

The Consultant shall prepare a shoreline inventory and characterization report with accompanying maps that provides an analysis of the inventory data, ecosystem characterization and shoreline functions, shoreline use and public access findings as it relates to development of an effective SMP. The report will present findings and recommendations in a way that is useful for making SMP planning decisions. This report will provide a foundation for establishing environment designations, policies and implementing regulations. The report should identify data gaps, focusing on information that would be useful to support shoreline program development and implementation. The Consultant's report will:

- Present the geographic and jurisdictional context for the SMP update.
- Characterize ecosystem processes and functions.
- Present reach level analysis information. Detailed information on shoreline reaches will identify opportunities and constraints in:
 - Protecting intact and restoring degraded ecological processes and functions.
 - Addressing the requirements for shorelines of statewide significance per WAC 173-26-251.
 - Providing public access.
 - Accommodating appropriate water-oriented uses.
- Identify potential use conflicts to inform environment designation and allowed use decisions.
- Develop shoreline management measures for protection and restoration of ecological functions, SMP policies, regulations, and environment designations based on the findings of the inventory and characterization. (For example, recommendations may

include appropriate land use activities or environment designations, regulations, development standards, restoration and protection actions and strategies.)

- Organize relevant data for efficient review and use in the cumulative impact analysis. (A table is recommended.)

The report will also include refined shoreline jurisdiction boundaries and synthesis maps at appropriate viewing scales that will inform the report and illustrate findings that correspond with the narrative. For example, the user will be introduced to the area with coarser resolution vicinity maps indicating the county/town location in the state and delineating county/town and watershed boundaries. Maps at the shoreline reach scale will clearly differentiate the land and water contained within SMA jurisdiction from adjacent lands and contributing drainages. Maps at this scale will present the significant geologic, hydrologic, and ecologic features most essential to maintaining shoreline form and function and those land uses that may have altered upland processes influencing shoreline function. The reach scale maps also will indicate applicable inventory features such as known presence of listed species, critical riparian or aquatic vegetation, existing land uses, designated critical areas, and shoreline modifications. Potential areas for shoreline uses, public access, restoration and/or protection will be indicated. The portfolio will include a comprehensive list and map of public access to shorelines.

Deliverable:

Shoreline characterization and analysis report with updated map portfolio that addresses the above task requirements in 2.1, 2.2 and 2.3

Due Dates: May 1, 2011

PHASE 3: Complete Draft SMP and Cumulative Impacts Analysis

Task 3.1 Conduct community visioning process

The Consultant will assist the City in conducting a community visioning process that includes as many citizens as possible to determine goals for future use of the shoreline. This process will include talking with the community about the findings of the draft shoreline inventory and characterization report. The visioning process will identify shoreline problems and opportunities. It will result in a strategy for shoreline uses, public access, resource protection, and restoration that is consistent with SMA policy and SMP Guidelines objectives.

The Consultant and the City will further refine plans for the community visioning process as the project progresses. The budget assumes at least two staff members facilitating a meeting of up to four hours, including providing assistance with necessary materials based on draft work products.

Deliverables:

1. Materials and Consultant facilitation and leadership of at least one meeting with City and stakeholders
2. Documented strategy for shoreline uses, public access, resource protection and restoration.

Date Due: June 30, 2011

Year 2

Task 3.2: Develop general SMP goals, policies and regulations

The Consultant will prepare general shoreline goals and policies that are applicable throughout the area within shoreline jurisdiction. Optional SMP components may include general SMP regulations that apply in all environment designations. The City will provide input and feedback as necessary.

Note: all deliverables for Tasks 3.2 through 3.5 are included after Task 3.5.

Task 3.3: Develop environment designations

The Consultant will develop environment designations that are appropriate to current waterfront conditions per the findings of the shoreline inventory and characterization report. The City will provide input and feedback as necessary. Shoreline environment designations may be comprised of those recommended in the guidelines; the existing local SMP; unique, locally developed environments; or any combination of these, so long as they are consistent with WAC 173-26-211 environment designation criteria.

The Consultant will prepare draft maps illustrating the land and water area contained within mapped shoreline designation boundaries together with justification and rationale for the proposed designations, as described herein. Boundaries of shoreline environment designations will be clearly mapped. Optional shoreline jurisdiction areas, including entire floodplains and buffers for critical areas, will be mapped and designated if they are included within shoreline jurisdiction. A map clearly illustrating existing designations compared to proposed designations will be prepared. A narrative rationale describing reasons for maintaining or changing the designations will be included.

Task 3.4: Develop environment-specific shoreline use & modification policies, regulations and standards

The Consultant shall prepare draft policies and regulations for environment designations, all uses discussed in the SMP Guidelines, and shoreline modifications. The draft policies and regulations for shoreline environment designations shall, at a minimum, identify:

- Shoreline use and modification activity goals and policies.
- Shoreline uses and modifications that are prohibited and allowed by Substantial Development Permit or Conditional Use Permit.
- Bulk dimensional standards (buffers, setback, density, etc).
- Shoreline modification activity standards.
- Any local policies or regulations adopted by reference, if relied upon to satisfy SMA or guidelines requirements.
- Shoreline use and dimensional standards listed in matrices, by environment designation.

Task 3.5 Develop SMP administrative provisions

The Consultant shall prepare draft provisions for SMP administration, including necessary elements and timelines for permit administration, compliance, and enforcement. Statements about the role of Ecology in permit decisions should be included.

The Consultant will prepare a definitions section. Definitions should be particular to SMP administration, consistent with the SMP's implementing rules. Definitions should be clearly and concisely written.

Optional SMP components may include additional administrative provisions, if not inconsistent with SMA procedural rules and the guidelines. A brief SMP "user's guide" will be integrated into the SMP.

Deliverables:

Consultant will provide complete Draft SMP including:

1. Draft general goals and policies and optional general regulations. (Task 3.2)
2. Draft environment designations; narrative and maps comparing existing and proposed environment designations; and draft environment maps. (Task 3.3)
3. Draft environment-specific shoreline use and modification policies, regulations, and standards. (Task 3.4)
4. Draft administrative provisions.(Task 3.5)
5. Maps showing environment designations within shoreline jurisdiction.

Date Due: December 30, 2011.

Note: Consultant will also provide preliminary partial drafts during the period of time between August 1, 2011 and December 1, 2011 for review by the City and discussion with the Ad Hoc Committee. Specific mutually agreeable expectations and deadlines will be established in writing via email for these additional "working" drafts.

Note: Deadlines for Task 3.2 through 3.6 work products were extended by City based on extended Ad Hoc Committee and City review schedule. Draft SMP and Cumulative Impacts Analysis were submitted to City on April 19, 2012.

Task 3.6 Prepare preliminary cumulative impacts analysis

The Consultant will evaluate and analyze draft SMP policies, regulations and environment designations to show how they achieve no net loss of shoreline ecological functions during the planning period in a cumulative impacts analysis. The analysis will include incremental and cumulative impacts of future uses and development allowed by the proposed SMP as an ongoing part of the update process. The analysis will identify how proposed SMP regulations and standards and restoration activities will avoid and offset expected impacts of future permitted and exempt shoreline development. The cumulative impacts analysis may need to be revised if the initial document shows that cumulative impacts would result from the draft SMP.

(Note: The preliminary cumulative impacts analysis will be submitted at the same time as the Draft SMP.)

Deliverable: The consultant will prepare a preliminary cumulative impacts analysis of the SMP demonstrating how no net loss of ecological functions will be achieved over time within Oak Harbor's regulated Shoreline.

Date Due: December 30, 2011

PHASE 4: Restoration Planning, Revisiting Phase 3 Products As Necessary

Task 4.1 Prepare restoration plan

Based on the Inventory and Characterization report, the Consultant shall develop a plan for restoration of impaired ecological functions in specific shoreline reaches. Restoration plans will include:

- Identification of degraded areas, impaired ecological functions, and sites with potential for ecological restoration.
- Goals and priorities for restoration of degraded areas and impaired ecological functions.
- Existing and ongoing restoration projects and programs.
- Additional projects needed to achieve restoration goals and implementation strategies, including identification of prospective funding.
- Times and benchmarks for achieving restoration goals.
- Mechanisms to ensure that restoration projects and programs will be implemented.

The Consultant will work with the City to contact and coordinate with organizations conducting restoration work for assistance in developing restoration strategies. The restoration plan will attempt to identify overlaps in how and where restoration work is being conducted. An implementation strategy included in the Restoration Plan will identify recommendations for coordination between groups doing restoration work. A list of specific prioritized restoration projects will be included.

Deliverable:

1. A complete restoration plan, including implementation strategy.

Dates Due: ~~April 1, 2012~~ May 30, 2012

Year 3

Task 4.2: Revisit draft SMP and cumulative impacts analysis; finalize SMP jurisdiction maps

Based on findings in the cumulative impacts analysis, the Consultant will re-evaluate and revise the draft SMP environment designations, policies, and regulations in response to Ecology comments on the preliminary draft materials developed in Phase 3 as necessary to assure that they are adequate to achieve no net loss of ecological functions. The Consultant shall revise the cumulative impacts analysis as needed to reflect changes in the draft SMP.

The Consultant shall prepare final jurisdiction maps (digital) of Shorelines of the State identified in Task 1.1 that will be subject to the local SMP, if necessary, otherwise the existing draft map will be affirmed.

Deliverables:

1. Revised designations, policies, and regulations that address the findings of the cumulative impacts analysis.
2. Revised cumulative impacts analysis.
3. Final SMP jurisdiction maps and boundary descriptions

Date Due: August 1, 2012 TBD, within four weeks of Ecology Comments on Phase III deliverables

Task 4.3: Prepare a report that demonstrates how no net loss will be achieved

The Consultant shall prepare a report that demonstrates how the recommended shoreline management measures in Task 2.3, together with the findings of the cumulative impacts analysis and the restoration plan, are reflected in the proposed SMP and achieve no net loss.

Note: The City and Consultant will attempt to get DOE approval to consolidate this redundant report with the final (revised) cumulative impacts analysis.

Deliverables: A report that demonstrates how no net loss will be achieved through SMP implementation.

Date Due: August 1, 2012 TBD, within four weeks of Ecology Comments on Phase III deliverables

PHASE 5: Local SMP Adoption Process

The City shall conduct a local review and adoption process for the proposed SMP as provided in the SMA, WAC 173-26, and the State Environmental Policy Act. The SMP shall contain shoreline policies, regulations, environment designations, definitions, required administrative provisions, and a clear description of final SMP jurisdiction boundaries together with copies of any provisions adopted by reference.

The Consultant shall attend up to one (1) Planning Commission and one (1) City Council meeting as part of the adoption process. The Consultant can provide additional services during this phase if additional resources are identified or if additional assistance is provided by the City in a prior task and (if necessary) corresponding budget adjustments are made (e.g. City might choose to fully staff one or more Ad Hoc Committee Meetings).

Task 5.1: Assemble complete draft SMP

The Consultant shall assemble a complete draft SMP for Planning Commission and City Council review and approval and formal submittal to Ecology. This draft would include response to Ecology informal comments on the preliminary draft submitted under Tasks 4.2 and 4.3.

Deliverables:

1. Materials and attendance at up to two public meetings of the Planning Commission or City Council.
2. A complete Draft SMP package
3. Response to Ecology comments on Task 4.2 and 4.3 deliverables

Date Due: September 1, 2012 TBD, by June 30, 2013

Expenditure Budget (note: includes allocation of expenses to tasks by year)

Phase / Task	Year 1 10-11	Year 2 11-12	Year 3 12-13	Total Project
Tasks Common to All Phases:				
A. Project Coordination	2617	2617	1398	6632
C. Implement Public Participation Plan		8756	1102	9858
Phased Work:				
1. Preliminary Assessment / Public Participation Plan	4284			4284
2. Shoreline Inventory, Analysis, and Characterization	41223	2500		43723
3. Complete Draft SMP and Cumulative Impacts Analysis	4155	30674		34829
4. Restoration Planning / Revisit Phase 3 products as necessary		9598-13598	7545	17143 21143
5. Local Adoption Process			3531	3531
Total	52279	5414558145	13576	\$120,000 \$124,000

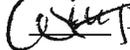
Please see detailed budget that breaks down hours by person by subtask.

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

Bill No. CJA 2G
Date: JUNE 5, 2012
Subject: Approval of Accounts Payable
Vouchers

FROM: Doug Merriman, Finance Director 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Steve Powers, Interim City Administrator
 Bill Hawkins, City Attorney, as to form

SUMMARY

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

AUTHORITY

Oak Harbor Municipal Code Chapter 3.72.

RECOMMENDED ACTION

Approve accounts payable vouchers.

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150294	5/31/2012	0006750 BOURBEAU, DONALD OR KATHLEEN	Ref000195818		UB Refund Cst #00146134	5.22
					Total :	5.22
150295	5/31/2012	0006751 HUMMEL, DAVID	Ref000195819		UB Refund Cst #00148957	5.30
					Total :	5.30
150296	5/31/2012	0000483 KOETJE AGENCY	Ref000195815		UB Refund Cst #00120843	3.23
					Total :	3.23
150297	5/31/2012	0006748 LANGE, KENNETH	Ref000195814		UB Refund Cst #00120079	27.45
					Total :	27.45
150298	5/31/2012	0005563 OAK HARBOR, CITY OF	Ref000195820		UB Refund Cst #00155081	47.09
					Total :	47.09
150299	5/31/2012	0006749 SARMIENTO, ARIEL OR ROCHELLE	Ref000195817		UB Refund Cst #00124760	50.00
					Total :	50.00
150300	5/31/2012	0006753 SHANNON, LEANNE	Ref000195821		UB Refund Cst #00157755	78.45
					Total :	78.45
150301	5/31/2012	0001365 TARA PROPERTIES	Ref000195816		UB Refund Cst #00121128	13.09
					Total :	13.09
150302	5/31/2012	0006754 VEGA, LUIS	Ref000195822		UB Refund Cst #00159581	83.73
					Total :	83.73
					Bank total :	313.56
					Total vouchers :	313.56

9 Vouchers for bank code : bank

9 Vouchers in this report

Voucher List
City of Oak Harbor

Bank code :	bank				Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor						
150154	5/30/2012	0002044	0002044	ANACORTES.NET/HOW IT WORKS (Continued)				Total : 90.95
150155	5/30/2012	0004019	0004019	ASSOCIATED PETROLEUM PRODUCTS 0303538-IN			FUEL	Total : 5,872.01
150156	5/30/2012	0000065	0000065	AVOCET ENVIRONMENTAL TESTING	1201443-IN		TESTING SERVICES	110.00
					1201474-IN		TESTING SERVICES	100.00
								Total : 210.00
150157	5/30/2012	0006758	0006758	BAGANT, BILL	1		TRAVEL REFUND	1,190.00
150158	5/30/2012	0000082	0000082	BAYSHORE OFFICE PRODUCTS, INC	0598748-001		SCANS/DVDS	Total : 1,190.00
150159	5/30/2012	0001435	0001435	BISCH, PAT	1		TRAVEL REFUND	435.29
150160	5/30/2012	0005453	0005453	BIXBY, SUE	1		TRAVEL REFUND	Total : 435.29
150161	5/30/2012	0000103	0000103	BLADE CHEVROLET, INC	128148		RECEPTACLE	5.00
					128362		WINDOW MLDG	5.00
					452348		APR 2012/VEHICLE RENTAL	200.00
								Total : 200.00
150162	5/30/2012	0000109	0000109	BLUMENTHAL UNIFORMS	931239		PANTS/BUXTON	200.00
150163	5/30/2012	0002943	0002943	BRAUNSTEIN, ANGELA	EXP REIMB		EXP REIMB	62.50
150164	5/30/2012	0005607	0005607	CALOLYMPIC SAFETY	301468		SENSOR	183.96
					301469		CALIBRATION	425.00
								Total : 35.31
150165	5/30/2012	0006215	0006215	CAROLLO	0122234		PROF SVC/PRELIMINARY ENGINEE	35.31
								Total : 205.00
								106.35
								Total : 311.35
								28,578.86

Bank code :	bank				Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor						
150165	5/30/2012	0006215	0006215	CAROLLO				
150166	5/30/2012	0000150		CASCADE NATURAL GAS	(Continued)			
					08793000004		NATURAL GAS/POLICE STATION	191.78
					18583000007		NATURAL GAS/TREATMENT PLANT	10.00
					36624000000		NATURAL GAS/FIRE STATION	223.01
					58793000009		NATURAL GAS/CITY HALL	445.63
					80434000008		NATURAL GAS/CITY SHOP	884.46
					82193000005		NATURAL GAS/ANNEX	62.85
					90134000000		NATURAL GAS/ADULT CARE CENTI	32.42
							Total :	1,850.15
150167	5/30/2012	0004605		CEMEX	9423595851		SOIL DUMPED	2,332.55
							Total :	2,332.55
150168	5/30/2012	0000170		CHIEF SUPPLY	484165		DECALS	22.97
							Total :	22.97
150169	5/30/2012	0006556		CHRISTIANSON'S NURSERY & GREEN	15308		GREENERY	223.49
							Total :	223.49
150170	5/30/2012	0000179		CLERKS PETTY CASH	052312		PETTY CASH	145.80
							Total :	145.80
150171	5/30/2012	0000188		CODE PUBLISHING COMPANY	40686		MUNICIPAL CODE UPDATE	2,596.84
							Total :	2,596.84
150172	5/30/2012	0001711		COMMERCIAL FILTER SALES & SVC	279095		NOVA PLEATS	333.31
							Total :	333.31
150173	5/30/2012	0006756		COMTECH 21, LLC	050812		BUSINESS LICENSE DUPLICATE P/	29.50
							Total :	29.50
150174	5/30/2012	0000197		CONCRETE NORWEST	800601		DUMP FEE	5.44
					800919		0160A	348.39
					802242		0155A	103.81
							Total :	457.64
150175	5/30/2012	0001559		CONTROL CONTRACTORS SERVICE	815436		SPLIT SYSTEM INSTALLATION	7,788.36

Bank code :	bank				PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice				
150175	5/30/2012	0001559	0001559 CONTROL CONTRACTORS SERVIC (Continued)				
150176	5/30/2012	0001126	COSTCO WHOLESALE MEMBERSHIP 188985989			MEMBERSHIP RENEWAL	Total : 7,788.36
150177	5/30/2012	0000217	CUES, INC 365498			KIT	Total : 165.00
150178	5/30/2012	0000247	DIAMOND RENTALS	502002		COFFEE URNS/LINEN RENTAL	Total : 165.00
				502004		PORTABLES	
				502519		SPRAYER	Total : 755.47
150179	5/30/2012	0002311	DICKEY, CHARLENE 1			TRAVEL REFUND	Total : 398.32
150180	5/30/2012	0000253	DIVERSINT 97242			LCD DISPLAY	Total : 3,330.00
150181	5/30/2012	0005098	DRM WASTE MANAGEMENT CORP 051412			DUMPSTER DEPOSIT REFUND	Total : 420.67
150182	5/30/2012	0000270	ECONOLITE CONTROL PRODUCTS, IN 98428			ASSY	Total : 4,148.99
150183	5/30/2012	0000273	EDGE ANALYTICAL, INC 12-07570			TESTING SERVICES	Total : 1,190.00
150184	5/30/2012	0005842	EMERY, DEANNA TRAVEL REIMB			TRAVEL REIMB	Total : 169.28
150185	5/30/2012	0001666	ENVIRO-CLEAN EQUIPMENT 3522828			BREAKER	Total : 2,000.00
				3534758		HANDLE/LATCH W/LOCK	Total : 81.53
				S11092106CM		TILT CYLINDER	
				S12-050301		HYDRAULIC MOTOR	Total : 260.00
150186	5/30/2012	0006747	EQUINOX RESEARCH & CONSULTING 11-411-2			PROF SVC/PIT ROAD PHASE I	Total : 20.02
							Total : 20.02
							Total : 48.18
							Total : 121.37
							Total : -232.68
							Total : 900.60
							Total : 837.47
							Total : 8,667.85

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : bank						
150186	5/30/2012	0006747	0006747 EQUINOX RESEARCH & CONSULT (Continued)			
150187	5/30/2012	0006276	EXPRESS SERVICES, INC			
			10952603-8		OFFICE SERVICE SUPPORT	966.17
			10980286-8		OFFICE SERVICE SUPPORT	978.40
					Total :	1,944.57
150188	5/30/2012	0002900	FASTENAL			
			WAOAK11641		BIT/OAL	16.61
			WAOAK11649		LDT	24.77
					Total :	41.38
150189	5/30/2012	0000956	FINANCE OFFICERS, WASHINGTON AS 2012198			
			2012224		REGISTRATION/MERRIMAN	350.00
					REGISTRATION/BOYER	350.00
					Total :	700.00
150190	5/30/2012	0000355	FRONTIER			
			007-9244		CURRENT PHONE CHARGES	277.01
			240-0614		CURRENT PHONE CHARGES	83.97
			240-2350		CURRENT PHONE CHARGES	1,128.33
			279-0841		CURRENT PHONE CHARGES	67.46
			675-1568		CURRENT PHONE CHARGES	197.60
			675-1572		CURRENT PHONE CHARGES	52.19
			675-2111		CURRENT PHONE CHARGES	57.95
			675-3121		CURRENT PHONE CHARGES	52.19
			675-6794		CURRENT PHONE CHARGES	48.62
			675-6858		CURRENT PHONE CHARGES	52.19
			679-0500		CURRENT PHONE CHARGES	57.23
			679-1640		CURRENT PHONE CHARGES	52.34
			679-1651		CURRENT PHONE CHARGES	57.52
			679-1789		CURRENT PHONE CHARGES	52.34
			679-2628		CURRENT PHONE CHARGES	310.72
			679-3013		CURRENT PHONE CHARGES	52.19
			679-3321		CURRENT PHONE CHARGES	43.84
			679-3541		CURRENT PHONE CHARGES	49.40
			679-3902		CURRENT PHONE CHARGES	64.85
			679-4091		CURRENT PHONE CHARGES	86.54
			679-4541		CURRENT PHONE CHARGES	104.38
			679-5551		CURRENT PHONE CHARGES	182.66
			679-6391		CURRENT PHONE CHARGES	43.84

Bank code :	bank				Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor						
150199	5/30/2012	0000382	0000382	HELTSLEY, RAY	(Continued)			
150200	5/30/2012	0001251	HEWLETT-PACKARD COMPANY		51221324		PROMOP4430S	101.90
150201	5/30/2012	0003095	HOME DEPOT CREDIT SERVICES		1021960		CEMPAT	31.19
					1028232		BALLAST	27.91
					1094823		WRAP	26.04
					11222		BRUSHES	7.84
					173440		VEGGIES/BONNIES/HERBS/VEG PE	86.50
					2024636		PLWH/STUDS/BW SE DK	76.64
					2027927		LITE CHNGR	21.72
					3024358		FILTERS	104.30
					4031115		GRNWCHRBHKS/GLASS SHELF	57.59
					5026844		SHEETING	25.31
					6023492		MAP/STRTHN	25.45
					6026474		CEDAR	51.19
					6026541		3/4EMTSCRCP	14.09
					6041052		WEED CONTROL/40G25RVC3PS	62.86
					7032845		12V 7MAH	35.85
					8030090		MOSS OUT/CEDAR/FELT	116.36
					8035208		HORNET SPRAY	19.37
					8041348		STAKES/DRIPPER/TEE	21.09
					9025682		SHOWER PINS/ROD	8.12
					9028795		LINE/ROPE	49.86
							Total :	869.28
150202	5/30/2012	0000627	HSBC BUSINESS SOLUTIONS		104947274211		SUPPLIES	1,587.31
					105028274211		SUPPLIES	292.39
							Total :	1,879.70
150203	5/30/2012	0003854	ICICLE INN		5819		HOTEL ACCOMMODATIONS/BRIDG	342.80
					5820		HOTEL ACCOMMODATIONS/BUXTC	342.80
							Total :	685.60
150204	5/30/2012	0000417	INDUSTRIAL BOLT & SUPPLY		509462-1		RINGS/DRILL BITS/QUICK SLIDE	135.60
					510393-1		NIPPLES/PLUGS/COUPLINGS/NUTS	127.39

Voucher List
City of Oak Harbor

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150204	5/30/2012	0000417	0000417 INDUSTRIAL BOLT & SUPPLY			
					(Continued)	
150205	5/30/2012	0006761	INDUSTRIAL SCIENTIFIC	1366688	SENSOR/DETECTOR/BATTERY PAC	262.99
					Total :	1,246.64
150206	5/30/2012	0001469	INTERNATIONAL CODE COUNCIL	2893156	MEMBERSHIP DUES	1,246.64
					Total :	125.00
150207	5/30/2012	0000415	ISLAND DISPOSAL	050212	APR 2012/COLLECTION CHARGES	125.00
			2848459		RECYCLING	9,788.52
					Total :	41.00
150208	5/30/2012	0000794	JOHN DEERE FINANCIAL	21964	KEYS	9,829.52
					Total :	36.95
150209	5/30/2012	0006362	KBA, INC	3000589	PROF SVC/SE PIONEER WAY REC	36.95
					Total :	10,997.97
150210	5/30/2012	0000476	KERR, JACK	05-12	MAY 2012/PUBLIC DEFENSE SCREI	10,997.97
					Total :	1,400.00
150211	5/30/2012	0006163	KESSLER, JAMES	1	TRAVEL REFUND	1,400.00
					Total :	12.00
150212	5/30/2012	0000494	LAKESIDE INDUSTRIES	5100954MB	ASPHALT	12.00
					Total :	1,878.81
150213	5/30/2012	0005959	LANGABEER & TULL, PS	3008510	PROF SVC/NAVY PIPELINE	1,878.81
					Total :	120.25
150214	5/30/2012	0000889	LANGUAGE EXCHANGE	07	MUNICIPAL COURT INTERPRETER	120.25
					Total :	224.00
150215	5/30/2012	0004502	LEXISNEXIS RISK DATA MANAGE	1404645-20120430	APR 2012/MINIMUM COMMITMENT	224.00
					Total :	54.35
150216	5/30/2012	0000950	LICENSING, WASHINGTON STATE DEP	050912	CONCEALED WEAPON PERMITS	54.35
					Total :	378.00

Voucher List
City of Oak Harbor

vchlist
05/30/2012 3:50:13PM

Bank code :	bank					PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount		
150217	5/30/2012	0000221 LN CURTIS & SONS	2094876-00		FIELD SERVICE KIT	85.79		
					Total :	85.79		
150218	5/30/2012	0001909 LONG, JAY	1		DRIVING SERVICES	102.00		
					Total :	102.00		
150219	5/30/2012	0000522 LUEHR, TOM	1		DRIVING SERVICES	82.00		
					Total :	82.00		
150220	5/30/2012	0001661 MACAULAY & ASSOCIATES LTD	12-126A		PROF SVC/PRELIMINARY SPECIAL	8,685.00		
					Total :	8,685.00		
150221	5/30/2012	0000530 MAILLIARD'S LANDING NURSERY	57733		TREES	2,016.37		
					Total :	2,016.37		
150222	5/30/2012	0000660 MARKET PLACE FOOD & DRUG	139191 139192 198439		GROCERIES GROCERIES GROCERIES	219.02 8.27 454.65		
					Total :	681.94		
150223	5/30/2012	0005025 MASCOTT EQUIPMENT	252606		ELEMENTS/SCREENS	473.89		
					Total :	473.89		
150224	5/30/2012	0006072 MASTER'S TOUCH, LLC	2393 2440 2441		MAY 2012/ESTIMATED POSTAGE JUN 2012/ESTIMATED POSTAGE JUL 2012/ESTIMATED POSTAGE	2,975.00 2,975.00 2,975.00		
					Total :	8,925.00		
150225	5/30/2012	0006072 MASTER'S TOUCH, LLC	M121445 P22202		TMT STORAGE SEP 2011/POSTAGE FOR LATE NO1	1,375.71 69.67		
					Total :	1,445.38		
150226	5/30/2012	0000040 MATRIX	607959793		LONG DISTANCE	442.82		
					Total :	442.82		
150227	5/30/2012	0006028 MCI COMM SERVICE	679-3902		CURRENT LONG DISTANCE	37.32		
					Total :	37.32		

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : bank						
150228	5/30/2012	0002291 MCYOUNG, MARY	1		TRAVEL REFUND	70.00
			2		TRAVEL REFUND	100.00
					Total :	170.00
150229	5/30/2012	0004818 MICHAEL BOBBINK LAND USE SRVCS	051612		MAY 2012/HEARING EXAMINER SEI	1,500.00
					Total :	1,500.00
150230	5/30/2012	0005445 MONTOYA, MATTHEW J	75		MAY 2012/PUBLIC DEFENSE	5,500.00
					Total :	5,500.00
150231	5/30/2012	0000586 MOTOROLA SOLUTIONS, INC	76511298		RADIO REPAIR	84.79
					Total :	84.79
150232	5/30/2012	0000612 NELSON PETROLEUM	04752356-IN 0475516-IN		FUEL FLUID	1,852.78 212.84
					Total :	2,065.62
150233	5/30/2012	0006755 NEWHOUSE, LOUIE	050812		DUMPSTER DEPOSIT REFUND	1,295.99
					Total :	1,295.99
150234	5/30/2012	0000628 NORMED	55202-631275		WRENCHES	40.22
					Total :	40.22
150235	5/30/2012	0001430 NORTON, BERNIECE	1		TRAVEL REFUND	100.00
					Total :	100.00
150236	5/30/2012	0000672 OAK HARBOR ACE	200116C 202775 202982 203029 203035 203136 203163 203164 203176 203183 203207 203226		CREDIT RINGS/BRACKETS FASTENERS WASTEBASKET RING/BATTERY/KEYS SAND DICS/BLADE/PAPER/RING/C/I BALL VALVES/ADAPTERS SCREWS/COUPLES LINE/FUES/HOLDER/TOGGLE SWIT FASTENERS SHOE BOXES/FIBERGLASS REPAIR LINE	-4.98 13.00 8.71 6.51 14.52 103.01 15.37 3.88 27.99 4.74 76.51 6.95

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150236	5/30/2012	0000672 OAK HARBOR ACE	(Continued)			
			203275		TACKLE	13.89
			203385		CAPS	4.33
			203387		PAINTBRUSHES	16.71
			203514		CAULK/BULB/ELBOW/NIPPLE	15.50
			203515		TEE/BUSHING/HANDLE/ADAPTER	24.07
			203520		HANDLE/LINE	5.65
			203587		PAINTBRUSHES/MAGIKOTER	14.96
			203590		HARDWARE	32.50
			203604		PAINT/MOUNTING RINGS	22.81
			203608		KEY	13.00
			203866		WRENCHES	28.24
			203867		BLADE/HAMMER	10.30
					Total :	478.17
150237	5/30/2012	0000668 OAK HARBOR AUTO CENTER	001-129459		BRAKE LINING	40.93
			001-129581		POLE RV BLADE	6.99
			001-129883		WIPER BLADE	6.07
			001-129950		BRAKE LINING	18.32
			001-129959		FILTERS	53.70
			001-129981		FILTERS	-99.24
			001-130001		FUEL INJECTION IDLE	23.80
			001-130021		SENSOR	29.65
			001-130102		ENGINE COMPUTER/ELEC CONTRI	263.29
			001-130163		FILTERS	-107.29
			001-130205		BRAKE LINING	28.91
			001-130209		FILTERS	4.40
			001-130247		BRAKE LINING/SEAL	45.78
			001-130334		FILTERS	-91.27
			001-130346		BRAKE LINING	32.93
			001-130351		FILTERS	43.62
			001-130379		PREMIUM AUTOMOTIVE	93.52
			001-130385		CORE RETURN	-16.31
			001-130458		BONDO/PRIMER	30.82
			001-130607		TENDER JR 12V/RUBBER STRAIP/H	39.55
			001-130614		RIGHT MIRROR	111.96
			001-130686		OEM RV SCKT	14.12

Voucher List
City of Oak Harbor

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150253	5/30/2012	0000743 PUGET SOUND ENERGY	(Continued)			
			1306447796		ELECTRICITY/2000 SW SCENIC HE	18.41
			1306449073		ELECTRICITY/1780 SW SPRINGFIE	9.94
			1306449248		ELECTRICITY/3285 SW SCENIC HE	91.69
			2069491005		ELECTRICITY/1577 NW 8TH AVENU	9.35
			2117261004		ELECTRICITY/CITY BEACH PARK	775.29
			2149541001		ELECTRICITY/945 E WHIDBEY AVE	34.40
			2438649366		ELECTRICITY/NW CROSBY AVE & I	74.61
			2668731009		ELECTRICITY/SENIOR CENTER	642.14
			2728350006		ELECTRICITY/ANNEX	15.62
			2972721001		ELECTRICITY/2081 NE 9TH AVENU	10.34
			3004881003		ELECTRICITY/HELLER RD AND 700	48.72
			3069491003		ELECTRICITY/1678 SW 8TH AVENU	9.35
			3223642657		ELECTRICITY/SAB 4993 SR 20 E SII	206.22
			3415305956		ELECTRICITY/626 N CHRISTIAN RC	27.41
			3460950003		ELECTRICITY/MIDWAY & SE 8TH S	100.62
			3997850007		ELECTRICITY/SEWAGE LIFT PMP 9	9.80
			4249160005		ELECTRICITY/LIFT STATION E PION	167.74
			5039160006		ELECTRICITY/1137 NW KATHLEEN	37.17
			5145502000		ELECTRICITY/90 SE PIONEER WAY	44.07
			5315850007		ELECTRICITY/700 AV W & MIDWAY	142.14
			5410100654		ELECTRICITY/1957 SW FORT NUGI	109.67
			5462650002		ELECTRICITY/HELLER RD TELEME	483.26
			5763991009		ELECTRICITY/SMITH PARK	9.35
			5839160008		ELECTRICITY/DISPOSAL PLANT	2,948.51
			5848181003		ELECTRICITY/FIDALGO & HATHAW.	16.52
			6012561814		ELECTRICITY/3300 OLD GOLDIE R	70.31
			6012568561		ELECTRICITY/SWANTOWN RIDGE	174.58
			6160160005		ELECTRICITY/1285 NE TAFTSON S	30.12
			6258350005		ELECTRICITY/TRAILER PK S END	23.72
			6768202001		ELECTRICITY/PARKS	23.35
			6847901524		ELECTRICITY/PARKS	55.64
			6847904155		ELECTRICITY/1948 NW CROSBY A	88.18
			6847904528		ELECTRICITY/1661 NE 16TH AVENI	22.24
			6847906499		ELECTRICITY/MIDWAY AVE STREE	213.30
			6847906598		ELECTRICITY/651 SE BAYSHORE D	66.61
			6847908149		ELECTRICITY/1501 SE CITY BEACH	9.88

Voucher List
City of Oak Harbor

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150253	5/30/2012	0000743 PUGET SOUND ENERGY	(Continued)			
			6847908198		ELECTRICITY/SE PIONEER WAY &	168.63
			6847908362		ELECTRICITY/1300 NE BIG BERRY	9.35
			6847909006		ELECTRICITY/SE PIONEER WAY &	117.61
			6847909394		ELECTRICITY/MIDWAY & SE 4TH S	134.28
			6847909501		ELECTRICITY/SE PIONEER WAY &	80.05
			6902550000		ELECTRICITY/MCCROHAN & BARR	38.98
			6969160008		ELECTRICITY/PUMP STA AULT FLD	329.28
			7195081000		ELECTRICITY/600 NE 7THAVE	109.67
			7258350003		ELECTRICITY/CITY BCH COMFRT S	109.58
			7479771003		ELECTRICITY/552 NW CLIPPER ST	9.35
			7647999403		ELECTRICITY/SE CITY BEACH ST E	86.30
			7848350000		ELECTRICITY/75 SE JEROME STRE	9.62
			7944581003		ELECTRICITY/5941 STATE ROUTE 2	12.02
			8191791048		ELECTRICITY/ADULT CARE CENTE	11.15
			8258350001		ELECTRICITY/RESTROOM KITCHEN	12.02
			8291970286		ELECTRICITY/2330 SW ROSARIO P	34.06
			8382791005		ELECTRICITY/FABER ST & HARVES	9.35
			8549402009		ELECTRICITY/2075 SW FT NUGENT	10.25
			8848350008		ELECTRICITY/CITY BEACH PARK	9.35
			8922751006		ELECTRICITY/128 E WHIDBEY AVEI	9.35
			8926771000		ELECTRICITY/PIONEER PARK	15.53
			9045851004		ELECTRICITY/1370 SE DOCK STRE	49.16
			9049160006		ELECTRICITY/CITY HALL	779.96
			9142061002		ELECTRICITY/SR 20 & 650 AV W	839.72
			9173951006		ELECTRICITY/287 SE CABOT DRIV	63.13
			9249160004		ELECTRICITY/WELL #6	11.91
			9269160009		ELECTRICITY/MARINA	2,339.82
			9374761006		ELECTRICITY/TREATMENT PLANT	3,310.71
			9406881004		ELECTRICITY/CITY SHOP	2,043.26
			9640160009		ELECTRICITY/MALVE PIT E SIDE RE	18.31
			9816271002		ELECTRICITY/FIRE STATION	1,090.36
			9848350006		ELECTRICITY/BATHOUSE EAST BE	18.21
					Total :	39,425.07
150254	5/30/2012	0006762 RAINIER ENVIRONMENTAL	1017		TESTING SERVICES	500.00

Bank code : bank		Invoice		PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice			
150254	5/30/2012	0006762	0006762 RAINIER ENVIRONMENTAL			
			(Continued)			
150255	5/30/2012	0001463	RASMUSSEN, SHIRLEY	1	TRAVEL REFUND	Total : 500.00
150256	5/30/2012	0006745	REED, CLAIRE	050112a	PLANT REIMBURSEMENT	Total : 266.00
150257	5/30/2012	0000960	REVENUE, WASHINGTON STATE DEPT	051112	APR 2012/USE/SALES TAX	Total : 32.35
150258	5/30/2012	0000775	ROSEN, CATHERINE		TRAVEL REIMB	Total : 45,319.84
150259	5/30/2012	0006757	RYAN, COLLETTE	051512	KEY DEPOSIT REFUND	Total : 30.53
150260	5/30/2012	0000780	SABALASKY, JANET		EXP REIMB	Total : 5.00
150261	5/30/2012	0004486	SCHAAL, PHYLLIS	1	TRAVEL REFUND	Total : 85.21
150262	5/30/2012	0006274	SCHUFLETOWSKI, SHARON	1	TRAVEL REFUND	Total : 5.00
150263	5/30/2012	0006704	SCIMITAR CONSTRUCTION	4	TRAVEL REFUND	Total : 70.00
150264	5/30/2012	0000799	SCOTTIES PLUMBING AND REPAIR	34427	PROF SVC/SAFE ROUTES TO SCH	Total : 57,322.95
150265	5/30/2012	0005967	SEATTLE AUTOMOTIVE DIST	06-775456	DIAPHRAGMS/FLUSH VALVES/BRE	Total : 456.37
150266	5/30/2012	0000809	SENIOR SERVICES OF ISLAND	OH04-2012	DISC PADS	Total : 41.14
150267	5/30/2012	0003782	SHARP ELECTRONICS CORPORATION	C746644-701	APR 2012/SENIOR SERVICES	Total : 1,500.00
					APR 2012/MAINTENANCE CONTRA	Total : 1,500.00
						22.67

Bank code : bank		Invoice		PO #	Description/Account	Amount
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
150267	5/30/2012	0003782	0003782 SHARP ELECTRONICS CORPORAT (Continued)			22.67
150268	5/30/2012	0000964	SHERIFFS & POLICE CHIEFS, WASHIN 48055		HOMEGUARD/MONITORING	46.00
					Total :	46.00
150269	5/30/2012	0000822	SHRED-IT WEST WASHINGTON	101203213	SHREDDING	49.50
				101231361	SHREDDING	58.00
					Total :	107.50
150270	5/30/2012	0005444	SIERRA, GEORGINA D	052312	MAY 2012/PUBLIC DEFENSE	2,500.00
					Total :	2,500.00
150271	5/30/2012	0005003	SILVEIRA, MANUEL	TRAVEL REIMB	TRAVEL REIMB	521.63
				TRAVEL REIMB2	TRAVEL REIMB	253.00
					Total :	774.63
150272	5/30/2012	0000831	SIX ROBBLEES', INC	14-249946	SPRING BRAKE	45.76
				14-250096	TIRES	770.84
				14-250115	GOODYEAR	27.45
				14-250481	POLE RV/GOODYEAR	42.40
					Total :	886.45
150273	5/30/2012	0004821	SME SOLUTIONS, LLC	108744	DOCK LIGHT REPAIRS	316.32
					Total :	316.32
150274	5/30/2012	0002894	SOCIETY FOR HUMAN RESOURCE	01118223	MEMBERSHIP RENEWAL/NEILL HO	180.00
					Total :	180.00
150275	5/30/2012	0000846	SOUND PUBLISHING	450713	MAR 2012/PUBLICATIONS-ACCT#8(2,725.52
				457982	APR 2012/PUBLICATIONS-ACCT#8C	3,151.48
				618501	CC 09	76.31
				621708	PC# 05-22-12	129.14
				621715	ORD 1624	58.70
				621719	CC-10 PUBLIC HEARING	76.31
					Total :	6,217.46
150276	5/30/2012	0006357	SPOKANE VALLEY FIRE DEPT	12P06	FITTING/GASKET	169.62

Bank code :	bank			Invoice	PO #	Description/Account	Amount
Voucher	Date	Vendor					
150276	5/30/2012	0006357	0006357 SPOKANE VALLEY FIRE DEPT	(Continued)			Total : 169.62
150277	5/30/2012	0000851	SPRINT	694209817-054		CURRENT CELL CHARGES	Total : 839.86
150278	5/30/2012	0000851	SPRINT	414568819-054		APR MAY LAPTOPS	Total : 514.09
150279	5/30/2012	0000851	SPRINT	182311697		LONG DISTANCE	Total : 5.74
150280	5/30/2012	0003883	STAPLES BUSINESS ADVANTAGE			DISPLAY UNIT	255.51
						PENS/INK	316.22
						DISPLAY UNIT	255.51
						SORTER	7.91
						FILE POCKET	47.14
						JACKET	28.74
						DISPLAY UNIT	-255.51
						MOISTENER	1.33
						SCISSORS/HOLDER	26.07
						PADDED MAILERS	81.70
						NCR/THERMAL ROLLS	162.45
						THERMAL ROLLS	115.91
						WALL POCKET	12.07
						MAGAZINE HOLDER/PAPER CLIPS/	142.92
						WASTEBASKET/PERF PAPER/PEN/	85.85
						CLOCK	5.76
						ACCOUNT CREDITED IN ERROR	446.51
						Total :	1,736.09
150281	5/30/2012	0006460	STATEWIDE RENT-A-FENCE, INC	24102		PANELS RENTAL	114.51
						Total :	114.51
150282	5/30/2012	0003749	STUMP, PATRICK L	1		DRIVING SERVICES	132.00
				2		DRIVING SERVICES	120.00
				3		DRIVING SERVICES	84.00
						Total :	336.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
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151 Vouchers in this report

Total vouchers : 377,204.06

City of Oak Harbor City Council Agenda Bill

Bill No. 3
Date: June 5, 2012
Subject: Sign Code – Interim
Ordinance Extension #2

FROM: Steve Powers, Interim City Administrator *RSP*
Ethan Spoo, Senior Planner

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

[Signature] Scott Dudley, Mayor
RSP Steve Powers, Interim City Administrator
[Signature] Doug Merriman, Finance Director
[Signature] Bill Hawkins, City Attorney, as to form

PURPOSE

This agenda bill recommends that the City Council extend interim for a second time Ordinance Number 1609 pertaining to the Temporary and Special Signs section of the Oak Harbor Municipal Code.

AUTHORITY

RCW 36.70A.390 specifies that interim ordinances “may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.”

FISCAL IMPACT DESCRIPTION

Funds Required: \$ 0

Appropriation Source: Not applicable

Extending interim Ordinance Number 1609 does not require non-budgeted expenditures by the City or lead to new revenues. Therefore, staff does not anticipate there will be a fiscal impact from this action.

BACKGROUND AND SUMMARY STATEMENT

City Council adopted interim changes to Oak Harbor Municipal Code Section 19.36.080 “Temporary and Special Signs” on July 12, 2011. That ordinance deleted a provision restricting placement of political signs to “a period of 60 days preceding the election.” Staff review had raised legal concerns about this particular provision and other provisions in the temporary sign code, especially those pertaining to placement of signs on public property.

Staff have spent most of the last year working with Planning Commission to address necessary changes to the “Temporary and Special Signs” section of the code. Originally, the interim ordinance was adopted to allow staff and Planning Commission to work on the issue of political signs. A six month extension was requested and granted in December, 2011 extending the interim ordinance until June 6, 2012. However, as Planning Commission discussion progressed early in 2012, the scope of work for the project expanded to include a review of regulations for all temporary signs on both public and private property - a much more substantial and resource-intensive effort. For this reason, staff is requesting a second six-month extension on the interim ordinance adopted in July 2011 and extended for the first time in December, 2011. This

City of Oak Harbor City Council Agenda Bill

second extension would make the interim ordinance valid until December 5, 2012. RCW 36.70A.390 requires that a workplan accompany the ordinance extension. Staff proposes the following workplan/schedule for completing this project and adopting a permanent ordinance addressing temporary signs on public and private property:

- **June – September 2012:** Continued Planning Commission work sessions and public hearing. Staff will continue its discussion with the Planning Commission on the draft code language.
- **October – December 2012:** City Council work sessions and public hearing. Staff will work with City Council to address their questions and any additional public comments with an anticipated final adoption of a permanent ordinance by December 5, 2012.

The rationale for the extension and the proposed schedule are set forth in the attached draft ordinance.

STANDING COMMITTEE REPORT

The proposed extension of the interim ordinance was discussed with the Governmental Services Standing Committee on May 8, 2012.

RECOMMENDED ACTION

1. Conduct the public hearing.
2. Adopt ordinance extending interim Ordinance Number 1609 for an additional six month period until December 5, 2012.

ATTACHMENTS

- Attachment 1 – Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE EXTENDING INTERIM ORDINANCE 1609, PERTAINING TO TEMPORARY SIGNS, FOR A SIX-MONTH PERIOD OF TIME AND ESTABLISHING A SCHEDULE FOR COMPLETING WORK ON A FINAL ORDINANCE.

WHEREAS, cities and counties are authorized to adopt interim zoning ordinances in accordance with RCW.36.70A.390; and

WHEREAS, on July 12, 2011, the City Council of Oak Harbor adopted Ordinance No. 1609, an interim ordinance, deleting a provision in OHMC Section 19.36.080(8)(a) prohibiting placement of political signs prior to 60-days preceding an election; and

WHEREAS, the City Council held a public hearing on July 12, 2011, which was within sixty days of the adoption of the interim ordinance in accordance with RCW.36.70A.390; and

WHEREAS, the City Council extended interim Ordinance No. 1609 for a six-month period on December 6, 2011 to allow the Planning Commission additional time to conclude their work; and

WHEREAS, the scope of work has changed to incorporate a review of all temporary and special signs on public and private property; and

WHEREAS, the City needs additional time to study the adequacy of the interim ordinance to assure that the final regulation will preserve a reasonable opportunity to disseminate the speech at issue; and

WHEREAS, in accordance with RCW.36.70A.390, an interim ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, City staff has outlined a work plan that includes staff research and discussions with the public and the Planning Commission; and

WHEREAS, the goal of this additional extension is to address Planning Commission concerns for all types of temporary signs on private property and offer additional time for public input with regard to temporary signs; and

WHEREAS, the adoption of a final ordinance requires public hearings before the Planning Commission and City Council, requires SEPA review and determination, and requires notification to the Department of Commerce; and

WHEREAS, the City has determined that an additional six months time is necessary to complete work on the "Temporary and Special Signs" section of the code.

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

Section One. Extension of Interim Ordinance. In accordance with RCW.36.70A.390, interim Ordinance No. 1609, adopted July 12, 2011, and extended on December 6, 2011, which deleted the 60-day pre-election time limit from Oak Harbor Municipal Code Section 19.36.080(8)(a) is hereby extended for an additional six months until December 5, 2012, subject to general compliance with the work plan shown in Section Two below.

Section Two: Work Plan. The work plan shown below shall generally be followed in completing work on the temporary sign code ordinance.

June 2012 – September 2012	<ul style="list-style-type: none"> • Presentation of draft code to Planning Commission and additional discussion • Public hearing before the Planning Commission • Planning Commission makes recommendation on draft code to City council
October 2012	<ul style="list-style-type: none"> • Provide 60-day notification to Department of Commerce • SEPA review and determination
October 2012	<ul style="list-style-type: none"> • SEPA determination public comment period
November 2012	<ul style="list-style-type: none"> • Governmental Services and Public Works Committee Review
December 2012	<ul style="list-style-type: none"> • Public hearing before the City Council

Section Three: Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Five. Effective Date. This Ordinance shall be in full force and effect five days following publication.

PASSED by the City Council this 5th day of June, 2012.

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

() Vetoed

THE CITY OF OAK HARBOR

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Published: _____

City of Oak Harbor City Council Agenda Bill

Bill No. 4
Date: June 5, 2012
Subject: Personnel Code Update

FROM: Steve Powers, Interim City Administrator *SP*
Jessica Neill Hoyson, Human Resources Manager

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

[Signature] Scott Dudley, Mayor
[Signature] Doug Merriman, Finance Director
[Signature] William H. Hawkins, City Attorney, as to form

PURPOSE

This agenda bill presents an ordinance for City Council's consideration, that if adopted establishes the Council's legislative intent as to the personnel policies applicable to non-represented city employees. This ordinance assists in clarifying the City Council's policies on wages, hours and conditions of employment.

AUTHORITY

The City Council has authority pursuant to RCW 35A.11.020 to set the rules for city employment:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people (RCW 35A.11.020 in pertinent part).

The mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service. The head of a department or office of the city government may be authorized by the mayor to appoint and remove subordinates in such department or office, subject to any applicable civil service provisions. All appointments of city officers and employees shall be made on the basis of ability and training or experience of the appointees in the duties they are to perform, from among persons having such qualifications as may be prescribed by ordinance or by charter, and in compliance with provisions of any merit system applicable to such city. Confirmation by the city council of appointments of officers and employees shall be required only when the city charter, or the council by ordinance, provides for confirmation of such appointments. Confirmation of mayoral appointments by the council may be required by the council in any instance where qualifications for the office or position have not been established by ordinance or charter provision. Appointive offices shall be without definite term unless a term is established for such office by law, charter or ordinance.

City of Oak Harbor City Council Agenda Bill

FISCAL IMPACT DESCRIPTION

Funds Required: N/A

Appropriation Source: N/A

SUMMARY STATEMENT

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

The second ordinance is a “housekeeping” ordinance which revises those sections of the city code which address management-level positions to make them consistent with the first ordinance. That ordinance is presented with the next agenda bill.

Finally, staff proposes to repeal the existing employee policy manual as it does not adequately meet the City’s needs and to put a revised manual into effect. Two resolutions have been drafted for the Council’s consideration. One proposes to repeal the existing manual and provide for an administrative approval of the new manual. The other proposes to repeal the existing manual and have legislative approval of the new manual. The resolutions and the revised manual are presented in a third agenda bill.

REVIEW PROCESS

The principles behind the proposed ordinance were discussed with City Council at the March 3, 2012 retreat/workshop. The draft ordinance amending OHMC Chapter 2.34 was then introduced to the full City Council at the April 17, 2012 meeting. Next, City employees were briefed on the proposed changes, as well as those proposed to the employee handbook, at one of two meetings held on April 18th. Employees were invited to submit their questions and comments to the Human Resources Manager by May 11th.

The Administration reviewed all of the submitted comments and questions. Responses were drafted and the employees’ suggestions for changes were incorporated where possible. It is worth noting that the vast majority of employee questions and comments were related to the personnel policies manual and not to either the personnel code ordinance or the housekeeping ordinance. A copy of all of the comments/questions and the responses was posted for the employees to review on May 15th. The City Council was provided copies of the notes from the April 18th meetings on May 11th and a copy of the employees’ comments/questions and the Administration’s responses on May 15th.

A revised draft of the policy manual was posted for the employees to review and forwarded to the City Council on May 30th. Follow-up meetings with the employees were held on May 31st.

STANDING COMMITTEE REPORT

The draft ordinance was discussed with the Governmental Services Standing Committee at their April 10, 2012 meeting.

Personnel Code Update

City Council meeting of June 5, 2012

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City of Oak Harbor City Council Agenda Bill

RECOMMENDED ACTION

- Conduct public hearing
- Adopt ordinance repealing and re-adopting OHMC Chapter 2.34 to set policy with respect to city employment

ATTACHMENTS

Draft ordinance repealing and re-adopting OHMC Ch. 2.34

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND READOPTING CHAPTER 2.34 OF THE OAK HARBOR MUNICIPAL CODE, THE PERSONNEL ORDINANCE FOR CITY EMPLOYEES

WHEREAS, the regular and orderly performance of services to the public requires a system of public employment which is also regular and orderly; and

WHEREAS, the city council has the responsibility to establish legislative policies regarding city employment; and

WHEREAS, the city council intends to set legislative policy by ordinance; and

WHEREAS, the city council intends that administrative procedures implementing these policies shall be established in a personnel handbook or manual; and

WHEREAS, the administrative procedures found in the personnel handbook or manual shall be administered by the mayor; and

WHEREAS, the city council shall retain fiscal oversight of the city employment system through review and adoption of the wage and salary schedules and classification plan as part of the biennial budget; and

WHEREAS, employees subject to a collective bargaining agreement are governed by the terms of these policies unless otherwise provided in an adopted collective bargaining agreement; and

WHEREAS, the city council intends to set the terms of employment for management employees by employment contract;

WHEREAS, this ordinance was introduced to the City Council at the April 17, 2012 meeting; and

WHEREAS, the City Council considered this ordinance at a public hearing held on June 5, 2012;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF OAK HARBOR DO HEREBY ORDAIN:

Section One. The Personnel Ordinance of the City of Oak Harbor, Chapter 2.34 of the Oak Harbor Municipal Code, last amended by Ordinance No. 1592 in 2010, is hereby repealed and re-adopted to read as follows:

Chapter 2.34 PERSONNEL

Sections:

- 2.34.010 Short title.
- 2.34.020 Purpose.
- 2.34.025 Civil Service
- 2.34.030 Collective Bargaining
- 2.34.040 Definitions.
- 2.34.050 Administration.
- 2.34.055 Management Positions
- 2.34.060 Human Resources Manager – Appointment – Duties.
- 2.34.065 Collective Bargaining
- 2.34.070 Recruitment and Hiring
- 2.34.080 Compensation.
- 2.34.085 Health Insurance Benefits
- 2.34.090 Hours of Work
- 2.34.100 Leave
- 2.34.105 Disciplinary Action
- 2.34.110 Grievances
- 2.34.120 Personnel Appeals Board
- 2.34.130 Employment Discrimination
- 2.34.140 Probationary Period.
- 2.34.150 Resignation, layoff and reinstatement.
- 2.34.160 Code of Ethics.
- 2.34.2.170 Construction.

2.34.010 Short title.

This chapter shall be known as the “Personnel Ordinance.”

2.34.020 Purpose.

This chapter is enacted to establish city personnel policies and to delegate the administration of those policies to the Mayor and his/her designee. No provision of this chapter shall be deemed to limit the power of the city council to amend, modify or repeal this chapter.

2.34.025 Civil Service.

- (1) The city council has determined not to create a city civil service system for all city employees. Pursuant to state law, the city has established a civil service commission for police and fire department employees (Ch. 2.32 OHMC). Where the rules or requirements of civil service for city police and civil service for city firefighters provided under state law or a collective bargaining agreement between the city and any police or fire bargaining unit address a matter also addressed by the personnel code or the

personnel rules adopted pursuant to this ordinance, the provisions of state law and/or the collective bargaining agreement in effect at the relevant time period shall apply.

- (a) All full-time, paid employees of the police department, other than the chief and positions designated by the civil service commission pursuant to RCW 41.12.050, are covered by Civil Service for City Police (Ch. 41.12 RCW).
- (b) All full-time, paid employees of the city fire department, other than the chief of such department, are covered by Civil Service for City Firefighters (Ch. 41.08 RCW) as provided by state law.

2.34.030 Collective Bargaining.

- (1) It is the policy of the City of Oak Harbor to honor the collective bargaining obligations imposed upon the city under state law.
- (2) The human resources manager and the mayor's designee shall represent the city in collective bargaining agreements and shall consult with the city council on bargaining strategy at appropriate stages in the collective bargaining process.
- (3) Where a subject also covered by these rules is the subject of a collective bargaining agreement in effect at the relevant time period, then the terms of the collective bargaining agreement shall prevail as to the applicable represented employees.

2.34.040 Definitions.

The following terms and phrases shall have the meanings ascribed to them herein:

- (1) "Administrator" means the human resources manager;
- (2) "Covered employee" means an employee appointed to a position to which the rules of this chapter pertaining to disciplinary action and appeals apply. Such provisions of this chapter do not apply to the following positions:
 - (a) Members of the city council;
 - (b) The mayor;
 - (c) Employees holding management positions set out in OHMC 2.34.055;
 - (d) Members of appointive city boards, city commissions and city committees;
 - (e) Persons engaged under contract to provide any service to the city for a limited purpose or on a temporary or part-time basis;
 - (f) Volunteers;
 - (g) Persons hired from time to time to perform casual work including, but not limited to, those employed to perform seasonal work or to meet the immediate requirements of an emergency condition.
 - (h) Employees represented by a union or guild pursuant to certification of a bargaining unit by the Public Employees Relations Commission; and
 - (i) Employees subject to the city's civil service commission for police and fire department employees.
- (3) "Department head" means a person working for the city who has been designated by the mayor to be the head of a department;
- (4) "Disciplinary action" means an action imposing discipline on a covered employee, which shall include, but not be limited to, written reprimands, suspensions, demotions and disciplinary discharges/terminations from employment. Verbal warnings, counseling, written statements of performance expectations, including related notes, and performance

appraisals, shall not be considered disciplinary actions, and are not subject to the grievance process. Layoffs, resignations and reinstatements are also not considered discipline;

- (5) "Disciplinary appeal" means an appeal by a covered employee to the personnel appeals board after the employee has exhausted the grievance process;
- (6) "Employee Policy Manual" means all of those policies, guidelines and procedures adopted by the mayor pursuant to OHMC 2.34.050;
- (7) "Full-time" means a regular employee working in a regularly budgeted position allocated at least 32 hours per week;
- (8) "Grievance" means a complaint by a covered employee regarding disciplinary action taken against that employee or the application of any of the provisions of this chapter to that employee;
- (9) "Hourly" means any employee who is paid on an hourly basis;
- (10) "Part-time" means an employee working in a regularly budgeted position allocated work hours of less than thirty-two (32) hours per week and whose hours may be regular or irregular;
- (11) "Probationary employee" means an employee who has not yet successfully completed his or her probationary period set pursuant to OHMC 2.34.140.
- (12) "Regular employee" means an employee who has successfully completed his or her probationary period and is retained in a fully budgeted position in the biennial budget
- (13) "Temporary employee" means a person employed to meet a temporary or seasonal need of the city. An employee may not remain in this category more than 12 months without the written approval of the mayor;

2.34.050 Administration.

The mayor shall have general authority to oversee administration of the personnel matters of the city. The city council recognizes that the management of the city and the administration of personnel are administrative matters and not legislative functions. For that reason, and also because there are complex and constantly changing state and federal regulations affecting city employees, it would be unwise, inefficient and impractical to attempt to incorporate all details of personnel policies in an ordinance, resolution or motion of the city council. Thus, the city council expressly authorizes and directs the mayor to adopt such additional or clarifying personnel policies by administrative actions. Such policies shall be in accordance with this chapter and shall be for the purpose of carrying out the goals and policies of this chapter. Such personnel policies shall not create rights in employment, but instead shall implement the personnel policies provided for in this chapter and other applicable ordinances. The mayor may incorporate personnel policies into a handbook or other informational document for employee use.

- (1) Nothing in any handbook, manual or other informational document shall, nor shall any oral promises, assurances or other statements by city employees, officers or agents, be binding upon the city in personnel matters.
- (2) The city reserves the right to modify personnel policies at any time and the same shall not be construed as guaranteeing or promising contract or property rights in employment with the city.

2.34.055 Management Positions

- (1) The following positions serve at the pleasure of the mayor and are not covered by the grievance, disciplinary action and appeals provisions of this chapter:
 - (a) City administrator;
 - (b) Finance director;
 - (c) City attorney and any assistant city attorneys;
 - (d) Chief of police;
 - (e) Fire chief;
 - (f) Development Services Director
 - (g) Public Works Director
 - (h) Executive assistant to the mayor.
- (2) Employees holding the above-listed positions shall serve pursuant to employment contracts which shall provide the terms of service and compensation. The mayor is authorized to enter into employment contracts with employees holding these positions, which contracts shall be approved by city council.
- (3) Employees holding the above-listed positions at the time of adoption of this ordinance who do not already have employment contracts with the city or whose contracts have not been revised in the previous five years shall be offered employment contracts providing the terms of service and compensation as approved by the city council. Such contracts shall be prepared for city council approval no later than six (6) months from the date of adoption of this ordinance. Employees who decline to enter into contracts of employment offered to them pursuant to this subsection shall continue in their status at the time of adoption of this ordinance until separation from city service and shall not be entitled to any of the rights or benefits conferred upon the above-listed positions by contracts established pursuant to subsection 2 above.

2.34.060 Human Resources Manager – Appointment – Duties

- (1) The “manager” or the “human resources manager” as those terms are used in this chapter shall mean the human resources manager, who, under the direction of the city administrator, shall administer the provisions of this chapter and any personnel rules and regulations adopted pursuant to delegation under this chapter.
- (2) The manager shall advise and consult with city department heads and supervisors on all disciplinary, benefit, compensation, workplace and labor matters. Department heads and supervisors shall provide the human resources manager with a copy of all such actions taken concerning individual employees and bargaining units.
- (3) The manager shall be the custodian of all official employee records on behalf of the city, including medical records, and shall maintain confidentiality of those records to meet the requirements of state and federal law.

2.34.070 Recruitment and Hiring.

- (1) It is the policy of the City of Oak Harbor that employees shall be selected on the basis of merit and fitness to perform the duties of the position for which the employee is hired. The City is an equal opportunity employer and shall not discriminate against any employee or applicant for employment on any grounds prohibited by state or federal law including race, creed, color, national origin, sex, marital status, sexual orientation, age,

honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability; as provided by state or federal law.

- (2) The mayor and/or mayor's designee and human resources manager are directed to develop hiring and recruitment procedures and practices to implement this policy.

2.34.080 Compensation.

- (1) It is the policy of the City of Oak Harbor to pay adequate levels of compensation to city employees. Providing adequate compensation to city employees promotes productivity, reduces turnover, and improves the city's ability to attract and retain qualified personnel to carry out the functions of city government. Compensation levels should reflect the market for such personnel in the region.
- (2) The human resources manager is directed to develop a wage and salary schedule for all regular positions within city government. The human resources manager shall prepare a current wage and salary schedule for presentation to the city council for consideration and adoption at the time of the adoption of the biennial budget. The wage and salary schedule, together with the current description of all regular positions within city employment to be known as "the classification plan", shall be adopted as part of the biennial salary ordinance.
- (3) Where wages and salaries are established through collective bargaining agreements, compensation for employee-members of each collective bargaining unit shall be reflected in the wage and salary schedule in conformity with the applicable collective bargaining agreements. This chapter shall not impair any obligations of the city under present or future collective bargaining agreements.
- (4) At the time of adoption of the wage and salary schedule, the city council shall decide whether to set a cost of living adjustment (COLA) for regular employees not subject to collective bargaining agreement.

2.34.085 Health Insurance Benefits.

- (1) It is the policy of the City of Oak Harbor to provide health insurance benefits to its employees at a level which is comparable to benefits provided by other local municipal governmental entities in the state of Washington. Health insurance benefits for city employees promote the health and well-being of city employees, reduce the use of sick leave, and promote employee retention.
- (2) The level of benefits offered to city employees shall be established by the city council through the biennial salary ordinance. Part-time employees working less than twenty (20) hours per week shall not be entitled to health care benefits unless otherwise provided in an employment contract. The human resources manager shall prepare the benefit plan for city council approval.
- (3) Because an active wellness program has been shown to reduce employee use of sick leave, improve productivity and reduce the need for health care services, the city council authorizes the participation of the city of Oak Harbor in the wellness program offered by the city's health care administrator.

2.34.090 Hours of Work.

- (1) For purposes of the Fair Labor Standards Act and the Washington Minimum Wage Act, the City of Oak Harbor declares the work period to be forty (40) hours, Monday through Sunday, for all regular employees, except police and fire department employees. The work period for police and fire employees shall be established in their respective collective bargaining agreements.
- (2) The human resources manager and the finance director are directed to establish work hour recording and compensation procedures to comply with state and federal law.

2.34.100 Leave.

- (1) It is the policy of the City of Oak Harbor to comply with all state and federal leave laws. The human resources manager is directed to establish procedures and practices to ensure that the city complies with such laws and can demonstrate compliance.
- (2) It is the city's policy to coordinate leave granted to city employees with leave requirements of state and federal law so that city-granted leave is counted towards fulfillment of any state and federal requirements. The human resources manager is directed to establish procedures and practices to coordinate city-granted leave with state and federal requirements; to minimize conflicts; and to maximize credit of city-granted leave towards state and federal requirements.
- (3) Full-time city employees not subject to collective bargaining agreement shall earn vacation and sick leave per month of service. The rate of vacation and sick leave to be earned shall be set in the biennial salary ordinance.
- (4) Employees are encouraged to use their vacation leave in the year it is earned. The mayor/designee and human resources manager shall establish rules for maximum accrual and use of both sick and vacation leave.

2.34.105 Disciplinary Action.

- (1) It is the policy of the City of Oak Harbor to uphold high standards of customer service and professionalism in the performance of city functions and services. Employees are expected to follow the standards of conduct established for the city, their departments and their positions. The human resources manager is directed to establish standards of conduct for city employment and to work with department directors to establish departmental and position-related standards of conduct.
- (2) A covered employee is subject to disciplinary action when, in the opinion of the department head, disciplinary action is necessary for the good of the city or when an employee has violated any standards of conduct established by the city or the department director.
- (3) The city may impose upon any covered employee any disciplinary action or form of discipline which the department head or, in the case of a management employee, the mayor finds appropriate given conduct of the employee. There shall be no requirement that any specific number or sequence of disciplinary actions be followed. However, the administrator shall establish procedures which provide for progressive discipline of covered employees for minor, correctible offenses.

2.34.110 Grievances.

- (1) It is the policy of the City to resolve covered employee grievances promptly. To that end, the human resources manager shall promulgate a grievance procedure to serve as a check

on initial disciplinary decision-making. This procedure shall be published and made available to all employees. The procedure shall be internal to the city and shall include an internal appeal to the city administrator. Failure to follow the procedures for a grievance, including the time limits set out in it, shall constitute a waiver of the grievance process and a failure to exhaust administrative remedies.

- (2) It is the policy of the City to provide a post-deprivation remedy in the event that a covered employee is dissatisfied with the final decision of the city after the grievance process has been exhausted. This remedy shall be an appeal to the personnel appeals board from the final decision of the city.
- (3) An employee who wishes to appeal the final decision of the city after exhaustion of the city's internal grievance process must file a written appeal with the City Administrator or designee no later than fifteen (15) days from the date of the city's written final decision. Such written appeal shall contain:
 - (a) The name and current address of the employee filing the appeal;
 - (b) A brief description of the action being appealed with a copy of the final decision of the City, the department in which the employee works or worked, the date of the final written decision and the grounds for the appeal;
 - (c) The remedy sought;
 - (d) A telephone number at which the employee may be reached during the pendency of the appeal; which number the employee shall keep current throughout the appeal and whose messaging capabilities shall be sufficient for the city to leave any notices in the employee's absence.
- (4) The written appeal shall be signed and dated by the employee. Failure to substantially comply with these requirements shall result in dismissal of the appeal.

2.34.120 Personnel appeals board.

- (1) There shall be a personnel appeals board consisting of three members appointed by the mayor and approved by the city council. Members shall serve four-year terms and may be re-appointed by the mayor and approved by the city council for additional term(s). Members of the personnel advisory board at the time of the adoption of the ordinance codified in this section shall continue to serve on the newly created personnel appeals board through the expiration of their terms of office. No officer, official, or employee of the city or any of their immediate family members may serve on the board. "Immediate family member" as used in this section means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee. Members of the personnel appeals board shall live or work in the city of Oak Harbor at the time of appointment. Board members shall be appointed on the basis of knowledge of personnel practices and/or labor relations.
- (2) The board shall hear disciplinary appeals by covered employees who have exhausted the internal grievance procedure. The board shall have authority to conduct hearings, administer oaths, direct the appearance of witnesses and adopt procedures for that purpose. The board may adopt rules governing procedures for hearing disciplinary grievances. In the absence of conflicting rules adopted by the board, the following

provisions of the Administrative Procedures Act shall apply: RCW 34.05.434, 34.05.437, 34.05.440, 34.05.449, 34.05.452, 34.05.455, 34.05.458, 34.05.461, 34.05.467, 34.05.473, and 34.05.476. The proceedings shall be recorded and the decision of the board shall be in writing.

- (3) The mayor shall appoint a secretary for the personnel appeals board.
- (4) The board shall meet as needed.
- (5) The board shall represent the public interest.
- (6) The board shall issue a written decision upon every appeal. Appeal from the decision of the board shall be to the Island County Superior Court and must be brought within 30 days of issuance of the board's written decision.

2.34.130 Employment Discrimination.

- (1) The City of Oak Harbor shall not discriminate against any employee on the basis of being a member of any class protected under state or federal law nor shall the city retaliate against any employee for asserting any rights to be protected from discrimination as prohibited by state or federal law. Allegations of sexual or racial harassment are employment discrimination claims. Employee complaints of prohibited employment discrimination shall be subject to an employment discrimination grievance process. The human resources manager shall develop and publish the procedures for the employment discrimination grievance process and post those procedures for ready employee access.
- (2) Employment discrimination complaints shall be expedited for prompt and fair resolution and shall be confidential to the extent practicable, consistent with public disclosure laws and due process.

2.34.140 Probationary period.

- (1) All new employees shall be appointed subject to a probationary period. The length of the probationary period shall be established at the time of appointment but shall be for a period no shorter than six months nor longer than two years; provided, in any case the department head with the approval of the city administrator may extend the trial period for a period not to exceed an additional six months if the department head finds it is necessary to fully evaluate the employee's suitability for the position. Determination that a new employee has failed to satisfactorily complete the probationary period is in the sole discretion of the appointing authority.
- (2) A regular city employee promoted to another regular position shall serve a probationary period as part of a promotion decision, until the probationary period has been satisfactorily completed, the promoted employee shall be subject to return to his/her prior position if, in the sole discretion of the appointing authority, the promoted employee fails to satisfactorily complete his/her probationary period..
- (3) The adoption of the ordinance codified in this chapter shall not change the trial status of current trial employees and they each shall remain on trial status without loss of service time accrued toward regular employee status.

2.34.150 Resignation, layoff and reinstatement.

The personnel policies shall provide for layoff and reinstatement of employees conforming to the following:

- (1) Resignations. An employee may resign by filing his reasons with the department head. An employee resigning in good standing may be reinstated to any position in the same class or other class for which he was qualified, if there is need for his services, within one year after his date of resignation.
- (2) Layoffs may occur as a result of lack of work, lack of funds, material change in duties or organization, the interests of economy or efficiency, or other causes as determined to be for the good of the city service by the mayor.
- (3) The order of layoffs among positions within departments shall be first casual workers, then employees serving a trial period, and then all other employees. Exceptions to this sequence may be made to retain persons with qualifications significant to a particular department.
- (4) Within each of the three categories identified in subsection (2) of this section, the order in which employees in a department will be laid off shall be determined by the city, in its sole discretion, based on employee job knowledge, skill and other qualifications; attendance, safety, performance and disciplinary records; the existing and anticipated needs of the department; and the good of the city service. When two employees are equally qualified under such factors, the employee with the most time served since the current date of hire shall be retained.
- (5) The names of persons laid off shall be maintained on a reinstatement list. Personnel policies and procedures shall provide for reinstating employees from a reinstatement list. An employee's name may be maintained on the reinstatement list for up to one year following the employee's layoff.
- (6) As an alternative to layoff, the mayor may demote an employee or authorize part-time employment. Layoffs and substitutions, therefore, are not disciplinary matters.

2.34.160 Code of Ethics

- (1) Highest standards of professionalism and customer service are expected of city of Oak Harbor employees. The human resources manager is directed to incorporate a code of ethics in public service in the standards of conduct that reflect these values.
- (2) The code of ethics shall describe and prohibit nepotism, conflicts of interest, and official misconduct by city employees.

2.34.170 Construction.

- (1) If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. This provision shall not be codified.

Section Two. Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Three. Effective Date.

This Ordinance shall be in full force and effect five days after publication.

PASSED by the City Council this _____ day of _____, 2012.

THE CITY OF OAK HARBOR

Veto ()
Approve ()

Mayor

Date

Attest:

City Clerk

Approved as to Form:

City Attorney

Published: _____

City of Oak Harbor City Council Agenda Bill

Bill No.

5

Date:

June 5, 2012

Subject:

Personnel Code

Housekeeping Ordinance

FROM: Steve Powers, Interim City Administrator *SP*
Jessica Neill Hoyson, HR Manager

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

[Signature] Scott Dudley, Mayor
[Signature] Doug Merriman, Finance Director
[Signature] William H. Hawkins, City Attorney, as to form

PURPOSE

This agenda bill presents an ordinance for City Council's consideration that if adopted would amend various sections of the Oak Harbor Municipal Code (OHMC) regarding the employment status of the department directors. It would also create public works department and the position of its director, and amend Chapter 2.38 regarding the reporting relationship for the Harbormaster.

AUTHORITY

The City Council has authority pursuant to RCW 35A.11.020 to set the rules for city employment:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people (RCW 35A.11.020 in pertinent part).

The mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service. The head of a department or office of the city government may be authorized by the mayor to appoint and remove subordinates in such department or office, subject to any applicable civil service provisions. All appointments of city officers and employees shall be made on the basis of ability and training or experience of the appointees in the duties they are to perform, from among persons having such qualifications as may be prescribed by ordinance or by charter, and in compliance with provisions of any merit system applicable to such city. Confirmation by the city council of appointments of officers and employees shall be required only when the city charter,

Personnel Code Housekeeping Ordinance

City Council Meeting of June 5, 2012

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City of Oak Harbor City Council Agenda Bill

or the council by ordinance, provides for confirmation of such appointments. Confirmation of mayoral appointments by the council may be required by the council in any instance where qualifications for the office or position have not been established by ordinance or charter provision. Appointive offices shall be without definite term unless a term is established for such office by law, charter or ordinance.

FISCAL IMPACT DESCRIPTION

Funds Required: \$ N/A

Appropriation Source: N/A

SUMMARY STATEMENT

The draft ordinance amends various chapters of the OHMC regarding the employment status of the City's department directors. The proposed ordinance clarifies that all department directors are appointed by the Mayor and confirmed by the City Council, that all directors serve at the pleasure of the Mayor and that they all have or are offered employment contracts approved by the City Council.

The proposed ordinance corrects a deficiency in the code by creating the Public Works Department as a city department. It also amends the Marina Code (OHMC Chapter 2.38), by adding that the Harbormaster may report to the City Administrator's designee. This change is required to reflect the current reporting relationship.

STANDING COMMITTEE REPORT

The draft ordinance was presented to the Governmental Services Standing Committee at their May 8th meeting.

RECOMMENDED ACTION

- Conduct public hearing
- Adopt ordinance revising various sections of the Oak Harbor Municipal Code regarding the employment status of the department directors and regarding other personnel administration matters

ATTACHMENTS

Draft ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTERS OF THE OAK HARBOR MUNICIPAL CODE REGARDING THE EMPLOYMENT STATUS OF THE DEPARTMENT DIRECTORS, INCLUDING CREATION OF THE POSITION OF PUBLIC WORKS DIRECTOR AND THE DEPARTMENT OF PUBLIC WORKS, AND AMENDING CHAPTER 2.38 REGARDING THE REPORTING RELATIONSHIP FOR THE HARBORMASTER.

WHEREAS, all the department director positions in city employment should be treated in a consistent manner; and

WHEREAS, the department directors employed by the city are typically employed in an at-will capacity pursuant to employment contract; and

WHEREAS, code adoptions over time have resulted in different provisions for different department directors; and

WHEREAS, it is the intention of the city council to treat all department director positions similarly; and

WHEREAS, the department of public works has existed as a city function for a considerable length of time; and

WHEREAS, there exists a public works director; and

WHEREAS, references to the public works department, public works superintendent and/or public works director are found throughout the municipal code, including in Title 13, Water; Chapter 10.12, Parking and Traffic Control; Chapter 6.13, Recreational Camping in Public Parks; Chapter 3.95, Utility Billing and Collection Procedures; Chapter 12.20, Stormwater Facility Maintenance; Chapter 15.04, Municipal Solid Waste Collection; and Section 18.20.185, Interpretation of Development Regulations; and

WHEREAS, although the public works function and director exist, and are referenced in numerous ways within the code, no department of public works was created in the code and likewise no position of public works director was defined by city code; and

WHEREAS, it is necessary to amend the code to correct these deficiencies; and

WHEREAS, certain other amendments are necessary to clarify the reporting relationship of the harbormaster; and

WHEREAS, this ordinance was introduced to the City Council at the May 15, 2012 meeting; and

WHEREAS, the City Council considered this ordinance at a public hearing held on June 5, 2012;

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

Section One. Section 2.06.010 of the Oak Harbor Municipal Code, pertaining to the city attorney, last amended by Ordinance 569 in 1980, is hereby amended to read as follows:

2.06.010 Appointment – Duties. ~~The mayor may appoint for the city of Oak Harbor an attorney whose duty~~ The city attorney shall be appointed by the mayor and confirmed by the city council. The city attorney shall serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council. The duties of the city attorney shall be to draft and prepare all ordinances, orders, resolutions, contracts, agreements, forms, pleadings and other papers and documents as the mayor or council of the city may direct or require him to make or may be necessary, and to appear and defend the city of Oak Harbor in all actions of law or in equity or otherwise wherein the city may be interested or be a party and appear for the city in municipal court on all charges brought in the name of the city. In the event that the city attorney is unable to represent the city he may appoint other counsel or in the event of a conflict of interest or other like situation he may ask the mayor to appoint other counsel for a particular project or cause and the mayor may so appoint another attorney to represent the city in that cause.

Section Two. Chapter 2.05 of the Oak Harbor Municipal Code, pertaining to the city administrator, last amended by Section 1 of Ordinance No. 1259 in 2001, is hereby amended to read as follows:

2.05.010 Office created. There is created the office of city administrator, which office shall be filled by appointment by the mayor, subject to confirmation by the city council. ~~The city administrator shall be subject to removal by the mayor~~ serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council.

2.05.020 Administrative officer. The city administrator shall be the administrative executive officer for the city, under the direction and authority of the mayor. The city administrator shall also have all duties and authority assigned to the city supervisor by city ordinance(s).

2.05.030 Duties.

The city administrator shall have the following specific duties, powers and responsibilities, in addition to others provided in this chapter or otherwise:

(1) Under the direction and authority of the mayor:

- (a) Supervise the public works, finance, marina, ~~engineering and permitting and~~ development services of the city;

- (b) Administer and coordinate the activities and functions of the various city offices, departments and boards;
- (c) Carry out the various duties as prescribed by the city ordinances and policies of the city council. Administer those duties as prescribed by the zoning code and the building code. ~~The police and fire departments shall report to and be directly responsible to the mayor and none of the duties prescribed in this section shall apply to said departments unless directed by the mayor.~~

(2) Regularly report to the mayor and city council concerning the status of all assignments, duties, projects and functions of the various city offices and departments.

(3) Supervise all purchasing by the various city offices, departments and boards. Supervise all expenditures by the various city offices, departments and boards, for the purpose of keeping the same within the limitations of the annual budget of the city.

(4) Coordinate the preparation of the annual budget for the city.

(5) Assist the mayor and city council generally in conducting the city's business in all matters, and perform such other duties and assume such other responsibilities as the mayor may direct, and as by ordinances and resolutions of the city council may be required.

(6) The police and fire departments shall report to and be directly responsible to the mayor and none of the duties prescribed in this section to the city administrator shall apply to said departments unless directed by the mayor.

2.05.040 Reassignment of duties.

The mayor may reassign duties and responsibilities of the city administrator or listed as the city supervisor in other ordinances of the city to such employee or contractor as deemed appropriate. When making such a reassignment, the mayor shall:

- (1) Assure the assignment is in writing;
- (2) File a copy of the assignment with the city clerk; and
- (3) Assure city council is provided notice of the reassignment as made to city council in a manner reasonably calculated to advise them of the changes.

Section Three. Section 2.07.020 of the Oak Harbor Municipal Code, pertaining to the finance director, last amended by Section 3 of Ordinance No. 1117 in 1997, is hereby amended to read as follows:

2.07.020 Appointment – Term. The finance director shall be appointed by the mayor, ~~subject to approval and confirmed~~ by the city council. The finance director shall serve ~~for an indefinite term and at the discretion~~ at the pleasure of the mayor. ~~The council may authorize a~~ pursuant to an employment contract for services proposed by the mayor and approved by the city council.

Section Four. Section 2.36.030 of the Oak Harbor Municipal Code, pertaining to the chief of police, last amended by Section 2 of Ordinance 984 in 1994 is hereby amended to read as follows:

2.36.030 Police chief – Appointment.

The department of police shall be under the direction and control of the police chief subject to the direction of the mayor or the mayor's designee. The chief of police shall be appointed by the mayor and confirmed by the city council.

~~The chief of police shall be a non-civil service employee and shall be appointed by the mayor subject to approval of the city council. The police chief shall serve at the discretion of the mayor. Nothing in this provision shall forbid the city from entering into agreement with the police chief concerning salary and benefits. The police chief shall serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council.~~

Section Five. Section 2.40.020 Oak Harbor Municipal Code, pertaining to the development services director, last amended by Section 3 of Ordinance No. 1256 in 2001, is hereby amended to read as follows:

2.40.020 Director – Appointment and removal. The department of development services shall be headed by a director who shall be appointed by the mayor and confirmed by the city council. The ~~director of~~ development services director under direction of the mayor shall supervise and direct all employees assigned to the department of development services and manage and administer activities of the department. ~~The mayor may at any time remove the director of development services~~ director upon filing a statement shall serve at the pleasure of reasons therefor with the mayor pursuant to an employment contract proposed by the mayor and approved by the city council. All references to “planning director”, and “director of planning and community development” and “~~building official~~” shall be deemed references to the ~~director of~~ development services director or such other person or persons designated by the mayor.

Section Six. Section 2.44.010 of the Oak Harbor Municipal Code, pertaining to the fire chief, last amended by Section 1 of Ordinance 505 in 1978 is hereby amended to read as follows:

2.44.010 Appointment. ~~The position of fire chief should~~ shall be an appointive office appointed by the mayor and confirmed by the city council. ~~The fire chief shall be appointed by the mayor, subject to the approval of the appointment by the council, and he serves at the pleasure of the mayor. The fire chief shall serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council.~~

Section Seven. A new Chapter 2.70, Department of Public Works, is hereby added to the Oak Harbor Municipal Code:

**CHAPTER 2.70
DEPARTMENT OF PUBLIC WORKS**

Sections:

- 2.70.010 Department created.**
- 2.70.020 Director -- Appointment and removal.**
- 2.70.030 Powers and duties of the department.**

2.70.010 Department created. There is hereby created a department of public works for the purpose of administering city ordinances and contracts pertaining to city public works and city engineering requirements for private and public construction projects within the city limits.

2.70.020 Director – Appointment and removal. The department of public works shall be headed by a director who shall be appointed by the mayor and confirmed by the city council. The public works director shall have all those duties assigned under city ordinance or resolution to the public works director, the superintendent of public works and the public works superintendent. The public works director shall serve at the pleasure of the mayor pursuant to an employment contract proposed by the mayor and approved by the city council.

2.70.030 Powers and duties of the department. The public works department shall be responsible for the following city services: streets, water, wastewater, storm drains, solid waste, parks, equipment rental and engineering; and such other projects and services as are specified by city ordinance or resolution.

Section Eight. Chapter 2.38 of the Oak Harbor Municipal Code, pertaining to the marina, last amended by Section 1 of Ordinance 1541 in 2008, is hereby amended to read as follows:

**CHAPTER 2.38
OAK HARBOR CITY MARINA**

Sections:

- 2.38.010 Created.**
- 2.38.020 Purpose.**
- 2.38.030 Harbormaster.**
- 2.38.040 Marina master plan.**
- 2.38.050 Marina improvement plan.**
- 2.38.060 No right to rely upon the marina master plan or marina improvement plan.**

2.38.010 Created. There is hereby created as a division of city government the Oak Harbor city marina. This division may also be called “the marina” in the Oak Harbor Municipal Code.

2.38.020 Purpose. The purpose of the marina shall be to administer, promote, maintain and develop the marina for the benefit of present and future city residents. The marina shall:

- (1) Maintain safe and accessible moorage facilities financed through moorage rates and user fees;
- (2) Provide a mix of uses that fulfills recognized needs for the recreational boating public, is economically feasible and which maximizes the use of the marina property;
- (3) Promote public access to and use of the marine waters and shorelines of Oak Harbor subject to reasonable rules and regulations for the public peace, safety and welfare;
- (4) Create public/private partnerships for more efficient use of the marina; and
- (5) Participate in economic development opportunities on the city waterfront consistent with the city's comprehensive plan.

2.38.030 Harbormaster. The marina shall be headed by a harbormaster who shall be appointed by the mayor. Under the direction of the mayor and city administrator (or designee), the harbormaster shall supervise and direct all employees assigned to the marina, and manage and administer activities of the marina. The harbormaster shall also have such additional powers and duties as shall be established by ordinance or resolution of the city council.

2.38.040 Marina master plan. The marina shall be subject to a 10-year master plan which is adopted by the city council. The purpose of the marina master plan shall be to describe the goals and vision for the marina over the next 10-year period. At the end of the 10-year period, the city council shall consider whether the goals and vision of the marina master plan have been met. Based upon that review, the city council shall revise the marina master plan as needed and adopt a new marina master plan for the next 10-year period. The marina master plan shall be consistent with the city's comprehensive plan.

2.38.050 Marina improvement plan. The city council shall adopt a five-year marina improvement plan which shall list the anticipated projects necessary for the safe and efficient operation of the marina over the subsequent five-year period. The marina improvement plan shall include a plan for financing the listed projects over the five-year period. The marina improvement plan shall be reviewed every year and amended as necessary annually by the city council. The marina improvement plan shall be consistent with the capital facilities element of the comprehensive plan and the capital improvement plan.

2.38.060 No right to rely upon the marina master plan or marina improvement plan. No liability shall attach to the city as a consequence of the adoption of the marina master plan or the marina improvement plan. No person shall have the right to rely upon either the marina master plan or the marina improvement plan.

Section Nine. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Ten. Effective Date. This Ordinance shall be in full force and effect five days after publication.

PASSED by the City Council this _____ day of _____, 2012.

THE CITY OF OAK HARBOR

Veto ()
Approve ()

Mayor

Date

Attest:

City Clerk

Approved as to Form:

City Attorney

Published: _____

City of Oak Harbor City Council Agenda Bill

Bill No. 6
Date: June 5, 2012
Subject: Employee Policy Manual

FROM: Steve Powers, Interim City Administrator *PP*
Jessica Neill Hoyson, HR Manager

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

[Signature] Scott Dudley, Mayor
[Signature] Doug Merriman, Finance Director
[Signature] Bill Hawkins

PURPOSE

This agenda bill requests the repeal of the existing Personnel Policies Manual and presents a new Employee Policy Manual for the City Council's consideration.

AUTHORITY

The City Council has authority pursuant to RCW 35A.11.020 to set the rules for city employment:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people (RCW 35A.11.020 in pertinent part).

FISCAL IMPACT DESCRIPTION

Funds Required: N/A

Appropriation Source: N/A

SUMMARY STATEMENT

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

- Clearly implement City Council legislative policy as was intended to be established in OHMC Chapter 2.34, and
- Bring current with State and Federal law a number of the existing policies, and

City of Oak Harbor City Council Agenda Bill

- Update the document to reflect current administrative policy, and
- Eliminate policies or language covered by other policy documents, and
- Improve the usability of the document.

A bulleted list of the major changes to the existing policy manual is shown in Attachment 1. The resulting new document, the “Employee Policy Manual” is shown in Attachment 2.

Before the new manual may be put into use, the existing manual must be repealed. The current Personnel Policies Manual was adopted on August 8, 2007 with Resolution No. 07-16. In order to place the new Employee Policy Manual into effect the City Council must approve a new resolution, repealing the previous resolution.

With respect to establishing the new Employee Policy Manual, two options are being presented to the City Council. The first is an administrative approach which requests the Mayor put the Manual into effect and provides that the Mayor may make amendments to the Manual as necessary (e.g. to reflect changes in employment law). The approval of Resolution No. 12-13 (Attachment 3) would repeal the existing manual and provide for the Mayor to administratively establish the new Employee Policy Manual.

The second avenue available to the City Council is a legislative approach which requires the adoption Resolution No. 12-14 (Attachment 4) that both repeals the existing manual and approves the new Manual. With this approach, the City Council would also need to approve any amendments to the document that may be necessary in the future.

The drafting of the new Employee Policy Manual identified two current City practices that should not be repealed or discontinued at this time. The City’s leave sharing program (found in existing Policy 504 – Leaves of Absence) requires some revision in order to be fully consistent with the Americans with Disabilities Act (ADA). Staff proposes the existing policy be readopted until such time as a replacement program can be created. Additionally, the City’s existing medical coverage opt-out program is not included in the existing policy manual. As changes to that program will be studied in the coming months, staff proposes that the existing practice be maintained for the time being.

REVIEW PROCESS

The following describes the review process for the overall employee code/policy manual project:

The principles behind the proposed ordinance were discussed with City Council at the March 3, 2012 retreat/workshop. The draft ordinance amending OHMC Chapter 2.34 was then introduced to the full City Council at the April 17, 2012 meeting. Next, City employees were briefed on the proposed changes, as well as those proposed to the employee handbook, at one of two meetings held on April 18th. Employees were invited to submit their questions and comments to the Human Resources Manager by

Employee Policy Manual

City Council meeting of June 5, 2012

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City of Oak Harbor City Council Agenda Bill

May 11th.

The Administration reviewed all of the submitted comments and questions. Responses were drafted and the employees' suggestions for changes were incorporated where possible. It is worth noting that the vast majority of employee questions and comments were related to the personnel policies manual and not to either the personnel code ordinance or the housekeeping ordinance. A copy of all of the comments/questions and the responses was posted for the employees to review on May 15th. The City Council was provided copies of the notes from the April 18th meetings on May 11th and a copy of the employees' comments/questions and the Administration's responses on May 15th.

A revised draft of the policy manual was posted for the employees to review and forwarded to the City Council on May 29th. Revisions made to the document as a result of the employee comments and questions are shown in legislative edit in manual. Follow-up meetings with the employees were held on May 31st.

STANDING COMMITTEE REPORT

Please see above the review process associated with the proposed Employee Policy Manual.

RECOMMENDED ACTION

- Approve Resolution No. 12-13 repealing Resolution No. 07-16 and providing for the administrative approval of the Employee Policy Manual

OR

- Approve Resolution No. 12-14 repealing Resolution No. 07-16 and approving the Employee Policy Manual

ATTACHMENTS

Attachment 1: Overview of changes to the policy manual

Attachment 2: Draft "Employee Policy Manual"

Attachment 3: Draft Resolution No. 12-13

Attachment 4: Draft Resolution No. 12-14



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Overview of changes to policy manual

- Removed Code of Employer - Employee Relations
- Added EEO Statement
- Added ADA Statement
- Changed the minimum pay increase for promotions to 3% rather than 9%
- Clarified probationary periods
 - PT or FT 20 hours or more - 12 months
 - PT less than 20 hours - 24 months
 - Transferred or promoted - 6 months
- Added nepotism policy
 - Close personal relationships or relatives
- Moved language on employment Contracts to the OHMC
- Included new performance evaluation process
- Clarified how reference requests are handled
 - HR must approve first if representing as City employee
- Shortened layoff language and made it a part of the separation from employment policy rather than a stand-alone policy
- Changed disciplinary steps to start at written rather than verbal warning
- Ethics policy was updated with language from Public Officer Ethics
- Removed meal reimbursement policy - it is part of the Travel policy
- Clarified that interactions with media must be approved by Dept Director or Mayor
- Substance abuse policy was amended to allow alcohol on City premises if for celebrations or functions that are pre approved and subject to law
- City Vehicle Policy - Allow incidental personal use
- Personal Appearance - removed most specific language and clarified business casual
 - outlined dress for casual Friday
- Hours of work and scheduling
 - defined a 40 hour work week as Monday through Sunday
 - Allow alternative work schedules
- Overtime - created as own policy
 - Does not include time off to count towards overtime
 - Comp time - set max accrual at 160 hours
 - Clarified how comp time would be used
 - No carryover
 - cash out at end of year unless employee has a preapproved absence for which comp will need to be used
 - must be used before vacation or lwop
- Out of class assignments
 - changed minimum to 3%
- Pay procedures

- updated to reflect bi-monthly pay change
 - Changed to policy to align with standard pay practices for paydays that fall on the weekend or holidays
- Wellness
 - Added Wellness day off
- Updated FMLA to include federal changes in law
- Added Pregnancy Disability Leave and WFLA
- Unpaid Leave
 - Clarified that "generally" other leave must be exhausted
- Vacation
 - FT employees on a temporary PT assignment for more than 1/2 month will have accruals adjusted
- Sick Leave
 - Removed program for exchange of sick leave for vacation
- Continuing education
 - If employee separates from employment within one year they must pay back funds advanced
- Removed Personal Finances Policy
- Changed dispute resolution process to a grievance process to be used only in instances of deprivation to the employee
- Removed leave sharing program to be under a separate resolution

City of Oak Harbor

Employee Policy Manual

June 5, 2012

Tuesday, May 29, 2012

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Introduction

1.01 PURPOSE AND SCOPE OF EMPLOYEE POLICY MANUAL

This manual is intended to implement the city council's policy on City employment, not to change or add to them. The City Council primarily sets its policies in the Oak Harbor Municipal Code and in the biennial salary ordinance and classification study. This manual summarizes the City's basic personnel policies and is intended to serve as a resource concerning your employment with the City. Personnel policies may change as the City grows or as needed to better serve City residents or personnel. The City, therefore, reserves the right to modify, revoke, suspend, or terminate the policies set forth in this manual at any time. It is important to understand that these policies do not constitute an employment contract or a promise of employment conditions between the City and its employees. The City Council sets employment policies and neither this manual nor any other city employee or official can make specific promises to you concerning your employment unless the City Council adopts an ordinance, resolution or motion to that effect.

This Employee Policy Manual applies to all covered employees of the City of Oak Harbor. In cases where these policies conflict with a City ordinance, state or federal law, a valid and effective collective bargaining agreement, or an individual written employment contract, the terms of the law or contract shall prevail over the terms of this Manual. Additionally, if your position is covered by a union contract, you should look to that contract as the exclusive source of information regarding your wages and benefits. No elected official, supervisor, manager or representative of the City has the authority to modify or waive these policies.

Please note that in addition to the policies included in the Manual, your Department or work group may have standard operating procedures or other work rules that pertain to you. Those rules and procedures supplement the personnel policies included in this Manual, and tend to be specific to certain departments or work groups.

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General Employment Policies

2.01 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

The City of Oak Harbor is an equal opportunity employer. The City believes the participation of men and women of diverse ages, races, religions, cultures, abilities and personalities will add to professional development and organizational success. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex, race, religion, marital status, honorably discharged veteran or military status, age, national origin, sexual orientation, color, creed, ancestry, disability or any other basis prohibited by law.

It is against the City's policy for any employee to discriminate against an applicant for employment or another employee protected by applicable discrimination laws. When such discrimination or harassment is detected in the workplace, the City will take aggressive, prompt, and fair measures to eradicate the misconduct. To this end the City, upon confirming the existence of discrimination or harassment prohibited by this Policy, shall take disciplinary action against those responsible for the discrimination or harassment up to and including termination of employment. Refer to the Appendix of this Manual for the EEO discrimination complaint procedure.

2.02 ADA STATEMENT

The City of Oak Harbor prohibits unlawful discrimination on the basis of a disability, and is committed to providing reasonable accommodation to any qualified individual with a disability who needs such accommodation to perform the essential functions of his/her job. Any employee who has a disability and desires reasonable accommodation should promptly contact Human Resources. Human Resources will work with the employee and his/her health care provider to evaluate reasonable accommodation options. Any medical information obtained in this interactive process will be maintained confidentially.

2.03 PROHIBITION OF UNLAWFUL HARASSMENT

The City of Oak Harbor is committed to providing a workplace that is free from unlawful discrimination or any kind of unlawful harassment. In keeping with this commitment, the City will not tolerate harassment by City employees or of City employees by anyone, including any co-worker, contractor, vendor, member of the public or other third party. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status,

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honorably discharged veteran or military status, citizenship status or other protected group status. The City will not tolerate such harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment.

Employees should refer to the "EEO Discrimination Complaint Procedure" located in the Appendix of this Manual for resolution of EEO, ADA or unlawful harassment violations.

2.04 WORKPLACE VIOLENCE

The City of Oak Harbor is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Violence, intimidating behavior or threats of violence will not be tolerated. Violations of this policy may result in disciplinary action, up to and including termination of employment.

Prohibition of Workplace Violence. The City of Oak Harbor strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around City premises or the workplace, or otherwise related to City employment.

- Bullying;
- Threatening or causing injury to a person;
- Using or threatening to use a weapon while on any City premises;
- Abusing or damaging property
- Using obscene or abusive language or making gestures in a threatening manner;
- Speaking in a threatening manner;
- Because of the potential for misunderstanding, joking about or parodying of any of the above misconduct is also prohibited.

Definition:

"City premises" means all areas under City ownership and/or control, including, but not limited to: buildings, offices, vehicles, work areas, lounges, parking lots, desks, cabinets, lockers and storage areas. The City reserves the right to search all City premises and employee property brought onto City premises when the City determines that such a search is a reasonable and necessary precaution for work place safety.

Reporting Violent Conduct: Any workplace violence incident or incidents indicating a potential for violence are to be reported by an employee to their supervisor (and/or Human Resources) as soon as possible. Incident reports are to be completed as appropriate. If management determines that an employee has violated this policy, the employee will be subject to discipline up to and including

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termination, as deemed appropriate by the City. The City shall handle specific concerns with customers or other public parties as it determines under its policies and procedures.

Imminent Danger/Violence Incident Procedure: Any employee who reasonably believes that a situation with an aggressive employee, guest, contractor, vendor or other party is likely to become violent and may put the employee or others in imminent danger at the work site, should promptly leave the work area and report to his/her supervisor (and/or Human Resources). Depending on the circumstances, the employee may first call 911. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time at the work site. The supervisor should take immediate action by calling 911 (if warranted) and contacting Human Resources. The timing and circumstances of the return by the employee to the work area should be coordinated by the employee with City Management.

Security: Staff security is one of the City of Oak Harbor's highest priorities. The City will make every reasonable effort to provide for the security of its property, its employees, and visitors to its premises.

All City security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, City solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours).

All personal property brought onto the City's premises, such as vehicles, packages, briefcases, backpacks, purses, bags and wallets are subject to inspection. In addition the City may inspect the contents of lockers, storage areas, file cabinets, desks and work stations at any time and may remove all City property and other items that are in violation of City of Oak Harbor rules and policies.

Employees working in sensitive or high security positions must meet any applicable security clearance requirements, such as positions in the Police and Fire Departments and those requiring access to Naval Station Whidbey Island. These security requirements may include background checks, fingerprinting, bonding or other special security measures. Failure or inability to meet or comply with any applicable security clearance requirement is grounds for termination of employment, or rejection of an applicant.

Employees are expected to exercise reasonable care for their own protection and for their personal property while on City premises and while away from the premises on business. The City of Oak Harbor assumes no responsibility for loss, damage or theft of personal property.

Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, as deemed appropriate by the City.

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2.05 REPORTING IMPROPER GOVERNMENTAL ACTION (WHISTLEBLOWER POLICY)

The City of Oak Harbor, in compliance with the Local Government Employee Whistleblower Protection Act RCW 42.41.050, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy can be found in a separate executive order for ease of employee reference.

2.06 JOB OPENINGS

Internal job postings may be noticed/placed on the City's website, circulated via City email and/or noticed in the City's newspaper of record as appropriate for positions being advertised.

Pursuant to state law, the City will grant a preference in hiring to the following individuals: (1) an honorably discharged veteran of any war or military campaign of the United States; (2) the widow or widower of such a veteran; or (3) the spouse of an honorably discharged veteran with a service-connected permanent and total disability. This preference serves as a tie-breaker in the event all other qualifications of job applicants are equal. Any individual applying for a position with the City who is eligible for this hiring preference should indicate eligibility on the job application form.

2.07 TRANSFERS/PROMOTIONS

TRANSFERS: The City of Oak Harbor may, at its discretion, initiate or approve employee job transfers from one position to another, or from one location to another.

The City may require employees to transfer to either a temporary or regular position to accommodate the organization's business needs.

Employees transferred to a position within the same salary range will continue to receive their existing rate of pay.

PROMOTIONS: The City of Oak Harbor may offer an existing employee a promotion to a higher-level position, when appropriate. The City may first consider current employees with the necessary qualifications and skills to fill vacancies above entry level, unless management determines that outside recruitment is in the City's best interest.

All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their Department Director and the Human Resources Department.

Pay for promoted employees generally will be handled as follows:

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1. Employees transferred to a position in a higher salary range normally will be paid at a rate which is no less than three percent (3%) higher than their current pay.
2. Employees transferred to a position in a lower salary range may be paid at their former rate. At management's discretion, employees may be paid at a rate within the lower salary range of the new position.

Transferred and promoted employee's anniversary date used to determine eligibility for step increases will be adjusted to match that of the date of transfer or promotion.

At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new positions may be returned to their original position if a vacancy exists.

2.08 PROBATIONARY PERIODS

The City of Oak Harbor carefully monitors and evaluates all new employees and all current employees transferred or promoted to a new job during an initial probationary period. Newly hired, transferred or promoted employees should also use this probationary period to ensure that the new position is satisfactory.

Unless stated otherwise in a collective bargaining agreement or other written contract, the probationary period(s) will generally be set at the time of hire. Probationary periods will generally follow the guidelines set forth below:

- For an individual who is not a city employee and was hired into a full-time position or a part-time position which is 20 hours per week or more: the first 12 months following hire.
- For an individual hired into a part-time position which is less than 20 hours per week: the first 24 months following hire.
- For a current employee promoted or transferred to a new position: the first 6 months following the date of transfer or promotion

During this time if it is determined that the placement is not working out satisfactorily, the employee may be terminated or returned to a prior position (if available) at any time without cause or advance notice. An employee's probationary period may be extended up to six (6) months if deemed appropriate in light of absences, performances issues, or other considerations.

New employees will normally be reviewed at six (6) months during the probationary period to determine if they are meeting employment requirements and near the end of their probationary period.

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Transferred or promoted employees will normally be reviewed near the end of their probationary period.

Employees will generally be allowed to continue in their position if the Department Director approves and the employee receives a satisfactory evaluation by the end of his/her probationary period.

2.09 EMPLOYEE CLASSIFICATIONS

For a variety of reasons, it is helpful to define the working classification of each employee employed by the City. Each position has a job description which will be provided to the employee by Human Resources at the time of hire. Employment classifications relate to the nature of the job responsibilities, work schedule and participation in City benefit programs. The City recognizes the following employee classifications:

- **Full-time:** A regular employee working in a regularly budgeted position allocated at least thirty-two (32) hours per week.
- **Part-time:** An employee working in a regularly budgeted position allocated to work hours of less than thirty-two (32) hours per week whose hours may be regular or irregular. An employee who is regularly schedule to work less than 20 hours per week are not generally entitled to City-provided benefits.
- **Probationary:** An employee who has not yet completed his/her probationary period.
- **Regular:** An employee who has successfully completed his or her probationary period and is retained in a fully budged position in the biennial budget.
- **Temporary:** an individual hired on a temporary basis. Temporary employees shall not be eligible for City-provided benefits or accrue seniority. Temporary employment shall not exceed a maximum of one (1) year. Temporary employees may be eligible for Public Employees' Retirement benefits dependent upon duration of appointment and hours worked.

In addition to the foregoing classifications, all employees classified as Fair Labor Standards Act/Washington Minimum Wage Act exempt or non-exempt can be seen as:

Exempt: Exempt employees are ordinarily paid on a salary basis and are not eligible for overtime pay.

Non-Exempt: Non-exempt employees are ordinarily paid by the hour and are eligible for overtime pay.

If an employee has any questions regarding his/her classification or exempt/non-exempt status, please contact Human Resources.

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2.10 PERSONAL/FAMILY RELATIONSHIPS

The City recognizes the potential for problems, both real and perceived, where employees with close personal relationships and/or relatives work for a common employer. As a result, applicants for employment with the City who have a close personal relationship with or are related to a current employee or City Council member will not be employed by the City where:

- One of the parties would have authority (or practice power) to benefit, supervise, appoint, remove or discipline the other; or
- One party would be responsible for auditing the work of the other.

Current employees who enter into a close personal relationship, or become relatives, during their employment should inform the City if any of the above situations are created (See Ethics Policy)

2.11 SAFETY AND REPORTING OF WORKPLACE INJURY

Every employee is responsible for maintaining a safe work environment and following the City's safety policies. Employees must promptly report all unsafe or potentially hazardous conditions to the employee's supervisor. The City will make every effort to remedy problems as quickly as possible.

Employees who are provided safety clothing or equipment for their personal protection are required to wear or utilize it in accordance with applicable regulations. Failure to do so may result in disciplinary action up to and including termination. Additionally, individual departments may promulgate rules or procedures to address any safety issues unique to that work group, and employees must observe those rules or procedures as outlined.

If an employee is injured while on the job, no matter how minor, the employee shall immediately notify their supervisor, Department Director or Human Resources about the injury. The supervisor should promptly complete appropriate forms.

The City retains the right to inspect the employee's lockers, work areas, desks, packages, computers and other work equipment and tools when there is a concern for the safety or security of city employees and/or members of the public. City employees have no expectation of privacy in furnishings or equipment provided to employees by the City, including but not limited to desks, lockers, work areas, equipment and tools.

CPR and First Aid: Employees may be offered CPR and First Aid training. Certain position may require this certification.

Blood Borne Pathogen Training: The Blood Borne Pathogen Exposure Control Plan identifies positions by job title that may be exposed to pathogens and require training. Employees should refer to the

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published Blood Borne Pathogen Exposure Control Plan to determine if their position requires the training.

Hepatitis A or B Vaccinations: Employees who may be exposed to Hepatitis A or B, as indicated in their job description, have the option to receive Hepatitis A and/or B vaccinations paid for by the City. Employees will be advised during orientation of the risks of exposure and will be given the opportunity to accept or decline the vaccinations.

2.12 PERSONNEL RECORDS

The City maintains personnel files for each employee. Those files may include, but are not limited to, the employee's application and resume, performance evaluations, commendations, and disciplinary memoranda.

The Human Resources Department is responsible for overseeing record-keeping of all personnel information and identifying information to be collected, store and secured.

Employees have a responsibility to keep their personnel records up-to-date and shall notify the Human Resources Department, in writing, of any changes in at least the following:

- a) Employee name, including last name when changed due to marriage or divorce;
- b) Employee mailing and physical address;
- c) Employee telephone number;
- d) Number of dependents; and/or
- e) Persons to be notified in case of emergency.

The Accounting Technician–Payroll/Accounts Payable is responsible for retention of employee payroll and tax records.

Employees who have a change in the number of dependents or marital status should complete a new form W-4 for income tax withholding purposes.

Employees should forward copies of all training certificates received from outside conferences or vendors to the Human Resources Department to be place in the employee personnel file.

With reasonable notice, employees may inspect their personnel record and may request a copy, but shall not remove documents from the file. Inspections by employees must be requested in writing to the Human Resources Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resources Department. A

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reasonable charge, not to exceed the actual cost to the City, will be applied for any copies of records requested by the employee.

Employees who believe that file documents are incomplete, inaccurate or irrelevant may submit a request for file revisions to the Human Resources Department. If the request is not granted, the employee may place a written rebuttal statement in the file.

Only supervisory and management employees who have an employment-related need-to-know reason about another employee may inspect the files of that employee. The inspection must be approved by the Human Resources Department and be in the presence of a designated member of the Human Resources Department.

Employee Medical Files: The City of Oak Harbor works to ensure the confidentiality and security of its medical records and the privacy of its employees. It is the policy of the City of Oak Harbor to treat all medical information about employees as confidential in accordance with all applicable laws and regulations.

2.13 PERFORMANCE EVALUATIONS

The City of Oak Harbor believes that goal setting and frequent feedback improve performance. Supervisors should communicate to their employee's the specific performance standards for their position. The City considers a consistently positive, cooperative, self-motivated, courteous and professional behavior to be an essential function of every position.

Department Directors are responsible for ensuring completion of evaluations for employees within their department as follows:

- 6-month evaluation for newly hired employees and transferred or promoted employees from the date of hire, transfer or promotion.
- End of probation evaluation for newly hired employees, typically completed prior to the end of the probationary period.
- Annual evaluation completed in January for all non-probationary non-supervisory employees.
- Annual evaluation completed in February for all non-probationary supervisory employees.

Police and Fire Department personnel may receive probationary evaluations on a different cycle than outlined in this policy in order to align with training requirements specific to those departments.

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Performance evaluations are designed to enhance communication and performance. If for some reason you do not receive your performance evaluation at the appropriate time, please talk to your supervisor, Department Director or Human Resources.

2.14 PERSONNEL REFERENCES

All inquiries by third parties regarding current or former City employees are to be referred to Human Resources. No employee should provide any reference information to a third party regarding another current or former City employee unless the reference request has first been referred to Human Resources. Human Resources will respond to such requests, or coordinate with the appropriate supervisor to respond, to ensure legal considerations are observed.

Providing professional reference information (meaning that you have identified yourself as a City employee and/or commenting on the job performance of a current or former employee) without coordinating with and obtaining authorization from Human Resources is a violation of City policy and could result in discipline, up to and including termination of employment.

2.15 SEPARATION FROM EMPLOYMENT

Termination of employment with the City may be for a number of reasons, including but not limited to resignation, discharge, retirement or layoff.

Resignation/Retirement: To retire in good standing with the City, the City requires that at least two weeks' notice be given. The notification should be in writing and provided to either their supervisor, Department Director or the Human Resources Department. Employees intending to retire should notify their Department Director and Human Resources of their intent to retire at least thirty (30) days prior to the date of retirement. Proper notification will give the City the opportunity to adjust workloads and other plans with the least amount of interruption to City operations. Absent extenuating circumstances, failure to provide required prior notice may result in ineligibility for rehire and a resignation not in good standing. In certain circumstances, a resignation may be accepted and implemented immediately upon receipt.

An employee who terminates his/her employment with the City in good standing may be considered for re-employment. A former employee who is re-employed will be considered a new employee from the date of re-employment, unless the break in service is less than three (3) months, in which case the employee will retain accumulated seniority.

In certain circumstances an employee who retires may be eligible for rehire.

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Layoff: A layoff is a separation from employment initiated by the City. Layoffs may occur for reasons such as; lack of work, lack of funding and material changes in the organization. In the event a layoff becomes necessary the City of Oak Harbor will make every effort to communicate information about the layoff as soon as possible to employees.

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Employee conduct

3.01 STANDARDS OF CONDUCT AND PERFORMANCE

The City of Oak Harbor strives to provide outstanding public service, and expects excellence from each and every employee. Each employee was selected to work for the City based on the belief that he or she would be able to fulfill that expectation.

It is important to establish certain expectations regarding employee performance and conduct to ensure efficient City operations, and for the benefit and safety of all employees. As a general matter, employees should conduct themselves in a professional manner and use good judgment in performing their job duties.

The City of Oak Harbor expects all employees to comply with the City's standards of performance and conduct. At management's discretion, any violation of the City of Oak Harbor's policies or any conduct considered inappropriate or unsatisfactory may subject any employee to disciplinary action.

Standards of Conduct: Conduct that interferes with City operations, is detrimental to the City and/or offensive to coworkers or constituents will not be tolerated. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of behavior that is against City policy and that will result in disciplinary action, up to and including termination.

- a. Poor performance of job duties, or failure to perform job duties as directed;
- b. Unauthorized absences, or excessive tardiness or absences;
- c. Smoking except in designated areas;
- d. Failing to report damage to City property, public property or customer;
- e. Failure to treat employees and/or citizens in a courteous and respectful manner;
- f. Disrupting the City's business or work effort of other employees;
- g. Negligence or improper conduct resulting in injury or damage to City property;
- h. Using profanity or abusive or offensive language;
- i. Refusing to follow managements lawful instructions or otherwise being insubordinate
- j. Concealing defective work;

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- k. Dishonesty;
- l. Serious (intentional/willful) violation of safety procedures or policies;
- m. Misusing City communication systems, including electronic mail, internet access, telephones and computers;
- n. Knowingly misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;
- o. Disclosing confidential information regarding the City, its employees or City resident(s);
- p. Assaulting, threatening, or intimidating supervisors or any other fellow employee, vendor, or any member of the public;
- q. Unauthorized possession of explosives or weapons on the premises at any job site;
- r. Reporting to work under the influence of alcohol, illegal drugs, non-prescribed controlled substances, or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises;
- s. Fighting;
- t. Engaging in off-duty misconduct that interferes with an employee's ability to do their job i.e.; a traffic citation that results in the loss of the employee's driver's license which is needed to perform job duties);
- u. Engaging in any form of sexual or other unlawful harassment of, or discrimination towards, another employee, a member of the public, a vendor or other third party;
- v. Falsifying or altering any City of Oak Harbor record or report, such as an employment application, medical reports, production records, time records, absentee reports, or the like; or
- w. Failure to fully cooperate with a lawful City investigation.

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3.02 DISCIPLINARY ACTION

The City supports the principle of progressive discipline. A system of progressive discipline is used for the purpose of motivating an employee to correct unacceptable behavior and/or performance. Degrees of discipline are progressive and are used to ensure the employee has the opportunity to correct their conduct and/or performance.

Factors that are considered in the steps of progressive discipline are:

- The variety and number of problems involved
- The seriousness of the offense
- The time interval and employee response to prior disciplinary action(s)
- Previous work history of the employee

The following are illustrative of the forms of disciplinary action that may be used depending on the particular situation;

- **Written Reprimand:** A Written Reprimand is often used when previous coaching has not changed the employee conduct or performance. Certain circumstances may warrant issuing a Written Reprimand before any previous coaching has occurred.
- **Suspension, Demotion or Termination:** A Suspension, Demotion or Termination will normally occur when the employee willfully and knowingly violated City policy.

Subjective to collective bargaining agreements and other legal requirements, the City shall have the right to determine the appropriate level of discipline (if any) in a particular situation in light of the seriousness of the offense and aggravating or mitigating circumstances.

Depending on the nature of the behavior at issue, the City may place an employee on administrative leave pending an investigation and determination regarding discipline. As deemed appropriate by the City based on the particular circumstances, an employee on administrative leave shall be available to the City as needed during regular work hours, turn over all City property (cell phone, keys, etc.) and/or remain away from City facilities without prior permission and escort.

To appeal disciplinary action, refer to the "Employee Grievance Procedure" in the Appendix to this Manual.

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3.03 ETHICS

The highest standards of professionalism and Customer Service are expected of City of Oak Harbor Employees. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- a) Using public office or public position for private gain;
- b) Giving preferential treatment to any person or entity;
- c) Lacking impartiality; or
- d) Diminishing the confidence of the public in the integrity of the City of Oak Harbor.

The highest standards of ethical business conduct are required of City employees in the performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, reputation or otherwise cause embarrassment to the City, therefore, the following acts are prohibited:

- No employee may use his or her position to secure special privileges for himself, herself or others; and
- No employee may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except from the City, for a matter connected with or related to the employee's services unless otherwise ~~prohibited~~ permitted by law; and
- No employee may accept employment or engage in business or professional activity that the employee might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position; and
- No employee may disclose confidential information gained by reason of the employee's position, nor may the employee otherwise use such information for his or her personal gain or benefit.

Conflicts of Interest: Employees are expected to represent the City of Oak Harbor in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their Department Director.

No employee of the City may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the employee's official duties.

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Any conflict or potential conflict of interest must be disclosed to the City. Failure to do so may result in disciplinary action, up to and including termination.

3.04 ELECTRONIC COMMUNICATIONS AND TECHNOLOGY

It is the policy of the City of Oak Harbor to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources capable of offering computing resources, electronic mail (email), internet access, telephone and voicemail, facsimile machines, cellular telephones, personal digital assistants and other electronic communications devices (collectively referred to as the City's Technology Resources) to employees to assist in and facilitate City business and communications. The primary purpose of the City's network and systems is to provide service to the public as part of City business, in a manner that is consistent with the City's vision and values.

Prohibited Uses of City's Technology Resources: Use of the City's Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any City policy, is strictly prohibited at all times. In addition, the following uses of the City's Technology Resources are inappropriate and are prohibited at all times, unless specifically exempted below:

- Personal commercial use (benefiting an employee's outside employment or commercial business);
- Accessing, receiving or sending pornographic or sexually explicit materials, including materials of an unreasonably offensive nature (unless as part of a law enforcement investigation conducted by authorized Police personnel);
- Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability, or other protected status;
- Gambling;
- Usage for recreational purposes including the loading of computer games or playing games online;
- Usage that precludes or hampers City network performance; such as viewing or listening to streaming audio and/or video (unless for City business, such as online training);
- Unauthorized copying or downloading of copyrighted material;
- Usage that violates software license agreements;

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- Downloading of software programs (unless specifically authorized);
- Usage for political purposes, including partisan campaigning;
- Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
- Deliberately propagating any virus, worm, Trojan horse, malware, spyware, or other code file designated to disrupt, disable, impair or otherwise harm either the City's network or systems, or those of any other individual or entity;
- Using abusive, profane, threatening, racist or sexist language in either public or private messages;
- Use of Technology Resources in an excessive manner so as to deprive others of system use or resources, including the sending of bulk email for other than official City business or forwarding "chain letter" emails of any kind;
- Connecting without authorization to the City network, or any specific software package, utilizing somebody else's security identification login information to gain alternate security permissions;
- Any personal use, even if incidental, that results in expense to the City;
- Usage that violates the guidelines set forth in the Standards of Conduct described in this Manual.

Any employee who violates these policies could be subject to disciplinary action, up to and including discharge. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

3.05 OUTSIDE EMPLOYMENT

The primary job for all full-time regular City employees is the position they hold with the City. Due to the high performance and emergency service expectations of City employees, any outside employment must be approved in advance in writing by your Department Director or the City Administrator.

Outside Employment: Employees may engage in another job outside their City employment if the outside job does not conflict with the interests of the City or interfere with the employee's ability to perform the City job. For example, a City police officer could provide security services for a third party during his/her off-duty hours if advance approval from the Department Director was obtained. Specifically, outside activities may not:

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1. Interfere with the City job responsibilities;
2. Be conducted during the employee's work hours;
3. Utilize City telephones, computers, supplies, or any other resources, facilities or equipment or imply City support for the outside activities;
4. Involve employment or the provision of consulting services with a firm that contracts with or does business with the City, including employment firms whose work is reviewed or regulated by the City;
5. Involve service in a decision-making or policy-formulating capacity with a public, private, or non-profit agency that receives funds from the City and where the employee has a role in the City to influence such actions; or
6. Be reasonably perceived as a conflict of interest, or raise a reasonable conflict of interest issue, or otherwise discredit the employee's public service.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued and, if necessary, normal disciplinary procedures will be followed to address specific problems.

3.06 POLITICAL ACTIVITIES

The City of Oak Harbor employees are free to exercise their Constitutional First Amendment rights and participate in political activities or partisan activities of their choosing, except as noted below.

1. Employees may not utilize City property and resources;
2. Employees may not campaign on City time, in a City uniform or while representing the City in any way;
3. Employees may not allow others to use City facilities or funds for political activities;
4. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public in the regular course of his/her job duties, may not wear or display any button, badge or sticker concerning any candidate or ballot issue during working hours;
5. Employees may not solicit political contributions on City property or City time; and

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6. Employees must be respectful of other employees', our customers' and visitors' political beliefs and are advised not to discuss political issues in the workplace during work hours.

3.07 INTERACTIONS WITH THE PUBLIC OR MEDIA

All media inquiries should be referred to your Department Director or the Mayor. The Mayor or designee must approve all press releases, publications, speeches or other declarations made on behalf of the City. The Mayor or Department Director may authorize specific employees to respond to media inquiries, either in a particular situation or on an ongoing basis. Unless an employee has received direct authorization to communicate with the media on behalf of the City, the employee shall not respond to media inquires and shall instead refer the inquiry as instructed above.

As a City employee, your interactions with the public or other third parties should be courteous and professional at all times. This expectation even applies in those situations where a member of the public is being discourteous towards you. If you are not sure how to proceed in dealing with a particular individual, you should seek assistance or intervention of a supervisor.

3.08 SOLICITATION

Employees may not solicit any other co-worker during work time, nor may employees distribute literature or items in work areas at any time. This encompasses solicitations for the sale of goods or services, or on behalf of charitable groups. The only exception is that employees may engage in occasional passive sales on behalf of charitable, school or community groups (for example, an employee could communicate that he/she is selling fundraising cookies or other items for his/her child, as long as the employee did not actively solicit co-workers to purchase the items). Except for authorized City programs, or unless authorized by the Mayor and/or the City Administrator, individuals not employed by the City are not permitted to enter City premises at any time to solicit, survey, petition or distribute literature.

3.09 TOBACCO PRODUCTS

The City of Oak Harbor complies with all applicable federal, state and local smoking in the workplace regulations and provides a work environment promoting productivity and the well-being of all employees.

The City recognizes that use of tobacco in the workplace can adversely affect employees. Accordingly, the use of smoking and smokeless tobacco products are restricted on City premises.

Smoking and use of smokeless tobacco products is prohibited inside all City of Oak Harbor facilities, including City-owned buildings, vehicles, offices or other facilities rented or leased by the City, including

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individual employee offices. The smoking policy applies to employees during working time and to customers and visitors while on the City of Oak Harbor's premises.

Smoking is only allowed during breaks and lunch time in designated areas outside City facilities a minimum of twenty-five (25) feet from any entrances, exits, windows that open and ventilation intakes.

Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to their use of tobacco products.

Users of tobacco products have a special obligation to keep smoking areas litter-free and not to abuse break and work rules.

3.10 SUBSTANCE ABUSE

The City is committed to providing and maintaining a safe and productive work environment that is free from the adverse effects of drugs, alcohol and other job impairing substances.

This policy applies to all City employees while on the job and to situations where an employee's off-the-job or off-premise conduct impairs work performance or undermines the public confidence in the City. The City's concern is to ensure that employees report to work in condition to perform their duties safely and efficiently in the interest of the City, fellow workers and the public. In addition, various federal and state laws prohibit the possession, distribution, and use of controlled substances, unless in compliance with licensing requirements or a physician's prescription. Violations of federal and state laws may result in legal sanctions, including criminal prosecution.

The City strictly prohibits the manufacture, possession, distribution, sale, dispensing or unlawful use of controlled substances on City property or City work sites. When employees are on the job, they are expected to be physically free from any impairment or substance that would contribute to an injury, property damage, or that would interfere with productivity. They are to be free from illegal drugs or potentially impairing levels of legal substances.

The manufacture, possession, distribution, dispensing, sale or unlawful use of controlled substances on City property or City work sites will be cause for disciplinary action up to and including termination. This will be treated as a criminal matter and referred to law enforcement for investigation and appropriate action. The use of alcohol in City vehicles is strictly prohibited. Alcohol may be permitted on City premises for celebrations or functions, provided that any use has written pre-approval by the Mayor or City Administrator and subject to applicable statutes, rules and regulations.

Employees must notify the City within five (5) days of any conviction of an illegal substance or alcohol-related crime. Violation of this policy may result in disciplinary action, up to and including termination.

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Use of Medication: The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employees shall have no obligation to inform his or her supervisor or such use, unless the employee has knowledge that the medication is causing or likely to cause an impairment that prevents the employee from performing his or her job safely or effectively. In such cases the employee should notify his or her supervisor so that a determination can be made as to whether it is in the best interest of the City and the employee that the employee work, not work or be reassigned during the period medication is used.

All employees taking prescription medications are encouraged, for safety reasons, to carry the medicines in the original container issued by the pharmacy.

Resources Available for Employees: Employees are encouraged to request confidential assistance through Human Resources or to access diagnostic, counseling and treatment programs such as those provided by the City's Employee Assistance Program (EAP) if dealing with problems of alcohol or substance abuse.

When Job Performance is Affected: Although the City encourages voluntary rehabilitation, disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job, or drug or alcohol use has otherwise impacted an employee's performance.

Any employee who is under discipline and/or pending termination may not be excused as a result of a claim of being a substance abuser. A diagnosed substance abuse problem may not alter the final outcome of a proposed discipline action when an employee fails to seek out the treatment options available prior to the disciplinary or testing process used to support the disciplinary process.

Employees who return to work after treatment may be subject to a performance review plan, as well as additional testing procedures.

If an employee who is tested under "reasonable suspicion" due to work related performance factors returns a positive test result (or a test result showing the presence of illegal drugs or alcohol), the employee may be referred to a physician for a fitness for duty medical examination.

Drug/Alcohol Testing: An employee may be required to submit to appropriate tests, including urinalysis or breath tests, to determine the existence of alcohol or prohibited drugs or substances in the employee's system where the City has a reasonable suspicion that an employee may be under the influence of non-prescribed controlled substances or alcohol while on duty.

Any employee who is ordered under the provisions of this policy and its related procedures to take a "random" or "reasonable suspicion" drug/alcohol screen test and who refused to take the test, will be

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considered to have committed an act of insubordination and will be disciplined, up to and including termination.

Employees who dispute positive results may have a second test performed on the original sample at their expense (unless the second test is negative).

Any employee who is rendered unconscious as a result of an accident for an unknown reason will be given a drug/alcohol screen test based on a blood sample taken at the medical facility by a licensed technician.

Employees required to have a Commercial Driver's License are subject to drug and alcohol testing requirements as set forth in regulations issued by the United States Department of Transportation. Those requirements are explained in the City's policy on Commercial Driver's License Standards, which is included in the Appendix to this Manual. In the event of a conflict between this Manual and the Commercial Driver's License Standards policy with regard to an employee required to maintain a commercial driver's license, the Commercial Driver's License policy shall control.

DEFINITIONS

Illegal Drugs: Refers to those drugs listed in Schedule I through V of the controlled Substances Act, or as otherwise classified as illegal by local, state or federal law. Illegal drugs also includes drugs legally prescribed to one person, but used by another, and mood-altering chemicals that can be abused and impair work performance, including glues, solvents and other chemicals.

Prescription Drugs: Drugs legally prescribed to the employee in the original container

Over-the-Counter Drugs (OTC): Refers to non-prescription drugs and remedies commonly sold at retail to treat various medical problems.

3.11 VEHICLE USE

The City of Oak Harbor provides vehicles for appropriate City business use, and also reimburses employees for business use of their personal vehicles, according to the following standards. (The term "vehicle" as used in these standards includes, but is not limited to cars, trucks, backhoes, front-end-loaders, graders, and any motorized watercraft.)

Standards Applicable for Use of City Vehicles or Use of Personal Vehicle for City Business: The following standards shall apply to driving on City business, regardless of whether you are using a City vehicle or your personal vehicle.

Operators of City-owned vehicles or recipients of any form of vehicle or mileage reimbursement or allowance shall possess a valid Washington driver's license. Only licensed drivers, 18 years of age or

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older, under the employ of the City are authorized to operate vehicles. Operators of vehicles or equipment requiring a special class license (e.g., a Commercial Driver's License) shall possess the appropriate license prior to operating such vehicles or equipment on a public roadway.

Employees who are required to maintain a Commercial Driver's License for their job will be subject to the City's Commercial Driver's License Standards Policy, included in the Appendix to this Manual.

Employees may not drive any vehicle for City business without prior approval of their supervisor. Employees approved to drive on City business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.

Employees who drive a vehicle on City business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, avoid distractions while driving and maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving on City business, and must report the same to their supervisors. The City will pay the cost of the required update physical, test and CDL license.

Under no circumstances should an employee operate a City vehicle or a personal vehicle on City business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness or medication.

Employees shall not operate any City vehicle at any time or operate any personal vehicle while on City business while using, consuming, under the influence and/or in the possession of alcohol beverages or illegal drugs. Further, employees may not operate any City vehicle or personal vehicle on City business when using prescription medications or over-the-counter medications that may affect their ability to drive. The City of Oak Harbor has a zero-tolerance policy prohibiting operators of vehicles from drinking alcohol, consuming illegal drugs, and taking prescription or over-the-counter medications, which may affect their ability to drive or operate equipment. Violation of this section shall result in disciplinary action, up to and including termination.

Use of Personal Vehicle for City Business: In addition to the generally-applicable requirements set forth above, the following shall apply when an employee uses his or her personal vehicle for City Business:

The use of a private vehicle to conduct official City business shall be reimbursed at a rate consistent with the established Internal Revenue Service reimbursement mileage rate where such use has been pre-approved by the City. Use of a personal vehicle to conduct City business within the City limits will not be reimbursed. Employees requesting such mileage reimbursement shall submit mileage reimbursement forms in the form and manner prescribed by the Finance Department. Commute miles (round trip distance between employee's residence and regular place of work) are generally not reimbursable.

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Use of City Vehicles: In addition to the above generally-applicable standards and any standard operating procedures or rules established by your Department, the following requirements apply to employee use of City vehicles:

Employees operating City vehicles must promptly report any theft or damage involving a City vehicle to their immediate supervisor, Department Director or the City Administrator regardless of the extent of damage.

City vehicles shall be used for City business purposes only, provided that incidental personal use is permitted for those employees attending City business functions such as conferences, trainings or meetings. Employees who use a City vehicle as part of their regular work may not use their City vehicle for any personal use.

Non-employees are prohibited from operating City vehicles. Non-employees may be passengers in City vehicles only when their presence is necessary in connection with City business. Non-employees must sign a City waiver before travelling in a City vehicle. Passengers who are not City employees must sign a waiver before riding in a City vehicle.

Operators and passengers of City vehicles and equipment shall wear seat belts.

Before driving a City vehicle, the employee should walk around the vehicle to assess general appearance and condition. A City vehicle must not be driven if there is any malfunction that will affect the safety of the vehicle and its occupants. All unsafe conditions (involving lights, brakes, tires, etc.) shall be immediately reported to the designated fleet managers and repaired before the vehicle is driven.

Operators of City vehicles shall keep the interior of vehicles clean. Vehicle operators shall properly remove ignition keys, secure and lock the vehicle any time during which the vehicle is parked and unattended.

City vehicles must not be left running while unattended.

The use of alcohol and lighted tobacco products is prohibited in all City vehicles and equipment.

Taking City Vehicles Home: City vehicles may be assigned on a take-home basis in accordance with the following:

1. Employees who, on a continuous basis, have primary supervisory responsibilities (first call-out) in case of an emergency and whose immediate response is required to save life or property.
2. Employees who are stand-by in case of emergency and who require special tools and equipment carried in their assigned vehicles in order to perform emergency duties.
3. Employees who have an early departure or late return from assigned classes or conferences.

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4. Assigned vehicles shall be used only for the conduct of City business.
5. Employees shall not perform any maintenance, including washing or waxing, on City vehicles on off-duty time.

Vehicle Accident Reporting: If an employee is involved in an accident while on City business, the City employee who operated the City vehicle, equipment, or a personal vehicle involved in the accident shall do the following:

1. Notify his or her supervisor immediately.
2. Notify local law enforcement authorities.
3. Remain at the scene of the accident until released by his/her supervisor and/or appropriate law enforcement authority.
4. Obtain names and addresses of the other party or parties involved in the accident and any witnesses.
5. Under no circumstances, give statements or talk with anyone except law enforcement officers and management personnel about the accident at the scene or after leaving the scene, without first obtaining approval from the Department Director.
6. Except otherwise required under this policy, shall not sign or place his/her signature upon any papers or documents related to the accident, except for official police reports and ticket citations, without prior approval from the Department Director.
7. Take photos (if possible).
8. In the event that there is a reasonable suspicion that the employee is under the influence of a controlled substance and/or alcohol, the employee shall submit to a drug and alcohol testing in accordance with the City's Substance Abuse Policy.
9. If the employee is required to have a CDL and is subject to the City's Commercial Driver's License Standards Policy, the employee shall submit to post accident and/or other drug and alcohol testing as required under said policy.
10. Complete and submit the Employee Accident/Injury Report and Vehicle Accident Form no later than 48 hours after the accident or upon return to work after the accident. A vehicle accident reporting kit (including accident forms and proof of insurance) is in each City vehicle.

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Accident Investigation: In the event that a City employee is involved in an accident while driving a City vehicle, the City will conduct a thorough investigation. Depending on the facts surrounding the accident, the employee may be subject to disciplinary action up to and including termination.

3.12 PERSONAL APPEARANCE

It is the City's intent that work attire should complement an environment that reflects an efficient, orderly and professionally operated organization. Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is performed.

In general office environments the City has adopted a business casual dress code but emphasizes that some positions may call for dressier attire at times. If the employee is conducting or attending meetings, seminars, roundtables, etc. where they come in contact with other business professionals, the employee is expected to represent the City in a professional manner and dress appropriately for conducting such business.

All non-uniformed personnel in City departments are permitted to wear casual clothing on Friday of each week. Casual clothing should be free of rips, tears, and stains and may include dress jeans, walking shorts, polo shirts and special community event shirts.

3.13 MEMBERSHIP IN COMMUNITY CLUBS AND CIVIC ORGANIZATIONS

The Mayor may identify certain community organizations in which the City desires representation and then designate the employee it will sponsor for membership. Employees who are designated for membership act as City of Oak Harbor representatives in the organization and are expected to promote its interests.

The Mayor will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership.

- The nature and purpose of the club or organization.
- The potential benefit to the City of Oak Harbor, including enhancement of the employee's leadership and organizational skills.
- The cost to the City of Oak Harbor.
- The extent to which the City of Oak Harbor is already represented in the club or organization.
- The employees job responsibilities, length of service and overall qualifications for membership

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Employees who are classified as exempt under the Fair Labor Standards Act will be first considered for membership in order to avoid overtime costs to the City.

Employees who are not designated and sponsored for membership in community organizations and choose to participate in such an organization are responsible for their own expenses and time spent at organization events will not be considered hours worked for pay purposes.

3.14 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS

The City of Oak Harbor encourages employees to participate in trade and professional associations that promote City goals, individual skill development and professional recognition. However, employee participation in those associations must not conflict with the City's interests and must fit within budgetary constraints.

The City may identify certain trade and professional associations in which representation is desirable and then designate the employees it will sponsor for membership. Employees who are designated for membership act as City of Oak Harbor representatives in the association and are expected to promote its interests and to participate accordingly.

Department Directors are responsible for coordinating representation in trade and professional associations. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:

- The nature and purpose of the association.
- The potential benefit to the City of Oak Harbor, including enhancement of the City of Oak Harbor's reputation.
- Development of the employee's leadership and organizational trade and professional skills.
- Cost to the City of Oak Harbor.
- Extent to which the City of Oak Harbor is already represented in the association.
- Employee's job responsibilities, length of service and overall qualifications for membership.

The City of Oak Harbor will pay or reimburse the approved and reasonable expenses of the employee sponsored for membership in such associations. An employee not sponsored for association membership may be eligible for reimbursement of expense with prior written approval of the Department Director.

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Employees must request the Department Director's approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.

Employees are encouraged to contribute articles, present papers and speeches to trade and professional associations. Employees must obtain prior approval from the Law Department for any communication that might represent the position of the City of Oak Harbor or involve information that is confidential.

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Hours of work and compensation

4.01 ATTENDANCE AND PUNCTUALITY

Regular attendance and punctuality are important parts of your responsibilities as a City employee. You are to work the hours scheduled by your supervisor. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

Employees unable to report to work on time should notify their supervisor as soon as possible ordinarily before the workday begins or within thirty (30) minutes of the employee's usual starting time. Non-exempt employees who are delayed in reporting for work more than thirty (30) minutes and who have not notified the Department Director of their expected tardiness may lose the right to work the balance of the work day.

Employees must report to the Department Director after being late or absent and provide an explanation of the circumstances surrounding the tardiness or absence and, when applicable, certify they are fit to return to work.

Employees who are frequently away from the premises for business reasons should inform their Department Director of their whereabouts during working hours.

An absence is considered to be unauthorized if the employee has not followed proper notification procedures, or the absence has not been pre-approved.

4.02 JOB ABANDONMENT

Employees who are absent from work for three (3) consecutive days without providing proper notice to the City of Oak Harbor will be considered to have abandoned their job. At that time, the City of Oak Harbor will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

4.03 HOURS OF WORK AND SCHEDULING

For purposes of the Fair Labor Standards Act and the Washington Minimum Wage Act, the City of Oak Harbor recognizes a forty (40) hour work week, Monday through Sunday, for all regular employees, except Police and Fire Department employees.

The normal workday generally consists of eight (8) hours. Individual departments may establish work hours that meet the need of their particular duties. Different work schedules, such as in the case of

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Police, Fire and Public Works employees, may be established by the City to provide necessary City services.

An employee's scheduled work hours will be determined by his/her Department Director or designee. The Department Director or designated supervisor will inform employees of their daily work schedule, including meal periods/rest breaks and any changes that are considered desirable by the City.

Employees may request an alternative work schedule on a temporary or ongoing basis, provided such an alternative work schedule shall not result in overtime liability to the City. The supervisor and Department Director will determine if the requested schedule will adversely impact operational needs or otherwise be inconsistent with the City's interest. Alternative work schedules must be approved in writing by the Department Director. Approval may be withdrawn in the event it is determined that the arrangement is not in the City's best interest.

Managers and supervisors also have discretion to require alternative work schedules where necessary to meet operational needs.

4.04 OVERTIME

In accordance with state and federal law, the City pays employees who have a non-exempt status (that is, who are eligible for overtime pay) overtime for all hours worked in excess of 40 hours during the workweek. Paid time off excluding holiday pay, for the purposes of this policy, is not included as hours worked for overtime pay calculations. Non-exempt status is determined by legal standards based on the tasks and responsibilities associated with a job. Each employee will be informed of their status at the time of hire. Questions about exempt or non-exempt status should be referred to Human Resources.

Department Directors may schedule overtime or extra shifts, as needed. Employees are not permitted to work overtime without prior approval of their Department Director. In extraordinary circumstances justified by unforeseen conditions, an employee may work overtime without prior approval, so long as the Department Director or designee approves the overtime in writing no later than end of business the next business day.

Overtime for exempt employees is regarded as part of the job requirements and will not result in additional compensation.

Call-Back Pay: Non-exempt hourly employees normally will be granted a minimum of two (2) hours "call-back pay" for call-back work, i.e., irregular or occasional overtime work performed by an employee on a day when no work is scheduled, or at a time that requires the employee to return to work from an off-duty status.

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Compensatory Time Off: In lieu of overtime pay, full-time non-exempt employees may request to receive compensatory time off (comp time) in lieu of overtime, at the same rate that the overtime hours are due (usually 1.5 times hours worked). Request for compensatory time must be approved by the Department Director. The maximum amount of compensatory time that an employee may accrue is 160 hours. Once an employee has reached that accrual level, overtime compensation will be paid for any overtime hours worked.

Election of comp time in lieu of overtime is with the following understanding:

- Comp time generally cannot be carried over and must be used in the calendar year in which it was earned.
- Comp time still on the books at the end of the calendar year will be paid as overtime instead.
- Employees may request to carryover comp time if the employee has a scheduled and approved leave for which the employee has no other accrued leave (sick or vacation) to cover the absence in the following year.
- Comp time must be used before vacation leave and leave without pay (or converted to overtime).

4.05 MEAL AND BREAK PERIODS

Full-time employees are allowed an unpaid meal period which must be taken between two (2) and five (5) hours after the start of the work shift. Meal periods shall be sixty (60) minutes, unless otherwise approved by the Department Director. Part-time employees scheduled to work more than five (5) consecutive hours during any workday will receive a meal period of the same duration as full-time employees in their department.

Employees required to work more than ten (10) hours in any workday will be allowed a second meal period no later than six (6) hours after returning from their first meal period.

Non-exempt employees are entitled to a paid fifteen-minute break for every four hours of working time. Department Directors are responsible for scheduling time for non-exempt employee's break periods. Where the nature of the work allows employees to take intermittent rest periods equivalent to fifteen minutes for every four hours, scheduled rest periods are not required.

Time spent on breaks will be compensated as work time. However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness.

Employees are required to take their breaks and are not permitted to use break time to lengthen their meal period or shorten their work day.

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4.06 INTERIM/OUT-OF-CLASS ASSIGNMENTS

The City of Oak Harbor may authorize interim/out-of-class assignments to cover operational needs or absences. Interim/out-of-class assignments provide valuable on-the-job training and continued performance of critical workload.

Interim/out-of-class assignments will be assigned in advance and in writing by the Department Head. If an employee is working an interim/out-of-class assignment that will be in effect for more than fifteen (15) consecutive days, beginning on the sixteenth (16th) consecutive day of the assignment, the employee will receive a wage premium of no less than three percent (3%).

Interim/out-of-class assignments are limited to ninety (90) business days. Extensions require approval by the Mayor or City Administrator.

4.07 TIME RECORDS

Maintaining accurate time records is essential in computing employee pay and overtime, ensuring compliance with applicable laws and regulations, and generating accurate cost and leave information. Each employee is responsible for completing and submitting his or her own time sheet in a timely manner. The City provides standard timesheets for exempt and non-exempt employees.

Employees shall turn in vacation approvals and scheduled sick leave approvals along with the timesheet for the pay period in which the vacation or scheduled sick leave was taken.

4.08 PAY PROCEDURES

Employees are paid twice monthly, on ~~the first (1st) last day and~~ the fifteenth (15th) and the last day of each month. ~~In the event a payday falls on a Saturday, employees will be paid on the preceding Friday; if the payday is on a Sunday, employees will be paid on the following Monday. If a payday falls on a holiday, employees will typically be paid the workday preceding the holiday, unless the holiday falls on Monday, in which case paychecks will be provided the following Tuesday. If a regularly scheduled payday falls on a Saturday or Sunday, paychecks will be distributed on Friday. If a payday falls on a holiday, paychecks will be distributed on the regularly scheduled working day prior to the holiday.~~

The City will withhold from the employee's paycheck those deductions required by law, as well as any voluntary deductions authorized by the employee and approved by the City Administrator. The City will resolve payroll errors promptly.

Employees who discover a mistake on their paycheck, lose their paycheck or have it stolen shall notify the Finance Department immediately.

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Employees who repeatedly lose or destroy their paychecks, or fail to cash them, may be required to authorize payment by direct deposit.

All non-exempt employees are required to complete an individual time record showing the daily hours worked. The following points should be considered when filling out time records:

1. Non-exempt employees shall record their total hours worked for each workday.
2. Non-exempt employees are not permitted to sign in or begin work before their normal starting time, or to sign out or stop work after the normal quitting time, without prior approval of their Department Director.
3. Non-exempt employees are required to take scheduled meal periods and scheduled or intermittent breaks.
4. Employee time records shall be checked and signed by the Department Director involved.
5. Unapproved absences shall not be considered hours worked for pay purposes.
6. Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions.

4.09 SALARY ADMINISTRATION

The City of Oak Harbor's Position Classification Plan is designed to pay salaries that are internally equitable. It is also the policy of the City to pay salaries that reflect the market for each classification and be commensurate with the compensation paid at comparable municipal governments in Washington State, within budget limitations and with full consideration of the public's interest. However, all compensation policy decisions must take into consideration the City of Oak Harbor's overall financial condition and competitive position.

The Position Classification Plan will be reviewed by Human Resources every two years and submitted to city council for consideration as part of the biennial budget cycle.

Reclassification: Classification reviews of specific positions will be performed by Human Resources when requested by the Department Director. It is the Department Director's responsibility to ensure that each of his/her employees is properly classified and receiving proper salary. When an employee is performing work outside of his/her classification at least sixty percent (60%) of the time, the employee's Department Head should initiate appropriate action, including possible reclassification. If an employee

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believes they are working outside of their classification at least sixty percent (60%) of the time, they should contact their Department Director.

4.10 REIMBURSEMENT OF BUSINESS EXPENSES

Travel Expenses: From time to time, City employees may be required to travel away from the City in connection with City business or training opportunities. Department Directors must approve overnight travel in advance. Travel may be by common carrier, City vehicles, or personal vehicles, as approved by the Department Director. Pooling of travel in passenger cars should be used whenever possible.

City employees will be reimbursed for reasonable and customary expenses incurred in connection with the business of the City, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages.

Mileage reimbursement will be in accordance with the then-current reimbursement rate established by the IRS.

Expenses for lodging, meals, parking and other travel-related expenses must generally be supported with legible original detailed receipts, and must be signed by the employee and Department Director.

Employees who will be travelling overnight ~~must~~ are required to submit Travel Advance form to the Finance Department. Travel advances will be paid using current per diem rates.

For detailed information on travel restrictions and reimbursements employees should refer to the "Travel Policy" which is kept by the Finance Department.

Other Work-Related Expenses: The City will reimburse employees for reasonable work-related expenses, such as long-distance or cellular phone calls for City business. Expenses should generally be approved by your supervisor, and must be supported by actual documentation. Employees should submit expense reimbursements to the Finance Department.

4.11 ADVERSE WEATHER, EMERGENCIES, AND NATURAL DISASTERS

In the event of inclement weather, an emergency or natural disaster, the City must continue to provide essential public services. Therefore, employees must make every reasonable effort to report to work if they can do so without endangering their personal safety or the safety of employee family members. An employee who is unable to get to work or leaves work early because of unusual weather or other conditions may charge the time missed to vacation, sick leave, compensatory time or use their floating holiday. If an employee has no leave available, he/she will be placed on leave without pay status for the time missed.

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During periods of inclement weather, emergency or a natural disaster, employees may be assigned emergency services work schedules other than their normal work assignments, and/or may be assigned to perform duties other than their regular duties.

If, due to inclement weather, emergency or natural disaster, the City determines either to send employees home before the conclusion of their workday or not to have employees come to work, the employees will be paid their normal rate of pay for their regularly scheduled hours for that day.

Non-exempt employees who are required to perform essential services when the City is otherwise closed will receive overtime at the rate of time and one half hours worked. Employees may request compensatory time in lieu of overtime. Department Directors will identify essential non-exempt employees.

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benefits and insurance

5.01 HEALTH AND WELFARE BENEFITS

The City of Oak Harbor provides a comprehensive benefits package to employees, subject to eligibility requirements. Benefits generally include insurance coverage for medical, dental and vision, as well as an employee assistance program (EAP), life and disability insurance and a flexible spending account under which employees can take pre-tax deductions for health care and dependent care expenses. The benefit programs and eligibility information will be explained upon hire, complete information about the benefit programs can be found in the Summary Plan Descriptions provided to employees. If you lose or misplace those Summary Plan Descriptions or have questions regarding benefit programs, please see Human Resources. Represented employees should also refer to their union contract for health insurance and other information.

Benefit programs, coverages and cost-sharing are subject to change from time to time based on insurance market conditions, City resources and changes in applicable labor laws.

Coverage for Spouses, Domestic Partners and Dependents: Employees are entitled to obtain insurance coverage under the City's health insurance programs for their spouse or domestic partner, as well as any dependents, subject to any cost-sharing and eligibility requirements.

Employees who want to obtain coverage for a spouse or domestic partner will need to complete an affidavit of marriage or domestic partnership. Employees should contact the Accounting Technician – payroll for appropriate forms.

Benefits Eligibility for Regular Part-time Employees: Employees who work twenty (20) hours per week are eligible for employee health care coverage, but must pay for spouse, domestic partner and dependent health care coverage. Employees who work thirty-two (32) hours or more but less than forty (40) hours per week on a regular basis are eligible for partial payment of spouse, domestic partner and dependent health care coverage.

Employee Assistance Program: Employees will be provided with an EAP brochure that provides information on services offered and contact information. All employees are encouraged to use this program as well as local community resources. The EAP Assessment Counselor can aid the employee in determining what benefits are covered by insurance, or available based on a "sliding fee" basis. If an employee requires in-patient treatment for a substance abuse or other problem, the EAP Assessment Counselor will work with the employee and the City to arrange for benefit coverage, use of leave, treatment and possible return to work.

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Voluntary use of the EAP by any employee prior to the initiation of performance counseling or disciplinary action, or who is referred to the program by a Department Head, will not be reflected in the employee's personnel file, nor will the use in any way affect promotions or assignments, provided the employee has demonstrated compliance with any treatment and return to work plans.

No employee who is ordered for assessment and requires in-patient treatment of any kind will be allowed to return to work without first signing and abiding by the conditions of a "Reinstatement Agreement". The City of Oak Harbor requires written documentation of successful attendance and completion of any approved follow-up program. All documentation of this nature will be treated as confidential.

5.02 COBRA

In compliance with COBRA (the federal Consolidated Omnibus Budget Reconciliation Act), the City offers continuing group health care coverage on a self-pay basis to employees and/or dependents when a "qualifying event" would normally result in a loss of eligibility. Some common qualifying events are termination (for reasons other than gross misconduct), a reduction in hours affecting coverage, divorce or legal separation, retirement or death. Depending on the qualifying event, continuation coverage may be available for 18 months or 36 months, or until the affected party becomes eligible for other employer-provided health insurance coverage, whichever occurs first. Generally, the full policy premium must be paid by the employee or beneficiary in order to ensure COBRA continuation coverage.

Employees will be provided with information describing COBRA rights, including eligibility for any subsidy, upon termination or when the City learns that a qualifying event has occurred. If you desire further information regarding COBRA, or if you anticipate a change in your job or family status that may affect benefits eligibility qualify as a COBRA "event" please contact Human Resources.

5.03 RETIREMENT BENEFITS

All City employees in eligible positions are required to participate in the State of Washington's retirement systems (PERS or LEOFF). Eligibility will be reviewed at time of hire, and will be reviewed periodically as required. Participating employees shall pay any required contributions through payroll deduction. The City shall also make appropriate contributions as required by state law. You can find further details or possible changes to state retirement systems by accessing the Washington Department of Retirement Systems website at www.drs.wa.gov.

In addition to the state retirement systems, the City offers a choice of two deferred compensation 457 plans, under which employees may make tax-deferred contributions toward retirement. Employees should contact the Accounting Technician – Payroll for details.

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5.04 OTHER MISCELLANEOUS BENEFITS

To enhance your employment experience with the City, the City will consistently strive to make available a range of benefits and incentive programs for employees, such as additional life insurance, supplemental insurance (e.g., short-term disability), continuing education and wellness programs. Information regarding programs currently being offered by the City can be found in the Appendix of this Manual. Information regarding the terms and availability of these programs will be updated from time to time. Please see Human Resources if you are not sure whether you have the most current information regarding available programs.

5.05 WORKERS' COMPENSATION INSURANCE

All eligible employees are covered by the state workers' compensation (Industrial Insurance) program. For qualifying cases, state Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illness.

All job-related accidents or illness should be reported immediately to the supervisor. The Supervisor shall be responsible for directing the employee to get medical treatment, if necessary, and shall report the injury/illness to Human Resources. When an employee is absent for one (1) or more days due to an on-the-job accident or injury he/she is required to file a claim for Workers' Compensation.

Unless otherwise required by law or contract, the process for workers' compensation time loss payment/reimbursement will be as follows: if the job-related injury or illness requires the employee to be absent from work, the time the employee is unable to work will be charged to sick leave. At the option of the employee, when and if his/her sick leave is exhausted, compensatory or accrued vacation leave may be used pending receipt of workers' compensation benefits.

Coordination of Benefits: When an employee receives workers' compensation benefits, the employee is required to repay to the City the amount covered by workers' compensation and previously advance by the City (via sick leave or other accrued leave). This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability as long as accrued sick or other leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon repayment of funds advanced, the appropriate amount of leave used by the employee will be restored to the employee's account. Any failure by the employee to notify the City of an overpayment of benefits resulting from payment of both City provided leave and Workers' Compensation benefits, or failure to arrange for prompt repayment of City provided leave to the City, once Workers' Compensation benefits for that same period have been paid, will be grounds for discipline up to an including termination.

Continuation of Insurance Coverage: An employee on leave and receiving Worker's Compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The City will

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determine the six (6) month beginning date. The City will also continue to pay the employer's portion of the employee's health insurance premiums, provided the employee continues to pay his/her share of premiums, if any. After six (6) months, the employee's health benefits shall cease unless the City Administrator approves an extension. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Worker's Compensation benefits.

Return to Work: In the event of an injury, the City will coordinate with the attending medical care provider to return the injured employee to work as soon as is medically possible. To the extent required by law, the City will provide reasonable accommodation, including temporary reassignment to light duty tasks (if available), in consultation with the employee's medical care provider while the injured employee is recovering.

The City may require an employee to submit to a City-paid medical examination performed by a physician selected by the City, to determine if an employee can return to work and whether the employee is or will be capable of performing the essential duties of the position.

5.06 FAMILY AND MEDICAL LEAVE

Recognizing the importance of family and out of concern for the well being of its employees, the City of Oak Harbor family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This policy shall be administered in accordance with the federal Family and Medical Leave Act (FMLA) and the State Family Leave Act. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy.

Eligibility: This family and medical leave policy shall apply to regular employees who have been employed by the City at least 12 months and have worked at least 1,250 hours in the preceding 12 months.

Leave Entitlement: An eligible employee may request up to twelve (12) weeks of FMLA leave per "leave year." The city defines the leave year as the rolling twelve-month period measured forward from the date an employee first uses FMLA leave. FMLA leave may be used for the following reasons:

- To care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care; or
- To care for a spouse, child or parent who has a serious health condition; or
- To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal care or childbirth); or

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- For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration debriefings.

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the City are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child or spouse with a serious health condition, or for either employee’s own serious health condition.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured servicemember who is the employee’s spouse, parent, child or next of kin. A covered servicemember is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

Serious Health Condition: A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential care facility;
- A period of incapacity of more than three (3) full, consecutive calendar days from work, school, or other regular daily activity that also involves continuing treatment by (or under the supervision of) a health care provider;
- A period of incapacity due to pregnancy or for prenatal care;
- A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple

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treatments for restorative surgery after an accident or injury for a condition that would likely result in an incapacity of more than three (3) full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

Intermittent or Reduced Work Schedule Leave: In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

Notice and Certification: Employees who want to take FMLA ordinarily must provide the City with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practicable (which is generally the same day or next business day after the need for leave becomes known). Absent unusual circumstances, employees are required to follow the City's regular procedural requirements when requesting FMLA leave. When requesting leave, employees must provide sufficient information for the City to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

When leave is requested in connection with a planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City's operations.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition. The City may require a second or third opinion (at the City's expense), periodic recertifications of the serious health condition and, when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

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The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper medical certification.

Please contact Human Resources to obtain forms relating to FMLA leave requests.

Continuation of Pay and Benefits: FMLA leave is unpaid leave. However, employees are required to use any accrued sick leave available to them as part of their 12 weeks of FMLA leave. Use of vacation leave during an unpaid FMLA leave is at the employee's option. Determination of applicability of accrued leave time or leave without pay to be used during an FMLA leave of absence will be made by Human Resources and communicated to the employee as soon as possible following receipt of the leave request.

During all leave under this family and medical leave policy, the City will continue to pay the employer's portion of health care insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City for the employer portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave. If an unpaid leave extends more than half (1/2) a month, vacation, holiday and sick leave will not be accrued.

Job Restoration Upon Return From Leave: Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

Leave for Pregnancy Disability and to Care for a Newborn: In addition to leave under the federal FMLA described above, state law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled to Pregnancy Disability leave for a period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverages at her expense.

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlements to 12 weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with

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FMLA leave. However, the FLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee time to care for her newborn once she has recovered from Pregnancy Disability. For example, an FMLA and FLA-eligible employee works up to her delivery date, and needs six weeks of Pregnancy Disability leave to recover from childbirth. This six-week period is also covered by FMLA leave. At that point, where the employee is no longer disabled from childbirth, the employee also has up to 12 weeks of FLA leave available to care for the newborn. The remaining six weeks of FMLA leave would run concurrently with the FLA leave. Thus, the total leave entitlement in this case would be 18 weeks: six weeks of Pregnancy Disability leave (running concurrently with the first six weeks of FMLA leave) followed by 12 weeks of FLA leave (running concurrently with the remaining six weeks of FMLA leave).

For more information on any of these leave policies, or if you think you may need to take a Family Medical Leave, please contact Human Resources.

5.07 OTHER UNPAID LEAVE

Subject to operational and other considerations, the Mayor or the City Administrator may grant a leave of absence without pay. Generally, any available accrued leave must be exhausted before unpaid leave will be approved. Only in exceptional circumstances will unpaid leave be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation or a personal family emergency requiring the employee to spend considerable time away from work.

5.08 ADMINISTRATIVE LEAVE

On a case-by-case basis, the Mayor or City Administrator may place an employee on Administrative Leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interest of the City of Oak Harbor, as determined by the Mayor or City Administrator, pending an investigation or other administrative proceedings.

While on paid Administrative Leave all employer contributions to employee benefits will continue and the employee's share shall be provided to maintain benefits in place prior to the employee being placed on Administrative Leave.

Administrative Leave in itself is not a disciplinary action but in some circumstances may be used by the City to investigate a complaint that may lead to disciplinary action.

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5.09 BENEFITS DURING LEAVE

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement and health insurance benefits. Unless stated otherwise in these policies, an employee's benefits (including health insurance and leave accruals) will be suspended during any period of unpaid leave that extends longer than half (1/2) a month. In certain cases, self-payment of insurance premiums may apply (see COBRA information).

5.10 JURY DUTY

Employees who are required by law to render jury service will be granted time off with pay for up to two (2) weeks each time they are called for jury service. In general, if the jury duty extends beyond two (2) weeks, the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two (2) weeks should contact the City Administrator to discuss if further paid leave will be provided.

Employees should notify their supervisor as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided upon request. If an employee is summoned for jury service during a critical work period, the City may ask the employee to request a waiver from duty; in such cases, the City will provide documentation supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four (4) hours during jury duty where the employee is not required to report to the court.

Payment received from the courts for service during paid jury duty leave must be paid to the City if the employee received paid time off for the jury duty from the City. Expense reimbursements such as mileage do not need to be paid to the City.

Witness Duty: Employees subpoenaed to testify in court are allowed time off for the period they serve as a witness. In general, witness duty is unpaid unless the City, in a case involving the City, calls the employee as a witness. Employees can use vacation, floating holiday, compensatory time or leave without pay to account for these hours. The salary of exempt employees will continue only for absences of less than a full-day, unless the employee is called as a witness for the City, as noted above.

5.11 MILITARY LEAVE

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military leave will have

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whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

Paid Leave of 21 Days Per Year: Under Washington Law, a public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1st and ending the following September 30th. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military training. Military leave beyond the 21 days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of their need to report for military duty, and provided their supervisor with a copy of their orders.

5.12 VACATION

Full-time regular employees will accrue paid vacation time on a monthly basis. The rate of vacation accrual, which may be adjusted from time to time, is set by the biennial salary ordinance. The present rate is set forth below.

Years of Employment	Vacation Hours Earned	Maximum Accrual of Hours Earned
0 - 5 years	96 hours/year	192 hours
6 - 10 years	120 hours/year	240 hours
11 - 15 years	159.96 hours/year	319.92 hours
16 - 20 years	180 hours/year	360 hours
21 +	199.92 hours/year	399.84 hours

Part-time employees who work twenty (20) hours or more per week are eligible to accrue paid vacation on a pro rata basis on their percentage of full-time employment. For example, a part-time employee who regularly works 75 percent of a full-time schedule will accrue vacation hours equal to 75 percent of what a full-time employee would earn. Full-time employees who are on a temporary schedule change to Part-time for more than one half (1/2) month will have their vacation accruals adjusted to their part-time percentage. Should a full-time employee be on a temporary schedule change to part-time at less than twenty (20) hours per week for more than one half (1/2) a month, the employee will not be eligible to accrue vacation leave. Part-time employees working less than twenty (20) hours per week and temporary employees do not receive paid vacation.

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Employees may accrue no more than the maximum accrual, according to their years of employment, as set forth in the applicable salary ordinance. Employees whose vacation balance exceeds the maximum accrual will cease earning vacation benefits until the vacation balance falls below the maximum accrual. In extraordinary circumstances, the Mayor may grant approval for an employee to carry over the excess accrual. Request for carryover must be pre-approved in writing.

All vacation leave shall be taken at a time mutually agreeable to the employee and his or her supervisor. The City reserves the right to deny requested vacation leave when such leave would interfere with the operations of the City or create an adverse impact on the completion of work.

Employees should submit vacation requests to their Department Head or designee(s) at least two (2) weeks in advance of the requested start date of the leave.

The city will not "advance" employees paid leave before it has been accrued. Accrued but unused vacation will be paid out to an employee upon separation from employment with the City.

5.13 SICK LEAVE

Full-time regular employees and part-time employees who are regularly scheduled to work twenty (20) hours or more per week will accrue paid sick leave on a monthly basis. For full-time employees' sick leave will be earned at the rate of eight hours per month. Part-time employees who work twenty (20) hours or more per week will accrue sick leave on a pro-rata basis based on their percentage of full-time employment. For example, a part-time employee who regularly works 75 percent of a full-time schedule will accrue 6 sick leave hours per month (75 percent of the full-time entitlement of 8 hours). Full-time employees who are on a temporary schedule change to Part-time for more than one half (1/2) month will have their sick leave accrual adjusted to their part-time percentage. Should a full-time employee be on a temporary schedule change to part-time at less than twenty (20) hours per week for more than one half (1/2) a month, the employee will not be eligible to accrue sick leave.

The maximum sick leave that may be accrued for employees employed after October 20, 1998 is 1,440 hours. Part-time employee's maximum accrual will be prorated in accordance with the employee's full-time equivalent. If an employee's FTE is reduced, his/her sick leave accrual will be frozen until the usage reduces the balance to the adjusted number of hours.

Employees hired after October 20, 1998 are not compensated for earned but unused sick leave when their employment with the City is terminated. Employees hired before October 20, 1998 are eligible for a sick leave buy-out, subject to the maximum set for the in the following guidelines.

Years of Service	Sick Leave Buy-Out
After 5	10% of accumulated leave

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After 10	25% of accumulated leave
After 15	35% of accumulated leave
After 20	45% of accumulated leave
After 25	50% of accumulated leave
After 30	60% of accumulated leave

Sick leave may be used for the following purposes:

- Personal illness or incapacity of the employee;
- Forced quarantine of the employee by a public health official;
- ~~Serious~~ injury or illness of a member of the employee's household;
- To attend the birth of the employee's child;
- Maternity leave;
- Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably b scheduled during off-duty time
- For any purpose described in the Family Care policy as set forth below.

The City shall be entitled to request medical or other documentation to verify the appropriate use of sick leave. A doctor's note will typically be required when an employee is absent for three (3) or more consecutive days, or in other situations as deemed appropriate by the City (i.e., pattern absences on Fridays and/or Mondays). Notwithstanding a sick leave balance, the City may terminate an employee who is habitually absent due to illness or disability if their condition cannot be reasonably accommodated in light of job duties and operational considerations. Reasonable accommodation may include consideration by the City of retraining or reassignment.

5.14 USE OF ACCRUED LEAVE TO CARE FOR SICK FAMILY MEMBER

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave (whether vacation, sick leave, comp time, or floating holidays) that they have available for their own use in order to care for their child, spouse, parent, parent-in-law, domestic partner, or grandparent. This policy reflects requirements for all employees under state law, and therefore represented and non-represented employees alike.

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An employee may use available paid time off to care for his/her child where the child has a serious health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical or immunization services).

An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition", which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility;
- Resulting in a period of incapacity or treatment or recovery following outpatient care;
- Involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e., demanding immediate action).

Where the need for family care leave is unexpected, the City understands that advance approval of the use of leave (as required for certain kinds of leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to require verification or documentation confirming that a family member has or has had a "serious or emergency" health condition when available leave is used to care for that family member.

5.15 HOLIDAYS

The City of Oak Harbor provides paid time off for 11 holidays per year for regular full-time employees and part-time employees regularly scheduled to work twenty (20) hours or more per week. The holidays observed by the City are:

New Year's Day	January 1st
Martin Luther King, Jr.'s Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Day	December 25th

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1 Floating Holiday

See below

Eligibility and Pay: In order to be eligible for a holiday, an employee must be in a paid status on the regular workdays immediately preceding and immediately following the scheduled holiday. A new employee will be eligible for a floating holiday on their first day of employment. Full-time regular employees will receive eight (8) hours of pay for the holiday (unless an alternative approach is established in a written agreement regarding an alternative work schedule). Part-time regular employees who are regularly scheduled to work twenty (20) hours or more per week will receive holiday pay on a pro-rated basis.

Floating Holidays: A floating holiday will be chosen by mutual agreement of an employee and his/her supervisor. A floating holiday must be taken in the same calendar year it is earned. At the end of the year unused floating holiday hours are forfeited, with the exception of an employee who requested a floating holiday and the request was denied. Unused floating holidays cannot be cashed out at termination.

The City of Oak Harbor recognizes some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City's regular holiday schedule. Employees may use their accrued leave, excluding sick, or leave without pay for such occasions.

5.16 COMPASSIONATE LEAVE

All regular full-time employees and part-time employees regularly scheduled to work twenty (20) hours or more per week will be granted limited paid leave in the event of a death in the employee's immediate family.

"Immediate Family" for purposes of compassionate leave includes the employee's parents, spouse, certified domestic partner, child, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild or other relative who lives in the employee's home.

An employee may be granted a paid leave of absence not to exceed five (5) working days, upon approval of the Department Director or Mayor. If necessary for health or travel, an additional five (5) days of leave may be charged to the employee's sick leave, upon approval of the Department Director or Mayor.

Regular part-time employees who are scheduled to work twenty (20) or more hours per week are eligible to receive compassionate leave on a pro rata basis (for example, a part-time employee working twenty (20) hours per week would be eligible for one-half (1/2) the paid time-off a full-time employee receives).

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When requesting compassionate leave, employees should inform their Department Director as to who died and the date of death. Proof of death and/or relationship may be required by Human Resources.

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Acknowledgement of receipt of employee manual

I have received the City of Oak Harbor Employee Policy Manual and understand that it is my responsibility to read these policies and ask questions about anything I do not understand.

I acknowledge that these policies are general guidelines only. They do not promise specific treatment in specific circumstances, they do not create an employment contract either express or implied, and they do not guarantee employment for any length of time with the City. While I understand that the Employee Policy Manual does not amount to a contract, I understand it contains policies that are very important to the City's ability to provide a lawful and respectful work environment. I have reviewed the policies in the Manual – including but not limited to the policies regarding unlawful harassment, workplace violence, safety, substance abuse and electronic communications – and I agree to comply with those policies. I understand that violation of City policies may result in discipline, up to and including discharge, subject to legal and collective bargaining agreement requirements.

I acknowledge that the City must be flexible in responding to the needs of the public or changes in the law, and that the City has therefore reserved the right to revise, supplement, clarify, deviate from or rescind any policy or portion of a policy when deemed appropriate by the City and in accordance with any applicable collective bargaining obligations. I acknowledge that no elected official, supervisor, manager, or representative of the City ~~other than the Mayor or City Administrator~~ has the authority to make any written or verbal statements or representations that are inconsistent with these policies.

I know that if I am covered by a union contract, that contract will control in the event of any conflict with the policies in this Employee Policy Manual and that the union contract is the exclusive source of information regarding my benefits with the City.

Employee Signature

Print Name

Tuesday, May 29, 2012

Date

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APPENDIX A**EEO DISCRIMINATION COMPLAINT PROCEDURE****I Introduction****A. PURPOSE**

The purpose of the EEO Discrimination Complaint Procedure (hereinafter referred to as the "Procedure") is to promote equal employment opportunities for City employees by providing a means for internal resolution of sexual harassment complaints, and/or discrimination complaints which are based on age, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability.

B. ELIGIBILITY TO UTILIZE THE PROCEDURE

The Procedure may be used by all City employees.

C. USE OF OTHER PROCEDURES

An employee may use either the Employee Grievance Procedure, if applicable, or the EEO Discrimination Complaint Procedure; however, an employee shall not be entitled to use both procedures for the same complaint. Use of the Employee Grievance Procedure or the EEO Discrimination Complaint Procedure shall not preclude an employee from filing a complaint with the Equal Employment Opportunity Commission.

D. ADMINISTRATION OF THE PROCEDURE

The Human Resources Manager shall be responsible for administration of the Procedure to assure compliance therewith. Any interpretation of the Procedure shall be reviewed and approved by the City Attorney or his/her designee prior to its issuance.

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E. ASSURANCE OF CONFIDENTIALITY

The identity of the Complainant, and all records developed during the investigation of the complaint, shall be considered confidential and shall not be released unless otherwise required by law.

II Definitions

For purposes of this Procedure, the following terms shall have the definitions set forth below:

A. DISCRIMINATION

The demonstration of bias, whether intended or not, against an employee with respect to the terms and conditions of his or her employment on the basis of the employee's sex, age, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such bias may be demonstrated by the actions of another employee, of a non-employee, or by the application of a City, departmental, divisional or other policy, practice, or procedure to an employee or group of employees.

B. SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
2. Submission to, or rejection of, such conduct by an employee is used as a basis for employment decisions affecting such employee; or
3. Such conduct has the purpose ~~of or~~ effect ~~of or~~ unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive working environment.

C. COMPLAINANT

The City employee who files a complaint of discrimination and/or sexual harassment.

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D. RESPONDENT

The individual named in the discrimination and/or sexual harassment complaint as having taken the action which is the basis for the complaint, or the individual responsible for drafting and/or implementing an allegedly discriminatory policy, practice or procedure.

III Informal Procedure

The Complainant is encouraged to discuss the complaint with the Respondent. Human Resources staff may be present during such discussions if either party requests such presence. If either the Complainant or the Respondent does not agree to discuss the complaint informally, or if the parties are unable to resolve the complaint through informal discussion, the Complainant may proceed to the formal procedure. (See Section IV)

IV Formal Procedure

A. FORMAL COMPLAINT

An employee who has a complaint of discrimination and/or sexual harassment may initiate a formal complaint by submitting a written statement to Human Resources or by signing a written statement prepared by Human Resources based upon information provided by the Complainant. The written statement shall include the following information:

1. A description of the action, policy, practice or procedure upon which the complaint is based;
2. If the complaint is based on an action(s), the date(s) and time(s) thereof;
3. The name of the Respondent;
4. The nature of the alleged discrimination or sexual harassment;
5. A statement regarding whether or not the Complainant has informally discussed the matter with the Respondent or supervisor; and, if so, the results of the discussion(s); and
6. A statement regarding whether or not the Complainant has filed a separate grievance through another City procedure(s) or has filed a charge of discrimination with the EEOC.

B. TIME FRAME FOR FILING A COMPLAINT

When the complaint involves an action, the complaint shall be submitted to Human Resources within thirty (30) calendar days of the date upon which the action described in the complaint occurred.

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When the complaint involves a City policy, practice or procedure, the complaint may be submitted to Human Resources at any time.

C. RESPONSE TO THE COMPLAINT

1. Within ten (10) working days of receipt of the complaint, Human Resources shall conduct an interview with the Complainant.
2. Within ten (10) working days of the Complainant's interview, Human Resources shall notify the Respondent that a complaint has been filed and that an interview has been conducted. Such notification shall include a summary of the complaint.
3. Within ten (10) working days of receipt of notification from Human Resources, the Respondent shall provide Human Resources with a written reply to the complaint.

D. INVESTIGATING A COMPLAINT

When the Respondent's written reply has been received by Human Resources, Human Resources staff shall:

1. Provide an opportunity for the Complainant and Respondent to meet with Human Resources staff to discuss the complaint;
2. Interview all individuals whom the parties have identified as having pertinent information; and
3. Review all relevant documents either provided or identified by the parties and any other documents deemed to be relevant to investigation of the complaint.

E. CONCLUSION OF PROCEDURE

1. Within ten (10) working days of the date on which the investigation is concluded, the Human Resources staff shall prepare a report of the investigation for submission to the City Administrator and the City Attorney for their approval.
2. If it is determined that there is insufficient evidence to believe that discrimination and/or sexual harassment has occurred, the mayor and the City Administrator shall be notified regarding this determination.
3. If it is determined that there is sufficient evidence to believe that discrimination and/or sexual harassment has occurred, a recommendation shall be made regarding an appropriate remedy to the mayor and City Administrator.
4. The mayor and city administrator shall review the recommended remedy and shall uphold, reverse or modify the recommendation.
5. The mayor's decision shall be provided to the Complainant and the Respondent in writing by Human Resources or designees within thirty (30) calendar days of the conclusion of the investigation.

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F. DEPARTMENT NOTIFICATION

Contact with the department head(s) of the Complainant and Respondent shall be maintained for the purpose of providing information regarding the existence of, and status of, complaints filed under this Procedure. In the event that the department head is the Complainant or Respondent, the information shall be provided in accordance with the Procedure.

G. EXTENSION OF TIME LIMITS

The time limits referred to herein may be extended by the Human Resources Manager for good cause.

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APPENDIX B**EMPLOYEE GRIEVANCE PROCEDURE****I. Introduction****A. PURPOSE**

The purpose of the Employee Grievance Procedure is to provide a process for employees to resolve disputes with the application of City polices and to receive careful consideration and a prompt resolution.

B. ELIGIBILITY TO UTILIZE THE PROCEDURE

This policy applies to all City employees. Employees who have not successfully completed their initial probationary period shall not have the right to file grievances under this procedure involving dismissal, demotion, or their performance evaluation.

II. Definitions**A. Grievance**

A complaint by a covered employee regarding disciplinary action taken against that employee or the application of any of the City policies to that employee;

III. POLICY

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly and fairly with those which occur. No adverse action will be taken against an employee who files a grievance in good faith for reason of his/her exercise of the grievance right.

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IV. PROCEDURE

Misunderstandings or conflicts can arise in any organization and should be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation arise that the employee believes is a violation of City policy, the employee should follow the procedure described here for bringing the complaint to management's attention.

A. Formal Grievances

Step 1: The employee shall file a formal written grievance with their Department Head. The grievance must be filed within ten (10) working days of the occurrence leading to the complaint or ten (10) working days after the employee became aware of the circumstances. If the Department Head is the subject of the grievance the employee may proceed to step two.

A: Formal Grievances must be in writing and contain, at a minimum:

1. A description of the dispute;
2. The date of the circumstances leading the complaint, or the date when the employee first became aware of those circumstances;
3. The remedy sought by the employee to resolve the complaint.
4. ~~Signed and dated by the employee~~The signature of the employee and the date signed.

B: The Department Director will investigate and provide a response to the employee within ten (10) working days of receipt of the formal grievance.

Step 2: If the employee is not satisfied with the response from the Department Director, he/she may submit the Formal Grievance to Human Resources, the City Administrator or his/her designee. The grievance must be submitted within ten (10) workings days of the response from the Department Director.

A: The employee will receive a response from the City within ten (10) working days of receipt of the grievance. This response will be the final decision of the City.

If the employee grievance is due to a disciplinary action that resulted in suspension without pay or termination, and the employee is not satisfied with the final decision of the City, the employee may submit a "Disciplinary Appeal" to the Personnel Appeals Board. (OHMC 2.34.070)

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Heads_Assistants\Personnel Code Update and Handbook Repeal\Employee Policy Manual Final
Draft(HR).doc

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APPENDIX C

CONTINUING EDUCATION

The City of Oak Harbor firmly believes educational development of its employees is integral to the success of the City. The City encourages all employees to take courses or training to increase their competence in their present assignment or to prepare for future advancement.

The City may offer employees flexible work schedules if the courses of study are directly related to the employee's present job, or will enhance the employee's potential for advancement within the City.

The City may consider payment of job-related college level courses taken from an accredited college if funds are budgeted and the following conditions are met:

- The need for additional training is required by statute or law;
- The required skills are not available in the local labor market; or
- The employee seeking training is a qualified candidate for the training and will be able to provide training for other employees.

Any request for continuing education reimbursement must be approved prior to the employee starting a program. The supervisor must provide a written request to the Department Head and include a description of the course, how it relates to the employee's position and the approximate cost of tuition.

If approved, reimbursement is based on successful completion of the course under the following parameters:

- Letter grade of A or B qualifies for 100% reimbursement
- Letter grade of C qualifies for 85% reimbursement
- Letter grade lower than C will not qualify for reimbursement

Employees should submit their final grades to the Department Director for determination of reimbursement level.

Employees who receive this benefit may be required to complete a summary of their training course and design a training session based upon their course for presentation to other employees.

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Should an employee separate from employment with the City, within one (1) year of completing a course for which the employee received reimbursement, the employee may be responsible for repayment of the reimbursed funds to the City.

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APPENDIX D**WELLNESS PROGRAM****Program Outline**

The Wellness program was established in 2009 by the Wellness Committee, with the support of the Mayor, City Council members and Department Directors. This program was initiated through the Association of Washington Cities (AWC), as part of their Health Care Cost Containment Program. The program's mission is to improve City employee health and well being. Participation in the City of Oak Harbor Wellness Program is voluntary and is limited, in some situations, to employees who receive health benefits through the City.

The program's primary goal is to enhance employees' well being by:

- Increasing employee awareness of healthy lifestyle choices.
- Providing support to employees in making healthy lifestyle choices.
- Assisting in the development of supportive workplace environments in order to meet health promotion goals.
- Increasing employee awareness of health risks.

The program is designed to provide incentives for healthful employee activities.

Guidelines

The Wellness Committee has set the following guidelines to keep a record of participation in wellness activities.

- If an employee attends a wellness presentation/activity, they will be asked to sign the attendance/participation sheet.
 - Signature sheets will be used to determine level of participation in wellness activities, employees must sign the sheet to confirm participation.
- If an employee participates in a personal exercise program they will be required to:
 - Confirm the place of exercise (e.g., gym, physical therapist) is recognized by the City for Wellness program participation

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- Complete their personal exercise program the required number of times per month. (The number of sessions required is set by the Wellness Committee and may change from year to year).
- Complete a waiver of liability for participation in their personal exercise program

Wellness Incentives

Membership Fee Incentive: Employees who complete a personal exercise program may be eligible to receive payment from the City to offset membership costs per the following guidelines:

- Employees must complete their personal exercise program the required number of times per month as set forth by the Wellness Committee. (Check with the Wellness Committee to confirm current requirements)
- Employees must confirm that their place of exercise has been approved by the City for participation in the Wellness Program.
- Each approved location will provide the City with confirmation of employee participation in their personal exercise program.
- Membership Fee Incentives will be paid to the employee ~~as part of~~ separately from their regular paycheck.

Wellness Day: Employees who participate in City sponsored wellness activities may be eligible to earn eight (8) hours of wellness time off. Employees must follow the guidelines as set forth below:

- Employees must participate in no less than 75% of City sponsored wellness activities that occur during normal working hours in a calendar year.
- Employees' participation will be confirmed by the employee signing the signature sheet provided by the Wellness Committee.
- The Wellness Committee will identify to employees which events will count toward their annual participation at the time the event is announced.
- Employees who cannot participate in a wellness event/activity due to a disability should contact Human Resources at least two days in advance of the event for alternative ways to participate.
- Employees who are unable to participate due to work requirements will be given the opportunity to "make-up" their participation.

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- Employees must provide written confirmation, at least two days in advance, from their supervisor to Human Resources, that they are unable to participate due to work requirements.
 - The Wellness Committee will provide the employee with the required “make-up” activity
- Employees who meet the criteria will be credited eight (8) hours of wellness time in their leave accruals for the following year.
 - Wellness hours must be used before vacation and cannot be carried over into the following year.
 - Wellness hours will not be paid to the employee if the employee separates from employment.

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APPENDIX E**COMMERCIAL DRIVER'S LICENSE STANDARDS****Commercial Driver's License Requirements**

All City employees who hold positions that may require them to operate any of the following vehicles are required to have and maintain a Commercial Driver's License Endorsement ("CDL") and to comply with this policy.

- All single vehicles with a manufacturer's weight rating of 26,001 pounds or more.
- All trailers with a manufacturer's weight rating of 10,001 pounds or more, if the gross weight rating of the combined vehicle(s) is 26,001 pounds or more.
- All vehicles designed to transport 16 or more persons (including the driver) (e.g. buses & vans).
- All vehicles that carry placarded amounts of hazardous materials.

This policy does not apply to employees who hold positions that do not require them to have and maintain a CDL.

City employees who operate vehicles that carry placarded amounts of hazards must also have and maintain a Hazardous Materials Endorsement.

CDL STANDARDS

1. A City employee who is required to have and maintain a CDL must comply with all applicable state and federal laws, including but not limited to Federal Motor Carrier Safety Regulations, 49 CFR, and the Washington Uniform Commercial Driver's License Act, RCW Chapter 46.25.
2. Except to the extent it conflicts with this policy, a City employee with a CDL shall comply with the City Vehicle Use Policy in the use and operation of City vehicles (commercial or otherwise).
3. No City employee shall operate a commercial motor vehicle unless he/she has in their immediate possession a commercial driver's license and applicable endorsements valid for the

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vehicle they are driving, and the original or photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle.

4. No City employee shall, operate a commercial motor vehicle when the employee has a suspended, revoked or a cancelled driver's license, has temporarily or permanently lost the privilege to operate a commercial vehicle, or has been disqualified from operating a commercial motor vehicle.
5. A driver whose driver's license is suspended, revoked or cancelled, or who loses the privilege to drive a commercial motor vehicle for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the supervisor, Division Manager or Department Director of that fact before the end of the business day following the day the driver received notice of that fact. The driver must provide written confirmation to the employee within five (5) working days of the suspension, revocation, and cancellation, lost privilege or disqualification.
6. A City employee or prospective City employee shall provide 10 years previous employment information when applying for a position within the City that requires a CDL license. An applicant must certify that all information furnished on the application form is true and complete.
7. Prior to the City making an offer of employment, the Department Director must obtain and review the drug and alcohol testing record of applicants and prospective employees, after obtaining the applicant or prospective employee's written consent, (refer to Driver Release Form). Past employers are required under the law to provide this information to prospective employers.

DRIVER QUALIFICATION FILES

The Public Works Administrative Assistant shall maintain a driver qualification file containing information for each driver with a CDL. This information will be retained for as long as the driver is employed, and for six (6) years thereafter. This information may be combined with the driver's personnel file.

DRIVING COMMERCIAL MOTOR VEHICLES

A driver must also be sure his/her vehicle is safe and properly working before each trip. A pre-trip safety inspection must be conducted prior to use of the vehicle.

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City employees shall wear seat belts, comply with all driving laws, and understand the requirements of when to use headlights, who must stop at railroad crossings and proper procedure to follow when stopping and parking a vehicle.

DRUG AND ALCOHOL TESTING

Definitions:

The following definitions apply to this Policy.

1. **Accident:** Accident means an occurrence associated with the operation of a vehicle if, as a result;
 - a. An individual dies;
 - b. An individual suffers bodily injury and immediately receives medical treatment away from the accident scene;
 - c. A vehicle sustains disabling damage and is transported away from the accident scene by a tow truck or other vehicle; or
 - d. A revenue service vehicle is removed from the revenue service.
2. **Alcohol Test:** An alcohol test is a test conducted by a Breath Alcohol Technician (BAT), or any other person approved by the Department of Transportation rules, using an Evidential Breath Testing Device (EBT) to measure the amount of alcohol concentration in a volume of breath; provided, however, that a blood alcohol test may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or BAT is not readily available.
3. **Alcohol Use:** Alcohol use means the consumption of any beverage, mixture or preparation, including medication containing alcohol.
4. **Controlled Substance:** Controlled Substances include: illegal drugs, including but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the USDA or the USFDA; unauthorized prescription drugs; and prescription drugs not used for their prescribed purposes. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected must be immediately reported to supervisory personnel.
5. **Controlled Substance Test:** A method for determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR Part 40, as amended.

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6. Failing a Controlled Substance or Alcohol Test: Failing a controlled substance or alcohol test means that the controlled substance or alcohol test showed positive evidence of the presence of a controlled substance or alcohol in an employee's system that is at or above a determined threshold level. This determination shall be made by the contracted City Medical Review Officer (MRO). Failing a substance test shall be referred to as "testing positive." Employees who refuse to take a substance or alcohol test when requested to do so shall be considered to have failed the test.
7. Refusal to Submit: An employee who "refuses to submit" to an alcohol or controlled substances test when the employee fails to provide adequate breath or urine for testing without a valid medical explanation, the employee engages in conduct that obstructs the testing process, or the employee refuses to take the test.
8. Substance Abuse Professional (SAP): A person who evaluates employees who have violated a DOT drug and alcohol, regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare. For a full listing of SAP professional requirements refer to Department of Transportation regulations 49 CRF part 40.

PROHIBITED ALCOHOL RELATED ACTIVITIES

1. No employee shall report to work or be at work in an impaired condition due to alcohol.
2. No employee shall report to work or remain on duty while having an alcohol concentration of 0.02 or greater.
3. No employee shall use or possess an open container of alcohol during work.
4. No employee required to take a post-accident alcohol test hereunder shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol testing.
6. No employee who is on stand-by shall use alcohol during the specified stand-by hours. The supervisor shall provide the employee as opportunity to acknowledge the use of alcohol at the time he/she is called to report for duty and the inability to drive. The employee will be required to take an alcohol test if he/she acknowledges the use of alcohol at the time he/she reports for duty, but claims the ability to drive.

PROHIBITED CONTROLLED SUBSTANCE ACTIVITIES

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1. No employee shall report for duty or remain on duty while under the influence of any Controlled Substance.
2. No employee shall report for duty, or remain on duty, if the employee tests positive for Controlled Substances.
3. No employee shall refuse to submit to a Controlled Substances testing.
4. No employee shall manufacture, distribute, dispense, possess or use any Controlled Substance in the workplace, while on duty or while performing City business.

CONSEQUENCES OF POLICY VIOLATION

1. A violation of this policy shall result in disciplinary action.
2. A positive controlled substance test and/or an alcohol test indicating an alcohol concentration of 0.02 or more shall result in disciplinary action.
3. If an employee refuses to take a required alcohol or controlled substance test, there shall be a presumption that the employee tests positive for alcohol or one of the controlled substance. Refusal to submit to a required alcohol and/or controlled substances test shall result in disciplinary action.
4. If an employee refuses or fails to comply with testing procedures, it shall be considered a positive test. The testing procedures include the following:
 - a. ~~Fail to appear~~Appearing for any test within a reasonable time, as is determined by the employer.
 - b. ~~Fail to remain~~Remaining at the testing site until the testing process is completed.
 - c. ~~Fail to permit~~Permitting the observation or monitoring of the provision of a specimen.
 - d. ~~Fail or decline to take~~Taking a second test the employer or collector has directed you to take.
 - e. ~~Fail to sign~~Signing the certification at Step 2 of the ATF.
5. Any attempt by an employee to tamper with a urine sample or otherwise obstruct the testing process shall be considered to have refused to take a test resulting in disciplinary action.
6. The refusal of an employee to participate in a Substance Abuse Professional (SAP) evaluation and/or comply with any corresponding SAP recommended/prescribed rehabilitation and/or

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treatment programs where directed by the City as a condition of returning to work, shall disqualify the employee from employment with the City.

TYPES OF TESTING

All employees covered by this Policy may be subject to testing prior to employment and prior to returning to duty after completion of substance abuse treatment or if the employee has not performed a safety sensitive function for 90 consecutive calendar days and they were not included in a random selection pool during that time period (also referred to as pre-employment testing). In addition, employees covered by this Policy will be subject to random, reasonable suspicion, post-accident and fitness for duty testing where appropriate.

Pre-employment Testing

All prospective employees who have been given a conditional offer of employment with the City for a position covered herein and current employees transferring from a non-CLD to a position covered herein must undergo and pass a controlled substances; drug and alcohol test. A verified positive test will result in a rescinding of the conditional offer of employment. Employees seeking to transfer to a position covered by this Policy will be denied transfer and shall be subject to disciplinary action. Prospective or transferring employees who refuse to take the controlled substances test or who test positive shall be considered ineligible for City employment; positions covered herein for six (6) months. In accordance with 49 CRF Part 40, Section 655.41(a)(2), when a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the City proof of having successfully completed a referral, evaluation and treatment plan as described in Section 655.62.

Random Testing

Employees covered by this policy are subject to random alcohol and controlled substances testing in accordance with the following:

- a) At least 25% of the average number of covered employees shall undergo random alcohol testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum annual percentage determined by the Department of Transportation (DOT).
- b) At least 50% of the average number of covered employees shall undergo random controlled substances testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum percentage determined by the DOT.
- c) The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random

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number generator that is matched with the employees' Social Security numbers, payroll identification numbers or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

- d) Random alcohol and controlled substances tests shall be unannounced and the dates for administering such random tests shall be spread reasonably throughout the calendar year.
- e) Employees who are notified of selection for random alcohol or controlled substances testing shall proceed to the test site immediately.

REASONABLE SUSPICION

- a) Employees covered by this Policy are subject to a controlled substance or alcohol test, when there is a reason to suspect that they are under the influence of alcohol or a controlled substance immediately prior, during or immediately after performing job duties or anytime while on duty.
- b) An employee shall submit to alcohol and/or controlled substance test at the employers' expense whenever a supervisor or manager has a reasonable suspicion to believe that the employee is under the influence or impaired by alcohol and/or a controlled substance. The employee shall be removed from duty immediately in order to undergo testing.
- c) A supervisor's or manager's determination that reasonable suspicion exists for alcohol and/or controlled substances, drug or alcohol use shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odors of the suspected employee. The required observations must be made by a supervisor or manager who has received training to detect symptoms of alcohol misuse and the signs and symptoms of drug use. The supervisor shall make a signed written record of his/her observations within twenty-four (24) hours of the observed behavior or as soon as reasonably practical thereafter.
- d) No employee shall be subject to reasonable suspicion alcohol testing later than eight (8) hours following the determination that reasonable suspicion exists to require the employee to undergo such test.

POST-ACCIDENT TESTING

Employees covered under this Policy are subject to post-accident alcohol and controlled substances testing in accordance with the following:

- a) Fatal accidents. As soon as practicable following an accident involving the loss of human life, and regardless of fault, the driver of the subject vehicle, at the time of the accident, and any

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other covered employee whose performance could have contributed to the accident, shall be tested for alcohol and controlled substances.

- b) Non-fatal Accidents. As soon as practicable following an accident not involving the loss of human life, the driver of the subject vehicle: at the time of the accident shall be tested for alcohol and controlled substances unless the City determines that the employee's performance can be completely discounted as a contributing factor to the accident. Any other employee whose performance could have contributed to the accident shall also be tested for alcohol and controlled substances.
- c) If a post-accident alcohol test is not administered within two (2) hours following an accident, the supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not administered within that time period. If a test is not administered within eight (8) hours after the accident, the supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within eight (8) hours.
- d) If a post-accident controlled substance test is not administered within thirty-two (32) hours of the accident, the supervisor shall cease attempts to have the controlled substances test administered and prepare and maintain on file a record stating the reasons the test was not done within said thirty-two (32) hours.
- e) An employee subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured, or to prohibit an employee from leaving the accident scene for the time period required to obtain emergency assistance.

Return to Duty Testing

If an employee who has engaged in and/or violated the alcohol and/or controlled substances prohibitions remains in the City's employ, he/she shall not be allowed to return to duty until that employee has complied with the following:

- a) If the employee has violated the alcohol prohibitions, he/she shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, and the employee shall provide a true copy of the retest results to his/her supervisor.
- b) If the employee has violated the controlled substances prohibitions, he/she shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for

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controlled substances use, and the employee shall provide a true copy of the results to his/her supervisor.

- c) The employee has been evaluated by an SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances.
- d) The employee has complied and remains in compliance with any and all SAP prescribed/recommended rehabilitation and/or treatment programs.
- e) Upon completion of SAP prescribed/recommended rehabilitation and/or treatment program and successful return to work, an employee will be subject to follow-up testing for alcohol and or controlled substances. The SAP shall determine the frequency and duration of the follow-up testing, but such shall consist of at least six (6) unannounced tests in the first twelve (12) months following the employee's return to duty. After that period of time the SAP may recommend additional follow-up testing or termination of follow-up testing. Follow-up testing shall not go beyond sixty (60) months after the employee return to duty.

ADDITIONAL EMPLOYEE RIGHTS AND RESPONSIBILITIES

1. An employee or applicant who wishes to challenge a positive controlled test must do so within seventy-two (72) hours of notification of the positive result: The employee or applicant must notify the Medical Review Officer (MRO) that he/she wishes to challenge the test result. The re-test must be processed at a Department of Health and Human Services-certified laboratory. The employee will be solely responsible for the costs necessary for the re-test.
2. An employee required to undergo reasonable suspicion or post-accident alcohol and/or controlled substance testing shall be put on paid administrative leave for the time period necessary for conducting the testing.
3. The City supports employees who volunteer for treatment of alcohol or drug abuse prior to engaging in any prohibited conduct or violating City rules. Alcoholism and drug dependency can be successfully dealt with if identified in their early states and referred to an appropriate source for treatment. The City encourages employees to seek treatment voluntarily and makes available the EAP. Any employee who comes forth and notifies the City of alcohol or chemical abuse problems prior to engaging in misconduct will be given assistance and insurance coverage for treatment will be provided to the extent of individual coverage.
4. Employees are encouraged to contact Human Resources for help in understanding benefits and leave policies. Any decision to seek help through the EAP or privately will not interfere with an employee's continued employment or eligibility for promotional opportunities. Confidentiality

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of information by Human Resources and management will be maintained at all times as much as possible to the extent allowed by law.

5. While the City is anxious to assist employees with alcohol or chemical dependence problems, employees are expected to remember that safety is the City's first priority. Therefore, employees must not report for work or continue working if they are under the influence or impaired by drug or alcohol use. Failure to observe the Prohibited Conduct rules established in this Policy will result in disciplinary action, regardless of whether or not an employee has requested or is participating in a treatment program. Such employees are expected to observe all other job performance standards and work rules, including attendance, required of all employees.

COLLECTION AND TESTING PROCEDURES

1. All alcohol and controlled substance testing shall comply with DOT's Procedure for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR Part 40, as amended. These procedures are designed to ensure the accuracy and integrity of the test results and include screening tests, confirmation tests, chain of custody safeguards and appropriate privacy and confidentiality protections.
2. Controlled substance testing will normally be performed by urinalysis in a test laboratory certified by the U.S. Department of Health & Human Services ("DSHS"). The test involves an initial screening performed by the enzyme multiplied immunoassay test ("EMIT"). Any positive test is then confirmed by a second test of the same sample by Gas Chromatography/Mass Spectrometry ("GC/MS"). The City's designated MRO shall receive and interpret test results and report them to the City.
3. Prior to reporting a positive test result, the MRO shall give the employee an opportunity to discuss the test result. If the employee meets with the MRO and fails to present information affecting the test result, or if the employee-refuses to meet with the MRO, the MRO will verify a positive test result and will inform Human Resources on a confidential basis that the employee tested positive. The MRO will also inform the employee at the time the test result is verified that he or she may request a "re-test" at their own expense within seventy-two (72) hours. Upon request, the employee shall be given a copy of the positive test results.
4. Alcohol testing will normally be performed by a trained breath alcohol technician (BAT) utilizing an evidential breath-testing device (EBT). Testing will take place at a site designated by the City. The BAT will inform an employee of the EBT results at the time of testing. If the screening test shows an alcohol concentration of greater than 0.02, a confirmation test will be conducted after fifteen (15) minutes of the screening test and before thirty (30) minutes if the confirmation test

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shows an alcohol concentration of 0.02 or greater. The BAT will show the employee the painted test results and shall notify City Human Resources of the test results.

5. In extremely limited circumstances, such as where it is not possible to test by urinalysis, the City may authorize blood tests to test for the presence of controlled substances or alcohol, under strict procedural requirements of the MRO. If the blood test is utilized, the employee will normally be notified of the results by the MRO. An employee, at his or her own expense, may make a written request for re-test of a test sample within seventy-two (72) hours of receiving the test results.

RETENTION OF RECORDS AND CONFIDENTIALITY

1. The City shall maintain records regarding alcohol and controlled substance testing as required by law.
2. The City shall also maintain all records required to be retained under DOT rules and regulations in a secure location with controlled access. Only City management representatives with a "need-to-know" responsibility will be made aware of substance abuse situations or test results. Except as required by law or expressly authorized, the City shall not release information that is contained in records required to be maintained under the DOT rules and regulations. Upon written request, an employee may obtain copies or any records pertaining to the employee's use of controlled substances and/or alcohol. All results of alcohol and/or controlled substances testing conducted pursuant to the DOT rules and regulations shall be made available upon request, to appropriate government officials having regulatory authority over the City and its employees.

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

In addition, the document highlights the need for regular communication and collaboration between all stakeholders. This includes providing clear instructions and updates to ensure everyone is on the same page and working towards the same goals.

Conclusion

In conclusion, the document outlines the key strategies and actions required to achieve the organization's mission and vision. It serves as a guide for all employees and stakeholders to follow.

The document also includes a detailed list of tasks and responsibilities for each department, ensuring that all necessary work is covered and assigned to the appropriate personnel. This helps in streamlining operations and improving overall efficiency.

This document is confidential and should be handled accordingly. It is intended for internal use only.

For more information, please contact the relevant department or the document's author.

RESOLUTION NO. 12-13

A RESOLUTION REPEALING RESOLUTION NO. 07-16 WHICH ADOPTED THE PERSONNEL POLICIES MANUAL ON AUGUST 8, 2007; AND PROVIDING FOR ADMINISTRATIVE APPROVAL OF A NEW EMPLOYEE POLICY MANUAL; AND READOPTING THE EXISTING LEAVE SHARING PROGRAM.

WHEREAS, the Oak Harbor City Council adopted a Personnel Policies Manual on August 8, 2007 by Resolution No. 07-16; and

WHEREAS, the Oak Harbor City Council has revised the personnel policies pertaining to city employment in Ch. 2.34 of the Oak Harbor Municipal Code; and

WHEREAS, the Personnel Policies Manual is no longer current with the City's employment policies; and

WHEREAS, City staff have drafted a new Employee Policy Manual that will implement the Council's employment policies; and

WHEREAS, the City Council has delegated the responsibility to implement its adopted employment policies to the Mayor; and

WHEREAS, it is appropriate for the Mayor to have responsibility to update city procedures as needed to meet federal and state requirements; and

WHEREAS, the Mayor may issue a procedures and policy manual to apprise the city employees of the procedures applicable to employment matters in city employment PROVIDED that such manual may not create any rights in employment with the City of Oak Harbor, that authority residing solely in the City Council; and

WHEREAS, the City's existing shared leave policy is a beneficial program, but one that requires changes in order to more fully comply with the ADA and has therefore been purposefully omitted from the new manual; and

WHEREAS, that portion of Policy 504 – Leaves of Absence, related to leave sharing, should be re-adopted separately until such time as a suitable alternative can be drafted and adopted; and

WHEREAS, the City Council requests the Mayor immediately put into effect the new Employee Policy Manual so that there is a seamless transition between the past and current policies.

NOW, THEREFORE,

The City Council of the City of Oak Harbor do hereby repeal Resolution No. 07-16, adopted on August 8, 2012,

And

Do re-adopt that portion of Policy 504 – Leaves of Absence, related to leave sharing, which shall remain in effect until January 1, 2013 unless sooner repealed by City Council action.

PASSED by the City Council this 5th day of June 2012.

CITY OF OAK HARBOR

Scott Dudley, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 12-14

A RESOLUTION REPEALING RESOLUTION NO. 07-16 WHICH ADOPTED THE PERSONNEL POLICIES MANUAL ON AUGUST 8, 2007; AND PROVIDING FOR CITY COUNCIL APPROVAL OF A NEW EMPLOYEE POLICY MANUAL; AND READOPTING THE EXISTING LEAVE SHARING PROGRAM.

WHEREAS, the Oak Harbor City Council adopted a Personnel Policies Manual on August 8, 2007 by Resolution No. 07-16; and

WHEREAS, the Oak Harbor City Council has revised the personnel policies pertaining to city employment in Ch. 2.34 of the Oak Harbor Municipal Code; and

WHEREAS, the Personnel Policies Manual is no longer current with the City's employment policies; and

WHEREAS, City staff have drafted a new Employee Policy Manual that will implement the Council's employment policies; and

WHEREAS, the City Council wishes to adopt the new Employee Policy Manual through approval of a resolution; and

WHEREAS, the Council acknowledges that the Mayor or his designee may interpret and apply the policies to specific employment situations; and

WHEREAS, the Council further acknowledges that amendments to the Employee Policy Manual will require separate Council action; and

WHEREAS, the City's existing shared leave policy is a beneficial program, but one that requires changes in order to more fully comply with the ADA and has therefore been purposefully omitted from the new manual; and

WHEREAS, that portion of Policy 504 – Leaves of Absence, related to leave sharing, should be re-adopted separately until such time as a suitable alternative can be drafted and adopted.

NOW, THEREFORE,

The City Council of the City of Oak Harbor do hereby repeal Resolution No. 07-16, adopted on August 8, 2012,

And

Do approve the Employee Policy Manual dated June 5, 2012,

And

Do re-adopt that portion of Policy 504 – Leaves of Absence, related to leave sharing, which shall remain in effect until January 1, 2013 unless sooner repealed by City Council action.

PASSED by the City Council this 5th day of June 2012.

CITY OF OAK HARBOR

Scott Dudley, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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

Bill No. 7
Date: June 5, 2012
Subject: Development Services Director
Employment Contract

FROM: Scott Dudley
Mayor 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Steve Powers, Interim City Administrator
 Doug Merriman, Finance Director
 Bill Hawkins, City Attorney, as to form

PURPOSE

This agenda bill presents the employment contract with Mr. Richard Steven Powers as the City's Development Services Director.

AUTHORITY

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

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

FISCAL IMPACT DESCRIPTION

Funds Required: Additional funds are not required as this is a current position which was budgeted as part of the 2012 budget.

Appropriation Source: Fund 001/General Fund

SUMMARY STATEMENT

The Mayor recommends the attached employment contract for Mr. Richard Steven Powers.

Mr. Powers began his urban planning career in 1990 with the City of Phoenix, AZ. He joined the City of Oak Harbor in 1998 as a Senior Planner and he was appointed as the Development Services Director in May 2001. Mr. Powers attended Arizona State University, earning a Bachelor of Science (urban planning) and a Master of Environmental Design (urban design). He has been a member in good standing with the American Institute of Certified Planners since 1992.

City of Oak Harbor City Council Agenda Bill

It is the intention of the City to offer all department directors standard employment contracts. At the time of his hire, Mr. Powers was not offered an employment contract. To remedy that situation the proposed contract is presented for Council approval. The proposed contract specifies conditions of employment and sets working conditions for the Development Services Director. As Mr. Powers is a current employee certain items in this contract, such as salary, are already agreed upon conditions of employment.

STANDING COMMITTEE REPORT

This item has not been presented at any standing committee meetings.

RECOMMENDED ACTION

Approve the Development Services Director contract with Mr. Richard Steven Powers and authorize the Mayor to sign.

ATTACHMENTS

Employment contract for Mr. Richard Steven Powers

**OAK HARBOR
DEVELOPMENT SERVICES DIRECTOR
EMPLOYMENT AGREEMENT**

THIS AGREEMENT is entered into on this 5th day of June, 2012 by and between the City of Oak Harbor, hereinafter referred to as “the City”, and Richard Steven Powers, hereinafter referred to as “Development Services Director”.

WHEREAS, the Development Services Director has served the City in a superlative professional capacity for many years, and

WHEREAS, the Development Services Director has served without a formal employment contract, and

WHEREAS, the majority of department heads employed by the City serve pursuant to employment contracts, and

WHEREAS, it is the desire of the City to provide certain benefits, establish certain conditions of employment, and to set working conditions for the position of Development Services Director and, in doing so, to provide inducement to the Development Services Director to remain in this position, and

WHEREAS, the Development Services Director wishes to continue to serve in that capacity with terms and conditions specified as set forth below,

NOW, THEREFORE,

FOR AND IN CONSIDERATION OF the terms and conditions hereinafter set forth, the parties agree as follows:

1. Employment. The City hereby employs the Development Services Director to serve in the regular position of Development Services Director for the City of Oak Harbor. The duties of said position shall be to perform all duties assigned to the position of Development Services Director as provided in the job description and the Oak Harbor Municipal Code, together with such other and further duties and special projects as may be assigned to the Development Services Director by the City’s Mayor and/or City Administrator. The Development Services Director shall serve at the pleasure of the City’s Mayor.
2. Duration of Employment. This Employment Agreement shall become effective on June 5 2012, and shall continue indefinitely thereafter unless sooner terminated by the parties as provided in paragraphs 3 and 4 below.
3. “At Will” – Termination by the City. The Development Services Director shall at all times during his employment be considered an “At Will” employee, subject to termination by the City’s Mayor at any time with or without cause. Nothing in this Agreement shall be construed other than an “At Will” employment relationship between the City and the Development

Services Director and the Development Services Director expressly acknowledges that no contrary representations have been made by the City.

4. Resignation – Termination by the Development Services Director . The Development Services Director reserves the right to resign from employment at any time with or without cause. The Development Services Director agrees to give the City two (2) weeks' notice prior to the effective date of any such resignation.
5. Compensation: The Development Services Director shall be compensated for services rendered during the term of this Agreement as follows:
 - a. Base Salary. The Development Services Director shall receive a monthly salary of \$8,694.00. The rate of pay will be adjusted annually equal to the cost-of-living and/or cost-of-market increase given to the other Department Heads thereafter.
 - b. In the event that a salary and wage study is conducted, the Development Services Director position shall be included.
 - c. Benefits. The Development Services Director shall continue to receive sick leave accrual of one day each per month, vacation leave accrual as set forth in the City Personnel Policies, and twelve paid holidays including one floating holiday of his choice. In addition, the Development Services Director shall continue to have available for his use those vacation and sick leave days which he has earned upon the effective date of this appointment.
 - d. Cash out of accrued sick leave. The Development Services Director shall be entitled to a cash out of sick leave under the provisions set forth for those employees hired before October 20, 1998.

The Development Services Director shall also receive all other benefits provided by the City of Oak Harbor to regular employees as follows:

- Medical insurance, premium paid for employee 100% and 75% premium paid for spouse and dependent children*
- Dental insurance, premium paid 100% for employee and 75% premium paid for spouse and children*
- Standard Insurance life insurance policy of \$25,000 paid for employee only
- Enrollment in the Washington State Public Employee Retirement System (PERS II and III), which require varying contribution levels of your gross earnings, and varying contributions from the City.

*Note: If the Development Services Director has other coverage and does not choose medical or dental insurance for himself and/or his dependents, he is eligible to receive a 25% cash reimbursement for the City's cost for this insurance.

Development Services Director shall also be entitled to elect other voluntary benefit options as follows:

- Self-paid individual and/or family supplemental insurance coverage for Short-term Disability, Cancer Care, and Critical Illness
- Pre-tax deductions for Unreimbursed Medical expenses and/or Dependent Day Care
- Additional self-paid Voluntary Group Life Insurance
- Self-paid enrollment in his choice of two Deferred Compensation Plans

d. Timing of Monthly Payments – Deductions. All monthly payments of salary and benefits shall be made at the same time and on the same date as the City's regular payroll. All such monthly payments shall be subject to all required state and federal deductions, including income tax, social security, and any other deduction required and authorized by law. The City agrees to pay all employer contributions to FICA, worker's compensation, and similar programs as required by law.

6. The Development Services Director Work Schedule. The Development Services Director is a confidential, exempt employee for purposes of the Federal Fair Labor standards Act and as such shall not work a fixed forty hour per week schedule. The Development Services Director shall generally work at Oak Harbor City Hall during regular business hours of the City, Monday through Friday, provided, that the Development Services Director shall receive time off for holidays according to the holiday schedule customarily observed by the City. The Development Services Director is also required to attend all meetings of the Oak Harbor City Council and such other Council Committee, City Board, Commission and staff meetings as requested by the Mayor or City Administrator or as required by the duties of the position.

7. Severance Package.

a. Severance for At Will Termination. In the event that the Development Services Director's employment with the City is terminated for any reason other than those delineated in subparagraph (b) below, the City will provide the Development Services Director severance payment for a period of six months (6) months after the effective date of termination. The monthly amount shall be paid in accord with the same schedule as the regular City payroll, and shall be subject to the same mandatory deductions as the Development Services Director's salary was prior to termination.

i. Reference. The Development Services Director shall be entitled to an employment reference from the City, the language of which shall be agreed upon by the parties, provided, that in the event the parties cannot agree on the form of the reference, the City will provide only the dates of the Development Services Director's employment, the last position held, the last salary received, the fact that the Development Services Director is no longer employed by the City.

ii. Unemployment Benefits. The City will not oppose any unemployment benefit claims made by the Development Services Director.

- b. Termination by Resignation or for Cause. The severance package provided for in subparagraph (a) above shall not be available to the Development Services Director if the termination of the Development Services Director's employment with the City is due to:
- i. Resignation. The Development Services Director's voluntary resignation from employment. For purposes of this paragraph, "voluntary resignation" means a resignation of employment resulting from the free choice of the Development Services Director and not the result of a suggestion to resign in lieu of termination made by formal action of the Mayor or City Council or by the creation of work conditions that are so difficult or unpleasant that a reasonable person in the Development Services Director position would feel compelled to resign;
 - ii. Misconduct. Criminal misbehavior, abuse of public office, or other gross misconduct, including, but not limited to, fraud, deceit, embezzlement, theft of funds or property, assault, or sexual, racial, or other harassment; or
 - iii. Job Performance. Insubordination, incompetence, inadequacy, or inefficiency of the Development Services Director in the performance of his official duties. Termination for reasons of job performance shall be supported or based upon progressive annual or semi-annual performance evaluations conducted by the Mayor.
- c. Construction. The severance package provided in subparagraph (a) above shall not be construed as an extension of the Development Services Director's employment beyond the termination date. The Development Services Director shall not, during the period between the termination date and the end of the severance payments, accrue any additional sick leave, vacation, leave, or other benefit accorded active City employees.
8. The City agrees to pay the reasonable professional dues and subscriptions necessary for continuation, enrollment and full participation of continued education in the planning profession. In addition, the City may pay for membership in such other associations or organizations, and may reimburse the Development Services Director for attendance at annual conferences or the same and for such other professional development activities as the Mayor or City Administrator may approve and as may be annually budgeted by the City Council.
9. The City agrees to cover the Development Services Director on the City's liability insurance policies to the same extent as any regular employee of the City is covered for acts, errors, or omissions within the scope of employment. All such liability insurance coverage shall be provided at the City's sole cost and expense.
10. The City of Oak Harbor agrees to hold harmless and indemnify the Development Services Director from any and all costs, risk or liability associated with or arising out of acts or failures to act which are performed within the scope of his employment as the Development Services Director including the reasonable cost of legal defense by counsel appointed by the City or its insurance carrier, as applicable. This promise to indemnify shall exclude only criminal acts of the Development Services Director and acts or failure to act which would constitute an intentional

tort or intentional wrongdoing knowingly committed by the Development Services Director without the express direction of the Mayor or City Administrator of the City of Oak Harbor. This promise to hold harmless and indemnify shall survive beyond the employment of the Development Services Director with the City of Oak Harbor in order that the Development Services Director shall be held harmless, indemnified and defended in the future for all acts taken as the Development Services Director subject to the limitations contained herein.

11. Severability. If any paragraph, sentence, clause or phrase of this Agreement shall be held by a court of competent jurisdiction to be invalid or unenforceable, said invalidity or unenforceability shall not affect the validity or enforceability of any other paragraph, sentence, clause or phrase, and to that end the terms and conditions set forth in this Agreement shall be severable.
12. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties as to the terms and conditions of the Development Services Director's employment by the City and no other agreements or understandings, oral or otherwise, exist or shall be deemed binding upon the parties. The Agreement may be amended only by a written instrument duly executed by both parties.

Entered into this 5th day of June, 2012.

For the City of Oak Harbor:

For the Development Services Director:

Scott Dudley, Mayor

Richard Steven Powers

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations. The document further outlines the steps to be followed when recording transactions, from identifying the nature of the expense to the final entry in the ledger.

The second part of the document provides a detailed explanation of the accounting cycle. It describes the ten steps involved in the process, from identifying the accounting entity to preparing financial statements. Each step is explained in detail, highlighting the key concepts and the importance of each step in the overall accounting process.

The third part of the document discusses the various methods used for recording transactions. It compares the double-entry system with the single-entry system, highlighting the advantages and disadvantages of each. It also discusses the importance of maintaining a balanced ledger and the role of the trial balance in ensuring the accuracy of the accounts.

The fourth part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations. The document further outlines the steps to be followed when recording transactions, from identifying the nature of the expense to the final entry in the ledger.

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The seventh part of the document discusses the various methods used for recording transactions. It compares the double-entry system with the single-entry system, highlighting the advantages and disadvantages of each. It also discusses the importance of maintaining a balanced ledger and the role of the trial balance in ensuring the accuracy of the accounts.

The eighth part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations. The document further outlines the steps to be followed when recording transactions, from identifying the nature of the expense to the final entry in the ledger.

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

Bill No. 8
Date: JUNE 5, 2012
Subject: Pending Items for Future
City Council Meetings

FROM: Scott Dudley, Mayor ~~XXX~~

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

SP Steve Powers, Interim City Administrator
DM Doug Merriman, Finance Director
WH Bill Hawkins, City Attorney, as to form

SUMMARY STATEMENT

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

This list is subject to change.

if a row is highlighted in blue, it has been reviewed by the Law Department and in packet.

Council Absences: Jim Campbell from the 6/18/12 (special) meeting

Targeted Meeting Date	Agenda Bills ARE DUE	Public Hearing Notice Date (if needed)	Consent Agenda	Subject	Department
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6/19/12 Regular Meeting will now be a Special Meeting on Monday, 6/18/12

6/18/12	5/30/12		✓	Noise Permit – National Night Out	Admin
6/18/12	5/30/12		✓	Noise Permit – 2012 Rotary Car Show	Admin
6/18/12	5/30/12		✓	Noise Permit – Jessica Kimani Wedding	Admin
6/18/12	5/30/12		✓	Noise Permit – Life Church	Admin
6/18/12	5/30/12		✓	Noise Permit – Adrenaline Lacrosse	Admin
6/18/12	5/30/12		✓	Noise Permit – Chamber of Commerce – 4 th of July	Admin
6/18/12	5/30/12		✓	Noise Permit – Race Week	Admin
6/18/12	5/30/12		✓	Re-Appointment - Art Commission, Kit Christopherson	Admin
6/18/12	To Legal 5/24/12				
6/18/12	5/30/12			Sole Source - Roll Carts Purchase	P.Works
	Agenda bill is completed but moved from the 6/5/12 meeting to allow for standing committee review				
6/18/12	5/30/12			Easement Agreement – Navy Fuel Line	Admin/Leg
6/18/12	5/30/12	6/2/12		Public Hearing - Six-Year TIP	P.Works
6/18/12	5/30/12			Authorization to Advertise for Bids - C-Dock Roof Repair	P.Works
6/18/12	5/30/12			Legal Department Restructure	Legal
6/18/12	5/30/12	6/2/12		Public Hearing - Plat Alteration, Fairway Point PRD	Dev Srv
6/18/12	--			Executive Session - Real Estate Site Selection or Acquisition.	Admin/Leg
	No Agenda Bill; line item on the agenda only.			RCW 42.30.(110)(1)(b): The city council will hold an executive session to consider the selection of a site or the acquisition of real estate by lease or purchase since public knowledge regarding such consideration would cause a likelihood of increased price.	

7/3/12	6/13/12		✓	Noise Permit – Military Appreciation Picnic	Admin
7/3/12	6/13/12		✓	Noise Permit – Pregnancy Care Clinic	Admin
7/3/12	6/13/12		✓	Noise Permit – Island Classic Mustang Club	Admin
7/3/12	6/13/12		✓	Noise Permit – Sunrise Rotary – Challenge Series	Admin
7/3/12	6/13/12		✓	Noise Permit – Phi Theta Kappa	Admin
7/3/12	6/13/12	6/16/12		Public Hearing - Fairway Point PRD ADU Amendment	Dev Srv
7/3/12 (tentative)	6/13/12			Authorization to Advertise for Bids - Water Reservoir	P.Works
7/3/12 (tentative)	6/13/12			Agreement - With Whidbey General Hospital for EMS Services	FD

Maybe August					Mutual Aid Agreement with Navy	FD
TBD by Mr. Merriman			✓		Introduction - Ordinance, Credit Card Fees	Finance
TBD by Mr. Merriman					Public Hearing - Ordinance, Credit Card Fees	Finance
					Contract Award - Study for Solid Waste Transfer Station	P.Works
					Contract - Automated Pay Station for Staysail RV Park	P.Works
					Asset Transfer to Water Utility - Reservoir	P.Works
					Interlocal Agreement - Island County Housing Authority, Oak Harbor, Coupeville, and Langley for Affordable Housing. Recording surcharge funds to fund housing programs.	Admin
					Resolution - Marina, Facility Use Fee	Dev Srv
					Council Rule Change - Public Forum	Legal
					Channel 10 Rules	Admin and Legal
					Recommendations from HDR - System Development Fees (future workshop)	P.Works
					Impact Fees - under review for deferral at closing	Dev Srv / P.Works
					Public Hearing - Binding Site Plan Code Amendment	P.Works
					Authorization to Solicit Bids - Rescue Unit	Dev Srv
					Utilities Office, City Council Chambers, Law Department Remodels	Fire
					WAIF Contract	Finance, Dev Srv
					Introduction - Arts Commission Ordinance	Dev Srv
					Final Consideration - Arts Commission Ordinance	Admin
						Admin

STANDING COMMITTEES and other meetings and activities

Date	Subject	Dept.
6/4/12	MARINA COMMITTEE, 7:00 p.m., at City Hall	Committee Members
6/7/12	PUBLIC WORKS COMMITTEE, 3:30 p.m., at City Hall	P.Works
6/7/12 (Thursday)	CITY COUNCIL SPECIAL MEETING - Tabled from the 4/17/12 Council Meeting: Conduct, Start/End Times, Comments; Voting, to include a show of hands in addition to a verbal vote; A policy or procedure to ban the wearing of hats in Council Chambers	Council
6/11/12	ARTS COMMISSION, 6:00 p.m. at City Hall	Commission Members
6/12/12	GOVERNMENTAL SERVICES COMMITTEE, 3:30 p.m., at City Hall	Dev Srv
6/13/12	FINANCE COMMITTEE, 3:30 p.m., at City Hall	Finance
6/24/12	CANCELLED - PUBLIC SAFETY COMMITTEE, 3:30 p.m., at City Hall	PD/FD
TBD	CITY COUNCIL SPECIAL MEETING - Budget Environment (date and time to be determined)	Council
7/12/12 (Thursday, per Eric)	CITY COUNCIL SPECIAL MEETING, 6:00 p.m. - 8:00 p.m., Waste Water Treatment Facility, Design Charrette Results.	Council
8/14/12 (Tuesday, per Eric)	CITY COUNCIL SPECIAL MEETING, 6:00 p.m. - 9:00 p.m., Waste Water Treatment Facility, Final Site Selection. (Will need to reschedule Maribeth's community presentation series normally held on this evening if the special meeting date stays in place.)	Council
12/8/12	CITY COUNCIL RETREAT - Review Goals set at March Retreat	Council

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations.

In the second section, the author provides a detailed breakdown of the monthly budget. It lists various categories such as housing, utilities, food, and transportation. Each category is further divided into specific items, with corresponding amounts allocated to each. This level of detail is crucial for understanding where the money is going and identifying areas for potential savings.

The third part of the document focuses on the importance of regular communication with family members. It suggests setting aside time for family meetings to discuss financial matters and share updates on the budget. This helps in keeping everyone informed and ensures that everyone is working towards the same financial goals.

Finally, the document concludes with a reminder to stay disciplined and stick to the budget. It acknowledges that there will be times when it's tempting to overspend, but staying committed to the plan is key to achieving long-term financial stability.