



**CITY OF PACIFIC**  
**Office of City Clerk/Personnel Manager**

October 2, 2013

## **NOTICE**

### **SPECIAL MEETING**

Please be advised that the City Council of the City of Pacific will hold a special meeting on Wednesday, October 9, 2013, from 6:00 p.m. to 10:00 p.m. at Pacific City Hall, Council Chambers, 100 3<sup>rd</sup> Avenue SE, Pacific, WA.

The purpose of the meeting is to hold a workshop to discuss the 2014 Budget

Amy Stevenson-Ness  
City Clerk/Personnel Manager





**PACIFIC CITY COUNCIL AGENDA**  
**Council Chambers - City Hall. 100 3<sup>rd</sup> St. SE**

**October 7, 2013**  
**Monday**

**Workshop**  
**6:30 p.m.**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL OF COUNCIL MEMBERS**
- 3. ADDITIONS TO/APPROVAL OF AGENDA**
- 4. AGENDA ITEMS**
  - A. Discussion:** IT Issues Discussion with Ron Tiedeman, City of Auburn IT (Richard Gould) (20 min.)
  - B. Discussion:** Stadel Utility Bill Request (5 min.)
  - C. Discussion:** Resolution No. 2013-0xx regarding Laptop Computer Purchase and reimbursement for Municipal Court (Kelly Rydberg) (5 min.)
  - D. Discussion:** Adoption of Resolution No. 2013-0xx and execution of an Interlocal Agreement with Association of Washington Cities regarding the transition to self-insurance by the Employee Benefit Trust (Amy Stevenson-Ness) (10 min.)
  - E. Discussion:** Resolution No. 2013-0xx Skillings Connolly Proposed Contract Amendment No. 11 for Stewart Road Design Services (Ken Barnett) (10 min.)
  - F. Discussion:** Resolution No. 2013-0xx Acceptance of the Department of Ecology Coordinated Prevention Grant (CPG) (Ken Barnett) (10 min.)
  - G. Discussion:** Minutes for meetings: March 11, 2013; March 25, 2013; April 1, 2013; April 8, 2013; April 15, 2013; April 22, 2013; May 13, 2013; May 20, 2013; May 20, 2013 Special Meeting, May 28, 2013; June 3, 2013. (Amy Stevenson-Ness) (5 min.)
  - H. Executive Session:** Contract Negotiations per RCW 42.30.140(4)(a)
- 5. ADJOURN**





**Agenda Staff Report**

**TO:** Mayor Guier and City Council Members  
**FROM:** Richard A. Gould  
**MEETING DATE:** October 7, 2013  
**SUBJECT:** City of Auburn IT Director presentation.

---

**ATTACHMENTS:**

---

**Previous Council Review Date:**

**Summary:** Ron Tiedeman the IT Director for Auburn will be attending the City Workshop to discuss the following items:

1. Website support/hosting
2. Recommendations for network/hardware improvements for the City for future budgeting.
3. Council Chamber audio/video recommendations.
4. Asset tracking software.
5. Wireless access in Council Chambers (two networks, one for Public use and the other for City network access for employees).

**Recommendation/Action:** N/A

**Motion for Consideration:** N/A

**Budget Impact:** None

**Alternatives:** N/A





**Agenda Staff Report**

**TO:** Mayor Guier and City Council Members

**FROM:**

**MEETING DATE:** October 7, 2013

**SUBJECT:** Stadel Utility Billing Request

---

**ATTACHMENTS:** Email from Irene Stadel requesting reduced utility billing

---

**Previous Council Review:** None

**Summary:** An email was received from Mrs. Irene Stadel requesting to lower her monthly bill due to her extended stay in Arizona in the winter. She is requesting the bill to be lowered to \$20 per month while she is out of state

**Recommendation/Action:**

**Motion for Consideration:**

**Budget Impact:**

**Alternatives:**



## Amy Stevenson-Ness

---

**From:** Irene Stadel [irenebowl@comcast.net]  
**Sent:** Monday, September 30, 2013 10:23 AM  
**To:** Amy Stevenson-Ness  
**Subject:** Next counsel meeting

Hello Amy,

Please request my wanting to lower my monthly bill due to snow birding in Arizona. Being retired has eaten up my funds. It would be so nice to receive a reduced billing. I don't mind paying \$20 per month while I am gone. Your help would be beneficial to me when presented before the counsel.

Thank you,

Irene Stadel

110 Butte Ave.

Pacific, Wash. 98047

Sent from my iPhone





**Agenda Staff Report**

**TO:** Mayor Guier and City Council Members  
**FROM:** Kelly Rydberg  
**MEETING DATE:** 10/7/13  
**SUBJECT:** Court equipment reimbursement from AOC

---

**ATTACHMENTS:** Email correspondence with AOC and Auburn IS; Purchase Reimbursement Agreement; Computer specifications from AOC; A19-1A form to use for reimbursement; estimates for laptop purchase, set up & configuration, software.

---

**Previous Council Review:**

**Summary:** AOC has a schedule and program for courts to update equipment used in daily activities. For FY2014, Pacific Municipal Court qualifies for a laptop for the Judge's use. We can either buy it ourselves which would make the laptop City property and allow other programs be installed on the laptop, or receive a laptop from AOC for the Judge's use only while in the courtroom, the laptop cannot be altered in any way and is the State's property. I would like to purchase it for the City and add Microsoft Office so the Judge will have use of the laptop and court forms when at home for officer phone calls and bail hearings. He will also be able to use it at conferences, as written materials are no longer being provided.

**Recommendation/Action:** Allow Court Administrator to sign the Purchase Reimbursement Agreement, obtain a Purchase Order from finance, order the laptop through Auburn IS, allow Auburn IS to setup the laptop with Microsoft Office.

**Motion for Consideration:**

**Budget Impact:** Purchase of Microsoft Office license at approximately \$325.00; set up fees from Auburn IS at approximately \$150.00; purchase laptop at approximately \$1170.00

**Alternatives:** Request AOC provide a laptop for the Judge's use while in the courtroom only, as it will not be able to be altered in any way with any other software or programs of any kind.



## Amy Stevenson-Ness

---

**From:** Kelly Rydberg  
**Sent:** Thursday, September 19, 2013 1:58 PM  
**To:** Amy Stevenson-Ness  
**Subject:** FW: Pacific Municipal - Fiscal Year 2014 JIS Equipment Replacement Project

I found this email regarding the equipment replacement also, just in case you would like it.

*Kelly Rydberg*  
Pacific/Algona Municipal Court  
Court Administrator  
100 3rd Ave SE  
Pacific WA 98047  
(253) 929-1141  
(253) 929-1195 fax

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential and privileged information. If you are not the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited.

---

**From:** Winslow, Christine [mailto:Christine.Winslow@courts.wa.gov]  
**Sent:** Wednesday, August 28, 2013 4:00 PM  
**To:** Kelly Rydberg; 'Scott Kolzow'  
**Subject:** RE: Pacific Municipal - Fiscal Year 2014 JIS Equipment Replacement Project

Thank you, Kelly. I have Pacific Municipal down for contract replacement of 1 laptop.

Responses to the Introduction Letters are due at the end of the month, those will be tallied and then I expect to have contracts distributed the first part of October with a term through mid-December. The contract will contain all the instructions for how to proceed and system specifications. Please don't purchase anything until the contract is signed.

Thanks,  
Chris

Christine Winslow  
Infrastructure Program Associate  
Disaster Recovery Coordinator  
Administrative Office of the Courts  
email: [christine.winslow@courts.wa.gov](mailto:christine.winslow@courts.wa.gov)  
fx: 360.956.5700  
ph: 360.705.5249

**From:** Kelly Rydberg [mailto:krydberg@ci.pacific.wa.us]  
**Sent:** Wednesday, August 28, 2013 3:42 PM  
**To:** 'Scott Kolzow'  
**Cc:** Winslow, Christine  
**Subject:** RE: AOC replacement for the Judge

I think we'd like to go with option 2. Let me know what you need from me. Thank you all.

*Kelly Rydberg*  
Pacific/Algona Municipal Court  
Court Administrator  
100 3rd Ave SE

Pacific WA 98047  
(253) 929-1141  
(253) 929-1195 fax

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential and privileged information. If you are not the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited.

---

**From:** Scott Kolzow [<mailto:skolzow@auburnwa.gov>]  
**Sent:** Tuesday, August 27, 2013 3:22 PM  
**To:** Kelly Rydberg  
**Subject:** AOC replacement for the Judge

Hi Kelly ☺

Auburn Municipal went through this exact same process in 2010. I handled all of the paperwork and purchasing.

I'd be happy to do so for you also. Based on how the Judge's laptop is setup now, Option 1 was the chosen option last time the laptop was replaced. Note that it says essentially no City software, email, etc, can be installed on the laptop if Option 1 is chosen. So the laptop is limited to use in the Courtroom.

I'd recommend Option 2. With Option 2, I can price, purchase (and provide AOC with the receipt for reimbursement), install and configure a laptop that is just like any other computer on your network. The judge could take it home and get email, but not have access to network drives...just email, Word/Excel (if you buy a license!). Option 2 is the only way Auburn IT can manage/troubleshoot the laptop. With the first option, it's all done by AOC and only their "stuff" can go on it.

We can discuss more on the phone if you'd like sometime soon...I can email Christine and get the ball rolling after we discuss and you decide how you want to proceed.

Scott

**RE: Fiscal Year 2014 JIS Equipment Replacement Project (FY14ER)**

Dear Ms. Kelly Rydberg:

In accordance with JIS policy, some equipment provided by the AOC is now eligible for replacement. If you intend to participate in this equipment replacement, please respond to me by Friday, August 30, 2013. The AOC provides two options in the replacement of equipment (this letter does not sanction the purchase of any equipment at this time):

**Option 1: AOC Provided Equipment**

The AOC-provided desktop computers (includes a monitor) and laptops (does not include an external monitor) will arrive on site with a Washington State Court designed Windows 7 Operating System configuration. Those systems must be installed and maintained by our maintenance provider, Cascade Computer Maintenance (CCM). Do not remove or install the equipment prior to CCM's arrival. Court Clerks and Administrators should confer with their local IT support before selecting this option. Do not select this option if city/county-owned software, like email, MS Office or digital recorder software, will need to be installed on these computers.

**Option 2: Contract Purchased Equipment**

Reimbursements for the FY14ER will be provided at these rates or actual system cost whichever is less:

- desktop computer(s) \$900 – allotted as \$700 per computer and \$200 per monitor,
- laptops \$1,100 – only judicial officers can select a laptop instead of a desktop and external monitors are not reimbursed, and

- personal laser printer(s) \$250.

The information contained in this electronic communication is personal, privileged and/or confidential information intended only for the use of the individual(s) or entity(ies) to which it has been addressed. If you received this communication and are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication, other than delivery to the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail. Thank you.



PURCHASE REIMBURSEMENT AGREEMENT  
between  
THE WASHINGTON STATE  
ADMINISTRATIVE OFFICE OF THE COURTS  
and  
CITY OF PACIFIC MUNICIPAL COURT

AOC Information Technology Primary Purchase Agreement (ITPPA) Number: IAA05858  
Purchase Reimbursement Agreement (PRA) Number: PRA140001

**1. Purpose**

This PRA Number PRA140001 is executed by the Washington State Administrative Office of the Courts (AOC) and the City of Pacific Municipal Court (CUSTOMER) pursuant to the terms and conditions of ITPPA Number IAA05858. The parties acknowledge they have read and understand the terms and conditions therein. All rights and obligations of the parties shall be subject to and governed by the terms of the ITPPA. This PRA sets forth the obligations of the parties with respect to AOC's reimbursement to the CUSTOMER of funds which have been expended by the CUSTOMER for purchase of 1 laptop.

**2. Term and Termination**

The term of the PRA is effective upon the date of execution by both parties through Friday, November 29, 2013. Termination of the PRA requires written notification to the other party. Extensions to the PRA can only be executed by the AOC, with written notification to the other party.

**3. Responsibilities**

3.1. The AOC will:

- 3.1.1. Provide specifications for the equipment covered by this agreement. (See Exhibit A).
- 3.1.2. Provide funds to reimburse the CUSTOMER for costs associated with the purchase of 1 laptop pursuant to Subsection 3.2 below. The funding provided by AOC shall be at a maximum the amount required for the purchase of the equipment meeting the provided specifications or the actual cost, whichever is lower. Should the CUSTOMER acquire equipment that exceeds the provided specifications, the CUSTOMER shall be responsible for that portion of the acquisition costs which exceeds the reimbursable amount as referenced above.

3.2. The CUSTOMER will:

- 3.2.1. Purchase equipment that meets the specifications referenced above. Install and maintain the equipment purchased under this PRA, including providing network connectivity to the new equipment as needed. It is possible that a new network line may need to be installed by the CUSTOMER to provide connectivity to the equipment covered by this PRA.
- 3.2.2. Be responsible for all costs not reimbursed by the AOC pursuant to Subsection 4 below.
- 3.2.3. Submit invoices to the AOC pursuant to Subsection 5 below.
- 3.2.4. Submit, with the invoice, a completed copy of the exhibit supplying the specifications of the purchased equipment in the last column.

**4. Reimbursement Amount**

The AOC will reimburse the CUSTOMER up to \$1100 for each laptop, or the actual cost, whichever is lower. The actual cost shall include any tax and shipping costs incurred by the CUSTOMER.

**5. Billing/Invoicing**

Billing/invoicing will be in accordance with procedures outlined in the above-referenced ITPPA (IAA05858) and additional terms and conditions listed below.

**6. Treatment of Assets and Property**

CUSTOMER shall be the owner of any and all fixed assets or personal property jointly or cooperatively, acquired, owned, or disposed of pursuant to this PRA.

**7. Modifications/Changes**

This PRA may be modified at any time upon mutual written agreement of the parties. All such modification will be made as an amendment to the PRA and will take precedence over the original PRA.

**8. Order of Precedence**

If there is a conflict between this PRA and the above-referenced ITPPA, the conflict will be resolved by giving precedence first to this PRA and then to the ITPPA.

**9. PRA Management**

Unless otherwise indicated, all correspondence regarding this PRA should be directed to:

|                 | CUSTOMER                                 | AOC   |
|-----------------|--|---|
| Primary Contact | Kelly Rydberg                            | Christine Winslow   |
| Title           | Administrator                            | Infrastructure Program Associate                            |
| Agency/Division | Pacific Municipal Court                  | Administrative Office of the Courts                         |
| Address         | 100 3rd Ave SE<br>Pacific, WA 98047-1349 | 1206 Quince St SE<br>PO Box 41170<br>Olympia, WA 98504-1170 |
| Phone           | (253) 929-1140                           | (360) 705-5249  |
| FAX             | (253) 929-1195                           | (360) 956-5700  |
| E-mail          | krydberg@ci.pacific.wa.us                | Christine.Winslow@courts.wa.gov                             |

**10. Authorization/Acceptance**

This PRA and the underlying ITPPA constitute the entire agreement between the parties and supersedes all other communication, written or oral, related to the subject matter of the PRA. Execution of this PRA by both parties constitutes an addendum to the underlying ITPPA, which remains in full force and effect, except as may be specifically modified and agreed to between the parties within this PRA. The parties hereby acknowledge and accept the terms and conditions of this PRA.

AGREED:

STATE OF WASHINGTON  
ADMINISTRATIVE OFFICE  
OF THE COURTS

PACIFIC MUNICIPAL COURT

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
(Printed)

\_\_\_\_\_  
(Printed)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Court Desktop PC Specifications

| COMPONENT                    | AOC REQUIREMENT  | PURCHASED SYSTEM'S SPECIFICATION |
|------------------------------|--|----------------------------------|
| Processor                    | Intel or AMD and may use a multi-core processor                                    |                                  |
| Processor Speed              | 3 GHz or more for single or 2.5 GHz or more for multi-core                         |                                  |
| RAM                          | 4 GB or more   |                                  |
| Hard Drive                   | 80 GB or more  |                                  |
| Network Interface Card (NIC) | Ethernet minimum 10/100/1000   |                                  |
| Mouse                        | Standard MS compatible   |                                  |
| Keyboard                     | Standard MS compatible   |                                  |
| Operating System             | Windows XP Professional other latest release of Microsoft Windows for business use |                                  |
| Monitor                      | 17" flat panel monitor or bigger   |                                  |

Court Laptop PC Specifications

| COMPONENT         | AOC REQUIREMENT  | PURCHASED SYSTEM'S SPECIFICATION |
|-------------------|--|----------------------------------|
| Processor         | Mobile Intel Pentium or equivalent, including AMD Mobile Processor                 |                                  |
| Processor Speed   | 2.2 GHz or more and may include multi-core processor technology                    |                                  |
| RAM               | 4 GB or more   |                                  |
| Hard Drive        | 160 GB or more   |                                  |
| Network Interface | Ethernet minimum 10/100/1000   |                                  |
| Operating System  | Windows XP Professional other latest release of Microsoft Windows for business use |                                  |
| Display           | 15" XGA TFT, 14" WXGA or bigger  |                                  |









QUOTATION

Quote #: 663645887  
 Customer #: 048565279  
 Contract #: WN32ACA  
 Customer Agreement #: T10-MST-296/B27160  
 Quote Date: 09/19/2013  
 Customer Name: CITY OF PACIFIC

Date: 9/19/2013

Thanks for choosing Dell! Your quote is detailed below; please review the quote for product and informational accuracy. If you find errors or desire certain changes please contact your sales professional as soon as possible.

Sales Professional Information

**SALES REP:** DALE DYE **PHONE:** 1800 - 4493355  
**Email Address:** Dale Dye@Dell.com **Phone Ext:** 5139013

GROUP: 1 QUANTITY: 1 SYSTEM PRICE: \$1,068.47 GROUP TOTAL: \$1,068.47

| Description   | Quantity |
|---|----------|
| Dell Latitude E6430 (225-2655)  | 1        |
| 3rd gen Intel Core i5-3230M Processor (2.6GHz, 3M cache), Dell Latitude E6430/6530/ATG (338-BBKR)                           | 1        |
| 4.0GB, DDR3-1600MHz SDRAM, 1 DIMM, Dell Latitude (317-9935)   | 1        |
| Internal English Dual Point Keyboard, Latitude E (332-0035)   | 1        |
| Documentation (English), Dell Latitude and Precision Workstations (332-0472)  | 1        |
| Tech Setup Guide, English, Dell Latitude E6X30 (331-5825)   | 1        |
| Intel HD Graphics 4000, Dell Latitude E6430 (318-1890)  | 1        |
| 320GB 7200rpm Hard Drive 7mm, Dell Latitude E6X30 (342-4940)  | 1        |
| No Dell ControlVault, No Fingerprint Reader, No Smartcard Reader and No Contactless Smartcard Reader, Dual Point (331-5841) | 1        |
| 14.0" HD (1366x768) Anti-Glare LED-backlit, Dell Latitude E6430 (320-3062)  | 1        |
| Windows 7 Label, Latitude, Vostro and Mobile Precision Notebooks (330-6322)   | 1        |
| Windows 7 Professional, 32-bit, No Media, Latitude, English (421-8051)  | 1        |
| Windows 7 XP Mode, Opti/PWS/Lat/Vost (421-2262)   | 1        |
| Software, DDPA (Dell Data Protection Access), version 2.3, Dell Latitude EXX30 (421-8718)                                   | 1        |
| No Modem, Dell Latitude E4 (331-5834)   | 1        |
| No Modem for Latitude E-Family (313-9606)   | 1        |
| US - 3 foot Flat Power Cord, Dell Latitude (330-4016)   | 1        |
| 65W 3-Pin, AC Adapter, Dell Latitude E4 (331-5830)  | 1        |
| 8X DVD+/-RW, Dell Latitude E4 (318-1732)  | 1        |
| 8X DVD+/-RW Bezel, Dell Latitude E63X0/E64X0/E65X0/ATG (318-0466)   | 1        |
| Thank you for Choosing Dell (318-2231)  | 1        |
| Noise Cancelling Digital Array Microphone, Dell Latitude E6430/ATG (318-1719)   | 1        |
| Intel Centrino Ultimate-N 6300 802.11n 3x3 Half Mini Card, Dell Latitude E4/Mobile Precision (430-4633)                     | 1        |

|  |   |
|--|---|
| No Intel vPro Technology Advanced Management Features, Dell Latitude E6430/S/ATG (331-5836)                | 1 |
| 6-Cell (60WH) Primary Lithium Ion Battery, (2.8Ah) ExpressCharge Capable for Latitude E4 (312-1318)        | 1 |
| Energy Star Enabled/E-PEAT, Latitude E6X30 (331-6213)  | 1 |
| No Productivity Software,Dell OptiPlex,Precision and Latitude (421-3872)                                   | 1 |
| Basic Hardware Service: Next Business Day Onsite Service After Remote Diagnosis 3 Year Extended (993-9491) | 1 |
| Basic Hardware Service: Next Business Day Onsite Service After Remote Diagnosis Initial Year (993-8341)    | 1 |
| Dell Limited Hardware Warranty Plus Service Extended Year(s) (994-0921)                                    | 1 |
| Dell Limited Hardware Warranty Plus Service Initial Year (994-0681)  | 1 |
| Dell ProSupport Service Offering Declined (991-2878)   | 1 |
| Keep Your Hard Drive, 4 Year (981-5693)  | 1 |
| Intel Core i5 Processor (331-1633)   | 1 |

|                                 |                          |
|---------------------------------|--------------------------|
| *Total Purchase Price:          | \$1,169.99               |
| <b>Product Subtotal:</b>        | <b>\$1,068.47</b>        |
| <b>Tax:</b>                     | <b>\$101.52</b>          |
| <b>Shipping &amp; Handling:</b> | <b>\$0.00</b>            |
| <b>State Environmental Fee:</b> | <b>\$0.00</b>            |
| <b>Shipping Method:</b>         | <b>LTl 5 DAY OR LESS</b> |
| (* Amount denoted in \$)        |                          |

### Statement of Conditions

The information in this document is believed to be accurate. However, Dell assumes no responsibility for inaccuracies, errors, or omissions, and shall not be liable for direct, indirect, special, incidental, or consequential damages resulting from any such error or omission. Dell is not responsible for pricing or other errors, and reserves the right to cancel orders arising from such errors.

Dell may make changes to this proposal including changes or updates to the products and services described, including pricing, without notice or obligation.

This proposal is not intended to create a contractual relationship. Unless expressly agreed otherwise in a writing signed by the parties, all orders by CITY OF PACIFIC for Dell products and services shall be subject to Dell's Terms and Conditions of Sale-Direct, which can be found at [www.dell.com/terms](http://www.dell.com/terms), and which incorporate Dell's U.S. Return Policy, at [www.dell.com/returnpolicy#total](http://www.dell.com/returnpolicy#total) . Please read those terms carefully and in their entirety, and note in particular that Dell EqualLogic and EqualLogic-branded products, Dell|EMC and EMC-branded products, PowerVault ML6000 tape libraries, non-Dell-branded enterprise products, enterprise software, and customized hardware or software products may not be returned at any time. Orders also shall be subject to the terms of any applicable service contract(s), which can be found at [www.dell.com/servicecontracts](http://www.dell.com/servicecontracts).

All information supplied to CITY OF PACIFIC for the purpose of this proposal is to be considered confidential information belonging to Dell.



**Agenda Staff Report**

**TO:** Mayor Guier and City Council Members  
**FROM:** Amy Stevenson-Ness, City Clerk/Personnel Manager  
**MEETING DATE:** October 7, 2013  
**SUBJECT:** AWC Employee Benefit Trust Self-Insurance

---

**ATTACHMENTS:** A. Resolution 2013-0XX;  
 B. AWC Employee Benefit Trust Health Care Program Interlocal Agreement;  
 C. Letter from AWC re: the move to self-insurance;  
 D. Self-Funded Health Care Program Information Sheet;  
 E. FAQ regarding the Self Insurance Transition

---

**Previous Council Review: None**

**Summary:** The AWC Employee Benefit Trust Board of Trustees voted to become self-insured. In order for the City of Pacific to continue to be a part of the Benefit Trust, Council must approve a resolution and interlocal agreement authorizing the city to participate in the self-insured program per RCW 48.62 and WAC 200-110.

The impacts and benefits as outlined in the information sheet provided by AWC include:

- a cost savings for members due to the elimination of several mandatory taxes for fully insured plans;
- no increase in premiums in 2014 for the employees covered by the Trust's Regence/Asurius Medical, WDS Dental, and VSP Vision self-insurance plans;
- benefit plan designs remain the same, including the mandated benefit changes under the Affordable Care Act for 2014, including access to the same provider networks;
- members will still be part of the Trust's large pool.

**Recommendation/Action:** Move item forward to the agenda for October 15, 2013, to adopt Resolution 2013-0XX authorizing the execution of an interlocal agreement with AWC for participation in the Employee Benefit Trust Self-Insurance Program

**Motion for Consideration:**

**Budget Impact:** There will be no increase in insurance premiums in 2014 for the employees covered by the Trust's Regence/Asurius Medical, WDS Dental, and VSP Vision self-insurance plans.

**Alternatives:**



**CITY OF PACIFIC  
WASHINGTON  
RESOLUTION NO. 2013-xxxx**

**WHEREAS**, the Association of Washington Cities Employee Benefit Trust (the "Trust") is an entity to which contributions by cities and towns and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust ("Participating Cities and Towns," and "Participating Non-City Entities") and their employees can be paid and through which the Board of Trustees of the Trust ("Trustees") provides one or more insured health and welfare benefit plans or programs to Participating Cities and Towns' and Non-City Entities' employees, their dependents and other beneficiaries ("Beneficiaries"), on whose behalf the contributions were paid; and

**WHEREAS**, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code, providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

**WHEREAS**, the Trust and Participating Cities and Towns and Non-City Entities have determined that it is in the best interest of Participating Cities and Towns and Non-City Entities to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which other insured health and welfare benefit program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

**WHEREAS**, it appears economically feasible and practical for the parties to do so; and

**WHEREAS**, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

**WHEREAS**, the Association of Washington Cities Employee Benefit Trust Interlocal Agreement (the "Interlocal Agreement") attached hereto creates a joint self-insured health and welfare benefit program (the "Health Care Program") to be administered by the Trustees for the purposes of providing self-insured health benefits to Beneficiaries; and

**WHEREAS**, WAC 200-110-030 requires every local government entity participating in a joint self-insurance health and welfare benefit program to adopt such program by resolution; and

**WHEREAS**, Chapter 48.62 requires Health Care Program assets to be managed consistent with existing authority over use of municipal funds in RCW 35.39.030. The Trust will manage Health Care Program reserves in compliance with Chapter 48.62 RCW; RCW 35.39.030, and the Health Care Program Investment Policy; and

**WHEREAS**, all premium contributions for use in the Health Care Program are deposited into a designated account within the Trust, the Health Care Program Account (the "HCP Account"), and the HCP Account represents a pool of funds that is independent of all other Trust or AWC funds; and

**WHEREAS**, the Trust intends to manage the HCP Account assets in compliance with federal and state laws and the Interlocal Agreement; and

**WHEREAS**, the City of Pacific believes it is in the best interest of the Health Care Program to allow the Trust to manage the HCP Account;

**NOW THEREFORE, BE IT RESOLVED**, that the Interlocal Agreement creating the Health Care Program is hereby adopted.

**RESOLVED**, that by adopting such Agreement, the City of Pacific acknowledges that it shall be subject to assessments as required by the Health Care Program.

**PASSED BY THE CITY OF PACIFIC CITY COUNCIL AT A REGULAR MEETING THEREOF ON OCTOBER X, 2013.**

CITY OF PACIFIC

---

Leanne Guier

ATTEST/AUTHENTICATED

---

Amy Stevenson-Ness, City Clerk

APPROVED AS TO FORM

---

Kenyon Luce, City Attorney

**ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST  
HEALTH CARE PROGRAM  
INTERLOCAL AGREEMENT**

This Agreement is made and entered into in the State of Washington by and among the Association of Washington Cities Employee Benefit Trust (the "Trust") and cities and towns, and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust ("Participating Cities and Towns," or "Participating Non-City Entities"), all of whom are signatories to this Agreement.

**RECITALS**

WHEREAS, the Trust is an entity to which contributions by Participating Cities and Towns and Non-City Entities (defined below) and Participating Employees (defined below) are paid and through which the Board of Trustees provides one or more insured health and welfare benefit plans or programs to Participating Employees, their covered dependents and other beneficiaries ("Beneficiaries"), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code ("VEBA"), providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and the Participating Cities and Towns have determined that it is in the best interest of Participating Cities and Towns to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which health and welfare benefit plan or program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to this Agreement (defined below) to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under Chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, each local government entity that is a signatory hereto, as required by WAC 200-110-030, acts upon the authority of a resolution adopting this Agreement and the Health Care Program (defined below) created herein;

NOW, THEREFORE, for and in consideration of all of the mutual benefits, covenants and agreements contained herein, the parties hereto agree as follows:

## ARTICLE 1

### DEFINITIONS

The following are definitions of terms used in the Agreement. Unless indicated otherwise, other terms are defined where they are first used. Defined terms are capitalized when used in the defined context.

- 1.1 **Agreement** means this Interlocal Agreement entered into under the authority of Chapter 39.34 RCW and as required by RCW 48.62.031(2) between the Trust and Participating Employers.
- 1.2 **Association of Washington Cities** or **AWC** means the Association of Washington Cities, a not-for-profit membership association established pursuant to the laws of the state of Washington for the purpose of providing various services to and on behalf of its member cities.
- 1.3 **Association of Washington Cities Employee Benefit Trust** or the **Trust** means the trust and all property and money held by such entity, including all contract rights and records, established for the sole purpose of providing life, sick accident or other health and welfare benefits to Participating Employees, their covered dependents and other beneficiaries, and which is approved by the Internal Revenue Service as a VEBA.
- 1.4 **Employee Benefits Advisory Committee** or **EBAC** means the committee defined in Article V of the Trust Agreement that may be delegated responsibility by the Board of Trustees, including but not limited to: overseeing the operations of the Health Care Program, analyzing and developing annual premium levels and benefit coverage changes for recommendation to the Board of Trustees and performing other duties necessary to ensure that the needs of Participating Employers are met and the long-term financial health of the Health Care Program is maintained.
- 1.5 **Health Care Program** means the joint self-insurance program offering self-insured health benefit options through the HCP Account.
- 1.6 **HCP Account** means a designated account within the Trust and created by this Agreement, the Trust Agreement and Trust Health Care Program policies all under the authority of Chapter 48.62 RCW to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries and further described in Article 6.
- 1.7 **Non-City Entity** means any public agency, public corporation, intergovernmental agency or political subdivision, within the state of Washington that meets the requirements of Article IX, Section 1(c)(ii) and (iii) of the Trust Agreement for participation in the Health Care Program.
- 1.8 **Participating City** means any city or town within the state of Washington that meets the requirements of Article IX, Section 1(a) or Section 1(b) of the Trust Agreement.

- 1.9 **Participating Employee** means any individual employed by a Participating Employer and for whom the Participating Employer makes contributions to the Trust, and any individual who may have been so employed but is subsequently laid off, terminated, or retired.
- 1.10 **Participating Employer** means a Participating City or Non-City Entity that is also a party to this Agreement.
- 1.11 **Resolution** means the resolution adopted by each Participating City or Non-City Entity that authorizes the Health Care Program.
- 1.12 **State Risk Manager** or **Risk Manager** means the risk manager of the Risk Management Division within the Department of Enterprise Services.
- 1.13 **Stop Loss Insurance** or **Reinsurance** means a promise by an insurance company that it will cover losses of the Health Care Program over and above an agreed-upon individual or aggregated amount, which definition shall be modified by any changes to the definition of stop loss insurance in WAC 200-110-020.
- 1.14 **Third-Party Administrator** means the independent association, agency, entity or enterprise which, through a contractual agreement, provides one or more of the following ongoing services to the Health Care Program: pool management or administration services, claims administration services, risk management services, or services for the design, implementation, or termination of an individual or joint self-insurance program.
- 1.15 **Trust Agreement** means the Trust Agreement Governing the Trust amended and restated July 1, 2013, and any subsequent amendments thereto.
- 1.16 **Trustees** or **Board of Trustees** means the following individuals and their successors, who together, govern the Trust and the Health Care Program:
- 1.16.1 the AWC President and the AWC Vice President;
- 1.16.2 the EBAC Chair and the EBAC Vice Chair; and
- 1.16.3 an individual elected pursuant to the procedures in Article III, Section 5 of the Trust Agreement to serve as the trustee from one of the following regions:
- (a) North East Region (known as the “North East Region Trustee”);
  - (b) North West Region (known as the “North West Region Trustee”);
  - (c) South East Region (known as the “South East Region Trustee”); and
  - (d) South West Region (known as the “South West Region Trustee”).

Individuals from Non-City Entities are not eligible to serve as Trustees.

## **ARTICLE 2**

### **PURPOSE**

This Agreement is entered into for the purpose of authorizing the Health Care Program created by the Trust to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries. The Health Care Program shall comply with the statutory provisions found in Chapters 48.62 and 39.34 RCW and the regulatory requirements contained in WAC 200-110 applicable to joint self-insurance programs.

## **ARTICLE 3**

### **PARTIES**

Each party to this Agreement certifies that it intends to participate in the Health Care Program. Participating Employers are signatories of this Agreement to become effective on a date to be mutually determined (the "Effective Date") and with such other Participating Cities and Non-City Entities as may later be added to and become signatories to this Agreement.

## **ARTICLE 4**

### **DURATION OF AGREEMENT**

- 4.1 This Agreement shall become effective on the Effective Date.
- 4.2 This Agreement shall have perpetual duration unless terminated as hereinafter provided.

## **ARTICLE 5**

### **MEMBERSHIP COMPOSITION**

The Health Care Program shall be open to Participating Cities and Non-City Entities. Participation in the Health Care Program is voluntary and not a requirement of AWC membership. The Board of Trustees shall provide for the reasonable admission of new Participating Cities and Non-City Entities.

## **ARTICLE 6**

### **HCP ACCOUNT**

- 6.1 All premium contributions by Participating Employers, Non-City Entities and Participating Employees for use in the Health Care Program are deposited into the HCP Account.
- 6.2 The HCP Account represents a pool of funds that is independent of all other Trust or AWC funds and independent of all other Participating Employer and Non-City Entity funds. The funds deposited into the HCP Account are held, managed and expended only for the Health Care Program and reasonable expenses, consistent with applicable state

and federal statutes and rules governing joint self-insurance programs and self-insurance programs generally.

- 6.3 The HCP Account is subject to audit by the State Auditor's Office.

## **ARTICLE 7**

### **TRUSTEE POWERS RELATED TO HEALTH CARE PROGRAM**

The Board of Trustees is provided with the powers and functions established under RCW 48.62.031 to accomplish the following:

- 7.1 Promote the economical and efficient means by which health benefits coverage is made available to Participating Employers and Non-City Entities and provided to Participating Employees, their covered dependents and other beneficiaries;
- 7.2 Protect the financial integrity of the Health Care Program through purchase of Stop Loss Insurance or Reinsurance in such form and amount as needed;
- 7.3 Contract for or otherwise provide risk management and loss control services;
- 7.4 Contract for or otherwise provide legal counsel for the defense of claims and other legal services;
- 7.5 Consult with the state insurance commissioner and the State Risk Manager;
- 7.6 Obligate the Participating Employers and Non-City Entities to pledge revenues or contribute money to secure the obligations or pay the expenses of the Health Care Program, including the establishment of a reserve or fund for coverage; and
- 7.7 Exercise all other powers and perform all other functions reasonably necessary to carry out the purposes of the Health Care Program, Chapter 48.62 RCW and Chapter 200-110 WAC.

## **ARTICLE 8**

### **ORGANIZATION OF HEALTH CARE PROGRAM**

- 8.1 The operations of the Health Care Program are managed by the Board of Trustees or its delegates. The Trustees or any delegates review and analyze Health Care Program-related matters and make operational decisions regarding premium contributions, reserves, plan options and benefits in compliance with Chapter 48.62 RCW.
- 8.2 The Board of Trustees has decision authority consistent with the Trust Agreement, Health Care Program policies, Chapter 48.62 RCW and Chapter 200-110 WAC.

## **ARTICLE 9**

### **RESPONSIBILITIES OF THE TRUSTEES**

- 9.1 The Board of Trustees shall discharge its responsibilities under this Agreement as follows:
- 9.1.1 Provide for the efficient management and operation of the Health Care Program;
  - 9.1.2 Provide for health benefit coverage options for Participating Employees, their covered dependents and other beneficiaries;
  - 9.1.3 Determine the level of Stop Loss Insurance or Reinsurance coverage for claims expenses above the amounts deemed appropriate for self-insurance;
  - 9.1.4 Ensure that the Health Care Program meets required state and federal statutes and rules;
  - 9.1.5 Contract with vendors required to meet the responsibilities established by the Trust Agreement, Health Care Program policies, and applicable state and federal statutes and rules;
  - 9.1.6 Maintain the balance between meeting the Health Care Program needs of Participating Employers and the long-term financial integrity of the Health Care Program;
  - 9.1.7 Prepare an annual financial report on the operations of the Health Care Program; and
  - 9.1.8 Provide for other services deemed appropriate by the Board of Trustees to meet the purposes of this Agreement.
- 9.2 The Board of Trustees may delegate the responsibilities described in this Article 9 to the EBAC or other delegates at its complete discretion.

## **ARTICLE 10**

### **RESPONSIBILITIES OF THE PARTICIPATING EMPLOYERS**

In order to participate in the Health Care Program, Participating Employers shall:

- 10.1 Be a Participating City or Non-City Entity in good standing and comply with the requirements of admission or qualification as established by the Board of Trustees;
- 10.2 Adopt this Agreement by Resolution, agreeing to its terms and provisions;
- 10.3 Submit the Resolution and Agreement to the Trust;

- 10.4 Read the terms, conditions and representations set forth in the application agreement related to participation in the Health Care Program;
- 10.5 Designate an employee of the Participating Employer to be a contact person for all matters relating to the Participating Employer's participation in the Health Care Program;
- 10.6 Pay premiums for the Health Care Program to the Third-Party Administrator no later than the tenth day of the month in which the premium is due;
- 10.7 By formal action of the legislative body of the Participating Employer, approve policies and procedures necessary to secure protected health information ("PHI") in accordance with Chapter 70.02 RCW and the Health Insurance Portability and Accountability Act ("HIPAA") privacy and security rules, codified at 45 C.F.R. Parts 160-164;
- 10.8 Provide the Health Care Program with such information or assistance as is necessary for the Health Care Program to meet its responsibilities under this Agreement; and
- 10.9 Cooperate with and assist the Health Care Program and any insurer of Stop Loss Insurance or Reinsurance, in all matters relating to the administration and operation of the Health Care Program and all matters relating to this Agreement.
- 10.10 Comply with all bylaws, rules, regulations and policies adopted by the Board of Trustees relating to the Health Care Program.

## **ARTICLE 11**

### **RESERVE FUND INVESTMENT**

All reserve fund investments from the HCP Account shall be made in a manner that is consistent with RCW 48.62.111, Chapter 39.59 RCW, WAC 200-110-090 and the Health Care Program Investment Policy.

## **ARTICLE 12**

### **FINANCIAL RECORDS**

- 12.1 The Board of Trustees shall develop estimated revenue and expenditures to establish a budget for each fiscal year covering January 1 through December 31 annually. Actual Health Care Program revenues and expenditures shall be monitored monthly by the Board of Trustees and reported at its quarterly meetings.
- 12.2 The accounting records of the Health Care Program are maintained in accordance with methods prescribed by the State Auditor's office under the authority of Chapter 43.09 RCW. The Health Care Program also follows applicable accounting standards established by the Governmental Accounting Standards Board ("GASB"). Year-end financial reporting is done on an accrual basis and submitted to the Office of the State Auditor as required by Chapter 200-110 WAC. Once reviewed and approved by the

Office of the State Auditor the year-end financial report is transmitted to the Office of the State Risk Manager.

- 12.3 Financial records of the Health Care Program shall be subject to audit by the Office of the State Auditor. Year-end financial reports and audit results shall be made available to interested parties. The Health Care Program shall provide financial information as required by state statute and rule to the Office of the State Risk Manager.

### **ARTICLE 13**

#### **PARTICIPATING EMPLOYER TERMINATION AND WITHDRAWAL**

- 13.1 A Participating Employer must remain in good standing with the Trust and adhere to the requirements of this Agreement. In the event that a Participating Employer fails to be a Participating City or Non-City Entity in good standing, participation in the Health Care Program shall automatically terminate without notice as shall all health and welfare benefits provided through the Health Care Program.
- 13.2 The Board of Trustees may take action to terminate membership or deny membership in the Health Care Program where it determines that such termination or denial is in the best interest of the Health Care Program
- 13.3 When a Participating Employer's eligibility in the Health Care Program is affected due to merger or annexation, the affected Participating Employer may petition the Board of Trustees to remain in the Health Care Program.
- 13.4 A Participating Employer may only withdraw its participation in the Health Care Program at the end of the calendar year and must provide written notice to the Trust at least thirty-one (31) days in advance of the end of the calendar year (December 31st).
- 13.5 In the event of withdrawal or non-renewal, the Health Care Program will cover any of the Participating Employer's remaining outstanding Health Care Program claims expenses incurred prior to the Participating Employer's withdrawal from or non-renewal in the Health Care Program.
- 13.6 No Participating Employer, because of withdrawal or any other reason, has any right or interest in the HCP Account because of its nature as a rate stabilization fund. In the event any Participating Employer withdraws from the Health Care Program, its Participating Employees, their covered dependents and other beneficiaries and any Consolidated Omnibus Budget Reconciliation Act of 1985 as amended (COBRA) participants and contract personnel and dependents approved by the Board of Trustees, shall forfeit all right and interest to the HCP Account.

## **ARTICLE 14**

### **TERMINATION OF HEALTH CARE PROGRAM**

- 14.1 In the event the Health Care Program is terminated, the Board of Trustees shall distribute the remaining funds in the HCP Account to the Trust or any successor association authorized by Chapter 39.34 RCW for like purposes for use in any program with similar purposes.
- 14.2 Upon termination, this Agreement and the HCP Account shall continue for the purpose of paying remaining outstanding claims and expenses and fulfilling all other functions necessary to complete the business of the Health Care Program.

## **ARTICLE 15**

### **MEETINGS, NOTICES AND COMMUNICATIONS**

- 15.1 The Board of Trustees and the EBAC, if any responsibilities for Trust management have been delegated thereto, shall provide notice of their regular and special meetings and hold their meetings in accordance with Chapter 42.30, RCW Open Public Meetings Act.
- 15.2 Communications with Participating Employers may occur using mail, email or posting on the Health Care Program website. The website shall be partitioned to provide information for the general public and information specific to Participating Employers and their employees.
- 15.3 Communications may come directly from the Health Care Program, through the Third-Party Administrator or through another vendor on behalf of the Health Care Program.

## **ARTICLE 16**

### **AMENDMENTS TO INTERLOCAL AGREEMENT**

- 16.1 The Board of Trustees shall review and analyze any proposed amendment to this Agreement. An amendment may be proposed for review by any party to this Agreement.
- 16.2 The Board of Trustees upon its discretion may take action by resolution on any amendment at any regular meeting of the Board of Trustees.

## **ARTICLE 17**

### **PROHIBITION ON ASSIGNMENT**

- 17.1 No Participating Employer may assign any right or claim of interest it may have under this Agreement.

- 17.2 No creditor, assignee or third-party beneficiary of any employer shall have the right, claim or title to any party, share, interest, premium or asset of the Trust, HCP Account or the Health Care Program.

## **ARTICLE 18**

### **HEALTH CLAIM DISPUTES AND APPEALS**

In the event that a dispute arises over a health claim, the procedures, adjudication requirements and administrative remedies shall be found in the Health Care Program's plan document applicable to the Health Care Program covering the claimant.

## **ARTICLE 19**

### **PLAN ADMINISTRATION DISPUTES AND APPEALS**

- 19.1 In the event that a dispute arises between a Participating Employer and the Health Care Program, the Participating Employer shall document the circumstances causing the dispute and submit a written request for review of the disputed circumstances to the Board of Trustees. Upon review of such information, the Board of Trustees shall attempt to resolve the dispute.
- 19.2 If the Board of Trustees' resolution to the dispute is deemed unsatisfactory, then alternative dispute resolution through mediation or binding arbitration may be necessary.

## **ARTICLE 20**

### **ENFORCEMENT OF TERMS OF AGREEMENT**

- 20.1 The Board of Trustees may enforce the terms of this Agreement.
- 20.2 In the event legal action is initiated to enforce any term or provision of this Agreement against any present or previous Participating Employer, the prevailing party shall receive such reimbursement of costs as the court deems reasonable for attorneys' fees and costs related to the relevant legal action.

## **ARTICLE 21**

### **DEFAULT**

- 21.1 If any Participating Employer fails to perform any term or condition of this Agreement and such failure continues for a period of sixty (60) days after the Board of Trustees has given the Participating Employer written notice describing such failure, the Participating Employer shall be considered in default.
- 21.2 Upon default, the Board of Trustees may immediately cancel the Participating Employer's participation in the Health Care Program without additional notice or exercise some other remedy otherwise provided by law.

- 21.3 The rights and remedies of the Board of Trustees are cumulative in nature and pursuit of any particular remedy shall not be deemed an election of remedies or a waiver of any other remedies available hereunder or otherwise available by law.

## ARTICLE 22

### NO WAIVERS

No waiver or forbearance of a breach of any covenant, term, or condition of this Agreement shall be construed to be a waiver or forbearance of any other or subsequent breach of the same or of any other covenant, term or condition, and the acceptance of any performance hereunder, or the payment of any sum of money after the same has become due or at a time when any other default exists hereunder, shall not constitute a waiver or right to demand payment of all sums owing or a waiver of any other default then or thereafter existing.

## ARTICLE 23

### CONTRACT MANAGEMENT

The Health Care Program shall designate a person to whom the State Risk Manager shall forward legal process served upon the Risk Manager; **The AWC Chief Executive Officer** (designee or successor). **The Health Care Program Director** shall be responsible for and shall be the contact person for all communications regarding the performance of this Agreement.

## ARTICLE 24

### SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

## ARTICLE 25

### COUNTERPART COPIES

This Agreement may be signed in counterpart or duplicate copies and any signed counterpart or duplicate copy shall be equivalent to a signed original for all purposes.

**ARTICLE 26**

**HEADINGS**

The Article and Section headings in this Agreement are inserted for convenience only and are not intended to be used in the interpretation of the contents of the Articles and Sections they introduce.

**ARTICLE 27**

**AGREEMENT COMPLETE**

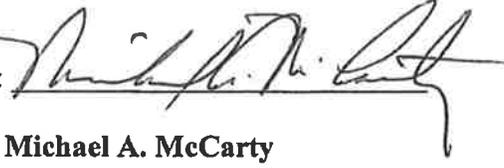
This Agreement and the documents referenced herein contains all the terms and conditions agreed to by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the parties hereto.

**[Signature page follows]**

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement.

**Association of Washington Cities  
Employee Benefit Trust**

**Participating Employer**

Signature: 

Name: **Michael A. McCarty**

Title: Chief Executive Officer

Date: August 30, 2013

Signature: \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

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

Effective Date: January 1, 2014





September 3, 2013

Dear AWC Employee Benefit Trust Member:

On July 25, 2013, after months of research and consideration, the AWC Employee Benefit Trust Board of Trustees voted to move from a fully insured benefit program to a self-insured model. Among a variety of advantages and opportunities that goes along with self-funding, is our projection of a **0% increase for those covered by the Trust's Regence/Asuris Medical, Group Health Medical, WDS Dental, and VSP Vision self-insured plans for 2014.**

In order to conduct business as a self-insured program, we are now required to comply with RCW 48.62 and WAC 200-110. This involves following the state law and rules administered by the Washington State Risk Manager. One of those requirements is that each member must approve, by resolution, an Interlocal Agreement authorizing you to participate in the self-insured program.

Enclosed with this letter is the Interlocal Agreement and a sample council/board resolution, and fact sheet. **We request that you please calendar these items on your next governing-body agenda for adoption, and return signed copies of the Interlocal Agreement and the resolution to the AWC Employee Benefit Trust no later than November 15, 2013.**

**Documents can be mailed, scanned and emailed, or faxed to Luann Hopkins, AWC Chief Operating Officer, as follows:**

**Mail:** Luann Hopkins, COO  
Association of Washington Cities  
1076 Franklin Street SE  
Olympia, WA 98501

**Email:** [Luannah@awcnet.org](mailto:Luannah@awcnet.org)

**Fax:** Luann Hopkins, COO at 360-753-0149

Members who do not return the signed Interlocal Agreement and Resolution will not be eligible to purchase medical, dental, and vision benefits from the Trust as of January 1, 2014, and will not be able to take advantage of the projected favorable rates.

If you have questions, or wish to request a representative from the AWC to attend your council/board meetings to help explain these changes, please contact Luann Hopkins or Carol Wilmes at 360-753-4137.

Sincerely,

Handwritten signature of Craig George in cursive.

Craig George  
Chair, AWC Employee Benefit Trust  
Board of Trustees

Handwritten signature of Mike McCarty in cursive.

Mike McCarty  
Chief Executive Officer  
Association of Washington Cities





## Self-Funded Health Care Program

*On August 26, 2013, the State Risk Manager approved the AWC Trust's application to self-insure the medical plans through Group Health and Regence Blue Shield, the Vision Service Plan, and Washington Dental Service plan effective January 1, 2014. The remaining insurance products will continue to be fully-insured. This fact sheet is intended to provide background of the Trust and insight into the Board of Trustee conversation ultimately leading to the decision to self-insure.*

### Trust history

The AWC Employee Benefit Trust is a Voluntary Employees' Beneficiary Association (VEBA), as defined in IRC 501 (c) (9). The Trust was formed in 1970 by the Association of Washington Cities to offer affordable coverage for its cities and towns with participants in Law Enforcement Officers and Fire Fighters Pension Plan 1 (LEOFF 1). Since that time, the Trust has broadened its insured membership to include all walks of municipal government and their families. Today, the Trust serves 275 participating entities and insures approximately 36,000 employees and family members.

The Trust currently offers medical, dental, vision, employee assistance program, life insurance, long-term disability insurance, and long-term care insurance.

In 1984, the Board of Trustees proved to be true visionaries in the health care industry and adopted an innovative health promotion project (wellness) as a cost containment tool. Today, the award-winning Total Health Management services of the Trust (available to Regence and Group Health medical subscribers) continues to reduce health care costs and improve quality of life for our insured members.

The AWC Trust, one of the first of its kind as a municipal league pool, is nationally recognized for excellence and innovation. Industry respect and long-term, stable relationships with insurance carriers, vendors, and consultants have benefited the pool members with quality health care programs, trust-worthy technical assistance and financial predictability. Customer advocacy and member-driven decisions continue to be the cornerstone of the Trust mission, vision and goals.

### Planning retreat priority: self-insurance

As one of the highest priorities emerging from the 2011 Long Range Strategic Planning Retreat, the Trustees dedicated its 2013 meetings to learning about the world of self-insurance; hearing in-depth analysis from benefit, legal and actuarial consultants; and weighing the pros and cons of self-insuring the health care plans.

On July 25, Trustees instructed staff and consultants to proceed with a self-insurance application to the State Risk Manager. Approval was granted on August 26, and the Trust will transition its **Regence/Asuris, Group Health, WDS and VSP** plans to self-insurance effective January 1, 2014.

*Self-Insurance means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.*

### Cost savings

One of the overriding factors in the decision is the potential for cost savings to members. Self-insurance allows the Trust to eliminate several taxes mandatory for fully insured plans including a 2% state tax and a 2% - 3% new 2014 federal insurer tax. While our retention and stop loss fees were extremely competitive as a fully insured plan, these fees were also lowered with the aid of a competitive self-insurance marketplace. Along with all these cost savings, we'll be able to focus on our own trend line, which has been lower than carriers' trends for many years. This bodes well for not only this year's rate projections, but future year's as well.

The transition to self-insurance will not change the manner in which plans are rated (i.e., the Trust will continue to pool all member claims rather than develop rates based upon individual employer loss experience). However, the discussion of large city claims rating is slated to be discussed by the Board of Trustees in 2014, and being self-insured certainly enables a broader scope of analysis.

With all these factors considered, the Trust's 2014 rate projections are very favorable with 0% increase projected for most plans.

| Self-insurance plans   |    | Fully-insured plans             |    |
|------------------------|----|---------------------------------|----|
| Regence/Asuris Medical | 0% | LEOFF I Medicare Advantage Plan | 8% |
| Group Health Medical   | 0% | Willamette Dental               | 0% |
| WDS Dental             | 0% | Life & LTD                      | 0% |
| VSP Vision             | 0% | EAP                             | 0% |

Final rates will be adopted by the Board of Trustees on September 26. Look to our website by end of day on Friday, September 27, for an updated posting.

## WellCity rate impact

The WellCity discount is 2% less than the base rate. Ongoing WellCity Award recipients - your current rate will be 2% less than the base rate - which means your rate stays the same. For cities earning the 2013 WellCity Award for the first time, you'll get a 2% discount on the 2014 base rate, meaning your rate this year is actually a 2% savings from your 2013 rate.

## Employee impacts

For now, know that the impact to employees and their family members is minimal to none:

- Benefit plan designs remain the same, including the mandated benefit changes under the ACA for 2014
- Employees have access to the same provider networks.
- Claims will be processed by the same carriers.
- It is possible that a new ID card will be generated.

## Member employer impacts

Impact to employers is equally minimal:

- Members will still be part of the Trust's large pool, which will now be self-insured.
- The monthly bill will still be generated by NWA and due at the same time as current (by the 10th of the month).
- The most notable change for employers will be the council-adoption by resolution of an Interlocal Agreement between the jurisdiction and the AWC Trust.

## Interlocal Agreement

RCW 48.62 authorizes local government entities to self-insure for health care benefits, and delegates rule-making authority and oversight to the Washington State Risk Manager. Chapter 200-110 Washington Administrative Code sets forth that members of the health care program (pool) must be a signatory to the health care program's Interlocal Agreement, and the Interlocal Agreement must be adopted by the local governing body by resolution.

In order for the Trust to meet the state deadlines, member jurisdictions must provide the adopted resolution and Interlocal Agreement no later than **November 15, 2013**.

## AWC Employee Benefit Trust Health Care Program reserve funding

Self-insured health care programs must establish reserves necessary to fund the termination costs of the program and to insulate the program against unusual severity or frequency of claims. The Board of Trustees have pledged reserve funds pursuant to actuarially established amounts to satisfy this requirement.

| Health Care Program 2014 financials at a glance |                      |
|---|----------------------|
| Beginning program deposits/assets <sup>1</sup>  | \$15,420,000         |
| Projected employer contributions                | \$174,672,167        |
| Projected employee contributions                | \$19,408,091         |
| Other projected revenues                        | \$308,400            |
| <b>Total projected revenues</b>                 | <b>\$194,388,586</b> |
| Projected claims payments                       | \$179,155,972        |
| Projected operational expenses <sup>2</sup>     | \$12,334,777         |
| Projected Stop Loss Insurance Policy            | \$813,875            |
| Projected Wellness Program expenses             | \$1,775,561          |
| <b>Total projected annual expenses</b>          | <b>\$194,080,186</b> |
| Projected year-end program assets/reserves      | \$15,728,400         |

<sup>1</sup>Projected reserves as of December 31, 2013 are \$75,471,971 of which \$15,420,000 are pledged as beginning health care program assets.

<sup>2</sup>Includes claims adjudication, broker fee-for-service, actuary, legal, consultants, and operations.

## Questions

As always, the Trust is committed to communicating with members. You can expect ongoing communications in upcoming **For Your Health** e-newsletters. If you have any questions regarding the Trust's decision to self-insure, the new rate projections, or the Interlocal Agreement feel free to contact an AWC Trust staff member at 1-800-562-8981 or benefitinfo@awcnet.org.



## Frequently asked questions on self-insurance transition

### **Can I make amendments to the resolution and the Interlocal Agreement?**

You may amend the member resolution that we provided to you in Word format.

We ask that no amendments be made to the Interlocal Agreement. The Interlocal Agreement was drafted by counsel to the Trust, reviewed and approved by the Board of Trustees and the State Risk Manager. Amendments to the Interlocal must go through a lengthy process which includes all signatories to the Interlocal to approve and re-sign the agreement.

We are keeping record of comments and questions regarding the Interlocal and the transition to self-funding, and will address at some future date.

### **What are the details regarding AWC's planned stop loss insurance/reinsurance? For example, at what point will the reinsurance coverage kick in and what are the coverage levels?**

The Trust Board of Trustees approved on September 26 the levels of stop loss insurance for the AWC Trust self-insured Health Care Program.

Before answering that question, it is important to note that under the current fully insured arrangement with Regence BlueShield we hold a \$1,000,000 individual stop loss (ISL) and are obligated on aggregate to 4.42 weeks of premium (approximately \$15.8 million). For Group Health, we are currently insured for ISL at \$250,000 and no aggregate obligations.

With the advice of the actuarial consultants at Aon-Hewitt, the Trustees adopted on September 26 ISL and aggregate policies as follows: Regence/Asuris medical plans at an ISL of \$1.5 million and Group Health ISL at \$750,000. The aggregate policy will be for 200% of expected medical claims.

### **Where are the beginning/startup assets coming from to create a reserve and pay initial claims & expenses?**

The Trust Board of Trustees has committed to fully fund the Health Care Program reserves at the actuarial recommendation of \$15,420,000. This initial pledge was derived from the AWC Trust Rate Stabilization Reserve of \$75,471,971 which now brings that reserve down to about \$60 million.

### **What protected health information will the city be receiving as a result of the change to self-insurance? Does the AWC have sample policies and procedures for our council to adopt as required by Section 10.7 of the Interlocal Agreement?**

Staff are currently working with the Trust legal counsel at Stoel Rives to amend the AWC Trust Privacy & Security Policies to incorporate appropriate HIPAA privacy and security language as addressed in the Interlocal Agreement. The initial legal opinion is that our Board of Trustee adopted policies can accompany the Interlocal Agreement and not need to be formally adopted by the council.

### **Under what circumstances would the city be asked to pay an assessment above and beyond the amount of the monthly premiums?**

The AWC Trust is not changing its rating philosophy from true pooling concepts. In other words, cities *will not* be individually rated based on your claims experience. We will continue to pool health care claims and project rate increases in the same fashion as we have in years past.

As in years past, if the pool experienced a significant deficit that sorely depleted our rate stabilization reserve, then an additional % would be tacked onto the rate increase to replenish the reserves. This event has been extremely rare in the AWC Trust history; in fact, in the past 25 years, it has only occurred twice.

If this were necessitated under the new Trust self-insurance Health Care Program, we will be sure to identify it as such with a disclosure as to status of the Rate Stabilization Reserve. Ultimately, in the unlikely event of the total dismantle of the self-insurance Health Care Program, AWC Trust reserves would be depleted to **pay claims runout**. If there was insufficient funds in the reserves, then member jurisdictions at that time would be assessed based on proportion of total premium.

*continued*

**The Interlocal Agreement states that a participating City may withdraw on 31 days advance notice prior to the end of the year, but the current application and Trust Agreement says such notice must be given six months in advance (by July 1). Is the application and Trust Agreement going to change? If not, what notice requirement will apply to withdraw?**

This is an item that will be addressed with the Board of Trustees in December to either amend the Interlocal Agreement and/or the Trust Agreement so that they complement each other. At this time, the generosity of the Interlocal Agreement will prevail. Mid-year terminations due to collective bargaining agreement obligations will be honored.

**How does the Trust plan to address assessments, if necessary, in light of the ability of participating employers' ability to withdraw? We assume that once an employer has withdrawn, it will not be responsible for past debts of the Trust, even if those debts were incurred during the employer's participation. But that is not clear in the Interlocal Agreement. For example, if an extraordinarily large value of claims are made at the end of the last year in which an employer is participating, is the employer immune from being assessed in the next year even though the reason for the assessments are claims that were made while the employer was participating?**

As stated above, we operate and rate on true claims pooling concepts. The pool is actuarially rated each year with the assumption of projected claims runout for all current members. A jurisdiction's (or bargaining unit's) departure will not obligate that jurisdiction to past debts.

The only exception to that rule would be if the AWC Trust were to terminate the Health Care Program; member jurisdictions at the time of Trust Health Care Program termination would be obligated to proportionate assessment, should reserves prove not to be sufficient for claims runout. As you can imagine, the AWC Trust's commitment to members as to the actuarial health of the program will be strong, so that there are no surprises.

**If our council has questions we cannot answer, can the AWC provide a representative at a council meeting to answer such questions?**

Yes, AWC Trust staff would be happy to make themselves available to address your council's questions. AWC staff are also available by conference call. In addition, we are in the process of producing web-based presentations for members to use at their board/council meetings.

**The Interlocal Agreement makes reference to the Trust Agreement. What is the Trust Agreement and where can I get a copy?**

The Trust Agreement is the guiding governance document of the AWC Employee Benefit Trust, similar to bylaws. Members of the Trust can access the most recent version of the Trust Agreement (amended and restated July 1, 2013).

**My city belongs to self-insured risk pool for our property and liability coverage. How is the Trust Health Care Program Pool the same/different from the property-liability pool?**

The Pools are the same in that they are both authorized under RCW 48.62. However, how the statutes are interpreted and applied can be very different.

One of the major differences for the AWC Trust Health Care Program is how members are rated. The Trust Health Care Program pools claims without regard to experience; whereas, members of property/liability pools are typically experience-rated in some fashion to account for their individual claims history.

Another big difference between the two types of pools is the relationship to collective bargaining. With the Trust Health Care Program, there is an interwoven connection to plan design and collective bargaining agreements of the members; not so with pooling for other types of risk such as property and liability coverage.

**Does the transition to self-insurance for the AWC Employee Benefit Trust Health Care Program automatically trigger opening our collective bargaining agreements?**

Not necessarily. The only change that member employees will experience due to this transition, is the issuance of new ID cards. The big difference is how the Trust purchases coverage from the carriers; not the relationship with the Trust and member employers.

**Does the Employee Benefit Trust transition to self-funding mean that my city is now self-insured for health benefits?**

No. Members of the Employee Benefit Trust that decide to adopt the Interlocal Agreement and resolution are joining other members of the Trust to create the Health Care Program that will self-insure purchase of coverage through the Trust Health Care Program for Regence Blue Shield and Group Health medical, as well as, Washington Dental, and Vision Service plans. The Pool of members comprise the Health Care Program, not the individual city.

**Will AWC collect premiums and pay claims under the new health care program?**

The AWC Trust will continue to contract with Northwest Administrators (NWA) to collect premium. NWA will continue to forward premium onto the contracted carriers to pay claims according to contract provisions.



**Agenda Staff Report**

**TO:** Mayor Guier and City Council Members  
**FROM:** Jim Morgan  
**MEETING DATE:** October 14, 2013  
**SUBJECT:** Stewart Road Contract Amendment

---

**ATTACHMENTS:** Resolution 2013-0XX

---

**Previous Council Review Date:**

**Summary:** The attached Resolution provides approval of expenditures with Skillings Connolly, Inc. for additional design engineering and construction services of the Stewart Road Improvement projects. The Pacific City Council previously authorized by Resolutions a professional services agreement between the City of Pacific and Skillings Connolly for design engineering services of the Stewart Road/Thornton Avenue Widening Project. The past several weeks, staff has defined the scope and negotiated the proposed fees for these additional services.

**Recommendation/Action:** Staff recommends Council approve Resolution No. 2013-\_\_.

**Motion for Consideration:** Move to approve Resolution No. 2013-\_\_, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING EXECUTION OF SUPPLEMENT NO. 11 TO A CONTRACT WITH SKILLINGS CONNOLLY FOR ADDITIONAL ENGINEERING DESIGN SERVICES ASSOCIATED WITH ADDITIONAL WORK FOR THE FINAL PHASE OF THE STEWART ROAD IMPROVEMENT PROJECTS.

**Budget Impact:** IF accepted by City Council, the costs of the services are \$93,396.00 and would be paid from the TIB grants and the remainder from the City's Water Construction funds as the scope provides design services of the City's water main extension that is associated with the project.

**Alternatives:** None recommended.



CITY OF PACIFIC  
WASHINGTON

RESOLUTION NO. 2013-\_\_

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING EXECUTION OF SUPPLEMENT NO. 11 TO A CONTRACT WITH SKILLINGS CONNOLLY FOR ADDITIONAL ENGINEERING DESIGN SERVICES ASSOCIATED WITH ADDITIONAL WORK FOR THE FINAL PHASE OF THE STEWART ROAD IMPROVEMENT PROJECTS.

---

**WHEREAS** the City Council, by Resolution No 1042 approved a contract with Skillings Connolly for completion of design engineering services for the Stewart Road/Thornton Avenue Widening Project; and

**WHEREAS**, Skillings Connolly previously submitted Supplements No. 1 - 10 in the contract that provided for additional contract time and additional services; and

**WHEREAS**, Contract Supplement No. 11 details additional costs and effort required to complete the final design work including: preparation of technical reports; completion of construction documents; and final bid estimate preparation. The requested costs associated with that work is in the amount of \$93,200 and shall be proportionally paid from the Transportation Improvement Board grant.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1**, The Pacific City Council hereby authorizes the execution of Supplement No.11 to the contract authorized by Resolution No 1042 between the City of Pacific and Skillings Connolly for final design engineering services of the Stewart Road Improvement Projects.

**Section 2**. This Resolution shall take effect and be in full force upon passage and signatures hereon.

CITY OF PACIFIC

---

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

---

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

---

KEN LUCE, CITY ATTORNEY





**Agenda Staff Report**

**TO:** Mayor Guier and City Council Members  
**FROM:** Jim Morgan  
**MEETING DATE:** October 7, 2013  
**SUBJECT:** Coordinated Prevention Grant (CPG) Agreement

---

**ATTACHMENTS:** A. Resolution 2013-0xx  
B. Department of Ecology Coordinated Prevention Grant (CPG) Agreement No. G1400197

---

**Previous Council Review Date:**

**Summary:** The attached Agreement is a bi-annual agreement between the Washington State Department of Ecology and the City of Pacific.

**Recommendation/Action:** Staff recommends Council approve Resolution No. 2013-\_\_.

**Motion for Consideration:** Move to approve Resolution No. 2013-\_\_, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING EXECUTION OF THE DEPARTMENT OF ECOLOGY COORDINATED PREVENTION GRANT (CPG) AGREEMENT NO. G1400197.

**Budget Impact:** If accepted by City Council, the cost of the services is \$6,367.33 and would be paid from a King County grant.

**Alternatives:** None recommended.



CITY OF PACIFIC  
WASHINGTON

RESOLUTION NO. 2013 -

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A DEPARTMENT OF ECOLOGY COORDINATED PREVENTION GRANT AGREEMENT Grant No. G1400197**

---

**WHEREAS** the City of Pacific applied to various agencies for small waste reduction and recycling grants that assist in paying the costs associated with holding an annual household hazardous wastes collection event; and

**WHEREAS** the City of Pacific has been notified by the Department of Ecology that it has been approved for a two year grant in the amount of \$19,102; and

**WHEREAS** in an effort to assist the state stream line costs and services, the City of Pacific partnered with the City of Algona to submit one application for the providing an the household hazardous waste collection day, held twice each year. The City of Pacific has agreed to act as grant recipient and administer the CPG grant and shall be reimbursed for said services through the grant; and

**WHEREAS** the required local match monies are derived through the other grants already obtained by the City of Pacific and City of Algona (King County grants),

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON**

**Section 1.** The Pacific City Council hereby authorizes the Mayor to execute a WA Department of Ecology Coordinated Prevention Grant Agreement (attached as Exhibit A) in the amount of \$19,102 for activities associated with conducting the annual household hazardous waste program.

**Section 2.** This Resolution shall take effect and be in full force upon passage and signatures hereon.

CITY OF PACIFIC

---

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

---

AMY STEVENESON-NESS, CITY CLERK

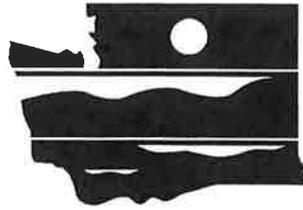
APPROVED AS TO FORM:

---

KEN LUCE, CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO:





DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**COORDINATED PREVENTION GRANT (CPG) AGREEMENT**

**BETWEEN THE**

**STATE OF WASHINGTON DEPARTMENT OF ECOLOGY**

**AND**

**THE CITY OF PACIFIC**

**Grant No. G1400197**



This is a binding agreement entered into by and between the State of Washington Department of Ecology, hereinafter referred to as the "DEPARTMENT" or as "ECOLOGY", and the City of Pacific, hereinafter referred to as the RECIPIENT, to carry out the activities described herein.

**JURISDICTION:** City of Pacific  
**MAILING ADDRESS:** 100 Third Avenue SE  
**CITY, STATE, ZIP:** Pacific, WA 98047

**RECIPIENT GRANT COORDINATOR:** Jim Morgan  
**TELEPHONE:** 253-939-1115  
**E-MAIL:** jmorgan@ci.pacific.wa.us

**RECIPIENT BILLING/INVOICE COORDINATOR:** Paul Devine  
**TELEPHONE:** 206-938-8900  
**E-MAIL:** pauldevine@msn.com

**ECOLOGY FINANCIAL/PROJECT MANAGER:** Taisa Welhasch  
**TELEPHONE:** 425-649-7266  
**E-MAIL:** taisa.welhasch@ecy.wa.gov

**FUNDING SOURCE** Local Toxics Control Account  
**MAXIMUM ELIGIBLE COST** \$25,469.33  
**STATE GRANT SHARE** \$19,102  
**LOCAL SHARE** \$6,367.33  
**STATE MAXIMUM GRANT PERCENT** 75 %  
**FEDERAL TAX IDENTIFICATION NO.** 91-6001483

**EFFECTIVE DATE OF THE AGREEMENT:** 07-01-2013  
**EXPIRATION DATE OF THE AGREEMENT:** 06-30-2015



## **PART 1: SCOPE OF WORK**

The task(s) set forth below summarize the RECIPIENT'S activities to be performed under this agreement. Costs are limited to those approved by ECOLOGY as outlined in the current scope of work and budget. The RECIPIENT must complete all deliverables by the expiration date of this agreement, including delivery of purchases, unless otherwise stated in the scope of work or approved by ECOLOGY in writing.

Note: The term "task" as used in this agreement is interchangeable with the term "project" as used on the online Solid Waste Information Clearinghouse and "element" as used on payment request forms.

The "Maximum Eligible Cost" is the maximum amount of eligible costs incurred by a RECIPIENT that ECOLOGY can reimburse at a rate of 75 percent under this grant.

RECIPIENT shall identify the work plan and activities by "Quarter." A quarter is defined by calendar year and begins with the first three months of the grant period. The RECIPIENT may negotiate changes to the work plan with the ECOLOGY grant officer. ECOLOGY shall document mutually agreed changes to the plan in writing.

The RECIPIENT is permitted to submit payment requests and progress reports to ECOLOGY coinciding with the Work Plan (instead of quarterly), but no more often than once per month.

Expenses relating to the collection and recycling of mercury containing lights shall be eligible for CPG reimbursement until such time that the Mercury Light Recycling program is fully implemented or the grant agreement expires, whichever is the earliest date.

### **CATEGORY: Waste Reduction and Recycling**

- TASK TITLE:** Recycling Collection Events – Residential  
**Task Coordinator** –Paul Devine, 206-938-8262, pauldevine@msn.com

**Maximum Eligible Task Cost:** \$25,469.33

**Task Description:** The RECIPIENT, in conjunction with the City of Algona and a consultant, will continue to host two recycling collection events for City residents. The events will provide residents with the opportunity to divert hard-to-recycle items from the waste stream by collecting them for recycling in a convenient City location. Materials residents can bring to the event for reuse and /or recycling include used tires, used anti-freeze, used petroleum-based products, used oil filters, used motor oil, bulky yard waste (large material only), scrap wood, appliances, ferrous metals, nonferrous metals, electronic equipment, mattresses cellular phones, porcelain toilets and sinks, propane tanks, styrofoam, and other materials, such as paper shredding, whenever practical. The RECIPIENT may charge user fees for some items or may drop user fees to increase the volume of material collected. The event will also serve as an opportunity to distribute educational materials on how to reduce waste and recycle using City sponsored or private sector recycling programs.

Participants may pay some or all of the fees associated with handling, hauling or recycling various materials. The RECIPIENT will credit the grant for any revenue received from the collection of fees or commodity sales on items the grant is supporting.

Costs for disposal of non-recyclable components are not eligible unless they are a direct and unavoidable byproduct of a recycling activity (e.g. emptied jugs used for waste motor oil or antifreeze).

**Goal Statement:** The goal of this task is to decrease the amount of organic waste, moderate risk waste (MRW), and other hard-to-recycle items being landfilled or illegally dumped by holding collection events in a convenient City location for residents.

**Outcome Statement:** Over the two-year grant period, the RECIPIENT expects to recycle between 50-80 tons of material from the residential waste stream and serve 900-1,100 households.

**Estimated outcomes produced with available budget:**

**MRW Diversion:** 5-10 tons

**Recycling/Reuse:** 40-60 tons

**Organics Diversion:** 10-15 tons

**Residential Contacts:** 12,500

**Residential Participants:** 1,000-1,200

**Work Plan, Deliverables and Timeline:**

| <b>GRANT- YEAR 1</b> |   | <b>GRANT- YEAR 2</b> |   |
|----------------------|---|----------------------|---|
| <b>Jul-Sep</b>       | Arrange date and site for event. Arrange event vendors. Event publicity – develop, print, sort, and mail event flyer. Hold recycling collection event. Recycle materials collected at event. Prepare project progress report and payment request for grant reimbursement. | <b>Jul-Sep</b>       | Arrange date and site for event. Arrange event vendors. Event publicity – develop, print, sort, and mail event flyer. Hold recycling collection event. Recycle materials collected at event. Prepare project progress report and payment request for grant reimbursement. |
| <b>Apr-Jun</b>       | Arrange date and site for event. Arrange event vendors. Develop event publicity, print, sort, and mail event flyer. Hold recycling collection event. Recycle materials collected. Prepare project progress report and payment request for grant reimbursement             | <b>Apr-Jun</b>       | Arrange date and site for event. Arrange event vendors. Develop event publicity, print, sort, and mail event flyer. Hold recycling collection event. Recycle materials collected. Prepare project progress report and payment request for grant reimbursement             |

**Method of Evaluation:** The RECIPIENT will track the number of events held, the type and quantity of materials collected and the number of participants.

**PART 2: BUDGET**

| Budget Information by CATEGORY/TASK            | Maximum Eligible Cost | State Grant Share |
|--|-----------------------|-------------------|
| <b>CATEGORY:</b> Waste Reduction and Recycling | <b>\$25,469.33</b>    | <b>\$ 19,102</b>  |
| 1. Recycling Collection Events – Residential   | <b>\$ 25,469.33</b>   | <b>\$ 19,102</b>  |

| <b>TOTAL GRANT BUDGET</b>   |                     |
|-----------------------------|---------------------|
| TOTAL MAXIMUM ELIGIBLE COST | <b>\$ 25,469.33</b> |
| STATE GRANT SHARE (75%)     | <b>\$ 19,102</b>    |
| LOCAL CASH MATCH (25%)      | <b>\$ 6,367.33</b>  |
| INTERLOCAL COSTS (0 %)      | <b>\$ - 0 -</b>     |

**PART 3: BUDGET CONDITIONS**

- A. ECOLOGY requires the RECIPIENT to provide a match of 25 percent of the maximum eligible cost with cash or interlocal costs. Interlocal costs are the only type of in-kind contributions the RECIPIENT may use as match.
- B. If parties are contributing to the local share of task costs (match) through interlocal-in kind contributions, the RECIPIENT shall negotiate a memorandum of understanding or other written agreement confirming the contribution between the parties. These agreements shall specify the exact work to be accomplished and be signed by all parties contributing to the local match of this task. Copies of these agreements shall be made part of the RECIPIENT’S grant file and submitted to ECOLOGY.
- C. Overhead is eligible at a rate up to 25 percent of staff salaries and benefits for actual time spent on tasks outlined in this agreement. Salaries and benefits to administer the grant agreement are eligible (excluding time spent to write a CPG grant application).
- D. RECIPIENT must submit a written request to ECOLOGY to amend budgets between grant tasks, to modify a scope of work, or for a budget increase or decrease. To increase or decrease the agreement’s total maximum eligible cost or change the scope of work for any tasks as outlined in this grant agreement, ECOLOGY requires a formal amendment.

- E. RECIPIENT must provide ECOLOGY with an updated Spending Plan when requested by ECOLOGY.
- F. Any work performed or costs incurred prior to the effective date or after the expiration date of this agreement will be at the sole expense of the RECIPIENT.

#### **PART 4: SPECIAL TERMS AND CONDITIONS**

##### **A. BILLING**

- 1. Unless otherwise approved in writing by ECOLOGY, the RECIPIENT shall submit a payment request to ECOLOGY at least quarterly (by calendar year), but no more often than once per month.
- 2. RECIPIENT must submit payment requests on approved State Invoice Voucher forms: A19-1A, B1/B2, C1/C2. Until there is a change in agency policy, the recipient must submit an A-19-1A with an original signature in blue ink, signed by an authorized person. The B2 and C2 forms are acceptable in electronic format. The RECIPIENT must also include all backup documentation to support costs itemized on Form C1/C2. The budget is organized by task and therefore, the RECIPIENT shall itemize costs by task on Form C1/C2 and Form B1/B2. Forms B1 and C1 are used only when interlocal costs are used towards the 25% match.
- 3. Any income directly generated as a result of the activities funded by this grant shall be reported as a credit against the expenses of that activity, as defined by ECOLOGY'S *Administrative Requirements for Recipients of Ecology Grants and Loans*, Ecology Publication #91-18.
- 4. RECIPIENT shall submit supporting documents with each payment request. This includes copies of invoices, purchase receipts, payroll records, time and attendance records, contract award documents, and any document deemed relevant by ECOLOGY to establish the approval of an expense listed on Form C1/C2. Documentation shall be clear and legible and organized by task in the order in which it is itemized on Form C1/C2.
- 5. RECIPIENT shall maintain grant related material and supporting documents including invoice vouchers sent to ECOLOGY in a common file. The RECIPIENT shall keep all supporting documents for audit purposes for at least three years from the date the agreement is closed by ECOLOGY.

##### **B. REPORTING**

- 1. Progress reports and Final Performance Analyses must be submitted through the web-based database, the Solid Waste Information Clearinghouse. The RECIPIENT must submit a progress report with each payment request. If a quarterly payment request is not submitted, the RECIPIENT is still required to submit a progress report for that quarter. These reports shall include information that supports incurred costs identified on the corresponding C1 or C2 of the payment request, and provide a brief update in support of the outcomes and or method of evaluation in the grant agreement.
  - a) A Final Performance Analysis (FPA) report must be submitted for each task in a *Planning and Implementation* grant before ECOLOGY can process a final payment request.

### **C. COMPENSATION**

Payment to RECIPIENT will be issued through Washington State's Department of Enterprise Services (DES). DES maintains a central vendor file for Washington state agency use to process vendor payments. This allows vendors to receive payments from all participating state agencies. RECIPIENTS must register as a state-wide vendor (SWV) by submitting a state-wide vendor registration form and an IRS W-9 form [http://www.ofm.wa.gov/isd/vendors/payee\\_registration.doc](http://www.ofm.wa.gov/isd/vendors/payee_registration.doc) to DES. If you have questions about the vendor registration process you can contact DES at the Payee Help Desk at (360) 664-7779 or email to [payeehelpdesk@ofm.wa.gov](mailto:payeehelpdesk@ofm.wa.gov).

### **D. TRAINING**

RECIPIENT is expected to participate in any ECOLOGY recommended trainings related to managing a CPG agreement when feasible unless exempted by ECOLOGY in writing.

### **E. PROCUREMENT AND CONTRACTS**

1. RECIPIENT must follow local procurement procedures or current state procurement procedures, whichever is stricter. A RECIPIENT with no formal procurement procedures must certify that they have complied with the "Standards for Competitive Solicitation" found in Part V of the *Administrative Requirements for Recipients of Ecology Grants and Loans – Yellow Book*, Ecology Publication #91-18.
2. Upon issuance, the RECIPIENT may submit a copy of all requests for qualifications (RFQs), requests for proposals (RFPs), and bid documents relating to this grant agreement to ECOLOGY'S grant officer to be placed in the file.
3. Prior to contract execution, the RECIPIENT may submit all draft documents and a copy of the draft proposed contract to ECOLOGY'S grant officer for review. The RECIPIENT assumes any risks associated with the failure to consult with the regional grant officer. Following the contract execution, the RECIPIENT shall submit a copy of the final contract to ECOLOGY'S assigned grant officer to be placed in the file.
4. Unless a specific purchase of equipment or real property is already written into a task's scope of work, the RECIPIENT must submit a written request to ECOLOGY to purchase any equipment or real property (Property) with a single unit purchase price of \$5,000 or more. The request must include the justification for the purchase of the property, the total cost, the intended use, and the anticipated useful life of the property. The request must be approved in writing by ECOLOGY prior to the purchase.

### **F. USE OF EXISTING CONTRACTS**

RECIPIENT may use existing contracts that conform to local adopted procurement procedures and applicable state laws. The RECIPIENT shall notify ECOLOGY if intending to use contracts entered into prior to the execution of the grant agreement for performance of grant-funded activities. The RECIPIENT shall submit a copy of the contract to its assigned ECOLOGY grant officer to be placed in the file. The grant eligibility of products or services secured by the RECIPIENT under existing contracts used to perform the scope of work in this agreement must be deemed allowable and reasonable by ECOLOGY prior to cost reimbursement.

### **G. PROPERTY AND EQUIPMENT MANAGEMENT AND DISPOSITION**

For equipment or property purchased with a cost of at least \$5,000 per unit or functional system, the RECIPIENT must utilize an inventory control system, including physical inventory to

document the ongoing use, a description of the item (including serial or vehicle identification number (VIN when possible) and location. The information shall be submitted to ECOLOGY upon request until final disposition is made. The RECIPIENT shall investigate, document, and report to ECOLOGY any loss, theft or damage upon discovery of such conditions. The RECIPIENT will follow manufacturer recommended maintenance procedures to keep the property in good operating condition.

RECIPIENT shall submit a written request to the ECOLOGY for any intent to change the use of the equipment as outlined in this grant agreement, including uses past the expiration date of this agreement. Disposition of the equipment shall be determined by ECOLOGY and documented in writing. A copy of the determination will be provided to the RECIPIENT upon ECOLOGY's closure of the grant agreement **unless already identified in the task's scope of work.**

- If the equipment is necessary for the continued operation of the project or other projects administered through ECOLOGY, the grant officer may instruct the recipient to retain the equipment with no further compensation to ECOLOGY.
- If the project has no further significant use for the equipment, the grant officer may instruct the recipient to retain or sell the equipment and pay ECOLOGY an amount equal to ECOLOGY's share of the current fair market value, sale proceeds or other price agreed upon by the grant officer.
- The grant officer may instruct the recipient to transfer title to ECOLOGY or to a third party named by ECOLOGY who is eligible under existing statutes.

#### **H. ALL WRITINGS CONTAINED HEREIN**

This agreement, including the appended "General Terms and Conditions," current cycle Program Guidelines – Coordinated Prevention Grants found at <https://fortress.wa.gov/ecy/publications/summarypages/1107008.html>, and ECOLOGY'S *Administrative Requirements for Recipients of Ecology Grants and Loans*, Ecology Publication #91-18, contain the entire understanding between the parties, and there are no other understandings or representations except as those set forth or incorporated by reference herein. No subsequent modification(s) or amendment(s) of this grant agreement shall be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made part of this agreement.

#### **I. ARCHEOLOGICAL AND CULTURAL RESOURCES**

RECIPIENT shall take reasonable action to avoid, minimize, or mitigate adverse effects to the archeological or cultural resources. RECIPIENT shall immediately cease work and notify ECOLOGY if any archeological or cultural resources are found while conducting work under this agreement. In the event that historical or cultural artifacts are discovered at the project site, the RECIPIENT shall also notify the state historic preservation officer at the Department of Archaeology and Historic Preservation at (360) 586-3065. Applicability of the National Historic Preservation Act (NHPA) may require the RECIPIENT to obtain a permit pursuant to Chapter 27.53 RCW prior to conducting on-site activity with the potential to impact historic properties (such as invasive sampling, dredging, or cleanup actions).





## **APPENDIX A**

### **PART 5: GENERAL TERMS AND CONDITIONS**

#### **Pertaining to Grant and Loan Agreements of the Department of Ecology, SS-010 Rev. 04/04**

##### **A. RECIPIENT PERFORMANCE**

All activities for which grant/loan funds are to be used shall be accomplished by the RECIPIENT and RECIPIENT's employees. The RECIPIENT shall only use contractor/consultant assistance if that has been included in the agreement's final scope of work and budget.

##### **B. SUBGRANTEE/CONTRACTOR COMPLIANCE**

The RECIPIENT must ensure that all subgrantees and contractors comply with the terms and conditions of this agreement.

##### **C. THIRD PARTY BENEFICIARY**

The RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this agreement, the state of Washington is named as an express third-party beneficiary of such subcontracts with full rights as such.

##### **D. CONTRACTING FOR SERVICES (BIDDING)**

Contracts for construction, purchase of equipment and professional architectural and engineering services shall be awarded through a competitive process, if required by State law. RECIPIENT shall retain copies of all bids received and contracts awarded, for inspection and use by the DEPARTMENT.

##### **E. ASSIGNMENTS**

No right or claim of the RECIPIENT arising under this agreement shall be transferred or assigned by the RECIPIENT.

##### **F. COMPLIANCE WITH ALL LAWS**

1. RECIPIENT shall comply fully with all applicable Federal, State and local laws, orders, regulations and permits.

Prior to commencement of any construction, the RECIPIENT shall secure the necessary approvals and permits required by authorities having jurisdiction over the project, provide assurance to the DEPARTMENT that all approvals and permits have been secured, and make copies available to the DEPARTMENT upon request.

2. Discrimination. The DEPARTMENT and the RECIPIENT agree to be bound by all Federal and State laws, regulations, and policies against discrimination. The RECIPIENT further agrees to affirmatively support the program of the Office of Minority and Women's Business Enterprises to the maximum extent possible. If the agreement is federally-funded, the RECIPIENT shall report to the DEPARTMENT the percent of grant/loan funds available to women or minority owned businesses.
3. Wages and Job Safety. The RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.

4. Industrial Insurance. The RECIPIENT certifies full compliance with all applicable state industrial insurance requirements. If the RECIPIENT fails to comply with such laws, the DEPARTMENT shall have the right to immediately terminate this agreement for cause as provided in Section K.1, herein.

#### **G. KICKBACKS**

The RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this project to give up any part of the compensation to which he/she is otherwise entitled or, receive any fee, commission or gift in return for award of a subcontract hereunder.

#### **H. AUDITS AND INSPECTIONS**

1. RECIPIENT shall maintain complete program and financial records relating to this agreement. Such records shall clearly indicate total receipts and expenditures by fund source and task or object.

All grant/loan records shall be kept in a manner which provides an audit trail for all expenditures. All records shall be kept in a common file to facilitate audits and inspections.

Engineering documentation and field inspection reports of all construction work accomplished under this agreement shall be maintained by the RECIPIENT.

2. All grant/loan records shall be open for audit or inspection by the DEPARTMENT or by any duly authorized audit representative of the State of Washington for a period of at least three years after the final grant payment/loan repayment or any dispute resolution hereunder. If any such audits identify discrepancies in the financial records, the RECIPIENT shall provide clarification and/or make adjustments accordingly.
3. All work performed under this agreement and any equipment purchased, shall be made available to the DEPARTMENT and to any authorized state, federal or local representative for inspection at any time during the course of this agreement and for at least three years following grant/loan termination or dispute resolution hereunder.
4. RECIPIENT shall meet the provisions in OMB Circular A-133 (Audits of States, Local Governments & Non Profit Organizations), including the compliance Supplement to OMB Circular A-133, if the RECIPIENT expends \$500,000 or more in a year in Federal funds. The \$500,000 threshold for each year is a cumulative total of all federal funding from all sources. The RECIPIENT must forward a copy of the audit along with the RECIPIENT'S response and the final corrective action plan to the DEPARTMENT within ninety (90) days of the date of the audit report.

#### **I. PERFORMANCE REPORTING**

RECIPIENT shall submit progress reports to the DEPARTMENT with each payment request or such other schedule as set forth in the Special Conditions. The RECIPIENT shall also report in writing to the DEPARTMENT any problems, delays or adverse conditions which will materially affect their ability to meet project objectives or time schedules. This disclosure shall be accompanied by a statement of the action taken or proposed and any assistance needed from the DEPARTMENT to resolve the situation. Payments may be withheld if required progress reports are not submitted.

Quarterly reports shall cover the periods January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be due within thirty (30) days following the end of the quarter being reported.

## **J. COMPENSATION**

1. Method of compensation. Payment shall normally be made on a reimbursable basis as specified in the grant agreement and no more often than once per month. Each request for payment will be submitted by the RECIPIENT on State voucher request forms provided by the DEPARTMENT along with documentation of the expenses. Payments shall be made for each task/phase of the project, or portion thereof, as set out in the Scope of Work when completed by the RECIPIENT and approved as satisfactory by the Project Officer.

The payment request form and supportive documents must itemize all allowable costs by major elements as described in the Scope of Work. Instructions for submitting the payment requests are found in "Administrative Requirements for Recipients of Ecology Grants and Loans", part IV, published by the DEPARTMENT. A copy of this document shall be furnished to the RECIPIENT. When payment requests are approved by the DEPARTMENT, payments will be made to the mutually agreed upon designee.

Payment requests shall be submitted to the DEPARTMENT and directed to the Project Officer assigned to administer this agreement.

2. Period of Compensation. Payments shall only be made for actions of the RECIPIENT pursuant to the grant/loan agreement and performed after the effective date and prior to the expiration date of this agreement, unless those dates are specifically modified in writing as provided herein.
3. Final Request(s) for Payment. The RECIPIENT should submit final requests for compensation within forty-five (45) days after the expiration date of this agreement and within fifteen (15) days after the end of a fiscal biennium. Failure to comply may result in delayed reimbursement.
4. Performance Guarantee. The DEPARTMENT may withhold an amount not to exceed ten percent (10%) of each reimbursement payment as security for the RECIPIENT's performance. Monies withheld by the DEPARTMENT may be paid to the RECIPIENT when the project(s) described herein, or a portion thereof, have been completed if, in the DEPARTMENT's sole discretion, such payment is reasonable and approved according to this agreement and, as appropriate, upon completion of an audit as specified under section J.5 herein.
5. Unauthorized Expenditures. All payments to the RECIPIENT may be subject to final audit by the DEPARTMENT and any unauthorized expenditure(s) charged to this grant/loan shall be refunded to the DEPARTMENT by the RECIPIENT.
6. Mileage and Per Diem. If mileage and per diem are paid to the employees of the RECIPIENT or other public entities, it shall not exceed the amount allowed under state law for state employees.
7. Overhead Costs. No reimbursement for overhead costs shall be allowed unless provided for in the Scope of Work hereunder.

## **K. TERMINATION**

1. For Cause. The obligation of the DEPARTMENT to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of the DEPARTMENT, to perform any obligation required of it by this agreement, the DEPARTMENT may refuse to pay any further funds thereunder and/or terminate this agreement by giving written notice of termination.

A written notice of termination shall be given at least five working days prior to the effective date of termination. In that event, all finished or unfinished documents, data studies, surveys,

drawings, maps, models, photographs, and reports or other materials prepared by the RECIPIENT under this agreement, at the option of the DEPARTMENT, shall become Department property and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Despite the above, the RECIPIENT shall not be relieved of any liability to the DEPARTMENT for damages sustained by the DEPARTMENT and/or the State of Washington because of any breach of agreement by the RECIPIENT. The DEPARTMENT may withhold payments for the purpose of setoff until such time as the exact amount of damages due the DEPARTMENT from the RECIPIENT is determined.

2. **Insufficient Funds.** The obligation of the DEPARTMENT to make payments is contingent on the availability of state and federal funds through legislative appropriation and state allotment. When this agreement crosses over state fiscal years the obligation of the DEPARTMENT is contingent upon the appropriation of funds during the next fiscal year. The failure to appropriate or allot such funds shall be good cause to terminate this agreement as provided in paragraph K.1 above.

When this agreement crosses the RECIPIENT's fiscal year, the obligation of the RECIPIENT to continue or complete the project described herein shall be contingent upon appropriation of funds by the RECIPIENT's governing body; provided, however, that nothing contained herein shall preclude the DEPARTMENT from demanding repayment of ALL funds paid to the RECIPIENT in accordance with Section O herein.

3. **Failure to Commence Work.** In the event the RECIPIENT fails to commence work on the project funded herein within four months after the effective date of this agreement, or by any date mutually agreed upon in writing for commencement of work, the DEPARTMENT reserves the right to terminate this agreement.

#### **L. WAIVER**

Waiver of any RECIPIENT default is not a waiver of any subsequent default. Waiver of a breach of any provision of this agreement is not a waiver of any subsequent breach and will not be construed as a modification of the terms of this agreement unless stated as such in writing by the authorized representative of the DEPARTMENT.

#### **M. PROPERTY RIGHTS**

1. **Copyrights and Patents.** When the RECIPIENT creates any copyrightable materials or invents any patentable property, the RECIPIENT may copyright or patent the same but the DEPARTMENT retains a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover or otherwise use the material(s) or property and to authorize others to use the same for federal, state or local government purposes.

Where federal funding is involved, the federal government may have a proprietary interest in patent rights to any inventions that are developed by the RECIPIENT as provided in 35 U.S.C. 200-212.

2. **Publications.** When the RECIPIENT or persons employed by the RECIPIENT use or publish information of the DEPARTMENT; present papers, lectures, or seminars involving information supplied by the DEPARTMENT; use logos, reports, maps or other data, in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to the DEPARTMENT.

3. **Tangible Property Rights.** The DEPARTMENT's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans", Part V, shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by the DEPARTMENT in the absence of state, federal statute(s), regulation(s), or policy(s) to the contrary or upon specific instructions with respect thereto in the Scope of Work.
4. **Personal Property Furnished by the DEPARTMENT.** When the DEPARTMENT provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to the DEPARTMENT prior to final payment by the DEPARTMENT. If said property is lost, stolen or damaged while in the RECIPIENT's possession, the DEPARTMENT shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
5. **Acquisition Projects.** The following provisions shall apply if the project covered by this agreement includes funds for the acquisition of land or facilities:
  - a. Prior to disbursement of funds provided for in this agreement, the RECIPIENT shall establish that the cost of land/or facilities is fair and reasonable.
  - b. The RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses contemplated by this agreement.
6. **Conversions.** Regardless of the contract termination date shown on the cover sheet, the RECIPIENT shall not at any time convert any equipment, property or facility acquired or developed pursuant to this agreement to uses other than those for which assistance was originally approved without prior written approval of the DEPARTMENT. Such approval may be conditioned upon payment to the DEPARTMENT of that portion of the proceeds of the sale, lease or other conversion or encumbrance which monies granted pursuant to this agreement bear to the total acquisition, purchase or construction costs of such property.

#### **N. SUSTAINABLE PRODUCTS**

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is encouraged to implement sustainable practices where and when possible. These practices include use of clean energy, and purchase and use of sustainably produced products (e.g. recycled paper). For more information, see [www.ecy.wa.gov/sustainability](http://www.ecy.wa.gov/sustainability).

#### **O. RECOVERY OF PAYMENTS TO RECIPIENT**

The right of the RECIPIENT to retain monies paid to it as reimbursement payments is contingent upon satisfactory performance of this agreement including the satisfactory completion of the project described in the Scope of Work. In the event the RECIPIENT fails, for any reason, to perform obligations required of it by this agreement, the RECIPIENT may, at the DEPARTMENT's sole discretion, be required to repay to the DEPARTMENT all grant/loan funds disbursed to the RECIPIENT for those parts of the project that are rendered worthless in the opinion of the DEPARTMENT by such failure to perform.

Interest shall accrue at the rate of twelve percent (12%) per year from the time the DEPARTMENT demands repayment of funds. If payments have been discontinued by the DEPARTMENT due to insufficient funds as in Section K.2 above, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination. Any property acquired under this

agreement, at the option of the DEPARTMENT, may become the DEPARTMENT'S property and the RECIPIENT'S liability to repay monies shall be reduced by an amount reflecting the fair value of such property.

**P. PROJECT APPROVAL**

The extent and character of all work and services to be performed under this agreement by the RECIPIENT shall be subject to the review and approval of the DEPARTMENT through the Project Officer or other designated official to whom the RECIPIENT shall report and be responsible. In the event there is a dispute with regard to the extent and character of the work to be done, the determination of the Project Officer or other designated official as to the extent and character of the work to be done shall govern. The RECIPIENT shall have the right to appeal decisions as provided for below.

**Q. DISPUTES**

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement which is not disposed of in writing shall be decided by the Project Officer or other designated official who shall provide a written statement of decision to the RECIPIENT. The decision of the Project Officer or other designated official shall be final and conclusive unless, within thirty days from the date of receipt of such statement, the RECIPIENT mails or otherwise furnishes to the Director of the DEPARTMENT a written appeal.

In connection with appeal of any proceeding under this clause, the RECIPIENT shall have the opportunity to be heard and to offer evidence in support of this appeal. The decision of the Director or duly authorized representative for the determination of such appeals shall be final and conclusive. Appeals from the Director's determination shall be brought in the Superior Court of Thurston County. Review of the decision of the Director will not be sought before either the Pollution Control Hearings Board or the Shoreline Hearings Board. Pending final decision of dispute hereunder, the RECIPIENT shall proceed diligently with the performance of this agreement and in accordance with the decision rendered.

**R. CONFLICT OF INTEREST**

No officer, member, agent, or employee of either party to this agreement who exercises any function or responsibility in the review, approval, or carrying out of this agreement, shall participate in any decision which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is, directly or indirectly interested; nor shall he/she have any personal or pecuniary interest, direct or indirect, in this agreement or the proceeds thereof.

**S. INDEMNIFICATION**

1. The DEPARTMENT shall in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.
2. To the extent that the Constitution and laws of the State of Washington permit, each party shall indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this agreement.

**T. GOVERNING LAW**

This agreement shall be governed by the laws of the State of Washington.

**U. SEVERABILITY**

If any provision of this agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this agreement which can be given effect without the invalid provision, and to this end the provisions of this agreement are declared to be severable.

**V. PRECEDENCE**

In the event of inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable Federal and State statutes and regulations; (b) Scope of Work; (c) Special Terms and Conditions; (d) Any terms incorporated herein by reference including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; and (e) the General Terms and Conditions.



**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR COUNCIL MEETING  
March 11, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Sun called the City Council Meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, present

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulseby  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger, excused

**Council Member Hulseby moved and Council Member Jones seconded the Motion to excuse Council Member Steiger. Upon voice vote, the Motion carried unanimously.**

**3. APPROVAL OF AGENDA**

**A. Council President Guier Moved to strike Agenda Item 5.g.i. and Item 5.g.ii. from the record. Upon voice vote, the Motion carried unanimously.**

**4. AUDIENCE COMMENT**

Patricia Lawson, agent for the property owner at 1481 Thornton Ave., requested a water fee reduction. Ms. Lawson was referred to the Finance Committee. Mayor Sun asked Ms. Lawson to meet with him and he will report to the Finance Committee

Kathleen Mullholland, Construction Manager at the Yates plat, talked about water already at the house and therefore she feels there should be no water connection fee. She spoke about getting a reduction/deletion of penalties and interest totaling \$200.00. She was referred to the Finance Committee. Penalty and interest was waived, but pay water bill. Mayor Sun says he will work the problem out.

Don Thomson said in 2011 he ran Mayor Sun off his property saying there was no corruption in town and asked Mayor Sun to fire the most corrupt person in town.

Audrey Cruikshank asked if there was going to be a spring clean-up this year.

Duane Grotz spoke about a yellow VW with Oregon plates and thinks it should be

licensed in WA

## 5. REPORTS

**Mayor** - VRFA requests for services. Post copy of court and police reports on the board.

**Finance** - Meeting scheduled for March 12, 2013 @ 6:30 pm.

**Court Statistics** were included in the packet.

**Public Safety Department** were included in the packet.

**Public Works/Community Development** - Meeting at King County for grants and park extensions on grants. Letter from the City of Sumner regarding the Valentine/Stewart intersection.

**Community/Senior/Youth Services** - Sheryl is out sick.

**City Council** – Asked for Mayor's response regarding Police Officers that are posted on reader board. Mayor wanted to look at all candidates. If two candidates can be found, finances will be considered.

**Personnel** – No report.

## COMMITTEE BOARDS

**Park Board** - Cherry Caison spoke about the meeting to be held on March 12, 2013, at 7:00 pm in the conference room regarding Earth Day. No resolution on whether it can be held without insurance. Mayor Sun asked her to meet with him. It's a partnership between Park Board and Pacific Partnerships, with waived fees and Park Board co-sponsoring, it is a covered event. Jeanne Fancher spoke about past Earth Days. With increasing volunteerism, a lunch was provided. Event has grown each year as a community event. Pacific Partnerships is the fiduciary and are responsible for lunch. Lunch was provided for 111 volunteers last year. Seven participated the first year. No power tools are used. People bring their own hand tools from home.

**Council President Guier moved and Council Member Jones seconded the motion to make Earth Day a city-sponsored event.**

**ROLL CALL VOTE:**

|                                  |               |
|----------------------------------|---------------|
| <b>Council Member Hulsey -</b>   | <b>Aye</b>    |
| <b>Council Member Jones -</b>    | <b>Aye</b>    |
| <b>Council Member Steiger -</b>  | <b>Absent</b> |
| <b>Council President Guier -</b> | <b>Aye</b>    |
| <b>Council Member McMahan -</b>  | <b>No</b>     |
| <b>Council Member Putnam -</b>   | <b>Aye</b>    |
| <b>Council Member Walker -</b>   | <b>Aye</b>    |

**The Motion passed with a 5 – 1 vote.**

**Civil Service – No Report**

**Planning Commission - No Report**

**South King County Transportation Board (SKTBD) - No Report.**

**Pierce County Regional Council (PCRC) - No Report**

**Suburban Cities Association (SCA) - Short report from Council President Guier.**

**Valley Regional Fire Authority (VRFA) – No Report.**

**5. PUBLIC HEARING**

**A. Amending Butte Properties Comprehensive Plan Map (Acting Public Works/Community Development Director)**

Ken spoke providing background and history on the issue of this change in the Comprehensive Plan. This is the Corliss Properties. There was no public comment at the Planning Commission Public Hearing.

Mayor Sun opened the Public Hearing at 7:22 pm.

There was no comment from the public.

The Mayor asked for Council comment. There was no comment from the Council.

Mayor Sun closed the public hearing at 7:23 pm.

The Staff was directed to amend the Butte Properties Comprehensive Plan Map and submit to council for a vote. Howard Gustafson spoke in favor of this comprehensive plan change which has been on the books for many years. There have been many public hearings on this one.

**Council Member Hulsey moved and Council Putnam seconded the Motion to Direct the Staff to Amend Butte Properties Comprehensive Plan Map (Acting Public Works/Community Development Director).**

**ROLL CALL VOTE:**

|                           |        |
|---------------------------|--------|
| Council Member Hulsey -   | Aye    |
| Council Member Jones -    | Aye    |
| Council Member Steiger -  | Absent |
| Council President Guier - | Aye    |
| Council Member McMahan -  | Aye    |
| Council Member Putnam -   | Aye    |
| Council Member Walker -   | Aye    |

Motion carried by unanimous vote.

**7. OLD BUSINESS**

None

**8. NEW BUSINESS**

**A. Employee Dishonesty-Crime Insurance Policy**

Move to authorize the purchase of Crime/Employee Dishonesty Insurance Coverage from National Union Fire Insurance Company of Pittsburgh, PA.

**Council Member Jones moved and Council Member Walker seconded the Motion to authorize the purchase of Crime/Employee Dishonesty Insurance Coverage from National Union Fire Insurance Company of Pittsburgh, PA.**

**ROLL CALL VOTE:**

|                           |         |
|---------------------------|---------|
| Council Member Hulsey -   | Aye     |
| Council Member Jones -    | Aye     |
| Council Member Steiger -  | Absent  |
| Council President Guier - | Aye     |
| Council Member McMahan -  | Aye     |
| Council Member Putnam -   | Recused |
| Council Member Walker -   | Aye     |

Council Member Putnam recused himself as he is a stockholder in one of the parent holding companies of the competing companies.

**The motion carried with a 5 – 0 vote with Council Member Putnam recusing himself.**

**B. Resolution Amending City Policy Regarding Maximum Accrual of Vacation Time.**

**Council Member Putnam moved and Council Member Jones seconded the motion to adopt Resolution 13-030 Amending City Policy Regarding Maximum Accrual of Vacation Time.**

**ROLL CALL VOTE:**

|                           |        |
|---------------------------|--------|
| Council Member Hulsey -   | Aye    |
| Council Member Jones -    | Aye    |
| Council Member Steiger -  | Absent |
| Council President Guier - | Aye    |
| Council Member McMahan -  | Aye    |
| Council Member Putnam -   | Aye    |
| Council Member Walker -   | Aye    |

The Motion carried with a unanimous vote.

**C. Move to accept the first reading of Ordinance No. 2013-1844 Amending Pacific Municipal Code Chapter 3.02 - for Business and Occupation Tax and Chapter 3.03 - Administrative Provisions for Business and Occupation Tax.**

This is a first reading. It addresses fees and taxation. The model rules were changed to bring it in line with RCW. The last change was in 2007.

**Council Member Putnam moved and Council Member Jones seconded the Motion to accept the first reading of Ordinance No. 2013-1844 Amending Pacific Municipal Code Chapter 3.02 - Business and Occupation Tax and Chapter 3.03 - Administrative Provisions for Business and Occupation Tax.**

**ROLL CALL VOTE:**

|                           |        |
|---------------------------|--------|
| Council Member Hulsey -   | Aye    |
| Council Member Jones -    | Aye    |
| Council Member Steiger -  | Absent |
| Council President Guier - | Aye    |
| Council Member McMahan -  | Aye    |
| Council Member Putnam -   | Aye    |
| Council Member Walker -   | Aye    |

The Motion carried with a unanimous vote.

**D. Adoption of Resolution No. 2013-029, A Resolution of the City of Pacific, Washington, Authorizing an Agreement with AHBL LAG**

Sean Comfort with AHBL presented a report to further inform council and audience.

**Council Member Jones moved and Council Member Putnam seconded the Motion to Adopt Resolution No. 2013-029, A Resolution of the City of Pacific, Washington, Authorizing an Agreement with AHBL LAG.**

**ROLL CALL VOTE:**

|                           |        |
|---------------------------|--------|
| Council Member Hulsey -   | Aye    |
| Council Member Jones -    | Aye    |
| Council Member Steiger -  | Absent |
| Council President Guier - | Aye    |
| Council Member McMahan -  | Aye    |
| Council Member Putnam -   | Aye    |

Council Member Walker - Aye

The Motion carried with a unanimous vote.

9. **CONSENT AGENDA**

A. Approval of Payroll and Claim Vouchers

B. Approval of the October 29 & 30, 2012, February 25, 2013, and March 4, 2013 Council Meeting Minutes.

Council Member Jones moved and Council President Guier seconded the Motion to approve the Consent Agenda as presented with the exclusion of the October 30, 2012, Special Meeting Minutes which will be reviewed and presented at the next meeting.

**ROLL CALL VOTE:**

|                           |        |
|---------------------------|--------|
| Council Member Hulseley - | Aye    |
| Council Member Jones -    | Aye    |
| Council Member Steiger -  | Absent |
| Council President Guier - | Aye    |
| Council Member McMahan -  | Aye    |
| Council Member Putnam -   | Aye    |
| Council Member Walker -   | Aye    |

The Motion carries with a unanimous voice vote.

10. **EXECUTIVE SESSION**

*Recess to Executive Session per Title 42.30.110(f) RCW, for 10 minutes for Personnel Issue*

8:00 pm – Council recessed for an Executive Session for Personnel Issues.

8:38 pm - Council returned from Executive Session

Council Member Hulseley moved to direct the City Attorney to contact an investigator to cease action until a contract has been reviewed and approved by council. Council President Guier Seconded the Motion.

**ROLL CALL VOTE:**

|                           |        |
|---------------------------|--------|
| Council Member Hulseley - | Aye    |
| Council Member Jones -    | Aye    |
| Council Member Steiger -  | Absent |
| Council President Guier - | Aye    |
| Council Member McMahan -  | Aye    |
| Council Member Putnam -   | Aye    |
| Council Member Walker -   | Aye    |

The Motion carried with a unanimous vote.

**Council Member Putnam moved and Council Member Walker seconded to have a Special Meeting after the Council Workshop next Monday, March 18, 2013, to consider approval of the contract for an investigator to investigate the Whistleblower Complaints.**

**ROLL CALL VOTE:**

|                                  |               |
|----------------------------------|---------------|
| <b>Council Member Hulsey -</b>   | <b>Aye</b>    |
| <b>Council Member Jones -</b>    | <b>Aye</b>    |
| <b>Council Member Steiger -</b>  | <b>Absent</b> |
| <b>Council President Guier -</b> | <b>Aye</b>    |
| <b>Council Member McMahan -</b>  | <b>Aye</b>    |
| <b>Council Member Putnam -</b>   | <b>Aye</b>    |
| <b>Council Member Walker -</b>   | <b>Aye</b>    |

**The Motion carries with a unanimous vote.**

**11. ADJOURN**

Mayor Sun adjourned the meeting at 8:48 pm.



**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR MEETING  
March 25, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Sun called the meeting of the Pacific City Council to order at 6:30 p.m. and led the pledge.

**Mayor:** Cy Sun, present

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger, absent

**STAFF PRESENT** - City Attorney Ken Luce; Community Services Director Sheryl Finwall; Sgt. Michel Bos; and, Finance Director/ Acting City Clerk Betty Garrison.

**Council Member Hulsey moved to excuse Council Member Steiger. Council Member Jones seconded the motion which passed with a unanimous vote.**

**3. APPROVAL OF AGENDA**

**A. Council requested the following changes to the Agenda:**

Delete item 8.b at the request of Acting Public Works Director Barnett.

Add an Executive Session prior to 8.c to review qualifications of an applicant for 10 minutes.

**Council Member Putnam moved to accept the Agenda as amended. Council Member Jones seconded the motion.**

**ROLL CALL VOTE:**

|                                  |               |
|----------------------------------|---------------|
| <b>Council Member Hulsey -</b>   | <b>Aye</b>    |
| <b>Council Member Jones -</b>    | <b>Aye</b>    |
| <b>Council Member Steiger -</b>  | <b>Absent</b> |
| <b>Council President Guier -</b> | <b>Aye</b>    |
| <b>Council Member McMahan -</b>  | <b>Aye</b>    |

**Council Member Putnam - Aye**  
**Council Member Walker - Aye**

**The Motion carried with a unanimous vote.**

**4. AUDIENCE COMMENT**

Audrey Cruickshank addressed Council speaking against the Mayor firing staff and putting them out of work.

Stacy Knudtson questioned putting two top police officers out on administrative leave. She played a recording of the 911 call of Mayor requesting law enforcement assistance for him to deliver termination papers to the police.

DuWayne Gratz addressed Council regarding the yellow Volkswagen with Oregon plates and tabs and asking about investigations and claims.

Mayor Sun responded to the question about the Oregon license plates stating that the car in question is owned by his wife who is an Oregon resident. The blue car is his car and it is licensed in Washington.

Bill White addressed Council regarding the City being in the news and questioning why we are in the news. He suggested taking out the trash and asked the Mayor to resign and stated it is on Council, also. He stated the city doesn't "need turmoil and controversy".

Tom Youngs addressed Council regarding squatters having more rights than landlords. For the first time he had a wonderful experience with a Police Department. His tenant failed to keep water on. Director Barnett posted the property as uninhabitable. The Police Department cited the tenant with trespassing and had the guy move immediately. He expressed his thanks to the Police Department for their help. He expressed that he was very angry about the Mayor putting the Police Department management out.

Stacy Jackson addressed Council to discuss that he heard about the firing of the Chief of Police and Lt. and now the City has citizens arguing against each other. He questioned why the Mayor used Director Barnett to help with phone call. There is a need for change. The citizens deserve more.

**5. REPORTS**

**Mayor** – no report.

**Finance** – no report.

**Court Statistics** – no report.

**Public Safety Department** – no report

**Public Works/Community Development** – no report.

**Community/Senior/Youth Services** - Community Services Director Sheryl Finwall reported on the planning for events at the Senior and Youth Centers. She reported on

progress with getting the computer lab up and running and work on grants.

**City Council** – Council Member Jones questioned the validity of the Mayor’s statement about his wife’s residency in Oregon. City Attorney Luce read an email he received from Mayor Sun identifying the need to keep the confidentiality intact with regard to the administrative leave and investigation and advising Council to not discuss the matter at this meeting. He requested that the Mayor forward to him the basis for the administrative leave. The City Attorney accused the Mayor of not following Civil Service Rules 17 and 18 and argued with the Mayor when told that the rules were followed. The City Attorney was questioned about the status of the whistle-blower complaint received in August, for which Council had urged the Mayor to investigate promptly.

Council Member Putnam reported that he did preliminary research into upgrades for the sound equipment and found inductive loop technology system could be installed for \$300.00 and for \$100.00 microphones could be added to the current system to provide one for each council member, the podium and staff table. Mayor Sun reported that he has been working with the University of Washington on his hearing issues and he would like to wait for the results and recommendations from them prior to spending City funds on changes. Council Member Hulseley asked Council Member Putnam if this is loop induction coil design. Council Member Putnam replied it was and would cover 400 square foot area, enough to serve all of Council and possibly the front of the audience.

Council Member Hulseley asked if the Mayor discussed with the Police the reasons they were put on “suspension”.

**City Council** – no report

**Personnel** – no report

### **COMMITTEE BOARDS**

**Park Board** - no report

**Civil Service** – no report

**Planning Commission** - no report

**South King County Transportation Board (SKTBD)** - no report

**Pierce County Regional Council (PCRC)** - no report

**Suburban Cities Association (SCA)** - Council President Guier reported attending the Sound Cities networking dinner. She expressed appreciation for the opportunity to attend. The next SCA meeting will be April 13, 2013.

**Valley Regional Fire Authority (VRFA)** – Mayor Sun read the call report. Council Member Walker reported that they received an Assistance to Firefighters Grant for nearly \$300,000.00.

## **6. PUBLIC HEARING**

None.

**7. OLD BUSINESS**

- A. Accept this as the second reading and Adoption of Ordinance No. 2013-1844 Amending Pacific Municipal Code Chapter 3.02 – Business and Occupation Tax and Chapter 3.03 – Administrative Provisions for Business and Occupation Tax**

Council Member Putnam moved to accept this as the second reading and adopt Ordinance No. 2013-1844 - Amending Pacific Municipal Code Chapter 3.02 – Business and Occupation Tax and Chapter 3.03 – Administrative Provisions for Business and Occupation Tax. Council Member Putnam explained the reason for the amendment. Council Member Hulsey seconded the motion.

**ROLL CALL VOTE:**

|                           |        |
|---------------------------|--------|
| Council Member Hulsey -   | Aye    |
| Council Member Jones -    | Aye    |
| Council Member Steiger -  | Absent |
| Council President Guier - | Aye    |
| Council Member McMahan -  | Aye    |
| Council Member Putnam -   | Aye    |
| Council Member Walker -   | Aye    |

The Motion carried with a unanimous vote.

**8. NEW BUSINESS**

- A. Motion to adopt Resolution No 2013-030 Authorizing the Waiver of Utility Bill Penalties for the Property Located at 429 Milwaukee Blvd. S.**

Yates Property Utility Bill – Mayor Sun presented this Resolution for consideration.

Council discussed and acknowledged the City's contribution to the issue in not filing the lien in a timelier manner.

Council Member Putnam moved to adopt Resolution No. 2013-030 Authorizing the Waiver of Utility Bill Penalties for the Property Located at 429 Milwaukee Blvd. S. for the property owned by C & H RE Investors, service address 429 Milwaukee Blvd. S. Council Member Jones seconded the motion.

**ROLL CALL VOTE:**

|                           |        |
|---------------------------|--------|
| Council Member Hulsey -   | Aye    |
| Council Member Jones -    | Aye    |
| Council Member Steiger -  | Absent |
| Council President Guier - | Aye    |
| Council Member McMahan -  | Aye    |
| Council Member Putnam -   | Aye    |
| Council Member Walker -   | Aye    |

The Motion carried with a unanimous vote.

**B. Waiver of Penalty Fees for Lloyd Enterprises – REMOVED FROM AGENDA**

**C. Confirmation of appointment of Interim City Clerk.**

Mayor Sun presented his choice for an Interim City Clerk. Ms. Paul addressed Council identifying her qualifications. Council questioned her on her experience.

**EXECUTIVE SESSION**

*Recess to Executive Session per Title 42.30.110(f) RCW, for 10 minutes for Personnel Issue*

**8:03 p.m. Council recessed to Executive Session for approximately 10 minutes to discuss qualifications of the applicant for temporary appointment as Interim City Clerk/Personnel Manager.**

**8:13 p.m. Council requested 5 more minutes.**

**8:19 p.m. Council requested 5 more minutes.**

**8:26 p.m. Council reconvened. Mayor Sun stated that he could not chair the meeting. Mayor Pro-Tem McMahan assumed the chair per the Rules of Procedure during the absence or disability of the Mayor.**

**Council Member Walker moved to confirm the Mayors' appointment of Sandy Paul to the position of Interim City Clerk for a period not to exceed three (3) months. Council Member Putnam seconded the motion.**

Council Member Walker stated he supports the appointment since he has worked with her in the past. Council Member Putnam stated he also had worked with her in the past and, while he is aware of other Council members' concerns, he believes she is qualified.

**Council Member Jones moved to modify the contractual language to allow for thirty day window rather than 3 months. Council Member Hulsey seconded the motion.**

Council Member Jones wanted proof that the hiring process was followed.

**Public Comment:** Don Thompson wanted to see a restriction on time that she is in office.

**A voice vote was taken on the motion to amend to a 30 day limit for the appointment. The motion carried unanimously.**

Council Member Hulsey requested confirmation that if confirmed for temporary hire it would still require Council confirmation prior to appointment to the permanent position.

**ROLL CALL VOTE on the Motion to confirm the Mayor's appointment of Sandy Paul as temporary City Clerk for a period not to exceed 30 days:**

|                                |            |
|--------------------------------|------------|
| <b>Council Member Hulsey -</b> | <b>Aye</b> |
| <b>Council Member Jones -</b>  | <b>No</b>  |

Regular Council Minutes – March 25, 2013

|                                  |               |
|----------------------------------|---------------|
| <b>Council Member Steiger -</b>  | <b>Absent</b> |
| <b>Council President Guier -</b> | <b>No</b>     |
| <b>Council Member McMahan -</b>  | <b>No</b>     |
| <b>Council Member Putnam -</b>   | <b>Aye</b>    |
| <b>Council Member Walker -</b>   | <b>Aye</b>    |

The Motion fails by a 3 – 3 vote.

The Mayor stated that he would be able to vote to break a tie. The Mayor Pro Tem as chair of the meeting ruled that the motion failed for lack of a majority.

**C. Authorization of Contract with Intravaia Investigations LLC for investigative Services for Whistleblower complaint from August.**

Mayor Sun presented information. Council Member Walker asked to postpone action.

**Council Member Walker moved to authorize the contract with Intravaia Investigations LLC for investigation of the Whistleblower Complaint. Council Member Putnam seconded the motion. Council Member Walker moved to postpone consideration to a Special meeting after the Workshop on Monday, April 1, 2013. Council Member Putnam seconded the motion.**

Council Member McMahan asked regarding the process and how long the company has been in business.

Council Member Putnam asked if there is an indemnification clause shielding of the City from actions of Private Investigator. He requested an Indemnification clause and an Agreement to confidentiality clause.

Council Member Hulse stated that RCW requires investigations of the Police Department must be provided by Law Enforcement. He expressed concern regarding the person being investigated is hiring the investigator.

Don Thompson asked how many times taxpayers' money has been wasted on investigations. He said they will not restrict their investigation to one item and suggested the City go with the law and have a government agency do investigation.

Council Member Putnam questioned the right of withdrawal clause not specifying who has the authority to act for the City. He questioned the terminology "Binding upon heirs, representatives".

Attorney Luce stated that he had not gone into evaluating the contract and that they should be directed to make the scope narrower. Council Member Jones reported that was done.

Council Member Walker asked if Council was directing the Attorney to review the contract and pointed out that it is potentially wasting time and money if King County was going to do the investigation.

Council Member Jones suggested that at the conclusion of his conversation with King County he can review this contract.

Council Member Hulsey suggested State Patrol, as a few years back they did one for all Law Enforcement.

**The motion carried with a unanimous voice vote.**

**9. CONSENT AGENDA**

**A. Approval of Payroll and Claim Vouchers**

**Council Member Putnam moved to approve Item a. of the Consent Agenda consisting of Payroll and Claim Vouchers in the amount of \$173,755.27. Council Member Jones seconded the motion.**

Council Member Walker asked for time breakdown for Ken Barnett as Building Official/Code Enforcement vs. Acting Public Works Director. He compared Police Overtime to Overtime for the other City employees.

**Public Comment:** DuWayne Gratz questioned Vouchers for State Auditor, City Attorney, and asked that the employee paid Administrative Leave be identified.

Attorney Luce asked that the name not be released. Mr. Gratz asked if Paula Wiech is on half time at only 86.67 hours paid. (Staff advised that is full time pay – semi-monthly pay.) He asked about Council placing a lien on the Mayor's pay.

Don Thompson found it interesting that four Police Officers on patrol worked 100 hours of overtime and all City Hall only had 64 hours. He questioned having four employees reading water meters and suggested that they be put on a bicycle to save the City money.

**The motion carried with a unanimous voice vote.**

**B. Approval of Minutes for October 30, 2012 and March 18, 2013 Workshop and March 18, 2013 Special Meeting.**

**Council Member Putnam moved to approve Item b. of the Consent Agenda consisting of the minutes from the October 30, 2012 Special Meeting, and the March 18, 2013 Workshop and Special Meeting. Council Member Jones seconded the motion. The motion carried with a unanimous voice**

**10. ADJOURN**

Mayor Sun adjourned the meeting at 9:01 p.m.

---

**Betty Garrison, MMC, CPFA, Acting City Clerk**



**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
April 1, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

The meeting was called to order at 6:30 p.m. by Council President Leanne Guier.

**Mayor:** Cy Sun, Present

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger, absent

**The record shows all City Council members present except Council Member Steiger. Council President Guier moved to excuse Council Member Steiger. There was no second, no vote.**

**3. CHANGES/ADDITIONS TO THE AGENDA**

None

**4. AGENDA ITEMS**

**A. Discussion: Request for Statement of Interest and Interlocal Agreement**

Presented by Diane Yates and Kevin Kiernan, King County Solid Waste Division

Mr. Kiernan distributed a handout to Council members and Clerk regarding a renewed interlocal agreement between King County Solid Waste and the City of Pacific. Changes have taken place since the previous agreement was signed including liability, protection of city and county general funds, replacing the Algona transfer station designed in 1963, dispute resolution, governance, and addressing laws that have been changed or updated. A long term financing plan for all improvements will save money.

**Direction:** The City Council will vote on the Interlocal Agreement with King County Solid Waste at its next meeting on April 8, 2013.

**B. Discussion: Finish Line Cleaning Price Increase**

Finance Director Garrison will compare the new proposal with the existing contract and do a comparison study on Janitorial Contract Renewal vs. hiring a city employee for this work.

**Direction:** The Council will discuss the Finish Line cost increase and other options at its next workshop on April 15, 2013.

**C. Discussion: Relief from Large Utility Bill**

Les Seifert, 37410 51st Avenue South

Les Seifert is an Architect with Ronhovde Architects. During the economic recession he was working very little and allowed his utility bill to go unpaid. He is now on the road to recovery and is hoping to get back into the financial 'black' with his bill. Presently, he is doing a loan modification on his home for which he would like the lien on his property removed. In the interim he is offering design/plan services for the park next to City Hall. He distributed conceptual drawings. He is not asking for the bill to be excused, except for late fees and penalties.

**Direction:** The City Council will entertain a motion at its meeting on April 8, 2013 to stop the accrual of all fees and penalties on the debt. At that time, if necessary, they would offer a statement to Mr. Seifert's mortgage company that they are working with him to resolve his debt. The City Council further referred this matter to the Finance Committee at its next meeting.

**D. Discussion: Request for Waiver of Penalties**

Patrick Shriver is requesting a waiver of penalties for a bill he inherited through escrow and the purchase of his house. The escrow company said they inquired about unpaid utility bills; the city has no record of the request. Mr. Shriver was informed there was no response to the escrow inquiry.

**Directon:** The question of Waiver of Penalties was referred to the Finance Committee at its next meeting.

**E. Discussion: Revised Fee Schedule**

Finance Director Betty Garrison advised that at its last meeting, the Finance Committee discussed a revised fee schedule to reflect changes to PMC and to add a registration fee for non-profits. The fee schedule would need an ordinance to change it. The Council recommended that since the change would be made, all departments should weigh in with any other updates that may be needed.

**Direction** This topic was moved forward to a meeting in May following the requisite two readings for a vote.

**F. Discussion: Licensing Ordinance for Registration Fee for Religious, Charitable or Benevolent Societies or Organizations**

**Direction:** This change, recommended by the Finance Committee, was a \$10 fee supported by the City Council and would be presented for a vote on the agenda of the City Council meeting on April 8, 2013.

**5. ADJOURN**

There being no further business to come before the City Council the meeting was adjourned at 7:05 p.m.

Respectfully submitted,

---

Sandy Paul MMC, Interim City Clerk



**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR MEETING  
April 8, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro-tem McMahan called the meeting of the Pacific City Council to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker, excused  
Clint Steiger, excused

**Staff Present:** City Attorney Ken Luce; Acting Public Works Director Ken Barnett; Lt. Massey; Sgt. Michel Bos; Detective Newton; Public Works Maintenance Worker Bill Brookhart; and Finance Director/Acting City Clerk. Betty Garrison.

**Council Member Hulsey moved and Council Member Jones seconded to excuse Council members Steiger and Walker. The Motion passed with a unanimous voice vote.**

**3. APPROVAL OF AGENDA**

**A. Council requested the following changes to the Agenda:**

**Additions:**

Item 8.e Hiring Practices  
Item 8.f Investigator Contracts  
Item 8.g Media Releases  
Item 10.a Update on Union Negotiations for PW Clerical Contract  
    – Council President Guier  
Item 10.b Collective Gardens – Pending litigation  
    – Council Member Hulsey

**Deletions:**

Item 8.d Confirmation of Appointment of Full-Time City Clerk – as they were not

properly added to the Agenda per the Rules of Procedure.

Item 9.b Approval of Minutes for March 25, 2013 Regular Meeting

**Council Member Putnam moved and Council Member Jones seconded to accept the Agenda as amended. Motion carried with a unanimous voice vote.**

#### 4. AUDIENCE COMMENT

Duwayne Gratz addressed Council expressing the opinion that Item 8.d was not properly before Council since it wasn't put on the Agenda by the Council. He submitted his letter for the Mayor to sign for his resignation. Mr. Gratz stated it was good to see Lt. Massey and expressed relief that with the Mayor being absent, he would not have to listen to the Mayor report for the Court and VRFA.

#### 5. REPORTS

**Mayor** – No Report

**Finance** – Finance Committee will be meeting tomorrow at 6:30 pm

**Court Statistics** – Report distributed.

**Public Safety Department** – Lt. Massey wanted his comments included in the record. He is 2<sup>nd</sup> in command and was put on administrative leave without cause. He received an order from the Civil Service Commission that he was reinstated to active duty immediately. On two occasions Lt. Massey has attempted to retrieve his commission card, badge, keys, and computer access with which to do his job. Both times the Acting City Clerk, Betty Garrison, refused to return these items. Without access to his computer, he is limited in performing his duties as of last Friday. She told Lt. Massey that she has been ordered by Mayor Sun to refuse him access to these items and the computer. James McMahan, asks the City Attorney, Mr. Ken Luce about the situation. Mr. Luce responded that at this time he could not make a statement. MRSC has stated the Mayor has no jurisdiction to ignore the Civil Service Commission's decision.

**Council Member Hulsey moved and Council President Guier seconded that the Officers be encouraged to document and report any suspected or apparent violation of the applicable statutes and report it to the King County Prosecutors Office. Motion carried with a unanimous voice vote.**

Council President Guier requested that a meeting be scheduled to review a letter sent by a citizen regarding the conditions of the City's sidewalks.

James McMahan, acting as Mayor Pro-Tem, directed that Chief Calkins and Lt. Massey be returned all items need to perform their duties, their commission cards, their badges, their keys to their office, and access to their computers, immediately. Further, he instructed all city employees or officers to take such responsible actions as necessary to fulfill that tonight. Mayor Pro-Tem McMahan asked Lt. Massey if it could be done that evening, and he said that he didn't know the location of the items, but that the Acting City Clerk, Betty Garrison might have access to these things. Mayor Pro-Tem McMahan called for a recess after the reports have concluded in order to sort this out,

because it's important.

**Public Works/Community Development** – Received an opinion letter from the Landards's attorney on the right-of-way issues for Stewart Road. Can't go into particulars in public, but wanted to let the Council know that the letter was received and in the City's favor. Also, addressed article in the Auburn Reporter regarding needing two employees to go out and read the meters. This is done strictly for safety issues, and happens to be the most efficient way.

**Community/Senior/Youth Services** - No Report

**City Council** – Council President Guier attended the King County Flood District meeting last month at the Algona/Pacific Library. They discussed their future plans, and possible 2014 – 2016.

**Personnel** – No Report

**Committee Boards**

**Park Board** - No Report

**Civil Service** – No Report

**Planning Commission** - No Report

**South King County Transportation Board (SKTBD)** - No Report

**Pierce County Regional Council (PCRC)** - No Report

**Suburban Cities Association (SCA)** – Meet next week

**Valley Regional Fire Authority (VRFA)** – No Report

**Council President Guier moved and Council Member Putnam seconded that the Council call a 10 minute recess so that Mayor Pro-Tem McMahan and City Attorney Luce could try and get access to Chief Calkins and Lt. Massey's items they need to carry out their normal job functions. Motion carried by unanimous voice vote.**

**The meeting was recessed at 7:14 p.m. and Mayor Pro Tem McMahan called the meeting back to order at 7:26 p.m.**

**6. PUBLIC HEARING**

None

**7. OLD BUSINESS**

None

**8. NEW BUSINESS**

- A. Adoption of Resolution No. 13-031, a Resolution of the City of Pacific, Washington Authorizing the Correction of Utility Billing and Waiver of Utility Bill Penalties for Property Owned by Lloyd Enterprises, Inc.**

Public Works Director Barnett presented this Resolution for consideration. Council members discussed.

**Council Member Putnam moved and Council Member Jones seconded the Adoption of Resolution No. 2013-031 - Authorizing the correction of Utility Billing and Waiver of Utility Bill Penalties for the Property Owned by Lloyd Enterprises.**

Council Member Hulsey recused himself from the vote. The Lloyd family was a past customer, and that might construed as a conflict of interest.

**ROLL CALL VOTE:**

|                                  |                |
|----------------------------------|----------------|
| <b>Council Member Hulsey -</b>   | <b>Recused</b> |
| <b>Council Member Jones -</b>    | <b>Aye</b>     |
| <b>Council Member Steiger -</b>  | <b>Absent</b>  |
| <b>Council President Guier -</b> | <b>Aye</b>     |
| <b>Mayor Pro Tem McMahan -</b>   | <b>Aye</b>     |
| <b>Council Member Putnam -</b>   | <b>Aye</b>     |
| <b>Council Member Walker -</b>   | <b>Aye</b>     |

**Motion carried by unanimous vote.**

- B. Approval of Signing of the Statement of Intent to Sign the ILA with King County Solid Waste.**

Director Barnett presented this Resolution for consideration. Council members discussed.

**Council Member Hulsey moved and Council Member Jones seconded the Motion to Approve Signing of the Statement of Intent to Sign the ILA with King County Solid Waste. Motion carried with a unanimous voice vote.**

- C. First Reading of Ordinance No. 2013-1845- Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C.; requiring the licensing of all religious, charitable or benevolent societies or organizations.**

Council Member Gary Hulsey presented this Ordinance for a first reading. Council members discussed.

**Council Member Hulsey moved and Council Member Putnam seconded the Motion to Amend Section 4 to provide an effective date of July 1, 2013. The Motion carried by unanimous voice vote.**

**Council Member Putnam moved and Council Member Hulsey seconded the**

**Motion to postpone final Adoption of Ordinance No. 2013-1845 - Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C, as amended, requiring the licensing of all religious, charitable or benevolent societies or organizations to the City Council's next Regular Business Meeting. Motion carried by unanimous voice vote.**

**D. Confirmation of Appointment of Full-Time City Clerk – Mayor Cy Sun – Removed from Agenda**

**E. Adoption of Resolution 2013-032, A Resolution of the City Council of the City of Pacific**

Council Member Putnam presented this Resolution regarding hiring practices for the Council's consideration. Council discussed.

**Council Member Putnam moved and Council Member Hulsey seconded to amend Resolution 2013-032 as follows: Paragraph Six "NOW THEREFORE", Item number 1. – Remove "all City Staff" and replace with "the Mayor". Paragraph Six "NOW THEREFORE", Item number 2. – Remove "all City Staff" and replace with "the Mayor". The Motion carried by unanimous voice vote.**

**Council Member Putnam moved and Council Member Hulsey seconded to adopt Resolution 2013-032, as amended.**

**ROLL CALL VOTE:**

|                                  |               |
|----------------------------------|---------------|
| <b>Council Member Hulsey -</b>   | <b>Aye</b>    |
| <b>Council Member Jones -</b>    | <b>Aye</b>    |
| <b>Council Member Steiger -</b>  | <b>Absent</b> |
| <b>Council President Guier -</b> | <b>Aye</b>    |
| <b>Mayor Pro Tem McMahan -</b>   | <b>Aye</b>    |
| <b>Council Member Putnam -</b>   | <b>Aye</b>    |
| <b>Council Member Walker -</b>   | <b>Aye</b>    |

**The Motion carried by unanimous vote.**

**F. Adoption of Resolution 2013-033, a Resolution of the City Council of the City of Pacific.**

Council Member Putnam presented this Resolution regarding Investigator Contracts for the Council's consideration. Council discussed.

**Council Member Putnam moved and Council Member Jones seconded to amend Resolution 2012-033 as follows: Paragraph 5, Item number 3. - strike the phrase "a personal" and replace with "an investigation". Motion carried with a unanimous voice vote.**

**Council Member Hulsey moved and Council Member Jones seconded to adopt Resolution 2013-033, as amended, A Resolution of the City Council of the City of Pacific.**

**ROLL CALL VOTE:**

|                                  |               |
|----------------------------------|---------------|
| <b>Council Member Hulseley -</b> | <b>Aye</b>    |
| <b>Council Member Jones -</b>    | <b>Aye</b>    |
| <b>Council Member Steiger -</b>  | <b>Absent</b> |
| <b>Council President Guier -</b> | <b>Aye</b>    |
| <b>Mayor Pro Tem McMahan -</b>   | <b>Aye</b>    |
| <b>Council Member Putnam -</b>   | <b>Aye</b>    |
| <b>Council Member Walker -</b>   | <b>Aye</b>    |

**Motion carried with a unanimous vote.**

**G. Adoption of Resolution 2013-034, A Resolution of the City Council of the City of Pacific.**

Council Member Putnam presented this Resolution regarding media releases for the Council's consideration. Council discussed.

**Council Member Jones moved and Council Member Hulseley seconded the Motion to amend Resolution 2012-034 as follows: Paragraph 5 is stricken in its entirety. Motion carried with a unanimous voice vote.**

**Council Member Hulseley moved and Council Member Jones seconded the Motion to adopt Resolution 2013-034, as amended, A Resolution of the City Council of the City of Pacific.**

**ROLL CALL VOTE:**

|                                  |               |
|----------------------------------|---------------|
| <b>Council Member Hulseley -</b> | <b>Aye</b>    |
| <b>Council Member Jones -</b>    | <b>Aye</b>    |
| <b>Council Member Steiger -</b>  | <b>Absent</b> |
| <b>Council President Guier -</b> | <b>Aye</b>    |
| <b>Mayor Pro Tem McMahan -</b>   | <b>Aye</b>    |
| <b>Council Member Putnam -</b>   | <b>Aye</b>    |
| <b>Council Member Walker -</b>   | <b>Aye</b>    |

**Motion carried with a unanimous vote.**

**8. CONSENT AGENDA**

**A. Approval of Payroll and Claim Vouchers**

**B. Approval of Minutes for March 25, 2013 Regular Meeting – Removed from Agenda.**

**Council Member Putnam moved and Council Member Hulseley seconded the Motion to approve the Consent Agenda, as amended. The motion carried with a unanimous voice vote.**

**Council Member Hulseley moved and Council Member Jones seconded the Motion to suspend Council Rules in order to request the Acting Clerk to provide Council**

with a copy of Mayor Sun's e-mail ordering her not to give computer access to the Lt. and Chief of Police. Motion carried with a unanimous voice vote.

**Council Rules Suspended.**

**Council Member Hulsey moved and Council Member Jones seconded the Motion to request the Acting Clerk to forward to the Council members a copy of the e-mail ordering her not to give the Lt. and Chief of Police computer access, badges, etc. Motion carried by a unanimous voice vote.**

**Council proceeds under Roberts Rules of Order.**

**9. EXECUTIVE SESSION**

*Recess to Executive Session per Title 42.30.110(f) RCW, for 10 minutes for Personnel Issue*

**Council President Guier requested 10 minutes to update Council on contract negotiations with the Public Works Clerical Union. Information item. No action anticipated.**

**Council Member Hulsey requested 3 minutes to update Council on Collective Gardens – Litigation. No Action anticipated.**

**10. ADJOURN**

Mayor Pro-tem McMahan adjourned the meeting at 8:52: p.m.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk



**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
April 15, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

The meeting was called to order at 6:30 p.m. by Council President Leanne Guier.

**Mayor:** Cy Sun, absent

**2. ROLL CALL OF COUNCIL MEMBER S**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger - absent

**Council Member Putnam was asked to take notes of tonight's workshop in the absence of any acting City Clerk, or interim City Clerk provided by the Mayor, pursuant to RCW 35A.12.110, authorizing the Council to appoint someone to act in place of an absent City Clerk for the purposes of maintain a journal of the Council's activity.**

**3. CHANGES/ADDITIONS TO THE AGENDA**

**ADDITIONS**

- D. HOA provisions of the PMC  
Ken Barnett, Public Works
- E. Status of Stewart Road agreements and negotiations  
Ken Barnett, Public Works
- F. No topic mentioned in notes.
- G. City Hall Hours
- H. No topic mentioned in notes, just postponed in the interest of time.
- I. Understaffing in Police Department

**4. AGENDA ITEMS**

Items A., B. and C. require City Finance Staff – no one from Finance Staff present

**A. Discussion: Bank Reconciliation through March Year End report**

Council President Leanne Guier stated Council expressed an interest in resolving the bookkeeping error as quickly as possible, to include, if necessary, a future resolution

requesting a special audit by the State auditor. Council also heard a report of the Finance Committee's meeting at which Gerina offered to take on additional A/R or A/P work to free up more time for the finance director to resolve the problem, given the understaffing in finance.

**Staff Request:** Several members of Council requested that council be provided with copies of all bank statements and check registers for 2012 and year-to-date 2013 to see if any Council Member could spot the error.

**B. Discussion: Grant acceptance for bike helmets**

Police Services Specialist Stephanie Shook provided information to Council regarding the grant.

Council is familiar with the helmet grant from past years.

**Staff Request:** Please bring forward a resolution to accept the grant.

**C. Discussion: Civil Service Budget**

Under Agenda Item C., Council President Guier advised that the Civil Service Hearing Examiner will soon be submitting a substantial bill for recent work. In addition, the City should be prepared for expenses estimate at \$20,000-\$25,000 if the Civil Service Commission must pursue a Writ of Mandate to bring the City in to compliance with Civil Service statutes. Several Council Member s inquired whether the City would have the ability to pursue recovery of these legal expenses from the Mayor personally for any legal actions driven by ultra vires acts.

**D. Discussion: HOA provisions of the PMC**

Director Barnett provided information to Council regarding the Pacific Meadows Home Owners Association.

**Staff request:** A letter will be sent to the original requestor stating the City has no authority to dissolve the requested HOA.

**E. Discussion: Status of Stewart Road agreements and negotiations**

Ken Barnett, Public Works

No action to move forward at this time.

**F. Discussion: City Hall Hours**

It was noted that the PMC mandates City Hall office hours of 8 AM – 5 PM. Any deviation from these hours must be approved by Council or approved by the Mayor in case of bona fide emergencies.

**Staff Action and Requests:** Council is looking for resolutions authorizing any shortening of window hours in Finance and Public Works, as neither situation is an

emergency. Council would prefer resolutions that address timelines for rectifying vacant budgeted positions that are creating overload for existing staff.

#### **G. Discussion: Understaffing in Police Department**

Council discussed alternatives for dealing with prolonged understaffing of the Police Department. Past exploration of reserve officers indicated an excessive demand on supervisory time given current understaffing, and suggested that reserve officers would be unable to replace full-time officers for many duties covered by collective bargaining.

Other alternatives discussed include Neighborhood Watch and police volunteers, including the possibility of partnering with the City of Auburn's existing volunteer program. Concerns were expressed that Pacific does not have the staff to support Neighborhood Watch or volunteer efforts. Council Member Hulseby will look into the possibilities of partnering with Auburn.

After all Agenda Items, Council discussed the status of the committee exploring a Council/Manager form of government. Several members spoke in favor of pursuing a City Manager position now, even with the Mayor form of government, since the City is clearly dysfunctional as-is. Other members noted the City's books are six months behind, and we had limited reserves at the beginning of the year. We are aware of executive over-spending in some areas, but have no bottom-line budget status at this time, and should not be considering any added staff. The committee will schedule a meeting soon.

#### **5. ADJOURN**

There being no further discussion, the Workshop adjourned at 7:40 PM.



**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR MEETING  
April 22, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro Tem McMahan called the City Council Meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**Due to the Mayor and City Clerk's absence, Council Member Jones moved and Council Member Hulsey seconded a Motion to appoint Council Member Putnam as tonight's ad hoc Clerk. Motion carried unanimously with a voice vote.**

**2. ROLL CALL OF COUNCIL MEMBERS**

**Council Members did a self-proclaimed Roll Call**

Gary Hulsey  
John Jones  
Leanne Guier, absent  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger, absent

**Council Member Jones moved and Council Member Hulsey seconded a Motion to excuse Council Member Guier and Council Member Steiger. Motion carried with a unanimous voice vote.**

**3. APPROVAL OF AGENDA**

**OLD BUSINESS**

- A.** Grant acceptance for bike helmets
- B.** City Hall Hours of Operation
- C.** Status of Bank Error
- D.** Confirmation of Appointment of Full-Time City Clerk

**Council Member McMahan moved and Council Member Putnam seconded a Motion to Approve the Agenda as created. Motion carried by a unanimous voice vote.**

#### 4. AUDIENCE COMMENT

Duwayne Gratz, made a public records request for any complaints in the last 180 days, against Lt Massey or PSD Calkins. Police Department has no record, but do not know about city records, questioning if city will follow through. Mr. Barnett made claim he should hear from the city.

Don Thomson, questioned the timeline concerning the missing funds, approx \$50,000, and the Mayor's hiring of a personnel attorney. Don wants the city to look into this.

Stacy Knudson questioned about Director Garrison's pay being suspended for not attending Council Meetings.

#### 5. REPORTS

**Mayor - Absent**

**Finance** - Finance Director Garrison has been directed to postpone the installation of computer software modules from the Mayor.

**Court Statistics** – No report

**Public Safety Department** – No report

**Public Works/Community Development** - Need to meet this week, Wednesday evening concerning Stewart Rd.

**Community/Senior/Youth Services** – Trying to schedule meeting for early next month. Date to be determined.

**City Council** – No report

**Personnel** – No report

#### COMMITTEE BOARDS

**Park Board** – Sherry Cason, Park Board Commissioner, updated the status of Saturday's Earth Day project 9 am, early setup around 7 am.

**Civil Service** – Mayor has been served to be directed to comply with their directive on May 3, 2013 at 10:30 am Kent Regional Justice Center.

**Planning Commission** – No report

**South King County Transportation Board (SKTBD)** – No report

**Pierce County Regional Council (PCRC)** – No report

**Suburban Cities Association (SCA)** – No report

**Valley Regional Fire Authority (VRFA)** – No

**6. PUBLIC HEARING**

None

**7. OLD BUSINESS**

**A. Grant acceptance for bike helmets**

**Council Member Putnam moved, and Council Member Jones seconded a Motion to Accept the Grant for Bike Helmets as presented to Council last week.**

**ROLL CALL VOTE:**

|                                  |               |
|----------------------------------|---------------|
| <b>Council Member Hulseley -</b> | <b>Aye</b>    |
| <b>Council Member Jones -</b>    | <b>Aye</b>    |
| <b>Council Member Steiger -</b>  | <b>Absent</b> |
| <b>Council Member Guier -</b>    | <b>Absent</b> |
| <b>Council Member McMahan -</b>  | <b>Aye</b>    |
| <b>Council Member Putnam -</b>   | <b>Aye</b>    |
| <b>Council Member Walker -</b>   | <b>Aye</b>    |

**Motion carried by unanimous vote.**

**B. City Hall Hours of Operation**

Public Works decided not to adjust. Finance is not present to discuss why they are in violation of City Rules. To be brought up in Finance Committee Meeting being held tomorrow. Council expects status report.

**C. Status of Bank Error**

Finance not present. Per Council's request, inquired of MSRC's attorneys about having a State Auditor attempt to resolve. MSRC concerned about Council going over City Staff's head and asking directly from the bank for bank records. Mayor Pro-Tem McMahan, being a signatory, could request checking statements for the last several months (from October). Council Member McMahan concerned about cost. Council Member McMahan will report back. No need for Motion.

**8. NEW BUSINESS**

None

**9. CONSENT AGENDA**

**A. Approval of Payroll and Claim Vouchers**

Clarification of some payables to Civil Services Commission attorney, Sosa Law Firm and translator.

**Council Member Putnam moved and Council Member Walker seconded the**

**Motion to Approve the Consent Agenda. Motion carried with a unanimous voice vote.**

A point of order was raised from the audience regarding the absence of the Agenda. Last week at the Workshop Meeting they discussed a Committee to Explore a Change of Government and a meeting was to be scheduled. Was this on the Agenda, and if it was, has a meeting been scheduled?

Council was not provided an Agenda. Council Member McMahan used last week's as reference for the order in which the items would be listed. A tentative meeting was scheduled for Tuesday, August 30, 2013, at 6:00 pm in the Council Chambers.

**10. EXECUTIVE SESSION**

None

**11. ADJOURN**

Mayor Pro-tem McMahan adjourned the meeting at 7:12 p.m.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
May 6, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

The meeting was called to order at 6:30 p.m. by Council President Leanne Guier.

**Mayor:** Cy Sun, present

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**Council President Guier announced that the Special Meeting scheduled to take place after this Workshop Meeting was cancelled due to improper notification of meeting.**

**3. CHANGES/ADDITIONS TO THE AGENDA**

**Agenda Items Added:**

**3.L. Discussion:** Adding Public Hearing to the Agenda for the May 13, 2013 Council Meeting regarding Licensing Fees for Non-Profits

**4. EXECUTIVE SESSION – NONE**

**5. AGENDA ITEMS**

**A. Discussion - City Clerk Confirmation – Mayor Sun**

Mayor Sun discussed Sandy Paul's confirmation for City Clerk. He read a letter he wrote to Council about justification of Ms. Paul's employment, and read from applications of two other candidates stating their lack of qualifications. He requested the Council consider moving forward.

**Direction:** The Council declined to move this matter forward.

## **B. Discussion - Whistle Blower Investigation Contract – Mayor Sun**

Finance Director Betty Garrison discussed whistleblower complaints. She received two separate complaints. One at the end of March and one the first of April 2013, at which time she was Acting City Clerk, and was responsible for processing them.. She contacted the State Auditor for direction and was notified that they only handle whistleblower complaints from state employees and the City should follow its policy on performing investigations. She contacted the King County Prosecutor's Office who provided a list of investigators that they use to the City Attorney last year. They offered to review our policy and provide direction. She sent policies. Betty recommends Ogden Murphy Wallace, LLP. She chose them because other cities use them; Mayor Sun stepped in about the cost at \$250 an hour for Ogden, stating he received a last minute proposal.

James McMahan stated to Finance Director Garrison that the business indemnity portion of the contract is lacking, and requested input from Mr. Luce. Ms. Garrison read section but it seemed that the copied package was lacking the "back pages".

**Direction:** Item moved forward.

## **C. Discussion - Internal Investigator Contract – Bridges – Mayor Sun**

Community Services Director Finwall discussed internal investigation involving four employees in three departments. Amy Stephson and Benny Bridges were presented for consideration. The Mayor is considering Bridges over Stephson.

Council Member McMahan still concerned about overlap. Ms. Finwall confirmed that there is no overlap.

Council Member Putnam is concerned that the letter from Amy Stephson lists the three employees under consideration for the investigation and wanted to make sure that the information was removed from the public copy since it has become public record.

Council Member Walker discussed the possibility of having Ms. Stephson perform all investigations verses splitting up into two different investigators. Stephson (attorney) versus Bridges (private investigator). There is concern around not understanding what we are hiring an investigator for. Insurance that provides for the cost to defend claims ended last year. Council Member Putnam said that we are not able to use the city insurance.

It was suggested by Council Member Jones that the Staff submit a complete package for Ogden and Stephson, respectively, to be considered at the next Council Meeting.

**Direction:** Move forward to Monday's Council Meeting.

## **D. Discussion - King County Library Partnership Agreement – Sheryl Finwall**

**Direction:** King County Library Partnership Agreement moved forward.

## **E. Discussion - Community Services Intern – Sheryl Finwall**

Sheryl Finwall presented a request from Crystal D., who is asking to intern with the City's Community Services Department. There is no cost to the City. Council Member McMahan is concerned about bringing on a student intern when the City is dealing with complaints of harassment and intimidation, and while the City is in turmoil. Mayor Sun went on about the investigation and not bringing on employees/interns until the investigation is completed. Council Member Putnam, Council Member Steiger and Council Member Jones, feel it would be safe enough for the intern..

**Direction:** Item moved forward

#### **F. Discussion - Marijuana Ordinance – Kent Barnett**

Director Barnett discussed the Marijuana Ordinance. We need to consider all aspects of the legality of the Ordinance. Council Member McMahan concerned about the State Board consideration about licensing in the city.

**Direction:** Move forward to the next Workshop Study Session on May 20, 2013.

#### **G. Discussion - Finance Window Hours – Betty Garrison**

Finance Director Betty Garrison brought forward a request for a resolution outlining the hours the finance window is currently open. There is no current resolution.

Council President Guier stated that she came into City Hall today at 4:45 p.m., and there was no one present, no windows were open and was wondering why when it is posted that City Hall hours are 8 am - 5 p.m. Council President Guier also wants to verify that the resolution is for the finance window only.

Council Member Walker concerned about the impact to citizens if the windows are closed as early as 4:30 p.m.

**Direction:** Move forward to the next Workshop Study Session.

#### **H. Discussion - Media Contact – Press Release Policy – John Putnam**

Council Member Putnam wanted to remind Staff that they comply with Resolution 2013-034 adopted on April 8, 2013, and Policy 200-009 requiring Staff to provide all types of media releases or notifications to the City Council and to post all press releases in a public area of City Hall. Mayor Sun stated he's guilty, that he was unaware that there was a policy.

#### **I. Discussion - If Recall Happens Committee – Leanne Guier**

Council President Guier wants to reenact the Committee, and the members who served on that Committee last time, that looks at the possible impact of what, who and how needs to happen, regarding the outcome of the recall election in order to prepare for the possibility.

**Direction:** A meeting is scheduled for tomorrow night May 07, 2013 at 6:30 pm to discuss further.

**J. Discussion - Change of Form of Government Committee – John Jones**

Council Member Jones informed Council of the next meeting on Wednesday, May 15, 2013 6:30 pm

**Direction:** Even though it is not a requirement, he will post notice of the meeting.

**K. Discussion - Third Party Administrator – Sheryl Finwall and Josh Putnam**

Sheryl Finwall claims a Third Party Administrator is needed by the City of Pacific claims management was part of our package with CIAW that was non-renewed last year, and is not included in our current insurance. Using Crawford and Company is suggested until the City can get back into a claims pool. It was suggested by Council President Guier that a Committee be established before review and recommendation to the full Council. Council Member Putnam discussed concerns about having a professional service.

**Direction:** Council Member Putnam, Council President Guier, Sheryl Finwall, and Betty Garrison, will have a discussion about making it part of the Finance Committee Meeting scheduled for next Tuesday, May 14, 2013.

**L. Discussion: Adding Public Hearing to the Agenda for the May 13, 2013 Council Meeting regarding Licensing Fees for Non-Profits**

Council Member Hulsey discussed licensing fees for non profits. We need two readings. The first reading was postponed per the Finance Director Betty Garrison, so we need to have the first reading of Ordinance No. 2013-1845- Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C.; requiring the licensing of all religious, charitable or benevolent societies or organizations.

**Direction:** Move item forward to next Council meeting on Monday May 13, 2013 at 6:30 pm.

**6. ADJOURN:**

There being no further business, the Workshop adjourned at 8:12 pm.

---

Betty Garrison, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
May 6, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

The meeting was called to order at 6:30 p.m. by Council President Leanne Guier.

**Mayor:** Cy Sun, present

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**Council President Guier announced that the Special Meeting scheduled to take place after this Workshop Meeting was cancelled due to improper notification of meeting.**

**3. CHANGES/ADDITIONS TO THE AGENDA**

**Agenda Items Added:**

**3.L. Discussion:** Adding Public Hearing to the Agenda for the May 13, 2013 Council Meeting regarding Licensing Fees for Non-Profits

**4. EXECUTIVE SESSION – NONE**

**5. AGENDA ITEMS**

**A. Discussion - City Clerk Confirmation – Mayor Sun**

Mayor Sun discussed Sandy Paul's confirmation for City Clerk. He read a letter he wrote to Council about justification of Ms. Paul's employment, and read from applications of two other candidates stating their lack of qualifications. He requested the Council consider moving forward.

**Direction:** The Council declined to move this matter forward.

## **B. Discussion - Whistle Blower Investigation Contract – Mayor Sun**

Finance Director Betty Garrison discussed whistleblower complaints. She received two separate complaints. One at the end of March and one the first of April 2013, at which time she was Acting City Clerk, and was responsible for processing them.. She contacted the State Auditor for direction and was notified that they only handle whistleblower complaints from state employees and the City should follow its policy on performing investigations. She contacted the King County Prosecutor's Office who provided a list of investigators that they use to the City Attorney last year. They offered to review our policy and provide direction. She sent policies. Betty recommends Ogden Murphy Wallace, LLP. She chose them because other cities use them; Mayor Sun stepped in about the cost at \$250 an hour for Ogden, stating he received a last minute proposal.

James McMahan stated to Finance Director Garrison that the business indemnity portion of the contract is lacking, and requested input from Mr. Luce. Ms. Garrison read section but it seemed that the copied package was lacking the "back pages".

**Direction:** Item moved forward.

## **C. Discussion - Internal Investigator Contract – Bridges – Mayor Sun**

Community Services Director Finwall discussed internal investigation involving four employees in three departments. Amy Stephson and Benny Bridges were presented for consideration. The Mayor is considering Bridges over Stephson.

Council Member McMahan still concerned about overlap. Ms. Finwall confirmed that there is no overlap.

Council Member Putnam is concerned that the letter from Amy Stephson lists the three employees under consideration for the investigation and wanted to make sure that the information was removed from the public copy since it has become public record.

Council Member Walker discussed the possibility of having Ms. Stephson perform all investigations verses splitting up into two different investigators. Stephson (attorney) versus Bridges (private investigator). There is concern around not understanding what we are hiring an investigator for. Insurance that provides for the cost to defend claims ended last year. Council Member Putnam said that we are not able to use the city insurance.

It was suggested by Council Member Jones that the Staff submit a complete package for Ogden and Stephson, respectively, to be considered at the next Council Meeting.

**Direction:** Move forward to Monday's Council Meeting.

## **D. Discussion - King County Library Partnership Agreement – Sheryl Finwall**

**Direction:** King County Library Partnership Agreement moved forward.

## **E. Discussion - Community Services Intern – Sheryl Finwall**

Sheryl Finwall presented a request from Crystal D., who is asking to intern with the City's Community Services Department. There is no cost to the City. Council Member McMahan is concerned about bringing on a student intern when the City is dealing with complaints of harassment and intimidation, and while the City is in turmoil. Mayor Sun went on about the investigation and not bringing on employees/interns until the investigation is completed. Council Member Putnam, Council Member Steiger and Council Member Jones, feel it would be safe enough for the intern..

**Direction:** Item moved forward

#### **F. Discussion - Marijuana Ordinance – Kent Barnett**

Director Barnett discussed the Marijuana Ordinance. We need to consider all aspects of the legality of the Ordinance. Council Member McMahan concerned about the State Board consideration about licensing in the city.

**Direction:** Move forward to the next Workshop Study Session on May 20, 2013.

#### **G. Discussion - Finance Window Hours – Betty Garrison**

Finance Director Betty Garrison brought forward a request for a resolution outlining the hours the finance window is currently open. There is no current resolution.

Council President Guier stated that she came into City Hall today at 4:45 p.m., and there was no one present, no windows were open and was wondering why when it is posted that City Hall hours are 8 am - 5 p.m. Council President Guier also wants to verify that the resolution is for the finance window only.

Council Member Walker concerned about the impact to citizens if the windows are closed as early as 4:30 p.m.

**Direction:** Move forward to the next Workshop Study Session.

#### **H. Discussion - Media Contact – Press Release Policy – John Putnam**

Council Member Putnam wanted to remind Staff that they comply with Resolution 2013-034 adopted on April 8, 2013, and Policy 200-009 requiring Staff to provide all types of media releases or notifications to the City Council and to post all press releases in a public area of City Hall. Mayor Sun stated he's guilty, that he was unaware that there was a policy.

#### **I. Discussion - If Recall Happens Committee – Leanne Guier**

Council President Guier wants to reenact the Committee, and the members who served on that Committee last time, that looks at the possible impact of what, who and how needs to happen, regarding the outcome of the recall election in order to prepare for the possibility.

**Direction:** A meeting is scheduled for tomorrow night May 07, 2013 at 6:30 pm to discuss further.

**J. Discussion - Change of Form of Government Committee – John Jones**

Council Member Jones informed Council of the next meeting on Wednesday, May 15, 2013 6:30 pm

**Direction:** Even though it is not a requirement, he will post notice of the meeting.

**K. Discussion - Third Party Administrator – Sheryl Finwall and Josh Putnam**

Sheryl Finwall claims a Third Party Administrator is needed by the City of Pacific claims management was part of our package with CIAW that was non-renewed last year, and is not included in our current insurance. Using Crawford and Company is suggested until the City can get back into a claims pool. It was suggested by Council President Guier that a Committee be established before review and recommendation to the full Council. Council Member Putnam discussed concerns about having a professional service.

**Direction:** Council Member Putnam, Council President Guier, Sheryl Finwall, and Betty Garrison, will have a discussion about making it part of the Finance Committee Meeting scheduled for next Tuesday, May 14, 2013.

**L. Discussion: Adding Public Hearing to the Agenda for the May 13, 2013 Council Meeting regarding Licensing Fees for Non-Profits**

Council Member Hulseley discussed licensing fees for non profits. We need two readings. The first reading was postponed per the Finance Director Betty Garrison, so we need to have the first reading of Ordinance No. 2013-1845- Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C.; requiring the licensing of all religious, charitable or benevolent societies or organizations.

**Direction:** Move item forward to next Council meeting on Monday May 13, 2013 at 6:30 pm.

**6. ADJOURN:**

There being no further business, the Workshop adjourned at 8:12 pm.

---

Betty Garrison, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR MEETING  
May 13, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro-Tem McMahan called the meeting of the Pacific City Council to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**Staff Present:** S. Finwall, Lt. Massey, PSD Calkins

**Council President Guier moved and Council Member Walker seconded the Motion to appoint Council Member Jones as the scribe for tonight's meeting. Motion passed unanimously by voice vote.**

**3. APPROVAL OF AGENDA**

**A. Council requested the following changes/additions to the Agenda**

**CHANGE:**

7.A. and 7.B. to 7.B. and 7.C., respectively

**ADD:**

7.A. Valentine Road Project – Ted Hill, Project Manager  
8.D. Appoint Intern to Community Services  
8.e. Executive Session – Investigation of Employees, 5 minutes

**Council Member Jones moved and Council Member Putnam seconded the Motion to Approve the Agenda. Motion carries by unanimous voice vote.**

#### 4. AUDIENCE COMMENT

NONE

#### 5. REPORTS

**Mayor** – No Report

**Finance** – No Report

**Court Statistics** – Stats in Packets

**Public Safety Department – PSD Calkins** – Evidence/Inventory audit was performed around April 14, 2013. The 35-page draft report is being reviewed and it will be presented to the Council as soon as the final report is received. Current vacancies: three total; one out on leave and two patrol officers. Civil Service Commission has a list of possible candidates to fill vacancies.

**Public Works/Community Development** – No Report

**Community/Senior/Youth Services – Sheryl Finwall**, Kids meal program getting ready.

**City Council** – No Report. Council Member Steiger thanked everyone for helping his wife during his illness and hospital stay; with a special thank you to Council President Guier. Council President Guier wanted to thank Lowes for their support by sending 10 volunteers out to help clean up the Boggy Garden at Terry Home.

**Personnel** – No Report

#### COMMITTEE BOARDS

**Park Board** - Park Board Commissioner reported on the Earth Day event. A copy was presented and available. Additional information was given verbally. She felt that it was a success. Pacific Days is to be a City-supported event so the event can be an umbrella under the city insurance. Event will be held on July 12-14, 2013. Park Board is taking the lead on Pacific Days.

Sheryl Finwall is working with contacts about insurance. Hotel/motel tax may be used for events. Park Board will co-sponsor with City of Pacific. Council Member Putnam brought up concern about our present coverage and suit impact.

**Council President Guier moved and Council Member Hulsey seconded a motion to have Pacific Days as a City-sponsored event through the Park Board. Motion carries with a 6 – 1 voice vote. Council Member McMahan voted Ney.**

**Civil Service** – No Report

**Planning Commission** – No Report

**South King County Transportation Board (SKTBD)** – No Report

**Pierce County Regional Council (PCRC) – No Report**

**Suburban Cities Association (SCA) – Council President Guier** – Council President Guier attended the last meeting and gave a brief report. Also, attended the Jurassic Parliament event on conflict resolution.

**Valley Regional Fire Authority (VRFA) – No Report**

**6. PUBLIC HEARING**

**NONE**

**7. OLD BUSINESS**

**A. Valentine Road Project – Ted Hill, Project Manager**

Ted Hill, Project Manager of the Valentine Rd. project gave an update; 50% east side, west side has been discussing improvement of water treatment with water treatment "in a box". Original minimum requirements were being exceeded in original design. Options were swale reduction on the west side and possible removal from both sides vs. a swale reduction on the east side and none on the west side. Impervious road surface on trail, and ecology grant. We will still be treating minimum amount required by ecology option concerns. Is the Council okay with less than top-tier water treatment by removing bio-swale from both sides, and go to water treatment "in a box" on the west side.

Jeanne Fancher brought up Port of Tacoma. There is concern about putting it on "down-stream" side of road as water moves toward river. Paula W., City of Pacific Planner concerned about access to property.

**Council Member Hulsey moved, and Council Member Jones seconded the Motion to go with option one; elimination of Bio-Swales from both sides of the road. Motion carries with unanimous voice vote.**

Citizen concern was being put off by Mayor Pro-Tem McMahan, so Council Member Jones stated he would meet with Pro-Tem McMahan and Ted Hill to discuss his concern.

**B. Non-Profit Licensing Fee Ordinance 2013-1845**

Sheryl Finwall read municipal code change for charitable or benevolent type organizations, (will need to get information from proposed ordinance change) 2013-045 for first full reading. Council Member Hulsey made note that on fee schedule would be changed to include nominal fee of \$10.00. Council Member McMahan concerned about requiring two readings before voting on the change. Council Member Putnam read from MRSC.

**Council Member Walker moved, and Council Member Hulsey seconded the Motion to accept this as the First Reading of Ordinance No. 2013-1845- Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C.; requiring the licensing of all religious, charitable or benevolent**

**societies or organizations. Motion carries with a unanimous voice vote.**

**C. Finance Window Hours Resolution 2013-040**

Council President Guier stated that according to the Minutes, this was supposed to go to the next Workshop Meeting.

**8. NEW BUSINESS**

**A. King County Library Partnership, Resolution 2013-041**

**Council Member Hulseley moved and Council Member Jones seconded the Motion to approve Resolution 2013-041, A Resolution of the City council of the City of Pacific, Washington, Authorizing the Mayor To Enter Into Partnership Agreement With King County Library System (KCLS). Motion carries with a unanimous voice vote.**

**B. Contract for Whistle Blower Complaints, Resolution 2013-042**

**Council Member Hulseley moved and Council Member Putnam seconded the Motion to suspend the rules to discuss Item B. and C. on the Agenda at the same time. Motion carries with a unanimous voice vote.**

City Attorney Luce brought up issue, and concern about reduction of cost and the investigator he recommended that has not been considered. SD Calkins and Lt. Massey concerned about a police officer to be investigated by an attorney, but he feels that it should be a police investigation if not internal then contact an outside police agency.

**Council Member Hulseley moved and Council Member Steiger seconded the Motion to postpone Resolution 2013-042 and Resolution 2013-043 and schedule a Special Meeting following next week's Workshop Meeting.**

**ROLL CALL VOTE:**

|                                  |            |
|----------------------------------|------------|
| <b>Council Member Hulseley -</b> | <b>Aye</b> |
| <b>Council Member Jones -</b>    | <b>Aye</b> |
| <b>Council Member Steiger -</b>  | <b>Aye</b> |
| <b>Council President Guier -</b> | <b>Nay</b> |
| <b>Council Member McMahan -</b>  | <b>Nay</b> |
| <b>Council Member Putnam -</b>   | <b>Aye</b> |
| <b>Council Member Walker -</b>   | <b>Nay</b> |

**Motion carries with a 4 –3 roll call vote.**

**C. Contract for Internal Investigation, Resolution 2013-043 – See Above.**

**D. Appointment Intern to Community Services, Resolution 2013-044**

Chrystal D. has requested to assist the Community Services Board with summer activities for her Internship through Phoenix University. Though the situation of the City

of Pacific is not good, it would provide real world experience. The audience showed its support of the program. Sheryl Finwall stated she would not be unsupervised and would be subjected to any issues.

**Council Member Putnam moved, and Council President Guier seconded the Motion to Approve Resolution 2013-044, Appointment of Intern to Community Services.**

**ROLL CALL VOTE:**

|                                  |            |
|----------------------------------|------------|
| <b>Council Member Hulseley -</b> | <b>Nay</b> |
| <b>Council Member Jones -</b>    | <b>Aye</b> |
| <b>Council Member Steiger -</b>  | <b>Aye</b> |
| <b>Council President Guier -</b> | <b>Aye</b> |
| <b>Council Member McMahan -</b>  | <b>Nay</b> |
| <b>Council Member Putnam -</b>   | <b>Aye</b> |
| <b>Council Member Walker -</b>   | <b>Aye</b> |

**Motion carries with a 5 – 2 roll call vote.**

**9. CONSENT AGENDA**

**A. Approval of Payroll and Claim Vouchers**

**Council Member Putnam moved, and Council Member Hulseley seconded the Motion to approve the Consent Agenda. Motion carries with a unanimous voice vote.**

**10. EXECUTIVE SESSION**

*(Recess to Executive Session per Title 42.30.110(f) RCW, for 10 minutes for Personnel Issue)*

**8:05 p.m.** Council recessed for 5 minutes to discuss a personnel issue. No action to follow.

**8:06 p.m.** Council extends Executive Session for 5 minutes.

**8:11 p.m.** Council extends Executive Session for 5 minutes.

**8:16 p.m.** Council extends Executive Session for 5 minutes.

**11. ADJOURN**

There being no further business, the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk



**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
May 20, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Council President Guier called the meeting to order at 6:30 p.m.

**2. ROLL CALL OF COUNCIL MEMBERS**

Leanne Guier  
Gary Hulse  
John Jones  
James McMahan – arrived at 6:39 p.m.  
Josh Putnam  
Tren Walker  
Clint Steiger

**3. CHANGES/ADDITIONS TO THE AGENDA**

**Items Added to Agenda:**

5.F. Discussion: Sewer Issues, Chris Mott, 2<sup>nd</sup> Ave – Council member Hulse

5.G. Discussion: Lt. Massey Overtime Pay – Council member Steiger

5.H. Discussion: Skills and Connelly Supplemental Agreement - Presented by Gary Richardson

**4. EXECUTIVE SESSION**

**5. AGENDA ITEMS**

**A. Discussion: Whistleblower Investigations**

Sheryl Finwall updated the Council on the Whistleblower Investigations. The Mayor has chosen Bridges Private Investigator to cover the HR investigations. There was some discussion around having a single source perform the investigations. The costs that were presented were \$170-\$250 per hour. Council member Hulse is inclined to support contracting with Trident. Council member Walker likes Ogden. He likes that we follow procedure and to follow the recommendation from the administration presented to us. In this case, that's Ogden. Council member McMahan concerned that this is all that is known, and there is no other known pending. The City Attorney stated that he requested the Mayor provide information, but the Mayor refused. Council member Putnam made the point that we should use a reputable firm recommended by the King County Prosecutor.

**B. Discussion: Finance Department Window Hours**

There was some discussion surrounding paying overtime for "cash counting". Council President Guier discussed staggered start times instead of closing the window early. Council member Walker suggested that the time be modified, but have some days open. Council member Steiger doesn't like changing with a resolution, but the Council is required to agree to the change per Council member Putnam. Council President Guier and Council member McMahan would like to see a time limited agreement. Council member Hulseley would like it out to September 1, 2013 or when the vacant position is filled.

**Direction:** Moved forward with that adjustment.

**C. Discussion: Public Works Seasonal Workers**

Seasonal employees budget consideration to be from June 24, 2013 - September 14, 2013, to be paid at Level 1, without benefits. Cost would be 16k plus need finance input as to where the money is going to come from, per Ken B. It will come from Park Maintenance. This is a question as to how much has been spent so far this year from this budget.

**Direction:** Moved forward, but need some answers at Monday's Meeting.

**D. Discussion: Third-Party Claims Administrator**

Finance is leaning to Washington/Oregon. Council member Putnam has reviewed both. Crawford is at a higher status and cost, but feels W/A is just fine for our short-term needs.

**E. Discussion: Requests for Waiver of Late Fees and Penalties**

Tom Barber has requested a waiver of late fees and penalties for the property he purchased. He has made attempts to bring it current. There have been communications concerning disconnect or whatever? Council member Steiger says he has had legal battles, but don't understand where it's at. City Attorney Luce believes we have no grounds to grant this request, but move it forward to vote anyway.

Mr. Santos property, Council member Hulseley stated he felt he should be able to cover cost. Council member Walker asked attorney his opinion. He felt that since the City had no interaction, that we don't consider waiving the penalties. He moved to vote.

Mr. Schriburn, with Waste Management rescinded and paid him back to November, but the City is being asked to waive penalties. Issue surrounds the fact that this one might have had title insurance

**Direction:** Move forward to vote.

**F. Discussion: Sewer Issues, Chris Mott, 2<sup>nd</sup> Ave**

Chris Mott presented his sewer issues he's having on his property. Ken B. discussed a call about sewer backup. Video camera confirms cracks. The City did a video, but didn't see cracks. However, it did find solid full of water and did have a couple of dips.

All issues that were found are not in city lines, but are on private lines/property. Chris Mott, 118 2nd PL SW, concerned that the four houses feed lines that go to a single line that taps into the main line. Ken said after review, there are no "cracks", but the issues he believes, are on private lines. Mr. Mott has stated again that all four houses are clogged, not just his.

**Direction:** Ken said he would arrange to meet with all four home owners

**G. Discussion: Lt. Massey Overtime Pay – Agreement - #11 K.B.**

Council member Steiger began the discussion about the fact that Lt. Massey was not paid overtime for work he performed, because he was on administrative leave. But, Council member Steiger feels he should have been paid. Sheryl. Finwall stated that she is the one who sent it to the Mayor to be addressed, but she feels Betty Garrison needs to be present to assist in addressing this issue. She also stated that the Mayor has placed her in that position. Council member Putnam through MRSC, stated that it is required that he be paid for actual hours worked. Council member Walker feels that this is an administrative, not Council issue, but Council member Steiger feels strongly about this issue.

**Direction:** This should also include John Calkins.

**H. Discussion – Skills and Connelly Supplemental Agreement - Council member Steiger**

The 6th point surrounds agreement with Gordon Trucking right of way property acquisition. Once that is done, the City project can move forward to TIB for release money. There are several listed "final" projects to complete out on this next phase. \$123,500 of the \$185,000 (60k difference) and 39k trail money is in the city. Some will be covered by TIB. Pierce County and the City of Sumner are taking the intersection if the Valentine Rd. goes before Stewart; otherwise, the money will come from the Valentine Rd. project to the Stewart Rd. Figures will be provided by Gary and/or Ken to the Council. The Mayor questioned about load-on compression next to existing road, and moving power poles; yes 250k cost to PSE. Storm water pond design needs adjustments. Required City costs, prospected difference of cost vs. coverage about 400k, but it's felt that once Gordon Trucking commits we will go to TIB to adjust the difference. The Mayor's position is that the City is not in the position to cover the difference. Inchpin is City agreement with Gordon Trucking.

**6. ADJOURN**

**8:34 p.m.** – Adjourned for 5 minutes.

**8:39 p.m.** – Special Meeting on record called by Mayor Pro-Tem McMahan.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk



**CITY OF PACIFIC  
CITY COUNCIL**

**SPECIAL MEETING  
May 20, 2013**

**City Hall - Council Chambers  
City Hall, 8:40 PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro-Tem McMahan called the meeting of the Pacific City Council to order at 8:40 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, went home ill.

**2. ROLL CALL OF COUNCIL MEMBER S**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**Council Member Walker moved and Council Member Hulsey seconded the Motion to appoint Council Member Jones as the scribe for tonight's meeting. Motion passed unanimously by voice vote.**

**3. BUSINESS**

**A. Approval of Resolution 2013-042 - Contracts for Services for Whistleblower Reports and/or Human Resource Related Complaints.**

**Council Member Hulsey moved and Council Member Walker seconded the Motion to Approved Resolution 2013-042 – With Wallace Murphy, LLC to Conduct Investigations for Three Whistleblower Complaints and Two Human Resource Related Complaints at a Rate Not to Exceed \$200.00 per hour.**

**Council Member Putnam moved and Council Member Hulsey seconded the Motion to Amend Section 1. of Resolution 2013-042 to change the word "March" to read "August 2012", and after "May 20, 2013." replace "." with a "," and add "unresolved Human Resource Complaints referred to as HR1 and HR2 and this list incorporated by reference." Council Member Putnam moved and Council Member Hulsey seconded the Motion to Amend Council Member Putnam's Motion, as amended. Motion carries with a unanimous voice vote.**

**Council Member Hulsey moved and Council Member Putnam seconded a Motion to Amend the Amendment of Resolution 2013-042 so that Section 1. reads "the Mayor Pro-Tem or the Council President is authorized to enter into and Sign the Contract. Motion carries with a voice vote of 6 - 1.**

**Council Member Hulsey moved and Council Member Walker seconded the Motion to Adopt Resolution 2013-042, as amended.**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Jones -</b>   | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member Guier -</b>   | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**Motion carries with a unanimous vote**

**4. ADJOURN**

There being no further business, Mayor Pro-Tem McMahan adjourned the meeting at 8:56 p.m.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR MEETING  
May 28, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

The Mayor Pro-Tem McMahan called the meeting of the Pacific City Council to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**Council President Guier moved and Council Member Putnam seconded the Motion to appoint Council Member Jones as the scribe for tonight's meeting. Motion passed unanimously by voice vote.**

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**3. APPROVAL OF AGENDA**

**Changes/Additions**

**OLD BUSINESS**

Change the order of items B. Amend Fee Schedule Resolution 2013-045 and C. Licensing Fee Ordinance for Non Profits Resolution 2013-1845 to B. Licensing Fee Ordinance for Non Profits Resolution 2013-1845 and C. Amend Fee Schedule Resolution 2013-045

**Council member Hulsey moved and Council member Putnam seconded the Motion to Approve the Agenda, as Amended. Motion carries by unanimous voice vote.**

**4. AUDIENCE COMMENT**

**NONE.**

**5. REPORTS**

**Mayor – No Report**

**Finance** – No Report. Council President Guier asked when they can anticipate bank reconciliations and an updated budget from Director Garrison. Ms. Garrison stated that she was currently manually re-doing the financial reports for 2012. The software the city has is an accrual based system and the city is a cash basis entity. She stated there are challenges reconciling the two. She stated that she had been out for the last two weeks and is behind schedule, but is working on it. Council member McMahan asked about the email from the Department of Licensing that was received.. Ms. Garrison stated she hadn't had the opportunity to research this specific question. There was a complaint over the process that the City has in place regarding the city going to the state for business licensing. It has been discussed and is being researched as a possibility. The change is not imminent and she agreed to report back to Council Member McMahan and the finance committee when the research was done.

**Court Statistics** – No Report

**Public Safety Department** – Director Calkins presented a document about Property & Evidence Assessment of the Pacific Police Dept. prepared by Steven Perry on May 21, 2013. There are 57 recommendations. Council Member Putnam asked if the Department. has evaluated them for impact and cost to implement.

Director Calkins discussed a presentation about Grays Harbor incident. Auburn Commander will present on May 29, 2103, about lessons learned from an incident in Auburn when a transient fired on officers in two different events. Council member inquired into vacancy status. Two candidates are under consideration.

**Public Works/Community Development** - Public Works Director Barnett presented that there are 51 permits year to date with five still working Gordon Trucking. Discussion about a Medical Marihuana site and the possibility of second one. He was not aware of the second one. There is a litigation issue on the first site. Concern about the permits being so low and its financial impact. Council member Putnam questioned the buildable properties. Council member McMahan asked about the sewer issue and what has been done. Barnett discussed having AHBL get involved.

**Community/Senior/Youth Services** – No Report

**City Council** – Council member Steiger asked Betty Garrison for an update about Lt. Massey Missed pay. She plans to get with the Mayor when he returns on Thursday.

**Personnel** – Committee member Putnam met with the Committee looking into contingencies regarding the pending recall election, and discussed that it's illegal for any City employee, Council member or administrator to use public resources or public office to campaign for or against the recall issue. Council member Guier mentioned that there will be a Memorial/Celebration of Walter's life; he was killed defending his Sister. The Memorial/Celebration will be held at City Park at 1:00 p.m. on Saturday.

## **COMMITTEE BOARDS**

**Park Board** – No Report

**Civil Service** – No Report

**Planning Commission** – No Report

**South King County Transportation Board (SKTBD) – No Report**

**Pierce County Regional Council (PCRC) – No Report**

**Suburban Cities Association (SCA) – No Report**

**Valley Regional Fire Authority (VRFA) – Council member Steiger stated Linda Osborne's, a Board member from Algona, husband expired last week.**

**6. PUBLIC HEARING**

**NONE**

**7. OLD BUSINESS**

**A. Adoption of Resolution No. 2013-044, A Resolution of the City Council of the City of Pacific, Washington, setting the Hours the Finance Department will Regularly be Open to the Public**

Statements to support were given. Hours will be 9:00 a.m. to 4:30 p.m. until vacant positions are filled, or September 1, 2013. 6/1 Walker no

**Council member Putnam moved and Council member Hulseley seconded the Motion to Adopt Resolution No. 2013-044, A Resolution of the City Council of the City of Pacific, Washington, setting the Hours the Finance Department will Regularly be Open to the Public.**

**ROLL CALL VOTE:**

|                                  |            |
|----------------------------------|------------|
| <b>Council member Hulseley -</b> | <b>Aye</b> |
| <b>Council member Jones -</b>    | <b>Aye</b> |
| <b>Council member Steiger -</b>  | <b>Aye</b> |
| <b>Council member Guier -</b>    | <b>Aye</b> |
| <b>Council member McMahan -</b>  | <b>Aye</b> |
| <b>Council member Putnam -</b>   | <b>Aye</b> |
| <b>Council member Walker -</b>   | <b>Ney</b> |

**Motion carries by a 6 – 1 vote.**

**B. Adoption of Resolution No. 2013-045, A Resolution of the City Council of the City of Pacific, Washington, Amending the Master Fee Schedule**

Council member Walker discussed that the state doesn't license to medical marijuana entities. Is the City putting itself in trouble? Our City Code requires an entity to be legal at the state and federal levels. This will require all businesses running within our borders to be registered. Council member Walker is concerned about how to find out who's doing business within our borders. The state should know who they have listed within City. Council member Putnam was concerned that services that help would be impacted. Council member thought everyone. Kathy G. asked about contacting the City of Fife as to how they do it and its impact. Jeanne F. questions about what presence does it require; city address, doing any business, just coming in to do business, or providing assistance, what city support or impact, what about religious

groups and legality. Asked to postpone until some additional questions could be answered. Council member Putnam concerned about disaster support organization. Attorney put the matter over for two weeks until the attorney could talk with his contact in Fife about how their dealing with this issue.

**Council member Hulsey moved and Council member Putnam seconded the Motion to Postpone Adoption of Resolution No. 2013-045, A Resolution of the City Council of the City of Pacific, Washington, Amending the Master Fee Schedule to June 10, 2013, as it is Related to Resolution No. 2013-1845. Motion carries with a unanimous voice vote.**

**C. Adoption of Resolution no. 2013-1845, An Ordinance of the City of Pacific, Washington, amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C**

**Council member Hulsey moved and Council member Putnam seconded the Motion to Postpone Adoption of Resolution no. 2013-1845, An Ordinance of the City of Pacific, Washington, amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C to June 10, 2013, as it is Related to Resolution No. 2013-045. Motion carries with a unanimous voice vote.**

**8. NEW BUSINESS**

**A. Adoption of Resolution No. 2013-046, A Resolution of the City Council of the City of Pacific, Washington, Authorizing the Mayor to Enter into and sign a Contract with Washington-Oregon Claim Service.**

Council member Putnam presented his support. An attorney has reviewed it and is satisfied with the document. Kathy G. questioned what we are paying and how much support we are getting presently vs. what we are getting. Can the City find another service? We can, but we pay for the year of service in advance.

**Council member Putnam moved, and Council member Jones seconded the Motion to Adopt Resolution No. 2013-046, A Resolution of the City Council of the City of Pacific, Washington, Authorizing the Mayor to Enter into and sign a Contract with Washington-Oregon Claim Service.**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council member Hulsey -</b>  | <b>Aye</b> |
| <b>Council member Jones -</b>   | <b>Aye</b> |
| <b>Council member Steiger -</b> | <b>Aye</b> |
| <b>Council member Guier -</b>   | <b>Aye</b> |
| <b>Council member McMahan -</b> | <b>Aye</b> |
| <b>Council member Putnam -</b>  | <b>Aye</b> |
| <b>Council member Walker -</b>  | <b>Aye</b> |

**Motion carries by unanimous vote.**

**B. Motion to Approve Hiring of Two Seasonal Maintenance Workers for Public Works, Not to Exceed 480 Hours and 12 Weeks, at Pay Range One (1) Step One (1)**

The money is coming from the Park Maintenance budget. Approximately 16K for two employees. They are required to pay a reduced cost membership to the Union. Concern was raised about the letter of agreement with the Union. The Union is aware that even though the Mayor has signed the letter, the Council needs to approve it.

**Council member Putnam moved and Council member Guier seconded the Motion to Approve Hiring of Two Seasonal Maintenance Workers for Public Works, Not to Exceed 480 Hours and 12 Weeks, at Pay Range One (1) Step One (1) and LOA. Motion carries with a unanimous voice vote.**

**C. Utility Penalty Waiver Request – Tom Barber**

Council member Putnam stated that in 2009 the account was made current. Mr. Barber, other than a statement about legal battles, has made no other attempts to pay anything.

The Motion is made for the purpose of a vote.

**Council member Hulsey moved and council member Putnam seconded the Motion to Approve the Waiver of Utility Penalty – Barber. Motion fails by voice vote.**

**D. Utility Penalty Waiver Request – Patrick Shriver**

Concern about that he contacted his title company about this.

**Council member Hulsey moved and Council member Putnam seconded the Motion to Approve the Waiver of Utility Penalty – Shriver. Motion fails by voice vote.**

**E. Utility Penalty Waiver Request – Benjamin Santos**

Mr. Santos was out of country. When he got back in April 2013, previous owner had passed away last October and he wanted to have all fees waived, not just penalties. Council member Hulsey is willing to consider waiving fees since he was out of country when previous owner passed away. Attorney recommends Council waive Penalties

**Council member Hulsey moved and Council member Putnam seconded the Motion to Approve Utility Penalty Waiver Request – Santos.**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council member Hulsey -</b>  | <b>Aye</b> |
| <b>Council member Jones -</b>   | <b>Aye</b> |
| <b>Council member Steiger -</b> | <b>Aye</b> |
| <b>Council member Guier -</b>   | <b>Aye</b> |
| <b>Council member McMahan -</b> | <b>Ney</b> |

Council member Putnam -  
Council member Walker -

Aye  
Aye

Motion carries by a 6 – 1 vote.

9. **CONSENT AGENDA**

A. **Approval of Payroll and Claim Vouchers**

Council member Putnam moved and Council member Hulseby seconded the Motion to approve the Consent Agenda. Motion carries with a unanimous voice vote.

10. **EXECUTIVE SESSION**

NONE

11. **ADJOURN**

Mayor Pro-Tem McMahan adjourned the meeting at 8:03 p.m.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
June 3, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Council President Guier called the meeting to order and led Pledge of Allegiance at 6:30 p.m.

**Mayor:** Cy Sun, present

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
James McMahan - absent  
Josh Putnam  
Tren Walker - absent  
Clint Steiger

**3. CHANGES/ADDITIONS TO THE AGENDA**

**NONE.**

**4. EXECUTIVE SESSION**

**NONE**

**5. AGENDA ITEMS**

**A. Discussion: Ordinance 1845 – Non Profit License Fee –**

Finance Director Betty Garrison presented what the attorney sent to her regarding the non-profit license fees. Council member Hulsey requested an adjustment be made to reflect such items as disaster relief organization operating during an emergency within the city limits. Discussion was around how it should read and for how long. Reference it as a declared state of emergency.

**Direction:** Suggested changes to the attorney and move forward for next Monday.

**B. Discussion: Waive Fee for Terry Home Car Show August 17<sup>th</sup> at City Park –**

Council President Guier stated Terry Home is non-profit housing for young adults with traumatic brain injuries and has requested that the City waive the fee of \$350 for their Car Show, August 17<sup>th</sup> at City Park. No charge for attending. Fee for cars presented. Funds used for basic funds for repairs, outings etc. Branks BBQ will be providing food.

Council President Guier recused herself from the vote because she is on the Board.

**Direction:** Move forward to the meeting on Monday, June 10, 2013

**6. ADJOURN**

At 6:41 p.m. Council President Guier adjourned the meeting.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR MEETING  
June 10, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Sun called the meeting of the Pacific City Council to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, present

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan - absent  
Josh Putnam  
Tren Walker - absent  
Clint Steiger

**Council Member Jones moved and Council Member Hulsey seconded the Motion to excuse Mayor Pro Tem McMahan and Council Member Walker. The Motion carried with a unanimous voice vote.**

**Staff Present:** Public Safety Director Calkins, Finance Director Garrison

**3. APPROVAL OF AGENDA**

**Council Member Hulsey requests the addition of an Executive Session on possible litigation for 15 minutes, action possible.**

**A. Non-Profit Licensing Fee Ordinance 2013-1845**

**B. Amended Fee Schedule Resolution 2013-045**

**Agenda approved by a unanimous voice vote.**

**4. AUDIENCE COMMENT**

Shirley Thompson, showed photograph of Pacific seniors at the veteran's service fair and made over 100 items such as blankets, pillows etc. They also made 100 purple hats.

Nicole is concerned about board and committee fees. Council Members not attending and the costs associated with membership to these committees and what we are getting

with these memberships.

Katie Hull and Jeanne Fancher talked about community meeting with candidates; one in July for the primary and one in October for the general. Please attend

## 5. **REPORTS**

**Mayor** – Read from the VRFA report that a Pacific aide call was reported of an unconscious man on June 1<sup>st</sup>.

**Finance** – Committee Meeting on Tuesday, June 11, 2013.

**Court Statistics** – No Report

**Public Safety Department** – May 2013 report on ADP Adult Daily Population and CAD Computer Aided Dispatch.

**Public Works/Community Development** – No Report

**Community/Senior/Youth Services** – No Report

**City Council** – No Report

**Personnel** – No Report

**Committee Boards**

**Park Board** – Pacific Days moving forward.

**Civil Service** – No Report

**Planning Commission** – No Report

**South King County Transportation Board (SKTBD)** – No Report

**Pierce County Regional Council (PCRC)** – No Report

**Suburban Cities Association (SCA)** – No Report

**Valley Regional Fire Authority (VRFA)** – No Report

## 6. **PUBLIC HEARING**

**NONE**

## 7. **OLD BUSINESS**

**A. Second Reading and Adoption of Ordinance No. 2013-1845- An Ordinance of the City of Pacific, Washington, Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C.**

Council Member Hulsey read Ordinance 2013-045.

Comment from citizen Mark H. Church leader. He questions how and why the City is doing this. He has concern of church exclusion based upon first amendment. Has concern on the cost and impact to the City to actively support the ordinance.

**Council Member Hulsey moved and Council Member Jones seconded to Approve the Second Reading of Ordinance 2013-1845, An Ordinance of the City of Pacific, Washington, Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C.**

**Audience Comment:**

Citizen, Katie G. concerned about the \$10 fee and the impact to the religious constitutional.

Citizen Kate Hull concerned about why we are doing this, and are there issues.

Citizen Carol from Algona Pacific Library concerned about registering and paying a fee.

Council President Leanne Guier concerned about the impact to these organizations. Most of the impact is the fee. We need to foster community.

Council Member Hulsey said the \$10 fee came up because that is what the other cities are charging.

**Council Member Hulsey moved and Council Member Putnam seconded the Motion to postpone the Second Reading and Approval of Ordinance 2013-045, and bring it to the next workshop. Motion carried by unanimous voice vote.**

There were additional conversations about the reasons for this and its context. The Mayor states that the City has been in existence for almost 100 years and we are here to serve not police the people.

**B. Adoption of Resolution No. 2013-045, A Resolution of the City Council of the City of Pacific, Washington, Amending the Master Fee Schedule**

**Change in the fee schedule was dependant on passage of Ordinance 2013-1845. As the Ordinance was postponed, Council did not act on Resolution 2013-045.**

**8. NEW BUSINESS**

**A. Waive Fee for City Park – Terry Home Car Show**

Council Member Putnam had a question about this being a gift of funds. The Attorney stated that it would not. He also questioned the ability to get 500-1000 cars in the City Park. The Mayor stated if they have they will squeeze them in and have Fire and Police present.

**Council Member Hulsey moved and Council Member Jones seconded the Motion to Waive the City Park Fees for the Terry Home Car Show. Council President Guier re-cused herself from the vote as she is on the Board. Motion carried with a unanimous voice vote.**

## 9. CONSENT AGENDA

### A. Approval of Payroll and Claim Vouchers

Concern was raised because there were items that citizens were concerned about. Stacy Knudtson noted Check 41914, Skillings & Connelly fees; the cost could be reduced.

City Engineer costs are approximately \$90k, vs. contract engineer firm AHBL at approx 15K. Mayor states he is not going to pay Skillings & Connelly any more fees and has taken away the MOU with Skillings & Connelly to work this project. Statements made by the Mayor are making the City liable.

Council Member concerned about the fees, as they are design-related fees and are not related to what a City Engineer would do.

Council Member Steiger asks the Mayor if Ken and the Mayor have signed this bill. It has been signed by both.

**Council Member Hulseley moved and Council Member Putnam seconded the Motion to Approve the Consent Agenda. Motion carried with a unanimous voice vote.**

## 10. EXECUTIVE SESSION

**7:30 p.m.** Council will recess for an Executive Session on possible litigation for 15 minutes with action possible.

Council returned from the Executive Session early, but cannot resume the Council meeting until 7:45 p.m.

After the Executive Session, the Mayor attempted to close the meeting without discussing the reason for the executive session. A citizen has sent a letter stating that the (4) homes that share the sewer line a causing a back up. The City determined that it was on the City property portion of the line. Council Member Steiger states that there are procedures. Council President Guier suggests that Ken and the Mayor be prepared to discuss this issue at our next council workshop meeting.

## 11. ADJOURN

The Mayor adjourned the meeting at 7:45 p.m.

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
June 17, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Council President Guier called the meeting to order and led the Pledge of Allegiance at 6:30 p.m.

**Mayor:** Cy Sun, absent

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan - absent  
Josh Putnam  
Tren Walker  
Clint Steiger

**Staff Present:** Acting Public Works Director Barnett, Finance Director Garrison and Community Services Director Finwall

**3. CHANGES/ADDITIONS TO THE AGENDA**

**NONE**

**4. EXECUTIVE SESSION**

**NONE**

**5. AGENDA ITEMS**

**A. Discussion: Letter regarding 114 Aspen Lane South**

Council President Guier and Director Barnett discussed with Council Members Hulsey and Putnam, part of the Public Works Committee, and City Attorney Luce that it would be a gift of funds. Several council members brought several concerns about what, if any, options that we could provide assistance to them. An estimate of \$1.2 million would be required bring it up to the level to turn the road over to the City.

**Direction:** Director Barnett will meet with road residents on Wednesday June 19, 2013.

**B. Discussion: Algona Court Interlocal Agreement**

Court Administrator Rydberg presented an updated Interlocal agreement for consideration.

**Direction:** Review the addendum as it has the changes.

**C. Discussion: Foreclosure of Valentine property**

Valentine property is in arrears on LID fees.

**Direction:** City Attorney's office recommends foreclosure, moved forward.

**D. Discussion: Solid Waste Interlocal Agreement**

Director Barnett explained that it is an extension of the current agreement.

**E. Discussion: Northwest Brewing Request**

Finance Director Garrison advised that Northwest Brewing Co. would like an outdoor event at the brewery property. There is a fee for outdoor public events. Council Member Walker brought up the issue about fees for individual "pieces" such as, raffles, music, etc.

**F. Discussion: Resolution 2013-\*\*\* Master Contract Usage Agreement**

Finance Director Garrison advised Council regarding a Purchasing Agreement with the State for using their purchasing contract program.

**G. Discussion: Ordinance 1845 Licensing for Non-Profit**

**Direction:** Council Member Hulsey suggested not moving forward with the ordinance changes he was suggesting.

**H. Resolution 2013-045 Fee Schedule Amendment**

Finance Director Garrison advised there are several changes other than the ordinance Council Member Hulsey was recommending.

**I. Discussion: Resolution 2013-\*\*\* Accepting Soroptomists donation**

Acceptance of a \$500 donation from the Soroptomists.

**J. Discussion: Beer Garden Request**

VRFA Fire Officers' Union wants to have their annual BBQ at the city park with a beer garden. They will have all the required permits, etc.

**K. Discussion: Lodging Tax/Tourism Committee Recommendations**

Council President Guier is presenting the option to use tourism dollars for the Pacific

Days event. There are concerns that we keep within the "new" state laws effective July 13, 2013. Also the same issue will impact the Terry Home Shine and Show. Council Member Walker stated his concern about putting together a check list to make this issue easier.

**Direction:** Council Member Putnam will contact MRSC about what we should be aware of and how and where it can be used.

**L. Discussion: 2nd Place Sewer Issue**

Director Barnett said a sewer line was found to have a calcium build up and it was cleaned out. The flow is unrestricted now. Council Member Hulseby got an e-mail regarding some exposed "lines" and is concerned about it being a "trip hazard".

**M. Discussion: Valentine ROW**

Director Barnett addressed the Valentine Road right of way acquisition, for purchasing under \$25,000, but what about the availability of making a modification without having to bring it to the Council for consideration.

**6. ADJOURN**

At 7:27 p.m., Council President Guier adjourned the meeting.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk



**CITY OF PACIFIC  
CITY COUNCIL**

**CONTINUED REGULAR MEETING  
July 9, 2013**

**City Hall - Council Chambers  
City Hall, 7:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro Tem McMahan called the meeting of the Pacific City Council back to order at 7:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**Staff Present:** Ken Barnett, Betty Garrison and City Attorney Ken Luce

**THIS MEETING IS A CONTINUATION OF THE PREVIOUS MEETING HELD ON  
JULY 8, 2013.**

**3. NEW BUSINESS**

**Council Member Hulsey moved and Council Member Jones seconded the motion to suspend Council Rules. Motion carried with a unanimous voice vote.**

**Council Member Hulsey moved and Council Member Putnam seconded the motion to reconsider Adoption of Resolution 2013-053.**

Council Member Hulsey expressed concerns about Resolution 2013-053 that, as written, gives the Mayor Pro Tem full authority as the Mayor, when according to the RCWs, the only authority over the Mayor is the Mayor. The Mayor Pro-Tem has full authority except for the authority to hire or fire or veto any city ordinances. The motion as written made Mayor Pro Tem McMahan the Mayor and as Mayor he cannot be a council member.

The City Attorney reviewed state RCWs as they relate to the Mayor Pro Tem, and recommends reconsideration of the resolution to keep Mayor Pro Tem McMahan as Mayor Pro Tem and as a council member.

**Council Member Hulsey moved and Council Member Putnam seconded the motion to reconsider adoption of Resolution 2013-053. Motion carries with a unanimous voice vote.**

## **A. Nominate Candidates for the Position of Mayor**

Mayor Pro Tem McMahan moved to open nominations.

Council Member Hulseley nominated Council Member John Jones for the position of Mayor.

Council Member Putnam nominated Council Member Leanne Guier for the position of Mayor.

**Council Member Walker moved and Council Member Putnam seconded the motion to close nominations. Motion carries with a unanimous voice vote.**

## **B. Council Interviews of Candidates**

Council Member Guier left the meeting so council members could proceed with the interview of Council Member Jones.

Council Member Jones left the meeting so council members could proceed with the interview of Council Member Guier.

**Council Member Steiger notified Council Members that they got the VRFA Fire Truck and to meet up at 9:30 a.m. Saturday to ride in the Parade.**

**Mayor Pro Tem McMahan notified the Council that Mayor Sun provided he and Council Member Walker with the transition document. After review by attorneys, some information was redacted. Mayor Pro Tem McMahan will provide council members and Staff copies of the redacted version of the transition document.**

**Mayor Pro Tem McMahan recessed the meeting until Thursday, July 11, 2013 at 7:00 p.m.**

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**SECOND CONTINUED REGULAR MEETING  
July 11, 2013**

**City Hall - Council Chambers  
City Hall, 7:00PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro Tem McMahan called the meeting of the Pacific City Council back to order at 7:00 p.m. and led the Pledge of Allegiance.

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**THIS MEETING IS A SECOND CONTINUATION OF THE PREVIOUS MEETING HELD ON JULY 8, 2013.**

**3. NEW BUSINESS**

**A. Appointment of New Mayor**

**Council Member Hulsey moved and Council Member Putnam seconded the motion to move to Executive Session for 15 minutes to discuss Mayoral Candidates qualifications. Action is expected after the Executive Session. Motion carried with a unanimous voice vote.**

Council Member Putnam brought up that MRSC has stated that it is not appropriate for either Council Member Guier or Council Member Jones to vote as it is for a position with a pay increase

**7:19 p.m. Council Member McMahan called the meeting back to order from Executive Session.**

**Council Member Walker moved and Council Member Putnam seconded the motion to appoint Leanne Guier as Mayor of the City of Pacific.**

Council members commented how both candidates were excellent candidates for the job, and discussed the pros and cons of each candidate. Council Member Putnam brought up a comment that was made that the vote by council members should be done as a "secret ballot" so that no member feels as though they were put on the spot. Council Member Putnam stated that the "secret ballot" is reserved for citizens. Council members are not allowed to conduct any business by "secret ballot" so the public can "see how we vote on every issue we vote on."

**CITIZEN COMMENTS:**

Shirley Thompson voiced some concerns about community healing.

Kochmier talked about supporting whomever is appointed.

Duwayne, offered himself for appointment as required.

We need to learn from mistakes that occurred and move forward with positive steps.

**Council Member Putnam thanked the council members that stepped up to present themselves for the position of Mayor.**

**Mayor Pro Tem McMahan also thanked everyone.**

**Council Member Walker moved and Council Member Putnam seconded the motion to Appoint Leanne Guier as the Mayor of Pacific.**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**The Motion carries with a unanimous 5-0 vote.**

**Leanne Guier was then sworn in as the Mayor of Pacific.**

Mayor Pro Tem McMahan adjourned the meeting at 7:38 p.m.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
July 15, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro Tem McMahan called the meeting to order at 6:45p.m. and led the Pledge of Allegiance.

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulseby  
John Jones - absent  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger - absent

**Staff Present:** Acting Public Works Director Barnett, Finance Director Garrison

**3. CHANGES/ADDITIONS TO THE AGENDA**

NONE

**4. AGENDA ITEMS**

**A. Discussion: City Council/Mayor Retreat**

Mayor Guier discussed the benefits of a City Council/Mayor Retreat to be held over 3 days. Half of one day would be Staff, Council, and Mayor, and the other half would be an Executive Session.

There was a discussion about spending money without knowing where the City is financially. There is still no final finance report. It was advised that it would be better to start now, than to wait.

**Direction:** Move forward with options for dates in late August.

**B. Discussion: Update from the Mayor**

Two officers have been hired. Pacific Days was successful, with very positive feedback. US congressman showed up for Pacific Days. We are still looking into outside help with Interlocal Agreement, as well as outside contractors for Finance and Public Works. We are currently reviewing applications for the positions of City Clerk, Public Works and Finance Director. Still reviewing current claims against City, unfreezing Public Works

Director position and UW proposal regarding ADA. The Conference Room has been established and is open. Sheryl Finwall no longer works for the City.

**5. ADJOURN**

At 7:27 p.m., Council President Guier adjourned the meeting.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR MEETING  
June 24, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro-Tem McMahan called the meeting of the Pacific City Council to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**Staff Present:** Finance Director Garrison, Acting Public Works Director Barnett, Public Safety Director Calkins

**3. APPROVAL OF AGENDA**

**Additions to Agenda:**

- I. Fireworks Ordinance
- J. City Hall Security
- K. Community Services Director

**EXECUTIVE SESSION, 15 minutes, with action required.**

**Council Member Hulsey moved and Council Member Putnam seconded the Motion to approve the Agenda, as amended. Motion carried with a unanimous voice vote.**

**4. AUDIENCE COMMENT**

Victoria Stowe discussed Aspen Lane South. She brought up concerns about misunderstandings around the road issues related to an e-mail she wrote to the City and the Council. This should go to the Public Works Committee for their evaluation and report out to the Council with their recommendations.

Mark Dawes wanted to thank Council Member Hulsey for his withdrawal of the

ordinance at the meeting the previous week.

## 5. **REPORTS**

**Mayor – No Report**

**Finance** – Finance Committee will meet June 25, 2013. Council Member Steiger asked about payments to the Mayor's attorney and was advised only one payment was made a couple months ago pursuant to the Court Order.

**Court Statistics – No Report**

**Public Safety Department** – Council Member Steiger raised concern about the Mayor's attack on the Police Department again.

**Public Works/Community Development** – Changing meeting to July 10, 2013, at 7:00 p.m.

**Community/Senior/Youth Services - No Report - No meeting has been held in months.**

**City Council** – Council President Guier scheduled a Special Meeting for Wednesday, June 26, 2013, at 6:30 p.m. to consider professional services. Council President Guier gave kudos to the Police Department for the 5<sup>th</sup> Annual Bicycle Rodeo and said it was very successful.

**Personnel – No Report**

**Committee Boards**

**Park Board – No Report**

**Civil Service – No Report**

**Planning Commission – No Report**

**South King County Transportation Board (SKTBD) – No Report**

**Pierce County Regional Council (PCRC) – No Report**

**Suburban Cities Association (SCA)** – Council President Guier attended last week's meeting. Brief discussion on state transportation package and the South King County Flood District. SCA networking dinner will be held on September 25, 2013. Ogden Murphy Wallace was at PIC meeting prior to discuss Open Information Act and its impact to the use of your personal e-mail and computer information can then be requested.

**Valley Regional Fire Authority (VRFA) – No Report**

**6. PUBLIC HEARING**

NONE

**7. OLD BUSINESS**

**A. Adopt Resolution No. 2013-045, A Resolution of the city council of the City of Pacific, Washington, Amending the Master Fee Schedule**

Council Member Hulseley moved and Council Member Putnam seconded the motion to Adopt Resolution No. 2013-045, A Resolution of the city council of the City of Pacific, Washington, Amending the Master Fee Schedule.

**ROLL CALL VOTE:**

|                           |     |
|---------------------------|-----|
| Council Member Hulseley - | Aye |
| Council Member Jones -    | Aye |
| Council Member Steiger -  | Aye |
| Council Member Guier -    | Aye |
| Council Member McMahan -  | Aye |
| Council Member Putnam -   | Aye |
| Council Member Walker -   | Aye |

The Motion carried with a unanimous vote.

**B. Approve signing of the ILA, Authorizing Signing of the ILA with King County Solid Waste.**

Council Member Hulseley moved and Council Member Putnam seconded the Motion to Approve Signing of the ILA, Authorizing Signing of the ILA with King County Solid Waste.

**ROLL CALL VOTE:**

|                           |     |
|---------------------------|-----|
| Council Member Hulseley - | Aye |
| Council Member Jones -    | Aye |
| Council Member Steiger -  | Aye |
| Council Member Guier -    | Aye |
| Council Member McMahan -  | Aye |
| Council Member Putnam -   | Aye |
| Council Member Walker -   | Aye |

The Motion carried with a unanimous vote.

**8. NEW BUSINESS**

**A. Authorize the attorney to proceed with foreclosure on the property located at 1374 Valentine Ave SE; to include ordering a title report/litigation report for the property.**

**B. Council Member Hulseley moved, and Council Member Jones seconded the motion to authorize the attorney to proceed with foreclosure on the property**

located at 1374 Valentine Ave SE; to include ordering a title report/litigation report for the property.

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Jones -</b>   | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member Guier -</b>   | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**The Motion carried with a unanimous vote.**

**C. Approve Addendum to the ILA Between the City of Algona and the City of Pacific for Municipal Court Services and Facilities**

Council Member Walker stated it is odd that the interlocal agreement is signed by Police "chiefs" and not by City "management". Council Member Putnam reviewed it, and stated it's because there are specific items that the police have to acknowledge and agree to.

**Council Member Walker moved and Council Member Putnam seconded the Motion to Approve Addendum to the ILA Between the City of Algona and the City of Pacific for Municipal Court Services and Facilities.**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Jones -</b>   | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member Guier -</b>   | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**The Motion carried with a unanimous vote.**

**D. Approve the Permit for an Outdoor Musical Entertainment for the Northwest Brewing Company**

Council Member Hulsey was concerned about the noise level of the event. He was advised the event planner will communicate with nearby neighbors to hopefully quench any concerns. Planner Paula Wiech suggested the speakers could be directed away from neighbors.

**Council Member Hulsey moved and Council Member Putnam seconded the Motion to Approve the Permit for an Outdoor Musical Entertainment for the Northwest Brewing Company**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Jones -</b>   | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member Guier -</b>   | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**The Motion carried with a unanimous vote.**

**E. Approve the Permit for a Beer Garden in City Park for the Firefighters' Annual BBQ**

Beer will only be served by those attending. Council Member Hulsey would like to make an amendment requiring them to provide proof of insurance prior to the granting of the permit.

**Council President Guier moved, and Council Member Hulsey seconded the Motion to Amend the Approval of the Permit for a Beer Garden in City Park for the Firefighters' Annual BBQ Requiring the Proof of Insurance Prior to Issuing the Permit.**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Jones -</b>   | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member Guier -</b>   | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**The Motion to Amend carried with a unanimous vote.**

**F. Adopt Resolution No. 2013-028, A Resolution of the City Council of the City of Pacific, Washington, accepting the Funds from a Cash Donation from Soroptomists International of Auburn**

It was noted that a thank you letter should be written.

**Council Member Hulsey moved and Council Member Putnam seconded the Motion to Adopt Resolution No. 2013-028, A Resolution of the City Council of the City of Pacific, Washington, accepting the Funds from a Cash Donation from Soroptomists International of Auburn**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Jones -</b>   | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member Guier -</b>   | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**The Motion to Amend carried with a unanimous vote.**

**G. Adopt Resolution No. 2013-049, A Resolution of the City Council of the City of Pacific, Washington, authorizing the Execution of an Agreement with Washington State Department of Enterprise Services for participation in the State Purchasing Cooperative**

**Council Member Hulsey moved and Council Member Putnam seconded the Motion to Adopt Resolution No. 2013-049, A Resolution of the City Council of the City of Pacific, Washington, authorizing the Execution of an Agreement with Washington State Department of Enterprise Services for participation in the State Purchasing Cooperative.**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Jones -</b>   | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member Guier -</b>   | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**The Motion to Amend carried with a unanimous vote.**

**H. Adopt Resolution No. 2013-050, A Resolution of the City Council of the City of Pacific, Washington, Authorizing Expenditures of Hotel Motel Taxes from the Tourism Fund**

The usage of hotel/motel tax can be used to support Pacific Days up to \$4000.00. Council President Guier stated she is concerned and she has talked with two other cities for their input which conflicted with MRSC.

**Council Member Hulsey moved and Council Member Putnam seconded the Motion to Adopt Resolution No. 2013-050, A Resolution of the City Council of the City of Pacific, Washington, Authorizing Expenditures of Hotel Motel Taxes from the Tourism Fund**

Attorney Luce suggested modifying the Language.

**Council Member Hulsey moved and Council President Guier seconded the Motion to Modify the Language in Resolution No. 2013-050, A Resolution of the City Council of the City of Pacific, Washington, Authorizing Expenditures of Hotel**

**Motel Taxes from the Tourism Fund. Motion carried with a unanimous voice vote.**

**Council President Guier moved and Council Member Putnam seconded the Motion to amend language related to change use to reimburse.**

Jeanne Fancher discussed last year when Pacific Days asked to release funds for advertisement. She also suggested changing this to a budgeted event.

**Council President Guier moved and Council Member Putnam seconded the Motion to amend language related to change use to reimburse and making it a budgeted event Resolution No. 2013-050, A Resolution of the City Council of the City of Pacific, Washington, Authorizing Expenditures of Hotel Motel Taxes from the Tourism Fund, as amended. Motion carried with a 6 – 1 voice vote**

**I. Adopt Resolution No. 2013-050, A Resolution of the City Council of the City of Pacific, Washington, Authorizing Expenditures of Hotel Motel Taxes from the Tourism Fund**

The usage of hotel,/motel tax can be used to support Terry Homes Show and Shine up to \$2500. All discussions were positive. Council President Guier recused herself from the vote because she sits on the Board.

**Council Member Hulsey moved and Council Member Walker seconded the Motion to Adopt Resolution No. 2013-050, A Resolution of the City Council of the City of Pacific, Washington, Authorizing Expenditures of Hotel Motel Taxes from the Tourism Fund with the modifications made on the previous resolution. Motion passed with a unanimous voice vote with 1 recusal from Council President Guier.**

**I. Fireworks Ordinance**

Council Member Steiger would like to include the night of the Recall Election.

**J. City Hall Security**

There are security concerns regarding the time between the recall ballot closing and the certification on July 9, 2013. Attorney Luce assumes that something can be done, but the City's hands are tied until the vote is certified.

**K. Community Services Director**

Council Member Steiger has issues about the Community Services Director, Sheryl Finwall not performing the job she was hired for. He feels that we should eliminate the position. Shirley Thomson questions the work that Ms. Finwall allegedly isn't performing. These issues are performance issues to be dealt with by management, not the Council. If the Council feels the recent activities suggest that the position is not supported, concerned that performance is a management issue and the budget is a Council issue.

**9. CONSENT AGENDA  
Approval of Payroll and Claim Vouchers**

There is concern that the Council is approving expenses without knowing where they are with the budget.

Stacy Knudtsen asked if there are any engineering expenses at this time and was advised there are none.

**Council Member Putnam moved and Council President Guier seconded the Motion to Approve the Consent Agenda.**

**10. EXECUTIVE SESSION**

**8:15 p.m. Council recessed for an Executive Session for 15 minutes regarding a right of way acquisition with action following.**

**Mayor Pro Tem McMahan called the meeting back to order at 8:25 p.m.**

**Council Member Hulseley moved, and Council Member Putnam seconded a Motion to Move Forward on deviated appraisals with Council Approval of the Project Manager. Make Offers as presented. Motion carried with a unanimous voice vote.**

**11. ADJOURN**

Pro-Tem Mayor McMahan adjourned the meeting at 8:33 p.m.

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**SPECIAL MEETING  
June 26, 2013**

**City Hall - Council Chambers  
City Hall, 8:40 PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Pro-Tem McMahan called the meeting of the Pacific City Council to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**Council Member Walker moved and Council Member Hulsey seconded the Motion to appoint Council Member Jones as the scribe for tonight's meeting. Motion passed unanimously by voice vote.**

**Staff Present:** Acting Public Works Director Ken Barnett

**3. BUSINESS**

**Special Services Agreement –**

Council President Guier discussed the committee for the post recall vote. One item was to get an attorney representative for the City that is independent versus attempting to use our City attorney who is responsible for the City, Council and Mayor. This would have possibly caused a conflict of interest.

Deanna Gregory discussed what they can do to support the City. Their firm presently does municipal law. There is a question regarding using expert people while we are attempting to fill positions. There are some concerns about some legal and HR issues that might require the needs. There is some concern about how the contract language is written. Broadly sighting "City" will allow them to be directed by all within, not especially from council. We don't want anyone to go to them and direct their action thereby costing the City for legal work not specific to the transitional period.

**Council Member Walker moved and Council President Guier seconded the motion to amend the Motion to Designate Mayor Pro-Tem McMahan as the Designated**

**Signer and Point of Contact for the Letter of Engagement. Motion carries with a unanimous voice vote.**

**Council Member Putnam moved and Council President Guier seconded the motion to Approve the Letter of Engagement as Amended with Council Member Walker's Amendment Designating Council Member McMahan as the Authorized Signer and Point of Contact.**

**ROLL CALL VOTE:**

|                                 |            |
|---------------------------------|------------|
| <b>Council Member Hulsey -</b>  | <b>Aye</b> |
| <b>Council Member Jones -</b>   | <b>Aye</b> |
| <b>Council Member Steiger -</b> | <b>Aye</b> |
| <b>Council Member Guier -</b>   | <b>Aye</b> |
| <b>Council Member McMahan -</b> | <b>Aye</b> |
| <b>Council Member Putnam -</b>  | <b>Aye</b> |
| <b>Council Member Walker -</b>  | <b>Aye</b> |

**Motion carries with a unanimous vote**

**4. ADJOURN**

There being no further business, Mayor Pro-Tem McMahan adjourned the meeting at 7:15 p.m.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**Workshop Study Session  
July 1, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Council President Guier called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones- absent  
Leanne Guier  
James McMahan  
Josh Putnam  
Tren Walker  
Clint Steiger

**Staff Present:**

**3. CHANGES/ADDITIONS TO THE AGENDA**

**NONE**

**4. EXECUTIVE SESSION**

**NONE**

**5. AGENDA ITEMS**

**A. Report from "What If Committee" regarding recall election**

Council President Guier gave background information on the committee for the benefit of the audience. There were some questions as to what safeguards the Council could put in place to protect the City between June 26<sup>th</sup> and July 9<sup>th</sup>. There were some concerns about what could happen in this interim period. Council President Guier met with the Sound Cities Association Board Members to discuss some of their thoughts and ideas and things that they could suggest that Council could do to safeguard the City. One of the things that came out of the discussion was that Council could hire outside legal counsel that represented the Council only in Recall matters to avoid any conflict of interest. The complete report is incorporated by reference.

Council Member Hulsey requested an update on the locks being changed. Locks have

been changed on the Public Works fence due to recent theft. Public Works is getting bids on other locks. Council Member Hulsey wanted to also state that the finance reports need to be brought current.

Council Member Putnam stated that the finance reports need to be ones that are current and stable, ones that Council can trust for making plans, and should be the top priority.

Mayor Pro Tem McMahan wanted to make sure to communicate to the staff and department heads that the Mayor of their continuing obligation to the City during this period. He will be sending out communications regarding same tonight. Also, he explained how the transition would work. If the Mayor doesn't show up, the Mayor Pro-Tem has the authority and full capacity as Mayor. Mayor Pro-tem McMahan intends to focus on assessment, fact finding, and building ground works for the new Mayor. The Mayor is still the Mayor until he isn't Mayor. Council Member Hulsey responded that the Council has the authority to contract for professional services on an interim basis.

Extended discussion went on of how to provide adequate time to consider public applicants by Council for Mayor.

**Direction:** Continue Monday's meeting each night until process is complete - July 8, 9, 10, and 11<sup>th</sup>.

**Discussion: How to proceed forward**

**Direction: Proposed Agenda items for Monday's meeting:**

1. Inter-local Agreements
2. Backup Resolution – Mayor Pro Tem's Authority to Enter into Inter-local Agreement for a period of 30 days
3. Consider and Appoint Mayor
4. Consent Agenda

**RECESS**

**TUESDAY**

**Resume Council Meeting:**

1. Interview candidates for Mayor Appointment

**WEDNESDAY**

1. Potential Community Meeting to interact with candidates

**THURSDAY**

1. Council Act & Appoint Mayor

**6. ADJOURN**

At 8:10 p.m., Council President Guier adjourned the meeting.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk



**CITY OF PACIFIC  
CITY COUNCIL**

**REGULAR MEETING  
July 8, 2013**

**City Hall - Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Council President Guier called the meeting of the Pacific City Council to order at 6:30 p.m. and led the Pledge of Allegiance.

**Mayor:** Cy Sun, absent

**Council Member Guier moved and Council Member Putnam seconded the Motion to appoint Council Member Jones as the scribe for the meeting. Motion carried unanimously by voice vote.**

**2. ROLL CALL OF COUNCIL MEMBERS**

Gary Hulsey  
John Jones  
Leanne Guier  
James McMahan - absent  
Josh Putnam  
Tren Walker  
Clint Steiger

**Council Member Hulsey moved and Council Member Walker seconded the motion to Excuse Mayor Pro Tem McMahan. Motion carried with a unanimous voice vote.**

**Staff Present:** LT Ed Massey, Acting Public Works Director Ken Barnett, Finance Director Betty Garrison

**3. APPROVAL OF AGENDA**

**Changes/Additions**

**NEW BUSINESS**

Move Item C. Resolution 2013-054 - Establish Process to Appoint Mayor to Item A.

Council Member Steiger would like to add Item F. Update on Status of Mayor Sun

**(No one moved or seconded) the motion to Approve the Agenda, as amended. Motion carries by unanimous voice vote.**

**(No one moved or seconded) Council Member Jones offered to be scribe.**

#### 4. AUDIENCE COMMENT

Kate Hull let everyone know that the Candidates' Forum for the primary elections will be held on July 16, 2013, from 7:30 p.m. to 9:30 p.m. in the City gym.

Don Thomson apologized for the statement he made the previous week and made additional comments in support of the Council and feels they will confidently move forward with the City in its best interest.

#### 5. REPORTS

**Mayor** – No Report

**Finance** – No Report.

**Court Statistics** – Report handed out.

**Public Safety Department** – Lt. Massey reported that they got through another year with the 4<sup>th</sup> of July fireworks. They had one police car on the day-shift, and were able to put five cars on the night-shift. On July 4<sup>th</sup> they had 12 calls, six of which were fireworks related. There were 19 “on-view” incidents reported and those were fireworks related. There was an additional “on-view” incident involving an individual who was stopped and was identified as having an outstanding felony warrant. During this stop drugs and a large sum of money were found in the vehicle, and subsequently the drugs, money and the vehicle were seized. The police department is under a hiring freeze and this has resulted in 1103 overtime hours. Lt. Massey asked the Council to consider these numbers and lift the hiring freeze.

**Public Works/Community Development** – Acting Public Works Director Barnett put out a request for proposals on resurfacing West Valley but has only received one application from ABHL. Skillings & Connelly just completed the storm water mapping. He also requested that the Public Works meeting be moved to the week of the 17<sup>th</sup>.

**Community/Senior/Youth Services** – No Report

**City Council** – Council Member Hulseley is donating a blanket chest he built to the Pacific Partnerships for the raffle at Pacific Days. Frank Hatten will have this and other larger items raffled through a silent auction.

**Personnel** – No Report

#### COMMITTEE BOARDS

**Park Board** – Sherry H. received a letter dated July 8, 2013, which made a statement that criticized the volunteers. She is concerned with unfilled positions that will be coming up and the issue of a volunteer shortage.

**Civil Service** – No Report

**Planning Commission** – No Report

**South King County Transportation Board (SKTBD) – No Report**

**Pierce County Regional Council (PCRC) – No Report**

**Suburban Cities Association (SCA) – No Report**

**Valley Regional Fire Authority (VRFA) – Council Member Steiger requested the use of a fire truck for Saturday's parade.**

**6. PUBLIC HEARING**

**NONE**

**7. OLD BUSINESS**

**NONE**

**8. NEW BUSINESS**

**A. Adoption of Resolution No. 2013-054, A Resolution of the City Council of the City of Pacific, Washington, to Establish the Process to Appoint New Mayor**

Council President Guier discussed establishing a process for selecting a replacement Mayor.

**Council Member Steiger moved and Council Member Putnam seconded a motion, to Adopt Resolution No. 2013-054, A Resolution of the City Council of the City of Pacific, Washington, to Establish the Process to Appoint New Mayor.**

Council President Guier entertained an amendment to change verbiage to reflect that upon certification of November 2015 the newly elected Mayor would take office after being sworn in.

**Council Member Steiger moved and Council Member Putnam seconded a Motion to Adopt Resolution No. 2013-054, A Resolution of the City Council of the City of Pacific, Washington, to Establish the Process to Appoint New Mayor, as amended.**

**ROLL CALL VOTE:**

|                                  |            |
|----------------------------------|------------|
| <b>Council Member Hulseley -</b> | <b>Aye</b> |
| <b>Council Member Jones -</b>    | <b>Aye</b> |
| <b>Council Member Steiger -</b>  | <b>Aye</b> |
| <b>Council Member Guier -</b>    | <b>Aye</b> |
| <b>Council Member McMahan -</b>  | <b>Aye</b> |
| <b>Council Member Putnam -</b>   | <b>Aye</b> |
| <b>Council Member Walker -</b>   | <b>Aye</b> |

**Motion carries by a 7-0 vote.**

**Council Member Steiger moved and Council Member Putnam seconded the motion to continue this meeting to July 9, 2013, Tuesday, at 7:15 p.m. Motion carries by a unanimous voice vote.**

**Council Member Walker moved and Council Member Putnam seconded a motion to rescind the motion to continue this meeting to July 9, 2103, Tuesday, at 7:15 p.m. Motion carries by a unanimous voice vote.**

**Voice unrecognizable moved and again voice unrecognizable seconded the motion to recess for 10 minutes to 7:25 p.m. to allow posting of our meeting continuation on Tuesday at 7:15 p.m. Motion carries with a unanimous voice vote.**

**Meeting called to order at 7:30 p.m.**

Council Member Steiger and Council Member Walker know that the Mayor is out of town until possibly tonight. Council Member Steiger brought up some variables surrounding the Mayor and returning his keys, etc.

**B. Adoption of Resolution No. 2013-052, A Resolution of the City Council of the City of Pacific, Washington, Authorizing the Execution and Delivery of Interlocal Agreements and service contracts with the City of Auburn and other jurisdictions**

Council Member Steiger expressed concern about some of the language. This resolution is only to provide Mayor Pro Tem McMahan authorization to further negotiate the final terms of the agreement with Auburn.

**Council Member Hulseley moved and Council Member Putnam seconded the motion to Adopt Resolution No. 2013-052, A Resolution of the City Council of the City of Pacific, Washington, Authorizing the Execution and Delivery of Inter local Agreements and service Contracts with the City of Auburn and other Jurisdictions. The motion carried with a unanimous voice vote.**

**C. Adoption of Resolution No. 2013-053, A Resolution of the City Council of the City of Pacific, Washington, Regarding the Authority of the Mayor Pro Tem**

Council Member Walker is concerned about the Mayor Pro Tem “firing” anyone during the transition period.

**Council Member Hulseley moved and Council Member Putnam seconded the motion to Adopt Resolution No. 2013-053, A Resolution of the City Council of the City of Pacific, Washington, Regarding the Authority of the Mayor Pro Tem.**

**ROLL CALL VOTE:**

|                                  |            |
|----------------------------------|------------|
| <b>Council Member Hulseley -</b> | <b>Aye</b> |
| <b>Council Member Jones -</b>    | <b>Aye</b> |
| <b>Council Member Steiger -</b>  | <b>Aye</b> |
| <b>Council Member Guier -</b>    | <b>Aye</b> |
| <b>Council Member McMahan -</b>  | <b>Aye</b> |
| <b>Council Member Putnam -</b>   | <b>Aye</b> |
| <b>Council Member Walker -</b>   | <b>Aye</b> |

**Motion carries by a 7-0 vote.**

**9. CONSENT AGENDA**

**A. Approval of Payroll and Claim Vouchers**

**Council Member Putnam moved and Council Member Hulse seconded the Motion to approve the Consent Agenda. Motion carried with a unanimous voice vote.**

**10. EXECUTIVE SESSION-NONE**

**11. ADJOURN**

Meeting continued to Tuesday at 7:30 p.m.

Respectfully submitted,

---

Betty Garrison, MMC, CPFA, Acting City Clerk

