

**City of Pacific Regular Council Meeting Agenda for February 11, 2013  
6:30 p.m., at 100 3<sup>rd</sup> Ave SE, Pacific ~ City Hall ~ Council Chambers**

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**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA**

**4. AUDIENCE COMMENT**

*(Please limit your comments to 3 minutes for items not up for Public Hearing. When recognized by the Mayor, please state your name and address for the official record. It is asked that you do not speak on the same matter twice.)*

**5. REPORTS**

- A. Mayor
- B. Finance
- C. Court Statistics (attached)
- D. Public Safety Department
- E. Public Works/Community Development
- F. Community/Senior/Youth Services
- G. City Council
  - i. Certificate of Appreciation (Councilmember Guier)
  - ii. Manager Form of Government (Council Committee)
- H. Personnel
- I. Committee Boards
  - i. Park Board
  - ii. Public Works
  - iii. Civil Service
  - iv. Planning Commission
  - v. South King County Transportation Board (SKTBD)
  - vi. Pierce County Regional Council (PCRC)
  - vii. SCA
  - viii. VRFA

**6. PUBLIC HEARING**

**7. OLD BUSINESS**

**8. NEW BUSINESS**

- A. Adoption of Ordinance No. 13-1481, Re-Establishing the Position of Chief of Police by Reinstating Sections 2.28.020 and Section 2.28.030; and Repealing Chapter 2.26 Public Safety Director of the Pacific Municipal Code (Mayor)
- B. Confirmation of Civil Service Appointment (Mayor)
- C. Adoption of Ordinance No. 13-1482, Amending Pacific Municipal Code 2.65, Sections 2.64.010 and 2.64.020 (Mayor)
- D. Adoption of Resolution No. 2013-010, Repealing Resolution No. 2013-004 and Re-Setting a Public Hearing to Consider a Proposed Ordinance Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific (Acting Public Works/Community Development Director)

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Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.

The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required. Meeting materials are available on the City's website at: [www.cityofpacific.com](http://www.cityofpacific.com) or by contacting the City Clerk's office at (253) 929-1105.

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- E. Adoption of Resolution No. 2013-0011, Authorizing the Mayor to Execute Letter of Understanding with Teamsters Local Union No. 117 Increasing Employee Contribution Rates to Pension Trust Fund (Mayor)
  - F. Adoption of Resolution No. 2013-012, Authorizing the Council President to Execute Letter of Understanding with Teamsters Local Union No. 117 Opening Collective Bargaining (City Clerk/Personnel Manager)
  - G. Adoption of Resolution No. 2013-013, Authorizing the Mayor to Execute a Preventative Maintenance Agreement with ACCO Engineered Systems – HVAC System (Police Department)
  - H. Adoption of Resolution No. 2013-014, Authorizing the Mayor to Execute a Lease Agreement with Pacific Office Automation for Police Department Copier (Police Department)
  - I. Adoption of Resolution No. 2013-015, Authorizing Councilmember Guier to Attend Association of Washington Cities' *City Legislative Conference* (Council)
  - J. Adoption of Resolution No. 2013-016, Authorizing the Mayor to Execute Agreement with Association of Washington Cities' Drug and Alcohol Consortium (City Clerk/Personnel Manager)
  - K. Adoption of Resolution No. 2013-017, Approving City Personnel Policies (City Clerk/Personnel Manager)
  - L. Adoption of Resolution No. 2013-018, Authorizing the Mayor to Execute Letter to CIAW Regarding Extended Reporting Insurance Coverage for Wrongful Acts (City Clerk/Personnel Manager)
  - M. Approval of the January 28, 2013, Council Meeting Minutes
  - N. Approval of the February 4, 2013, Workshop Meeting Minutes
  - O. Approval of the October 22, 2012, Council Meeting Minutes
9. **CONSENT AGENDA** *(The Mayor shall place matters on the consent agenda, which are routine in nature that passage is likely)*
- A. Approval of Payroll and Claim Vouchers
  - B. Approval of the October 9, 2012, Council Meeting Minutes
  - C. Approval of the October 15, 2012, Workshop Meeting Minutes
10. **EXECUTIVE SESSION** *Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.*

**11. ADJOURN**

**COMMITTEE MEETINGS**

Finance Committee	February 12, 2013 6:30 p.m.	City Hall
Change to Council/Manager Form of Government Committee	February 12, 2013 4:00 p.m.	City Hall
Parks Board	February 12, 2013 6:00 p.m.	City Hall
Public Works Committee	March 6, 2013 7:00 p.m.	City Hall
Planning Commission	March 5, 2013 6:00 p.m.	City Hall
Technology Committee	TBD 6:30 p.m.	City Hall

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**PACIFIC MUNICIPAL COURT**  
Memorandum

TO: Judge Rochon

CC: Mayor Sun, Pacific Council Members, Managers

From: Kelly Rydberg

Date: 2/4/2013

Re: January 2013

The court:

- Held 287 hearings - 179 for Pacific and 108 for Algona.
- Collected Pacific monthly revenues of **\$31904.49**; of which **\$23014.62** is the local portion, \$182.71 is the County portion and **\$8707.16** is the State portion. Year to date revenues for the City of Pacific are **\$23014.62**.
- Collected Algona monthly revenues of **\$14103.73**; of which \$5164.11 is the local portion, \$3457.74 is the Pacific split for costs, \$87.97 is the County portion and \$5393.91 is the State portion. Year to date revenues for the City of Algona are **\$5164.11**.

Pacific monthly filings:

Traffic infractions filed: 28	violations filed: 35
Criminal citations filed: 18	violations filed: 20

Algona monthly filings:

Traffic infractions filed: 85	violations filed: 112
Criminal citations filed: 17	violations filed: 20

**GENERAL FUND/RECOUPMENT COLLECTED**

	PACIFIC MONTH	PACIFIC YTD	ALGONA MONTH	ALGONA YTD
Warrant Costs	1171.34	1171.34	255.46	255.46
Record Check Costs	5342.62	5342.62	Pacific Keeps	
Jail Recoupment	2650.72	2650.72	259.76	259.76
Insurance Dismissal Costs	36.91	36.91	Pacific Keeps	
Parking Fines	261.05	261.05	70.00	70.00
PD Recoupment	1204.29	1204.29	297.13	297.13
Interpreter Recoupment	1342.92	1342.92	207.79	207.79
Credit Card Convenience Fee	92.81	92.81	Pacific Keeps	
Interest/Bank Charges	1135.48	1135.48	166.22	166.22
Misc court fines and costs	6282.48	6282.48	3907.75	3907.75
Algona court costs **	3490.00	3490.00	3457.74	3457.74
<b>TOTAL</b>	<b>\$23014.62</b>	<b>\$23014.62</b>	<b>\$8621.85</b>	<b>\$8621.85</b>

\*\* The total in the Pacific column is for DECEMBER services; the total in the Algona column is costs split that Pacific keeps for JANUARY.

Cities of Pacific & Algona; Municipal Court  
100 3<sup>rd</sup> AVE SE; Pacific WA 98047  
(253) 929-1140; (253) 929-1195 fax

Tuesday, February 05, 2013

City of Algona  
Attention: Iris  
402 Warde St  
Algona WA 98001

Dear Iris,

Please submit for compensation to Pacific Municipal Court \$3220.00 for January 2013 court services and bill reimbursement.

Interpreter billing for this period is \$100.00. Jail billing for this period is \$ . (copies attached)

Revenues collected this month were \$14,103.73.

Please contact us if you have any questions. Thank you.

FILINGS:

84 Infractions @ 25.00	\$2100.00
17 Criminal Citations @ 60.00	\$1020.00
Total Due	\$3120.00

COSTS RETAINED BY PACIFIC MUNICIPAL COURT:

Split of warrant fees	\$255.44
Record check fees	\$3131.91
Mandatory insurance costs	\$4.91
Credit card convenience fee	\$27.49
NSF fees	\$37.99
Copy/CD fees	\$0
Total	\$3457.74

Remittance check due Algona: \$5164.11

Remittance check to King County paid: \$87.97

Remittance check to State paid: \$5393.91

Sincerely,

Kelly Rydberg  
Court Administrator

CC: Buster; month end file



## CERTIFICATE OF APPRECIATION

### A CERTIFICATE OF APPRECIATION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON RECOGNIZING

#### *STEPHANIE SHOOK*

WHEREAS, the City of Pacific Public Safety Department participated in its first *National Night Out* (NNO) on August 7, 2012; and

WHEREAS, *National Night Out* is a unique crime/drug prevention event that involves local citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local elected officials; and

WHEREAS, *National Night Out* is designed to heighten crime and drug prevention awareness; strengthen neighborhood spirit and police-community partnerships; and send a message to criminals letting them know that neighborhoods are organized and fighting back; and

WHEREAS, the 2012 event involved 37.5 million people in 15,700 communities from all 50 states, U.S. Territories and military bases worldwide, and

WHEREAS, through the efforts of Stephanie Shook, the City of Pacific was selected as **Rookie of the Year** for its outstanding first-year participation in the 29th Annual *National Night Out* program; and

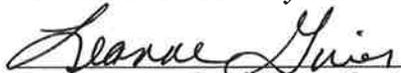
WHEREAS, Stephanie Shook has greatly impacted the well being of the citizens in the City of Pacific through this program that reaches out to youth and adults alike; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON,  
DOES HEREBY COMMENDS

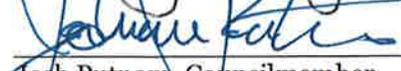
#### STEPHANIE SHOOK

For her selfless community service that reflects well on the values embodied, promoted, and honored by the City of Pacific and the Public Safety Department.

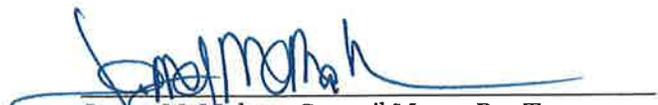
DATED this 28th Day of January 2013

  
Learnne Guier, Council President

  
Gary Hulsey, Councilmember

  
Josh Putnam, Councilmember

  
Tren Walker, Councilmember

  
James McMahan, Council Mayor Pro Tem

\_\_\_\_\_  
John Jones, Councilmember

\_\_\_\_\_  
Clint Steiger, Councilmember

  
Cy Sun, Mayor

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>Reports 5Gii</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Discussion: Manager/Council Form of Government</u>	Prepared by:	<u>Council Committee</u>

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**Summary:** City Council Rule Part 4 allows either the Council President or three Councilmembers to add items to the agenda.

The Manager/Council Form of Government sub-committee met on Thursday, February 7th, and directed that this item be placed on the February 11, 2013, agenda for discussion.

**Attachments:** MRSC Pro/Con Fact Sheet  
Reorganization Timeline  
Draft Resolution

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Reviewed 02/2012

## Comparing/Contrasting the Mayor-Council and Council-Manager Forms of Government

The following table displays a comparison between the Mayor-Council and Council-Manager forms of government in Washington State.

<b>Characteristics</b>	<b>Mayor-Council</b>	<b>Council-Manager</b>
Legislative authority	Council	Council
Executive authority	Elected mayor	Appointed manager
Selection of CEO	Popularly elected	Appointed by council on the basis of experience
Removal of CEO	Recall election	Removed by a majority vote of the council
Tenure of executive	4-year term	Indefinite
Tenure of council	4-year term	4-year term
Appointment of department heads	Mayor (with council confirmation if provided)	Manager (no council confirmation)
Removal of department heads	Mayor	Manager
Veto	Mayor	Manager has no veto
Policy development	Mayor can propose	Manager can recommend
Policy implementation	Mayor	Manager
Underlying principles	Separation of powers Political leadership Strong central executive	Separation of politics from administration Promotion of economy and efficiency through professional management Strong central executive

### Related MRSC Resources

- [MRSC Index - Council-manager form of government](#)
- [MRSC Index - Mayor-council form of government](#)

## **Reorganization of Plan of Government and Abandonment of Noncharter Code City Classification**

The Optional Municipal Code establishes procedures by which a code city may either reorganize to a different authorized government plan or abandon its code city classification without reorganization.

- 1. Process for Reorganization** - The following steps are required for the reorganization of a noncharter code city under a different authorized plan of government.
  - a. Time Restrictions:** A noncharter code city wishing to reorganize to a different authorized plan of government (without reclassification) must satisfy certain time requirements, namely:
    - i.** It must have operated for more than six consecutive years under one of the optional plans of government authorized under Title 35A RCW (either the mayor-council plan authorized by Ch. 35A.12 RCW or the council-manager plan authorized by Ch. 35A.13 RCW); or
    - ii.** It must have operated for more than a combined total of six consecutive years under a particular plan of government, both as a code city and under the same general plan immediately prior to becoming a code city.

There is one exception to these time limit provisions. RCW 35A.06.030 provides that a city seeking to adopt a charter is not bound by the time limits set out above. Thus, or a city that did not initially organize as a charter code city, an “early” reorganization to become a charter city would be possible, once the original organization was complete. If the city meets the time restrictions discussed above, it may proceed with the adoption of another plan of government.

- 2. Initiation Process:** Abandonment of one plan of government and adoption of another plan authorized for noncharter code cities may be initiated in one of two ways: by resolution for election or by petition for election.

The resolution for election process is begun by the passage of a resolution by the city council, proposing abandonment of its present plan of government and the adoption of another named plan. The petition for election method is begun by submitting the same proposals in petition form. The petitions must be signed by registered voters in number equal to not less than ten percent of the votes cast at the last general municipal election.

If either the resolution or petition proposes a plan of government other than those authorized by Chs. 35A.12 RCW (mayor-council) and 35A.13 RCW (council-manager), the resolution or petition must specify the class under which the city is to be classified upon adoption of the plan.

### **3. Plans Available for Selection without Reclassification**

RCW 35A.06.030 provides in part that a qualifying noncharter code city “may abandon [its] organization and may reorganize and adopt another plan of government authorized for noncharter code cities,” that is, either the mayor council plan (Ch. 35A.12 RCW), or the council-manager plan (Ch. 35A.13 RCW).

### **4. Plans Requiring Reclassification**

While reorganization to another plan of government not set out by the Optional Municipal Code is possible, selection of such a plan would require the city to both reorganize and reclassify.<sup>104</sup> RCW 35A.06.030 provides in part as follows: When a noncharter code city adopts a plan of government other than those authorized under Title 35A RCW, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law.

If a city proposes to proceed in that manner, the resolution or petition to reorganize must specify the class under which the city will be classified upon adoption of the plan.

### **5. Election Required for Reorganization (RCW 35A.06.050)**

Once a petition for reorganization has been determined to be sufficient, or a resolution proposing government plan abandonment and reorganization has been approved, the city council must provide for an election on the issue of reorganization. The election on the reorganization issue should be scheduled at the next general municipal election, in accordance with RCW 29A.04.330, or at a special election held prior the next general election in accordance with the resolution of the council. The ballot title and the statement of the proposition are to be prepared by the city attorney.

### **6. Effective Date of Reorganization (RCW 35A.06.060)**

If a majority of the voters approve the reorganization, the city's reorganization will become effective upon the election, qualification, and assumption of office of the officers required under the new plan.<sup>107</sup> If the plan selected is one not authorized by the Optional Municipal Code, the city reverts to the classification selected and ceases to be a code city upon the election, qualification, and assumption of office by the officers required under the new, reorganized plan. If the reorganization is to a different general plan of government as a noncharter code city and one authorized by the Optional Municipal Code, the city's current officers serve the remainder of their terms. If a city with a mayor-council plan of government is reorganized with a council-manager plan of government, the mayor serves as a councilmember for the remainder of his or her term. If a city with a council-manager plan of government is reorganized with a mayor-council plan of government, the mayor is to be elected as provided in RCW 35A.02.050.<sup>109</sup>

### **7. Election of new City Council (RCW 35A.02.050)**

In the event a city or town reorganizes, an election of new officers is required. The election is governed by RCW 35A.02.050 and the process is the same whether the reorganization takes place along with the initial reclassification as a noncharter code city or later upon an independent reorganization. RCW 35A.02.050 provides for the timing and conduct of elections, declarations of candidacy, primary elections, the staggering of the terms of office of councilmembers, and for the assumption of office of the newly elected officers. These provisions also govern the first election of officers, notwithstanding any contrary provisions in other general law.

**a. Timing of the Election of New Officers (RCW 35A.02.050)**

CITY OF PACIFIC  
WASHINGTON

**DRAFT**

RESOLUTION NO.: \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE CITY OF PACIFIC, AT A SPECIAL ELECTION TO BE HELD THEREIN ON \_\_\_\_\_, OF A PROPOSITION OF WHETHER THE CITY SHOULD ABANDON THE COUNCIL-MAYOR FORM OF GOVERNMENT AND ADOPT THE COUNCIL-MANAGER FORM OF GOVERNMENT; AND REQUESTING THE KING COUNTY AND PIERCE COUNTY AUDITORS TO CONDUCT THAT SPECIAL ELECTION.**

WHEREAS, the City of Pacific, Washington was formed in \_\_\_\_\_ as a noncharter code city under Chapter 35A.13 RCW, Council-Mayor form of government, and

WHEREAS, RCW 35A.06 authorizes a non-chartered code city to abandon its plan of government and reorganize under another plan of government, and to pass a resolution requesting that a proposition be submitted to the qualified voters within the City of Pacific of whether the City should abandon its current form of government and reorganize under another plan of government; and

WHEREAS, the Council of The City of Pacific desires to abandon the Mayor-Council form of government and reorganize in accordance with RCW 35A.13, under the Manager-Council form of government; and

WHEREAS, the City Council has determined that the best interest and general welfare of the City would be best served by submitting to the qualified voters in the City the proposition of whether the City should abandon the Council-Mayor form of government and adopt the Council-Manager form of government; and

WHEREAS, the City Council desires to hold a special election in the City on \_\_\_\_\_, for the purpose of submitting to the qualified voters of the city the proposition of whether the City should abandon the Council-Mayor form of government and adopt the Council-Manager form of government; now, therefore:

**THE CITY COUNCIL OF THE CITY OF PACIFIC DO RESOLVE AS FOLLOWS:**

Section 1. In accordance with RCW 35A.06.040 and .050, RCW 29A.04.330 and other applicable state law, the City Council hereby requests and calls for the King County and Pierce County Auditors to conduct and hold a special election on \_\_\_\_\_ in the City of Pacific for the purpose of submitting to the qualified voters of the City of

Pacific the proposition of whether the City should abandon the Mayor-Council form of government and adopt the Manager-Council form of government.

Section 2. The proposition to be submitted at the special election shall be in the form of a ballot title to be prepared by the City Attorney to read as follows:

PROPOSITION

ADOPTION OF THE COUNCIL-MANAGER FORM OF GOVERNMENT  
WITHIN THE CITY OF PACIFIC

Shall the City of Pacific abandon the Mayor-Council form of government and adopt the Manager-Council form of government? The adoption of the Council-Manger form of government would not effect the City's eligibility to be governed under Title 35A of the Revised Code of Washington.

FOR ADOPTION OF THE MANAGER-COUNCIL  
FORM OF GOVERNMENT.....

AGAINST ADOPTION OF THE MANAGER-COUNCIL  
FORM OF GOVERNMENT.....

Section 3. The City Clerk is authorized and directed to file a certified copy of this Resolution with the King County and Pierce County Auditors.

Section 4. If any section, sentence, clause or phrase of this resltuion should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

PASSED BY THE CITY COUNCIL AT A REGULAR COUNCIL  
MEETING THEREOF ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

**DRAFT**

CITY OF PACIFIC

\_\_\_\_\_  
CY SUN, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
PATTI KIRKPATRICK, MMV

APPROVED AS TO FORM:

KENYON LUCE, CITY ATTORNEY

**DRAFT**

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8A</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Ordinance No. 13-1841,</u>	Prepared by:	<u>Cy Sun</u>
	<u>Re-Establishing the Position of Chief of</u>		<u>Mayor</u>
	<u>Police by Reinstating Section 2.28.020</u>		
	<u>And Section 2.28.030; and Repealing</u>		
	<u>Chapter 2.26 Public Safety Director of</u>		
	<u>The Pacific Municipal Code</u>		

**Summary:** Mayor Sun requested this item be added to the agenda.

**Motion for consideration:** I move to adopt Ordinance No. 13-1845, re-establishing the position of Chief of Police by reinstating Sections 2.28.020 and Section 2.28.030; and Repealing Chapter 2.26 Public Safety Director of the Pacific Municipal Code.

**Attachments:** Ordinance No. 13-1845

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**CITY OF PACIFIC, WASHINGTON**  
**ORDINANCE NO. 13-1841**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RE-ESTABLISHING THE POSITION OF CHIEF OF POLICE BY REINSTATING SECTION 2.28.020 AND SECTION 2.28.030 AND REPEALING CHAPTER 2.26 PUBLIC SAFETY DIRECTOR OF THE PACIFIC MUNICIPAL CODE**

**WHEREAS**, the City of Pacific no longer has a City Fire Department, making the position of Public Safety Director obsolete; and

**WHEREAS**, it is in the best interest of the City of Pacific to re-establish the position of Chief of Police; and

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

**Section 1.** Section 2.28.050 and 2.28.060 are hereby reinstated as set forth below:

2.28.020 Chief of Police.  
2.28.030 Police Chief – Bond and oath.

2.28.020 Chief of Police.

A. The position of Chief of Police is hereby established as a full time paid position within the City. The Chief of Police shall be a full commissioned Police Officer and the executive head of the Police Department.

B. The Mayor shall appoint the Police Chief, subject to confirmation by a majority of all members of the City Council. The positions shall be an at-will position and the employee holding the position shall serve at the pleasure of the Mayor.

C. The Police Chief shall receive compensation in an amount fixed by the City Council in the annual budget ordinance.

2.28.030 Police chief – Bond and oath.

A. The person appointed to fill the office of Police Chief shall qualify before entering upon the duties of the office by furnishing an official bond in the amount of \$50,000 at the expense of the City, and by filing with the County division of records and elections an Oath to support the governments of the United States of America, the State of Washington, and the City of Pacific, and to faithfully perform the duties of Chief of Police.

B. The Chief of Police shall have all of the powers granted and duties imposed by State law and City Ordinances, now existing or hereinafter adopted. The position shall have a job description by the City Council, which provides general direction.

**Section 2.** Section 2.26 Public Safety Director of the Pacific Municipal Code is hereby repealed.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date.** This ordinance shall be in full force and take effect five (5) days after its publication according to law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY 2013.

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to form:

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Kenyon Luce, City Attorney

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8B</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Confirmation of Civil Service Appointment</u>	Prepared by:	<u>Cy Sun Mayor</u>

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**Summary:** On January 11, 2013, the City Clerk advertised a vacancy on the Civil Service Commission with an application deadline of January 18, 2013. Three applications were received and provided to the Mayor for appointment and are attached. Pacific Municipal Code 2.64.010(A) states, "...there is created a civil service commission composed of five persons appointed by the mayor and confirmed by the city council..."

**Recommendation:** I recommend appointing Mr. Howard Erickson to the Civil Service for a term of six years.

**Motion for consideration:** I move to confirm the appointment of Mr. Howard Erickson to the Civil Service Commission for a term to expire December 31, 2018.

**Budget:** None

**Attachments:** Application

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8C</u>	Meeting Date:	<u>February 11, 2013</u>
	<u>Adoption of Ordinance No. 13-1482</u>		
Subject:	<u>Amending Pacific Municipal Code</u>	Prepared by:	<u>Cy Sun</u>
	<u>2.64, Sections 2.64.010 and 2.64.020</u>		<u>Mayor</u>

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**Summary:** Mayor Sun requested this item be added to the agenda.

**Motion for Consideration:** I move to adopt Ordinance No. 13-1492, amending Pacific Municipal Code 2.64 Civil Service Commission, Sections 2.64.010 and 2.64.020.

**Attachments:** Ordinance No. 13-1482

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**CITY OF PACIFIC, WASHINGTON**  
**ORDINANCE NO. 13-1842**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON,  
AMENDING PACIFIC MUNICIPAL CODE 2.64 SECTIONS 2.64.010  
AND 2.64.020**

WHEREAS, RCW 41.12.050(2)(b) regulates the employees that must be included in the Civil Service; and

WHEREAS, the City Council finds that it is in the best interest of the City to exclude the Public Safety Director/Police Chief and other administrative staff from the Civil Service,

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

Section 1. Section 2.64.010(A) is hereby amended to read as follows:

2.64.010 Creation.

- A. In accordance with the provisions of Chapters 41.08 and 41.12 RCW, there is created a civil service commission composed of five persons appointed by the mayor and confirmed by the city council to exercise the powers and to perform the duties established by that state law in connection with the selection, appointment and employment of all full-paid police officers, excluding the chief of police.
- B. Three members of the civil service commission shall constitute a quorum and the votes of any three members of the commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission.

Section 2. Section 2.64.020 is hereby amended to read as follows:

2.64.020 Governing provisions.

Except as hereinafter specifically provided, the provisions of Chapters 41.08 and 41.12 RCW shall control the selection, appointment, and employment of all full-paid employees of the police department of the city, excluding the chief of police and public safety director.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared

unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be in full force and take effect five (5) days after its publication according to law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY, 2013.

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to form:

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Kenyon Luce, City Attorney

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>Business Item 8D</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-010,</u>	Prepared by:	<u>Ken Barnett, Acting</u>
	<u>Repealing Resolution No. 2013-004,</u>		<u>Public Works Director</u>
	<u>And Setting a Public Hearing for</u>		
	<u>Medical Marijuana Moratorium to</u>		
	<u>February 25, 2013, Council Meeting</u>		

---

**Summary:** At the January 28, 2013, meeting, the Council adopted Resolution No. 13-004, setting a public hearing regarding medical marijuana moratorium to the Workshop on February 19, 2013. This was a clerical error in that public testimony is usually done at a regular meeting, not a workshop. Staff has provided this Resolution to correct the public hearing date to Monday, February 25, 2013.

**Recommendation:** move to adopt the Resolution resetting the public hearing for Monday, February 25, 2013, for adoption at the February 11, 2013, Council meeting.

**Motion for consideration:** I move to adopt Resolution No. 2013-010, Repealing Resolution No. 2013-004, and setting a Public Hearing for the purposes of taking public testimony prior to considering a proposed ordinance that would extend a moratorium on medical marijuana collective gardens and establish a moratorium on the producing, processing, and retailing of marijuana in the City of Pacific to Monday, February 25, 2013.

**Budget:** None.

**Attachments:** Resolution N. 2013-010

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-010**

**RESOLUTION OF THE CITY COUNCIL REPEALING RESOLUTION NO. 2013-004, AND SETTING A PUBLIC HEARING FOR THE PURPOSES OF TAKING PUBLIC TESTIMONY PRIOR TO CONSIDERING A PROPOSED ORDINANCE THAT WOULD EXTEND A MORATORIUM ON MEDICAL MARIJUANA COLLECTIVE GARDENS AND ESTABLISH A MORATORIUM ON THE PRODUCING, PROCESSING, AND RETAILING OF MARIJUANA IN THE CITY OF PACIFIC**

**WHEREAS**, time is needed for the City to study the production, processing, and retailing of medical marijuana and determine the appropriate zoning and land use designations/regulations that should be implemented in order to support and meet current City goals and strategies; and

**WHEREAS**, pursuant to RCW 35A.63.220, the City Council may establish a moratorium for initial periods of six months (twelve months or more, provided that appropriate findings are made and a work plan is adopted), provided a subsequent public hearing is held on the moratorium within at least sixty days of its adoption at which time further findings of fact could be made, and provided a moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

**WHEREAS**, City of Pacific Resolution No. 2013-004, passed by the City Council on the 28th day of January, scheduled the moratorium Public Hearing to the regularly scheduled Workshop on Monday, February 18, 2013 in error; and

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

**Section 1.** The City Council hereby repeals Resolution No. 2013-004.

**Section 2.** Due to a clerical error, the City Council hereby reestablishes a public hearing date for the consideration of a moratorium extension for a specified period of time, prohibiting the establishment of medical marijuana collective gardens, and consideration of establishing a moratorium on the production, processing and retailing of medical marijuana for a specified period of time within the City of Pacific, to the regularly scheduled City Council Meeting on Monday, February 25, 2013.

**Section 3.** This Resolution shall take effect and be in full force upon passage and signatures hereon.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING  
THEREOF ON THE 11th DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form

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City Attorney

FILED WITH THE CITY CLERK: 12.10.12  
PASSED BY THE CITY COUNCIL:  
EFFECTIVE DATE:  
RESOLUTION NO. 12-1222

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8E</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-011,</u>	Prepared by:	<u>Cy Sun</u>
	<u>Authorizing the Mayor to Execute</u>		<u>Mayor</u>
	<u>Letter of Understanding with</u>		
	<u>Teamsters Local Union No. 117,</u>		
	<u>Increasing Employee Contribution</u>		
	<u>Rates to Pension Trust Fund</u>		

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**Summary:** The collective bargaining unit members recently met and voted to increase their contribution rates to the Wage Diversion to Western Conference of Teamsters Pension Trust (WCTPT) by \$0.25 per hour effective February 1, 2013.

**Recommendation:** move to adopt the resolution authorizing the Mayor to sign the Letter of Understanding on behalf of the City.

**Motion for consideration:** I move to adopt Resolution No. 2013-011, authorizing the Mayor to execute the Letter of Understanding with Teamsters Local Union No. 117, increasing the employee contribution rates to the Wage Division – Western Conference of Teamsters Pension Trust Fund by \$.25 per hour.

**Budget:** An increase of \$0.25 per hour for Public Works and Clerical employees represented by Teamsters 117.

**Attachments:** Resolution No. 2013-011  
Letter of Understanding

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE LETTER OF UNDERSTANDING WITH TEAMSTERS LOCAL UNION NO. 117, INCREASING EMPLOYEE CONTRIBUTION RATES TO PENSION TRUST FUND**

**WHEREAS**, on January 29, 2013, the Public Works and Clerical collective bargaining members met to discuss an increase to their contribution rate to their pension trust fund; and

**WHEREAS**, at the January 29, 2013, meeting, the employees voted to increase their contribution rate by \$.25 per hour to their Pension Trust Fund; and

**WHEREAS**, Teamsters Local Union No. 117, provided the City with a Letter of Understanding outlining the vote of its membership,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The Council hereby authorizes the Mayor to execute the Letter of Understanding with Teamsters Local Union NO. 117, increasing the employee contribution rates to the Wage Division – Western Conference of Teamsters Pension Trust Fund by \$.25 per hour.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney

FILED WITH THE CITY CLERK: 1.30.13  
PASSED BY THE CITY COUNCIL: 2.11.13  
EFFECTIVE DATE: 2.11.13  
RESOLUTION NO. 2013-011

# LETTER OF UNDERSTANDING

By and Between

**CITY OF PACIFIC, WASHINGTON**  
**(Public Works and Clerical Employees)**

And

**TEAMSTERS LOCAL UNION NO. 117**  
**Affiliated with the**  
**International Brotherhood of Teamsters**

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**Re: Wage Diversion to Western Conference of Teamsters Pension Trust (WCTPT)**

The Parties, signatory to the 2012 – 2015 Collective Bargaining Agreement, agree to the following:

Employees from the City of Pacific, Washington Public Works & Clerical who are represented by Teamsters Local Union No. 117 voted to increase their WCTPT wage diversion contribution by \$0.25 per hour effective February 1, 2013.

Contributions shall be by payroll diversion based on all compensated hours and shall be uniform by classification. The Employer agrees to administer the designated diversion through their payroll system and remit these monies to Western Conference of Teamsters Pension Trust Fund as indicated below. The contributions rates shall be as follows:

Public Works Employees – \$0.75 per hour  
Clerical Employees – \$0.50 per hour

The total amount due for each month shall be remitted in a lump sum not later than the 20<sup>th</sup> day of the following month. The Employer agrees to abide by such rules as may be established by the Trustees of the Trust to facilitate the prompt and orderly collection of such amounts, and the accurate reporting and recording of such amounts paid on account of each member of the bargaining unit.

All other terms and provisions of the 20012 – 2015 Collective Bargaining Agreement shall remain in full force and effect.

**CITY OF PACIFIC, WA**

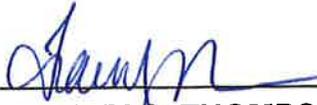
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**CY SUN**  
**Mayor**

---

**Date**

**TEAMSTERS LOCAL UNION**  
**NO. 117, IBT**



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**TRACEY A. THOMPSON**  
**Secretary-Treasurer**

1-29-13  
**Date**

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8F</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-012,</u>	Prepared by:	<u>Leanne Guier</u>
	<u>Authorizing the Council President to</u>		<u>Council President</u>
	<u>Execute Letter of Understanding with</u>		
	<u>Teamsters Local Union No. 117,</u>		
	<u>Opening the Collective Bargaining</u>		
	<u>Agreement</u>		

---

**Summary:** During the last round of union negotiations, it was agreed that the collective bargaining agreement would be reopened in the spring of 2013. Several items have come up that require the negotiation team to meet and come to some form of resolution with the union.

**Recommendation:** move to adopt the resolution authorizing the Council President to sign the Letter of Understanding on behalf of the City.

**Motion for consideration:** I move to adopt Resolution No. 2013-012, authorizing the Council President to execute the Letter of Understanding with Teamsters Local Union No. 117, opening the collective bargaining agreement.

**Budget:** Unknown at this time.

**Attachments:** Resolution No. 2013-012  
Letter of Understanding

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-012**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE COUNCIL PRESIDENT TO EXECUTE LETTER OF UNDERSTANDING WITH TEAMSTERS LOCAL UNION NO. 117, OPENING THE COLLECTIVE BARGAINING AGREEMENT**

**WHEREAS**, the City Council finds it in the best interest to open the collective bargaining agreement with for the Public Works & Clerical Employees,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The Council hereby authorizes the Council President to execute the Letter of Understanding with Teamsters Local Union No. 117, opening the collective bargaining agreement.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney

# LETTER OF UNDERSTANDING

By and Between

CITY OF PACIFIC, WASHINGTON  
(Public Works and Clerical Employees)

And

TEAMSTERS LOCAL UNION NO. 117  
Affiliated with the  
International Brotherhood of Teamsters

---

**RE: Opening the Collective Bargaining Agreement**

The Parties, signatory to the 2012 – 2015 Collective Bargaining Agreement, agree to the following:

The Parties agree to open the Collective Bargaining Agreement as outlined below, noting this is not an all inclusive list, and other items may be discussed and/or added prior to the first meeting:

- Drug and Alcohol Testing of employees required to have a CDL and who regularly drive City vehicles.
- Reorganization of Public Works Shop.
- Community Services – Van Driver.
- Other items that may arise prior to the renegotiations.

The Parties agree to tentatively meet on April 3, 2013, at 3:00 p.m. to begin negotiations.

All other terms and provisions of the 2012 – 2015 Collective Bargaining Agreement shall remain in full force and effect.

**CITY OF PACIFIC, WA**

**TEAMSTERS Local Union No. 117,  
IBT**

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Leanne Guier  
Council President

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TRACEY A. THOMPSON  
Secretary-Treasurer

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8H</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-014,</u>	Prepared by:	<u>Lt. Edwin Massey</u>
	<u>Authorizing the Mayor to Execute a</u>		<u>Police Department</u>
	<u>Lease Agreement with Pacific Office</u>		
	<u>Automation for Police Department</u>		
	<u>Copier</u>		

---

**Summary:** The Police Department has completed their lease agreement with Copiers Northwest and after meeting with several copier vendors has found it to be cost effective to lease a new copier with Pacific Office Automation.

The lease with Pacific Office Automation is \$260.34 per month, saving the City \$64.42 per month.

**Recommendation:** Adopt a copier lease with Pacific Office Automation in a monthly amount of \$260.34.

**Motion for consideration:** I move to adopt Resolution No. 2013-14, authorizing the Mayor to execute a lease agreement with Pacific Office Automation for Police Department copier.

**Budget:** If accepted the overall cost in leasing a copier for the police department would be \$260.34, a savings of \$64.42 a month in comparison to the current lease agreement with Copiers Northwest.

**Attachments:** Resolution No. 2013-014  
Pacific Office Automation Lease Agreement

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH PACIFIC OFFICE AUTOMATION FOR POLICE DEPARTMENT COPIER**

**WHEREAS**, the City's Police Department has completed their lease agreement with Copiers Northwest; and

**WHEREAS**, the City's Police Department has met with several vendors and found it to be a cost savings to enter into an agreement with Pacific Office Automation for a lease agreement on a new copier; and

**WHEREAS**, the City Council finds it in their best interest to approve a lease agreement with Pacific Office Automation for a copier in the Police Department,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The Council authorizes the Mayor to execute a lease agreement with Pacific Office Automation for Police Department copier, attached hereto and incorporated herein as Exhibit A.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney



# PACIFIC OFFICE AUTOMATION

The Northwest's own, the nationally recognized copier company

## EQUIPMENT CONTRACT

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

City of Pacific, Police Department

NAME  
**S** 133 3rd Ave SE  
**O** BILLING ADDRESS  
**L** Pacific WA 98047  
**D** CITY STATE ZIP  
**T** (253) 929-1130  
 TELEPHONE  
**O** Stephanie Shook  
 ATTENTION

NAME  
**S** SAME  
**H** SHIPPING ADDRESS  
**I**  
**P** CITY STATE ZIP  
 ( )  
**T** TELEPHONE  
**O**  
 KEY OPERATOR

ORDER DATE		PO#	ORDERED BY	SOLD BY	
				T. Schueler	
QTY.	ITEM #	TYPE	DESCRIPTION	UNIT PRICE	TOTAL
1		NEW	Canon imageRUNNER C5235 Copier		\$97.24
			Cassette Feeding Unit		\$19.60
			Inner Finisher		\$15.84
			Fax Kit		\$8.68
			PCL Printing Kit		\$8.68
			State of Washington Contract #03706		
			Service includes all parts, labor, and supplies, minus paper.		
TO BE LEASED AT \$ 150.04 PER MONTH FOR 60 MONTHS				SECURITY DEPOSIT	
COPY KIT / SERVICE AGREEMENT:			COPIES OR YEAR(S), WHICHEVER COMES FIRST.		
FROM DATE			METER TO DATE METER		
NETWORK SUPPORT CONTRACT*,			HOURS OR MONTH(S), WHICHEVER COMES FIRST.		
*See POA Representative for terms and conditions.					
CONDITIONS OF SALE, CONTINGENCIES OR COMMENTS				SUB-TOTAL	
Service to be billed per copy on WA State contract at \$.008/per page for B&W and				DELIVERY	\$200.00
\$.0655/per page for Color.				NETWORK INSTALLATION	\$150.00
Per WA State Contract, there is a one-time set-up/networking charge of \$150.00.				POWER FILTER	
				TAXES	
				TOTAL	
				LESS DEPOSIT	
				BALANCE	

By signing this Contract, Customer acknowledges and agrees: (a) this Contract is NON-CANCELABLE; (b) all terms and conditions on the reverse side are an integral part of this Contract; (c) to fully understand all terms and conditions stated herein; and (d) this Contract is the entire agreement between Customer and Pacific Office Automation relating to the equipment and services described herein, and can be changed only by written agreement signed by both parties.

### CUSTOMER AUTHORIZATION

### APPROVED BY PACIFIC OFFICE AUTOMATION

\_\_\_\_\_  
 SIGNATURE  
 \_\_\_\_\_  
 TITLE DATE

\_\_\_\_\_  
 BY  
 \_\_\_\_\_  
 TITLE DATE

## COPY KIT AGREEMENT

As consideration for the payment by Customer of \$ \_\_\_\_\_, Pacific Office Automation agrees to provide parts and labor service for the equipment purchased hereunder as follows:

- Replacement of all parts found defective or worn as a result of normal copier use.
- Labor to effect repairs and properly maintain the copier.
- All preventative maintenance done at intervals specified by manufacturer.
- Loaner in the event the copier requires shop work to effect repair.
- Replacement of photoconductors found defective or worn as a result of normal use.
- Replacement of heater rollers found defective or worn as a result of normal use.
- Replacement of black toner, black developer, brushes and filters.
- Factory recommended retrofits and improvements in the machine.

This agreement represents a simplified billing method and reflects a cost to you of \$ \_\_\_\_\_ per copy. Excess copies during the specified term will be billed to you at this rate on a monthly basis. Payment terms are 25% down net invoice ten days, with a 1.5% per month service charge on unpaid amounts. Not included in the Copy Kit Agreement are paper, staples and network support. If color toner is included in the Cost Per Copy / Copy Kit Agreement, the color toner will be supplied within the Cost Per Copy charge based upon the standard manufacturers yield. Excess toner will be billed at standard manufacturers retail price.

Copy Kit / Service Agreements will automatically be renewed for additional one year terms unless either party, 30 days prior to the expiration of the current term, gives 30 days written notice of termination.

## WAIVER OF COPY KIT

After discussing the benefits of a Copy Kit Agreement with a representative of Pacific Office Automation, I have decided that I do not wish to have the equipment contained in this order to be covered by this Copy Kit Agreement at this time. I understand that a condition of the One Million Copy/Five Year Warranty is continuous Coverage of said equipment by this Copy Kit Agreement from time of installation.

In rejecting this Copy Kit Agreement I WAIVE ANY RIGHTS TO THE ONE MILLION COPY/FIVE YEAR GUARANTEE.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## GUARANTEES

The Seller extends to the Buyer the following express limited guarantees under a Service Maintenance / Copy Kit Program.

- 1. STANDARD LIMITED WARRANTY:** Pacific Office Automation warrants new equipment to be free of defect in materials and workmanship for a period of 90 days from installation. This warranty does not extend to replacement of supply items or consumables, including, but not limited to photoconductors, heat rollers, fuser, cleaning kits, toner, developer or paper. For purposes of this paragraph, new equipment shall be defined as equipment with up to 5,000 copies. Used equipment will receive a 30-day warranty.
- 2. LIMITED COPY GUARANTEE:** Provided the equipment purchased hereunder is continuously maintained under Pacific Office Automation's Copy Kit Service Agreement, Pacific Office Automation extends the following express limited warranty: (1) your new high speed copier (in excess of 30 cpm) will last 1,000,000 copies or five years; (2) Segment One copiers (10-20 cpm) will last 500,000 copies or five years; and (3) Segment Two copiers (21-30 cpm) will last five years or 750,000 copies.
- 3. RESPONSE TIME WARRANTY:** Pacific Office Automation guarantees four (4) hour average response time for emergency services for machines that are within 50 miles of our branch offices. If Pacific Office Automation does not perform the guaranteed response time for a period of one year, upon written request, you will receive a five percent (5%) credit toward your next service or supply purchase from Pacific Office Automation.
- 4. LIFETIME POWER PROTECTION GUARANTEE:** If a Pacific Office Automation Power Filter is included in this agreement, repairs to damage caused by power surges and/or lightning will be covered.
- 5. UPGRADE, TRADE-IN LIMITED GUARANTEE:** For all new equipment purchased hereunder continuously covered under a Pacific Office Automation Copy Kit Service Agreement, we will guarantee a trade-in value on new equipment sold by Pacific Office Automation up to 90% during the first 36 months after acquisition and a minimum guaranteed trade-in value of 10% thereafter.
- 6. DISCLAIMER:** Except as specifically provided herein, Seller disclaims all warranties, expressed or implied, including without limitation, all implied warranties of merchantability or fitness for a particular purpose. Equipment subject to a manufacturer's warranty. Under no circumstances will Pacific Office Automation be responsible for any consequential or incidental damages.

## GENERAL TERMS & CONDITIONS

- (1) Unless provided, the terms of sale are 10 days net. Seller agrees to provide reasonable assistance to finance the purchase of the equipment and Copy Kit / Service Agreement, however, Buyer understands and acknowledges such financing cannot be guaranteed by Seller. Buyer shall be ultimately responsible for payment of purchase price. If not provided, the purchase price is the Manufacturer's suggested retail price of the equipment and/or solutions plus any lease buyouts, delivery charges, installation charges, and the total service/supply/copy kit commitment.
- (2) If equipment is delivered to Buyer before final payment, Buyer grants to Seller a security interest in the equipment and agrees to excuse and deliver all documentation necessary to perfect such security interest.
- (3) If Buyer defaults in the payment of the purchase price as provided herein, Buyer agrees to pay to Seller, a service charge of 1.5% per month and all of Seller's attorney's fees and collection costs, even if no suit or action is filed.
- (4) The sales price herein includes the initial installation of the manufacturer's software onto Buyer's computers. Prior to such installation, Buyer shall perform and complete a system backup. Seller shall not be liable for loss or damage of any kind to data or equipment as a result of the installation of the manufacturer's software. The Buyer shall be solely responsible for the cost of any cables and additional hardware required to connect equipment to a network. Seller shall not be responsible for any updates or problems arising after the initial installation due to a change in Buyer's computers and/or network.



# Pacific Office Automation

## Exclusive Proposal

*Prepared for*



*Submitted by*

*Taylor Schueler*

## Financial Information

Current monthly volumes:	5,600/ B&W pages 1,000/ Color pages
Current lease payment:	\$138.15 per month
Current monthly service:	\$174.72/ per month
Current service rates:	\$.01318/ B&W \$.10091/Color
<b>Total monthly expenses:</b>	<b>\$312.87 per month</b>

### New Proposed Solution:

#### State of WA Contract #03706

Canon imageRUNNER ADVANCE C5235	\$97.24
Cassette Feeding Unit	\$19.60
Inner Finisher	\$15.84
PCL Printing Kit	\$8.68
Fax Kit	\$8.68
Total monthly expense:	\$150.04/per month
60 month lease	
New monthly service if usage stays the same:	\$110.30
<b><u>Average monthly savings:</u></b>	<b><u>\$64.42</u></b>

**Includes delivery, network installation, and all training for the life of the agreement.**

### Service Agreement

Per WA State Contract, service agreement to be billed per page at:

**B/W: \$.008 per page**

**Color: \$.0655 per page**

**Includes all parts, toner, labor, and maintenance, except paper.**

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8I</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-15,</u> <u>Authorizing Councilmember Guier to</u> <u>Attend Association of Washington</u> <u>Cities' City Legislative Conference</u>	Prepared by:	<u>Leanne Guier</u> <u>Council President</u>

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**Summary:** On December 26, 2012, the City Clerk forwarded an email to the Mayor and Council asking if anyone planned to attend the Association of Washington Cities' *City Legislative Action Conference* being held February 13-14, 2013 in Olympia.

The City Clerk confirms that Councilmember Guier was the only person to respond and express an interest in attending AWC's *City Legislative Action Conference*. A clarification to the City Clerk's email is that the City of Pacific is a **Member** of AWC and therefore Councilmember Guier did receive the member rate for registration as follows:

Registration -	\$135.00
Hotel (Red Lion) -	\$243.54 (includes tax)
Total Cost -	\$378.54

**Recommendation:** Adopt the Resolution approving Councilmember Guier's request to attend AWC's *City Legislative Action Conference* February 13-14, 2013 in Olympia.

**Motion for consideration:** I move to adopt Resolution No. 2013-015 authorizing Councilmember Guier to attend Association of Washington Cities' *City Legislative Conference* in Olympia on February 12-14, 2013.

**Budget:** Council's budget has \$750 in its Training/Miscellaneous/Dues and \$100 in its Travel Funds.

**Attachments:** Resolution No. 2013-15  
AWC – City Legislative Action Conference – Information Sheet  
AWC – City Legislative Action Conference – Agenda  
Registration Confirmation – Councilmember Guier

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING COUNCILMEMBER GUIER TO ATTEND ASSOCIATION OF WASHINGTON CITIES' CITY LEGISLATIVE CONFERENCE**

**WHEREAS,** The City Council finds it is in its best interest to attend training and conferences that provide specific training for elected as well as networking opportunities with other elected officials; and

**WHEREAS,** the Association of Washington Cities has an extensive history of providing training and networking opportunities for elected officials in Washington State,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** Councilmember Guier is authorized to attend the Association of Washington Cities' *City Legislative Conference* in Olympia on February 12-14, 2013.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney

FILED WITH THE CITY CLERK: 1.30.13  
PASSED BY THE CITY COUNCIL: 2.11.13  
EFFECTIVE DATE: 2.11.13  
RESOLUTION NO. 2013-15



- LOG IN
- INSURANCE
- LEGISLATIVE ADVOCACY
- PROGRAMS & SERVICES
- TRAINING & EDUCATION
- JOBNET

Training & Education » Conferences » City Legislative Action Conference

## Training & Education

### City Legislative Action Conference

February 13-14 - Olympia  
 Red Lion Hotel  
 2300 Evergreen Park Drive  
 Olympia, WA

The City Legislative Action Conference is your opportunity join forces with other city officials to convey a strong, cohesive message in Olympia. With a new administration, a number of newly-elected legislators, and a looming budget crisis, this session will be even more intense than previous ones. It is essential that you understand the issues and are ready to respond to difficult questions and ask the right questions when the opportunity calls for it. This year's City Legislative Action Conference is designed to equip you with the information you need to be a stronger advocate for cities.

This is your time to:

- Learn more about the state budget crisis and how it will impact cities
- Hear what the new Inslee administration is thinking and how it may impact your city
- Delve deeper into policy issues important to your city
- Find out which bills have a chance of becoming law and which don't
- Visit with your legislators and encourage their support of city priorities
- Spend time networking with your peers and AWC's lobbyists

See you in Olympia at the City Legislative Action Conference. Your city's story sends the strongest message.

#### Who should attend?

Councilmembers, mayors, city managers/administrators, intergovernmental relations staff and other key city staff.

#### Agenda

Wednesday	Thursday
8:30 - 9:30 am Pre-conference session	7:30 - 10 am Conference
9:30 am - 5 pm Conference	
5:30 - 7 pm Reception	

City officials are strongly encouraged to contact their Legislators before the conference and schedule an appointment while in Olympia. Shuttle service between the Red Lion and the Capitol Campus is provided all day on Wednesday and on Thursday morning.

#### Registration & scholarships

All fees are per person	Full conference	Reception only
Member registration	\$135	\$50
Associate member registration	\$150	\$65
Non-member registration	\$200	\$75

For cities and towns under 5,000 population, scholarships are available.

#### Questions?

**Workshop information**  
 Candice Holcombe  
 candiceh@awcnet.org

**Registration or cancellation questions**  
 registration@awcnet.org  
 (360) 292-4391

**Special accommodations**  
 DeAnn Hartman

*Weak members*



# 2013 City Legislative Action Conference

February 13-14 – Olympia Red Lion Hotel  
Tentative Conference Agenda

<b>Wednesday, February 13</b>	
<b>7:30 am – 6:30 pm</b>	<b>Registration desk open</b>
<b>8:30 – 9:20 am</b> <b>Pre-conference sessions</b> <i>(Free; pre-registration is not required)</i>	<b>Understanding the legislative process</b> Attend this session and better understand the complexities of the legislative process. Learn about what happens from the time a bill is "dropped" to its arrival on the Governor's desk for signature.  <b>How to use your AWC tools</b> AWC offers several tools – some old and some new – that can help you track bills of importance to cities throughout session.
<b>9:30 – 10:15 am</b>	<b>Opening session</b> Welcome to the 2013 City Legislative Action Conference – your opportunity to band together with other city officials and send a unified message to Olympia's policy makers. <ul style="list-style-type: none"> <li>• Hear about your association's legislative priorities and how they guide our work throughout the session.</li> <li>• Glean "insider information" about what's happening on Capitol Hill and your part in presenting a unified city voice.</li> </ul>
<b>10:30 – 11:45 am</b>	<b>Talk to your lobbyists</b> Join AWC's team of lobbyists for a round robin of conversations about bills moving through the Legislature that will impact cities.
<b>12 – 1:30 pm</b>	<b>Luncheon</b> Governor Inslee speaks about his agenda and his plans to work with cities over the coming years.
<b>1:30 – 1:50 pm</b>	<b>Break</b>
<b>1:50 – 4 pm</b>	<b>City issues forum</b> Get the latest updates on a variety of issues related to AWC's 2013 legislative priorities. Speakers will include key legislators and agency representatives.
<b>5:30 – 7 pm</b>	<b>Legislative Reception</b>
<b>Thursday, February 14</b>	
<b>7:30 – 8:30 am</b>	<b>City Networking Breakfast</b> Enjoy breakfast and network with your peers before heading off to various policy breakout sessions or "hitting the hill."
<b>8:30 – 10 am</b>	<b>City issue breakout sessions</b> Continue to learn from the experts about various policy and reform proposals that impact cities.



# Registration Confirmation/Invoice

Leanne Guier  
 Councilmember  
 City of Pacific  
 100 3rd Ave SE  
 Pacific WA 98047  
 United States of America

Tel: 253-929-1105 Fax: 253-939-6026

**CNF#:** 1,031 - 37986

This is your confirmation/invoice for the AWC City Legislative Action Conference being held February 13-14, 2013 at the Red Lion Hotel Olympia, 2300 Evergreen Park Drive, Olympia, WA.

Registration begins at 7:30 am and the conference begins at 9:30 am. A full agenda for the conference will be available on our website after the first of the year.

This legislative session will be focused on major decisions regarding funding priorities, local flexibility, infrastructure financing, and revenue streams – all debated under the auspices of a new gubernatorial administration and a significant number of new legislators. It is critical that you share your city story with our state officials and ensure they understand how decisions they make this session will impact you at the local level.

Below is information to help you be highly-effective during this legislative session and during the City Legislative Action Conference.

**Legislative tool kit:**

- Review AWC's legislative priorities at <http://www.awcnet.org/LegislativeAdvocacy/Legislativepriorities.aspx>
- Make appointments with your legislators during the time you will be in Olympia at [www.leg.wa.gov/pages/home.aspx](http://www.leg.wa.gov/pages/home.aspx).
- Be prepared to tell your city's story. Need help with what to say? Check out our tips for communicating with your legislators at [www.awcnet.org/LegislativeAdvocacy/Talkingtolegislators.aspx](http://www.awcnet.org/LegislativeAdvocacy/Talkingtolegislators.aspx).
- Use AWC's BillTracker program to monitor the status and content of bills throughout the legislative session. As bills of interest to cities are introduced, they will added to BillTracker and updated as they move through the legislative process. <http://www.awcnet.org/LegislativeAdvocacy/BillTracker.aspx>
- Glossary of legislative terms at <http://apps.leg.wa.gov/billinfo/glossary.aspx>

Red Lion parking information: There is limited parking at the Red Lion Olympia Hotel. We encourage attendees to carpool. If you are driving, please recognize there is a paid parking area, as well as a free parking area. If the parking stall is numbered, you must pay to park there.

If you have any questions, please contact Candice Holcombe at [candiceh@awcnet.org](mailto:candiceh@awcnet.org) or (360) 753-4137.

If you need to cancel or have registration questions, please email [registration@awcnet.org](mailto:registration@awcnet.org) or call (360) 292-4391.

16 Jan 13	On-line payment Leanne Guier VI XXXX XXXX XXXX	-200.00
16 Jan 13	RedLion Red Lion PQQ	0.00



## Registration Confirmation/Invoice

17 Jan 13

Member Registration Fee

	135.00
Refund Due	-\$65.00

### Hotel Information:

Based on single/double occupancy. This is to reserve a room only. No payment has been made to the hotel. Payment will be required at time of check-in.

### Arrive/Depart : Feb 12 - Feb 14 '13

Red Lion Hotel Olympia  
2300 Evergreen Park Drive  
Olympia WA 98502

Red Lion PQQ / Avg Rate: \$110.00  
CC GTD by VI/ XXXX XXXX XX [REDACTED]

**Tax Policy:** Taxes not included.

**Cancellation Policy:** If you cancel your hotel room within 48 hours of your arrival date, the hotel may charge you for one night's lodging.

**Special Request:** No Smoking / Late Arrival / King Bed/

For those paying by check, please make your check payable to the Association of Washington Cities, 1076 Franklin Street SE, Olympia, WA 98501. Be sure to put your confirmation number (CNF#) on the check.

In the event the training is cancelled, we will make every attempt to notify you. AWC is not responsible for any travel or lodging costs related to a cancellation.

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8J</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-016,</u>	Prepared by:	<u>Patti Kirkpatrick, MMC</u>
	<u>Authorizing the Mayor to Execute</u>		<u>City Clerk</u>
	<u>Agreement with Association of</u>		
	<u>Washington Cities' Drug and Alcohol</u>		
	<u>Consortium</u>		

**Summary:** It has come to the City Clerk/Personnel Manager's attention that the City is not participating in a Drug and Alcohol Consortium as required by 49 CFR Part 40 and Washington Department of Transportation. Federal law requires all CDL drivers who drive commercial vehicles, to be tested for drug/alcohol abuse. 49 CFR Part 40 allows the City to join a consortium to administer drug/alcohol testing. This information was discussed at the January 26, 2013, Finance Committee.

The Finance Committee asked the City Clerk/Personnel Manager to speak with Evie Shannon, the Union Representative for the Public Works/Clerical Collective Bargaining Agreement, as this will primarily affect the CDL drivers in the Public Works Shop. In order to meet the compliance, AWC recommended that the City have all employees who are required to have a CDL participate in "pre-employment" testing, which would be at a cost of \$52 per employee or \$312 total in order to bring all CDL employees up to date. Additionally, there are two employees who drive the Senior Center Bus and the Finance Committee discussed the need to have those employees tested as well.

The Association of Washington Cities consortium will work with Staff to craft a policy that meets the City's needs; provide materials to affected employees; provide training for supervisors of CDL employees; provide employee access to substance abuse professional services; and provide Staff with advice and legal consultation regarding a positive test.

The fees to join AWC's Drug and Alcohol Consortium:

Annual Membership	\$ 175.00
Random Drug/Alcohol Testing (per person)	\$ 312.00 (\$52/per person x 6)
Pre-employment Testing (per person)	\$ 520.00 (\$52/per person x 10)
Total for 2013:	\$1,007.00

**Recommendation:** adopt the Resolution authorizing the Mayor to enter into a contract with AWC's Drug & Alcohol Consortium to meet federal requirements.

**Motion for consideration:** I move to adopt Resolution No. 2013-016, authorizing the Mayor to execute agreement with Association of Washington Cities' Drug and Alcohol Consortium for Random Drug Testing of certain City employees.

**Budget:** May require a budget amendment

**Attachments:** Resolution No. 2013-16  
AWC's Drug & Alcohol Consortium – Agreement  
AWC's Drug & Alcohol Consortium – Information  
DOT Information – 49 CFR Part 40 (portions thereof)

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT WITH ASSOCIATION OF WASHINGTON CITIES' DRUG AND ALCOHOL CONSORTIUM**

**WHEREAS,** The City Council finds it in their best interest to follow federal regulations regarding random drug testing; and

**WHEREAS,** the City Council finds it in the City's best interest to contract with the Association of Washington Cities to become a member of their Drug and Alcohol Consortium; and

**WHEREAS,** the Association of Washington Cities will ensure the City of Pacific is compliant with Federal Rule 49 CFR Part 40,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** the City Council authorizes the Mayor to execute an agreement with the Association of Washington Cities' Drug and Alcohol Consortium for Random Drug Testing of certain City employees.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney



# AGREEMENT

## For Drug and Alcohol Consortium Services Association of Washington Cities

This agreement is made between the Association of Washington Cities, hereafter referred to as AWC, and the below named city or public agency, hereafter referred to as "agency". The agency desires to have AWC, through its affiliation with a testing provider of it's choice, provide drug and alcohol testing services.

The agency shall pay AWC a membership fee and appropriate per employee fees for random testing as specified in the Member Price list prior to testing services being provided. A WorkSAFE Service, Inc. will bill the agency directly and the agency is responsible for all other testing costs incurred on behalf of the agency. The agency agrees to submit payment to A WorkSAFE Service, Inc. within forty-five (45) days of the date billed. Interest on unpaid accounts will accrue at twelve percent (12%) per annum from the date until paid.

The agency agrees to provide AWC with a copy of its adopted alcohol and drug testing policy and procedures prior to implementation of the testing program. The agency agrees to comply with and be responsible for all requirements of federal, state, and local laws and regulations relating to substance abuse testing, including without limitation proper specimen collection and handling. The agency is responsible for any damages resulting from acts or omissions of the agency under the agency's alcohol and drug testing policy.

The term of the agreement shall be one (1) year, effective \_\_\_\_\_, 20\_\_\_\_. The agreement will be renewed automatically each year at the end of the term upon receipt of payment of the annual fee and appropriate random testing fees as determined by AWC, unless either party notifies the other, in writing, of its intent not to renew. Failure to pay the appropriate fees by the first of January each year will result in automatic termination of the agreement.

The agency agrees to indemnify, defend and hold AWC, its directors, officers, agents and employees harmless from any claim, loss, cost and/or expense (including court costs and attorneys fees) arising out of or resulting from any act or omission of the agency involving its receipt or use of any of the test results or other information it receives in connection with this agreement.

This agreement shall not be assignable by either party without the written consent of the other.

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

Authorized Signature	Date	
City or Agency Name (Please Print)	Telephone	
Address	FAX #	
City	State	Zip
Contact Person Name	Telephone	



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- Rates
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Insurance » Drug & Alcohol Consortium » Member benefits

## Drug & Alcohol Consortium

### Member benefits

Each member receives a Drug & Alcohol Consortium program manual, which includes:

- Sample drug and alcohol policy
- Sample drug and alcohol procedures
- Information on drug and alcohol use to be provided to employees
- Training video or access to discounted on-site training
- Free annual Drug and Alcohol Supervisor training
- Access to substance abuse professional (SAP) services
- Access to a network of drug/alcohol collection testing sites
- Services of a Medical Review Officer (MRO)
- Computer generated random testing selection and notification services
- Federal reporting and recordkeeping
- Regulatory updates
- Access to limited employment-related legal assistance

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## Drug & Alcohol Consortium

### Drug & Alcohol Supervisor training

The U.S. Department of Transportation regulation mandates all supervisors of CDL employees, transit or gas utility workers receive one-hour training in drug awareness and one-hour training in alcohol abuse. Additionally, any employee who may make a reasonable suspicion determination is required to receive the 2-hour training.

AWC offers supervisor training two ways - workshops for members and nonmembers and online training for members only. For in person trainings, AWC contracts with a certified substance abuse professional. Online training is available to D&A members for use as they need it.

These trainings are for any supervisor of CDL employees, transit or gas utility workers. All new supervisors are encouraged to attend, as well as employees who may make a reasonable suspicion determination. The primary and secondary Designated Employer Representatives will also receive valuable information from this training. Recommended training for supervisors every two years.

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Insurance » Drug & Alcohol Consortium » Rates

## Drug & Alcohol Consortium

### 2013 member rates

#### Annual membership fee

##### FMCSA, FTA, PHMSA

This includes a model policy and procedure manual provided electronically, materials for distribution to employees, regional supervisor trainings, annual report generation, access to Substance Abuse Professional services, and advice from staff and legal consultant on positive tests.

AWC members (cities) <5 CDL employees	\$100/year
AWC members (cities) 5+ CDL employees	\$175/year *
AWC associate members (public agencies)	\$200/year

#### Random drug and alcohol testing

Annual costs per covered person (payable in advance each year). Random testing is coordinated by A WorkSAFE Service, Inc. and includes random selection, notification, collection, test analysis, MRO fees and record-keeping by the testing lab. Replacement or substitution of drivers is allowed at no additional charge.

AWC members (cities)	\$52/employee
AWC associate members (public agencies)	\$55/employee

#### Non-random services

Available at additional cost (billed directly to member jurisdiction) for pre-employment, reasonable suspicion, post-accident, return to duty and follow-up testing.

Drug test collection, analysis and MRO	\$52/test
Breath alcohol test (both screening and confirmation test - if the screening test is 0.02 or above - are included at this price)	\$35/test
Split-sample testing at the request of an employee (Per US DOT regulations, payable in advance to A WorkSAFE Service by the employer - the employer can then recoup cost from employee, if so provided in policy.)	\$200/test

#### Mobile drug testing option - New!

In addition to testing fees, government mileage rate from closest on-site collector (Vancouver, Seattle, Pasco, Spokane), plus \$95 on-site fee if 5 or fewer individuals are tested.

#### Consultation/Professional fees

Deposition, expert witness, medical consultation, lab toxicologist	\$200/hour
--	------------

#### SAP (Substance Abuse Professional)

For ComPsych Employee Assistance Program members; fees will be similar for other SAPs.	\$600/case
--	------------

Note: SAP fee must be paid prior to time of evaluation.

#### Supervisor training

AWC sponsors 5 regional supervisor sessions each year that are free for AWC Consortium members. Online supervisor training is also available at no charge to supervisors in member jurisdictions.

**Additional on-site training**

Members can contract with a trainer for training sessions provided on-site.

Supervisor training	\$600/session, including travel expenses
Employee Training (when done in conjunction with supervisor training)	\$200/session

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## *What is 49 CFR Part 40 and how is it different from the DOT Agency and USCG regulations?*

49 CFR Part 40, or “Part 40” as we call it, is a DOT-wide regulation that states how to conduct testing and how to return employees to safety-sensitive duties after they violate a DOT drug and alcohol regulation. Part 40 applies to all DOT-required testing, regardless of what DOT agency-specific rule applies to an employer. For example, whether you are an airline covered by FAA rules or a trucking company covered by FMCSA rules, Part 40 procedures for collecting and testing specimens and reporting of test results apply to you.

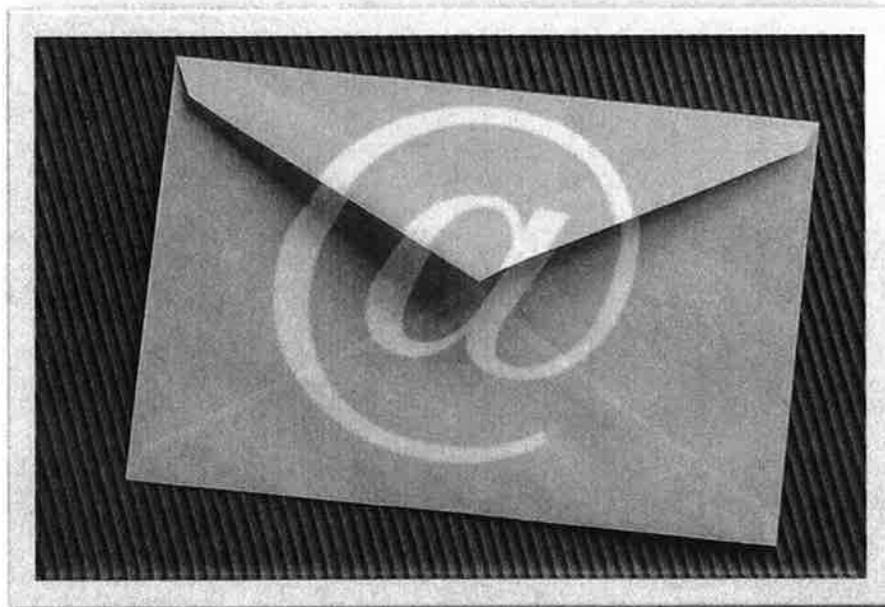
Each DOT Agency-specific regulation spells out who is subject to testing, when and in what situations for a particular transportation industry.

## *Where can I get a copy of Part 40?*

You can obtain a copy of Part 40 by contacting our office at 202.366.3784 or from our website at: [http://www.dot.gov/ost/dapc/NEW\\_DOCS/Part40.doc](http://www.dot.gov/ost/dapc/NEW_DOCS/Part40.doc).

## *Is there a website that gives me easy access to all the DOT’s program requirements?*

Yes. Most things you and others who help you with your program need to know about the drug and alcohol testing requirements are available on our website at: <http://www.dot.gov/ost/dapc>. There is also an “Employer Page” at: <http://www.dot.gov/ost/dapc/employer.html>.



## Section II. Identifying Employees Needing To Be Tested

### *Who are safety-sensitive employees and why are they tested?*

Pilots, truck drivers, subway operators, ship captains, pipeline controllers, airline mechanics, locomotive engineers, and bus drivers are just some of the transportation workers that we depend upon to be as clear-headed and as alert as possible at all times. As a safety agency, the DOT can demand nothing less. Use of illegal drugs and misuse of alcohol are not compatible with performing these vital functions. The history of our program began with some fatal accidents that illegal drug use or alcohol misuse helped to cause. Congress passed a law – the Omnibus Transportation Employees Testing Act of 1991 – that requires DOT Agencies to test safety-sensitive transportation workers.

This table lists the types of safety-sensitive duties subject to DOT drug and alcohol testing:

<b>Transportation Industry</b>	<b>Safety-Sensitive Duties</b>
<b>Commercial Motor Carriers (FMCSA)</b>	Commercial Drivers License (CDL) holders who operate a Commercial Motor Vehicle.
<b>Aviation (FAA)</b>	Flight crew, flight attendants, flight instructors; air traffic controllers at facilities not operated by the FAA or under contract to the U.S. military; aircraft dispatchers; aircraft maintenance or preventative maintenance personnel; ground security coordinators and aviation screeners.
<b>Railroad (FRA)</b>	Persons who perform duties subject to the Hours of Service laws; such as, locomotive engineers, trainmen, conductors, switchmen, locomotive hostlers/helpers, utility employees, signalmen, operators and train dispatchers.
<b>Public Transportation (FTA)</b>	Operators of revenue service vehicles, CDL-holding operators of non-revenue service vehicles, vehicle controllers, revenue service vehicle mechanics, firearm-carrying security personnel.
<b>Pipeline (PHMSA)</b>	Persons who perform operations, maintenance, or emergency response function on a pipeline or LNG facility regulated under part 192, 193, or 195.
<b>Maritime (USCG) [Follows Part 40 for drug testing, <u>not</u> alcohol testing.]</b>	Crewmembers operating a commercial vessel.

## Section III. Program Policies and Assigning Responsibilities

### *Do I need to have written policies that explain my program?*

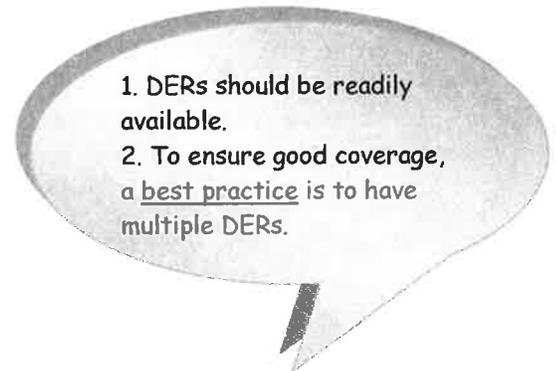
Yes. The DOT Agencies and USCG require employers covered under their regulations to have policies in place that fully explain their drug and alcohol program. Not only must you have policies, but you must also make them available to employees covered under your DOT program.



You can find DOT Agency and USCG policy requirements at [Appendix A](#).

### *What is a DER and what does a DER do?*

The Designated Employer Representative (DER) is your key employee for many drug and alcohol program functions. The DER must be a company employee. DERs cannot be contractors or service agents. The only exception is when C/TPAs function as DERs for owner-operator truck drivers.



The DER gets test results from the Medical Review Officer (MRO) and Breath Alcohol Technician (BAT) and takes immediate action to remove employees from their safety-sensitive duties when they violate drug and alcohol testing rules, such as test positive or refuse a test. A company may have more than one DER to ensure adequate coverage on all shifts and at all locations, with perhaps a drug and alcohol program manager to coordinate the entire program and assure consistency among DERs. As an employer, you must give your service agents the DER contact information in case they need to speak directly with the DER without delay.

The DER should have knowledge of and authority to make decisions about the testing process and answer questions about it. Again, the primary job of the DER is to ensure the appropriate and timely removal of an employee from safety-sensitive duties.

### *What are my options in administering my DOT drug and alcohol testing program?*

There are three general ways in which you can run your DOT drug and alcohol testing program:

**Option 1:** Administer the program internally. You would have on your own staff urine specimen collectors and Screening Test Technicians (STTs) / BATs, MROs, and Substance Abuse Professionals (SAPs) and support staff to run the program. The testing laboratory would be the only part of your program outside your own organization.

**Option 2:** Outsource some of the program functions to service agents. For example, you could have your own MRO and SAP but contract with urine specimen collectors and STTs / BATs to perform the collections, while keeping a support staff to run the program.

**Option 3:** Outsource all of the program's functions to a vendor, called a "consortium" or a "third-party administrator" (C/TPA), with only a DER and the DER's support staff, if any, remaining in-house.



**NOTE:** As an owner-operator in the motor carrier industry, FMCSA regulations require you to belong to a C/TPA to ensure your compliance with random testing.

### *Can I have my own company testing program in addition to my DOT testing program?*

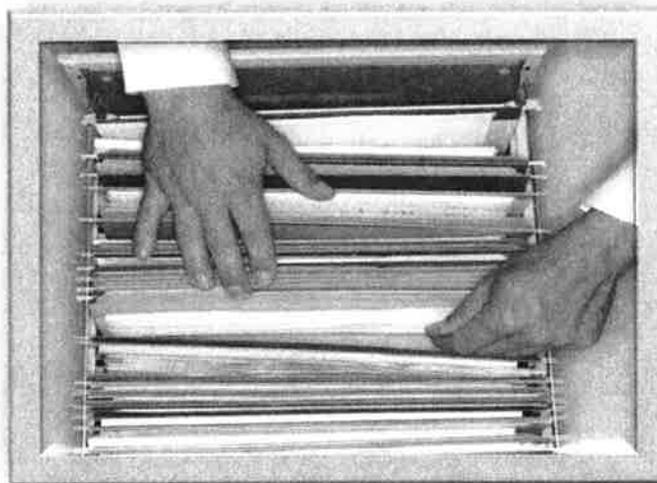
You may have your own "company authority" testing program. Under a non-DOT program, you could test for other drugs of your choosing. Therefore, you would not be prohibited by DOT from testing for additional

drugs under your own authority – under your non-DOT company policy testing. Nor would DOT prohibit you from using non-urine specimens under your non-DOT program.

1. In your drug and alcohol testing policy, you must be very clear about which requirements are under **DOT authority** and which are under your **company authority**.
2. You must also keep DOT test records **separated** from your company-authority test records.

However, you would need to follow Part 40 and the appropriate DOT Agency and USCG regulations and totally separate your DOT testing from your non-DOT company policy testing. For example, if you conduct DOT and non-DOT tests of an employee following an accident, you must ensure that the DOT urine collection for drugs and DOT test for alcohol are accomplished first. Then you would let the employee know the DOT portion was completed and that you will now be conducting a company policy test. In addition, you must

not use the Federal Drug Testing Custody and Control Form (CCF) or the DOT Alcohol Testing Form (ATF) for your non-DOT testing. You would use non-Federal and non-DOT forms.



## Section IV. Selecting Service Agents and Their Roles

### *What is a service agent and how can a service agent assist me?*

A service agent is any person outside your company that you use to help you implement the DOT regulations. These might include a urine collector, a BAT, an STT, a laboratory, an MRO, a SAP, or a C/TPA in charge of coordinating your testing services.

You can use a service agent to administer part or all of your DOT drug and alcohol testing program. If you use a service agent, you should take a “hands-on” approach, and you should not assume the service agent will do everything right.



Are your service agents qualified? When was the last time you checked their training records and the quality of work they do?

### *Should I enter into a contract with a service agent?*

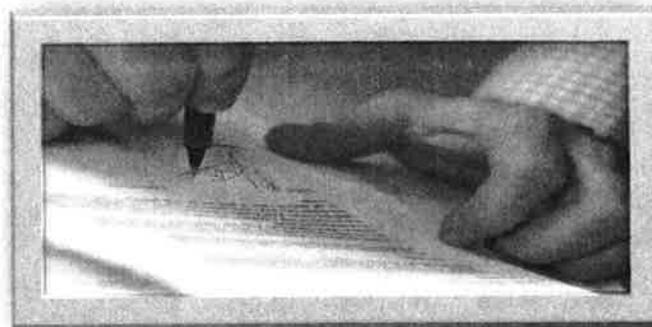
1. A **best practice** is to stay in touch with your service agents to make sure they are keeping you in compliance.

2. Another **best practice** is for you to audit the work of your service agents from time to time.

It is up to you whether or not to use a service agent. If you use service agents, the rules do not require a written contract, but having a written contract makes good business sense. A contract should include how and where services will be provided, prices, and who will do what and when. To protect yourself, you should include a provision in the contract that allows you to replace the service agent if the service agent isn't providing services that comply with DOT rules.

Be a smart buyer. You should ask questions to make sure the service agent is providing the kind of service you want and need. For example, if a C/TPA is providing a network of collection sites, will the C/TPA verify the qualifications of the collectors and evaluate

the integrity of the collection sites? Will it act as an intermediary in resolving collection site issues? Will the C/TPA use a scientifically valid way of making selections for random testing? How often will the C/TPA perform random selections? How quickly does the C/TPA's MRO provide results after a test?



## Section V. Employee and Supervisor Education and Training

### *What educational materials do I need to give to my employees?*

You must provide employees who perform DOT safety-sensitive functions materials that explain the DOT requirements. You must document that they received the materials. At the very least, you should include:

- ◆ The name and contact information of persons assigned to answer questions about the program.
- ◆ The duties of the employees who are subject to the program.
- ◆ Employee conduct that is prohibited by the regulations.
- ◆ The requirement that employees must be tested for drugs and alcohol.
- ◆ When and under what circumstances employees will be tested.
- ◆ The testing procedures that will be used.
- ◆ An explanation of what constitutes a refusal to test.
- ◆ An explanation of the consequences of refusing a test.
- ◆ The consequences of violating the DOT rules.
- ◆ Information on the effects of drugs and alcohol on a person's health, work, and personal life.
- ◆ The signs and symptoms of drug use and alcohol misuse.
- ◆ The name and contact information of an individual or organization that can provide counseling and access to treatment programs.

There are also training requirements for supervisors and other officials about reasonable suspicion and reasonable cause testing:

<b>Type of Training</b>	<b>Duration</b>	<b>Documentation of training required?</b>	<b>Recurring training required?</b>
<b>Indicators of Probable Drug Use</b>	1 Hour	Yes	Recommended as Best Practice
<b>Indicators of Probable Alcohol Use</b>	1 Hour	Yes	Recommended as Best Practice



Employers must follow other requirements that DOT Agencies and USCG rules have for employee and supervisor education and training.



FRA also requires supervisors to have at least 1 hour of post-accident training.

## What types of DOT tests must I conduct?

You must give employees the following kinds of tests, when called for by DOT Agency and USCG rules:

- ◆ Pre-employment
- ◆ Random
- ◆ Reasonable Suspicion / Reasonable Cause
- ◆ Post-Accident
- ◆ Return-to-Duty
- ◆ Follow-up

Here are explanations about each type of test:

### **PRE-EMPLOYMENT**

**Drug Tests:** You are required to: (1) Conduct a pre-employment drug test; and (2) Receive from the MRO a negative test result on the pre-employment drug test for a person prior to hiring or prior to using that person in a safety-sensitive position for the first time. This requirement also applies when a current employee is transferring from a non-safety sensitive position to a safety-sensitive job for the first time.

**Alcohol Tests:** Unless you are regulated by the USCG, you may conduct pre-employment alcohol testing under DOT authority, but only if two conditions are met: (1) The pre-employment alcohol testing must be accomplished for all applicants [and transfers], not just some; and (2) The testing must be conducted as a post-offer requirement – meaning you must inform the applicant that he or she has the job if he or she passes a DOT alcohol test.



The FAA has specific "prior-to-hire" and "transfer into safety-sensitive function" requirements. They also require employers to receive MRO written confirmation of negative pre-employment drug test results. Check FAA regulations for details.



The FRA has a one-time pre-employment drug test requirement for each employee subject to the "Hours of Service" laws. Check FRA regulations for details.



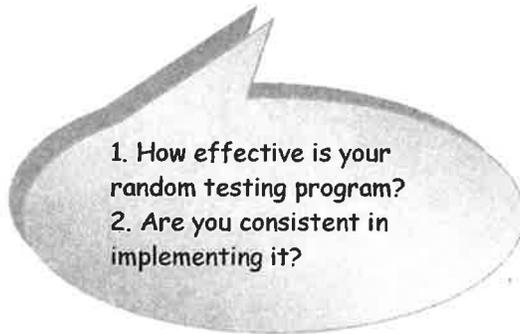
The FTA requires employees who have been removed from the random testing pool and out of work for 90 or more days to have pre-employment tests upon return.



The USCG requires employees who have not been subject to random drug testing for at least 60 days of the last 185 days to be pre-employment tested.

## **RANDOM**

Random tests are the key part of your program since they deter employees from using drugs and misusing alcohol. Unless you are regulated by FRA, you **don't need to submit** a random testing plan to DOT. However, it is a good idea for you to have a written plan to help you to objectively and consistently apply your program.



Each DOT Agency sets the random rates for drug and alcohol testing in the industry it regulates. These testing rates are minimums. You can choose to set higher random testing rates for your company.

So if a DOT Agency requires a drug testing rate of 50% and an alcohol testing rate of 10%, then an employer with 100 safety-sensitive employees would have to ensure that 50 or more random drug tests and 10 or more random alcohol tests were conducted during the calendar year.

This doesn't mean that you necessarily will give random drug tests to 50 different employees or random alcohol tests to 10 different employees. Some might be picked and tested more than once, and others not at all. It's just that each time there is a random selection, all employees have an equal chance to be selected and tested.

That's the deterrent factor!

What makes random testing so effective is the element of surprise. While employees know they will be tested, they are never quite sure of when. Random selections and testing should be performed at least quarterly. Some employers are selecting and testing more frequently. We think that is a good idea.

Employers and C/TPAs subject to more than one DOT Agency drug and alcohol testing rule may combine covered DOT safety-sensitive employees into a single random pool (for example, train engineers and truck drivers). However, companies doing so must test at or above the highest minimum annual random testing rates established by the DOT Agencies involved. So, if you have FMCSA regulated- and FRA regulated-employees in the same pool, and FMCSA has a 50% testing rate and FRA has a 25% rate, you must test the whole pool at the 50% minimum rate.

It is important to note that PHMSA and USCG do not authorize random alcohol testing for employees in the pipeline and maritime industries. So, if employees perform only pipeline or maritime duties, they cannot be in any DOT-regulated random alcohol testing pool.



You can find the current DOT Agency and USCG random testing rates at:  
<http://www.dot.gov/ost/dapc/rates.html>.



Check out "Best Practices for DOT Random Drug and Alcohol Testing" at:  
[http://www.dot.gov/ost/dapc/testingpubs/random\\_testing\\_brochure.pdf](http://www.dot.gov/ost/dapc/testingpubs/random_testing_brochure.pdf).

**REASONABLE SUSPICION / REASONABLE CAUSE**

You are required to conduct a test for drugs or alcohol [or both] if a trained supervisor or trained company official believes or suspects an employee is under the influence of drugs or alcohol [or both]. The supervisor or company official must have been trained to recognize the signs and symptoms of drug and alcohol use. Testing cannot be required based solely on a guess or hunch or complaint from another person or phone call tip. The suspicion must be based on specific observations by the supervisor or company official concerning the employee’s current appearance, behavior, speech, and smell that are usually associated with drug or alcohol use.



The reasonable suspicion / reasonable cause observations of the supervisor or company official must be documented.



The FRA requires two supervisors - at least one of whom is trained and on site - to make the testing determination. FAA does not require the determination to be face-to-face.

**POST-ACCIDENT**

You are required by the DOT Agencies and USCG to conduct drug and alcohol tests following qualifying accidents. The following table summarizes post-accident time-frames and specimens that must be collected:

<b>DOT Agency</b>	<b>Specimen Type</b>	<b>Time Frame for Collection</b>
<b>FMCSA, FAA, FTA, PHMSA, USCG</b>	Urine for <u>drug</u> testing.	Up to 32 hours from time of event.
<b>FMCSA, FAA, FTA, PHMSA</b>	Saliva or breath for <u>alcohol screening</u> ; breath for <u>alcohol confirmation</u> testing.	Within 2 hours, but cannot exceed 8 hours from time of event.
<b>FRA</b>	Urine for <u>drug</u> testing. Blood for <u>drug</u> and <u>alcohol</u> testing.	Up to 4 hours from time of event, but may exceed time frame to collect specimen – in every case, a blood and urine specimen must be collected.
<b>USCG</b>	Breath, Saliva, or Blood for <u>alcohol</u> testing.	Within 2 hours of the event. Up to 8 hours may be allowed if there are safety concerns to be addressed.

The supervisor at the scene of the accident/event should know the testing criteria and make a good faith effort decision to test or not test based on the information available at the time. The supervisor may consult with others, but the supervisor is the person who has to make the decision. If the testing cannot happen within the required time, the supervisor must document the reasons. Any employee required to be tested but needs medical assistance, must get the needed medical assistance first.



You can find the DOT Agency and USCG post-accident testing criteria at Appendix D.



Railroads must provide FRA the results of any breath alcohol tests that were accomplished.



FRA also requires collection of identified tissue and blood specimens from all employees who die as a result of the qualifying event.



FAA does not require a supervisor to be on-scene.

### **RETURN-TO-DUTY AND FOLLOW-UP**

When an employee tests positive or refuses a test or violates other provisions of DOT Agency and USCG testing regulations, that employee cannot work again in DOT safety-sensitive positions until successfully completing the SAP return-to-duty requirements in Part 40.

After successfully completing the SAP requirements, the employee may be eligible to return to work. But, before an employer can return the person to work in a safety-sensitive job, a SAP must determine that the employee successfully complied with the recommended treatment and education. The employee must then

have a **return-to-duty test** and the test result must be **negative**.

The SAP will also develop the employee's **follow-up testing** plan – outlining for the employer the number and frequency of follow-up testing that will take place.

You are then responsible for ensuring that the employee is tested according to the SAP's follow-up plan. These tests can be for drugs or alcohol or both.

The SAP must direct at least 6 follow-up tests in the first 12 months after the person returns safety-sensitive duties. However, the SAP can direct more tests and may extend them for up to five years.

1. Don't forget, these tests are the **employer's responsibility** to conduct.
2. Follow-up tests must be **unannounced**.
3. You **cannot** let the employee know anything about your SAP's plan for follow-up testing.
4. You **cannot** substitute other tests (such as random testing) for follow-up testing.
5. Return-to-duty and follow-up drug testing **must** be under **direct observation**.



Under FRA regulations, locomotive engineers are subject to both drug and alcohol follow-up tests in the first 12 months.

## *How do I notify employees they have been selected for testing?*

Every employee should be discreetly notified that they have to go for a test. Testing must be conducted in strict confidence with only a limited number of company officials having knowledge of the selection. You should have procedures in place to ensure that each employee receives no advanced notice of selection.

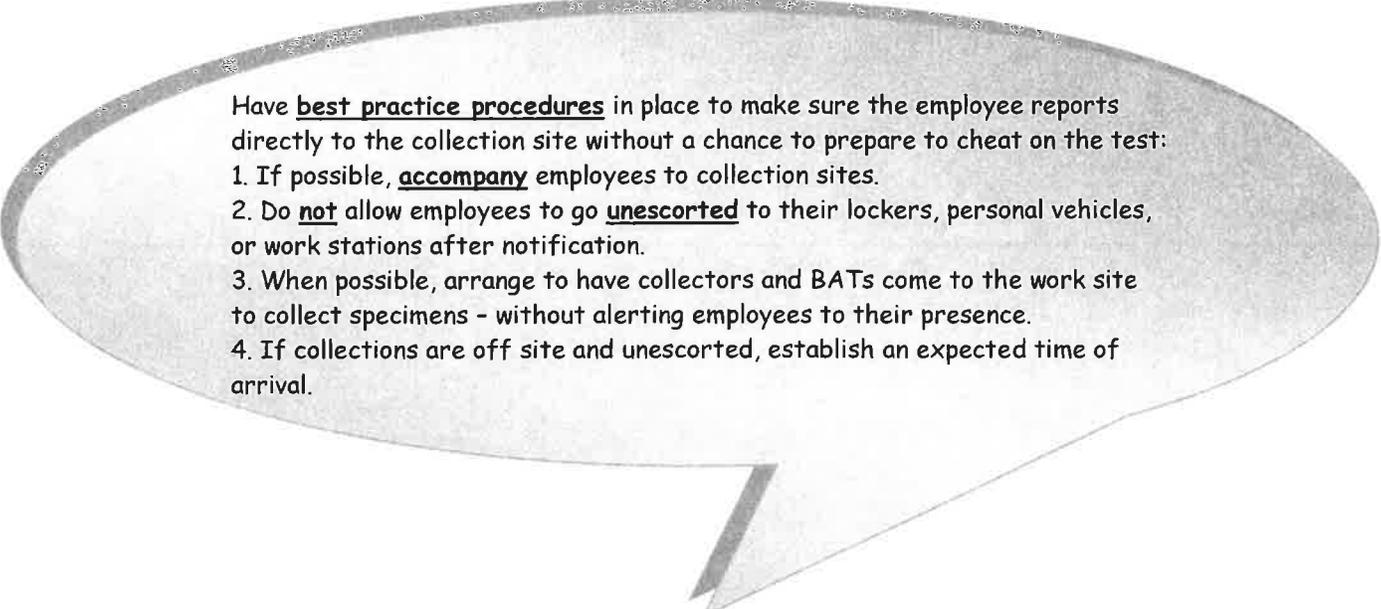
**Why?** Because it helps maintain the element of surprise!

But, be sure to allow enough time before notification for supervisors to schedule for administration of the test and to ensure that collection sites are open for testing.

## *After I notify the employees of their selection, how long do I give them to get to the collection site?*

When an employee is notified, he or she must proceed immediately to the collection site. Contrary to the *urban legends* circulating among some employees, *immediately* does not mean two hours. *Immediately* means that after notification, all the employee's actions must lead to an immediate specimen collection.

**Why?** For the integrity of the testing process!



Have best practice procedures in place to make sure the employee reports directly to the collection site without a chance to prepare to cheat on the test:

1. If possible, accompany employees to collection sites.
2. Do not allow employees to go unescorted to their lockers, personal vehicles, or work stations after notification.
3. When possible, arrange to have collectors and BATs come to the work site to collect specimens - without alerting employees to their presence.
4. If collections are off site and unescorted, establish an expected time of arrival.

Many employers develop testing policies that clearly state what activities are acceptable after notification. For instance, which safety-sensitive duties DOT Agency regulations may permit them to complete when selected for a random test. For example, if an employee is notified of a random test while working "off site" or "on the road," your policies should spell-out exactly what the employee must do before resuming safety-sensitive functions. That way there is no misunderstanding among employees about what is expected.



**Make it clear to your employees that there are consequences for failing to appear for any test within a reasonable time.**

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8K</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-17, Approving the City's Personnel Policy</u>	Prepared by:	<u>Patti Kirkpatrick, MMC City Clerk/Personnel Manager</u>

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**Summary:** The former City Clerk/Personnel Manager had been working on updates to the City's Personnel Policy, which has not been updated since 1993. Many laws and requirements regarding the management of personnel has changed significantly since 1993 and in order to meet the current requirements of the insurance carrier, Staff is bringing forward an updated personnel policy, which it is my understanding that employees have been following. There are issues within the current policy that will need to be updated; however, it is important to adopt an updated policy to be current with personnel management standards.

Staff will begin working on updates over this year and hope to bring back a revised, updated version by December or early 2014 for Council consideration.

Per discussion at the Workshop, Staff has provided the updated pages to show incorporation of those policies already adopted by council:

- Resolution No. 1094      Credit Card Policy
- Resolution No. 1092      Mobile Communication Device Policy
- Resolution No. 1095      Travel Policy
- Resolution No. 1096      Procurement Policy  
   Computer Use and Internet Policy

**Recommendation:** adopt the resolution approving the City personnel policy.

**Motion for consideration:** I move to adopt Resolution No. 2013-17, approving the City's Personnel Policy.

**Budget:**                      None.

**Attachments:**          Personnel Policy and Procedures

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-017**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC,  
WASHINGTON, APPROVING THE CITY'S PERSONNEL POLICY**

**WHEREAS**, the City Council finds it in the best interest of the City to establish an updated personnel policy for City staff,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The City Council approves the Personnel Policy attached hereto and incorporated herein as Exhibit A .

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney



<b>Administrative Policy and Procedure</b>		
<b>Index:</b> 100-027	<b>Title:</b> Credit Card Policy	<b>Effective Date:</b>

**CREDIT CARD POLICY**

See attached policy as established by Resolution No. 1094.

**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 1094**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON ESTABLISHING A MODIFICATION TO THE CREDIT CARD POLICY WHICH WAS PREVIOUSLY ADOPTED BY ORDINANCE 1617**

**WHEREAS**, the City Council of the City of Pacific, wishes to amend the previously established Credit Card Policy which was adopted by Ordinance No. 1617; and

**WHEREAS**, Ordinance No. 1617 allows for amendment by resolution;

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

**Section 1.** The City Council of the City of Pacific, Washington hereby adopts the Credit Card Policy described in Attachment A and incorporated herein to provide rules and regulations, in regard to the use of credit cards in the City of Pacific.

**Section 2.** This policy shall replace any credit card policy previously adopted by the City Council prior to the effective date of this resolution.

**Section 3.** This policy shall prevail and be the enforcing policy in conflict with any other policy in existence prior to the effective date of this resolution.

**Section 4.** This resolution shall take effect and be in full force upon passage and signature hereon.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25TH DAY OF JULY, 2011.**

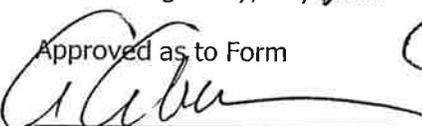
CITY OF PACIFIC

  
Richard Hildreth, Mayor

ATTEST/AUTHENTICATED:

  
Jane Montgomery, City Clerk

Approved as to Form

  
Al Abuan, City Attorney



<b>Administrative Policy and Procedure</b>		
<b>Index:</b> 100-027	<b>Title:</b> Credit Card Policy	<b>Effective Date:</b>

## CREDIT CARD POLICY

### Section 1. Credit Card Use

**A. The Finance Director shall implement and maintain a system for the distribution, authorization and control of credit cards issued to or for the benefit of the City and used by City officials and employees, in compliance with State law and the following City policy.**

**1. Distribution.** Credit cards may be distributed to those City officials and department heads who, have job responsibilities that would require the procurement of goods and services normally not suited for traditional procurement methods (see most recently adopted Procurement Policy), thus requiring the use of a credit card (herein after referred to as "Cardholder").

**2. Authorization and Control.** The Finance Director shall develop specific administrative guidelines and accounting controls to ensure the proper usage of credit cards and credit card funds. The credit card is to be used only when it is in the best interest of City administrative affairs, and only for purchases authorized in compliance with the City Procurement Policy

**3. Application.** The individual Cardholder, upon prior approval of the Mayor, shall hold each credit card responsibly. The City Council shall be the approving authority for credit card application(s) by the Mayor and City Council members.

**Cardholders are accountable and responsible for the expenses charged on the card in their name or the City's name.**

**An agreement between the Cardholder and the City must be executed before any card shall be issued (see Credit Card User Agreement)**

**4. Credit Limits.** The Mayor shall set credit limits on each card issued subject to the approval of the City Council. Individual purchases shall not exceed \$1,000 without the pre-approval of the Mayor. Individual purchases by the Mayor or City Council members shall not exceed \$1,000 without the pre-approval of the City Council. In no event shall the credit card limit exceed \$2,500 for any individual credit card account, except for an emergency-use card as described in subsection 9 below, which may have a higher credit limit if authorized by the Mayor and ratified by the City Council.

5. The Cardholder must retain all original receipts and reconcile their purchase / credit card statement within timelines set by the finance director. The statement must be reconciled and submitted to the finance department along with all original receipts and a complete description of each product/service purchased if the information is not already on the receipt.

6. Credit Card Restriction. The following will be considered an unauthorized purchase or use of any City credit card:

- a. Cash advances;
- b. Payment of invoices or statements;
- c. Purchases where an open charge account would be utilized;
- d. Personal purchases of any kind;
- e. Meals of any kind

7. Disallowed Charges. Disallowed charges, or charges not properly identified, will be paid by the Cardholder before the charge card billing is due. Failure to do so will render the Cardholder personally liable where the City shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the Cardholder up to the unpaid amount, plus interest and/or fees at the rate charged by the bank that issued the cost. Cardholders shall not use the credit card if any disallowed charges are outstanding.

The act of obtaining a City credit card does not indicate pre-approval of expenditures/expenses.

8. Check-out and Return of Credit Card. All City credit cards shall be kept in the custody of the Finance Department and held in a secure location unless otherwise checked out by an authorized Cardholder. The Finance Director shall develop and make available a form to check out City credit cards. The Cardholder shall return all City credit cards once the City credit card is no longer required for the procurement of the good/service.

9. Emergency Access to City Credit Card. The Finance Director shall make one City Credit Card available for emergency/after hour use, should the circumstances make the Check out/Return procedures unavailable. Emergency access to a City Credit Card is only allowed during an immediate emergency where the life, liberty or property of the City of Pacific or its residents is in immediate jeopardy. In such instances, the City Credit Card shall be returned to the Finance department as soon as practical and accompanied with all documentation according to this policy.

10. The City Council and the Mayor shall have unlimited authority to revoke the use of any City Credit Card, and upon delivery of a revocation order to the City Credit Card company, shall not be liable for any cost. A City Credit Card may be revoked under any of the following circumstances:

- a. If the card is used in a manner inconsistent with City policies, or
- b. If the Cardholder resigns or is otherwise terminated from the City: or
- c. If the monthly City Credit Card is not properly reconciled or received by the Finance Department according to the established guidelines.

**d. If finance charges are incurred as a result of an officer/official or employee's failure to comply with this policy: or**

**e If the card is lost or stolen; or**

**f. If the Cardholder's supervisor determines that there is no longer a valid City purpose to the Cardholder's issuance of a City Credit Card**

**B. The Mayor and Finance Director are authorized to implement any additional policies or administrative procedures necessary to implement the provisions of this section.**



<b>Administrative Policy and Procedure</b>		
<b>Index:</b> 100-014	<b>Title:</b> Mobile Communication Devices	<b>Effective Date:</b>

**MOBILE COMMUNICATION DEVICES POLICY**

See attached policy as established by Resolution No. 1092.

**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 1092**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON ESTABLISHING A  
MOBILE COMMUNICATION DEVICE POLICY**

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**WHEREAS**, the City of Pacific assigns Mobile Communication Devices to employees, officials and agents of the City, when a valid mission-related purpose exists, and because that employee, official, or agent must be readily accessible due to the nature of their duties, and;

**WHEREAS**, the City of Pacific is concerned about the safety of employees and the public at large and;

**WHEREAS**, the City of Pacific wishes to establish that the primary use of all Mobile Communication Devices is for official city business and;

**WHEREAS**, the City of Pacific desires to establish a clear policy in regard to the use of City provided Mobile Communication Devices and wishes to establish the rules and regulation in regard to their use;

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

**Section 1.** The City Council of the City of Pacific, Washington, hereby adopts the Mobile Communication Device Policy described in Attachment A and incorporated herein to provide rules and regulations, applicable to all municipal officials and employees, for the proper use of City provided Mobile Communication Devices.

**Section 2.** This policy shall replace any Mobile Communication Device policy previously adopted by the City Council prior to the effective date of this resolution.

**Section 3.** This policy shall prevail and be the enforcing policy in conflict with any other policy in existence prior to the effective date of this resolution.

**Section 4.** This resolution shall take effect and be in full force upon passage and signature hereon.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25TH DAY OF JULY, 2011.**

CITY OF PACIFIC



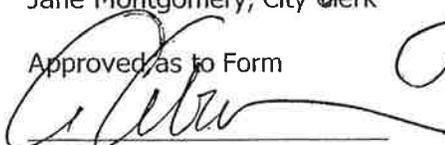
Richard Hildreth, Mayor

ATTEST/AUTHENTICATED:



Jane Montgomery, City Clerk

Approved as to Form



Al Abuan, City Attorney



<b>Administrative Policy and Procedure</b>		
<b>Index:</b> 100-014	<b>Title:</b> Mobile Communication Devices	<b>Effective Date:</b>

## **MOBILE COMMUNICATION DEVICES POLICY**

### **DEFINITIONS**

**AGENTS** - Current employees, officials and agents of the City of Pacific.

**MCDs** - For the purpose of this Policy, Mobile Communication Devices (MCDs) are defined as cellular ("cell" or "mobile") telephones (including cell phones with two-way communication capability), BlackBerrys and other PDAs, pagers, wireless cards, and any other mobile communication devices.

**DE MINIMIS USE** - occasional but limited use of the resource if there is no actual cost or the cost to the City is so small as to be insignificant or negligible.

### **POLICY**

Authorizing parties may assign MCDs to agents of the City (as defined below), or otherwise make a telephone available for use, when a valid mission-related purpose exists. As used in this policy, the term "agent" shall be defined as a person whose duties require frequent mobility, but who must remain readily accessible due to the specific nature of their duties, and those who must be available for emergency response or consultation after normal business hours.

An overarching concern of the City is the personal safety of employees and the public at large. Therefore, agents should use proper safety procedures at all times when using a MCD, but especially while operating equipment, driving on City business, or performing similar duties. Agents must adhere to all federal, state and local rules and regulations regarding the use of MCD while driving. Agents shall inform themselves as to health hazards associated with the use of cellular devices.

The primary use of all MCDs are for official city business. However, agents may use City provided MCDs for occasional personal use, provided that the personal use is de minimis, does not unduly burden the minutes available in the plan, and does not interfere with the performance of his or her duties of their position. Personal text, picture, video and email or other data use on City provided

devices is prohibited. Agents are personally subject to additional costs attributed to charges above the plan assigned to them. Agents are also responsible for charges that exceed the pricing plan.

It is preferable that City-provided MCDs not be used for personal business, but in the event an agent elects to make or receive a personal call on a City-provided MCD, such personal calls should be kept to a minimum, for short duration, and should be made on the agent's own time, such as during breaks or lunch, or before or after normal working hours.

All MCD data and messages contained within or transmitted via them are the property of City and are primarily intended for business use only. Agents are advised that they do not have any personal or proprietary rights over communication devices or e-mail accounts transmitted via City issued MCD. As such, those electronic records may be public records subject to Washington State's Public Disclosure Records Act (RCW 42.56)

Agents whose City-provided MCD have photo, video, or audio recording capabilities shall use such recording capabilities for official business only, at all times respecting the legal rights of all persons being recorded.

Agents must report if MCD is lost or stolen, to the authorizing party within 24 hours. Malfunctioning MCD is to be reported the authorizing party to arrange for replacement or repair. The City is not responsible for replacing MCD damaged by agent carelessness.

Agents shall not deal directly with the cellular vendor. This prevents unnecessary charges and maintains the consistency of the City's communication plan.

The authorizing party will evaluate each individual agent's duties and responsibilities and determine which appropriate MCD plan is appropriate.

The City Clerk's office will keep a record of the MCDs and the associated vendor's contact information. This information will be provided to the Clerk's office by the various authorizing parties. Authorizing parties are responsible for alerting the City Clerk's office when a decision is made to discontinue MCD service to an agent.

The use of a City issued MCD by any person in any illegal activity shall be grounds for immediate discharge from City of Pacific employment.

Failure to comply with this Policy regarding the use of MCDs may result in disciplinary action to include termination of MCD privileges and collection of any fees associated with the abuse of this policy.

An Agent who is issued a City-owned MCD must return the device to his or her employing department upon termination from employment or change of duty status.



<b>Administrative Policy and Procedure</b>		
<b>Index:</b> 100-013	<b>Title:</b> Travel and Other Expenses	<b>Effective Date:</b>

**TRAVEL POLICY**

See attached policy as established by Resolution No. 1095.

**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 1095**

**A RESOLUTION OF THE CITY OF PACIFIC, WA, ESTABLISHING A TRAVEL  
POLICY, AND MODIFYING ORDINANCE NO. 1617 EXHIBIT A, AND PORTIONS  
OF THE PREVIOUS CITY OF PACIFIC PERSONNEL MANUAL ADOPTED BY  
RESOLUTION NO. 399, POLICY NO., 100-018, 100-019, AND 100-020.**

---

**WHEREAS**, in 2005 the City of Pacific enacted Ordinance No. 1617 specifying credit card procedures, including travel, meal, gas, use of personal vehicle and other travel expense policy; and on Attachment A thereto it was specified that said procedure could be modified by resolution; and

**WHEREAS**, the City Council now desires to update the travel policy procedure.

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

**Section 1.** The City Council of the City of Pacific, Washington hereby adopts the Travel Policy in Attachment A and incorporated herein to provide rules and regulations, in regard to travel and other expenses.

**Section 2.** This policy shall replace any travel policy previously adopted by the City Council prior to the effective date of this resolution.

**Section 3.** This policy shall prevail and be the enforcing policy in conflict with any other policy in existence prior to the effective date of this resolution.

**Section 4.** This resolution shall take effect and be in full force upon passage and signature hereon.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25th DAY OF JULY 2011.**

APPROVED:

  
RICHARD HILDRETH, MAYOR

ATTEST/AUTHENTICATED:

  
JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:

  
ALBERT A. ABUAN, CITY ATTORNEY



<b>Administrative Policy and Procedure</b>		
<b>Index:</b> 100-013	<b>Title:</b> Travel and Other Expenses	<b>Effective Date:</b>

## **TRAVEL POLICY**

### **I. INTRODUCTION**

#### **A. Traveling On City Business**

This policy applies to all employees, officials, board members, volunteers and other persons acting on behalf of the City of Pacific (herein after referred to as “requesting party”) who are traveling on official city business. The policy provides requesting parties with a guideline for payment and reimbursement of travel expenses pertaining to official travel outside the City.

#### **B. Responsibility While Traveling On City Business**

Requesting parties may have their travel expenses reimbursed by the City of Pacific. Under no circumstances will reimbursement exceed actual expenses involved or duplicate any portions of expenses paid from any non-city source.

Unless otherwise exempted in this section, all travel must be authorized according to this policy prior to incurring any obligation or expense to the City of Pacific. Exceptions may be made by the City Council, and only the City Council, on a case-by-case basis for emergencies or other extenuating circumstances. The City Council may, at its sole discretion, reduce or refuse travel reimbursement for travel expenses not pre-authorized according to this policy.

Travel expenses to conduct normal and ordinary business of the City of Pacific that are exclusively limited to mileage expenses for travel less than 60 miles round trip are not required to obtain prior authorization according to this policy. All other provisions of this policy shall remain in full effect in such circumstances. Department heads may choose to require prior authorization for requesting parties in their respective department in any circumstance.

In some situations there may be adequate justification for allowing an employee to be in travel status and thus incur additional travel expenses, (decided upon a case by case basis by the authorizing party) such as:

- When the health and safety of travelers is an issue;
- When it can be demonstrated that staying overnight is more economical to the City.

A requesting party traveling on official business is expected to exercise the same care in incurring expenses that he or she would exercise if traveling on personal business and using personal funds.

Requesting parties will be held personally responsible for all unauthorized costs and additional expenses incurred for personal preference or convenience.

Willful violations of this policy by requesting parties will result in disciplinary action up to and including dismissal. Repeated willful violations of this policy may result in criminal prosecution.

## **II. DEFINITIONS**

### **A. Travel**

Travel in this context means the act or status of going from and returning to the normal work place location to conduct City of Pacific business. Commuting to and from a requesting party's place of residence is not reimbursable travel.

### **B. Work Place**

The "work place" is the job location at which the requesting party spends the majority of his or her working hours while conducting official business of the City of Pacific.

### **C. Full Day**

A "full day" in the context of this policy is defined as travel departure before 6:00 a.m. and travel return after 8:00 p.m.

### **D. Conference Hotel**

A conference hotel is a hotel specifically designated for lodging by the entity hosting or coordinating the conference or training session.

### **E. Authorizing Party**

An authorizing party is the department head of the requesting party. The Mayor shall be the authorizing agency for travel by department heads. The City Council shall be the authorizing agency for travel by the Mayor or City Council members.

### **F. Incidental Expenses**

Incidental Expenses are fees and tips given to porters, baggage carriers, hotel staff and others for personal services performed. This is not a miscellaneous expense.

### **G. Per Diem Allowances**

Allowances for lodging, meals and incidentals as established by the Office of the General Services Administration (GSA) for the area of travel. The most current per diem rates can be found at the following web address: <http://www.gsa.gov>. Per diem rates include the costs of tax and gratuity.

### **H. Travel Authorization Form**

The official City form used to obtain authorization for travel. See Exhibit 1.

### **I. Travel Expense Voucher**

The official city form used to obtain reimbursement for authorized travel expenses and/or to document expenditure of travel advance funds. See Exhibit 2.

### **III. PROCEDURES**

#### **A. Travel**

##### **1. Advances Will Be No Less Than \$25**

Travel advance requests must be submitted to the Finance Office within normal Accounts Payable deadlines. Travel advances will be no less than \$25. Under no circumstances will the advance exceed estimated travel expenses, excluding prepayments. The authorizing party must approve all advances.

Settlement of travel advances shall be made on or before the 15<sup>th</sup> day following close of travel period by filing the Travel Expense Voucher with the fund custodian.

No advance may be made to any requesting party when he/she is delinquent in accounting for or repaying a prior advance.

##### **2. Reimbursement Requests Must Be Submitted Within 30 Days**

All reimbursement requests shall be approved by the authorizing party and submitted to the Finance Office for payment within 30 days of the travel return date. Under no circumstances will reimbursements be made after the close of the fiscal year. The Finance Director shall reject any reimbursement claims that are not in accordance with current policy or that are submitted more than 30 days after the trip.

##### **3. Credit Card May Be Used For Travel**

City credit cards may be used rather than reimbursement or advance. The credit card, along with receipts of items charged to the credit card, shall be submitted to the Finance Office no later than two working days from the travel return date. Under no circumstances may City credit cards be used for meals while traveling. City credit card use for travel purposes must also comply with the City Credit Card Policy.

##### **4. Companions May Travel At Their Own Expense**

Spouses, family members, or other persons may travel with requesting parties only at their own expense. Under no circumstances shall City funds be used to pay for travel expenses for spouses, family members or other persons. If circumstances prevent requesting parties from isolating travel expenses of spouses, family members or other persons from travel expenses of the requesting party, the requesting party must incur such expense using their own funds, and may request reimbursement for the requesting party's portion of such expense upon return from travel.

5. When travel time is required of employees covered by Fair Labor Standards Act, travel time may be considered as time worked depending on the time and day of travel. Paid time for travel shall be clearly resolved in accordance with FLSA and RCW 49.46 guidelines in advance of authorizing travel. Check with City Clerk/Personnel for more information.

#### **B. Transportation**

##### **1. City Vehicles May Be Used For Travel**

City vehicles may be used for any authorized travel. The appropriate authorizing party must pre-approve all use of city vehicles for travel on a Travel Authorization form. Prior to approving any request to use city vehicles for travel, the authorizing agency must ensure that the requesting party has a valid driver license issued to the requesting party. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. The vehicle will be used in conducting City business only.

No City official or employee shall carry any passenger other than a City official or employee in any City vehicle while on authorized travel, except as authorized for City business by the employee's supervisor. To the extent allowed by law, any liability for injury to any unauthorized passenger in a City vehicle is the responsibility of the employee permitting the unauthorized passenger.

## **2. Personal Vehicle May Be Used For Travel**

A requesting party may use his or her personal vehicle for travel and be reimbursed at the approved mileage rate if a City vehicle is unavailable or use of a City vehicle is not practical. No person shall use any personal vehicle for official travel unless the personal vehicle is insured in compliance with the insurance requirements of all jurisdictions through which the vehicle will travel. When requesting mileage reimbursement for use of a personal vehicle for travel, the requesting party must provide a photocopy of a valid driver license issued to the requesting party and adequate and appropriate insurance coverage in effect for the duration of the travel period.

The reimbursable mileage is the actual mileage measured from the work place to the destination and return. In the event that a requesting party leaves from their place of residence, mileage should be measured based on the starting point that is in closest proximity to the destination.

If two or more requesting parties are traveling to the same location to attend the same event, requesting parties are encouraged to carpool. Unless otherwise deemed unreasonable, in writing, by the authorizing party, requesting parties who choose to use multiple personal vehicles for travel to and from the same location to attend the same event shall only be eligible for mileage reimbursement according to a pro-rated share of the most efficient carpooling circumstance available. For example, if two requesting parties choose to use their personal vehicle in said circumstance, each shall only be eligible for mileage reimbursement at  $\frac{1}{2}$  the standard City of Pacific mileage reimbursement rate; three requesting parties each choosing to use their personal vehicle in said circumstances shall be eligible for mileage reimbursement at  $\frac{1}{3}$  the standard City of Pacific mileage reimbursement rate.

Reimbursable mileage is not to exceed the actual mileage traveled.

## **3. Parking Fees/Tolls Require Receipts**

Receipts are required for reimbursement of parking fees, ferry fares, or tolls.

## **4. Modes of transportation other than City or personal vehicle**

When approved travel requires the use of airfare, rental car, train, taxi or other modes of transportation, the requesting party shall demonstrate prudent and conservative principles. When using such transportation modes, city funds shall only be used to pay for expenses required for basic travel. Expenses required for basic travel do not include upgrades or optional fees or

expenses. Upgrades and optional fees or expenses shall be considered incidental expenses and shall not be paid using City funds. If circumstances prevent the requesting party from isolating basic travel expenses from incidental expenses, the requesting party must incur such expense using their own funds, and may request reimbursement for the basic travel expense portion upon return from travel.

#### **IV. RATES**

##### **A. Meals**

It is the policy of the City of Pacific that meal expenses shall be paid using the advance travel expense account. Meal expenses may be reimbursed for emergencies or extenuating circumstances, as determined by the authorizing party. Meals not approved by the authorizing party shall not be reimbursed.

Meals for which a requesting party is seeking reimbursement shall be listed on the City of Pacific Travel Expense Voucher and accompanied by receipts for each meal. City funds shall not be used for meals already paid by a non-City source or alcoholic beverages, under any circumstances.

Meal expenses shall not be paid by the City when meals are included in the cost of an official event where registration has been paid by the City.

In the context of this section, a full day is defined as travel departure before 6:00 a.m. and travel return after 8:00 p.m. Employees approved for a full day travel expenses shall be receive be eligible for the costs of Breakfast, Lunch and Dinner expenses.

For travel periods of less than a full day, the following “per meal” qualifications shall be used:

<b>Breakfast</b>	<b>Departure prior to 6:30 a.m.</b>
<b>Lunch</b>	<b>Departure prior to 10:00 a.m. and return after 2:00 p.m.</b>
<b>Dinner</b>	<b>Return after 7:30 p.m.</b>

Meals shall be paid for at the allowable City of Pacific per diem rate applicable at the time of the travel.

##### **B. Lodging**

The authorizing party must approve all lodging in advance and the travel destination must be greater than 50 miles one way from the requesting party’s normal work place.

Lodging expenses will be paid by the City at the actual cost of the room, provided the requesting party seeks reasonably priced lodging. Exceptions may be made for designated conference hotels. Specific dates of lodging must be listed on the City of Pacific Travel Form and substantiated by an itemized receipt from a commercial lodging establishment. Room, tax, and parking charges only will be paid by the City. Incidental expenses such as tips for room service, valet parking, other hotel services, and additional personal expenses shall not be paid by the City.

Requesting parties sharing a room with a non-City individual (including family members) are responsible for reporting and requesting reimbursement of lodging expenses at single occupancy rates.

### **C. Telephone Calls**

City funds shall not be used to pay for phone calls of a personal nature. The authorizing party may, on a case-by-case basis, approve the use of City funds to pay for phone calls necessary to city business.

Use of City supplied Mobile Communication Device (MCD) shall be under the guidance of the MCD Policy.

### **D. Mileage Reimbursement**

Mileage shall be reimbursed at the appropriate City of Pacific rate in effect at the time of the travel. The City of Pacific reimburses at the standard rate per mile specified by the IRS for business miles driven.

## **V. REIMBURSEMENT PROCEDURES**

### **A. Submitting City of Pacific Travel Expense Voucher**

1. A requesting party will complete a Travel Expense Voucher form and attach itemized receipts.
2. The authorizing party will determine that the Travel Expense Voucher form has been properly approved, that it is mathematically correct, and that requested reimbursements agree to submitted receipts and are within the limits set by this policy. Advances shall be deducted from reimbursable costs. The department will also determine that an amount sufficient to pay the request is available.
3. After approval by the authorizing party, the Travel Expense Voucher form shall be forwarded to the Finance Office no later than thirty days after the travel return date.

### **B. Falsification of a Reimbursement Form**

A requesting party submitting a falsified Travel Expense Voucher reimbursement form will be subject to disciplinary action up to and including dismissal and/or criminal prosecution. An authorizing party who knowingly approves a falsified Travel Expense Voucher reimbursement form will be subject to disciplinary action up to and including dismissal and/or criminal prosecution.

### **C. Violations of Policy**

Willful violations of the City's Travel Policy by employees may result in discipline up to and including dismissal from employment.



# CITY OF PACIFIC Travel Authorization Form

Name: \_\_\_\_\_ Department: \_\_\_\_\_ Date Requested: \_\_\_\_\_

Course/Conference/Training \_\_\_\_\_ Sponsor \_\_\_\_\_  
(Must Attach Course, Conference/Training Announcement)

Training/Travel Date(s) \_\_\_\_\_ Training Location: \_\_\_\_\_

Scholarship available \_\_\_\_\_ (Amount) \_\_\_\_\_ (Source)

**Describe All Applicable Costs** (estimates acceptable)

Registration Fee \_\_\_\_\_ ( ) Early ( ) Late Number of Meals included in fee \_\_\_\_\_

Lodging Required: ( ) Yes ( ) No Room Rate \_\_\_\_\_

City Vehicle Use: ( ) Yes ( ) No Private Car Mileage \_\_\_\_\_  
(Number of Miles X Current IRS approved rate)

Air Fare \_\_\_\_\_ Ground Transportation/Car Rental \_\_\_\_\_

Parking \_\_\_\_\_ Other \_\_\_\_\_

Number days of Per Diem \_\_\_\_\_ Per Diem Cost \_\_\_\_\_

**TRAVEL ADVANCE REQUESTED** \_\_\_\_\_ **AMOUNT** \_\_\_\_\_

**TOTAL ESTIMATED REGISTRATION AND TRAVEL COSTS** \_\_\_\_\_

Requested by \_\_\_\_\_ (signature) Date Requested \_\_\_\_\_

Department Director: ( ) Approved ( ) Denied Budget line item \_\_\_\_\_  
(BARS line and amount)

Department Director Signature \_\_\_\_\_ Date \_\_\_\_\_

Mayor: ( ) Approved ( ) Denied

Mayor Signature \_\_\_\_\_ Date \_\_\_\_\_ (For  
Department Directors and all out of state travel)

Copy Returned to Department Manager \_\_\_\_\_ (date/initial)  
Original to Finance with attachments



# CITY OF PACIFIC Travel Expense Voucher

(Use this form to request reimbursement for travel related costs ONLY)

Name: \_\_\_\_\_ Date submitted: \_\_\_\_\_

Department: \_\_\_\_\_ Travel Dates: \_\_\_\_\_

REASON FOR EXPENDITURES \_\_\_\_\_  
(Attach copy of Travel Authorization Form)

### **RECEIPTS MUST BE ATTACHED**

MEALS	\$
ROOM	\$
MISCELLANEOUS	\$
MILEAGE = _____ x _____¢ PER MILE	\$
<b>TOTAL REIMBURSEMENT</b>	<b>\$</b>

### **BARS CODE TO CHARGE:** (to be filled in by originating department)

#	\$
#	\$
#	\$
#	\$
#	\$

### **Certification**

*I hereby certify under penalty of perjury that this is a true and correct claim for necessary expenses incurred by me and that no payment has been received by me on account thereof.*

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

Printed Name: \_\_\_\_\_

DEPARTMENT DIRECTOR APPROVAL: \_\_\_\_\_ Date: \_\_\_\_\_

MAYOR'S SIGNATURE REQUIRED \_\_\_\_\_

## FINANCE OFFICE USE ONLY

DATE RECEIVED \_\_\_\_\_ RECEIVED BY \_\_\_\_\_

DATE PAID \_\_\_\_\_ CHECK # \_\_\_\_\_



<b>Administrative Policy and Procedure</b>		
<b>Index:</b> 100-025	<b>Title:</b> Procurement Policy	<b>Effective Date:</b>

**Procurement Policies & Procedures**

See attached policy as established by Resolution No. 1096.

**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 1096**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, ESTABLISHING A  
PROCUREMENT POLICY.**

---

**WHEREAS**, the City Council of the City of Pacific seeks to establish a procurement policy in order to reduce costs, increase efficiencies, ensure compliance with policies, laws and regulations and establish /improve internal controls; and

**WHEREAS**, it is in the interest of the City to adhere to policies and procedures that will ensure public purchase and contracts are open, fair and the best value to the public; and

**WHEREAS**, the City Council wishes to establish a policy that will be of benefit to both the City and the public at large;

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

**Section 1.** The City Council of the City of Pacific, Washington hereby adopts the Procurement Policy described in Attachment A and incorporated herein to provide rules and regulations, in regard to procurement policies and procedures.

**Section 2.** This policy shall replace any purchasing or procurement policy previously adopted by the City Council prior to the effective date of this resolution.

**Section 3.** This policy shall prevail and be the enforcing policy in conflict with any other policy in existence prior to the effective date of this resolution.

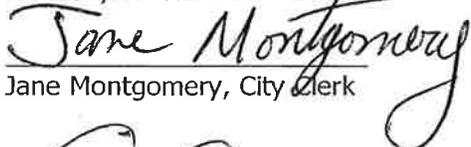
**Section 4.** This resolution shall take effect and be in full force upon passage and signature hereon.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25TH DAY OF JULY, 2011.**

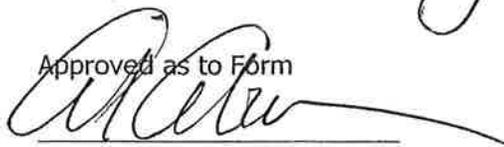
CITY OF PACIFIC

  
Richard Hildreth, Mayor

ATTEST/AUTHENTICATED:

  
Jane Montgomery, City Clerk

Approved as to Form

  
Al Abuan, City Attorney



<b>Administrative Policy and Procedure</b>		
<b>Index:</b> 100-025	<b>Title:</b> Procurement Policy	<b>Effective Date:</b>

**Procurement Policies & Procedures**

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**Policy**

**Purpose:** This policy is established in order to reduce costs, increase efficiencies, ensure compliance with policies, laws and regulations and establish/improve internal controls.

**Scope:** This policy applies to all contracting, purchases and services provided to the City including but not limited to materials, equipment, professional services, maintenance work and public works.

**General Responsibilities:** All employees and officials must follow established policies and procedures for procurement of equipment, materials, and services. Adherence to policies and procedures will ensure that public purchases and contracts are open, fair, and at the best value to the public.

Procedures are divided into four major areas: 1) Procurement of Goods and Services, 2) Bidding Requirements, 3) Reimbursement of Expenses, and 4) Other Issues.

**1.0 Procurement of Goods and Services**

All City purchases above \$100 require either a signed Purchase Order or a Contract to be approved prior to actual purchase. Purchases made without a purchase order or contract may be determined as unauthorized and become the responsibility of the employee initiating the purchase. No purchase order or contract may be awarded if the budget authority is exceeded. For purposes of this policy, budget authority includes the Council adopted budget authority and the Mayor's departmental/activity/line item allotment, or both.

**1.1 Quote and Bid Requirements**

City purchases are subject to authorization & quote/bid requirements as shown on the following chart. Purchases may not be broken into multiple projects or purchases to avoid compliance with state statutes and City policies.

**General Purchases:** General Purchases are all goods, equipment and services not otherwise categorized below

- < \$2,500 No Competitive Bids Required, Department Selection
- \$2,501 - \$15,000 3 Verbal Quotes, Department Selection
- \$15,001 - \$20,000 3 Written Quotes, Mayor Approves
- > \$20,001 - \$40,000 Competitive Bid Required, Mayor Approves
- > \$40,000 Competitive Bid Required, Mayor Approves / Council Awards

**Public Works Projects: (when Small Works Roster is not used) (RCW 35.22.620)**

- < \$5,000 No Competitive Bids Required, Department Selection
- \$5,000 - \$15,000 3 Verbal Quotes, Department Selection, Mayor Approves
- \$15,001 - \$30,000 3 Written Quotes, Mayor Approves/ Council Awards
- One Craft or Trade, or street signaling or street lighting**
  - > \$30,000 Competitive sealed bid; Mayor Approves / Council Awards
- Two or more Crafts or Trades**
  - \$30,001 - \$50,000 3 Written Quotes, Mayor Approves
  - > \$50,000 Competitive Sealed Bid, Mayor Approves / Council Awards

**Professional and Personal Services Contracts:** (All contracts, including renewals/extensions, must be approved by Council)

- < \$5,000 No Competitive Bid Required, Department Selection, City Council Approves
- \$5,001 - \$30,000 No Competitive Bid Required, City Council Approves
- > \$30,000 No Competitive Bid Required, Mayor Approves / Council Awards

**Architectural & Engineering Services: (RCW 39.80) (Contract cannot exceed 3 years without new RFQ)**

- < \$5,000 Advertise, Request For Qualifications Required, Department Selection
- \$5,000 - \$30,000 Advertise, Request For Qualifications Required, Mayor Approves/ Council Approves
- > \$30,000 Advertise, Request For Qualifications Required, Mayor Approves / Council Awards

## **1.2 Public Works Projects and Prevailing Wage Laws**

Public Works (as defined by 39.04 RCW or subsequent legislation) projects are governed by chapter 39.12 RCW (or subsequent legislation) Prevailing Wages and will only be awarded to contractors who document compliance with the Washington State Prevailing Wage Law.

### **1.2.1 Professional and Personal Services**

Professional or personal services are those services involving specialized skill, education, and special knowledge. These services include, but are not limited to, architectural, engineering, design services, accounting, art, bond brokerage, insurance brokerage, legal, real estate appraisal, relocation assistance, title abstracts, surveying, soils analysis, and core testing. Procurement of professional and personal services will be in accordance with RCW 39.80 and RCW 39.29.

A competitive process is not required for professional or personal services, other than professional engineering or architectural services for the design of City improvements.

### **1.2.2 Non-Architectural and Engineering Services**

Professional and technical services include disciplines such as attorneys, computer programmers, financial analysts, bond counsels, artists, planners, and real estate appraisers.

Purchase of professional services requires completion of a City professional services contract that describes services to be performed and negotiated price.

Prior experience with the City, time-frame for completing projects, and the value of a negotiated agreement will be considered when choosing a consultant/firm to perform professional services, as defined in this section.

### **1.2.3 Architectural, Engineering and Design Services**

State statutes require advance notice of the requirement for architectural, engineering and design services, evaluation of firms' qualifications and performance, and negotiation with firms in accordance with adjudged qualifications. Architectural, engineering and design services contracts will be reviewed by the City Attorney to ensure RCW compliance.

## **1.3 Verbal Quotes**

Purchases requiring verbal quotes must be documented by a properly completed verbal quote log. Verbal quote logs are included on the back of the City of Pacific Order Form, which may be obtained from Finance.

## **1.4 Sole Source Purchases**

A "sole source" is characterized as meeting one or more of the following standards:

- (a) the City department has conducted a screening process whereby it can justify purchase of a specific product;
- (b) the City requires legitimate specifications to which only one vendor can successfully respond; (c) the product is available only through one manufacturer (or distributor) and the manufacturer so certifies.

In any such case where the purchase exceeds \$5,000, the vendor shall certify that the City is getting the lowest price it offers anyone. Purchases in excess of \$5,000 from a sole source vendor require prior approval of the Mayor and must be signed by requesting Department Director. Purchases in excess of \$15,000 must be approved by resolution of the City Council.

### **1.5 Conflicts of Interest**

The City will not accept donations of materials or services in return for a commitment, agreement, or implied understanding to in any way influence initiation, continuation, alteration, or cessation of a purchasing agreement. No employees will participate in procurement when they are aware of a conflict of interest, or accept gifts or gratuities from existing or potential vendors in return for a commitment to continue or initiate a purchasing relationship.

## **2.0 Bid Procedures**

### **2.1 Standard Process**

#### **2.1.1 Authorization Request**

Request from Mayor for authorization to call for bids. In special circumstances, the Mayor may waive portions of the bid procedures. The “special circumstances” are limited to items where publication of bids may impinge on the safety of staff or City assets.

#### **2.1.2 Publication of Notice**

After authorization, the requesting department director (or designee) will publish the Call for Bids in the official newspaper or a newspaper of general circulation most likely to bring responsive bids and ensure notice is posted on the City web page, at least 13 days prior to bid submittal deadline.

#### **2.1.3 Notice Contents**

Notice (or advertisement) for bids should contain definite specifications and procedures for bidders to use to estimate their bids. At a minimum, a bid notice for public works must include:

- Project title;
- Nature and scope of work;
- Where contract documents (plans and specifications) can be reviewed or obtained;
- Cost to obtain a set of contract documents;
- Place, date, and time that bids are due;
- Statement that a bid bond must accompany the bid,;
- Statement that the City retains the right to reject any and all bids and to waive minor irregularities in the bidding process;

- Statement that the contract involves “public work,” and that workers shall receive the prevailing rate of wage pursuant to the Prevailing Wages on Public Works Act (Chapter 39.12 RCW);
- List of the applicable prevailing wage rates; and
- Statement that the City is an equal opportunity employer and invites responsive bids from all qualified responsible bidders.

In addition, provide evaluation criteria; minimum qualifications; date, time, and location of pre-bid conference (if applicable); name, address, and telephone number of the project contact; and number of required copies will help bidders prepare responsive submittals.

#### **2.1.4 Bid Opening**

Bids are submitted to the City Clerk, where they are time and date stamped and processed. Bid opening will be announced to Mayor by department head or designee responsible for the project.

#### **2.1.5 Report on Bids**

The responsible department head or designee will prepare a report and recommendation on all bids received.

#### **2.1.6 Bid Award**

The City may select the qualified vendor whose proposal is most advantageous to the City, with price and other factors considered.

#### **2.1.7 Rejection of Bids**

The City reserves the right to reject any bid not in substantial compliance with the bid documents, or all prescribed public bidding procedures and requirements and may reject for good cause any or all bids upon a finding of the City that it is in the public interest to do so.

#### **2.1.8 Criteria to apply to bid solicitations:**

Selection of a winning offer is based primarily on lowest responsive bid. Quality and expertise, however, must also be a consideration.

To ensure consistency and fair process, the City will use standard forms, documents, contracts, and terms and conditions, when practical. The City Clerk will maintain templates for bid-related documents for use by departments. The City will use an evaluation selection committee to promote an open, proper selection. The requesting department director will appoint committee members to act in an advisory capacity.

#### **2.1.9 Minimum qualifications**

Minimum qualifications are stated to ensure respondents are reasonably qualified and cannot be used to eliminate qualified vendors. Minimum qualifications should be tested against the marketplace to ensure they aren't overly restrictive.

#### **2.1.10 Pre-bid Conference**

When practical, the City will conduct a pre-bid conference to allow a thorough discussion of the City's intent, scope, specifications, and terms and shall encouraged potential vendors to attend.

## **2.2 Exemptions to competitive bidding requirements**

Section 39.04.280 RCW provides uniform exemptions to competitive bidding requirements utilized by municipalities when awarding contracts for public works and contracts for purchases. Competitive bidding requirements may be waived for:

### **2.2.1 Sole Source Vendor**

Purchases that are clearly and legitimately limited to a single source of supply. If, after conducting a good faith review of available resources, the requesting department director determines that there is only one source of the required materials, supplies, or equipment, a purchase contract may be awarded without complying with established bid requirements. The requesting department director will submit a written request for sole source procurement for approval, and conduct price, terms, and delivery negotiations, as appropriate. The vendor must certify in writing that the City is getting the lowest offered price.

### **2.2.2 Purchases involving special facilities or market conditions:**

The Mayor may waive established bidding requirements if an opportunity arises to purchase favorably-priced equipment at an auction, or supplies or used goods that will be sold before the City can conduct the bid process.

### **2.2.3 Surplus Property:**

The City may acquire surplus property from another government without the use of bids (RCW 39.33.010).

### **2.2.4 Purchases in the event of an emergency:**

"Emergency" is defined as "...unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken." If an emergency situation has been declared, the Mayor may waive competitive bidding requirements and the City may award all necessary contracts to purchase goods, materials, or services to address the emergency situation. Purchase order(s) must be properly documented as pertaining to an emergency as soon as possible following the event. If a contract is awarded without competitive bidding due to a declared emergency, the City Council must adopt a resolution certifying the emergency situation existed no later than two weeks following the award of the contract.

### **2.2.5 Interlocal Agreements**

The City of Pacific may use shared purchasing agreements. All such shared purchasing agreements shall have prior approval of the City Council.

When practical, the City should include language in its solicitations that allows other public agencies to purchase from the City of Pacific's bids or quotations,

provided that the other agencies allow similar rights and reciprocal privileges to the City of Pacific.

#### **2.2.5.1 Interlocal Cooperative Purchasing Agreements**

Pursuant to RCW 39.34, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through other local governments which have complied with state bidding requirements. The other government's bid process must have been conducted within the previous 12 month period to be valid for use by the City of Pacific. In addition, the City of Pacific must conduct a screening process whereby it can justify the purchase through an Interlocal Agreement. The screening process and results must be clearly documented in writing. All other procurement approval requirements must be met.

#### **2.2.5.2 Joint Purchases**

In addition, the City may make a bid call with another government entity as a joint purchase complying with the bid requirements of the participating jurisdictions. Purchases made pursuant to any such agreement shall be separately invoiced to the respective purchasers in accordance with the purchases made by each; and each such purchaser shall be responsible for payment for its own purchases only. Purchases made for the City under a purchasing contract executed by a state, or agency or subdivision thereof, or by another governmental unit or public benefit nonprofit corporation shall be exempt from competitive bidding and related requirements.

#### **2.2.5.3 Purchasing Cooperatives That Meet Washington State Revised Code of Washington and City Bidding Requirements**

Pursuant to chapter 39.34 RCW, bidding is not required when purchases of materials, supplies, or equipment are made under State standard contracts or similar contracts executed by and through purchasing cooperatives which have complied with state bidding requirements. The purchasing cooperative's bid process must have been conducted within the previous 12 month period to be valid for use by the City of Pacific. In addition, the City of Pacific must conduct a screening process whereby it can justify the purchase through a purchasing cooperative. The screening process and results must be clearly documented in writing. All other procurement approval requirements must be met.

### **2.3 Competitive Negotiations Telecommunication Systems/Services**

Competitive negotiation can be used as an alternative to the competitive bidding procedures for the acquisition of electronic data processing and telecommunications systems; energy saving or energy related equipment or services; or when it is determined in writing that the use of competitive bidding is neither practical nor advantageous to the City.

"Electronic data processing" includes, but is not limited to, systems that comprise a combination of equipment or units to provide input of source data, and storage and

processing of data and output in predetermined form, including a central processing unit (CPU) or main frame (RCW 36.92.020). In other words, hardware, software, firmware, "smart cards" or any combination thereof.

Eligible purchases (RCW 39.35A.030) are those for "equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including but not limited to design, engineering, financing, installation, project management, guarantees, operations, and maintenance." (RCW 39.35A.020(1)) The procurement may be structured on a performance basis, rather than a design specification, so that the City may specify a result, rather than the type or model of equipment. (RCW 39.35A.020(3))

The approval requirements found in Authorization & Quote/bid requirements as listed on page 1 also apply to procurement by competitive negotiation. The approving officer shall determine in writing that competitive bidding is either not practical or not advantageous to the City.

Requisitions for electronic data processing systems shall be routed through and approved by the Finance Director or designee for compatibility certification prior to purchase. This will allow for the appraisal of the present supply of devices, and the possible elimination of an unnecessary expenditure of City funds.

A request for proposals should be prepared and submitted to enough qualified sources, to permit reasonable competition consistent with the requirements of the purchase. The request for proposal should identify significant evaluation factors, including price, and their relative importance. The City reserves the right to determine the number of sources considered to be adequate.

The City will provide procedures for technical evaluation of the proposals received, identification of qualified sources, and selection criteria for awarding the contract.

The City may select the qualified vendor whose proposal is most advantageous to the City, with price and other factors considered. If the City is unable to negotiate a contract successfully, the City may terminate negotiations and proceed to negotiate with the second most advantageous proposal, and so on.

#### **2.4 Small Works Roster**

RCW 39.04 provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property. The Small Works Roster may be used for public works projects where the estimated cost does not exceed \$300,000 including the costs of labor, material, equipment and sales or uses taxes. Vendors/contractors selected from the Small Works Roster are not relieved from observing applicable legal requirements such as Performance Bond, Prevailing Wage, Labor and Material Bonding.

For each project, the City shall obtain telephone, written or electronic quotations for public works contracts from at least three appropriate contractors on the

appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility in RCW 39.04.350 (1) and may establish supplementary bidder criteria under RCW 39.04.350 (2). Whenever possible, at least one of the contractors invited to submit a proposal will be a minority- or woman-owned firm. The City may invite proposals from more than three or all appropriate contractors on the Roster.

The contract must be awarded to the contractor submitting the lowest responsible quote.

Once a contractor has been invited to submit a proposal, that contractor will not be offered another opportunity until all other appropriate contractors on the Roster have been given the opportunity to submit a proposal on a project.

### **3.0 Change Orders**

City of Pacific establishes the Change Order Authorization Policy as follows”

#### **3.1. For Change Orders Within City Council Authorized Budget Appropriations**

Upon recommendation of the project/contract manager, and demonstration that a Change Order is necessary and reasonable, the Mayor is authorized to approve any and all Change Orders that do not exceed the legally authorized budget limit established by the City Council for the applicable project or contract.

#### **3.2 For Change Orders in Excess of City Council Authorized Budget Appropriations**

Upon recommendation of the project/contract manager, and demonstration that a Change Order is necessary the Mayor shall submit to the City Council, a Change Order Request to include the amount of requested funds and a written justification describing why the additional funds are necessary and the benefits to be derived.

**3.3 If the City Council approves the Change Order Request, the Mayor shall take the necessary actions to enact the Change Order and complete the work in an expeditious manner in accordance with the City Council’s direction.**

**3.4 If the City Council denies the Change Order Request, the project/contract manager shall report back to the Mayor and City Council with options as to how to accomplish the project/contract within the funds allocated.**

#### **3.5 For Change Orders in the event of an emergency**

Upon the need to take immediate or expeditious action necessary to protect or maintain the public health, safety, or welfare; or to prevent damage to public or private property, and with approval of the Mayor, project/contract manager is authorized to enact Change Orders in excess of the legally authorized expenditure level. The Mayor shall timely report such actions to the City Council.

#### 4.0 Travel Expenses

All expense payments or reimbursements for travel and/or subsistence expenses must meet the requirements set forth in the City of Pacific Travel Policy, which establishes policy and procedure related to obtaining travel authorization, advance travel funds, and expenditure or reimbursement for travel and subsistence expenses incurred in conduct of business of the City. Refer to the City of Pacific Travel Policy and Procedures for details.

#### 5.0 Payment Processing

There are two accounts payable check cycles scheduled each month, generally on the second and fourth Monday's of each month, unless the date falls on a weekend or holiday.

##### 5.1 Approvals

All invoices shall be receipted and date stamped when received by the City. All invoices shall be signed for approval by the department head. Reimbursements payable to City employees shall be signed for approval as follows:

- Council – approved by the Mayor, or designee.
- Mayor – approved by the Council President or Mayor Pro Tem.
- Department Director – approved by the Mayor.
- Other employees – approved by the Department Director.

Employees may not approve their own reimbursement.

##### 5.2 Accounts Payable

Invoices that are received by accounts payable via the US Postal Service will be date-stamped and routed to department heads the day that they are received. Other invoices may be received directly by the department head or other staff, such as when items are picked up at will-call or services are performed on-site. For all invoices, department heads or designees will verify that the invoiced items have been received and that the invoiced amount is correct. The accounts payable coding stamp will be stamped on the invoice in a conspicuous place, the account coding and approval signature entered, and the approved invoice will be routed to accounts payable for payment.

##### 5.3 Hand-Issued Checks

The City of Pacific does not generally prepare hand-issued checks. If exceptional and extenuating circumstances exist, a check may be hand-issued with Mayor approval. Hand-issued checks requested by the Mayor shall be pre-approved by the City Council President or the Mayor Pro-Tempore.

##### 5.4 Store-Issued Charge Cards

Store-issued charge cards may only be issued with the specific pre-approval of the City Council. They are to be used solely for City-authorized business purposes. Please see Credit Card Policy for additional details.

##### 5.5 Credit Cards

**Credit cards may be issued with the specific pre-approval of the City Council. They are to be used solely for City-authorized business purposes. Please see Credit Card Policy for additional details.**

#### **5.6 Petty Cash**

**Petty cash funds cover minor disbursements. Employees may be reimbursed from petty cash funds for authorized purchases that do not exceed the established petty-cash limit. The Finance Director shall maintain petty cash procedures in compliance with all applicable state law and generally accepted accounting procedures.**

#### **6.0 Budget Adjustments**

**Each department's authorizing staff must ensure that purchases are initiated only when departmental appropriations are sufficient to cover the anticipated cost. Expenditures that exceed departmental appropriations require the Mayor's approval via the Budget Adjustment Request Form.**



<b>Conduct Policy and Procedure</b>		
<b>Index:</b> 500-011	<b>Title:</b> Use of Computers Internet Access Internet Browsing	<b>Effective Date:</b>

**USE OF COMPUTERS, INTERNET ACCESS AND BROWSING**

See attached Policy on Computer Use and Internet Policy.



## Computer Use and Internet Policy

### **USE OF CITY OF PACIFIC COMPUTERS AND INTERNET ACCESS**

The use of the City automation systems, including computers, fax machines and all forms of Internet/Intranet access, is for City business and is to be used for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense to the City.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. City automation systems are City resources and are provided as business communications tools. Electronic communication "should not be used to solicit or sell products, distract coworkers, or disrupt the workplace."

Use of City computers, networks, and Internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct including, but not limited to:

- Sending chain letters;
- Engaging in private or personal business activities;
- Misrepresenting oneself or the City;
- Engaging in unlawful or malicious activities;
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
- Sending, receiving, or accessing pornographic materials;
- Becoming involved in partisan politics;
- Causing congestion, disruption, disablement, alteration, or impairment of City networks or systems;
- Infringing in any way on the copyrights or trademark rights of others;
- Using recreational games; and/or
- Defeating or attempting to defeat security restrictions on City systems and applications.

Using City automation systems to create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory entity. Such material violates the City anti-harassment policies and is subject to disciplinary action. The City's electronic mail

system must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of City resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution.

Unless specifically granted in this policy, any non-business use of the City's automation systems is expressly forbidden.

If you violate these policies, you could be subject to disciplinary action up to and including dismissal.

### **Ownership and Access of Electronic Mail and Computer Files**

The City owns the rights to all data and files in any computer, network, or other information system used in the City. The City reserves the right to monitor computer and e-mail usage, both as it occurs and in the form of account histories and their content. The City has the right to inspect any and all files stored in any areas of the network or on any types of computer storage media in order to assure compliance with this policy and state and federal laws. The City will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual computer and e-mail activities.

The City also reserves the right to monitor electronic mail messages and their content. Employees must be aware that the electronic mail messages sent and received using City equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by City officials at all times. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate City official.

The City has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to and including dismissal.

### **Confidentiality of Electronic Mail**

As noted above, electronic mail is subject at all times to monitoring, and the release of specific information is subject to applicable state and federal laws and City rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work-related information is to decide if you would post the information on the office bulletin board with your signature.

It is a violation of City policy for any employee, including system administrators and supervisors, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

### **Message Tone for Electronic Mail**

Users are expected to communicate with courtesy and restraint with both internal and external recipients. Electronic mail should reflect the professionalism of the City and should not include language that could be construed as profane, discriminatory, obscene, sexually harassing, threatening, or retaliatory.

It is recommended that using all capital letters, shorthand, idioms, unfamiliar acronyms, and slang be avoided when using electronic mail. These types of messages are difficult to read.

### **Electronic Mail Tampering**

Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

### **Policy Statement for Internet/Intranet Browser(s)**

This policy applies to all uses of the Internet, but does not supersede any state or federal laws or City policies regarding confidentiality, information dissemination, or standards of conduct. The use of City automation systems is for business purposes only. Brief and occasional personal use is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense to the City. Where there are shared use computers, employees shall limit their time (for "personal use") to no more than 5 minutes per event per day.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Examples of inappropriate use are defined in "Inappropriate Use of the Internet/Intranet". Managers determine the appropriateness of the use and whether such use is excessive.

The Internet is to be used to further the City's mission, to provide effective service of the highest quality to the City's customers and staff, and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet/Intranet access are City resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications. Limited personal use of Internet resources is a special exception to the general prohibition against the personal use of computer equipment and software. Employees are individually liable for any and all damages incurred as a result of violating City security policy, copyright, and licensing agreements.

All City policies and procedures apply to employees' conduct on the Internet, especially, but not exclusively, relating to: intellectual property, confidentiality, City information dissemination, standards of conduct, misuse of City resources, anti-harassment, and information and data security.

Violation of these policies and/or state and federal laws can lead to disciplinary action, up to and including dismissal and possible criminal prosecution.

### **Inappropriate Use of the Internet/Intranet**

Use of City computer, network, or Internet resources to access, view, transmit, archive, or distribute racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory item, file, page, graphic, or other entity. Such material violates the City's anti-harassment policies and is subject to City disciplinary action.

No employee may use the City's Internet/Intranet facilities to deliberately propagate any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's networks or systems or those of any other individual or entity.

The City's Internet/Intranet facilities and computing resources must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of City resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution.

### **Personal Software/Hardware**

Employees are prohibited from installing personally purchased hardware or software on the City's computer network. Employees are prohibited from copying City owned software for either business or personal use onto their personal computer equipment or equipment used by others.

### **Internet/Intranet Security**

The City owns the rights to all data and files in any information system used in the City. Internet use is not confidential and no rights to privacy exist. The City reserves the right to monitor Internet/Intranet usage, both as it occurs and in the form of account histories and their content. The City has the right to inspect any and all files stored in private areas of the network or on any types of computer storage media in order to assure compliance with this policy and state and federal laws. The City will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities.

Existing rules, policies, and procedures governing the sharing of work-related or other confidential information also apply to the sharing of information via the Internet/Intranet. The City has taken the necessary actions to assure the safety and security of our network. Any employee who attempts to disable, defeat, or circumvent City security measures is subject to disciplinary action, up to and including dismissal.

My signature below affirms that I have read and understand this policy.

\_\_\_\_\_  
Staff Member's Signature

\_\_\_\_\_  
Date

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8L</u>	Meeting Date:	<u>February 11, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-18,</u>	Prepared by:	<u>Patti Kirkpatrick, MMC</u>
	<u>Authorizing the Mayor to Execute a</u>		<u>City Clerk</u>
	<u>Letter to CIAW Regarding Extended</u>		
	<u>Reporting Endorsement for Wrongful</u>		
	<u>Acts Liability</u>		

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**Summary:** On January 1, 2013, the City's insurance coverage through CIAW expired. As part of that expiring policy, CIAW had to offer Extended Reporting Period insurance coverage for wrongful act claims.

On December 18, 2012, the City Clerk received a letter from CIAW outlining the terms of the Extended Reporting Period Coverage. This went before Finance Committee and Workshop, with direction for Staff to inquire about splitting the endorsement premium over two years if the Council decides to do the 24 month policy. Staff spoke with Ms. Eloff, Underwriter at CIAW, who advised that the full premium is due upon binding coverage and they would not consider splitting the endorsement premium over two years.

**Recommendation:** Adopt the Resolution for a one-year extended reporting period endorsement for an annual premium amount of \$40,911.

**Motion for consideration:** I move to adopt Resolution No. 2013-018, authorizing the Mayor to execute letter to CIAW binding coverage for one-year extended reporting period endorsement for wrongful acts liability coverage for the premium amount of \$40,911.

**Budget:** May require a budget amendment.

**Attachments:** Resolution No. 2013-18  
Draft Letter to CIAW  
CIAW – December 18, 2012, letter

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**CITY OF PACIFIC  
Office of Mayor**

100 3<sup>rd</sup> Avenue SE, Pacific, WA 98047  
(253) 929-1108  
(253) 939-6026 Fax

February 12, 2013

Ms. Angela Eloff  
Underwriter – CIAW & NPIP  
Cities Insurance Association of Washington  
451 Diamond Drive  
Ephrata, WA 98823

RE: City of Pacific – Wrongful Acts Liability ERP Endorsement

Dear Angela,

Thank you for your letter of December 18, 2012, outlining the City of Pacific's option regarding Extended Reporting Period endorsement for Wrongful Acts Coverage.

At its regular meeting on February 11, 2013, the City Council approved purchasing the Extended Reporting Period endorsement for an additional twelve (12) months for an additional cost of \$40,911. It is our understanding that the premium is due in full upon binding.

Please consider this letter our intent to bind Extended Reporting Period endorsement coverage. It would be appreciated if you would provide an invoice and the endorsement policy at your earliest convenience.

Should you have any questions or require additional information, please contact Patti Kirkpatrick, City Clerk/Personnel Manager.

Sincerely,

Cy Sun  
Mayor

c: Council  
City Finance Director



December 18, 2012

Patti Kirkpatrick  
City of Pacific  
100 Third Ave. SE  
Pacific, WA 98047

Re: Cities Insurance Association of Washington (CIAW)  
Wrongful Acts Liability

Dear Patti:

The CIAW Memorandum of Coverage includes Wrongful Acts Liability coverage written on a claims-made form. To be covered, the wrongful act claim must have been made or brought, during the coverage period. The wrongful act must also not have occurred prior to the insured's retro date. A new provider may offer prior acts coverage that addresses a possible gap in insurance as you switch from one carrier to another. CIAW offers Extended Reporting Period (ERP) coverage for this member exiting the program as of 1-1-2013.

The ERP is described more completely in the Wrongful Acts section of the Memorandum of Coverage. The Memorandum of Coverage provides a basic Extended Reporting Period of 60 days at no additional premium. This period starts at the end of the coverage period and expires at the end of 60 days. A Supplemental ERP endorsement is available for an additional premium. Under the Memorandum of Coverage, the Supplemental ERP for Wrongful Acts is either for a 12-month or 24-month time period, beginning when the basic (60 days) Extended Reporting Period ends.

The additional premiums for the Extended Reporting Period endorsement will not exceed 200% of the annual premium for Wrongful Acts Coverage.

The additional premium for the City of Pacific for Extended Reporting Period coverage is as follows:

- 60 Days - No additional premium
- 12 Months - \$40,911
- 24 Months - \$81,823

We must receive a written request for the Supplemental ERP endorsement by March 1, 2013. Under the coverage terms, the Supplemental ERP endorsement will not take effect unless the additional premium is paid when due.

Please do not hesitate to contact our office if you have questions regarding the Extended Reporting Period coverage offered through CIAW.

Sincerely,



Angela Eloff  
Underwriter - CIAW & NPIP

cc: Sue Bloomer  
American Heritage Corporation

F. EXTENDED REPORTING PERIODS

1. We will provide one or more Extended Reporting Periods as described below, if:
  - a. This Coverage Part is canceled or not renewed; or
  - b. We renew or replace this Coverage Part with insurance that:
    - (1) Does not apply to **Wrongful Acts** on a claims made basis; or
    - (2) Has a Retroactive Date later than the date shown in the Declarations for this Coverage Part.
2. Extended Reporting Periods do NOT extend the **Coverage Period** or change the scope of coverage provided. They apply only to **Claims** arising out of **Wrongful Acts** that take place before the end of the **Coverage Period**, but not before the Retroactive Date shown in the Declarations.
3. A Basic Extended Reporting Period is automatically provided without additional premium. It does NOT apply to **Claims** that are covered under any subsequent insurance you purchase, or that would be covered, but for exhaustion of the amount of insurance applicable to such **Claims**. This period starts with the end of the **Coverage Period** and lasts for sixty (60) days.
4. A Supplemental Extended Reporting Period is available by endorsement for an extra premium. This Supplemental Extended Reporting Period starts when the Basic Extended Reporting Period ends.

You must give us a written request for the Supplemental Extended Reporting Period endorsement within 60 days after the end of the Coverage Part. The Supplemental Extended Reporting Period will not go into effect unless you pay the additional premium promptly when due.

The additional annual premium for the Extended Reporting Period will NOT exceed 200% of the annual premium for this endorsement.

5. All Extended Reporting Periods do NOT reinstate or increase the **Limit of Insurance**.
6. Extended Reporting Period will not be provided if cancellation or non renewal of the MOC is due to non-payment of premium, material misrepresentation or the Insured's failure to cooperate.

**CITY OF PACIFIC  
CITY COUNCIL MEETING  
January 28, 2013  
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.

**2. ROLL CALL OF COUNCIL MEMBERS**

Leanne Guier  
Gary Hulsey  
John Jones, excused  
James McMahan, arrived at 6:33 p.m.  
Josh Putnam  
Clint Steiger, excused  
Tren Walker

Staff present: City Clerk Patti Kirkpatrick; Finance Director Betty Garrison; Acting Public Works/Community Development Director Ken Barnett; Angelica Solvang; and City Attorney Ken Luce.

**Councilmember Hulsey Moved and Councilmember Putnam seconded the motion to excuse Councilmembers Jones, McMahan, and Steiger. Upon voice vote, the motion passed by unanimous voice vote.**

**3. APPROVAL OF AGENDA**

Councilmembers added the following item:

1. Executive Session regarding the Stewart Road Project and potential litigation regarding the Civil Service matter to be held following audience comments.

Councilmembers moved the following item to the February 11, 2013 meeting:

1. Certificate of Appreciation.

**Councilmember Putnam Moved and Councilmember Walker seconded the motion to approve the agenda as amended. Upon voice vote, the motion passed unanimously.**

**4. AUDIENCE COMMENT**

**Mr. Stacey Jackson** encouraged the City to be consistent in regards to issuing parking tickets and where residents on his street can legally park, and invited the Council and staff to come down his street to see the issue first hand.

**Dr. Jim Brass**, Scout Master for Pacific Troup 835, voiced concern that his youth group will now be charged to use the gymnasium and/or senior center when before it was at no cost. Councilmember Walker asked that this item be remanded to the Human Services Committee for further discussion and review.

At 6:38 p.m. Mayor Sun adjourned the Council meeting into Executive Session regarding potential litigation for one hour, in accordance with RCW 42.30.110(i), noting no action will be taken and invited Mr. Gary Richardson, the Acting Public Works/Community Development Director, and the City Clerk to attend. Mayor Sun noted a conflict of interest in regards to the Civil Service Litigation and recused himself from that portion of the executive session. At 7:38 pm. Mayor Sun reconvened the Council meeting.

## 5. REPORTS

**Mayor** – Mayor Sun reported on recent activity of the Valley Regional Fire Authority in Pacific, noting they are doing a good job. He had asked the Public Safety Director to provide statistics on drug arrests from 2006 forward and Lt. Massey explained the statistics as follows:

- 2006
  - The Police Department had 11 commissioned officers
  - 40 drug related incidents/arrests
- 2007
  - The Police Department had 11 commissioned officers
  - 45 drug related incidents/arrests
- 2008
  - The Police Department had 11 commissioned officers
  - 100 drug related incidents/arrests
- 2009
  - The Police Department had 11 commissioned officers
  - 67 drug related incidents/arrests
- 2010
  - The Police Department had 10 commissioned officers
  - 44 drug related incidents/arrests
- 2011
  - The Police Department had 10 commissioned officers
  - 41 drug related incidents/arrests
- 2012
  - The Police Department had 7 commissioned officers
  - 20 drug related incidents/arrests

In response to Councilmembers, Lt. Massey explained that the numbers are dropping due to the reduction in force.

**Finance** – Ms. Garrison reported that staff is still adjusting to the Springbrook software, which there were still some programming issues they are working through to make it fully functional; was working to get the Financial Statements brought current by the end of February; and she would follow up with the State Auditor regarding the final 2011 audit exit exam.

**Court Statistics** – No report given.

**Public Safety Department** – Lt. Massey voiced his concern that the hiring freeze on the police department was still in effect, noting they were functioning with seven (7) commissioned officers who were working long hours with very little relief, and there was a good possibility that one of the officers will be offered a job with the City of Kent, which will bring the department numbers down to six (6) commissioned officers.

In response to Councilmembers, Lt. Massey went over the following:

- With Director Calkins out on medical leave, he will be in the office handling paper work, continue to work on weekends to help provide some relief to the officers.
- Concerned that this is a drain on the officer's mental capacity to make sound judgment decisions when out on a call and the long shifts are putting the officer's safety and the City at a greater liability risk.
- If the department loses the one officer to Kent, they will still provide shifts, but have increased their risk factor.
- He explained the lengthy process to hire a new police officer, noting this was the only department with a hiring freeze in place.

In response to Councilmembers, Finance Director Garrison explained since the December 16, 2012 payroll period, the Police Department officers have been paid overtime wages, including some premium wages due to holidays, for 173.33 hours total over two payroll periods. Council directed the Finance Director to provide the Finance Committee with a memo on the current overtime costs for the police officers.

In response to Councilmember Walker, the Mayor stated he wanted to think some more about the hiring freeze.

**Ms. Katy Garbindiger** sought clarification from the Mayor on what he hoped to gain by not hiring additional police officers when that is what the public wants; voiced her concerns with being safe in the community; and urged him to hire the officers that were budgeted for in 2013. She wanted to know if Mayor Sun could live with himself if there was an unnecessary death that could have been avoided if he had just allowed the officers to be hired; and Mayor Sun replied that he would take her comments under consideration.

**Mr. Stacey Jackson** inquired if the crime rate goes up during the summer months and encouraged the Mayor to fill the vacant police officer positions. Lt. Massey stated he did not have those figures, but explained that the department was running out of time to get new officers hired and trained.

**Councilmember Walker Moved and Councilmember Guier seconded the motion urging the Mayor to lift the hiring freeze for the Police Department. Councilmembers McMahan, Putnam, Walker, Guier, and Hulsey voted in favor. The motion passed.**

**Public Works/Community Development** – Acting Public Works/Community Development Director Barnett reported the grading on 51st Street would begin the next day to smooth out the pot holes, and this treatment should last three to four years.

**Community/Senior/Youth Services** – No report given.

**City Council** – Councilmember – removed that item to the February 11<sup>th</sup> meeting it was part of the amendment of the agenda.

**Personnel** – City Clerk/Personnel Manager Kirkpatrick provided a brief report on the need to adopt Personnel Policy and Procedures and to begin holding Employee Trainings, which would be brought up at the next Finance Committee meeting.

**Committee Boards** – No report provided.

**Park Board** – No report provided.

**Public Works** – No report provided.

**Civil Service** – No report provided.

**Planning Commission** – No report provided.

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

**Pierce County Regional Council (PRCR)** – No report provided.

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

**Valley Regional Fire Authority (VRFA)** – No report provided.

**6. PUBLIC HEARING –NONE**

**7. OLD BUSINESS**

**A. Second Reading and Adoption of Resolution No. 2013-001, Amending City Council Rules and Procedures**

Councilmember Putnam clarified that the old insurance carrier (CIAW) had a variety of risk management/claim services that the new carrier does not include in the costs, which means the City will need to manage internally. The new claims committee will review any claims against the city and how to move forward with them. It will be composed of staff, Councilmembers, and city attorney.

**Councilmember Putnam Moved and Councilmember Walker seconded the motion to adopt Resolution No. 2013-001, Amending City Council Rules and Procedures. Councilmembers Putnam, Walker, Guier, Hulse, and McMahan voted in favor. The motion passed.**

**8. NEW BUSINESS**

**A. Adoption of Resolution No. 2013-004, Setting a Public Hearing to Consider a Proposed Ordinance Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific**

Acting Public Works/Community Development Director Barnett provided the staff report, noting the moratorium is appropriate until the state creates new laws and the feds have weighed in.

**Councilmember Hulsey Moved and Councilmember Putnam seconded the motion to Adopt Resolution No. 2013-004, Setting a Public Hearing Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Producing, Processing, and Retailing of Marijuana in the City of Pacific. Councilmembers Walker, Guier, Hulsey, McMahan, and Putnam voted in favor. The motion passed.**

**B. Adoption of Resolution No. 2013-005, Authorizing the Acting Public Works Director to Execute an Agreement with Olympic Environmental Resources for 2013 Recycling Collection Events**

Acting Public Works Director Barnett provided the staff report, noting that the City has applied for and receive grants to host 2013 recycling collection events. In the past the City has contracted with Olympic Environmental Resources to act as the City's contractual agent for these events.

**Councilmember Putnam Moved and Councilmember Guier seconded the motion to adopt Resolution No. 2013-005, authorizing the Acting Public Works Director to execute Contract No. 13-001, Memorandum of Understanding, with Olympic Environmental Resources for 2013 Recycling Collection Events. Councilmembers Walker, Guier, Hulsey, McMahan, and Putnam voted in favor. The motion passed.**

**C. Adoption of Resolution No. 2013-006, Acknowledging the Rate Increase from Waste Management for Solid Waste**

Finance Director Garrison provided the staff report, noting that the City is in receipt of a notification letter advising that King County has increased the rates for solid waste disposal. This resolution formally acknowledges the new rates.

**Councilmember Putnam Moved and Councilmember Walker seconded the motion to adopt Resolution No. 2013-006, acknowledging the new rate schedule from Waste Management for the collection and disposal services of solid waste for the King County portion of the City of Pacific. Councilmembers Guier, Hulsey, McMahan, Putnam, and Walker voted in favor. The motion passed.**

**D. Adoption of Resolution No. 2013-007, Authorizing the Mayor to Execute a Pre-Construction Loan Agreement with Washington State Public Works Board for the Stewart Rd/Thornton Avenue Improvement Project**

Finance Director Garrison provided the staff report, noting the City was awarded a pre-construction loan from the Public Works Board for Stewart Rd/Thornton Avenue Improvement Project in the amount of \$300,000, with 1% interest over a five-year

period; payments to begin on June 1st; and the loan will reimburse eligible expenses starting April 23, 2013.

**Councilmember Putnam Moved and Councilmember Hulsey seconded the motion to adopt Resolution No. 2013-007, authorizing the Mayor to execute a Pre-Construction Loan Agreement No. 13-002, with Washington State Public Works Board for the Stewart Rd/Thornton Avenue Improvement Project, attached and incorporated herein as Exhibit A. Councilmembers Hulsey, McMahan, Putnam, Walker, and Guier voted in favor. The motion passed.**

**E. Adoption of Resolution No. 2013-008, Amending the Master Fee Schedule and Repealing Resolution Nos. 942, 974, 989, 1001, and 1097**

Finance Director Garrison provided a staff report, noting there was a request to add two new fees to the City's master fee schedule: 1) Notary Fee in the amount of \$10; and 2) Lien Fees in the amount of \$173.

**Councilmember Guier Moved and Councilmember Putnam seconded the motion to adopt Resolution No. 2013-008, amending the Master Fee Schedule and Repealing Resolution Nos. 942, 974, 989, 1001, and 1097. Councilmembers McMahan, Putnam, Walker, Guier, and Hulsey voted in favor. The motion as amended passed.**

Councilmembers noted that the Resolution appeared to allow Municipal Court to only recoup the costs of notary services and discussed changing that wording to the City of Pacific instead.

**Councilmember McMahan Moved and Councilmember Putnam seconded the motion to amend Resolution No. 2013-008, by striking the words "Municipal Court" and inserting the words "City of Pacific." Councilmembers McMahan, Putnam, Walker, Guier, and Hulsey voted in favor. The motion to amend passed.**

**F. Adoption of Resolution No. 2013-009, Authorizing the Purchase of Email Archival Software**

Councilmember Putnam noted this software will allow the City Clerk's office to efficiently search and retrieve City emails in response to public record requests. The software is a system used by the City of Auburn's Legal, Police, and City Clerk's offices and they have found it to be a useful tool in responding to record requests.

**Councilmember Putnam Moved and Councilmember Hulsey seconded the motion to adopt Resolution No. 2013-009, authorizing the purchase of Barracuda Message Archiver 150 Software through the City of Auburn's Information Technology Department in the amount of \$2,886.20. Councilmembers Putnam, Walker, Guier, Hulsey, and McMahan voted in favor. The motion passed.**

**G. Adoption of Resolution No. 2013-010, Authorizing the Purchase of PS Alley Set Up for City Telephone System**

Councilmember Hulseley noted there is an issue with police officers responding to emergency 911 calls who are being dispatched to the Police Department rather than to the City office of the person who called. Staff worked with CenturyLink and their solution was to install the PS Alley and then map out all of the extensions and addresses for upload into the 911 emergency dispatch databases.

**Councilmember Hulseley Moved and Councilmember Walker seconded the motion to adopt Resolution No. 2013-010, authorizing the purchase and set up of PS Alley System so that the 911 system will be able to recognize all the different locations of the phones in the City Service Complexes (police station, city hall, senior center, shop, and community center). Councilmembers Guier, Hulseley, McMahan, Putnam, and Walker voted in favor. The motion as amended passed.**

Councilmembers discussed whether sales tax was included and to strike the wording, "in an amount not to exceed."

**Councilmember McMahan Moved and Councilmember Walker seconded the motion to amend Resolution No. 2013-010, by striking the words, "in an amount not to exceed \$270." Councilmembers Hulseley, McMahan, Putnam, Walker, and Guier voted in favor. The motion to amend passed.**

**H. Adoption of Resolution No. 2013-011, Authorizing the Purchase of Three-Year Telephone Services Agreement**

Finance Director Garrison provided staff report, noting the City's current contract with CenturyLink, formerly Quest, expired in early 2012; and Staff was able to negotiate a new contract. At the January 22, 2013, Workshop, the Council directed this item be brought forward with a Three-Year Services Agreement.

**Councilmember Guier Moved and Councilmember Putnam seconded the motion to adopt Resolution No. 2013-011, authorizing the purchase of Three-Year Telephone Services Agreement No. 13-003 with CenturyLink, in an amount not to exceed \$4,349.70. Councilmembers McMahan, Putnam, Walker, Guier and Hulseley voted in favor. The motion passed.**

**I. Approval of the January 14, 2013, City Council Meeting Minutes**

This item was brought forward for approval as Councilmembers Guier and Walker were not present at the meeting.

**Councilmember Putnam Moved and Councilmember Walker seconded the motion to approve the January 14, 2013, City Council Meeting Minutes. Councilmembers McMahan, Putnam, Walker, Guier and Hulseley voted in favor. The motion passed.**

## **J. Approval of the January 22, 2013, Workshop Minutes**

This item was brought forward for approval as Councilmembers Walker and Steiger were not present at the meeting.

**Councilmember Putnam Moved and Councilmember Guier seconded the motion to approve the January 22, 2013, Workshop Minutes. Councilmembers Putnam, Walker, Guier, Hulseley, and McMahan voted in favor. The motion passed.**

## **K. Discussion: Land Use Attorney**

Acting Public Works Director Barnett provided a staff report, noting it has become necessary for the City to hire an attorney who specializes in land use matters to review certain documents concerning the Stewart Rd/Thornton Avenue Improvement Project, which is time sensitive in nature.

Council discussion ensued regarding the following:

- The need to have outside counsel review land use issues
- Putting a financial cap on the amount of time/costs the land use attorney charges for the work
- Allowing the City Attorney negotiate the contract with the land use attorney for the Steward Road Project only.
- Not specify who the land use attorney will be in case the City Attorney is unable to successfully negotiate the contract; with the amount paid not to exceed \$10,000 for this specific property.

**Councilmember Putnam Moved and Councilmember Walker seconded the motion to hire Carol Morris as the land use attorney for Steward Road Project. Councilmembers Walker, Guier, Hulseley, McMahan, and Putnam voted in favor. The motion as amended passed.**

Mayor Sun voiced his concern with moving the project forward and assured the Council he would watch the land use attorney costs closely and report back to Council any costs that he felt were unreasonable.

Councilmembers expressed concern that the proposed contract is for full representation of the City and whether there are project funds to offset some of the attorney fees.

**Ms. Jeanne Fancher** noted it was wise to allow the City Attorney to negotiate the terms to ensure the attorney is only representing the City as it pertains to the Stewart Road Project.

**Councilmember McMahan Moved and Councilmember Guier seconded the motion to amend the motion to read: "The Council authorizes the City Attorney to hire a land use attorney regarding the Stewart Road Project not to exceed \$10,000 without prior Council approval. Councilmembers Guier, Hulseley, McMahan, Putnam, and Walker voted in favor. The motion to amend passed.**

**Councilmember Walker Moved and Councilmember Hulsey seconded the motion to suspend Council Rules. Upon unanimous voice vote, the motion passed.**

**K. Discussion: Waive Fees for Boy Scouts to Use Gym**

Council discussed waiver of the fees to use the City's Gym and/or Senior Center by the Boys Scouts, and remanded this item to the Human Services Committee for discussion and review.

**Councilmember Hulsey Moved and Councilmember Walker moved to remand to the Human Services Committee waiver of fees to the Boy Scout Troupe. Upon unanimous voice vote, the motion passed.**

**L. Discussion: Letter of Understanding – Teamster Local Union No. 117**

Councilmembers discussed a letter of understanding submitted to the Mayor by Teamster Local Union No. 117 regarding a recent vote of the membership to increase their wage diversion into their pension fund by \$.25. There was some concern that the Mayor was entering into an agreement without Council approval and that the Mayor attended the union meeting and whether that was appropriate.

Mayor Sun stated he did not agree or make any agreement; rather the public workers met with and voted on an issue and that he had not signed the agreement. He again stated that all he did was sit there while the membership argued back and forth and that it was the Union who wrote the agreement they discussed and bring it to the City.

Council again expressed concern that the Mayor's attendance could be perceived as negotiation and the Mayor responded that the workers have a right to speak their minds and all he did was listen. Council President Guier would speak with the Union Representative to ensure the Mayor had not participated in the meeting or negotiated this item with the Union.

Council President Guier explained that the City would reopen negotiations with the Union in the spring of 2013 as agreed upon; and Council was uncomfortable with the Letter of Understanding at this time and wanted additional time to discuss the issue with the Union Representative prior to authorizing the Mayor to execute the letter.

**9. CONSENT AGENDA**

**A. Approval of Claim Voucher and Payroll Approval/September Financial Statement**

**Councilmember Putnam Moved and Councilmember Jones seconded the motion to approve the Consent Agenda.**

Councilmembers discussed the costs for invoices from Sousa Law Firm and purchase of Redwing Shoes for Public Work shop employees. The Acting Public Works Director would review the clothing policy.

**Councilmembers Putnam, Walker, Guier, Hulsey, and McMahan voted in favor. The motion passed.**

**11. ADJOURN**

At 9:30 p.m. Mayor Sun adjourned the January 28, 2013, City Council Meeting.

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Patricia J. Kirkpatrick, MMC, City Clerk

DRAFT

**CITY OF PACIFIC  
CITY COUNCIL**

**WORKSHOP MEETING  
February 4, 2013**

**City Hall ~ Council Chambers  
City Hall, 6:31PM**

**MEETING MINUTES**

**Roll Call**

Leanne Guier, Council President  
John Jones  
Tren Walker, absent  
James McMahan, arrived at 7:12 p.m.  
Josh Putnam  
Gary Hulse  
Clint Steiger

Mayor  
Cy Sun

**Staff Present:** Acting Public Works/Community Development Director Ken Barnett; City Clerk Patti Kirkpatrick; Finance Director Betty Garrison; and Lt. Edwin Massey.

Council President Guier called the meeting to order at 6:30 p.m.

**Changes/Additions**

Agenda Items Added:

- Executive session on Hansen properties and potential litigation (Council)
- 3K Discussion: Re-Establishing the Position of Chief of Police (Mayor)
- 3L Discussion: Salary for Councilmembers for 2013 election (City Clerk)

At 6:33 p.m., Council President Guier adjourn the Workshop into a 20-minute executive session to discuss the Hansen property and potential litigation in accordance with RCW 42.30.110(i) and invited Acting Public Works Director Barnett and City Clerk Kirkpatrick to attend and announced no action would be taken. Mayor Sun noted a conflict of interest and recused himself from the executive session. At 6:53 p.m. Council President Guier reconvened the Workshop meeting.

**AGENDA ITEMS**

**A. Discussion: Confirmation of Appointment to the Civil Service Commission**

Mayor Sun asked the Council to confirm his appointment of Mr. Howard Erickson to the Civil Service Commission, noting Mr. Erickson, by his reasoning is a square shooter, a man with integrity; and has had experience and understands the working of the City of Pacific. He stated Mr. Erickson would be an asset serving on the civil service commission.

Councilmembers posed the following questions:

- Was any consideration given or concerns with the other applicants? The Mayor responded that he had reviewed the other two applicants, but his choice is Mr. Erickson.
- Why not consider Mr. Aubrey who is an experienced prosecuting attorney with legal experience? The Mayor replied that he had read Mr. Aubrey's resume, which was impressive, but he thought Mr. Erickson would be a better man as he understands the City having been the Mayor twice, and he is convinced that Mr. Erickson would put the City first, which he felt was an asset that overrides what Mr. Aubrey wrote in his resume.
- Has Mr. Erickson's name been brought forward before for appointment to the Civil Service Commission? The Mayor responded that he has and the Council voted him down, and he believed the Council voted him down because they hate him, which is an act of prejudice against him as there is no reason why the Council should not appoint Mr. Erickson to the Civil Service Commission as he is qualified. Mayor Sun stated he would continue to bring Mr. Erickson's name forward for appointment and there is nothing to stop him from doing that and that is all he has to say.

Council President Guier clarified with Mayor Sun that it was her understanding he would not be willing to entertain a recommendation for that appointment from the Council, and Mayor Sun responded that as the Mayor he is the one working with the Civil Service Commission and who he selected is justifiable.

Direction: This item was not moved forward.

#### **B. Discussion: Letter of Understanding – Teamsters Local Union No. 117**

Mayor Sun provided a staff report, noting the collective bargaining unit members recently met and voted to increase their contribution rate to the Wager Diversion to Western Conference of Teamsters Pension Trust by \$0.25 per hour effective February 1, 2013.

Council discussion ensued, noting staff is already making a contribution to this pension trust and merely are asking to increase their contribution rate; and discussed the Mayor attending the bargaining unit's meeting regarding this issue and cautioned the Mayor from attending those meetings in the future. Mayor Sun responded that he merely observed; that he was invited to attend the meeting by the Union Representative; and he did not negotiate or speak during the meeting. He stated that after the meeting Ms. Shannon asked him for his opinion and he told her he had none.

Direction: Council directed this item be moved forward to the February 11th meeting to authorize the Mayor to sign the Letter of Understanding; and cautioned the Mayor that in the future he should not attend employee union meetings.

#### **C. Discussion: Preventative Maintenance Services Agreement with ACCO Engineered Systems – HVAC Systems**

Lt. Massey provided the staff report, noting this is the Valley Regional Fire Authority's choice of vendor and the police department wanted to continue with that continuity.

Direction: Council directed that this item be brought forward to the next regular meeting for approval.

#### **D. Discussion: Police Department Copier Lease with Pacific Office Automation**

Lt. Massey provided the Staff Report, noting after doing some research on pricing this vendor was chosen due to the cost savings and that they were part of the state purchasing contract.

Direction: Council directed that this item be brought forward to the next regular meeting for approval.

#### **E. Discussion: AWC's City Legislative Action Conference**

Council President Guier explained that she would be attending this conference and in accordance with the City's travel policy, is seeking approval from Council to attend.

Councilmembers discussed the advantage of Councilmember Guier's attendance at the Conference, and items on the legislative agenda such as local speed limit bill and public records act changes which will have an impact to the City

Discussion: Council directed that this item be brought forward to the next regular meeting for approval.

#### **F. Discussion: CIAW – Extended Reporting Coverage**

City Clerk Kirkpatrick provided the staff report, noting this is the tail coverage that the Council needed to determine if they were going to pay for two years or just one year.

Council discussion ensued regarding how much coverage would be needed and asked the City Clerk to contact CIAW that if they approve a two-year policy would that payment be split up for each year.

Direction: Council directed that this item be brought forward to the next regular meeting for approval of a 12 month policy and an answer regarding making payments in two annual installments.

#### **G. Discussion: Drug and Alcohol Consortium Coverage**

City Clerk Kirkpatrick provided the staff report, noting it is a federal requirement that all CDL drivers must undergo random drug and alcohol testing, something which has not been happening at the City of Pacific. She had spoken with Association of Washington Cities (AWC) who has a drug/alcohol consortium that the City can join and recommended this would be best solution for the City. Further, she had spoken with the Union Representative regarding this matter who indicated she would like to open the collective bargaining for just this issue.

Council discussion ensued as follows:

- Drug and Alcohol testing is not part of the Collective Bargaining Agreement (CBA), it has been overlooked and should have been done a long time ago.

- AWC has a program in place to do all of the work for the City at a base fee of \$175 per year, with a \$52 per person random testing fee.
- Consider using a mobile unit to conduct the pre-employment testing that was suggested by AWC for the public works employees, the Water Manager, Building Inspector and the staff in Community Services who drive the van.

Direction: Council directed that this item be brought forward to the next regular meeting for approval of AWC's drug and alcohol consortium agreement and draft letter of understanding to the Union regarding the federal law on this matter and a date when the City will open the Collective Bargaining Agreement in March.

#### **H. Update: Website**

City Clerk Kirkpatrick provided the staff report, noting that direction was being sought regarding the draft web hosting maintenance agreement and which option they would like to pursue.

Direction: Council directed that the City Clerk meet with Auburn IT regarding how user friendly the new website will be for staff to upload items and then to bring this item forward to the next workshop for further discussion.

#### **I. Discussion: Personnel Policy and Procedures**

City Clerk Kirkpatrick explained that it was important to get a Personnel Policy adopted and that there were still many issues to resolve as the policy does not match up to the collective bargaining agreements.

Council discussion ensued regarding those policies that have already been adopted by Council such as the travel, procurement, donations and financial policies, be incorporated into the existing Personnel Policy by reference.

Direction: Council directed that this item be brought forward to the next regular meeting for approval with the previously adopted policies incorporated.

#### **J. Discussion: Resetting the Date of Public Hearing – Medical Marijuana Moratorium**

Acting Public Works/Community Development Director Barnett provided the staff report, noting that staff did not realize the date was a Workshop and was asking the Council to move to the regular meeting on February 25th.

Direction: Council directed that this item be brought forward to the next regular meeting for approval.

#### **K. Discussion: Re-Establishing the Position of Chief of Police**

Mayor Sun stated he was asking the Council to repeal the public safety director job description and ordinance as that position directs both the police and fire departments and the City only has a police department.

Council discussion ensued regarding who has final say in the job descriptions – Civil Service or the City Council; and concern that while there is an employee in the position of Public Safety Director, it was not appropriate to change the job description as it could have legal implications.

In response to Councilmember McMahan, the Mayor stated he preferred not to discuss whether he sought legal counsel regarding the intricacies of this issue before bringing to the Council and rests his case.

Discussion: Councilmember Jones will research this issue with a report at the February 19, 2013, Workshop. Issues for consideration are pending lawsuit, legality of changing the job description and if the Civil Service Commission can override the position. Council President Guier will speak to the City Attorney regarding the appropriateness of any action while there is a pending lawsuit by a private party on the ruling.

#### **L. Discussion: Elections Salary for 2013**

City Clerk Kirkpatrick explained that Pierce County is gearing up for the General Election and she wanted to ensure there were no salary changes before approving the jurisdiction form. Council indicated there would be no changes to the Council salary at this time.

Councilmember Guier announced she would not be at the February 19, 2013, workshop.

#### **ADJOURN**

At 8:30 p.m. Council President Guier adjourned the meeting.

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Patricia J. Kirkpatrick, MMC, City Clerk

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**CITY OF PACIFIC  
CITY COUNCIL MEETING  
Date: October 22, 2012  
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.

**2. ROLL CALL OF COUNCIL MEMBERS**

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

Staff present: Betty Garrison, Angelica Solvang, John Calkins and Zach Luce.

Councilmember Jones moved to approve the absence of Councilmember Walker; Councilmember Putnam second; Mayor excuses Councilmember Walker.

**3. APPROVAL OF/ADDITIONS TO AGENDA**

1. Councilmember Guier added the topic: Score Jail Contract under Old Business.
2. Mayor Sun removed item 7 B.
3. Councilmember Steiger added an executive session: Temporary appointment of Community Services Director and extension of Treasurer with a vote after executive session.

Councilmember Putnam moved to approve the agenda as amended; Councilmember Guier second; All the votes were ayes.

**4. AUDIENCE COMMENTS-**

Rachel Kringle – Rachel is concerned with the social services offered at the Senior Center if the City is to dis-incorporate. She offers her services to assist. She is trying to gain an education on what a Backup plan would consist of. If anyone can assist her or give her direction she would be grateful.

Jack French – Jack asks if the Mayor can hear him. He does not appreciate what the mayor is doing to the city.

Mayor Sun responded that he was at the VA last week and was tested with a hearing aid. The Physician reported that the Mayor's on the left side of his head, the Mayor could not hear good. On the right side, it is cracked with a steel plate in his head with ringing. There is not a way the doctor can fix that. Mayor Sun announced that he will step down and turn meeting over to the Council.

Councilmember Guier asked to put on the record that she tried to introduce the hearing assistance item.

Brenda Hall – withdraws her comment.

Gary Van Hee – 205 Hawthorne Ave – Gary has concerns with the insurance coverage ending December 31<sup>st</sup>.

Duwayne Gratz, 122 3<sup>rd</sup> Ave NW – Duwayne is concerned about the City not having any insurance and asks what is being done to get the insurance in place.

**5. REPORTS**

A. Mayor – No Report.
B. Finance – Betty Garrison, Treasurer, states on Wednesday there is a PCFOA meeting in Algona which the whole Finance staff will be attending. The window will be closed. Finance staff is currently moving furniture to make room for new City Clerk. The audit is moving along and the packet for the entrance meeting is in each Councilmember’s box. Finance Committee meets tomorrow at 6:30 p.m.
C. Court Statistics – No Report.
D. Public Safety Department – John Calkins informed Council that they have interviewed and conducted background checks for a Evidence Technician and a Police Officer. They are a month out between other exams and if they successfully past those tests then he will present the applicants to the Mayor and hopes he hires them.
E. Public Works/Community Development Departments – No Report.
F. Community/Senior/Youth/Services – No Report.
G. Boards and Committees South King County Transportation Board (SKTBD) – No Report. Pierce County Regional Council (PCRC) – No Report. SCA – No report. VRFA – No report. Councilmember Jones comments on the Valentine project. He met with the City of Sumner and has an upcoming meeting with Gordon Trucking to discuss an MOU for the Stewart Road project this Thursday.
H. City Council Members – Councilmember Steiger states he passed out a letter tonight to the Councilmembers that there was a temporary construction easement on Stewart Road on the Gordon Trucking properties and that was cancelled as of July 12 <sup>th</sup> . This means anything that happens on Stewart Road is a City expense. Gordon Trucking has spelled out their wishes in the letter that states the area that they had given the City the right to use was supposed to be cleaned up by the end of July and nothing has been done. Councilmember Jones will communicate with Gary Richardson from Skillings and Connolly and have information by Thursday’s meeting. Councilmember McMahan and Councilmember McMahan have started examining the issues dis-incorporation timelines and plans. In order to get the dis-incorporation ballot measure, Council would have to adopt a Resolution. Councilmember McMahan moved to have a special meeting on October 29, 2012; Councilmember Hulsey second;

Public Comment: Don Tompson, 416 2<sup>nd</sup> Ave SE – States he is on the committee to recall the Mayor. He further states that the Union supports them. In December he will have endorsements from major businesses in town and with the City Attorney and himself working together there might be a possibility the City can obtain an extension on the City’s insurance. Zach Luce makes a statement that the City Attorney has nothing to do with the recall process.

I. Park Board – No Report.

J. Planning Commission – No Report.

K. Civil Service Commission – No report.

**6. OLD BUSINESS**

**A. Resolution No. 12-1202, Authorizing A Contract With Public Safety Testing –**

Councilmember Hulsey moved to approve Resolution 12- 1202; Councilmember Putnam second;

Councilmember Hulsey states there is a \$500 a year fee associated with that and which will allow the City to put Officers in place more quickly.

	Aye	Nay
Councilmember Walker	Absent	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger		

**THE MOTION CARRIED 6 to 0.**

**B. Bond Release –**

Frank Mellas, Sound Inspection, states this is for the bond on repairs of the sewers. They found the tapes that showed the before and after and it showed that it was fixed. The prior City Engineer had also approved it. Councilmember Hulsey move to release the bond; Councilmember Putnam second;

	Aye	Nay
Councilmember Walker	Absent	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger		

**THE MOTION CARRIED 6 to 0.**

**C. SCORE Jail Contract –**

SCORE is a jail facility where several cities are participants. We buy bids at a reduced rate to handle our population of inmates and SCORE has a medical facility, dental facility and psychiatric ward. Once an inmate goes to SCORE, Officers do not have to transport them to a hospital. Prescriptions and medical care is covered. John Calkins clarifies the contract terms to Council.

**MOVED TO THE NEXT COUNCIL WORKSHOP.**

**7. NEW BUSINESS**

**A. Utility Waiver Request –**

Karen Helya handles the bookkeeping for her father is Aldo Farhina who owns a home that is billed garbage and stormwater. She has not seen a bill from the City of Pacific for a long time. They have went through three tenants and she assumed they were paying the billing. She has paid the principal on the balance but has come before Council to ask waiver of the penalties. Zach Luce is concerned if a waiver is given that it would be a gift of public funds and setting a precedence. Councilmember Steiger would like to postpone this issue and have a meeting with Gerina Dahl.

**MOVED TO THE FIRST WORKSHOP IN NOVEMBER.**

**B. Temporary Appointment Of City Clerk – Removed.**

**8. ORDINANCES/RESOLUTIONS**

**A. Resolution No. 12-12-1203 – Authorizing The Mayor To Enter Into And Sign A Washington Public Agency Contract With MRSC For Small Works Roster And Consultant Roster**

Betty Garrison states this is a renewal of the annual contract with MRSC.

Councilmember Putnam moved to approve Resolution No. 12-1203;  
Councilmember Hulsey second;

Council Comment: Councilmember Putnam commented that the City has been renewing each year. Councilmember McMahan asks Betty if the Mayor will sign the Resolution. Betty replied that the Mayor will sign it.

Public Comment: None.

	Aye	Nay
Councilmember Walker	Absent	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 6 to 0.**

**B. Resolution No. 12-1204 – Authorizing The Mayor To Execute An Interlocal Agreement Between The Cities Of Algona, Edgewood, Milton and Pacific For The Regionally Streamlining Stormwater Permitting Project**

Dave Hill, Mayor of Algona states that this started about a year ago when they applied to the Department Of Ecology. They are trying to do a pilot project that allows cities to band together. Their City Attorney and the City Attorney for the City of Milton has drawn up the interlocal agreement.

Councilmember Hulsey moved to approve Resolution No. 12-1204;  
Councilmember Steiger second;

Council Comment: Councilmember Guier states the City of Milton will oversee the project. The City of Pacific is currently without a Public Works Director. Councilmember Jones states the Mayor should sign the agreement and then designate an appointee from Pacific. Betty Garrison suggests Jim Schunke.

Public Comment: Jeanne Fancher - She states that she has written stormwater education plans in the past and recommends to Council to move this plan forward.

	Aye	Nay
Councilmember Walker	Absent	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 6 to 0.**

**C. Ordinance No. 12-1834 – Amending The Budget For The Year 2012 And Amending The Adopted Staffing Level**

Betty Garrison states at the Council workshop the question was raised regarding the adopted staffing levels which show 4 police Officers. At the workshop meeting, Councilmembers felt it was a typo and she was tasked with doing a staff worksheet to prove how many offices were budgeted for and making it balance with the budget. She provided Council with three different options.

Councilmember Hulsey moved to approve Ordinance No. 12-1834 at the 6 officer level; Councilmember Steiger second;

Council Comment: Councilmember Hulsey asks John Calkins how much have the City has spent in overtime. John has not seen the latest numbers. Councilmember Hulsey is concerned the Officers are working too many hours overtime and likely to make mistakes.

Public Comment: Rachel Kringle, 233 3<sup>rd</sup> Ave SW – Wants to see more Police Officers.

	Aye	Nay
Councilmember Walker		
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulse	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 6 to 0.**

**D. Resolution No. 12-1205 – Authorizing The Mayor To Enter Into And Sign The Supplemental Agreement No. 9**

Councilmember Hulse moved to approve Ordinance No. 12-1205;  
Councilmember Putnam second;

Council Comment: Councilmember Jones states that Skillings and Connolly is working on the Stewart Road project and on the MOU with Gordon Trucking.

Public Comment: none.

	Aye	Nay
Councilmember Walker		
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulse	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 6 to 0.**

**9. CONSENT AGENDA**

*(The Mayor shall place matters on the Consent Calendar which are so routine or technical in nature that passage is likely.)*

**A. Claim Voucher & Payroll Approval**

Councilmember Steiger moved to approve the Consent Agenda with check No. 4584 removed;  
Councilmember Putnam second; All ayes.

Councilmember Putnam asks Betty if the Auditor has an opinion on this issue. Betty states it is on their list. Councilmember McMahan moved to approve payment of check No. 4584; Councilmember Putnam second; Councilmember McMahan stated for the benefit of those in the audience that Council has shared their concern with the inappropriate use of administrative leave and wanted to pay this and research it later. Councilmember Putnam added that the City is not withholding funds since payroll has already been released.

	Aye	Nay
Councilmember Walker	Absent	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones		X
Councilmember Hulsey	X	
Councilmember Steiger		X

**THE MOTION CARRIED 4 TO 2.**

Councilmember McMahan moved to suspend the rules and add to the agenda a briefing about a Writ of Cert being pursued by the Mayor through his own attorney regarding the Civil Service Commission's ruling and he is not sure that has been authorized by Council. Zach Luce suggests adding this topic to the executive session; All ayes.

Council moved to Executive Session to discuss contract extensions for the Community Services Director and Interim City Treasurer and the Writ of Cert for 35 minutes at 8:15 p.m. with a possible vote. Council reconvened at 8:50 p.m.

**B. Temporary Appointment Of Community Services Director –**

Councilmember Hulsey moved to extend the contract for the Community Services Director; Councilmember Putnam second;

Councilmember McMahan moved to amend the motion to add that the confirmation of the Mayor's appointment of Sheryl Finwall be effective until December 31, 2012 or until a permanent successor is hired and confirmed whichever comes sooner; Councilmember Guier second; Councilmember McMahan states this is reasonable since it is shortsighted to only approve an extension for 25 days or less and believes stability is priority and if the Mayor has plans to hire a permanent successor then this still enables the Mayor to do that but also would rather ensure continuity through the end of the year. Councilmember Putnam states the short temporary appointment is not feasible. Voice Vote: 4 to 2 to approve the amended motion. Councilmember Hulsey and Councilmember Steiger voted no.

**THE MOTION CARRIED 4 TO 2.**

Original motion roll call vote:

	Aye	Nay
Councilmember Walker	Absent	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones		X
Councilmember Hulsey		X
Councilmember Steiger		X

**THE MOTION FAILED 3 TO 3.**

Councilmember Jones does not understand why the original date was chosen as Council modified it until the end of the year. Putnam says the agenda cover sheet gives the reason.

Betty states that she was told that there wasn't time between October 12<sup>th</sup> to go through the whole process and to a work session and then to a Council meeting, therefore it had to wait for the next work session. That is why the Mayor chose the date of the 15<sup>th</sup> in order to have time to take it to Workshop and Council to expedite the process.

Public Comment: Jeanne Fancher – States that Ms. Finwall seems to be doing a great job and would like to have a community report and report on the Code of Conduct on City's facilities.

Councilmember Putnam made a motion move to approve the extension as originally presented and for no longer than November 15<sup>th</sup>; Councilmember Guier second;

Councilmember Putman is concerned about maintaining insurance coverage and they need to fill vacant management positions and continuity without gaps. Councilmember Hulsey states that once a vote is taken, in order to reconsider the vote you need to make a motion to reconsider the issue. Councilmember Hulsey is motioned to reconsider the issue; Councilmember Putnam second; Voice Vote: 5 to 1 to approve the reconsideration of the issue. Councilmember Jones voted no.

**THE MOTION CARRIED 5 TO 1.**

Councilmember Putnam moved to strike the amendment and stick to the original language; Councilmember Hulsey second;

	Aye	Nay
Councilmember Walker	Absent	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger		X

**THE MOTION PASSED 5 TO 1.**

**C. Extension Of Interim Appointment Of City Treasurer –**

Councilmember Putnam moved to approve extension of Interim Appointment of City Treasurer; Councilmember Guier second; Councilmember Jones makes a friendly motion to modify the existing motion to extend the contract to December 31, 1012 or until a permanent director is hired; Councilmember Hulsey second;

	Aye	Nay
Councilmember Walker	Absent	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION PASSED 6 TO 1.**

Councilmember McMahan composed Resolution No. 12XXX, a Resolution of the City Council authorizing the City Attorney to seek and recommend legal representation subject of the Council President's approval to represent the City of Pacific in a Writ of Cert. Councilmember Hulseley moved to approve the Resolution; Councilmember Jones second; Councilmember Putnam offers a friendly amendment to the effective date that this Resolution is effective immediately; Councilmember McMahan states for the record to be clear that the intent of the Resolution is to give the Council President approval to hire a secondary Attorney specific to this matter and does not have to come back for approval. All ayes.

- 10. ADJOURN**- The meeting adjourned at 9:20 p.m.

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Angelica Solvang, Interim City Clerk

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No. Consent Agenda 9A Meeting Date: February 11, 2013  
Claim Voucher & Payroll  
Subject: Approval / Sept Financial Stmt Prepared by: Betty J Garrison, CPFA  
Finance Director

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### **Summary:**

Approval of Payroll for the period of January 16, 2013 through January 31, 2013; Claims Vouchers for January 28, 2013 through February 11, 2013.

Payroll Auto Deposit	\$	62,066.20
Payroll Checks # 4639 - 4641		2,003.09
Electronic Claims # 426 - 430		27,029.90
# 427 - Voided		
Claims Checks # 41310 - 41317		35,519.21
Claims Checks # 41318 - 41406		241,673.80
		<hr/>
Total Expenditures	\$	368,292.20

**Recommendation:** Approval of payment for Payroll and Claims and the September Financial Reports.

**Motion:** move to approve the Consent Agenda including approval of Payroll and Claims Vouchers.

### **Attachments:**

Check Registers and Payroll Expense itemization.

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# Payroll

## Pay Type Register



User: padams  
Printed: 02/04/2013 - 1:06PM  
Check Date Range: 02/05/2013 to 02/05/2013  
Period Date Range: All  
Batch Info: All  
Pay Types: AD, B, C, CA, CD, CO, CP, DS, E2, E4, EO, ET, F, FH, FL, FT, H, HO, HP, L, MP, OC, OD, OO, OT, P, PC, PO, R, RF, RM, RP, S, SB, SP, TC, U, V, VP, ZA, ZB, ZC, ZD, ZM, ZP, ZS

Pay Type	Description	Hours	Amount
CA	Cleaning allowance	0.00	210.00
E2	Education Premium 2%	0.00	57.03
E4	Education Premium 4%	0.00	368.44
ET	Exchange Time	8.00	229.84
H	Holiday	222.00	6,368.18
HO	Holiday -- Off Day	24.00	789.84
L	Longevity	0.00	1,392.50
OC	Work Out of Class	0.00	468.90
OO	Out of Class OT	0.00	150.25
OT	Overtime	77.00	2,688.11
PO	Police Overtime	128.00	7,915.16
R	Regular	1,972.09	53,957.58
RM	Reimbursement	0.00	-16.76
RP	Retro Pay	0.00	197.76
S	Sick leave	126.00	5,107.67
V	Vacation	88.50	3,152.15
ZC	Contract Benefits-Retirement	0.00	236.42
ZM	Contract Benefits-Medical	0.00	559.35
		<hr/> <hr/>	<hr/> <hr/>
<b>Report Total</b>		<b>2,645.59</b>	<b>83,832.42</b>
		<hr/> <hr/>	<hr/> <hr/>

# Payroll

## Deduction Register - Totals Only



User: padams  
Printed: 2/4/2013 - 1:07 PM  
Check Date Range: 02/05/2013 to 02/05/2013  
Period End Range: All  
Batch Info: All  
Deductions: Den-R, FICAR, FICARR, H UnR, Hlth-R, L&I-R, LOEFFR, LTD-R, MEDIR, MED-RA, PERS1R, PERS3R, PERSR, PERSXR, SUI, VisionTotals Only

	<u>Amount</u>
<b>Den-R:</b> Dental Ins-Employer	141.67
<b>FICAR:</b> FICA Employer Portion	5,148.63
<b>H UnR:</b> Health Ins-Union Employer	13,976.64
<b>Hlth-R:</b> Health Ins-Employer Non-Union	1,483.36
<b>L&amp;I-R:</b> Workers Comp-Employer	988.87
<b>LOEFFR:</b> LOEFF-Employer	1,606.39
<b>LTD-R:</b> LTD-employer	280.59
<b>MEDIR:</b> Medicare Employer Portion	1,204.12
<b>PERS1R:</b> Pers 1-Employer	240.76
<b>PERS3R:</b> Pers 3-Employer	179.51
<b>PERSR:</b> PERS 2 Employer	2,886.03
<b>SUI:</b> State Unemployment Tax	149.83
<b>Vision:</b> Vision Ins-Non-Union	50.46
	<hr/> <hr/>
Report Total:	28,336.86
	<hr/> <hr/>

# Payroll

## ACH Check Register

User: 'padams'  
Printed: 02/01/2013 - 1:51PM  
Batch: 501-2-2013  
Include Partial: TRUE



Check Date	Check Number	Partial ACH	Employee No	Employee Name	Amount
02/05/2013	0	False	ADAMP	Pamela Walasek	1,661.92
02/05/2013	0	False	BARNC	Charles Barnes	169.17
02/05/2013	0	False	BARNK	Kenneth Barnett	1,901.64
02/05/2013	0	False	BOS M	Michel Bos	4,895.58
02/05/2013	0	False	BROOB	Bill Brookhart	1,811.10
02/05/2013	0	False	CALKJ	John Calkins	4,040.56
02/05/2013	0	False	FINWS	Sheryl Finwall	858.33
02/05/2013	0	False	FUTJA	Jack Futch	2,374.86
02/05/2013	0	False	FUTJO	Joanne Futch	1,110.39
02/05/2013	0	False	GALER	Roger Gale	3,894.69
02/05/2013	0	False	GARRB	Betty Garrison	2,487.85
02/05/2013	0	False	GNEHM	Travis Gnehm	1,407.36
02/05/2013	0	False	GUIERL	Leanne Guier	92.08
02/05/2013	0	False	Hong	Joshua Hong	2,436.18
02/05/2013	0	False	JONEJ	John Jones	92.08
02/05/2013	0	False	KIM	Michael Kim	2,070.99
02/05/2013	0	False	LARSG	Gary Larson	1,838.13
02/05/2013	0	False	MASSE	Edwin Massey Jr	4,632.06
02/05/2013	0	False	MCCUT	Thomas McCulley Jr	2,449.10
02/05/2013	0	False	MCTAJ	James McMahan	92.08
02/05/2013	0	False	NEWTD	David Newton	2,819.50
02/05/2013	0	False	PKIRKP	Patricia Kirkpatrick	1,839.08
02/05/2013	0	False	PUTNJ	Joshua Putnam	92.08
02/05/2013	0	False	RODRM	Michael Rodriguez	1,623.55
02/05/2013	0	False	RYDBK	Kelly Rydberg	1,802.89
02/05/2013	0	False	SCHUJ	James Schunke	1,915.88
02/05/2013	0	False	SHERR	Raymond Sherman	95.71
02/05/2013	0	False	SHOOS	Stephanie Shook	2,194.44
02/05/2013	0	False	SOLVA	Angelica Solvang	1,615.79
02/05/2013	0	False	THACD	Darcie Thach	1,205.13
02/05/2013	0	False	WALKT	Trenity Walker	92.08
02/05/2013	0	False	WESJS	Joe West	2,946.70
02/05/2013	0	False	WIECP	Paula Wiech	2,062.17
02/05/2013	0	False	WILDC	Corrine Wildoner	1,445.05

Total Employees:

34

Partial ACH: 0.00  
Regular ACH: 62,066.20  
Total: 62,066.20

# Payroll

## Computer Check Register

User: padams

Printed: 02/01/2013 - 1:46PM

Batch: 00501-02-2013 Computer



Check No	Check Date	Employee Information		Amount
4642	02/05/2013	HULSG	Gary Hulsey	92.08
4643	02/05/2013	STEIC	Clinton Steiger	92.08
4644	02/05/2013	FLARW	Wanda Flarity	1,818.93
Total Number of Employees: 3		Total for Payroll Check Run:		2,003.09

# Accounts Payable

## Checks by Date - Summary By Check Date

User: bgarrison  
Printed: 2/8/2013 - 11:25 AM



				Check Amount
Check No:	426	Check Date:	01/18/2013	
Vendor:	ICMA	Vendor Name:	Icma Retirement Trust 457	50.00
				<hr/>
				Date Total: 50.00
Check No:	428	Check Date:	02/05/2013	
Vendor:	AWC	Vendor Name:	Assoc Of Washington Cities	9,153.45
Check No:	429	Check Date:	02/05/2013	
Vendor:	ICMA	Vendor Name:	Icma Retirement Trust 457	50.00
Check No:	430	Check Date:	02/05/2013	
Vendor:	FED TX	Vendor Name:	Internal Revenue Service	17,776.45
				<hr/>
				Date Total: 26,979.90
				<hr/> <hr/>
				Report Total: 27,029.90
				<hr/> <hr/>

# Accounts Payable

## Checks by Date - Summary By Check Date

User: bgarrison  
Printed: 2/8/2013 - 2:40 PM



			Check Amount
Check No:	41310	Check Date: 01/31/2013	
Vendor:	FED TX	Vendor Name: Internal Revenue Service	16.16
Check No:	41311	Check Date: 01/31/2013	
Vendor:	Emp Sec3	Vendor Name: Employment Security Department	1,074.52
			<hr/>
Date Total:			1,090.68
Check No:	41312	Check Date: 02/05/2013	
Vendor:	AFLAC	Vendor Name: AFLAC	292.88
Check No:	41313	Check Date: 02/05/2013	
Vendor:	Amer Leg	Vendor Name: American Legal Services	43.44
Check No:	41314	Check Date: 02/05/2013	
Vendor:	NW Admin	Vendor Name: Nw Admin Transfer Account	30,798.00
Check No:	41315	Check Date: 02/05/2013	
Vendor:	tea 117	Vendor Name: Teamsters Local 117	1,505.35
Check No:	41316	Check Date: 02/05/2013	
Vendor:	WA ST SU	Vendor Name: Washington St Support Registry	829.72
Check No:	41317	Check Date: 02/05/2013	
Vendor:	WCTPT	Vendor Name: Western Conference of Teamsters	959.14
			<hr/>
Date Total:			34,428.53
			<hr/> <hr/>
Report Total:			35,519.21
			<hr/> <hr/>

# Accounts Payable

## Check Register Totals Only

User: asolvang  
 Printed: 2/8/2013 - 12:16 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
41318	02/11/2013	AFTS	AFTS Contract Servicing	45,001.19	0
41319	02/11/2013	Cus sec	Custom Security Alarm Center	135.00	0
41320	02/11/2013	Amer Hos	American Hose & Fittings Inc	182.49	0
41321	02/11/2013	APPL A L	Apply A Line Inc	1,760.00	0
41322	02/11/2013	AuburnCh	Auburn Area Chamber of Commerce	507.00	0
41323	02/11/2013	AuburnFi	Auburn Fire Medic	200.00	0
41324	02/11/2013	Big J	Big J's Outdoor Store	195.84	0
41325	02/11/2013	UB*00716	STACEY & CYNTHIA BROOME- J,	49.54	0
41326	02/11/2013	UB*00693	REVA BRYANT	99.16	0
41327	02/11/2013	City Buc	City of Buckley	2,907.00	0
41328	02/11/2013	UB*00696	BRYON & CHRISTINE CARPENTE	50.00	0
41329	02/11/2013	Cen Lin	CenturyLink	1,304.10	0
41330	02/11/2013	CenLin 2	CenturyLink	438.00	0
41331	02/11/2013	Chu Off	Chuckals Office Products Inc	440.78	0
41332	02/11/2013	Ci Ins A	Cities Insurance Association	2,000.00	0
41333	02/11/2013	Cop NW	Copiers Northwest Inc	1,767.11	0
41334	02/11/2013	UB*00692	JACK & KAREN COTHERMAN	75.00	0
41335	02/11/2013	UB*00704	D R HORTON, INC	44.23	0
41336	02/11/2013	UB*00706	D R HORTON, INC	29.63	0
41337	02/11/2013	UB*00707	D R HORTON, INC	21.87	0
41338	02/11/2013	UB*00708	D R HORTON, INC	29.10	0
41339	02/11/2013	UB*00705	D R HORTON, INC.	52.06	0
41340	02/11/2013	UB*00710	D R Horton, Inc.	69.02	0
41341	02/11/2013	GER DAH	Gerina Dahl	7,800.00	0
41342	02/11/2013	UB*00700	MICHAEL DANIELS	39.65	0
41343	02/11/2013	UB*00702	DREAM CRAFT HOMES	64.90	0
41344	02/11/2013	UB*00717	LINDA EAVES	98.35	0
41345	02/11/2013	Eve Eco	Everson's Econo-Vac Inc	925.97	0
41346	02/11/2013	UB*00701	FANNIE MAE	50.00	0
41347	02/11/2013	UB*00709	Fannie Mae	44.62	0
41348	02/11/2013	Fir Pro	Fire Protection Inc	447.59	0
41349	02/11/2013	G&L Auto	G&L Automotive Repair	912.45	0
41350	02/11/2013	UB*00694	RON & SHEILA GARCIA	22.12	0
41351	02/11/2013	Gos Mot	Gosney Motor Parts Inc	54.08	0
41352	02/11/2013	HD Fow	H D Fowler Co Inc	80.24	0
41353	02/11/2013	UB*00712	HIGHMARK HOMES	12.40	0
41354	02/11/2013	Ran Hof	Hoffman Construction Inc	4,777.21	0
41355	02/11/2013	HousingW	Housing Washington	50.00	0
41356	02/11/2013	ICON	ICON Materials	290.60	0
41357	02/11/2013	IAPE	International Association of Property &	50.00	0
41358	02/11/2013	UB*00699	ISOLA REAL ESTATE	421.02	0
41359	02/11/2013	UB*00697	ROBERT JACK	165.00	0
41360	02/11/2013	Ele Ker	Elena Kerrigan	400.00	0
41361	02/11/2013	UB*00703	KING COUNTY	17.85	0
41362	02/11/2013	KCDA	King County Directors' Assoc	53.80	0
41363	02/11/2013	KC DOT	King County Finance	99,781.57	0
41364	02/11/2013	KC LIEN	King County Finance	936.00	0
41365	02/11/2013	KRISWA	Krista White Swain, Attorney at Law	2,700.00	0
41366	02/11/2013	LEIRA	L E I R A	50.00	0
41367	02/11/2013	Jos Cut	Law Office of Joseph B Cutter	150.00	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
41368	02/11/2013	UB*00698	LENNAR NORTHWEST	191.60	0
41369	02/11/2013	UB*00713	Lennar Northwest	39.78	0
41370	02/11/2013	UB*00714	Lennar Northwest	54.02	0
41371	02/11/2013	UB*00715	Lennar Northwest	41.59	0
41372	02/11/2013	UB*00718	Lennar Northwest	36.80	0
41373	02/11/2013	UB*00719	Lennar Northwest	62.28	0
41374	02/11/2013	Les Sch	Les Schwab Tire Center	442.16	0
41375	02/11/2013	McL Har	Mclendon Hardware	299.43	0
41376	02/11/2013	Mnt Mist	Mountain Mist	121.68	0
41377	02/11/2013	Nexx	Nexxpost	219.80	0
41378	02/11/2013	Param	Parametrix, Inc.	1,100.51	0
41379	02/11/2013	Per Exh	Performance Exhaust LLC	66.67	0
41380	02/11/2013	Petro	Petrocard Systems Inc	2,275.80	0
41381	02/11/2013	PCLIE	Pierce County Budget & Finance	330.22	0
41382	02/11/2013	Prax Dis	Praxair Distribution Inc	42.48	0
41383	02/11/2013	PSE	Puget Sound Energy	16,462.98	0
41384	02/11/2013	PSFOA	Puget Sound Finance Officers Associa	25.00	0
41385	02/11/2013	JoshuaPu	Joshua Putnam	216.00	0
41386	02/11/2013	City Pu	City of Puyallup	715.00	0
41387	02/11/2013	QUALITY	Quality Fence Builders	6,132.01	0
41388	02/11/2013	Quil	Quill Corporation	155.39	0
41389	02/11/2013	Rochon	L Stephen Rochon	3,480.00	0
41390	02/11/2013	SAMS CL2	SAM'S CLUB/GEMB	177.72	0
41391	02/11/2013	Shred	Shred-It USA Inc.	49.50	0
41392	02/11/2013	Smi Lov	Smith & Loveless Inc	246.65	0
41393	02/11/2013	SHRM	Society For Human Resource Manage	165.00	0
41394	02/11/2013	Sou Safe	Sound Safety Products Inc	50.64	0
41395	02/11/2013	DeptofEn	State Of WA Dept Of Enterprise	354.81	0
41396	02/11/2013	City Sum	City of Sumner	4,586.27	0
41397	02/11/2013	Termin	Terminix Processing Center	100.74	0
41398	02/11/2013	UB*00711	UNION BANK	76.45	0
41399	02/11/2013	Val Comm	Valley Communications	1,552.14	0
41400	02/11/2013	WA Retir	WA St Dept Retirement System	20,883.72	0
41401	02/11/2013	WAPRO	WAPRO	25.00	0
41402	02/11/2013	Wat Mana	Water Management Lab Inc	147.00	0
41403	02/11/2013	Joe Wes	Joe West	62.86	0
41404	02/11/2013	WFOA	WFOA	125.00	0
41405	02/11/2013	Whit Kni	White Knight Safe	2,571.06	0
41406	02/11/2013	UB*00695	WILLIAMS SCOTSMAN	234.50	0
				<hr/> <hr/>	
				Check Total:	241,673.80
				<hr/> <hr/>	

**CITY OF PACIFIC  
CITY COUNCIL MEETING  
Date: October 09, 2012  
Council Chambers  
City Hall, 6:30PM**

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

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

**2. ROLL CALL OF COUNCIL MEMBERS**

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

Staff present: Betty Garrison, Angelica Solvang, Sheryl Finwall, Gerina Dahl and Ken Luce.

**3. APPROVAL OF/ADDITIONS TO AGENDA**

1. Councilmember Steiger added the topic under New Business: Score Jail Contract and Public Safety Testing being presented by John Calkins.
2. Councilmember Guier added the topic: The memo received from the City Attorney regarding the City's insurance.
3. Councilmember Guier added the topic under New Business: Temporary contract for an Accounting Clerk.

Councilmember Putnam moved to approve the agenda as amended; Councilmember Walker second; All the votes were ayes.

**4. AUDIENCE COMMENTS-**

Don Thomson, 416 2<sup>nd</sup> Ave SE – Stated he will continue to push for a recall.

Ken Scroggins, 1512 Thornton Ave SW – Mr. Scroggins stated he attended a Veterans reunion and presented pictures of Mayor Sun at the Veterans reunion. He admonished those that implied the Mayor did not attend a reunion.

**5. REPORTS**

A. Mayor – No Report.

B. Finance – Betty Garrison states the Finance audit started today and the Auditor will be at City Hall to begin a three week process. Council may call the Auditor if they have any concerns. There will be an entrance conference scheduled.

C. Court Statistics – In the packet.

D. Public Safety Department – No report.
E. Public Works/Community Development Departments – Councilmember Jones states the Public Works Committee met last week and discussed the Tacoma Blvd speed bumps and the White River stormwater treatment pond. AHBL is working on that issue and he will keep the Council updated. Councilmember Hulseley asked for an update on the Right Of Way acquisition for the Valentine Road project. Councilmember Jones replied that part of the design was not taken into consideration and they were notified after the appraisals were put together so they had to go back and request medication to those appraisals.
F. Community/Senior/Youth/Services – Councilmember Guier stated that the Community Services Director hired a Community Services Assistant which is a Union position.
G. Boards and Committees South King County Transportation Board (SKTBD) – No Report. Pierce County Regional Council (PCRC) – No Report. SCA – No report. VRFA – No report.
H. City Council Members – Councilmember Hulseley spoke briefly regarding how the City could assist the Mayor in using hearing aids. One is an inductive loop system that requires an amplifier and two loops of wire around the room so anyone with hearing aids can flip their loop switch and all the transmission would be picked up by their hearing aids. The 2 <sup>nd</sup> system requires more modern hearing aids and with wireless mikes the hearing aids could pick up the transmitter and it would cost about \$3,000. Councilmember Guier tested the system with what a wireless transmitter that Municipal Court had. It had a volume button and it worked. Councilmember Jones and Council had received a letter regarding a public records request all emails and correspondence relating to certain topics. Councilmember Jones is concerned about the request. Councilmember McMahan wants to make sure staff will not rely on Councilmembers to go through their own emails.
I. Park Board – Kate Hull, 102 Alder Lane S – The Park Board has had a vacancy on the for 3 months. Candidates have applied and turned the applications in to the Mayor’s office. She would like the Mayor to review the applications. Kate would like Council to direct the Public Works crew to put top soil at the park located at Beaver Meadows. A church group recently did 60 hours of work on the park and does not want their clean up efforts to go to waste. Councilmember Jones states that the Council does not direct staff.
J. Planning Commission – No Report.
K. Civil Service Commission – No report.

**6. OLD BUSINESS**

**A.** Speed Bumps On Tacoma Blvd – Councilmember Jones states that the Mayor brought in Michael Rodriguez who explained the background history and code on this issue and why he had chosen that type of speed bump. AHBL also looked into the issue. Councilmember Jones is now satisfied from the information presented and it was within State standards.

**7. NEW BUSINESS**

**A.** Bond Release – Zach Luce states MJF Holdings has a two year sewer maintenance bond that will expire in September of 2012. He has spoken with Frank Mellas who has confirmed the work has been completed. Zach would like Council to sign a letter releasing the bonds. Councilmember Steiger requests copies of the certification before he signs off on it.

**MOVED TO THE NEXT COUNCIL WORKSHOP.**

**B.** Score Jail Contract and Public Safety Testing –The Score jail contract is not as time sensitive as the Public Safety Testing so he will address the Score contract at the next Council Workshop.

Two officers on staff are currently testing at other agencies. John Calkins states he has discussed the Public Safety Testing procedures to Gail Bennett, Civil Service Secretary, and states that Gail encourages the Council to authorize the contract which expedites the testing process. It is inexpensive and he would have over 100 applicants in the City’s pool. Background checks are already completed by the agency.

Public Comment: Duwayne Gratz – States we should have 13 in staff total at the Police Department.

Ken Luce, City Attorney, states it has to be by Resolution. Councilmember Putnam will write out the Resolution this evening.

**C.** Memo – Ken Luce, City Attorney states the Police Department is down 9 authorized staff. He is concerned for the Emergency Management System and believes the City is unprepared. He further stated that there is a lot of back log work and number of reports that need to be made with not enough staff to complete it so he recommended Council to create a plan to dis-incorporate the City. The City insurance terminates on December 31, 2012. Council discussed their concerns with the City Attorney.

Public Comment: Don Thomson - Is concerned his homeowner’s insurance will be raised.

Audrey Cruickshank, 703 3<sup>rd</sup> Ave SE – States we cannot give the Mayor anymore time to find a resolution.

Ken Scroggins – States that instead of calling the Mayor names to give him a chance instead.

Frank Mellas – Informs Council that he was an Emergency Management Director for the City of Covington and he is more than willing to help the City out in that aspect.

Duwayne Gratz – 122 3<sup>rd</sup> Ave NW – Believes the Council has already done their best to work with the Mayor.

Jeanne Fancher –She would like the Mayor to listen to the citizens.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 7 to 0.**

**D.** Temporary Contract For Accounting Clerk - Councilmember Putnam states this has been

approved by the Union. Councilmember Putnam moves to authorize hiring a temporary Accounting Clerk; Councilmember Walker second;

Betty Garrison, City Treasurer, states the retro pay audit for the Police Officers has not been completed since the Finance Department is short staffed. Councilmember Putnam does not believe that temporary positions are required to be posted. Ken Luce is comfortable with this since the Pacific Municipal Code does not state that temporary positions must be advertised.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 7 to 0.**

Councilmember Putnam moved to suspend the rules to reintroduce the topic of Public Safety Testing; Councilmember McMahan second; Councilmember Putnam recites the Resolution he has written. Councilmember Hulsey moved to approve the Resolution; Councilmember Walker second; Ken Luce suggests to add language where the Civil Service Commission has voiced their approval.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 7 to 0.**

**8. ORDINANCES/RESOLUTIONS**

**A. Resolution No. 12-12-1198 – Authorizing The Mayor To Execute A New Finance Software Module**

Gerina Dahl states the Resolution is to approve the Building Permit module.

Councilmember Walker moved to approve Resolution No. 12-1198;  
Councilmember Guier second;

Council Comment: None.

Public Comment: None.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	

Councilmember McMahan	X
Councilmember Putnam	X
Councilmember Jones	X
Councilmember Hulsey	X
Councilmember Steiger	X

**THE MOTION CARRIED 7 to 0.**

**B. Resolution No. 12-1199 – Authorizing The Mayor To Execute A New Finance Software Module**

This is for the business taxation module. It will tie our Business & Occupation tax into the Finance module.

Councilmember Walker moved to approve Resolution No. 12-1199;  
Councilmember Putnam second;

Council Comment: Councilmember McMahan asks if we have any indication that the Mayor will sign these agreements. Gerina Dahl replies yes.

Public Comment: None.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 7 to 0.**

**C. Resolution No. 12-1200 – Authorizing The Mayor To Enter Into And Sign A Consultant Services Agreement**

This is extending the existing contract for Sound Inspection contract for the next 30 days.

Councilmember Walker moved to approve Resolution No. 12-1200;  
Councilmember Putnam second;

Council Comment: Councilmember Walker asked if the Union agreed. Councilmember Guier has spoken with Evie and stated that Evie has agreed.

Public Comment: none.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	

Councilmember Putnam	X
Councilmember Jones	X
Councilmember Hulsey	X
Councilmember Steiger	X

**THE MOTION CARRIED 7 to 0.**

**D. Ordinance No. 12-1833 – Amending Pacific Municipal Code Section 3.80.010 Regarding Payment Of Claims Or Obligations**

Betty Garrison states this Ordinance changes the Pacific Municipal Code to allow for specific electronic fund transfers.

Councilmember Putnam moved to approve Ordinance No. 12-1833;  
Councilmember Guier second;

Council Comment: Councilmember Putnam states it is a necessity in order to run City business.

Public Comment: None.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 7 to 0.**

**E. Resolution No. 12-1201 – Adopting The Electronic Payment Policy And Authorizing Specific Electronic Payment Transactions**

Councilmember Putnam moved to approve Resolution No. 12-1201;  
Councilmember Walker second;

Council Comment: Councilmember Guier wanted to commend the Treasurer and Police Department for working out this issue.

Public Comment: None.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 7 to 0.**

**9. CONSENT AGENDA**

*(The Mayor shall place matters on the Consent Calendar which are so routine or technical in nature that passage is likely.)*

**A.** City Council Meeting Minutes from August 13, 2012; City Council Workshop Meeting Minutes from August 20, 2012; City Council Meeting Minutes from August 27, 2012.

**B.** Claim Voucher & Payroll Approval

Councilmember Walker states that the minutes for August 20, 2012 states he is present however he was actually absent.

Councilmember Hulsey moved to approve the consent agenda minus check No. 4576; Councilmember Walker second; All ayes.

Councilmember McMahan moved to approve check No. 4576; Councilmember Walker second; Councilmember McMahan states the Council has reason to be critical of this payment in light of the information they have but they need to be aware there may be more information Council does not have and thinks the attorney has taken the appropriate action. He believes the right thing to do is to approve payment and then go back and try to recover it. He does not want to withhold money. Ken Luce recommends Council pay the check to the employee and hopefully the State Auditor will review the issue. Councilmember Putnam also notes that failing to approve it doesn't mean we will not be paying the employee because the employee has already been paid.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones		X
Councilmember Hulsey		X
Councilmember Steiger		X

**THE MOTION CARRIED 4 to 3.**

**10. ADJOURN-** The meeting adjourned at 8:38 p.m.

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Angelica Solvang, Interim City Clerk

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**CITY OF PACIFIC  
CITY COUNCIL**

**WORKSHOP MEETING  
October 15, 2012**

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

**MEETING MINUTES**

**1. CALL TO ORDER**

Leanne Guier called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**2. ROLL CALL**

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

Staff present: Angelica Solvang, Sheryl Finwall and Betty Garrison.

Councilmember McMahan joins the meeting at 6:39 p.m.

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

1. Betty added the topic: Audit Entrance Meeting
2. Sheryl Finwall added the topic: Code of Conduct
3. Councilmember Guier added the topic: Stormwater Grant
4. Councilmember Steiger added the topic: Number Of Police Officers

**4. AGENDA ITEMS**

**A. Sewer Rate Increase From King County –**

Betty Garrison, City Treasurer, states that the City has been notified by King County that they have increased the rates for sewer services effective January 1, 2013. The cost to the City for 1,716 sewer connections will be \$6,332.04 per month. The 2013 purposed preliminary budget does not have room to accommodate that amount which would indicate the need to have a rate increase. Councilmember Steiger suggests this item be referred to the Finance Committee and return with a recommendation to Council.

**B. Resolution No. 12-12XX, Authorizing The Mayor To Enter Into And Sign A Washington Public Agency Contract With Municipal Research Service Center For Small Works Roster And Consultant Roster –**

Betty Garrison states this is an annual renewal. It is a contract therefore it comes before Council as a Resolution.

Move it forward to the next Council meeting.

**C. Audit Entrance Meeting –**

Betty Garrison asks the Council to find out what scheduled times work for them to meet the

Auditor for an audit entrance meeting this Friday. Council discusses times they would be available. Betty will notify the Auditor the Council's available time.

**D. Code Of Conduct –**

Sheryl Finwall informed the Council that there has been unbecoming behavior at the Senior Center which was targeted towards her and the cook. A few seniors have even been physical. She has not been able to find an adopted Code of Conduct policy. Sheryl would like to post a Code of Conduct policy at the Senior Center to let them know this type of behavior is unacceptable. She would like Council to support her in the treatment of employees. If a staff member is touched again then she will have to move forward. Councilmember Guier stated Sheryl had contacted her about the issue and suggested to Sheryl that she come forward to Council so Council may refer the issue to the Human Services Committee. Councilmember Jones believes a Code of Conduct policy should be city wide and recommends the Human Services Committee to review the issue and create a policy. Councilmember Steiger concurs.

**E. Stormwater Grant –**

Councilmember Jones states this item relates to the Department Of Ecology stormwater grant that the City of Milton is leading for the cities of Algona, Edgewood and Pacific. The City of Milton has retained services with Skillings and Connolly. Councilmember Guier has been trying to have Dave Hill, Mayor of Algona, to come to a Council meeting to discuss this agreement. Councilmember Guier would like Council to review the agreement and bring their questions to the meeting next week. Councilmember Guier would like Betty Garrison to compose a Resolution.

Move forward to the next Council meeting.

**F. Number Of Police Officers –**

Councilmember Steiger states that it came to his attention last week that there was a typographical error on the 2012 FTE schedule. It was entered with 4 FTE Officers. Councilmember Steiger has run his own figures and believes that when the dollar figure was adopted, it should have been adopted for 6 Officers. Councilmember Steiger stated that Councilmember Guier called him and informed him that when they negotiated the Union contract, it was negotiated for 6 Officers, 2 Sergeants and one Detective. He wants the typographical error corrected because the hiring is at a stall. Councilmember Guier confirmed with John Calkins that it was to be budgeted for 6 Officers. Betty Garrison has went through all the budget documents to look for the approved 6 FTE, however there were not any supporting documents in Maria Pierce's computer drive. Councilmember Guier was in Ken Luce's office on Saturday. They called Brian Sontag, State Auditor, regarding the issue. Councilmember Guier stated that Brian Sontag informed them that the budgeted dollar amount overrides the 4 FTE listed on the salary spreadsheet. Councilmember Jones would like an Ordinance prepared on Monday to change the FTE from a 4 to a 6.

Move forward to the next Council meeting.

**5. ADJOURN - The meeting was adjourned at 7:13 p.m.**

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**Angelica Solvang, Interim City Clerk**