



# McCleary City Council

## PROPOSED AGENDA

May 14, 2008

**6:30 Worksession: Jim Arthur, Linton Wildrick (hydrogeologist)  
Overview of Proposed Critical Areas Ordinance for Wildcat Creek Aquifer**

### **7:00 Council Meeting**

Flag Salute

Roll Call

Minutes (Tab A)

Public Comment

Mayor's Report

Staff Reports:

Busse Nutley, City Administrator (Tab B)

Dan Glenn, City Attorney (Tab C)

Department Heads (Tab D)

Old Business:

Park Signs (Tab E)

New Business:

Brad Peckham, Acting Chief of Fire District 5, has been invited to report about the future of ambulance service

Ordinances:

Resolutions:

Finance Committee (Tab F)

Expressing Support for 1/10 of 1.0% Sales Tax for Disaster Preparedness Projects and Programs (Tab G)

Vouchers

Mayor/Council Comment

Public Comment

Executive Session

Adjournment

Americans with Disabilities Act (ADA)  
Accommodation is Provided Upon Request

Please Turn Off Cell Phones – Thank You

CITY OF McCLEARY

April 23, 2008  
Regular Council Meeting

The meeting was called to order at 7:00 PM with the Flag Salute.

Roll Call: Council Members Vessey, Vatne, Hays, Lake and Boling

Staff Present: Attorney Glenn, Administrator Nutley, Clerk-Treasurer Rostedt, Police Chief Crumb, and Facilities Manager Baun, Plant Operator Ehresmann

It was moved by Councilman Vatne, seconded by Councilman Boling, to approve the minutes of the last regular meeting as distributed and amended. Carried.

Shane Eck addressed the Council regarding the building he purchased from John Carnell at 119 and 121 Simpson Avenue, which he is remodeling. He would like to remove the old, damaged sidewalk, and replace it at his own expense, adding a wheelchair ramp where the sidewalk ends at Simpson Avenue and 4<sup>th</sup> Street.

Administrator Nutley reported on the following:

- 1) The proposed Park Plan is now available for review.
- 2) An RFP has gone out for electrical engineers, and the City has received a number of inquiries.
- 3) Water/Wastewater Manager Merryman and Facilities Manager Baun took the hydrogeologist hired by Jim Arthur, the City and County consultant retained to develop proposed regulations, on a tour of the aquifer to start preparing some of the technical data needed.

Engineer Jon Hinton, an engineer from Grays and Osborne, was introduced. Gray and Osborne has been chosen from a group of firms to contract with the City for engineering services. Mr. Hinton has met with staff members and is looking forward to working with them. It was moved by Councilman Boling, seconded by Councilman Hays, to authorize the Mayor to sign an agreement between the City and Gray and Osborne. Carried.

There was a discussion regarding drafting rules and regulations for Beerbower Park. Administrator Nutley had prepared some information and proposals for the Council, and it was agreed that the Council would go over the materials, between Council meetings, and bring their questions and ideas to the meeting on May 14.

It was moved by Councilman Vatne, seconded by Councilman Boling, to authorize the Mayor to sign a NOVA grant application to be used for walkways and paths. Carried.

There was a lengthy discussion of sidewalk widths in McCleary, especially as relates to the downtown commercial zone. Sidewalk widths will remain 5 feet in the zone, with 8 feet for sidewalks on Simpson and Third. It was agreed that Mr. Eck could proceed with his sidewalk project at his own expense

Resolution No. 560, entitled A RESOLUTION ADOPTING STANDARDS BY REFERENCE IN RELATION TO DEVELOPMENTS AND SYSTEMIC IMPROVEMENTS OR MODIFICATIONS WITHIN THE CITY; REPEALING RESOLUTION 549; & PROVIDING AN EFFECTIVE DATE, was introduced. It was moved by Councilman Vatne, seconded by Councilman Boling, to adopt the resolution with one change—101.8, 2., “on Simpson Avenue in all Commercial Zones, the minimum sidewalk shall be 5 feet rather than 6 feet.” Carried.

Resolution No. 561, entitled A RESOLUTION RELATING TO CONSTRUCTION; CONFIRMING A PROCEDURE IN RELATION TO THE PAYMENT OF UTILITY CONNECTION FEES, was introduced. It was moved by Councilman Vatne, seconded by Councilman Boling, that the resolution be adopted. Carried.

It was agreed to hold the resolution supporting the increase of the sales tax in Grays Harbor 1/10 of one percent to fund disaster relief, until Police Chief Crumb attends an April 25 meeting in Hoquiam with other police, fire and ambulance personnel and can bring back more information on the matter. Of interest to the Council is whether or not McCleary would see any of the funds collected.

Councilman Vessey reported that in interviewing potential engineering firms, he felt that Gray and Osborne had an outstanding presentation.

Councilman Vatne suggested that the City order a plaque for Cole Elliott at Parametrix to thank him for all of his service to the City over the past years.

It was moved by Councilman Vatne, seconded by Councilman Boling, that the meeting be adjourned. Carried.

## **STAFF REPORT**

To: Mayor and City Council  
From: Busse Nutley, City Administrator  
Date: May 12, 2008  
Re: Current Non-Agenda Activity

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### **Wildcat Creek Aquifer**

During the Council's worksession, Jim Arthur and his subcontractor, Hydrogeologist Linton Wildrick, will provide an overview of the proposed amendments to the city's and the county's Critical Areas Ordinances that deal with the critical recharge areas associated with aquifers. A written draft will be presented at the May 28 meeting that will be circulated for public comment, including a 60-day mandatory review by the state.

### **Finance Committee**

The first meeting of the new Finance Committee was on Friday. The staff provided an overview of the issues they would like the Committee to undertake. The group reviewed a proposed Resolution that formally establishes a procedure for approving vouchers, and it is on the agenda for approval.

### **Electrical Engineering RFP**

Responses to our RFP for electrical engineering services are due this Friday.

### **Downtown Cleanup and Park Development**

The new park area behind the Community Center playground has been seeded and we are hopeful a lovely lawn will emerge.

### **Beerbower Park Improvements and Parking Lot Paving**

The engineering plans for the parking lot should arrived late Friday and they are being reviewed by the staff. The proposed swale is larger than we had anticipated, so we must be certain that its location will not interfere with other park activities.

### **Ambulance Advisory Committee**

The Advisory Committee met on April 30 to discuss "where do we go from here?" Committee members asked the Fire District what the back up plan was if the bank did not refinance the \$400,000 loan. Commissioner Bailey responded that the Board would take that issue up at its next meeting on the following Monday. Concern was expressed that ambulance service could be at risk if the loan issue is not adequately addressed.

Alternative service models were also suggested; however, it did not appear that the District is considering them.

Most of the questions were answered by stating that the “financial consultant” – other Fire Chiefs that I located for the District – would be making recommendations after visits in mid-May.

According to *The Vidette* on May 8, Sterling bank has now declined to refinance the loan, except for a three-year period, and only if the District can show that it can repay the debt during that period. The District is now looking for a loan from other institutions.

Given this situation, we have Brad Peckham, Fire District 5 Acting Chief, to attend Wednesday’s meeting to report on the District’s plan to provide service in the future.

### **Hearings Examiner Annual Report**

Each year we require our contracted Hearings Examiner to provide a report on his activities. During 2007 there were no issues referred to him. He notes, however, that state law was amended to require a shorter time between the hearings and the written decisions than the timeframe provided in the City’s Code. He will comply with the new state law, but suggests the City may want to amend the MMC.

April 6, 2008

APR 08 2008

RECEIVED

The Honorable Wally Bentley, Mayor  
City of McCleary  
100 S 3rd Street  
McCleary, WA 98557

SUBJECT: Annual Report of Hearing Examiner - 2007

Dear Mayor Bentley:

The contract established for the position of Hearing Examiner requires that I prepare an annual report each year. This report is to summarize the activities of the Examiner, accomplishments, and any recommendations.

Activities for 2007: No land use applications were considered by the Hearing Examiner in 2007. At the request of the police chief, the Examiner served as his designee in hearing an appeal of the city's decision to seek forfeiture of a car seized during an arrest related to illegal use of controlled substances.

Accomplishments: No specific accomplishments outside of the ordinary conduct of public hearings on land use cases were made.

Recommendations: The ordinance establishing the position of hearing examiner provides that part of my annual report consider whether to recommend any changes to city land use codes or practices. Several months ago, I reviewed an article in a publication issued by the Municipal Research Services Center regarding permit timeframes. This article pointed out a provision of state law that requires all decisions of a Hearing Examiner to be issued within ten days of the close of the public hearing. Many are not aware of that particular provision (and in fact, I was not previously aware of it). Here is a website link to that article: <http://www.mrsc.org/focus/pladvisor/pla10b07.aspx>

McCleary's municipal code governing the position of Hearing Examiner presently provides that the decision of the Examiner be issued within 20 days of the close of the public hearing (unless a different timeframe is specified elsewhere in the code).

I have briefly conferred with the city attorney, Dan Glenn on this matter. There are several options available to the city:

1. Amend the city's ordinances to specifically reference the ten day requirement;

2. Amend the city's ordinances to reference general compliance with timeframes specified in state law (this option would then not require amendment in the future if state law changes); or
3. Make no changes. In this case, the Hearing Examiner would follow the state law requirements and the city would be in compliance.

My intention is to follow state law and issue decisions within ten days of the close of the public hearing, thus complying with state law governing permit timeframes. I recommend that when the city is considering changes to the zoning ordinance in the future, option #2 be followed and a zoning ordinance be revised to include a general reference to the time requirements in state law.

Please feel free to contact me if you have any questions or I can provide additional information.

Sincerely,

A handwritten signature in cursive script that reads "Neil L. Aaland".

Neil L. Aaland, AICP  
McCleary Hearing Examiner

**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: May 12, 2008  
RE: LEGAL ACTIVITIES as of MAY 14, 2008.

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. **RECAPTURE AGREEMENT ISSUES:**

At the time of the approval of Summit Place, Division I, the Council approved an agreement with the developer under which it would be allowed to recapture some of the costs incurred in the installation of the water and sewer utilities. This is a discretionary act on the part of the City under, among other authority, RCW 35.91. Since then, two issues have arisen.

A. Interest figure: For whatever reason, no interest figure was inserted in the document which was approved and ultimately filed. Back in September, 2007, this matter was raised to the developer. His counsel suggested a figure of 6.5%. By letter to his counsel dated September 27, 2007, a copy of which was sent to the City, I indicated that the figure appeared appropriate. However, it appears the matter was not put on the agenda for action. Thus, I would suggest that figure be approved.

B. Recording: From what I can determine, it was executed on or about 27 October, 2004, and the original was given by Brian to the Developer for recording. For whatever reason, the developer did not record the document with its details until requested to do so by Busse. The recording date shown on the document provided to Busse by the Developer is December 21, 2006. As a result, the fact of the requirement of payment under the recapture agreement was not of public record until that date. Recording of the document is very important since the applicable

statutory provision indicates that "the provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract has been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities."

In the interim, the developer apparently sold the majority of the covered parcels to other parties. Given the lack of a recording, the title report of the purchaser/s would not have shown the requirement. Further, based upon contacts I have had with counsel for the purchaser of the majority of the lots, it appears the existence of the agreement, albeit unrecorded, was not discussed nor dealt with in the course of their negotiations. Thus, it appears that more than one parcel has been connected to the systems without payment.

Obviously the developer is desirous of obtaining payment. However, the first issue is the failure to record, which was in the discretion of the Developer. From the City's standpoint, Section IV of the agreement makes it clear the parties agreed the City has no responsibility to the Developer even if the agreement had been filed and we allowed someone to connect without requiring payment. What the parties agreed was that the developer may seek collection of the moneys from any party who/which had connected without paying. However, the statute in relation to the recording puts a constraint on that ability.

2. **FINANCE COMMITTEE**: Since the provision of the original draft, the Committee has met with the Mayor and staff. Pursuant to modifications suggested out of that meeting, I have prepared a B draft for your review. I would note that I have indicated to Donnie that there are two subsections, the deletion of which I would ask be carefully reviewed.

The language in the A draft to which I make reference and which is not in the B draft read as follows:

C. In the event that a claim which has been paid pursuant to the authority granted in subparagraph A is disapproved by the Council, then the Clerk-Treasurer and elected official signing the check or warrant shall recognize these payments as receivables of the City and pursue collection with all reasonable dispatch until the monies have either been recaptured or the payment has been approved by the Council.

D. No checks or warrants relating to the settlement of litigation nor in an amount greater than

§ \_\_\_\_\_ to any single payee shall be issued pursuant to the authority granted in this Resolution.

The rationale of C is to set out the procedure to utilize if the Council exercises the authority reserved by the language of the applicable provisions of Section IV of the B draft and does not approve a payment approved through the interim process. As to D, it is to set out the limit upon which interim approvals may be given. If it is a large sum, interim approval and payment which results in the ultimate unthinkable, disapproval by the Council, would be good for the attorneys involved in the litigation which results but not for the City. Enough said.

3. **FIRE DISTRICT #5:** Obviously, the long term situation of Fire District #5 continues to be one which is difficult to predict. I do not envy either the Board or the District's administration the situation in which they are currently. However, we have sought additional information from the administration on a variety of issues. That information has been provided to the Mayor and City Administrator. Since the resolution of the District's issues will almost certainly have an impact, in one way or another, upon the City's operations and budget for 2009, the Mayor authorized Busse to request that Brad attend this meeting to give an update. Hopefully he will be able to do so.

In the interim, we are now about three months from the date that negotiations must commencement for dealing with 2009. We will keep you informed.

3. **SIDEWALK MODIFICATION REQUIREMENT:** As you are aware, at the last meeting I expressed some concerns about the ability of the City to mandate the expansion of sidewalk improvements under the breadth of circumstances contained within the draft document the Council adopted. The concern relates to the restrictions our courts have imposed upon a governmental agency to mandate changes, including the effective transfer to public use of a portion of their property for sidewalk use, without showing the clear causal relationship between the impact of the use change and the requirement.

At this stage I am trying to develop a draft for your review which will accomplish the desired goal, but more clearly fit within the constraints imposed by the courts on such requirements, which they have tended to characterize as takings. When I come up with something, I will provide it to City staff for their review and then to you for review and consideration.

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

# STAFF REPORT

To: Council and Mayor  
 From: John Allardin, Maintenance Crew Foreman  
 Date: May 01, 2008  
 RE: April Status Report



TASK	DESCRIPTION	MONTH		YEAR TO DATE	
		NO.	HOURS	NO.	HOURS
Building maintenance	Park, transit station restrooms, city compound, library, float shed & museum.		89		307
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.		35.5		103.5
Training	Professional growth classes, Asbestos cement pipe handling class, 4 people attended.	1	32	1	32
Water leaks	One water leak	1	5	6	80
Water complaints	Dirty, smelly or low water pressure.			6	5
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.		16		68
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing		180		302
Motor pool maintenance	Motor pool maintenance in house and contract work		14		60
Pot hole program	Did some road shoulder and alley repair.	64	16	113	31
Utilities locates	Locating underground utilities	9	5.5	15	10
Meter reading	Three people task includes meter reading, shut off list and re-reads		48		192
Flagging traffic	Flagging for Light and Power crew	1	2	2	8
Citizen requests	Forms generated by requests from citizens			1	2
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation			19	40
Sanding streets and street sweeping	Sanding streets			1	1
Hydrant flushing program	Maintenance, flushing and exercising hydrants				52

# STAFF REPORT

To: Council and Mayor  
 From: John Allardin, Maintenance Crew Foreman   
 Date: May 01, 2008  
 RE: March Status Report

TASK	DESCRIPTION	MONTH		YEAR TO DATE	
		NO.	HOURS	NO.	HOURS
Building maintenance	Park, transit station restrooms, city compound, library, float shed & museum.		72		218
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.		32		68
Training	Professional growth classes				
Water leaks	One water leak	1	5	5	75
Water complaints	Dirty, smelly or low water pressure.	2	3	6	5
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.		16		52
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing		92		122
Motor pool maintenance	Motor pool maintenance in house and contract work		15		46
Pot hole program	Did some road shoulder and 200' of alley repair. Picked up more street patch	12	8	49	15
Utilities locates	Locating underground utilities	3	2	6	4.5
Meter reading	Three people task includes meter reading, shut off list and re-reads		48		144
Flagging traffic	Flagging for Light and Power crew			1	6
Citizen requests	Forms generated by requests from citizens			1	2
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation			19	40
Sanding streets and street sweeping	Sanding streets			1	1
Hydrant flushing program	Maintenance, flushing and exercising hydrants		48		52

# STAFF REPORT

To: Council and Mayor  
 From: John Allardin, Maintenance Crew Foreman  
 Date: May 01, 2008  
 RE: February Status Report



TASK	DESCRIPTION	MONTH		YEAR TO DATE	
		NO.	HOURS	NO.	HOURS
Building maintenance	Park, transit station restrooms, city compound, library, float shed & museum.		96		146
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.		17.5		36
Training	Professional growth classes				
Water leaks	One large water leak	1	68	4	70
Water complaints	Dirty, smelly or low water pressure.			4	2
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.		16		36
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing		26		30
Motor pool maintenance	Motor pool maintenance in house and contract work		9		31
Pot hole program	Four blocks of alley.	40	6	41	7
Utilities locates	Locating underground utilities	1	1.5	3	2.5
Meter reading	Three people task includes meter reading, shut off list and re-reads		48		96
Flagging traffic	Flagging for Light and Power crew			1	6
Citizen requests	Forms generated by requests from citizens			1	2
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation	19	40	19	40
Sanding streets and street sweeping	Sanding streets	1	1	1	1
Hydrant flushing program	Maintenance, flushing and exercising hydrants		48		52

# STAFF REPORT

To: Council and Mayor  
 From: John Allardin, Maintenance Crew Foreman  
 Date: May 01, 2008  
 RE: January Status Report



TASK	DESCRIPTION	MONTH		YEAR TO DATE	
		NO.	HOURS	NO.	HOURS
Building maintenance	Park, transit station restrooms, city compound, library, float shed & museum.		50		50
Meetings and appointments	Safety meeting, interviews, public works meetings, outside agencies and contractors.		18.5		18.5
Training	Professional growth classes				
Water leaks	3 small water leaks	3	2	3	2
Water complaints	Dirty, smelly or low water pressure.	4	2	4	2
Garbage collection	Down town, park, cemetery, city compound and city park trash cans.		16		16
Grounds maintenance	Gardening, hanging baskets, mowing, raking, baseball field maintenance and pressure washing		4		4
Motor pool maintenance	Motor pool maintenance in house and contract work		22		22
Pot hole program	Repairing one road crossing	1	1	1	1
Utilities locates	Locating underground utilities	2	1	2	1
Meter reading	Three people task includes meter reading, shut off list and re-reads		48		48
Flagging traffic	Flagging for Light and Power crew	1	6	1	6
Citizen requests	Forms generated by requests from citizens	1	2	1	2
Valve exercising program	Checking for valve operation, location, and maintaining proper valve operation				
Sanding streets and street sweeping	Sanding streets	1	1	1	1
Hydrant flushing program	Maintenance, flushing and exercising hydrants		4		4

## STAFF REPORT

To: Mayor and City Council  
From: Jeff Gustafson, Senior Lineman  
Date: May 4/08  
Re: April Activity

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Pole Changes - 0  
YTD - 4

Transformers  
Overhead -  
YTD - 2

Underground -  
YTD - 3

Primary Extensions  
Overhead -  
YTD -

Underground -  
YTD - 1 at 502 ft. #2 15kvEPR

Primary Replacement  
Overhead -  
YTD - 3000 ft. 2/0 ACSR

Underground  
YTD -

Service Connections  
Overhead -  
YTD -

Underground -1 at 70 ft. 4/0, 1 at 35ft. 4/0  
YTD - 480 ft. 4/0-4/0-2/0 URD

Temporary Services - 5  
YTD -5

Street Light Services -2 at 100 watt. 1 at 200 watt  
YTD - 2 at 200 watt, 7 at 100 watt

Outages -  
YTD - 2

Call Outs - 1  
YTD - 4

## STAFF REPORT

To: Mayor and City Council  
From: Todd Baun   
Date: May 8, 2008  
Re: Month of April

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Here are the projects I've been working on for April

- There is now a rough draft of the new Park Plan on the web site. The Planning Commission is having a public hearing on May 20<sup>th</sup>, 2008 at 5:30 pm.
- The TIB grant for sidewalks is still in the contract phase. The delay in the contract is going to push the project schedule a month, or possibly to next year.
- The City will be working with the WSDOT sweeping the streets on May 9<sup>th</sup>, 2008. We need to try and come up with a monthly schedule for the sweeping.
- NOVA (Nonhighway and Off-Road Vehicle Activities) grant pre application was turned in on April 29<sup>th</sup>. Final technical completion is August 1<sup>st</sup>, 2008. Nick from Grey and Osborne has helped out tremendously. We asked for \$70,000, which will give us a great trails plan. There is no match for this grant.
- We also received the contract for the YAF (Youth Athletic Facilities) grant. Before we can proceed on this project it needs to be signed and turned back into the Recreation and Conservation Office. Ardyce, Busse, and I have been working on getting the city in compliance with the bidding laws for this grant.
- The Park parking lot design is going to be close to being finished by this Council Meeting.
- I have been working on a parking issue on 1<sup>st</sup> street with Mr. Ackley. Mr. Ackley has a contractor that is ready to start on the project as soon as we come in agreement on an acceptable design.
- The city clean up went extremely well. We had no accidents and everyone helped out tremendously. We don't have a final report yet on how much stuff was taken away by Lemays.
- Work behind the community center is finished as far as grading. The site has been rolled and planted in a good athletic field grass. In the next couple of weeks the site should be turning green. The burms will be planted by Tami as soon as she gets time to order plants.
- With the council approval, I will be turning in a grant for the SRFB (Salmon Recovery Funding Board) for Sam's Canal. Nick from Grey and Osborne has helped out with reviewing and recommendations for this grant. The project will retrofit the bulk head grates, remove Canary Grass and Blackberries, add some log and stumps along the stream, and provide an all weather trail with educational signage. The amount of money we are applying for is \$133,130. This grant has a 15% match. For our match, the city can come close to entire match by permitting and using materials we already have on city property (blow down trees and woody debris).

- John Allardin, Joe Pittman, Andrew Lunsford and I completed 8 hours of Asbestos Training on April 29th. In order to have anyone work around asbestos cement (AC) pipe, WAC 296-62 says that we must have 8 hours of training of proper protective equipment, AC pipe handling and disposal procedures, and overall personal and public safety. They were also specific on making sure we understood that asbestos is very dangerous to breathe, but is safe to drink.
- I went to a class on Risk Management for Skate Parks. It was very informative on issues with skate parks, parks, and trails. I will have a report on issues we need to work on to help us lower risk.

I want to thank the public works crew for all the hard work this month. The crew is going above and beyond expectations with helping solve the many issues we had spring up. Tami has also been very busy on making the city look great. She is a great addition to our city.

If you have any questions, don't be afraid to ask. If you see something that needs attention or have any ideas that you would like me to pursue, my door is always open, so please come and talk to me.

**McCLEARY POLICE DEPARTMENT  
REPORT TO COUNCIL MEMBERS**

Reporting Date: 05-14-2008 Wednesday

Date of Last Report: 04-09-2008

The below is a list of activities and complaints occurring which were either reported to, generated by, responded to or assisted with by the McCleary Police Department.

**SUMMARY OF INCIDENTS**

**1039 Incidents as of Friday 9 May 2008 /0840 hours**

**66 Traffic Stops, Traffic Offense's 7, Subject Stops-5.**

**3 Speed Infractions, -DWLS-court-6, -Insurance Violation-5,**

**Total Bail Amounts: \$6019 and 14 other mandatory court dates set.**

**VIOLATIONS REPORTED OR INVESTIGATED**

Abuse, Adult or Child	Civil Complaint(s)
Ambulance/9-Fire Response Broadcast	Sex Offense (Adult or Child)
Agency Assist Police	Court Order Service/ Violation)
Harassment	Subject Stop / Pedestrian Stop-
Aid Call	Citizen Assist
Hit & Run	Prowler
Juvi Problem /Found Child/Runaway	Defrauding Public Utility
Alarm(s)	Suspicious= , Vehicle, Circumstances.
Liquor Violation (MIP-minor in possession)	Death Report
Animal Complaint(1 dog bite)	Theft Complaint(s)
Malicious Mischief	DUI
Arrest(s) (Booked)	Threat Complaint(s)
Missing Person/Runaway Report	Disorderly Conduct/person
Arrest(s) (Warrant)	Trespassing Complaint
Man Down-intoxicated sub	Domestic Violence
Motorist assist	Traffic Hazard=/ Reckless / Offence
Arson Report	Unknown Problem
Noise Complaint	HAZMAT
Arrest Juvenile	Verbal Argument/Dispute
Open Window/ -Door	Dog Impounds
Attempted Suicide	DRUGS-VUCSA (Violation Uniform Controlled
Parking Violation/Complaints	Substance Act)
Assault Complaint(s)	Vehicle theft / Prowl / Recov Stolen.
Possession of Drug Paraphernalia	Fight
Burning Violation(s)	Vehicle = Accident / Disabled- / Abandon
Possession of Stolen Property	Firearm/Weapons complaint
<u>Burglary Complaint(s)</u>	Warrant Service/Transfer
Police Information	Fraud complaint
Controlled Substance Violation(s)	Welfare Check
Public Works Assist (McCleary City)	Found- / 0 Lost Property-
Custody Dispute(s)	911 Hang Up/Open Line
Referral	
Fire Response	

**Discussion:**

Discussion on council to reconsider decision not to grant cash out payments of vacation and or holiday accrued hours.

Council Members Present: ALL? Mr. Vessey, Mr. Vatne, Ms. Lake, Mr. Hays, Mr. Boling  
Mayor Bentley: Present / Not Present  
Officer Reporting : Chief Crumb \_\_\_\_\_

## STAFF REPORT

To: Mayor and City Council  
From: Mick Schlenker, Building Official   
Date: May 8, 2008  
Re: April Building Activity

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### Building Permit Activity

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	April		Total 2008	
	Current	Fees	Actual	Fees
Customer Service	266		1058	
Building Permits				
Issued	9	\$8,201.04	23	\$24,926.22
Nuisance Letters	1		9	
Inspections				
Performed	140		258	
Plan Reviews	7	Inc in Permit	15	
Stop Work Issued	1		6	
City Projects	1		2	
Complaints	8		25	
Demo Permits	0		0	
Court Issues	0		1	
Fire Projects	0		0	
Cars	1		7	

#### April 2008 Building Permit Activity

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##### Shane Eck

1. This project is in the final stages and all most ready for final Insp.

##### Beehive

1. Has finished grading off of Maple st and started work on the back flow water line on 6<sup>th</sup> st.

### **Kingbuilt Homes**

1. Has bought the Allen Arndt lot and is planning on Demo and building a new rambler home.
2. Blankenship home is in the interior stages
3. Dent home is in the framing stages

### **Todd Hansen**

1. This development has (5) homes in different stages of work!

### **City projects**

1. We have (2) small city projects getting close to final inspections.
2. The maintenance crew has started some clean up of the float shed.
3. Discussions have taken place on front office remodel

There are still 7 remodels in progress with in the city to date.

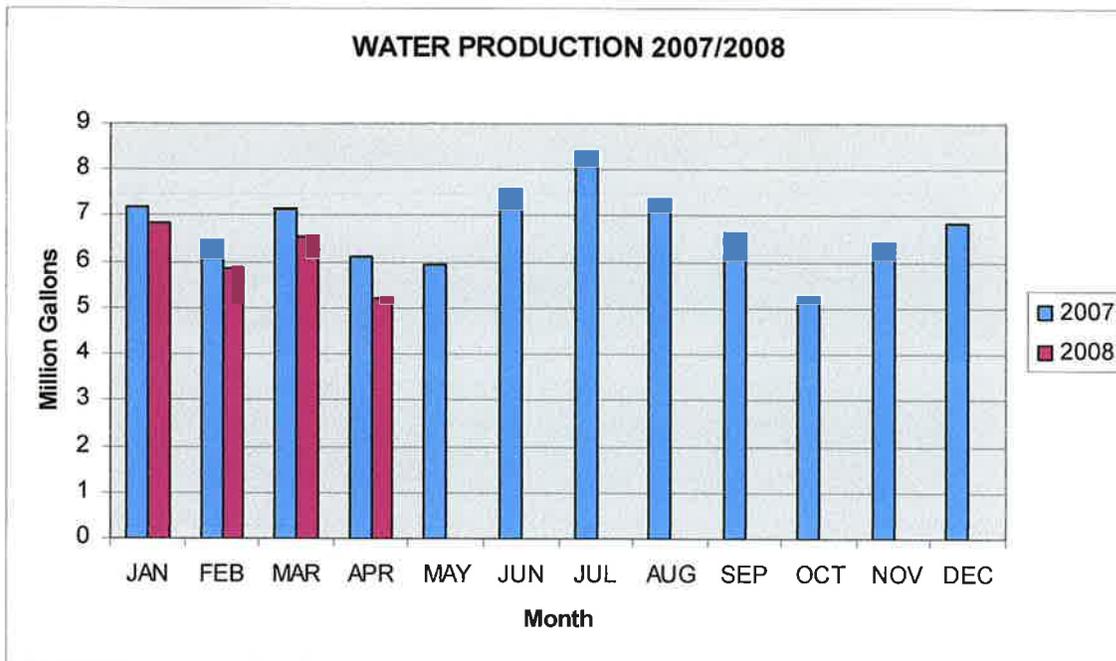
Thank you.

Mick Schlenker  
Building Official  
City of McCleary

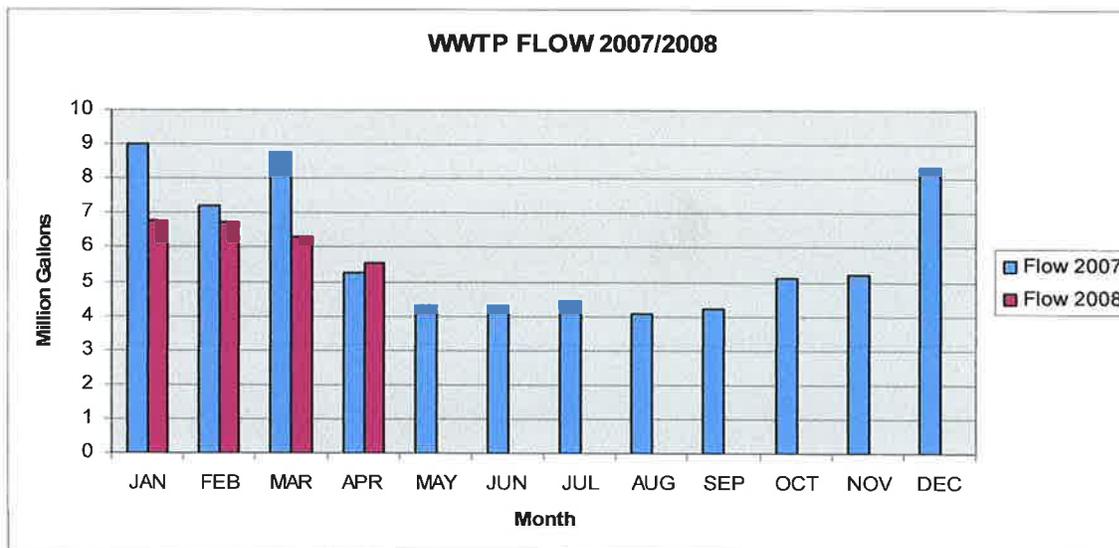
# STAFF REPORT

To: Mayor and City Council  
From: Water/Wastewater *[Signature]*  
Date: May 2008  
Re: Monthly Council Report

As can be seen in the chart below, water production remains less than last year. Water conservation will be an important section in our new Water System Plan, which will be out soon for review. Our annual Consumer Confidence Report will go out in June.



Wastewater effluent is slightly up from last year at this time. The staff will keep track of this to see if a pattern exists. Flows for the dry months should be similar from year to year when the water table drops.



## STAFF REPORT

To: Mayor and City Council

From: Jennie Reed, Court Administrator *JJR*

Date: May 12, 2008

Re: April Report

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	Court Filings		Court Fines Paid	
	April	YTD	April	YTD
Traffic Infractions	15	91	\$2,561.87	\$11,753.61
Non Traffic Infractions	1	2	0	0
Criminal Traffic	11	35	\$509.00	\$4,179.40
Criminal Non Traffic	8	16	\$99.00	\$1,463.70
Collection Fees Collected				\$197.01
<b>TOTAL ISSUED</b>	<b>35</b>	<b>144</b>	<b>\$3,169.87</b>	<b>\$17,593.72</b>

## STAFF REPORT

To: City Council  
From: Busse Nutley, City Administrator  
Date: May 12, 2008  
Re: Park Signs



---

At the last Council meeting, you discussed four possible changes to rules for Beerbower Park that would require signage:

1. Designate a “pet area” and install pet waste receptacles. After staff review, the only existing grassy area in the vicinity of the park restrooms is near the creek and is an area planned for a new walkway, so no changes are proposed to the current “no dogs in park” sign.
2. Overnight parking near the park is often used for commuters, so prohibition is not appropriate.
3. Overnight camping was deemed to not be a serious problem at this time.
4. Signs about no alcohol are appropriate.

**Requested action:**

Request the staff to install “no alcohol” signs in Beerbower Park.

## STAFF REPORT

To: City Council  
From: Busse Nutley, City Administrator   
Date: May 12, 2008  
Re: Finance Committee Resolution

---

The Council created a Finance Committee in April and it met for the first time on May 9. The Committee agreed that a more formal process should be established for approval of vouchers, and that the committee itself, its membership and its function should be established by Resolution.

### **Requested Action:**

Adopt the Resolution

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

**A RESOLUTION RELATING TO COMMITTEES;  
DEFINING CERTAIN AUTHORITY; AND CONFIRMING  
ACTIONS PREVIOUSLY TAKEN.**

**R E C I T A L S:**

1. Pursuant to the provisions of RCW 35A.11, the Council has the authority and the responsibility to organize its internal affairs.

2. At its meeting of April 9, 2008, the Council membership of a Finance Committee was appointed.

3. It is deemed appropriate to formalize the authority of that Committee until further action of the Council.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

**SECTION I: STRUCTURE:**

A. The Finance Committee shall consist of two members of the Council, appointed annually by the Council. They shall serve until their successors are appointed. Additionally, the Council shall appoint a Council Member to serve as an alternate in the event of the unavailability of one of the two designees.

RESOLUTION -B- 1  
5/12/2008  
DG/1a

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98557

B. In recognition of the role of the Mayor as the Chief Executive Officer of the City, the individual serving as Mayor shall be an ex officio member of the Committee and may, in his or her discretion, attend such meetings of the Committee as the Mayor deems appropriate.

C. Staff Participation: The Committee shall be provided such information about the fiscal affairs and operations of the City by the City's Administration, including the City Administrator, Clerk-treasurer and the staff of that office, as well as other staff of the City, as may be requested or deemed appropriate and necessary by Committee or by staff.

**SECTION II: DUTIES:**

In addition to such other duties and responsibilities as may be assigned by the Council or designated by the Mayor, the duties of the Finance Committee shall include the following:

A. to provide review and advice upon budget matters, including preparation of the annual budget and the quarterly reports;

B. review, prior to its submission, the annual report developed by the Office of the Clerk-treasurer;

C. review the financial policies of the City, including investments,

D. unless otherwise provided for, review and make recommendations as to the payment of vouchers under the circumstances set forth in Section IV.

**RESOLUTION -B- 2**  
**5/12/2008**  
DG/L\*

**CITY OF McCLEARY**  
**100 SOUTH 3RD STREET**  
**McCLEARY, WASHINGTON 98557**

The committee shall have the authority to request and receive such information from the Administration as it may deem necessary and appropriate to carry out its duties.

**SECTION III: REVIEW & AUDITING OF VOUCHERS & CLAIMS:**

The following procedure is established in terms of the review and auditing of claims and warrants requesting the issuance of vouchers:

A. The finance committee of the City Council, as it may from time-to-time be constituted, shall constitute the committee responsible for the review and audit of the claims and warrants. In the absence of a constituted finance committee, the actions required hereunder shall be carried out by a majority of the Council.

B. The Clerk-Treasurer shall have available, no later than 6:00 p.m. on the night of each council session, the following:

1. Claims and vouchers to be submitted to the Council for approval that evening;

2. A cover sheet indicating the name of the payee, the amount of the proposed payment, as well as such other information as the Clerk-Treasurer may from time-to-time deem appropriate or may be requested by the Council or Committee, as the case may be.

C. Claims and vouchers shall be reviewed by the Council. Approval of a claim, voucher, or warrant by three members of the Council or the committee shall constitute a recommendation that the same be paid.

**RESOLUTION -B- 3**  
**5/12/2008**  
dg/le

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D. Any member of the Council or the Mayor shall have the right and authority to review any claim or voucher requesting payment prior to action of the Council thereon, as long as such a request for review is made prior to action of the Council upon the particular claim or warrant.

E. At such time in the order of the business of the meeting of the Council as the matter of the claims and vouchers appears upon the agenda, any member of the Council or any member of the finance committee shall make such recommendation in relation to approval, rejection, or holding in abeyance as may be deemed appropriate. The recommendation may either be made as to the list as a group or as to specific items thereon, excepting therefrom an approval of such specific items as may be designated in the recommendation. The Council shall then act upon the approval or rejection of the claims or vouchers submitted.

F. In recognition that the scheduling of payment of wages, benefits, and salaries of City employees will frequently require payment prior to a Council meeting at which formal approval may be granted, the requirement that a particular claim or voucher for such purposes be submitted to the Council or the Committee, as the case may be, prior to shall payment be deemed waived. Any such payment shall be incorporated in the report submitted to the Council at the next regular meeting following making of the payment and shall not be deemed final until approved by the Council.

**RESOLUTION -B- 4**  
**5/12/2008**  
DC/1e

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McCLEARY, WASHINGTON 98557

**SECTION IV: AUTHORIZATION IN EVENT OF CERTAIN**

**CIRCUMSTANCES:**

A. By the Finance Committee:

In the event more than two weeks will elapse between the business meetings of the Council, the Finance Committee shall have the authority otherwise exercisable by the Council pursuant to Section III in terms of reviewing claims and warrants and authorizing payment thereof: PROVIDED THAT, any payment so authorized shall be incorporated in the report submitted to the Council at the next regular meeting following making of the payment and shall not be deemed final until approved by the Council.

B. By the Administration:

When more than two weeks will pass between Council sessions and the Committee is unable to fulfill the duties set forth in Section III, the Mayor and Clerk-Treasurer of the City shall be authorized to issue checks and warrants for payment of the lawful obligations of the City without the pre-approval of the Council, subject to the following conditions:

1. Either the Mayor or the Mayor Pro Tem, in the event of the absence of the Mayor, and the Clerk-Treasurer shall sign the checks or warrants to be issued. There shall not be more than once facsimile signature on any warrant. A bond shall be maintained as required by R.C.W. 42.24.180.

2. The claims and warrants paid pursuant to the provisions of Subparagraph 1 shall be incorporated in the report

**RESOLUTION -B- 5**  
**5/12/2008**  
DG/1e

**CITY OF McCLEARY**  
**100 SOUTH 3RD STREET**  
**McCLEARY, WASHINGTON 98557**

submitted to the Council at the next regular meeting following making of the payment and shall not be deemed final until approved by the Council.

**SECTION V: PAYMENT ISSUANCE PROCEDURE:**

Upon action of approval of a claim or voucher by the City Council or the Committee, in the circumstances set forth in Section IV, the Mayor shall take such action in relation to the execution of the warrant or other instrument of payment as may be authorized by law: PROVIDED, that in the event the Mayor does not sign upon the warrant or instrument of payment upon a particular claim or voucher approved by the Council, the Council shall be so informed by the Mayor at the next session of the Council.

**SECTION VI: WAIVER:**

The procedures established within this Resolution are for the benefit of the Council only and any failure to follow the procedures established herein or variation thereof shall not affect the validity of any payment authorized by action of the Council and approved by the Mayor.

**SECTION VII: RIGHT RESERVED FOR FURTHER ACTION:**

Nothing in this Resolution shall inhibit the right and ability of the Council or Mayor to establish special committees of such form, nature, and scope as they may from time-to-time deem necessary and appropriate.

**RESOLUTION -B- 6**  
**5/12/2008**  
DC/1a

**CITY OF McCLEARY**  
**100 SOUTH 3RD STREET**  
**McCLEARY, WASHINGTON 98557**

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2008, by the City Council of the City of McCleary, and signed in  
authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_,  
2008.

CITY OF McCLEARY:

\_\_\_\_\_  
WALLACE BENTLEY, Mayor

ATTEST:

\_\_\_\_\_  
DONNIE ROSTEDT, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

RESOLUTION -B- 7  
5/12/2008  
DG/le

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98557

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

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DEFINING CERTAIN AUTHORITY; AND CONFIRMING  
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RESOLUTION -C- 1  
5/12/2008  
pg/1e

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98557

B. In recognition of the role of the Mayor as the Chief Executive Officer of the City, the individual serving as Mayor shall be an ex officio member of the Committee and may, in his or her discretion, attend such meetings of the Committee as the Mayor deems appropriate.

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**RESOLUTION -C- 2**  
**5/12/2008**  
DG/le

**CITY OF McCLEARY**  
**100 SOUTH 3RD STREET**  
**McCLEARY, WASHINGTON 98557**

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**RESOLUTION -C- 3**  
**5/12/2008**  
DC/le

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98567

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**RESOLUTION -C- 4**  
**5/12/2008**  
DG/le

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98557

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**RESOLUTION -C- 5**  
**5/12/2008**  
DC/le

CITY OF McCLEARY  
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McCLEARY, WASHINGTON 98557

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**SECTION VI: WAIVER:**

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**SECTION VII: RIGHT RESERVED FOR FURTHER ACTION:**

Nothing in this Resolution shall inhibit the right and ability of the Council or Mayor to establish special committees of such form, nature, and scope as they may from time-to-time deem necessary and appropriate.

**SECTION VIII: GENERAL PROVISIONS**

RESOLUTION -C- 6  
5/12/2008  
dc/la

CITY OF McCLEARY  
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A. In the event that a claim which has been paid pursuant to the authority granted in subparagraph A is disapproved by the Council, then the Clerk-Treasurer and elected official signing the check or warrant shall recognize these payments as receivables of the City and pursue collection with all reasonable dispatch until the monies have either been recaptured or the payment has been approved by the Council.

B. No checks or warrants relating (1) to the settlement of litigation nor (2) for any other payment in an amount greater than \$\_\_\_\_\_ to any single payee shall be issued pursuant to the authority granted in Section IV of this Resolution.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008, by the City Council of the City of McCleary, and signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF McCLEARY:

\_\_\_\_\_  
WALLACE BENTLEY, Mayor

ATTEST:

\_\_\_\_\_  
DONNIE ROSTEDT, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
**RESOLUTION -C- 7**  
**5/12/2008**  
DG/1e

**CITY OF McCLEARY**  
**100 SOUTH 3RD STREET**  
**McCLEARY, WASHINGTON 98557**

DANIEL O. GLENN, City Attorney

**RESOLUTION -C- 8**  
**5/12/2008**  
dc/le

**CITY OF McCLEARY**  
**100 SOUTH 3RD STREET**  
**McCLEARY, WASHINGTON 98557**

## STAFF REPORT

To: City Council  
From: Busse Nutley, City Administrator   
Date: May 12, 2008  
Re: Sales Tax for Disaster Preparedness

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Attached is a summary of the discussion on April 25 about the proposal to submit a sales tax increase for disaster preparedness to the voters.

## **DISASTER PREPAREDNESS REFERENDUM IDEA**

**Note: from 1/10<sup>th</sup> of 1 Cent meeting held at the Hoquiam Police Station Training Room**

**Friday, April 25, 2008 @ 09:00**

The following is a list of items addressed at/ from this meeting. Compiled by Chief Prater of GHFD#2.

Have to address how the current statute is written; such as 1/3 must go to criminal justice and how do we make this happen?

The statute allows us to go up to 3/10<sup>th</sup> of 1 cent. Currently we are set at 8.3% and it would go up to 8.4% but would drop back (expire) after 3-4 years.

USGS has a new 2008 study on coastal impact on a Tsunami on their website. We also have the possibility for wind storms, flooding, wildfires and tornados in the county.

Can we do this?

- County residents must be self sufficient
- Expectations of service to public by police/ fire/ government
- Clear intent/definitions of plan for public to understand/ garner support
- Economic climate > Recession looming > Tax revolt?
- November 2008 ballot > other taxes going to also be on ballot? Cost to be on ballot around \$2,000-3,000. \*Ballot timing is a major issue for this idea\*
- Window of opportunity > Public Awareness is very high now> But, only 12 people at recent emergency preparedness meeting in Central Park, is issue already fading?
- Questions to answer: "Where has the money for emergency management gone before?" NOTE: The county's current budget for DEM is only around \$170,000 and that is just about the same as it used to be when under the Sheriff. This funding only covers salary for staff, not capital infrastructure or improvements (shelters, generators, etc) Another question is "Where does this money go if approved?"
- Sales tax 1/10<sup>th</sup> of 1 cent. Question on "What about change in sales tax collection under new state law (point of delivery)?" How will this affect our projections of revenue in Grays Harbor: up or down?
- RCW 82.14.450 requires that 1/3<sup>rd</sup> of all money collected goes to Criminal Justice (Courts, Manpower, &/or Jails) and that of that 60% will go to the county and 40% out to the cities to be split up by per capita formula.
- Even if it fails > Due diligence is met > Public has responsibility too to support needs with funding.
- We do have local legislative support to change the statute to 100% funding for emergency management but this will take time we might not have. No guarantee change would pass in 2009 legislature. Should we wait or go to vote while it is still in the minds of the people?
- Grays Harbor County has mail in-ballots. How will this affect this? Are people more anti-tax, especially with mail-in ballots?
- Need to have an end date for tax/ information must be clear to the public.  
*Trust is critical! Must do what we promise!*

- This would need to be a full public campaign > Volunteers + Public Information (including ads/signs/flyers etc)
- What are we going to do with the money, including the criminal justice funds? (Cannot Supplant funds) Section #4 of statute must be used for only for police protection, corrections, courts. What about unified ideas, such as local probationary offices for muni courts or increase for county-wide drug enforcement? May want to discuss if all efforts county-wide should be unified or uniform; “everyone on the same page” for 2/3 and 1/3 funds.
- Criminal Justice 1/3 example funds: If a total of \$850,000 is collected, the county sheriff would get \$169,000 and the cities would get \$113,000 (per capita would then be split: Aberdeen 23%, Cosi 2.3%, Elma 4.4%, Hoquiam 12.4%, McCleary 2.2%, Montesano 5%, Ocean Shores 6.6% and Westport 3.3%)

Plan of action for the Emergency Management/Preparedness funds. We have to realize that we will be on our own for about 7-14 days if something major happens to this region. Plan should include:

- Shelters in each geographical area ( target each area of county- such as in each school district)
- Generator power for shelters and key public sites
- Mobile generator units that can be moved to site of disaster
- Shelter supplies
- Communications infrastructure
- Mass Care
- Public education campaign