



McCleary City Council

AGENDA

October 09, 2013

7:00 Council Meeting

Flag Salute

Roll Call

Public Hearings:

Public Comment:

Minutes (Tab A)

Mayor's Report/Comments:

Staff Reports: Dan Glenn, City Attorney (Tab B)
 Nick Bird, Director of Public Works (Tab C)
 Staff Reports (Tab D)

Old Business:

New Business: Animal Code (Tab E)
 Simpson Track and Tune (Tab F)
 Marijuana Regulations (Discussion)
 Light and Power Material Order (Tab G)
 Storm & Sewer Work (Tab H)

Ordinances:

Resolutions: Employees Benefit Trust (Tab I)

Vouchers

Mayor/Council Comments

Public Comment

Executive Session

Adjournment

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

Please Turn Off Cell Phones – Thank You

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La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, September 25, 2013

ROLL CALL AND FLAG SALUTE Councilmember's Schiller, Peterson, Reed, and Ator.

ABSENT Councilmember Catterlin. It was moved by Councilmember Schiller, seconded by Councilmember Reed to excuse Councilmember Catterlin's absence. Motion Carried 4-0.

STAFF PRESENT Present at the meeting were Dan Glenn, Wendy Collins, and Nick Bird.

PUBLIC COMMENT None.

MINUTES APPROVED **It was moved by Councilmember Ator, seconded by Councilmember Reed to approve the minutes from the September 11, 2013 Council Meeting. Motion Carried 4-0.**

MAYOR'S COMMENTS Mayor Dent informed the Council they will be receiving budget revenues soon.

He also stated there is no news regarding the steel mill plant.

He commented that he is not in favor of a cannibus store opening in McCleary. The Council has until December to decide what they want to do about the issue.

CITY ATTORNEY REPORT Dan Glenn provided a report for the Council and is available to respond to any questions.

DIRECTOR OF PUBLIC WORKS REPORT Nick Bird has provided a written report for the Council and is available for any questions.

APPROVAL OF VOUCHERS Accounts Payable vouchers/checks approved were 36949-36991 including EFT's in the amount of \$106,923.08.

It was moved by Councilmember Reed, seconded by Councilmember Ator to approve the vouchers. Motion Carried 4-0.

PUBLIC COMMENT None.

EXECUTIVE SESSION None.

MEETING ADJOURNED **It was moved by Councilmember Ator, seconded by Councilmember Reed to adjourn the meeting at 7:05 PM. The next meeting will be October 9, 2013 at 7:00 PM. Motion Carried 4-0.**

Mayor Gary Dent: _____

Clerk-Treasurer Wendy Collins: _____

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL C. GLENN, City Attorney
DATE: October 3, 2013
RE: LEGAL ACTIVITIES as of OCTOBER 9, 2013.

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.

Personal Note: As you will notice, neither Mr. Coker nor I are present this evening. That is a result of Mr. Coker, in his role as a parent, being present at the birthday celebration for his young daughter. My absence is as a result of the requirements related to my position as President of the Washington State Association of Municipal Attorneys. The WSAMA conference starts tomorrow morning at 9:00 in Walla Walla with a WCIA session occurring there today. It is quite a drive from here and there are only two flights per day there, neither of which allowed me to attend this meeting. Thus, I asked the Mayor if we could be excused. However, I have made it clear that I will be available by telephone if needed. I appreciate your understanding.

1. **AWC HEALTHCARE TRUST RESOLUTION & INTERLOCAL:** The healthcare insurance provided by the City to its employees is through an agreement with AWC. The Board which manages the program for AWC has determined the best financial interests of the members would be served by creating a trust entity rather than the current approach. This apparently relates to a conclusion that, under the current organizational pattern, as of January 1, 2014, it will be subject to a charge under the Affordable Care Act and state provisions. (Please note the federal amount would not be a tax pursuant to the conclusion of Justice Roberts in the U.S. Supreme Court's decision.)

To achieve this change, it is necessary to adopt both a resolution and, by incorporation, an interlocal agreement. I

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

have prepared the resolution and the interlocal agreement is attached to it. They have provided a "fact sheet", a copy of which I have attached explaining their rationale in greater detail.

I would recommend adoption of the resolution which carries with it the authority for Mayor Dent and Ms. Collins to sign the interlocal.

2. **"TRACK & TUNE AGREEMENT"**: Mr. Bird has summarized the history of this program. As is usually true, along with the benefits come responsibilities. I have had the initial opportunity to look at the basic form provided by BPA. Mr. Bird, Ms. Collins, and I will seek to have a clean draft for your consideration at the next meeting.

3. **ANIMALS**: One person's "prized pet" is another person's pain. Some time back we had the issue of one or more individuals maintaining some interesting snakes in their residences. Now, it apparently has become more broad. The difficulty will be to update the ordinance so that it provides the protection necessary without failing to recognize that we are not downtown Seattle. Mr. Bird has looked at the approach which is taken by Olympia. It is a relatively broad and strict approach. Over the next few weeks, we will review Olympia's approach and those of some other entities and see if we can not come up with a document which both achieves the goals and is not so broad as to be basically unenforceable due to the staff time which would be involved.

4. **I-502 ZONING MATTER**: I know that we have discussed this previously, but to paraphrase what Jack Nicholson stated in one of his movie roles, it is back.

We are now in month ten and month twelve will be upon us before we can believe it. If it has not yet been done, I would recommend you formally refer to the Hearing Examiner the matter of zoning changes associated with the three elements of I-502 (retail sales, processing, and growing for commercial use), as well as the matters of collective gardens and medical dispensaries. Based upon comments of the Mayor at prior meetings, it is my assumption, and it is only that, your desire is such uses be prohibited in the City to the extent such prohibition is allowed. (There may be state law preemption arguments as a result of I 502.) If that is correct, those are the concepts I would recommend be referred to Mr. Aaland with Ms. Collins, Mr. Mercer, Mr. Bird, and myself being given the authority to draft some provisions for his use at public hearing.

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Regardless, I would recommend the referral occur so that the hearings can be scheduled.

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

DG/le



1076 Franklin Street SE - Olympia, WA 98501-1346 - 360.753.4137 - 1.800.562.8981

Self-Funded Health Care Program

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

Trust history

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

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

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

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

Planning retreat priority: self-insurance

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

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



Cost savings

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

continued
McCluskey

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

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

Self-insurance plans	Fully-insured plans
Regence/Asuris Medical 0%	LEOFF Healthcare Advantage Plan 0%
Group Health Medical 0%	Wellcote Dental 0%
WDS Dental 0%	Life LTD 0%
WSP Vision 0%	EAP 0%

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

WellCity rate impact

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

Employee impacts

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

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

Member employer impacts

Impact to employers is equally minimal:

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

Interlocal Agreement

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

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

AWC Employee Benefit Trust Health Care Program reserve funding

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

Projected employer contributions	\$174,672,167
Projected employee contributions	\$19,408,051
Other projected revenues	\$308,400
Total projected revenues	\$194,388,618
Projected claims payments	\$179,155,972
Projected operational expenses	\$12,334,777
Projected Stop Loss Insurance Policy	\$813,875
Projected Wellness Program expenses	\$1,975,561
Total projected annual expenses	\$194,280,185
Projected ending fund balance	\$108,433

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

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

Questions

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

GRAYS HARBOR COUNTY

CERB LOAN T93-022

AMORTIZATION SCHEDULE

20 year
3 years deferred
10 years 0%
8 years 3%

Due Date	Principal Beg Balance	Interest	Principal	Principal End Balance	Total Payment
1-Jan-96	373,924.31	0.00	0.00	373,924.31	0.00
1-Jan-97	373,924.31	0.00	0.00	373,924.31	0.00
1-Jan-98	373,924.31	0.00	0.00	373,924.31	0.00
1-Jan-99	373,924.31	0.00	5,040.00 <i>pd</i>	368,884.31	5,040.00
1-Jan-00	368,884.31	0.00	7,459.00 <i>pd</i>	361,425.31	7,459.00
1-Jan-01	361,425.31	0.00	12,183.00 <i>pd</i>	349,242.31	12,183.00
1-Jan-02	349,242.31	0.00	12,183.00 <i>pd</i>	337,059.31	12,183.00
1-Jan-03	337,059.31	0.00	17,057.00 <i>pd</i>	320,002.31	17,057.00
1-Jan-04	320,002.31	0.00	17,057.00 <i>pd</i>	302,945.31	17,057.00
1-Jan-05	302,945.31	0.00	17,057.00 <i>pd</i>	285,888.31	17,057.00
1-Jan-06	285,888.31	0.00	17,057.00 <i>pd</i>	268,831.31	17,057.00
1-Jan-07	268,831.31	0.00	27,291.00 <i>pd</i>	241,540.31	27,291.00
1-Jan-08	241,540.31	0.00	27,291.00 <i>pd</i>	214,249.31	27,291.00
1-Jan-09	214,249.31	6,427.48	19,166.52 <i>pd</i>	195,082.79 <i>pd</i>	25,594.00
1-Jan-10	195,082.79	5,852.48	19,741.52 <i>pd</i>	175,341.27	25,594.00
1-Jan-11	175,341.27	5,260.24	33,970.76 <i>pd</i>	141,370.51	39,231.00
1-Jan-12	141,370.51	4,241.12	34,989.88 <i>pd</i>	106,380.63	39,231.00 <i>1-10-12</i>
1-Jan-13	106,380.63	3,191.42	36,039.58 <i>pd</i>	70,341.05	39,231.00
1-Jan-14	70,341.05	2,110.23	37,120.77	33,220.28	39,231.00
1-Jan-15	33,220.28	996.61	33,220.28	(0.00)	34,216.89
		28,079.57	373,924.31		402,003.89

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STAFF REPORT

To: Mayor Dent
From: Nick Bird, Director of Public Works
Date: October 3, 2013
Re: Current Non-Agenda Activity

Water Quality

Obviously my bold statement of zero complaints caught the attention of a couple people, as both Thursday and Friday I received complaints regarding the water quality in different sections of the City. Ironically, on Friday, the crew flushed our typical locations at the end of the distribution system and flushed Beck St. on Monday. We still have some dead end small diameter lines that we are not able to flush as frequently, which is the source of both complaints received. We will adjust our flushing approach and try to get some of the small dead end segments at least once a month to help address this issue. One item to note is that our water turnover over the last 4 months has been great because people have been watering their lawns, playing in sprinklers, etc. As our weather has changed, our water quality is likely to change subtly as well. We will continue to monitor distribution residuals with the intent of keeping the residuals at a respectable level throughout the distribution system to continue controlling odors.

DOH Sanitary Survey

We are still pulling the requested data together and hope to have the City response provided before the end of October, well before we are required to respond. Should you have any questions regarding the survey, please feel free to let me know.

Well 2 & 3 Project

We were hoping to have the reconciliation change order and final progress estimate as action items for this meeting, but a few more loose ends need to be addressed. With any luck, we will have all the paperwork ready for construction close out at the end of the month.

General Sewer Plan

The draft scope and budget have not been reviewed yet. This item of work will likely be completed next week. More information will be presented on this topic next meeting.

Shoreline Management Plan

Ecology has confirmed that the City will receive a maximum grant allocation of \$50,000 via email. An official letter is apparently in the mail. We will have access to 80% of the funding (\$40,000) through June 2015 and the remaining 20% (\$10,000) through June 2016. We still need to prepare a scope and schedule, advertise for or select the

appropriate professional services team, develop the project budget, confirm that the funding provided by Ecology is adequate, and execute the funding agreement with Ecology. Our very aggressive goal is to accomplish these tasks by the end of 2013.

Water System Plan

No additional information to report since the August 28 Council Meeting.

Underground Boring Equipment

We are anticipating issuing the call for bids this week. It is possible that the bid packages will be received prior to Council on October 23 at the earliest or November 13 at the latest.

TIB Main Street Application (SCAP)

The schedule outlined last meeting is still all we know. We are still trying to chase down the TIB Engineer to get a little bit of information regarding the number of applicants in each funding pool. As soon as we have more information we will be sure to pass it along.

TIB Ash Street Application (SCPP)

The schedule outlined last meeting is still all we know. We are still trying to chase down the TIB Engineer to get a little bit of information regarding the number of applicants in each funding pool. As soon as we have more information we will be sure to pass it along.

3rd Street Improvements Phase I

No additional information to report since the August 28 Council Meeting.

WSDOT JC Agreement

No additional information to report since the August 28 Council Meeting.

7th and Ash (12 kV) Substation

We are still waiting for GE to provide additional information to make certain that we have all the parts necessary to correct the nitrogen leak at the substation. Once we are certain that we have all the parts to address the problem then we can schedule the outage to correct the nitrogen leak.

Snow Plow

No additional information to report since the August 28 Council Meeting.

STAFF REPORT

To: Mayor Dent
From: Colin Mercer
Date: October 4, 2013
Re: September Building Department

Activities

- Submit copies of permits issued to Grays Harbor County Assessor's Office.
- Lexar Homes has one home in the framing stage.
- High Definition Homes has two homes in the framing stage.
- The Beehive Harmony House Phase 1 is waiting on the State to sign off on the construction.
- A storm drainage permit has been submitted for 439 E. Mommsen.

Nuisance Issues in Progress

- 610 S. 4th Street, the mortgage holder has started the cutting.
- 817 W. Simpson has been notified about people living in an RV not to exceed a maximum of 30 days.

Nuisance Issues Resolved

- Hemlock and 3rd overgrown ivy has been cut back off of sidewalk.
- Overgrown property at 610 S. 4th Street has been maintained by the bank.
- People living in trailer at 817 W Simpson Ave, trailer has been removed.

Comments:

Conservation program for 2012-13 has come to a close. There are still a few active permits in progress. These will be paid from the next BPA budget. The new biennium incentive program begins on October 1, 2013.

The building department will be working with Nick on updating the sections of the Municipal Code pertaining to animals.

Lemays active accounts lists are still being reviewed on a weekly basis with a full check at the end of each month for all active address locations.

Building Department Activity

ACTIVITY	MONTHLY TOTALS	YEAR TO DATE TOTALS	ACTIVITY EXPLANATION
Customer Service	48	416	Answer building department related questions in person or by phone, meeting with potential applicants.
Building Permits Issued	3	31	Remodels, new construction & additions, both residential and commercial.
Plan Reviews Performed	0	12	Reviewing plans for building code and municipal code compliance.
Inspections Performed	27	152	Field inspections, writing of corrections or approving work.
Finals or Certificates of Occupancies	0	5	Performing of the final inspection & issuing of certificate of occupancy allowing use of the structure.
Complaints Received	2	10	Investigate and address citizen or staff reported issues, obtain resolution or acceptable compromise.
Nuisance Letters Sent	3	51	Formal notice from the City informing citizens of violations and providing expectation of the City for compliance.
Lemay's Garbage Letters Sent	7	97	Formal notice from City after notification from Lemay that service has been stopped.
Building Department Revenue	\$285.70	\$9835.98	Funds generated by the Building Department from permits, inspections, reviews etc.

Conservation Program

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
August	2	2	\$4433.00	\$23806.44
September	2	2	\$495.00	\$24301.44

STAFF REPORT

To: Mayor Dent
From: Paul Nott, Light & Power
Date: September 20, 2013
Re: August Report



	Monthly Statistics;	YTD Totals;
New Services;	0	5
System Outages;	0	3
Pole Replacements;	1	10
Maintenance Work Orders;	4	22
Billable Work Orders;	0	6

The month of August consisted of a pole change out on County Line Road, beginning of the wreck out on the Caille line, beginning of wreck out at the wells, pole removal on Simpson, a bad transformer replacement in Summit II and some maintenance work.

We had to re-configure the old take off of the Caille line from County Line Road. This consisted of a pole change at that location. We will be coordinating with Century Link and working with them on the remaining wreck out of old poles and hardware.

We have almost completed the wreck out at the wells.

We removed the previously transferred and replaced poles on Simpson Ave. along with that we completed some brushing and installed permanent jumpers at the bridge.

While installing a new service at Summit II we discovered that we had a pad mount transformer that was not producing secondary voltage. After further investigation we also discovered that during manufacturing, the bayonet fuse was missing the fuse holder cap and had basically burned off. We changed out the transformer and are discussing options with the manufacturer as to the repair.

The hydraulic pump on the chipper has failed. New parts are on order and we will be repairing it as soon as they arrive.

This last month we had our annual truck testing performed and with that we have been completing routine maintenance on our fleet as time allows.

As always if you have any questions feel free to contact us...

STAFF REPORT

To: Mayor Dent
From: Todd Baun, Public Facilities Manager
Date: October 2, 2013
Re: September Report

The following items are the highlights of what I have been working on during the past month.

- I still have received no contact from Mr. and Mrs. Gravatt on the storm water issue affecting their property located at 311 W. Simpson Ave. We are in a holding pattern until we receive the legal documents that have been given to them by the city. The last I have heard anything on this issues is August 24th, 2010.
- The crew is still filling in many potholes throughout the City.
- We are continuing our maintenance of our equipment and vehicles.
- We had a water leak on Beck Street that we fixed. It was a service line that was leaking under the road. We had to dig up the whole road and replace the service line. We will be patching with hot mix asphalt on Friday, Oct. 4th.
- We have purchased new storage bins and shelves. We are in the process of putting them together and replacing our current shelving. Our current shelving was handmade out of plywood for specific parts we no longer use. The new shelves will look good and provide a lot of storage options for us.
- The Library leak was from water overflowing the evaporator tray. We took care of the problem and will be monitoring this situation. We may have to have a HVAC company come in an look at it, if we can solve the problem.
- We are still looking to replace a section of 2" water line on 3rd Street. This line is currently an iron pipe that has failed multiple times.
- We have been cleaning catch basins and culverts. Our first "storm" of the fall went well for us. We had no flooding from our catch basins or ditches.
- We are still flushing hydrants weekly.
- We will be replacing a catch basin that is failing on 3rd and Mommsen.
- I should have bids for jet/vacuum cleaning of our storm lines and camera of our sewer system. The bids are due Friday, Oct 2nd.
- I have reviewed and commented on some development standards from DuPont and Ridgefield. They both have some good items that I wouldn't mind having us adopt into our development standards.
- And as always, we are trying to keep up on all our routine and daily maintenance of the parks, cemetery, streets, water, sewer, storm and buildings.

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.

To: Mayor Dent

From: Kevin Trewhella, Water/ Wastewater Plant Manager

Month: October, 2013

Re: Monthly Report

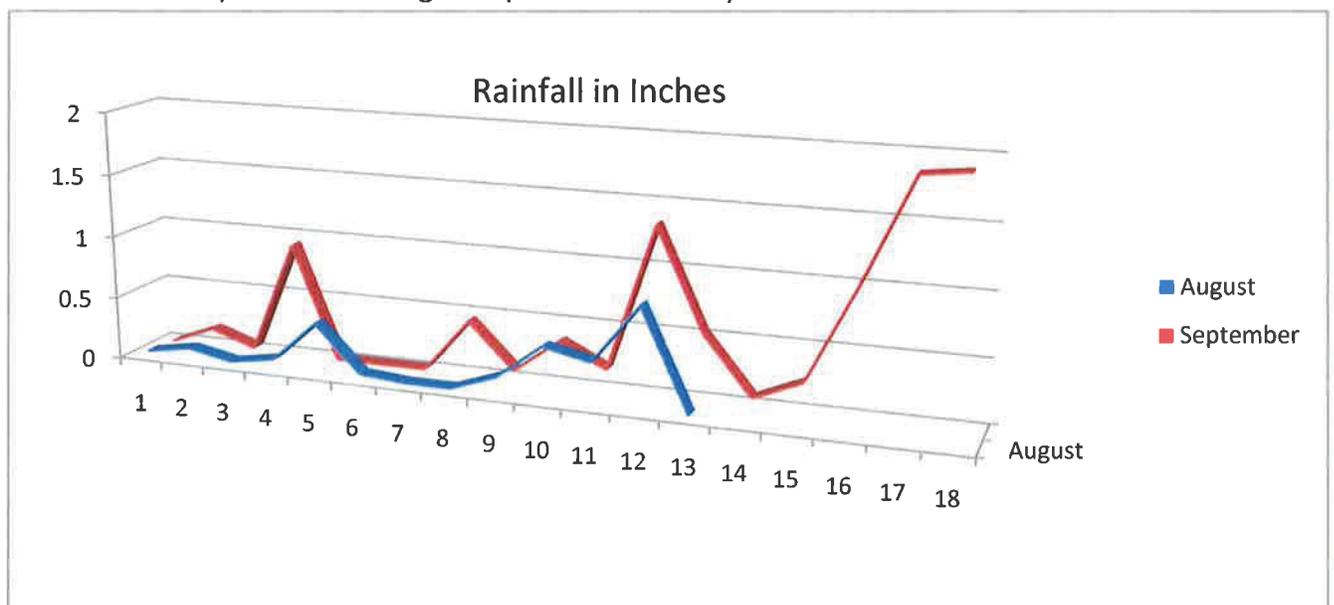
Sir,

In the month of September both our mixer and our sludge handling pumps came back from service. We are very fortunate to have good relationships with APSCO and Whitney Equipment Company. Both companies sent their service people out to assist us with re-installation of pumps at no additional charge. Normally these companies charge \$85-\$95.00 an hour for service.

In October, Annual service of the WWTP generator will be performed.

The operation of the wells and the Water Treatment Plant is very good. TMG has changed out the rollers and tubes on the Chlorine pumps and the Permanganate pumps with no additional cost to us. These changes appear to have resolved the problems we were having with the chemical pumps.

In August we had 14 days with measureable rainfall, which measured approximately 2.5" of rain. In September we had 18 days with some measureable rainfall, which measured approximately 9.75" of rain, two thirds of that came in the last seven days of the month. The arrival of the wet season is definitely upon us. With that said I am asking you, sir and the council to keep in mind that we need to keep in mind funding to resolve our I & I issues so that we may continue to operate the wastewater treatment facility without having to expand for several years.



STAFF REPORT

To: Mayor Dent

From: Colin Mercer Webmaster

Date: October 4, 2013

Re: September Website & Help Desk

Re-Occurring Website Activities

- Council Agenda/Packet posted online.
- Council Minutes posted online.

New Website Activity

- Posted the City Wide Garage Sale on the Events Calendar
- Removed Grays Harbor Emergency Services Survey
- Post Burn Ban Cancellation Notice
- Added 2011 Zoning Map to home page.

Additional Tasks

- Information Technology WCIA audit questionnaire.
- Review Development Standards from Ridgefield and Dupont.

Help Desk Activity

Month	Number of Incidents Reported	Staff Reported / Closed / Open	Citizen Reported / Closed / Open
June	7	6 / 1 / 33	1 / 6 / 12
July	8	3 / 2 / 34	5 / 7 / 10
August	7	3 / 3 / 34	4 / 3 / 11
September	10	4 / 7 / 31	6 / 7 / 10

Website Comments:

None this month

Website Traffic September 1, 2013 through September 30, 2013 (Top visited pages shown only)

Section	Page Views	Percent of Total
Default Home Page	3294	35.92%
Events Calendar	646	7.04%
Agendas and Minutes	341	3.72%
City Jobs	281	3.06%
Conservation Program	271	2.96%
City Departments	239	2.61%
Utilities	232	2.53%
Previous Years Council Minutes	229	2.5%
Police	154	1.68%
Mayor and Council	151	1.65%
Chamber of Commerce	126	1.37%
City Forms & Documents	123	1.34%
Search Results	123	1.34%
Bear Festival	116	1.26%
Public Facilities	115	1.25%
City Photos	112	1.22%
2008-13 Budget	106	1.16%
Municipal Code	104	1.13%
Water / Wastewater	102	1.11%
Planning Department	102	1.11%
Administration	97	1.06%
FAQ's Page	96	1.05%
Data Page	91	0.99%
Municipal Court	86	0.94%
Fire	85	0.93%
Helpful Links	78	0.85%
Light & Power	72	0.79%
Development Services / Building	68	0.74%
Tell Us What You Think!	61	0.67%
Home Page	59	0.64%
Bear Festival Photos	43	0.47%
Previous Years Council Agendas	39	0.43%
Interlocal Agreements	38	0.41%
Flood Photos 2009	37	0.4%
65th Anniversary Photos	36	0.39%
Title 17 Zoning	31	0.34%
Code, Ordinances & Standards	31	0.34%

STAFF REPORT

To: Mayor Dent
 From: Nick Bird, P.E., Director of Public Works
 Date: October 2, 2013
 Re: Animal Code

We have had multiple questions and complaints regarding the keeping of various types of animals within the City limits. Based on our evaluation (both code enforcement and law enforcement) the existing code in Title 6 (originally adopted in 1943 and revised 30 years ago in 1982) is vague and difficult to justify enforcement action. As such, we would like to suggest revising the existing animal code so that both code enforcement and law enforcement have definitive rules to follow.

Title 6 - Animals

Our municipal code addresses animals running at large, dogs, dangerous dogs, and treatment of animals in Title 6. The language presented in section 6.04 states that it is unlawful for horses, cattle, goats, sheep, swine, chickens, turkeys, geese, or ducks to run at large within the City. It is almost as if this language infers that the keeping of animals such as this is OK, if they are appropriately detained. These animals are addressed nowhere else in Title 6. Many of these animals are the focus of complaints.

Title 8 – Health and Safety

The health and safety section of our municipal code identifies nuisances. Much of where we currently “hang our hat” is located in Title 8.

- 8.16.020 Public Nuisances Declared (last modified in 1996)
 - Subpart #28 states that “Maintaining within or allowing to be maintained, procuring or keeping within the City any dangerous animal. For the purposes of this chapter, a dangerous animal shall mean any animal **other than the common household cat or dog or native bee**, that is capable of killing or seriously injuring a human being, whether such injury be inflicted by the utilization of venom, constriction, claw, bite, or otherwise”
- 8.16.050 Nuisances by Animals (last modified in 1973)
 - The owner of a dog or cat must remove the animals waste if it is deposited on any other property other than the owners.
- 8.16.170 Keeping of Animals (last modified in 1973)
 - A – Your animal can’t generate a nuisance
 - B – In populous districts, stable manure must be kept in a covered water tight pit and removed once a week during the summer and maintain a sanitary condition.
 - C – Manure cannot impact any source of drinking water.
- Section .020 states that it is ok to have a cat, dog, or bee(?), but section .170 says you need to get rid of stable manure regularly. Again, this is inferring that it is acceptable to have other animals outside of the cat, dog, and bee definition presented in Section .020.

Title 17 - Zoning

It is common for people to assume that our zoning code identifies some animal regulations as there are definitions for agricultural activities and stables. This language is meant to address primary activities or commercial / semi-public establishments. As we recently discussed, accessory uses (uses that are subordinate to the primary use like keeping a garden or keeping a horse) are permitted in all land use classifications. This language is important because it does allow people to have gardens, home businesses, and a variety of other items.

City of Olympia Example

For your reference, we have included the City of Olympia municipal code Section addressing Animal Services. We believe this can be used as a starting point for revising our animal code. We have also included language that the City of Olympia has in its development code as it relates to animals. It is our opinion that this information should be incorporated into Title 6 in the event it is modeled after Olympia, as animals are permitted in all zoning classifications. While we may not necessarily agree with the number and type of animals permitted, the form and format provide very concise requirements.

Staff Recommendation:

The Olympia model provides the definitive requirements that staff need to facilitate enforcement of the Animal Code. Since this topic creates the potential to affect many citizens, staff would suggest taking a conservative approach to drafting this revision. Mr. Glenn and staff can prepare a draft document and present the draft document to Council for comments and suggestions. After Council comments have been incorporated, while I do not believe it is required if only addressing Title 6, it is also recommended to hold a public hearing on the matter to increase awareness and to obtain public comments on the proposed revisions. After the public hearing, public input can be reviewed and addressed prior to the final document presented to Council for action.

Action Requested:

Please identify how you would like to proceed.

- d. Service stations.
- e. The sale of gasoline.
- f. Drive-in and drive-through businesses and uses.

(Ord. 6404 §2, 3, 2006; Ord. 6395 §25, 2006; Ord. 6323 §18, 2004; Ord. 6210 §2, 2002; Ord. 6143 §5, 2001; Ord. 6140 §20, §39, 2001; Ord. 6092 §4, 2001; Ord. 5661 §6, 1996; Ord. 5595 §15, 1996; Ord. 5569 §11, 1995; Ord. 5517 §1, 1995).

18.04.060 Residential districts' use standards

A. ACCESSORY DWELLING UNITS (ADU).

Accessory dwelling units (ADU) are permitted in all residential districts subject to the following requirements:

1. Number. One (1) ADU shall be allowed per residential lot in conjunction with any detached single-family structure. (See Section [18.04.080\(A\)\(3\)](#) regarding ADUs in new subdivisions.)
2. Location. The ADU shall be permitted as a second dwelling unit added to, created within, or detached from the original dwelling. The ADU shall be oriented in a way that maintains, to the extent practical, the privacy of residents in adjoining dwellings. (See Chapter 18.04A, Residential Design Guidelines.)
3. Size. The ADU shall have a gross floor area of no more than eight hundred (800) square feet, and no more than the following equivalent ratios:
 - a. forty percent (40%) of the gross floor area of the primary residence and accessory dwelling unit combined, or
 - b. sixty-six and two-thirds percent (66 2/3%) of the gross floor area of the primary residence alone; excluding any garage area, except as authorized by Section [18.04.060\(A\)\(7\)](#).

[NOTE: Section [18.04.060\(O\)\(1\)](#) requires that manufactured homes placed on a lot outside a manufactured housing park must be at least eight hundred sixty-four square feet in floor area. Consequently a manufactured home can be used as a primary residence, but not as an ADU.]

4. Ownership. The property owner (i.e., title holder and/or contract purchaser) must live on the site as his/her principal residence. Owners shall sign a notarized affidavit attesting to their principal residency upon permit application. Owners shall provide evidence thereof through such means as voter registration, drivers license, or the like. This requirement does not apply to ADUs built prior to the initial sale of the primary unit on the lot. Purchasers of such ADUs shall meet these requirements within sixty (60) days of purchase. (See Section [18.04.080\(A\)\(3\)](#).)

A covenant or deed restriction, approved by the Olympia City Attorney, shall be signed and recorded with the Thurston County Auditor which specifies the requirement that the property owner must live on the site as his/her principal residence.

5. Occupancy. No more than one (1) family (as defined in Chapter [18.02](#), Definitions) shall be allowed to occupy an ADU.
6. Existing ADUs. Accessory dwellings created prior to the enactment of these regulations, June 19, 1995, may be approved subject to applicable requirements. Existing ADUs located on lots which cannot accommodate an additional off street parking space required by Chapter [18.38](#), Parking, may receive a waiver from the parking requirement.

If the owner of an existing unauthorized ADU applies to make the unit legal, but cannot meet all of the standards, he/she will be allowed a "grace period" of six months from date of application to comply with applicable standards. However, where health and safety is an issue, the Building Official will determine when the necessary modifications must be made. If the owner cannot meet the standards, the unauthorized accessory unit must be removed or its use as a dwelling must be suspended.

7. Deviation From Requirements. The Director or the Director's designee may allow deviation from the requirements of this section (18.04.060(A)) as follows:
 - a. To allow use of the entirety of a single floor in a dwelling constructed two (2) or more years prior to the date of application in order to efficiently use all floor area; and
 - b. To enable ADUs to be established in structures constructed prior to June 19, 1995, which are located in rear or side setbacks, provided that Uniform Building Code requirements and the Development Standards contained in Section [18.04.080](#) are met. [NOTE: See Chapter 18.04A, Residential Design Guidelines for applicable design guidelines.]

B. ACCESSORY STRUCTURES.

Accessory structures are permitted in all residential districts subject to the following requirements:

1. Time of Establishment. Accessory structures shall not be built prior to commencing construction of the main building on the lot. However, lots may be created which contain an accessory structure (without an associated primary use) constructed prior to submission of the subdivision application.
2. Subordination to Primary Use. Accessory structures shall be clearly incidental and subordinate to the use of the lot (e.g., structures used for storage of personal property or the pursuit of hobbies) or used for agricultural purposes. In single-family and two-family residential districts each accessory structure shall not exceed eight hundred (800) square feet in size, except for structures accessory to an agricultural use which are located on a parcel one (1) acre or larger in size.
3. Garages. Private garages shall meet the following standards:
 - a. Garages shall not exceed a total of eight hundred (800) square feet of floor space per dwelling unit.
 - b. Garages exceeding eight hundred (800) square feet per dwelling unit may be permitted as conditional uses in the districts specified in Table 4.01 provided that they will not be adverse to the public interest and are compatible with the surrounding neighborhood. The Hearing Examiner shall establish a maximum size for garages receiving conditional use approval. See Section [18.04.080](#).
4. See Section [18.04.060\(P\)\(4\)](#) regarding accessory structures in mobile home/manufactured home parks.

C. ANIMALS/PETS.

Pets and other animals are allowed in all residential districts subject to the following requirements:

1. Traditional Pets. No more than a total of three traditional pets, such as dogs and cats, as well as potbelly pigs, four months of age or older, shall be permitted per dwelling unit. Song birds or other traditional pet birds (e.g., parrots) are permitted. The keeping of racing and performing pigeons is permitted as a conditional use. (Traditional pets are defined as a species of animals which can be housebroken, or walked on a leash, or are frequently, but not necessarily, housed within a residence and are neither obnoxious nor a public safety or health threat.)
2. Fowl
 - a. Lots one acre or less are allowed up to five ducks or female chickens. Lots greater than one acre are allowed one additional duck or female chicken for every additional one thousand square feet of lot area beyond one acre, up to ten ducks or female chickens.
 - b. Chickens and ducks shall be confined within a suitably fenced area large enough for appropriate exercise.

c. Suitable sanitary structures (coops) shall be provided and must be designed to protect fowl on all sides from weather, predators and to prevent rodents.

d. Roosters, geese and turkeys are prohibited.

3. Other Animals.

a. Swine, other than potbelly pigs, and non-miniature goats, are prohibited.

b. Rabbits of breeding age are permitted with the following conditions:

i. Lots of one-quarter acre or less are allowed up to five rabbits.

ii. Lots greater than one-quarter acre are allowed one additional rabbit for every additional one thousand square feet of lot area beyond one-quarter acre, up to ten rabbits.

iii. Rabbits must have a minimum 3.5 square feet of hutch space per rabbit.

iv. Structures housing rabbits must be designed to protect rabbits on all sides from weather, predators and to prevent other rodents.

c. Miniature goats, commonly known as pygmy and dwarf, are permitted with the following conditions:

i. Lots between five thousand square feet and one acre in size are allowed up to two miniature goats.

ii. Lots greater than one acre are allowed one additional miniature goat for every additional one thousand square feet of lot area beyond one acre, up to six miniature goats.

iii. Miniature goats shall be confined within a suitably fenced area, large enough for appropriate exercise.

iv. Structures housing miniature goats must be designed to protect them on all sides from weather and predators and to prevent rodents.

d. The keeping of other agricultural animals, which are not specifically prohibited in this section, is permitted, provided that:

i. There shall be no more than one animal per acre, in addition to the permitted animals/pets referenced above; and

ii. Such animals shall be confined within a suitably fenced area, large enough for appropriate exercise, which shall be located no closer than fifty feet from any property line; and

iii. The keeping of such other animals does not constitute a nuisance or hazard to the peace, health or welfare of the community in general and neighbors in particular.

iv. Structures housing such other animals must be designed to protect them on all sides from weather and predators and to prevent rodents.

D. CHILD DAY CARE CENTERS.

1. Permitted Use. Child day care centers are permitted in the districts specified in Tables 4.01 and 5.01 subject to the following conditions:

a. Child day care centers located in residences shall be separate from the usual living quarters of the family, or located in the portion of the residence used exclusively for children and their caregivers during the hours the center is in operation.

b. Compliance with state licensing requirements.

c. Prior to initiating child care services, each child care provider must file a Child Care Registration Form with the Department of Community Planning and Development (forms are provided by the Department). The child care provider must demonstrate compliance with the applicable requirements of the code as listed on the Registration Form. No fee will be required for registration.

2. Accessory Use. A child day care center shall be considered an accessory use if it is sited on the premises of a community service use, such as a private or public school, grange, place of worship, community center, library, or similar adult gathering place and it is associated with that activity. Child care facilities for the exclusive use of employees of a business or public facility shall also be allowed as an accessory use of the business or facility. Prior to initiating operation of a child day care center, the operator must register with the City as specified in Subsection 1.

3. Conditional Use. Child day care centers are allowed as a conditional use in the R-4, R 4-8, R 6-12 and MR 7-13 districts, subject to the requirements contained in Subsection A, and the following standard:

No structural or decorative alteration is permitted which would alter the residential character of an existing residential structure used as a child day care center.

E. CEMETERIES AND CREMATORIUMS.

Crematoriums may be built and operated in conjunction with a cemetery, subject to conditional use approval.

F. CO-HOUSING.

Co-housing developments are allowed in the districts specified in Table 4.01 and 6.01 subject to the following requirements:

1. Common Structure. The following provisions apply to co-housing developments in the residential districts listed in OMC [18.04](#).

a. Quantity, size, and use. Co-housing projects may contain any number of common structures, however, no more than two (2) common structures shall exceed eight hundred (800) square feet in size and none shall exceed five thousand (5,000) square feet in size. At least one (1) common structure shall contain a dining room and kitchen large enough to serve at least fifty percent (50%) of the development's residents at a time (based upon occupancy of one (1) person per bedroom, and at least one (1) of the following: a children's day care center, mail boxes for a majority of the residents, recreational facilities (such as pool tables or exercise equipment), laundry facilities, or a meeting room available for the use of all residents.

b. Location. Common structures may be located in all developable portions of the site (e.g., excluding critical areas and their associated buffers and required building setback areas). However, within forty (40) feet of the site's perimeter or a public street extending through the site, no more than two (2) common or accessory structures may be contiguous to one another (i.e., uninterrupted by a dwelling or a landscaped open space with no dimension less than forty (40) feet). This requirement does not apply to structures which would not be visible from the site's perimeter or through streets (e.g., due to topography or vegetation) or which adjoin undevelopable property (e.g., critical areas) which will separate proposed structures by at least forty (40) feet from existing and potential dwelling sites. In no case shall more than fifty (50%) of any street frontage be occupied by common and/or accessory structures.

2. Business Uses. Co-housing developments may contain business uses allowed as home occupations (see Section [18.04.060\(L\)](#)) in structures other than residential dwellings, subject to the conditions below:

a. The total building square footage devoted to business uses in the entire development shall not exceed the rate of five hundred (500) square feet per dwelling unit.

Chapter 6.04 ANIMAL SERVICES

6.04.000 Chapter Contents

Sections:

- [6.04.010](#) Purpose.
- [6.04.020](#) Enforcement.
- [6.04.030](#) Definitions.
- [6.04.040](#) Licensing and registration requirements.
- [6.04.050](#) Regulations and violations relating to pet animals.
- [6.04.060](#) Cruelty to animals.
- [6.04.070](#) Confinement or restraint of a pet animal.
- [6.04.080](#) Venomous and constrictor reptiles.
- [6.04.090](#) Unlawful release of pet animal.
- [6.04.100](#) Impoundment and redemption.
- [6.04.110](#) Potentially dangerous dog or dangerous dog.
- [6.04.120](#) Penalties.
- [6.04.130](#) Misdemeanors and gross misdemeanors.
- [6.04.140](#) Keeping Restricted.

(Ord. 6400, 2006).

6.04.010 Purpose

This chapter is enacted for the purpose of regulating the keeping of dogs, cats, and other pet animals within the City of Olympia.

(Ord. 5612 §2 1996; Ord. 4338 §1, 1981).

6.04.020 Enforcement

The Animal Services Director, his/her designees, and other officers as defined in Section [6.04.030](#) (Q) are hereby authorized and delegated the responsibility for enforcement of laws set forth in this code and in Chapters [16.08](#) and [16.52](#) RCW, including the issuance of misdemeanor citations and notices of infraction.

(Ord. 5612 §2, 1996; Ord. 5063 §1, 1989; Ord. 4338 §2, 1981).

6.04.030 Definitions

- A. "Abandon" means the act of leaving a pet animal without humane care in such a way that the health or safety of the animal is imperiled or failure to respond to a notification of impoundment of an animal.
- B. "Animal" means any nonhuman mammal, bird, reptile, or amphibian. For the purposes of licensing and all other regulations under this chapter that are applicable to dogs, potbelly pigs shall be treated the same as dogs.
- C. "Animal Services" means the agency designated to enforce this ordinance and operate a shelter facility designated or recognized by the cities of Lacey, Olympia, and Tumwater and Thurston County for the purpose of impounding, caring for, placing through adoption, returning to owners, and euthanizing pet animals.

D. "At large" means any pet animal that is not in the physical presence and control of an owner or keeper; provided that the following animals shall be considered at large only under the following circumstances:

1. When a dog, licensed or not, is found off the premises or outside the vehicle of the owner and not under control of a person by means of a leash, carrier, or demonstrated voice command. "Demonstrated voice command," means the person purporting to exercise control of a dog can cause the dog to immediately heel by giving an appropriate voice command; or
2. When a pet animal interferes with pedestrian, bicycle or vehicular movement, causes reasonable affront or alarm to a person, or if injury or damage has been caused by the pet animal, or trespass has occurred; or
3. When a cat, licensed or not, is on property where the property owner or tenant objects to the presence of the cat and has humanely trapped or otherwise contained the cat.

E. "Cattery" means an establishment kept for the purpose of breeding, owning, selling, or boarding of cats, and having a current certification by a nationally recognized cattery registration group that formulates and applies their own standards for appropriate care, such as Cat Fanciers Association, the American Cat Fanciers Association, the International Cat Association, or the United Feline Organization.

F. "Dangerous dog" means a dog that according to the records of Animal Services has committed serious offenses as more fully set forth in Section [6.04.110](#).

G. "Director" means the Animal Services Director or his/her designee.

H. "Domestic animal" means an animal other than a pet animal which may or may not be used as a food source such as, but not limited to, a rabbit, chicken, goat, sheep, cow, or horse.

I. "Euthanasia" means the humane killing of an animal.

J. "Exotic animal" means an animal, such as, but not limited to, venomous or constrictor type reptiles, or primates.

K. "Feral animal" means a wild animal or a domestic animal that is wild.

L. "Harbors, keeps, possesses, or maintains a pet animal" means providing care, shelter, protection, refuge, food, or nourishment in such manner as to influence the behavior of the animal; or, treating the animal as living at one's property.

M. "Humane care" means care of an animal that includes providing necessary food, water, shelter, rest, sanitation, ventilation, space, and medical attention in a way that the health and safety of the animal is not imperiled.

N. "Impound" means to take control of any animal pursuant to the terms of this chapter whether or not such animal is picked up by Animal Services or animals brought to the Animal Services shelter.

O. "Kennel"

1. "Commercial kennel" means a place where adult dogs are bred by a person providing facilities for breeding and the offspring are sold, where such dogs are received for care, training, and boarding for compensation, not including a small animal hospital, clinic, or pet shop. An adult dog is one that has reached the age of six months.

2. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult dogs are bred and/or kept for hunting, training, and exhibit for organized shows, field working, and/or obedience trials or for enjoyment of the species.
- P. "Leash" means a cord, thong, or chain by which a dog is controlled by the person accompanying it.
- Q. "License" means the dog, cat, or other pet animal license issued for registration and identification.
- R. "Menacing" means when an animal engages in threatening behavior on public or private property which is not the property of the animal's owner and which reasonably places a person in fear of immediate physical harm to him or herself or to an animal under the immediate control of such person. Such behavior includes, but is not limited to, growling, snarling, baring of teeth, snapping, attempting to bite, pouncing, stalking, lunging, attacking or other behavior that restricts or controls a person's movements.
- S. "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age and species and sufficient to provide a reasonable level of nutrition for the animal.
- T. "Nuisance pet animal" means a pet animal that:
1. Damages or destroys landscaping or property of another person, including destruction of wildlife that has been purposefully attracted to the person's property, or
 2. Soils or defecates on public or private property other than the owner's, unless such waste is immediately removed and properly disposed of by the owner of the pet animal, or
 3. Causes unsanitary, dangerous, or offensive conditions, or
 4. Is a female dog or cat in heat not confined within a structure to prevent access of male dogs or cats except for planned breeding, or
 5. Chases people, including but not limited to cyclists, or vehicles, or molests or interferes with persons or other animals on public or private property other than the owner's property, or
 6. Habitually or continually disturbs the peace and quiet of any individual or neighborhood by barking, whining, howling, or making any other noise; or
 7. Trespasses on private property and the property owner or tenant supplies a written complaint to Animal Services, and, in the case of a cat, physically contains the cat.
- U. "Officer" means any Animal Services officer, police officer, or other commissioned person designated by the City of Olympia to issue citations, pick up, restrain, impound, place, or dispose of animals or give notice for any other acts, duties, or functions prescribed by this chapter or other chapters relating to pet animals.
- V. "Owner" means any person who has a right, claim, title, legal share or right of possession to an animal or who harbors, keeps, possesses, or maintains a pet animal, or who encourages a pet animal to remain about their property or premises for a period of fourteen (14) consecutive days or more, or the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner for the purposes of this chapter.

- W. "Pet animal" means any animal sold or retained for the purpose of being kept for pleasure, companionship, or utilitarian purposes and not kept as a food source.
- X. "Potentially dangerous dog" means a dog that according to the records of Animal Services has committed serious offenses as more fully set forth in Section [6.04.110](#).
- Y. "Quarantine" means to maintain an animal within a structure so that it cannot approach or be approached by humans or other animals outside the owner's immediate family.
- Z. "Restrained" means secured by a leash and under physical control of a person with the strength and judgment to handle the animal, or tethered to a stationary object which keeps the animal confined to the pet owner's property or premises.
- AA. "Severe injury" means any physical injury that results in broken bones or lacerations requiring sutures or cosmetic surgery.
- BB. "Sterilized" means the animal is surgically rendered incapable of reproduction by means of castration or an ovarian hysterectomy.
- CC. "Stray animal" means a domestic animal or pet animal at large.
- DD. "Substantial bodily harm" means substantial bodily harm as defined in RCW [9A.04.110](#) , incorporated herein by reference.
- (Ord. 6400 §1, 2006; Ord. 5612 §2, 1996; Ord. 4881 §1, 1988; Ord. 4338 §3, 1981).

6.04.040 Licensing and registration requirements

A. Failure to license a pet animal.

Except as otherwise provided in this chapter, it is unlawful for any person to own, keep, or have control of any dog, cat, or potbelly pig in the City of Olympia unless the person has procured a license. Failure to license such animals is a class 3 civil infraction. Provided, however, such infraction may be dismissed if, within fourteen days of its issuance, the cited person submits evidence of licensing such animal to the court.

B. Issuance of license tag.

Animal Services or agents thereof shall provide an appropriate identification tag for each dog or cat licensed to persons applying, upon payment of the appropriate license fee. It shall be the responsibility of the owner of a dog to keep a collar or harness on the animal with the license tag attached if the animal is off the owner's property. For cats only a microchip may substitute if a collar is considered a hazard.

C. Supplemental identification.

Tattooing or microchip implantation are acceptable auxiliary means of identification but do not replace the license.

D. Lack of authorized and current tag.

A dog or cat without an authorized and current license tag may be impounded, except as otherwise set forth in this chapter.

E. Annual License Fees.

Annual license for dogs which are not sterilized \$28.00

Annual license for dogs which are sterilized or which are under six months of age	\$16.00
Annual license for dogs which are sterilized and whose owners are low income senior citizens as identified in RCW 84.36.381 (5)(b)(ii)	\$ 6.00
Annual license for cats which are not sterilized	\$18.00
Annual license for cats which are sterilized or are under six months of age	\$10.00
Annual license for cats which are sterilized and whose owners are low income senior citizens as identified in RCW 84.36.381 (5)(b)(ii)	\$ 4.00
Duplicate license	\$ 3.00
Voluntary license, other pet animal	\$ 6.00
Annual hobby kennel permit	\$25.00
Plus each dog in hobby kennel shall be licensed for a fee of	\$ 1.00
Annual commercial kennel permit	\$25.00
Annual cattery permit	\$18.00
Certified service dog and police dogs	-0-
Owner-requested euthanasia of dog	\$30.00
Owner-requested euthanasia of cat	\$30.00
Release fee for adult animals	\$10.00
Release fee for puppies/kittens	\$ 2.00

A 50% surcharge will be added to all fees for services provided to non-JASCOM participate jurisdictions.

F. Date due.

All licenses granted under this chapter shall be valid for one year from the date of issuance.

G. Licenses nontransferable.

Licenses shall not be transferable from one pet animal to another.

H. Tag removal unlawful.

It is unlawful for any person to remove a tag from any dog or cat, or to obliterate any tattoo or microchip registered under this chapter without the permission of the owner or issuing authority other than in a medical emergency. A violation of this provision shall be a misdemeanor.

I. Kennel or cattery permit.

A kennel or cattery permit may be granted for those areas where such use is not prohibited by local zoning. An annual fee in lieu of individual licensing for each animal may be granted for the following:

1. Private nonprofit animal welfare or protection organizations that have IRS 501(c)(3) status with operating standards and criteria and whose primary purpose is to provide temporary care, shelter, and placement of animals, or

2. Catteries (as defined in Section [6.04.030\(E\)](#)) that can demonstrate that all cats placed in Olympia are reported to Animal Services and all nonshow quality cats are sold or given away with a binding contract for sterilization.
3. Hobby kennels (as defined in Section [6.04.030\(M\)](#)).

J. Exotic Animals.

Owners of constrictor type reptiles over eight feet in length, venomous reptiles, and primates, that are not otherwise prohibited, are required to comply with all state and federal laws for the keeping of such animals, and are also required to annually register such animals with Animal Services by completing a form provided by Animal Services. Failure to register such animals shall be a misdemeanor and shall subject the animal to immediate impoundment.

(Ord. 6751 §1, 2011; Ord. 6400 §1, 2006; Ord. 6248 §1, 2002; Ord. 6062 §1, 2000; Ord. 5977 §1, 1999; Ord. 5630 §1, 1996; Ord. 5612 §2, 1996; Ord. 5406 §1, 1993; Ord. 5344 §1, 1992; Ord. 5063 §2, 1989; Ord. 4753 §11, 1987; Ord. 4735 §1, 1986; Ord. 4588 §1, 1985; Ord. 4404 §1, 1982; Ord. 4338 §4, 1981).

6.04.050 Regulations and violations relating to pet animals

Any person who harbors, keeps, possesses, maintains, or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether the owner knowingly permits the behavior or not. Such person shall violate the terms of this chapter if:

- A. Pet animal at large. Such person's dog is at large as defined in Section [6.04.030\(D\)](#); provided, however, this section shall not prohibit the owner and pet animal from participating in an organized show or training, exercise, or hunting session in locations designated and authorized for that purpose.
- B. Nuisance pet animal. Such person's pet animal constitutes a nuisance pet animal as defined in Section [6.04.030\(T\)](#).
- C. Pet animal on public property. Such person's pet animal is on public property such as a public park, beach, or school ground and is not on a leash held by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or the presence of the animal on such property is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to cats, guide dogs for the visually impaired, service animals for the physically handicapped, or to dogs on public property specifically designated by the City of Olympia as areas for dogs without the requirement of a leash. Pet animals on public property is a civil infraction as defined in Section [6.04.120\(B\)](#).
- D. Injury to a person or animal. Such person's pet animal, domestic animal or exotic animal causes injury to a person or domestic, exotic or pet animal.
- E. Failure to possess removal equipment or to remove fecal material. Such person (1) fails to possess in a public park the equipment or material necessary to remove animal fecal matter when accompanying a pet animal, or (2) fails to remove animal fecal material when accompanying a pet animal off the owner's property. Failure to possess removal equipment or to remove fecal material is a civil infraction as defined in Section [6.04.120\(B\)](#).
- F. Failure to sterilize an adopted pet animal. Such person, when adopting a pet animal from the Animal Services Shelter, fails to have the pet sterilized within the time period specified in the written agreement, unless specifically recommended by a veterinarian in writing, or in cases of

verifiable placement within a governmental law enforcement agency. Failure to sterilize an adopted pet animal is a civil infraction as defined in Section [6.04.120\(B\)](#).

G. Failure to provide humane care. Such person fails to provide a pet, exotic or domestic animal with humane care as defined in Section [6.04.030\(M\)](#). Failure to provide humane care is a misdemeanor as set forth in Section [6.04.120\(D\)](#).

H. Failure to meet terms of quarantine. Such person fails to accept, perform or to meet the terms of a quarantine notice served pursuant to Thurston County Health Department regulation after an animal has bitten a human. Failure to meet terms of quarantine is a misdemeanor as set forth in Section [6.04.120\(D\)](#).

I. Menacing behavior. Such person's animal engages in menacing behavior as defined in Section [6.04.030\(R\)](#). Violation of this subsection is a civil infraction as defined in Section [6.04.120\(A\)](#).

(Ord. 6400 §1, 2006; Ord. 5612 §2, 1996; Ord. 4881 §2, 1988; Ord. 4338 §5, 1981).

6.04.060 Cruelty to animals

No person shall do the following to any animal.

A. Animal Cruelty.

1. An owner is guilty of animal cruelty if the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon the animal.

2. An owner of an animal is guilty of animal cruelty if the owner knowingly, recklessly, or with criminal negligence:

a. Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or

b. Abandons the animal.

3. If an owner commits the crime of animal cruelty by using or trapping to use domestic dogs or cats as bait, prey, or targets for the purpose of training dogs or other animals to track, fight, or hunt law enforcement officers or animal control officers shall seize and hold the animals being trained. The seized animals shall be disposed of by the court pursuant to provisions of OMC [6.04.100](#).

4. This section shall not in any way interfere with or impair the operation of any provision of Title [28B](#) RCW, relating to higher education or biomedical research.

5. Animal cruelty is a misdemeanor. It shall be an affirmative defense, if established by the defendant by a preponderance of the evidence that the defendant's failure was due to economic distress beyond the defendant's control.

B. Animal Fighting--Owners, Trainers, Spectators--Exceptions.

1. Any owner who does any of the following is guilty of a gross misdemeanor:

a. Owns, possesses, keeps, or trains any animal with the intent that the animal shall be engaged in an exhibition of fighting with another animal; or

b. For amusement or gain causes any animal to fight with another animal or causes any animals to injure each other; or

- c. Permits any act in violation of (a) or (b) of this subsection to be done on any premises under his or her charge or control, or promotes or aids or abets any such act.
 - 2. Any owner who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of animals, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.
 - 3. Nothing in this section may prohibit the following:
 - a. The use of dogs in the management of "livestock," as defined by Chapter [16.57](#) RCW and incorporated herein by reference, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of livestock;
 - b. The use of dogs in hunting as permitted by law; or
 - c. The training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.
- C. Poisoning Animals.
 - 1. Except as provided in subsections (2) and (3) of this section, a person is guilty of the crime of poisoning animals if the person intentionally or knowingly poisons an animal under the circumstances which do not constitute animal cruelty.
 - 2. Subsection (1) of this section shall not apply to euthanizing by poison an animal in a lawful and humane manner by the animal's owner, or by a duly authorized servant or agent of the owner, or by a person acting pursuant to instructions from a duly constituted public authority.
 - 3. Subsection (1) of this section shall not apply to the reasonable use of rodent or pest poison, insecticides, fungicides, or slug bait for their intended purposes. As used in this section, the term "rodent" includes but is not limited to Columbia ground squirrels, other ground squirrels, rats, mice, gophers, rabbits, and any other rodent designated as injurious to the interests of the state as provided in Chapter [17.15](#) RCW. The term "pest" as used in this section includes any pest as defined in RCW [17.21.020](#).
 - 4. An owner violating this section is guilty of a gross misdemeanor.
- D. Unlawful Use of a Hook. A person is guilty of unlawful use of a hook if the person utilizes, or attempts to use, a hook with intent to pierce the flesh or mouth of a bird or mammal. Unlawful use of a hook is a gross misdemeanor.
- E. Sentences, Forfeiture of Animals, Liability of Costs, Education and Counseling.
 - 1. In the case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive; however, the probationary period shall remain two years.
 - 2. In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal services under the provisions of Chapter [6.04](#) OMC if any one of the animals dies as a result of violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur. If the forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animal for a period of two years.

3. In addition to the fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, Animal Services, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

4. As a condition of the sentence imposed under this chapter, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

F. Limitations and Exclusions from Chapter [6.04](#) OMC.

1. No part of this chapter shall be deemed to interfere with any of the laws of this state known as "game laws", nor deemed to interfere with the right to destroy any venomous reptile or any known as dangerous to life, limb, or property, or to interfere with the right to kill animals to be used for food or with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of the faculty or some regularly incorporated college or university of the State of Washington or a research facility registered with the United State Department of Agriculture and regulated by 7 U.S.C. sec 2131 et seq.

2. Nothing in this chapter applies to accepted husbandry practices used in the commercial raising or slaughtering of livestock or poultry, or products thereof or the use of animals in the normal and usual course of rodeo events or to the customary use or exhibiting of animals at events such as fairs as defined in RCW [15.76.120](#).

(Ord. 6400 §1, 2006; Ord. 5612 §2, 1996; Ord. 4881 §5, 1988; Ord. 4693 §2, 1986; Ord. 4338 §6, 1981).

6.04.070 Confinement or restraint of a pet animal

A pet animal shall not be trapped in any manner that subjects the animal to injury inherent in the mechanism of the trap. A humane box trap may be set on a complainant's property for the purpose of trapping nuisance pet animals. Animals which are caught in such a trap must be returned to their owners or taken to Animal Services. Injurious confinement or restraint of a pet animal is a misdemeanor.

(Ord. 5612 §2, 1996; Ord. 4881 §6, 1988; Ord. 4693 §1, 1986; Ord. 4338 §7, 1981).

6.04.080 Venomous and constrictor reptiles

A humane and secure facility shall be provided for constrictor type reptiles over eight feet in length and all venomous reptiles. Escape of any venomous reptile or constrictor type reptile must be reported immediately to Animal Services. Failure to comply constitutes a misdemeanor.

(Ord. 5612 §2, 1996).

6.04.090 Unlawful release of pet animal

No person other than the owner or an officer acting in an official capacity to enforce this chapter shall release a pet animal from any enclosed area within which the animal is properly restrained or from any restraining device such as a leash or chain by which the animal is properly restrained. Unlawful release of a pet animal is a misdemeanor.

(Ord. 5612 §2, 1996).

6.04.100 Impoundment and redemption

A. Impoundment. An officer may impound any pet animal in violation of Section [6.04.050\(A\)](#) through (D) and (F) through (I), Section 6.04.110D, or any other pet animal at large as defined in Section [6.04.030\(D\)](#). Impoundment of an animal may also occur when an animal is received by Animal Services.

B. Notification of owner. Upon any pet animal being impounded, Animal Services shall, as soon as feasible, notify the owner, or keeper, if the owner or keeper is known, of the impoundment of the pet animal, and the terms required for the pet animal's return to the owner or keeper. Notification will be made by telephone, if possible, and next by written notice if the owner's or keeper's telephone number is unknown. If the owner or keeper cannot be identified, the notification of impoundment will be posted on a recorded outgoing telephone message (See Subsection H, below), and shall include a description of the pet animal, the reason for impoundment, the general location where the animal was found, and the date the impound occurred. Notice shall advise the owner or keeper that the animal or pet animal shall be placed for adoption or euthanized by Animal Services unless reclaimed within the time limits provided in this section.

C. Reclaim of pet animal; Fees. The owner or keeper may reclaim any pet animal impounded under this chapter within a 48-hour hold period from the time of impoundment, excluding Sundays and holidays, by demonstrating that all of the following conditions have been met:

1. Paying a claim fee pursuant to a posted schedule of fees duly adopted by the Joint Animal Services Commission;
2. Paying all fines and penalties;
3. Paying all medical costs incurred during the animal's impoundment;
 - a. Demonstrating that all conditions for the release of the pet animal have been met;
 - b. Obtaining a license, if the animal was not previously licensed.

The Director or designee has discretion to enter into a time payment arrangement for the fees, fines, penalties and costs described above.

D. Failure by owner to reclaim pet animal. If the owner or keeper of the pet animal can be identified and fails to reclaim the pet or sign a release of ownership of the pet animal within the 48-hour holding period, the pet animal will be considered forfeited to Animal Services. However the owner or keeper will remain responsible for payment of the impound, and any medical fees. If the failure to reclaim the pet animal is due to the owner's incarceration or incapacity, notification of incarceration or incapacity to Animal Services will serve to extend the 48-hour hold period by an additional 48 hours. The pet animal may be reclaimed during that additional 48-hour hold period by any person who has obtained the written or verbal permission of the owner to reclaim the animal, or by any person who is a legally appointed agent for the owner or keeper. Verbal permission must be provided by the owner to the Director or his/her designee.

E. Availability of pet animal for adoption. If the pet animal is not reclaimed by the owner or keeper within 48 hours of impoundment, subject to subsection C.1., above, it may be made available for adoption during the next 48 hours, excluding Sundays and holidays, unless, in the opinion of the Animal Services Director or director's designee, the animal is unsuitable for adoption, in which case it may be euthanized.

- F. Late Reclaim of pet animal. If a pet animal is adopted after the 48-hour holding period, and an owner or keeper appears to reclaim the animal after that time, return of the animal to the owner or keeper shall be at the discretion of the adopter.
- G. Opportunity for Hearing on impound/reclaim fees and costs. Prior to reclaiming an impounded animal, an owner or keeper who wishes to contest the impoundment of his/her animal and/or the assessment of fees pursuant to impoundment, the following procedure is available:
1. The owner or keeper must appear in person at the Animal Services Shelter and request the form for contesting impoundment and fees. If the owner or keeper is unable to personally appear due to his/her incarceration or incapacity, he/she may provide written or verbal permission to another person to act in his/her place. Verbal permission must be provided to the Director or his/her designee.
 2. The owner or keeper or his/her designee must complete the form and sign it under penalty of perjury.
 3. The owner or keeper or his/her designee must give the completed form to staff at the Animal Services Shelter. The Animal Services Director or his/her designee will review the form and records on file for the impoundment, will meet with the owner or keeper or his/her designee, and will decide based on all the above whether to impose the fees for impoundment and other services as set forth in this Section; to adjust the fees based on the completed form; or to not assess fees based on the completed form. The decision will be discretionary with the Director or his/her designee, and is non-appealable.
- H. Owner unknown. If the owner or keeper of a pet animal is not known, a notice providing appropriate information as described in Section [6.04.100\(B\)](#) above shall be recorded onto a telephone message device maintained by Animal Services. This notice shall continue to be recorded for a period of 96 hours from the date of impoundment, or less if said pet animal is reclaimed or adopted after the 48-hour holding period required by Section [6.04.100\(C\)](#) above.
- I. Sick and injured. All seriously sick or injured pet animals, licensed or not, may be impounded when not in the owner's or keeper's possession and may be given emergency medical treatment or euthanized. Costs for any medical treatment provided in this manner will be the responsibility of the owner or keeper of the pet animal, if known, or, if unknown, of Animal Services. The Animal Services Director or designee shall immediately notify the owner, or keeper, if the owner or keeper is known, and if the owner or keeper is unknown, make all reasonable efforts to locate and notify the owner or keeper.
- J. Abandoned pet animals. Officers have authority to impound any pet animal that:
1. is found abandoned within any building, establishment, or within or on any premises, whether public or private; or
 2. comes into the custody of Animal Services due to police or other government action against the pet animal's owner.
- Upon such impoundment, Animal Services shall treat such pet animal in the same manner as other impoundments provided for in this chapter. Litters of puppies and kittens under three months of age brought to or left at the Animal Shelter may be made available for adoption, placed in foster care, or euthanized immediately at the discretion of the Director or the Director's designee.
- K. Euthanasia. If any pet animal is not reclaimed or adopted at the end of the holding period, it may be euthanized. An animal determined by the Director or Director's designee to be feral is

subject to being euthanized at any time after its impoundment and will not be subject to the holding period.

(Ord. 6400 §1, 2006; Ord. 5612 §2, 1996).

6.04.110 Potentially dangerous dog or dangerous dog

A. Classification. The Animal Services Director or designee shall have authority to classify potentially dangerous dogs and dangerous dogs. The authority to classify an animal as potentially dangerous or dangerous is in addition to a civil or criminal penalty as provided in this chapter. The Animal Services Director may find and declare an animal potentially dangerous or dangerous if there is reasonable cause to believe that the animal's action falls within the descriptions which follow. The finding must be based upon the written complaint of a person who has pertinent information and who is willing to testify that the dog has acted in a manner which may cause it to be classified as a dangerous dog or a potentially dangerous dog; and one of the following:

1. Reports on file with Animal Services about previous aggressive behavior by the dog; or
2. Actions of the dog witnessed by any Animal Services Officer or law enforcement officer; or
3. Other substantial evidence.

B. Actions resulting in designation. The following actions may result in the designation as a potentially dangerous dog or dangerous dog.

1. A dog shall be declared potentially dangerous if, unprovoked, it:
 - a. Inflicts a bite or bites on a human or a pet or domestic animal either on public or private property; or
 - b. Chases or approaches a person upon the streets, sidewalks, or any public grounds or behaves in a menacing manner or assumes an apparent attitude of attack, or
 - c. Has a known propensity to attack unprovoked, or to cause injury, or otherwise to threaten the safety of humans or pet or domestic animals.
2. A dog shall be declared a dangerous dog when, according to the records of Animal Services, the dog has:
 - a. Inflicted severe injury or substantial bodily harm on a human being without provocation on public or private property;
 - b. Killed a pet or domestic animal without provocation while off the owner's or keeper's property; or
 - c. Aggressively bitten, attacked, or endangered the safety of humans or pet or domestic animals after previously having been found to be potentially dangerous, and the owner or keeper has received written warning.
3. A dog shall not be declared potentially dangerous or dangerous if:
 - a. The threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or

- b. The person was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or
 - c. The person was committing or attempting to commit a crime; or
 - d. Another pet animal or domestic animal has entered the property of the owner of the dog without invitation; or
 - e. The dog, when on a leash, is responding to attack by another pet or domestic animal whether on or off the owner's or keeper's premises.
- C. Declaration as potentially dangerous or dangerous dog.
1. Notice of Declaration. The declaration of a dog as potentially dangerous or dangerous shall be in writing and shall be served on the owner or keeper in one of the following methods:
 - a. Certified mail to the owners or keeper's last known address; or
 - b. Personally; or
 - c. If the owner or keeper cannot be located by one of the first two methods, by publication once in a newspaper of general circulation in Thurston County.
 2. Contents of Declaration. The declaration shall state at least:
 - a. The description of the dog;
 - b. The name and address of the owner or keeper of the dog;
 - c. The whereabouts of the dog if it is not in the custody of the owner or keeper;
 - d. The facts upon which the declaration of potentially dangerous or dangerous is based;
 - e. The availability of a hearing in case the person objects to the declaration, provided if a written request for a hearing is made within ten days;
 - f. The restrictions placed on the dog as a result of the declaration of potentially dangerous or dangerous;
 - g. The criminal penalties for violation of the restrictions as set forth in Sections [6.04.120](#) and [6.04.130](#).
 3. Objection to Declaration. If the owner or keeper of the dog wishes to object to the declaration of a dog as potentially dangerous or dangerous; the owner or keeper may, within ten (10) days of receipt of the declaration, or within ten (10) days of publication of the declaration pursuant to Section [6.04.110\(C\)\(1\)\(c\)](#), request a hearing before the Animal Services Director. The hearing will be scheduled by the Director or designee within a reasonable time of receipt of the request for a hearing. Pending such hearing, the owner or keeper of such dog shall comply with any restrictions specified in the declaration.
 4. Hearing on Declaration.
 - a. If the Director finds that there is insufficient evidence to support the declaration, it shall be rescinded, and no restrictions shall be imposed.

- b. If the Director finds sufficient evidence to support the declaration the Director may impose the same or different restrictions.
 - c. The designation as potentially dangerous or dangerous, and any resulting restrictions, shall be stated in a document containing written findings sent to the owner or keeper of the dog via regular and certified mail return receipt requested.
 - d. The owner or keeper of a dog designated as dangerous will be required to obtain a certificate of registration as a dangerous dog pursuant to the provisions of Section [6.04.110\(E\)](#).
5. Appeal of Decision on Declaration.
- a. The owner or keeper of a dog that is designated potentially dangerous or dangerous may appeal the designation made by the Director of Animal Services to the Joint Animal Services Commission. The owner or keeper of a dog designated potentially dangerous or dangerous must submit a written request for an appeal to the Director within ten days of receipt of the written findings as specified in 6.04.110(C)(5)(d).
 - b. The owner or keeper shall be notified of the time and place for the appeal.
 - c. While the appeal is pending, the owner must comply with any restrictions specified by the Director in his or her designation. When in a vehicle, the dog must be securely restrained to prevent escape.
 - d. The Joint Animal Services Commission may affirm, reverse or modify the findings of the Animal Services Director. The decision of the Joint Animal Services Commission shall be mailed by regular and certified mail return receipt requested to the owner/keeper and complaining citizen.
- D. Control and confinement of potentially dangerous or dangerous dogs includes:
- 1. Potentially dangerous dogs.
 - a. Must be securely leashed and under the control of a person physically able to control the animal when away from the premises of the owner or keeper; or
 - b. While on the premises of the owner or keeper must be securely restrained by means of a physical device or structure such as a tether, trolley system, or other physical control device or any structure made of materials strong enough to adequately and humanely confine the dog in a manner which prevents it from escaping the premises; and
 - c. Must be in conformance with other restrictions which may be set forth in the designation classifying the dog as potentially dangerous.
 - 2. Dangerous dogs.
 - a. Must be securely muzzled and leashed and under the control of a person physically able to restrain and control the dog if the dog is away from the premises of the owner or keeper; or
 - b. While on the premises of the owner or keeper, the dog must be securely confined inside a locked building, kennel, pen, or other structure having secure sides, bottom, and top, suitable to prevent the entry of young children and designed to prevent the animal from escaping; and

- c. Must be in conformance with other restrictions which may be set forth in the designation classifying the dog as dangerous.
- E. Certificate of registration as dangerous dog. The Animal Services Director shall issue a certificate of registration to the owner or keeper of a dangerous dog if the owner or keeper presents sufficient evidence of:
1. A proper enclosure to confine the dog, which meets the requirements of Section [6.04.110\(D\)](#) and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property; and
 2. A surety bond issued by a surety insurer qualified under Chapter [48.28](#) RCW, in a form acceptable to the Animal Services Director in the sum of at least \$250,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurer qualified under RCW Title [48](#) in the amount of at least \$250,000, insuring the owner or keeper for any injuries inflicted by the dangerous dog; and
 3. Such other identifying information as may be required by the Animal Services Director; and
 4. Certification that the owner or keeper is aware of and understands the nature of the dog and the provisions of the law which apply to it; and
 5. Payment of an annual registration fee for a dangerous dog in the sum of \$125.00, which shall be in addition to the annual license fee.
- F. Violations following a designation as potentially dangerous or dangerous dog penalties.
1. Any potentially dangerous dog that is in violation of the restrictions contained within this section or of restrictions imposed as part of the declaration of potentially dangerous dog may be seized and impounded at the expense of the dog owner. Any dangerous dog that is in violation of the restrictions contained within this section or of restrictions imposed as part of the declaration of dangerous dog shall be seized and impounded at the expense of the dog owner. The owner shall be responsible for paying the costs of impoundment and control of the dog. The Director or his/her designee must serve notice upon the dog owner in person or by regular and certified mail, return receipt requested, specifying the reason for the impoundment of the dangerous dog, that the owner is responsible for payment of the costs of impoundment, and that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was impounded are not corrected within twenty days, and specifying the appeal procedure for a decision to destroy the animal.
- The animal control authority shall destroy the impounded dangerous dog in an expeditious and humane manner if any deficiencies required by this subsection are not corrected within twenty days of notification. The appeal procedure for a decision to destroy the animal is as follows:
- a. The owner or keeper of a dog that will be destroyed according to the provisions of this subsection may appeal that decision to the Joint Animal Services Commission. The owner or keeper must submit a written request for an appeal to the Director within ten days of receipt of the notice referenced in this subsection.
 - b. The owner or keeper shall be notified of the time and place for the appeal. Failure to appear at the specified time will result in an order by the Commission affirming the Director's decision.

- c. The Joint Animal Services Commission may affirm, reverse or modify the decision of the Director. The decision of the Commission shall be sent to the owner or keeper by regular and certified mail, return receipt requested.
2. Any person violating the provisions of this section relating to keeping, securing, or confining of potentially dangerous dogs shall constitute a misdemeanor as set forth in Section [6.04.120\(D\)](#), unless state law provides for a higher penalty. In addition, the person's potentially dangerous dog may be impounded by Animal Services, at the discretion of the Director of Animal Services, or his or her designee.
3. Any person violating the provisions of this section relating to keeping, securing, or confining of dangerous dogs shall constitute a gross misdemeanor as set forth in Section [6.04.120\(E\)](#), unless state law provides for a higher penalty. In addition, the person's dangerous dog may be impounded by Animal Services, at the discretion of the Director of Animal Services, or his or her designee.
- G. Other dangerous animals. The Animal Services Director or designee shall have authority to classify other animals as dangerous under the same criteria as used in Section [6.04.110\(A\)](#) for dogs. Such designation will be based on specific actions by the animal such as those noted in Section [6.04.110\(B\)](#) and the Animal Services Director or designee shall have authority to require the owner or keeper of such animal to take certain actions to control or confine the animal such as specified in Section [6.04.110\(C\)](#) and (D). Once an animal has been declared potentially dangerous or dangerous, any violations of the provisions of this section will be handled in the same manner as violations under Section [6.04.110\(F\)](#).

(Ord. 6400 §1, 2006; Ord. 5612 §2, 1996).

6.04.120 Penalties

A. Violation of the following sections of this chapter shall constitute a Class 3 civil infraction. A second infraction for certain offenses within an 18-month period will constitute a Class 2 civil infraction. A third infraction for certain offenses within an 18-month period will constitute a Class 1 civil infraction. "Within an 18-month period" means the violation date for a prior offense occurred within 18 months of the date of the subsequent violation.

1. Section [6.04.040\(A\)](#) Failure to license; provided that the infraction shall be dismissed if, within 14 days of the date of issuance of the infraction, the person cited shows evidence of licensing of the subject animal to the Olympia Court Clerk. The Court Clerk, at the direction of the Olympia Municipal Court, may assess court administrative costs of up to \$25.00 at the time of the dismissal;
 2. Section [6.04.050\(A\)](#) Pet animal at large (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).
 3. Section [6.04.050\(B\)](#) Nuisance pet animal (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).
 4. Section [6.04.050\(I\)](#); Menacing Animal (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).
- B. Violation of the following sections of this chapter shall constitute a Class 4 civil infraction:
1. Section [6.04.050\(C\)](#) Pet animals on public property.
 2. Section [6.04.050\(E\)](#) Failure to remove fecal material; failure to possess removal equipment.

3. Section [6.04.050](#)(F) Failure to sterilize an adopted pet animal.
- C. Four or more violations of the offenses listed in subsection A, herein within an 18-month period shall constitute a misdemeanor.
- Civil infractions shall be heard and determined according to Chapter [7.80](#)  RCW, as amended, and any applicable court rules.
- D. Violations of the following sections of this chapter shall constitute a misdemeanor and will subject the animal to impoundment.

1. Section [6.04.040](#)(H) Tag removal unlawful;
2. Section [6.04.040](#)(J) Exotic Animals;
3. Section [6.04.050](#)(D) Injury to a person or animal;
4. Section [6.04.050](#)(G) Failure to provide humane care;
5. Section [6.04.050](#)(H) Failure to meet terms of quarantine;
6. Section [6.04.060](#) Cruelty to animals;
7. Section [6.04.070](#) Confinement or restraint of a pet animal;
8. Section [6.04.080](#) Venomous and constrictor reptiles;
9. Section [6.04.090](#) Unlawful release of a pet animal;
10. Section [6.04.110](#)(F)(2) Violation of keeping, securing or confining a potentially dangerous dog.

E. Violations of the following sections of this chapter shall constitute a gross misdemeanor and will subject the animal to impoundment:

1. Section [6.04.110](#)(F)(3) Violation of keeping, securing or confining a dangerous dog.

F. The penalties set forth in this section shall not prevent additional, concurrent remedies or designations, including but not limited to those set forth in OMC [6.04.110](#).

(Ord. 6400 §1, 2006; Ord. 5612 §2, 1996).

6.04.130 Misdemeanors and gross misdemeanors

A. Where this chapter designates violations as misdemeanors, such violations shall, upon a conviction being obtained, result in a fine not to exceed \$1,000, or to imprisonment not to exceed ninety days, or to both such fine and imprisonment, unless a different fine or duration of imprisonment is mandated by state law.

B. Where a violation is designated as a gross misdemeanor, a conviction thereon shall result in a fine not to exceed \$5,000, or to imprisonment not to exceed one year, or to both such fine and imprisonment, unless a different fine or duration of imprisonment is mandated by state law.

(Ord. 5612 §2, 1996).

6.04.140 Keeping Restricted

It is unlawful for any person, persons, firm, association or corporation to maintain in the city within one hundred and fifty feet of any dwelling or residence, hotel, rooming house, or place of business, any horses, sheep, mules, goats, hogs, cattle or llamas, whether tethered or otherwise restrained, or in any pen, lot or other place where such animals might be kept.

(Ord. 6400 §1, 2006).

The Olympia Municipal Code is current through Ordinance 6866, passed September 17, 2013.

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

Olympia's Codification Process (<http://olympiawa.gov/city-government/codes-plans-and-standards/municipal-code.aspx>)

Municipal Code contact information:

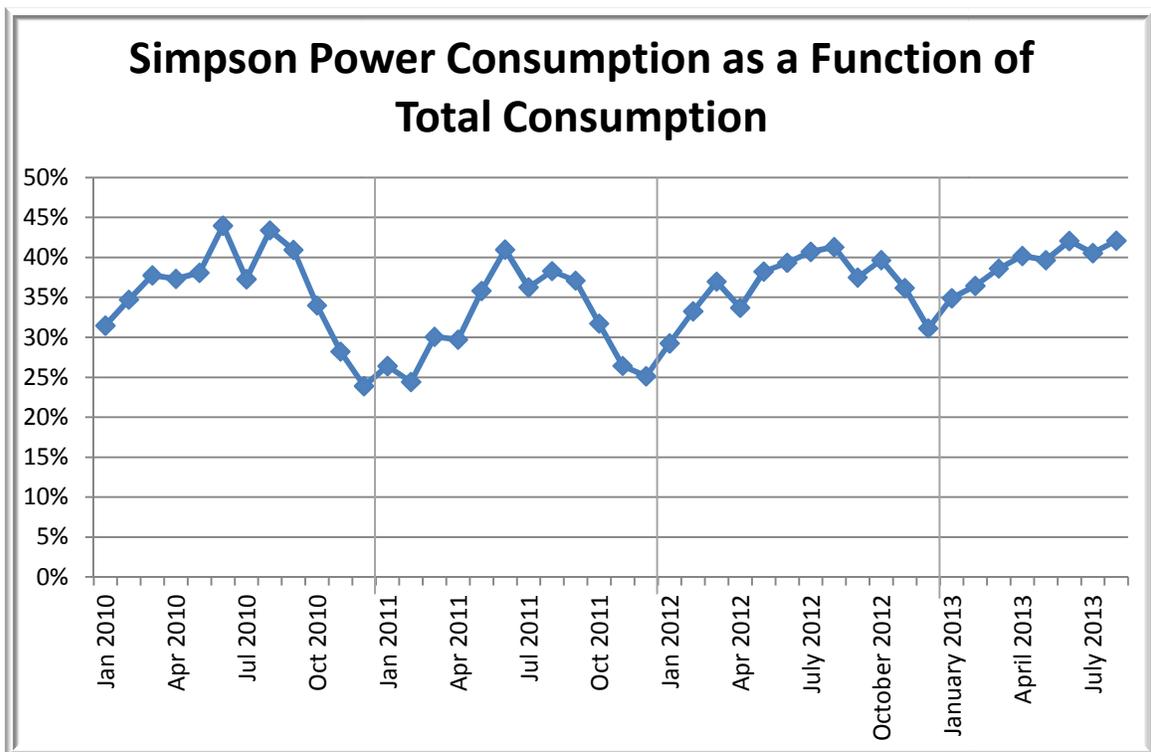
City Website: <http://olympiawa.gov>
(<http://olympiawa.gov>)
Code Publishing Company
(<http://www.codepublishing.com/>)
eLibrary
(<http://www.codepublishing.com/elibrary.html>)

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: October 2, 2013
Re: Simpson Track & Tune

You might recall, back in August we approached the subject of the Track and Tune (T&T) program with Simpson Door Company, who is by far our largest power customer. The draft scoping assessment was provided in August, which outlined the capital and operational modifications that could be made to increase efficiency at the facility. This document has been finalized, but has been omitted for clarity. Please let me know if you would like to review the finalized scoping assessment.

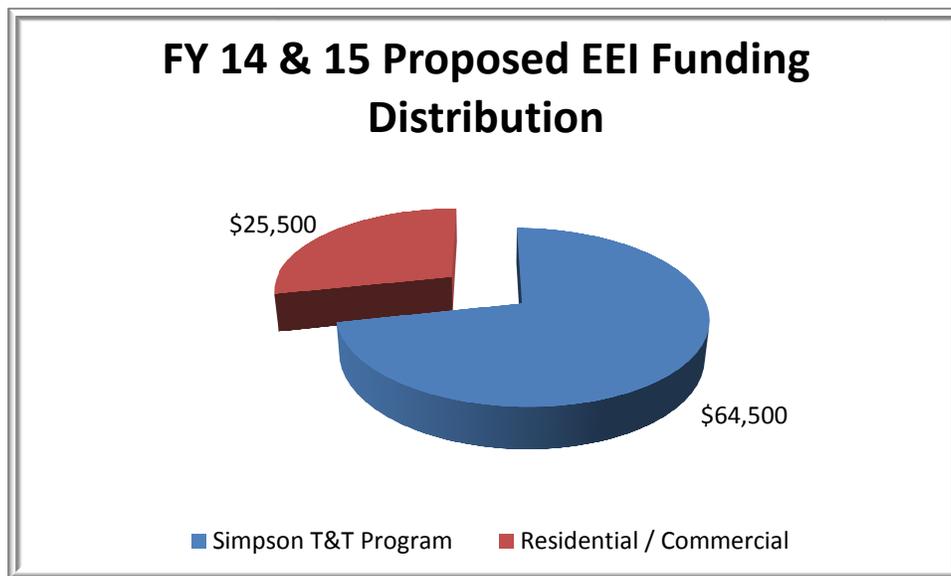
This is where things get a little interesting. It is very common for power utilities to incent modifications such as this through the Energy Efficiency Incentive (EEI) program. When you are talking about providing money to reduce energy consumption, the biggest “bang for your buck” if you will, is in the industrial sector. As I mentioned back in August, Simpson was, and still is, interested in three projects. The dilemma was that the incentive amount for all three projects translated to approximately \$200,000. If you recall, our estimated biennium EEI budget for FY 14 & 15 is \$90,000 (which includes the \$30,000 from Seattle City Light). I have conveyed to Simpson that we cannot commit 100% of the next two or three biennium budgets to Simpson Door as doing so would eliminate the EEI program for our residents. However, Simpson does purchase a large amount of power from the City, effectively averaging 36% of the total consumption since 2010 throughout the City as the graph below shows.



It is apparent that Simpson Door receives the initial benefit of the EEI program by receiving incentives to reduce energy consumption, thereby reducing their power bill. It is critical to note that the City also benefits from Simpson reducing consumption in the form of buying capacity, which we may need in the near future.

Recently I have learned that Simpson Door is very interested in moving forward with the T&T program as the initial step in reducing their consumption through the EEI program. From our perspective, this is the most advantageous project, of the three considered, for both Simpson and the City. As this requires an agreement between the City and Simpson, I am currently in the process of establishing the written agreement. Once prepared and agreed to by Simpson Door, it will be presented to Council for execution.

At this point in time, we need to make certain we are comfortable with the impact of the agreement. As previously indicated, our EEI budget for FY14 and FY15 is approximately \$90,000. The incentive for the T&T program is capped at 70% of the project cost and based on estimated consumption reduction with \$13,500 for installation of the Performance Tracking System (likely to be in the \$3000 - \$5000 range), \$31,500 for implementation, and \$19,500 per year for sustained savings. This translates to a cap of \$45,000 for year 1 (FY 14) and \$19,500 for years 2 (FY 15), 3 (FY 16), and 4 (FY 17). Please note that the agreement will have a clause stating that if EEI funding is not provided by BPA in FY 16 & 17, the agreement can be terminated by the City.



Please note that any unspent T&T dollars from each phase, listed above, will be reallocated to the residential / commercial program. Also note that this does not impose a significant impact on our residential / commercial program as over the last two years this program has only used approximately \$21,000.

The estimated benefit to Simpson Door over the four year agreement cycle is \$64,500 in incentives from FY 14&15 EEI dollars, \$39,000 in FY 16&17 EEI dollars, and \$50,000

annually in power consumption savings. This translates to a maximum total benefit of over \$300,000 over the next four years. In return, the City increases our system capacity (through consumption reduction) by a maximum of 10%.

Please note that our main focus will continue to be to provide incentives to the customers that want to utilize the incentives.

Staff Recommendation:

The EEI program is intended to facilitate improvements to reduce energy consumption. Reducing consumption is the most economical way of achieving a capacity increase. Using the figures presented in this proposal, the capacity that we are in effect purchasing translates to purchasing our entire system for \$3,000,000. Keeping the program goal in mind, it seems prudent for us to continue to reduce energy consumption, effectively buying electrical system capacity.

Action Requested:

Please discuss this topic and identify any concerns that may arise.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: October 3, 2013
Re: Light and Power Material Order

Attached you will find three purchase orders for “stocking up” before winter storms deplete our supplies. We debated on whether or not this material purchase was subject to state bid limits which would trigger our local bid requirements, but thought it prudent to be conservative and present these purchase orders to Council for authorization.

For your information, RCW 35.23.352(1) requires that we call for bids whenever the cost of a public work exceeds \$65,000 for multiple trades or \$40,000 for a single trade. RCW 35.23.352(6) requires that we call for bids when any material, supplies, or equipment costs more than \$7,500, which are not to be used in connection with any public work or improvement.

The proposed purchase is material that may or may not be used for public work (defined as work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the municipality or which is by law a lien or charge on any property). It is my opinion that all of the items we purchase for stock may be used for public work (because of the possibility of mechanical or physical failures and to facilitate planned work). Our dilemma is that the bid thresholds are based on projects for public work, not materials stock that will eventually be used on public works. With material stock, we have no idea of how much will be used on project x, y, and z at the time of order.

Resolution 622 says that when we purchase materials, supplies, services, and capital items **for which bid procedures are to be followed** we will contact three suppliers and report the proposals to Council for Council authorization when the cost is between \$2,000 and \$20,000. For purchases over \$20,000 **for which bid procedures are to be followed**, the only additional change is that proposals must be in writing.

What we recommend is that because the total amount of the material purchase is \$13,200 +/-, which is over the \$7,500 for material not used with public work and under the \$40,000 for public work, is present this to Council for authorization in similar to the requirements of Resolution 622.

Staff Recommendation:

The material requested is to increase stock on hand so that we do not have to wait for material in the event it is needed for storms and planned work. For reference, as of October 4, we have spent \$32,527.49 in operating supplies and have \$100,000 budgeted.

Action Requested:

Please consider authorizing execution of Purchase Orders 12431, 12432, & 12433.

Material 9/17/13

<u>Amount</u>	<u>Item Description</u>	<u>Wesco</u>	<u>GP</u>	<u>HDS</u>
12	Anchor #E1021219	56.60	N/Q	60.50
12	Anchor Rod J12254R	15.80	14.98	15.95
25	Triple Eye J12585	6.85	7.96	6.75
25	Guy Insulator 4604 (14604003)	N/Q	3.25/	2.49
4	250' coil 3/8 Guy Strand ASTM-A475	N/Q	.35	.32
50	2/o-8 Aluminum Hot Line Clamp AHLC-100	8.15	6.30	N/Q
50	2/o HPS Split Bolt Connector	3.75	9.10	3.75
100	4 HPS Split Bolt Connector	1.88	2.85	wrong 10.50
6	Elastimold Alumiform Bracket 1535AFB-1	N/Q	19.60	N/Q
4	6"x1000' Electrical Caution Tape	N/Q	20.60	N/Q
12	Pint PVC Glue	7.97	7.00	N/Q
100	2" Cinch Clamps #P-200	.84	.69	.74
24	Cooper #2 15KV Load Break Elbows PK215	22.16	23.50	wrong 12.29
24	Parking Stand Bushing ISB215	31.60	31.50	33.50
50	Ground Rod Clamp HDC58	2.38	2.17	2.29
200	Sterling One Shot Lock JR-OS	1.24	1.68	1.47
50	5/8x8 Ground Rod	7.99	10.40	13.25
50	Blackburn IKL 45 2/o-2 Sleeve	N/Q	2.85	2.05
50	Blackburn IKL 66 4/o-1/o Sleeve	N/Q	2.85	2.15
100	Blackburn ICS 76 1/o-4 Sleeve	N/Q	.40	wrong .43
50	3M 1.5x66 w/1.5 core Electrical Tape	3.79	2.45	5.89
24	Sylvania 100w HPS LU100	6.98	12.26	7.25
24	DE-Ox	N/Q	4.95	N/Q
4	125' Spool #2Bare CU SD Solid	N/Q	1.17'	1.17'
3	200' Spool #4Bare CU SD Solid	N/Q	.72	.57
1800'	#2 Triplex Cockle	.58	.62	.63
2500'	#2-15KV-EPR-22M-FCN Primary Underground	2.15	2.07	N/Q



PURCHASE ORDER

CITY OF McCLEARY

100 South 3rd Street
 McCleary, WA 98557
 Phone: 360-495-3863
 Fax: 360-495-3097

City of McCleary
Home of the McCleary Bear Festival

P.O. NO. 12432
 DATE 10-3-13
 CUSTOMER ID

VENDOR General Pacific

SHIP TO City of McCleary

100 S 3rd St

McCleary, WA 98557

ORDERED BY	SHIPPING TERMS	DELIVERY DATE
Nott		

QTY ORDERED	QTY RECVD	DESCRIPTION	DEPT	UNIT PRICE	LINE TOTAL
12.00		Anchor Rod J12254R	L&P	\$ 14.98	\$ 179.76
50.00		2/0-8 Aluminum Hot Tap AHLC-100		6.30	315.00
50.00		2/0 HPS Split Bolt Connector		9.10	455.00
100.00		4 HPS Split Bolt Connector		2.85	285.00
6.00		Elastimold Bracket 1535AFB-1		19.60	117.60
4.00		6"x1000' Electrical Caution Tape		20.60	82.40
12.00		Pint PVC Glue		7.00	84.00
100.00		2" Cinch Clamps #P-200		0.69	69.00
24.00		Parking Stand Bushing ISB215		31.50	756.00
50.00		Ground Rod Clamp HDC58		2.17	108.50
50.00		Blackburn IKL 45 2/0-2 sleeve		2.85	142.50
50.00		Blackburn IKL 66 4/0-1/0 sleeve		2.85	142.50
100.00		Blackburn ICS 76 1/0-4 sleeve		0.40	40.00
24.00		DE-OX		4.95	118.80
50.00		3M 1.5x66 w/ 1.5 core Elec. Tape		2.45	122.50
2500.00		#2-15KV-EPR-22M-FCN		2.07	5,175.00

SUBTOTAL	\$ 8,193.56
SALES TAX	688.26
TOTAL	\$ 8,881.82

1. Please send two copies of your invoice.
2. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
3. Please notify us immediately if you are unable to ship as specified.
4. Send all correspondence to:

CITY OF McCLEARY
 100 South 3rd Street
 McCleary, WA 98557
 360-495-3863
 360-495-3097

 Authorized by

 Date

STAFF REPORT

To: Mayor Dent
From: Nick Bird, P.E., Director of Public Works
Date: October 4, 2013
Re: Storm and Sewer Work

We requested bids from three companies for the work shown on the attached proposal form. Only one company submitted a bid. The proposal form for Pipe Experts out of Olympia, WA is attached.

We budgeted \$20,000 for the stormwater cleaning this year and \$50,000 was budgeted for Inflow and Infiltration (I/I) investigations this year. The work included in the proposal is the work requested for stormwater cleaning in 2013 and roughly 10% of the work for the I/I investigation work.

Additional costs may be incurred due to the potential of differing site conditions (root barriers in the pipe that needs to be cut out). This hourly cost is not included in the Proposal Form and will be a mutually agreed upon hourly rate in the event root barriers are encountered.

Staff Recommendation:

At this time, staff recommends authorization of the proposal, specifying a maximum hourly rate of \$250 per hour for equipment and labor for root barrier removal. It is also recommended that a maximum dollar amount be placed on stormwater cleaning / jetting of \$20,000 and of the Sewer Camera Areas of \$5,000, which allows flexibility for the work to be completed without additional delays of the work.

Action Requested:

Please consider authorizing staff to proceed with the proposal submitted by Pipe Experts with the limitations presented in the staff recommendation.

City of McCleary
Home of the McCleary Bear Festival

Proposal Form

Stormwater Jetting / Cleaning

ID	Location	Length (FT)	Pipe Size (Inches)	Description	Lump Sum Price Bid
1	6th and Fir	550	24"	Concrete Storm line Jet. No CB's	\$ 3000 ⁰⁰
2	Main and Pine	N/A	N/A	Clean Vortech stormwater treatment basin	\$ 2000 ⁰⁰
3	Summit 1	N/A	N/A	Clean Vortech 3000 treatment basin	\$ 2000 ⁰⁰
4	Simpson Ave	1650	12"-18"	Suck out debris from 12 CB's and Jet lines between CB's	\$ 2000 ⁰⁰
5	Simpson Alley	1750	8"-12"	Jet lines. Access points every 300-400 ft.	\$ 2000 ⁰⁰
6	S. 9th Street	250	12"	Jet lines. 2 access points.	\$ 500 ⁰⁰
7	Mommsen Rd	700	8"	Jet lines. Suck debris out of 3 CB's. Start at 433 Mommsen and work towards 1st street.	\$ 1000 ⁰⁰

Stormwater Jetting / Cleaning Total..... \$ 12,500

Sewer Camera Areas (Additive)

ID	Location	Length (FT)	Pipe Size (Inches)	Description	Lump Sum Price Bid
1	Manhole 276	724	10	400 LF- N. to MH 277. 324 LF- E. to Manhole 292	\$ 1000
2	Manhole 334	300	8	300 LF- E. to MH 334A	\$ 500
3	Manhole 254	220	8	220 LF- E to MH 301	\$ 500
4	Manhole 233	225	8	225 LF- N. to MH 232	\$ 500
5	Manhole 320	500	8	250 LF- E. to MH 320 A. 250 LF- S from MH 320 A to MH 320 B.	\$ 750

Sewer Camera Area Total..... \$ 3250

Notes:

1. Recommendation of award will be based on the total cost of stormwater Jetting / Cleaning Total. All Sewer Camera Areas are to be considered additive items and may be awarded in accordance with Note #3.
2. Cost shown above does not include removal of root intrusion. Removal of root intrusion shall be based on a mutually agreed upon time and materials rate. Rate shall be defined prior to starting work.
3. Sewer Camera Work shall be awarded based on the available City of McCleary budget. As such, it is possible that one or more areas will not be awarded. The award will coincide with the areas and costs that are the most advantageous to the City of McCleary.
4. Cost for work shown above do not include sales tax. Local sales tax shall be additive to the total award amount.
5. All work completed by the City of McCleary must comply with the prevailing wage laws of Washington State. Please note, an affidavit of wages paid must be on file with L&I prior to final payment.

Proposal Submitted By: Pipe Experts (Company Name)
 Primary Contact: Ron McLean (Name)
 Primary Phone Number: 360 5071818 (Phone Number)

Pipe Experts LLC
 Office: 360-943-5840
 Fax: 360-943-5865

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY'S PARTICIPATION IN THE WASHINGTON CITIES EMPLOYEE BENEFIT TRUST & THE EXECUTION OF THE INTERLOCAL AGREEMENT IN RELATION TO SUCH PARTICIPATION.

R E C I T A L S :

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

2. The City has been informed that the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code, providing for the payment of life, sick, accident or other benefits to Beneficiaries.

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

4. Based upon the information provided to the City, it appears economically feasible and practical for the parties to do so.

5. Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under chapter

RESOLUTION -A- 1

10/01/2013

DG/le

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

39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods.

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

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

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

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

10. The Agreement provides that the Trust intends to manage the HCP Account assets in compliance with federal and state laws and the Interlocal Agreement.

11. Based upon the information provided, the City believes it is in the best interest of the Health Care Program to allow the Trust to manage the HCP Account.

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

SECTION I: The Interlocal Agreement attached to this resolution creating the Health Care Program is hereby adopted and the execution of it by the Mayor is authorized.

SECTION II: By adopting the attached Interlocal Agreement, it is recognized and acknowledged that the City shall be subject to assessments as required by the Health Care Program.

RESOLUTION -A- 2
10/01/2013
DG/le

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

PASSED THIS _____ DAY OF OCTOBER, 2013, by the City Council of the City of McCleary, and signed in authentication thereof this _____ day of October, 2013.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

RESOLUTION -A- 3
10/01/2013
DG/le

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