



AGENDA

Long Beach City Council Workshop at 5:00 p.m.

Long Beach City Council Meeting

Regular City Council February 18, 2014 at 7:00 p.m.

Long Beach City Hall - Council Chambers

115 Bolstad Avenue West

5:00 PM CALL TO ORDER

- + WS 14-02 – Use of ATVs in the city and on nearby beaches - **TAB – A**

7:00 PM CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

- | | |
|---------------|---|
| Call to order | Mayor Andrew, Council Member Linhart, Council Member Hanson, |
| And roll call | Council Member Perez, Council Member Murry, and Council Member Phillips |

CONSENT AGENDA - TAB - B

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, February 3, 2014 Regular City Council meeting.
- Payment Approval List for Warrant Registers 53866 - 53912 & 75705 – 75781 for \$185,383.01

BUSINESS

- **AB 14-11 – City Engineer Contract revised – TAB - C**
- **AB 14-13 – Street Lamp purchase and rebate program – TAB – D**
- **AB 14-14 – Master Contract Usage Agreement with State – TAB – E**
- **AB 14-15 – Engineering Services Agreement Sewer NPDES – TAB – F**
- **AB 14-16 – Contract for Boarding Prisoners – TAB – G**
- **AB 14-17 – Surplus Excercise Equipment – TAB H**

ORAL REPORTS

- | | | | | |
|---|---------------------|--------------|---------------------------|-------------------------|
| • | City Council | Mayor | City Administrator | Department Heads |
|---|---------------------|--------------|---------------------------|-------------------------|

CORRESPONDENCE AND WRITTEN REPORTS – TAB – I

- **Correspondence – Police Report for January**
- **Correspondence – Important points on Marijuana Land Use in LB current status**
- **Business License – Michael Clarence Mitchell; 205 Bolstad Ave W #303**
- **Business License – Metropcs California, LLC; Bellevue, WA**

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop commencing at 6:00 PM.

March 3, 2014 – 7:00 pm – City Council Meeting

March 17, 2014 – 7:00 pm- City Council Meeting

PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether or not it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to five minutes. The City Council does not take any action or make any decisions during public comment.** To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Clerk at the meeting.

TAB - A



**CITY COUNCIL
WORKSHOP BILL
WS 14-02**

Meeting Date: February 18, 2014

AGENDA ITEM INFORMATION

SUBJECT: <i>Use of ATVs in the city and on nearby beaches</i>	Originator:	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	GB
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: None	Other:	

SUMMARY STATEMENT: On July 3, 2013 Governor Inslee signed into law Engrossed Substitute House Bill 1632: Off-Road Vehicles. The purpose of this workshop is to discuss this law and to better understand its potential effects in Long Beach and the surrounding area. Representatives from the County and other jurisdictions have been invited to this workshop.

The bill analysis, bill report, and the bill itself are attached.

Transportation Committee

HB 1632

Brief Description: Regulating the use of off-road vehicles in certain areas.

Sponsors: Representatives Shea, Blake, Kristiansen, Sells, Warnick, Upthegrove, Wilcox, Scott, Moscoso, Fagan and Condotta.

Brief Summary of Bill

- Establishes a definition for "wheeled all-terrain vehicle" along with operator, equipment, and registration requirements and related exemptions.
- Establishes locations in which the wheeled all-terrain vehicle may be operated.
- Establishes documentation for required equipment installations for a wheeled all-terrain vehicle.
- Creates the Multiuse Roadway Safety Account.
- Clarifies that local land management requirements must be followed and a process for the operator to receive a citation with or without law enforcement presence.
- Clarifies when off-road vehicle (ORV) registrations and decals are not required for off-road vehicles.
- Increases the age of a person from 13 to 16 years of age that may operate an off-road vehicle on or across a highway or non-highway road.
- Adds definitions for "primitive road" to the definitions of a non-highway road, direct supervision, and emergency management.

Hearing Date: 2/11/13

Staff: Jerry Long (786-7306).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Currently any city, county, or other political subdivision of the State of Washington, or any state agency, may regulate the operation of non-highway vehicles on public lands, waters, and other properties under its jurisdiction; and on streets, roads, or highways within its boundaries by adopting regulations or ordinances, provided such regulations are not less stringent than the provisions of state laws.

A legislative body of a city with a population of less than 3,000 in population, may by ordinance, designate a street or highway within its boundaries to be suitable for use by off-road vehicles. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by off-road vehicles if the road or highway is a direct connection between a city with a population of less than 3,000 and an off-road vehicle recreation facility.

Summary of Bill:

The bill establishes a definition for an "wheeled all-terrain vehicle" which is:

- a non-highway vehicle with handlebars that are 50 inches or less in width; has a seat height of at least 20 inches; weighs less than 1,500 pounds; and has four tires having a diameter of 30 inches or less; or,
- a utility-type vehicle designed for, and capable of travel over, designated roads with four or more low pressure tires of 20 PSI or less, a maximum width of less than 74 inches, a maximum weight less than 2,000 pounds, a wheelbase of 110 inches or less, and that meets at least one of the following: (1) a minimum width of 50 inches; a minimum weight of 900 pounds; or a wheelbase of over 61 inches.

Wheeled all-terrain vehicles operated in the state must display a metal tag on the rear of the vehicle. The initial metal tag must be issued with an original off-road vehicle registration. The metal tag must be replaced every seven years at a cost of \$2 to be deposited into the Non-highway and Off-Road Vehicle Activities Program Account. The Department of Licensing (DOL) must design the metal tag and be the same size as a motorcycle license plate and have "Restricted Vehicle" at the top. Space at the bottom left of the tag will be the space for the off-road tab and on the right for an on-road tab. The operator will have a current off-road vehicle registration tab and, in addition, may have an on-road vehicle tab and pay the annual vehicle license fee for the off-road or both off-road and on-road. The initial and renewal on-road registration fee is \$12. A wheeled all-terrain vehicle may not be registered for commercial use. Local authorities may not establish registration requirements for these vehicles.

A person that violates the following areas of operation will commit a traffic infraction. A person may operate a wheeled all-terrain vehicle:

- upon any public roadway of this state having a speed limit of 35 miles per hour or less;
- upon a road or highway road or highway in a city with a population of less than 15,000 unless the city, by ordinance, designates a road or highway to be unsuitable for wheeled all-terrain vehicle use; or
- upon a public roadway, trail, non-highway road, or state highway while being used for emergency management or search and rescue.

A city must post those roads not suitable for wheeled all-terrain vehicle use publically on the main page of the city's website.

A person may not operate a wheeled all-terrain vehicle:

- on state highways, except on a segment that is within the limits of a city and the speed limit is 35 miles per hour or less;
- crossing a public roadway in excess of 35 miles per hour unless the crossing begins and ends on a public roadway with a speed limit of 35 miles per hour or less and the intersection is 90 degrees;
- crossing at an uncontrolled intersection of a state highway; and
- on a public roadway in a city with a population of 15,000 or more unless the city, by ordinance, has approved the vehicles on city roadways.

The operator of a wheeled all terrain vehicle upon a public roadway of the state must have a valid Washington driver's license or a license issued by the state of the person's residence. The operator must follow the rights and duties of a motorcycle, except that the vehicles may not be operated side-by-side in a single lane.

A wheeled all-terrain vehicle must have the following equipment: headlights, one tail lamp for a wheeled all-terrain vehicle and two for a utility-type vehicle; a stop light; reflectors; turn signals during darkness; one handlebar mirror or two if an utility-type vehicle; a windshield unless the operator has eye protection; a horn or warning device; brakes; a spark arrester and muffler; and seatbelts if a utility-type vehicle.

A person operating a wheeled all-terrain vehicle, not including emergency services or vehicles used in the production of agriculture and timber on a public roadway, must provide a declaration that includes:

- documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or repair shop in Washington and certify under oath that the equipment as required meets state and federal law. A person making a false statement regarding the inspection is guilty of false swearing, a gross misdemeanor;
- documentation that the dealer or repair shop did not charge more than \$50 per inspection;
- a statement that the dealer or repair shop is entitled to the full amount charged;
- a vehicle identification number verification; and
- a release signed by the owner of the wheeled all-terrain vehicle that releases the state from any liability.

The DOL must track wheeled all-terrain vehicles in a separate registration category for reporting purposes.

The bill creates the Multiuse Roadway Safety Account (Account). Receipts from the new on-road use registration fee of \$12 must be deposited into the Account and only be spent after appropriation. The Washington State Department of Transportation will administer a grant program for:

- counties to perform engineering analysis of mixed vehicle use on county roads;
- local governments to erect signs providing notice that wheeled all-terrain vehicles are present or crossing roadways;
- law enforcement for defraying costs due to wheeled all-terrain vehicles; or
- to investigate accidents involving wheeled all-terrain vehicles.

Grants must be prioritized first by marking highway crossings warning motorists that wheeled all-terrain vehicles may be crossing when a recreation parking lot is on the other side of a roadway from the actual recreation facility. Signs must conform to the Manual on Uniform Traffic Control Devices. The Account will retain investment earnings.

A person who operates a wheeled all-terrain vehicle upon public lands must follow local land management requirements. If the person is found in violation, it is a traffic infraction with a penalty of up to \$500 by any law enforcement officer. If the infraction was not committed in the officer's presence, as long as there is reasonable evidence after an investigation of the violation and probable cause, then the officer must prepare a ticket of infraction and serve it upon the operator of the wheeled all-terrain vehicle. At a minimum, the evidence must include the time, location, and metal tag number or vehicle description.

The off-road vehicle (ORV) registrations and decals are not required for off-road vehicles:

- operated on and across agricultural and timber lands owned or leased, or managed by the off-road vehicle owner or operator or owner's employer;
- when used for emergency management under the authority or direction of an agency that engages in emergency management or search and rescue; or
- when used by persons who, in good faith, render emergency care or assistance with respect to an incident involving off-road vehicles and will not be liable for civil damages resulting from rendering assistance, other than acts of omissions constituting gross negligence or willful or misconduct.

The bill adds to existing authorizations that it is lawful to operate an ORV on any trail, non-highway road, or highway while being used under the authority or direction of an agency that engages in emergency management, search and rescue, or law enforcement official duties.

The bill increases the age of a person from 13 to 16 years of age that may operate an off-road vehicle on or across a highway or non-highway road. This does not apply when the person is under 16 and: the vehicle is being used for emergency management or rendering emergency care or assistance with respect to an incident involving off-road vehicles. A person may also operate an off-road vehicle across a highway, if at that crossing, signs indicate that wheeled all-terrain vehicles may be crossing, or on a non-highway road or trail designated for off-road vehicles use under the direct supervision of a person that is at least 18 years old with a valid driver's license. The age restriction does not apply to vehicles used in the production of agricultural or timber products on and across lands owned, leased, or managed by the owner or operator of a wheeled all-terrain vehicle or the operator's employer.

The bill changes the existing exemption for a person not having to wear a motorcycle helmet when operating on agricultural lands to "production of agricultural and timber products on and across lands owned or leased, or managed by the owner or operator of the off-road vehicle or the operator's employer."

The bill expands the use of existing ORV funds to publicly owned lands that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

The bill adds definitions for:

FINAL BILL REPORT

ESHB 1632

C 23 L 13

Synopsis as Enacted

Brief Description: Regulating the use of off-road vehicles in certain areas.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Shea, Blake, Kristiansen, Sells, Warnick, Upthegrove, Wilcox, Scott, Moscoso, Fagan and Condotta).

House Committee on Transportation

Background:

Off-road vehicles (ORVs) are labeled by the manufacturer's statement or certificate of origin as intended for "off-road use." The ORVs must display a current ORV tag that is purchased for \$18. The Department of Licensing (DOL) issues the registrations and temporary-use permits for ORVs and issues the ORV decals for a fee that covers the actual cost of the decal. The DOL retains funds sufficient to cover expenses incurred in the administration of the ORV fee; the remaining funds are distributed for off-road recreational facilities.

Any out-of-state operator of an ORV, when operating an ORV in Washington, must have the ORV registered in the state of the operator's residence or obtain a temporary ORV-use permit. A person must be 13 years of age or older to operate an ORV. A person under 13 years old may operate an ORV under the direct supervision of a person 18 years or older who possesses a valid driver's license.

It is lawful to operate an ORV on a non-highway road if the state, federal, local, or private authority responsible for the management of the non-highway road authorizes the use of ORVs on that road.

If a person operating an ORV is in violation of one of the operator-behavior or equipment-requirement items listed in the ORV statutes, the fine is a traffic infraction. These infractions are treated in the same manner as any other motor vehicle traffic infraction.

A person may operate an off-road motorcycle (not including wheeled all-terrain vehicles) upon a public road, street, or highway if the person complies with the following requirements:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- files a motorcycle-use declaration, in which the DOL certifies conformance with all applicable federal motor vehicle safety standards and state standards;
- obtains and has in full force and effect a current and proper ORV registration or temporary ORV-use permit;
- obtains a valid driver's license and motorcycle endorsement issued to Washington residents; and
- installs various outlined motorcycle components, if not already present on the off-road motorcycle, which include a head lamp, a tail lamp, reflectors, brakes, a mirror on both the left and right handlebars, a windshield (unless the operator is wearing eye protection), a horn or warning device, turn signals, tires, and fenders.

The off-road motorcycle must be inspected by a Washington motorcycle repair shop or motorcycle dealer who must certify that it meets the equipment requirements.

The owner of the off-road motorcycle must sign a release that releases Washington from any liability.

Any city, county, or other political subdivision of Washington, or any state agency, may regulate the operation of non-highway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries, by adopting regulations or ordinances, provided such regulations are not less stringent than state laws.

The legislative body of a city with a population of less than 3,000 may, by ordinance, designate a street or highway within its boundaries to be suitable for use by ORVs. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by ORVs if the road or highway is a direct connection between a city with a population of less than 3,000 and an ORV recreation facility.

Summary:

Wheeled All-terrain Vehicles.

The Legislature intends to standardize ORV rules, open up certain roadways to wheeled all-terrain vehicles, and stimulate economic activity.

Definitions are provided for "primitive road," "direct supervision," "emergency management," and "wheeled all-terrain vehicle."

A number of rules regarding the registration of wheeled all-terrain vehicles are provided. The operator of *every* wheeled all-terrain vehicle operated within this state (unless exempt) must obtain a metal tag from the DOL for \$18 and display that metal tag on the rear of the vehicle along with an off-road tab in the bottom left corner. For wheeled all-terrain vehicles *operated upon public roadways*, the operator must also have a proper vehicle registration, pay the annual license fee of \$30, and display a bright colored decal in the bottom right corner of the tag indicating the vehicle is road legal. For wheeled all-terrain vehicles *operated off-road only*, the operator must have a proper ORV registration (\$18) or temporary use permit.

Cost Breakdown.

The operator of every wheeled all-terrain vehicle must pay a one-time cost of \$18 for the metal tag plus:

- an annual cost to operate off-road of \$18 for registration or \$10.75 for a temporary use permit. The revenue is deposited into the Non-highway and Off-road Vehicle Activities Program Account; and
- an annual cost to operate on public roadways, which is \$12 for a "road legal decal" plus an \$18 licensing fee, equaling \$30. The \$12 is deposited into the newly-created Multiuse Roadway Safety Account and the \$18 is deposited into the Non-highway and Off-road Vehicle Activities Program Account.

The metal tag must be replaced every seven years at a cost of \$2 and the revenue is deposited into the Non-highway and Off-road Vehicle Activities Program Account.

The DOL must issue metal tags and registrations for wheeled all-terrain vehicles. The DOL must design the metal tag, which must be the same size as a motorcycle license plate.

A wheeled all-terrain vehicle may not be registered for commercial use.

A person must have a valid driver's license to operate a wheeled all-terrain vehicle on a public roadway. A person who operates a wheeled all-terrain vehicle must follow the motorcycle rules except that wheeled all-terrain vehicles may not be operated side by side in a single lane of traffic. A violation of these requirements is a traffic infraction.

The DOL may develop and implement, along with rules, an online training course for people who register wheeled all-terrain and utility-type vehicles for use on a public roadway. Any future costs associated with the training course must be appropriated from the Highway Safety Account and any fees collected must be deposited into the Highway Safety Account.

Wheeled all-terrain vehicles may operate on a public roadway, not including non-highway roads and trails, under the following conditions:

- in a county with a population of 15,000 or more if the county by ordinance has approved the operation of wheeled all-terrain vehicles on the county roadways;
- in a county with less than 15,000 in population unless the county has designated roadways or highways within its boundaries to be unsuitable for use by wheeled all-terrain vehicles; and
- in a city or town providing that the city or town by ordinance has approved the operation of wheeled all-terrain vehicles on city or town roadways.

This provision does not affect any roadway designated as open or closed as of January 1, 2013.

City, town or county roadways authorized or deemed unsuitable for use by wheeled all-terrain vehicles must be listed publicly and made accessible from the county, city, or town's webpage.

Any person who operates on a public roadway in violation of the rules above commits a traffic infraction. Accidents must be recorded and tracked in a separate category.

Local authorities may not establish additional requirements for registration of wheeled all-terrain vehicles.

A person may operate a wheeled all-terrain vehicle on a public roadway, trail, non-highway road, or highway in the state while under the authority or direction of an appropriate emergency management agency.

A wheeled all-terrain vehicle is an ORV for the purposes of the recreational immunity statutes.

Equipment requirements for a wheeled all-terrain vehicle include: (1) headlights; (2) one tail lamp, except that utility-type vehicles must have two tail lamps; (3) a stop lamp; (4) reflectors; (5) turn signals if operating during hours of darkness; (6) a mirror attached to either the right or left handlebar, except that a utility-type vehicle must have two mirrors; (7) a windshield (unless the operator is wearing eye protection); (8) a horn or warning device; (9) brakes in working order; (10) a spark arrestor and muffler; and (11) seatbelts for utility-type vehicles. The equipment requirements do not apply to emergency service vehicles or vehicles used for agricultural or timber products.

A person who operates a wheeled all-terrain vehicle upon a roadway must provide a declaration that includes the following:

- documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or repair shop that certifies under oath that all wheeled all-terrain vehicle required equipment is installed. A person who makes a false statement regarding an equipment inspection commits a gross misdemeanor;
- documentation that the dealer or repair shop did not charge more than \$50 for the inspection; and
- a signed release that releases Washington from any liability.

The DOL must track wheeled all-terrain vehicles in a separate registration category for reporting purposes.

A person who operates a wheeled all-terrain vehicle in violation of specified operating rules or inconsistent with the emergency exemption is subject to a traffic infraction. Any law enforcement officer may issue a traffic infraction whether or not the infraction was committed in the officer's presence, as long as there is reasonable evidence that the operator committed a violation.

The Multi-Use Roadway Safety Account is created. The \$30 registration fee for wheeled all-terrain vehicles used on public roadways must be deposited into this account. Funds from this account may be spent on: (1) safety engineering analysis; (2) signs to alert the motoring public that wheeled all-terrain vehicles may be present or crossing; or (3) law enforcement for purposes of defraying costs of enforcement involving wheeled all-terrain vehicles.

Off-road Vehicles.

Rules regarding the operation of ORVs on public roads are modified. A wheeled all-terrain vehicle is not an ORV for purposes of these rules.

The ORV registration requirement does not apply to wheeled all-terrain vehicles registered for use on a public roadway.

The following vehicles are exempt from ORV registration and decal requirements: (1) ORVs operated on and across agricultural and timber lands; (2) ORVs used for emergency management; and (3) ORVs operated by persons rendering emergency assistance.

An ORV may operate on any trail, non-highway road, or highway while under the direction of emergency management, search and rescue, or law enforcement, within the scope of their official duties.

No person under 16 years of age may operate an ORV on or across a highway or non-highway road without direct supervision of a person 18 years or older possessing a valid driver license. This restriction does not apply to emergency management or while rendering emergency assistance. Persons under 16 years of age may operate an ORV across a highway if, at the crossing, signs indicate that wheeled all-terrain vehicles or ORVs may be crossing. These operator age requirements do not apply to vehicles used in the production of agricultural or timber products on and across lands owned, leased, or managed by the owner or operator of a wheeled all-terrain vehicle or the operator's employer.

An ORV operator is exempt from the helmet requirement when the ORV is used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator's employer.

The purposes for which funds collected for off-road vehicle registrations may be spent are expanded to include projects and activities that benefit off-road vehicle recreation on publicly-owned lands.

Administrative.

A \$12 initial and renewal fee for on-road use is established. The \$18 initial and renewal fee for ORVs is placed in the vehicle registration fee statutes.

A wheeled all-terrain vehicle is exempt from the requirement to obtain motor vehicle liability insurance.

The definition of a motor vehicle does not include wheeled all-terrain vehicles for purposes of regulating access to recreational lands.

Investment earnings from the Multi-Use Roadway Safety Account are retained in that account.

Votes on Final Passage:

Second Special Session

House	81	11
Senate	39	5

Effective: July 28, 2013
July 1, 2015 (Section 3)
Contingent (Section 25)

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1632

63rd Legislature
2013 2nd Special Session

Passed by the House June 28, 2013
Yeas 81 Nays 11

Speaker of the House of Representatives

Passed by the Senate June 29, 2013
Yeas 39 Nays 5

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 1632 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

1 maintenance, signage, education, and enforcement of motorized
2 recreation opportunities; (d) advance a culture of self-policing and
3 abuse intolerance among motorized recreationists; (e) cause no change
4 in the policies of any governmental agency with respect to public land;
5 (f) not change any current ORV usage routes as authorized in chapter
6 213, Laws of 2005; (g) stimulate rural economies by opening certain
7 roadways to use by motorized recreationists which will in turn
8 stimulate economic activity through expenditures on gasoline, lodging,
9 food and drink, and other entertainment purposes; and (h) require all
10 wheeled all-terrain vehicles to obtain a metal tag.

11 **Sec. 2.** RCW 46.09.310 and 2010 c 161 s 213 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Advisory committee" means the nonhighway and off-road vehicle
16 activities advisory committee established in RCW 46.09.340.

17 (2) "Board" means the recreation and conservation funding board
18 established in RCW 79A.25.110.

19 (3) "Dealer" means a person, partnership, association, or
20 corporation engaged in the business of selling off-road vehicles at
21 wholesale or retail in this state.

22 (4) "Highway," for the purpose of this chapter only, means the
23 entire width between the boundary lines of every roadway publicly
24 maintained by the state department of transportation or any county or
25 city with funding from the motor vehicle fund. A highway is generally
26 capable of travel by a conventional two-wheel drive passenger
27 automobile during most of the year and in use by such vehicles.

28 (5) "Nonhighway road" means any road owned or managed by a public
29 agency, a primitive road, or any private road for which the owner has
30 granted an easement for public use for which appropriations from the
31 motor vehicle fund were not used for (a) original construction or
32 reconstruction in the last twenty-five years; or (b) maintenance in the
33 last four years.

34 (6) "Nonhighway road recreation facilities" means recreational
35 facilities that are adjacent to, or accessed by, a nonhighway road and
36 intended primarily for nonhighway road recreational users.

1 recreational purposes, including but not limited to riding an all-
2 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
3 dune buggy.

4 (14) "ORV sports park" means a facility designed to accommodate
5 competitive ORV recreational uses including, but not limited to,
6 motocross racing, four-wheel drive competitions, and flat track racing.
7 Use of ORV sports parks can be competitive or noncompetitive in nature.

8 (15) "ORV trail" means a multiple-use corridor designated by the
9 managing authority and maintained for recreational use by motorized
10 vehicles.

11 (16) "Direct supervision" means that the supervising adult must be
12 in a position, on another wheeled all-terrain vehicle or specialty off-
13 highway vehicle or motorbike or, if on the ground, within a reasonable
14 distance of the unlicensed operator, to provide close support,
15 assistance, or direction to the unlicensed operator.

16 (17) "Emergency management" means the carrying out of emergency
17 functions related to responding and recovering from emergencies and
18 disasters, and to aid victims suffering from injury or damage,
19 resulting from disasters caused by all hazards, whether natural,
20 technological, or human caused, and to provide support for search and
21 rescue operations for persons and property in distress.

22 (18) "Primitive road" means a linear route managed for use by four-
23 wheel drive or high-clearance vehicles that is generally not maintained
24 or paved, a road designated by a county as primitive under RCW
25 36.75.300, or a road designated by a city or town as primitive under a
26 local ordinance.

27 (19) "Wheeled all-terrain vehicle" means (a) any motorized
28 nonhighway vehicle with handlebars that is fifty inches or less in
29 width, has a seat height of at least twenty inches, weighs less than
30 one thousand five hundred pounds, and has four tires having a diameter
31 of thirty inches or less, or (b) a utility-type vehicle designed for
32 and capable of travel over designated roads that travels on four or
33 more low-pressure tires of twenty psi or less, has a maximum width less
34 than seventy-four inches, has a maximum weight less than two thousand
35 pounds, has a wheelbase of one hundred ten inches or less, and
36 satisfies at least one of the following: (i) Has a minimum width of
37 fifty inches; (ii) has a minimum weight of at least nine hundred
38 pounds; or (iii) has a wheelbase of over sixty-one inches.

1 (b) Snowmobiles or any military vehicles; or

2 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
3 rebate under chapter 82.38 RCW while an exemption or rebate is claimed.
4 This exemption includes but is not limited to farm, construction, and
5 logging vehicles.

6 (9) "Nonmotorized recreational facilities" means recreational
7 trails and facilities that are adjacent to, or accessed by, a
8 nonhighway road and intended primarily for nonmotorized recreational
9 users.

10 (10) "Nonmotorized recreational user" means a person whose purpose
11 for consuming fuel on a nonhighway road or off-road is primarily for
12 nonmotorized recreational purposes including, but not limited to,
13 walking, hiking, backpacking, climbing, cross-country skiing,
14 snowshoeing, mountain biking, horseback riding, and pack animal
15 activities.

16 (11) "Organized competitive event" means any competition,
17 advertised in advance through written notice to organized clubs or
18 published in local newspapers, sponsored by recognized clubs, and
19 conducted at a predetermined time and place.

20 (12) "ORV recreation facilities" include, but are not limited to,
21 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
22 areas, designated for ORV use by the managing authority (~~that are~~
23 ~~intended primarily for ORV recreational users~~)).

24 (13) "ORV recreational user" means a person whose purpose for
25 consuming fuel on nonhighway roads or off-road is primarily for ORV
26 recreational purposes, including but not limited to riding an all-
27 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
28 dune buggy.

29 (14) "ORV sports park" means a facility designed to accommodate
30 competitive ORV recreational uses including, but not limited to,
31 motocross racing, four-wheel drive competitions, and flat track racing.
32 Use of ORV sports parks can be competitive or noncompetitive in nature.

33 (15) "ORV trail" means a multiple-use corridor designated by the
34 managing authority and maintained for recreational use by motorized
35 vehicles.

36 (16) "Direct supervision" means that the supervising adult must be
37 in a position, on another wheeled all-terrain vehicle or specialty off-

activities program account. The department must design the metal tag, which must:

(a) Be the same size as a motorcycle license plate;

(b) Have the words "RESTRICTED VEHICLE" listed at the top of the tag;

(c) Contain designated identification through a combination of letters and numbers;

(d) Leave space at the bottom left corner of the tag for an off-road tab issued under subsection (2) of this section; and

(e) Leave space at the bottom right corner of the tag for an on-road tab, when required, issued under subsection (3) of this section.

(2) A person who operates a wheeled all-terrain vehicle must have a current and proper off-road vehicle registration, with the appropriate off-road tab, and pay the annual vehicle license fee as provided in RCW 46.17.350(1)(s), which must be deposited into the nonhighway and off-road vehicle activities program account. The off-road tab must be issued annually by the department upon payment of initial and renewal vehicle license fees under RCW 46.17.350(1)(s).

(3) A person who operates a wheeled all-terrain vehicle upon a public roadway must have a current and proper on-road vehicle registration, with the appropriate on-road tab, which must be of a bright color that can be seen from a reasonable distance, and pay the annual vehicle license fee as provided in RCW 46.17.350(1)(r). The on-road tab must be issued annually by the department upon payment of initial and renewal vehicle license fees under RCW 46.17.350(1)(r).

(4) A wheeled all-terrain vehicle may not be registered for commercial use.

NEW SECTION. **Sec. 5.** A new section is added to chapter 46.09 RCW under the subchapter heading "registrations and use permits" to read as follows:

(1) A person may not operate a wheeled all-terrain vehicle upon a public roadway of this state, not including nonhighway roads and trails, without (a) first obtaining a valid driver's license issued to Washington residents in compliance with chapter 46.20 RCW or (b) possessing a valid driver's license issued by the state of the person's residence if the person is a nonresident.

1 (c)(i) A person may not operate a wheeled all-terrain vehicle on a
2 public roadway within the boundaries of a county, not including
3 nonhighway roads and trails, with a population of fifteen thousand or
4 more unless the county by ordinance has approved the operation of
5 wheeled all-terrain vehicles on county roadways, not including
6 nonhighway roads and trails.

7 (ii) The legislative body of a county with a population of fewer
8 than fifteen thousand may, by ordinance, designate roadways or highways
9 within its boundaries to be unsuitable for use by wheeled all-terrain
10 vehicles.

11 (iii) Any public roadways, not including nonhighway roads and
12 trails, authorized by a legislative body of a county under (c)(i) of
13 this subsection or designated as unsuitable under (c)(ii) of this
14 subsection must be listed publicly and made accessible from the main
15 page of the county web site.

16 (iv) This subsection (1)(c) does not affect any roadway that was
17 designated as open or closed as of January 1, 2013;

18 (d)(i) A person may not operate a wheeled all-terrain vehicle on a
19 public roadway within the boundaries of a city or town, not including
20 nonhighway roads and trails, unless the city or town by ordinance has
21 approved the operation of wheeled all-terrain vehicles on city or town
22 roadways, not including nonhighway roads and trails.

23 (ii) Any public roadways, not including nonhighway roads and
24 trails, authorized by a legislative body of a city or town under (d)(i)
25 of this subsection must be listed publicly and made accessible from the
26 main page of the city or town web site.

27 (iii) This subsection (1)(d) does not affect any roadway that was
28 designated as open or closed as of January 1, 2013.

29 (e) Any person who violates this subsection commits a traffic
30 infraction.

31 (2) Local authorities may not establish requirements for the
32 registration of wheeled all-terrain vehicles.

33 (3) A person may operate a wheeled all-terrain vehicle upon any
34 public roadway, trail, nonhighway road, or highway within the state
35 while being used under the authority or direction of an appropriate
36 agency that engages in emergency management, as defined in RCW
37 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law

1 (x) A spark arrester and muffling device meeting the requirements
2 of RCW 46.09.470; and

3 (xi) For utility-type vehicles, as described under RCW
4 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

5 (b) A person who operates a wheeled all-terrain vehicle upon a
6 public roadway must provide a declaration that includes the following:

7 (i) Documentation of a safety inspection to be completed by a
8 licensed wheeled all-terrain vehicle dealer or repair shop in the state
9 of Washington that must outline the vehicle information and certify
10 under oath that all wheeled all-terrain vehicle equipment as required
11 under this section meets the requirements outlined in state and federal
12 law. A person who makes a false statement regarding the inspection of
13 equipment required under this section is guilty of false swearing, a
14 gross misdemeanor, under RCW 9A.72.040;

15 (ii) Documentation that the licensed wheeled all-terrain vehicle
16 dealer or repair shop did not charge more than fifty dollars per safety
17 inspection and that the entire safety inspection fee is paid directly
18 and only to the licensed wheeled all-terrain vehicle dealer or repair
19 shop;

20 (iii) A statement that the licensed wheeled all-terrain vehicle
21 dealer or repair shop is entitled to the full amount charged for the
22 safety inspection;

23 (iv) A vehicle identification number verification that must be
24 completed by a licensed wheeled all-terrain vehicle dealer or repair
25 shop in the state of Washington; and

26 (v) A release signed by the owner of the wheeled all-terrain
27 vehicle and verified by the department, county auditor or other agent,
28 or subagent appointed by the director that releases the state from any
29 liability and outlines that the owner understands that the original
30 wheeled all-terrain vehicle was not manufactured for on-road use and
31 that it has been modified for use on public roadways.

32 (2) This section does not apply to emergency services vehicles,
33 vehicles used for emergency management purposes, or vehicles used in
34 the production of agricultural and timber products on and across lands
35 owned, leased, or managed by the owner or operator of the wheeled all-
36 terrain vehicle or the operator's employer.

1 local law enforcement for purposes of defraying the costs of
2 enforcement of this act; and (d) law enforcement to investigate
3 accidents involving wheeled all-terrain vehicles.

4 (2) The department of transportation must prioritize grant awards
5 in the following priority order:

6 (a) For the purpose of marking highway crossings with signs warning
7 motorists that wheeled all-terrain vehicles may be crossing when an ORV
8 recreation facility parking lot is on the other side of a public
9 roadway from the actual ORV recreation facility; and

10 (b) For the purpose of marking intersections with signs where a
11 wheeled all-terrain vehicle may cross a public road to advise motorists
12 of the upcoming intersection. Such signs must conform to the manual on
13 uniform traffic control devices.

14 **Sec. 11.** RCW 46.09.360 and 2006 c 212 s 4 are each amended to read
15 as follows:

16 (1) Notwithstanding any of the provisions of this chapter, any
17 city, town, county, or other political subdivision of this state, or
18 any state agency, may regulate the operation of nonhighway vehicles on
19 public lands, waters, and other properties under its jurisdiction, and
20 on streets, roads, or highways within its boundaries by adopting
21 regulations or ordinances of its governing body, provided such
22 regulations are not less stringent than the provisions of this chapter.
23 However, the legislative body of a city or town with a population of
24 less than three thousand persons may, by ordinance, designate a street
25 or highway within its boundaries to be suitable for use by off-road
26 vehicles. The legislative body of a county may, by ordinance,
27 designate a road or highway within its boundaries to be suitable for
28 use by off-road vehicles ~~((if the road or highway is a direct~~
29 ~~connection between a city with a population of less than three thousand~~
30 ~~persons and an off-road vehicle recreation facility))~~.

31 (2) For purposes of this section, "off-road vehicles" does not
32 include wheeled all-terrain vehicles.

33 **Sec. 12.** RCW 46.09.400 and 2011 c 171 s 25 are each amended to
34 read as follows:

35 The department shall:

1 (a) A properly completed application for an original ORV
2 registration; and

3 (b) The payment of all fees and taxes due at the time of
4 application.

5 (6) The ORV registration must be carried on the vehicle for which
6 it was issued at all times during its operation in this state.

7 (7) Off-road vehicle decals must be affixed to the off-road vehicle
8 in a manner prescribed by the department.

9 (8) Unless exempt under RCW 46.09.420, any out-of-state operator of
10 an off-road vehicle, when operating in this state, must comply with
11 this chapter. If an ORV registration is required under this chapter,
12 the out-of-state operator must obtain an ORV registration and decal or
13 a temporary ORV use permit.

14 (9) This section does not apply to wheeled all-terrain vehicles
15 registered for use under section 4 of this act.

16 **Sec. 14.** RCW 46.09.420 and 2011 c 171 s 26 are each amended to
17 read as follows:

18 ORV registrations and decals are required under this chapter except
19 for the following:

20 (1) Off-road vehicles owned and operated by the United States,
21 another state, or a political subdivision of the United States or
22 another state.

23 (2) Off-road vehicles owned and operated by this state, a
24 municipality, or a political subdivision of this state or the
25 municipality.

26 (3) Off-road vehicles operated on and across agricultural and
27 timber lands owned ~~((or))~~, leased, or managed by the off-road vehicle
28 owner or operator or operator's employer.

29 (4) Off-road vehicles owned by a resident of another state that
30 have a valid ORV use permit or vehicle registration issued in
31 accordance with the laws of the other state. This exemption applies
32 only to the extent that a similar exemption or privilege is granted
33 under the laws of that state.

34 (5) Off-road vehicles while being used for ~~((search and rescue))~~
35 emergency management purposes under the authority or direction of an
36 appropriate agency that engages in emergency management, as defined in

1 (4) Nothing in this section authorizes trespass on private
2 property.

3 (5) The provisions of RCW 4.24.210(5) (~~shall~~) apply to public and
4 private landowners who allow members of the public to use public
5 facilities accessed by a highway, street, or nonhighway road for
6 recreational off-road vehicle use.

7 **Sec. 16.** RCW 46.09.460 and 2005 c 213 s 5 are each amended to read
8 as follows:

9 (1) Except as specified in subsection (2) of this section, no
10 person under (~~thirteen~~) sixteen years of age may operate an off-road
11 vehicle on or across a highway or nonhighway road in this state without
12 direct supervision of a person eighteen years of age or older
13 possessing a valid license to operate a motor vehicle under chapter
14 46.20 RCW. This prohibition does not apply when a person under sixteen
15 years of age is acting in accordance with RCW 46.09.420 (5) and (7).

16 (2) Persons under (~~thirteen~~) sixteen years of age may operate an
17 off-road vehicle across a highway, if at that crossing signs indicate
18 that wheeled all-terrain vehicles or off-road vehicles may be crossing,
19 or on a nonhighway road designated for off-road vehicle use, under the
20 direct supervision of a person eighteen years of age or older
21 possessing a valid license to operate a motor vehicle under chapter
22 46.20 RCW.

23 (3) This section does not apply to vehicles used in the production
24 of agricultural or timber products on and across lands owned, leased,
25 or managed by the owner or operator of a wheeled all-terrain vehicle or
26 the operator's employer.

27 **Sec. 17.** RCW 46.09.470 and 2011 c 171 s 28 and 2011 c 121 s 4 are
28 each reenacted and amended to read as follows:

29 (1) Except as provided in subsection (4) of this section, it is a
30 traffic infraction for any person to operate any nonhighway vehicle:

31 (a) In such a manner as to endanger the property of another;

32 (b) On lands not owned by the operator or owner of the nonhighway
33 vehicle without a lighted headlight and taillight between the hours of
34 dusk and dawn, or when otherwise required for the safety of others
35 regardless of ownership;

1 (2) It is a misdemeanor for any person to operate any nonhighway
2 vehicle while under the influence of intoxicating liquor or a
3 controlled substance.

4 (3)(a) Except for an off-road vehicle equipped with seat belts and
5 roll bars or an enclosed passenger compartment, it is a traffic
6 infraction for any person to operate or ride an off-road vehicle on a
7 nonhighway road without wearing upon his or her head a motorcycle
8 helmet fastened securely while in motion. For purposes of this
9 section, "motorcycle helmet" has the same meaning as provided in RCW
10 46.37.530.

11 (b) Subsection (3)(a) of this section does not apply to an off-road
12 vehicle operator operating on his or her own land.

13 (c) Subsection (3)(a) of this section does not apply to an off-road
14 vehicle (~~(operator operating on agricultural lands owned or leased by~~
15 ~~the off-road vehicle operator or the operator's employer)~~) used in
16 production of agricultural and timber products on and across lands
17 owned, leased, or managed by the owner or operator of the off-road
18 vehicle or the operator's employer.

19 (4) It is not a traffic infraction to operate an off-road vehicle
20 on a street, road, or highway as authorized under RCW 46.09.360 (~~(or)~~),
21 46.61.705, or section 6 of this act.

22 **Sec. 18.** RCW 46.09.530 and 2010 c 161 s 223 are each amended to
23 read as follows:

24 (1) After deducting administrative expenses and the expense of any
25 programs conducted under this chapter, the board shall, at least once
26 each year, distribute the funds it receives under RCW 46.68.045 and
27 46.09.520 to state agencies, counties, municipalities, federal
28 agencies, nonprofit off-road vehicle organizations, and Indian tribes.
29 Funds distributed under this section to nonprofit off-road vehicle
30 organizations may be spent only on projects or activities that benefit
31 off-road vehicle recreation on publicly owned lands or lands once
32 publicly owned that come into private ownership in a federally approved
33 land exchange completed between January 1, 1998, and January 1, 2005.

34 (2) The board shall adopt rules governing applications for funds
35 administered by the recreation and conservation office under this
36 chapter and shall determine the amount of money distributed to each
37 applicant. Agencies receiving funds under this chapter for capital

1	<u>(r) Wheeled all-terrain vehicle,</u>	<u>\$12.00</u>	<u>\$12.00</u>	<u>Section 10 of this act</u>
2	<u>on-road use</u>			
3	<u>(s) Wheeled all-terrain vehicle,</u>	<u>\$18.00</u>	<u>\$18.00</u>	<u>RCW 46.09.510</u>
4	<u>off-road use</u>			

5 (2) The vehicle license fee required in subsection (1) of this
6 section is in addition to the filing fee required under RCW 46.17.005,
7 and any other fee or tax required by law.

8 **Sec. 20.** RCW 46.30.020 and 2013 c 157 s 1 are each amended to read
9 as follows:

10 (1)(a) No person may operate a motor vehicle subject to
11 registration under chapter 46.16A RCW in this state unless the person
12 is insured under a motor vehicle liability policy with liability limits
13 of at least the amounts provided in RCW 46.29.090, is self-insured as
14 provided in RCW 46.29.630, is covered by a certificate of deposit in
15 conformance with RCW 46.29.550, or is covered by a liability bond of at
16 least the amounts provided in RCW 46.29.090. Proof of financial
17 responsibility for motor vehicle operation must be provided on the
18 request of a law enforcement officer in the format specified under RCW
19 46.30.030.

20 (b) A person who drives a motor vehicle that is required to be
21 registered in another state that requires drivers and owners of
22 vehicles in that state to maintain insurance or financial
23 responsibility shall, when requested by a law enforcement officer,
24 provide evidence of financial responsibility or insurance as is
25 required by the laws of the state in which the vehicle is registered.

26 (c) When asked to do so by a law enforcement officer, failure to
27 display proof of financial responsibility for motor vehicle operation
28 as specified under RCW 46.30.030 creates a presumption that the person
29 does not have motor vehicle insurance.

30 (d) Failure to provide proof of motor vehicle insurance is a
31 traffic infraction and is subject to penalties as set by the supreme
32 court under RCW 46.63.110 or community restitution.

33 (e) For the purposes of this section, when a person uses a portable
34 electronic device to display proof of financial security to a law
35 enforcement officer, the officer may only view the proof of financial

1 local law, ordinance, regulation, or resolution relating to traffic
2 including parking, standing, stopping, and pedestrian offenses, is
3 designated as a traffic infraction and may not be classified as a
4 criminal offense, except for an offense contained in the following
5 provisions of this title or a violation of an equivalent administrative
6 regulation or local law, ordinance, regulation, or resolution:

7 (1) Section 7(1)(b)(i) of this act relating to a false statement
8 regarding the inspection of and installation of equipment on wheeled
9 all-terrain vehicles;

10 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
11 vehicle while under the influence of intoxicating liquor or a
12 controlled substance;

13 ~~((+2+))~~ (3) RCW 46.09.480 relating to operation of nonhighway
14 vehicles;

15 ~~((+3+))~~ (4) RCW 46.10.490(2) relating to the operation of a
16 snowmobile while under the influence of intoxicating liquor or
17 narcotics or habit-forming drugs or in a manner endangering the person
18 of another;

19 ~~((+4+))~~ (5) RCW 46.10.495 relating to the operation of snowmobiles;

20 ~~((+5+))~~ (6) Chapter 46.12 RCW relating to certificates of title,
21 registration certificates, and markings indicating that a vehicle has
22 been destroyed or declared a total loss;

23 ~~((+6+))~~ (7) RCW 46.16A.030 and 46.16A.050(3) relating to the
24 nonpayment of taxes and fees by failure to register a vehicle and
25 falsifying residency when registering a motor vehicle;

26 ~~((+7+))~~ (8) RCW 46.16A.520 relating to permitting unauthorized
27 persons to drive;

28 ~~((+8+))~~ (9) RCW 46.16A.320 relating to vehicle trip permits;

29 ~~((+9+))~~ (10) RCW 46.19.050 relating to knowingly providing false
30 information in conjunction with an application for a special placard or
31 license plate for disabled persons' parking;

32 ~~((+10+))~~ (11) RCW 46.20.005 relating to driving without a valid
33 driver's license;

34 ~~((+11+))~~ (12) RCW 46.20.091 relating to false statements regarding
35 a driver's license or instruction permit;

36 ~~((+12+))~~ (13) RCW 46.20.0921 relating to the unlawful possession
37 and use of a driver's license;

1 (~~(+29+)~~) (30) RCW 46.52.020 relating to duty in case of injury to
2 or death of a person or damage to an attended vehicle;

3 (~~(+30+)~~) (31) RCW 46.52.090 relating to reports by repairers,
4 storage persons, and appraisers;

5 (~~(+31+)~~) (32) RCW 46.52.130 relating to confidentiality of the
6 driving record to be furnished to an insurance company, an employer,
7 and an alcohol/drug assessment or treatment agency;

8 (~~(+32+)~~) (33) RCW 46.55.020 relating to engaging in the activities
9 of a registered tow truck operator without a registration certificate;

10 (~~(+33+)~~) (34) RCW 46.55.035 relating to prohibited practices by tow
11 truck operators;

12 (~~(+34+)~~) (35) RCW 46.55.300 relating to vehicle immobilization;

13 (~~(+35+)~~) (36) RCW 46.61.015 relating to obedience to police
14 officers, flaggers, or firefighters;

15 (~~(+36+)~~) (37) RCW 46.61.020 relating to refusal to give information
16 to or cooperate with an officer;

17 (~~(+37+)~~) (38) RCW 46.61.022 relating to failure to stop and give
18 identification to an officer;

19 (~~(+38+)~~) (39) RCW 46.61.024 relating to attempting to elude
20 pursuing police vehicles;

21 (~~(+39+)~~) (40) RCW 46.61.212(4) relating to reckless endangerment of
22 emergency zone workers;

23 (~~(+40+)~~) (41) RCW 46.61.500 relating to reckless driving;

24 (~~(+41+)~~) (42) RCW 46.61.502 and 46.61.504 relating to persons under
25 the influence of intoxicating liquor or drugs;

26 (~~(+42+)~~) (43) RCW 46.61.503 relating to a person under age twenty-
27 one driving a motor vehicle after consuming alcohol;

28 (~~(+43+)~~) (44) RCW 46.61.520 relating to vehicular homicide by motor
29 vehicle;

30 (~~(+44+)~~) (45) RCW 46.61.522 relating to vehicular assault;

31 (~~(+45+)~~) (46) RCW 46.61.5249 relating to first degree negligent
32 driving;

33 (~~(+46+)~~) (47) RCW 46.61.527(4) relating to reckless endangerment of
34 roadway workers;

35 (~~(+47+)~~) (48) RCW 46.61.530 relating to racing of vehicles on
36 highways;

37 (~~(+48+)~~) (49) RCW 46.61.655(7) (a) and (b) relating to failure to
38 secure a load;

1 wildlife, the department of natural resources, and the parks and
2 recreation commission.

3 (2) "Annual natural investment permit" means the annual permit
4 issued by the parks and recreation commission for the purpose of
5 launching boats from the designated state parks boat launch sites.

6 (3) "Camper registration" means proof of payment of a camping fee
7 on recreational lands managed by the parks and recreation commission.

8 (4) "Day-use permit" means the permit created in RCW 79A.80.030.

9 (5) "Discover pass" means the annual pass created in RCW
10 79A.80.020.

11 (6) "Motor vehicle" has the same meaning as defined in RCW
12 46.04.320 and which are required to be registered under chapter 46.16A
13 RCW. "Motor vehicle" does not include those motor vehicles exempt from
14 registration under RCW 46.16A.080, wheeled all-terrain vehicles
15 registered for use under section 4 of this act, and state and publicly
16 owned motor vehicles as provided in RCW 46.16A.170.

17 (7) "Recreation site or lands" means a state park, state lands and
18 state forest lands as those terms are defined in RCW 79.02.010, natural
19 resources conservation areas as that term is defined in RCW 79.71.030,
20 natural area preserves as that term is defined in RCW 79.70.020, and
21 fish and wildlife conservation sites including water access areas, boat
22 ramps, wildlife areas, parking areas, roads, and trailheads.

23 (8) "Sno-park seasonal permit" means the seasonal permit issued by
24 the parks and recreation commission for providing access to winter
25 recreational facilities for the period of November 1st through March
26 31st.

27 (9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

28 **Sec. 23.** RCW 46.63.030 and 2011 c 375 s 5 are each amended to read
29 as follows:

30 (1) A law enforcement officer has the authority to issue a notice
31 of traffic infraction:

32 (a) When the infraction is committed in the officer's presence,
33 except as provided in section 9 of this act;

34 (b) When the officer is acting upon the request of a law
35 enforcement officer in whose presence the traffic infraction was
36 committed;

1 (1) All earnings of investments of surplus balances in the state
2 treasury shall be deposited to the treasury income account, which
3 account is hereby established in the state treasury.

4 (2) The treasury income account shall be utilized to pay or receive
5 funds associated with federal programs as required by the federal cash
6 management improvement act of 1990. The treasury income account is
7 subject in all respects to chapter 43.88 RCW, but no appropriation is
8 required for refunds or allocations of interest earnings required by
9 the cash management improvement act. Refunds of interest to the
10 federal treasury required under the cash management improvement act
11 fall under RCW 43.88.180 and shall not require appropriation. The
12 office of financial management shall determine the amounts due to or
13 from the federal government pursuant to the cash management improvement
14 act. The office of financial management may direct transfers of funds
15 between accounts as deemed necessary to implement the provisions of the
16 cash management improvement act, and this subsection. Refunds or
17 allocations shall occur prior to the distributions of earnings set
18 forth in subsection (4) of this section.

19 (3) Except for the provisions of RCW 43.84.160, the treasury income
20 account may be utilized for the payment of purchased banking services
21 on behalf of treasury funds including, but not limited to, depository,
22 safekeeping, and disbursement functions for the state treasury and
23 affected state agencies. The treasury income account is subject in all
24 respects to chapter 43.88 RCW, but no appropriation is required for
25 payments to financial institutions. Payments shall occur prior to
26 distribution of earnings set forth in subsection (4) of this section.

27 (4) Monthly, the state treasurer shall distribute the earnings
28 credited to the treasury income account. The state treasurer shall
29 credit the general fund with all the earnings credited to the treasury
30 income account except:

31 (a) The following accounts and funds shall receive their
32 proportionate share of earnings based upon each account's and fund's
33 average daily balance for the period: The aeronautics account, the
34 aircraft search and rescue account, the Alaskan Way viaduct replacement
35 project account, the brownfield redevelopment trust fund account, the
36 budget stabilization account, the capital vessel replacement account,
37 the capitol building construction account, the Cedar River channel
38 construction and operation account, the Central Washington University

1 retirement system combined plan 2 and plan 3 account, the public
2 facilities construction loan revolving account beginning July 1, 2004,
3 the public health supplemental account, the public works assistance
4 account, the Puget Sound capital construction account, the Puget Sound
5 ferry operations account, the real estate appraiser commission account,
6 the recreational vehicle account, the regional mobility grant program
7 account, the resource management cost account, the rural arterial trust
8 account, the rural mobility grant program account, the rural Washington
9 loan fund, the site closure account, the skilled nursing facility
10 safety net trust fund, the small city pavement and sidewalk account,
11 the special category C account, the special wildlife account, the state
12 employees' insurance account, the state employees' insurance reserve
13 account, the state investment board expense account, the state
14 investment board commingled trust fund accounts, the state patrol
15 highway account, the state route number 520 civil penalties account,
16 the state route number 520 corridor account, the state wildlife
17 account, the supplemental pension account, the Tacoma Narrows toll
18 bridge account, the teachers' retirement system plan 1 account, the
19 teachers' retirement system combined plan 2 and plan 3 account, the
20 tobacco prevention and control account, the tobacco settlement account,
21 the toll facility bond retirement account, the transportation 2003
22 account (nickel account), the transportation equipment fund, the
23 transportation fund, the transportation improvement account, the
24 transportation improvement board bond retirement account, the
25 transportation infrastructure account, the transportation partnership
26 account, the traumatic brain injury account, the tuition recovery trust
27 fund, the University of Washington bond retirement fund, the University
28 of Washington building account, the volunteer firefighters' and reserve
29 officers' relief and pension principal fund, the volunteer
30 firefighters' and reserve officers' administrative fund, the Washington
31 judicial retirement system account, the Washington law enforcement
32 officers' and firefighters' system plan 1 retirement account, the
33 Washington law enforcement officers' and firefighters' system plan 2
34 retirement account, the Washington public safety employees' plan 2
35 retirement account, the Washington school employees' retirement system
36 combined plan 2 and 3 account, the Washington state economic
37 development commission account, the Washington state health insurance
38 pool account, the Washington state patrol retirement account, the

1 allocations shall occur prior to the distributions of earnings set
2 forth in subsection (4) of this section.

3 (3) Except for the provisions of RCW 43.84.160, the treasury income
4 account may be utilized for the payment of purchased banking services
5 on behalf of treasury funds including, but not limited to, depository,
6 safekeeping, and disbursement functions for the state treasury and
7 affected state agencies. The treasury income account is subject in all
8 respects to chapter 43.88 RCW, but no appropriation is required for
9 payments to financial institutions. Payments shall occur prior to
10 distribution of earnings set forth in subsection (4) of this section.

11 (4) Monthly, the state treasurer shall distribute the earnings
12 credited to the treasury income account. The state treasurer shall
13 credit the general fund with all the earnings credited to the treasury
14 income account except:

15 (a) The following accounts and funds shall receive their
16 proportionate share of earnings based upon each account's and fund's
17 average daily balance for the period: The aeronautics account, the
18 aircraft search and rescue account, the Alaskan Way viaduct replacement
19 project account, the brownfield redevelopment trust fund account, the
20 budget stabilization account, the capital vessel replacement account,
21 the capitol building construction account, the Cedar River channel
22 construction and operation account, the Central Washington University
23 capital projects account, the charitable, educational, penal and
24 reformatory institutions account, the cleanup settlement account, the
25 Columbia river basin water supply development account, the Columbia
26 river basin taxable bond water supply development account, the Columbia
27 river basin water supply revenue recovery account, the Columbia river
28 crossing project account, the common school construction fund, the
29 county arterial preservation account, the county criminal justice
30 assistance account, the deferred compensation administrative account,
31 the deferred compensation principal account, the department of
32 licensing services account, the department of retirement systems
33 expense account, the developmental disabilities community trust
34 account, the drinking water assistance account, the drinking water
35 assistance administrative account, the drinking water assistance
36 repayment account, the Eastern Washington University capital projects
37 account, the Interstate 405 express toll lanes operations account, the
38 education construction fund, the education legacy trust account, the

1 520 corridor account, the state wildlife account, the supplemental
2 pension account, the Tacoma Narrows toll bridge account, the teachers'
3 retirement system plan 1 account, the teachers' retirement system
4 combined plan 2 and plan 3 account, the tobacco prevention and control
5 account, the tobacco settlement account, the toll facility bond
6 retirement account, the transportation 2003 account (nickel account),
7 the transportation equipment fund, the transportation fund, the
8 transportation improvement account, the transportation improvement
9 board bond retirement account, the transportation infrastructure
10 account, the transportation partnership account, the traumatic brain
11 injury account, the tuition recovery trust fund, the University of
12 Washington bond retirement fund, the University of Washington building
13 account, the volunteer firefighters' and reserve officers' relief and
14 pension principal fund, the volunteer firefighters' and reserve
15 officers' administrative fund, the Washington judicial retirement
16 system account, the Washington law enforcement officers' and
17 firefighters' system plan 1 retirement account, the Washington law
18 enforcement officers' and firefighters' system plan 2 retirement
19 account, the Washington public safety employees' plan 2 retirement
20 account, the Washington school employees' retirement system combined
21 plan 2 and 3 account, the Washington state economic development
22 commission account, the Washington state health insurance pool account,
23 the Washington state patrol retirement account, the Washington State
24 University building account, the Washington State University bond
25 retirement fund, the water pollution control revolving administration
26 account, the water pollution control revolving fund, and the Western
27 Washington University capital projects account. Earnings derived from
28 investing balances of the agricultural permanent fund, the normal
29 school permanent fund, the permanent common school fund, the scientific
30 permanent fund, the state university permanent fund, and the state
31 reclamation revolving account shall be allocated to their respective
32 beneficiary accounts.

33 (b) Any state agency that has independent authority over accounts
34 or funds not statutorily required to be held in the state treasury that
35 deposits funds into a fund or account in the state treasury pursuant to
36 an agreement with the office of the state treasurer shall receive its
37 proportionate share of earnings based upon each account's or fund's
38 average daily balance for the period.

TAB - B

LONG BEACH CITY COUNCIL MEETING

FEBRUARY 3, 2014

CALL TO ORDER

Mayor Andrew called the meeting to order and asked for the Pledge of Allegiance.

ROLL CALL

David Glasson, Finance Director, called roll with Mayor Andrew, C. Linhart, C. Hanson, C. Perez, C. Murry and C. Phillips present.

CONSENT AGENDA

Minutes, January 21, 2014 Regular City Council meeting
Payment Approval List for Warrants registers 53826-53865 & 75641-75704 for \$164,732.16
C. Linhart made the motion to approve the consent agenda with C. Phillips seconding the motion. 5 Ayes 0 Nays, motion passed.

BUSINESS

AB 14-08 Setting Partial Street Vacation Public Hearing-Resolution 2014-3

Gayle Borchard, Community Development Director, explained Mary Kay Ramage and Kathy Maxson petitioned the City for a partial street vacation of the Right-of-Way of 9th Street NE. Council shall by resolution set a date when the petition will be heard and decided upon.

NOTE: Correction of Resolution number from 2014-1 to 2014-3

C. Linhart made the motion to approve the agenda bill with C. Perez seconding the motion. 5 Ayes 0 Nays, motion passed.

AB 14-09 Permission to Provide a Response on Behalf of the City for HB 2322 & HB 2638

Gayle Borchard, Community Development Director, explained the two House bills HB 2322 & HB 2638 would severely erode the City's ability to make land use decisions regarding marijuana-related land uses. Gayle Borchard, Community Development Director, would like to have Council permission to provide a City response to lawmakers should either or both of these bills gain traction. **C. Phillips made the motion to approve the agenda bill with C. Hanson seconding the motion. 5 Ayes 0 Nays, motion passed.**

AB 14-10 Association of Washington Cities Retro Program

David Glasson, Finance Director, explained the program works in conjunction with other cities and the Department of Labor and Industries to help prevent work related injuries. The Retro program has a history of refunding money to the pool of members and providing training to

member cities. **C. Linhart made the motion to approve the agenda bill with C. Hanson seconding the motion. 5 Ayes 0 Nays, motion passed.**

AB 14-11 Engineering Services Contract

David Glasson, Finance Director, explained Curran-McLeod has been providing engineering services without a contract. This is a standard contract with Curran-McLeod setting ongoing rates for services as needed. Discussion ensued with **C. Hanson making the motion to table the agenda item and C. Phillips seconding the motion. 4 Ayes 1 Nay (C. Murry), motion passed.**

AB 14-12 Facility Use Agreement with American Red Cross

David Glasson, Finance Director, explained the American Red Cross would like to store an emergency supply trailer on City property adjacent to the water plant. The agreement also allows them access to the site as needed. The location is ideal in that it has an elevation greater than any predicted tsunami.

C. Phillips made the motion to approve the agenda bill with C. Hanson seconding the motion. 5 Ayes 0 Nays, motion passed.

ORAL REPORTS

C. Linhart, C. Hanson, C. Perez, C. Murry, C. Phillips, Mayor Andrew, David Glasson, Finance Director and Fire Chief, Chief Wright, Gayle Borchard, Community Development Director and Ragan Myers, Event Coordinator presented oral reports.

PUBLIC COMMENT

None

ADJOURNMENT

C. Linhart made the motion to adjourn at 7:54 p.m. with C. Perez seconding the motion. 5 Ayes 0 Nays, motion passed.

Mayor

ATTEST:

City Clerk



Warrant Register

Check Periods: 2014 - February - First

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Council Member	Council Member	Council Member	Finance Director
Number	Name	Print Date	Amount
53866	Andrew, Robert E.	2/5/2014	\$395.45
53867	Bell, Helen S	2/5/2014	\$987.83
53868	Binion, Jacob	2/5/2014	\$1,502.93
53869	Bledsoe, Linda	2/5/2014	\$866.16
53870	Bonney, Matthew T	2/5/2014	\$1,080.49
53871	Booi, Kristopher A	2/5/2014	\$772.36
53872	Borchard, Gayle	2/5/2014	\$1,965.86
53873	Cutting, Jeffrey G.	2/5/2014	\$2,481.76
53874	Fitzgerald, Rick E.	2/5/2014	\$1,502.13
53875	Gilbertson, Bradley K	2/5/2014	\$1,391.13
53876	Glasson, David R.	2/5/2014	\$2,492.74
53877	Goulter, John R.	2/5/2014	\$1,722.55
53878	Gray, Karen	2/5/2014	\$799.87
53879	Hanson, natalie	2/5/2014	\$262.81
53880	Huff, Timothy M.	2/5/2014	\$1,481.26
53881	Kaino, Kris	2/5/2014	\$1,015.75
53882	Kirby, Gary E	2/5/2014	\$925.89
53883	Kitzman, Michael	2/5/2014	\$2,099.37
53884	Linhart, Steven P	2/5/2014	\$266.95
53885	Lueth, Paul J	2/5/2014	\$1,372.15
53886	Meling, Casey K	2/5/2014	\$1,740.40
53887	Miles, Eugene S	2/5/2014	\$2,530.43
53888	Mortenson, Tim	2/5/2014	\$2,044.56
53889	Murry, Del R	2/5/2014	\$266.95
53890	Myers, Ragan S.	2/5/2014	\$1,370.40
53891	Nawn, Rodney J.	2/5/2014	\$1,438.37
53892	Ostgaard, Loretta G	2/5/2014	\$1,392.49
53893	Padgett, Timothy J	2/5/2014	\$1,712.41
53894	Parker, Michael T	2/5/2014	\$1,822.55

Number	Name	Print Date	Clearing Date	Amount
53895	Phillips, Gerald S	2/5/2014		\$266.95
53896	Ross, Steven J	2/5/2014		\$1,579.07
53897	Russum, Richard	2/5/2014		\$1,574.47
53898	Scott, Mark G	2/5/2014		\$1,088.86
53899	Turner, Michael S.	2/5/2014		\$793.80
53900	Warner, Ralph D.	2/5/2014		\$1,836.45
53901	Wright, Flint R	2/5/2014		\$2,367.99
53902	Zuern, Donald D.	2/5/2014		\$2,039.33
53903	AFLAC	2/5/2014		\$296.27
53904	Association of WA Cities	2/5/2014		\$20,639.77
53905	City of Long Beach - Fica	2/5/2014		\$11,032.24
53906	City of Long Beach - FWH	2/5/2014		\$9,162.35
53907	Council Gift Fund	2/5/2014		\$50.00
53908	Dept of Labor & Industries	2/5/2014		\$2,025.18
53909	Dept of Retirement Systems	2/5/2014		\$9,489.71
53910	Dept of Retirement Systems Def Comp	2/5/2014		\$1,033.00
53911	Massmutual Retirement Services	2/5/2014		\$275.00
53912	Teamsters Local #58	2/5/2014		\$297.66
75705	Subway	1/31/2014		\$37.73
75706	Postmaster	1/31/2014		\$516.48
75707	Campiche Studios	1/31/2014		\$103.95
75708	Subway	1/31/2014		\$37.73
75709	Visa	2/5/2014		\$2,406.95
75710	City of Long Beach	2/5/2014		\$75.00
75711	Smallwood, Heather	2/5/2014		\$44.32
75712	Borchard, Gayle	2/5/2014		\$24.69
75713	Miles, Gene	2/5/2014		\$229.00
75714	Haskin, Katie	2/10/2014		\$444.10
75715	Myers, Ragan	2/10/2014		\$776.80
75716	Sheraton Portland Airport	2/10/2014		\$187.38
75717	City of Long Beach	2/12/2014		\$75.00
75718	Active Enterprises, Inc.	2/14/2014		\$75.46
75719	Addy Lab, Llc	2/14/2014		\$196.00
75720	Airgas USA LLC	2/14/2014		\$338.75
75721	Andrew, Bob	2/14/2014		\$192.84
75722	Association of WA Cities	2/14/2014		\$75.00
75723	Astoria Janitor & Paper Supply	2/14/2014		\$797.06
75724	Beach Batteries	2/14/2014		\$249.49
75725	Beachdog.com Inc.	2/14/2014		\$34.00
75726	Beacon athletics	2/14/2014		\$444.28
75727	Blue Line Training LLC	2/14/2014		\$149.00
75728	Blumenthal Uniforms	2/14/2014		\$343.74
75729	Boyce Equipment & Parts Co., Inc	2/14/2014		\$370.88
75730	Century Manufacturing	2/14/2014		\$133.74
75731	Chemtrac Systems, Inc	2/14/2014		\$916.30
75732	Chinook Observer	2/14/2014		\$48.60

Number	Name	Print Date	Clearing Date	Amount
75733	City of Long Beach	2/14/2014		\$75.00
75734	Coast Rehabilitation Services	2/14/2014		\$292.00
75735	Cottage Bakery	2/14/2014		\$38.65
75736	CURRAN-McLEOD, INC	2/14/2014		\$220.00
75737	DAVIS WRIGHT TREMAINE LLP	2/14/2014		\$1,373.50
75738	Dept of Ecology	2/14/2014		\$3,552.68
75739	ECMS, INC	2/14/2014		\$156.56
75740	Ellyson, Sue	2/14/2014		\$129.99
75741	Evergreen Septic Service	2/14/2014		\$252.00
75742	Falcon's Crest Inc	2/14/2014		\$247.81
75743	Fastsigns	2/14/2014		\$69.57
75744	Galls, LLC	2/14/2014		\$705.98
75745	Goelz, Doug	2/14/2014		\$3,000.00
75746	H. D. FOWLER	2/14/2014		\$3,117.37
75747	Hedges, Jan Lem	2/14/2014		\$431.20
75748	IBS, Inc.	2/14/2014		\$251.36
75749	IPMA-HR	2/14/2014		\$149.00
75750	Jerry Kettwig	2/14/2014		\$45.00
75751	L.N. Curtis & Sons	2/14/2014		\$857.83
75752	Long Beach Merchants	2/14/2014		\$24,351.00
75753	Matthews, Robert	2/14/2014		\$144.00
75754	North Central Labs.	2/14/2014		\$123.78
75755	Oman & Son Builders	2/14/2014		\$412.35
75756	One Call Concepts, Inc.	2/14/2014		\$19.80
75757	Pacific Art & Office Supply	2/14/2014		\$353.43
75758	Peninsula Laundry Center	2/14/2014		\$98.11
75759	Peninsula Pharmacies	2/14/2014		\$36.07
75760	Peninsula Sanitation	2/14/2014		\$1,804.68
75761	Peninsula Visitors Bureau	2/14/2014		\$11,250.00
75762	PERFORMANCE LIGHTING SOLUTIONS	2/14/2014		\$150.87
75763	Petek, Thomas C. Ph.D.	2/14/2014		\$300.00
75764	Quill Corporation	2/14/2014		\$838.20
75765	Radio Shack	2/14/2014		\$150.90
75766	Recall Secure Destruction Services	2/14/2014		\$192.14
75767	Robwen, Inc.	2/14/2014		\$229.84
75768	Ryan Herco Products Corp	2/14/2014		\$69.88
75769	Sea Western Fire	2/14/2014		\$1,053.02
75770	Sid's Iga	2/14/2014		\$97.16
75771	STAPLES ADVANTAGE	2/14/2014		\$147.38
75772	Total Battery & Auto	2/14/2014		\$99.60
75773	U.S. Cellular	2/14/2014		\$352.49
75774	Usa Blue Book	2/14/2014		\$773.69
75775	Visa	2/14/2014		\$1,702.40
75776	Wadsworth Electric	2/14/2014		\$7,120.65
75777	Warner, Ralph	2/14/2014		\$75.00
75778	Wilcox & Flegel	2/14/2014		\$1,820.70

Number	Name	Print Date	Clearing Date	Amount
75779	Wilcox & Flegel Oil Co.	2/14/2014		\$1,462.09
75780	Wirkkala Construction	2/14/2014		\$307.24
75781	Wirkkala, Anthony	2/14/2014		\$4.67
		Total	Check	\$185,383.01
		Grand Total		\$185,383.01

TAB - C



**CITY COUNCIL
AGENDA BILL
AB 14-11**

Meeting Date: February 3, 2014

AGENDA ITEM INFORMATION

SUBJECT: Engineering Services Contract (Revised and reviewed by City Attorney)	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	DG
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: N/A	Other:	
SUMMARY STATEMENT: A standard contract with Curran-McLeod setting ongoing rates for services as needed.		
RECOMMENDED ACTION: Approve and authorize the Mayor to sign.		

CITY OF LONG BEACH

ENGINEERING SERVICES CONTRACT

THIS AGREEMENT entered into this date _____, by and between the CITY OF LONG BEACH, a municipal corporation existing by and under the laws of the State of Washington, herein referred to as "CITY", and CURRAN-McLEOD, INC., whose address is 6655 S.W. Hampton, Suite 210, Portland, Oregon 97223, hereinafter referred to as "ENGINEER".

1. **SERVICES.** The ENGINEER agrees to act as the City's Engineer of Record in providing Engineering services on an as-needed basis; the scope of services is at the discretion of the City, but may include:
 - Review plans, specifications, and engineer's estimates of private development to determine Compliance with the City's adopted codes, specifications, practices, Master Plans, Facilities Plans and current development strategies.
 - Conduct field inspections to determine and report the status of compliance with approved plans and specifications.
 - Review changed site conditions, recommendation of payment, change orders and credits resulting from private development that impacts the City.
 - Assist the City as may be needed in the administration of the City's development codes.
 - Prepare plans, specifications and engineer's estimates for public works improvements in compliance with City requirements and regulatory agency requirements.
 - Prepare Master Plans, plan updates, system development change Methodology and/or updates.
 - Assist the City in securing funding through available grant/loan programs.

This contract permits but does not require the City to direct all engineering services to the Engineer of record.

2. **COMPENSATION.** The CITY will pay for ENGINEERING services according to the following:
 - Standard Hourly Rate Schedule, Attached as Exhibit "A", is subject to revision annually. Revisions, if any, will be submitted to the CITY for review and approval.

- A negotiated budget specific to a defined scope of work. Estimates or engineering cost and budgets shall be provided upon request of the owner and prepared without cost.
- Except where as negotiated for a specific project, all costs for mileage, meals, and lodging are included in the Standard Hourly Rate charge for services.

There shall be no change in these payment terms without express approval by the CITY.

3. **INDEPENDENT ENGINEER RELATIONSHIP.** The ENGINEER, is an independent contractor and is not an employee, servant, agent, partner, or joint venturer of the CITY. The CITY shall determine the work to be done by the ENGINEER but the ENGINEER shall determine the means by which it accomplishes the work specified by the CITY. The CITY is not responsible for withholding, and shall not withhold FICA or taxes of any kind from any payments which it owes the ENGINEER.

Neither the ENGINEER nor its employees shall be entitled to receive any benefits which employees of the CITY are entitled to receive and shall not be entitled to workers compensation, unemployment compensation, medical insurance, life insurance, paid vacations, paid holidays, pensions, profit sharing or Social Security on account of their work for the CITY.

4. **BUSINESS OF ENGINEER.** The ENGINEER is engaged in the business of providing the services described in Paragraph 1 above. Upon request, ENGINEER shall provide copies of documents verifying the ENGINEER's business entity status, tax identification numbers and occupational licenses.
5. **RISK, RELEASE AND INDEMNITY.** The ENGINEER agrees to indemnify, and save harmless the CITY, its officers, Councilors and employees from and against all claims and actions, and all reasonable expenses incidental to the investigation and defense thereof, arising out of or based upon damage or injuries to persons or property caused by the negligent acts, errors or omissions of the ENGINEER or the ENGINEER's employees. The ENGINEER shall indemnify the CITY for the defense costs and damages incurred by the CITY to the extent of the ENGINEER's negligence, as determined by a court of law or by proportional out of court settlement.
6. **COMPREHENSIVE GENERAL AND AUTOMOBILE LIABILITY INSURANCE.** The ENGINEER must maintain comprehensive general (including contractual liability) and automobile liability insurance in the amount of not less than \$500,000 combined single limit per occurrence / \$1,000,000 general annual aggregate for personal injury and property damage for the protection of the CITY, its officers, commissioners and employees against liability for damages because of personal injury, bodily injury, death or damage to property, including loss of use thereof, in any way related to ENGINEER'S or any of ENGINEER'S subcontractor's performance of this Contract.
7. **PROFESSIONAL LIABILITY INSURANCE.** The ENGINEER must maintain professional

liability insurance in an amount of not less than \$500,000 per claim. Such insurance shall include limited contractual liability coverage and shall provide for thirty days prior written notice to the CITY in event of cancellation. The ENGINEER shall endeavor to use good faith in order to maintain in force such coverage for not less than three (3) years following completion of the Project. The CITY, at its option, may require a complete copy of the above policy and evidence of required coverage.

8. **NO ASSIGNMENT.** The ENGINEER may not assign any of its rights or duties under this agreement without the prior written consent of the CITY.
9. **PAYMENT.** The CITY shall remit to the ENGINEER within 30 days after receipt and approval of the ENGINEER'S invoice for services rendered.
10. **NOTICES.** All notices given or so sent hereunder shall be sent by United States mail, postage prepaid, addressed to the respective party at the address set forth on the signature page hereof, or to such other addresses that the parties shall designate in writing from time to time.
11. **TERMINATION OF PRIOR AGREEMENTS.** This agreement cancels and terminates, as of its effective date, all prior agreements between the parties covering Engineer of Record services whether written or oral or partly written or partly oral.
12. **GOVERNING LAW.** This agreement shall be governed and construed in accordance with Washington law.
13. **SIGNATURES.** Both the CITY and the ENGINEER agree to the above and have executed this agreement on the dates shown above.

CITY OF LONG BEACH

CURRAN-McLEOD, INC.

Signature: _____

Signature: _____

Name/Title: _____

Name/Title: Patrick D. Curran, P.E., President

Date: _____

Date: _____

STANDARD HOURLY RATES

Effective February 1, 2014

Senior Principal Engineer	\$ 130.00
Principal Engineer	120.00
Project Engineer/Manager	110.00
Design Engineer/Manager	110.00
Design Technician	70.00
Graphics Technician	60.00
Word Processing	50.00
Resident Project Representative / Inspector	65.00

REIMBURSABLE EXPENSES

Reproduction expenses are at cost.

Auto expenses reimbursed at 56¢ per mile.

Meals and Lodging at cost.

TAB - D



**CITY COUNCIL
AGENDA BILL
AB 14-13**

Meeting Date: February 18, 2014

AGENDA ITEM INFORMATION

SUBJECT: Street Lamp purchase and rebate program	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	DG
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: \$2,799.42 after rebate	Water/Wastewater Supervisor	
	Other:	

SUMMARY STATEMENT: The city participated in a program to put energy efficient lighting in street lamps downtown last year, and staff has been pleased with the result. The remaining lights along Ocean Beach Boulevard need to be done as well. Streets Supervisor Kitzman has been working with the PUD and their vendor to complete the process. Attached is the quote.

RECOMMENDED ACTION: Authorize staff to proceed with the replacement.

2/4/2014

Street Relamp



Location	Material	Labor	Tax	Project Total	Est. Rebate	Est. Final Total	Est. Yearly Savings	Est. Pay Back In Yrs
Long Beach, WA	\$5,390.00	\$0.00	\$420.42	\$5,810.42	\$3,011.00	\$2,799.42	\$1,121.42	2.50

Material Sub Total	<u>\$5,390.00</u>
Labor Sub Total	\$0.00
Tax	<u>\$420.42</u>
Project Total	\$5,810.42
Est. Rebate Total	<u>\$3,011.00</u>
<u>Est. Post Rebate Total</u>	\$2,799.42

All rebate and energy savings estimates to be verified by the participating utility provider.

Est. Total Yearly Savings	\$1,121.42
Est. Payback In Years	2.50

Notes:

Your signature, date, and PO # on this proposal verifies that you accept the proposal and the terms and conditions provided in the Customer Terms and Conditions.

Customer Signature: _____

Energy Savings Summary

Street Relamp

Existing Equipment						Proposed Equipment									
Location-Bldg Area/Rm	Qty	Existing Equipment	Hours per Year	Watts per Fixt.	Total Kwh	Qty	Equipment To Be Installed	Watts per Fixt.	Total Kwh	Kwh Saved no Sensors	Rate/ Kwh	Savings: no Sensors	Est. Sensor Saving	Kwh Saved w/ Sensors	Savings with Sensors
Street	22	150W HPS	4,368	170	16,336	22	Relamp 25W 5000k LED	25	2,402	13,934	0.071	\$989		13,934	\$989
	6	70W HPS	4,368	86	2,254	6	Relamp 15W 5000k LED	15	393	1,861	0.071	\$132		1,861	\$132

Existing Energy Use (Kwh): 18,590

Energy Savings Without Sensors (Kwh): 15,795

Annual Savings Without Sensors: \$1,121

Energy Savings With Sensors (Kwh): 15,795

Annual Savings With Sensors: \$1,121

Monthly Savings With Sensors: \$93



Performance Lighting Solutions, L.L.C

Lighting Design * Rebate Specialist

*Energy Consultant * New Construction * Retrofit

Ed Lane

P.O. Box 1626 ~ Kalama, WA 98625

Cell: 360-562-1968 ~ Office: 360-673-3010

Toll Free: 855-811-1230 Fax: 360-326-1559

ed@performancelightingsolutions.com

TAB - E



**CITY COUNCIL
AGENDA BILL
AB 14-14**

Meeting Date: February 18, 2014

AGENDA ITEM INFORMATION

SUBJECT: Master Contract Usage Agreement with State of Washington	Originator:	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	DG
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: N / A	Water/Wastewater Supervisor	
	Other:	

SUMMARY STATEMENT: The city of Long Beach often takes advantage of the state purchasing agreements with vendors of the state of Washington. This agreement allows us to continue that practice. Attached is the agreement.

RECOMMENDED ACTION: Authorize the City Administrator to sign the agreement.

Agreement Number: _____

DES Use Only

MASTER CONTRACT USAGE AGREEMENT

This Master Contract Usage Agreement (the "Agreement") is made pursuant to Chapter 39.34 of the Revised Code of Washington, and other applicable laws, by and between the state of Washington (the "State"), acting by and through the Department of Enterprise Services ("DES"), an agency of the State, and City of Long Beach,
Entity Name

a state agency, or local or federal agency or entity, or public benefit nonprofit corporation, or any tribe located in the State ("Buyer").

1. **Purpose:** The purpose of the Agreement is to establish the terms and conditions for when Buyer purchases or acquires goods and services for its direct use under contracts entered into by DES that permit such use ("Master Contracts").
2. **Duration:** This Agreement will become effective on date of execution, and will continue in full force and effect until thirty (30) days following receipt of written notice from either party cancelling this Agreement.
3. **Agreement Contact Information:** Contact person to whom contract documents and related communications are to be mailed or faxed.

Organization Name: <u>City of Long Beach</u>		
Tax Identification Number: <u>91-6001455</u>		
Unified Business Identifier <i>Required for Non-Profit:</i> <u>252 000 463</u>		
Contact Name: <u>Gene Miles</u>		
Title: <u>City Administrator</u>		
Address: <u>P.O. Box 310</u>		
City: <u>Long Beach</u>	State: <u>WA</u>	Zip: <u>98631</u>
Phone Number: <u>360-642-4421</u>		
Email Address: <u>administrator@longbeachwa.gov</u>		

4. **Cancellation of Agreement:** This agreement can be terminated by either party upon 30 days written notice provided to DES at:

Email to: mcua@des.wa.gov

OR Mail to: WA Dept. of Enterprise Services
Attn: ACCO
P.O. Box 41409
Olympia, WA 98504-1409

5. **Financial Responsibility:** Buyer will deal directly with the Master Contract contractor, supplier, or service supplier ("Contractor") for any purchases Buyer makes pursuant to this Agreement and under a Master Contract. DES does not accept any responsibility, financial or otherwise, for any purchase Buyer makes under a Master Contract.

6. Compliance with Other Laws: Each of the parties will comply with all applicable federal, state, and local laws and regulations governing its own purchases.
7. Master Contract Audits: Buyer agrees to cooperate with DES, the Office of the State Auditor, federal officials, or any third party authorized by law, rule, regulation or contract, in any audit conducted by such party related to any Master Contract(s) that Buyer has made purchases from pursuant to this Agreement, including providing records related to any purchase from a Master Contract. In addition, Buyer agrees to provide, upon request from DES, documentation to confirm its eligibility to use Master Contracts.
8. Dispute Resolution: If there are any disputes between Buyer and a Contractor, Buyer agrees to (a) provide DES written notice of the nature of the dispute; and (b) unless otherwise provided in the Master Contract or as set forth below, work in good faith with the Contractor to resolve the dispute without the involvement of DES. DES may, upon request, review and assist in the resolution of a dispute, and if DES chooses to do so, the Buyer will cooperate with DES in that resolution process.

In its sole discretion, DES may, but is not obligated to, upon written notice to Buyer, resolve disputes with a Contractor on behalf of Buyer and all other state, local, and federal agencies, local governments, and public benefit nonprofit corporations with similar or related disputes with such Contractor.
9. No Separate Entity: No separate legal or administrative entity is intended to be created by, or for the administration of, this Agreement.
10. Hold Harmless: Each party agrees to defend, indemnify, and hold the other party harmless from any claim arising from such party's sole negligent, reckless, or willful misconduct.
11. Entire Agreement: This Agreement sets forth the entire agreement between the parties, and supersedes any other prior written agreements between the parties, with respect to the subject matter hereof.

IN WITNESS WHEREOF the parties having read this Agreement, agree to it in each and every particular, and have executed it below.

APPROVED

APPROVED

WASHINGTON STATE

DEPARTMENT OF ENTERPRISE SERVICES

Entity Name

Signature

Farrell Presnell, Assistant Director

Name/Title

Date

Entity Name

Signature

Name/Title

Date



Master Contracts Usage Agreement

What is the MCUA?

The Master Contracts Usage Agreement (MCUA) is a **one-time agreement** necessary to meet statutory requirements allowing qualifying organizations to use Washington State master contracts. Cooperative purchasing through state contracts provides **organizations that have agreed to terms and conditions** the opportunity to save millions of dollars annually by pooling resources to leverage the market through volume discounts. Authorized organizations are provided access to **more than 700 contracts** for goods and services to meet all the business needs of their organization at no cost.

Legislation

- [WAC 236-49-060](#)
- [WAC 200-310-010](#)
- [RCW 39.26.050](#)
- [RCW 43.19](#)

How much does it cost?

There is no cost for the Master Contracts Usage Agreement.

Who can sign a MCUA?

- State Agencies
- State Boards
- State Commissions
- Higher Education Institutions
- Offices of Separate Elected Officials
- Local Government Agencies
- Federal Agencies
- Washington State Tribal Entities
- Public Benefit Non-profit (PBNP)
 - Organization with 501(C)3 tax status that have filed PBNP status with the Secretary of State. For filing information, go to <http://www.sos.wa.gov/corps/>.
 - More information about purchasing agreements with Public Benefit Non-profit: [RCW 39.34.055](#).
 - More information about Public Benefit Non-profit designation: [RCW 24.03.490](#).

How do I join?

First, check the **signed agreement list**.

If you are not on this list:



- Download and print the [Master Contracts Usage Agreement \(MCUA\)](#)
- Fill out and sign MCUA

Scan and email signed copy of MCUA to: MCUA@des.wa.gov

or

Mail signed copy to:

DES

MCUA, attn: Kris Gorgas

PO Box 41409

Olympia, WA 98504-1409

A fully executed copy will be scanned and returned to you via email.

If you have questions, please call the Master Agreement Service Desk (360) 407-2214 or email MCUA@des.wa.gov.

What can I buy?

You can purchase a wide variety of goods and services. Contracts are [searchable](#). The following are a few examples of the most-used contracts:

- Vehicles (heavy duty and passenger)
- Copiers
- Office equipment and supplies
- Purchasing card
- Infant formula
- Radio equipment
- Fuel
- Pharmaceuticals
- Furniture
- Food
- Emission inspection service
- Industrial supplies
- Travel services
- Landscaping equipment
- Paint (various kinds)
- Electronic monitoring services
- Electrical supplies
- Janitorial services

How do I make a purchase with a state contract?

First, check the [signed agreement list](#). Once you have a current signed MCUA:

- Use our [contract search](#) to find a contract or learn about special purchasing programs
- Identify a vendor on the contract you wish to use
- Contact the vendor citing the contract number you wish to use, contract name and provide your customer number.

What if I have additional questions?

- Call (360) 407-2214 or email MCUA@des.wa.gov



- Please reference the Master Contracts Usage Agreement when asking your question.

Services

The following services are available as part of the MCUA:

- Training and events
- WEBS
- Access to Master contracts*
- Access to the Western States Contracting Alliance (WSCA)
- Join Purchasing mailing list to receive email broadcast bulletins
- IT Brokering and Procurement Consultation
- IT Master Contracts
- Tier II Contract for Janitorial Services
- Portion of the Personnel Services Charge
- OMWBE
- Single Purchase Requests
- Contracting and Purchasing Consulting

*Some contracts may not be available for use by all MCUA. See the individual contract summary for who is eligible to use the contract.



TAB — F



**CITY COUNCIL
AGENDA BILL
AB 14-15**

Meeting Date: February 18, 2014

AGENDA ITEM INFORMATION

SUBJECT: Engineering services agreement with Curran-McLeod, Inc. for Wastewater NPDES Permit Study.

Originator:

Mayor

City Council

City Administrator

GM

City Attorney

DG

City Clerk

City Engineer

Community Development Director

Finance Director

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

COST: \$22,210

Water/Wastewater Supervisor

Other:

SUMMARY STATEMENT: The city of Long Beach entered into an agreement a couple of years ago with the Washington Department of Ecology to do a study of our wastewater effluent in order to not be forced to have to build a multi-million dollar ocean discharge facility for our sewer plant. Ed Hodges has been working with us, the State of Washington and our City Attorney to provide all of the information the State needs for us to continue our present program and be issued a new NPDES Permit. Ed will be here to review this agreement with the Council and what is involved.

David and I recall that the State gave us 5 years to study the situation, 5 more years to come up with a plan to fix the situation and 10 years to implement the plan, a 20 year process.

RECOMMENDED ACTION: Authorize the Mayor to sign the agreement.

CITY OF LONG BEACH

ENGINEERING SERVICES CONTRACT

THIS AGREEMENT entered into this date _____, by and between the CITY OF LONG BEACH, a municipal corporation existing by and under the laws of the State of Washington, herein referred to as "CITY", and CURRAN-McLEOD, INC., whose address is 6655 S.W. Hampton, Suite 210, Portland, Oregon 97223, hereinafter referred to as "ENGINEER".

1. **SERVICES.** The ENGINEER agrees to provide Engineering services as defined below:

- Prepare Report detailing the results of the Monitoring of Tinker Lake as required by City of Long Beach Wastewater Treatment Plant NPDES Permit No. WA0022489 Section S8. "Receiving Water and Effluent Study", Parts A. - D.
- Correspond with Ecology as required for report and the status of Permit Condition S8.
- Attend one (1) City Council meeting if required to discuss results of Report and conclusions of Ecology.

2. **COMPENSATION.** The CITY shall compensate the ENGINEER for services in accordance with the following schedule:

- Preliminary Engineering Report

Eighteen Thousand Nine Hundred Sixty and no/100 Dollars (\$18,960)

- The compensation for the above Engineering Services shall be as follows:
 - Billings shall be submitted monthly by the ENGINEER for Preliminary Engineering Services during the previous month. Payments shall be made for these billings within 30 days. Billings shall be based on percent of completion of Engineering Services. The ENGINEER will provide a status report with the billing.
 - Where hourly rates are used, they shall be in accordance with the Standard Hourly Rate Schedule, attached herewith and referenced Exhibit A.

The budget figures shown above shall not be exceeded except by express written authorization of the CITY.

3. **INDEPENDENT ENGINEER RELATIONSHIP.** The ENGINEER, is an independent contractor and is not an employee, servant, agent, partner, or joint venturer of the CITY. The CITY shall determine the work to be done by the ENGINEER but the ENGINEER shall determine the means by which it accomplishes the work specified by the CITY. The CITY is not responsible for withholding, and shall not withhold FICA or taxes of any kind from any payments which it owes the ENGINEER.

11. **TERMINATION OF PRIOR AGREEMENTS.** This agreement cancels and terminates, as of its effective date, all prior agreements between the parties covering Engineer of Record services whether written or oral or partly written or partly oral.
12. **GOVERNING LAW.** This agreement shall be governed and construed in accordance with Oregon law.
13. **SIGNATURES.** Both the CITY and the ENGINEER agree to the above and have executed this agreement on the dates shown above.

CITY OF LONG BEACH

Signature: _____

Name/Title: _____

Date: _____

CURRAN-McLEOD, INC.

Signature:  _____

Name/Title: Patrick D. Curran, P.E., President

Date: 1/30/14

STANDARD HOURLY RATES

Effective February 1, 2014

Senior Principal Engineer	\$ 130.00
Principal Engineer	120.00
Project Engineer/Manager	110.00
Design Engineer/Manager	110.00
Design Technician	70.00
Graphics Technician	60.00
Word Processing	50.00
Resident Project Representative / Inspector	65.00

REIMBURSABLE EXPENSES

Reproduction expenses are at cost.

Auto expenses reimbursed at 56¢ per mile.

Meals and Lodging at cost.

S8. RECEIVING WATER AND EFFLUENT STUDY

The Permittee must conduct an Effluent and Receiving Water Study to evaluate the impact of the Long Beach Wastewater Treatment Plant's discharge on Tinker Lake. Over a two-year period, beginning in January 2012, the city must:

- A. Monthly, monitor effluent and the receiving water upstream of the plant discharge, for:

Total Phosphorus	Temperature
Ortho-Phosphate	pH
Total Kjeldahl Nitrogen	Dissolved Oxygen
Ammonia	BOD ₅
Nitrate	Flow

Up-gradient receiving water sampling locations should be outside the zone of influence of the effluent.

The Permittee may also establish a downstream sampling station, at its discretion. In such case, the Permittee should sample for the same parameters as upstream. In both upstream and downstream stations, the Permittee should note the direction of flow.

- B. Once per quarter (March, June, September, and December in 2012 and 2013) monitor Tinker Lake water quality for the parameters listed above, except that the city does not need to monitor flow and BOD₅. The cities should take its samples from an open water area or near the outlet, at mid-water depth, and note the depth of the lake at the sample point.
- C. In 2013, twice map (approximately) both the lake boundary, and the area of rooted or floating aquatic vegetation in the lake. One mapping should occur in late July and another mapping should occur in early January.
- D. In 2013, estimate the average monthly time of travel of water from the Tinker Lake to where the flow enters Willapa Bay at Tarlatt Slough. Ecology expects the estimate can be made without a dye study, for example, by estimate travel time through the lake using volume. The Permittee should contact Ecology to discuss a method to develop this estimate.

All chemical analysis must be conducted according to methods given in 40 CFR 136.

The discharger must compile its results in a short report and submit a report to Ecology by **March 31, 2014**.

S9. DISCHARGE ALTERNATIVES

By **June 30, 2014**, the city shall submit a planning level study of treatment and/or discharge alternatives that do not impair receiving waters. The study should describe the alternatives and the associated modifications to the treatment and discharge system, address the items in WAC 173-240-060 (3)(b) through (e), and present estimated costs for each alternative. Ecology will utilize this information in preparation of the renewed NPDES Permit for the City's Wastewater Treatment Plant. Ecology may request that the city proceed with more detailed study (e.g. Mixing Zone Study/General Sewer and Facility Plan Amendment) at a future date. Nothing prohibits the City from proceeding with such studies on its own initiative.

Modification Date: August 5, 2011

CURRAN-MCLEOD, INC.
30-Jan-14
City of Long Beach - Tinker Lake Study

Engineering Study Workplan Cost Summary

Item No.	Description	Qty.	Unit	Unit Price	Total Price
1	Tinker Lake Flow Analysis	1	LS	\$ 3,520	\$ 3,520
2	Chemical Data Analysis	1	LS	\$ 5,500	\$ 5,500
3	Time of Travel Analysis	1	LS	\$ 2,200	\$ 2,200
4	Tinker Lake Mapping	1	LS	\$ 1,420	\$ 1,420
5	Final Report and Meetings	1	LS	\$ 6,320	\$ 6,320
Total Engineering:					\$ 18,960

Additional Services: Technical Assistance Lake Limnology and Biology by Ecological Land Services, Inc. \$ 2,500
Aerial Photograph of Tinker Lake by Bergman Photographic, Inc. \$ 750

Project Total: \$ 22,210

TAB – G



**CITY COUNCIL
AGENDA BILL
AB 14-16**

Meeting Date: February 18, 2014

AGENDA ITEM INFORMATION

**SUBJECT: CONTRACT
FOR BOARDING
PRISONERS**

Originator:

Mayor

City Council

City Administrator

GM

City Attorney

City Clerk

City Engineer

Community Development Director

Finance Director

Fire Chief

Police Chief

FW

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Other:

COST: \$18,960.00

SUMMARY STATEMENT: The city of Long Beach houses prisoners with the county and this is the renewal of that contract. Chief Wright has reviewed and this is in line with past contracts.

RECOMMENDED ACTION: Authorize the Mayor to sign the agreement.

CONTRACT FOR BOARDING PRISONERS

THIS CONTRACT is entered into this 1st day of January, 2014 between the Pacific County Sheriff's Office, P.O. Box 27, South Bend, Washington 98586-0027 a municipal corporation of the State of Washington hereinafter called the COUNTY, and the City of Long Beach, P.O. Box 310, Long Beach, Washington 98631, hereinafter called the CITY:

WITNESSETH

WHEREAS, the COUNTY maintains a jail facility at South Bend for the purposes of boarding adult prisoners and is willing to board prisoners of other jurisdictions within the limitations of available space; and

WHEREAS, the CITY has, from time to time, the need to board adult prisoners in a facility of their jurisdiction and within the COUNTY; and

WHEREAS the CITY has need to use the COUNTY facility and is willing to pay the sum hereinafter provided for:

NOW THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

I. TERM OF CONTRACT

The term of this Contract shall be deemed to have commenced on the 1st day of January, 2014 and shall end on the 31st day of December 2015, both dates inclusive, unless extended by mutual agreement of the parties.

II. RESPONSIBILITIES OF THE COUNTY AND THE CITY

- A. The COUNTY agrees to provide housing and feeding of the CITY's adult prisoners at the rate of \$65.00 for each day or portion thereof that a CITY adult prisoner is housed in the jail. The COUNTY agrees to provide housing and feeding of the CITY's juvenile arrestees at the rate of \$50.00 per day for each day or portion thereof that a CITY juvenile arrestee is housed in the jail. The CITY agrees that juvenile arrestees will only be housed in the jail until they make a court appearance.
- B. Any adult arrestee booked into the jail under the authority of the CITY is the financial responsibility of the CITY for the duration of the arrestee's confinement in the jail. A booking fee of \$50.00 will be charged to the CITY each time their adult arrestee is booked in Pacific County. However, if the Pacific County Prosecutor files a felony level charge related to the booking of an adult arrestee, the adult arrestee shall not be considered a CITY arrestee and the CITY shall not be responsible for any jail related costs pertaining to the adult arrestee including the booking fee. Furthermore, the proceeding

sentences shall apply to juvenile arrestees. For any juvenile arrestee booked into the jail under the authority of the CITY, the juvenile arrestee shall be the financial responsibility of the CITY until the juvenile makes a court appearance and the CITY will be charged a \$50.00 booking fee. If a juvenile arrestee is released by the Court after his/her court appearance, it shall be the responsibility of the CITY to ensure that the juvenile arrestee is released to a responsible adult or the Department of Social and Health Services. In this regard, the CITY shall be responsible for any necessary transportation.

- C. If an adult or juvenile arrestee who is booked into the jail at the request of another city within Pacific County also has an outstanding warrant from the CITY, the CITY shall have no financial responsibility for the arrestee until the other city's financial responsibility ceases. When the other city's financial responsibility terminates, the CITY immediately shall become financially responsible for the arrestee under the provisions of paragraph II. B, excluding the booking fee. If an adult or juvenile arrestee who is booked into the jail at the request of a second city within Pacific County also has an outstanding warrant from the CITY and a third city within Pacific County, the CITY and the third city shall share proportionally the financial responsibility for the arrestee under the provisions of paragraph II. B, from the time when the second city's financial responsibility ceases.

The COUNTY will attempt to notify the CITY when the CITY has an outstanding warrant on an individual who is booked into the jail on a matter unrelated to the CITY.

- D. The CITY agrees to pay the COUNTY for boarding services at the rate stated on a monthly basis upon presentation of invoices by the COUNTY Sheriff. The COUNTY may refuse to house CITY adult and juvenile arrestees if any invoice is not paid within thirty (30) days of being mailed to the CITY.
- E. If the CITY contracts with another city within the County for handling the other city's adult and juvenile arrestees, the other city's arrestees shall be the CITY'S arrestees for the purpose of this contract, and the CITY shall pay the COUNTY for boarding services at the rate stated on a monthly basis for any of the other city's adult or juvenile arrestees (Hereinafter called and combined with "CITY arrestees").
- F. The CITY agrees to pay all medical costs for the CITY arrestees that are not reimbursed by the State of Washington or otherwise. In no event shall the COUNTY be liable for medical costs of the CITY arrestees. The COUNTY will make every reasonable effort to notify the CITY if any CITY arrestee needs medical care and may incur medical care costs. The CITY also agrees to pay all transportation costs incurred by the COUNTY on behalf of the CITY arrestees. Any other costs incurred by the COUNTY due to an order by a CITY Municipal Court Judge shall be paid by the CITY.

- G. The CITY agrees to provide transportation for CITY arrestees to the COUNTY facility at South Bend, unless by mutual agreement other arrangements are made at the time of transport.
- H. The CITY agrees to pay the COUNTY a booking fee of \$20.00 for each CITY arrestee who is brought into the jail. This fee only applies when the CITY arrestee is released after the booking process is completed.
- I. The CITY agrees to abide by the policies, procedures, and protocols of the Pacific County Sheriff's Office with regard to jail operations, including jail security. A copy of the relevant policies, procedures, and protocols will be provided to the CITY when this contract becomes effective. Any changes to the relevant policies, procedures, and protocols that are implemented by the Sheriff's Office after this contract goes into effect will be given to the CITY as soon as possible.
- J. The CITY agrees that if a CITY police officer brings a CITY arrestee to the jail to be booked, the CITY police officer will remain at the booking station in the jail until the CITY arrestee is subdued to the satisfaction of the COUNTY corrections officer. If, for emergent reasons, that CITY police officer needs to leave the COUNTY jail prior to the CITY arrestee being subdued to the satisfaction of the COUNTY corrections officer, the COUNTY corrections officer will not take custody of the CITY arrestee unless the CITY police officer:
 - 1. Conducts a thorough search of the CITY arrestee and his/her belongings prior to being allowed entry into the jail;
 - 2. Provides adequate documentation to hold the CITY arrestee; and
 - 3. Provides adequate proof of the CITY arrestee's medical and physical condition showing that he/she is fit for incarceration in the jail;
 - a. An adult must have an breath or blood alcohol level less than .25 grams/210 liters of breath and decreasing, and no emergent medical care shall be required; and
 - b. A juvenile who shows any indications of alcohol or narcotics in his/her system must be medically cleared by a hospital physician or designee; and no medical care shall be required.

Unless otherwise waived by the Sheriff, under no circumstances shall a CITY police officer leave a CITY arrestee to be held in the custody of the jail if any part of sections (1) through (3) is not provided, and the COUNTY corrections officer has asked the CITY arrestee all of the necessary medical/mental health

questions during the booking process to determine that the CITY arrestee is fit for jail custody.

- K. If the CITY police officer has met the mandatory requirements and if the CITY police officer decides that it is necessary to leave the jail prior to the CITY arrestee being subdued to the satisfaction of the COUNTY corrections officer, the CITY shall be billed a minimum of \$160.00. This fee covers the cost of the COUNTY subduing the arrestee him/herself.
- L. If the jail population exceeds twenty-nine (29) inmates or exceeds its classification capacity to hold inmates, whichever occurs first, the COUNTY may refuse to accept CITY arrestees into the jail or may release CITY arrestees from the jail.
- M. The CITY agrees that the COUNTY may refuse to take CITY arrestees with identified medical problems or may refuse to take CITY arrestees who are combative. If the COUNTY refuses to take into the jail a CITY arrestee because the arrestee is combative, the COUNTY agrees that the CITY arrestee may be temporarily held in the holding cell in the jail until other arrangements can be made by the CITY.
- N. The CITY agrees that the COUNTY may refuse to take any juvenile arrestee who is under the age of thirteen (13).
- O. The CITY agrees that the COUNTY may refuse to take a juvenile arrestee if the juvenile population in the jail would exceed sixteen (16) juveniles, or the COUNTY's classification capacity is reached, whichever occurs first.

III. INDEMNIFICATION/HOLD HARMLESS

- A. The CITY shall defend, indemnify and hold harmless the COUNTY, its officers, agents and employees, from and against any and all claims, costs, judgments or damages, including attorney fees, arising out of or resulting from the negligent acts or omissions, tortuous actions, or civil rights violations under State or Federal law of the CITY, its officers, agents and employees in connection with the confinement of any CITY inmate by the COUNTY.
- B. The COUNTY shall defend, indemnify and hold harmless the CITY, its officers, agents and employees, from and against any and all claims, costs, judgments or damages, including attorney fees, arising out of or resulting from the negligent acts or omissions, tortuous actions, or civil rights violations under State or Federal law of the COUNTY, its officers, agents and employees in connection with the care, custody or confinement of any CITY inmate by the COUNTY.

- C. The COUNTY and the CITY hereby waive, as to each other only, their immunity from suit under industrial insurance, Title 51 RCW. The waiver of immunity was mutually negotiated by the parties hereto.

IV. NOTICES

All notices which either party gives the other party shall be delivered in writing to the address below or to such subsequent addresses as the parties shall designate in writing. Such notices shall be deemed received on the date on which the notice is personally served or on the third day following the date on which the notice was mailed postage prepaid by certified or registered mail to the appropriate party.

TO: Pacific County Sheriff
P.O. Box 27
South Bend, WA 98586-0027

TO: City of Long Beach
P.O. Box 310
Long Beach, WA 98631

V. TERMINATION

If either party breaches any of the provisions herein, the non-breaching party may terminate this contract as follows:

- A. The non-breaching party must notify the breaching party in writing of the breach and the steps that need to be taken to remedy the breach.
- B. The breaching party shall have twenty (20) days from the date of receiving notice of the breach to remedy the breach.
- C. If the breach is not fully remedied within twenty (20) days, the non-breaching party may terminate the contract immediately by delivering written notice of the termination to the breaching party.

VI. AMENDMENT

This Contract may be modified or amended if the amendment is made in writing and is signed by both parties.

VII. SEVERABILITY

If any provision, or any portion thereof, contained in this Contract is held to be unconstitutional, invalid or unenforceable, said provision(s), or portion(s) thereof, shall be deemed severed and the remainder of this Contract shall not be affected and shall

remain in full force and effect. Furthermore, if such an event occurs, the parties agree to negotiate a modification to replace the unacceptable provision(s) as soon as possible.

VIII. WAIVER OF CONTRACTUAL RIGHT

The failure of either part to enforce any provision of this Contract shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Contract.

IX. ATTORNEY FEES, COSTS, AND VENUE

In the event either party files a lawsuit to enforce the provisions of this contract, the prevailing party shall be entitled to costs of suit, court costs, and reasonable attorney fees. Any lawsuit pertaining to this Contract shall be filed in the Pacific County Superior Court.

X. SUCCESSORS

This Contract shall be binding upon and shall inure to the benefit of the parties hereto, their successors, and assigns.

XI. APPLICABLE LAW

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

XII. ENTIRE CONTRACT

This Contract contains the entire Contract of the parties and there are no other promises or conditions in any other Contract whether oral or written. This Contract supersedes any prior written or oral Contract between the parties.

WITNESS WHEREOF, the parties have caused their names to be signed hereto on the date so stated.

DATED this _____ day of _____, 2014

CITY OF LONG BEACH

ATTEST:

Mayor

Clerk

DATED this _____ day of _____, 2014

**BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON**

Steve Rogers, Chairperson

Scott Johnson, Pacific County Sheriff

Frank Wolfe, Commissioner

ATTEST:

Lisa Ayers, Commissioner

Marie Guernsey, Clerk of the Board

APPROVED AS TO FORM:

David J. Burke

TAB — H



**CITY COUNCIL
AGENDA BILL
AB 14-17**

Meeting Date: March 18, 2014

AGENDA ITEM INFORMATION

**SUBJECT: Surplus
Exercise Equipment**

Originator:

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

Finance Director

DG

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

COST:

Water/Wastewater Supervisor

Other:

SUMMARY STATEMENT: The City wellness committee wishes to declare the following equipment surplus, advertise, and take bids accordingly. Nautalis Abductor #3 and Abductor \$4, Slide Leg Curl, Pull Over, Lower Back, Multi Tricep and one more unnamed piece – pictures attached.

RECOMMENDED ACTION: *Authorize staff to advertise and sell the above equipment.*





TAB — I

Long Beach Police

P.O. Box 795
Long Beach, WA 98631

lbpchief@centurytel.net

Phone 360-642-2911
Fax 360-642-5273

02-01-14

Page 1 of 2

To: Mayor Andrew and Long Beach City Council

From: Chief Flint R. Wright

Ref.: Monthly Report for January 2014

During the month of January the Long Beach Police Department handled the following cases and calls:

Long Beach

737 Total Incidents
Aid Call Assists: 3
Alarms: 10
Animal Complaints: 4
Assaults: 6
Assists: 97
(Includes 15 Law Enforcement Agency Assists Outside City Boundaries)
Burglaries: 2
Disturbance: 18
Drug Inv.: 3
Fire Call Assists: 4
Follow Up: 117
Found/Lost Property: 8
Harassment: 13
Malicious Mischief: 6
MIP-Alcohol: 0
MIP-Tobacco: 0
Missing Person: 2
Prowler: 4
Runaway: 0
Security Checks: 302
Suspicious: 17
Thefts: 15
Traffic Accidents: 6
Traffic Complaints: 8
Traffic Tickets: 5
Traffic Warnings: 52
Trespass: 12
Warrant Contacts: 9
Welfare Checks: 14

Ilwaco

298 Total Incidents
Aid Call Assists: 0
Alarms: 6
Animal Complaints: 3
Assaults: 4
Assists: 58
Burglaries: 1
Disturbance: 14
Drug Inv.: 0
Fire Call Assists: 0
Follow Up: 67
Found/Lost Property: 4
Harassment: 7
Malicious Mischief: 1
MIP-Alcohol: 1
MIP-Tobacco: 0
Missing Person: 1
Prowler: 2
Runaway: 0
Security Checks: 81
Suspicious: 9
Thefts: 5
Traffic Accidents: 1
Traffic Complaints: 4
Traffic Tickets: 1
Traffic Warnings: 13
Trespass: 2
Warrant Contacts: 5
Welfare Checks: 8

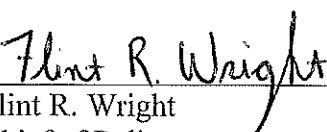
Monthly Report Continued:

Page 2 of 2

On January 14th I participated in a Tsunami Preparedness Workshop. I talked about what the response of the police department, in the event of an evacuation, would be.

On the 21st the department participated in training on the use of deadly force. The training was sponsored by the Pacific County Sheriff's Department and was held in South Bend.

Loretta attended training on the 22nd. The title of the class was "Communication Skills for Women". It dealt with issues like confronting or criticizing others, speaking in front of a group, receiving criticism, and controlling emotions.



Flint R. Wright
Chief of Police

Some Important Points for Marijuana Land Uses in Long Beach: Current Status¹ (February 13, 2014)

Issuance of a marijuana-related license by the Washington State Liquor Control Board (WSLCB) is subject to Long Beach City rules and ordinances, including but not limited to building, fire, and zoning codes; it is also subject to City licensing requirements. The WSLCB will issue three types of marijuana licenses: **Producer** (growing), **Processor** (making the marijuana smoke-able or ingestible); and **Retailer** (selling in a store to the public). It costs \$250 to apply for a state license, and the annual state renewal fee is \$1,000.

Producer License: allows the license holder to grow marijuana for sale at wholesale to licensed marijuana processors and to other licensed marijuana producers

- Total marijuana production space in the state is limited to 2 million square feet (SF)
- 3 Tiers of Producer Licenses: Tier 1 = less than 2,000 SF; Tier 2 = 2,000 SF to 10,000 SF; Tier 3 = 10,000 SF to 30,000 SF
- One person or entity may hold a maximum of three (3) producer licenses

About 50 producer licenses have been applied for in Pacific County. Of these, 8 are for locations on the Peninsula: 2 in Chinook, 5 in Ocean Park, and 1 outside of Ilwaco.

Processor License: allows the license holder to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers

- One person or entity may hold a maximum of three (3) processor licenses

About 36 processor licenses have been applied for in Pacific County. Of these, 5 are for locations on the Peninsula: 1 in Chinook and 4 in Ocean Park.

Retailer License: allows the license holder to sell useable marijuana, marijuana-infused products, and marijuana paraphernalia at retail (marijuana at retail may not be sold below its actual cost) in a retail outlet to persons 21 years of age or older (no internet sales and no delivery)

- Only 2 retailer licenses will be issued in all of Pacific County by the WSLCB
- One person or entity may hold a maximum of three (3) retailer licenses

About 21 retailer licenses have been applied for in Pacific County. Of these, 11 are for locations on the Peninsula: 4 in Chinook, 4 in or near Ilwaco, 2 in Long Beach, and 1 in Seaview.

State limits on location of marijuana land uses: The WSLCB will not issue marijuana licenses (producer, processor, or retailer) to any premises located within 1,000 feet of the following: an elementary or secondary (middle or high) school; playgrounds; recreation centers or facilities; child care centers, public parks, public transit centers, libraries, and game arcades where admission is not restricted to persons of age 21 years or older. [Note: both retail applications in Long Beach are for locations that appear to be within 1,000 feet of both public parks and arcades, and do not appear to qualify under WSLCB rules. This must be verified by the WSLCB.]

¹ This may be confusing, but please keep in mind that while marijuana has been made legal in Washington, it remains an illegal drug under federal law. The U.S. Attorney General has recommended its Attorneys focus enforcement efforts in marijuana-legalizing states like Washington and Colorado specifically on those locations lacking a robust, enforceable, and effective regulatory scheme.

Report: AGY064P2
710-LBL BLS0020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 01 06 2014
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor

UBI Number : 603 363 897 001 0001

Application ID : 2014 006 5161

Application Received Date: 01 06 2014

Legal Entity Name : MICHAEL CLARENCE MITCHELL

Firm Name : MICHAEL CLARENCE MITCHELL

Fees : \$125.00
Expiration Date: 01 31 2015

Location Phone/FAX: (360) 606-0482 (000) 000-0000

Business Open Date: 02 15 2013

Location Address : 205 BOLSTAD AVE W # 303
LONG BEACH WA 98631 9100

Mail Addr: 4000 NE 109TH AVE # J-219
VANCOUVER WA 98682 5799

In City Limits: Y

Product/Serv Desc: Services
Services PROVIDE LODGING AND FACILITY FOR SHORT TERM (UNDER
30 DAYS) VACATIONING OR TRAVELLING PERSONS.

Operator Comments:

Previous Business License: N

Square Footage: 391

Applying as Non Profit Business: N
501(C) Received: -

Conducting Business From Residence: Y Customers visiting business premises? 2

Hazardous/Flammable Materials:

Emergency Contact 1: MICHAEL MITCHELL
Emergency Contact 2:

(360) 606-0482
(000) 000-0000

Email Address: tekpro2007@gmail.com

Additional Business Activities:

Account Status: Pending Approval

Zoning	OTU	1/14/14	Fire		Date
Building			Police		Date
Finance			Planning		Date
Comments:					

Report: AGY064P2
710-LBL BLSD020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 02 04 2014
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC

UBI Number : 603 303 862 001 0001

Legal Entity Name : METROPOLIS CALIFORNIA, LLC

Application ID : 2014 035 4174

Firm Name : METROPOLIS CALIFORNIA, LLC

Application Received Date: 02 04 2014

Location Phone/FAX: (214) 570-2000

(972) 638-3503

Fees : \$125.00
Expiration Date: 02 28 2015

Location Address : 3617 131ST AVE SE FL 3
BELLEVUE WA 98006 1330

First Date of Business: 11 01 2013

Mail Addr: 2250 LAKESIDE BLVD
RICHARDSON TX 75082 4304

In City Limits: Y

Product/Serv Desc: Retail, Services
Retail, Services WIRELESS COMMUNICATIONS SERVICES

Operator Comments:

Previous Business License: N

Square Footage: 0

Applying as Non Profit Business: N
501(C) Received: -

Email Address: taxhelp@metropcs.com

Additional Business Activities: Utility

Account Status: Pending Approval

Zoning	4K Sp 2/19/04	Fire	
	Date	Date	
Building		Police	
	Date	Date	
Finance		Planning	
	Date	Date	
Comments:			