



City of Raymond

WASHINGTON

CITY COUNCIL AGENDA

Meeting: Monday, November 6th, 2023, at 6:00 PM
Location: City Hall Council Chambers
ZOOM LINK: <https://us02web.zoom.us/j/5780540411>

Meeting ID: 578 054 0411
One tap mobile 1-253-215-8782, 2590939124# US (Tacoma)

If you would like to be added to our "Speakers List" your request must be received by 4:00 pm on November 6th, 2023.

*Your request must include the following: meeting date, your first and last name, city of residence, agenda item(s) that you would like to provide comment on, and the telephone number you will be calling from. Please email this information to clerk@cityofraymond.com. *Please note that the information you provide may be subject to disclosure pursuant to Washington State's Public Record Act, chapter 42.56 RCW.*

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL AND DETERMINATION OF A QUORUM**
4. **APPROVAL OF AGENDA, CONSENT AGENDA, AND THE MINUTES OF OCTOBER 16th, 2023, REGULAR COUNCIL MEETING**
5. **CORRESPONDENCE**
6. **ITEMS FROM THE PUBLIC**
 - a. **NW CARRIAGE MUSEUM ANNUAL REPORT**
7. **ORDINANCE 1929: AN ORDINANCE OF THE CITY OF RAYMOND, WASHINGTON SETTING THE PROPERTY TAX LEVY FOR THE YEAR 2024 AS REQUIRED BY RCW 84.155.120- *Second Reading***
8. **ORDINANCE 1930: AN ORDINANCE OF THE CITY OF RAYMOND, WASHINGTON AMENDING CHAPTER 3.35 OF THE RAYMOND MUNICIPAL CODE RELATING TO UTILITY TAX- *First Reading***
9. **ORDINANCE 1931: AN ORDINANCE OF THE CITY OF RAYMOND, WASHINGTON AMENDING CHAPTER 2.40 OF THE RAYMOND MUNICIPAL CODE DEALING WITH COMPENDATION OF ELECTIVE OFFICERS- *First Reading***
10. **DECEMBER 18TH COUNCIL MEETING- *Action***
11. **POOL AGREEMENT- *Discussion Only***
12. **DEPARTMENT HEAD REPORTS**
 - a. Fire Chief Bill Didion
 - b. Police Chief Pat Matlock

Next Regular Scheduled Council Meeting

Monday, November 20th, 2023, at 6:00 PM

The City of Raymond provides access and services to all members of the public. Please notify City Hall at least 48 hours prior to an event if reasonable accommodations are needed.



City of Raymond

WASHINGTON

- c. Public Works Director Eric Weiberg
- d. Clerk- Treasurer Kayla MacIntosh
- 13. **MAYOR'S REPORT**
- 14. **PUBLIC COMMENT ON CURRENT AGENDA ITEMS**
- 15. **COUNCIL COMMENTS**
- 16. **FUTURE AGENDA TOPICS**
- 17. **EXECUTIVE SESSION- PERSONNEL UPDATE**
- 18. **ADJOURNMENT**

Next Regular Scheduled Council Meeting

Monday, November 20th, 2023, at 6:00 PM

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RAYMOND CITY COUNCIL MEETING

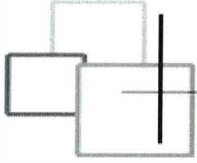
November 6th, 2023

CONSENT AGENDA

APPROVAL OF CLAIMS:

CLAIMS #72449 THROUGH #72552 **\$220,915.75**

PAYROLL #72442 THROUGH #72448
(Direct Deposit Included) **\$259,269.05**



A/P Check Register

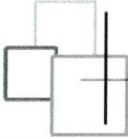
Fiscal : 2023
 Period : 2023 - November 2023
 Council Date : 2023 - November 2023 - 1st Council

Number	Vendor Name	Account Description	Amount
72449	NPCEMS	USDA Ambulance Grant-2023	\$318,576.12 REPLACEMENT CHECK FOR AMB
72450	KARNATZ, JEFF	Professional Services	\$2,100.00 THEATER MANAGER
72451	Penoyar, Joel	City Attorney	\$1,000.00 CITY ATTORNEY
72452	ADVANCED VINYL WORKS	Distribution Supplies	\$121.07
		Operating Supplies	\$941.56
		Check Total:	\$1,062.63 POLICE DECALS
72453	Airgas USA, LLC	Operating Supplies	\$54.27 AMB OXYGEN SUPPLIES
72454	ALS GROUP USA, CORP.	Water Samples	\$165.00 WATER SAMPLES
72455	Aramark Uniform Services	Laundry	\$61.29
		Miscellaneous-Dues, Registration	\$20.43
		Check Total:	\$81.72 WWTP LAUNDRY
72456	Backflow by the Best	Professional Services	\$40.00 SEW BACKFLOW TESTING
72457	BARNHART HOME CLEANING	Professional Services-Janitorial	\$1,440.00 LIBRARY CLEANING
72458	Bud's Lumber Supply	Distribution Supplies	\$22.48
		Operating Supplies	\$1,390.12
		Check Total:	\$1,412.60 ALL DEPT SUPPLIES
72459	Cascade Columbia	Treatment Chemicals	\$3,681.49 WTP FLUORIDE
72460	CASCADE FIRE EQUIPMENT	Operating Supplies	\$333.90 HYDRANT HOSE BAG
72461	CenturyLink	Communications	\$95.47 WWTP PHONES
72462	Code Publishing Company	Professional Services	\$830.00 ORD PUBLISHING ONLINE
72463	COMCAST	Communications	\$696.26 ALL CITY INTERNET
72464	Culligan	Rentals & Leases	\$99.46 AMB/POLICE WATER
72465	OROZCO-JIMENEZ, OMAR	Customer Deposits Refunded	\$209.26 CUSTOMER REFUND
72466	KNUTZ, RILEY	Customer Deposits Refunded	\$61.07 CUSTOMER REFUND
72467	Dilk Tire Service	Distribution Supplies	\$431.04
		Operating Supplies	\$1,293.12
		Repair & Maintenance	\$529.59
		Repair & Maintenance (inc. PW Shop Roof and PW Office/Carport + Annual Street Paving)	\$162.71
		Repairs & Maintenance	\$325.42
		Check Total:	\$2,741.88 ALL DEPT REPAIRS
72468	Drug Screens, Inc.	Professional Services	\$825.00 EMPLOY DRUG SCREENS
72469	ENVIRONMENTAL RESOURCE ASSOCIATES	Water Samples	\$299.70 WATER SAMPLES

72470	Ferguson Enterprises, Inc	Distribution Supplies	\$222.04	WTP SUPPLIES
72471	Flannery Publications, Inc.	Communications	\$105.00	
		Professional Services	\$168.00	
		Check Total:	\$273.00	ORD PUBLISHING
72472	FREIGHTLINER NORTHWEST OF OLYMPIA	Distribution Supplies	\$95.51	
		Operating Supplies	\$286.52	
		Check Total:	\$382.03	ALL DEPT SUPPLIES
72473	G.H. EMS	Professional Services	\$1,338.01	QUARTERLY SERVICE FEE
72474	GLOBAL DIVING & SALVAGE, INC.	Professional Services	\$5,000.00	WWTP OUTFALL INSP
72475	GRANICH ENGINEERED PRODUCTS, INC.	Operating Supplies	\$11,468.29	PUMP STATION REPAIR
72476	Gray & Osborne Inc.	ARPA 2024 Sewer Plan	\$7,052.95	SEWER PLAN
72477	Grays Harbor County	Water Samples	\$178.00	ENGINEERING
72478	H.D. Fowler Co.	Communications	\$27.03	WATER SAMPLES
		Distribution Supplies	\$7,133.36	
		Operating Supplies	\$389.40	
		Check Total:	\$7,549.79	WTP SUPPLIES
72479	Henry Schein, Inc.	Operating Supplies	\$2,216.76	AMB SUPPLIES
72480	INOVALON PROVIDER, INC.	Professional Services	\$172.70	AMB MEDICARE
72481	Javelina Trading Company	Distribution Supplies	\$94.96	
		Operating Supplies	\$189.92	
		Check Total:	\$284.88	ALL DEPT SUPPLIES
72482	JCI Jones Chemicals, Inc.	Treatment Chemicals	\$805.36	WTP CHEMICALS
72483	JENNINGS EQUIPMENT, INC.	Operating Supplies	\$325.29	PARKS SUPPLIES
72484	K & L Supply Inc.	Operating Supplies	\$822.46	WWTP SUPPLIES
72485	Lakeside Industries	Distribution Supplies	\$205.06	
		Operating Supplies	\$410.11	
		Pacific County STP Allocation	\$38,500.00	
		Check Total:	\$39,115.17	STREET PAVING
72486	Langer, Stephen M., PH.D., P.S.	Professional Services	\$700.00	PRE EMPLOYMENT PSCH
				EVAL
72487	LECO SUPPLY	Operating Supplies	\$101.13	PARKS SUPPLIES
72488	Maneman Electric	Repair & Maintenance	\$4,014.91	WTP REPAIRS
72489	Miller's Smith & Losli	Repair & Maintenance	\$2,454.30	LIBRARY HANDRAILS
72490	Pacific County Sheriff	County Jail Services	\$9,572.50	COUNTY JAIL SERVICE
72491	Pacific County Title Co.	City Hall / Fire Hall Building	\$569.69	PROPERTY TITLE INFO
72492	PETROCARD INC.	Fuel	\$2,406.31	
		Fuel Consumed	\$5,687.08	
		Check Total:	\$8,093.39	ALL DEPT FUEL
72493	Platt	Operating Supplies	\$56.04	WTP SUPPLIES
72494	PUD #2 of Pac. Co.	Commercial St. Restrooms / Commercial	\$61.01	
		Property Utilities		
		Pool Utilities	\$48.95	
		Public Market Utilities	\$80.74	
		PUD Utilities	\$2,792.69	
		PUD Utilities	\$303.23	
		Seaport Utilities	\$81.77	

		Utilities	\$9,776.04	
		Utility Services	\$796.14	
		Check Total:	\$13,940.57	ALL CITY PUD
72495	PUD #2 of Pac. County	Utility Services	\$30.86	THT APT PUD
72496	Quill Corporation	Office Supplies	\$553.29	
		Operating Supplies	\$110.32	
		Supplies	\$70.88	
		Check Total:	\$734.49	ALL DEPT OFFICE SUPPLIES
72497	Raymond City Treasurer	Customer Deposits Refunded	\$1,000.00	CUSTOMER DEPOSITS
72498	Raymond City Water Clerk	Carriage Utilities	\$11.64	
		City Utility Billings	\$278.84	
		Commercial St. Restrooms / Commercial	\$178.40	
		Property Utilities		
		Pool Utilities	\$0.00	
		Public Market Utilities	\$252.34	
		PUD Utilities	\$641.18	
		PUD Utilities	\$84.35	
		Seaport Utilities	\$148.38	
		Utilities	\$4,612.54	
		Utility Services	\$114.83	
		Check Total:	\$6,322.50	ALL CITY W/S/G
72499	Ricoh USA, Inc	Operating Rentals/Leases	\$85.45	
		Rental Copier	\$85.45	
		Rentals & Leases	\$256.34	
		Check Total:	\$427.24	PW COPIER
72500	Ricoh USA, Inc	Operating Rentals/Leases	\$3.98	
		Rental Copier	\$3.97	
		Rentals & Leases	\$11.91	
		Check Total:	\$19.86	PW COPIES
72501	Roberts, Dee	Training/Travel	\$137.50	TRAINING PER DIEM
72502	Royal Heights Transfer	Biosolids Disposal	\$200.00	
		Utility Service - Royal Heights	\$19,599.08	
		Check Total:	\$19,799.08	ALL CITY GARBAGE
72503	Schwiesow, Brandon	Miscellaneous	\$79.95	
		Personnel Benefits	\$16.78	
		Check Total:	\$96.73	PER DIEM
72504	SEA CONSTRUCTION LLC PLUMBING	Pool Repair & Maintenance	\$2,152.66	
		Repair & Maintenance	\$324.30	
		Check Total:	\$2,476.96	POOL REPAIRS
72505	Sea-Western Inc.	Operating Supplies	\$136.10	FIRE ATTIRE
72506	SECURITAS TECHNOLOGY	Repair & Maintenance	\$469.27	LIBRARY SECURITY REPAIRS
72507	Smith, Jeff	Miscellaneous - Dues, Fees, Etc.	\$136.00	CDL REFUND
72508	Standard Insurance Co	Parks Personnel Benefits	\$7.85	
		Personnel Benefits	\$306.16	
		Volunteer Benefits	\$160.47	
		Water Treatment Personnel Benefits	\$23.55	

72509	Steve's Front End Inc.	Repair & Maintenance Repairs & Maintenance	Check Total:	\$498.03 ALL CITY INSURANCE \$501.98 \$551.31
72510	Sunrise Pest Management	Professional Services Repair & Maintenance	Check Total:	\$1,053.29 POLICE/AMB/GARBAGE REPAIRS \$84.32 \$115.56
72512	T-Mobile	Communications	Check Total:	\$199.88 POLICE/THT PEST CONTROL \$801.72 POLICE COMPUTERS
72513	Tyler Rental, Inc.	Rentals & Leases		\$344.57 PARKS STUMP GRINDING
72514	U.S. Cellular	Communications		\$228.39 PW/AMB CELLS
72515	USA Blue Book	Lab Supplies		\$1,105.97 WWTP LAB SUPPLIES
72516	Verizon Wireless	Communications		\$200.05 AMB LAPTOPS
72517	VORTEX OPTICS	Operating Supplies		\$2,039.93 POLICE SUPPLIES
72518	WA ST Dept of Licensing	CPL - State Fee		\$18.00 CPL FEE
72519	WA STATE DEPT OF ENTERPRISE SERVICES	Operating Supplies		\$43,061.64 MOWER ARM
72520	WABO	Building Misc.		\$105.00 MEMBERSHIP
72521	WASHINGTON STATE PATROL	Rentals & Leases		\$13.25 POLICE BACKGROUND CHECKS
72522	Zoll Data Systems	Professional Services		\$401.78 AMB QUARTERLY MAINT
	Grand Total			\$534,373.18
	Total Accounts Payable for Checks #72449 Through #72522			



Register

Number	Name	Fiscal Description	Cleared	Amount
<u>72442</u>	Boggs, Arlie H.	2023 - October 2023 - 2nd Council		\$2,889.47
<u>72443</u>	Freeman, Jaxson G	2023 - October 2023 - 2nd Council		\$842.68
<u>72444</u>	Ristow, Micah D.	2023 - October 2023 - 2nd Council		\$8,796.12
<u>72445</u>	OREGON DEPT. OF JUSTICE	2023 - October 2023 - 2nd Council		\$339.00
<u>72446</u>	TEAMSTERS Local #252	2023 - October 2023 - 2nd Council		\$470.00
<u>72447</u>	THORBECKES FITNESS	2023 - October 2023 - 2nd Council		\$421.14
<u>72448</u>	WSCFF Emp Benefit Trust/MERP	2023 - October 2023 - 2nd Council		\$1,000.00
<u>DEF_COMP_OCTOBER</u> <u>2ND PAYROLL 2023</u>	WA St Treasurer - Def Comp	2023 - October 2023 - 2nd Council		\$4,296.11
<u>IRS TAXES OCTOBER</u> <u>2ND PAYROLL 2023</u>	Raymond City Treasurer- Taxes	2023 - October 2023 - 2nd Council		\$48,654.16
<u>NATIONWIDE OCT 2ND</u> <u>PAYROLL 2023</u>	Nationwide Retirement Solutions	2023 - October 2023 - 2nd Council		\$300.00
<u>October 2nd Payroll 2023</u>	Payroll Vendor	2023 - October 2023 - 2nd Council		\$111,574.79
<u>RETIRMEN OCTOBER</u> <u>2023</u>	Dept of Retirement Systems	2023 - October 2023 - 2nd Council		\$41,332.28
				\$220,915.75



City of Raymond

WASHINGTON

COUNCIL PROCEEDINGS

October 16th, 2023

CALL TO ORDER

The council meeting was called to order at 6:00 p.m. by Mayor Roberts. Roll was taken and the meeting was quorate.

Council Members present:

Heidi Worlton
Tony Nordin (zoom)
Jovon Vaughn (zoom)
Steve Jones
Karen Tully
W. Ian Farrell
Chris Halpin

Department Heads Present:

Bill Didion, Fire Chief
Kayla MacIntosh, Clerk/Treasurer
Eric Weiberg, Public Works Director
Pat Matlock, Chief of Police- (*Absent Excused*)

4. APPROVAL OF AGENDA, CONSENT AGENDA & MINUTES

Councilor Farrell moved to approve the agenda, consent agenda for tonight's meeting, as well as the minutes of October 2nd, 2023, regular meeting and October 5th, 2023, special meeting. Motion carried. Motion passed unanimously.

APPROVAL OF CLAIMS:

CLAIMS #72361 THROUGH #72430

\$315,820.51

**PAYROLL #72353 THROUGH #72360
(Direct Deposit Included)**

\$196,003.45

EFT/ Debit (September 2023)

\$22,391.78

5. PUBLIC HEARING: 2024 REVENUE AND PROPERTY TAX LEVY

The public hearing was opened at 6PM. With no public comment, the hearing was closed at 6:01PM

6. CORRESPONDENCE:

None

7. ITEMS FROM THE PUBLIC:

None

8. ORDINANCE 1928: AN ORDINANCE OF THE CITY OF RAYMOND, WASHINGTON AMENDING CHAPTER 2.40 OF THE RAYMOND MUNICIPAL CODE DEALING WITH COMPENSATION OF ELECTIVE OFFICERS- *Second Reading*

Councilor Worlton moved to approve Ordinance 1928. Motion carried. After a brief discussion, Motion passed with 6 ayes and 1 nay.

9. ORDINANCE 1929: AN ORDINANCE OF THE CITY OF RAYMOND, WASHINGTON SETTING THE PROPERTY TAX LEVY FOR THE YEAR 2024 AS REQUIRED BY RCW 84.155.120- *First Reading*

Councilor Worlton motioned to move Ordinance 1929 to a second reading. Motion Carried. Motion passed unanimously.

10. DEPARTMENT HEAD REPORTS

- Fire Chief, Bill Didion provided a brief overview of Fire Prevention Week with the local school districts.
- Public Works Director, Eric Weiberg provided a status update regarding the paving and Chlorination project as well as discussed possible additional funding opportunities with more information to follow.
- Clerk/ Treasurer Kayla MacIntosh provided a 2024 Budget Update.

11. MAYOR'S REPORT

Mayor Roberts advised she had nothing new to report.

12. PUBLIC COMMENT ON CURRENT AGENDA ITEMS:

None

13. COUNCIL COMMENTS

- Councilor Jones requested update on Fowler Street closure.
- Councilor Halpin requested a copy of the 2024 budget before the meeting for final approval.
- Councilor Worlton had questions regarding street sweeping and maintenance of the roundabout.

14. FUTURE AGENDA TOPICS

- Executive Session- Personnel Update
- Ordinance 1930- Council Pay
- Pool MOU

15. ADJOURNMENT

With no further business to discuss and no objections, the meeting was adjourned by Mayor Roberts at 6:46 PM.

ATTEST:

Kayla MacIntosh, Clerk/ Treasurer

Dee Roberts, Mayor

CITY OF RAYMOND, WASHINGTON

ORDINANCE NO. 1929

**AN ORDINANCE OF THE CITY OF RAYMOND SETTING THE
PROPERTY TAX LEVY FOR THE YEAR 2024 AS REQUIRED BY
RCW 84.55.120**

WHEREAS, the City of Raymond of Pacific County has met and considered its budget for the calendar year 2024; and

WHEREAS, the City of Raymond's actual levy amount from the previous year was \$526,562.00; and

WHEREAS, the population of the City of Raymond is less than 10,000.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RAYMOND OF PACIFIC COUNTY, that an increase in the regular property tax levy is hereby authorized for the 2024 levy in the amount of \$5,266.00 which is a percentage increase of 1% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities, and any increase in the value of state assessed property, any annexations that have occurred and refunds made.

This Ordinance was **INTRODUCED** on the 16th day of October 2023 and **PASSED** on this 6th day of November 2023 by the City Council of the City of Raymond, Washington by the following vote:

Ayes –

Noes –

Absent –

Dee Roberts, Mayor

Authenticated By:

Kayla MacIntosh, Clerk/Treasurer

Publish: 11/08/2023

**CITY OF RAYMOND
ORDINANCE NO. 1930**

**AN ORDINANCE OF THE CITY OF RAYMOND, WASHINGTON AMENDING
CHAPTER 3.35 OF THE RAYMOND MUNICIPAL CODE RELATING TO UTILITY
TAX.**

WHEREAS, the City of Raymond has the statutory authority to impose a utility tax on utilities located within city boundaries; and

WHEREAS; the City of Raymond has a sewer utility;

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

SECTION 1. Raymond Municipal Code Section 3.35.040 Utility Tax Imposed, shall be amended to read as follows:

A utility tax is levied upon and shall be collected from and paid by every person that engages in the telephone, electrical energy, water, sewer, radio, television, or natural gas within the city, whether their office or place of business be within and/or without the city. The utility tax shall be required in addition to all other tax and license fees as imposed by any other chapter of the city code, unless specifically provided otherwise.

SECTION 2. Raymond Municipal Code Section 3.35.050 Rates and Measure of Tax Enumerated, shall be amended by adding subsection (F) to read as follows:

F. Upon any person engaging or carrying on the business of collecting and treating sewerage, the tax with respect to such business shall be equal to seven and one half percent (7.5%) of the total gross revenue from business and residential services and or sale in the city of Raymond. This tax shall be in effect from January 1, 2024, through December 31, 2025.

SECTION 3. This ordinance shall be in full force and effect five (5) days after its passage and publication as provided by law.

This Ordinance was **INTRODUCED** on the 6th day of November 2023 and **PASSED** on this 20th day of November 2023 by the City Council of the City of Raymond, Washington by the following vote:

Ayes –

Noes –

Absent –

Dee Roberts, Mayor

Authenticated By:

Kayla MacIntosh, Clerk/Treasurer

Publish: 11/22/2023

ORDINANCE NO. 1931

AN ORDINANCE OF THE CITY OF RAYMOND, WASHINGTON, AMENDING CHAPTER 2.40 OF THE RAYMOND MUNICIPAL CODE DEALING WITH COMPENSATION OF ELECTIVE OFFICERS

WHEREAS, the City of Raymond has established a compensation of elective officers; and

WHEREAS, it is recognized that the activities and projects of the City of Raymond have increased since the passage of the most recent Ordinance #1928 governing the City of Raymond's pay structure for the elected position of Mayor and Council Members,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RAYMOND, WASHINGTON AS FOLLOWS:

SECTION 1. **Section 2.40.010 Compensation of Elective Officers,** is hereby amended to read as follows:

The salary of each of the council members shall be in the sum of \$300.00 per month with a \$50.00 stipend for each meeting attended, not to exceed 40 meetings in a calendar year. For the purpose of this ordinance meetings shall be defined as council meetings, council workshops and any other meeting a council member shall attend in which they represent the City of Raymond. Meetings may be attended in person or via Zoom.

SECTION 2. If any portion of this ordinance is held to be invalid or unconstitutional for any reason, such finding shall not affect the remainder of the ordinance, which shall remain in full force and effect.

SECTION 3. This ordinance shall be in full force and effective January 1st, 2024.

This Ordinance was **INTRODUCED** on the 6th day of November 2023 and **PASSED** on this 20th day of November 2023 by the City Council of the City of Raymond, Washington by the following vote:

Ayes –

Noes –

Absent –

Dee Roberts, Mayor

Authenticated By:

Kayla MacIntosh, Clerk/Treasurer

Publish: 11/22/2023

AN AGREEMENT BETWEEN THE CITY OF RAYMOND AND P.O.O.L FOR THE OPERATION OF THE DR. O.R. NEVITT MEMORIAL SWIMMING POOL

THIS POOL AGREEMENT is made and entered into this ____ day of _____ between the City of Raymond, hereinafter referred to as the “City” and People Organized to Operate Leisure activities, a nonprofit organization, hereinafter referred to as “P.O.O.L.” for the operation of the Dr. O.R. Nevitt Memorial Swimming Pool, owned by the City, and hereinafter referred to as the “Nevitt Pool”.

1. Intended Use of the Pool Facility. The Nevitt Pool facility is to be operated as a public aquatic facility for the use and benefit of all residents of the City of Raymond and Pacific County. Every effort will be made to maximize use of the facility by the total community for recreation, instruction, fitness, rental, and or other public purposes.
2. Operation and Services. The City of Raymond shall manage and operate the Nevitt Pool facility and shall employ a pool manager who shall assume responsibility for the operations. P.O.O.L. along with the pool manager will schedule all use of the Nevitt Pool, and reserves the right to operate the Nevitt Pool mornings, afternoons and evenings, seven days per week, throughout the year, with the exception that P.O.O.L. shall have the right to withhold use of the Nevitt Pool for reasonable periods for restoration, repair, and maintenance as are necessary and appropriate. P.O.O.L. and the City shall work together to prevent lengthy shutdowns. P.O.O.L. and the City agree that, because of emergency, damage by public enemies, equipment failure, fire, storm, or other acts of God, it may be necessary for the Nevitt Pool to be closed on a temporary basis.

The City of Raymond, working directly with the pool manager, shall provide appropriate personnel during all hours that the Nevitt Pool is open to the public. All participants must adhere to pool rules and regulations and pool personnel shall be responsible for the enforcement of such rules and regulations. P.O.O.L. and the City shall observe all applicable City, County and State health laws and other regulations concerning pool operation. The president of P.O.O.L. or their designee shall consult monthly with the mayor of the City or their designee with reference to matters of mutual concern regarding use of the Nevitt Pool.

3. Custodial Services, Preventative and Major Maintenance. The City of Raymond shall service, maintain and operate the Nevitt Pool, except as hereinafter provided. P.O.O.L. and or their designee shall keep the premises in a neat, clean, safe, and sanitary condition. The City shall furnish all cleaning supplies and materials needed to operate the Nevitt Pool. The City shall maintain and make all repairs of whatever nature necessary to maintain or restore the Nevitt Pool so as to be safe for public use, to appear attractive and inviting to the public, and to meet state and local public health and Building Code standards during the term of this agreement. P.O.O.L. along with a City employee shall perform mechanical, electrical, and structural inspections monthly, and shall make the necessary repairs in a timely manner.

4. Access Ways, Parking and Grounds.

- a. The City shall have the right, in common with the other party hereto, of passage across the premises, over walkways and driveways presently existing or hereafter constructed.
- b. The City shall maintain in good repair and condition all parking areas, light poles, landscaping, grounds and all areas or structures on the premises outside the perimeter of the swimming pool structure including the wading pool.
- c. The City shall have the right to construct, operate, repair, and replace under the area of the premises outside the Pool building, underground utilities providing water, sewer, electrical, telephone and other similar type services to the area to be maintained by the City under this agreement.

5. Operating Budget and Accounting. The City working in conjunction with the P.O.O.L. shall prepare an annual operating budget. That budget shall be subject to monthly review by the City and P.O.O.L. The City agrees to pay for all water, garbage, and sewer costs. No over-expenditure of the approved annual budget shall be made, except upon mutual concurrence and additional appropriation by all parties to the agreement.

P.O.O.L. shall establish and maintain a separate program account for the recording of the revenues associated with the operation of the Nevitt Pool. A revenue report shall be made to the City at the end of each operating month. The report shall include but is not limited to all pool rentals, swim fees, special event fees, water aerobics, etc.

The pool manager shall work with the City to establish fees at the time of the annual budget process. Should changes be needed during the operating season, these changes will be submitted to the City for approval. The Nevitt Pool will be opened to the public at reasonable hours for ten (10) weeks each summer. It shall be open for the use of all segments of the public without restriction because of race, creed, color, sex, religion, national origin, or residence of the user. These dates will be the week following the last week of school through Labor Day. If funds are available, the pool may be opened weekends prior to or after the scheduled ten (10) week season. The School District(s) may also elect to use the facility prior to the regular opening or after the regular closing and additional fees will be collected.

6. Fire and Extended Coverage Insurance. The City shall obtain and keep in force policies of insurance against loss or damage to the Nevitt Pool by fire and other hazards, casualties, or contingencies as may be required by the City's risk manager or as may otherwise be approved by the parties hereto.

7. Fire and Other Damage. If Nevitt Pool should be damaged or destroyed by fire, the elements or by any other cause, the parties hereto shall determine and agree

on the extent to which said premises will be repaired, rebuilt, or replaced. All costs thereof shall first be paid out of any proceeds received from insurance policies thereon. The City shall pay the balance of said costs. In the event it is determined not to proceed with the repair, rebuilding, or replacement of the Nevitt Pool, any proceeds received from insurance policies thereon shall, unless otherwise agreed, be first applied to hold harmless P.O.O.L. and the City from any obligation to the State of Washington arising under the State IAC Grant Agreement. The next priority of the disbursement shall be for the restoration of the site to a safe condition, and any proceeds remaining shall be distributed to the City. Nothing herein shall abrogate the right of P.O.O.L. and the City to elect to repair, restore, or replace the Nevitt Pool in such manner that the premises can continue to be used as a swimming facility and to use any and all insurance proceeds for such purpose.

8. Indemnification and Liability Insurance. P.O.O.L. shall indemnify, defend, and hold harmless the City from any and all claims and damages which may arise out of P.O.O.L.'s use of the premises or arising out of P.O.O.L.'s performance or failure to perform the terms of this agreement. The City shall indemnify, defend, and hold harmless P.O.O.L. from any and all claims and damages which may arise out of the City's use of the premises or arising out of the City's performance or failure to fulfil the terms of this agreement.
9. Assignment or Delegation Prohibited. No party shall transfer, assign, or sublet any interest, right or privilege in or to the premises or arising under this agreement without prior written consent of the other party hereto.
10. Termination of Agreement. It is the understanding and agreement of the parties that, upon termination of this agreement, the improvements and land shall be the property of the City and P.O.O.L. shall retain no interest in the property or improvements. At the time of any such termination, any other existing property, cash accounts receivable, or any other asset which is derived from the contribution by the parties to the operating budget under this agreement shall, unless otherwise agreed by the parties, be divided, and distributed to the parties equally (50/50 split).

The term of this Agreement shall be from _____, _____
through _____, _____.

This agreement may be renewed at the expiration of this agreement by mutual consent of the parties.

CITY OF RAYMOND

P.O.O.L. (People Organized to
Operate Leisure activities)

Mayor

President

Date

Date

Approved as to form:

Joel Penoyar
Raymond City Attorney

Date

DRAFT