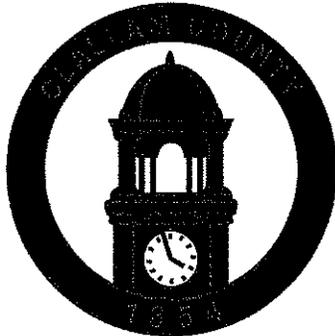


ORIGINAL

101-10-015



SHARED EQUIPMENT AGREEMENT

In June 2005 both the City of Sequim and Clallam County signed a "Multi-Agency Reciprocal Maintenance Agreement" (attached) which sets forth the terms and process for sharing plowing, sanding, and roadside mowing equipment and personnel. Pursuant to that agreement, the City of Sequim, hereby requests, and Clallam County hereby approves the use of Clallam County roadside mowing equipment as described below during the 2010 mowing season, subject to the provisions of the Multi-Agency Reciprocal Maintenance Agreement, and the specific conditions set forth below.

Equipment Requested: 2007 Massey Ferguson mower, model 5435, County ID: #450

Period Requested: March 2010 through September 2010

Hours of Use Requested: Approximately 400 hours.

Monthly Lease Rate: \$750.00

Specific Terms and Conditions:

1. Lease Payments. The County shall invoice the City for the lease payment on a monthly basis. The County will pro-rate the monthly lease amount due by the City based upon the proportion of hours the equipment is used by the City.
2. Maintenance and Repairs. Daily maintenance, as outlined in the attached maintenance log sheet, shall be performed by the City at City expense. Any other maintenance or repairs shall be performed by the County, and the actual cost of such repairs and maintenance shall be paid by the City; except that these costs will also be pro-rated based on the proportion of hours the equipment is used by the City for the month in which the maintenance or repair costs were incurred.
3. Scheduling of Use. It is expected that the City and the County will share the use of the above equipment. To coordinate this shared use, it is expected that the City

maintenance staff and the County Road Superintendent in the Sequim shop will develop a month to month schedule of usage that is mutually agreeable.

4. Mowing County Roads. The City may use the above equipment to mow County Road that are adjacent to the City. Time spent mowing County Roads shall not be considered City hours for purposes of pro-rating lease payments or maintenance and repair costs. Any mowing on County roads should however be coordinated with the County Road Superintendent at the County Shop in Sequim.
5. Limitation of Charges. Monthly lease and maintenance and repair charges billed the City of Sequim shall be capped at \$60 per hour.
6. County Contacts. The County contact for scheduling and coordination the use of the mowing equipment pursuant to this agreement shall be the District I County Road Superintendent Chris Enges, 681-2667. For any other matter relating to this agreement the County Contact is Public Works Administrative Director Bob Martin, 417-2389.
7. City of Sequim Contact. Mike Brandt, Public Works Supervisor, 683-4908.
8. Termination. The City of Sequim may terminate use of the above equipment at any time. Clallam County reserves the right to terminate use of the equipment by the City at its' non-arbitrary discretion.



Steve Burkett
Sequim City Manager



James A. Jones, Jr.
Clallam County Administrator

3-5-10

(date)

3/8/10
(date)

Approved as to form with attached email
C. A. Pitts
Sequim City Attorney

Craig Ritchie

From: Jim Pemberton
Sent: Monday, March 08, 2010 3:45 PM
To: Craig Ritchie
Subject: FW: Mower Use Agreement

I forwarded you comments on to the County this morning regarding the mower rental. Are you ok with this explanation?

I would prefer to proceed without redrafting the agreement. I would say the same even if I were not a "short-timer" and had to live with the agreement myself.

What do you think?

Jim

From: Martin, Bob [mailto:BMartin@co.clallam.wa.us]
Sent: Monday, March 08, 2010 2:39 PM
To: Jim Pemberton
Cc: Maley, Tom
Subject: RE: Mower Use Agreement

Actually Jim Jones already signed this and it is on its way to Steve. What I was trying to say (and think I did say) in capping City charges at \$60/hour, is that no matter what, the City charges for mower use in any month will ever exceed our adopted rental rate of \$60/month for the number of hours used. Since this is our newest mower, it is not likely anything so drastic as a major re-build is remotely likely. In fact we have six of these Massey Ferguson mowers ranging from 2 – 11 years old, and none have yet required an engine re-build or anything nearly so drastic. But if it were to happen, the City would be free to terminate the agreement. I would expect that based on normal repair records for this machine Sequim's hourly rate will be somewhere around \$12 - \$18 depending on the number of hours used per month. This mower has very low hours of use, and the repairs we are likely to encounter with it will be directly related to the amount of use it gets, not its' age.

So City exposure is limited, since the worst that could happen is a major repair occurring at the end of a month exposing the city to no more than \$60 per hour for however many hours used that month.

The County risk however is arguably greater than Sequim's. If after Sequim uses the machine for say 5 hours in any given month and some extremely expensive repair is needed, Sequim can just terminate the agreement, pay no more than \$60 per hour for five hours use, and find some other mowing alternative, leaving the County with a broken mower and most of the repair cost. The fact that we are willing to take such a risk is perhaps a measure of our confidence that nothing like the kind of major repair Craig is worried about is likely to occur.

I would prefer to leave the agreement as is, but if you and/or Craig absolutely need a wording change then let me know what you have in mind and we will consider it.

Thanks,

Bob Martin, P.E.
Clallam County Public Works
Administrative Director

(360) 417-2389
(360)417-2513 - FAX
bmartin@co.clallam.wa.us

From: Jim Pemberton [mailto:JPemberton@ci.sequim.wa.us]
Sent: Monday, March 08, 2010 9:47 AM
To: Martin, Bob
Subject: FW: Mower Use Agreement

Bob,

I just got this this morning from our city attorney. I understand you probably already took this to the commissioner as information today, but could we address his concerns before the County Administrator signs tomorrow?

Thanks,
Jim

From: Craig Ritchie
Sent: Monday, March 08, 2010 9:28 AM
To: Steve Burkett; Jim Pemberton
Subject: RE: Mower Use Agreement

Here is my first cut. My concern is that the document is not clear. I want to be sure we don't pay for a rebuild of a used mower just because we used it during a month when it blew up. It would be more fair to say we pay our proportionate share of the rebuild cost based on the ratio of our total accumulated engine hours over total accumulated engine hours on the engine-hour meter; not just during one month.

My other concern is the \$60/hour "limit." I think Bob was trying to say that we'd be billed at \$60/engine hour, but I don't know.
Craig

From: Steve Burkett
Sent: Sunday, March 07, 2010 5:48 PM
To: Craig Ritchie
Subject: FW: Mower Use Agreement

FYI

From: Jim Pemberton
Sent: Friday, March 05, 2010 11:10 AM
To: Steve Burkett
Subject: FW: Mower Use Agreement

Steve,

FYI

From: Martin, Bob [mailto:BMartin@co.clallam.wa.us]
Sent: Friday, March 05, 2010 9:33 AM
To: Jim Pemberton
Subject: Mower Use Agreement

Jim:

Here's the final version of the agreement on the use of the County mower. I put this on the Board of Commissioner's work session agenda as an informational item Monday 3/8 at 9:30 AM. You're welcome to attend if you wish. The County Administrator should sign this Monday or Tuesday, and I'll then send two originals to you for Steve to sign. Let me know if you have any questions.

Thanks,

<<Sequim Mower Agreement.docx>>

Bob Martin, P.E.

Clallam County Public Works

Administrative Director

(360) 417-2389

(360)417-2513 - FAX

bmartin@co.clallam.wa.us