



City of Port Orchard Council Meeting Agenda
October 8, 2019
6:30 p.m.

REVISED 10/9/2019

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Bek Ashby (Mayor Pro-Tempore)

Chair: ED/Tourism/LT Committee

Staff: Development Director

Finance Committee

KRCC / PSRC TransPol / KRCC TransPol

KRCC PlanPol-alt / PRTPO

Shawn Cucciardi

Finance Committee

Land Use Committee

PSRC EDD-alt

Fred Chang

Utilities Committee

Sewer Advisory Committee (SAC)

Staff: Development Director

Jay Rosapepe

ED/Tourism/LT Committee

Utilities Committee

Sewer Advisory Committee (SAC)

KRCC-alt / KRCC TransPol-alt

Kitsap Transit-alt

John Clauson

Chair: Finance Committee

Staff: Finance Director

Kitsap Public Health District-alt

KEDA/KADA-alt

Cindy Lucarelli

Chair: Utilities and SAC Committee

Staff: Public Works Director

Chair: Chimes and Lights Committee

Staff: City Clerk

KEDA/KADA

Scott Diener

Chair: Land Use Committee

Staff: Development Director

ED/Tourism/LT Committee

Department Directors:

Nicholas Bond, AICP
Development Director

Mark Dorsey, P.E.

Director of Public Works/City Engineer

Tim Drury

Municipal Court Judge

Noah Crocker, M.B.A.

Finance Director

Matt Brown

Police Chief

Brandy Rinearson, MMC, CPPO

City Clerk

Contact us:

216 Prospect Street
Port Orchard, WA 98366
(360) 876-4407

1. CALL TO ORDER

A. Pledge of Allegiance

EXECUTIVE SESSION

Pursuant to RCW 42.30.110(1)(i), the City Council will hold a 15-minute Executive Session to discuss an existing litigation matter. City Council is expected to take action after the Executive Session.

2. APPROVAL OF AGENDA

3. CITIZENS COMMENTS

*(Please limit your comments to **3 minutes** for items listed on the Agenda and that are not for a Public Hearing. When recognized by the Mayor, please state your name for the official record)*

4. CONSENT AGENDA

(Approval of Consent Agenda passes all routine items listed below, which have been distributed to each Councilmember for reading and study. Consent Agenda items are not considered separately unless a Councilmember so requests. In the event of such a request, the item is returned to Business Items.)

A. Approval of Vouchers and Electronic Payments

B. Approval of Payroll and Direct Deposits

C. Approval of September 17, 2019, Work Study Session Minutes *Page 3*

D. Excusal of Councilmember Lucarelli Due to Personal Reasons

5. PRESENTATION

A. South Kitsap School District Update (Winter)

6. PUBLIC HEARING

A. Initiative 976 "Bring Back Our \$30 Car Tabs" (Crocker) *Page 5*

B. Surplus of Proprietary Funds (Water, Sewer and Storm Drainage) Utility Equipment (Rinearson) *Page 11*

7. BUSINESS ITEMS

A. Adoption of an Ordinance Amending Sections 7.01.010 "Definitions" and 7.16.080 "Operation Requirements" of Port Orchard Municipal Code Chapter 7 "Animals" (Rinearson) *Page 15*

B. Adoption of an Ordinance Authorizing a .75 FTE to Increase to 1.0, a 0.5 FTE to Increase to .070 for Police Records Evidence Specialist, a New 0.55 FTE Court Security Officer and Approving an MOU with Teamsters (Lund) *Page 39*

- C. Adoption of an Ordinance Authorizing the Signing of MOU's with the Police Guild Representing Patrol and the Police Guild Representing Sergeants (Lund) **Page 49**
- D. Adoption of a Resolution Opposing Initiative 976 on the November 2019 General Election Ballot (Crocker) **Page 53**
- E. Adoption of a Resolution Declaring Certain Proprietary Funds (Water, Sewer, Storm Drainage) Utility Equipment as Surplus (Rinearson) **Page 61**
- F. Adoption of a Resolution Fixing the Date of a Public Hearing on a Petition to Vacate City Right-of-Way, an Alley Between Cline Avenue and Dekalb Street (Rinearson) **Page 71**
- G. Approval of a Lease Agreement with the Special Olympics Washington, South Kitsap Flag Football Program for Use of a Portion of Van Zee Park (Rinearson) **Page 85**
- H. Approval of the September 24, 2019, Council Meeting Minutes **Page 93**
- I. New Item Added: Adoption of Ordinance No. 039-19, Amending the Temporary Six-Month Moratorium Adopted Under Ordinance No. 020-19-A (Bond) **Page 99**

8. DISCUSSION ITEMS (No Action to be Taken)

- A. 4th of July Fireworks and Kitsap County Code (Mayor)
- B. HB 1406 Relating to Encouraging Investments in Affordable and Supportive Housing (Mayor) **Page 109**

9. REPORTS OF COUNCIL COMMITTEES

10. REPORT OF MAYOR

11. REPORT OF DEPARTMENT HEADS

12. CITIZEN COMMENTS

*(Please limit your comments to **3 minutes** for any items not up for Public Hearing. When recognized by the Mayor, please state your name for the official record)*

13. EXECUTIVE SESSION: Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

14. ADJOURNMENT

COMMITTEE MEETINGS

	Date & Time	Location
Finance	October 8, 2019; 5:00pm	City Hall
Economic Development and Tourism	October 14, 2019; 9:30am	City Hall
Utilities	October 21, 2019; 9:30am	City Hall
Sewer Advisory	November 6, 2019; 6:30pm	City Hall
Land Use	TBD	DCD*
Lodging Tax Advisory	TBD	City Hall
Festival of Chimes & Lights	October 21, 2019; 3:30pm	City Hall
Outside Agency Committees	Varies	Varies

*DCD, Department of Community Development, 720 Prospect Street, Port Orchard

CITY COUNCIL GOOD OF THE ORDER

Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.

The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required.

Meeting materials are available on the City's website at: www.cityofportorchard.us or by contacting the City Clerk's office at (360) 876-4407.

The City of Port Orchard does not discriminate on the basis of disability. Contact the City Clerk's office should you need special accommodations.



**City of Port Orchard
Council Meeting Minutes
Work Study Session Meeting of September 17, 2019**

CALL TO ORDER AND ROLL CALL

Mayor Robert Putaansuu called the meeting to order at 6:30 p.m.

Roll call was taken by the City Clerk as follows:

Mayor Pro-Tem Ashby	Present
Councilmember Chang	Present
Councilmember Clauson	Present
Councilmember Cucciardi	Present
Councilmember Diener	Present
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Community Development Director Bond, Police Chief Brown, City Attorney Cates, City Clerk Rinearson, and Office Assistant II Whisenant were also present.

Pledge of Allegiance

Mayor Putaansuu led the audience and Council in the Pledge of Allegiance.

1. Proposed Ban on Sales of Puppies and Kittens

Mayor Putaansuu discussed the history of the proposed ban on the sales of puppies and kittens and the consideration for adoption into the City code.

Councilmember Ashby explained the previous communications with the citizens group that brought forward and produced a potential redlined ordinance for the city to review.

Councilmembers and Mayor discussed disclosure of the source of the animals obtained, the annual Kitty Hall put on by Kitsap Humane Society that is held at City Hall and provided some minor changes to the revisions presented.

Council Direction: Staff if to bring forward for adoption at the next council meeting and have the City Attorney review the revisions and the “whereas” portions.

2. Bay Street Pedestrian Pathway

Mayor Putaansuu presented the history of the Bay Street Pedestrian Pathway Project and the timeline from its origin to current status. Documents were presented highlighting the funding process, the segmented areas, and timeline of the entire project. Key components of the project were identified and explained; eminent domain, federal funding, permits, processes of obtaining right of way, council direction, and environmental testing.

Mayor, councilmembers and staff discussed the segments and maps identifying the project plans.

Mayor Putaansuu expressed the financials regarding the federally funded project.

Public Works Director Dorsey spoke to councilmembers' questions on the pathway by explaining the historical timeline and course of action, along with impacts to residents or businesses involved.

Council Direction: No direction was given to staff.

3. Updating Speed Limits on Certain Roads (POMC 10.08)

Community Development Director Bond presented the proposed updates to speed limits on certain roads. Police Chief Brown spoke in supported of the changes.

Council Direction: Staff to bring forward for adoption at the next council meeting.

EXECUTIVE SESSION: Pursuant to RCW 42.30.110, the City Council will hold a 15-minute executive session regarding existing and potential litigation.

ADJOURNMENT

The meeting adjourned at 8:05 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Public Hearing 6A
Subject: Initiative 976 “Bring Back our \$30 Car
Tabs”

Meeting Date: October 8, 2019
Prepared by: Noah Crocker
Finance Director
Atty Routing No.: 069-19
Atty Review Date: September 30, 2019

Summary: Washington Initiative 976 is an Initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature took no action on the initiative, so it will be presented to voters during the next general election in November 2019.

If passed, the immediate impact to cities would be a repeal of the authority for city transportation benefit districts (TBDs) to impose a car tab fee. Under current law, cities have the authority to establish TBDs for the purposes of acquiring, constructing, providing, and funding transportation improvements. To date, over 100 cities have formed TBDs to fund local transportation projects, with 62 TBDs receiving revenue from vehicle license fees. Fifty-five of the 62 TBDs use vehicle license fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue to fund local projects.

In addition to repealing city TBD fees, I-976 would do the following:

- Lower motor vehicle and light duty truck weight fees (car tab fees) to \$30;
- Eliminate the 0.3 percent sales tax on vehicle purchases;
- Lower the electric vehicle, snowmobile, and commercial trailer fees; and
- Modify and reduce Sound Transit motor vehicle excise tax provisions.

These actions would reduce direct revenue to cities through TBDs, reduce revenue to Sound Transit, and reduce revenue to numerous state transportation accounts. These state accounts provide funding for the Washington State Department of Transportation and provide significant investment in transportation projects across the state. These projects include but aren't limited to the following: state and local highway construction, maintenance, ferries and support services; multimodal projects like public transportation, rail and bicycle/pedestrian projects; activities of the Washington State Patrol; and more. Below is a chart showing the potential fiscal impacts of the initiative over a six-year period.

More information can be found on the Association of Washington Cities website at <https://wacities.org/data-resources/understanding-the-impacts-of-initiative-976>.

State accounts	Six-year revenue loss (2020-25)
Multimodal account	\$ 1,484,122,000
Motor vehicle account	\$ 265,553,000
WA State patrol highway account	\$ 88,573,000
Transportation partnership account	\$ 45,685,000
Other accounts	\$ 37,968,000
Subtotal	\$ 1,921,901,000
Local governments	
Sound Transit	\$ 1,968,000,000
City TBDs	\$ 349,121,000
Subtotal	\$ 2,317,121,000
Total	\$4,239,022,000
Source: OFM Fiscal Impact Statement for Initiative 976	

Recommendation: Open the Public Hearing to take public comment.

Relationship to Comprehensive Plan: N/A

Fiscal Impact: If passed, direct impact to the City of Port Orchard is an approximate reduction of \$200,000 annually in dedicated revenues for transportation improvements. The indirect financial impact to the region and state are significantly larger and represented in the table above provided by the Washington State Office of Financial Management.

Attachments: Factsheets.



Initiative 976 headed to voters

Potential impacts to state and local transportation funding

What is Initiative 976?



Initiative 976 (I-976) is an initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature did not act on the initiative; therefore, I-976 will be presented to voters during the next general election in November 2019. I-976 is often described as the “\$30 car tab initiative,” but it also proposes significant changes to many other aspects of the state’s transportation system, including repeal of the authority for city Transportation Benefit Districts (TBDs) to impose fees.

What does the initiative propose?

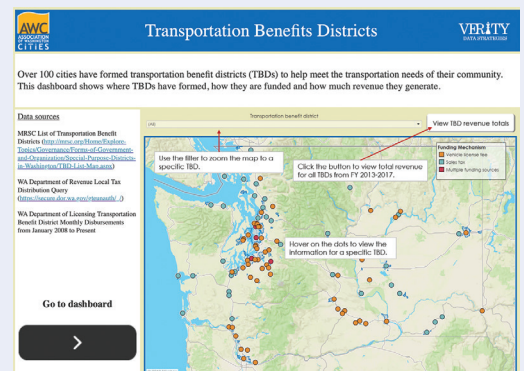
I-976 is an expansive proposal that would significantly change how the state’s transportation system generates revenue. If passed, the initiative would do the following:

- Limit motor vehicle license fees (car tab fees) to \$30 per year;
- Repeal or reduce certain motor vehicle weight fees;
- Repeal the authority for TBDs to impose vehicle fees;
- Reduce electric vehicle fees to \$30 per year;
- Repeal the 0.3% tax on motor vehicle retail sales;
- Require local motor vehicle excise taxes (MVETs) to be calculated using the Kelley Blue Book base value of the vehicle;
- Conditionally repeal the Sound Transit 0.8% MVET; and
- Require the retirement or refinancing of Sound Transit-related bonds.

How would city TBDs and local projects be impacted?

If passed, the immediate impact to cities would be a repeal of the authority for city transportation benefit districts (TBDs) to impose a car tab fee. Under current law, cities have the authority to establish TBDs for the purposes of acquiring, constructing, providing, and funding transportation improvements. To date, more than 100 cities have formed TBDs to fund local transportation projects, with 62 TBDs receiving revenue from vehicle license fees. Fifty-five of the 62 TBDs use vehicle license fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue to fund local projects.

To understand how I-976 would impact your city and others across the state, check AWC’s webpage on I-976 which includes a webinar, fiscal analysis, and other resources.



Contact:

Logan Bahr
Government Relations Advocate
candiceb@awcnet.org

Shannon McClelland
Legislative & Policy Analyst
shannonm@awcnet.org



Additional information

How would state transportation funding be impacted?

If the initiative passes, it would cut revenues to Sound Transit and state accounts used to fund the state transportation budget.

These state accounts provide funding for the Washington State Department of Transportation; state and local highway construction, maintenance, ferries, and support services; multimodal grant programs for public transit, rail improvements, and bicycle/pedestrian projects; activities of the Washington State Patrol; and more.

Over a six year period (2020-2025), the state estimates \$1.92 billion in lost revenue, Sound Transit estimates \$1.97 billion in lost revenue, and cities would directly lose \$350 million in lost TBD license fee revenue.

What can I do as a city elected official to respond to I-976?

Elected officials have many options for officially engaging with initiatives but should be aware of some prohibited actions. AWC has compiled an extensive list of allowed and prohibited actions for city elected officials. For further reference, please review the PDC Guidelines for Local Government Agencies in Election Campaigns which can be found at AWC's I-976 webpage.

What is AWC's role on initiatives during election season?

AWC does not take positions for or against ballot initiatives. AWC's role is to provide our members with educational materials that can be shared with elected officials, staff, and local communities.

Contact:

Logan Bahr

Government Relations Advocate
candiceb@awcnet.org

Shannon McClelland

Legislative & Policy Analyst
shannonm@awcnet.org

Initiative 976 headed to voters with potential impacts to state and local transportation funding

What is Initiative 976 and how would it impact local and state transportation systems?

I-976 is an Initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature took no action on the initiative so it will be presented to voters during the next general election in November 2019.

If passed, the immediate impact to cities would be a repeal of the authority for city transportation benefit districts (TBDs) to impose a car tab fee. Under current law, cities have the authority to establish TBDs for the purposes of acquiring, constructing, providing, and funding transportation improvements. To date, over 100 cities have formed TBDs to fund local transportation projects, with 62 TBDs receiving revenue from vehicle license fees. Fifty-five of the 62 TBDs use vehicle license fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue to fund local projects.

In addition to repealing city TBD fees, I-976 would do the following:

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Eliminate the 0.3 percent sales tax on vehicle purchases;

Lower the electric vehicle, snowmobile, and commercial trailer fees; and,

Modify and reduce Sound Transit motor vehicle excise tax provisions.

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State accounts

Six-year revenue loss (2020-25)

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\$ 1,484,122,000

Motor vehicle account

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Subtotal

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Local governments

Sound Transit

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City TBDs

\$ 349,121,000

Subtotal

\$ 2,317,121,000

Total

\$4,239,022,000

Source: OFM Fiscal Impact Statement for Initiative 976

Port Orchard Impacts

I-976 would eliminate the City of Port Orchard's TBD funding - \$200,000



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Public Hearing 6B

Meeting Date: October 8, 2019

Subject: Surplus of Proprietary Funds (Water, Sewer
and Storm Drainage) Utility Equipment

Prepared by: Brandy Rinearson, MMC
City Clerk

Atty Routing No.: 064-19

Atty Review Date: September 26, 2019

Summary: Pursuant to RCW 35.94.040, whenever the City Council determines that equipment originally acquired for public utility purposes is surplus to the City's needs and is not required for providing continued public utility service, the City Council may, by a resolution and after a public hearing, cause such equipment to be leased, sold, or otherwise conveyed. City staff has determined that the equipment described on the attached Exhibit "B" no longer serves a purpose for the City and is no longer required for providing continued public utility service. Therefore, City staff requests that the City Council declare the listed items of utility equipment to be surplus to the needs of the City. A Resolution is under Business Items for action.

Recommendation: Open the Public Hearing to take public comment.

Relationship to Comprehensive Plan: N/A

Fiscal Impact: Any funds from the sale of the equipment will be returned to the appropriate enterprises Water, Sewer, Storm Drainage fund balances.

Attachment: Attachment "B".

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Attachment B - Enterprise

Description	Est. Value
Steam Cleaner Jenny Super 200C SN19014	\$ -
Gas Monitor & Harness	\$ -
Blue Print Copier OCE M#7050 S#705005319	\$ -
Grease Pump Lincoln w/ reels & hoses M#84691 S# NSN	\$ -
2001 Dodge Ram PU S#3B7KC26Z01M545762	\$ 1.00
BW Gas Alert Micro 5 Ser #SE107-009238	\$ -
Hand Held Meter Reader #1 AR5502	\$ -
Hand Held Meter Reader #2 AR5502	\$ -
GPS unit Trimble Geo XM	\$ -
USB Modem LG VL6000LTE USB IMEI 990000451049797	\$ -
Well # 7 & 5 Fencing	\$ -
99 Dodge Ram PU S#3B7KC26Z2XM559431	\$ 1.00
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D38	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D5D	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D39B7	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D399F	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4C97	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D4D	\$ -
Apple 5 S DX3QX37GFNJJ	\$ -
Apple 5S DX3QX1HFFNJJ	\$ -
Apple 5S DX3QX22UFNJJ	\$ -
Laptop Scada #3KDM5S1	\$ -
Apple 5S F17RD0MBH2XQ	\$ -
Apple 5S F17RC438H2XQ	\$ -
Samsung S6 cell phone F17RD0W1H2XR	\$ -
Apple S #F17RTNQJH2XG cell phone	\$ -
Stihl BG86 HH Blower	\$ -
Flip phone #99000612038638	\$ -
HP color lazerjet pro printer	\$ -
Dell Latitude D505 Model #PP10L SN#2636117317	\$ -
Cell phone Nokia Lumia #IMEI3551260602022938	\$ -
Samsung S6 Cell phone F17RCZ1H2XR	\$ -
Apple 5s DX3QX3V8FNJJ cell phone	\$ -
Dell optiplex 786DHB2 110369-201657	\$ -

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City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Business Item 7A
Subject: Adoption of an Ordinance Amending
Sections 7.01.010 "Definitions" and
7.16.080 "Operation Requirements" of
Port Orchard Municipal Code Chapter 7
"Animals"

Meeting Date: October 8, 2019
Prepared by: Brandy Rinearson, MMC
City Clerk
Atty Routing No: 069-19
Atty Review Date: October 4, 2019

Summary: On August 4, 2019, an animal welfare advocate reached out to the City asking the sales of puppies and kittens initiative to be placed back on the City's agenda. At the August 13, 2019, City Council meeting, the City Clerk asked if Council would re-consider amending the Code to include the ban of sales of puppies and kittens. Council directed this item be discussed at the September 17, 2019, Council Work Study Session.

At that Session, Council was provided a redline ordinance, prepared by the animal welfare advocates, to consider for adoption. At that meeting there were minor changes to that proposal. Those included, to remove the Animal Rescue groups from the ordinance, as they are not regulated by the State and to include "adoption" not just "sales" of animals; and include the Animal Control Agency in the requirement to maintain documentation of where the animal came from.

Those changes have been implemented in the Ordinance provided in the packet.

Relationship to Comprehensive Plan: Not applicable.

Recommendation: Approve the Ordinance as presented.

Motion for consideration: "I move to adopt an ordinance amending sections 7.01.010 "Definitions" and 7.16.080 "Operation Requirements" of the Port Orchard Municipal Code Chapter 7 "Animals", as presented.

Fiscal Impact: None.

Alternatives: Do not adopt and provide staff with direction.

Attachments: Redline Ordinance and Final Draft Ordinance.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,
AMENDING SECTIONS 7.01.010 "DEFINITIONS" AND 7.16.080
"OPERATION REQUIREMENTS" OF TITLE 7 "ANIMALS";~~AMENDING~~
~~CERTAIN SECTIONS OF TITLE 7 ("ANIMALS") OF THE PORT~~
~~ORCHARD MUNICIPAL CODE TO PROHIBIT THE SALE OF DOGS~~
~~AND CATS OBTAINED FROM "PUPPY MILLS" OR "KITTEN MILLS";~~
PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to limit and set conditions on the possession or maintenance of animals in order to preserve the public peace and safety and to assure the humane treatment of animals ~~the City Council has determined that it is in the best interests of the City of Port Orchard to amend certain sections of Title 7 of the Port Orchard Municipal Code, entitled "Animals", to prohibit the sale of dogs and cats in pet shops, in an effort to reduce costs to the City and its residents, protect the citizens of the City who may purchase dogs and cats from a pet shop that have been supplied from puppy mills or kitten mills, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more healthy and humane environment in the City; and~~

WHEREAS, a significant number of puppies and kittens sold at pet shops come from commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively). ~~According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and~~

WHEREAS, the documented abuses endemic to puppy and kitten mills include: over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of sanitation; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, pet shop puppies may pose a health risk to consumers, as over one hundred Americans

~~have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet shop puppies; and~~

~~WHEREAS, current federal and Washington State regulations do not adequately address the sale of animals in pet shops; and~~

~~WHEREAS, this ordinance will not affect consumers' ability to obtain dogs and cats from an animal welfare organization, rescue group, or from a breeder where the consumer can see directly the conditions in which the cats and dogs are bred, or can confer directly with the breeder concerning those conditions;~~ **NOW THEREFORE,**

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Port Orchard Municipal Code Section 7.01.010 ("Definitions") is hereby amended as follows (deleted text in ~~strikethrough~~; new text in underline):

7.01.010 Definitions.

Within the provisions of this title, the following definitions shall apply:

- (1) "Animal" is a female, spayed female, male or neutered male animal, including any goat, horse, mule, cattle, swine or other domestic livestock used or raised on a farm, and any living vertebrate creature including reptiles or birds and excluding any marine mammals, fish or man. Animal also includes dogs or cats unless specifically excluded.
- (2) "Animal control authority" means the Kitsap Humane Society or other agency or organization designated as the animal control authority in an animal control services agreement.
- (3) "Abandonment" means the owner has left the animal for a period of 24 hours without making effective provisions for its proper care.
- (4) "Adequate shelter" means a moisture proof and wind proof structure that allows the animal to turn around freely, sit easily, stand and lie normally, and that keeps the animal clean, dry and comfortable.
- (5) "At large" is off the premises of the owner or keeper of the dog, or animal, and not under restraint by leash or chain or not otherwise controlled by a competent person.
- (6) "Boarding kennel" means a commercial establishment with the purpose of keeping, caring for, and/or boarding dogs and or cats. No animals shall be offered for sale and no breeding for commercial sale shall occur on the premises.
- (7) "Broker" means a person that transfers a dog or cat from a commercial kennel or mill for resale by another person.

~~(78)~~ "Cat" is a female, spayed female, male, or neutered male cat.

~~(89)~~ "Commercial kennel" means an establishment for the breeding and/or sale of dogs and/or cats.

~~(910)~~ "Court" means Port Orchard municipal court.

~~(1011)~~ "Dangerous animal" means any animal that:

(a) Inflicts severe injury on a human being without provocation on public or private property;

(b) Kills a domestic animal without provocation while the attacking animal is off the owner's property; or

(c) Has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such, and the animal again aggressively bites, attacks, or endangers the safety of humans.

This definition shall not include a police dog as defined in RCW 4.24.410.

~~(1112)~~ "Dog" is a female, spayed female, male or neutered male dog.

~~(1213)~~ "Dog handler" means a law enforcement officer who has successfully completed training as prescribed by the Washington State Criminal Justice Training Commission in police dog handling.

~~(1314)~~ "Domestic livestock" means any male or female hoofed animal.

~~(1415)~~ "Grooming parlor" means any place, establishment, store or department of any store, that handles live dogs and/or cats and offers to bathe, trim, or groom the animal in any manner.

~~(1516)~~ "Hobby kennel" means a noncommercial residential kennel with the purpose of keeping dogs and or cats owned by one individual. A hobby kennel is limited to a maximum of 10 dogs and/or cats.

~~(1718)~~ "Inhumane treatment" means every act, omission, or neglect whereby unnecessary or unjustified physical pain or suffering is caused or permitted.

~~(1718)~~ "Local law enforcement officer" means the police chief or his/her designee.

(19) "Mill – puppy or kitten" means an establishment that breeds dogs and/or cats for sale, typically on an intensive basis and in conditions regarded as inhumane in which profit is prioritized over the well being of the animals and/or where the health and welfare of the animals are not adequately provided for.

~~(1820)~~ "Neglect" means the failure to provide proper food, potable water, adequate shelter, opportunity for exercise, or other care normal, usual, and proper for an animal's health and well being.

(21) "Offer for adoption" means to allow showcasing of animals for adoption by bonafide animal care and control agencies as defined in RCW 16.52.011.

(22) "Offer for sale" means to sell, rent, lease, offer for sale or consignment, advertise for the sale, rent, or lease of, barter, auction, give away, or otherwise dispose of a live animal.

~~(1923)~~ "Owner" is any person or entity that controls, maintains, possesses, has custody of, or otherwise provides care, shelter, protection, restraint, refuge, food, or nourishment in such a manner as to control an animal's activities.

~~(2024)~~ "Pet shop" is any place, establishment, store, or department of any store, that handles live animals, including dogs, cats, rabbits, birds, reptiles, other fowl, or fish, and offers to sell or rent to the public such animals at retail or wholesale.

~~(2125)~~ "Police dog" means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

~~(2226)~~ "Provocation" means teasing, taunting, striking or other like action, or the unauthorized entry onto the premises where an animal is kept.

~~(2327)~~ "Potentially dangerous" means an animal that, when unprovoked:

(a) Chases or approaches a person upon the streets, sidewalks or any other public grounds in a menacing fashion or apparent attitude of attack;

(b) Causes injury to or otherwise threatens the safety of a human or domestic animal; or

(c) Inflicts a bite upon a human or domestic animal either on public or private property.

~~(2428)~~ "Secure enclosure" means a chain link enclosure consisting of secure sides and a secure top, or if without top, having sides which are at least eight feet high, and with a floor permanently attached to the sides, or having sides which are embedded at least one foot into the ground, and which is constructed of such material and closed in such manner that the animal(s) cannot exit on their own.

~~(2529)~~ "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

~~(2630)~~ "Stray" is any animal loitering in a neighborhood or any public place without an apparent owner or home.

~~(2731)~~ "Under control" means the animal is under voice and/or signal control so as to be thereby restrained from approaching any bystander or other animal or from causing or being the cause of physical or property damage when off a leash or off the premises of the owner.

~~(2832)~~ The present tense shall include the past and future tenses, and the future, the present. Each gender shall include all genders. The singular number shall include the plural and the singular.

Whenever a power is granted to or a duty is imposed upon the humane society, poundmaster or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized pursuant to the law by the officer unless this chapter expressly provides otherwise.

SECTION 2. Port Orchard Municipal Code Section 7.16.080 ("Operation requirements")

is hereby amended as follows (new text in underline):

7.16.080 Operation requirements.

(1) Proper diet, fresh potable water, shelter, and medical attention shall be provided to all animals.

(2) Food shall be stored in a fashion, which prevents contamination or infestation.

(3) The facilities shall be maintained and operated in a healthful, sanitary manner free from disease, infestation and foul odors.

(4) Sick animals shall be isolated from healthy animals in quarters adequately ventilated to prevent contamination of healthy animals.

(5) Animals shall receive adequate food, water, and care on days when the facility is not open for business.

(6) Animals shall be immunized from disease as is usual and customary for the animal's age and species.

(7) Ownership of animal offered for sale or adoption: the owner/manager of the pet shop or animal care and control agencies as defined in RCW 16.52.011, shall maintain written documentation of the source of all animals offered on consignment or otherwise being sold for compensation at a pet shop. Such documentation shall include a copy of the valid commercial kennel license for the source at time of breeding and disbursement. Records of all animals, reptiles, fish, or other animals offered for sale or adoption shall be readily available to enforcement and licensing agencies.

(8) Pet shops are prohibited from offering for sale dogs or cats of any age which have been obtained from a puppy mill or kitten mill, commercial kennel, or through a broker, as defined in POMC 7.01.010.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this _____ day of September 2019.

Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

Brandy Rinearson, CMC, City Clerk

xxx, Councilmember

APPROVED AS TO FORM:

Sharon Cates, City Attorney

PUBLISHED:
EFFECTIVE DATE:

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,
AMENDING SECTIONS 7.01.010 "DEFINITIONS" AND 7.16.080
"OPERATION REQUIREMENTS" OF TITLE 7 "ANIMALS";
PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING
AN EFFECTIVE DATE.**

WHEREAS, the City Council desires to limit and set conditions on the possession or maintenance of animals in order to preserve the public peace and safety and to assure the humane treatment of animals; **NOW THEREFORE**,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Port Orchard Municipal Code Section 7.01.010 "Definitions" is hereby amended as follows:

7.01.010 Definitions.

Within the provisions of this title, the following definitions shall apply:

- (1) "Animal" is a female, spayed female, male or neutered male animal, including any goat, horse, mule, cattle, swine or other domestic livestock used or raised on a farm, and any living vertebrate creature including reptiles or birds and excluding any marine mammals, fish or man. Animal also includes dogs or cats unless specifically excluded.
- (2) "Animal control authority" means the Kitsap Humane Society or other agency or organization designated as the animal control authority in an animal control services agreement.
- (3) "Abandonment" means the owner has left the animal for a period of 24 hours without making effective provisions for its proper care.
- (4) "Adequate shelter" means a moisture proof and wind proof structure that allows the animal to turn around freely, sit easily, stand and lie normally, and that keeps the animal clean, dry and comfortable.
- (5) "At large" is off the premises of the owner or keeper of the dog, or animal, and not under restraint by leash or chain or not otherwise controlled by a competent person.
- (6) "Boarding kennel" means a commercial establishment with the purpose of keeping, caring for, and/or boarding dogs and or cats. No animals shall be offered for sale and no breeding for commercial sale shall occur on the premises.
- (7) "Broker" means a person that transfers a dog or cat from a commercial kennel or mill for resale by another person.
- (8) "Cat" is a female, spayed female, male, or neutered male cat.

(9) "Commercial kennel" means an establishment for the breeding and/or sale of dogs and/or cats.

(10) "Court" means Port Orchard municipal court.

(11) "Dangerous animal" means any animal that:

(a) Inflicts severe injury on a human being without provocation on public or private property;

(b) Kills a domestic animal without provocation while the attacking animal is off the owner's property; or

(c) Has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such, and the animal again aggressively bites, attacks, or endangers the safety of humans.

This definition shall not include a police dog as defined in RCW 4.24.410.

(12) "Dog" is a female, spayed female, male or neutered male dog.

(13) "Dog handler" means a law enforcement officer who has successfully completed training as prescribed by the Washington State Criminal Justice Training Commission in police dog handling.

(14) "Domestic livestock" means any male or female hoofed animal.

(15) "Grooming parlor" means any place, establishment, store or department of any store, that handles live dogs and/or cats and offers to bathe, trim, or groom the animal in any manner.

(16) "Hobby kennel" means a noncommercial residential kennel with the purpose of keeping dogs and or cats owned by one individual. A hobby kennel is limited to a maximum of 10 dogs and/or cats.

(17) "Inhumane treatment" means every act, omission, or neglect whereby unnecessary or unjustified physical pain or suffering is caused or permitted.

(18) "Local law enforcement officer" means the police chief or his/her designee.

(19) "Mill – puppy or kitten" means an establishment that breeds dogs and/or cats for sale, typically on an intensive basis and in conditions regarded as inhumane in which profit is prioritized over the wellbeing of the animals and/or where the health and welfare of the animals are not adequately provided for.

(20) "Neglect" means the failure to provide proper food, potable water, adequate shelter, opportunity for exercise, or other care normal, usual, and proper for an animal's health and wellbeing.

(21) "Offer for adoption" means to allow showcasing of animals for adoption by bonafide animal care and control agencies as defined in RCW 16.52.011.

(22) "Offer for sale" means to sell, rent, lease, offer for sale or consignment, advertise for the sale, rent, or lease of, barter, auction, give away, or otherwise dispose of a live animal.

(23) "Owner" is any person or entity that controls, maintains, possesses, has custody of, or otherwise provides care, shelter, protection, restraint, refuge,

food, or nourishment in such a manner as to control an animal's activities.

(24) "Pet shop" is any place, establishment, store, or department of any store, that handles live animals, including dogs, cats, rabbits, birds, reptiles, other fowl, or fish, and offers to sell or rent to the public such animals at retail or wholesale.

(25) "Police dog" means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

(26) "Provocation" means teasing, taunting, striking or other like action, or the unauthorized entry onto the premises where an animal is kept.

(27) "Potentially dangerous" means an animal that, when unprovoked:

(a) Chases or approaches a person upon the streets, sidewalks or any other public grounds in a menacing fashion or apparent attitude of attack;

(b) Causes injury to or otherwise threatens the safety of a human or domestic animal; or

(c) Inflicts a bite upon a human or domestic animal either on public or private property.

(28) "Secure enclosure" means a chain link enclosure consisting of secure sides and a secure top, or if without top, having sides which are at least eight feet high, and with a floor permanently attached to the sides, or having sides which are embedded at least one foot into the ground, and which is constructed of such material and closed in such manner that the animal(s) cannot exit on their own.

(29) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(30) "Stray" is any animal loitering in a neighborhood or any public place without an apparent owner or home.

(31) "Under control" means the animal is under voice and/or signal control so as to be thereby restrained from approaching any bystander or other animal or from causing or being the cause of physical or property damage when off a leash or off the premises of the owner.

(32) The present tense shall include the past and future tenses, and the future, the present. Each gender shall include all genders. The singular number shall include the plural and the singular.

Whenever a power is granted to or a duty is imposed upon the humane society, poundmaster or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized pursuant to the law by the officer unless this chapter expressly provides otherwise.

SECTION 2. Port Orchard Municipal Code Section 7.16.080 "Operation requirements" is hereby amended as follows:

7.16.080 Operation requirements.

- (1) Proper diet, fresh potable water, shelter, and medical attention shall be provided to all animals.
- (2) Food shall be stored in a fashion, which prevents contamination or infestation.
- (3) The facilities shall be maintained and operated in a healthful, sanitary manner free from disease, infestation and foul odors.
- (4) Sick animals shall be isolated from healthy animals in quarters adequately ventilated to prevent contamination of healthy animals.
- (5) Animals shall receive adequate food, water, and care on days when the facility is not open for business.
- (6) Animals shall be immunized from disease as is usual and customary for the animal's age and species.
- (7) Ownership of animal offered for sale or adoption: the owner/manager of the pet shop or animal care and control agencies as defined in RCW 16.52.011, shall maintain written documentation of the source of all animals offered on consignment or otherwise being sold for compensation at a pet shop. Such documentation shall include a copy of the valid commercial kennel license for the source at time of breeding and disbursement. Records of all animals, reptiles, fish, or other animals offered for sale shall be readily available to enforcement and licensing agencies.
- (8) Pet shops are prohibited from offering for sale dogs or cats of any age which have been obtained from a puppy mill or kitten mill, commercial kennel, or through a broker, as defined in POMC 7.01.010.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 8th day of October 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

SPONSOR:

Bek Ashby, Councilmember

APPROVED AS TO FORM:

Sharon Cates, City Attorney

PUBLISHED:
EFFECTIVE DATE:

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City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

REVISED

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7B</u>	Meeting Date:	<u>October 8, 2019</u>
Subject:	<u>Adoption of an Ordinance Authorizing a</u>	Prepared by:	<u>Matt Brown</u>
	<u>.75 FTE to Increase to 1.0, a 0.5 FTE to</u>		<u>Chief of Police</u>
	<u>Increase to .070 for Police Records</u>	Atty Routing No.:	<u>069-19</u>
	<u>Evidence Specialist, a New 0.55 FTE</u>	Atty Review Date:	<u>October 3, 2019</u>
	<u>Court Security Officer and Approving an</u>		
	<u>MOU with Teamsters</u>		

Summary: The Chief of Police has reviewed the organizational structure, skill sets, and capabilities of his current staff and requests a reallocation of hours in the department, as well as the establishment of a new Court Security Officer position. The Chief would like to fill his FTE count and hours appropriated to the department by increasing the hours of current employees as well as using some of the budgeted hours for additional court security.

The Administrative Services Division of the Police Department handles all information flow internally and externally related to the day-to-day function of the agency. The division is currently staffed with 2.25 FTE (one 1.0 FTE, one 0.75 FTE, and one 0.55 FTE.) During the 2019-2020 Biennial Budgeting process, the City Council approved an additional 1.0 FTE to this division. The total budgeted staff FTE count is 3.25 with 2.25 currently filled.

Additionally, the Police Department currently staffs the Port Orchard Municipal Court with one Public Service Officer. This special commission officer is responsible for conducting security checks at the entrance to the court, providing security within the courtroom, escorting and remaining with restrained prisoners in the courtroom, and transporting prisoners to the jail.

The Chief of Police and the Court Administrator recently conducted a security audit of the courtroom and recognized that one officer is not sufficient to accomplish these tasks and keep the public, the court, and the judge safe. One officer can manage the courtroom or the security station, but not both at one time. There is also additional risk associated with one officer taking a person into custody, while then leaving the entrance and courtroom unsecured.

The Court is currently working on additional options for security, but until that time, the courtroom must be staffed by an additional special commission officer.

The Chief's re-allocation proposal is as follows:

- 1) Current 30 hr/wk employee: Increase to 40 hours/wk which is an increase of 10 hours per week
- 2) Current 20 hr/wk employee: Increase to 28 hours/wk which is an increase of 8 hours per week
- 3) New Court Security Officer: Up to 22 hours/wk which is an additional 22 hours per week

The proposed structure utilizes the full 1.0 FTE count or full 40 hrs which is currently unfilled within existing staff. Thus, there is no budgetary impact. The proposed changes rewards current employees with additional hours of employment while also adds a part time court security officer.

If approved, the FTE Count will be as follows:

- 1) Two (2) 1.0 FTE Police Records Evidence Specialists
- 2) One (1) 0.70 FTE Police Records Evidence Specialist (not full time)
- 3) One (1) 0.55 FTE Court Security Officer

Recommendation: With the support of Mayor Putaansuu and the Finance Director, I recommend the City Council approve the recommended reallocation and additional court security officer. Additionally, in conjunction with the memorandum of understanding with Teamsters Local #589, increase the hours of the current 30 hour position of Police Records Evidence Specialist to 40 hours per week.

Motion for consideration: “I move to adopt an Ordinance approving the reallocation of hours for Police Records Evidence Specialist employees; authorizing the execution of the memorandum of understanding with the Teamsters relating thereto; and approving the creation of a new 0.55 FTE, a job description and salary range for the position of Court Security Officer as described above and provided for in the attachments.”

Fiscal Impact: There is no additional fiscal impact.

Alternatives: Not approve this request and provide alternative guidance.

Attachments: Ordinance XXXX, Court Security Officer Job Description, Court Security Officer Pay Range, Teamsters MOU (The MOU's are not public documents until approved by Council and signed by the parties and are therefore not attached).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, TO APPROVE A CHANGE IN FTE COUNT FOR THE POLICE RECORDS EVIDENCE SPECIALIST FROM 3.25 TO 2.7; ADOPT A JOB DESCRIPTION AND SALARY SCALE FOR A NEW 0.55 FTE COURT SECURITY OFFICER; AND APPROVE A MEMORANDUM OF UNDERSTANDING WITH TEAMSTERS LOCAL #589 TO MOVE A CURRENT EMPLOYEE FROM PART-TIME TO FULL-TIME POLICE RECORDS EVIDENCE SPECIALIST; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the current workload and a recent shift of responsibilities in the police department requires additional employee hours in the Administrative Services Division; and

WHEREAS, the Chief of Police and the Court Administrator recently conducted a security audit of the courtroom and determined that one officer is not sufficient to accomplish these tasks and keep the public, the court, and the judge safe; and

WHEREAS, the City's 2019-2020 Biennial budget supports the conversion of a current part-time Police Records Evidence Specialist job classification to a full time position; and

WHEREAS, the Chief of Police has reviewed the organizational structure, skill sets, and capabilities of his current staff and requests a reallocation of hours in the department, as well as the creation of a new Court Security Officer position; and

WHEREAS, the Chief of Police has identified a current part-time (30 hour per week) Police Records Evidence Specialist employee who is interested and willing to convert to a full-time (40 hour per week) Police Records Evidence Specialist position; and

WHEREAS, the Chief of Police identified a current 20 hour per week Police Records Evidence Specialist employee who is interested and willing to convert to a 28 hours per week Police Records Evidence Specialist position; and

WHEREAS, Teamsters Local #589 has agreed with the City's plan to convert the current part-time (30-hour) employee in the Police Records Evidence Specialist position to a full-time (40 hour) Police Records Evidence Specialist position without utilizing the testing process provided for in the City's civil service rules; and

WHEREAS, there is no change to the established rate of pay for the Police Records Evidence Specialist positions; and

WHEREAS, a pay rate and job description for a Court Security Officer has been proposed; and

WHEREAS, the changes referenced above will mean the Police Records Evidence Specialist FTE count is reduced from 3.25 FTE to 2.70 FTE; and

WHEREAS, the changes referenced above will mean the Court Security Officer FTE count is established at a 0.55 FTE; and

WHEREAS, the changes referenced above can be absorbed within the Police Department's 2019-2020 biennial budget authority for the reallocation and new position; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes the conversion of a current part-time (30 hour per week) Police Records Evidence Specialist position to a full-time (40 hour per week) Police Records Evidence Specialist position, and approves the execution of the Memorandum of Understanding with Teamsters Local #589 related thereto, which is attached hereto as Exhibit A.

SECTION 2. The City Council hereby authorizes the Police Department to convert a 20 hour per week Police Records Evidence Specialist position to a 28 hour per week Police Records Evidence Specialist position.

SECTION 3. The City Council hereby creates a 0.55 FTE position titled Court Security Officer, approves the job description therefor, which is attached hereto as Exhibit B, and approves the salary range set forth in Exhibit C.

SECTION 4. The City Council hereby removes the prior 1.0 FTE Records Evidence Specialist authorized during the 2019-2020 Budget process with the changes reflected above.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 6. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 7. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 8th day of October 2019.

Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

Brandy Rinearson, MMC, City Clerk

John Clauson, Councilmember

APPROVED AS TO FORM:

Sharon Cates, City Attorney

PUBLISHED:
EFFECTIVE DATE:

CITY OF PORT ORCHARD

JOB DESCRIPTION

Job Title	Court Security Officer	FLSA	Non-exempt
Department	Police Department	Civil Service	Yes, if full-time
Reports To	Police Sergeant	Union	Non-union
Revisions	October 2019	Work hours	Part or Full Time

Purpose

This is a responsible special commission civilian law enforcement classification that requires a variety of law enforcement duties, initiative, independent judgment, and enthusiasm. The Court Security Officer must positively interact with community members and professionals from other government agencies.

General Function

The employee's duties include court transport and security. The position reports directly to the Police Sergeant and interacts with other departments.

Supervision Responsibilities

This is a non-supervisory position.

Essential Job Functions

This job description reflects general details as necessary to describe the principal functions of the job, the level of knowledge and skill typically required, and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including working in other functional areas to cover absences or relief, to equalize peak work periods, or to otherwise balance the workload.

- Serves as an armed officer within the court providing security to the court, the judge, other employees, and the public. Escort and remain with restrained prisoners in the courtroom. Take individuals into custody when ordered by the municipal court judge. Ensure the completion and delivery of related prisoner paperwork.
- Transfer and transport municipal court prisoners between the municipal court and correctional facilities according to established procedures.
- Complete required reports, affidavits, logs and forms on a daily basis.

Knowledge, Skills and Abilities

While requirements may be representative of minimum levels of knowledge, skill, and ability, to perform this job successfully the incumbent will possess the abilities or aptitudes to perform each duty proficiently.

- Work independently and make appropriate decisions regarding the methods and priorities of enforcement.
- Safely operate police vehicles.
- Communicate effectively with city staff and the general public, including hostile persons and people in stressful situations. Verbally present ideas and information in a clear and concise manner.
- Work under limited supervision and use independent judgment. Foster cooperative work relationships with those individuals contacted in the performance of required duties.
- Prepare legible and accurate written reports.
- Exercises discretion in regulating daily activities and in using limited enforcement powers.
- Understand and comply with all police department policies and procedures as well as local, state, and federal law.
- Knowledge an operation of office equipment including computers and various software applications.
- Qualify with Department firearm and attend related training.
- Operate a motor vehicle and provide effective and proper prisoner security and movement.
- Interpret federal, state, county, and city laws and regulations.
- Recognize public and personal safety and health hazards.
- Work various hours as required.
- Certified in first aid, CPR, and the Automated External Defibrillator, or become so after employment.

Contacts and Relationships

The Court Security Officer will have extensive contact with citizens of the community, various city departments and their personnel, law enforcement, and court personnel. The employee will comply with all police department policies, procedures, and directives including the Police Code of Ethics.

Working Conditions

The Court Security Officer may either work indoors or outdoors as required. Outdoor work environment requires the operation of a motor vehicle and walking, bending, stooping, reaching, and at times running may be required. Some local and in-state travel may be required. The employee may be exposed to extremes in temperature, noxious fumes, and loud noises. Courtroom work may involve prolonged periods of standing, taking suspects into custody, physical altercations, and dealing with upset or potentially violent people. This employee is required to wear a Court Security Officer uniform.

Physical Requirements

- Able to walk, bend, stoop, reach, and run.
- Able to participate in defensive tactics and defend persons and property when necessary
- Able to work outdoors in inclement weather and various temperatures.
- Able to stand for prolonged periods of time.

Minimum Requirements

- High School diploma or GED.
- Must be 21 years of age at the time of application.
- Be a United States citizen or legal permanent resident.
- Write and speak English fluently.
- Valid Washington driver's license or ability to obtain one prior to employment.
- Must have or acquire within one year of hiring any mandatory training required by the City and/or State.
- An exemplary driving record.
- Must be bondable.
- Successfully pass a thorough background investigation including polygraph, psychological, pre-employment drug test and medical examination.

Desired Qualifications

- College-level coursework in Criminal Justice, Sociology, or related field.
- Two years of progressively responsible customer service experience.
- Graduate of certified full time or reserve academy
- Experience in law enforcement or any equivalent combination of education, training, and experience that provides the knowledge, skills, and abilities to perform the work.

The City may consider any combination of experience and training that provides the desired skills, knowledge and abilities.

Requirements outlined in this job description may be subject to modification to reasonably accommodate individuals with disabilities who are otherwise qualified for employment in this position. However, the City may be unable to hire an individual with a disability if the disability poses a significant threat of substantial harm to the health and safety of the individual or his/her coworkers, and the threat cannot be eliminated with reasonable accommodation.

This job description does not constitute an employment agreement between the Employer and employee and is subject to change as the needs of the Employer and requirements of the job change.

Exhibit C

Hourly Pay Rate

Court Security Officer

After 5 Yrs	23.19
After 4 yrs	22.63
After 3 yrs	22.08
After 2 yrs	21.54
After 1 yr	21.01
After 6 mos	20.50
First 6 mos	20.00

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City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7B</u>	Meeting Date:	<u>October 8, 2019</u>
Subject:	<u>Adoption of an Ordinance Authorizing a</u>	Prepared by:	<u>Matt Brown</u>
	<u>.75 FTE to Increase to 1.0, a 0.5 FTE to</u>		<u>Chief of Police</u>
	<u>Increase to .070 for Police Records</u>	Atty Routing No.:	<u>069-19</u>
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- 2) Current 20 hr/wk employee: Increase to 28 hours/wk which is an increase of 8 hours per week
- 3) New Court Security Officer: Up to 22 hours/wk which is an additional 22 hours per week

The proposed structure utilizes the full 1.0 FTE count or full 40 hrs which is currently unfilled within existing staff. Thus, there is no budgetary impact. The proposed changes rewards current employees with additional hours of employment while also adds a part time court security officer.

If approved, the FTE Count will be as follows:

- 1) Two (2) 1.0 FTE Police Records Evidence Specialists
- 2) One (1) 0.70 FTE Police Records Evidence Specialist (not full time)
- 3) One (1) 0.55 FTE Court Security Officer

Recommendation: With the support of Mayor Putaansuu and the Finance Director, I recommend the City Council approve the recommended reallocation and additional court security officer. Additionally, in conjunction with the memorandum of understanding with Teamsters Local #589, increase the hours of the current 30 hour position of Police Records Evidence Specialist to 40 hours per week.

Motion for consideration: “I move to adopt an Ordinance approving the reallocation of hours for Police Records Evidence Specialist employees; authorizing the execution of the memorandum of understanding with the Teamsters relating thereto; and approving the creation of a new 0.55 FTE, a job description and salary range for the position of Court Security Officer as described above and provided for in the attachments.”

Fiscal Impact: There is no additional fiscal impact.

Alternatives: Not approve this request and provide alternative guidance.

Attachments: Ordinance XXXX, Court Security Officer Job Description, Court Security Officer Pay Range, Teamsters MOU

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, TO APPROVE A CHANGE IN FTE COUNT FOR THE POLICE RECORDS EVIDENCE SPECIALIST FROM 3.25 TO 2.7; ADOPT A JOB DESCRIPTION AND SALARY SCALE FOR A NEW 0.55 FTE COURT SECURITY OFFICER; AND APPROVE A MEMORANDUM OF UNDERSTANDING WITH TEAMSTERS LOCAL #589 TO MOVE A CURRENT EMPLOYEE FROM PART-TIME TO FULL-TIME POLICE RECORDS EVIDENCE SPECIALIST; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the current workload and a recent shift of responsibilities in the police department requires additional employee hours in the Administrative Services Division; and

WHEREAS, the Chief of Police and the Court Administrator recently conducted a security audit of the courtroom and determined that one officer is not sufficient to accomplish these tasks and keep the public, the court, and the judge safe; and

WHEREAS, the City's 2019-2020 Biennial budget supports the conversion of a current part-time Police Records Evidence Specialist job classification to a full time position; and

WHEREAS, the Chief of Police has reviewed the organizational structure, skill sets, and capabilities of his current staff and requests a reallocation of hours in the department, as well as the creation of a new Court Security Officer position; and

WHEREAS, the Chief of Police has identified a current part-time (30 hour per week) Police Records Evidence Specialist employee who is interested and willing to convert to a full-time (40 hour per week) Police Records Evidence Specialist position; and

WHEREAS, the Chief of Police identified a current 20 hour per week Police Records Evidence Specialist employee who is interested and willing to convert to a 28 hours per week Police Records Evidence Specialist position; and

WHEREAS, Teamsters Local #589 has agreed with the City's plan to convert the current part-time (30-hour) employee in the Police Records Evidence Specialist position to a full-time (40 hour) Police Records Evidence Specialist position without utilizing the testing process provided for in the City's civil service rules; and

WHEREAS, there is no change to the established rate of pay for the Police Records Evidence Specialist positions; and

WHEREAS, a pay rate and job description for a Court Security Officer has been proposed; and

WHEREAS, the changes referenced above will mean the Police Records Evidence Specialist FTE count is reduced from 3.25 FTE to 2.70 FTE; and

WHEREAS, the changes referenced above will mean the Court Security Officer FTE count is established at a 0.55 FTE; and

WHEREAS, the changes referenced above can be absorbed within the Police Department's 2019-2020 biennial budget authority for the reallocation and new position; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes the conversion of a current part-time (30 hour per week) Police Records Evidence Specialist position to a full-time (40 hour per week) Police Records Evidence Specialist position, and approves the execution of the Memorandum of Understanding with Teamsters Local #589 related thereto, which is attached hereto as Exhibit A.

SECTION 2. The City Council hereby authorizes the Police Department to convert a 20 hour per week Police Records Evidence Specialist position to a 28 hour per week Police Records Evidence Specialist position.

SECTION 3. The City Council hereby creates a 0.55 FTE position titled Court Security Officer, approves the job description therefor, which is attached hereto as Exhibit B, and approves the salary range set forth in Exhibit C.

SECTION 4. The City Council hereby removes the prior 1.0 FTE Records Evidence Specialist authorized during the 2019-2020 Budget process with the changes reflected above.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 6. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 7. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 8th day of October 2019.

Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

Brandy Rinearson, MMC, City Clerk

John Clauson, Councilmember

APPROVED AS TO FORM:

Sharon Cates, City Attorney

PUBLISHED:
EFFECTIVE DATE:

CITY OF PORT ORCHARD

JOB DESCRIPTION

Job Title	Court Security Officer	FLSA	Non-exempt
Department	Police Department	Civil Service	Yes, if full-time
Reports To	Police Sergeant	Union	Non-union
Revisions	October 2019	Work hours	Part or Full Time

Purpose

This is a responsible special commission civilian law enforcement classification that requires a variety of law enforcement duties, initiative, independent judgment, and enthusiasm. The Court Security Officer must positively interact with community members and professionals from other government agencies.

General Function

The employee's duties include court transport and security. The position reports directly to the Police Sergeant and interacts with other departments.

Supervision Responsibilities

This is a non-supervisory position.

Essential Job Functions

This job description reflects general details as necessary to describe the principal functions of the job, the level of knowledge and skill typically required, and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including working in other functional areas to cover absences or relief, to equalize peak work periods, or to otherwise balance the workload.

- Serves as an armed officer within the court providing security to the court, the judge, other employees, and the public. Escort and remain with restrained prisoners in the courtroom. Take individuals into custody when ordered by the municipal court judge. Ensure the completion and delivery of related prisoner paperwork.
- Transfer and transport municipal court prisoners between the municipal court and correctional facilities according to established procedures.
- Complete required reports, affidavits, logs and forms on a daily basis.

Knowledge, Skills and Abilities

While requirements may be representative of minimum levels of knowledge, skill, and ability, to perform this job successfully the incumbent will possess the abilities or aptitudes to perform each duty proficiently.

- Work independently and make appropriate decisions regarding the methods and priorities of enforcement.
- Safely operate police vehicles.
- Communicate effectively with city staff and the general public, including hostile persons and people in stressful situations. Verbally present ideas and information in a clear and concise manner.
- Work under limited supervision and use independent judgment. Foster cooperative work relationships with those individuals contacted in the performance of required duties.
- Prepare legible and accurate written reports.
- Exercises discretion in regulating daily activities and in using limited enforcement powers.
- Understand and comply with all police department policies and procedures as well as local, state, and federal law.
- Knowledge an operation of office equipment including computers and various software applications.
- Qualify with Department firearm and attend related training.
- Operate a motor vehicle and provide effective and proper prisoner security and movement.
- Interpret federal, state, county, and city laws and regulations.
- Recognize public and personal safety and health hazards.
- Work various hours as required.
- Certified in first aid, CPR, and the Automated External Defibrillator, or become so after employment.

Contacts and Relationships

The Court Security Officer will have extensive contact with citizens of the community, various city departments and their personnel, law enforcement, and court personnel. The employee will comply with all police department policies, procedures, and directives including the Police Code of Ethics.

Working Conditions

The Court Security Officer may either work indoors or outdoors as required. Outdoor work environment requires the operation of a motor vehicle and walking, bending, stooping, reaching, and at times running may be required. Some local and in-state travel may be required. The employee may be exposed to extremes in temperature, noxious fumes, and loud noises. Courtroom work may involve prolonged periods of standing, taking suspects into custody, physical altercations, and dealing with upset or potentially violent people. This employee is required to wear a Court Security Officer uniform.

Physical Requirements

- Able to walk, bend, stoop, reach, and run.
- Able to participate in defensive tactics and defend persons and property when necessary
- Able to work outdoors in inclement weather and various temperatures.
- Able to stand for prolonged periods of time.

Minimum Requirements

- High School diploma or GED.
- Must be 21 years of age at the time of application.
- Be a United States citizen or legal permanent resident.
- Write and speak English fluently.
- Valid Washington driver's license or ability to obtain one prior to employment.
- Must have or acquire within one year of hiring any mandatory training required by the City and/or State.
- An exemplary driving record.
- Must be bondable.
- Successfully pass a thorough background investigation including polygraph, psychological, pre-employment drug test and medical examination.

Desired Qualifications

- College-level coursework in Criminal Justice, Sociology, or related field.
- Two years of progressively responsible customer service experience.
- Graduate of certified full time or reserve academy
- Experience in law enforcement or any equivalent combination of education, training, and experience that provides the knowledge, skills, and abilities to perform the work.

The City may consider any combination of experience and training that provides the desired skills, knowledge and abilities.

Requirements outlined in this job description may be subject to modification to reasonably accommodate individuals with disabilities who are otherwise qualified for employment in this position. However, the City may be unable to hire an individual with a disability if the disability poses a significant threat of substantial harm to the health and safety of the individual or his/her coworkers, and the threat cannot be eliminated with reasonable accommodation.

This job description does not constitute an employment agreement between the Employer and employee and is subject to change as the needs of the Employer and requirements of the job change.

Exhibit C

Hourly Pay Rate

Court Security Officer

After 5 Yrs	23.19
After 4 yrs	22.63
After 3 yrs	22.08
After 2 yrs	21.54
After 1 yr	21.01
After 6 mos	20.50
First 6 mos	20.00

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City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7C</u>	Meeting Date:	<u>October 8, 2019</u>
Subject:	<u>Adoption of an Ordinance Authorizing</u>	Prepared by:	<u>Debbie Lund</u>
	<u>the Signing of MOUs with the Police</u>		<u>HR Coordinator</u>
	<u>Guild Representing Patrol and the</u>	Atty Routing No.:	<u>069-19</u>
	<u>Police Guild Representing Sergeants</u>	Atty Review Date:	<u>October 1, 2019</u>

Summary: In the negotiations for the 2019-2021 collective bargaining agreements with the Port Orchard Police Guild on behalf of the Patrol Officer Employees and the Sergeant Employees, the parties made a modification to the language defining which actions were to be considered “discipline”. As part of those negotiations, “educations” and “warnings” were removed from the definition of discipline.

“Educations and Warnings” is also mentioned in Article 6.5 regarding grievances. It was an oversight by the negotiating parties to not make a revision to this language as well. The two MOUs relating to the two collective bargaining agreements will correct that oversight.

Recommendation: Staff recommends approving the Ordinance as presented.

Relationship to Comprehensive Plan: N/A

Motion for consideration: “I move to adopt an Ordinance which authorizes the Mayor to sign a Memorandum of Understanding with the Police Guild representing Patrol Officers and a Memorandum of Understanding with the Police Guild representing Sergeants to revise the language in Article 6.5 of each of the respective collective bargaining agreements.”

Fiscal Impact: N/A

Alternatives: Do not approve Ordinance and provide alternative guidance.

Attachments: Ordinance (The MOU’s are not public documents until approved by Council and signed by the parties and are therefore not attached).

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, APPROVING THE AGREED MODIFICATION OF A PROVISION CONTAINED IN BOTH THE CITY'S COLLECTIVE BARGAINING AGREEMENTS WITH THE POLICE GUILD REPRESENTING PATROL OFFICERS AND THE POLICE GUILD REPRESENTING SERGEANTS; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, during the negotiations for the 2019-2021 collective bargaining agreements with the Patrol Officer Employees and Sergeant Employees, the City and the Port Orchard Police Guild agreed to remove language that defined "Educations and Warnings" as discipline; and

WHEREAS, during the negotiations for the 2019-2021 contract, the parties failed to identify and modify an additional reference to "Educations and Warnings" in those collective bargaining agreements; and

WHEREAS, the City and the Guild are in agreement that the additional provision in those agreements referencing "Educations and Warnings" should be revised for clarity; Now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes the Mayor to sign a Memorandum of Understanding with the Police Guild representing the Patrol Officer Employees to modify the language of Article 6.5 of the 2019-2021 collective bargaining agreement to reflect the language as presented in the Memorandum of Understanding which is attached hereto as Exhibit A.

SECTION 2. The City Council hereby authorizes the Mayor to sign a Memorandum of Understanding with the Police Guild representing the Sergeant Employees to modify the language of Article 6.5 of the 2019-2021 collective bargaining agreement to reflect the language as presented in the Memorandum of Understanding which is attached hereto as Exhibit B.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 8th day of October 2019.

Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

Brandy Rinearson, MMC, City Clerk

John Clauson, Councilmember

APPROVED AS TO FORM:

Sharon Cates, City Attorney

PUBLISHED:
EFFECTIVE DATE:



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Business Item 7D
Subject: Adoption of a Resolution Opposing
Initiative 976 on the November 2019
General Election Ballot

Meeting Date: October 8, 2019
Prepared by: Noah Crocker
Finance Director
Atty Routing No: 069-19
Atty Review Date: September 30, 2019

Summary: I-976 is an Initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature took no action on the initiative, so it will be presented to voters during the next general election in November 2019.

If passed, the immediate impact to cities would be a repeal of the authority for city transportation benefit districts (TBDs) to impose a car tab fee. Under current law, cities have the authority to establish TBDs for the purposes of acquiring, constructing, providing, and funding transportation improvements. To date, over 100 cities have formed TBDs to fund local transportation projects, with 62 TBDs receiving revenue from vehicle license fees. Fifty-five of the 62 TBDs use vehicle license fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue to fund local projects.

In addition to repealing city TBD fees, I-976 would do the following:

- Lower motor vehicle and light duty truck weight fees (car tab fees) to \$30;
- Eliminate the 0.3 percent sales tax on vehicle purchases;
- Lower the electric vehicle, snowmobile, and commercial trailer fees; and,
- Modify and reduce Sound Transit motor vehicle excise tax provisions.

The initiative would directly impact the City of Port Orchard's ability to fund transportation improvements by a minimum of ~ \$200,000 per fiscal year.

More information can be found on the Association of Washington Cities website at <https://wacities.org/data-resources/understanding-the-impacts-of-initiative-976>.

Recommendation: City Staff recommends approval of the proposed Resolution opposing Initiative 976.

Motion for consideration: "I move to adopt the proposed Resolution opposing I-976."

Fiscal Impact: N/A.

Alternatives: Amend proposed Resolution; Do not approve Resolution.

Attachments: Resolution and Factsheets.

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RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON OPPOSING INITIATIVE 976, AN INITIATIVE SEEKING TO REPEAL AUTHORITY TO IMPOSE CERTAIN VEHICLE TAXES, CHANGE VEHICLE VALUATION LAWS, AND LIMIT MOTOR VEHICLE LICENSE FEES TO \$30.00.

WHEREAS, Washington Initiative 976 is an initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature took no action on the initiative, so it will be presented to voters during the next general election in November 2019; and

WHEREAS, if passed, the immediate impact to cities would be a repeal of the authority for city transportation benefit districts (TBDs) to impose a car tab fee. Under current law, cities have the authority to establish TBDs for the purposes of acquiring, constructing, providing, and funding transportation improvements; and

WHEREAS, the City of Port Orchard adopted Ordinance 027-15 to establish the City's TBD; Ordinance 020-17 authorized the City to assume all the rights, powers, and functions of the TBD; and Ordinance 019-16 authorized the City to impose a vehicle license fee of \$20 with collections beginning in 2017; and

WHEREAS, the TBD revenue in the City of Port Orchard provides a budgeted amount of \$380,000 for the 2019-2020 biennial budget for transportation improvements and maintenance; and

WHEREAS, the City of Port Orchard strives to maintain and continuously improve its transportation infrastructure for the benefit of its residents and employers; and

WHEREAS, the Mayor and the City Council recognize Initiative 976 would have extremely negative impacts on the City, County and State transportation infrastructure, including the loss of the TBD revenue which is critical for funding transportation improvements in the City; and

WHEREAS, RCW 42.17A.555 permits the City Council to oppose a ballot proposition at open public meetings so long as notice of the meeting includes the title and number of the ballot proposition and those expressing an opposing view are afforded an approximately equal opportunity to express an opinion; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT: The City of Port Orchard confirms its opposition to Initiative No. 976, which will be on the statewide ballot in November 2019, as it would cause extreme harm to the development and maintenance of

our transportation infrastructure, thereby jeopardizing economic growth and quality of life in the City of Port Orchard and throughout the region.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the Clerk in authentication of such passage this 8th day of October 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

Initiative 976 headed to voters with potential impacts to state and local transportation funding

What is Initiative 976 and how would it impact local and state transportation systems?

I-976 is an Initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature took no action on the initiative so it will be presented to voters during the next general election in November 2019.

If passed, the immediate impact to cities would be a repeal of the authority for city transportation benefit districts (TBDs) to impose a car tab fee. Under current law, cities have the authority to establish TBDs for the purposes of acquiring, constructing, providing, and funding transportation improvements. To date, over 100 cities have formed TBDs to fund local transportation projects, with 62 TBDs receiving revenue from vehicle license fees. Fifty-five of the 62 TBDs use vehicle license fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue to fund local projects.

In addition to repealing city TBD fees, I-976 would do the following:

Lower motor vehicle and light duty truck weight fees (car tab fees) to \$30;

Eliminate the 0.3 percent sales tax on vehicle purchases;

Lower the electric vehicle, snowmobile, and commercial trailer fees; and,

Modify and reduce Sound Transit motor vehicle excise tax provisions.

These actions would reduce direct revenue to cities through TBDs, reduce revenue to Sound Transit, and reduce revenue to numerous state transportation accounts. These state accounts provide funding for the Washington State Department of Transportation and provide significant investment in transportation projects across the state. These projects include, but aren't limited to the following: state and local highway construction, maintenance, ferries and support services; multimodal projects like public transportation, rail and bicycle/pedestrian projects; activities of the Washington State Patrol; and more. Below is a chart showing the potential fiscal impacts of the initiative over a six-year period.

State accounts

Six-year revenue loss (2020-25)

Multimodal account

\$ 1,484,122,000

Motor vehicle account

\$ 265,553,000

WA State patrol highway account

\$ 88,573,000

Transportation partnership account

\$ 45,685,000

Other accounts

\$ 37,968,000

Subtotal

\$ 1,921,901,000

Local governments

Sound Transit

\$ 1,968,000,000

City TBDs

\$ 349,121,000

Subtotal

\$ 2,317,121,000

Total

\$4,239,022,000

Source: OFM Fiscal Impact Statement for Initiative 976

Port Orchard Impacts

I-976 would eliminate the City of Port Orchard's TBD funding - \$200,000



Initiative 976 headed to voters

Potential impacts to state and local transportation funding

What is Initiative 976?



Initiative 976 (I-976) is an initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature did not act on the initiative; therefore, I-976 will be presented to voters during the next general election in November 2019. I-976 is often described as the “\$30 car tab initiative,” but it also proposes significant changes to many other aspects of the state’s transportation system, including repeal of the authority for city Transportation Benefit Districts (TBDs) to impose fees.

What does the initiative propose?

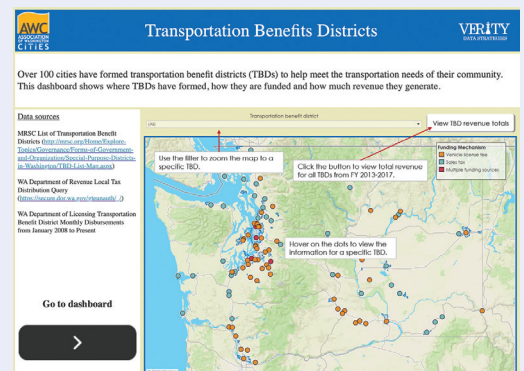
I-976 is an expansive proposal that would significantly change how the state’s transportation system generates revenue. If passed, the initiative would do the following:

- Limit motor vehicle license fees (car tab fees) to \$30 per year;
- Repeal or reduce certain motor vehicle weight fees;
- Repeal the authority for TBDs to impose vehicle fees;
- Reduce electric vehicle fees to \$30 per year;
- Repeal the 0.3% tax on motor vehicle retail sales;
- Require local motor vehicle excise taxes (MVETs) to be calculated using the Kelley Blue Book base value of the vehicle;
- Conditionally repeal the Sound Transit 0.8% MVET; and
- Require the retirement or refinancing of Sound Transit-related bonds.

How would city TBDs and local projects be impacted?

If passed, the immediate impact to cities would be a repeal of the authority for city transportation benefit districts (TBDs) to impose a car tab fee. Under current law, cities have the authority to establish TBDs for the purposes of acquiring, constructing, providing, and funding transportation improvements. To date, more than 100 cities have formed TBDs to fund local transportation projects, with 62 TBDs receiving revenue from vehicle license fees. Fifty-five of the 62 TBDs use vehicle license fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue to fund local projects.

To understand how I-976 would impact your city and others across the state, check AWC’s webpage on I-976 which includes a webinar, fiscal analysis, and other resources.



Contact:

Logan Bahr
Government Relations Advocate
candiceb@awcnet.org

Shannon McClelland
Legislative & Policy Analyst
shannonm@awcnet.org



Additional information

How would state transportation funding be impacted?

If the initiative passes, it would cut revenues to Sound Transit and state accounts used to fund the state transportation budget.

These state accounts provide funding for the Washington State Department of Transportation; state and local highway construction, maintenance, ferries, and support services; multimodal grant programs for public transit, rail improvements, and bicycle/pedestrian projects; activities of the Washington State Patrol; and more.

Over a six year period (2020-2025), the state estimates \$1.92 billion in lost revenue, Sound Transit estimates \$1.97 billion in lost revenue, and cities would directly lose \$350 million in lost TBD license fee revenue.

What can I do as a city elected official to respond to I-976?

Elected officials have many options for officially engaging with initiatives but should be aware of some prohibited actions. AWC has compiled an extensive list of allowed and prohibited actions for city elected officials. For further reference, please review the PDC Guidelines for Local Government Agencies in Election Campaigns which can be found at AWC's I-976 webpage.

What is AWC's role on initiatives during election season?

AWC does not take positions for or against ballot initiatives. AWC's role is to provide our members with educational materials that can be shared with elected officials, staff, and local communities.

Contact:

Logan Bahr

Government Relations Advocate
candiceb@awcnet.org

Shannon McClelland

Legislative & Policy Analyst
shannonm@awcnet.org





City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Business Item 7E
Subject: Adoption of a Resolution Declaring Certain
Proprietary Funds (Water, Sewer, Storm
Drainage) Utility Equipment as Surplus

Meeting Date: October 8, 2019
Prepared by: Brandy Rinearson, MMC
City Clerk
Atty Routing No.: 064-19
Atty Review Date: September 26, 2019

Summary: Assets of the City that are no longer useable, are no longer of value to the City, or are surplus to the City's needs may be disposed of pursuant to the provisions of POMC 1.30.020 upon a declaration by the City Council that such assets are surplus to the needs of the City. Personal property that City staff has determined to be surplus to the needs of the City is described on Attachment "A". RCW 35.94.040 requires a public hearing prior to disposal of equipment originally acquired for public utility purposes. The Proprietary Funds (Water, Sewer, Storm Drainage) equipment that City staff has determined to be surplus to the needs of the City is described on Attachment "B". A Public Hearing was previously held for the disposition of the Proprietary Funds (Water, Sewer and Storm Drainage Utility equipment described on Attachment "B".

Proceeds from the sale of surplus property are deposited into the Fund that owned the equipment or personal property. When disposal is to the general public through direct sale, sealed bid or auction, final determination of value shall be the highest responsible bid or offer. The City may transfer a surplus asset to another public agency upon written request and a determination that it is in the public interest.

Recommendation: Staff recommends approval of a Resolution, declaring certain personal property and utility equipment to be surplus to the needs of the City and directing its disposition.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to approve a Resolution, declaring certain equipment surplus and authorizing its disposition.

Fiscal Impact: Money received from the disposition of surplus equipment and personal property is deposited in the Fund of ownership.

Alternatives: Do not find some or all of the personal property or utility equipment to be surplus and provide City staff with direction.

Attachments: Resolution and Attachments "A" & "B".

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RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, DECLARING CERTAIN PERSONAL PROPERTY AND WATER SEWER UTILITY AND STORM DRAINAGE UTILITY EQUIPMENT AS SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE DISPOSITION THEREOF.

WHEREAS, certain personal property owned by various Funds of the City of Port Orchard has become surplus to the needs of the City; and

WHEREAS, certain Water Sewer Utility and Storm Drainage Utility equipment owned by the City of Port Orchard has become surplus to the needs of the City Utilities; and

WHEREAS, as required by RCW 35.94.040, the City Council held a public hearing on October 8, 2019 before determining that such utility equipment is surplus to the City's needs and is not required for providing continued public utility service; and

WHEREAS, the City Council has determined that the present fair market value of the personal property and utility equipment items is as set forth in Attachments "A" and "B" hereto.

WHEREAS, the City Council has, pursuant to the requirements of POMC 1.30.020, considered the possible future requirements of the City, the present value of the personal property and utility equipment, the likelihood of locating a buyer, possible intergovernmental cooperation, and the general welfare of the citizens of Port Orchard in determining whether it is in the best interests of the City to dispose of such personal property and utility equipment; and

WHEREAS, the City Council desires to dispose of said personal property and utility equipment in the best interests of the City; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT: The personal property described on Attachment "A" and Water Sewer Utility and Storm Drainage Utility equipment described on Attachment "B" are declared as surplus to the needs of the City. Staff is instructed to dispose of the listed property and equipment items pursuant to the requirements of POMC 1.30.020(4) and POMC 1.30.030.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage this 8th day of October 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

Attachment A - Governmental

Description	Est. Book Value
DVD/VCR Magnavox Model MWD2205 SN#U35580547	\$ -
Samsung ATIV odyssey sch1930msv	\$ -
Camera GE Power Pro X500 #x030292291	\$ -
WIN Phone 8x Htc6990LVWBK	\$ -
Printer, HP LSR JT 4050TN S#USQA030684	\$ -
Printer, Lexmark Optra M#E310 S#0114386	\$ -
Printer HP8150 JBPLL23423	\$ -
Printer, HP, Model #C7059A S#CNGRG57053	\$ -
Laptop Inspiron 1100, Serial No. BJZ6831	\$ -
Printer, Xerox Phaser 4500DT S#PMT235821	\$ -
Printer, Xerox Phaser 4500DT S#PMT245199	\$ -
CPU, Dell, Optiplex, GX620, Serial No. DX8ML81	\$ -
CPU,Dell, Optiplex,GX745,Serial No BFPRFC1	\$ -
CPU,Dell, Optiplex,GX745,Serial No HDPRFC1	\$ -
HP Multifunction 7310	\$ -
HP 6620 Inkjet	\$ -
HP Laserjet 3800dtn #Q5984A#ABA, color printer	\$ -
HP Compaq laptop1, 6515b,s/n CNU730182C	\$ -
OptiPiex 745-BH47SD1	\$ -
Plotter/Scanner	\$ -
HP Officejet 6310 #882780472570	\$ -
Dell Optiplex GX380 D3B7PM1	\$ -
Dell Optiplex GX380 D3C6PM1	\$ -
Dell Optiplex GX380 D3C7PM1	\$ -
Dell Optiplex GX380 D3D5PM1	\$ -
Dell Optiplex GX380 D3C5PM1	\$ -
Dell Optiplex GX380 GWFSML1	\$ -
Dell PowerEdge 2970 Server GFJDWHM1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2TNGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2VDGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2VFGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2VGGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2VHGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2VKGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2VLGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2VMGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2VNGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2WDGQ1	\$ -
Dell Optiplex 790 2400 Processor (3.1 GHz, 6M) D2WFGQ1	\$ -
Dell Optiplex 790 2600 Processor (3.4 GHz, 8M) #HPWDHQ1	\$ -
Dell Optiplex 790 workstation GQWNWV1	\$ -
Dell Optiplex 790 workstation GQWPWV1	\$ -
Dell Optiplex 790 workstation GQWTWV1	\$ -
Dell Optiplex 790 workstation GQWRWV1	\$ -

Attachment A - Governmental

Description	Est. Book Value
Dell Optiplex 790 workstation GQVTWV1	\$ -
Dell Optiplex 790 workstation GQVXWV1	\$ -
Dell Optiplex 790 workstation GQWQWV1	\$ -
Dell Optiplex 790 workstation GQVVWV1	\$ -
Dell Optiplex 3010 workstation CP36QW1	\$ -
Laserjet HPLJ9040 s/n JPSCF171JZ	\$ -
Dell Optiplex 7010 8KWF7Y1	\$ -
Microsoft Surface RT 32GB #066818631752 Model #1516	\$ -
IPAD A1395 65GB #DQTFJOKPDFJO	\$ -
Dell Optiplex 3010 64LZK9Z1	\$ -
Dell Opti 780 CQT19P1	\$ -
Dell optiplex 7010 H39DDZ1	\$ -
Dell optiplex 7010 H39FDZ1	\$ -
Dell optiplex 7010 H38BDZ1	\$ -
Dell optiplex 7010 H37JDZ1	\$ -
Dell optiplex 7010 H38FDZ1	\$ -
Dell optiplex 7010 H38JDZ1	\$ -
Dell optiplex 7010 H38BDZ1	\$ -
Dell optiplex 7010 H39HDZ1	\$ -
Dell optiplex 7010 H3BCDZ1	\$ -
Dell optiplex 7010 H39BDZ1	\$ -
Dell optiplex 7010 H39GDZ1	\$ -
Dell Optiplex 7010 DPJ8K02	\$ -
Dell Optiplex 7010 9KJ5K02	\$ -
Dell Optiplex 7010 9KJ7K02	\$ -
Dell Optiplex 7010 9KL5K02	\$ -
Dell Optiplex 7010 9KK8K02	\$ -
Dell Optiplex 7010 9KK9K02	\$ -
Apple I Pad SDMPP64L9FK15	\$ -
Laptop #5CTSA93640 Model CF-532SLCLCM 3G	\$ -
Apple I Pad SDMPP74LBF4YD 3G	\$ -
Apple I Pad SDMPPCDKf4YD 3G	\$ -
Panasonic Laptop #5ftsa04321 3G	\$ -
IPAD #353038091718257	\$ -
Plotter HP Designjet T1200MFP M#Q6713A S#DK8814F05W& T1100PSM#Q6713A S #MY89C6C01G	\$ -
Blackberry Torch ESN 07604110616	\$ -
Network Extender EVDO	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D18	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4C97	\$ -
Air Hammer - Thor SN 10155 (with Air Compressor #4013002)	\$ -
Radio, Motorola HT 750 M#AAH25KDC9AA3_N S#672TBE3654	\$ -
Chainsaw-Stihl 026	\$ -
Radio, Motorola HT750 M#AAH25KDC9AA3AN S#672TBLP333	\$ -

Attachment A - Governmental

Description	Est. Book Value
Radio, Motorola HT750 M#AAH25KDC9AA3AN S#672TBLP348	\$ -
Radio, Motorola HT750 M#AAH25KDC9AA3AN S#672TBN0644	\$ -
Radio, Motorola HT750, M#AAH25KDC9AA3_N S#672HCQ7203	\$ -
98 DODGE RAM PU S#3B7KC26Z1WM259703	\$ 1.00
99 Dodge Ram PU S#3B7KC2620XM559430	\$ 1.00
Casio G'Zone Ravine2 EIN/MEID#A10000290039C9	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D38F0	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4ECF	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D39B2	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D39	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D21	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D5A	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D5C	\$ -
Apple 5 S 356961065510029 cell phone	\$ -
Apple 5 S 355437070715136 cell phone	\$ -
Apple 5 S F17RD083H2XQ	\$ -
Apple 5 S F17RC2M5H2XQ	\$ -
Apple 5 S F17RC2M5H2XQ	\$ -
Apple 5 S DX3QX2LUFNJJ	\$ -
Apple 5 S DX3QX31BFNJJ	\$ -
Recorder/Transcrbr Advocate IV M#LCR4D S#164000	\$ -
CRT TIME CLOCK MODEL NO. TCX-11 S/N# 311062489	\$ -
Lorex Time Lapse Recorder, SG 7965	\$ -
Lorex 14" 4 channel Observation System w/4 PIR Cameras	\$ -
Polycom conference phone 220-16200-001	\$ -
Polycom 2200-16155-001soundstation 2 with cables	\$ -
Metal Detector wand superscanner model 1165 190 sn 53056086	\$ -
Video camera	\$ -
Taser X26E Black S/N#X00-092689	\$ -
Taser X26E Black S/N#X00-092975	\$ -
2003 Go-4 Interceptor II	\$ -
Taser X26E Black with Integrated Laser sight - Serial No. X00-034523	\$ -
Taser X26 Black with Inegrated laser sight - Serial No. X00-157395	\$ -
Taser X26 Black with Inegrated laser sight - Serial No. X00-157521	\$ -
Taser X26 Black with Inegrated laser sight - Serial No. X00-180434	\$ -
Taser X26 Black with Inegrated laser sight - Serial No. X00-337379	\$ -
FUJI Finepix S5200 Digital zoom camera Serial No. 6CA065931	\$ -
FUJI Finepix S5200 Digital zoom camera Serial No. 6CA06596	\$ -
FUJI Finepix S5200 Digital zoom camera Serial No. 6CA06623	\$ -
FUJI Finepix S5200 Digital zoom camera Serial No. 6CA058615	\$ -
FUJI Finepix S5200 Digital zoom camera Serial No. 6CA05868C	\$ -
FUJI Finepix S5200 Digital zoom camera Serial No. 6CA06595A	\$ -
Fujifilm Finepix s5200 S#6CAO-8883	\$ -
Taser X26E Black with Integrated Laser sight - Serial No. X00-036127	\$ -

Attachment A - Governmental

Description	Est. Book Value
Taser X26E Black with Integrated Laser sign - Serial No. X00-033946	\$ -
Taser X26E Black with Integrated Laser sign - Serial No. X00-036117	\$ -
Canon 11mm lens S#134029 (100MM Ser #13402729)	\$ -
Radar-Genesis DekaturGHS Handheld S#05668	\$ -
Radar-Genesis DekaturGHS Handheld S#06005	\$ -
Taser S#X00-127133	\$ -
Taser X26E Black with Integrated Laser sign - Serial No. X00-106929	\$ -
Taser X26E Black with Integrated Laser sign - Serial No. X00-153181	\$ -
Taser X26E Black with Integrated Laser sign - Serial No. X00-153234	\$ -
Taser X26E Black with Integrated Laser sign - Serial No. X00-337430	\$ -
Kenwood Radio TK-5210 Serial #906000182	\$ -
Kenwood Radio TK-5210 Serial #905000359	\$ -
Kenwood Radio TK-5210 Serial #906000181	\$ -
Kenwood Radio TK-5210 Serial #906000183	\$ -
Kenwood Radio TK-5210 Serial #906000184	\$ -
Kenwood Radio TK-5210 Serial #906000185	\$ -
Kenwood Radio TK-5210 Serial #906000186	\$ -
Kenwood Radio TK-5210 Serial #906000187	\$ -
Kenwood Radio TK-5210 Serial #906000188	\$ -
Kenwood Radio TK-5210 Serial #906000189	\$ -
Kenwood Radio TK-5210 Serial #906000190	\$ -
Kenwood Radio TK-2180 Serial #80900708	\$ -
Kenwood Radio TK-2180 Serial #61001117	\$ -
Kenwood Radio TK-2180 Serial #80101529	\$ -
Kenwood Radio TK-2180 Serial #80101528	\$ -
Kenwood Radio TK-2180 Serial #60400471	\$ -
2007 Harley Davidson Motorcycle, Model FLHP VIN #1HD1FHM167Y615022	\$ -
CH-118512Streamlight Stinger DS LED Flashlight	\$ -
CH-118499 Streamlight Stinger DS LED Flashlight	\$ -
CH-118529 Streamlight Stinger DS LED Flashlight	\$ -
CH-118515 Streamlight Stinger DS LED Flashlight	\$ -
CH-118495 Streamlight Stinger DS LED Flashlight	\$ -
Taser X26 Black w/ integrated laser sign- Serial No. X00-106630	\$ -
Taser X26 Serial No. X00-592992	\$ -
Casio G'Zone Ravine2 C781 SN/120600401595	\$ -
Iphone 4S32 GB MD278LL/A ESN/MEID#99000108543531	\$ -
Casio G'Zone Ravine2 C781 SN/120600399625	\$ -
Casio G'Zone Ravine2 C781 SN/120600401819	\$ -
Casio G'Zone Ravine2 C781 ESN/MEID#A100001697E4EO	\$ -
Casio G'Zone Ravine2 C781 SN/120600401757	\$ -
Casio G'Zone Ravine2 C781 SN/120400350758	\$ -
CASIO GZONE RAVINE2 SN/125100898296	\$ -
SCH I1535 16GB Cell Phone	\$ -
CASIO GZONE RAVINE2 SN/124800833714	\$ -

Attachment A - Governmental

Description	Est. Book Value
Taser TXR x26e blk/slvr Serial#x00-723164	\$ -
Casio GzOne SN/120600400513	\$ -
Cell Phone /I Phone 4S SN/C8RL9A7YDTF9	\$ -
Cell Phone	\$ -
Cell phone	\$ -
Apple Iphone 6 FFMR44E2G5MC	\$ -
Apple Iphone 5S F17RTYFGH2XG	\$ -
Apple Iphone 5S F17RTZRRH2XG	\$ -
Apple Iphone 5S F17RTZA2H2XG	\$ -
Apple Iphone 5S F17RTXLDH2XG	\$ -
Apple Iphone 5S F17RT9YWH2XG	\$ -
Apple Iphone 5S F17RTA89H2XG	\$ -
Apple Iphone 5S F17RTA9EH2XG	\$ -
Apple Iphone 5S F17RTDHZH2XG	\$ -
Apple Iphone 5S F17RT8MUH2XG	\$ -
Apple Iphone 6 FFMR4P2RG5MC	\$ -
Apple Iphone 6 FFNRLEKUG5MC	\$ -
Apple Iphone 6 FFMR4P5HG5MC	\$ -
Iphone 6 S #356676085049408	\$ -
Iphone 6 S #356650085288498	\$ -
Iphone 6 S #356676085015540	\$ -
Iphone 6S #356676085021795	\$ -
Iphone 6S #356676085013677	\$ -
Iphone 6S #356676085020656	\$ -
Epson Workforce WF 3640 printer	\$ -
Vehicle, 2008 Crown Victoria V#2FAFP71V78X145936	\$ 1.00
Kenwood Radio B2900509 Trk 31	\$ -
Casio G'Zone Ravine2 EIN/MEID#A100001697E8D7	\$ -
Camera Cannon sx410	\$ -
Camera- Canon sx410	\$ -
iPhone 5SE s/n C39RX2GLH2XL	\$ -
ArcGIS software	\$ -
Plotter HPT3500PS #CN67P8H02H	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10001697ED2E	\$ -
Edger-Stihl Ser#286261317	\$ -
Line Trimmer-Stihl FS250 (Serial #263094610)	\$ -
Line Trimmer-Stihl FS250 (Serial #263094624)	\$ -
Blowers- Stihl Backpack (Serial #265469947)	\$ -
Blowers- Stihl Backpack (Serial #265?69?55)	\$ -
Motorola Blue Tooth/Car Speaker Model MBT505HF Ser #10126-0403532	\$ -
Chain saw SN-501024616	\$ -
Casio G'Zone Ravine2 EIN/MEID#A	\$ -
Apple 5 S F17RC4PLH2XQ cell phone	\$ -
Picnic tables (2)	\$ -

Attachment A - Governmental

Description	Est. Book Value
Protimeter Aquant (BLD5790) Non-Invasive Moisture Meter	\$ -
Professional Combustible Gas Leak Detector (CD200) with adjustable alarm & hard case	\$ -

Attachment B - Enterprise

Description	Est. Value
Steam Cleaner Jenny Super 200C SN19014	\$ -
Gas Monitor & Harness	\$ -
Blue Print Copier OCE M#7050 S#705005319	\$ -
Grease Pump Lincoln w/ reels & hoses M#84691 S# NSN	\$ -
2001 Dodge Ram PU S#3B7KC26Z01M545762	\$ 1.00
BW Gas Alert Micro 5 Ser #SE107-009238	\$ -
Hand Held Meter Reader #1 AR5502	\$ -
Hand Held Meter Reader #2 AR5502	\$ -
GPS unit Trimble Geo XM	\$ -
USB Modem LG VL6000LTE USB IMEI 990000451049797	\$ -
Well # 7 & 5 Fencing	\$ -
99 Dodge Ram PU S#3B7KC26Z2XM559431	\$ 1.00
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D38	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D5D	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D39B7	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D399F	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4C97	\$ -
Casio G'Zone Ravine2 EIN/MEID#A10000290D4D4D	\$ -
Apple 5 S DX3QX37GFNJJ	\$ -
Apple 5S DX3QX1HFFNJJ	\$ -
Apple 5S DX3QX22UFNJJ	\$ -
Laptop Scada #3KDM5S1	\$ -
Apple 5S F17RD0MBH2XQ	\$ -
Apple 5S F17RC438H2XQ	\$ -
Samsung S6 cell phone F17RD0W1H2XR	\$ -
Apple S #F17RTNQJH2XG cell phone	\$ -
Stihl BG86 HH Blower	\$ -
Flip phone #99000612038638	\$ -
HP color lazerjet pro printer	\$ -
Dell Latitude D505 Model #PP10L SN#2636117317	\$ -
Cell phone Nokia Lumia #IMEI3551260602022938	\$ -
Samsung S6 Cell phone F17RCZ1H2XR	\$ -
Apple 5s DX3QX3V8FNJJ cell phone	\$ -
Dell optiplex 786DHB2 110369-201657	\$ -



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7F</u>	Meeting Date:	<u>October 8, 2019</u>
Subject:	<u>Adoption of a Resolution Fixing the Date</u>	Prepared by:	<u>Brandy Rinearson, MMC</u>
	<u>of a Public Hearing on a Petition to</u>		<u>City Clerk</u>
	<u>Vacate City Right-of-Way, an Alley</u>	Atty Routing No.:	<u>N/A</u>
	<u>between Cline Avenue and Dekalb</u>	Atty Review Date:	<u>N/A</u>
	<u>Street</u>		

Summary: Petitioner, Minh Chau Trinh, owner of 314-316 Cline Avenue, submitted a petition to vacate City right-of-way (ROW). The ROW is an alley between Cline Avenue and Dekalb Street, adjacent to her parcel that is approximately 2,421 square feet. This vacation is at the request of the City's Code Enforcement Officer to clean up the encroachment on to the City's ROW. Once this has been vacated, the property owner can make repairs to a deck that is rotting.

This item went before the Land Use Committee at their August 26, 2019, meeting. Public Works Director supports the vacation, as un-opened ROW, has no value to the City. The committee recommends approval of the vacation, but they also would like to see the remainder of the alley vacated. This would extend past the petitioner's property, to include the alley behind Halls and Sons and the Home Made Café.

Chapter 35.79 RCW requires the City to adopt a resolution setting the date and time of a Public Hearing to hear and determine the petition to vacate the City's right-of-way. Staff is seeking direction from the Council as to when they want to hold a public hearing to vacate the proposed City right-of-way.

Upon adoption of this resolution, staff will post proper notices of the date and time of the hearing and provide notice to adjacent property owners.

Relationship to Comprehensive Plan: N/A

Recommendation: Staff recommends the Council adopt a Resolution setting the date and time of hearing on the petition to vacate a portion of the City's right-of-way, an Alley between Cline Avenue and Dekalb Street. The hearing is to be held on Tuesday, November 12, 2019, at the regular Council meeting and directing the proper posting of notices of the hearing.

Motion for consideration: I move to adopt a Resolution setting the Public Hearing for November 12, 2019, to occur during the regular Council meeting, on a petition to vacate a portion of City's right-of-way an Alley between Cline Avenue and Dekalb Street.

Fiscal Impact: TBD, upon approval of the Council a property appraisal may be needed.

Alternatives: Deny setting the Public Hearing and provide direction to staff.

Attachments: Resolution, Street Vacation Petition with adjacent property owners' signatures, new legal description, and estimated value of the vacated property.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, FIXING THE DATE OF PUBLIC HEARING ON A PETITION TO VACATE A PORTION OF CITY RIGHT-OF-WAY, AN ALLEY LOCATED BETWEEN CLINE AVENUE AND DEKALB STREET.

WHEREAS, the petitioner, Minh C. Trinh, submitted a petition to vacate a portion of City right-of-way, an alley located between Cline Avenue and Dekalb Street; and

WHEREAS, the petitioners constitute the owners of more than two-thirds (2/3) of the property abutting the area proposed for vacation pursuant to RCW 35.79.010; and

WHEREAS, the property sought to be vacated is approximately 2,421 square feet; and

WHEREAS, the legal description for 16' wide by 167' long alley to be vacated is as follows:

THAT PORTION OF BLOCK 3, S.M. STEVENS TOWN PLAT OF SIDNEY AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 1, RECORDS OF KITSAP COUNTY, WASHINGTON, IN GOVERNMENT LOT 3 IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK 3; THENCE NORTH 01°41'48" EAST ALONG THE EAST LINE OF SAID LOT 7, 75.00 FEET; THENCE NORTH 88°18'12" WEST, PARALLEL TO THE SOUTH LINE OF SAID LOT 7 103.10 FEET TO THE NORTHWEST LINE OF LOT 8 IN SAID BLOCK 3 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°18'12" WEST 24.75 FEET TO THE SOUTHEAST LINE OF LOT 4 IN SAID BLOCK 3; THENCE NORTH 51°25'49" EAST 167.56 FEET TO THE SOUTHEAST CORNER OF LOT 6 IN SAID BLOCK 3; THENCE SOUTH 01°41'48" WEST 20.97 FEET TO THE NORTHEAST CORNER OF LOT 7 IN SAID BLOCK 3; THENCE SOUTH 51°25'49" WEST 135.12 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2421.4 SQUARE FEET OR 0.06 ACRES, MORE OR LESS.

WHEREAS, the petitioner has requested that proceedings be had hereon for the vacation of said portion of the city right-of-way in the manner prescribed by RCW 35.79; and

WHEREAS, the street vacation is needed to clean up the encroachment so the owner can make repairs to a deck and staff recommends moving the petition forward to the full City Council to conduct a public hearing; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT: A Public Hearing upon said proposed street vacation shall be held in the Robert G. Geiger Council Chambers at City Hall located at 216 Prospect Street, Port Orchard, Washington on Tuesday, November 12, 2019 at 6:30 p.m., at which hearing all persons interested in said street vacation are invited to appear.

THAT: The City Clerk is directed to post notice of the petition in three of the most public places in the city and a like notice in a conspicuous place on the street sought to be vacated, pursuant to RCW 35.79.020. The Clerk shall also post the notice on the City's website.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the Clerk in authentication of such passage this 8th day of October 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

RECEIVED

JUL 29 2019

CITY OF PORT ORCHARD
CITY CLERKS OFFICE

STREET VACATION PETITION

TO THE CITY COUNCIL OF THE CITY OF PORT ORCHARD:

1. The undersigned, owners of two-thirds of the real property abutting upon that public street described below, do hereby petition the City of Port Orchard to vacate said street/alley, described as follows:

Legal description: See attached
(Legal description of portion of right-of-way, which is subject of petition)

all situated in the City of Port Orchard, County of Kitsap, State of Washington, and request that said City Council by Resolution fix a time and place when this Petition shall be heard and determined by that authority, which time shall not be more than sixty (60) days nor less than twenty (20) days after passage of such Resolution.

2. The undersigned proposes the following:

a. Proposed use of the vacated Right-of-Way: to cleanup property line / Row

b. The proposed vacation is located in _____ zoning district.

c. The property is approximately 116' feet wide by approximately 147' feet long, containing approximately 2421 total square feet.

d. Provide a map with Right-of-Way proposed to be vacated outlined or highlighted.

e. The undersigned hereby agree to pay the full appraised value of the vacated right-of-way to the City of Port Orchard, and comply with all conditions required by the City, upon approval of the petition. The petitioner hereby requests that:

N/A

Obtain an appraisal of right-of-way proposed to be vacated. In lieu of an appraisal value of the land may be based on the following square foot valuations: residential \$5; Commercial \$10; and Industrial \$10.

N/A

Certified check is an amount equal to the full appraised or estimated value of land. (Certified check to be held until vacation is approved or denied by Council)

3. Verification by the City of Port Orchard of the undersigned who are the legal property owners representing one hundred (100) percent of the abutting property.

Brandy Rinearson, CMC, City Clerk

4. The undersigned has paid to the City Clerk the \$100 application fee. It is understood that this fee is not refundable, that it is for the purpose of partially defraying the normal administrative, engineering and legal expenses in processing the petition for vacation, and that it does not constitute a payment for the street vacation requested in the petition.

Receipt No: 7958 Date 7/29/19

These pages are a group of pages containing an identical text and prayer intended by the signers of this Petition to be presented and considered as one Petition and may be filed with other pages containing additional signatures, which cumulatively may be considered as a single Petition.

WARNING: Every person who signs this Petition with any other than his true name, or who knowingly signs more than one of these Petitions, or signs a Petition when he is otherwise not qualified to sign, or who make any false statement shall be guilty of a misdemeanor.

PRAYER OF PETITION: For the vacation of a portion of that street/alley commonly known as City right-of-way and called 314-316 Cline Ave

Signatures of petitioners (Note: all persons who have an ownership interest **must sign** the petition. This includes co-owner(s) and/or spouse.

Minh Chau Trinh 12925 SE 69th Pl, Bellevue WA 98006
Name Address Phone Tax Parcel Number
MINH CHAU TRINH 4650-003-007-0002
(Name Printed or Typed)

Minh Chau Trinh
(Signature)

Name Address Phone Tax Parcel Number

(Name Printed or Typed)

(Signature)

Name Address Phone Tax Parcel Number

(Name Printed or Typed)

(Signature)

Update: April 2012



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
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PROCEDURE TO SUBMIT PETITION TO VACATE CITY RIGHT-OF-WAY

(RCW 35.79/City Resolution No. 1990)

- 1) Obtain an appraisal of right-of-way proposed to be vacated. In lieu of an appraisal value of the land may be based on the following square foot valuations: residential \$5; Commercial \$10; and Industrial \$10.

- 2) Submit to the City Clerk's office a Petition to Vacate signed by all abutting property owners* with following information or attachments:

- a. Full Appraisal; — email from Parkshore RE
- b. Legal Description of portion of right-of-way proposed to be vacated; — email —
- c. Dimensions of area proposed to be vacated;
- d. Copy of Kitsap Co. Assessor's map with right-of-way proposed to be vacated outlined or highlighted; ✓
- e. Application fee of \$100; [highlighted]
- f. Certified check in an amount equal to the full appraised or estimated value of land. — OK see email

**In the event an abutting property owner does not oppose the request to vacate, but is not interested in ownership of the portion abutting their property, a notarized statement may be submitted by the non-interested property owner, to allow another abutting property owner to receive ownership of that portion of vacated right of way.*

PROCESSING PROCEDURE:

- 1) Staff review Petition package prior to actual acceptance of Petition to confirm all information, fees and attachments are included.
- 2) Accepted petition is transmitted to Public Property Committee and the City Engineer for review and recommendation. Review standards consist of, but are not limited to:
 - a. The City does not have a foreseeable or possible use of the property.
 - b. The removal of public access does not adversely affect access to other property(s).
 - c. The vacation of the property does not adversely affect utilities such as water, sewer, storm, electric, and others. Mail copy of the application to: Attn: Kitty Ogg, Puget Sound Energy, 6522 Kitsap Way, Bremerton, WA 98312
 - d. The enlarging of property area does not create potential or actual land uses that are inconsistent with city growth plans and goals.
 - e. The City receives the fullest monetary amount allowed by law. (The cost of vacating public property must be paid by the applicant. A non-refundable \$100 Application Fee is paid by the petitioner(s). In the event the administrative cost to process a Petition to Vacate exceeds \$100, the petitioner will be assessed additional fees.)
 - f. There has been a public hearing as set forth by RCW 35.79, with adjacent property owners receiving notification.

3) After Public Property Committee and the City Engineer review, Clerk's Office shall prepare draft resolution for Council consideration setting date and time for Public Hearing on Petition to Vacate. Such Public Hearing shall not be more than 60 days and not less than 20 days after date of passage of such Resolution.

4) After passage and publication of resolution the following notification process shall be followed:

- a. Resolution published in official newspaper
- b. Post notice of Public Hearing at the following locations:
 - (1) Subject property
 - (2) City Hall bulletin board
 - (3) Library bulletin board
 - (4) Kitsap County Courthouse bulletin board
- c. Mail notice (copy of Resolution) to all abutting property owners as provided by the County Treasurer/Auditor.

Aug 26th
PH
Sept 10, 19

Public Hearing

1. Staff report
2. Committee report and recommendation
3. Public input/comment
4. Council consideration and action

Oct 8th
Action -

Petition approved/denied:

1) DENIED:

- a. 50% of abutting property owners file written objection to the Clerk 15 days prior to hearing the City is prohibited from proceeding with the Resolution.
- b. Process ends, should Council deny the Vacation request. Certified check returned to petitioner(s) on _____.

2) APPROVED:

_____ Certified check of the appraised value receipted by Clerk's Office with copy of receipt provided to Petitioner(s)

_____ Ordinance is prepared and submitted for legislative approval at next regular meeting of City Council.

_____ Approving ordinance or a summary thereof shall be published in the City's official newspaper. Vacation of right of way is effective five (5) days after date of such publication.

_____ Ordinance is recorded with Kitsap County Auditor's Office.

SHOULD YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CITY CLERK'S OFFICE AT: 216 PROSPECT STREET, PORT ORCHARD, WA OR BY PHONE (360) 876-4407

00.00

CHANGE

100.00

APPLIED

100.00

APPLIED

SHOULD YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CITY CLERK'S OFFICE AT: 216 PROSPECT STREET, PORT ORCHARD, WA OR BY PHONE (360) 876-4407

Paid By: Minh Chau Trinh 314-316 Cline

2-Check 100.00

Paid By: Minh Chau Trinh 314-316 Cline

Minh Chau Trinh 100.00

=====

TKBY : Finance User

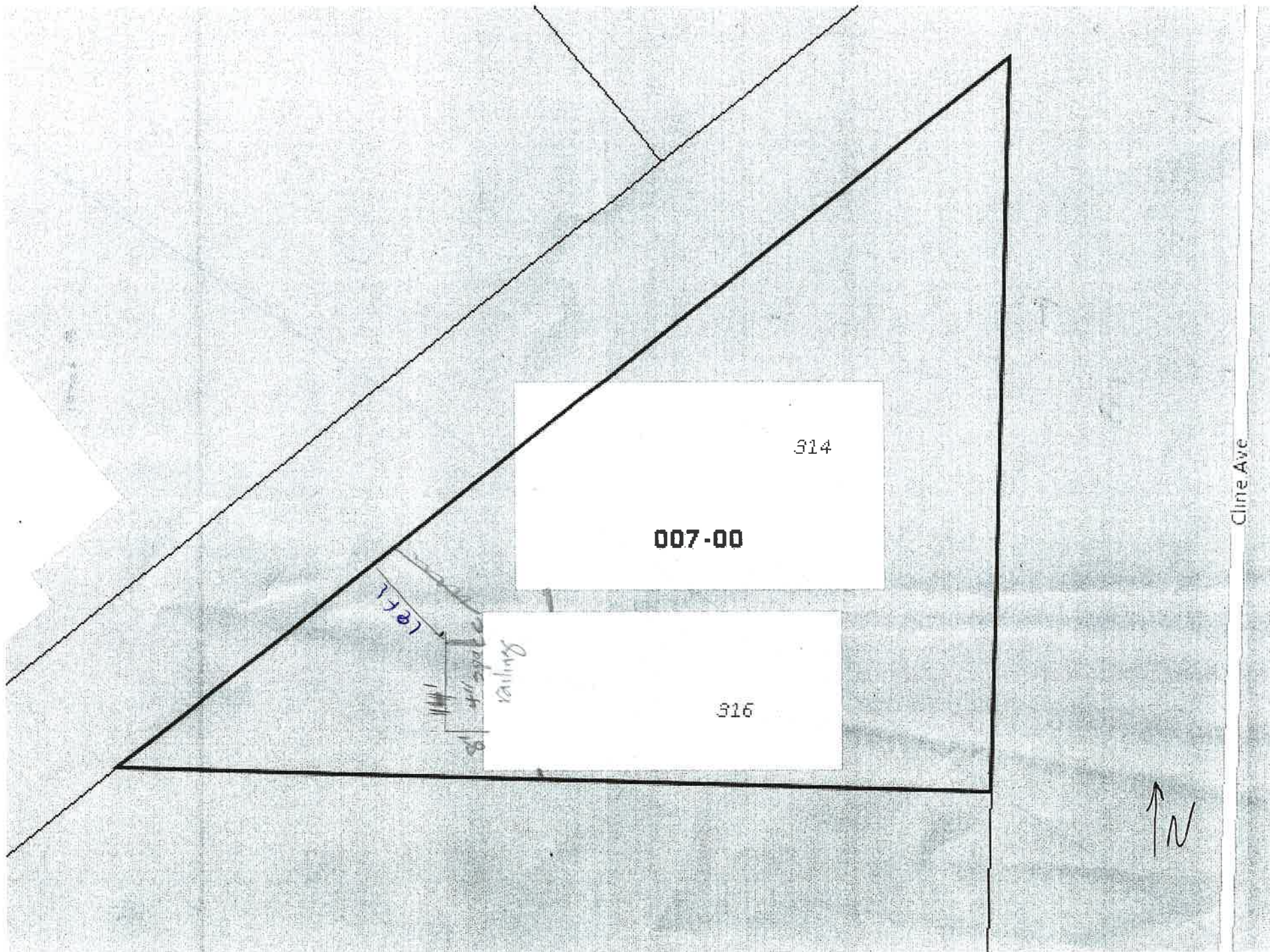
OPER: PS TERM: 1

App

TRAN: STREETVACAPP CityStreet Vacation

REC#: R00007958 7/29/2019 11:15 AM

City of Port Orchard





City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

**STREET VACATION PETITION TO
NEIGHBORING PROPERTY OWNERS**

Property Owner Name Seeking Vacation: Harold H Vlist & Shirley J. Vlist

Address: 514 Bay St Port Orchard WA 98366
Street City State Zip

Contact Information: 360-876-4428 vlistmotors@earthlink.net
Phone Email

Address of Requested Vacation: Same as above | 316-314 Cline Ave
Street Port Orchard, WA 98366

Parcel Number of Requested Vacation: 4650 003-007-0002

Signatures of petitioners (Note: all persons who have an ownership interest must sign the petition. This includes co-owner(s) and/or spouse.

HAROLD H. VLIST

First and Last Name

[Signature]

(Signature)

SHIRLEY J. VLIST

First and Last Name

[Signature]

(Signature)

514 BAY ST, PORT ORCHARD

Address

003-00 AND 006-00

Tax Parcel Number

360-876-4428

Phone



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

**STREET VACATION PETITION TO
NEIGHBORING PROPERTY OWNERS**

Property Owner Name Seeking Vacation: Suanne Martin Smith

Address: 322 Cline Ave Port Orchard WA
Street City State Zip

Contact Information: Suanne homemadecakes337a@gmail.com
Phone Email

Address of Requested Vacation: same as above
Street

Parcel Number of Requested Vacation: 4650-003-007-0002

Signatures of petitioners (Note: all persons who have an ownership interest **must sign** the petition. This includes co-owner(s) and/or spouse.

Suanne Martin Smith

First and Last Name

[Signature]
(Signature)

First and Last Name

(Signature)

322 Cline Ave POW 98366 360-981-3321

Address

Phone

4650-003-007-0002

Tax Parcel Number

EXHIBIT "A"

LEGAL DESCRIPTION FOR 16 FOOT WIDE ALLEY VACATION BLOCK 3, S.M. STEVENS TOWN PLAT OF SIDNEY AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 1 RECORDS OF KITSAP COUNTY, WASHINGTON

PREPARED FOR: MINH CHAU TRANH

THAT PORTION OF BLOCK 3, S.M. STEVENS TOWN PLAT OF SIDNEY AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 1, RECORDS OF KITSAP COUNTY, WASHINGTON, IN GOVERNMENT LOT 3 IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., DESCRIBED AS FOLLOWS:

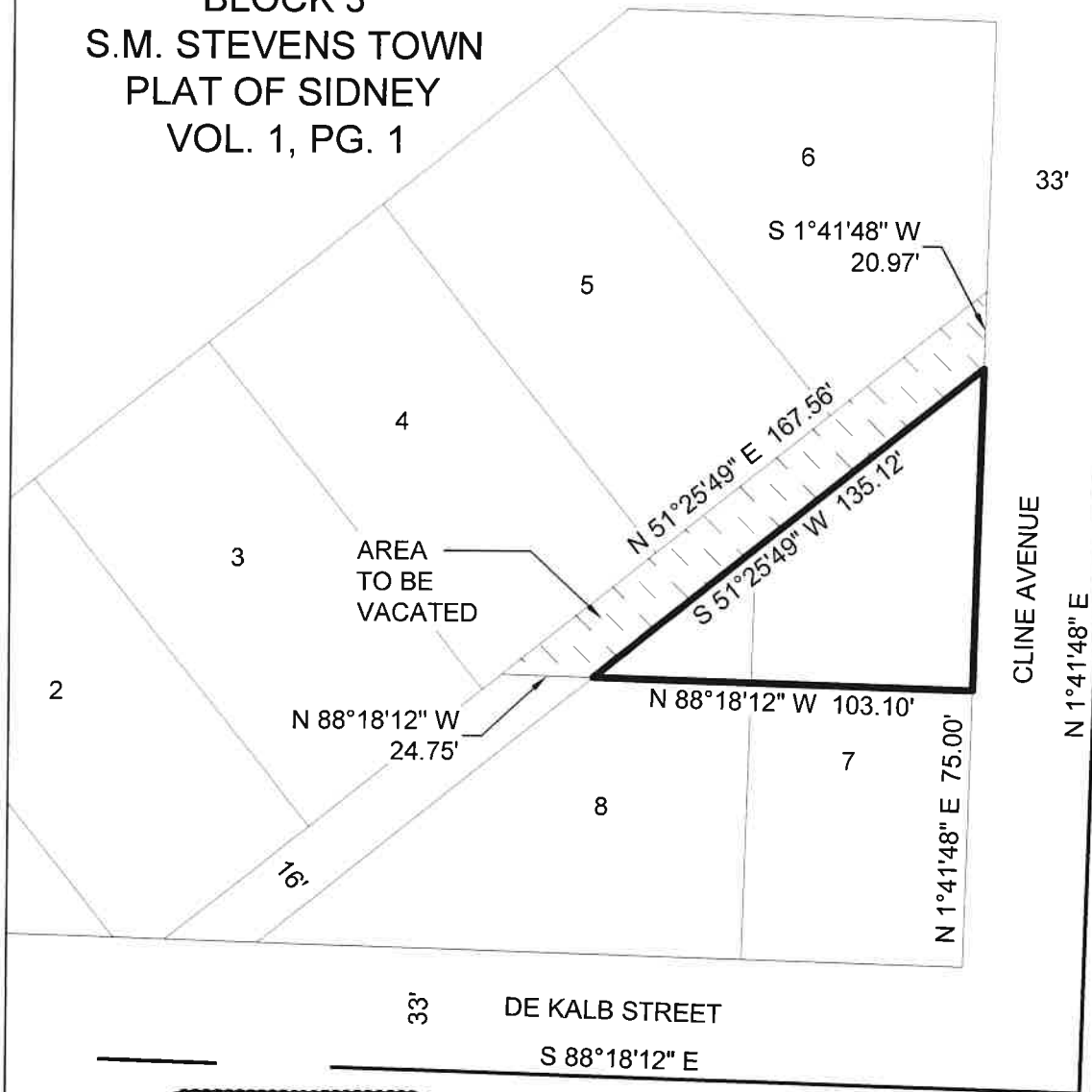
COMMENCING AT SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK 3; THENCE NORTH $01^{\circ}41'48''$ EAST ALONG THE EAST LINE OF SAID LOT 7, 75.00 FEET; THENCE NORTH $88^{\circ}18'12''$ WEST, PARALLEL TO THE SOUTH LINE OF SAID LOT 7 103.10 FEET TO THE NORTHWEST LINE OF LOT 8 IN SAID BLOCK 3 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH $88^{\circ}18'12''$ WEST 24.75 FEET TO THE SOUTHEAST LINE OF LOT 4 IN SAID BLOCK 3; THENCE NORTH $51^{\circ}25'49''$ EAST 167.56 FEET TO THE SOUTHEAST CORNER OF LOT 6 IN SAID BLOCK 3; THENCE SOUTH $01^{\circ}41'48''$ WEST 20.97 FEET TO THE NORTHEAST CORNER OF LOT 7 IN SAID BLOCK 3; THENCE SOUTH $51^{\circ}25'49''$ WEST 135.12 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2421.4 SQUARE FEET OR 0.06 ACRES, MORE OR LESS.



EXHIBIT "B"

BLOCK 3
S.M. STEVENS TOWN
PLAT OF SIDNEY
VOL. 1, PG. 1



7-19-19

WSE
WestSound Engineering, Inc.

217 S.W. Wilkins Drive Port Orchard, Wa. 98366
Phone (360) 876-3770 Fax (360) 876-0439
E-mail: wse@wsengineering.com

JOB No. **2806** SHT **2** OF **2** SHTS



Minh Chau Trinh <mctrealestatellc@gmail.com>

Price option on alley behind 314-316 Cline Ave, Port Orchard, WA 98366

Aaron@cbparkshore.com <Aaron@cbparkshore.com>

Fri, Jul 19, 2019 at 12:21 PM

To: MCT REAL ESTATE LLC <mctrealestatellc@gmail.com>

That alley has no real value, if not attached, but it looks like it was vacated. So the alley would be split between the two adjacent lots (the dealership and the lot with 2 homes).

Without seeing the insides of the homes I would value the whole parcel anywhere from 350k-400k. Could be higher potentially but I feel comfortable in the 350k-400k range.

I could provide a more detailed CMA, if allowed access to the properties.

Are you the owner? I couldn't help but notice your email.com

Aaron Smith
Coldwell Banker Park Shore Real Estate
4235 SE Mile Hill DR
Port Orchard WA 98366
(360) 271-1928
Visit my website!
[Quoted text hidden]



City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7G</u>	Meeting Date:	<u>October 8, 2019</u>
Subject:	<u>Approval of a Lease Agreement with the</u>	Prepared by:	<u>Brandy Rinearson, MMC</u>
	<u>Special Olympics Washington, South Kitsap</u>		<u>City Clerk</u>
	<u>Flag Football Program for Use of a Portion</u>	Atty Routing No:	<u>N/A</u>
	<u>of Van Zee Park</u>	Atty Review Date:	<u>N/A</u>

Summary: The Special Olympics Washington, South Kitsap Flag Football Program, is requesting temporary use of a portion of Van Zee Park to practice for their Regionals. They are requesting use of the field and lights starting September 24 to November 21, 2019; from 5PM to 8PM every Tuesday and Thursday.

With daylight becoming shorter and shorter and the urgency of the use of the field, this item was not presented to a committee, rather straight to Council for consideration. It is standard practice for the City to enter into a Lease agreement for this type of request. In the past, the City has leased the use of this field to other sports programs at the rate of \$249 per year. Staff recommends for consistency purposes, that this be the rate for this lease.

Since taking ownership of the lights, staff is testing the system to assure the lights will be turned on 30 minutes prior to the estimated sunset time and automatic shut off at the time requested by the organization. During the testing of the automatic lights, we have had no issues.

Recommendation: City staff recommends approval of lease, as presented.

Motion for consideration: “I move to approve a lease with the South Kitsap Flag Football Program, authorizing the Mayor to execute an Agreement for temporary use of the Van Zee Park, including the lights, as presented.”

Alternatives: N/A

Fiscal Impact: A revenue of \$249.

Attachments: Lease agreement and map.

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**REAL PROPERTY LEASE
AGREEMENT No. _____**

LESSOR: CITY OF PORT ORCHARD, a municipal corporation

LESSEE: Special Olympics Washington, South Kitsap Flag Football Program, a non-profit corporation in the State of Washington

ASSESSOR'S TAX PARCEL ID#: Portion of tax parcel #352401-3-026-2000; 300 Tremont Street, Port Orchard, WA

This Lease is made and entered into by and between the CITY OF PORT ORCHARD, a municipal corporation organized and existing under the laws of the State of Washington, herein referred to as Lessor or the City, and Special Olympics Washington, South Kitsap Flag Football Program, herein referred to as Lessee.

Section 1 - PREMISES

For and in consideration of the mutual covenants hereinafter contained, Lessor does hereby agree to lease, let and demise unto the Lessee a portion of the park described below "as is" between the hours of 5:00 p.m. and 8:00 p.m., on Tuesdays and Thursdays:

Van Zee Park: A portion of Van Zee Park measuring approximately 150 feet by 240 feet as delineated on the attached Exhibit "A".

Section 2 - TERM

This lease shall commence on September 25, 2019, at 5:00 p.m. and end on November 21, 2019, at 8:00 p.m., unless extended pursuant to Section 3, or earlier terminated pursuant to Section 8.

Section 3 - RENT

The rent shall be Two Hundred Forty-Nine Dollars (\$249.00) for the term of the lease payable in full without deduction or offset, to the Treasurer of the City of Port Orchard on or before October 15, 2019.

Section 4 – LEASE EXTENSION

This lease may be extended upon written request of either party, prior to the end date.

Section 5 - CONDITIONS OF USE

- A. It is understood and agreed between the parties that the Lessee shall not utilize the premises other than for organizing and administering youth athletic programs.
- B. The Lessee is prohibited to make any improvements to the PREMISES and the areas immediately adjacent to the PREMISES.

- C. Lessee shall maintain a clean and operational portable restroom available for use during practice hours.
- D. Lessee shall not sublease or rent any portion of the above-described real property without the prior written consent of Lessor, and consent to a sub-lease or rental agreement shall not be deemed to be consent to any subsequent sub-lease or rental agreement.
- E. Lessee agrees to maintain the above-described real property during the term of this lease and shall be responsible for the maintenance and upkeep of said area at all times, including but not limited to turf and shall be responsible for maintaining said area in an orderly state and sanitary condition.

Section 6 - INDEMNIFICATION; INSURANCE.

- A. Lessor, its officers, elected officials, employees and agents, shall not be liable for any loss, damage or injury of any kind or character to any person or property arising from any use of the leased premises or any part thereof, or caused by and/or arising from any act or omission of Lessee or any of its agents, employees, licensees or invitees or by or from any accident on the leased premises or any fire or other casualty thereon or occasioned by the failure of Lessee to maintain said premises or to cause the same to be maintained in a safe condition or by a nuisance made or suffered thereon, or arising from any other cause whatsoever; and Lessee, as a material part of the consideration of this lease, hereby waives on its behalf all claims and demands against Lessor and hereby indemnifies and agrees to defend and hold Lessor, its officers, elected officials, employees and agents, entirely free and harmless from all liability for damages and costs of other persons for any such loss, damage or injury, together with all costs, reasonable attorney's fees and expenses arising therefrom.
- B. Lessee shall procure and maintain during the lease term a commercial general liability policy against claims for injuries to persons or damage to property that may arise from or in connection with Lessee's use of the leased premises. Said policy shall have insurance limits no less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. Said policy shall be endorsed to name the Lessor as an additional insured and to state that coverage shall not be cancelled unless Lessor has received thirty (30) days written notice by certified mail, return receipt requested.

Section 7 - ASSIGNMENT

Lessee shall not assign or transfer this lease or any interest therein without the prior written consent of Lessor, and such consent to an assignment shall not be deemed to be consent to any subsequent assignment. Any such assignments without such consent shall be void, and shall at the option of Lessor, terminate with this lease.

Section 8 - DEFAULT

In the event the Lessee shall fail to keep and perform any of the covenants and agreements herein contained, including the maintenance of a proper insurance policy as described above, Lessor may terminate this lease by giving written notice to Lessee. Provided, however, that

with the exception of Lessee's failure to maintain a proper insurance policy as described above, Lessee shall be given a minimum of five (5) days upon receiving written notice to cure any default prior to lease termination. Lessee's failure to maintain a proper insurance policy as described above is not subject to Lessee's right to cure and shall be grounds for immediate termination of the lease by Lessor. In the event of any such lease termination, Lessor, in addition to the other rights and remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the premises.

Section 9 - WAIVER

Lessor's waiver of one or more covenants or conditions shall not be construed as a waiver of a subsequent breach of the same or other covenants or conditions.

Section 10 - PARTIES BOUND

The covenants and conditions herein contained shall, subject to the provisions as to assignment and transfer, apply to and bind the heirs, successors, executors, administrators, and assigns of all the parties hereto.

Section 11 - LESSOR'S RESERVATION

Lessor reserves the right, without liability to Lessee, to inspect the premises at reasonable times, upon reasonable notice, and without unreasonable interference to Lessee's activities on the premises.

Section 12 - ENTIRE AGREEMENT

This lease sets forth the entire agreement between the parties and it shall not be modified in any manner except by an instrument in writing executed by the parties.

Section 13 - JURISDICTION, VENUE AND ATTORNEY FEES

Any action for claims arising out of or relating to this lease shall be governed by the laws of the State of Washington. Venue shall be in Kitsap County Superior Court. In any suit or action instituted to enforce any right or obligation granted in this lease, the substantially prevailing party shall be entitled to recover its costs, disbursements, and reasonable attorney's fees from the other party.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have signed and sealed this lease the 8th day of October 2019.

LESSOR:

City of Port Orchard

LESSEE:

Special Olympics Washington, South
Kitsap Flag Football Program

By: _____
It's: Mayor

Signature: _____
Title: _____


ATTEST/AUTHENTICATED:

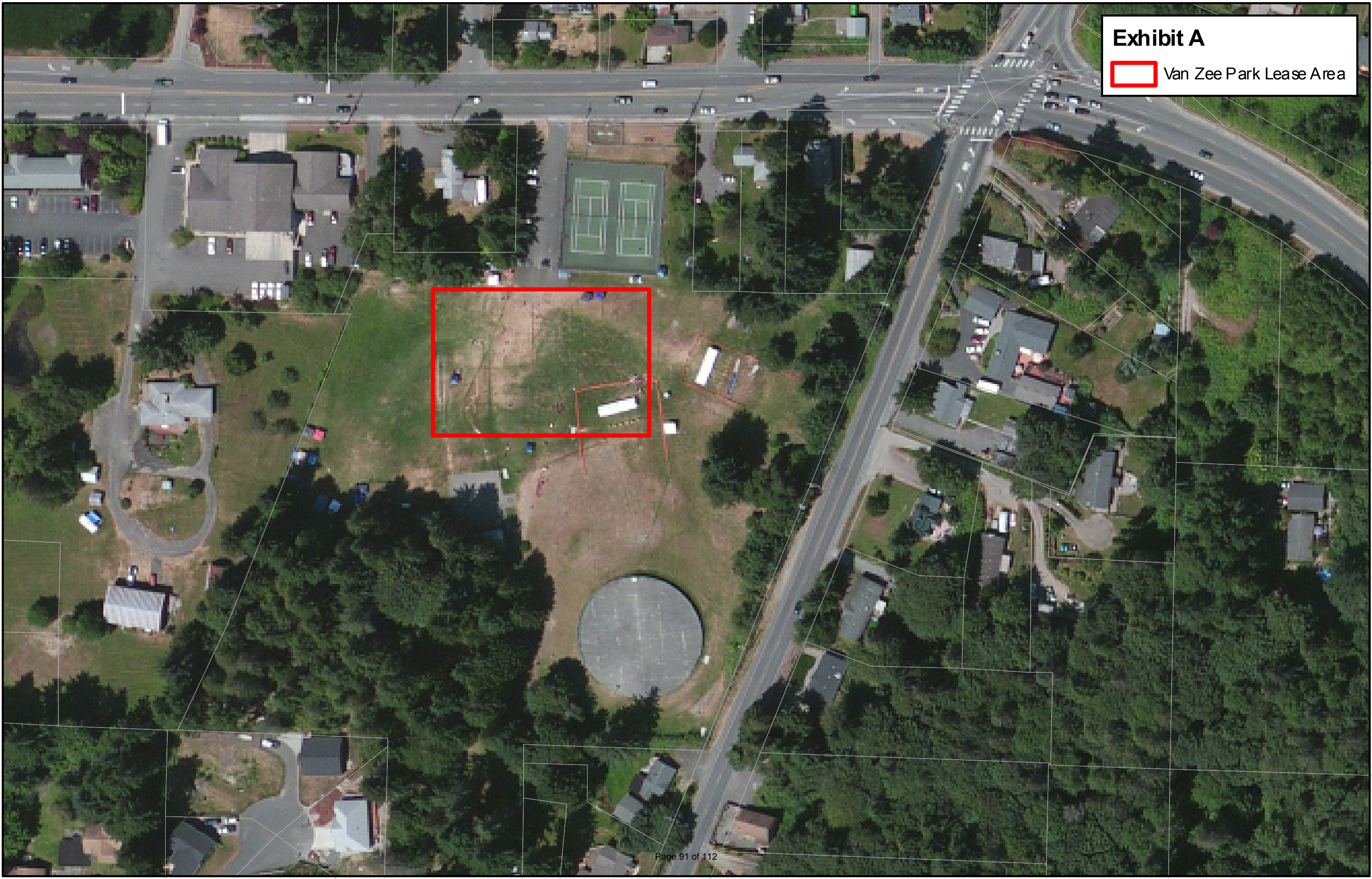
Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sharon Cates, City Attorney

Exhibit A

 Van Zee Park Lease Area



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**City of Port Orchard
Council Meeting Minutes
Regular Meeting of September 24, 2019**

1. CALL TO ORDER AND ROLL CALL

Mayor Putaansuu called the meeting to order at 6:30 p.m.

Roll call was taken by the City Clerk as follows:

Mayor Pro-Tem Ashby	Absent
Councilmember Chang	Present
Councilmember Clauson	Present
Councilmember Cucciardi	Present
Councilmember Diener	Present
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Community Development Director Bond, City Attorney Cates, Police Chief Brown, Operations Manager Lang, City Clerk Rinearson and Deputy City Clerk Floyd.

A. PLEDGE OF ALLEGIANCE

Mayor Putaansuu led the audience and Council in the Pledge of Allegiance.

2. APPROVAL OF AGENDA

Mayor Putaansuu mentioned tonight's public hearing will not be held due to incorrect noticing. It will be held at a future date.

MOTION: By Councilmember Rosapepe, seconded by Councilmember Diener, to approve the agenda as presented.

The motion carried.

3. CITIZENS COMMENTS

There were no citizen comments.

4. CONSENT AGENDA

- A.** Approval of Voucher Nos. 77614 through 77644 and 77656 through 77714 including bank drafts in the amount of \$310,563.65 and Electronic Payments in the amount of \$13,128.69 totaling \$323,692.34.

- B. Approval of Payroll Check Nos. 77645 through 77655, including bank drafts and EFT's in the amount of \$263,205.07; and Direct Deposits in the amount of \$174,981.32 totaling \$438,186.39.
- C. Adoption of a Resolution Confirming the Appointment of Tim Drury as the City's Abatement Hearing Officer (**Resolution No. 031-19**)
- D. Excusal of Councilmember Ashby Due to Personal Reasons

MOTION: By Councilmember Cucciardi, seconded by Councilmember Lucarelli, to approve the consent agenda as presented.

The motion carried.

5. PRESENTATION

There were no presentations.

6. PUBLIC HEARING

A. Surplus of Water and Sewer Utility Equipment

The public hearing was canceled.

7. BUSINESS ITEMS

A. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 20.39 Adopting Regulations Related to Social Services Facilities and Repealing Interim Ordinance No. 015-19

MOTION: By Councilmember Clauson, seconded by Councilmember Cucciardi, to approve an ordinance to adopt permanent regulations for the siting and development of secured residential facilities for sexually violent predators.

The motion carried.

(Ordinance No. 037-19)

B. Adoption of an Ordinance Amending Port Orchard Municipal Code Section 20.200.012 "Tenant Occupancy Permit"

MOTION: By Councilmember Chang, seconded by Councilmember Diener, to approve an Ordinance amending Section 20.200.012 POMC to adopt certificate of occupancy review and inspection requirements for certain new tenants and tenant changes of use.

The motion carried.

(Ordinance No. 038-19)

C. Adoption of a Resolution Amending Resolution No. 1946 Updating Speed Limits on Certain Roads within the City of Port Orchard (POMC 10.08)

MOTION: By Councilmember Cucciardi, seconded by Councilmember Clauson, to adopt the proposed resolution amending Resolution No. 1946 within Chapter 10.08 POMC to update speed limits within the City of Port Orchard.

Council Direction: Staff was directed to provide advance notice to the public about the changes.

The motion carried.

(Resolution No. 032-19)

D. Approval of Amendment No. 1 to Contract No. 025-17 with BHC Consultants, LLC for the 2017 Water System Plan Update

MOTION: By Councilmember Lucarelli, seconded by Councilmember Rosapepe, to execute Amendment #1 to Contract No. C025-17 with BHC Consultants LLC, in an amount not to exceed \$94,490.00, thereby bringing the new Contract total to \$228,497 and extending the Contract term to December 31, 2020.

The motion carried.

E. Approval of Amendment No. 1 to Contract No. 049-17 with BHC Consultants, LLC for On-call Engineering Services

MOTION: By Councilmember Lucarelli, seconded by Councilmember Diener, to execute Amendment No. 1 to Contract No. C049-17 with BHC Consultants, in an amount not to exceed \$25,000, thereby bringing the new Contract total to \$165,000.

The motion carried.

F. Approval of the September 10, 2019, Council Meeting Minutes

MOTION: By Councilmember Cucciardi, seconded by Councilmember Lucarelli, to approve the meeting minutes from September 10th as revised.

The motion carried. Councilmembers Diener and Clauson abstained.

Councilmember Lucarelli pointed out a misspelling in the minutes.

8. DISCUSSION ITEMS (No Action to be Taken)

A. Public Facilities District (PFD) Agreement Update

Mayor Putaansuu provided an update on the PFD's meeting, saying that we are taking steps forward and have another meeting scheduled for Monday [September 28, 2019] to talk about the specifics of the agreements. He voiced his displeasure with the draft agreement process and timeframes. The PFD's next meeting is scheduled for October 28th. We still do not have a commitment on the exact

dollar amount they are going to give us, but at the last two meetings, they have said they are going to fund us. We need to get this agreement done, but do not know at what level.

B. Initiative Measure No. 976 Regarding Car Tab Fees

Mayor Putaansuu mentioned said it is up to Council if they want this item on an agenda. He explained that a number of cities have passed resolutions in opposition of this initiative. We enacted a \$20 car tab fee as part of our transportation funding in our City. This was part of the package put together to pay for Tremont. This would remove about \$200,000 a year from our City and we would have to make it up some other way. He asked Council if they should hold a Public Hearing and possibly pass a Resolution in opposition?

Mayor and Council discussed a public hearing, when to take action, and receiving more information on the initiative.

Council Direction: Staff will move forward noticing a Public Hearing for October 8th and placing this on the agenda with 2 resolutions for possible action, with in opposition and the other in support. In addition, to provide more information to the Public and Council about this Initiative.

C. Updating the 2019-2021 Legislative Agenda

Mayor Putaansuu said he and staff have been brainstorming on several ideas, including updates at City Hall; remove marquee downtown; and new streetlights. The item for the community center is probably premature. Since it is a supplement year, the lobbyist recommends asking for true emerging issues and emergencies. He will continue to advocate for the transportation package that includes improvements on Sedgwick. Other ideas were utility and street related which don't do well in capital budgets.

Mayor and Council discussed the legislative agenda; Kitsap Regional Coordinating Council; and community center.

Mayor Putaansuu said he will work with the lobbyist and bring back a formal legislative agenda to Council.

9. REPORTS OF COUNCIL COMMITTEES

Mayor Putaansuu reported the Finance Committee is scheduled to meet October 8th and the Economic Development and Tourism committee is scheduled to meet October 14th.

Councilmember Lucarelli reported the Utilities Committee is scheduled to meet October 21st. The Sewer Advisory Committee is scheduled to meet November 6th. She reported on the September 16th Chimes and Lights meeting, and the next meeting is scheduled for October 21st.

Councilmember Rosapepe reported the Lodging Tax Advisory Committee is scheduled to meet the first week in October and will have final dates tomorrow.

Mayor Putaansuu reported he rode the Kitsap Transit Waterman yesterday; the two boat, high speed ferry service from Bremerton to Seattle started yesterday; and the Carlisle is going out for significant repairs but will be back at a future date.

10. REPORT OF MAYOR

The Mayor reported on the following:

- City Hall work force updates;
- Bay Street Pedestrian Path presentation;
- South Kitsap High School Wolves flag;
- Clock tower music;
- Contract for surveying services;
- Well 13 updates;
- Noon Rotary Club and benches at waterfront;
- Active shooter meeting; and
- 1406 funds (affordable housing money).

Councilmember Lucarelli asked Council to clarify and decide priority for meetings on which ones she should attend.

11. REPORT OF DEPARTMENT HEADS

Public Works Director Dorsey reported he and Councilmember Ashby will be meeting with the legislative group regarding SR16/160 project.

Community Development Director Bond reported on a grant opportunity for cities under 20,000 population which is House Bill 1923. It provides grants for increasing residential building capacity in a city. They are leaning towards applying for the downtown sub area plan.

Mayor, Council and staff discussed the grant and options; regional centers and funding; application due date; planned action EIS; and staff time and projects.

12. CITIZEN COMMENTS

Bill Evans, Robert McGee, Cate Cooper, Cuck Huck, Tracy Digiovanni, Randy Jones, Shawn D. voiced concerns with the Bay Street Pedestrian Pathway which included the effects of the pathway on the residents and businesses in Annapolis; eminent domain concerns; transparency; petition; the September 17th pathway presentation and email read into record; having a dialog with the City regarding alternate solutions; loss of parking; width of the path; environmental impacts; solutions to work together with the City; phases 1 and 2 of the pathway; safety concerns; need open line of communication between citizens and the City; mitigation discussions; and growth and employees of Whiskey Gulch.

Gregory Vance Vaught voiced concerns with the gas station to be built by his residence and spoke to soil contamination; neighbor concerns; and safety.

Nicole Vaught voiced her frustrations with the current Council, Mayor, and staff and spoke about prior administration.

Gerry Harmon asked Council to speak into their microphones and to also investigate other types of microphones; September 17th Bay Street Pedestrian Pathway presentation; and pathway concerns.

13. EXECUTIVE SESSION

At 7:56 p.m., Mayor Putaansuu recessed the meeting for a 20-minute executive session to discuss pending/ongoing litigation pursuant to RCW 42.30.110. City Attorney Cates, Development Director Bond and Public Works Director Dorsey were invited to attend and Mayor Putaansuu announced no action would be taken.

At 8:16 p.m., Mayor Putaansuu extended the executive session an additional 10 minutes.

At 8:26 p.m., Mayor Putaansuu extended the executive session an additional 10 minutes.

At 8:36 p.m., Mayor Putaansuu extended the executive session an additional 5 minutes.

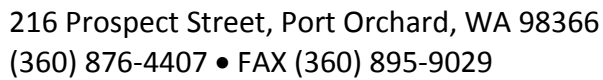
At 8:41 p.m., Mayor Putaansuu reconvened Council back into regular session.

14. ADJOURNMENT

The meeting adjourned at 8:41 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor



Meeting Date:	<u>October 8, 2019</u>
Prepared by:	<u>Nick Bond, AICP</u>
	<u>DCD Director</u>
City Routing No.:	<u>NA</u>
City Review Date:	<u>NA</u>

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ORDINANCE NO. 039-19

AN ORDINANCE of the City of Port Orchard, Washington, adopted pursuant to RCW 35A.63.220 and RCW 36.70A.390; amending the temporary six-month moratorium that was adopted under Ordinance No. 020-19-A, amending Sections 3 and 4 of that Ordinance to allow for the acceptance and processing of building permits under certain conditions but maintaining the moratorium on the issuance of such permits in the 580 & 660 water zones of Port Orchard; and establishing an effective date.

WHEREAS, the City Council adopted the emergency moratorium under Ordinance No. 020-19 on June 11, 2019, which established a six-month moratorium on the acceptance of certain development in the 580 & 660 water zones of Port Orchard; and

WHEREAS, in accordance with State law, a public hearing on the adoption of Ordinance No. 020-19 was held on July 23, 2019, which is less than 60 days after the adoption of Ordinance No. 020-19; and

WHEREAS, the City Council desired to reaffirm Ordinance No. 020-19 and amend it by adopting an updated Ordinance No. 020-19-A to add findings of fact based on additional information obtained by the City, information provided to the City by interested parties, and after conducting the public hearing; and

WHEREAS, the City has been working with multiple parties in order to solve the infrastructure issues that led to the imposition of the moratorium and it is expected that the moratorium established under Ordinance No. 020-19-A will be lifted prior to its expiration date; and

WHEREAS, there are many potential applicants that are waiting for the lifting of the moratorium in order to submit building permits; and

WHEREAS, McCormick Communities has requested that the City allow the submittal and processing of building permit applications during the moratorium period with the agreement that such permits not issue until and unless the moratorium has been lifted; and

WHEREAS, in order to speed the issuance process of such permits after the lifting of the moratorium, the City Council deems it in the best interest of the City to modify the moratorium to allow the submittal and processing of applications for any applicant that agrees to waive the processing time periods and who acknowledges that the submittal of a building permit application does not guarantee issuance of the permit until such time as the moratorium has been lifted; now, therefore

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN
AS FOLLOWS:**

Section 1. Amendment of Ordinance No. 020-19-A §3. Section 3 of Ordinance No. 020-19-A is hereby amended to read as follows:

Section 3. Effect on Vested Rights. The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent the acceptance of Permit Applications submitted after the effective date of this ordinance, except as provided in Section 4, Subparagraph 9 of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Port Orchard regulations, provided that such a permit applicant has filed a complete Permit Application before the effective date of this ordinance.

Section 2. Amendment of Ordinance No. 020-19-A § 4. A new subparagraph 9 is hereby added to Section 4 of Ordinance No. 020-19-A to read as follows:

Section 4. Exclusions. The provisions of this moratorium shall not apply to any Permit Applications or projects that are specifically excluded by the Exclusions set forth in this ordinance. These Exclusions, unless expressly modified by the City Council, are specifically limited to:

1. "Legislative Approvals" and "Quasi-Judicial Decisions by City Council" (i.e. Type IV and V decisions) as identified on Table 20.22.020 of POMC 20.22 for projects that are already vested.

2. Permits and approvals that are vested by contract, such as those covered by an approved development agreement. However, even if a Development Agreement is applicable, applications for building permits in the 580 & 660 zones are subject to this moratorium, unless otherwise

exempted by this section.

3. Permits and approvals for additions, alterations, or remodels to existing buildings when such additions, alterations, or remodels do not require additional water capacity.

4. Permits and approvals for emergency repairs or construction to protect people or property necessitated by a hazardous event or natural disaster (e.g., geologically unstable slope, fire, flooding, earthquake).

5. Land Disturbing Activity Permits, Stormwater Drainage Permits, and other land use permits and approvals.

6. Permits and approvals for signs.

7. Permits and approvals for emergency medical and disaster relief facilities.

8. Building permit applications in the 580 & 660 zones that have been submitted prior to the effective date of the moratorium.

9. Building permit applications may be submitted after the effective date of Ordinance No. 039-19 which amends Ordinance 020-19-A, only if the applicant signs a form prepared by the City which: (a) acknowledges that a moratorium is in place at the time of application, the building permit is subject to this moratorium, and the permit will not be issued so long as the moratorium is in effect; and (b) waives any claims against the City based upon time delays in permit issuance caused by the moratorium, or any extension thereof.

Section 3. Authority of Director. In addition to the interpretive authority granted in Section 6 of Ordinance No. 020-19-A to the City of Port Orchard Director of Community Development, or designee, the Director or designee is hereby authorized to interpret and

implement the exclusions created under Section 4 of Ordinance No. 020-19-A, as amended by this Ordinance 039-19. A copy of the draft application implementing this Ordinance is attached as Exhibit A.

Section 4. Validity of Ordinance No. 020-19-A. Except as amended by this Ordinance 039-19, Ordinance No. 020-19-A shall remain in full force and effect until either it expires, it is extended by another act of legislation, or until is it dissolved by another act of legislation.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 7. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 8rd day of October, 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Jennifer Robertson", is written over a horizontal line.

Jennifer Robertson,
Attorney for Port Orchard

PUBLISHED:

EFFECTIVE DATE:



CITY OF PORT ORCHARD

Permit Center

Office located at 720 Prospect Street
 Mailing address: 216 Prospect Street
 Port Orchard, WA 98366
 (360) 874-5533 · permitcenter@cityofportorchard.us

MORATORIUM RESIDENTIAL BUILDING PERMIT APPLICATION

AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED

PLAN REVIEW: (check the box that applies)

- ☐ Using a Basic Plan. Plan #: _____ Elevation #: _____
- ☐ Using a previously submitted plan reviewed for McCormick Development. Plan Review #: _____
- ☐ Site-specific plans are included with this application.

BUILDING TYPE: POMC 20.32.010

☐ DETACHED HOUSE ☐ OTHER: _____

LENDER INFORMATION: Required for construction projects with a loan exceeding \$5,000. RCW 19.27.095

Lender Name: _____

Lender Address: _____

Office Phone Number: _____

DESIGN GUIDELINES: POMC 20.139

The design guidelines apply to new construction, additions to existing structures, and projects whose valuation exceeds 50% of the current taxable value of the existing structure.

What is the current taxable value of the structure? (Information is available from County Assessor) \$ _____

What is the transparency percentage of the front façade? POMC 20.139.025(3)(a) _____ %

COMPLETE ALL INFORMATION BELOW			
Area	Square Footage:		
	New	Remodel	
Main Floor			Fence or retaining wall: Lin. ft.
2 nd Floor			Lot size: Sq. ft.
3 rd Floor			Total hard surfaces on site: (structures, driveways, walkways, parking areas, etc., <u>existing & new</u>) Sq. ft.
Garage			Lot coverage (%): %
Deck			Fence / Retaining Wall Height: Ft., in.
Basement, unfinished			# of Bedrooms:
Basement, finished			# of Bathrooms:
Covered Porch			# of Dwelling Units:
Unfinished storage space: Garage 2 nd floor or Attic			Excavation: (other than for basement, footings, and/or utilities) Cu. yd.
Other:			Construction Value*: \$ _____
Total all areas sq. ft.:			<i>*Use the contract amount; or multiply the materials cost x 2.</i>

SUBMITTAL REQUIREMENTS: (check the box for each item included with this application)

- ☐ **THE MASTER PERMIT APPLICATION FORM** with original signature(s).
One Master covers all applications that are included with this submittal. No additional copies are required.
- ☐ **THREE TOTAL:** The original completed Residential Building Permit Application (*this form*), plus two copies.
- ☐ **THREE COPIES:** Building plans (*Sized so all information is legible; 11" x 17" minimum*):
- ☐ Must be drawn to scale and show dimensions.
 - ☐ For additions or remodels, existing and proposed work must be clearly designated.
- ☐ **THREE COPIES:** Elevation drawings (*Sized so all information is legible; 11" x 17" minimum*):
Required for new construction or when there are any exterior modifications to an existing building.
- ☐ Must be drawn to scale and show dimensions.
 - ☐ Must show grade plane. (See POMC 20.12 for definition of 'grade plane'.)
 - ☐ Must provide the percent of transparency of the front façade.
- ☐ **TWO COPIES:** Structural engineering (plans and calculations) as applicable to your project.
- ☐ **FOUR COPIES:** Site plan, unless waived by the Department. (*Sized so all information is legible; 11" x 17" minimum*).
Use the *Site Plan Checklist* for a list of all requirements. **At a minimum, you must show:**
- ☐ Property lines and dimensions.
 - ☐ North arrow and site plan scale.
 - ☐ Contour lines: every 2' unless slopes exceed 15%; then show every 5'.
 - ☐ Arrows showing the direction of natural drainage.
 - ☐ Location, width and length of driveway.
 - ☐ Distance from all existing and proposed structures in relation to property lines, other structures and any critical areas on site.
 - ☐ Temporary erosion control measures to be used during construction.
 - ☐ Any grading included in the proposed project not otherwise covered by a separate valid Land Disturbing Activity Permit (LDAP).
- ☐ **FOUR COPIES:** *Site Plan Checklist Form #085*, unless a site plan is not required.
- ☐ **ONE COPY:** *Energy Code Worksheet*, for new construction or addition greater than 500 sq. ft. of heated floor area.
- ☐ **For all permits and/or reviews checked on the Master Permit Application Form:** submit the specific application form. Include the required documentation and number of copies as listed on the form for each permit/review type.
- ☐ **ONE ELECTRONIC COPY** of all submitted materials provided in PDF format.
NOTE: *electronic copies of building, elevation, and site plans must be scalable when printed 11" x 17".*
Other documentation may be required other than what is listed above.

Applicant Agreement and Signature:

I agree to the terms and conditions as set forth in Port Orchard City Council, Ordinance No. 039-19; and voluntarily agree to the following statements and terms:

- (a) I submit this application at my own risk with the knowledge that there is a moratorium in place for the zone where the property for which this permit is sought is located and understand that the moratorium prohibits the issuance of any building permits for which a new water connection is required during the moratorium's effective period.*
- (b) I voluntarily waive all processing timelines as set for under the Port Orchard Municipal Code and State or Federal Law.*
- (c) I understand that there is a moratorium in place in the 580 and 660 water zones and the City's acceptance of this building permit application does not guarantee approval or issuance of a permit until such time as both the moratorium has been lifted and all permit requirements have been met.*
- (d) I knowingly and willingly waive any claims against the City of Port Orchard for time delays or failure to issue this permit and any related permits during the effective period of the moratorium, or any extension thereof.*

X _____ **DATE:** _____
Authorized Agent Signature

_____ **TITLE:** _____
Print Name

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City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Discussion Item 8B
Subject: HB 1406 Relating to Encouraging
Investments in Affordable and Supportive
Housing

Meeting Date: October 8, 2019
Prepared by: Rob Putaansuu
Mayor
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: On August 13, 2019, Council adopted Resolution No. 023-19 declaring the intent to adopt legislation to authorize a sales and use tax for affordable and supporting housing in accordance with House Bill 1406. As a reminder, this is not a new tax.

Recommendation: Discuss HB 1406 and the City's intent of the tax.

Fiscal Impact: N/A

Alternatives: N/A

Attachments: HB 1406 Discussion Items.

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1406 Funds

Kitsap Community Resources – Housing Solutions Center

Rental Assistance and rental/utilities assistance if utilities are included in the rent

Administration – 8.3%

Guidelines for these funds would be a senior or veteran that is literally homeless (street, shelter, place not meant for habitation, or fleeing domestic violence) or at imminent risk of losing housing (a pay or vacate notice). Housing must be within the City of Port Orchard. Income must be between 0-50% AMI. The maximum per household cap for assistance would be \$2,000

Housing Kitsap

Rehab grants to low income homeowners

\$8,000 to \$18,000 per grant

Currently 7 homes on a waiting list in Port Orchard

Prevents loss of home, age in place

Life safety improvements like roofs, bathrooms, mold, windows and emergency access.

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