



REVISED

**City of Port Orchard Council SPECIAL MEETING /
Work Study Session
March 17, 2020
6:30 p.m.**

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Bek Ashby
Finance Committee
Economic Development & Tourism Committee
Transportation Committee
KRCC/KRCC PlanPol-alt /KRCC TransPol
PSRC-alt/PSRC TransPOL-Alt/PRTPO

Shawn Cucciardi
Finance Committee
Economic Development & Tourism Committee
Kitsap Economic Development Alliance

Fred Chang
Economic Development & Tourism Committee
Land Use Committee

Jay Rosapepe (Mayor Pro-Tempore)
Utilities/Sewer Advisory Committee
Land Use Committee
Transportation Committee
Lodging Tax Advisory Committee
KRCC-alt

John Clauson
Finance Committee
Utilities/Sewer Advisory Committee
Kitsap Public Health District-alt

Cindy Lucarelli
Festival of Chimes & Lights Committee
Utilities/Sewer Advisory Committee
Kitsap Economic Development Alliance

Scott Diener
Land Use Committee
Transportation 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, CPRO
City Clerk

Contact us:

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

Special Note:

Pursuant to the recommendations from public health officials, the City will take the following actions for this Council Meeting:

- *Older adults and individuals with underlying medical conditions that are at increased risk of serious COVID-19 are encouraged not to attend the meeting (including employees); and*
- *The City will utilize social distancing recommendations; and*
- *Proper hand hygiene and sanitation will be readily available to all attendees and employees; and*
- *The City will comply with environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC).*

Please note: the meeting is open to the public and no action will be taken to prohibit or otherwise limit the public's attendance from this meeting.

Action items:

- ~~1. Kitsap County Community Development Block Grant Program (Tufts-Kitsap County)
Estimated Time: 30 Minutes~~ Moved to April Work Study Session
2. Approve and Ratify the Mayor's Proclamation of Local Emergency Pursuant to RCW 38.52.070 (Mayor) Page 3
Estimated Time: 15 Minutes
3. Report on Revisions to Personnel Policies during Local Emergency (Mayor) Page 7
Estimated Time: 5 Minutes
4. Adoption of an Ordinance Ratifying Suspension of Utility Shut-off and Amending Port Orchard Municipal Code Section 13.04.050 (Mayor) Page 9
Estimated Time: 20 Minutes
5. Adoption of an Ordinance Amending Port Orchard Municipal Code Sections 2.04.010, 2.04.160, 2.04.210, Adopting POMC 2.04.045, Pertaining to Remote Meeting Policy (Mayor) Page 15
Estimated Time: 10 minutes
6. Approval of an Ordinance Amending Port Orchard Municipal Code Sections 2.50.010, and Adopting POMC 2.50.020, Pertaining to Hours of Operation and Closure of City Facilities (Mayor) Page 21
Estimated Time: 10 Minutes

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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.: Action Item 2
Subject: Approve and Ratify the Mayor's
Proclamation of Local Emergency Pursuant
to RCW 38.52.070

Meeting Date: March 17, 2020
Prepared by: Charlotte Archer
City Attorney
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: On March 16, 2020, the Mayor issued a Proclamation of Local Emergency (the "Proclamation") for the City of Port Orchard due to the spread of the novel coronavirus known as COVID-19, pursuant RCW 35A.34.140, RCW 38.52.070(2), and RCW 39.04.280. The Proclamation authorizes department directors, at the direction of the Mayor, to take actions necessary to mitigate and continue to operate, including modified work schedules, reassignment of personnel, and to waive the competitive bidding and public notice requirements for the procurement of goods and services necessary to prepare for, prevent and respond to this emergency. The Mayor will report to the Council throughout the emergency as to the measures taken to protect the public health, safety and welfare. All contracts executed pursuant to this Proclamation will be submitted to the Council at the earliest practical time.

Recommendation: The Mayor seeks the Council's ratification of the Proclamation by motion of the Council.

Relationship to Comprehensive Plan: N/A

Motion for consideration: "I move to approve of and ratify the Mayor's Proclamation of Local Emergency, pursuant to RCW 38.52.070."

Fiscal Impact: Unknown

Alternatives: N/A

Attachments: Proclamation

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**CITY OF PORT ORCHARD
PROCLAMATION OF LOCAL EMERGENCY**

WHEREAS, on February 29, 2020, the Governor of Washington proclaimed a state of emergency for all counties in the state of Washington due to the spread of a novel coronavirus now known as COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared that the spread of COVID-19 had resulted in a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration due to the COVID-19 pandemic, and authorized Federal Emergency Management Agency (FEMA) assistance and aid pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207; and

WHEREAS, the Kitsap Public Health District has identified at least five positive cases of COVID-19 in Kitsap County, and the Kitsap Public Health District Health Officer reports that it will likely spread and cause adverse health impacts to the residents of the County; and

WHEREAS, according to medical experts from the Center for Disease Control (CDC) and the Kitsap Public Health District, COVID-19 poses a substantial likelihood of risk of severe illness for persons at a higher risk, including older adults, pregnant women, and people with other health conditions; and

WHEREAS, the CDC has classified COVID-19 as endemic to the Puget Sound region;

NOW, THEREFORE, IT IS PROCLAIMED BY THE MAYOR OF THE CITY OF PORT ORCHARD that an emergency exists in the City of Port Orchard as a result of the aforementioned conditions and, therefore:

Section 1. Pursuant to this proclamation and RCW 35A.34.140, RCW 38.52.070(2), and RCW 39.04.280, the requirements of competitive bidding and public notice are hereby waived with reference to any contract relating to the lease or purchase of supplies, equipment, personal services, or public works, or any contract for professional or personal services necessary to prepare for, prevent, and respond to this emergency.

Section 2. Pursuant to this proclamation, City of Port Orchard departments are authorized to take actions necessary to mitigate and prevent this threat to public health and safety and impacts upon publicly-owned infrastructure, including issuance of emergency permits, re-assignment of personnel, modifications of employee work schedules, and other measures necessary to ensure the health and safety of the City's employees and the public.

Section 3. A copy of this proclamation shall be disseminated via the City's regular means for official notices and shall be made available to the media and general public.

Section 4. This proclamation shall expire ninety (90) days from the date of issuance, unless extended or earlier terminated by the Mayor.

Issued by the Mayor of Port Orchard on this 16th day of March, 2020.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, MMC, City Clerk

Personnel Policy Proposed Amendment

4.4 UNUSUAL WEATHER CONDITIONS

The City will normally continue to operate even during times of inclement weather or natural disaster, unless the City notifies employees otherwise. Many City services are of primary importance during emergency conditions. Every effort will be made to maintain City services at a normal level, or modified, as conditions warrant. At these times, employees may be asked to perform duties outside their normal job description to assist with providing priority services.

If unusual weather conditions prevent an employee from reporting to work, it is the employee's responsibility to notify his or her supervisor as soon as possible. A non-exempt employee who is unable to get to work, or leaves work early because of unusual weather conditions may charge the time missed to: vacation or compensatory time (if available), or leave without pay, subject to Department Director approval. Employees may be permitted to leave early to ensure their safety, however, no department shall be closed without the prior approval of the Mayor or Mayor's designee.

If at any time, the Mayor or his/her designee, closes City Hall due to inclement weather or a state of emergency, non-essential employees will not be required to report to work. The City will pay non-essential employees for the equivalent time of their regular working hours for that day and they will not be required to use leave. Employees designated as essential will need to coordinate with the supervisor regarding their schedule. Essential employees who are required to stay and work by the Employer shall be credited the equivalent time of the closure into their vacation leave banks. The foregoing shall not apply to situations in which City Hall is closed to the public but remains open for employees to work. This section will not apply to non-essential and essential employees that were previously scheduled to use leave (i.e. vacation, personal holiday, sick or other leave categories) during the closure.

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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.: Action Item 4
Subject: Adoption of an Ordinance Ratifying
Suspension of Utility Shut-off and
Amending Port Orchard Municipal Code
Section 13.04.050

Meeting Date: March 17, 2020
Prepared by: Robert Putaansuu
Mayor
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: With the current health advisories taking place, questions arose as to who has the authority to suspend disconnection of water and sewer services and to waive turnoff fees.

Mayor, staff, and legal counsel have been working on updating the Port Orchard Municipal Code to address this issue. The proposed ordinance would delegate authority to disconnect water and sewer services and to waive turnoff fees under emergency conditions, set out in POMC Ch. 13.04.050.

Proposed ordinance has been provided for your consideration.

Recommendation: N/A

Relationship to Comprehensive Plan: N/A

Motion for consideration: "I move to adopt an Ordinance ratifying suspension of utility shut-off and Amending Port Orchard Municipal Code Section 13.04.050, as presented."

Fiscal Impact: Unknown

Alternatives: N/A

Attachments: Ordinance

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO WATER AND SEWER SERVICE; AMENDING PORT ORCHARD MUNICIPAL CODE SECTION 13.04.050; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 16, 2020, the Mayor issued a Proclamation of Local Emergency (the “Proclamation”) arising from the global COVID-19 pandemic; and

WHEREAS, the City provides critical water and sewer services to residents of Kitsap County, and these services are essential for public health and safety; and

WHEREAS, with the Proclamation the Mayor directed staff to suspend delinquent water account shut-offs for the period of emergency, so as to protect public health and safety during this pandemic; and

WHEREAS, the City Council supports the Mayor’s efforts, and finds that an emergency exists that warrants the actions taken and the amendments herein; and

WHEREAS, this Ordinance amends the provisions of the Port Orchard Municipal Code pertaining to delinquent account disconnection of water services, in support of the Mayor’s Proclamation; and

WHEREAS, the City Council seeks to ratify finds that this Ordinance is consistent with the City’s Comprehensive Plan, and that the amendments herein benefit the health, safety and welfare of the residents of the City; now, therefore

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

SECTION 1. Findings and Recitals. The recitals set forth above are hereby adopted and incorporated as findings in support of this ordinance.

SECTION 2. POMC 13.04.050, Amendment. Port Orchard Municipal Code Section 13.04.050 is hereby amended to read as follows:

13.04.050 Billing.

(1) The water and/or sewer charges shall be billed by the city treasurer bimonthly, on the last day of the bimonthly period, to the property owner. The charges and rates shall be due to the treasurer, who is authorized and empowered to collect and receipt for such payments, on the first day of the month following the receipt of services.

(2) Charges remaining unpaid 25 days after the due date shall be considered delinquent and shall be subject to an additional charge of 10 percent of the unpaid balance as a penalty.

(3) When a water and/or sewer bill shall become delinquent and a city employee must go to the premises during normal working hours for the purpose of hanging a written notice on the door, there shall be a charge added to the account set forth in POMC 13.04.025.

(4) If the delinquent water and/or sewer charges remain unpaid over a period of 30 days after the due and payable date, service will be discontinued by turn-off. Service will not resume thereafter until the delinquent charges and penalties, together with a turn-off fee, have been paid in full. The turn-off fee shall be set forth in POMC 13.04.025.

(a) It is unlawful for the owner or occupant of the premises to turn on/off the water, cause damage, or cause it to be turned on after it has been shut off or locked by the city. The above charges under this subsection (4) will apply if the city has to return to re-shut off an account that is supposed to be turned off at the meter for nonpayment. Violations will result in a fee as determined by the city which is set forth in POMC 13.04.025.

(b) In the event of a declared state of emergency, due to a natural disaster, weather or public health emergency, the city treasurer is authorized to suspend disconnection of water and/or sewer services and to waive turn-off fees for the duration of the declared emergency. All other fees and charges shall continue to accrue.

(5) Where both water and sewer delinquent charges are involved, the customer shall not be billed double penalties.

(6) In the event of a declared local state of emergency, due to a natural disaster, weather or public health emergency, the city treasurer is authorized to suspend disconnection

SECTION 3. Ratification. The City Council hereby ratifies and affirms any act consistent with the authority and prior to the effective date of this Ordinance.

SECTION 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 5. Effective Date. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 17th day of March, 2020.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

SPONSORED BY:

Charlotte A. Archer, City Attorney

Shawn Cucciardi, Councilmember

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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.: Action Item 5
Subject: Adoption of an Ordinance Amending Port Orchard Municipal Code Sections 2.04.010, 2.04.160, 2.04.210, Adopting POMC 2.04.045, Pertaining to Remote Meeting Policy

Meeting Date: March 17, 2020
Prepared by: Charlotte Archer
City Attorney
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: With the current health advisories taking place, questions arose as to who would have the authority to close City public facilities. If facilities are closed, and City action needs to be taken, how should staff and officials continue to work.

Mayor, staff, and legal counsel have been working on updating the Port Orchard Municipal Code to address this issue. The proposed ordinance would memorialize in POMC Ch. 2.04 the Mayor's authority to authorize remote attendance by councilmembers and staff (via video conferencing) and the standards by which the authority would be exercised.

Proposed ordinance has been provided for your consideration.

Recommendation: N/A

Relationship to Comprehensive Plan: N/A

Motion for consideration: "I move to adopt an Ordinance Amending Port Orchard Municipal Code Sections 2.04.010, 2.04.160, 2.04.210, Adopting POMC 2.04.045, Pertaining to Remote Meeting Policy, as presented."

Fiscal Impact: Unknown

Alternatives: N/A

Attachments: Ordinance

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO COUNCIL MEETINGS; AMENDING PORT ORCHARD MUNICIPAL CODE SECTIONS 2.04.010, 2.04.160, 2.04.0210, AND ADOPTING NEW SECTION 2.04.045 FOR COUNCIL MEETING ATTENDANCE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 35A.110 RCW, including but not limited to RCW 35A.12.110, establishes the parameters for the conduct of council meetings, including notice and attendance; and

WHEREAS, in compliance with Chapter 35A.110 RCW, the City Council by Ordinance designated the date and time, location, and parameters for council meetings, codified at Port Orchard Municipal Code Chapter 2.04; and

WHEREAS, the City Council finds that amendments and adoption of a new provision pertaining to the time and remote attendance of meetings by Council members and City staff are necessary and appropriate to ensure the health and safety of the Council, public, and the City's employees; now, therefore

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

SECTION 1. POMC 2.04.010, Amendment. Port Orchard Municipal Code Section 2.04.010 is hereby amended to read as follows:

2.04.010 Meeting time and place.

The city council shall hold a minimum of one meeting per month. The city council shall determine the annual schedule for these meetings for the next calendar year no later than the last regular business meeting of the preceding calendar year. Regular meetings shall be typically held on the second and fourth Tuesdays, in the council chambers of City Hall, commencing at the hour of 6:30 p.m. and continuing to 9:30 p.m. To continue past the 9:30 p.m. adjournment time, a majority of the city council must concur. The Work Study Session meetings are typically held on the third Tuesday, in the council chambers of City Hall, commencing at the hour of 6:30 p.m. The city council may change the time and/or place of any scheduled meeting if public notice of such meeting has been given pursuant to the provisions of RCW 42.30.080 as now or hereafter amended. In the event any scheduled meeting falls on a holiday, the city council shall meet on the next business day at the same hour.

SECTION 2. POMC 2.04.045, Adoption. Port Orchard Municipal Code Section 2.04.045 is hereby adopted to read as follows:

2.04.045 Remote Attendance.

The Mayor, or in the Mayor's absence the mayor pro tem, may approve a Councilmember or employee's appearance at a regular, special or work study session meeting via video conferencing or telephone ("remote attendance") under the following circumstances:

- a. When action on a measure to be voted on cannot be delayed but rather requires immediate action or remedy; and
- b. The remote attendance is for the benefit of the City and not for the benefit of an individual Councilmember; and
- c. In the event of fire, flood, earthquake, or other emergency relating to public health and safety.

SECTION 3. POMC 2.04.160, Amendment. Port Orchard Municipal Code Section 2.04.160 is hereby amended to read as follows:

2.04.160 Voting required by council member.

Each member present must vote on all questions put to the council, except as to matters with respect to which such council member has a personal financial interest; matters presented for council consideration by an entity other than the city in which the council's determination is advisory only; or meeting minutes of a meeting the council member did not attend. For the purposes of this section, a member is considered present when appearing remotely in accordance with POMC 2.04.045.

SECTION 4. POMC 2.04.210, Amendment. Port Orchard Municipal Code Section 2.04.210 is hereby amended to read as follows:

2.04.210 City employees requested to attend.

The chair shall assure that all regular meetings, workshops, special and emergency meetings of the council are appropriately staffed. The Mayor or designee may authorize remote attendance by employees, at his or her discretion. While the authority for requiring department heads to attend council meetings rests with the mayor, the council is free to refuse to take action on particular agenda items where necessary department directors are not present.

SECTION 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 6. Effective Date. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 17th day of March 2020.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

SPONSORED BY:

Charlotte A. Archer, City Attorney

Shawn Cucciardi, Councilmember

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City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
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Agenda Staff Report

Agenda Item No.: Action Item 6
Subject: Adoption of an Ordinance Amending Port Orchard Municipal Code Sections 2.50.010, and Adopting POMC 2.50.020, Pertaining to Hours of Operation and Closure of City Facilities

Meeting Date: March 17, 2020
Prepared by: Charlotte Archer
City Attorney
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: With the current health advisories taking place, questions arose as to who would have the authority to close City public facilities. If facilities are closed, and City action needs to be taken, how should staff and officials continue to work.

Mayor, staff, and legal counsel have been working on updating the Port Orchard Municipal Code to address this issue. The proposed ordinance would memorialize in POMC Ch. 2.04 the Mayor’s authority to authorize remote attendance by councilmembers and staff (via video conferencing) and the standards by which the authority would be exercised.

Proposed ordinance has been provided for your consideration.

Recommendation: N/A

Relationship to Comprehensive Plan: N/A

Motion for consideration: “I move to adopt an Ordinance Amending Port Orchard Municipal Code Sections 2.50.010, and Adopting POMC 2.50.020, Pertaining to Hours of Operation and Closure of City Facilities, as presented.”

Fiscal Impact: Unknown

Alternatives: N/A

Attachments: Ordinance

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO ADMINISTRATION; AMENDING PORT ORCHARD MUNICIPAL CODE 2.50.010 AND ADOPTING NEW SECTION 2.50.020 FOR HOURS OF OPERATION OF CITY FACILITIES; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35A.21.070 states that all code city offices shall be kept open for the transaction of business during such days and hours as the legislative body of such city shall by ordinance prescribe; and

WHEREAS, the City Council, as the City's legislative body, may delegate its authority under RCW 35A.21.070, in whole or in part, to the Mayor; and

WHEREAS, the City Council adopted by Ordinance the hours of operation for the City's facilities, codified at Port Orchard Municipal Code Chapter 2.50; and

WHEREAS, the City Council finds that amendments and adoption of a new provision pertaining to the hours of operation for the City's facilities are necessary and appropriate to ensure the health and safety of the public and the City's employees; now, therefore

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

SECTION 1. POMC 2.50.010, Amendment. Port Orchard Municipal Code Section 2.50.010 is hereby amended to read as follows:

2.50.010 Established.

Business hours for Port Orchard City Hall and other city facilities open to the public shall be 8:00 a.m. through 4:30 p.m. Monday through Friday of each week, except for recognized legal holidays. The business office of each department whose office is located within City Hall or any other city facility shall be open to the public during these established business hours.

SECTION 2. POMC 2.50.020, Adoption. Port Orchard Municipal Code Section 2.50.020 is hereby adopted to read as follows:

2.50.020 City Hall Closure

The Mayor or designee has the authority to deviate from the business hours set in this chapter, or close all offices and departments of the city, when the following circumstances arise:

- a) Conditions warrant a temporary change or closure to preserve employee safety, protect the public or protect public property; or
- b) In the event of an emergency, as provided in POMC 2.80.210.

SECTION 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 4. Effective Date. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 17th day of March 2020.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

SPONSORED BY:

Charlotte A. Archer, City Attorney

Shawn Cucciardi, Councilmember