



City of Port Orchard Council Meeting Agenda

August 10, 2021

6:30 p.m.

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Bek Ashby (Mayor Pro-Tempore)
Finance Committee
Economic Development & Tourism Committee
Transportation Committee, **Chair**
KRCC/KRCC PlanPol-alt /KRCC TransPol
PSRC-alt/PSRC TransPOL-Alt/PRTPO

Shawn Cucciardi
Finance Committee
E/D & Tourism Committee, **Chair**
Kitsap Economic Development Alliance

Fred Chang
Economic Development & Tourism Committee
Land Use Committee

Jay Rosapepe
Utilities/Sewer Advisory Committee
Land Use Committee, **Chair**
Transportation Committee
Lodging Tax Advisory Committee, **Chair**
KRCC-alt

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

Cindy Lucarelli
Festival of Chimes & Lights Committee, **Chair**
Utilities/Sewer Advisory Committee, **Chair**
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

Meeting Location:

Council Chambers, 3rd Floor
216 Prospect Street
Port Orchard, WA 98366

Contact us:

(360) 876-4407
cityhall@cityofportorchard.us

The City is prohibited from conducting meetings unless the meeting is NOT conducted in-person and instead provides options for the public to attend through telephone, internet or other means of remote access, and also provides the ability for persons attending the meeting (not in-person) to hear each other at the same time. Therefore;

Remote access only

Link: <https://us02web.zoom.us/j/86300362406>

Zoom Webinar ID: 863 0036 2406

Zoom Call-In: 1 253 215 8782

1. CALL TO ORDER

A. Pledge of Allegiance

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. Adoption of a Resolution Approving an Agreement in Lieu of Assessment with Charles Bair for a Water Connection (Dorsey) **Page 4**

D. Adoption of a Resolution Approving an Agreement in Lieu of Assessment with Kitsap Development & Investment for a Water Connection (Dorsey) **Page 12**

E. Approval of the July 27, 2021, City Council Meeting Minutes (Rinearson) **Page 20**

F. Excusal of Councilmember Diener Due to Personal Obligations

5. PRESENTATION

A. Crime Stats for 2020 (M. Brown) **Page 26**

6. PUBLIC HEARING

A. Continued Hearing on Adoption of a Resolution Approving and Adopting the 2021-2030 Water Use Efficiency Goals and Performance Measures (Dorsey) **Page 44**

EXECUTIVE SESSION

City Council WILL hold a 10-minute executive session, pursuant to RCW 42.30.110(1)(i) to discuss legal risks of a proposed action that the agency has identified where there are potential adverse legal and financial consequences to the agency.

7. BUSINESS ITEMS

- A. Adoption of a Resolution Approving and Adopting the 2021-2030 Water Use Efficiency Goals and Performance Measures (Dorsey) **Page 68**
- B. Adoption of a Resolution Ratifying the Mayor's Execution of Contract No. 067-21, with Stellar J Corporation for the Pottery Lift Station Emergency Repair (Dorsey) **Page 92**
- C. Adoption of a Resolution Authorizing an Additional One-Time Personal Holiday for Employees Fully Vaccinated Against the COVID-19 Virus (Lund) **Page 113**
- D. Adoption of a Resolution Agreeing to Extend the Expiration of the Stetson Heights Preliminary Plat by One Year (Bond) **Page 115**
- E. Adoption of a Resolution Accepting the Lodging Tax Advisory Committee's Recommendation for Distribution of the Remaining 2021 Funds (Rinearson) **Page 120**
- F. Approval of a Road Closure for a Special Event-Cruisin' Sunday (Rinearson) **Page 157**
- G. Approval of the July 20, 2021, City Council Work Study Meeting Minutes (Rinearson) **Page 179**

8. DISCUSSION ITEMS (No Action to be Taken)

- A. Spring Cleanup (Dorsey) **Page 184**

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. CITY COUNCIL GOOD OF THE ORDER

15. ADJOURNMENT

COMMITTEE MEETINGS

	Date & Time	Location
Economic Development and Tourism	August 9, 2021; 9:30am – 2 nd Monday of each month	Remote Access
Utilities	August 10, 2021; 5:00pm	Remote Access
Land Use	September 22, 2021; 4:30pm	Remote Access
Festival of Chimes & Lights	August 23, 2021; 3:30pm – 3 rd Monday of each month	Remote Access

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.

Finance	August 17, 2021; 5:00pm	Remote Access
Transportation	August 24, 2021; 5:00pm; 4 th Tuesday of each month	Remote Access
Sewer Advisory	September 22, 2021; 6:30pm	Remote Access
Lodging Tax	October, 2021	Remote Access
Outside Agency Committees	Varies	Varies



Agenda Staff Report

Agenda Item No.:	Consent Agenda 4C	Meeting Date:	August 10, 2021
Subject:	Adoption of a Resolution Approving an	Prepared by:	Mark Dorsey, P.E.
	Agreement in Lieu of Assessment with		Public Works Director
	Charles Bair for a Water Connection	Atty Routing No.:	366922.0013 Water
		Atty Review Date:	August 3, 2021

Summary: On May 12, 2021, Mr. Charles Bair requested water service from the City to his property located at 731 Bethel for water to a new coffee stand. Pursuant to the City’s standards, a new water connection for the Property should trigger the need for an extension of the water main from the existing main at 791 Bethel and north across the Property to intertie with the water main at 690 Bethel. However, the Public Works Department determined that it is cost prohibitive and infeasible to require Mr. Bair to construct the extension of the water main for a single water connection since the intertie would mean meeting the 390 pressure zone and the 260 pressure zone, which would require the installation of a pressure reducing station. However, should the real property on Bethel on either side of or across Bethel from Mr. Bair’s property need water service in the future, the extension of the water main will be necessary and Mr. Bair or his successors or assigns will be required to connect to that main at that time. Accordingly, staff recommends an Agreement in Lieu of Assessment that will permit Mr. Bair to build, at his own expense, a temporary private line to connect to the City’s water system at 791 Bethel.

Recommendation: Staff recommends adoption of a Resolution, authorizing the Mayor to sign an Agreement in Lieu of Assessment from Mr. Charles Bair for future utility infrastructure installation, operation and maintenance.

Relationship to Comprehensive Plan: Chapter 7.2 – City Managed Utilities.

Motion for Consideration: I move to adopt a Resolution, authorizing the Mayor to execute an Agreement in Lieu of Assessment with Mr. Charles Bair for future utility infrastructure installation, operation and maintenance.

Alternatives: None

Fiscal Impact: None

Attachments: Resolution, Exhibit A to the Resolution – Agreement in Lieu of Assessment.

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, AUTHORIZING
THE MAYOR TO EXECUTE AN AGREEMENT WITH CHARLES AND PATRICIA BAIR
FOR UTILITY EXTENSION.**

WHEREAS, May 12, 2021, Mr. Charles Bair requested water service from the City of Port Orchard to his property located at 731 Bethel for water to a new coffee stand located on Kitsap County Tax Parcel Nos. 4031-001-012-0009, 4031-001-010-0001, and 4031-001-009-0103 (the "Property"); and

WHEREAS, pursuant to RCW 35.92.025, the City is authorized to allow a connection to the City's water system and levy a connection charge for such a connection; and

WHEREAS, pursuant to the City's standards, a water connection for the Property should trigger the need for an extension of the water main from the existing main at 791 Bethel and north across the Property to intertie with the water main at 690 Bethel, however the Public Works Department of the City of Port Orchard has determined that it is cost prohibitive and infeasible for Mr. and Mrs. Bair to construct the extension of the water main for a single water connection since the intertie would mean meeting the 390 pressure zone and the 260 pressure zone, which would require the installation of a pressure reducing station; and

WHEREAS, staff recommends an Agreement in Lieu of Assessment that will permit Mr. and Mrs. Bair to build, at its own expense, a temporary private line to connect to the City's existing water main at 791 Bethel, in exchange for a commitment to connect to connect and pay the applicable connection charges when the future main extension is completed and in exchange for supporting any future utility local improvement district or water main extension and to pay for the share of the costs of future permanent water facilities serving the property; and

WHEREAS, the City Council finds that the Agreement in Lieu of Assessment is in the best interests of the residents of Port Orchard; now, therefore,

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

THAT: It is the intent of the Port Orchard City Council that the recitals set forth above are hereby adopted and incorporated as findings in support of the Resolution.

THAT: The Port Orchard City Council approves of and authorizes the Mayor to execute the Agreement in Lieu of Assessment attached hereto as Exhibit A and incorporated herein by this reference.

THAT: This Resolution shall take full force and effect upon passage and signatures hereon.

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 10th day of August 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

After Recording Return to:
City Clerk
City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366

AGREEMENT IN LIEU OF ASSESSMENT

GRANTOR:

Charles E. + Patricia R. Bair

GRANTEE:

City of Port Orchard

LEGAL DESCRIPTION: THAT PORTION OF

attached

Complete legal description attached as Exhibit "A"

TAX PARCEL NO.:

4031-001-012-0009

4031-001-010-0001

4031-001-009-0103

This agreement is entered into between the City of Port Orchard, a Washington municipal corporation, hereafter referred to as "City", and Charles Bair, hereafter referred to as "Owner". Owner owns certain real property which does not front on any of the City's water mains, but Owner seeks to obtain water service from the City by installing a private water line from the City's nearest water main to the Owner's property. Owner's real property is legally described on the attached "Exhibit A" which by this reference is incorporated herein and made a part hereof. The referenced real property is hereafter referred to as the "Property".

In consideration of the foregoing recitals, and the promises and covenants of the parties hereinafter set forth, the parties agree as follows:

1. **WATER SERVICE.** The City hereby agrees to provide water service, not to exceed the usual and customary requirements for a single Equivalent Residential Unit (ERU), to the Property. No other buildings or real property may connect to or be served by the private water line without the City's approval. Owner shall construct, own, operate and maintain the private water line at the Owner's sole cost and expense. The City reserves the right to review and approve the designs and specifications relating to private water line, including the manner in which the private water line will be

connected to the City's main line. The private water line shall connect to the City's water main at a location approved by the City.

2. INSPECTION OF CONNECTION. The Owner shall notify the City of the Owner's intent to connect the private water line to the City's main line at least two (2) business days before connection. The City may inspect the condition and construction of the private water line before connection, and shall inspect the actual connection, at a time or times mutually agreed to by the Owner and the City. The Owner shall reimburse the District for all costs of inspection.
3. PAYMENT FOR WATER SERVICE. The Owner agrees to pay for the water service supplied by the City according to the rates, schedules, and resolutions duly enacted and established by the City and to pay a service initiation charge as required by the City.
4. OWNER SUPPORT FOR CITY'S ACTION. In the event a utility local improvement district (ULID) or pipeline extension for a water line, water main, or a water service is initiated affecting the Property or any portion thereof, the Owner of the Property hereby agrees to support any petitions or other action therefor and not to contest the formation of any said ULID or pipeline extension. The Owner further agrees to pay its share of the costs for the permanent water facilities serving the Property as may be assessed or adopted by the City.
5. DISCONNECTION OF PRIVATE WATER LINE. The Owner understands and acknowledges that the City, at its option, may require that water service from the private water line be discontinued and that water service be provided by the permanent water main serving the Property at the Owner's expense. When permanent water facilities are constructed and available, whether by the City or others, the Owner shall disconnect the private water line and connect to the City's permanent water facilities within forty-five (45) days of notice from the City that the permanent facilities are ready for connection. The Owner shall disconnect and remove, or disable, the private water line in accordance with applicable laws and regulations within ninety (90) days of the connection of the Property to the permanent water facilities. The Owner shall be responsible for all costs of disconnecting, removing and disabling the private water line.
6. AGREEMENT RUNS WITH THE LAND. All provisions of this agreement, including the benefits and burdens, run with the Property, and are binding upon and enure to benefit of the heirs, assigns, successors, tenants, and personal representatives of the Owner and City.
7. WARRANTY OF TITLE. Owner warrants that it has good and fee simple title to the Property, and that it has the right to enter into this agreement.
8. COOPERATION/ENFORCEMENT OF PROVISIONS. The parties shall strive to cooperate with one another in effectuating the terms and spirit of this agreement. This agreement shall be given a reasonable construction. Either party may enforce this agreement by appropriate action, including specific performance, and the prevailing

party in any such litigation shall be entitled to recover its reasonable attorney fees and costs.

9. RECORDING. The City shall record this agreement with the Kitsap County Auditor, at the cost of the Owner.

DATED this _____ day of _____, 20____.

CITY OF PORT ORCHARD,
WASHINGTON



Charles E. Bair (Owner)

Charles E. Bair, owner
Name and Title

Robert Putaansuu, Mayor

ATTEST/AUTHENTICATED:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Charlotte Archer, City Attorney

Agreement in Lieu of Assessment

Exhibit A

Legal Description for Bair Parcels

Parcel 4031-001-012-0009

LOT 12, BLOCK 1 TOM CLINE'S ADDITION TO SIDNEY, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 29, RECORDS OF KITSAP COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF VACATED CEDAR STREET, WHICH ATTACHED BY OPERATION OF LAW UNDER CITY OF PORT ORCHARD ORDINANCE 913.

Parcel 4031-001-010-0001

LOTS 10 & 11, BLOCK 1 TOM CLINE'S ADDITION TO SIDNEY, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 29, RECORDS OF KITSAP COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF VACATED CEDAR STREET, WHICH ATTACHED BY OPERATION OF LAW UNDER CITY OF PORT ORCHARD ORDINANCE 913.

Parcel 4031-001-009-0103

LOT 9, BLOCK 1 TOM CLINE'S ADDITION TO SIDNEY, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 29, RECORDS OF KITSAP COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF VACATED CEDAR STREET, WHICH ATTACHED BY OPERATION OF LAW UNDER CITY OF PORT ORCHARD ORDINANCE 913.

Sunset
Lane
Cemetery

Bethel

Taylor



Agenda Staff Report

Agenda Item No.:	<u>Consent Agenda 4D</u>	Meeting Date:	<u>August 10, 2021</u>
Subject:	<u>Adoption of a Resolution Approving an</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>Agreement in Lieu of Assessment with</u>		<u>Public Works Director</u>
	<u>Kitsap Development & Investment for a</u>	Atty Routing No.:	<u>366922.0013 Water</u>
	<u>Water Connection</u>	Atty Review Date:	<u>August 3, 2021</u>

Summary: On July 19, 2021, Mr. James Wolfard on behalf of Kitsap Development & Investment, LLC requested water service from the City to property located at 2700 Shawn Road for water to serve a new single family residence. Pursuant to the City’s standards, a new water connection for the Property should trigger the need for an extension of the water main from the existing main on Lumsden Road. However, the Public Works Department determined that it is cost prohibitive and infeasible to require Kitsap Development & Investment, LLC to construct the extension of the water main for a single water connection. However, should other real property on Shawn Road property need water service in the future, the extension of the water main will be necessary and Kitsap Development & Investment, LLC or its successors or assigns will be required to connect to that main at that time. Accordingly, staff recommends an Agreement in Lieu of Assessment that will permit Kitsap Development & Investment, LLC to build, at its own expense, a temporary private line to connect to the City’s water system on Lumsden Road.

Recommendation: Staff recommends adoption of a Resolution, authorizing the Mayor to sign an Agreement in Lieu of Assessment with Kitsap Development & Investment, LLC for future utility infrastructure installation, operation, and maintenance.

Relationship to Comprehensive Plan: Chapter 7.2 – City Managed Utilities.

Motion for Consideration: I move to adopt a Resolution, authorizing the Mayor to execute an Agreement in Lieu of Assessment with Kitsap Development & Investment, LLC for future utility infrastructure installation, operation and maintenance.

Alternatives: None

Fiscal Impact: None

Attachments: Resolution, Exhibit A to the Resolution – Agreement in Lieu of Assessment.

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, AUTHORIZING
THE MAYOR TO EXECUTE AN AGREEMENT WITH KITSAP DEVELOPMENT &
INVESTMENT, LLC FOR UTILITY EXTENSION.**

WHEREAS, on July 19, 2021, Mr. James Wolfard on behalf of Kitsap Development & Investment, LLC requested water service from the City to property located at 2700 Shawn Road for water to serve a new single-family residence located on Kitsap County Tax Parcel No. 342401-3-011-2008 (the "Property"); and

WHEREAS, pursuant to RCW 35.92.025, the City is authorized to allow a connection to the City's water system and levy a connection charge for such a connection; and

WHEREAS, pursuant to the City's standards, a new water connection for the Property should trigger the need for an extension of the water main from the existing main on Lumsden Road, however, the Public Works Department determined that it is cost prohibitive and infeasible to require Kitsap Development & Investment LLC to construct the extension of the water main for a single water connection, however, should other real property on Shawn Road property need water service in the future, the extension of the water main will be necessary and Kitsap Development & Investment LLC or its successors or assigns will be required to connect to that main at that time; and

WHEREAS, staff recommends an Agreement in Lieu of Assessment that will permit Kitsap Development & Investment, LLC to build, at its own expense, a temporary private line to connect to the City's water system on Lumsden Road to connect to the City's existing water main at 791 Bethel, in exchange for a commitment to connect to connect and pay the applicable connection charges when the future main extension is completed and in exchange for supporting any future utility local improvement district or water main extension and to pay for the share of the costs of future permanent water facilities serving the property; and

WHEREAS, the City Council finds that the Agreement in Lieu of Assessment is in the best interests of the residents of Port Orchard; now, therefore,

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

THAT: It is the intent of the Port Orchard City Council that the recitals set forth above are hereby adopted and incorporated as findings in support of the Resolution.

THAT: The Port Orchard City Council approves of and authorizes the Mayor to execute the Agreement in Lieu of Assessment attached hereto as Exhibit A and incorporated herein by this reference.

THAT: This Resolution shall take full force and effect upon passage and signatures hereon.

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 10th day of August 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

After Recording Return to:
City Clerk
City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366

AGREEMENT IN LIEU OF ASSESSMENT

GRANTOR: Kitsap Development & investment LLC

GRANTEE: City of Port Orchard

LEGAL DESCRIPTION: THAT PORTION OF _____

Complete legal description attached as Exhibit "A"

TAX PARCEL NO.: 342401-3-011-2008

This agreement is entered into between the City of Port Orchard, a Washington municipal corporation, hereafter referred to as "City", and Kitsap Development & investment LLC, hereafter referred to as "Owner". Owner owns certain real property which does not front on any of the City's water mains, but Owner seeks to obtain water service from the City by installing a private water line from the City's nearest water main to the Owner's property. Owner's real property is legally described on the attached "Exhibit A" which by this reference is incorporated herein and made a part hereof. The referenced real property is hereafter referred to as the "Property".

In consideration of the foregoing recitals, and the promises and covenants of the parties hereinafter set forth, the parties agree as follows:

1. **WATER SERVICE.** The City hereby agrees to provide water service, not to exceed the usual and customary requirements for a single Equivalent Residential Unit (ERU), to the Property. No other buildings or real property may connect to or be served by the private water line without the City's approval. Owner shall construct, own, operate and maintain the private water line at the Owner's sole cost and expense. The City reserves the right to review and approve the designs and specifications relating to private water line, including the manner in which the private water line will be

connected to the City's main line. The private water line shall connect to the City's water main at a location approved by the City.

2. INSPECTION OF CONNECTION. The Owner shall notify the City of the Owner's intent to connect the private water line to the City's main line at least two (2) business days before connection. The City may inspect the condition and construction of the private water line before connection, and shall inspect the actual connection, at a time or times mutually agreed to by the Owner and the City. The Owner shall reimburse the District for all costs of inspection.
3. PAYMENT FOR WATER SERVICE. The Owner agrees to pay for the water service supplied by the City according to the rates, schedules, and resolutions duly enacted and established by the City and to pay a service initiation charge as required by the City.
4. OWNER SUPPORT FOR CITY'S ACTION. In the event a utility local improvement district (ULID) or pipeline extension for a water line, water main, or a water service is initiated affecting the Property or any portion thereof, the Owner of the Property hereby agrees to support any petitions or other action therefor and not to contest the formation of any said ULID or pipeline extension. The Owner further agrees to pay its share of the costs for the permanent water facilities serving the Property as may be assessed or adopted by the City.
5. DISCONNECTION OF PRIVATE WATER LINE. The Owner understands and acknowledges that the City, at its option, may require that water service from the private water line be discontinued and that water service be provided by the permanent water main serving the Property at the Owner's expense. When permanent water facilities are constructed and available, whether by the City or others, the Owner shall disconnect the private water line and connect to the City's permanent water facilities within forty-five (45) days of notice from the City that the permanent facilities are ready for connection. The Owner shall disconnect and remove, or disable, the private water line in accordance with applicable laws and regulations within ninety (90) days of the connection of the Property to the permanent water facilities. The Owner shall be responsible for all costs of disconnecting, removing and disabling the private water line.
6. AGREEMENT RUNS WITH THE LAND. All provisions of this agreement, including the benefits and burdens, run with the Property, and are binding upon and enure to benefit of the heirs, assigns, successors, tenants, and personal representatives of the Owner and City.
7. WARRANTY OF TITLE. Owner warrants that it has good and fee simple title to the Property, and that it has the right to enter into this agreement.
8. COOPERATION/ENFORCEMENT OF PROVISIONS. The parties shall strive to cooperate with one another in effectuating the terms and spirit of this agreement. This agreement shall be given a reasonable construction. Either party may enforce this agreement by appropriate action, including specific performance, and the prevailing

party in any such litigation shall be entitled to recover its reasonable attorney fees and costs.

9. RECORDING. The City shall record this agreement with the Kitsap County Auditor, at the cost of the Owner.

DATED this _____ day of _____, 20____.

CITY OF PORT ORCHARD,
WASHINGTON

Robert Putaansuu, Mayor

James W. H. H. (Owner)

James W. H. H. / Sec.
Name and Title

ATTEST/AUTHENTICATED:

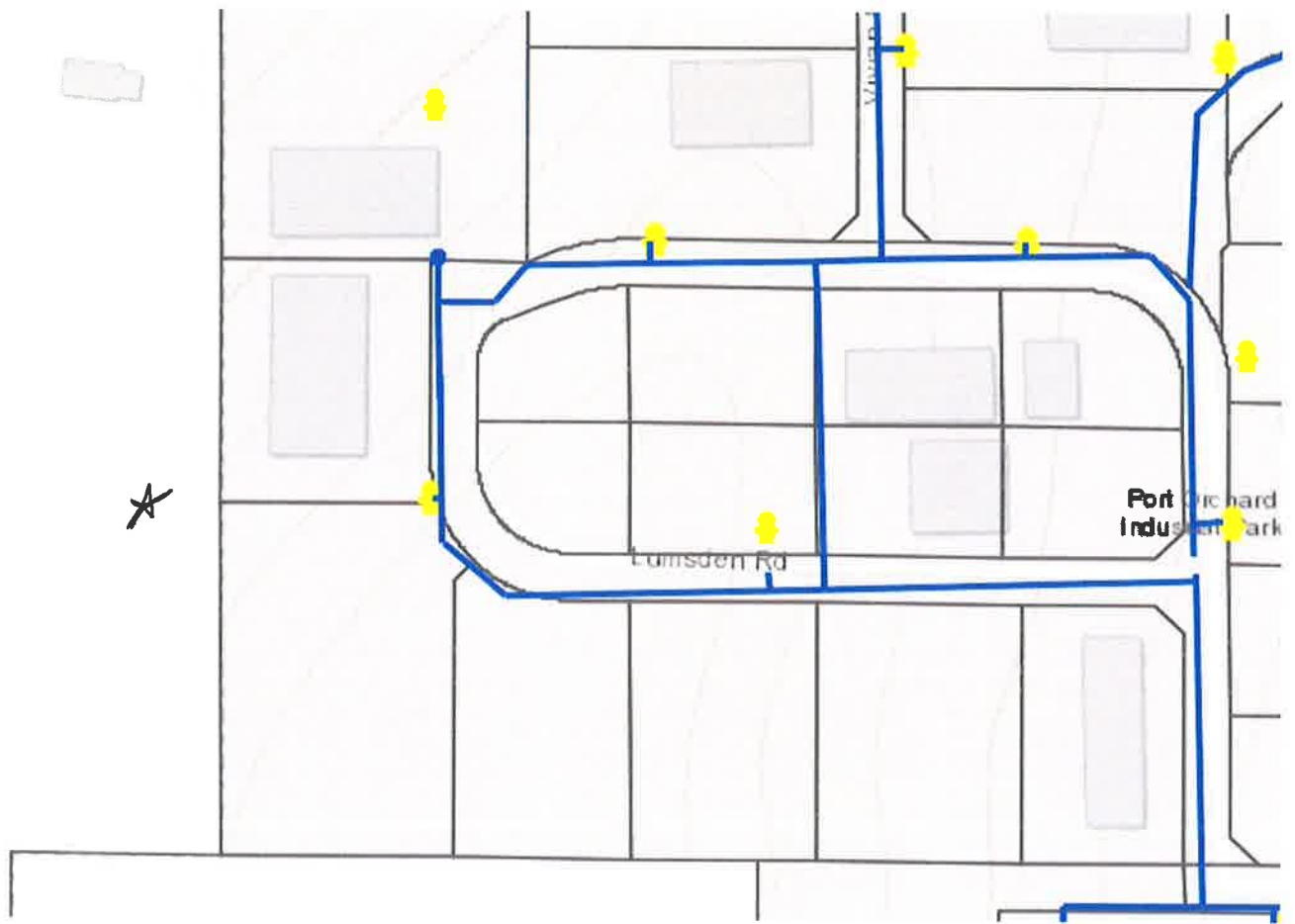
Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Charlotte Archer, City Attorney

Tax Description**EXHIBIT "A"****Parcel #: 342401-3-011-2008******NO SITUS ADDRESS ****

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE THEREOF 660 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST 165 FEET; THENCE SOUTH 660 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE WEST 165 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH ALONG THE WEST LINE OF SAID SUBDIVISION 660 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING; SITUATE IN KITSAP COUNTY, WASHINGTON.>>>>TOGETHER WITH THAT PORTION OF VACATED SHAWN ROAD AS DESCRIBED UNDER AUDITOR'S FILE NO. 202104280004, RECORDS OF KITSAP COUNTY, WASHINGTON, AS ATTACHES PER OPERATION OF LAW.





**City of Port Orchard
Council Meeting Minutes
Regular Meeting of July 27, 2021**

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	Present via Remote Access
Councilmember Chang	Present via Remote Access
Councilmember Clauson	Present via Remote Access
Councilmember Cucciardi	Present via Remote Access
Councilmember Diener	Present via Remote Access
Councilmember Lucarelli	Present via Remote Access
Councilmember Rosapepe	Present via Remote Access
Mayor Putaansuu	Present via Remote Access

Staff present via remote access: Public Works Director Dorsey, Finance Director Crocker, Community Development Director Bond, City Attorney Archer, City Clerk Rinearson, and Deputy City Clerk Floyd.

The meeting is also streaming live on YouTube.

A. PLEDGE OF ALLEGIANCE

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

2. APPROVAL OF AGENDA

MOTION: By Councilmember Ashby, seconded by Councilmember Diener, to remove Consent Agenda Item E and Business Item 7D.

Councilmember Ashby noted since Councilmember Rosapepe is in attendance, we do not need to excuse his absence [Consent Agenda Item E].

Mayor Putaansuu said we are holding a public hearing regarding water use efficiency goals, but due to tonight's Council meeting being changed to Zoom only, we want to make sure proper noticing went out. We will keep the public hearing open and continue to next meeting, and then conduct the business item [Business Item 7D].

The motion carried.

MOTION: By Councilmember Diener, seconded by Councilmember Lucarelli, to approve the agenda.

The motion carried.

3. CITIZENS COMMENTS

There were no citizen comments.

4. CONSENT AGENDA

- A.** Approval of Voucher Nos. 82365 through 82431 and 82438 through 82481 including bank drafts in the amount of \$591,471.74 and EFT's in the amount of \$201,964.15 totaling \$793,435.62.
- B.** Approval of Payroll Check Nos. 82432 through 82437 including bank drafts and EFT's in the amount of \$252,036.77 and Direct Deposits in the amount of \$192,188.62 totaling \$444,225.39.
- C.** Adoption of a Resolution Confirming Mayoral Appointments to Kitsap County Services Grant Recommendation Committee (**Resolution No. 051-21**)
- D.** Adoption of a Resolution Declaring Certain Equipment as Surplus and Authorizing its Disposition (**Resolution No. 052-21**)
- ~~**E.** Excusal of Councilmember Rosapepe Due to Personal Obligations~~

MOTION: By Councilmember Clauson, seconded by Councilmember Cucciardi, to approve the consent agenda as modified.

The motion carried.

5. PRESENTATION

There were no presentations.

6. PUBLIC HEARING

- A. Adoption of a Resolution Approving and Adopting the 2021-2030 Water Use Efficiency Goals and Performance Measures**

Mayor Putaansuu opened the public hearing at 6:37 p.m.

There were no public comments.

Mayor Putaansuu said as a reminder, this public hearing will remain open until the next Council meeting.

7. BUSINESS ITEMS

A. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 13.04 Regarding Water and Sewer CFC Exceptions

MOTION: By Councilmember Lucarelli, seconded by Councilmember Clauson, to adopt an Ordinance amending Port Orchard Municipal Code chapter 13.04 as presented.

**The motion carried.
(Ordinance 032-21)**

B. Adoption of an Ordinance Approving a Contract with the Washington State Department of Health for the Continuation of the Well No. 11 Development, Treatment & Booster Pump Station Project

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to adopt Ordinance No. 021-21, authorizing the Mayor to execute Contract No. C054-21 with the Washington State Department of Health and accepting a DWSRF Pre-Construction Loan in the amount of \$510,000.

The motion carried.

C. Approval of Amendment No. 2 to Contract No. 048-20 with Murraysmith, Inc. for the 2020-2021 McCormick Woods Well No. 11 Site Improvement Project Final Design & Bid Support (Phase 2)

MOTION: By Councilmember Clauson, seconded by Councilmember Diener, to authorize the Mayor to execute Amendment No. 2 to Contract No. C048-20 with Murraysmith Inc. for Phase 2 of the 2020-2021 McCormick Woods Well No. 11 Site Improvement Project Final Design and Bid Support in the additional amount of \$628,733.

Councilmember Cucciardi clarified the staff report mentions an application for the \$5 million dollars through the Department of Health is a grant and not a loan.

The motion carried.

D. Adoption of a Resolution Approving and Adopting the 2021-2030 Water Use Efficiency Goals and Performance Measures

This item was removed from the agenda, earlier in the meeting.

E. Adoption of a Resolution Authorizing the Mayor to Execute all Documents Required to Enter into an Assignment of Department of Natural Resources Aquatic Lands Lease No. 22-A02336

MOTION: By Councilmember Diener, seconded by Councilmember Clauson, to adopt a Resolution authorizing the Mayor to execute an Assignment of DNR Lease No. 22-A02336 and all associated documents for the future South Kitsap Community Events Center.

The motion carried.

(Resolution No. 053-21)

F. Adoption of a Resolution Adopting the Final Plat of Magnolia Ridge

MOTION: By Councilmember Chang, seconded by Councilmember Diener, to adopt a resolution, as presented, granting final plat approval for Magnolia Ridge Final Plat.

The motion carried.

(Resolution No. 054-21)

G. Adoption of a Resolution Approving Amendment No. 1 to Contract No. 066-20 with Rice Fergus Miller for Phase 1 of the South Kitsap Community Events Center

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to adopt a resolution authorizing the Mayor to execute Amendment No. 1 to Contract No. C066-20 with Rice Fergus Miller for the Phase 1 scope of work on the South Kitsap Community Events Center, in the amount of \$210,943, for a total amended contract amount of \$610,943.

In response to Councilmember Ashby, Finance Director agreed this item is not included in the budget and will require a budget amendment.

The motion carried

(Resolution No. 055-21)

H. Approval of the July 13, 2021, City Council Meeting Minutes

MOTION: By Councilmember Clauson, seconded by Councilmember Ashby, to approve the minutes as distributed.

The motion moved. Councilmembers Cucciardi and Diener abstained.

8. DISCUSSION ITEMS (No Action to be Taken)

A. City's Spring and Fall Clean-up Program

City Attorney Archer reminded Council this item was discussed in April where Public Works Director Dorsey provided the impacts of this program upon City staff. As a reminder, Public Works staff follows Waste Management for 2 weeks, and staff is responsible for picking up the items.

During the April discussion, a few options were raised regarding different partnerships to see what other opportunities were out there. She explained what some of the other Cities are currently doing and noted she reached out to recycling and solid waste companies, but they could not fulfill the needs of the program as what was set out by the Council.

The alternative suggestion was if the City could not find someone to partner with, to develop a policy manual consistent with the existing program, which would outline the duties of each department.

Additional discussion was held regarding gifting of public funds, contacting various vendors, and the community benefit of the program.

Councilmembers voiced no concerns with staff bringing forward a draft policy.

Council Direction: Staff to bring forward a draft policy for Council consideration.

9. REPORTS OF COUNCIL COMMITTEES

Mayor Putaansuu reported the Economic Development and Tourism Committee is scheduled to meet August 9th. The Utilities Committee is scheduled to meet August 10th. The Land Use Committee is scheduled to meet August 4th.

Councilmember Lucarelli reported on the July 19th Festival of Chimes and Lights Committee and the July 21st Sewer Advisory Committee meetings.

Councilmember Clauson reported on the July 20th Finance Committee meeting.

Mayor Putaansuu briefly spoke about the current parking enforcement situation, Housing Kitsap, and Kitsap Transit.

Councilmember Ashby reported on the July 27th Transportation Committee meeting. She also reported on Kitsap Regional Coordinating Council and the Puget Sound Regional Council.

Councilmember Rosapepe reported the Lodging Tax Advisory Committee is scheduled to meet July 29th.

10. REPORT OF MAYOR

The Mayor reported on the following:

- McCormick Village Park splash pad;
- South Kitsap Community Events Center;
- In accordance with Resolution 007-11 'Establishing a Process for Amendment to Personnel Policies', grandchildren are now included in the list of immediate family members for bereavement leave.

11. REPORT OF DEPARTMENT HEADS

Mayor Putaansuu reported on the Sidney Avenue project.

12. CITIZEN COMMENTS

Robert McGee thanked Councilmember Cucciardi for addressing his questions regarding justifications on cost but voiced his concerns with the response. He also spoke to litigation and transparency to the public.

Chuck Huck believes in community, God, and family. Has been involved in politics his whole life and believes the Council may be misguided. He reminded Council that people matter.

13. EXECUTIVE SESSION

There was no executive session.

GOOD OF THE ORDER

There was no Good of the Order.

14. ADJOURNMENT

The meeting adjourned at 7:46 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor



2020 Crime in Washington

PORT ORCHARD POLICE DEPARTMENT
CRIME STATISTICS

Crime Reporting

- Crime = Punishable by possible incarceration
- Data collected via officer report writing system
- Adjusted/corrected by Administrative Services
- Compiled and reported by Washington Association of Sheriffs and Police Chiefs (WASPC)
- National Incident Based Reporting System (NIBRS)
- Separated into Group A and Group B

Classifications of Crimes – Group A Offenses



Group A Offenses

Reported Crimes




- Crimes against persons
- Crimes against property
- Crimes against society

Group B Offenses

Actual Arrests

- Usually “on-view” arrests

Statewide Crime Profile – Crime up 7.1%

- Crimes against persons  4.7 % Every 5.3 minutes
- Crimes against property  13.8 % Every 1.4 minutes
- Crimes against society  3.6 % Every 16.4 minutes

Group A offenses were cleared by arrest or exceptional means 22.8 % of the time.

There were **302** murders statewide in 2020 – an increase of 46.6 %.

There were **2,047** assaults on law enforcement officers ( 6.2 %) and **two** officers killed in the line of duty within Washington State.

Port Orchard – Crimes Against Persons

Group A Offenses	Reported 2019	Reported 2020	% of Change	Crime Rate per 1,000	Total Arrests	DV Offense Totals
Murder	0	0		0.0	0	0
Manslaughter	0	0		0.0	0	0
Rape	6	8	33.3%	0.5	1	0
Sodomy	1	1	0.0%	0.1	0	0
Sexual Assault w/Object	0	0		0.0	0	0
Fondling	4	2	-50.0%	0.1	0	0
Aggravated Assault	48	44	-8.3%	3.0	27	4
Simple Assault	155	157	1.3%	10.6	53	8
Intimidation	62	69	11.3%	4.7	10	1
Kidnapping	0	2		0.1	2	0
Incest	0	0		0.0	0	0
Statutory Rape	2	1	-50.0%	0.1	0	0
Human Trafficking Offenses	0	0		0.0	0	0
Violation of No Contact/Protect.	62	55	-11.3%	3.7	25	2

Port Orchard – Crimes Against Property

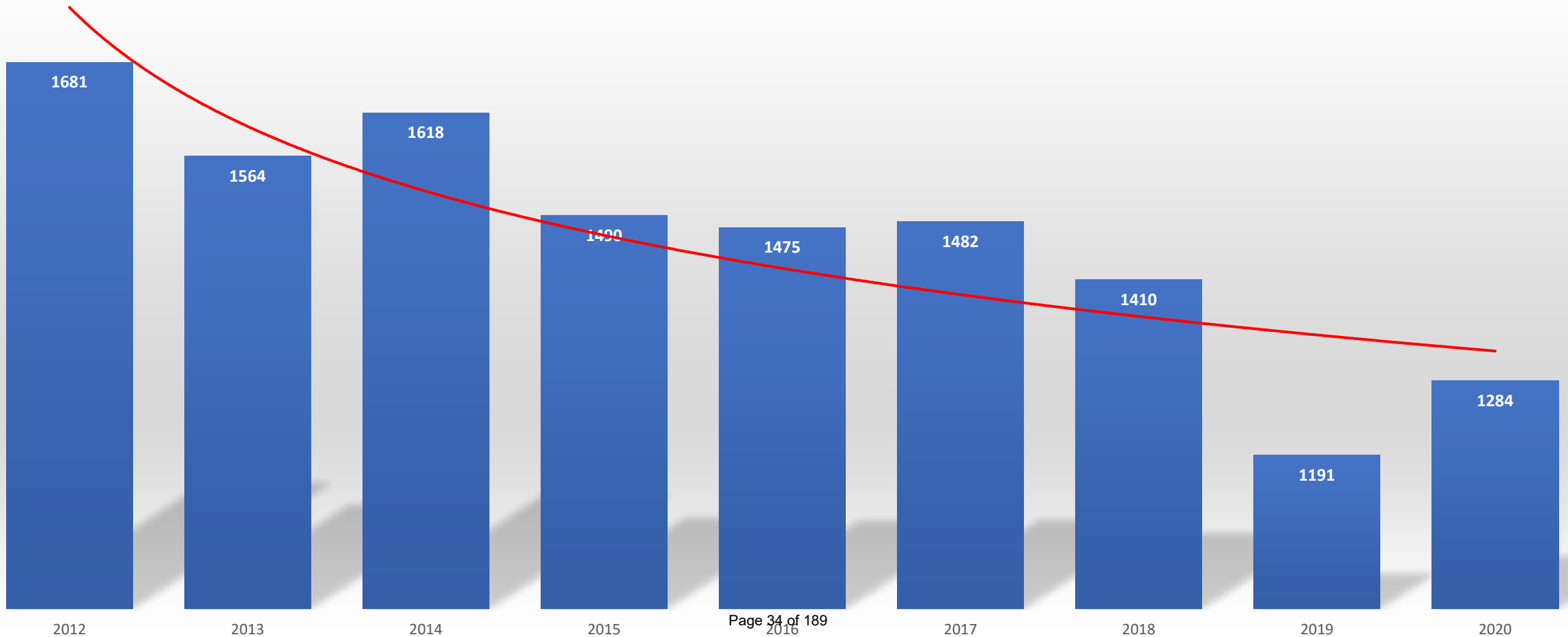
Group A Offenses	Reported 2019	Reported 2020	% of Change	Crime Rate per 1,000	Total Arrests	DV Offense Totals
Robbery	14	8	-42.9%	0.5	4	0
Burglary	75	104	38.7%	7.0	30	0
Larceny-Theft Offenses	408	421	3.2%	28.5	49	0
Motor Vehicle Theft	43	69	60.5%	4.7	6	0
Arson	0	2		0.1	0	0
Destruction of Property	115	144	25.2%	9.7	11	1
Counterfeiting/Forgery	53	52	-1.9%	3.5	5	0
Fraud Offenses	27	62	129.6%	4.2	0	0
Embezzlement	1	0	-100.0%	0.0	0	0
Extortion/Blackmail	0	1		0.1	0	0
Bribery	0	0		0.0	0	0
Stolen Property Offenses	18	14	-22.2%	0.9	6	0

Port Orchard – Crimes Against Society

Group A Offenses	Reported 2019	Reported 2020	% of Change	Crime Rate per 1,000	Total Arrests	DV Offense Totals
Animal Cruelty	1	1	0.0%	0.1	0	0
Drug/Narcotic Violations	78	49	-37.2%	3.3	26	0
Drug Equipment Violations	12	4	-66.7%	0.3	0	0
Gambling Offenses	0	0		0.0	0	0
Pornography	1	1	0.0%	0.1	0	0
Prostitution Offenses	0	0		0.0	0	0
Weapon Law Violations	9	13	44.4%	0.9	2	0

Port Orchard – Trend - Group A Crimes

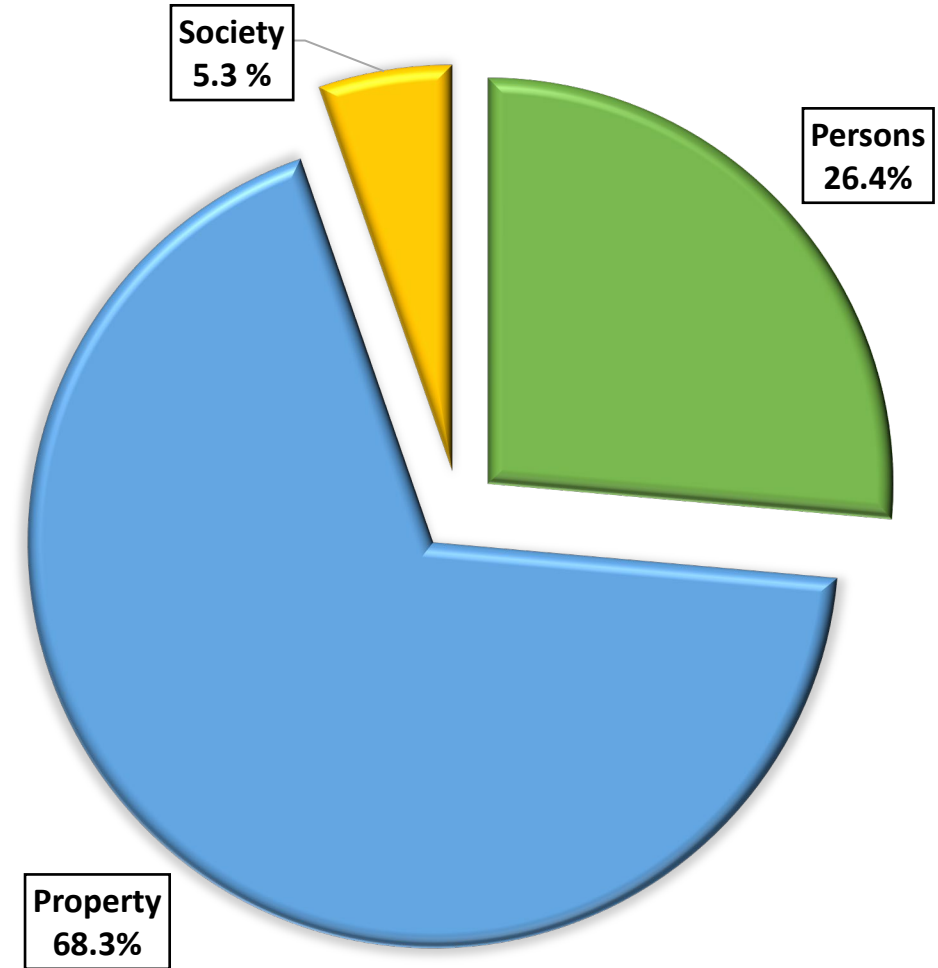
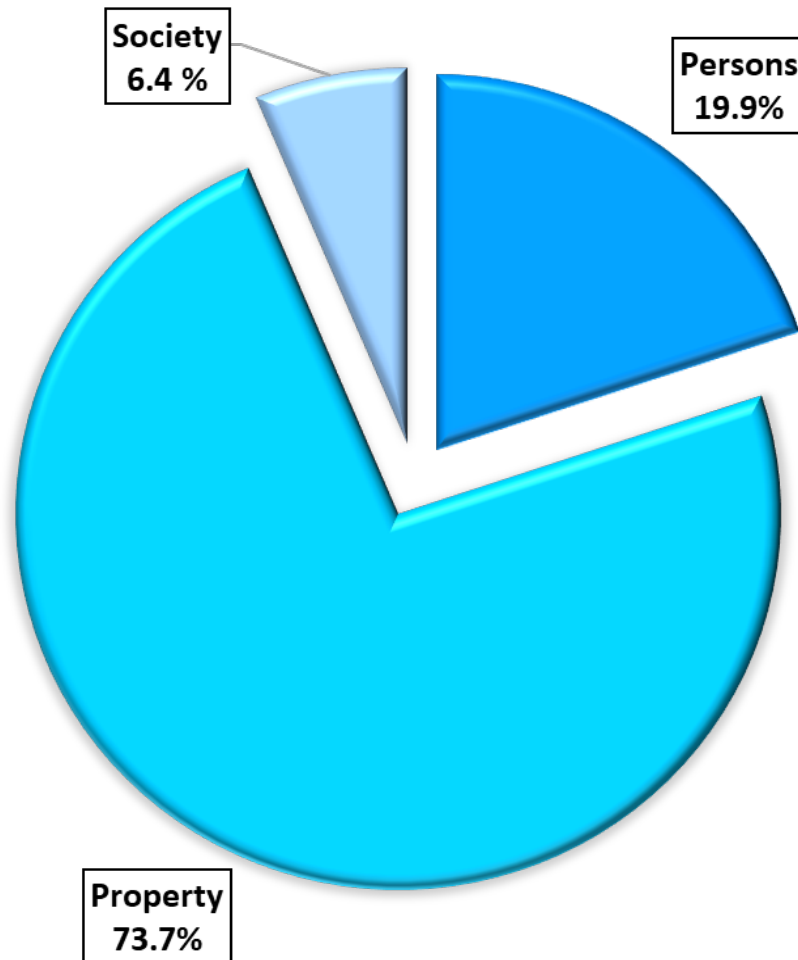
Group A Crimes





GROUP A OFFENSES

State Profile | Port Orchard Profile



Port Orchard – Total Group A Offenses

Group A Offenses	Reported 2019	Reported 2020	% of Change	Crime Rate per 1,000	Total Arrests	DV Offense Totals
Grand Total	1,195	1,284	7.4%	86.9	257	16

Port Orchard 86.9 Crimes per thousand (2019 = 82.8 Crimes per thousand)

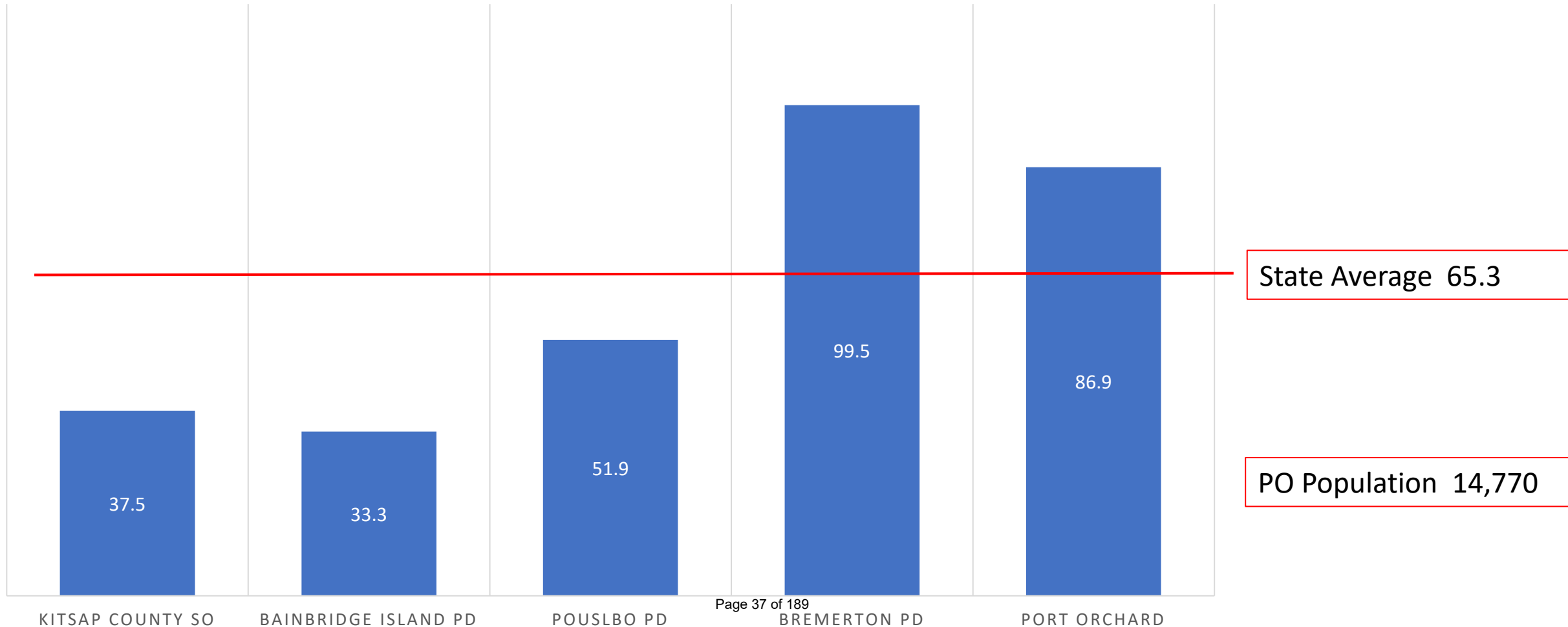
State Average 65.3 (2019 = 60.6)

Kitsap County (All) 61.8 (2019 = 58.1)



Port Orchard – “Crime Rate” Per Thousand

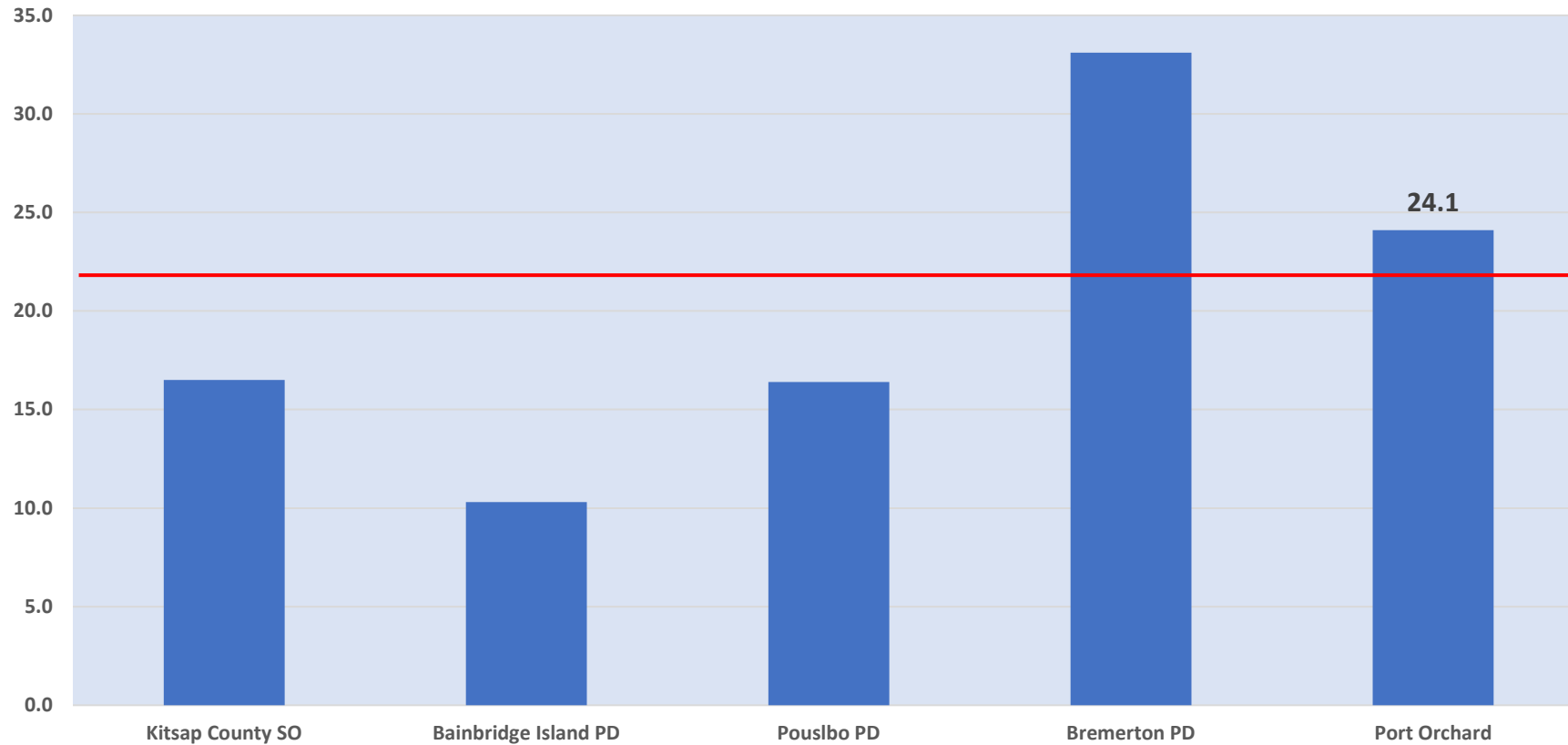
KITSAP COUNTY CRIME RATE PER THOUSAND





Port Orchard– Case Clearance Rate

CASE CLOSURE RATE



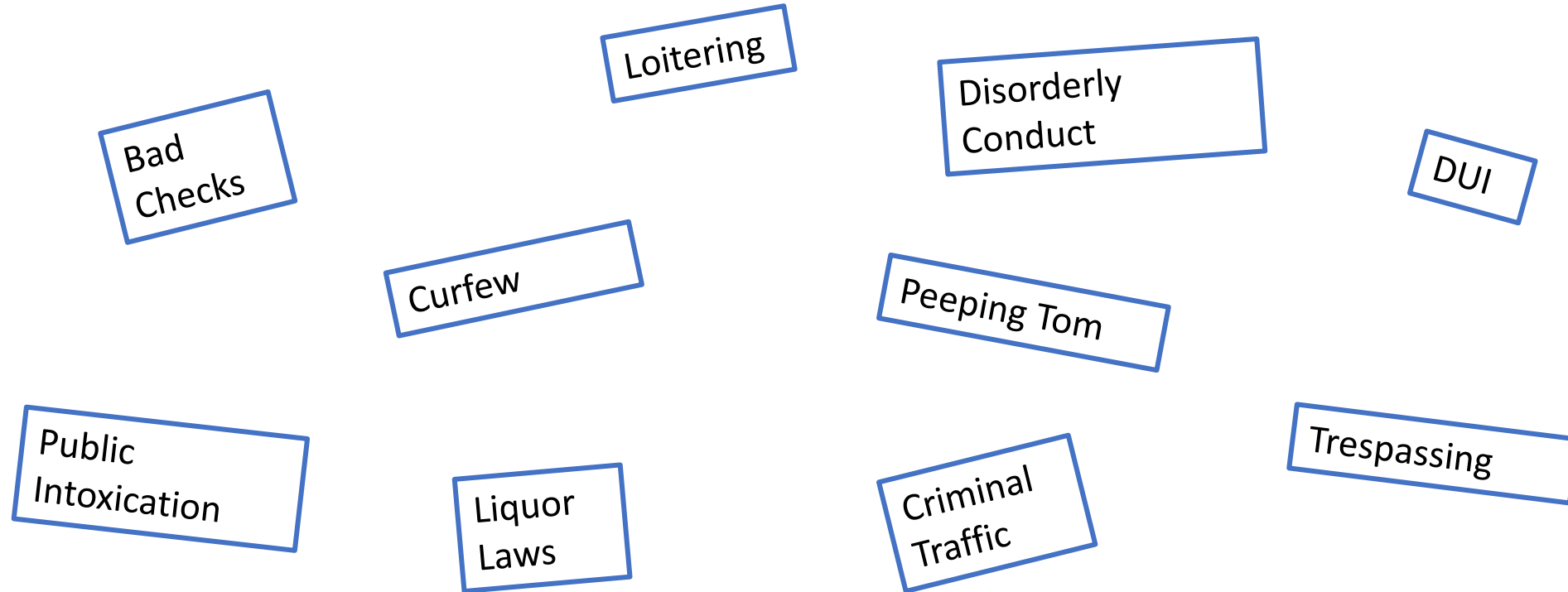
State Average 22.8

1284 Group A Cases

309 Cases Cleared

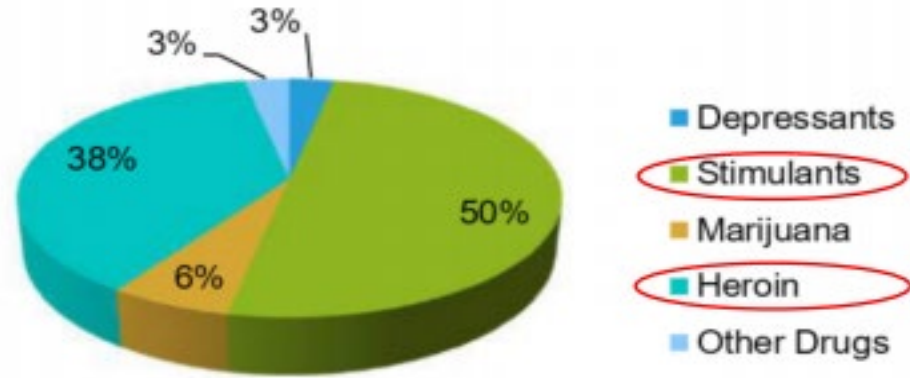
257 Total Arrests (Group A and Group B)

Classifications of Crimes – Group B Offenses



Arrests

Drug Offenses by Type



2020 Property Values by Type

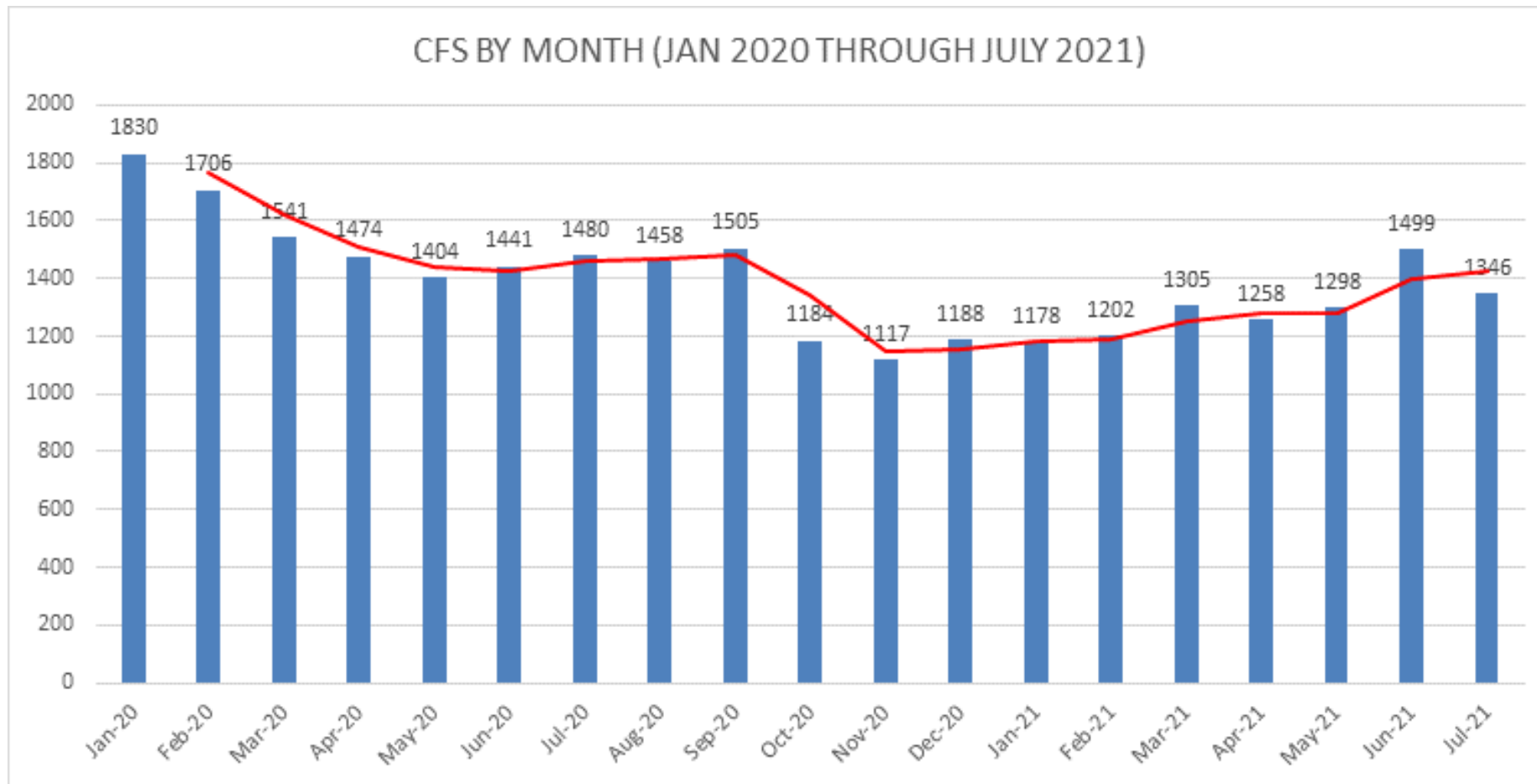
Type	Value
Seized	\$4,530
Burned	\$10,001
Counterfeited/Forged	\$27,159
Destroyed/Damaged	\$154,044
Recovered	\$323,812
Stolen	\$986,445
Total	\$1,505,991

2020 Group B Arrests

Offense	Adult	Juvenile
Bad Checks	0	0
Curfew/Vagrancy	0	0
Disorderly Conduct	2	0
Drunkenness	0	0
DUI	10	0
Family Offenses	0	0
Liquor Law Violations	0	1
Peeping Tom	0	0
Trespass	10	1
All Other Offenses	9	2
Total	31	4

DUI arrests down –
COVID bar restrictions

Calls for Service



*October 2020 – Patrol Checks & Warrants no longer automatically create CFS.

Takeaways

- Overall crime up 7.4%
 - Up throughout state 7.1 %
 - Related to the unemployment fraud
- On-view arrests down
 - COVID-19
 - Mostly Group B offenses
- Property crimes (theft, burglary, vehicle theft) remain most common
- Case clearance rate is above average
 - Unknown future impact of the new legislation.



2020 Crime in Washington

PORT ORCHARD POLICE DEPARTMENT
CRIME STATISTICS



Agenda Staff Report

Agenda Item No.:	Public Hearing 6A	Meeting Date:	August 10, 2021
Subject:	Continued Hearing on Adoption of a	Prepared by:	Mark Dorsey, P.E.
	Resolution Approving and Adopting the		Public Works Director
	2021-2030 Water Use Efficiency Goals	Atty Routing No.:	366922.0013 – Water
	and Performance Measures	Atty Review Date:	July 7, 2021

Summary: In 2003, the Washington State Legislature passed Engrossed Second Substitute House Bill 1338, better known as the Municipal Water Law, to address the increasing demand on the state’s water resources. The law established that all municipal water suppliers must use water more efficiently in exchange for water right certainty and the flexibility to meet future demand. The legislature passed requirements in the Washington Administrative Code (WAC) 246-290 and directed the department of health to adopt an enforceable Water Use Efficiency (WUE) program, which became effective in January of 2007. Consistent with this law, the city must set a water use efficiency goal and measure progress each year toward meeting the goal. The goal must include a measurable outcome, address water supply characteristics, and include an implementation schedule. The city must also evaluate or implement efficiency measures to help meet the goal.

By Resolution No. 049-21, the City would set a Water Use Efficiency goal of reducing the per capita water use by 0.5% annually over the next ten years.

Recommendation: Staff recommends holding the Public Hearing.

Relationship to Comprehensive Plan: Chapter 7 – Utilities.

Alternatives: Do not hold the Public Hearing.

Attachments: Resolution No. 049-21, Water Use Efficiency Program and Water Resource Analysis.

RESOLUTION NO. 049-21

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, APPPROVING AND ADOPTING 2021 - 2030 WATER USE EFFICIENCY GOALS AND PERFORMANCE MEASURES FOR THE CITY OF PORT ORCHARD'S DRINKING WATER SYSTEMS.

WHEREAS, in 2003 the Washington State legislature passed House Bill 1338, known as the Municipal Water Law, to address increasing demands on our state's water resources; and

WHEREAS, the Washington State Department of Health was directed to oversee and enforce a Water Use Efficiency Program (WUE) to help support the goals of ensuring safe and reliable drinking water supplies; and

WHEREAS, the City Council adopted by Resolution 091-09 on September 22, 2009, a goal of reducing the Single Family Residential water consumption from 160 gallons per day to 155 gallons per day by 2014, which is a 0.5% annual reduction; and

WHEREAS, the City Council adopted by Ordinance 020-15 on November 11, 2015, a tiered water rate structure to encourage and stimulate customers to use less water; and

WHEREAS, on July 27, 2021 and continued on August 10, 2021 the City held a duly-noticed public hearing on this Resolution; and

WHEREAS, the City Council has considered staff presentations, proposals and public comment and finds it is in the best interests of the residents of the City to adopt the City's Water Use Efficiency Goals and Performance Measures set out herein for the City of Port Orchard for 2021 to 2030; now, therefore,

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

THAT: The City Council approves and adopts the Water Use Efficiency goal of reducing the per capita water use by 0.5% annually over the next ten years.

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 on this 10th day of August 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

CITY OF PORT ORCHARD WATER USE EFFICIENCY PROGRAM

1. System Information

Name: City of Port Orchard DOH ID #68900
McCormick Woods Water System DOH ID #40529
Address: 216 Prospect
Port Orchard, Washington 98366
Phone: (360) 876-4991
Contact Person: Jacki Brown, Utility Manager

2. Geographic Location

The City of Port Orchard maintains two separate public water systems, both of which are Group A public water systems. Both systems are located on the Kitsap Peninsula of Washington State along the southern shore of Sinclair Inlet of the Puget Sound. This Water Use Efficiency Program covers both the Port Orchard and McCormick Woods water systems.

3. Water Use Efficiency Rule

The City of Port Orchard developed a Water Use Efficiency Goal for compliance with the Water Use Efficiency Rule of the Municipal Water Law. The City has adopted the following goals after the requisite public process and has developed a plan for monitoring progress toward the established goal and reevaluation of water use efficiency measures on an annual basis.

GOAL #1: Reduce Residential Usage by 0.5% per year through 2030

Over the next ten-year period, the City of Port Orchard plans to reduce water consumption by 0.5% per year. The following measures will be implemented to assist in attaining this goal:

- Include water conservation information in the City's annual Consumer Confidence Report (annual water system report to consumers).
- Evaluate the inclusion of inserts as part of the monthly water bills that present information regarding the importance of water conservation and actions individuals can implement to reduce their water use.
- Investigate a Water Conservation School Outreach Program that may include school presentations, preparation of curriculum material, water conservation education handout material, and tours of water system facilities.
- Provide water conservation materials at public outreach events.
- Use Conservation Rate concepts in rate setting.
- Show consumption history on water bills.

GOAL #2: Continue and Expand Educational Outreach with Customers

The City is a member of the County-wide conservation board and the Water Purveyors Association of Kitsap County (WaterPAK), the City is active in planning, setting up, and manning the WaterPAK booth at the Kitsap County Fair. Conservation is a principal message at the booth. WaterPAK's projects include distributing County-wide indoor conservation kits, summer lawn water calendars, and high efficiency

toilet (HET) rebates; establishing coordination between water purveyors, fire districts, Kitsap County, and state agencies; coordinating the development of a groundwater model with USGS; and developing the County-wide Coordinated Water System Plan (CWSP).

The City also maintains a page on their website (<https://www.cityofportorchard.us/>) which describes the benefits of conservation and links to other resources regarding conservation-at-home measures to help educate its customers about water use efficiency.

4. Water Use Efficiency Tracking

Port Orchard Water Department					
year	production	authorized uses	leakage		
			gallons	percentage	
2016	277858531	267667240	10191291	3.67	
2017	267138796	257609875	9528921	3.57	
2018	305494416	269650890	35843526	11.73	*
2019	312726730	271860151	40866579	13.07	*
2020	291531336	266226432	25304904	8.68	
TOTALS	1454749809	1333014588	121735221	8.14	average
	metered sales	meters billed	per capita use		%↓
			annually	daily	
2016	267631670				
2017	237476840	12450	19074.44	52.26	
2018	249387340	13440	18555.61	50.84	2.720075607
2019	259506771	14276	18177.83	49.80	2.035884811
2020	241954498	14314	16903.35	46.31	7.011223671
McCormick Woods Water System					
year	production	authorized uses	leakage		
			gallons	percentage	
2016	83677846	83609600	68246	0.08	
2017	84373263	81500000	2873263	3.41	
2018	105212017	101582290	3629727	3.45	
2019	107588945	100757850	6831095	6.35	
2020	98619902	97346850	1273052	1.29	
TOTALS	479471973	464796590	14675383	2.92	average
	metered sales	meters billed	per capita use		%↓
			annually	daily	
2016	83605600				
2017	72667000	4306	16875.75	46.23	
2018	85574290	4851	17640.55	48.33	-4.53189519
2019	90850000	5646	16091.04	44.09	8.783789071
2020	90415000	6013	15036.59	41.20	6.5530298
* Anomalies based on under-reporting of unmetered uses					

Chapter 4 Water Resource Analysis

4.1 Water Use Efficiency

The City of Port Orchard developed a Water Use Efficiency Goal for compliance with the Water Use Efficiency Rule of the Municipal Water Law. The City has adopted the following goals after the requisite public process and has developed a plan for monitoring progress toward the established goal and reevaluation of water use efficiency measures on an annual basis. Additional documentation regarding the Water Use Efficiency Program is provided in Appendix C.

GOAL #1: Reduce Residential Usage by 5 gpd/ERU by 2026

Over the next six-year period the City of Port Orchard plans to reduce residential water consumption by 5 gallons per day per home. This reduction in residential use will save approximately 58 million gallons per year over this six-year period. The following measures will be evaluated and/or implemented to assist in attaining this goal:

- Include water conservation information in the City's annual Consumer Confidence Report (annual water system report to consumers).
- Evaluate the inclusion of inserts as part of the monthly water bills that present information regarding the importance of water conservation and actions individuals can implement to reduce their water use.
- Investigate a Water Conservation School Outreach Program that may include school presentations, preparation of curriculum material, water conservation education handout material, and tours of water system facilities.
- Prepare a portable display of water conservation devices and selected material for display at the City's numerous events and festivals.
- Upon request by customers, supply dye tablets for in-home leak detection.

GOAL #2: Continue and Expand Educational Outreach with Customers

The City has an ongoing public education program to provide information regarding water issues. The main elements of the City's education outreach include displays at local fairs and events, school outreach, and distributing flyers that outline the City's water use efficiency goals at the Public Works Department. In addition, as a member of the County-wide conservation board and the Water Purveyors Association of Kitsap County (WaterPAK), the City is active in planning, setting up, and manning the WaterPAK booth at the Kitsap County Fair. Conservation is a principal message at the booth. WaterPAK's projects include distributing County-wide indoor conservation kits, summer lawn water calendars, and high efficiency toilet (HET) rebates; establishing coordination between water purveyors, fire districts, Kitsap County, and state agencies; coordinating the development of a groundwater model with USGS; and developing the County-wide Coordinated Water System Plan (CWSP).

The City also maintains a page on their website (<https://www.cityofportorchard.us/>) which describes the benefits of conservation and links to other resources regarding conservation-at-home measures to help educate its customers about water use efficiency. The City plans to continue to use this website as an educational and public outreach mechanism in the future. The use of electronic media for education will allow the City to reduce paper use for its public outreach initiatives. The City is looking to build upon the possibilities for information and engagement that the website may offer.

4.2 Water Conservation Program

Water conservation is an important and viable means of reducing water system demands and in the City of Port Orchard's 2009 Water System Plan, a target goal of a 5 gpd/ERU reduction in demand prior to the year 2015 was established.

The premise of the program established in the previous Water System Plan remains unchanged, with the City relying heavily on the conservation messages of larger agencies as a means of education and awareness and implementing internal measures conducive to stewardship of clean water as a finite resource. Key elements of the conservation program are outlined in the following paragraphs.

4.2.1 Internal Conservation Measures

Water meters are a key element of an effective conservation program. Source meters are provided and maintained on all permanent sources and recommended for emergency interties. Individual customer meters are required on every connection to the Port Orchard Water system.

- **Source Meters** - The City of Bremerton (Bremerton) currently has master source meters in place at all its well supplies and at the metered intertie with the City. Meters are recommended for emergency interties.
- **Water Meters** - All connections to the water system are metered. Irrigation meters are available for interested customers and required on new irrigation accounts.
- **Hydrant Meters** - Hydrant meters are currently required for all water drawn from hydrants except that associated with emergency use (such as a fire). Hydrant permits are required in addition to the permit fee, and permit holders are charged for water use.
- **Consumption History** - Consumption history is provided on bi-monthly billings to promote conservation.
- **Non-Revenue Water** - The City's on-going maintenance and repair schedule provides for routine inspection of facilities and results in the prompt repair of leaks and valve failures that contribute to non-revenue water. In addition, field crews perform routine maintenance and operation in a conscientious manner to reduce the amount of water used for these activities. Hydrant meters are for all non-emergency water use.
- **Leak Detection** - The City retains the services of leak detection specialists biennially to identify leaks in the system. No major leaks were identified in the last leak detection analysis. All identified leaks were subsequently repaired.
- **Pressure Regulation** - The City maintains four separate pressure zones to ensure adequate fire flows and pressures are maintained in all areas of the system. By effective management of the pressure zones, water consumption can be reduced by controlling pressures at a safe level in accordance with State Department of Health guidelines. Isolated areas of high pressure are controlled by individual pressure reducing valves.

4.2.2 Conservation Program Promotion

Utilizing public information and promotional materials to encourage conservation is key to any conservation strategy. The City's annual newsletter is recommended as a way to distribute conservation tips and raise awareness. Water bills also provide an avenue for conservation program promotion. Further program promotion through distribution of conservation materials produced by others (i.e., WaterPAK, AWWA, DOH, and Kitsap County PUD) is also performed.

4.2.3 Rate Setting to Encourage Conservation

The City has implemented a water rate schedule to encourage conservation that employs a block rate structure whereby water use in excess of established thresholds is priced higher. The rate structure provides a threshold for evaluating conservation by various customer types and helps determine what type of education and conservation programs will be most useful in the future. Annual review of the impact of any adjustments to the water rate schedule on conservation and water use is accomplished as part of overall Water Use Efficiency tracking and reporting in accordance with State regulations. Review of irrigation policies and charges is highly recommended. A summary of current water rates is provided in Chapter 9 of this Plan.

4.2.4 Encouraging Water Saving Devices

The City has adopted the most current version of the Uniform Building and Plumbing Codes to regulate and enforce the provision of low water use fixtures in all new construction. Future consideration of low water use landscaping provisions in the City Code is recommended.

4.2.5 Water Efficient Toilets and Appliances

The City relies on the public messages of regional water purveyors and the appliance industry to promote water efficient appliances, especially washing machines. It is estimated that the vast majority of toilets within the City are high flow toilets (toilets installed before 1980 are typically 5 to 7 gallons/flush, toilets installed between 1980 and 1992 are 3.5 gallons/flush, and toilets installed after 1992 are 3.5 to 1.6 gallons/flush). Residents who take advantage of the program receive a cash rebate of \$100 on the installation of a low flow toilet.

4.2.6 Water Reuse and Recycling

The City and West Sound Utility District jointly own a wastewater treatment plant (Plant) that was recently upgraded to increase capacity and generally improve the Plant operations. The two agencies may consider working together to pursue opportunities for reuse of treated effluent from the Plant in the future. All potential water reuse opportunities will be considered with respect to Ecology and DOH requirements. Specific review and analysis of irrigation opportunities is recommended.

4.3 Conservation Program Implementation and Monitoring

Water Use Efficiency and Conservation program monitoring to quantify and document the effectiveness of the conservation program is accomplished through an ongoing data collection effort. In accordance with State requirements, the City achieves this by annually reviewing water use records and comparing these records to previous years. Water use data is kept by customer classification in order to identify annual and specific trends for summer and winter water use. This data, coupled with information regarding weather and implementation of any new conservation programs, provides a mechanism for monitoring overall water conservation efforts.

Continued participation with neighboring purveyors and WaterPAK is required to ensure that consistent conservation messages are being delivered throughout the South Kitsap County area and to develop new ideas for water conservation mechanisms and programs. City employees are encouraged to participate in water conservation data collection, seminars, and workshops that are relevant to their particular field.

4.4 Water Rights and Source of Supply Analysis

This section presents the analyses performed to evaluate the City of Port Orchard water system's ability to meet the needs of current and projected customers of the City. It is important to recognize that while the State Department of Health requires that physically independent systems be analyzed separately, the City operates the Port Orchard (City) System and the McCormick Woods System under one utility department.

A fundamental component of this Plan is the desire for the City System(s) to operate autonomously from neighboring utilities under anticipated operating conditions. To achieve this, interconnection of the two systems should be accomplished as soon as possible. The analyses presented herein identifies the system requirements for the existing systems independently but considers ultimate combination of the systems into one entity.

As such, future improvements are based on the plan to connect the 260 and 390 (City) Zones and the McCormick 580 Zone as development occurs in the 580 Zone and in the area east of the existing McCormick Woods System. This plan for interconnection is supported by the Department of Ecology's consideration of water rights applications. Ecology has established source of supply requirements and issued water rights for the combined systems servicing the City's overall water service area as established by the CWSP.

The analyses put forth herein utilize current data and the projected growth scenarios established in Chapter 2. The primary focus of the analyses is to determine the type and magnitude of improvements required to meet the projected needs of the service area(s), and not to determine the specific needs or timing of individual development proposals. For large scale and costly facilities such as source of supply, transmission lines and storage tanks, the ultimate service area needs have been considered to ensure general facility improvements will be of sufficient capacity and location to meet the City's future needs. For distribution system facilities, the primary goal is to develop a program to meet the fire flow requirements of current and anticipated development, and the regular renewal and replacements to protect the investment of ratepayers to the system.

Transmission, storage, and pumping facilities required to connect the City System to the McCormick System have been evaluated. The interconnection is planned to occur along SW Sedgwick Road to the south and along the SW Old Clifton Road corridor to the southwest. Timing will be dependent on development and construction of a new 580 Zone storage facility, possibly as early as 2021.

4.4.1 Combining of City System and McCormick Woods Water System

The City's water system consists of two separate water systems, both owned and operated by the City of Port Orchard. The City System, which includes the 260 Pressure Zone and the 390 Pressure Zone serves most of the City limits, and the McCormick Woods System 580 Pressure Zone serves the McCormick Woods area in the western portion of the City. As of December 2017, the two systems served approximately 3,132 connections in the City System and 814 connections in the McCormick Woods System.

The City is currently developing a long-range program for interconnecting the City's main water system (the 260 and 390 Pressure Zones) with facilities serving the McCormick Woods System (the 580 Pressure Zone and a future 660 Pressure Zone). This will allow for the two existing systems to be combined under one water system identification number.

The McCormick System is in the western portion of the City and eventually will be connected to the City System from new transmission mains along SW Sedgwick Road and along SW Old Clifton Road. The City also plans to install PRV connections from the 580 Zone to the 390 Zone via the new SW Old Clifton Road transmission main and at the proposed 390 to 580 pump station near SW Sedgwick Road.

All of the water rights currently serving the City System and the McCormick Woods Water System meet the statutory definition of “municipal water supply purposes.” Pursuant to the Municipal Water Law of 2003, the effect of Department of Health approval of the City’s last water system plan in 2009, and the continuing effect of approval of this current Plan, is that: (1) these water rights are considered valid and in good standing; (2) they are exempt from statutory relinquishment for nonuse; and (3) they can be used throughout the combined Port Orchard Water Service Area for municipal water supply purposes. See Figure 1-4, Water Service Area Map.

4.4.2 Water Rights

The scope and validity of municipal water rights has become one of the most critical issues for planning a water system’s future expansion. State-issued water rights have become increasingly difficult to secure as a result of instream flow protection rules and legal precedents that limit the availability of surface and groundwater in order to protect senior instream flow water rights. This puts a premium on properly assessing existing water rights. The City hired water rights attorney Thomas M. Pors to research its water rights and prepare the water rights self-assessment for this 2020 Water System Plan update. Mr. Pors’ assessment is reflected in this section, including the contents of Table 4-1, and in the self-assessment forms included in Appendix C.

As demonstrated in Section 4.4.3, the City’s water rights are adequate to meet current water demands and projected demands through 2022. With approval of the new water rights and water right change applications described in Section 4.4.3, the City’s water rights and new Well 12 and Well 13 sources should be adequate to meet projected demands through 2040.

Primary and Supplemental Water Rights

The City’s water rights are noted as either primary (additive) or supplemental (non-additive) water rights, and where appropriate these interpretations are explained in footnotes to Table 4-1 and/or in the text below. Generally, primary water rights are additive to pre-existing rights and can be used to the full extent of the authorized quantities, regardless of the use being made under other water rights. The use of supplemental water rights is conditional based on the language in the water right decision documents and is often dependent on the use being made under prior rights. In most cases, supplemental water rights can be used as an alternative source for previously issued water rights, and do not increase the total authorized annual quantity of water allowed to be withdrawn and used by the City. A water right can be partially supplemental and partially primary.

4.4.2.1 City Water System Water Rights

The City has five post-Water Code water rights dating back to 1955 allowing the use of wells to provide municipal water service within its original service area. Water rights for earlier sources of supply, such as Wells 1, 2, and 3, were either never obtained or were not maintained in good standing by the City and are not discussed at length in this assessment.

Water Right Claim G1-000911CL was filed by the City for Well 5, in the amount of 51.3 gallons per minute (gpm) and 82.8 acre-feet/year (AFY). Well 5 provides limited artesian flow into the stilling basin at City Hall, and the wellhead is located under the City Hall parking lot. A water right claim is the essential filing to preserve a pre-code vested water right under the Water Rights Registration Act of 1967. Unless or until the claim is adjudicated in superior court, however, the claim filing is not determinative of the scope and validity of the water right. Claim G1-000911CL for Well 5 was acknowledged by the Department of Ecology in the change decision for Well 9 (CG1-25019C). In that decision, dated March 29, 2004, Ecology tentatively determined that, as of 1987, the City possessed water rights totaling 1,651.3 gpm and 1,852.8 AFY of primary rights, which includes the full quantity of Claim G1-000911CL as a primary right. This claim could be invalid based on the date listed in the claim for first using water (1946), which is after the June 6, 1945 effective date of the Ground Water Code, Chapter 90.44 RCW. However, the date in the claim could also be a mistake that can be corrected by the City through a claim amendment, if and when necessary. In later water right decisions for Permits G1-26119, G1-26447, G1-26454, and G1-26729, Ecology did not mention Claim G1-000911CL and appeared to have miss-counted the City's existing water rights by omitting the annual quantity of this claim. That is not determinative of the City's water rights quantity, because Ecology has no legal authority to adjudicate existing water rights.

Certificate 3334-A (G1-*04166C), with a priority date of November 17, 1955, authorizes Well 6 and is a primary (additive) water right for 350 gpm and 560 AFY. Well 6 provides artesian flow into a stilling basin and provides one of the City's primary sources for the 260 Zone that serves downtown and the City's lower elevation residential areas, along with Well 7.

Certificate G1-24586C, with a priority date of December 24, 1984, authorizes Well 7 and is a primary (additive) water right for 750 gpm and 1210 AFY. Well 7 provides artesian flow to the clear well at City Hall and is the principal source of supply for the 260 Zone.

Certificate G1-25019C, with a priority date of May 29, 1987, authorizes Wells 8 and 9 for up to 500 gpm and 560 AFY, but these quantities are supplemental to Certificates 3334-A and G1-24586C, and claim G1-000911CL. Wells 8 and 9 supply the High (390) Zone with installed pumps. Well 9 was added to this water right pursuant to a 2001 change application that was approved by the Department of Ecology (Ecology) on March 29, 2004. The report of examination for this change approval included Ecology's tentative determination that the scope and validity of the City's existing water rights as of 1987 was a total annual quantity of 1,852.8 AFY, thus including Claim G1-000911CL as a valid primary water right.

Permit G1-26119P, with a priority date of March 22, 1991, authorizes Well 10 for up to 500 gpm and 806 AFY, but these quantities are partially supplemental to existing water rights. See Section 4.4.2.3, "*Aggregate Cap Condition*." In 2007, the City applied for additional instantaneous and annual quantity for Well 10, to maximize the utility of drilling a large, deep aquifer municipal well, and the application was assigned number G1-28476. The City has not completed this well due to updated engineering plans for the water system, and in 2016 it applied to Ecology to add Well 13, located adjacent to the intersection of Bethel Road SE and SE Sedgwick Road, to both Permit G1-26119P and Application G1-28476. Proposed Well 13 is discussed further below in Section 4.4.3. The development schedule for Permit G1-26119P requires completion of construction by December 31, 2028 and full beneficial use by December 31, 2030. The City expects that these deadlines will be extended consistent with this Water System Plan update when the pending applications are processed.

Permit G1-26729P, with a priority date of September 14, 1992, authorizes Well 4 for its artesian flow to the clear well at City Hall, in the amount of 50 gpm and 80 AFY. This quantity is partially supplemental to existing water rights. See Section 4.4.2.3, “*Aggregate Cap Condition*.” The development schedule for Permit G1-26119P requires completion of construction by December 31, 2028 and full beneficial use by December 31, 2030. Because Well 4 is already constructed and in use by the City, a Proof of Appropriation form can be filed for this water right at any time, which starts the process for issuance of a water right certificate.

Other Water Right Claims. In 1970, the City filed three water right claims for Wells 5, 6 and 7. Claim G1-000911CL for Well 5 is described above. The claims for Wells 6 and 7 were unnecessary because these sources were authorized by properly issued permits and the priority date for these sources is after the June 6, 1945 effective date of the Ground Water Code. The claim filings are included in Appendix C, but they will not be included in the Water Right Self-Assessment unless new information is discovered by the City relating to their separate validity as vested water right claims.

“Tremont” Claim G1-100145, was timely filed by the City in 1974 for a well that was used to irrigate the Tremont Street Park and Playground. On May 24, 1976, the Council voted to change the name from Tremont Park to William (Bill) Van Zee Memorial Park. The well is currently not in use and believed to be decommissioned. While the claim was filed on a short form typically used for exempt well uses, it nevertheless authorizes continuation of this irrigation usage until the claim is adjudicated or the City seeks to change the water right to another usage or point of withdrawal. Municipal wells used to irrigate parks and playgrounds fall within the statutory definition of “municipal water supply purposes” at RCW 90.03.015(4). This means that the Tremont claim is not subject to relinquishment for nonuse and could be integrated into the drinking water system in the future, especially if the City ceases irrigating the Tremont Street Park and Playground or replaces the groundwater supply with reclaimed water. Because this source is not connected to the City drinking water system and no quantity is listed for this water right in the claim form, it is listed separately in Table 4-1 without a quantity.

4.4.2.2 McCormick Water System Water Rights

The McCormick Woods Water Company (MWWC) was created by the developers of McCormick Woods PUD to serve the 1,300-acre residential development and golf course in the southwest section of the City. In 1986, the City acquired the MWWC, including its wells, pumps, storage facilities, water mains, water rights, and water right applications, and took over its operation. The City’s last two water system comprehensive plans described the process of integrating the MWWC into the City Water System. As a result of the City’s acquisition of the MWWC water rights, there is now a common service area and place of use for all the City and MWWC water rights. That service area and place of use may expand or contract with Department of Health approved changes to the City’s water service area map. See RCW 90.03.386(2).

Permit G1-24437P, with a priority date of January 24, 1984, authorizes MC Wells 1, 2, and 3, up to 600 gpm and 450 AFY for municipal supply and irrigation of 100 acres, and is a primary (additive) water right. These shallow aquifer wells supply the 580 Zone tank. The permit document provides that 300 AFY of this right was intended to serve 1,200 homes, but this notation is not a limitation on the number of homes or other connections the City can serve with this water right, by operation of the Municipal Water Law at RCW 90.03.260(5). In 2014 the City filed a Notice of Compliance form with Ecology adding Well 11 (formerly known as MC Well 5) to this water right as an additional point of withdrawal, but Well 11 has not yet been completed with a pump or connected to the water system. A Showing of Compliance for Well 11 is included in Appendix C. In 2016 the City filed a change application to add Well 12 to this water right in order to consolidate the McCormick Woods area water supply from one or two deep

aquifer wells in proximity to upper zone storage facilities. The change application is discussed with other pending applications in Section 4.4.3, below.

On March 3, 2017, Ecology approved an extension of the development schedule for Permit G1-24437P to February 15, 2022. It is expected that a further extension of this development schedule will be approved when Ecology approves the City pending change applications.

Permit G1-26454P, with a priority date of January 17, 1992, authorizes Well 11 for an additional 150 gpm and 242 AFY of withdrawals from the McCormick well field for municipal purposes, increasing the total withdrawals from this wellfield to a maximum of 750 gpm and 692 AFY. This additional quantity is partially supplemental to existing water rights. See Section 4.4.2.3, “*Aggregate Cap Condition*.” A condition of this permit is to deactivate the shallow MC Wells 1, 2, and 3 within 1 year of activation of the new well to be completed in the Sea Level Aquifer (or deeper). Well 11 has been drilled, but not completed as a production well or connected to the City’s water system. In 2016 the City filed a change application to add Well 12 to this water right – the application is discussed with other pending applications in Section 4.4.3, below. The development schedule for Permit G1-26454P requires completion of construction by December 31, 2028 and full beneficial use by December 31, 2030. It is expected that a further extension of this development schedule will be approved when Ecology approves the City’s pending change applications.

Permit G1-26447P, with a priority date of January 17, 1992, authorizes Well MC 4B for up to 400 gpm and 645 AFY for both municipal purposes and irrigation of the McCormick Woods Golf Course. This quantity is partially supplemental to existing water rights. See Section 4.4.2.3, “*Aggregate Cap Condition*.” The well is located on golf course property, but the water right was assigned to the City in 2015. In 2016 the City filed a change application to administratively divide the water right into its irrigation and municipal parts, and to add Wells 11 and 12 to the municipal water right. This application is discussed with other pending applications in Section 4.4.3, below. The municipal portion of this primary (additive) water right is 420 AFY, based on the total irrigation demand for the golf course. However, because the golf course irrigation demand is considered part of the City water supply, the total instantaneous and annual quantity is used in Table 4-1 and in the self-assessment forms in Appendix C.

4.4.2.3 Aggregate Cap Condition in Permits G1-26119P, G1-26447, G1-26454P, and G1-26729P

When Ecology investigates a municipal water right application, it must tentatively determine the scope and validity of that municipality’s existing water rights in order to decide how much additional water may be needed to serve future water demands. Ecology’s authority to make tentative determinations regarding existing water rights is limited, and does not include the authority to diminish or “adjudicate” pre-existing water rights, because only the superior courts of Washington State have that authority, *Rettkowski v. Ecology*, 122 Wn.2d 219, 227, 858 P.2d 232 (1993). The four most-recently issued of the City’s water rights include what is commonly known as an “aggregate cap” condition, which is a type of tentative determination by Ecology regarding the scope of existing water rights along with the water right just granted. This aggregate cap condition is essentially a supplemental water right limitation on the use of the water rights thus granted, however, it is legally questionable whether the scope of pre-existing water rights can be limited by such a condition. The identical aggregate cap condition for these four permits states:

“The annual quantity of water authorized represents a portion of the total water rights owned by the City of Port Orchard. The total annual quantity withdrawn by the City of Port Orchard under G1-26119, G1-26447, G1-26454 and G1-26729 shall not exceed

1,308 acre-feet per year. The total annual quantity withdrawn from all City of Port Orchard sources shall not exceed 3,528 acre-feet per year.”

The accompanying text in the investigative report for these water right decisions explains Ecology’s basis for this annual quantity limitation, as follows:

“The total quantity of water allocated in the four concurrent water right decisions (G1-26119, G1-26447, G1-26454 and G1-26729) was determined by estimating future water demand within the City of Port Orchard service area. According to their estimates as part of their on-going revision of their Water System Plan (PACE 2005), the City of Port Orchard projects it will supply water to a population of 26,225 by 2030. The water usage rate based on historical data is 115 gallons per day per person. Using this average rate, the City is expected to require 3,378 acre-feet per year. Additionally, there is the demand of 150 acre-feet per year for irrigation of McCormick Woods Golf Course. Therefore, the total annual demand for the City in 2030 is estimated to be 3,528 acre-feet. The City of Port Orchard controls 2,220 acre-feet of existing certified water rights. The estimated future usage of 3,528 acre-feet per year represents an anticipated increase of 1,308 acre-feet per year.”

Thus, these four permits increased the City’s total primary annual quantity by 1,308 acre-feet per year.

In Table 4-3 of the reports of examination for these water rights, Ecology listed the City’s existing water rights and applications, including Claim G1-000911CL, but did not include the associated 82.8 acre-feet per year in the existing water right total. The City continues to claim the validity of Claim G1-000911CL, but neither the City nor Ecology can determine the validity of this claim without a superior court adjudication. The City recognizes that Ecology’s failure to include this 82.8 AFY in the calculation of existing water rights may have resulted in Ecology’s approval of an additional 82.8 AFY of primary water rights in its approval of Permits G1-26119, G1-26447, G1-26454, and G1-26729 with a combined total annual quantity of 1,308 AFY. The difference between the City’s position and Ecology’s position is a different priority date for a small portion of the City’s water rights, and a corresponding decrease in the City’s mitigation obligation under Permits G1-26119, G1-26447, G1-26454, and G1-26729. The City expects to resolve this difference with Ecology in its processing of the new applications and change applications described in Section 4.4.3, below.

4.4.2.4 Interties

Pursuant to Interlocal Agreements between the cities of Port Orchard and Bremerton (Appendix F), Port Orchard purchases wholesale water from the City of Bremerton through a 16-inch transmission main and intertie on Anderson Hill Road. The intertie allows water to be supplied by either system to the other, but in practice the City of Port Orchard has been purchasing water from Bremerton to supply growth in the McCormick Woods area for over twenty years. The most recent update to the Interlocal Agreement (dated November 2019), provides for the sale of Port Orchard’s existing 580 Zone tank, the 16-inch transmission main, and associated assets to Bremerton. Bremerton has agreed to supply water to Port Orchard during the affective dates of the agreement, at a rate of 750 gpm. Once Port Orchard has constructed a new 580 Zone tank, Well 11 and future Well 12 are online, and constructed necessary transmission and distribution infrastructure, the Bremerton and Port Orchard systems can operate as separate systems. Port Orchard and Bremerton also agree to consider an emergency intertie agreement at the conclusion of the current agreement. The City intends to reduce or eliminate its reliance on the Bremerton intertie with construction of the Well 12 and Well 13 projects and approval of the pending applications described in Section 4.4.3.

**Table 4-1
Port Orchard Water Rights**

Permit Certificate or Claim #	Source Name/Number	Supplemental Limitation	Water Right Quantity	
			Instantaneous Flow Rate (Qi)	Annual Volume (Qa) Supp/Primary
G1-*04166C (Cert. 3334-A)	PO 6	No	350	560
G1-24586C	PO 7	No	750	1,210
G1-25019C	PO 8 and 9	Yes ¹	500	560
G1-26119P	PO 10	Partial ²	500	211.5/ 594.5
G1-26729P	PO 4	Partial ²	50	11/59
G1-24437P	McCormick 1, 2, 3, PO 11 ³	No	600	450
G1-26454P	PO 11 ³	Partial ²	150	63/179
G1-26447P(A)	McCormick 4B	Partial ²	400	169.5/ 475.5
Claim G1-000911CL	Well 5 ⁴	No	51.3	82.8
TOTAL MUNICIPAL QUANTITY			3,351.3	3,528.0
Interties				
City of Bremerton (12/17/2001 interlocal agreement)			unspecified	178
City of Bremerton (12/17/2001 interlocal agreement)			750	
Applications				
G1-28162A	PO 12		500	560
G1-28476A	PO 13		750	1,210
Other Water Rights				
Tremont Claim #100145	Tremont Well	Irrigation of Parks	unknown	unknown
Notes:				
1) The annual quantity (560 AFY) of G1-25019C is supplemental to existing rights from Cert. 3334-A, G1-24586C, and G1-000911CL, but provides the City with additional pumping capacity. 2) The aggregate cap limitation on Permits G1-26119, G1-26447, G1-26454, and G1-26729 grants the City an additional 1,308 acre-feet per year of primary rights for the four water rights combined, and limits the total annual quantity withdrawn from all City of Port Orchard sources, which "shall not exceed 3,528 acre-feet per year." For purposes of Table 4-1 and the City's water right self-assessment, the 1308 AFY of new primary Qa is apportioned among the four water rights. 3) MC Well 5 was renamed PO Well 11; it was intended to replace MC wells 1, 2 & 3, with a combined Qi of 750 gpm and a combined Qa of 672 AFY but is not online at this time. 4) Because of the stated initial use date after 1945, Ecology regards this claim as "possibly invalid" and did not include its Qi or Qa in its calculation of the City's total water rights in the most recent (2006) ROEs. The City counts this quantity as a valid primary right and includes it in the total annual quantity.				

4.4.3 Pending Water Right Change Applications and New Applications

For many years, the City has experienced declining yields in its older wells. New wells have been drilled to augment the City's supply, but their location in relation to proposed development presents challenges with transmission lines, storage, and substantial pumping lifts. The City has two new well projects designed to add high-yield, deep aquifer wells at higher elevations on each side of the City's dual-lobed service area, which will facilitate a more efficient gravity distribution system than relying on wells located at or near sea level. Other objectives are to increase system-wide storage capacity and security with newer wells and pumps, to reduce reliance on the Bremerton Interties, and to source groundwater from deeper aquifers to improve base flow recharge to area streams. These well projects rely on a combination of new water right applications and change applications to shift pumping from older sources located at the bottom of the system or shallow wells to new deep wells located at the top of the system.

Well 12 Project. Application G1-28162 was filed by the City in 2002 to provide an additional source for the expanding McCormick Woods area next to the City's 450,000-gallon 580 Pressure Zone storage tank. The application seeks an additional 1,000 gpm and 1,080 AFY from the sea-level or deeper aquifer. The City also filed several change applications in 2016 to add Well 12 as an authorized point of withdrawal for the McCormick Woods wellfield water rights and Well 11, including Permits G1-24437P (MC Wells 1, 2, 3), G1-26454P (Well 11), and G1-26447P (MC Well 4B). A preliminary permit has been issued by Ecology to allow Well 12 to be drilled and pump tested, including conditions for hydrogeologic investigations. Drilling and testing activities are underway. Approval of these applications would enable the City to convert MC Wells 1, 2, and 3 to observation and emergency backup wells. The overall effect of moving to a deeper sub-sea level aquifer in the same body of public groundwater is to diminish the magnitude of base flow capture from area streams, while possibly expanding the regional extent of a smaller magnitude of impacts. The City is developing a mitigation plan to address any modeled impacts to streamflow from the change to a deeper aquifer to be tapped by Well 12.

Well 13 Project. Application G1-28476 was filed by the City in 2007 to increase the capacity of Well 10 for an additional 1,000 gpm and 1,600 AFY. In 2016, the City amended this application to change the proposed well site from Well 10, located at sea level near the shoreline, to Well 13 located in the Bethel area within the NE1/4, NE1/4 of Section 11, T23N, R1E, W.M and near the City's existing Sedgwick Reservoir. The City also filed several change applications to add Well 13 as an authorized point of withdrawal for Cert. 3334-A (Well 6), G1-24586C (Well 7), and G1-26119P (Well 10). A preliminary permit has been issued by Ecology to allow Well 13 to be drilled and pump tested, including conditions for hydrogeologic investigations. Drilling and testing activities are currently under way. Approval of these applications would enable the City to cap and monitor Wells 6, 7, and 10 as observation and emergency backup wells. The overall effect of moving to a deeper sub-sea level aquifer in the same body of public groundwater is to diminish the magnitude of base flow capture from area streams, while possibly expanding the regional extent of a smaller magnitude of impacts. The City is developing a mitigation plan to address any modeled impacts to streamflow from the change to a deeper aquifer to be tapped by Well 13.

System Analysis

Table 4-2 summarizes the existing and anticipated available supply and water rights by 2037. Table 4-2 includes Wells 11, 12, and 13, which are not yet online as discussed earlier in this chapter.

Table 4-2 Instantaneous Sources of Supply by Zone and Year (gpm)				
Source Available by Active Capacity	2017	2023	2029	2039
260 Zone	1,793	-	-	-
390 Zone	443	1,943	1,943	1,943
Subtotal City	2,236	1,943	1,943	1,943
580 Zone	888	750	750	750
660 Zone	-	1,000	1,000	1,000
Subtotal McCormick	888	1,750	1,750	1,750
Total	3,124	3,693	3,693	3,693
Source Available by Rights	2017	2023	2027	2037
260 Zone	2,500	-	-	-
390 Zone	500	2,000	2,000	2,000
Subtotal City	3,000	2,000	2,000	2,000
580 Zone	1,100	750	750	750
660 Zone	-	1,000	1,000	1,000
Subtotal McCormick	1,100	1,750	1,750	1,750
Total	4,100	3,750	3,750	3,750
Notes: 1) Installed Capacity assumes capacity upgrades or water rights transfers to Wells 11, 12, and 13 will be accomplished to attain withdrawals up to permitted water rights. 2) The average capacity of Wells 8 and 9 is included in this table and used for analysis as the water right does not allow for the wells to be run simultaneously. 3) Instantaneous water rights and capacity associated with the Bremerton Interties are included in 2017 only. Intertie sources include 850 gpm into the 260 Zone and 350 gpm into the 580 Zone. By interlocal agreement, the 580 Zone intertie capacity was increased to 750 gpm in November 2019.				

Table 4-3 presents a source analyses for the water system(s) through the year 2039 and focuses on installed capacity. System reliability is further ensured by not including emergency interties in the source analyses. This approach is based on the desire to operate the system independent of neighboring jurisdictions. The supply surplus/deficit was assessed under the three criteria established by DOH discussed earlier in this chapter and summarized below:

- Source capacity capable of supplying MDD (required)
- Source capacity capable replenishing fire flow storage (FSS) during MDD over 72 hours (recommended)
- Source capacity capable of supplying MDD with 18 hours of pumping (recommended)

The source capacity shown in Table 4-3 includes the existing source capacity under 2019. In subsequent years, the source capacity listed in Table 4-3 reflects the City's plans to incorporate new sources, obtain additional water rights, transfer existing water rights, and transition the existing interties with the City of Bremerton to emergency interties. Supply sources in 2023 and all subsequent years include Well 11 (drilled but not online), Well 12 (under design), and

Well 13 (under construction) but do not include supply from McCormick Wells 1 and 3, City Wells 6 and 7, or Bremerton.

In 2019 the existing source of supply is sufficient to meet all required and recommended criteria in the City System (Table 4-3). However, only the required criteria is met in the McCormick System in 2017. Once the two systems are connected, the current surplus of instantaneous supply in the City System can be shared with the McCormick Woods System. Construction of a 390 Zone to 580 Zone Booster Pump Station and a 580 Zone to 390 Zone PRV in association with the anticipated Stetson Heights Development will connect the two systems and is anticipated to occur within the next 6-years. Thus, the total supply for both systems is expected to be available to either system by 2023. In order to meet both DOH supply recommendations described above, the City may require developers to construct a 580 to 660 Booster Pump Station or obtain additional 660 Zone supply; these improvements are not required to meet the minimum DOH supply criteria.

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Table 4-3 Source Analysis (By Capacity)										
Year	Zone	MDD (MGD)	MDD (gpm)	FSS (gpm)	MDD + FSS (gpm)	Existing (gpm) ¹	75% Existing (gpm) ⁴	Surplus (Deficit) (gpm)		
								MDD Supplied in 24 Hours (Required)	MDD + Fire Flow Replenished Over 72 Hours (Recommended)	MDD Replenished with 18 Hours of Pumping/Day (Recommended)
2017	City-260	0.71	493	42	535	1,793	1,345	1,300	1,258	810
	City-390	0.87	603	42	644	443	443	(160)	(202)	(202)
	City-Subtotal	1.58	1,096	42	1,137	2,236	1,787	1,140	1,098	650
	McCormick-580	0.89	619	52	671	888	666	269	217	(5)
	McCormick-660	0.00	0	0	0	0	0	0	0	0
	McCormick-Bremerton ⁵	0.53	368	42	409	0	0	(368)	(409)	(409)
	McCormick Subtotal	1.42	986	52	1,039	888	666	(98)	(151)	(373)
2023	City-260	0.72	497	42	539	0	0	(497)	(539)	(539)
	City-390	0.88	608	42	650	1,943	1,568	1,335	1,293	918
	City-Subtotal	1.59	1,105	42	1,147	1,943	1,568	837	796	421
	McCormick-580	1.79	1,245	52	1,297	750	563	(495)	(547)	(735)
	McCormick-660	0.59	409	83	493	1,000	750	591	507	257
	McCormick Subtotal	2.38	1,654	83	1,738	1,750	1,313	96	12	(425)
	Total	3.97	2,759	83	2,843	3,693	2,769	933	850	(73)
2029	City-260	0.74	514	42	555	0	0	(514)	(555)	(555)
	City-390	0.90	628	42	669	1,943	1,568	1,315	1,273	898
	City-Subtotal	1.64	1,141	42	1,183	1,943	1,568	801	759	384
	McCormick-580	2.02	1,403	52	1,455	750	563	(653)	(705)	(893)
	McCormick-660	0.94	654	83	737	1,000	750	346	263	13
	McCormick Subtotal	2.96	2,057	83	2,140	1,750	1,313	(307)	(390)	(828)
	Total	4.61	3,198	83	3,282	3,693	2,769	494	411	(512)
2039	City-260	0.81	566	42	608	0	0	(566)	(608)	(608)
	City-390	1.00	692	42	733	1,943	1,568	1,251	1,209	834
	City-Subtotal	1.81	1,258	42	1,299	1,943	1,568	685	643	268
	McCormick-580	2.11	1,466	52	1,518	750	563	(716)	(768)	(955)
	McCormick-660	1.10	761	42	803	1,000	750	239	197	(53)
	McCormick Subtotal	3.21	2,227	52	2,279	1,750	1,313	(477)	(529)	(966)
	Total	5.02	3,484	52	3,537	3,693	2,769	208	156	(767)
Notes: 1) Source Analysis is based on active capacities indicated in Tables 6-1 and 6-2 and include emergency supplies from Bremerton under the 2017 scenario only. Sources include supply from Wells 11, 12 and 13 under all future scenarios. Wells 11, 12 and 13 have been drilled and are undergoing testing. Water rights applications for Wells 12 and 13 are pending. 2) The planned connection of the City system and the McCormick system anticipated within the 10-year planning horizon will allow supply from the 390 Zone to be transferred to the McCormick Woods system and vice versa. 3) The estimates put forth herein are not a guarantee of ERU's to any development, property owner or specific area of the City. 4) Well 8/9 was assumed to be capable of operating for 24 hours a day hours of pumping as the wells are redundant and can be alternated. 5) Demands from Bremerton (McCormick North) on the 580 Zone were included only in the existing scenario. The two systems are planned to be separated within the next 6-years.										

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Figure 4-1 presents the projected MDD for both systems and the existing available instantaneous supply over the 20-year planning horizon. As discussed previously, the City currently supplies a portion of Bremerton's water service area through the McCormick Woods System. The MDD for the McCormick Woods System only and for the McCormick Woods System and Bremerton combined are shown on Figure 4-1. However, the Bremerton demands are believed to be applicable only during the near term as it is anticipated that Bremerton will serve this area directly within the 20-year planning horizon.

As noted on Table 4-3 and Figure 4-1, the McCormick Woods System MDD are approaching instantaneous supply capacity. Source deficiencies in the 580 Zone are due to development within McCormick Woods, McCormick West, Stetson Heights, and McCormick East. While the current (November 2019) Bremerton intertie agreement with the McCormick Woods System is for 750 gpm in emergency situations, Bremerton is capable of supplying up to 1,800 gpm to the 580 Zone. Regardless, the City recognizes implementation of supplemental sources and separation of the two systems is a priority. Maintaining an emergency supply connection between the Bremerton 580 Zone source and the Port Orchard 580 Zone is planned.

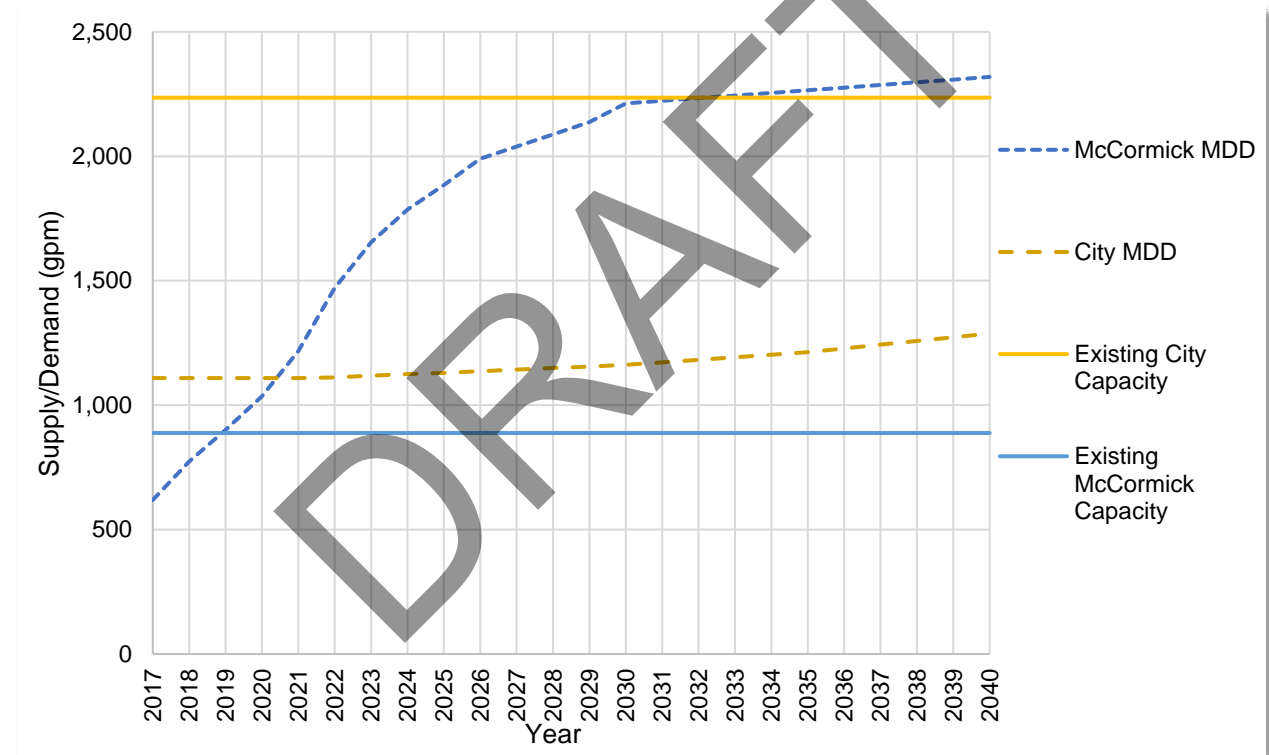


Figure 4-1 McCormick Woods and City Systems MDD and Existing Supply

Figure 4-2 presents the projected MDD and the anticipated new sources of supply for both systems. Bremerton customer demands currently served by Port Orchard are not shown on Figure 4-2, as these customers are anticipated to be served directly from Bremerton within the 6-year planning horizon and before the McCormick Woods and City Systems are connected.

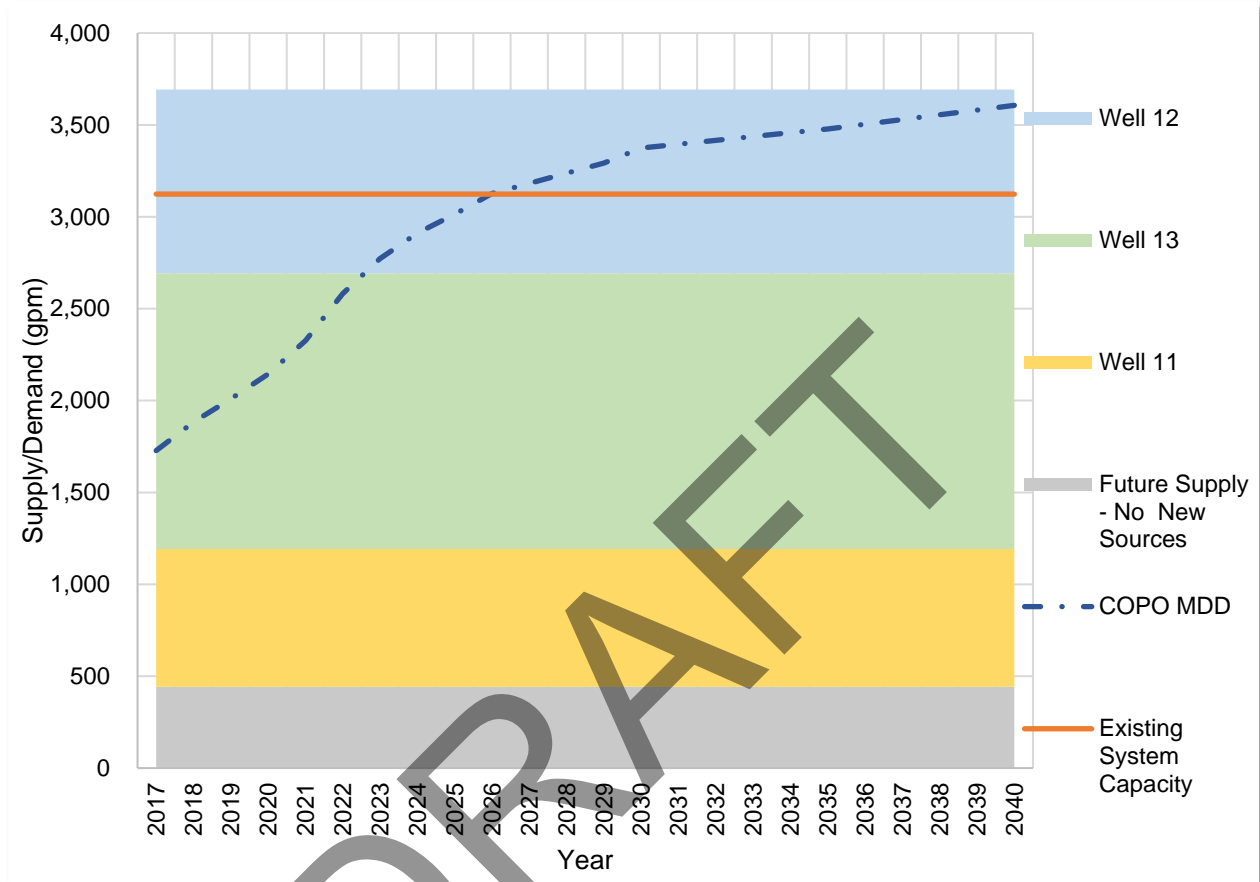


Figure 4-2 Port Orchard MDD and Existing and Projected Supply

Wells 8 and 9 are the only existing sources of supply that are anticipated to be maintained over the 20-year planning horizon; the average capacity of these two sources is shown at the bottom of the graph in gray. The proposed additional sources are stacked on top of the existing sources to be maintained in Figure 4-2. As identified on Figure 4-2, the existing sources of supply are sufficient to support the connected systems until 2022. If all proposed source changes are approved and constructed by the City, a deficiency of supply is projected to occur in 2026 and a deficiency of approximately 550 gpm is anticipated at the end of the 20-year planning horizon. If not all pending water rights are approved, the City will face a source of supply deficiency before 2026. Additional supply may be obtained by procuring water rights for Wells 8 and 9 which allow for simultaneous pumping and by rehabilitating Well 8 it is capable of reaching the existing instantaneous water right of 500 gpm.

4.5 Water Right Evaluation

The existing and pending water rights for the City are listed in Table 1-1. The City's primary water source is groundwater. Groundwater sources are currently supplemented with supply from Bremerton, though plans are in place to terminate use of Bremerton water. The location of each well is identified on Figure 1-2 and the depth provided in the Water Facilities Inventory Report Form in Appendix H. The City has water rights certificates and permits for 13 wells, 7 of which are currently in service. All wells excluding Well 4B are used for domestic water service. Well 4B provides irrigation water to the McCormick Land Co. Total instantaneous authorized rights for the 13 wells total 3,513 gpm. Primary water rights allow withdrawal of 3,610 acre-feet per year. As discussed previously in this chapter, the City has pending water rights applications for proposed Wells 12 and 13.

In 2017 the City produced approximately 800 acre-feet of water from the 4 domestic water wells currently in use. This was less than a quarter of the City's certificated annual water rights of 3,528 acre-feet per year. While the City System currently has sufficient instantaneous supply, the McCormick Woods System is using nearly all of the available supply. Existing and forecasted water rights are summarized in Table 4-2. Projected demands for each system and for the combined system are presented in Figures 4-1 and 4-2, respectively.

4.6 Water System Reliability Analysis

In accordance with DOH's Water System Reliability Handbook, the three components required to summarize system reliability are source reliability, water right adequacy, and facility reliability.

4.6.1 Source Reliability

Future sources of supply (Well 11, 12, and 13) will tap into the deep sub-sea level aquifer and will resolve multiple public health and safety issues related to aging water system infrastructure by allowing the replacement of old wells and siting of new high-capacity, deep aquifer wells at the top of the system. This will both extend the useful life of the City's wells for more than a generation and provide system reliability and cost efficiencies.

4.6.2 Water Right Adequacy

Water right adequacy is discussed in Sections 4.4 and 4.5 of this Plan.

4.6.3 Facility Reliability

A summary of facility reliability is included in Chapter 3 of the Plan.

4.6.4 Water Shortage Response Planning

The City of Port Orchard's Water Shortage Response is discussed in Section 6.9.

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Agenda Staff Report

Agenda Item No.:	<u>Business Item 7A</u>	Meeting Date:	<u>August 10, 2021</u>
Subject:	<u>Adoption of a Resolution Approving and</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>Adopting the 2021-2030 Water Use</u>		<u>Public Works Director</u>
	<u>Efficiency Goals and Performance</u>	Atty Routing No.:	<u>366922.0013 – Water</u>
	<u>Measures</u>	Atty Review Date:	<u>July 7, 2021</u>

Summary: Earlier this evening, a Public Hearing was held to take testimony on the City’s proposed Water Use Efficiency Goals and Measures.

In 2003, the Washington State Legislature passed Engrossed Second Substitute House Bill 1338, better known as the Municipal Water Law, to address the increasing demand on the state’s water resources. The law established that all municipal water suppliers must use water more efficiently in exchange for water right certainty and the flexibility to meet future demand. The legislature passed requirements in the Washington Administrative Code (WAC) 246-290 and directed the department of health to adopt an enforceable Water Use Efficiency (WUE) program, which became effective in January of 2007. Consistent with this law, the city must set a water use efficiency goal and measure progress each year toward meeting the goal. The goal must include a measurable outcome, address water supply characteristics, and include an implementation schedule. The city must also evaluate or implement efficiency measures to help meet the goal.

By Resolution No. 049-21, the City sets a Water Use Efficiency goal of reducing the per capita water use by 0.5% annually over the next ten years.

Recommendation: Staff recommends that the City Council vote to adopt Resolution No. 049-21, thereby updating the Water Use Efficiency Goals and Measures.

Relationship to Comprehensive Plan: Chapter 7 – Utilities.

Motion for consideration: “I move to adopt Resolution No. 049-21, thereby updating the Water Use Efficiency Goals and Measures.”

Fiscal Impact: None.

Alternatives: N/A

Attachments: Resolution No. 049-21, Program outline, and Water Resource Analysis.

RESOLUTION NO. 049-21

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, APPPROVING AND ADOPTING 2021 - 2030 WATER USE EFFICIENCY GOALS AND PERFORMANCE MEASURES FOR THE CITY OF PORT ORCHARD'S DRINKING WATER SYSTEMS.

WHEREAS, in 2003 the Washington State legislature passed House Bill 1338, known as the Municipal Water Law, to address increasing demands on our state's water resources; and

WHEREAS, the Washington State Department of Health was directed to oversee and enforce a Water Use Efficiency Program (WUE) to help support the goals of ensuring safe and reliable drinking water supplies; and

WHEREAS, the City Council adopted by Resolution 091-09 on September 22, 2009, a goal of reducing the Single Family Residential water consumption from 160 gallons per day to 155 gallons per day by 2014, which is a 0.5% annual reduction; and

WHEREAS, the City Council adopted by Ordinance 020-15 on November 11, 2015, a tiered water rate structure to encourage and stimulate customers to use less water; and

WHEREAS, on July 27, 2021 and continued on August 10, 2021 the City held a duly-noticed public hearing on this Resolution; and

WHEREAS, the City Council has considered staff presentations, proposals and public comment and finds it is in the best interests of the residents of the City to adopt the City's Water Use Efficiency Goals and Performance Measures set out herein for the City of Port Orchard for 2021 to 2030; now, therefore,

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

THAT: The City Council approves and adopts the Water Use Efficiency goal of reducing the per capita water use by 0.5% annually over the next ten years.

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 on this 10th day of August 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

CITY OF PORT ORCHARD WATER USE EFFICIENCY PROGRAM

1. System Information

Name: City of Port Orchard DOH ID #68900
McCormick Woods Water System DOH ID #40529
Address: 216 Prospect
Port Orchard, Washington 98366
Phone: (360) 876-4991
Contact Person: Jacki Brown, Utility Manager

2. Geographic Location

The City of Port Orchard maintains two separate public water systems, both of which are Group A public water systems. Both systems are located on the Kitsap Peninsula of Washington State along the southern shore of Sinclair Inlet of the Puget Sound. This Water Use Efficiency Program covers both the Port Orchard and McCormick Woods water systems.

3. Water Use Efficiency Rule

The City of Port Orchard developed a Water Use Efficiency Goal for compliance with the Water Use Efficiency Rule of the Municipal Water Law. The City has adopted the following goals after the requisite public process and has developed a plan for monitoring progress toward the established goal and reevaluation of water use efficiency measures on an annual basis.

GOAL #1: Reduce Residential Usage by 0.5% per year through 2030

Over the next ten-year period, the City of Port Orchard plans to reduce water consumption by 0.5% per year. The following measures will be implemented to assist in attaining this goal:

- Include water conservation information in the City's annual Consumer Confidence Report (annual water system report to consumers).
- Evaluate the inclusion of inserts as part of the monthly water bills that present information regarding the importance of water conservation and actions individuals can implement to reduce their water use.
- Investigate a Water Conservation School Outreach Program that may include school presentations, preparation of curriculum material, water conservation education handout material, and tours of water system facilities.
- Provide water conservation materials at public outreach events.
- Use Conservation Rate concepts in rate setting.
- Show consumption history on water bills.

GOAL #2: Continue and Expand Educational Outreach with Customers

The City is a member of the County-wide conservation board and the Water Purveyors Association of Kitsap County (WaterPAK), the City is active in planning, setting up, and manning the WaterPAK booth at the Kitsap County Fair. Conservation is a principal message at the booth. WaterPAK's projects include distributing County-wide indoor conservation kits, summer lawn water calendars, and high efficiency

toilet (HET) rebates; establishing coordination between water purveyors, fire districts, Kitsap County, and state agencies; coordinating the development of a groundwater model with USGS; and developing the County-wide Coordinated Water System Plan (CWSP).

The City also maintains a page on their website (<https://www.cityofportorchard.us/>) which describes the benefits of conservation and links to other resources regarding conservation-at-home measures to help educate its customers about water use efficiency.

4. Water Use Efficiency Tracking

Port Orchard Water Department					
year	production	authorized uses	leakage		
			gallons	percentage	
2016	277858531	267667240	10191291	3.67	
2017	267138796	257609875	9528921	3.57	
2018	305494416	269650890	35843526	11.73	*
2019	312726730	271860151	40866579	13.07	*
2020	291531336	266226432	25304904	8.68	
TOTALS	1454749809	1333014588	121735221	8.14	average
	metered sales	meters billed	per capita use		%↓
			annually	daily	
2016	267631670				
2017	237476840	12450	19074.44	52.26	
2018	249387340	13440	18555.61	50.84	2.720075607
2019	259506771	14276	18177.83	49.80	2.035884811
2020	241954498	14314	16903.35	46.31	7.011223671
McCormick Woods Water System					
year	production	authorized uses	leakage		
			gallons	percentage	
2016	83677846	83609600	68246	0.08	
2017	84373263	81500000	2873263	3.41	
2018	105212017	101582290	3629727	3.45	
2019	107588945	100757850	6831095	6.35	
2020	98619902	97346850	1273052	1.29	
TOTALS	479471973	464796590	14675383	2.92	average
	metered sales	meters billed	per capita use		%↓
			annually	daily	
2016	83605600				
2017	72667000	4306	16875.75	46.23	
2018	85574290	4851	17640.55	48.33	-4.53189519
2019	90850000	5646	16091.04	44.09	8.783789071
2020	90415000	6013	15036.59	41.20	6.5530298
* Anomalies based on under-reporting of unmetered uses					

Chapter 4 Water Resource Analysis

4.1 Water Use Efficiency

The City of Port Orchard developed a Water Use Efficiency Goal for compliance with the Water Use Efficiency Rule of the Municipal Water Law. The City has adopted the following goals after the requisite public process and has developed a plan for monitoring progress toward the established goal and reevaluation of water use efficiency measures on an annual basis. Additional documentation regarding the Water Use Efficiency Program is provided in Appendix C.

GOAL #1: Reduce Residential Usage by 5 gpd/ERU by 2026

Over the next six-year period the City of Port Orchard plans to reduce residential water consumption by 5 gallons per day per home. This reduction in residential use will save approximately 58 million gallons per year over this six-year period. The following measures will be evaluated and/or implemented to assist in attaining this goal:

- Include water conservation information in the City's annual Consumer Confidence Report (annual water system report to consumers).
- Evaluate the inclusion of inserts as part of the monthly water bills that present information regarding the importance of water conservation and actions individuals can implement to reduce their water use.
- Investigate a Water Conservation School Outreach Program that may include school presentations, preparation of curriculum material, water conservation education handout material, and tours of water system facilities.
- Prepare a portable display of water conservation devices and selected material for display at the City's numerous events and festivals.
- Upon request by customers, supply dye tablets for in-home leak detection.

GOAL #2: Continue and Expand Educational Outreach with Customers

The City has an ongoing public education program to provide information regarding water issues. The main elements of the City's education outreach include displays at local fairs and events, school outreach, and distributing flyers that outline the City's water use efficiency goals at the Public Works Department. In addition, as a member of the County-wide conservation board and the Water Purveyors Association of Kitsap County (WaterPAK), the City is active in planning, setting up, and manning the WaterPAK booth at the Kitsap County Fair. Conservation is a principal message at the booth. WaterPAK's projects include distributing County-wide indoor conservation kits, summer lawn water calendars, and high efficiency toilet (HET) rebates; establishing coordination between water purveyors, fire districts, Kitsap County, and state agencies; coordinating the development of a groundwater model with USGS; and developing the County-wide Coordinated Water System Plan (CWSP).

The City also maintains a page on their website (<https://www.cityofportorchard.us/>) which describes the benefits of conservation and links to other resources regarding conservation-at-home measures to help educate its customers about water use efficiency. The City plans to continue to use this website as an educational and public outreach mechanism in the future. The use of electronic media for education will allow the City to reduce paper use for its public outreach initiatives. The City is looking to build upon the possibilities for information and engagement that the website may offer.

4.2 Water Conservation Program

Water conservation is an important and viable means of reducing water system demands and in the City of Port Orchard's 2009 Water System Plan, a target goal of a 5 gpd/ERU reduction in demand prior to the year 2015 was established.

The premise of the program established in the previous Water System Plan remains unchanged, with the City relying heavily on the conservation messages of larger agencies as a means of education and awareness and implementing internal measures conducive to stewardship of clean water as a finite resource. Key elements of the conservation program are outlined in the following paragraphs.

4.2.1 Internal Conservation Measures

Water meters are a key element of an effective conservation program. Source meters are provided and maintained on all permanent sources and recommended for emergency interties. Individual customer meters are required on every connection to the Port Orchard Water system.

- **Source Meters** - The City of Bremerton (Bremerton) currently has master source meters in place at all its well supplies and at the metered intertie with the City. Meters are recommended for emergency interties.
- **Water Meters** - All connections to the water system are metered. Irrigation meters are available for interested customers and required on new irrigation accounts.
- **Hydrant Meters** - Hydrant meters are currently required for all water drawn from hydrants except that associated with emergency use (such as a fire). Hydrant permits are required in addition to the permit fee, and permit holders are charged for water use.
- **Consumption History** - Consumption history is provided on bi-monthly billings to promote conservation.
- **Non-Revenue Water** - The City's on-going maintenance and repair schedule provides for routine inspection of facilities and results in the prompt repair of leaks and valve failures that contribute to non-revenue water. In addition, field crews perform routine maintenance and operation in a conscientious manner to reduce the amount of water used for these activities. Hydrant meters are for all non-emergency water use.
- **Leak Detection** - The City retains the services of leak detection specialists biennially to identify leaks in the system. No major leaks were identified in the last leak detection analysis. All identified leaks were subsequently repaired.
- **Pressure Regulation** - The City maintains four separate pressure zones to ensure adequate fire flows and pressures are maintained in all areas of the system. By effective management of the pressure zones, water consumption can be reduced by controlling pressures at a safe level in accordance with State Department of Health guidelines. Isolated areas of high pressure are controlled by individual pressure reducing valves.

4.2.2 Conservation Program Promotion

Utilizing public information and promotional materials to encourage conservation is key to any conservation strategy. The City's annual newsletter is recommended as a way to distribute conservation tips and raise awareness. Water bills also provide an avenue for conservation program promotion. Further program promotion through distribution of conservation materials produced by others (i.e., WaterPAK, AWWA, DOH, and Kitsap County PUD) is also performed.

4.2.3 Rate Setting to Encourage Conservation

The City has implemented a water rate schedule to encourage conservation that employs a block rate structure whereby water use in excess of established thresholds is priced higher. The rate structure provides a threshold for evaluating conservation by various customer types and helps determine what type of education and conservation programs will be most useful in the future. Annual review of the impact of any adjustments to the water rate schedule on conservation and water use is accomplished as part of overall Water Use Efficiency tracking and reporting in accordance with State regulations. Review of irrigation policies and charges is highly recommended. A summary of current water rates is provided in Chapter 9 of this Plan.

4.2.4 Encouraging Water Saving Devices

The City has adopted the most current version of the Uniform Building and Plumbing Codes to regulate and enforce the provision of low water use fixtures in all new construction. Future consideration of low water use landscaping provisions in the City Code is recommended.

4.2.5 Water Efficient Toilets and Appliances

The City relies on the public messages of regional water purveyors and the appliance industry to promote water efficient appliances, especially washing machines. It is estimated that the vast majority of toilets within the City are high flow toilets (toilets installed before 1980 are typically 5 to 7 gallons/flush, toilets installed between 1980 and 1992 are 3.5 gallons/flush, and toilets installed after 1992 are 3.5 to 1.6 gallons/flush). Residents who take advantage of the program receive a cash rebate of \$100 on the installation of a low flow toilet.

4.2.6 Water Reuse and Recycling

The City and West Sound Utility District jointly own a wastewater treatment plant (Plant) that was recently upgraded to increase capacity and generally improve the Plant operations. The two agencies may consider working together to pursue opportunities for reuse of treated effluent from the Plant in the future. All potential water reuse opportunities will be considered with respect to Ecology and DOH requirements. Specific review and analysis of irrigation opportunities is recommended.

4.3 Conservation Program Implementation and Monitoring

Water Use Efficiency and Conservation program monitoring to quantify and document the effectiveness of the conservation program is accomplished through an ongoing data collection effort. In accordance with State requirements, the City achieves this by annually reviewing water use records and comparing these records to previous years. Water use data is kept by customer classification in order to identify annual and specific trends for summer and winter water use. This data, coupled with information regarding weather and implementation of any new conservation programs, provides a mechanism for monitoring overall water conservation efforts.

Continued participation with neighboring purveyors and WaterPAK is required to ensure that consistent conservation messages are being delivered throughout the South Kitsap County area and to develop new ideas for water conservation mechanisms and programs. City employees are encouraged to participate in water conservation data collection, seminars, and workshops that are relevant to their particular field.

4.4 Water Rights and Source of Supply Analysis

This section presents the analyses performed to evaluate the City of Port Orchard water system's ability to meet the needs of current and projected customers of the City. It is important to recognize that while the State Department of Health requires that physically independent systems be analyzed separately, the City operates the Port Orchard (City) System and the McCormick Woods System under one utility department.

A fundamental component of this Plan is the desire for the City System(s) to operate autonomously from neighboring utilities under anticipated operating conditions. To achieve this, interconnection of the two systems should be accomplished as soon as possible. The analyses presented herein identifies the system requirements for the existing systems independently but considers ultimate combination of the systems into one entity.

As such, future improvements are based on the plan to connect the 260 and 390 (City) Zones and the McCormick 580 Zone as development occurs in the 580 Zone and in the area east of the existing McCormick Woods System. This plan for interconnection is supported by the Department of Ecology's consideration of water rights applications. Ecology has established source of supply requirements and issued water rights for the combined systems servicing the City's overall water service area as established by the CWSP.

The analyses put forth herein utilize current data and the projected growth scenarios established in Chapter 2. The primary focus of the analyses is to determine the type and magnitude of improvements required to meet the projected needs of the service area(s), and not to determine the specific needs or timing of individual development proposals. For large scale and costly facilities such as source of supply, transmission lines and storage tanks, the ultimate service area needs have been considered to ensure general facility improvements will be of sufficient capacity and location to meet the City's future needs. For distribution system facilities, the primary goal is to develop a program to meet the fire flow requirements of current and anticipated development, and the regular renewal and replacements to protect the investment of ratepayers to the system.

Transmission, storage, and pumping facilities required to connect the City System to the McCormick System have been evaluated. The interconnection is planned to occur along SW Sedgwick Road to the south and along the SW Old Clifton Road corridor to the southwest. Timing will be dependent on development and construction of a new 580 Zone storage facility, possibly as early as 2021.

4.4.1 Combining of City System and McCormick Woods Water System

The City's water system consists of two separate water systems, both owned and operated by the City of Port Orchard. The City System, which includes the 260 Pressure Zone and the 390 Pressure Zone serves most of the City limits, and the McCormick Woods System 580 Pressure Zone serves the McCormick Woods area in the western portion of the City. As of December 2017, the two systems served approximately 3,132 connections in the City System and 814 connections in the McCormick Woods System.

The City is currently developing a long-range program for interconnecting the City's main water system (the 260 and 390 Pressure Zones) with facilities serving the McCormick Woods System (the 580 Pressure Zone and a future 660 Pressure Zone). This will allow for the two existing systems to be combined under one water system identification number.

The McCormick System is in the western portion of the City and eventually will be connected to the City System from new transmission mains along SW Sedgwick Road and along SW Old Clifton Road. The City also plans to install PRV connections from the 580 Zone to the 390 Zone via the new SW Old Clifton Road transmission main and at the proposed 390 to 580 pump station near SW Sedgwick Road.

All of the water rights currently serving the City System and the McCormick Woods Water System meet the statutory definition of “municipal water supply purposes.” Pursuant to the Municipal Water Law of 2003, the effect of Department of Health approval of the City’s last water system plan in 2009, and the continuing effect of approval of this current Plan, is that: (1) these water rights are considered valid and in good standing; (2) they are exempt from statutory relinquishment for nonuse; and (3) they can be used throughout the combined Port Orchard Water Service Area for municipal water supply purposes. See Figure 1-4, Water Service Area Map.

4.4.2 Water Rights

The scope and validity of municipal water rights has become one of the most critical issues for planning a water system’s future expansion. State-issued water rights have become increasingly difficult to secure as a result of instream flow protection rules and legal precedents that limit the availability of surface and groundwater in order to protect senior instream flow water rights. This puts a premium on properly assessing existing water rights. The City hired water rights attorney Thomas M. Pors to research its water rights and prepare the water rights self-assessment for this 2020 Water System Plan update. Mr. Pors’ assessment is reflected in this section, including the contents of Table 4-1, and in the self-assessment forms included in Appendix C.

As demonstrated in Section 4.4.3, the City’s water rights are adequate to meet current water demands and projected demands through 2022. With approval of the new water rights and water right change applications described in Section 4.4.3, the City’s water rights and new Well 12 and Well 13 sources should be adequate to meet projected demands through 2040.

Primary and Supplemental Water Rights

The City’s water rights are noted as either primary (additive) or supplemental (non-additive) water rights, and where appropriate these interpretations are explained in footnotes to Table 4-1 and/or in the text below. Generally, primary water rights are additive to pre-existing rights and can be used to the full extent of the authorized quantities, regardless of the use being made under other water rights. The use of supplemental water rights is conditional based on the language in the water right decision documents and is often dependent on the use being made under prior rights. In most cases, supplemental water rights can be used as an alternative source for previously issued water rights, and do not increase the total authorized annual quantity of water allowed to be withdrawn and used by the City. A water right can be partially supplemental and partially primary.

4.4.2.1 City Water System Water Rights

The City has five post-Water Code water rights dating back to 1955 allowing the use of wells to provide municipal water service within its original service area. Water rights for earlier sources of supply, such as Wells 1, 2, and 3, were either never obtained or were not maintained in good standing by the City and are not discussed at length in this assessment.

Water Right Claim G1-000911CL was filed by the City for Well 5, in the amount of 51.3 gallons per minute (gpm) and 82.8 acre-feet/year (AFY). Well 5 provides limited artesian flow into the stilling basin at City Hall, and the wellhead is located under the City Hall parking lot. A water right claim is the essential filing to preserve a pre-code vested water right under the Water Rights Registration Act of 1967. Unless or until the claim is adjudicated in superior court, however, the claim filing is not determinative of the scope and validity of the water right. Claim G1-000911CL for Well 5 was acknowledged by the Department of Ecology in the change decision for Well 9 (CG1-25019C). In that decision, dated March 29, 2004, Ecology tentatively determined that, as of 1987, the City possessed water rights totaling 1,651.3 gpm and 1,852.8 AFY of primary rights, which includes the full quantity of Claim G1-000911CL as a primary right. This claim could be invalid based on the date listed in the claim for first using water (1946), which is after the June 6, 1945 effective date of the Ground Water Code, Chapter 90.44 RCW. However, the date in the claim could also be a mistake that can be corrected by the City through a claim amendment, if and when necessary. In later water right decisions for Permits G1-26119, G1-26447, G1-26454, and G1-26729, Ecology did not mention Claim G1-000911CL and appeared to have miss-counted the City's existing water rights by omitting the annual quantity of this claim. That is not determinative of the City's water rights quantity, because Ecology has no legal authority to adjudicate existing water rights.

Certificate 3334-A (G1-*04166C), with a priority date of November 17, 1955, authorizes Well 6 and is a primary (additive) water right for 350 gpm and 560 AFY. Well 6 provides artesian flow into a stilling basin and provides one of the City's primary sources for the 260 Zone that serves downtown and the City's lower elevation residential areas, along with Well 7.

Certificate G1-24586C, with a priority date of December 24, 1984, authorizes Well 7 and is a primary (additive) water right for 750 gpm and 1210 AFY. Well 7 provides artesian flow to the clear well at City Hall and is the principal source of supply for the 260 Zone.

Certificate G1-25019C, with a priority date of May 29, 1987, authorizes Wells 8 and 9 for up to 500 gpm and 560 AFY, but these quantities are supplemental to Certificates 3334-A and G1-24586C, and claim G1-000911CL. Wells 8 and 9 supply the High (390) Zone with installed pumps. Well 9 was added to this water right pursuant to a 2001 change application that was approved by the Department of Ecology (Ecology) on March 29, 2004. The report of examination for this change approval included Ecology's tentative determination that the scope and validity of the City's existing water rights as of 1987 was a total annual quantity of 1,852.8 AFY, thus including Claim G1-000911CL as a valid primary water right.

Permit G1-26119P, with a priority date of March 22, 1991, authorizes Well 10 for up to 500 gpm and 806 AFY, but these quantities are partially supplemental to existing water rights. See Section 4.4.2.3, "*Aggregate Cap Condition*." In 2007, the City applied for additional instantaneous and annual quantity for Well 10, to maximize the utility of drilling a large, deep aquifer municipal well, and the application was assigned number G1-28476. The City has not completed this well due to updated engineering plans for the water system, and in 2016 it applied to Ecology to add Well 13, located adjacent to the intersection of Bethel Road SE and SE Sedgwick Road, to both Permit G1-26119P and Application G1-28476. Proposed Well 13 is discussed further below in Section 4.4.3. The development schedule for Permit G1-26119P requires completion of construction by December 31, 2028 and full beneficial use by December 31, 2030. The City expects that these deadlines will be extended consistent with this Water System Plan update when the pending applications are processed.

Permit G1-26729P, with a priority date of September 14, 1992, authorizes Well 4 for its artesian flow to the clear well at City Hall, in the amount of 50 gpm and 80 AFY. This quantity is partially supplemental to existing water rights. See Section 4.4.2.3, “*Aggregate Cap Condition*.” The development schedule for Permit G1-26119P requires completion of construction by December 31, 2028 and full beneficial use by December 31, 2030. Because Well 4 is already constructed and in use by the City, a Proof of Appropriation form can be filed for this water right at any time, which starts the process for issuance of a water right certificate.

Other Water Right Claims. In 1970, the City filed three water right claims for Wells 5, 6 and 7. Claim G1-000911CL for Well 5 is described above. The claims for Wells 6 and 7 were unnecessary because these sources were authorized by properly issued permits and the priority date for these sources is after the June 6, 1945 effective date of the Ground Water Code. The claim filings are included in Appendix C, but they will not be included in the Water Right Self-Assessment unless new information is discovered by the City relating to their separate validity as vested water right claims.

“Tremont” Claim G1-100145, was timely filed by the City in 1974 for a well that was used to irrigate the Tremont Street Park and Playground. On May 24, 1976, the Council voted to change the name from Tremont Park to William (Bill) Van Zee Memorial Park. The well is currently not in use and believed to be decommissioned. While the claim was filed on a short form typically used for exempt well uses, it nevertheless authorizes continuation of this irrigation usage until the claim is adjudicated or the City seeks to change the water right to another usage or point of withdrawal. Municipal wells used to irrigate parks and playgrounds fall within the statutory definition of “municipal water supply purposes” at RCW 90.03.015(4). This means that the Tremont claim is not subject to relinquishment for nonuse and could be integrated into the drinking water system in the future, especially if the City ceases irrigating the Tremont Street Park and Playground or replaces the groundwater supply with reclaimed water. Because this source is not connected to the City drinking water system and no quantity is listed for this water right in the claim form, it is listed separately in Table 4-1 without a quantity.

4.4.2.2 McCormick Water System Water Rights

The McCormick Woods Water Company (MWWC) was created by the developers of McCormick Woods PUD to serve the 1,300-acre residential development and golf course in the southwest section of the City. In 1986, the City acquired the MWWC, including its wells, pumps, storage facilities, water mains, water rights, and water right applications, and took over its operation. The City’s last two water system comprehensive plans described the process of integrating the MWWC into the City Water System. As a result of the City’s acquisition of the MWWC water rights, there is now a common service area and place of use for all the City and MWWC water rights. That service area and place of use may expand or contract with Department of Health approved changes to the City’s water service area map. See RCW 90.03.386(2).

Permit G1-24437P, with a priority date of January 24, 1984, authorizes MC Wells 1, 2, and 3, up to 600 gpm and 450 AFY for municipal supply and irrigation of 100 acres, and is a primary (additive) water right. These shallow aquifer wells supply the 580 Zone tank. The permit document provides that 300 AFY of this right was intended to serve 1,200 homes, but this notation is not a limitation on the number of homes or other connections the City can serve with this water right, by operation of the Municipal Water Law at RCW 90.03.260(5). In 2014 the City filed a Notice of Compliance form with Ecology adding Well 11 (formerly known as MC Well 5) to this water right as an additional point of withdrawal, but Well 11 has not yet been completed with a pump or connected to the water system. A Showing of Compliance for Well 11 is included in Appendix C. In 2016 the City filed a change application to add Well 12 to this water right in order to consolidate the McCormick Woods area water supply from one or two deep

aquifer wells in proximity to upper zone storage facilities. The change application is discussed with other pending applications in Section 4.4.3, below.

On March 3, 2017, Ecology approved an extension of the development schedule for Permit G1-24437P to February 15, 2022. It is expected that a further extension of this development schedule will be approved when Ecology approves the City pending change applications.

Permit G1-26454P, with a priority date of January 17, 1992, authorizes Well 11 for an additional 150 gpm and 242 AFY of withdrawals from the McCormick well field for municipal purposes, increasing the total withdrawals from this wellfield to a maximum of 750 gpm and 692 AFY. This additional quantity is partially supplemental to existing water rights. See Section 4.4.2.3, “*Aggregate Cap Condition*.” A condition of this permit is to deactivate the shallow MC Wells 1, 2, and 3 within 1 year of activation of the new well to be completed in the Sea Level Aquifer (or deeper). Well 11 has been drilled, but not completed as a production well or connected to the City’s water system. In 2016 the City filed a change application to add Well 12 to this water right – the application is discussed with other pending applications in Section 4.4.3, below. The development schedule for Permit G1-26454P requires completion of construction by December 31, 2028 and full beneficial use by December 31, 2030. It is expected that a further extension of this development schedule will be approved when Ecology approves the City’s pending change applications.

Permit G1-26447P, with a priority date of January 17, 1992, authorizes Well MC 4B for up to 400 gpm and 645 AFY for both municipal purposes and irrigation of the McCormick Woods Golf Course. This quantity is partially supplemental to existing water rights. See Section 4.4.2.3, “*Aggregate Cap Condition*.” The well is located on golf course property, but the water right was assigned to the City in 2015. In 2016 the City filed a change application to administratively divide the water right into its irrigation and municipal parts, and to add Wells 11 and 12 to the municipal water right. This application is discussed with other pending applications in Section 4.4.3, below. The municipal portion of this primary (additive) water right is 420 AFY, based on the total irrigation demand for the golf course. However, because the golf course irrigation demand is considered part of the City water supply, the total instantaneous and annual quantity is used in Table 4-1 and in the self-assessment forms in Appendix C.

4.4.2.3 Aggregate Cap Condition in Permits G1-26119P, G1-26447, G1-26454P, and G1-26729P

When Ecology investigates a municipal water right application, it must tentatively determine the scope and validity of that municipality’s existing water rights in order to decide how much additional water may be needed to serve future water demands. Ecology’s authority to make tentative determinations regarding existing water rights is limited, and does not include the authority to diminish or “adjudicate” pre-existing water rights, because only the superior courts of Washington State have that authority, *Rettkowski v. Ecology*, 122 Wn.2d 219, 227, 858 P.2d 232 (1993). The four most-recently issued of the City’s water rights include what is commonly known as an “aggregate cap” condition, which is a type of tentative determination by Ecology regarding the scope of existing water rights along with the water right just granted. This aggregate cap condition is essentially a supplemental water right limitation on the use of the water rights thus granted, however, it is legally questionable whether the scope of pre-existing water rights can be limited by such a condition. The identical aggregate cap condition for these four permits states:

“The annual quantity of water authorized represents a portion of the total water rights owned by the City of Port Orchard. The total annual quantity withdrawn by the City of Port Orchard under G1-26119, G1-26447, G1-26454 and G1-26729 shall not exceed

1,308 acre-feet per year. The total annual quantity withdrawn from all City of Port Orchard sources shall not exceed 3,528 acre-feet per year.”

The accompanying text in the investigative report for these water right decisions explains Ecology’s basis for this annual quantity limitation, as follows:

“The total quantity of water allocated in the four concurrent water right decisions (G1-26119, G1-26447, G1-26454 and G1-26729) was determined by estimating future water demand within the City of Port Orchard service area. According to their estimates as part of their on-going revision of their Water System Plan (PACE 2005), the City of Port Orchard projects it will supply water to a population of 26,225 by 2030. The water usage rate based on historical data is 115 gallons per day per person. Using this average rate, the City is expected to require 3,378 acre-feet per year. Additionally, there is the demand of 150 acre-feet per year for irrigation of McCormick Woods Golf Course. Therefore, the total annual demand for the City in 2030 is estimated to be 3,528 acre-feet. The City of Port Orchard controls 2,220 acre-feet of existing certified water rights. The estimated future usage of 3,528 acre-feet per year represents an anticipated increase of 1,308 acre-feet per year.”

Thus, these four permits increased the City’s total primary annual quantity by 1,308 acre-feet per year.

In Table 4-3 of the reports of examination for these water rights, Ecology listed the City’s existing water rights and applications, including Claim G1-000911CL, but did not include the associated 82.8 acre-feet per year in the existing water right total. The City continues to claim the validity of Claim G1-000911CL, but neither the City nor Ecology can determine the validity of this claim without a superior court adjudication. The City recognizes that Ecology’s failure to include this 82.8 AFY in the calculation of existing water rights may have resulted in Ecology’s approval of an additional 82.8 AFY of primary water rights in its approval of Permits G1-26119, G1-26447, G1-26454, and G1-26729 with a combined total annual quantity of 1,308 AFY. The difference between the City’s position and Ecology’s position is a different priority date for a small portion of the City’s water rights, and a corresponding decrease in the City’s mitigation obligation under Permits G1-26119, G1-26447, G1-26454, and G1-26729. The City expects to resolve this difference with Ecology in its processing of the new applications and change applications described in Section 4.4.3, below.

4.4.2.4 Interties

Pursuant to Interlocal Agreements between the cities of Port Orchard and Bremerton (Appendix F), Port Orchard purchases wholesale water from the City of Bremerton through a 16-inch transmission main and intertie on Anderson Hill Road. The intertie allows water to be supplied by either system to the other, but in practice the City of Port Orchard has been purchasing water from Bremerton to supply growth in the McCormick Woods area for over twenty years. The most recent update to the Interlocal Agreement (dated November 2019), provides for the sale of Port Orchard’s existing 580 Zone tank, the 16-inch transmission main, and associated assets to Bremerton. Bremerton has agreed to supply water to Port Orchard during the affective dates of the agreement, at a rate of 750 gpm. Once Port Orchard has constructed a new 580 Zone tank, Well 11 and future Well 12 are online, and constructed necessary transmission and distribution infrastructure, the Bremerton and Port Orchard systems can operate as separate systems. Port Orchard and Bremerton also agree to consider an emergency intertie agreement at the conclusion of the current agreement. The City intends to reduce or eliminate its reliance on the Bremerton intertie with construction of the Well 12 and Well 13 projects and approval of the pending applications described in Section 4.4.3.

**Table 4-1
Port Orchard Water Rights**

Permit Certificate or Claim #	Source Name/Number	Supplemental Limitation	Water Right Quantity	
			Instantaneous Flow Rate (Qi)	Annual Volume (Qa) Supp/Primary
G1-*04166C (Cert. 3334-A)	PO 6	No	350	560
G1-24586C	PO 7	No	750	1,210
G1-25019C	PO 8 and 9	Yes ¹	500	560
G1-26119P	PO 10	Partial ²	500	211.5/ 594.5
G1-26729P	PO 4	Partial ²	50	11/59
G1-24437P	McCormick 1, 2, 3, PO 11 ³	No	600	450
G1-26454P	PO 11 ³	Partial ²	150	63/179
G1-26447P(A)	McCormick 4B	Partial ²	400	169.5/ 475.5
Claim G1-000911CL	Well 5 ⁴	No	51.3	82.8
TOTAL MUNICIPAL QUANTITY			3,351.3	3,528.0
Interties				
City of Bremerton (12/17/2001 interlocal agreement)			unspecified	178
City of Bremerton (12/17/2001 interlocal agreement)			750	
Applications				
G1-28162A	PO 12		500	560
G1-28476A	PO 13		750	1,210
Other Water Rights				
Tremont Claim #100145	Tremont Well	Irrigation of Parks	unknown	unknown
Notes:				
1) The annual quantity (560 AFY) of G1-25019C is supplemental to existing rights from Cert. 3334-A, G1-24586C, and G1-000911CL, but provides the City with additional pumping capacity. 2) The aggregate cap limitation on Permits G1-26119, G1-26447, G1-26454, and G1-26729 grants the City an additional 1,308 acre-feet per year of primary rights for the four water rights combined, and limits the total annual quantity withdrawn from all City of Port Orchard sources, which "shall not exceed 3,528 acre-feet per year." For purposes of Table 4-1 and the City's water right self-assessment, the 1308 AFY of new primary Qa is apportioned among the four water rights. 3) MC Well 5 was renamed PO Well 11; it was intended to replace MC wells 1, 2 & 3, with a combined Qi of 750 gpm and a combined Qa of 672 AFY but is not online at this time. 4) Because of the stated initial use date after 1945, Ecology regards this claim as "possibly invalid" and did not include its Qi or Qa in its calculation of the City's total water rights in the most recent (2006) ROEs. The City counts this quantity as a valid primary right and includes it in the total annual quantity.				

4.4.3 Pending Water Right Change Applications and New Applications

For many years, the City has experienced declining yields in its older wells. New wells have been drilled to augment the City's supply, but their location in relation to proposed development presents challenges with transmission lines, storage, and substantial pumping lifts. The City has two new well projects designed to add high-yield, deep aquifer wells at higher elevations on each side of the City's dual-lobed service area, which will facilitate a more efficient gravity distribution system than relying on wells located at or near sea level. Other objectives are to increase system-wide storage capacity and security with newer wells and pumps, to reduce reliance on the Bremerton Interties, and to source groundwater from deeper aquifers to improve base flow recharge to area streams. These well projects rely on a combination of new water right applications and change applications to shift pumping from older sources located at the bottom of the system or shallow wells to new deep wells located at the top of the system.

Well 12 Project. Application G1-28162 was filed by the City in 2002 to provide an additional source for the expanding McCormick Woods area next to the City's 450,000-gallon 580 Pressure Zone storage tank. The application seeks an additional 1,000 gpm and 1,080 AFY from the sea-level or deeper aquifer. The City also filed several change applications in 2016 to add Well 12 as an authorized point of withdrawal for the McCormick Woods wellfield water rights and Well 11, including Permits G1-24437P (MC Wells 1, 2, 3), G1-26454P (Well 11), and G1-26447P (MC Well 4B). A preliminary permit has been issued by Ecology to allow Well 12 to be drilled and pump tested, including conditions for hydrogeologic investigations. Drilling and testing activities are underway. Approval of these applications would enable the City to convert MC Wells 1, 2, and 3 to observation and emergency backup wells. The overall effect of moving to a deeper sub-sea level aquifer in the same body of public groundwater is to diminish the magnitude of base flow capture from area streams, while possibly expanding the regional extent of a smaller magnitude of impacts. The City is developing a mitigation plan to address any modeled impacts to streamflow from the change to a deeper aquifer to be tapped by Well 12.

Well 13 Project. Application G1-28476 was filed by the City in 2007 to increase the capacity of Well 10 for an additional 1,000 gpm and 1,600 AFY. In 2016, the City amended this application to change the proposed well site from Well 10, located at sea level near the shoreline, to Well 13 located in the Bethel area within the NE1/4, NE1/4 of Section 11, T23N, R1E, W.M and near the City's existing Sedgwick Reservoir. The City also filed several change applications to add Well 13 as an authorized point of withdrawal for Cert. 3334-A (Well 6), G1-24586C (Well 7), and G1-26119P (Well 10). A preliminary permit has been issued by Ecology to allow Well 13 to be drilled and pump tested, including conditions for hydrogeologic investigations. Drilling and testing activities are currently under way. Approval of these applications would enable the City to cap and monitor Wells 6, 7, and 10 as observation and emergency backup wells. The overall effect of moving to a deeper sub-sea level aquifer in the same body of public groundwater is to diminish the magnitude of base flow capture from area streams, while possibly expanding the regional extent of a smaller magnitude of impacts. The City is developing a mitigation plan to address any modeled impacts to streamflow from the change to a deeper aquifer to be tapped by Well 13.

System Analysis

Table 4-2 summarizes the existing and anticipated available supply and water rights by 2037. Table 4-2 includes Wells 11, 12, and 13, which are not yet online as discussed earlier in this chapter.

Table 4-2 Instantaneous Sources of Supply by Zone and Year (gpm)				
Source Available by Active Capacity	2017	2023	2029	2039
260 Zone	1,793	-	-	-
390 Zone	443	1,943	1,943	1,943
Subtotal City	2,236	1,943	1,943	1,943
580 Zone	888	750	750	750
660 Zone	-	1,000	1,000	1,000
Subtotal McCormick	888	1,750	1,750	1,750
Total	3,124	3,693	3,693	3,693
Source Available by Rights	2017	2023	2027	2037
260 Zone	2,500	-	-	-
390 Zone	500	2,000	2,000	2,000
Subtotal City	3,000	2,000	2,000	2,000
580 Zone	1,100	750	750	750
660 Zone	-	1,000	1,000	1,000
Subtotal McCormick	1,100	1,750	1,750	1,750
Total	4,100	3,750	3,750	3,750
Notes: 1) Installed Capacity assumes capacity upgrades or water rights transfers to Wells 11, 12, and 13 will be accomplished to attain withdrawals up to permitted water rights. 2) The average capacity of Wells 8 and 9 is included in this table and used for analysis as the water right does not allow for the wells to be run simultaneously. 3) Instantaneous water rights and capacity associated with the Bremerton Interties are included in 2017 only. Intertie sources include 850 gpm into the 260 Zone and 350 gpm into the 580 Zone. By interlocal agreement, the 580 Zone intertie capacity was increased to 750 gpm in November 2019.				

Table 4-3 presents a source analyses for the water system(s) through the year 2039 and focuses on installed capacity. System reliability is further ensured by not including emergency interties in the source analyses. This approach is based on the desire to operate the system independent of neighboring jurisdictions. The supply surplus/deficit was assessed under the three criteria established by DOH discussed earlier in this chapter and summarized below:

- Source capacity capable of supplying MDD (required)
- Source capacity capable replenishing fire flow storage (FSS) during MDD over 72 hours (recommended)
- Source capacity capable of supplying MDD with 18 hours of pumping (recommended)

The source capacity shown in Table 4-3 includes the existing source capacity under 2019. In subsequent years, the source capacity listed in Table 4-3 reflects the City's plans to incorporate new sources, obtain additional water rights, transfer existing water rights, and transition the existing interties with the City of Bremerton to emergency interties. Supply sources in 2023 and all subsequent years include Well 11 (drilled but not online), Well 12 (under design), and

Well 13 (under construction) but do not include supply from McCormick Wells 1 and 3, City Wells 6 and 7, or Bremerton.

In 2019 the existing source of supply is sufficient to meet all required and recommended criteria in the City System (Table 4-3). However, only the required criteria is met in the McCormick System in 2017. Once the two systems are connected, the current surplus of instantaneous supply in the City System can be shared with the McCormick Woods System. Construction of a 390 Zone to 580 Zone Booster Pump Station and a 580 Zone to 390 Zone PRV in association with the anticipated Stetson Heights Development will connect the two systems and is anticipated to occur within the next 6-years. Thus, the total supply for both systems is expected to be available to either system by 2023. In order to meet both DOH supply recommendations described above, the City may require developers to construct a 580 to 660 Booster Pump Station or obtain additional 660 Zone supply; these improvements are not required to meet the minimum DOH supply criteria.

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Table 4-3 Source Analysis (By Capacity)										
Year	Zone	MDD (MGD)	MDD (gpm)	FSS (gpm)	MDD + FSS (gpm)	Existing (gpm) ¹	75% Existing (gpm) ⁴	Surplus (Deficit) (gpm)		
								MDD Supplied in 24 Hours (Required)	MDD + Fire Flow Replenished Over 72 Hours (Recommended)	MDD Replenished with 18 Hours of Pumping/Day (Recommended)
2017	City-260	0.71	493	42	535	1,793	1,345	1,300	1,258	810
	City-390	0.87	603	42	644	443	443	(160)	(202)	(202)
	City-Subtotal	1.58	1,096	42	1,137	2,236	1,787	1,140	1,098	650
	McCormick-580	0.89	619	52	671	888	666	269	217	(5)
	McCormick-660	0.00	0	0	0	0	0	0	0	0
	McCormick-Bremerton ⁵	0.53	368	42	409	0	0	(368)	(409)	(409)
	McCormick Subtotal	1.42	986	52	1,039	888	666	(98)	(151)	(373)
2023	City-260	0.72	497	42	539	0	0	(497)	(539)	(539)
	City-390	0.88	608	42	650	1,943	1,568	1,335	1,293	918
	City-Subtotal	1.59	1,105	42	1,147	1,943	1,568	837	796	421
	McCormick-580	1.79	1,245	52	1,297	750	563	(495)	(547)	(735)
	McCormick-660	0.59	409	83	493	1,000	750	591	507	257
	McCormick Subtotal	2.38	1,654	83	1,738	1,750	1,313	96	12	(425)
	Total	3.97	2,759	83	2,843	3,693	2,769	933	850	(73)
2029	City-260	0.74	514	42	555	0	0	(514)	(555)	(555)
	City-390	0.90	628	42	669	1,943	1,568	1,315	1,273	898
	City-Subtotal	1.64	1,141	42	1,183	1,943	1,568	801	759	384
	McCormick-580	2.02	1,403	52	1,455	750	563	(653)	(705)	(893)
	McCormick-660	0.94	654	83	737	1,000	750	346	263	13
	McCormick Subtotal	2.96	2,057	83	2,140	1,750	1,313	(307)	(390)	(828)
	Total	4.61	3,198	83	3,282	3,693	2,769	494	411	(512)
2039	City-260	0.81	566	42	608	0	0	(566)	(608)	(608)
	City-390	1.00	692	42	733	1,943	1,568	1,251	1,209	834
	City-Subtotal	1.81	1,258	42	1,299	1,943	1,568	685	643	268
	McCormick-580	2.11	1,466	52	1,518	750	563	(716)	(768)	(955)
	McCormick-660	1.10	761	42	803	1,000	750	239	197	(53)
	McCormick Subtotal	3.21	2,227	52	2,279	1,750	1,313	(477)	(529)	(966)
	Total	5.02	3,484	52	3,537	3,693	2,769	208	156	(767)
Notes: 1) Source Analysis is based on active capacities indicated in Tables 6-1 and 6-2 and include emergency supplies from Bremerton under the 2017 scenario only. Sources include supply from Wells 11, 12 and 13 under all future scenarios. Wells 11, 12 and 13 have been drilled and are undergoing testing. Water rights applications for Wells 12 and 13 are pending. 2) The planned connection of the City system and the McCormick system anticipated within the 10-year planning horizon will allow supply from the 390 Zone to be transferred to the McCormick Woods system and vice versa. 3) The estimates put forth herein are not a guarantee of ERU's to any development, property owner or specific area of the City. 4) Well 8/9 was assumed to be capable of operating for 24 hours a day hours of pumping as the wells are redundant and can be alternated. 5) Demands from Bremerton (McCormick North) on the 580 Zone were included only in the existing scenario. The two systems are planned to be separated within the next 6-years.										

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Figure 4-1 presents the projected MDD for both systems and the existing available instantaneous supply over the 20-year planning horizon. As discussed previously, the City currently supplies a portion of Bremerton's water service area through the McCormick Woods System. The MDD for the McCormick Woods System only and for the McCormick Woods System and Bremerton combined are shown on Figure 4-1. However, the Bremerton demands are believed to be applicable only during the near term as it is anticipated that Bremerton will serve this area directly within the 20-year planning horizon.

As noted on Table 4-3 and Figure 4-1, the McCormick Woods System MDD are approaching instantaneous supply capacity. Source deficiencies in the 580 Zone are due to development within McCormick Woods, McCormick West, Stetson Heights, and McCormick East. While the current (November 2019) Bremerton intertie agreement with the McCormick Woods System is for 750 gpm in emergency situations, Bremerton is capable of supplying up to 1,800 gpm to the 580 Zone. Regardless, the City recognizes implementation of supplemental sources and separation of the two systems is a priority. Maintaining an emergency supply connection between the Bremerton 580 Zone source and the Port Orchard 580 Zone is planned.

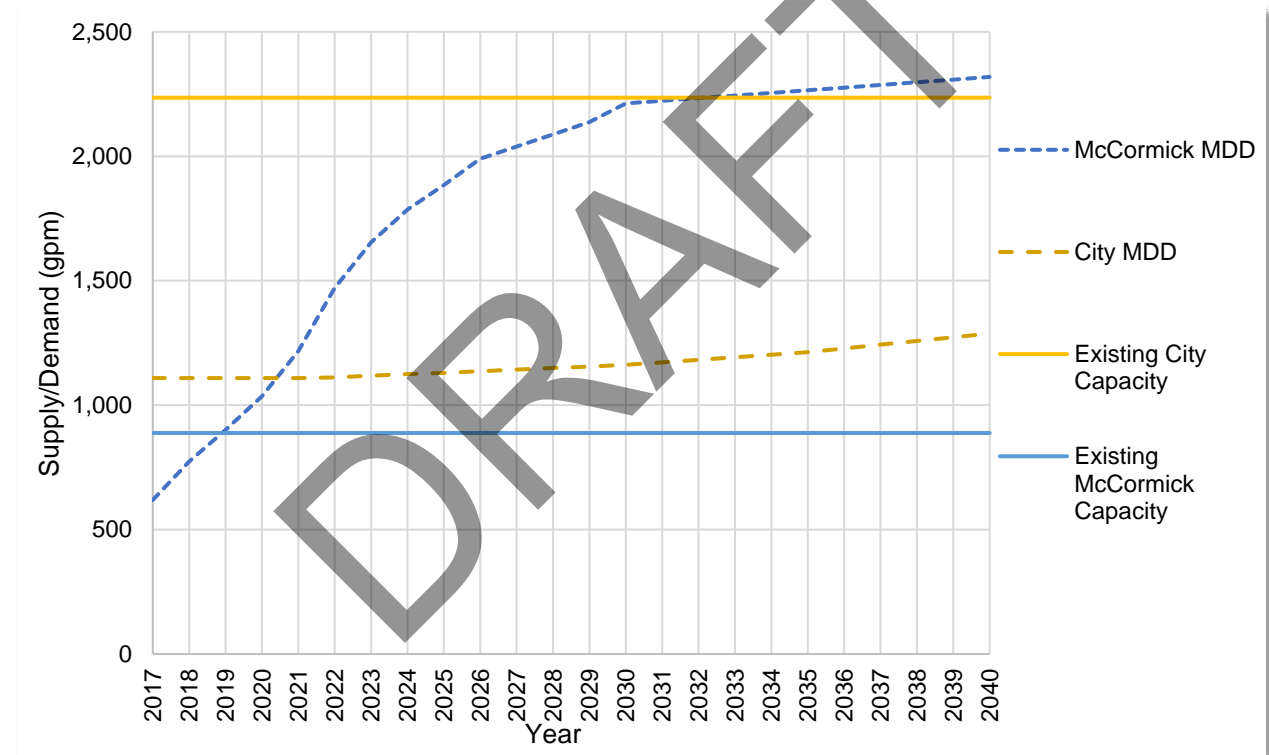


Figure 4-1 McCormick Woods and City Systems MDD and Existing Supply

Figure 4-2 presents the projected MDD and the anticipated new sources of supply for both systems. Bremerton customer demands currently served by Port Orchard are not shown on Figure 4-2, as these customers are anticipated to be served directly from Bremerton within the 6-year planning horizon and before the McCormick Woods and City Systems are connected.

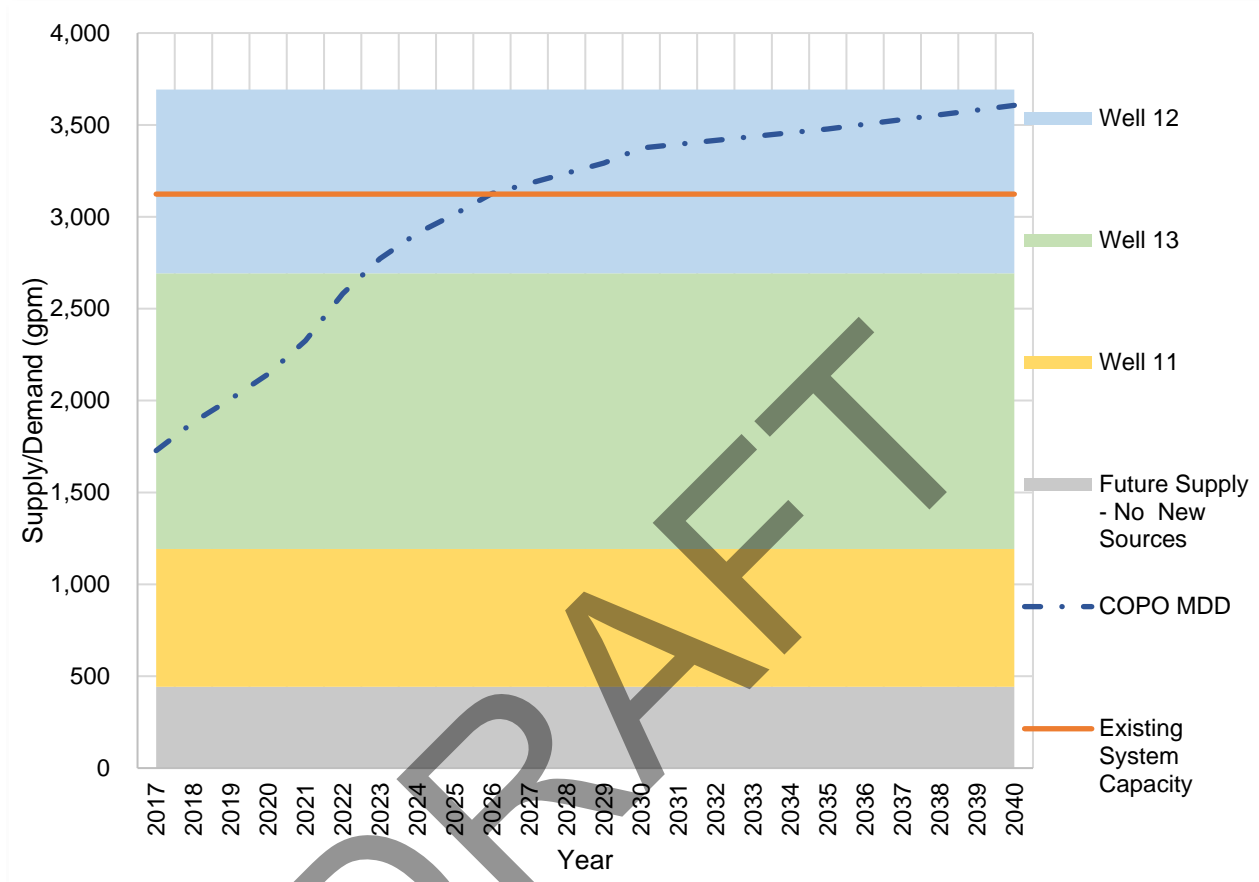


Figure 4-2 Port Orchard MDD and Existing and Projected Supply

Wells 8 and 9 are the only existing sources of supply that are anticipated to be maintained over the 20-year planning horizon; the average capacity of these two sources is shown at the bottom of the graph in gray. The proposed additional sources are stacked on top of the existing sources to be maintained in Figure 4-2. As identified on Figure 4-2, the existing sources of supply are sufficient to support the connected systems until 2022. If all proposed source changes are approved and constructed by the City, a deficiency of supply is projected to occur in 2026 and a deficiency of approximately 550 gpm is anticipated at the end of the 20-year planning horizon. If not all pending water rights are approved, the City will face a source of supply deficiency before 2026. Additional supply may be obtained by procuring water rights for Wells 8 and 9 which allow for simultaneous pumping and by rehabilitating Well 8 it is capable of reaching the existing instantaneous water right of 500 gpm.

4.5 Water Right Evaluation

The existing and pending water rights for the City are listed in Table 1-1. The City's primary water source is groundwater. Groundwater sources are currently supplemented with supply from Bremerton, though plans are in place to terminate use of Bremerton water. The location of each well is identified on Figure 1-2 and the depth provided in the Water Facilities Inventory Report Form in Appendix H. The City has water rights certificates and permits for 13 wells, 7 of which are currently in service. All wells excluding Well 4B are used for domestic water service. Well 4B provides irrigation water to the McCormick Land Co. Total instantaneous authorized rights for the 13 wells total 3,513 gpm. Primary water rights allow withdrawal of 3,610 acre-feet per year. As discussed previously in this chapter, the City has pending water rights applications for proposed Wells 12 and 13.

In 2017 the City produced approximately 800 acre-feet of water from the 4 domestic water wells currently in use. This was less than a quarter of the City's certificated annual water rights of 3,528 acre-feet per year. While the City System currently has sufficient instantaneous supply, the McCormick Woods System is using nearly all of the available supply. Existing and forecasted water rights are summarized in Table 4-2. Projected demands for each system and for the combined system are presented in Figures 4-1 and 4-2, respectively.

4.6 Water System Reliability Analysis

In accordance with DOH's Water System Reliability Handbook, the three components required to summarize system reliability are source reliability, water right adequacy, and facility reliability.

4.6.1 Source Reliability

Future sources of supply (Well 11, 12, and 13) will tap into the deep sub-sea level aquifer and will resolve multiple public health and safety issues related to aging water system infrastructure by allowing the replacement of old wells and siting of new high-capacity, deep aquifer wells at the top of the system. This will both extend the useful life of the City's wells for more than a generation and provide system reliability and cost efficiencies.

4.6.2 Water Right Adequacy

Water right adequacy is discussed in Sections 4.4 and 4.5 of this Plan.

4.6.3 Facility Reliability

A summary of facility reliability is included in Chapter 3 of the Plan.

4.6.4 Water Shortage Response Planning

The City of Port Orchard's Water Shortage Response is discussed in Section 6.9.

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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>August 10, 2021</u>
Subject:	<u>Adoption of a Resolution Ratifying the</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>Mayor’s Execution of Contract No. 067-21,</u>		<u>Public Works Director</u>
	<u>with Stellar J Corporation for the Pottery</u>	Atty Routing No.:	<u>366922.0009 – PW</u>
	<u>Lift Station Emergency Repair</u>	Atty Review Date:	<u>July 23, 2021</u>

Summary: On June 22, 2021, the Port Orchard City Council adopted Resolution No. 044-21, declaring the existence of an emergency relating to the repairs of the Pottery Lift Station. On June 23, 2021, the City of Port Orchard Public Works Department called RV Associates, Inc. and Active Construction, Inc. (ACI) seeking interest in the Project, and followed up with ACI again on June 28, 2021. On June 29, 2021, the City of Port Orchard Public Works Department called the Stellar J Corporation seeking interest in the Project, and on July 2, 2021 met with the Stellar J Corporation to discuss Project Scope. On July 9, 2021, the City of Port Orchard was awarded \$500K from the Washington State Public Works Board’s Emergency Funding Program for the Project. On July 20, 2021, the City of Port Orchard Public Works Department received a Proposal for the Pottery Lift Station Emergency Repairs from the Stellar J Corporation. On July 22, 2021, the Mayor executed Contract No. C067-21 with the Stellar J Corporation and on July 26, 2021, the Stellar J Corporation executed the Contract and commenced with the Project. Earlier this evening, the Port Orchard City Council accepted the \$500K from the Washington State Public Works Board’s Emergency Funding Program.

Recommendation: Staff recommends adoption of Resolution No. 056-21, ratifying the Mayor’s execution of Contract No. C067-21 with the Stellar J Corporation for the Pottery Lift Station Emergency Repairs Project in an amount of \$256,150, and documenting the Emergency Services procurement procedures.

Relationship to Comprehensive Plan: Chapter 7 – Utilities.

Motion for Consideration: I move to adopt Resolution No. 056-21, ratifying the Mayor’s execution of Contract No. C067-21 with the Stellar J Corporation for the Pottery Lift Station Emergency Repairs Project in an amount of \$256,150.

Fiscal Impact: Funding provided via \$500K award from the Washington State Public Works Board’s Emergency Funding Program.

Attachments: Resolution No. 056-21 and Contract No. C067-21 with Stellar J Corporation Proposal (dated 7/20/2021).

RESOLUTION NO. 056-21

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, AUTHORIZING THE PORT ORCHARD CITY COUNCIL TO RATIFY THE MAYOR'S EXECUTION OF CONTRACT NO. C067-21 WITH THE STELLAR J CORPORATION FOR THE POTTERY LIFT STATION EMERGENCY REPAIRS.

WHEREAS, on June 22, 2021, the Port Orchard City Council adopted Resolution No. 044-21, formally declaring the existence of an emergency relating to the repairs of the Pottery Lift Station; and

WHEREAS, on June 23, 2021, the City of Port Orchard Public Works Department called RV Associates, Inc. and Active Construction, Inc. (ACI) seeking interest in the Project, and followed up with ACI again on June 28, 2021; and

WHEREAS, on June 29, 2021, the City of Port Orchard Public Works Department called the Stellar J Corporation seeking interest in the Project, and on July 2, 2021 met with the Stellar J Corporation to discuss Project Scope; and

WHEREAS, on July 9, 2021, the City of Port Orchard was awarded \$500K from the Washington State Public Works Board's Emergency Funding Program for this Project; and

WHEREAS, on July 20, 2021, the City of Port Orchard Public Works Department received a Proposal for the Pottery Lift Station Emergency Repairs from the Stellar J Corporation; and

WHEREAS, on July 22, 2021, the Mayor executed Contract No. C067-21 with the Stellar J Corporation; and

WHEREAS, on August 10, 2021, the Port Orchard City Council accepted the \$500K from the Washington State Public Works Board's Emergency Funding Program; and

WHEREAS, the Port Orchard City Council, at the 2015 recommendation of the State Auditor's Office, wishes to document their Contractor selection process as described above for this Contract by Resolution; now, therefore,

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

THAT: It is the intent of the Port Orchard City Council that the recitals set forth above are hereby adopted and incorporated as findings in support of this Resolution.

THAT: The City Council approves of and ratifies the Mayor's execution of Contract No. C067-21 with the Stellar J Corporation for the Pottery Lift Station Emergency Repairs.

THAT: The Resolution shall take full force and effect upon passage and signatures hereon.

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 10th day of August 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

CITY OF PORT ORCHARD SMALL WORKS OVER \$35K
CONSTRUCTION CONTRACT NO. C067-21
PUBLIC WORKS PROJECT NO. PW2021-024

THIS Agreement is made effective as of the 22nd day of July, 2021, by and between

CITY OF PORT ORCHARD, WASHINGTON (“CITY”)

216 Prospect Street

Port Orchard, Washington 98366

Contact: Mayor Robert Putaansuu Phone: 360.876.4407 Fax: 360.895.9029

and

Stellar J Corporation

(“CONTRACTOR”)

1363 Downriver Dr.

Woodland, WA 98674

Contact: Ed Hagedorn

Phone: 360.225.7996

Email: ed@stellarj.com

for the following Project:

Pottery Lift Station Emergency Repairs

(“PROJECT”)

The City and Contractor agree as follows:

1. **Contract Documents.** The Contractor shall complete the Work described in the Contract Documents for the Project. The following documents are collectively referred to as the “Contract Documents”:
 - a. This Agreement signed by the City and the Contractor;
 - b. Division 1 of WSDOT Standard Specifications for Road, Bridge and Municipal Construction, 2018 edition, together with APWA Supplement (1-99), subject to specific provisions contained within the Public Works Terms and Conditions;
 - c. The attached Special Provisions, Plans and Specifications;
 - d. 2015 International Building Code (IBC) and 2015 Energy Code Compliance;
 - e. Written change orders or orders for minor changes in the Work issued after execution of this Agreement;
 - f. Public Works Terms and Conditions;
 - g. Insurance and Bonding Requirements;
 - h. The Invitation to Bid, and bid proposal submitted by the Contractor, except when inconsistent with Contract Documents a-g; and

City of Port Orchard and Stellar J Corporation

Public Works Project No. PW2021-024

Small Works Contract No. C067-21

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i. City of Port Orchard Development Guidelines.

The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the Contractor. These Contract Documents complement each other in describing a complete work. Any requirement in one document binds as if stated in all. The Contractor shall provide any work or materials clearly implied in the Contract even if the Contract does not mention it specifically.

2. **Date of Commencement and Substantial Completion Date.** The date of commencement shall be **July 26, 2021**. The Contractor shall substantially complete the Work not later than **November 1, 2021**, subject to adjustment by change order.
3. The Contractor shall do all work and furnish all tools, materials, and equipment in accordance with the above described Construction Contract Documents. The Contractor shall provide and bear the expense of all equipment, work, and labor of any sort whatsoever that may be required for the transfer of materials and for constructing and completing of the work provided for in these Construction Contract Documents, except those items mentioned therein to be furnished by the City.
4. Subject to additions and deductions by change order, the construction Contract Sum is the base bid amount of **\$256,150.00 (including applicable sales tax.)** The construction Contract Sum shall include all items and services necessary for the proper execution and completion of the work. The City hereby promises and agrees with the Contractor to employ, and does employ the Contractor to provide the materials and to do and cause to be done the work described in the Construction Contract Documents and to complete and finish the same according to the plans and specifications and the terms and conditions herein contained; and hereby contracts to pay for the same at the time and in the manner and upon the conditions provided for in this Contract.
5. The Contractor agrees to comply with all state and federal laws relating to the employment of labor and wage rates to be paid. The Contractor agrees to furnish insurance of the types and in the amounts set forth in the Construction Contract Documents.
6. The Contractor agrees to repair and replace all property of the City and all property of others damaged by himself, his employees, and sub-contractors.
7. The Contractor for himself and for his heirs, executors, administrators, successors, and assigns, does hereby agree to the full performance of all the covenants herein upon the part of the Contractor.
8. It is further provided that no liability shall attach to the City of Port Orchard by reason of entering into this Construction Contract, except as expressly provided herein.

9. Title VI

*City of Port Orchard and Stellar J Corporation
Public Works Project No. PW2021-024
Small Works Contract No. C067-21*

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The City of Port Orchard, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, must affirmatively insure that its contracts comply with these regulations.

Therefore, during the performance of this Agreement, the Contractor, for itself, its assignees, and successors in interest agrees as follows:

1. **Compliance with Regulations:** The Contractor will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this Agreement.
2. **Nondiscrimination:** The Contractor, with regard to the work performed by it during this Agreement, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix A, attached hereto and incorporated herein by this reference, including employment practices when this Agreement covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this Agreement and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of the Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the City or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the Non-discrimination provisions of this Agreement, the City will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 1. withholding payments to the Contractor under the Agreement until the contractor complies; and/or
 2. cancelling, terminating, or suspending the Agreement, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the City or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided,

that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the City to enter into any litigation to protect the interests of the City. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be duly executed on the date first written above.

CITY OF PORT ORCHARD



Robert Putaansuu, Mayor

CONTRACTOR Stellar J Corporation



By: Jeff Carlsen
Its: Vice President

ATTEST/AUTHENTICATE:



Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Charlotte A. Archer, City Attorney

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, Sheryl Trumbower (Corporate Officer (Not Contract Signer))
certify that I am the Assistant Secretary (Corporate Title) of the
corporation named as the Contractor in the Agreement attached hereto; that
Jeff Carlsen, (Contract Signer) who signed said Agreement on behalf
of the Contractor, was then Vice President (Corporate Title) of said corporation;
that said Agreement was duly signed for and in behalf of said corporation by authority of its
governing body, and is within the scope of its corporate powers.

Corporate Seal

Sheryl Trumbower

Corp. officer signature (not contract signer)

Sheryl Trumbower

Printed

Assistant Secretary

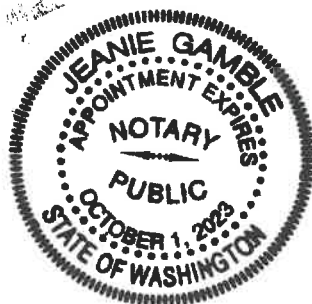
Title

State of Washington)

County of Cowlitz)

Sheryl Trumbower, (corporate officer (not contract signer)) being
duly sworn, deposes and says that he/she is Assistant Secretary (Corporate Title)
of Stellar J Corporation (Name of Corporation)

Subscribed and sworn to before me this 23 day of July, 2021



Jeanie Gamble
Notary Public (Signature)

Jeanie Gamble
Notary Public (Print)

My commission expires 10-01-2023

CITY OF PORT ORCHARD
PUBLIC WORK PROJECT TERMS AND CONDITIONS

The following terms and conditions shall be used in conjunction with the Standard Specifications for Road, Bridge and Municipal Construction, 2018 edition, together with the APWA Supplement (Section 1-99), as issued by the Washington State Department of Transportation and American Public Works Association, Washington State Chapter, hereinafter referred to as the "standard specifications". The standard specifications, except as they may be modified or superseded by these provisions, shall govern all phases of work under this Contract, and they are by reference made an integral part of these specifications and Contract as if herein fully set forth.

When the provisions of the standard specification conflict with the terms and conditions as contained herein, the terms and conditions shall prevail.

1. **BID PRICE:** The bid price(s) shall include all necessary permits, fees and items of labor, material, equipment, tools, overhead and compensation, supplies, taxes, utilities and other incidentals necessary to complete the work in a fully functional and operational state. All prices including bid prices are in US funds.

2. **DEFINITIONS:** The term "City" means Port Orchard, Washington, "successful bidder" means the apparent lowest and best responsible bidder to whom an award is made, and "Contractor" means the successful bidder who has satisfied the requirements for the award and who receives a contract executed by the City. "Bidder" means the person, firm or corporation that has made an offer in response to the invitation to bid. "Work" means the construction and services required by the Contract Documents, whether completed or partially completed, and includes all other labor, materials, equipment and services provided or to be provided by the Contractor to fulfill the Contractor's obligations.

3. **LICENSING AND REGISTRATION:** The Contractor must have a Washington State certificate of registration per chapter 18.27 RCW; a current state unified business identifier number; and if applicable, industrial insurance coverage for the bidder's employees working in Washington, an Employment Security Department number, and a state excise tax registration number. In addition, the bidder must not be disqualified from bidding on any public works contracts under RCW 39.06.010 or 39.12.065(3).

4. **PUBLIC WORK REQUIREMENTS:** This project constitutes a public work under state law. Bidders are warned to take into consideration statutory legal requirements, particularly, the payment of prevailing wages and fringe benefits, payment and performance bonds and sales tax implications in making their bids. It is the sole responsibility of the bidder to insure that the appropriate labor classification(s) are identified and that the applicable wage and benefit rates are taken into consideration when preparing their bid according to these specifications. The Contractor shall complete and file State of Washington, Department of Labor & Industries, Statement of Intent to Pay Prevailing Wages and Affidavit of Wages Paid forms and shall familiarize itself with their requirements. The Contractor shall also be responsible for and pay all costs pertaining to the processing of these forms.

5. **INSURANCE REQUIREMENT:** The successful bidder will furnish insurance as stipulated in the Attachment entitled "Insurance Requirements."

6. **RECEIPT OF ADDENDA:** All official clarifications or interpretations of the bid documents will be by written addenda only.

City of Port Orchard and Stellar J Corporation
Public Works Project No. PW2021-024
Small Works Contract No. C067-21

Rev 5/1/2020

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7. **PROJECT COMPLIANCE:** In compliance with the request for quotation, Bidder hereby proposes to perform all work for this project in strict accordance with the Contract Documents, at the Contract Sum, and within the time set forth herein with the understanding that time is of the essence in the performance of this Contract.

8. **TAXES:** Proposals shall include all applicable taxes except sales tax, which is a separate bid item. It shall be the Bidder's responsibility to furnish Federal Excise Tax Exemption Certificate, when applicable.

9. **ERROR IN EXTENSION:** Unit price, when used, shall govern in case of extension error.

10. **PERMITS AND FEES:** The Contractor shall furnish all permits, inspection fees, and fees required in the performance of this Contract, including those charged under RCW 39.12.070 by the Department of Labor and Industries for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid, etc. The Department may also charge fees to persons or organizations requesting the arbitration of disputes under RCW 39.12.060. The Contractor is responsible for all fees resulting from these statutes.

11. **CONTRACT:** The Contract Documents ("Contract"), when properly signed, will be the only form that will be recognized by the City as an award. The executed Contract supersedes all previous communications and negotiations, except as referenced herein, and constitutes the entire agreement between the City and Contractor (parties), except as provided herein. The Contractor shall not make any changes, alterations, or variations in the terms of the Contract without the written consent of the City. No terms stated by the Bidder in its proposal shall be binding on the City unless accepted in writing by the City. The successful bidder may not assign the Contract resulting from this invitation to bid without the City's prior written consent. No waiver by the City of a breach of any provision of the terms and conditions outlined in the invitation to bid shall constitute a waiver of any other breach of such provision or of any other provisions.

12. **CHANGE ORDERS:** If the City or the Contractor requests a change in the Work, or either party believes that a change is necessary, then the parties shall comply with the following procedure to document and reflect a change in the Work: (a) The party requesting the change shall write a description of the change and give the description to the other party (the "Change Notice"); (b) Before proceeding with the change in Work, unless otherwise excused by emergency, the Contractor shall provide the City with a fixed-price written estimate of the cost and time impact of the change in Work; and (c) The City and the Contractor shall execute a Change Order confirming their agreement as to the change in Work, the fixed-price cost, and the extension of the Substantial Completion Date, if any. If the change in Work cannot be performed on a fixed-price basis, the Change Order shall identify the agreed method of compensation.

13. **CHANGE DIRECTIVES:** A "Change Directive" is a written order signed by the City, directing a change in the Work prior to agreement on adjustment, if any, in the Contract Sum or Substantial Completion Date, or both. The City may by Change Directive, without invalidating the Contract, order changes in the Work within the general scope of the Contract consisting of additions, deletions or other revisions, the Contract Sum and Substantial Completion Date being adjusted accordingly. A Change Directive shall only be used in the absence of total agreement on the terms of a Change Order. Upon receipt of a Change Directive, the Contractor shall promptly proceed with the change in the Work and advise the City of its agreement or disagreement with the proposed method for determining the proposed adjustment in the Contract Sum and/or Substantial Completion Date, if any, provided in the Change Directive. A Change Directive signed by the Contractor indicates agreement with all terms set forth in the Change Directive. Such agreement shall be effective immediately and shall be recorded as soon as practical with a Change

Order. If the parties are unable to agree on an adjustment to the Contract Sum and/or Substantial Completion Date, if any, then either party may submit the matter for determination in accordance with Section 21.

14. MINOR CHANGES IN THE WORK: The City shall have the authority to order minor changes in the Work not involving adjustment in the Contract Sum or extension of the Substantial Completion Date and not inconsistent with the Contract documents. The Contractor shall promptly carry out such written orders for minor changes in the Work.

15. COMPLIANCE WITH LAWS AND REGULATIONS: The Contractor warrants full compliance with all applicable local, state or federal laws and regulations and agrees to indemnify and defend the City against any loss, cost, liability or damage, including reasonable attorney's fees, by reason of successful bidder's violation of this paragraph.

16. INDEMNIFICATION: All services to be rendered or performed under this Contract will be rendered or performed entirely at the Contractor's own risk. The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Contract, except for injuries and damages caused by the sole negligence of the City. Should a court of competent jurisdiction determine that this Contract is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONTRACTOR'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THIS WAIVER HAS BEEN MUTUALLY NEGOTIATED BY THE PARTIES. THE PROVISIONS OF THIS SECTION SHALL SURVIVE THE EXPIRATION OR TERMINATION OF THIS CONTRACT.

17. TERMINATION: This Contract may be terminated in whole or in part, without penalty to the City, under the following conditions: 1) by mutual written agreement; 2) by the City for breach by the Contractor of any of the obligations or requirements set forth in the Contract Documents which would, at the option of the City, require the Contractor to assume liability for any and all damages, including the excess of re-procuring similar products or services; 3) for convenience of the City; or 4) by the City for non-appropriation of funds.

18. TERMINATION BY THE CITY WITHOUT CAUSE: Notwithstanding any other provisions contained herein, the City, without cause, may terminate the Contract between the parties by providing notice to the Contractor. Upon termination under this section: 1) All remaining obligations of the parties are discharged, but any right based upon breach or performance occurring prior to termination survives; 2) If the reasonable costs of performance incurred by the Contractor prior to termination exceed the amount paid by the City to the Contractor on the Contract Sum, the City shall reimburse the Contractor in the amount of such excess; 3) If the amount paid by the City to the Contractor on the Contract Sum exceeds the reasonable costs of performance incurred by the Contractor prior to termination, the Contractor shall reimburse the City in the amount of such excess; and 4) Any funds obtained or retained by the Contractor as provided in subsections 2) or 3), above, shall constitute full payment and consideration for the services performed by the Contractor prior to termination.

19. COMPLIANCE WITH TERMS: The City may at any time insist upon strict compliance with these terms and conditions, notwithstanding any previous custom, practice, or course of dealing to the contrary.

20. PAYMENT: Contractor shall maintain time and expense records and provide them to the City along with monthly invoices in a format acceptable to the City for work performed to the date of the invoice. All invoices shall be paid by the City within 45 days of receipt of a proper invoice. If the services rendered do not meet the requirements of the Contract, Contractor will correct or modify the work to comply with the Contract. City may withhold payment for such work until the work meets the requirements of the Contract.

21. DISPUTE RESOLUTION: In the event there is a dispute between the parties, the parties agree to resolve that dispute in the following manner: (a) The parties shall attempt in good faith to resolve any dispute promptly through negotiation. Either party may give the other party written notice that a dispute exists (a "Notice of Dispute"). The Notice of Dispute shall include a statement of such party's position. Within ten (10) days of the delivery of the Notice of Dispute, the parties shall meet at a mutually acceptable time and place and attempt to resolve the dispute; (b) If the parties are unable to resolve the dispute, they may elect to submit the dispute to mediation. The cost of the mediation shall be borne equally by the parties. The mediator shall be selected by the mutual agreement of the parties; (c) If the mediation does not result in a settlement of the dispute, the dispute shall be settled by binding arbitration by the Judicial Arbitration and Mediation Services ("JAMS") in accordance with the then operative construction rules of JAMS. The parties may select an arbitrator by mutual agreement, or if unable to agree, the arbitrator will be selected pursuant to the rules of JAMS. The parties shall be bound by the decision of such arbitrator. The arbitration shall be conducted in Kitsap County, Washington; provided, if JAMS is unable to conduct the arbitration in Kitsap County, then the arbitration shall be held in such location as the parties may agree after consulting with JAMS.

CITY OF PORT ORCHARD INSURANCE REQUIREMENTS

The Contractor shall procure and maintain for the duration of the Contract with the City, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees and subcontractors.

No Limitation. The Contractor's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

Minimum Scope of Insurance. The Contractor shall obtain insurance of the types described below:

- *Automobile Liability* insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
- *Commercial General Liability* insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop gap liability, independent contractors, products-completed operations, personal injury and advertising injury and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 11 85 or an equivalent endorsement. There shall be no endorsement or modification of the Commercial General Liability Insurance for liability arising from explosion, collapse or underground property damage. The City shall be named by endorsement as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG or substitute endorsements providing equivalent coverage.
- *Workers' Compensation* coverage as required by the Industrial Insurance laws of the State of Washington.
- *Builders Risk* insurance covering interests of the City, the Contractor, Subcontractors, and Sub-subcontractors in the work. Builders Risk insurance shall be on an all-risk policy form and shall insure against the perils of fire and extended coverage and physical loss or damage including flood, earthquake, theft, vandalism, malicious mischief, collapse, temporary buildings and debris removal. The Builders Risk insurance covering the work will have a deductible of \$5,000 for each occurrence, which will be the responsibility of the Contractor. Higher deductibles for flood and earthquake perils may be accepted by the City upon written request by the Contractor and written acceptance by the City. Any increased deductibles accepted by the City will remain the responsibility of the Contractor.

The Builders Risk insurance shall be maintained until final acceptance of the work by the City.

- *Employer's Liability* insurance limit of \$1,000,000 each accident, Employer's Liability Disease each employee \$1,000,000 and Employer's Liability Disease – Policy limit \$1,000,000.

Minimum Amounts of Insurance. The Contractor shall maintain the following insurance limits:

- *Automobile Liability* insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
- *Commercial General Liability* insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit.
- *Builders Risk* insurance shall be written in the amount of the completed value of the project with no coinsurance provisions.

Other Insurance Provisions. The Contractor's Automobile Liability, Commercial General Liability and Builders Risk insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respects the City (as applicable to each line of coverage). The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it. If any coverage is written on a "claims made" basis, then a minimum of three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period provided by the City.

Contractor's Insurance for Other Losses. The Contractor shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, including but not limited to the Contractor's employee-owned tools, machinery, equipment or motor vehicles owned or rented by the Contractor, or the Contractor's agents, suppliers or contractors as well as any temporary structures, scaffolding and protective fences.

Waiver of Subrogation. The Contractor waives all rights against the City, any of its Subcontractors, Sub-subcontractors, agents and employees, for damages caused by fire or other perils to the extent covered by Builders Risk insurance or other property insurance obtained pursuant to this Insurance Requirements Section of the Contract or other property insurance applicable to the work. The Contractor's insurance shall be endorsed to waive the right of subrogation against the City, or any self-insurance, or insurance pool coverage maintained by the City. The City will not waive its right to subrogation against the Contractor. The Contractor's insurance shall be endorsed acknowledging that the City will not waive its right to subrogation.

Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

Verification of Coverage. The Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the Automobile Liability and Commercial General Liability insurance of the Contractor before commencement of the work. Before any exposure to loss may occur, the Contractor shall file with the City a copy of the Builders Risk insurance policy that includes all applicable conditions, exclusions, definitions, terms and endorsements related to this project.

Subcontractors. The Contractor shall have sole responsibility for determining the insurance coverage and limits required, if any, to be obtained by subcontractors, which determination shall be made in accordance with reasonable and prudent business practices.

Notice of Cancellation. The Consultant shall provide thirty (30) days written notice by certified mail, return receipt requested, to the City prior to the cancellation or alteration of coverage. The Contractor shall provide the City and all Additional Insureds for this work with written notice of any policy cancellation, within two business days of their receipt of such notice.

Failure to Maintain Insurance. The insurance required by this Section will not be canceled, materially changed or altered without forty-five (45) days prior written notice submitted to the City. Failure on the part of the Contractor to maintain insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Contractor to correct the breach, immediately terminate the Contract, or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Contractor from the City.

**CITY OF PORT ORCHARD
DECLARATION OF OPTION FOR PERFORMANCE
BOND OR ADDITIONAL RETAINAGE**

(APPLICABLE TO CONTRACTS OF \$150,000 OR LESS –RCW 39.08.010)


Note: This form must be submitted at the time the Contractor executes the Contract. The Contractor shall designate the option desired by checking the appropriate space.

1. The Contractor shall provide 5% retainage, pursuant to RCW 60.28.011(1)(a).
2. In addition, the Contractor elects to (select one):

 X (1) Furnish a performance bond in the amount of the total contract sum. An executed performance bond on the required form is included with the executed contract documents.

 (2) Have the City retain, in lieu of the performance and payment bonds, ten percent (10%) of the total contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the department of revenue and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later. RCW 39.08.010.

In choosing option 2, the Contractor agrees that if the Contractor, its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements in the Contract, and shall faithfully perform all the provisions of such Contract and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of the Contract that may hereafter be made, at the time and in the manner therein specified, and shall pay all laborers, mechanics, subcontractors, and materialmen, and all persons who shall supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, on his or her part, and shall defend, indemnify, and save harmless the City of Port Orchard, Washington, its officers and agents from any claim for such payment, then the funds retained in lieu of a performance bond shall be released at the time provided in said option 2; otherwise, the funds shall be retained until the Contractor fulfills the said obligations.


Jeff Carlsen, Vice President

Contractor Signature, Date 7/23/2021
Bond No. 023219267

PERFORMANCE AND PAYMENT BOND

CITY OF PORT ORCHARD POTTERY LIFT STATION EMERGENCY REPAIRS CONTRACT NO. C067-21

Bond to City of Port Orchard, Washington

Bond No. 023219267

We, Stellar J Corporation, and Liberty Mutual Insurance Company,
(Principal) (Surety)

a Massachusetts Corporation, and as a surety corporation authorized to become a surety upon Bonds of Contractors with municipal corporations in Washington State, are jointly and severally bound to the City of Port Orchard, Washington ("Owner"), in the penal sum of Two Hundred Fifty Six Thousand One Hundred Fifty and 00/100ths Dollars (\$256,150.00), the payment of which sum, on demand, we bind ourselves and our successors, heirs, administrators, executors, or personal representatives, as the case may be. This Performance Bond is provided to secure the performance of Principal in connection with a contract dated July 22, 2021, between Principal and Owner for a project entitled Pottery Lift Station Emergency Repairs Contract No. C067-21 ("Contract"). The initial penal sum shall equal 100 percent of the Total Bid Price, including sales tax, as specified in the Proposal submitted by Principal.

NOW, THEREFORE, this Performance and Payment Bond shall be satisfied and released only upon the condition that Principal:

- Faithfully performs all provisions of the Contract and changes authorized by Owner in the manner and within the time specified as may be extended under the Contract;
- Pays all laborers, mechanics, subcontractors, lower tier subcontractors, material persons, and all other persons or agents who supply labor, equipment, or materials to the Project; and
- Pays the taxes, increases and penalties incurred on the Project under Titles 50, 51 and 82 RCW on:
(A) Projects referred to in RCW 60.28.011(1)(b); and/or (B) Projects for which the bond is conditioned on the payment of such taxes, increases and penalties.

The surety shall indemnify, defend, and protect the Owner against any claim of direct or indirect loss resulting from the failure:

Of the Principal (or any of the employees, subcontractors, or lower tier subcontractors of the Principal) to faithfully perform the contract, or

Of the Principal (or any subcontractor or lower tier subcontractor of the Principal) to pay all laborers, mechanics, subcontractors, lower tier subcontractors, material person, or any other person who provides supplies or provisions for carrying out the work.

The liability of Surety shall be limited to the penal sum of this Performance and Payment Bond.

Principle and Surety agree that if the Owner is required to engage the services of an attorney in connection with enforcement of this bond each shall pay the Owner reasonable attorney's fees, whether or not suit is commenced, in addition to the penal sum.

No change, extension of time, alteration, or addition to the terms of the Contract or to the Work to be performed under the Contract shall in any way affect Surety's obligation on the Performance Bond. Surety hereby waives notice of any change, extension of time, alteration, or addition to the terms of the Contract or the Work, with the exception that Surety shall be notified if the Contract time is extended by more than twenty percent (20%).

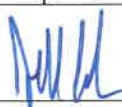
If any modification or change increases the total amount to be paid under the Contract, Surety's obligation under this Performance and Payment Bond shall automatically increase in a like amount. Any such increase shall not exceed twenty-five percent (25%) of the original amount of the Performance and Payment Bond without the prior written consent of Surety.

This Performance and Payment Bond shall be governed and construed by the laws of the State of Washington, and venue shall be in Kitsap County, Washington.

IN WITNESS WHEREOF, the parties have executed this instrument in two (2) identical counterparts this 23rd day of July, 2021.

Stellar J Corporation

Principal


Signature of Authorized Official

Jeff Carlson, Vice President
Printed Name and Title

Liberty Mutual Insurance Company

Surety


Signature of Authorized Official

By Andrew Kerslake
Attorney in Fact (Attach Power of Attorney)

Name and address of local office of
Agent and/or Surety Company:

Parker, Smith & Feek, Inc.

2233 112th Avenue NE

Bellevue, WA 98004

Surety companies executing bonds must appear on the current Authorized Insurance List in the State of Washington per Section 1-02.7 of the Standard Specifications.

ACKNOWLEDGEMENT

Corporation, Partnership, or Individual

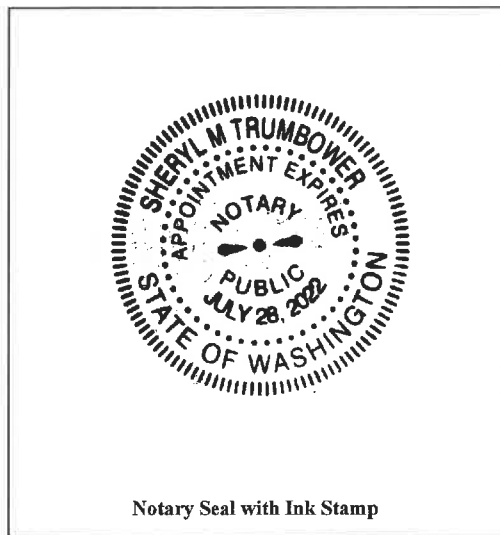
STATE OF Washington)
)ss.
COUNTY OF Cowlitz)

On this 23rd day of July, 2021, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Jeff Carben, to me known to be the (check one of the following boxes):

- ☒ _____ of Stellar J Corporation, the
corporation,
☐ _____ of _____, the
partnership,
☐ _____
individual,

that executed the foregoing instrument to be the free and voluntary act and deed of said ☒ corporation, ☐
partnership, ☐ individual for the uses and purposes therein mentioned, and on oath stated that ☐ he ☐
she was authorized to execute said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Dated: 7/23/2021
Sheryl M Trumbower
Sheryl M Trumbower
Print or type name

NOTARY PUBLIC,
in and for the State of Washington

Residing at: Woodland, WA

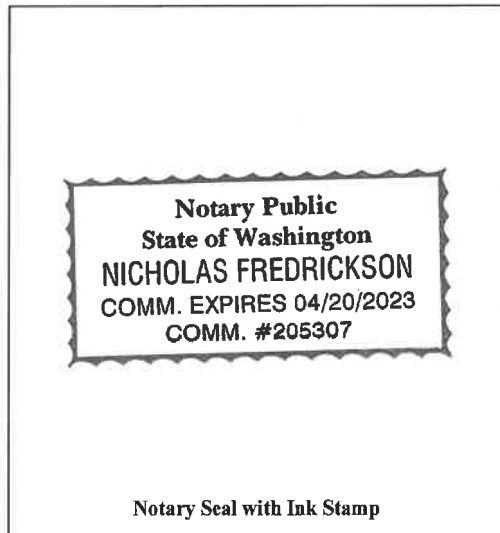
My Commission expires: July 28, 2022

SURETY ACKNOWLEDGEMENT

STATE OF Washington)
)ss.
COUNTY OF King)

On this 23rd day of July, 2021, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Andrew Kerslake, to me known to be the Attorney-in-Fact of Liberty Mutual Insurance Company, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that ☒ he ☐ she was authorized to execute said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Dated: July 23, 2021

Nicholas Fredrickson

Nicholas Fredrickson
Print or type name

NOTARY PUBLIC,
in and for the State of Washington

Residing at: Bellevue, WA

My Commission expires: 04/20/2023



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8205977-023001**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Andrew Kerslake, Andrew P. Larsen, Charla M. Boadle, Deanna M. French, Derek Sabo, Elizabeth R. Hahn, Guy Armfield, Jana M. Roy, John Claeys, Mindee L. Rankin, Nicholas Fredrickson, Roger Kaltenbach, Ronald J. Lange, Scott Fisher, Scott Garcia, Scott McGilvray, Susan B. Larson

all of the city of Bellevue state of WA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 16th day of July, 2021.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By:

David M. Carey, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 16th day of July, 2021 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By:

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 23rd day of July, 2021.



By:

Renee C. Llewellyn, Assistant Secretary



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>August 10, 2021</u>
	<u>Adoption of a Resolution Authorizing an</u>	Prepared by:	<u>Debbie Lund</u>
	<u>Additional One-Time Personal Holiday for</u>		<u>HR Manager</u>
	<u>Employees Fully Vaccinated Against the</u>	Atty Routing No.:	<u>N/A</u>
	<u>COVID-19 Virus</u>	Atty Review Date:	<u>N/A</u>

Summary: The COVID-19 pandemic continues to impact the City of Port Orchard’s employees, citizens and businesses. Individuals can make a choice to slow the spread of the COVID-19 virus by getting the free COVID-19 vaccination. The operations of the City depend upon each employee’s ability to report to work and perform the functions of their jobs. Encouraging employees to get vaccinated ensures that the operations of the City can continue during this ongoing pandemic. Providing for an additional personal holiday to recognize and incentivize vaccination against the COVID is an option available to the City and in furtherance of the City’s best interests.

Recommendation: Staff recommends the City Council adopt the attached resolution authorizing up to 8 hours of additional personal holiday leave for employees who are fully vaccinated against COVID-19.

Relationship to Comprehensive Plan: N/A

Motion for consideration: “I move to adopt a Resolution, authorizing the Mayor to implement policies and agreements to provide for a one-time additional personal holiday for employees who are fully vaccinated against COVID-19.”

Fiscal Impact: N/A

Alternatives: Do not approve the Resolution and provide alternative guidance.

Attachments: Resolution.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON,
AUTHORIZING A ONE-TIME ADDITIONAL PERSONAL HOLIDAY FOR
ELIGIBLE EMPLOYEES WHO HAVE PROVEN THEIR FULLY VACCINATED
STATUS AGAINST COVID-19.**

WHEREAS, the COVID-19 pandemic continues to impact the employees and citizens of the City of Port Orchard; and

WHEREAS, individuals have the ability to slow the spread of the pandemic by obtaining a free vaccination against the COVID-19 virus; and

WHEREAS, the City encourages all employees to get vaccinated in an effort to protect themselves, their families and our citizens; and

WHEREAS, City operations and overall public health and safety will benefit from the City's efforts to recognize and incentivize employee vaccinations; and

WHEREAS, the City desires to recognize and incentivize vaccination against the Covid-19 virus as part of its overall employee wellness policies; now, therefore;

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

THAT: The Mayor is authorized to award fully-vaccinated employees up to 8 additional hours of personal holiday time to be used by December 31, 2021. As a condition to such personal holiday, employees must provide proof of their fully-vaccinated status, in accordance with those policies and procedures determined by the Mayor to be appropriate for this purpose.

THAT: The Mayor is authorized to modify or create any applicable City policies to implement this additional leave time.

THAT: The Mayor is authorized to sign any agreement as an addendum to a collective bargaining agreement to implement this additional leave time for employees who are represented by a union.

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 10th day of August 2021.

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

Agenda Staff Report

Agenda Item No.: Business Item 7D
Subject: Adoption of a Resolution Agreeing to
Extend the Expiration of the Stetson
Heights Preliminary Plat by One Year

Meeting Date: August 10, 2021
Prepared by: Nick Bond, AICP
DCD Director
Atty Routing No.: Matter 11-Development
Atty Review Date: August 4, 2021

Summary: The Stetson Heights Preliminary plat was approved by the City of Port Orchard Hearing Examiner on September 1, 2016. Phase 1 of the preliminary plat was then approved for Final Plat by City Council decision on February 9, 2021. The remaining phases of the plat are currently under site development and have been cleared and some stormwater improvements have been installed. Utility extensions have also begun for the remaining phases of the plat but are not complete. The preliminary plat for phases 2-4 will expire on September 1, 2021 unless a one-year extension under Port Orchard Municipal Code 20.88.090(2) is granted by the City Council.

Recommendation: Adoption of a resolution, granting approval of a one-year extension of the expiration of the Stetson Heights Preliminary Plat.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to adopt a resolution, as presented, granting approval of a one-year extension of the expiration of the Stetson Heights Preliminary Plat.

Fiscal Impact: Revenue generated by construction activity, building permit fees, impact fees, sales tax, increased property valuation, utility tax. Expenditures related to ongoing maintenance of public infrastructure and provision of services to new residents.

Alternatives: Do not approve a resolution approving the extension of the expiration of the Stetson Heights Preliminary Plat.

Attachments: Resolution, Applicant's Request.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, GRANTING AN
EXTENSION OF THE STETSON HEIGHTS PRELIMINARY PLAT FOR ONE YEAR.**

WHEREAS, on September 1, 2016, the City of Port Orchard Hearing Examiner approved the Preliminary Plat for the Stetson Heights subdivision, located west of the intersection of Glenwood Rd SW and SW Sedgwick Rd (the "Property"); and

WHEREAS, the City Council of the City of Port Orchard approved Phase 1 of the Stetson Heights subdivision for Final Plat on February 9, 2021; and

WHEREAS, Phases 2-4 of the preliminary plat are under active stages of site development that will not be complete by September 1, 2021 when the preliminary plat will expire under RCW 58.17.140; and

WHEREAS, without a one-year extension as allowed under POMC 20.88.090(2), the preliminary plat for the unfinished portions of the site will expire or the applicant will need to provide bond estimates for all unfinished work that the City Council would need to agree to accept under Final Plat; and

WHEREAS, approval of a one-year extension of the preliminary plat expiration will result in an expiration date of September 1, 2022; and

WHEREAS, on July 2, 2021, a request to extend the expiration of the Stetson Heights preliminary plat under POMC 20.88.090(2) was submitted by property owners SSHI, LLC dba D.R. Horton and SHOR, LLC; and

WHEREAS, City staff is in agreement that work is underway on the site and substantial completion will occur with a one-year extension; and

WHEREAS, the City Community Development Director recommends approval of the one-year extension of the Stetson Heights Preliminary Plat; and

WHEREAS, the City Council finds that the developer is making significant efforts toward completing the improvements required to achieve final plat of the preliminary plat and approves a one-year extension of the Stetson Heights Preliminary Plat; now, therefore;

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

THAT: It is the intent of the Port Orchard City Council that the recitals set forth above are hereby adopted and incorporated as findings in support of this Resolution; and

THAT: The Port Orchard City Council finds that a one-year extension of the Stetson Heights Preliminary Plat authorized under POMC 20.88.090(2) is approved.

THAT: The Resolution shall take full force and effect upon passage and signatures hereon; and

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 10th day of August 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

JUL 02, 2021

City of Port Orchard
Community Development



June 29 2021

SENT VIA E-MAIL

Nicholas M. Bond, AICP
Development Director
City of Port Orchard
Department of Community Development
216 Prospect Street
Port Orchard, WA 98366
Email: nbond@cityofportorchard.us

Re: Stetson Heights Preliminary Plat; September 2, 2016, Findings, Conclusions and
Decision; No. SUBDIV 14-02

Dear Mr. Bond:

This letter is on behalf of applicants SSHI, LLC dba D.R. Horton and SHOR, LLC, as assignees to Stetson Ridge Partners, LLC, the applicant of record under the Findings, Conclusions and Decision issued by the City of Port Orchard Hearing Examiner on September 2, 2016, for Preliminary Plat Approval for the single-family development known as Stetson Heights.

As we have discussed, work to complete the subdivision infrastructure development and to satisfy the application conditions is ongoing. Various hurdles and delays on this project, many of which occurred prior to SSHI, LLC and SHOR, LLC's ownership, obvious hinderances and the devastation from the on-going pandemic, including supply and labor shortages, have resulted in project delays and the need for more time to complete the work.

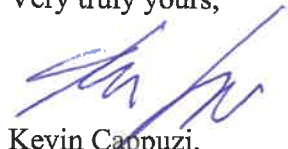
In accordance with POMC 20.88.090(2), SSHI, LLC and SHOR, LLC request an extension of the preliminary subdivision deadline of September 2, 2021, by at least one year, to continue working in good faith to complete the subdivision infrastructure development and to satisfy the application conditions for final plat approval.

We look forward to the response from the Council and will certainly continue to keep you apprised of ongoing progress.

Nicholas M. Bond, Development Director
City of Port Orchard Department of Community Development
June 29, 2021
Page 2

Please feel free to contact me with any questions, and we sincerely appreciate the City's assistance in working toward project completion.

Very truly yours,



Kevin Cappuzi,
President
SSHI, LLC dba D.R. Horton

Kiril Ivanov
Member
SHOR, LLC

cc: Grant Middleton
Counsel



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	Meeting Date:	August 10, 2021
Subject:	Adoption of a Resolution Accepting the Lodging Tax Advisory Committee's Recommendation for Distribution of the Remaining 2021 Funds	Prepared by:	Brandy Rinearson, MMC City Clerk
		Atty Routing No.:	N/A
		Atty Review Date:	N/A

Summary: On July 8, 2021, the Lodging Tax Advisory Committee met to discuss lodging tax funding applications received and to provide a recommendation to the Council. On July 13, 2021, the Council discussed the allocations and staff explained the reasoning as to why the committee awarded the funds as they did. Including, that there were two applicants that asked to have adjustments to their amounts submitted for traffic control plan and/or hiring of certified flaggers. This was due to the police department staffing levels not adequate to staff events for traffic control needs.

During that discussion, council wanted all the applicants to have the opportunity to adjust their applications related to the new expense. Therefore, they remained the recommendation back to the committee.

Staff re-opened the acceptance of the application for event organizers to provide additional documentation on the amounts for a traffic control plan and/or hiring of certified flaggers and for who didn't have the opportunity submit, could. The City received one amended application and no new applications.

The Committee reconvened and discussed the applications and has a recommendation for the Council. As a reminder, the Lodging Tax funds are to be used for tourism marketing and marketing and operations of festivals and events designed to attract tourists to the City.

As applications for Tourism Marketing have already been allocated late last year, there is \$47,500 remaining.

The Committee's recommendation is as follows:

Organization	FY's 2021 Funds Requested	Committee Recommendation
Fathoms O' Fun Festival-Marketing and Operations of Events (Amended)	\$22,060	\$22,060
Port Orchard Bay Street Association-Marketing and Operations of Events	\$9,000	\$9,000
Saints Car Club-Marketing and Operations of Events (Amended)	\$3,500	\$3,500
Visit Kitsap, Passport to Port Orchard-Marketing and Operations of Events	\$9,500	\$0.00
Visit Kitsap, Ride the Tide Rendezvous-Marketing and Operations of Events	\$2,500	\$0.00
Total	\$46,060	\$34,560

Recommendation: Staff recommends adoption of a resolution accepting the lodging tax recommendations, as presented.

Relationship to Comprehensive Plan: None.

Motion for consideration: I move to adopt a resolution, accepting the Lodging Tax Advisory Committee's recommendation for 2021 funding allocations for Marketing and Operations of Events, as presented.

Fiscal Impact: \$100,000 has been budgeted in the 2021 expenditure portion of the 2021/2022 Biennial Budget.

Alternatives: N/A

Attachments: Resolution and applications.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON,
ACCEPTING THE LODGING TAX ADVISORY COMMITTEE'S
RECOMMENDATION FOR THE REMAINING 2021 FUNDS.**

WHEREAS, on May 27, 2021, notice was published notifying the public that the City was accepting proposals for the Hotel/Motel Lodging Tax funding applications for 2021; and

WHEREAS, proposals were due to the City Clerk no later than June 28, 2021; and

WHEREAS, on July 8, 2021, the Lodging Tax Advisory Committee met to review the applications and provide their recommendations to City Council; and

WHEREAS, on July 13, 2021, the Lodging Tax Advisory Committee's recommendation was presented to the Council; however, the Council rejected the allocations and remanded it back to the committee; and

WHEREAS, on July 16, 2021, staff reopened the acceptance of applications for applicants to have the opportunity to re-submit new proposals to include the cost of providing a traffic control plan and/or certified flaggers for an event/festival designed to attract tourists. The closing date was July 26, 2021; and

WHEREAS, on July 29, 2021, the Lodging Tax Committee reconvened to discuss the applications and to provide a recommendation to the Council; and now, therefore,

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

THAT: The City Council accepts the Lodging Tax Advisory Committee's 2021 lodging tax recommendations as follows:

Organization	FY's 2021 Funds Requested	Committee Recommendation
Fathoms O' Fun Festival-Marketing and Operations of Events (Amended)	\$22,060	\$22,060
Port Orchard Bay Street Association-Marketing and Operations of Events	\$9,000	\$9,000
Saints Car Club-Marketing and Operations of Events (Amended)	\$3,500	\$3,500
Visit Kitsap, Passport to Port Orchard-Marketing and Operations of Events	\$9,500	\$0.00
Visit Kitsap, Ride the Tide Rendezvous-Marketing and Operations of Events	\$2,500	\$0.00
Total	\$46,060	\$34,560

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 10th day of August 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk



City of Port Orchard Lodging Tax Application

(RCW 67.28.1816)

RECEIVED
JUL 26 2021
CITY OF PORT ORCHARD
CITY CLERK'S OFFICE

For Budget Year: 2021	Available Funding: \$47,800	Application Deadline: 06/28/2021, 2021, by 4:00 p.m.
--------------------------	--------------------------------	---

Applicants may consist of convention and visitors' bureaus, destination marketing organizations, nonprofits, including main street organizations, lodging associates, or chambers of commerce, and additionally the cities or towns themselves.

Please read carefully and include all information. Omitting requested information could result in having your application denied. Keep your answers clear, concise, and to the point of the question. **Do not include presentation materials, as these materials are more appropriate to be used as part of your oral presentation. Do not include brochures or information not related to your project or request.**

Submit completed signed application to the City Clerk's office by the **application deadline listed at the top of this application**. Mailing address: City Clerk's Office, City of Port Orchard, Port Orchard, WA 98366. Email address: cityclerk@cityofportorchard.us.

NO LATE APPLICATIONS WILL BE ACCEPTED. Even if postmarked earlier, applications will not be accepted if received after the application deadline.

1. Applicant Information

Organization Name FATHOMS O' FUN FESTIVAL, INC.					
Street Address 8251 SE O'Farrell Lane			Mailing Address (if different from street address) PO Box 312		
City Port Orchard	State WA	Zip 98366	City Port Orchard	State WA	Zip 98366
Phone 360-871-1805		Fax n/a	Name of Executive Director/President Sharron E King		
Type of Organization: <input checked="" type="checkbox"/> Nonprofit <u>501(C)4</u> <input type="checkbox"/> Government Agency <input type="checkbox"/> Other _____					
Funding Requested for (choose one): <input checked="" type="checkbox"/> Marketing and Operations of Events <input type="checkbox"/> Tourism Marketing					
Are you a first-time participant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

2. Applicant Contact Information

Name Sharron E King	Position/Title President/Chair
Phone 360-871-1805	Email Address kingcreations@wavecable.com

3. Overall Event or Project Detail (please attach additional paperwork if needed)

Title **Fathoms O' Fun Festival Marketing & Operations of Events**

Amount of funding requested **\$ 22,060**

Total Overall Event or Project Amount **\$ 77,860.00**

A. Describe your overall event or project.

Please see our tentative event list...some events have been cancelled and Fall Follies Festival is still pending approval as of this date.

B. Describe how your overall event or project will provide a community economic benefit.

Our events held downtown; i.e., vendor shows, the Fireworks Show, Festival by the Bay, the Grand Parade, and the Seagull Splat Run are all focused on bringing people to downtown Port Orchard. We expect them to explore Port Orchard, shop in the businesses, eat at restaurants, ~~stay over night and purchase gas, shop for groceries, etc.~~

C. Please describe how you will measure the impact your overall event or project will have on tourism or projected increase in tourism. Please be specific and provide examples.

Our events bring a variety of out of town guests to Port Orchard. Our Festival Float travels to 15-17 out of town parades and is seen by thousands...in person and on TV. The Fireworks Show alone draws thousands to the waterfront in Port Orchard and Bremerton. We obtain zip codes where we can from Concerts and through run registrations, and hotel zips on event dates

4. Overall Event or Project Budget Summary

A. Describe, and be specific, on what you would spend the requested lodging tax funds on.

LTAC funding would help cover the cost of (1) major event specific marketing, (2) Operations General Expenses, (3) Float travel costs, (4) Quality musicians to perform at the "free" Concerts by the Bay from June-August, (5) Fireworks show barge costs, (6) Flaggers for events

B. Income Other Than Lodging Tax (from sponsorships, grants, donation and admission fees)

If you anticipate receiving partial funding for this activity from another source, please list the source(s) approximate amount, and status of funding. Indicate the entry or admission fee if one will be charged.

SOURCE	AMOUNT	Confirmed or Projected?
Kitsap Credit Union	\$ 3,500.00	Confirmed
Kitsap County	\$ 3,000.00	Confirmed
Kitsap Physical Therapy	\$ 500.00	Projected-Aug
Port Of Bremerton	\$ 6,500.00	Confirmed
Port Of Bremerton	\$ 2,000.00	Confirmed
Denette Chu/Edward Jones	\$ 500.00	Confirmed
Waterman Mitigation	\$ 500.00	Confirmed
Peninsula Credit Union	\$ 500.00	Confirmed
Kitsap Bank	\$ 2,000.00	Confirmed
WAVE	\$ 13,000.00	Confirmed
Country Financial	\$ 2,000.00	Projected-Aug
	<u>\$ 34,000.00</u>	

c. Other Expenses of Overall Event or Project (Only complete below boxes that are applicable to your overall event or project that you are seeking funds for.)

	Proposed City (LTAC) Funds	Other Committed Funds	Total
Operations (postage, fuel, permits, etc.)	\$ 1,000	\$ 2,500	\$ 3,500
Event Marketing	\$ 1,500	\$ 2,500	\$ 4,000
Tourism Marketing	\$ Prev. granted	\$ 3,500	\$ 3,500
Other Activities <i>Explain: Float, Concerts, Barge, Parade</i>	\$ 19,560	\$ 47,300	\$ 66,860
TOTAL COSTS	\$ 22,060	\$ 55,800	\$ 77,860

*City Lodging Tax funds would represent what percentage of your overall budget? 28 %

Can you operate this project with reduced funding? ☒ Yes ☐ No If yes, explain below:

We would eliminate our float travel, cut event marketing, and cancel band contracts due to lack of funding.

d. Other Financial Information

Does your overall event or project have provisions (or plans) for becoming less dependent on Lodging Tax funding? (Meaning does the overall event or project have the ability to increase revenue by charging admission, increasing fees, etc.)

Finding businesses who have a community spirit in their hearts to bring events to Port Orchard and advertise their business via our events they sponsor.

If not, what are your challenges of generating new revenues:

Finding businesses who have a community spirit in their hearts to bring events to Port Orchard and advertise their business via our events they sponsor.

5. Estimated Numbers of Increased Tourism

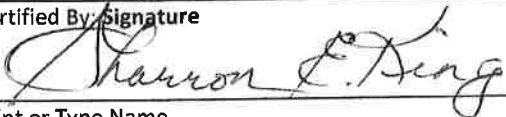
If you received lodging tax funds last year, you must attach last year's reporting

Applicants applying for use of LTAC funds must provide estimates of how it will result in increases in the number of people traveling for business or pleasure on a trip as required by RCW 67.28.1816:

	Projected	Actual ¹	Methodology ¹
Overall Attendance:	30,000		Guestimate - TV audience 500,000
Attendees who traveled 50 miles or more to attend:			
Total:	1,000		n/a
Of total, attendees who traveled from another state or country:	150		zip codes
Attendees who stayed overnight:			
Paid accommodations:	200		zip codes
Unpaid accommodations:	175		n/a
Paid Lodging nights:			
	130		zip codes

¹ Actual numbers will be required to be reported to the City in 2022.

The applicant hereby certifies and confirms that it does not now nor will it during the performance of any contract resulting from this proposal unlawfully discriminate against any employee, applicant for employment, client, customer, or other person(s) by reason of race, ethnicity, color, religion, age, gender, national origin, or disability. That it will abide by all relevant local, state, and federal laws and regulations. That it has read and understands the information contained in this application for funding and is in compliance with the provisions thereof, and; that the individual signing below has the authority to certify to these provisions for the applicant organization, and declares that he/she is an authorized official of the applicant organization, is authorized to make this application, is authorized to commit the organization in financial matters, will assure that any funds received as a result of this application are used for the purposes set forth herein, and verifies that all the information contained in this application is valid and true to the best of his/her knowledge.

Certified By: Signature 		Date July 26, 2021
Print or Type Name Sharron E King		Title President/Chair

FATHOMS O' FUN FESTIVAL, INC.
2021 PROJECTED BUDGET - Rev 7/26/21

REVENUE:

Vendor Fees	\$	6,000.00	
Wheels on the Waterfront Car Show Fees	\$	2,035.00	
Seagull Splat Run Registration Fees	\$	3,000.00	
Kitsap Credit Union	\$	3,500.00	Parade Sponsor-from 2020
Kitsap Physical Therapy	\$	500.00	Seagull Splat Run
Port Of Bremerton	\$	6,500.00	Fireworks-funding from 2020
Port Of Bremerton	\$	2,000.00	Concerts-funding from 2020
Denette Chu/Edward Jones	\$	500.00	Concerts
Waterman Mitigation	\$	500.00	Concerts
Peninsula Credit Union	\$	500.00	Concerts
Kitsap Bank	\$	2,000.00	Concerts
WAVE	\$	13,000.00	Fireworks
Country Financial	\$	2,000.00	Fall Follies Festival Vendor Show
Kiwanis Club	\$	100.00	Easter Egg Hunt
Other funding needed	\$	2,165.00	
Sub Total			\$ 44,300.00

Kitsap County LTAC Request

Tourism (granted)	5,000	
Fireworks (requesting from 2020 award)	3,000	
Sub Total		\$ 8,000.00

City of Port Orchard LTAC Request

Tourism (GRANTED for Discover Kitsap)	\$3,500	3500
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Marketing & Operations of Events:

Event Marketing	\$1,500	
Operating Exp	\$1,000	
Float (travel for 2021)	\$1,500	
Concerts by the Bay	\$6,000	
Fireworks-Barge	\$5,500	
RCE Traffic Control-Grand Parade	\$3,449	
RCE Traffic Control - Seagull Splat Run	\$3,111	
Sub Total		\$22,060

Total Projected Revenue **\$ 77,860.00**

EXPENSES:

Tourism Marketing	\$	3,500.00
Event Marketing	\$	4,000.00
Operations/General Expenses	\$	3,500.00
Float Travel	\$	1,500.00
Concerts by the Bay	\$	11,000.00
Fireworks Barge Expense	\$	5,500.00
Insurance-Auto & Liability	\$	7,000.00
Sani-Can Order-All Events	\$	2,100.00
Wheels on the Waterfront (Awards & Signage)	\$	1,200.00
Seagull Splat Run (shirts, signage, medals)	\$	1,500.00
Seagull Splat Run-Port Orchard Police(2)	\$	600.00
RCE Traffic Control - Seagull Splat Run	\$	3,111.00
RCE Traffic Control - Grand Parade	\$	3,449.00
Grand Parade	\$	5,600.00
Parade Shuttle Service	\$	900.00
July 10th Fireworks Show	\$	22,500.00
Festival by the Bay-New signs & Banner	\$	1,500.00
Battle of the Bands	\$	2,500.00
Easter Egg Drive-Thru	\$	400.00
Total Expenses		\$ 77,860.00

Note: This budget does not reflect the FOF Royalty Scholarship Program

FATHOMS O' FUN FESTIVAL GRAND PARADE - 9/4/2021

Parade starts at 6 PM and ends approximately 7:30 PM

Floats can arrive as early as 12 noon at Bethany Lutheran

Based on Non-Union Wages**RCE Traffic Control Fees for Flaggers - Fees are Overtime for Saturday - \$48/hour****RCE Traffic Control Fees for Traffic Control Supervisors - Fees are Overtime for Saturday - \$82.50/Hr****All fees are based on a "4-hour" Minimum****Street Locations: (Flaggers) - \$48/hr**

Tremont & Bethany Lutheran Church	\$ 240.00	12pm-5pm approx
Tremont & Port Orchard Blvd (top of hill)	\$ 288.00	2pm-7:30pm approx
Bay & Port Orchard Blvd. (Bottom of hill)	\$ 288.00	2pm-7:30pm approx
Bay & Kline St.	\$ 192.00	5:30-7:30pm approx
Bay & Sidney St.	\$ 192.00	5:30-7:30pm approx
Bay & Rockwell	\$ 192.00	5:30-7:30pm approx
Bay & Bethel (Intersection)	\$ 192.00	5:30-7:30pm approx
Sub-total	\$ 1,584.00	

Traffic Control Supervisors - \$82.50/hr

Tremont & Port Orchard Blvd (top of hill)	\$ 330.00
Bay & Port Orchard Blvd. (Bottom of hill)	\$ 330.00
Bay & Bethel (Intersection)	\$ 330.00
Sub-total	\$ 990.00

Extra Equipment Required:

Signage (6 signs)	\$ 630.00
Cones (15 approx)	\$ 18.75
Type III Barricade with sign:	\$ 266.00
Bethel, Rockwell, Sidney, Prospect, Kline.	\$ 914.75
PO Blvd (2)	

Total Fee Cost \$ 3,488.75

(6)

SEAGUL SPLAT RUN EXTRA PROJECTED COSTS FOR CERTIFIED FLAGGERS

Run Starts at 0900 hours and ends approximately 11:00 a.m.

RCE Traffic Control Fees for Flaggers - Fees Double time for Sunday - \$64/hour

RCE Traffic Control Fees for Traffic Control Supervisors - Fees Double time for Sunday - \$110/hour

All fees are based on a "4-hour" Minimum

Street Locations: (Flaggers) - \$65/hr

Pedestrian PathWay turning left onto Beach Drive	\$	256.00	
Tracy Avenue N	\$	256.00	
Arnold Ave E	\$	256.00	
Retsil Rd E	\$	256.00	
Olney turnaround point	\$	256.00	
Parking Lot @ Whiskey Gulch	\$	256.00	
Sub-total			\$ 1,536.00

Traffic Control Supervisors - 2 required - \$110/hr

Pedestrian Pathway at Beach Drive	\$	440.00	
Olney & Beach Drive	\$	440.00	
Sub-total			\$ 880.00

Extra Equipment Required:

Signage (6 signs)	\$	630.00	
Cones (20 approx)	\$	25.00	
Type III Barricade (2) - Beach & at Olney	\$	40.00	
			\$ 695.00

Total Fee Cost \$ 3,111.00

DETACH BEFORE POSTING



STATE OF
WASHINGTON

Nonprofit Corporation

BUSINESS LICENSE

FATHOMS O'FUN FESTIVAL
FATHOMS O' FUN FESTIVAL, INC.
8251 SE OFARRELL LN
PORT ORCHARD, WA 98366-8527

Issue Date: Oct 05, 2020
Unified Business ID #: 601299098
Business ID #: 001
Location: 0001
Expires: Feb 28, 2021

CITY ENDORSEMENTS:

PORT ORCHARD NONPROFIT BUSINESS - ACTIVE

REGISTERED TRADE NAMES:

FATHOMS O' FUN FESTIVAL, INC.
FATHOMS O'FUN FESTIVAL

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue

STATE OF WASHINGTON

UBI: 601299098 001 0001

Expires: Feb 28, 2021

FATHOMS O'FUN FESTIVAL
FATHOMS O' FUN FESTIVAL, INC.
8251 SE OFARRELL LN
PORT ORCHARD, WA 98366-8527

PORT ORCHARD NONPROFIT
BUSINESS - ACTIVE

Director, Department of Revenue

DETACH THIS SECTION FOR YOUR WALLET

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: AUG 25 1987

FATHOMS O' FUN FESTIVAL
C/O JUDSON W. TURNER
PO BOX 312
PORT ORCHARD, WA 98366

Employer Identification Number:
91-1543208

DLN:
317237644

Contact Person:

D. A. DOWNING
Contact Telephone Number:
(513) 241-5199

Internal Revenue Code
Section 501(c)(4)

Accounting Period Ending:
September 30

Form 990 Required:
Yes

Addendum Applies:
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in the section indicated above.

Unless specifically excepted, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) for each employee to whom you pay \$100 or more during a calendar year. And, unless excepted, you are also liable for tax under the Federal Unemployment Tax Act for each employee to whom you pay \$50 or more during a calendar quarter if, during the current or preceding calendar year, you had one or more employees at any time in each of 20 calendar weeks or you paid wages of \$1,500 or more in any calendar quarter. If you have any questions about excise, employment, or other Federal taxes, please address them to this office.

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5



EXHIBIT C

JLARC Municipality Reporting - 2018 Port Orchard

DUE FEBRUARY 4, 2019

- NO EVENTS IN 2020

Activity

Attendance Information

Activity Name:

Marketing & Operations of Events

Organization Name:

Fathoms O' Fun Festival, Inc.

**Activity Type (see glossary page):

Marketing and Operations of Event/Festival

Activity Date:

Start Date:

End Date:

1/1/2018

12/31/2018

Funds

Requested:

\$ 27,000

Awarded:

\$ 20,814

Total Cost of Activity:

\$ 55,298

Overall attendance:

Projected

Actual (Estimated)

*Methodology (See description page)

100,000+

150,000

Informal Survey

Projected parade viewership numbers are from other festivals; above "actual" does not include TV viewership

Attendees who traveled:

50 miles or more:

1,000

379

Informal Survey

Out of State or Country:

150

136

Informal Survey

Notes: Zip codes actually collected at concerts and by hotel for parade weekend and 4th of July

Attendees who stayed overnight:

In Paid accommodations:

260

260

Direct Count

In Unpaid accommodations:

250

125

Informal Survey

Notes: Zip codes collected by hotel for our event nights

Paid lodging nights:

130

130

Direct Count

Notes: Zip codes collected by hotel and paid lodging nights provided by hotel for parade weekend and 4th of July

Comments:

The 4th of July stats do not take into account the downtown Bremerton Hotels, as the City of Bremerton also views the Sinclair Inlet Fireworks Show. Our FOF float travel throughout the state of Washington to approximately 16 parades. Olympia, Daffodil, Marysville and Seafair parades are all televised. The float has signage that states it is from Port Orchard so the viewership, not only attendees actually watching, those watching TV also see our float. The vendor shows draw out of town vendors, as does the Seagull Splat Run. We also cannot collectively count the number of attendees on the waterfront who watch the fireworks show!

PARADE VIEWER PARTICIPATION

(Stats directly from each festival organization) →

TV count

Tacoma	25,000	
Sumner	20,000	
Orting	15,000	
Puyallup	40,000	100,000
Marysville	30,000	
Port Orchard	5,000	1000
SEAFAIR	250,000	1 Mil
Port Townsend	7,000	
Olympia	35,000	2000
China Town	25,000	
McCleary	3,000	
Forest Festival	5,000	
Bremerton Armed	40,000	
Whaling Days	5,000	
Lake City	25,000	
Leavenworth	15,000	
Viking Fest	5,000	
Lake City	18,000	
Total	568,000	

*We will call all festival organizers
in 2022 for new stats*

11
9



City of Port Orchard Lodging Tax Application

For Budget Year: 2021	Available Funding: \$47,800	Application Deadline: 06/28/2021, by 4:00 p.m.
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Applicants may consist of convention and visitor's bureaus, destination marketing organizations, nonprofits, including main street organizations, lodging associates, or chambers of commerce, and additionally the cities or towns themselves.

Please read carefully and include all information. Omitting requested information could result in having your application denied. Keep your answers clear, concise, and to the point of the question. **Do not include presentation materials, as these materials are more appropriate to be used as part of your oral presentation. Do not include brochures or information not related to your project or request.**

Submit completed signed application to the City Clerk's office by the **application deadline listed at the top of this application**. Mailing address: City Clerk's Office, City of Port Orchard, Port Orchard, WA 98366. Email address: cityclerk@cityofportorchard.us.

NO LATE APPLICATIONS WILL BE ACCEPTED. Even if postmarked earlier, applications will not be accepted if received after the application deadline.

1. Applicant Information

Organization Name Port Orchard Bay Street Association					
Street Address			Mailing Address (if different from street address) PO Box 8581		
City	State	Zip	Port Orchard	WA	98366
360-876-7726	Fax		Name of Executive Director/President Coreen Haydock, President		
Type of Organization: <input checked="" type="checkbox"/> Nonprofit __501(c)(6)_____ <input type="checkbox"/> Government Agency <input type="checkbox"/> Other _____					
Funding Requested for (choose one): <input checked="" type="checkbox"/> Marketing and Operations of Events <input type="checkbox"/> Tourism Marketing					
Are you a first-time participant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

2. Applicant Contact Information

Name Christine Stansbery	Position/Title Treasurer
Phone 360-876-7726	Email Address cstansbery@msn.com

3. Overall Event or Project Detail (please attach additional paperwork if needed)

Title

Port Orchard downtown events

Amount of funding requested \$9,000

Total Overall Event or Project Amount \$

A. Describe your overall event or project.

The Port Orchard Bay Street Association produces multiple events during the year designed to bring visitors and locals to downtown Port Orchard to stay in hotels and B&Bs, stay at the marina, eat in the restaurants, and shop in the stores. For the balance of 2021, events include Ladies Night Out, Artisan and Vintage Fair, Port Orchard Night Markets, OctoberFest, Boo Bash on Bay Street, and Holiday on the Bay. See attached for more information.

B. Describe how your overall event or project will provide a community economic benefit.

The downtown events draw visitors from out of the area to the downtown corridor to eat in the restaurants, stay at the marina, hotels and B&Bs, shop in the stores, go to a play or movie, see a local attraction. All these activities benefit the local economy. Local businesses employ local people. Bringing tourists and other visitors to downtown helps ensure that the community economy is healthy, and encourages local citizens to participate in downtown activities, which increases the cohesiveness of the community.

C. Please describe how you will measure the impact your overall event or project will have on tourism or projected increase in tourism. Please be specific and provide examples.

We collect data points from visitors, such as zip codes. We will request information from the local hotels and B&Bs and the marina regarding numbers of visitors. We have a raffle basket at each event with a raffle card designed to collect zip codes and email addresses. We will also track usage of the website, Facebook pages and other social media to indicate the reach of our advertising.

4. Overall Event or Project Budget Summary

A. Describe, and be specific, on what you would spend the requested lodging tax funds on.

Advertising: graphic design, printing and copying, flyers, raffle tickets, signs, banners, print ads in publications such as The Country Register, Art Access, Seattle Weekly, Sound Publishing, Destination WA ads, mail chimp and Facebook boosts and other available social media.

Event operations: business registration fees, bags, tissue paper, city permits, state permits, equipment rental, chairs, tables, portapotties, and other supplies and decorations, raffle baskets.

B. Income Other Than Lodging Tax (from sponsorships, grants, donation and admission fees)

If you anticipate receiving partial funding for this activity from another source, please list the source(s) approximate amount, and status of funding. Indicate the entry or admission fee if one will be charged.

SOURCE	AMOUNT	Confirmed or Projected? If projected, what is the anticipated receipt date?
Kitsap Bank	\$ 500	Projected, 10/1/2021
Visit Kitsap Peninsula	\$ 500	Projected, 10/1/2021,
Vendor fees	\$ 480	Projected: 7/1/2021
POBSA general budget	\$2,000	Confirmed
In-kind candy donations	\$500	Projected: 10/15/2021
TOTAL:	\$3,480	

c. Other Expenses of Overall Event or Project (Only complete below boxes that are applicable to your overall event or project that you are seeking funds for.)

	Proposed City (LTAC) Funds	Other Committed Funds	Total
Operations (postage, fuel, permits, etc.)	\$3,760	\$ 500	\$4,260
Event Marketing	\$5,240	\$1,500	\$6,740
Tourism Marketing	\$	\$	\$
Other Activities <i>Explain:</i>	\$	\$	\$
TOTAL COSTS	\$9,000	\$	\$11,000

*City Lodging Tax funds would represent what percentage of your overall budget? 51 %

Can you operate this project with reduced funding? ☒ Yes ☐ No If yes, explain below:

Reduced funding will reduce the scope of the events and the advertising or potentially eliminate the event entirely. We continue to seek sponsorships for our events to help defray costs.

d. Other Financial Information

Does your overall event or project have provisions (or plans) for becoming less dependent on Lodging Tax funding? (Meaning does the overall event or project have the ability to increase revenue by charging admission, increasing fees, etc.)

We do not charge admission for the events. The point is to bring visitors to downtown where they will spend their money in the local businesses. We do charge a vendor fee for events with vendors. That amount we collect is entirely dependent on the number of vendors who sign up. We continue to seek sponsorships and in-kind donations from Visit Kitsap Peninsula, Kitsap Bank, Costco, our membership, and others interested in a vibrant downtown. The balance of our revenue comes from membership fees in the Port Orchard Bay Street Association.

If not, what are your challenges of generating new revenues:

5. Estimated Numbers of Increased Tourism

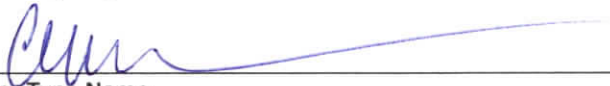
If you received lodging tax funds last year, you must attach last year's reporting

Applicants applying for use of LTAC funds must provide estimates of how it will result in increases in the number of people traveling for business or pleasure on a trip as required by RCW 67.28.1816:

	Projected	Actual ¹	Methodology ¹
Overall Attendance:	8,820		
Attendees who traveled 50 miles or more to attend:			
Total:	2,205		
Of total, attendees who traveled from another state or country:	220		
Attendees who stayed overnight:			
Paid accommodations:	441		
Unpaid accommodations:	882		
Paid Lodging nights:			
	441		

¹ Actual numbers will be required to be reported to the City in 2022.

The applicant hereby certifies and confirms that it does not now nor will it during the performance of any contract resulting from this proposal unlawfully discriminate against any employee, applicant for employment, client, customer, or other person(s) by reason of race, ethnicity, color, religion, age, gender, national origin, or disability. That it will abide by all relevant local, state, and federal laws and regulations. That it has read and understands the information contained in this application for funding and is in compliance with the provisions thereof, and; that the individual signing below has the authority to certify to these provisions for the applicant organization, and declares that he/she is an authorized official of the applicant organization, is authorized to make this application, is authorized to commit the organization in financial matters, will assure that any funds received as a result of this application are used for the purposes set forth herein, and verifies that all the information contained in this application is valid and true to the best of his/her knowledge.

Certified By: Signature		Date
		7/2/21
Print or Type Name	Title	
Coreen Haydock Johnson	President	

For Port Orchard Bay Street Association

3. Overall Event or Project Details

Events:

Artisan & Vintage Fair – July 16 & 17, 2021

The Artisan & Vintage Fair will be held July 16 and 17, 2021 in conjunction with the Chris Craft Rendezvous. The Chris Craft Rendezvous has been held at the Port Orchard Marina for more than 30 years. Typically, 80 boats register for the event and spend a week in Port Orchard. The Artisan & Vintage Fair is designed to draw people to Port Orchard to see the Chris Craft boats and to the merchants in downtown Port Orchard. A maximum of 12 local vendors will set up on the grass and in the parking lot behind the Marina. The Port Orchard Bay Street Association has partnered with the Port of Bremerton, and the South Kitsap Artists Association for this event. The South Kitsap Artists Association will provide artist demonstrations. The first event was held in 2017. A sponsorship has been provided from Visit Kitsap Peninsula in the past and the request has been made for this year. Advertising is regional and local, through print and internet media and includes social media boosts, event calendars, etc. Flyers and save the date cards are printed and distributed by downtown merchants and the Port of Bremerton. Raffles are held to capture participant information. Vendors include local makers and collectible dealers, food vendors, and local artists and art associations. Income from this event includes potential vendor fees and sponsorships. Expenses are for advertising, printing and COVID supplies like hand sanitizer and additional signage.

Ladies Night Out – First Friday in October

The Port Orchard Bay Street Association traditionally hosts two Ladies Night Out events each year, in May and October. Due to COVID, in 2020 we cancelled the June event and held a "Ladies Weekend" event in October that was less structured and intended to encourage people to come to Port Orchard but also to be able to socially distance. In June of 2021, we held another "Ladies Weekend" which consisted of three potential shopping days with some drawings and prizes awarded. The normal Ladies Night Out usually bring in more than 1000 people – women, couples, families, friends, visitors, -- some travel from more than 50 miles away, based on the statistics captured from the raffle tickets. We plan to bring back Ladies Night Out for the first Friday in October 2021. There are four raffle baskets spread around downtown. POBSA partners with the South Kitsap Fire and Rescue and the Fathoms O Fun Royalty Court. Downtown merchants stay open until 8 pm and provide specials, treats, and free items. POBSA provides bags for each participant that contains ads and gifts from participating merchants. Merchants provide items for the baskets. Raffles will be held to capture participant information. Kitsap Bank has provided sponsorships for these events in the past. A banner is put up prior to each event advertising the event to the thousands of daily drivers. Marketing is done in both regional and local publications, on the POBSA website and through boosts on Facebook and email blasts to the POBSA emails. Flyers and save the date cards are printed and distributed to the downtown merchants. Other than possible sponsorships and in-kind donations, there is no income for this event. Expenses are primarily for bags, tissue paper, advertising, printing and copying. Depending on the requirements of the City and State, there may be COVID related expenses as well.

OctoberFest – a weekend in October

For 10 years, the Port Orchard Bay Street Association has hosted the Taste of Port Orchard on Labor Day in September. Due to decreased restaurant participation and because COVID has made staffing difficult for restaurants at this time, the Taste of Port Orchard is not planned for 2021. Instead, on a sunny weekend in October (date to be determined), the Port Orchard Bay Street Association will host an OctoberFest event, encouraging local eateries and breweries to partner for a chili/beer tasting event in downtown Port Orchard. Advertising will be done in both regional and local publications, on the POBSA website and through Facebook posts. A-board signs will be used on the days of the event in both Port Orchard and Bremerton. Save the date cards and flyers are printed and distributed to downtown merchants and to the restaurants participating as well as throughout the Washington State Ferry system. Banners will be placed to be seen by thousands of daily drivers. The participants are drawn from local and out of town visitors. Raffles will be held to capture participant information. The Fathoms O' Fun Court is there to help capture participant information. Income for this event may come in the form of sponsorships. Expenses will be primarily advertising, printing and copying.

Boo Bash on Bay Street/Scarecrow Decorating –traditionally the Saturday before Halloween

Trick or Treat on Bay Street, children's costume contest, Scarecrow Decorating contest. The costume contest will take place at the Port's Gazebo. Awards will be given for a variety of categories/ages. In the past, other organizations such as the Sidney Museum and Arts Association and the Port Orchard Library have held additional events in conjunction with this event. Downtown merchants will provide treats. Flyers and save the date cards are printed and distributed to downtown merchants, Port of Bremerton. Advertising is regional and local, through print and internet media and includes social media boosts, event calendars, etc.. The Scarecrow contest will be active in the Port Orchard Public Market. It is open for anyone in several categories to submit a Scarecrow. Visitors can vote for their favorite Scarecrow. Other than potential sponsorships or in-kind donations of candy, there is no income for this event. Expenses include candy for the merchants, prizes for the contests, advertising, printing and copying.

Holiday on the Bay - Downtown Port Orchard - Chimes & Lights – Thanksgiving to Christmas

The City of Port Orchard sponsors the annual Chimes & Lights Festival in downtown Port Orchard on the first weekend in December. In 2018, the City added the holiday tree contest, which has been very well received and POBSA provides a People's Choice award. In 2019, POBSA combined all of its holiday activities, including Shop Small Saturday, Chimes and Lights, tree decorating, coloring contest, gingerbread contest, holiday wrapping, visits with Santa and more. POBSA merchants stay open later for many of the events. Advertising is in regional and local publications, on the POBSA website and through Facebook boosts. Flyers are printed and distributed to downtown merchants that advertise all holiday happenings in one place. There is no income for these events, other than possible in-kind donations for Shop Small from American Express. Expenses are primarily for advertising, printing and copying.

2021 LTAC Budget - Events

Marketing/Advertising

advertising	\$4,810
Printing/copying	\$1,930
Total Marketing/Advertising	\$6,740

Event Operations:

Awards, bags, tissue paper, security, rental equipment, registration fees, baskets and raffles and miscellaneous supplies	\$4,260
Total Event Operations:	<u>\$4,260</u>

Total Events:	<u>\$11,000</u>
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EXHIBIT C

JLARC Municipality Reporting - 2020 Port Orchard DUE JANUARY 31, 2021

Activity		Attendance Information		
Activity Name:	Events	Projected	Actual (Estimated)	*Methodology (See description page)
Organization Name:	Port Orchard Bay Street Association	15,600	2,000	Structured Estimate
**Activity Type (see glossary page):	Marketing and Operations of Event/Festival			
Activity Date:	Start Date: 1/1/2020 End Date: 12/31/2020			
Funds				
Requested:	\$ 15,000	5,100	650	Structured Estimate
Awarded:	\$ 3,334	850	100	Structured Estimate
Total Cost of Activity:	\$ 3,334			
Notes:				
Attendees who traveled:	50 miles or more:			
Attendees who stayed overnight:	In Paid accommodations:	1,000	125	Structured Estimate
	In Unpaid accommodations:	1,000	125	Structured Estimate
Notes:				
Paid lodging nights:		1,000	125	Structured Estimate
Notes:				

Comments:



EXHIBIT C

JLARC Municipality Reporting - 2020 Port Orchard

DUE JANUARY 31, 2021

Activity		Attendance Information		
Activity Name:	Organization Name:	Projected	Actual (Estimated)	*Methodology (See description page)
Tourism Marketing	Port Orchard Bay Street Association	100,000	80,000	Structured Estimate
**Activity Type (see glossary page): Tourism Marketing				
Activity Date: Start Date: 1/1/2020 End Date: 12/31/2020				
Funds				
Requested: \$ 7,500				
Awarded: \$ 1,397				
Total Cost of Activity: \$ 1,397				
Notes: Overall attendance: Notes: projected 240000 but form won't allow number Attendees who traveled: 50 miles or more: Out of State or Country: Attendees who stayed overnight: In Paid accommodations: In Unpaid accommodations: Paid lodging nights: Notes:				

Comments: Due to COVID, not advertising was done from April through December that was not geared toward "when things are better, remember to come to Port Orchard" so the estimates are based on 4 months of the original projected numbers.



City of Port Orchard Lodging Tax Application

(RCW 67.28.1816)

RECEIVED
JUN 10 2021
CITY OF PORT ORCHARD
CITY CLERKS OFFICE

For Budget Year: 2021	Available Funding: \$47,800	Application Deadline: 06/28/2021, 2021, by 4:00 p.m.
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Applicants may consist of convention and visitors' bureaus, destination marketing organizations, nonprofits, including main street organizations, lodging associates, or chambers of commerce, and additionally the cities or towns themselves.

Please read carefully and include all information. Omitting requested information could result in having your application denied. Keep your answers clear, concise, and to the point of the question. **Do not include presentation materials, as these materials are more appropriate to be used as part of your oral presentation. Do not include brochures or information not related to your project or request.**

Submit completed signed application to the City Clerk's office by the **application deadline listed at the top of this application**. Mailing address: City Clerk's Office, City of Port Orchard, Port Orchard, WA 98366. Email address: cityclerk@cityofportorchard.us.

NO LATE APPLICATIONS WILL BE ACCEPTED. Even if postmarked earlier, applications will not be accepted if received after the application deadline.

1. Applicant Information

Organization Name Saints Car Club					
Street Address 5147 E Collins RD			Mailing Address (if different from street address)		
City Port Orchard	State WA	Zip 98366	City	State	Zip
Phone 360-674-7107	Fax		Name of Executive Director/President Bill Hubbell		

Type of Organization: ☒ Nonprofit ☐ Government Agency ☐ Other

Funding Requested for (choose one): ☒ Marketing and Operations of Events ☐ ~~Tourism Marketing~~

Are you a first-time participant? ☐ Yes ☒ No

2. Applicant Contact Information

Name Keith Woyshnis	Position/Title
Phone 360-674-7107	Email Address kkw56@hotmail.com



3. Overall Event or Project Detail (please attach additional paperwork if needed)

Title The Cruz	
Amount of funding requested \$ 3,500.00	Total Overall Event or Project Amount \$9000.00

A. Describe your overall event or project.

A one day car show with various venders

B. Describe how your overall event or project will provide a community economic benefit.

By attracting various persons from various communities from all directions of Port Orchard and other states and countrys

C. Please describe how you will measure the impact your overall event or project will have on tourism or projected increase in tourism. Please be specific and provide examples.

Our information comes from talking with participants and visitors. They love the event & the city of Port Orchard. They enjoy coming to visit and plan for future visits and will spread the word about our event and our community.

4. Overall Event or Project Budget Summary

A. Describe, and be specific, on what you would spend the requested lodging tax funds on.

Advertizing/Marketing for thr Cruz
FLAGGERS FOR TRAFFIC CONTROL

B. Income Other Than Lodging Tax (from sponsorships, grants, donation and admission fees)

If you anticipate receiving partial funding for this activity from another source, please list the source(s) approximate amount, and status of funding. Indicate the entry or admission fee if one will be charged.

SOURCE	AMOUNT	Confirmed or Projected? If projected, what is the anticipated receipt date?
Trophy sales	\$ 1800.00	30 days before Cruz
Legacy sponsors	\$ 3100.00	30 days before Cruz
Entry fees	\$ 6000.00	Day of Cruz
T-Shirt sales	\$ 3750.00	Day of Cruz
TOTAL:	\$	

c. Other Expenses of Overall Event or Project (Only complete below boxes that are applicable to your overall event or project that you are seeking funds for.)

	Proposed City (LTAC) Funds	Other Committed Funds	Total
Operations (postage, fuel, permits, etc.)	\$ 0	\$ 0	\$ 0
Event Marketing	\$ 2300.00	\$ 1865.00	\$ 4165.00
Tourism Marketing	\$	\$	\$
Other Activities <i>Explain:</i>	\$	\$	\$
TOTAL COSTS	\$* 2300.00	\$ 1865.00	\$ 4165.00

*City Lodging Tax funds would represent what percentage of your overall budget? 8.16 %

Can you operate this project with reduced funding? ☒ Yes ☐ No If yes, explain below:

Increase entry fees, sponsorships, etc to offset costs would require more out of pocket from citizens

d. Other Financial Information

Does your overall event or project have provisions (or plans) for becoming less dependent on Lodging Tax funding? (Meaning does the overall event or project have the ability to increase revenue by charging admission, increasing fees, etc.)

If not, what are your challenges of generating new revenues:

5. Estimated Numbers of Increased Tourism

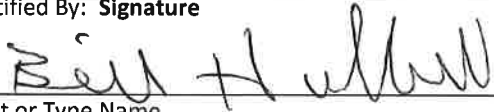
If you received lodging tax funds last year, you must attach last year's reporting

Applicants applying for use of LTAC funds must provide estimates of how it will result in increases in the number of people traveling for business or pleasure on a trip as required by RCW 67.28.1816:

	Projected	Actual ¹	Methodology ¹
Overall Attendance:	20,000		
Attendees who traveled 50 miles or more to attend:			
Total:	80		
Of total, attendees who traveled from another state or country:	10		
Attendees who stayed overnight:			
Paid accommodations:	25		
Unpaid accommodations:	30		
Paid Lodging nights:			
	15		

¹ Actual numbers will be required to be reported to the City in 2022.

The applicant hereby certifies and confirms that it does not now nor will it during the performance of any contract resulting from this proposal unlawfully discriminate against any employee, applicant for employment, client, customer, or other person(s) by reason of race, ethnicity, color, religion, age, gender, national origin, or disability. That it will abide by all relevant local, state, and federal laws and regulations. That it has read and understands the information contained in this application for funding and is in compliance with the provisions thereof, and; that the individual signing below has the authority to certify to these provisions for the applicant organization, and declares that he/she is an authorized official of the applicant organization, is authorized to make this application, is authorized to commit the organization in financial matters, will assure that any funds received as a result of this application are used for the purposes set forth herein, and verifies that all the information contained in this application is valid and true to the best of his/her knowledge.

Certified By: Signature		Date
		6-7-21
Print or Type Name	Title	
Bill Hubbell	Cruz Director	

Any excess funds would be donated to local charitys



City of Port Orchard Lodging Tax Application

(RCW 67.28.1816)

For Budget Year: 2021	Available Funding: \$47,800	Application Deadline: 06/28/2021, 2021, by 4:00 p.m.
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Applicants may consist of convention and visitors' bureaus, destination marketing organizations, nonprofits, including main street organizations, lodging associates, or chambers of commerce, and additionally the cities or towns themselves.

Please read carefully and include all information. Omitting requested information could result in having your application denied. Keep your answers clear, concise, and to the point of the question. **Do not include presentation materials, as these materials are more appropriate to be used as part of your oral presentation. Do not include brochures or information not related to your project or request.**

Submit completed signed application to the City Clerk's office by the **application deadline listed at the top of this application**. Mailing address: City Clerk's Office, City of Port Orchard, Port Orchard, WA 98366. Email address: cityclerk@cityofportorchard.us.

NO LATE APPLICATIONS WILL BE ACCEPTED. Even if postmarked earlier, applications will not be accepted if received after the application deadline.

1. Applicant Information

Organization Name Visit Kitsap					
Street Address 9230 Bayshore Drive			Mailing Address (if different from street address)		
City Silverdale	State WA	Zip 98383	City	State	Zip
Phone	Fax		Name of Executive Director/President		

Type of Organization: ☒ Nonprofit 501c6 ☐ Government Agency ☐ Other _____

Funding Requested for (choose one): ☒ Marketing and Operations of Events ☐ ~~Tourism Marketing~~

Are you a first-time participant? ☐ Yes ☒ No

2. Applicant Contact Information

Name Beth Javens	Position/Title Director
Phone 360-908-0088	Email Address beth.javens@visitkitsap.com

3. Overall Event or Project Detail (please attach additional paperwork if needed)

Title	Passport to Port Orchard		
Amount of funding requested	\$	9500	Total Overall Event or Project Amount \$ 9500

- A. Describe your overall event or project.** Visit Kitsap would like to create a Port Orchard "city-pass" featuring all Port Orchard retail, museum and lodging, cultural related businesses and organizations also featuring events funded by LTAC.

B. Describe how your overall event or project will provide a community economic benefit.

A passport to all PO businesses with promotion of VKP on radio social media and proprietary back-end web technology will help bring attention to Bay Street and other businesses and events and foot traffic.

C. Please describe how you will measure the impact your overall event or project will have on tourism or projected increase in tourism. Please be specific and provide examples.

The proprietary software includes opt-in capabilities and technology that enables VKP to provide reports and check-ins to local businesses. A restaurant might choose to offer a discount or game and VKP will aid in promotion and generate monthly reports for check-ins and earnings.

4. Overall Event or Project Budget Summary

A. Describe, and be specific, on what you would spend the requested lodging tax funds on.

The LTAC funds enable us to create the Port Orchard passport and obtain the technology, utilize staff time to collaborate with PO businesses to create itineraries and generate reports to both businesses and LTAC. No guess work involved. The digital reports track user opt-ins, also check-ins and earnings.

B. Income Other Than Lodging Tax (from sponsorships, grants, donation and admission fees)

If you anticipate receiving partial funding for this activity from another source, please list the source(s) approximate amount, and status of funding. Indicate the entry or admission fee if one will be charged.

SOURCE	AMOUNT	Confirmed or Projected? If projected, what is the anticipated receipt date?
Washington Tourism Alliance	\$ 1,000	Fall 2021
	\$	
	\$	
	\$	
TOTAL:	\$ 1000	

c. Other Expenses of Overall Event or Project (Only complete below boxes that are applicable to your overall event or project that you are seeking funds for.)

	Proposed City (LTAC) Funds	Other Committed Funds	Total
Operations (postage, fuel, permits, etc.) Start-up and ongoing reporting	\$	\$ 1000	\$
Event Marketing	\$	\$	\$
Tourism Marketing	\$	\$	\$
Other Activities <i>Explain:</i> itinerary creation, content	\$ 9500	\$	\$
TOTAL COSTS	\$* 9500	\$	\$

*City Lodging Tax funds would represent what percentage of your overall budget? 2 %

Can you operate this project with reduced funding? ☐ Yes ☒ No If yes, explain below:

This funding is necessary for start-up costs and ongoing reporting

d. Other Financial Information

Does your overall event or project have provisions (or plans) for becoming less dependent on Lodging Tax funding? (Meaning does the overall event or project have the ability to increase revenue by charging admission, increasing fees, etc.) There is an opportunity for cost-sharing in 2022 and beyond once the program is built and proven however there are annual licensing fees. If the program doesn't pay for itself in 2021 or show a progress toward economic impact (financial return to businesses, orgs and events) it can be discontinued or rolled into VKP's program.

If not, what are your challenges of generating new revenues:

5. Estimated Numbers of Increased Tourism

If you received lodging tax funds last year, you must attach last year's reporting

Applicants applying for use of LTAC funds must provide estimates of how it will result in increases in the number of people traveling for business or pleasure on a trip as required by RCW 67.28.1816:

	Projected	Actual ¹	Methodology ¹
Overall Attendance:	1000		If funding permits for 2022 we can provide geotracking for accuracy
Attendees who traveled 50 miles or more to attend:			
Total:	350		
Of total, attendees who traveled from another state or country:	75		
Attendees who stayed overnight:			
Paid accommodations:	25		
Unpaid accommodations:	900		
Paid Lodging nights:			

¹ Actual numbers will be required to be reported to the City in 2022.

The applicant hereby certifies and confirms that it does not now nor will it during the performance of any contract resulting from this proposal unlawfully discriminate against any employee, applicant for employment, client, customer, or other person(s) by reason of race, ethnicity, color, religion, age, gender, national origin, or disability. That it will abide by all relevant local, state, and federal laws and regulations. That it has read and understands the information contained in this application for funding and is in compliance with the provisions thereof, and; that the individual signing below has the authority to certify to these provisions for the applicant organization, and declares that he/she is an authorized official of the applicant organization, is authorized to make this application, is authorized to commit the organization in financial matters, will assure that any funds received as a result of this application are used for the purposes set forth herein, and verifies that all the information contained in this application is valid and true to the best of his/her knowledge.

Certified By: Signature <i>Beth Javens</i>		Date 6-28-2021
Print or Type Name Beth Javens	Title Director	



City of Port Orchard Lodging Tax Application

(RCW 67.28.1816)

For Budget Year: 2021	Available Funding: \$47,800	Application Deadline: 06/28/2021, 2021, by 4:00 p.m.
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NO LATE APPLICATIONS WILL BE ACCEPTED. Even if postmarked earlier, applications will not be accepted if received after the application deadline.

1. Applicant Information

Organization Name Visit Kitsap					
Street Address 9230 Bayshore Drive			Mailing Address (if different from street address)		
City Silverdale	State WA	Zip 98027	City	State	Zip
Phone 360-908-0088	Fax		Name of Executive Director/President Beth Javens		

Type of Organization: ☒ Nonprofit 501c6 ☐ Government Agency ☐ Other _____

Funding Requested for (choose one): ☒ Marketing and Operations of Events ☐ ~~Tourism Marketing~~

Are you a first-time participant? ☐ Yes ☒ No

2. Applicant Contact Information

Name Beth Javens	Position/Title Director
Phone 360-908-0088	Email Address beth.javens@visitkitsap.com

3. Overall Event or Project Detail (please attach additional paperwork if needed)

Title Ride the Tide Rendezvous		
Amount of funding requested	\$ 2500	Total Overall Event or Project Amount \$ 5000

A. Describe your overall event or project.

Ride the Tide annual rendezvous commences in Tracyton boat launch and ends after a paddle through the Port Washington Narrows on the beach at Port Orchard. This year attendees approached 100 and professional still and drone photography was captured where permissible in Port Orchard at the Farmers Market. Visitors were provided with incentives to stay and purchase food from the Farmers Market or other items. In addition some visit Bay Street businesses as they are given an extra hour and a half to explore after the paddle.

B. Describe how your overall event or project will provide a community economic benefit.

Ride the Tide provides regional publicity to Port Orchard showcasing access to the Kitsap Peninsula Water Trails. It provides the local farmers market with visibility and economic impact to the market and other neighboring businesses after the paddle. VKP had a tent at the 2021 event with nearly 500 VKP and KPWT maps and brochures taken by patrons.

C. Please describe how you will measure the impact your overall event or project will have on tourism or projected increase in tourism. Please be specific and provide examples.

VKP promoted Ride the Tide on KNKX and KUOW as well as featuring it in print media with top of mind advertising in publications for 20,000 circulation in Washington (Yakima/Tri Cities), Oregon Welcome Centers.

4. Overall Event or Project Budget Summary

A. Describe, and be specific, on what you would spend the requested lodging tax funds on.

The event concluded in June. Registration for paddlers, promotion of KPWT, assistance with information on Port Orchard and the PO Farmers Market boot, maps marketing, advertising and photography for the event with nearly 300,000 gross impressions on Public Radio

B. Income Other Than Lodging Tax (from sponsorships, grants, donation and admission fees)

If you anticipate receiving partial funding for this activity from another source, please list the source(s) approximate amount, and status of funding. Indicate the entry or admission fee if one will be charged.

SOURCE	AMOUNT	Confirmed or Projected? If projected, what is the anticipated receipt date?
Washington Tourism Alliance	\$ 250	Fall 2021
Olympic Outdoor	\$ 350	Processed
	\$	
	\$	
TOTAL:	\$ 600	

c. Other Expenses of Overall Event or Project (Only complete below boxes that are applicable to your overall event or project that you are seeking funds for.)

	Proposed City (LTAC) Funds	Other Committed Funds	Total
Operations (postage, fuel, permits, etc.)	\$ 500	\$	\$ 500
Event Marketing	\$	\$	\$
Tourism Marketing	\$ 2000	\$	\$ 2000
Other Activities <i>Explain:</i>	\$	\$	\$
TOTAL COSTS	\$* 2500	\$	\$ 2500

*City Lodging Tax funds would represent what percentage of your overall budget? Less than 1 %

Can you operate this project with reduced funding? ☒ Yes ☐ No If yes, explain below:

d. Other Financial Information

Does your overall event or project have provisions (or plans) for becoming less dependent on Lodging Tax funding? (Meaning does the overall event or project have the ability to increase revenue by charging admission, increasing fees, etc.) We have demonstrated various sources that have contributed to the event

If not, what are your challenges of generating new revenues:

5. Estimated Numbers of Increased Tourism

If you received lodging tax funds last year, you must attach last year's reporting

Applicants applying for use of LTAC funds must provide estimates of how it will result in increases in the number of people traveling for business or pleasure on a trip as required by RCW 67.28.1816:

	Projected	Actual ¹	Methodology ¹
Overall Attendance:	100	70	Registration
Attendees who traveled 50 miles or more to attend:			
Total:	50	50	Registration
Of total, attendees who traveled from another state or country:	0		
Attendees who stayed overnight:			
Paid accommodations:	3	3	Asked upon registration
Unpaid accommodations:	97		
Paid Lodging nights:	2	2	Asked upon registration

¹ Actual numbers will be required to be reported to the City in 2022.

The applicant hereby certifies and confirms that it does not now nor will it during the performance of any contract resulting from this proposal unlawfully discriminate against any employee, applicant for employment, client, customer, or other person(s) by reason of race, ethnicity, color, religion, age, gender, national origin, or disability. That it will abide by all relevant local, state, and federal laws and regulations. That it has read and understands the information contained in this application for funding and is in compliance with the provisions thereof, and; that the individual signing below has the authority to certify to these provisions for the applicant organization, and declares that he/she is an authorized official of the applicant organization, is authorized to make this application, is authorized to commit the organization in financial matters, will assure that any funds received as a result of this application are used for the purposes set forth herein, and verifies that all the information contained in this application is valid and true to the best of his/her knowledge.

Certified By: Signature		Date
		6-28-2021
Print or Type Name	Title	
Beth Javens	Director	



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 7F	Meeting Date:	August 10, 2021
Subject:	Approval of a Road Closure for a Special	Prepared by:	Brandy Rinearson, MMC
	Event – Cruisin’ Sunday		City Clerk
		Atty Routing No:	N/A
		Atty Review Date:	N/A

Summary: Staff received a Special Event application from the Christian Life Center for an event on August 29, 2021. The application states the following:

EVENT: Cruisin’ Sunday
TYPE: Car, Truck, and Bike Show
DATE: Sunday, August 29, 2021
TIME: Setup starts Sunday, August 29, 2021 at 7:00 a.m., open to public at 8:00 a.m. until 4 p.m.
LOCATION: Christian Life Center, 1780 Lincoln SE Avenue, Port Orchard
CLOSURE(S): Road closures: 1) Mitchell Road SE at Bethel Avenue and at the Saint Vincent DePaul store (a detour route via SE Beck Street. Jefferson Avenue SE and Hoover Avenue SE to Lund Avenue SE provided), 2) Lincoln Avenue SE at Bethel Avenue and Hoover Avenue SE and 3) Greendale Drive SE at Lincoln Avenue SE.

Pursuant to Port Orchard Municipal Code 5.94.050(4), staff shall bring forward the special event application to the City council for approval when the event requires a street or highway closure, unless previously approved by city council by resolution.

Staff has received and reviewed the application. Staff has determined that based on the nature and size of this event, it will cause impact to traffic flow, require additional planning, and require staffing from the Police Department. However, the applicant has agreed that should the Council approve the street closure they will work with public works and police to make sure the traffic control guidelines are adhered to, to the satisfaction of the Police Chief.

Recommendation: Staff recommends authorizing the road closure.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to approve the road closures for the Cruisin Sunday event taking place on August 29, 2021, conditioned upon the applicant satisfying all the Police Chief’s safety concerns.

Fiscal Impact: None.

Alternatives: Deny the road closure.

Attachments: Application and Public Works Traffic Control Map.



RECEIVED
JUN 04 2021
CITY OF PORT ORCHARD
CITY CLERKS OFFICE

SPECIAL EVENT PERMIT APPLICATION

(PORT ORCHARD MUNICIPAL CODE 5.94 AND 5.96)

STANDARD PROCESSING FEE: \$50.00

ADDITIONAL EXPEDITED FEE (LESS THAN 90 BUT MORE THAN 30 DAYS BEFORE EVENT): \$50.00

Event Information

Name of event: CRUISIN' SUNDAY	
Location of event: CHRISTIAN LIFE CENTER 1780 LINCOLN SE AVE.	
Description of event: 24TH ANNUAL CAR, TRUCK & BIKE SHOW (CRUISE - FOR - FOOD - DRIVE) A COMMUNITY EVENT. * SEE ATTACHMENT *	
Will you be charging an entry fee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, how much? \$ DONATION	Anticipated number of visitors: 3000 - 5000 THROUGHOUT THE DAY
Date(s) of the Event: AUGUST 29, 2021	Time Open to Public: 8:00 AM Time Closed to Public: 4:00 PM Time Open to Vendors (include setup and teardown): 8:30 - 3:30 AM PM
Event Web Site CRUISINSUNDAY.COM OR FACEBOOK	
Type of Event: <input type="checkbox"/> Festival <input type="checkbox"/> Walk/Run <input type="checkbox"/> Parade <input type="checkbox"/> Vendor Fair <input type="checkbox"/> Block Party <input type="checkbox"/> Other: AUTO SHOW	

Organization Information*

Name of Organization CHRISTIAN LIFE CENTER					
Do you have an active City Business License? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is your UBI number? CHURCH -					
Point of Contact Name LARRY RUBIO (CHURCH ADDRESS)					
Street Address 1780 LINCOLN SE AVE			Mailing Address (if different from street address)		
City PORT ORCHARD	State WA	Zip 98366	City —	State —	Zip —
Phone CELL 360-710-4076		Alternate Phone		Email cruisinsunday@gmail.com	

*Please note the organization information provided may be shared for inquiries made on event details

Public Health

Food:

Will your event have any food service and/or sales? ☒ Yes ☐ No If yes, how many: _____

Will your event have professional catering? ☐ Yes ☒ No If yes, how many: _____

Will your event have food trucks? ☐ Yes ☒ No If yes, how many: _____

Will your event have food booths or food vendors? ☐ Yes ☒ No If yes, how many: _____

If yes, you must contact the Kitsap Public Health District as they may require a temporary food establishment permit.

Visit their website at https://kitsapublichealth.org/FoodSafety/food_vendors.php or call (360) 728-2235 for information..

Alcohol:

Will alcohol be served at the event? ☐ Yes ☒ No

If yes, you must contact the Washington State Liquor and Cannabis Board for a special liquor license.

Visit their website at <https://lcb.wa.gov/> or call (360) 664-1600 for information.

Garbage and Recycling:

Describe your garbage and recycling plan:

WE ORDER/RENT EXTRA 4'X6' DUMPSTERS AND 50 GAL TRASH CANS
LINED WITH TRASH BAGS THROUGHOUT THE FACILITY GROUNDS
VIEW ATTACHED MAP.

Clean-up Plan:

Describe your cleanup plan and who will be responsible (Note: Runs/Walks can only use washable paint for marks on route and must be removed by organization after event has completed):

CHURCH VOLUNTEERS

Restrooms and Sanitation:

Describe your restroom and sanitation plan (i.e. number of facilities available including handicap accessible, Sani-cans, wash stations, Port of Bremerton facilities):

THERE WILL BE A NUMBER OF PORTABLE TOILETS,
WASH STATIONS, HANDICAP UNITS PLACED THROUGHOUT THE
GROUNDS. WASHSTATION WILL BE PLACED AT OR NEAR
THE PORTABLE TOILETS -
SEE ATTACHMENT

Public Safety

Crowd Control:

Please indicate how public safety, traffic, and crowd control will be provided.

PORT ORCHARD POLICE DEPARTMENT WILL BE USED FOR TRAFFIC CONTROL. THERE HASN'T BEEN ANY PROBLEMS WITH CROWD CONTROL AT THIS EVENT. WE DO PROVIDE SECURITY PATROLS (VOLUNTEERS). THEY WILL AS NEEDED

Will you be requesting police officers for traffic and crowd control? ☒ Yes ☐ No

If yes, how many police officers you anticipate will be needed for (a) traffic control and (b) crowd control:

NORMALLY TWO-THREE PER SHIFT. A SHIFT BEING 4 HOUR DURATION. DUSTY WILEY WILL MEET THE CHIEF OF POLICE TO ARRANGE THE OFFICERS FOR THE EVENT, THAT IS, NUMBER OFFICERS NEEDED.

POMC 5.94.080 'City Assistance' states the chief of police, fire chief, and/or public works director may require any reasonable and necessary traffic control, including requiring non-city staff to serve as certified flagger(s), use of downtown parking lots, police protection and/or emergency medical services to be provide at the special event at the organizer's expense.

Resolution 040-18 states Community events or private activities, which have not been previously exempted from reimbursement under prior City ordinance or resolution, and which require enhanced police security shall pay a flat rate of \$100 per hour to the City for each commissioned officer and police reserve. The use of commissioned officers and police reserves shall be at the sole discretion of the Chief of Police.

Parking Impacts:

Have parking impacts been coordinated with neighbors (residential/business)? ☒ Yes ☐ No ☐ Not Applicable

If yes, how will parking be provided for participants and visitors (including handicapped parking)?

PLEASE SEE ATTACHMENTS/ENCLOSURES

Amplified Sound:

Will you have Amplified Sound? ☒ Yes ☐ No ☐ Not Applicable

If yes, please note that noise levels generated shall not be in excess of allowable levels, consistent with POMC 9.24.050. For more information please contact the Port Orchard Police Department (360) 876-1700.

Tents:

Does your event include a tent or membrane structure? ☒ Yes ☐ No ☐ Not Applicable

If yes, what is the tent size: SEE ENCLOSURES 3, 5, 6 (RATED TENTS) Does the tent have sides? ☐ Yes ☒ No ☐ Not applicable

May be required to obtain a permit per POMC 20.204.010 please contact Community Development (360) 874-5533.

Use of City Right-of-Way and Parking Impacts

Use of State Highway:

Will this event require closure of a State Highway Street (Bay Street/SR166)?

☐ Yes

☒ No

BUT PLEASE SEE ATTACHED LETTER FOR ROAD CLOSURE REQUEST AROUND THE CHURCH

For State Highway Closures (Bay Street), the sponsoring organization must submit the application to the city at least 120 calendar days before the event date. Upon city approval of the event, the sponsoring organization shall seek permission from the Washington State Department of Transportation (WSDOT) by completing an online application. Once permission is granted from WSDOT, a copy of the Letter of Acknowledgment or an Agreement will need to be provided to the city. WSDOT's online application is located at: <https://www.wsdot.wa.gov/contact/events/special-events>

Use of City Right-of-Way: Port Orchard Municipal Code 5.94.020(7) states "Right-of-way (ROW)" means any road, public parking lot, city street, highway, boulevard or place in the city open as a matter of right to public travel and shall include arterials, neighborhood streets, alleys, bicycle paths and pedestrian ways; including streets or portions thereof which are designated as portions of the state highway system."

Will this event require closure of any of the below closures?

☐ Yes

☒ No

If yes, indicate what type of City right-of-way is requested to be closed and the location (select all that apply):

☐ City Parks:

☐ Van Zee Park

☐ McCormick Village Park

☐ Etta Turner Park

☐ Rockwell Park

☐ Paul Powers Park

☐ Central Park

☐ Givens Park

☐ Parking Lots:

☐ Lot 1: between Orchard and Frederick streets on the north side of Bay Street

☐ Lot 3: five rows of parking west of Harrison Ave and east of and parallel to the library

☐ Lot 5: all parking on City Hall property in front of the Police department

☐ Lot 7: all parking spaced located on the library property which is limited to library staff only

☐ Lot 2: between Frederick Street and Sidney Avenue, north of Bay St.

☐ Lot 4: all parking east of Lot 3 and Harrison Ave and west of the Marina Park

☐ Lot 6: abutting the landscaped area at the SW corner of the Bay St and Dekalb St intersection

☐ Lot 8: employee parking lot east of City Hall adjacent to Prospect Alley which is between Kitsap Street and Prospect Street.

☐ Sidewalks:

☒ Street(s)

If requesting street closure, please fill out the closure information below and include a map (indicated on Page 7) of the area impacted.

SPECIAL EVENT STREET CLOSURE(S):

Street to be closed and/or obstructed:

PLEASE SEE LETTER FOR ROAD CLOSURE TIME

Between which streets/intersections:

Date(s) of closure/obstruction:

Time(s) of closure/obstruction:

Site Map

A site map is **required** to be submitted which includes the following:

Vendors:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Beer Garden:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not applicable
Signage:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not applicable
Tents:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Public entrances and exits:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Road closures and detours:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Traffic patterns:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Fire Lanes:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Garbage/Recycling:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Barricades:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
First Aid:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Parking:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Restrooms:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
If event is a run/walk, list start and stop locations and water/rest stations:			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable

Event Signage and Vending

Signage:

Are you planning to put up temporary signs? ☒ Yes ☐ No

ON OUR PROPERTY ENTRANCE POINTS

POMC 20.132.290 "Temporary sign" (which may include special event sign) means any sign that is used temporarily and is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this chapter, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of nondurable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20-ounce fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this chapter. Please contact the Community Development Department at (360) 874-5533 if you have questions or if you need to apply for a sign permit.

Vending:

Did you indicate your event will have vendors? ☒ Yes ☐ No

VENDORS WILL NOT BE SELLING
9 ITEMS AT THE EVENT -

How many anticipated exhibitors/vendors will be at your event?

VENDORS WILL ONLY BE ON THE CHURCH GROUNDS -

POMC 5.96, if your event has two or more vendors engaged in public property vending, you are required to have a Master Multi-Vendor Event License (MMVEL). The MMVEL fee is \$15.00 per day or \$200 per month. POMC 5.96.020(3)(a) states the sponsor of the master event shall provide a list of participating vendors, their business names, their addresses and their State Tax Revenue Identification Numbers to the city clerk within three working days after the first day of the operation.

- No public vending is allowed within twenty-five (25) feet of any municipal building, monument, or fountain, OR within ten (10) feet of intersection sidewalks.
- Vending devices must be removed from vending sites daily between the hours of 10:00 p.m. and 6:00 a.m.
- Vending devices and vending sites must always be clean and orderly. The vendor must furnish a suitable refuse container and is responsible for the daily disposal of refuse deposited therein. Refuse containers must be removed each day along with vending devices.
- Vendors may engage in public property vending only in the location specified in the public property license. The location shall be deemed the vending site.
- Utility service connections are not permitted, except electrical when provided with written permission from the adjacent property owner. Electrical lines are not allowed overhead or lying in the pedestrian portion of the sidewalk.
- No mechanical audio or noisemaking devices are allowed, and no hawking is allowed.
- A vinyl or canvas umbrella may be added to the vending device, but its open diameter may not exceed eight and one-half feet. Any part of the umbrella must have a minimum of seven feet of vertical clearance to the area on which the vending device stands.
- Individual vendor advertising signs may be placed only upon the vending device. Temporary master event advertising signs may be placed as approved by the city engineer; and
- No conduct shall be permitted which violates any other section of the Port Orchard Municipal Code.

Insurance

The sponsoring organization must provide an insurance certificate, with endorsements, at least 30 days prior to the event with the City of Port Orchard shown as Additional Named Insured with minimum coverage to be as follows:

\$1,000,000 Liability; \$1,000,000 Bodily Injury

Special Event Insurance for events held at city-owned facilities can be purchased at eventinsure.hubinternational.com/.

Release

I certify that the event for which this permit is to be used will not be in violation of any City of Port Orchard ordinance.

By applying for this special event permit, the organization or entity obtaining such permit agrees to defend, indemnify, and hold harmless the City, its officers, officials, employees and volunteers from all claims, injuries, damages, losses, or suits, including attorney fees and costs, arising out of or in conjunction with the activities or operations performed by the applicant or on the applicant's behalf resulting from the issuance of this permit, except for injuries and damages caused by the sole negligence of the City.

The information on this form is considered a public record and is subject to public disclosure laws in Chapter 42.56 RCW.

I, as the President or Chair of my organization, agree to the terms and conditions listed above.

Signature of President/Chair of Organization LARRY RUSSO Print Name For Christian
LIFE CENTER Date _____

FOR CITY CLERK'S OFFICE USE ONLY

Comments received by: _____ Date \$50 Permit Fee Received: _____

Date final review sent: _____ Date \$50 Expedited Fee Received (if applicable): _____

☐ Police ☐ Fire ☐ Public Works ☐ Finance ☐ Community Development ☐ Kitsap Transit ☐ Clerk's Office ☐ Health District

Date Insurance Certificate(s) Received: _____

Does event require a Master Multi-Vendor License: ☐ Yes ☐ No If Yes: ☐ \$15/day fee ☐ \$200/monthly fee

Number of days: _____ Amount: _____ Date fee paid: _____



Special Event Permit Application Checklist

Please use this list to ensure you have included all supporting documentation with your special event application.

- ☐ If your event coincides with another organizations event in the same location, please provide written approval from the event organizer that indicates their approval of your event.
- ☐ Reviewed Special Event Tool Kit
- ☐ Special Event Fee (Check, Cash, Credit Card) (**Page 1**)
- ☐ Written approval from property owner if location is on non-City owned property (if applicable) (**Page 2**)
- ☐ Health Permits (if applicable) (**Page 4**)
- ☐ Special Liquor License (if applicable) (**Page 4**)
- ☐ Upon event approval, use of State Highway Letter of Acknowledgment or an Agreement that is received from the Department of Transportation if State Highway is requested to be closed (**Page 6**)
- ☐ Completed site map (**Page 7**)
- ☐ Master Multi-Vendor Event License fee (if applicable) (**Page 8**)
- ☐ Contact Department of Community Development for tent permit (if applicable) (**Page 8**)
- ☐ Contact Department of Community Development for sign permit (if applicable) (**Page 8**)
- ☐ Special Event Application/Release is completed and signed by the President or Chair of organization (**Page 9**)
- ☐ Insurance Certificate, with endorsement, provided at least 30 days prior to event date (**Page 9**)

Tips for a successful event

- ❖ Contact the local media (Kitsap Sun, Port Orchard Independent, etc.).
- ❖ Post information on your social media site.
- ❖ Contact the Port Orchard Chamber of Commerce.
- ❖ Attend a City Council meeting to speak during citizen comments letting council and public know of your event.



VIRGIL BROWN
LEAD PASTOR

May 27, 2021
City Staff & Council Committee
City of Port Orchard
216 Prospect Street,
Port Orchard, WA 98366

Dear City Staff & Council Committee,

For the last 7 years, we have been working with the City Traffic Department to assist us in road closures for our "Annual Cruisin' Sunday Car, Truck & Bike Show (Cruise for Food Drive)". This free community event is set for Sunday, **August 29, 2021** for Port Orchard and the surrounding Kitsap Peninsula. For the last 7 years, City Traffic Department has been providing us with alternate traffic signs for the road closure using the attached Kitsap County map. Since being part of the Port Orchard City Limits, the Port Orchard City has provided us with great service and assistance for our free community event. Now with 2021 upon us, we are coming forth to present our request to the City Council for approval and assistance in providing traffic signs for the road closure. Please see the Kitsap County map attachment for the list of signs required.

This past year our Free Community Event was a great day! A lot of volunteers, hard work, community support, great weather, and great sponsors like yourself made last year's event the best ever! The atmosphere was filled with fun, live Rock-N-Roll music and **402** beautiful show vehicles. The aroma of BBQ hamburgers and Hot Dogs filled the air. Over **5000** people took part in enjoying donated Silver City Brewery Root Beer with ice cream, Dickey's BBQ Ribs, Coke products, Monster Drinks, door prizes, vendors, big inflatable toys, slot car racetrack, Dunk Tank and rides for kids to enjoy. The Fathoms of Fun Royal Court (Queen and Princes) and the City Mayor took time out of their schedule to be part of this community event. It was a great time for families and friends and the **South Kitsap Helpline Community Food Bank for people in need of a helping hand.**

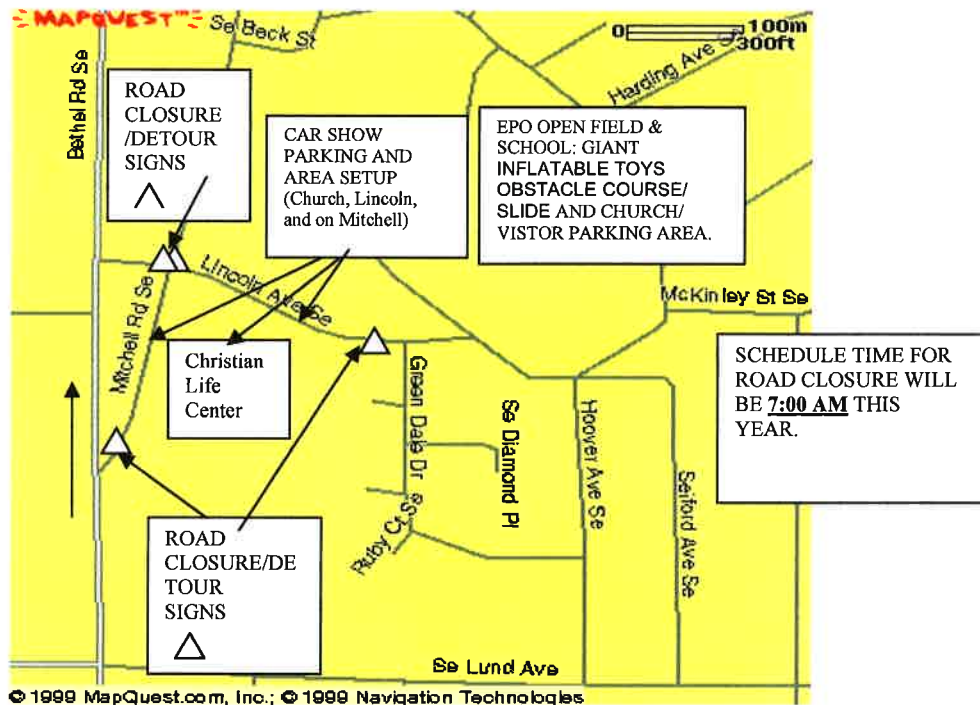
Because this event attracts so many people, for the last four years the Port Orchard Police Department has done an outstanding job in providing us assistance on event day to ease traffic flow in various areas. Our hope is that the Port Orchard Police Department will continue to provide us with traffic control and security as needed. We have planned to contact the Port Orchard Police Chief to get any input he may have since our last event.



1780 Lincoln Ave SE
Port Orchard, WA 98366
(360)876-5595
www.clcpo.org

Road closure of Mitchell Road from Bethel to the Lincoln Avenue intersection as well as closing Lincoln Avenue SE from Mitchell Road SE to the Northeast corner of the church's property has been closed for about 8 hours during last 20 events. We would like you to consider the possibility of closing these same roads for our 24th Annual free community event. The closed sections of Mitchell and Lincoln would be used for additional car show parking. (See Enclosure 1 provided by the "OLD" Traffic Investigator, Dusty, Wiley for previous events on road closures)

Northwest



Southeast

These are some factors behind our proposal for the closing of these streets:

1. We are expecting over 365 show cars, which will take up most of the church's lower and upper parking spaces, and parts of Mitchell and Lincoln Ave. In addition, our large tents, musical performance stage, and planned activities, will take up the rest of the church's property.
2. The safety of children and families as they participate with the large activity items (giant slides, obstacle courses, etc) coming and going from the EPO school field (also used as a parking lot for families and church parking).
3. The anticipated amount of people in attendance and the space to park their personal automobiles.

If it would be helpful, we would be glad to meet with you at a mutually convenient time to discuss the traffic proposal for "Cruisin' Sunday". I may be reached on my cell phone @ 360-710-4076, cruisinsunday@gmail.com, or a message may be left for me at the Church at 876-5595.

Thank you for your consideration of our request. I look forward to hearing from you and working with you on this matter.

Sincerely,



Christian Life Center
Larry M. Rubio
Event Coordinator
Christian Life Center (Cruisin' Sunday)
1780 SE. Lincoln Ave.
Port Orchard, Wa. 98366

(360) 876-5595 (Church)
(360) 710-4076
E-Mail Address: cruisinsunday@gmail.com.
Website: cruisinsunday.com

SPECIAL EVENT PERMIT APPLICATION COVER PAGE:

24TH ANNUAL CRUISIN' SUNDAY CAR, TRUCK, & BIKE SHOW (CRUISE-FOR-FOOD-DRIVE)
CHRISTIAN LIFE CENTER PORT ORCHARD WA. AUGUST 29TH, 2021.

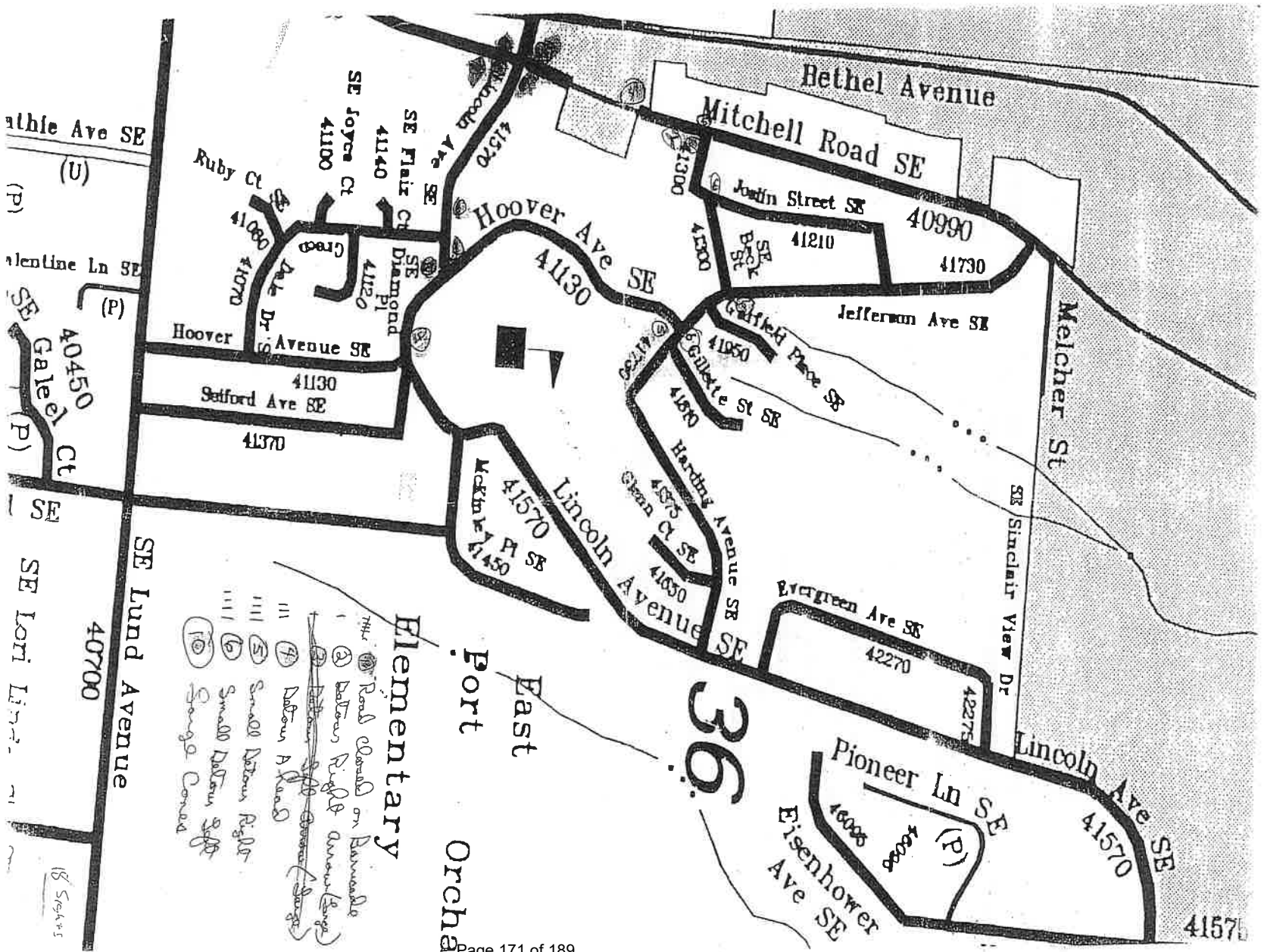


PAGES & ENCLOSURES

1. SPECIAL EVENT PERMIT APPLICATION
2. LETTER TO THE CITY STAFF & COUNCIL COMMITTEE FOR REQUEST OF ROAD CLOSURE FOR THE EVENT.
3. **ENCLOSURE 1:** ROAD CLOSURE MAP
4. **ENCLOSURE 2:** EVENT OVERALL LAYOUT
5. **ENCLOSURE 3:** FOOD SERVING LARGE TENT AREA
6. **ENCLOSURE 4:** KID'S LAYOUT AREA
7. **ENCLOSURE 5:** SLOT CAR TRACK LARGE TENT AREA
8. **ENCLOSURE 6:** STAGE LARGE TENT COVERING WITH PROJECTED VENDOR SMALL CANOPIES.
9. **ENCLOSURE 7:** VENDOR TENTS 10' X 10' (COSTCO TENT STYLE) REQUIRED SETUP FOR EACH CANOPY FOR ENCLOSURE 6.
10. **ENCLOSURE 8:** CERTIFICATE OF FLAME RESISTANCE FROM ANNA'S PARTY RENTALS FOR THE LARGE TENTS ON ENCLOSURES 3, 4, & 5.
11. **ENCLOSURE 9:** YELLOW JACKET CABLE PROTECTORS FOR EVENTS
12. **ENCLOSURE 10:** EVENT POSTERS/NEWSPAPER AD FROM 2019
13. **ENCLOSURE 11:** NATIONAL EVENT PROS (NEP OR CLOWNS UNLIMITED) INFLATABLE INSURANCE (**EXAMPLE**)
14. **ENCLOSURE 12:** CHRISTIAN LIFE CENTER'S EXTENDED INSURANCE COVERAGE FOR THE EVENT (**EXAMPLE**)

NOTES:

1. NO VENDORS WILL BE SELLING OR COOKING UNDER THEIR CANOPIES. VENDORS CANOPIES ARE FOR INFORMATION ABOUT THEIR PRODUCTS.
2. THERE WILL NO VENDORS OR LARGE TENTS ON CITY'S PROPERTY. ALL CANOPIES/VENDORS AND LARGE TENTS WILL BE ON PRIVATE PROPERTY.
3. **CHURCH' OR NEP'S/CLOWNS UNLIMITED INSURANCE COVERAGE WILL BE PRESENTED TO THE CITY CLERK'S OFFICE AT LEAST 45 DAYS PRIOR TO THE EVENT.**



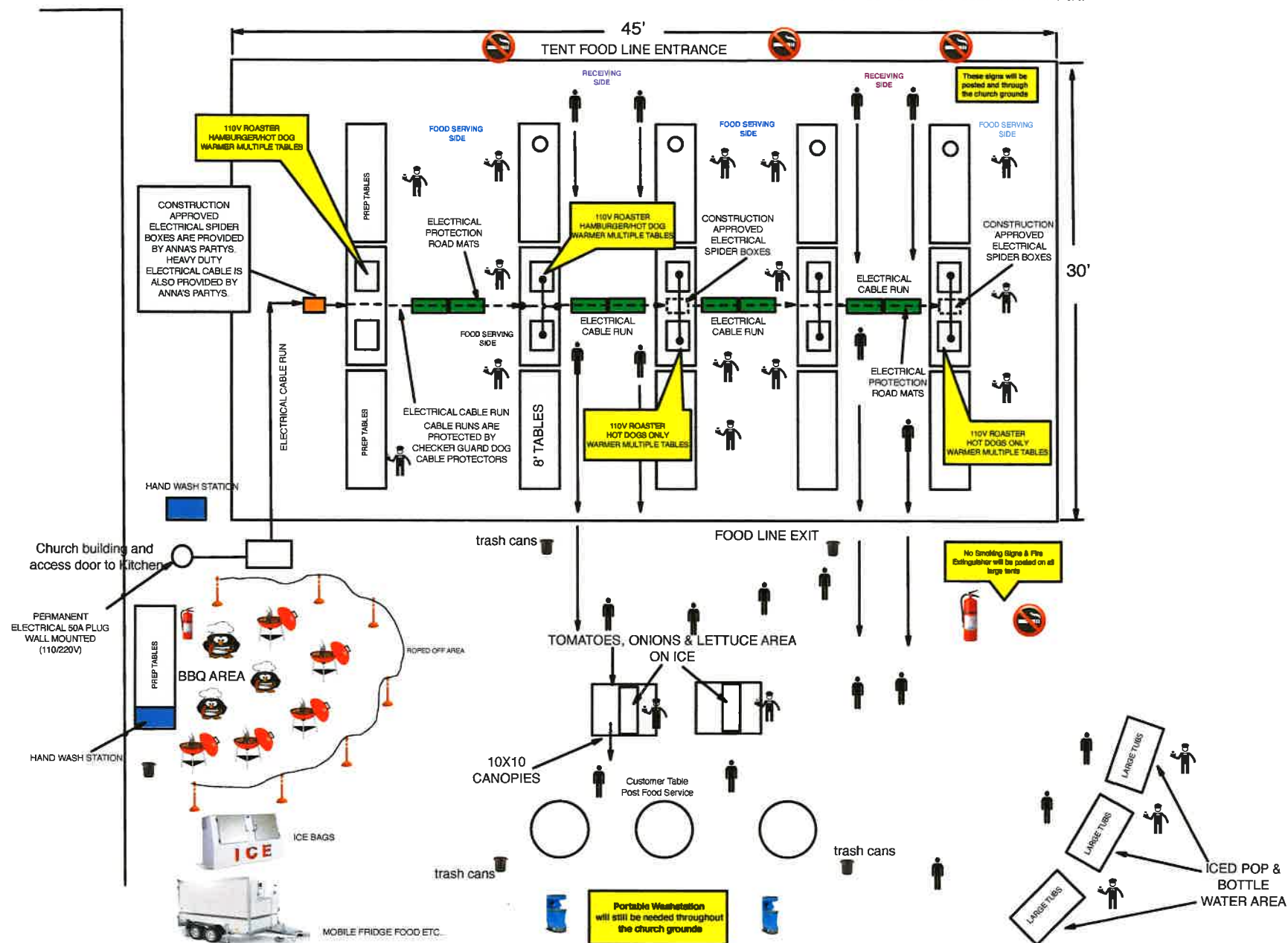
East
Port Orchard

Elementary

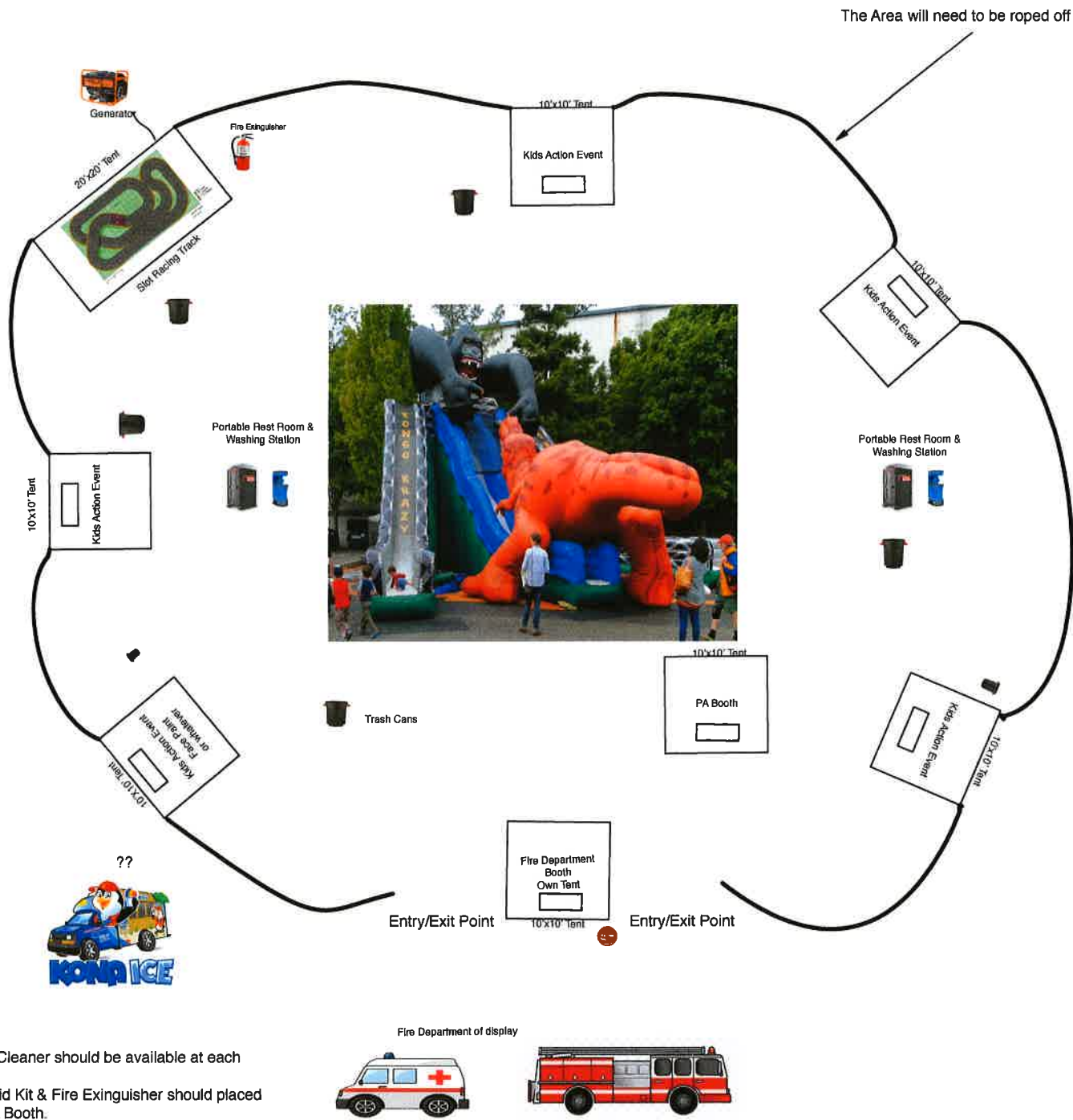
- 1. Road closed on Barrowale
- 2. Bottom Right (unavailable)
- 3. Bottom Right (unavailable)
- 4. Bottom Right (unavailable)
- 5. Bottom Right (unavailable)
- 6. Bottom Right (unavailable)
- 7. Bottom Right (unavailable)
- 8. Bottom Right (unavailable)
- 9. Bottom Right (unavailable)
- 10. Bottom Right (unavailable)

1. Road closure sign will be posted at 7:00 AM at the Bethel Rd "Y". Only church access will be allowed for passenger drop off that prefer not to ride the shuttle from EPO.
2. After church service, all drivers & passengers will have to take the shuttle service back to their vehicles. It will be too congested to allow any private vehicles back onto the church grounds.
3. Church members can avoid this traffic congestion by taking Lund Ave. to Hoover St. Once on Hoover, proceed down Hoover to the "Stop" (School Bus Depot) and turn left. Now proceed on the road until you see EPO School to your right and the open field across from EPO School. You are at the event parking area. Shuttles will be available to bring you down to church.

1350 SQ FOOD/SERVING TENT. THE TENT IS OPEN ON ALL SIDES. THE WILL BE SECURED BY 55 GALLON DRUMS FILLED WITH WATER.



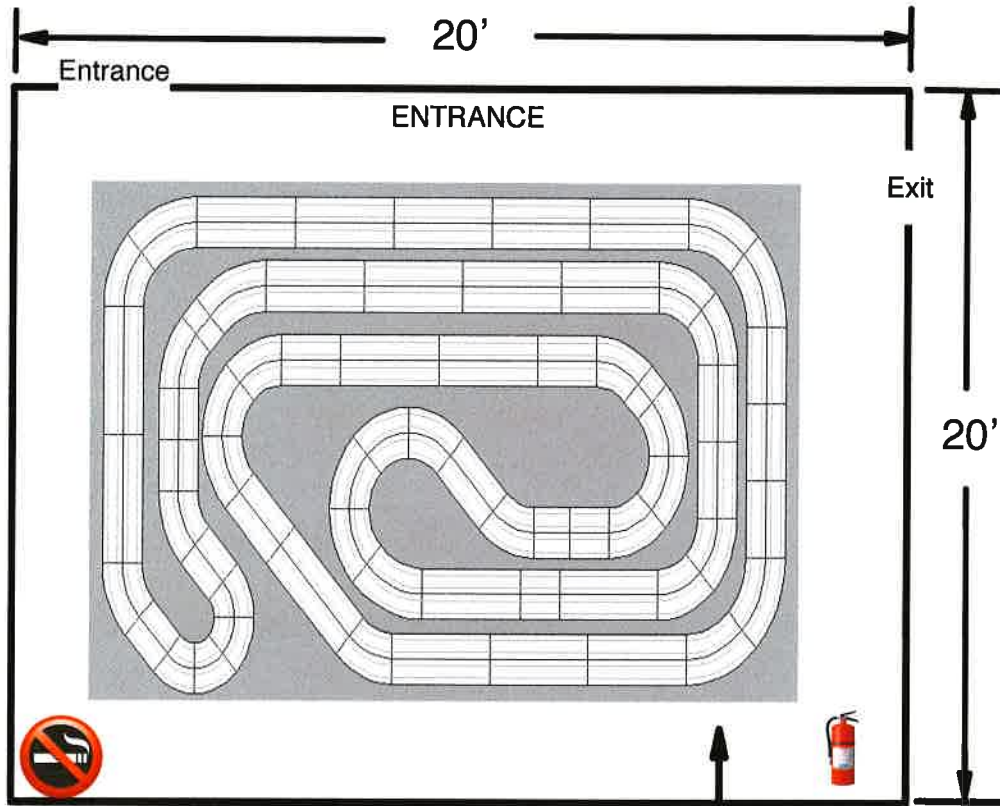
Proposed Kid's Area Setup



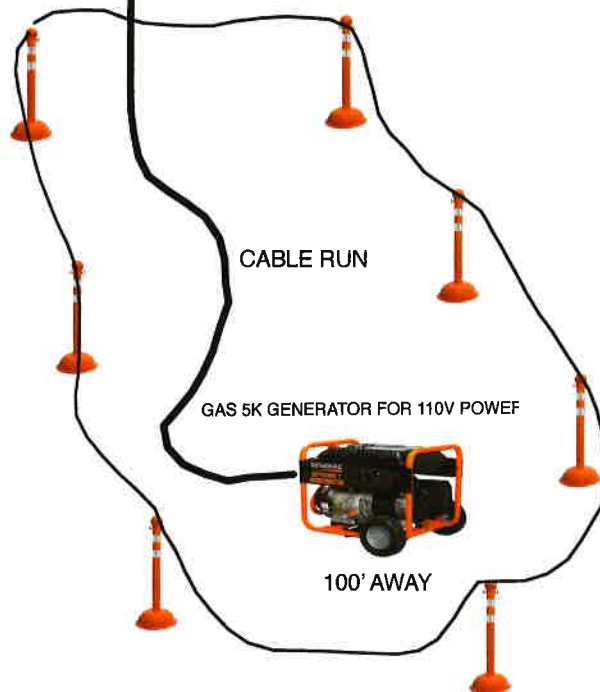
This will be posted at each booth

SETUP IN KID'S AREA

SLOT CAR TRACK RACING TENT 400 SQ FT'

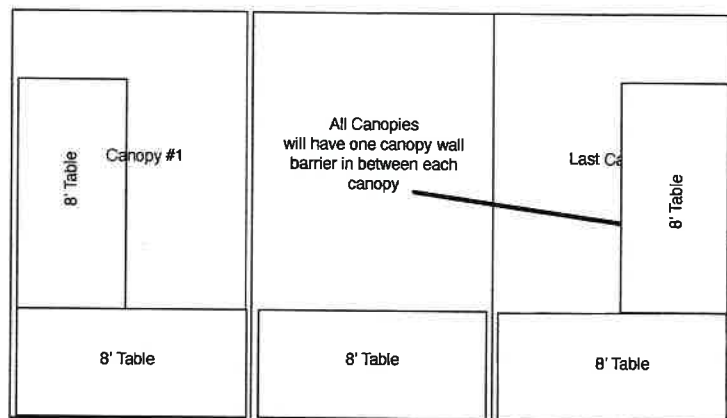


OPEN ON THREE SIDES
(But Roped off)





Top view of Canopies
(Looking downward)



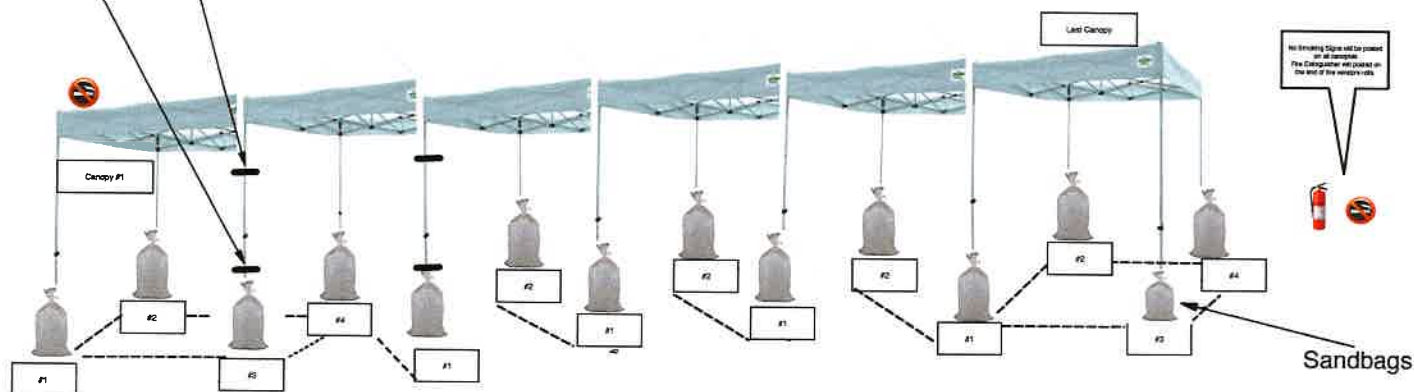
Typical Setup

We will provide 10'X10' Costco Canopies and secure as needed for each vendor.

One Costco table per canopy
Unless noted differently on Enclosure 6.
First and Last Canopies will get two Tables.

Note All Canopies shall be Wire
Tied together in these locations.

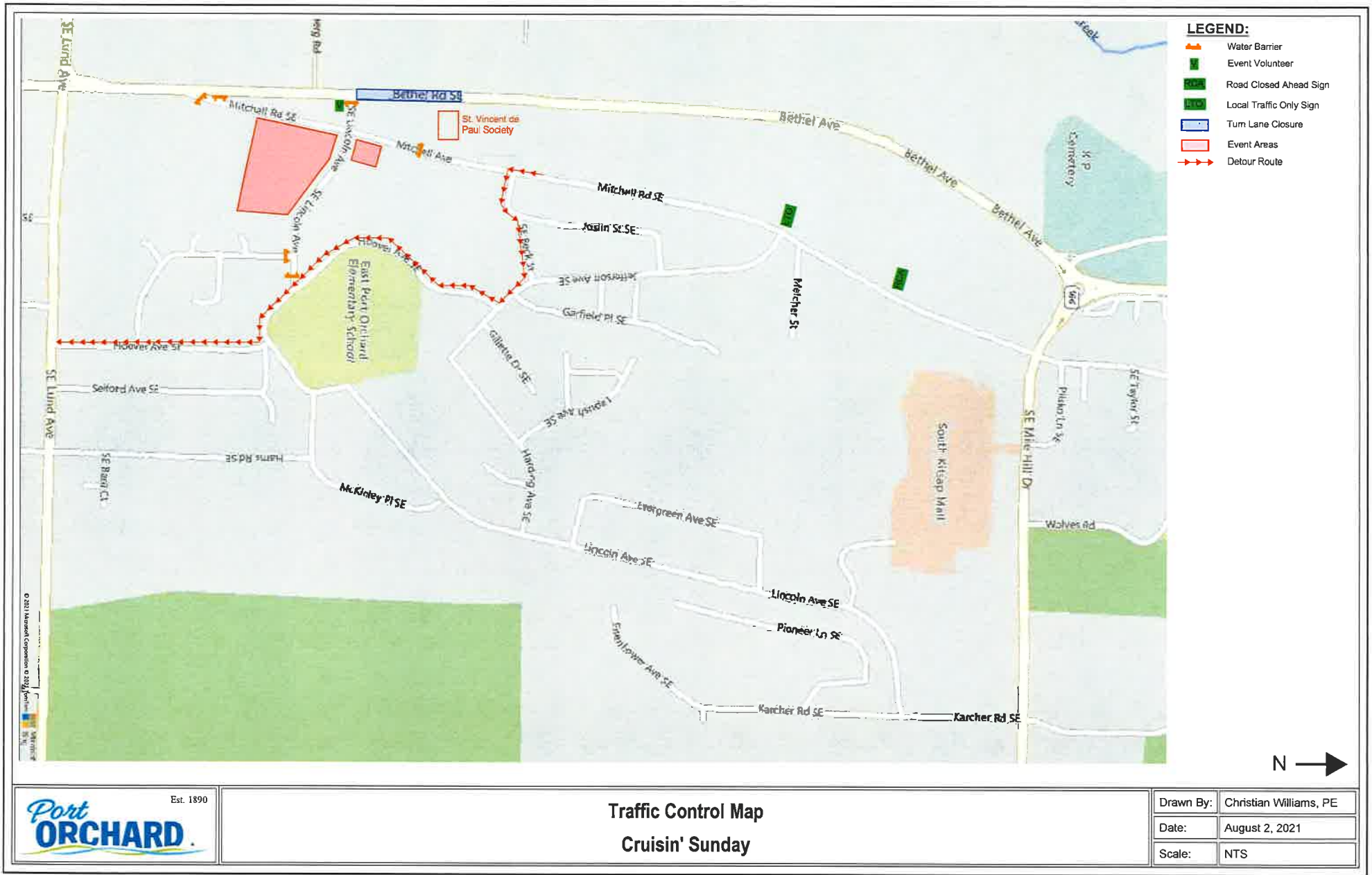
Note these vendors will not be selling
products or cooking food on vendor row.
They are only information booths



NOTE: All canopies shall be sandbagged.

48 Sandbags needed

The first and last canopies of each row shall be the main anchors. These canopies shall have 4 bags (one on each corner post). The rest of the canopies that are in between shall be bag as shown below.





**City of Port Orchard
Council Meeting Minutes
Work Study Session Meeting of July 20, 2021**

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	Present
Councilmember Chang	Absent
Councilmember Clauson	Present
Councilmember Cucciardi	Absent
Councilmember Diener	Present
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Police Chief Brown, Finance Director Crocker, and Deputy City Clerk Floyd.

Staff present via remote access: Community Development Director Bond, Utilities Manager J. Brown, and City Attorney Archer.

Pledge of Allegiance

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

Mayor Putaansuu noted he would like to ask if any member of the public would like to comment on the business item.

There were no comments.

BUSINESS ITEM

1. Adoption of a Resolution Authorizing Temporary Amendment of City of Port Orchard Procurement Policies Pertaining to Change Order Authority for Contract No. 036-21 with ACI for the Sidney Avenue Sewer Repair Construction Project

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to adopt Resolution No. 048-21, temporarily amending Section 7 of the City’s Procurement Policy to 1) remove the 10%

cap and 2) increase the delegated authority to \$85K for the Department Director and \$135K for the Mayor on Change Orders for the Sidney Avenue Sewer Repair Construction Project.

The motion carried.

DISCUSSION ITEMS

1. Presentation: Beyond Net Zero Carbon

Matthew Mauer and Melissa Troy with Puget Sound Energy (PSE) provided a presentation on their commitment to carbon emissions reduction and COVID-19 assistance programs, which included background and current information on PSE, clean energy goals, climate change, 2045 goals, pathways to Beyond Net Zero Carbon, holistic roadmap to Beyond Net Zero Carbon by 2045, equitable, sustainable clean energy, customers and bill assistance, qualifications of bill assistance, and how to apply for assistance.

Council Direction: No direction was given to staff.

2. Water & Sewer Capital Facility Charges Exceptions

Finance Director Crocker and Utilities Manager J. Brown provided a presentation, which included continued discussion on water and sewer capital facility charges, current and proposed capital facility charges, proposal of calculating the water and sewer ERU's, scenarios, reservoir storage components, fire suppression storage, high to low consumption, and change and mixed use.

Additional discussion was held on inflation increases, accessory uses and accessory uses policies, and in lieu of assessment and front footage charges.

Council Direction: No direction was given to staff.

3. American Rescue Plan Act

Mayor Putaansuu spoke to the American Rescue Plan Act or ARPA. The City of Port Orchard will receive \$2.8 million dollars in ARPA funds which will come in two equal installments, one this year, and one next year. We received the first installment a couple weeks ago. Capital funds must be spent by 2026 and program funds must be spent by 2024.

He spoke to economic harm, local fiscal recovery, business recovery, water and sewer infrastructure, utility accounts, cyber security needs, unallowed uses, reporting requirements, utility ratepayer protection, best options for Port Orchard, recommendations, future funding, Kitsap County funds, and funding categories.

Council Direction: No direction was given to staff.

4. Law Enforcement Legislative Updates

Police Chief Brown provided a presentation, which included changes to tactics, vehicle pursuits, use of force, behavioral health and welfare checks, runaways, status offenders, and possession of narcotics.

Additional discussion was held regarding included sharing county-wide information, city liability, training, de-escalation tools, and clarification on the required updates.

GOOD OF THE ORDER

Councilmember Rosapepe spoke to how busy downtown Port Orchard was noting it was great to see everyone out.

ADJOURNMENT

The meeting adjourned at 8:21 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor

RESOLUTION NO. 057-21

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING
POLICIES AND PROCEDURES FOR THE CITY OF PORT ORCHARD'S ANNUAL
SPRING CLEAN-UP PROGRAM.**

WHEREAS, the City of Port Orchard has historically contracted with various solid waste haulers to handle the solid waste generated within the City; and

WHEREAS, the City of Port Orchard has hosted annually, a Spring and Fall Clean-Up Event to pick-up extra solid waste from city residents with existing, non-commercial solid waste accounts since the early 1990's and has consistently provided this service for its residents; and

WHEREAS, this vital service helps keep the city cleaner and helps to facilitate the City's residents in the disposal of excess solid waste; and

WHEREAS, this service is valued by our residents and it serves the City's public health, safety and welfare for the City to continue to provide this service on an annual Spring Clean-Up Program basis; and

WHEREAS, in order to better define how this service is provided and administered, the adoption of policies and procedures is recommended; Now, Therefore,

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

THAT: It is the intent of the Port Orchard City Council that the recitals set forth above are hereby adopted and incorporated as findings in support of this Resolution.

THAT: The City Council hereby adopts the "City of Port Orchard Policy and Procedures for Spring Clean-Up Program" in the form attached to this Resolution as "Exhibit A" as the policies and procedures which govern this activity.

THAT: The Resolution shall take full force and effect upon passage and signatures hereon.

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 on this 14th day of September 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk



CITY OF PORT ORCHARD POLICY AND PROCEDURES FOR SPRING CLEAN-UP PROGRAM

Purpose

The purpose of this policy is to establish guidelines, standards and procedures for the City of Port Orchard's Spring/Fall Clean-up Events (the "Program"). The City, in coordination with its contractor solid waste service provider Waste Management, sets an annual Clean-Up week in the spring. During this week, City residents are provided an efficient means—through curbside pick-up of additional solid waste items and white goods (i.e., appliances) by City Staff and Waste Management, in addition to the regular refuse pick-up by Waste Management. Providing solid waste services is a fundamental governmental service and this Program is imperative to provide this needed public health and welfare service to residents. This policy and procedures document is intended to govern the implementation of this Program.

Background

The City of Port Orchard has hosted a clean-up event since the early 1990s, consistently providing this vital service for its residents. For this program, the City has coordinated with its solid waste providers, beginning with Brem-Air and now with Waste Management. The current contract with Waste Management states, in pertinent part:

6.1 General

The Contractor shall provide two (2) city cleanup weeks annually (Spring and Fall), upon 90 days' notice from the City. At each City cleanup, Contractor will pick up additional household refuse from each single-family residence at the curb (limit 2 cubic yards) and from multi-family premises. The City will provide equipment and manpower to pick up Bulky Material. Additional tonnage picked up by the Contractor and the City during these weeks will be paid for by the Contractor (maximum of \$3,000.00 per event).

As the City has grown in size, the service area for the Program and associated costs have

increased.

Program Parameters

- *Date/Timing.*
 - The Program involves a Spring event (typically in the month of April).
 - Each event takes place over the course of five (5) consecutive weekdays, from approximately 7am to 6pm.
 - The Program involves the retrieval of refuse from individual, qualified residential customers on the same regularly scheduled garbage collection date for that particular customer.
 - The event occurs during a week that is off-recycle (meaning not on a week when Waste Management recycling service is occurring).
 - Eligible refuse must be placed on the street curb the evening before the qualified residential customer's regular garbage day during the event's window.
- *Qualified Residential Customers.*
 - The Program's service area and route are dictated by Waste Management's Residential Garbage Service Route. Properties that are served by this Program are, therefore, those individual account holders who have a current Residential Garbage Account with Waste Management.
 - Per Port Orchard Municipal Code ("POMC") 6.04.010, the City requires in pertinent part: "the maintenance of the public health, safety, sanitation and aesthetics requires that all generators of solid waste in the city of Port Orchard accept, arrange for, and pay for solid waste collection and disposal services established by the city."
 - Waste Management offers two types of accounts: commercial and residential. Those eligible for Residential Garbage Accounts include: single family residential properties and multi-family dwelling units (duplexes, triplexes, etc.) where there is wagon service capabilities (not dumpster service, which are offered through a commercial account).
- *Eligible Refuse.*
 - Waste Management will collect an additional two (2) cubic yards of household trash per Eligible Residential Customer without an additional charge (in addition to the regular waste management wagon) during the Program.
 - General Household Items. City Staff will collect from qualified residential accounts the following items on the street curb adjacent to the regular garbage cans for pick-up, so long as the items – collectively – do not exceed a volume of four (4) feet by four (4) feet, without the payment of any associated fee to the City:

- Baby Crib (dismantled) / Highchair / Playpen / Stroller
 - Barbecue (no propane tank)
 - Baseboard Heater
 - Bicycle
 - Coffee or End Table
 - Computer Monitors / CPU
 - Countertop
 - Dresser
 - Electric Fan
 - Electric Space Heater (small)
 - File Cabinet
 - Furniture (made of wood, fiberboard, plastic, etc.)
 - Garbage Disposal
 - Lawn Table
 - Lawn Chair
 - Lawn Mower (oil and gas must be drained)
 - Masonite
 - Medicine Cabinet
 - Rugs (small, no rolls of carpeting)
 - Stereo
 - Swimming pool (plastic, folded into a bundle)
 - Swing set (disassembled and bundle)
 - Home Gym Equipment (Treadmill, Bowflex, etc)
 - TVs 30" or less will be picked up. Anything over 30" will not be picked up.
 - Vacuum Cleaner
 - VCR or DVD players
 - Wheelchair (collapsible)
 - Yard Toys
 - Fencing, chain link/wire (rolled & secured)
- Specialty Items. Qualified residential accounts may also place the following items on the street curb adjacent to the regular garbage cans for pick-up, provided the account holder pays a fee to offset the City's costs to haul and dispose of these large items as follows to the City Clerk no later than one (1) week prior to the start date of the event, receives a tag from the City Clerk and places the tag on the item:
- | | |
|--|------|
| ▪ Air Conditioner..... | \$20 |
| ▪ Bathtub (fiberglass/no cast iron)..... | \$15 |
| ▪ Chair (upholstered)..... | \$12 |
| ▪ Copier/Printer (small home type)..... | \$10 |

▪ Couch/Love Seat (each piece).....	\$15
▪ Dishwasher.....	\$20
▪ Dryer.....	\$20
▪ Freezer (Household- No Commercial).....	\$20
▪ Gas Heater.....	\$20
▪ Mattress or Box Spring.....	\$12
▪ Microwave.....	\$12
▪ Range/Stove.....	\$20
▪ Refrigerator (large-No Commercial)	\$20
▪ Refrigerator (small)/Wine Cooler.....	\$20
▪ Sinks (no cast iron).....	\$10
▪ Sleeper Couch.....	\$30
▪ Toilet.....	\$15
▪ Washer.....	\$20
▪ Water heater.....	\$20
▪ Water Softener System.....	\$20
▪ Wheel Chair (non-collapsible).....	\$15

- *Ineligible Refuse.*

- All items not listed above are ineligible for pick-up as part of the program and will be left on the curb with a “We’re Sorry” tag that identifies the reason for rejection, including but not limited to the following:
 - Hazardous Waste
 - Construction/Demolition Debris
 - Roofing Materials
 - Carpets
 - Vinyl
 - Tile
 - Cabinets
 - Oil or Paint Cans
 - Batteries
 - Waste management cans
 - Pool Tables
 - Furnaces
 - Tires
 - Car Parts
 - Boats
 - Fluorescent Lights
 - Motorcycles
 - Wood Burning Stoves/Fireplaces
 - Satellite Dish (large)

- Wood (firewood or construction)
- Plate Glass, Glass window or Glass Shower doors
- Items in excess of the size parameters described above are ineligible for pick-up from the program.
- Loose debris is ineligible for pick-up; all items must be boxed, bound or contained (but any containers utilized will not be returned).
- Items that require a fee but the fee is not pre-paid are ineligible for pick-up.

Responsibilities of Public Works

- The Public Works Department is tasked with the execution of the Program. This role involves the following:
 - During the event:
 - Typically, all staff report for the events and provide pick-up service for the duration of the Program.
 - The Program utilizes two (2) dump trucks, a backhoe and 2-4 pick-up trucks for the pick-up service.
 - Staff will retrieve the refuse and load it into the City's vehicles.
 - Staff will transport the refuse to the Kitsap County Transfer Station, managed by Waste Management, or an appropriate recycling facility.
 - In advance of the events, staff will:
 - Update fees and obtain Council approval, as appropriate;
 - Prepare the route map (utilizing the Waste Management residential service map);
 - Prepare advertising materials for the event and advertise for the public;
 - Prepare the "We're Sorry" tag for rejected items, and prepare a log for tracking rejected items for code enforcement;
 - Obtain from the Clerk's Office the log of pre-paid items.
 - After the events, staff will:
 - Staff will maintain records of deposited loads/items, and route any received invoices from the County to the Finance Department.

Responsibilities of City Clerk

- The City Clerk is tasked with support of this Program. This role involves:
 - Coordination of the pre-payment of fees for Specialty Items. The Clerk shall develop an application short form for the use by members of the public who seek the collection of a Specialty Item.
 - The Clerk may accept applications and the associated fees during the regular business hours for City Hall, provided applications must be received and

- processed at least one (1) week prior to the date of the event.
- The Clerk will issue a “sticker” to those applicants who submit an application for a valid Specialty Item and the associated fee.
 - The Clerk will route the payment to the Finance Department.
 - The Clerk will prepare a list of pre-paid items and associated property addresses and send to the Public Works Department in advance of the event’s start date.

Responsibilities of Finance Department

- The Finance Department is tasked with support of this Program. This role involves:
 - Collection and deposit of fees collected by the Clerk for Specialty Items, consistent with the fee schedule set out in this Policy (as may be amended by the City Council).
 - Funding shall be held in the General Fund to offset the operational costs of the Program, including but not limited to staff time and use of City equipment.
 - Payment of any invoice received from Kitsap County Solid Waste for loads taken to the Kitsap County Transfer Station as part of this Program in excess of \$3,000 (per the contract with Waste Management, referenced above).

Responsibilities of Code Enforcement

- The City’s Code Enforcement Officials are tasked with support of this Program. This role involves:
 - Following the event, Ineligible Refuse abandoned in the right of way or on private property may be prosecuted as a nuisance, consistent with POMC 9.30.
 - Code Enforcement will respond to complaints of abandoned refuse and may take action consistent with the POMC and the City’s applicable procedures.

Relevant Materials

- Attachment 1: Clean-up Brochure
- Attachment 2: “We’re Sorry” Tag
- Attachment 3: Waste Management Franchise Agreement (excerpt)

*Approved by the City Council on **(INSERT DATE)***