POULSBO CITY COUNCIL SPECIAL MEETING
January 22, 2020 ~ 7:00 PM
A G E N D A

1. CALL TO ORDER

a. Pledge of Allegiance

2. AGENDA REVIEW

3. COMMENTS FROM CITIZENS*
Please state your name and limit your comments to 3 minutes, unless additional time is granted by Council. As a rule, the Council will not respond to citizen comments.

4. MAYOR'S REPORTS AND COUNCIL COMMENTS

a. Reading of the Human Trafficking Awareness Proclamation (Erickson)
b. State of the City (Erickson)

5. CONSENT AGENDA (Next Ord. 2020-02, Res. 2020-03) *All matters listed within the Consent Agenda have been distributed to each member of the City Council for reading and study, are considered to be routine and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the regular agenda by Councilmember or citizen request.*

a. Budget Amendment/BA #19-0406, Oyster Plant Park Piling Replacement (Booher/McCluskey)
b. Infiltration and Inflow Study Consultant Contract Revision (Kasiniak)
c. Lemolo Siphon Project Consultant Contract Amendment (Kasiniak)
d. West Poulsbo Waterfront Stormwater Park Consultant Agreement (Kasiniak)
e. South Fork Dogfish Creek Basin Consultant Agreement (Kasiniak)
f. Resolution No. 2020-02, Amending Council Rules of Procedure (Fernandez)

6. BUSINESS AGENDA *Committee Reports given during associated agenda item at the Chair's direction.*

a. Planning Commission Appointment Confirmation (Fernandez)
b. Ordinance No. 2020-__, Special Event Ordinance Update (Fernandez)
c. Special Events – Charging for Services Discussion (Fernandez)
d. Johnson Parkway/Noll Road Project Update (Lenius)

7. COUNCIL COMMITTEE REPORTS

8. DEPARTMENT HEAD COMMENTS

9. BOARD & COMMISSION REPORTS

10. CONTINUED COMMENTS FROM CITIZENS*

11. MAYOR & COUNCILMEMBER COMMENTS

12. ADJOURNMENT

*Council may address questions/comments made during Citizen Comments during Councilmember Comments.

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THE AGENDA. IN ACCORDANCE WITH COUNCIL'S RULES OF PROCEDURE, THIS MEETING IS TAPE RECORDED. IN ACCORDANCE WITH A CONTRACT WITH THE CITY OF BREMERTON, THIS MEETING IS BROADCAST LIVE, VIDEOTAPED AND RE-BROADCAST ON BREMERTON KITSAP ACCESS TELEVISION (BKAT).

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It is requested that attendees limit the use of scented products (perfume, cologne, hairspray, after shave, lotion, fabric softener, etc). Fragrances can be toxic substances to some people causing respiratory or neurological disabling reactions. This requirement is consistent with the Americans with Disabilities Act for a barrier-free environment.

City of Poulsbo

Office of Mayor Rebecca Erickson

PROCLAMATION

WHEREAS, Human trafficking is a form of modern-day slavery, which includes but is not limited to events where one is forced, tricked, or coerced into acts of sexual exploitation, debt bondage, work/labor, and/or marriage. Traffickers often manipulate the vulnerabilities of their prospective/current victims in order to gain control of build relational/resource-based dependency. Both US citizen and non-citizen men, women, and children can be victims of human trafficking of any kind; and

WHEREAS, human trafficking is a billion-dollar industry occurring at epidemic levels across the world and within the United States; and

WHEREAS, human trafficking is a crime that is hidden in plain sight and touches all our lives through its presence within local community/business practices; and

WHEREAS, human trafficking goes against basic human rights, impacting the quality of choice and consent. The is a vital need to eradicate this crime everywhere that it currently thrives; and

WHEREAS, human trafficking is known to have many intersections with both illicit crime (arms/drugs/gangs) and legal business within the commercial sex trade. It is a crime of complex violence and dehumanization.

I, Rebecca Erickson, Mayor of the City of Poulsbo, Washington, do hereby proclaim the City of Poulsbo's commitment against human trafficking. We commit to honor this city, its people, and the surrounding communities in the following ways:

1. Invest in the prevention of human trafficking within Poulsbo and through our influence in partnerships with neighboring regions;
2. Support currently established avenues of healing for victims while continuing to strategize growth in best practices and resources available to appropriately meet victim needs;
3. Invest in practices that proactively pursue perpetrators/buyers of human trafficking in order to end the demand that allows human trafficking to flourish;
4. Use language and behaviors that honor victims of human trafficking, committing to equity and the avoidance of re-victimization.

Dated this 3rd day of January, 2020

Rebecca Erickson, Mayor

200 NE Moe Street ♦ Poulsbo, Washington 98370-7347
(360) 779-3901 ♦ fax (360) 779-5112
www.cityofpoulsbo.com

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	Oyster Plant Park Piling Replacement
EXHIBITS:	Budget Amendment/ BA#19-0406 - Oyster Plant Park Piling Replacement
STAFFED BY:	Finance Director Booher/Parks and Recreation Director McCluskey
CATEGORY:	Consent Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

Emergency Replacement of a broken piling at Oyster Plant Park was reported and approved for repairs at the August 7, 2019 City Council Meeting. It was not accompanied by a budget amendment at the time. This budget amendment is for the repairs paid for the broken piling.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

	Committee	Not Applicable

IMPACTS:

Expenditure Required? ☑ Yes ☐ No	Included in Budget? ☐ Yes ☑ No Amount: $ 9,100

RECOMMENDED ACTION:

Approval of Budget Amendment.BA #19-0406.

SAMPLE MOTION:

Consent Motion.

CITY OF POULSBO

BUDGET AMENDMENT REQUEST FORM
(MAYOR/COUNCIL APPROVAL REQUIRED)

TO: Mayor Erickson DATE: 12/1/19

FROM: Mary McCluskey, Parks and Recreation

DESCRIPTION OF BUDGET AMENDMENT REQUEST:

This was an emergency replacement of a broken piling at Oyster Plant Park. This project was reported on at the August 7, 2019 City Council meeting.

	Account Number	*Description*	*Amount*
DECREASE:	302 291800000	Parks Budgeted Fund balance	9,100
INCREASE:	30274000059476 50000650	Construction Capital	9,100
INCREASE:			

NOTE: Attach separate sheet for more detail/line items if necessary

TO: Finance Director Booher DATE: 1/6/2020

FROM: Mayor Erickson

Approved ✓ Disapproved _____

COMMENTS:

TO: Sr Budget Accountant DATE: _____

FROM: Finance Director Booher DATE: 1/6/20 BA#: 19-0406

Note: This form should be reproduced on PINK paper

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	Infiltration and Inflow Study Consultant Contract Revision
EXHIBITS:	Revised/Final Scope of Work and Budget
STAFFED BY:	Director of Engineering Kasiniak
CATEGORY:	Consent Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

The Engineering Department is presenting a scope of work and revised budget for consultant RH2 Engineering, Inc. to perform a peak flow analysis to determine highest infiltration and inflow (I&I) events over the last 5 years, perform smoke testing of selected sewer basins, and to determine sources and types of I&I. The contract approved in December 2019 included 2019 labor rates. As work will be completed in 2020, RH2 is proposing to amend the budget for 2020 labor rates that will result in an increased contract value to $117,544.00 This is a net increase to the previously approved contract in the amount of $3,278.00

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

01/08/2020	Public Works	Recommended

IMPACTS:

Expenditure Required? ☑ Yes ☐ No	Included in Budget? ☑ Yes ☐ No Amount: $ 3,278.00

RECOMMENDED ACTION:

Recommend approval of a revised contract task authorization for RH2 Engineering, Inc. for inflow study work on the Inflow & Infiltration Program in the amount of $117,544.00 and authorize the Mayor to sign the amended agreement on behalf of the City.

SAMPLE MOTION:

Move to approve the revised contract task authorization for RH2 Engineering, Inc. for inflow study work on the Inflow & Infiltration Program in the amount of $117,544.00 and authorize the Mayor to sign the amended agreement on behalf of the City.

EXHIBIT A
Scope of Work
Task Order #5
Amendment No. 1
City of Poulsbo
Infiltration and Inflow Study
October 2019

Background

The City of Poulsbo (City) Public Works staff would like an analysis of peak wastewater flows performed to determine if recent improvements to the wastewater collection system have reduced peak flows. The capital improvements recommended in the City's 2016 *General Sewer Plan* can be deferred if it is proven that peak hour wastewater flows have decreased. Additionally, the City's wastewater discharge agreement with Kitsap County Public Works (KCPW) potentially could be negotiated to more favorable terms if it is proven that peak wastewater flows have been dampened.

It appears that wastewater flows have decreased over the past 2 years due to wastewater collection system improvements, including pipe replacements, pipe linings, and manhole sealing. The City would like to confirm the apparent reductions through statistical analysis of recorded flow information from pump stations and Hach FloDar in-stream flow monitors. The City also would like to use smoke testing to evaluate several basins that are suspected of high inflow rates.

This Scope of Work will determine the highest infiltration and inflow (I&I) event in the last 5 years, coordinate smoke testing and analyze results for selected sewer basins, coordinate instream flow monitoring and rainfall data collection, and analyze this data to determine the highest priority sewer basins for system upgrades. This Scope of Work also will characterize the peak flows for each of the past 5 years, and their corresponding rainfall histories, to determine if upgrades to the City's wastewater collection system have been effective in reducing the amount of I&I.

RH2 will rely upon the accuracy and completeness of information, data, and materials generated or produced by the City or others in relation to this Scope of Work.

Task 1 – Determine Highest I&I Event in Last 5 Years

Objective: Review rainfall duration and recurrence interval data associated with the highest I&I event within the last 5 years in the City.

Approach:

1.1 Analyze the past 5 years of hourly wastewater flows from the City's discharge into the KCPW collection system. Determine the top three (3) days of rainfall-induced I&I. Request the duration, recurrence interval, and pattern of the rainfall event that produced these peak events from the Office of the Washington State Climatologist. Develop a correlation between the rainfall event and the flow rate observed at the flume measuring the City's discharge to KCPW. Summarize findings in a technical memorandum.

Provided by City:

- Wastewater flow records for the past 5 years showing hourly flows from the City's system into the KCPW system.

RH2 Deliverables:

- Technical memorandum summarizing the recurrence interval, storm duration, and rainfall pattern that produced the highest I&I event in the City since 2014 in electronic PDF.

Task 2 – Perform Smoke Testing of Selected Sewer Basins

Objective: Perform smoke testing on three (3) sewer basins (Liberty Bay Pump Station (PS), Village PS, and 6th Avenue PS) that are known to have an immediate reaction to rainfall (i.e., inflow). Smoke testing is generally an effective technique for locating sources of inflow.

Approach:

2.1 Coordinate with ADS Environmental Services (ADS) as a subconsultant to RH2 to perform smoke testing of the sewer basins tributary to the Liberty Bay PS, Village PS, and 6th Avenue PS. The estimated linear footage (LF) of each basin is as follows:

- Liberty Bay PS: 3,300 LF
- Village PS: 31,000 LF
- 6th Avenue PS: 11,000 LF

The estimated cost of smoke testing is approximately $1.15/LF, provided the length of sewer main smoke tested is in excess of 10,000 LF. These costs do not include traffic control or permitting costs.

2.2 Analyze smoke testing results from ADS and prepare a technical memorandum, spreadsheet, and graphic summarizing the deficiencies identified during smoke testing of the three (3) sewer basins.

RH2 Deliverables:

- Technical memorandum, spreadsheet, and graphic summarizing deficiencies identified during smoke testing in electronic PDF.

Task 3 – Determine Sources and Types of I&I

Objective: Determine sources and types of I&I so that upgrade strategies can be determined.

Approach:

3.1 Coordinate with City to obtain rainfall data via City installation of a tipping bucket rain gauge, such as the Onset HOBO RG3, to collect accurate rainfall data in 5-minute intervals. *It is assumed the City will purchase and install the tipping bucket rain gauge at an estimated cost of $500.*

3.2 Obtain City supervisory control and data acquisition (SCADA) data from the City's wastewater pump stations using the iConnect web application.

3.3 Coordinate strategic locations for City to deploy City-owned Hach FloDar in-stream flow monitors and provide guidance to relocate the flow monitors as necessary.

3.4 Analyze the rainfall, SCADA, and in-stream flow monitoring data for each basin investigated and calculate a unit hydrograph for each basin. Determine which basins have the most significant I&I response to rainfall events.

3.5 Prepare a report summarizing the findings and identifying potential upgrade strategies.

3.6 Compare historical system-wide wastewater flow peaking factors for the last 5 years to the 2018/2019 and 2019/2020 winters to determine if a trend exists.

Assumptions:

- *City will purchase and install a tipping bucket rain gauge, download the rainfall data, and provide it to RH2 in Excel spreadsheet format via email.*
- *Pump start and stop events and wastewater flow rates can be downloaded from iConnect in Excel spreadsheet format as discrete data points at pump start and stop events.*
- *City will provide flow data from its Hach FloDar in-stream flow monitors in Excel spreadsheet format with 5-minute or shorter timesteps.*
- *City will move its existing Hach FloDar in-stream flow monitors up to three (3) times each to find regions of high I&I and to hone in on the sources.*
- *City may need to rent or purchase two (2) additional Hach FloDar in-stream flow monitors if it is determined that simultaneous flow measurement is required to accurately determine the source of I&I.*

RH2 Deliverables:

- Report summarizing the I&I data analysis, peaking factor trends, conclusions, and recommendations for sewer system upgrade strategies in electronic PDF.

Task 4 – Project Management

Objective: Organize, manage, and coordinate disciplines and provide quality assurance and control to complete the work in close coordination with City staff.

Approach:

4.1 Prepare monthly invoices, monitor progress, and maintain project schedule.

4.2 Maintain frequent client communications, including phone calls and e-mails.

RH2 Deliverables:

- Monthly invoices and ongoing correspondence.

EXHIBIT B

Fee Estimate
Task Order #5, Amendment No. 1
City of Poulsbo
Infiltration and Inflow Study
Oct-19

	Description	Total Hours	Total Labor	Total Subconsultant	Total Expense	Total Cost
Task 1	Determine Highest I&I Event in Last 5 Years	26	$ 4,802	$ -	$ 368	$ 5,170
Task 2	Perform Smoke Testing of Selected Sewer Basins	42	$ 7,700	$ 69,000	$ 634	$ 77,334
Task 3	Determine Sources and Types of I&I	151	$ 27,213	$ -	$ 2,405	$ 29,618
Task 4	Project Management	24	$ 5,288	$ -	$ 134	$ 5,422
	Subtotal Infiltration and Inflow Study Tasks	243	$ 45,003	$ 69,000	$ 3,541	$ 117,544
	PROJECT TOTAL	**243**	**$ 45,003**	**$ 69,000**	**$ 3,541**	**$ 117,544**

EXHIBIT C
RH2 ENGINEERING, INC.
2020 SCHEDULE OF RATES AND CHARGES

RATE LIST	RATE	UNIT
Professional I	$143	$/hr
Professional II	$159	$/hr
Professional III	$171	$/hr
Professional IV	$185	$/hr
Professional V	$200	$/hr
Professional VI	$212	$/hr
Professional VII	$230	$/hr
Professional VIII	$238	$/hr
Professional IX	$238	$/hr
Control Specialist I	$131	$/hr
Control Specialist II	$143	$/hr
Control Specialist III	$157	$/hr
Control Specialist IV	$169	$/hr
Control Specialist V	$180	$/hr
Control Specialist VI	$193	$/hr
Control Specialist VII	$208	$/hr
Control Specialist VIII	$216	$/hr
Technician I	$108	$/hr
Technician II	$118	$/hr
Technician III	$135	$/hr
Technician IV	$145	$/hr
Technician V	$158	$/hr
Technician VI	$174	$/hr
Technician VII	$189	$/hr
Technician VIII	$199	$/hr
Administrative I	$71	$/hr
Administrative II	$84	$/hr
Administrative III	$100	$/hr
Administrative IV	$118	$/hr
Administrative V	$136	$/hr
CAD/GIS System	$27.50	$/hr
CAD Plots - Half Size	$2.50	price per plot
CAD Plots - Full Size	$10.00	price per plot
CAD Plots - Large	$25.00	price per plot
Copies (bw) 8.5" X 11"	$0.09	price per copy
Copies (bw) 8.5" X 14"	$0.14	price per copy
Copies (bw) 11" X 17"	$0.20	price per copy
Copies (color) 8.5" X 11"	$0.90	price per copy
Copies (color) 8.5" X 14"	$1.20	price per copy
Copies (color) 11" X 17"	$2.00	price per copy
Technology Charge	2.50%	% of Direct Labor
Mileage	$0.580	price per mile (or Current IRS Rate)
Subconsultants	15%	Cost +
Outside Services	at cost	

Rates listed are adjusted annually.

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	Lemolo Siphon Project Consultant Contract Amendment
EXHIBITS:	Scope of Work and Budget
STAFFED BY:	Director of Engineering Kasiniak
CATEGORY:	Consent Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

The Engineering Department is presenting a scope of work and budget for consultant BHC Engineering, Inc. to complete additional tasks for the Lemolo Siphon Feasibility Review project as requested by the City. This amendment will add $19,415 to the existing $28,120 contract - with a final contract value of $47,535. This increase is within the existing approved budget.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

01/08/2020	Public Works	Recommended

IMPACTS:

Expenditure Required? ☑ Yes ☐ No	Included in Budget? ☑ Yes ☐ No Amount: $ 19,415.00

RECOMMENDED ACTION:

Recommend approval of the contract amendment with BHC Consultants to complete additional tasks for the Lemolo Siphon Feasibility Review project as requested by the City in the amount of $19,415.00 and authorize the Mayor to sign the contract amendment on behalf of the City.

SAMPLE MOTION:

Move to approve the contract amendment with BHC Consultants to complete additional tasks for the Lemolo Siphon Feasibility Review project as requested by the City in the amount of $19,415.00 and authorize the Mayor to sign the contract amendment on behalf of the City.

Amendment 2
TO AGREEMENT FOR PROFESSIONAL SERVICES

BETWEEN

CITY OF POULSBO **and** BHC Consultants, LLC

The terms and provisions of the Professional Services Agreement for On-Call Services for Utility Engineering between the City of Poulsbo and BHC Consultants, LLC which became effective 09/05/2018 apply herein.

Date Amendment Issued:	January 8, 2020
Project Name/Scope of Work:	Lemolo Siphon Project Considerations and Feasibility Review
Amendment Purpose:	Additional Scope of Work to Complete Study

DESCRIPTION:

Additional tasks (see exhibit A) for the Lemolo Siphon Feasibility Review project as requested by the City to:

- Develop a conceptual level evaluation associated with construction of a new siphon to transmit sewage flows from Poulsbo via the Lemolo area, underneath Liberty Bay to Kitsap County facilities near Keyport (PS 67)
- Add Siphon Alternatives
- Added Pump Station

Approved By:

CITY OF POULSBO	**BHC CONSULTANTS, LLC**
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

EXHIBIT A-2
Task Order No. 1 Draft Scope of Services

City of Poulsbo Professional Services Agreement

Lemolo Siphon Project Considerations and Feasibility Review – Amendment No. 2
December 18, 2019

Project Background and Understanding

Under the Professional Services Agreement dated September 5, 2018 between BHC Consultants, LLC (BHC) and the City of Poulsbo (City), BHC is to provide on-call services to the City through separately negotiated and authorized Task Orders. The original scope and fee for the subject Task Order No. 1 was executed on December 14, 2018, with a no-cost contract time extension Amendment No. 1 (to June 30, 2020) executed on May 21, 2019.

This Task Order No. 1 develops a conceptual level evaluation associated with the potential construction of a new wastewater conveyance siphon to transmit future sewage flows from Poulsbo via the Lemolo area, underneath Liberty Bay, to Kitsap County facilities near Keyport. The existing siphon pipelines along the same alignment were identified within the City's 2016 Comprehensive Sewer Plan to have limited hydraulic capacity for a planning horizon through Year 2036. Although some alternative sewer infrastructure improvements could slightly extend the hydraulic adequacy of the existing siphon facilities, new regional growth projections being developed show population increases for Poulsbo beyond those that have been used to project wastewater flows to date. Whether upgrading Poulsbo's sewer conveyance infrastructure to the County is done by a new siphon or by other means, any alternative is likely to take several years of engineering design, property/easement acquisition, permitting, and construction before placing upgraded facilities into service.

The report (issued in Technical Memorandum format) for this task order, incorporating City comments, will be finalized and released to the City by December 31, 2019. The development of the report involved efforts that were not anticipated within the originally scoped Task Order No. 1 authorization. This Amendment No. 2 seeks to recover the cost for BHC-incurred efforts to meet the requests of the City in producing a document that serves its needs. BHC has communicated these additional efforts to the City during the project's extended duration and is thankful for the opportunity to present this proposal.

Project Approach and Scope

BHC proposes the following task elements within this Scope of Services:

Task 1 – Project Management

The original task order authorization assumed managerial efforts (including client communications, project team/subconsultant coordination, invoicing, and work product reviews) for an estimated project duration of 3 to 4 months. Project efforts began in earnest in March 2019, following the finalization of revised growth and population projections issued by the City. With the project concluding in December, an extended project duration became necessary to add new and desired elements to the original draft of the report. A small amount of additional time became necessary to manage the project as follows:

- Additional project communications and coordination. (12 hours, project manager)
- Additional invoicing. (2.5 hours, project manager and accountant)

- Additional report review. (1.5 hours, project manager)

Task 2 – Engineering Report Development
The original task order authorization anticipated a report that would summarize the findings of a 2018 site visit, establish a peak flow criteria upon which siphon sizing and alternative construction techniques would be evaluated, identify a preferred siphon size and construction technique based on existing industry experience and site information, and develop a conceptual level Opinion of Probable Project Cost (OPPC) for the new siphon to compare against that of an alternative method for future sewer conveyance to Kitsap County via newly constructed facilities around the north end of Liberty Bay. That latter alternative OPCC would largely rely on updating one that was prepared as part of the City's 2015 Comprehensive Sewer Plan.

Added evaluation elements that expanded the contents of the report included:

- Expanded evaluation of facility sizing and cost development for each of the new siphon ("South") and north of Liberty Bay ("West") future conveyance alternatives to support different population thresholds of 10,000, 20,000, and 40,000 people. These expanded scenarios resulted in the evaluation and development of uniquely sized and estimated conveyance facilities for each. (55 hours, project manager and engineers)

- Addition of siphon scenarios that limited the pipe size of the new siphon pipeline but added a Lemolo-side pump station as an additional facility. The pump station would be constructed at an appropriate time after the new siphon becomes operational to provide needed hydraulic assistance in conveying future peak flows. (18 hours, project manager and engineers)

- Evaluation of potential condition assessment techniques that might be employed to assess the vulnerability and remaining useful life of the two existing 12-inch siphon pipelines. (11 hours, project manager)

- Addition of an executive summary to the report, added formatting and document finalization. (6 hours, project manager and word processor)

Amendment No. 2 Assumptions:
- Issuance of the final report will conclude efforts of the BHC team on the task order. Review of the document with City officials or elected bodies is excluded from this amendment.
- Beyond the initial site visit, no field surveying, field geotechnical explorations or other field investigations were performed. Information presented in the report is conceptual in nature and based on current industry technological standards and construction limitations. The feasibility of proposed construction methods will need to be validated through field investigations, as well as property owner and regulatory agency discussions, during later phases of the project.

Amendment No. 2 Deliverables:
- Final Engineering Report, with engineer's seal, delivered in electronic format and up to five (5) hardcopies in 8.5" x 11" (with 11" x 17" figures, as appropriate).

Estimated Schedule
The final report will be delivered to the City by December 31, 2019.

Fee Estimate

The budget for this Scope of Services is attached as Exhibit B-2 and stated to be $19,415. With an original Task Order No. 1 authorization of $28,120, City approval of this Amendment No. 2 will result in a revised overall not-to-exceed value stated to be $47,535. Work under this exhibit will be performed subject to the terms and conditions of the September 5, 2018 Professional Services Agreement executed between the City and BHC.

EXHIBIT B-2
BUDGET SPREADSHEET
Task Order No. 1, Amendment No. 2 - Lemolo Siphon Project Considerations and Feasibility Review

Task No.	Task Description	QA/QC *Dorn*	PM *Kelsey*	Project Eng. *Cunningham*	Staff Eng. *Palmerton*	CAD Drafter	Proj Admin *Pierson*	Clerical/WP *Sifferman*	BHC Total Labor		Subconsultant *Trenchless*	Expenses	TOTAL COST
	Hourly Billing Rate:	$225	$210	$182.7	$120	$110	$105	$85	Hours	Cost	*Staheli*		
1	**PROJECT MANAGEMENT**												
	Communication with City and Team Coordination		12						12.0	$2,520		$0	$2,520
	Additional Invoicing		1.5				1		2.5	$420		$0	$420
	Additional Report Review		1.5						1.5	$315		$0	$315
	TASK SUBTOTAL, HOURS	0	15	0	0	0	1	0	16.0				
	TASK SUBTOTAL, LABOR COST	$0	$3,150	$0	$0	$0	$105	$0		$3,255	$0	$0	$3,255
2	**ENGINEERING REPORT DEVELOPMENT - ADDED ELEMENTS**												
	South and West Population Threshold Scenarios		14	28	13				55.0	$9,616		$0	$9,616
	Pump Assisted Siphon Scenarios		5	11	2				18.0	$3,300		$0	$3,300
	Condition Assessment Techniques		11						11.0	$2,310		$0	$2,310
	Executive Summary and Final Formatting		3					3	6.0	$885		$50	$935
	TASK SUBTOTAL, HOURS	0	33	39	15	0	0	3	90.0				
	TASK SUBTOTAL, LABOR COST	$0	$6,930	$7,125	$1,800	$0	$0	$255		$16,110	$0	$50	$16,160
TOTAL DIRECT LABOR AND OVERALL COST		**0**	**48**	**39**	**15**	**0**	**1**	**3**	**106.0**	**$19,365**	**$0**	**$50**	**$19,415**

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	West Poulsbo Waterfront Stormwater Park Consultant Agreement
EXHIBITS:	Scope of Work and Budget
STAFFED BY:	Director of Engineering Kasiniak
CATEGORY:	Consent Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

The Engineering Department is presenting a scope work and budget for Struck Environmental to assist with the design of the W. Poulsbo Waterfront Stormwater Park. The work is in coordination with the Dept. of Ecology grant for $262,000, which is currently in final agreement review at DOE. The agreement effective date is 7/1/2019 and costs incurred to this date are eligible for reimbursement.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

01/08/2020	Public Works	Recommended

IMPACTS:

Expenditure Required? ☑ Yes ☐ No	Included in Budget? ☑ Yes ☐ No Amount: $ 46,970.00.00

RECOMMENDED ACTION:

Recommend approval of the consultant contract with Struck Environmental in the amount of $46,970.00 - pending Dept. of Ecology grant agreement completion - and authorize the Mayor to sign the agreement on behalf of the City.

SAMPLE MOTION:

Move to approve the consultant contract with Struck Environmental in the amount of $46,970.00 - pending Dept. of Ecology grant agreement completion - and authorize the Mayor to sign the agreement on behalf of the City.

CITY OF POULSBO ON-CALL ENVIRONMENTAL AND STORMWATER SERVICES

TASK AUTHORIZATION NO. 6

Project: West Poulsbo Stormwater Retrofit

Date: December 05, 2019

This Task Authorization provides for services to be performed by **STRUCK ENVIRONMENTAL, INC.** (hereinafter SEI), for the **CITY OF POULSBO** (hereinafter the City), in accordance with the terms and conditions of the City of Poulsbo Professional Services Agreement for On-Call Services for Stormwater and Environmental Services dated September 5, 2018 (hereinafter the Agreement). All provisions of the Agreement are incorporated by reference. This Task Authorization, when executed by both parties, shall become a supplement to and part of the Agreement.

I. SCOPE OF SERVICES

Prepare update to West Poulsbo Stormwater Retrofit Plan and develop preferred design concept.

II. COMPLETION OF WORK

Work is to be completed by: July 01, 2020.

III. COMPENSATION

The project budget is provided in Attachment B – Budget. Compensation shall be in time and materials in accordance with rates established in the Agreement and shall not exceed $46,970.00 without prior approval by the City.

DATED this _____ day of _____, 2019.

CITY OF POULSBO	**STRUCK ENVIRONMENTAL, INC.**
By:_____	By:_____
Title: _____	Title: _____*President*_____

ATTACHMENT A

SCOPE OF WORK, SCHEDULE AND ESTIMATED BUDGET

On-Call Stormwater and Environmental Services

Task Order No.6 - West Poulsbo Stormwater Retrofit Plan Update

INTRODUCTION

The West Poulsbo stormwater retrofit project will develop engineering plans, environmental documentation and permit applications for the proposed regional stormwater treatment facility (stormwater park) on the recently acquired West Poulsbo Waterfront Park property. The retrofit design phase of the project is funded under a grant with the Department of Ecology (Ecology).

APPROACH

The design of the project will be completed in two phases. Phase 1, which is addressed in this scope of work, will define key design criteria, develop alternatives and coordinate with project stakeholders. The outcome of this scope of work will be a thorough understanding of key site and basin conditions, and concurrence on a preferred design concept. Phase 2, which will be defined in a future scope of work, will consist of preparing final engineering plans for the facility.

The central objective of this Phase I scope of work is to update preliminary concept designs that were prepared in 2015. There have been significant changes in the project context since 2015 including acquisition of the property under a grant from the state RCO, updates to state stormwater regulations, and adoption of regional stormwater facility policies by the City. In addition to these context changes, this scope of work addresses the following key design criteria:

- New wetland hydrology protection and regional facility requirements of the 2019 Ecology Stormwater Manual;
- Critical Area Ordinance (CAO) and Shoreline Master Plan (SMP) compliance requirements associated with marine shoreline and potential freshwater wetlands on and adjacent to the site; and
- Input from key project stakeholders including the Parks Department, Parks Commission, Planning Department, City Council and community at-large.

The outcome of this scope of work will be an updated site design concept including conveyance, treatment and discharge (outfall) components. The regulatory, cost and engineering feasibility of establishing a portion of the facility as a regional treatment site that meets applicable Ecology Minimum Requirements (MRs) for future development will also be evaluated.

PO Box 2168, Poulsbo, WA 98370
360.710.8661 | phil@struckenv.com

SCOPE OF WORK

Task 01 – Grant Administration Support

Objective: Assist the City with grant administration and reporting.

Activities: This task consists of the following activities:

- Prepare progress reports as required under the grant.
- Prepare cultural resource screening forms and documentation and obtain cultural resource approval from Ecology.

Deliverables: The following deliverables are associated with this task:

- Progress reports and cultural resource screening documentation.

Assumptions: The following assumptions are associated with this task:

- None.

Task 02 – Preliminary Design Updates

Objective: Evaluate the 2015 design concept and identify updates needed to meet current standards and stakeholder goals/requirements.

Activities: This task consists of the following activities:

- Review the 2015 preliminary design and identify updates needed to comply with the 2019 Ecology Stormwater Manual.
- Review RCO grant requirements associated with property purchase, the City's Shoreline Master Plan and Critical Area Ordinance and identify applicable design requirements.
- Prepare up to three concept level design alternatives for the site to review with the Engineering Department, Parks Department and Parks Commission.
- Prepare a preferred site plan concept that reflects grant requirements, Poulsbo Municipal Code (PMC) and Parks Department feedback.

Deliverables: The following deliverables are associated with this task:

- Summary of CAO and SMP design requirements in Technical Memorandum (TM) format.
- Three site plan alternative concept designs.
- One preferred site plan.

Assumptions: The following assumptions are associated with this task:

- Presentations and meetings with stakeholders are included under Task 8.

Task 03 – Survey and Mapping

Objective: Prepare a summary of survey updates necessary to incorporate new information into the 2015 base map that was prepared for the site.

Activities: This task consists of the following activities:

- Prepare information on property boundaries, wetland limits and ordinary high water mark (OHWM) mapping sufficient for surveyor to incorporate into the project base map.
- Review upstream conveyance information and identify necessary conveyance system survey updates and potholing needs.
- Assist the City in obtaining survey services to update the base map.

Deliverables: The following deliverables are associated with this task:

- Survey update plan.

Assumptions: The following assumptions are associated with this task:

- Survey and CADD base map updates to be provided by others.
- City to coordinate utility locates.

Task 04 – Soils Report

Objective: Prepare a soils report for the site that identifies soil conditions and infiltration feasibility.

Activities: This task consists of the following activities:

- Review 2015 soils information and consistency with infiltration and site assessment requirements in Ecology's 2019 Stormwater Management Manual (2019 SWMM).
- Perform reconnaissance of the project site to identify soil conditions and suitability for infiltration.
- Perform up to one day of test pit excavation to characterize on-site soils including infiltration testing at up to two locations.
- Install up to two shallow piezometers to monitor and determine seasonal high water table over the 2020 winter and spring period.
- Prepare a Technical Memorandum summarizing soil conditions, feasibility of infiltration and recommendations for use of infiltration on the site.

Deliverables: The following deliverables are associated with this task:

- Technical Memorandum summarizing site soil conditions and infiltration feasibility.

Assumptions: The following assumptions are associated with this task:

- City will provide backhoe and water truck for test pit excavation and infiltration tests.
- Piezometers will be monitored twice per month for 5 month period (January-May).

Task 05 – Design Report Elements

Objective: Prepare key design report sections regarding contributing basins, wetland hydrology and regional facility options.

Activities: This task consists of the following activities:

- Identify contributing basin boundaries and on-site and off-site wetlands that are subject to wetland protection standards of the 2019 SWMM.
- Rate wetlands using the Ecology Wetland Rating System and identify wetland category and corresponding protection requirements under the 2019 SWMM.
- Install water crest gauges at up to two wetlands as required under Method 1 of Ecology Wetland Hydroperiod Protection in the 2019 SWMM.
- Evaluate regional treatment options and costs. This evaluation will include:
    - Preliminary sizing analysis;
    - Description of the following treatment options and costs:
        - Infiltration only,
        - Above ground treatment cells, and
        - Below ground treatment vaults.
    - Assessment of potential conveyance constraints and outfall/discharge requirements;
    - The potential for the regional treatment facility to be used to meet MRs of the 2019 SWMM for new development in the basin, including:
        - Requirements and benefits for regional facilities that meet MR's for new development;
        - Methods to maintain consistency with Ecology grant requirements;
        - Potential sizing and phasing opportunities; and
        - Potential costs and connection charges.
    - Provide recommendations for 90% design scope.

Deliverables: The following deliverables are associated with this task:

- Technical Memorandum summarizing wetland hydrology analysis and requirements for hydroperiod protection.
- Draft and final Technical Memorandum describing regional facility treatment opportunities, constraints and potential costs including potential for the facility to be used to meet MRs for future development.

Assumptions: The following assumptions are associated with this task:

- Up to three wetlands will be addressed in the hydrologic analysis.

Task 06 – 90% Design

No activity on this task during this phase.

Task 07 – Environmental Documentation and Permits

Objective: Characterize critical area conditions on the site and adjacent areas.

Activities: This task consists of the following activities:

- Perform a wetland study of the project site and delineate wetland boundaries as applicable.
- Delineate OHWM and associated estuarine wetland limits on the marine shoreline.
- Rate wetlands using the Ecology Wetland Rating System.
- Prepare a Wetland Delineation and Shoreline Characterization Report consistent with CAO and SMP requirements.

Deliverables: The following deliverables are associated with this task:

- Technical Memorandum summarizing wetland hydrology analysis and requirements for hydroperiod protection.
- Wetland Delineation and Shoreline Characterization Report consistent with CAO and SMP requirements.

Assumptions: The following assumptions are associated with this task:

- Mitigation plans and permit applications to be prepared in 90% design phase.

Task 08 – Meetings and Coordination

Objective: Meet with the Engineering Department and stakeholders to review site alternatives.

Activities: This task consists of the following activities:

- Meet with the City to on up to four occasions to discuss project issues, status and action plans.
- Meet with and provide presentations to the Parks Commission and City Council Public Works Committee and/or Community Services committee.
- Provide task management and administration.

Deliverables: The following deliverables are associated with this task:

- Meeting agendas and summary notes.
- Presentations to Parks Commission and City Council.

Assumptions: The following assumptions are associated with this task:

- None.

ESTIMATED SCHEDULE

Notice to Proceed……..……January 2020

Soils Report and Wetlands Technical Memorandum…….February

Alternative Site Designs…….March

Draft Regional Facility Technical Memorandum……..March

Parks Commission and City Council Presentations…….. April/May

STRUCK ENVIRONMENTAL, INC.

City of Poulsbo On Call Environmental and Stormwater Services

Task Authorization No. 6

Date: December 4, 2019

Name: West Poulsbo Stormwater Retrofit

Attachment B - Estimated Budget

TASK	STAFF / BILL RATE	P. Struck $165.00	TOTAL HOURS	TOTAL COST	Grant Budget
1	**Grant Support**				
	Cultural Resources clearance	4	4	$660	
	Grant reporting and administration support	4	4	$660	
	Subtotal	**8**	**8**	**$1,320**	$9,000
2	**Preliminary Design Updates**				
	Review CAO, SMP and RCO grant requirements	6	6	$990	
	Alternative design concepts (3)	20	20	$3,300	
	Preferred Site Plan	8	8	$1,320	
	Subtotal	**34**	**34**	**$5,610**	$13,000
3	**Survey and Mapping**				
	Preliminary conveyane system and utility conflict evaluation	12	12	$1,980	
	Prepare survey update plan	4	4	$660	
	Survey coordination	4	4	$660	
	Subtotal	**20**	**20**	**$3,300**	$16,000
4	**Soils Report**				
	On site soils evaluation	16	16	$2,640	
	Water table monitoring	16	16	$2,640	
	Soils Report and Infiltration feasibility analysis TM	16	16	$2,640	
	Subtotal	**48**	**48**	**$7,920**	$13,000
5	**Design Report**				
	Update contrbuting basin maps	8	8	$1,320	
	Identify and rate wetlands	10	10	$1,650	
	Install wetland monitoring gauges	10	10	$1,650	
	Wetland monitoring	16	16	$2,640	
	Wetland Hydrology TM	24	24	$3,960	
	Regional Treatment TM	24	24	$3,960	
	Subtotal	**92**	**92**	**$15,180**	$39,000
6	**90% Design**				
	No activity				
	Subtotal	**0**	**0**	**$0**	$100,000
7	**Environmental Documentation and Permits**				
	Freshwater Wetland Delineation	10	10	$1,650	
	Shoreline OHWM and Wetland Delineation	8	8	$1,320	
	Wetland Delineation and Shoreline Characterization Report	32	32	$5,280	
	Subtotal	**50**	**50**	**$8,250**	$35,000
8	**Meetings and Coordination**				
	City Meetings (4)	8	8	$1,320	
	Parks Commission and City Council presentations	8	8	$1,320	
	Project Mgmt.	10	10	$1,650	
	Subtotal	**26**	**26**	**$4,290**	$35,000
	LABOR TOTAL	**278**	**278**	**$45,870**	$260,000
	Item	**Quantity**	**Cost**		
	Wetland Crest Gauge	3	$200	$600	
	Shallow Piezometers	2	$200	$400	
	Reproduction and Miscellaneous Expenses	1	$100	$100	
	EXPENSE TOTAL			**$1,100**	$2,215
	TOTAL ESTIMATED COST			**$46,970**	$262,215

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	S. Fork Dogfish Creek Retrofit Survey Consultant Agreement
EXHIBITS:	Scope of Work and Budget
STAFFED BY:	Director of Engineering Kasiniak
CATEGORY:	Consent Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

Attached is the scope and budget for KPG Engineering to perform a survey as part of the design of the S. Fork Dogfish Creek Retrofit project in the amount of $44,326. This project has $227,900 in grant funding from Department of Ecology for design.

The survey project budget: Project Management and Admin. 15k, Survey 45k, Geotechnical 20k, Design Report 40k, 90% PS&E Package 60k, Environmental 22k, Misc. 15k. Total budget 227k.

The detailed survey is necessary to design the stormwater quality improvements in this basin.

Public Works Committee recommended approval on the meeting of 1/8/2020.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

01/08/2020	Public Works	Recommended

IMPACTS:

Expenditure Required? ☑ Yes ☐ No	Included in Budget? ☑ Yes ☐ No Amount: $ 44,326

RECOMMENDED ACTION:

Recommend approval of the consultant contract with KPG Engineering in the amount of $44,326 and authorize the Mayor to sign the agreement on behalf of the City.

SAMPLE MOTION:

Move to approve the consultant contract with KPG Engineering in the amount of $44,326 and authorize the Mayor to Sign on behalf of the City.

City of Poulsbo

Consultant Task Order
On-Call Professional Services

Task Order #3: Dogfish Creek Basin Retrofit Survey

The general provisions and clauses of the Professional Services Agreement for On-Call Land Surveying Services with KPG dated August 1, 2018 shall be in full force and effect for this task order.

Task Title:	Dogfish Creek Basin Retrofit Survey
Maximum Amount Payable:	$44,326.00
Completion Date:	September 30, 2020
Description of Work:	Field Survey and Field Mapping. See Exhibit A & B.
Consultant Signature:	_____ Date: _____
Print Name and Title:	_____
City Signature:	_____ Date: _____
Print Name and Title:	Becky Erickson, Mayor

200 NE Moe Street ♦ Poulsbo, Washington 98370-7347
(360) 779-4078 ♦ fax (360) 697-8269
www.cityofpoulsbo.com

EXHIBIT A

City of Poulsbo Survey On-call
Survey for Dogfish Creek Basin Retrofit

PROJECT LIMITS

As described below and shown in Figures 1-3.

SCOPE OF WORK

Establish horizontal and vertical control points within the project limits. Basis of control will be NAD 83/2011 and NAVD88 for horizontal and vertical respectively. A GPS localization will be established such that it can be utilized on future task orders.

Field Survey. Field mapping within the project limits will include:

- Utilities (poles, vaults, peds) Stormwater, sewer, water, gas, etc.
- Roads (centerline, curb and gutter, sidewalk) – Iverson St, Lincoln Rd, 7th & 8th Ave
- Stormwater detention pond (fence, top and bottom of slope, outlet, berm, etc.)
- Ditch / swale along 7th Ave.
- Coffee Oasis (building, parking lot, fence)
- Public Works Facility buildings, edge of pavement
- Lower portion of Library parking lot (adjacent to stormwater pond)
- Stream (South Fork Dogfish Creek)
- Fences, surface features, signs, luminaires, other man-made surface features
- Limits of vegetation
- Painted underground utilities

Irrigation systems will not be included. Perform measure-downs of existing storm drain and sanitary sewer structures, indicating rim and pipe invert elevations. Document the approximate size, type, material, and general condition of the structures. These observations will be made from the surface. Any required pipe video inspection, potholing or smoke testing needed to verify the condition or connectivity of drainage features is outside the scope of this task.

An underground conductible utility locate within the project limits to be performed by a private utility locating firm. While every reasonable effort will be made by KPG to depict the location of underground utilities based on utility locates, KPG is not liable for errors or omissions by utility locators or erroneous or insufficient information shown on utility record drawings.

Prepare 1”=20’ topographic base map and digital terrain model (DTM) in AutoCAD format of the project to KPG cad standards. Two-foot contours will be generated from the DTM.

Right of way and property boundaries. The road rights-of-way within the project limits will be determined from available public records (i.e. records of survey, plats, state right-of-way plans, etc.) and found survey monuments. Parcel lines will be added per available GIS information. Right-of-way and parcel information will be added to the base map. No easement research will be performed. Not title reports are included.

Figure 1 Map of Approximate Project Mapping Limits

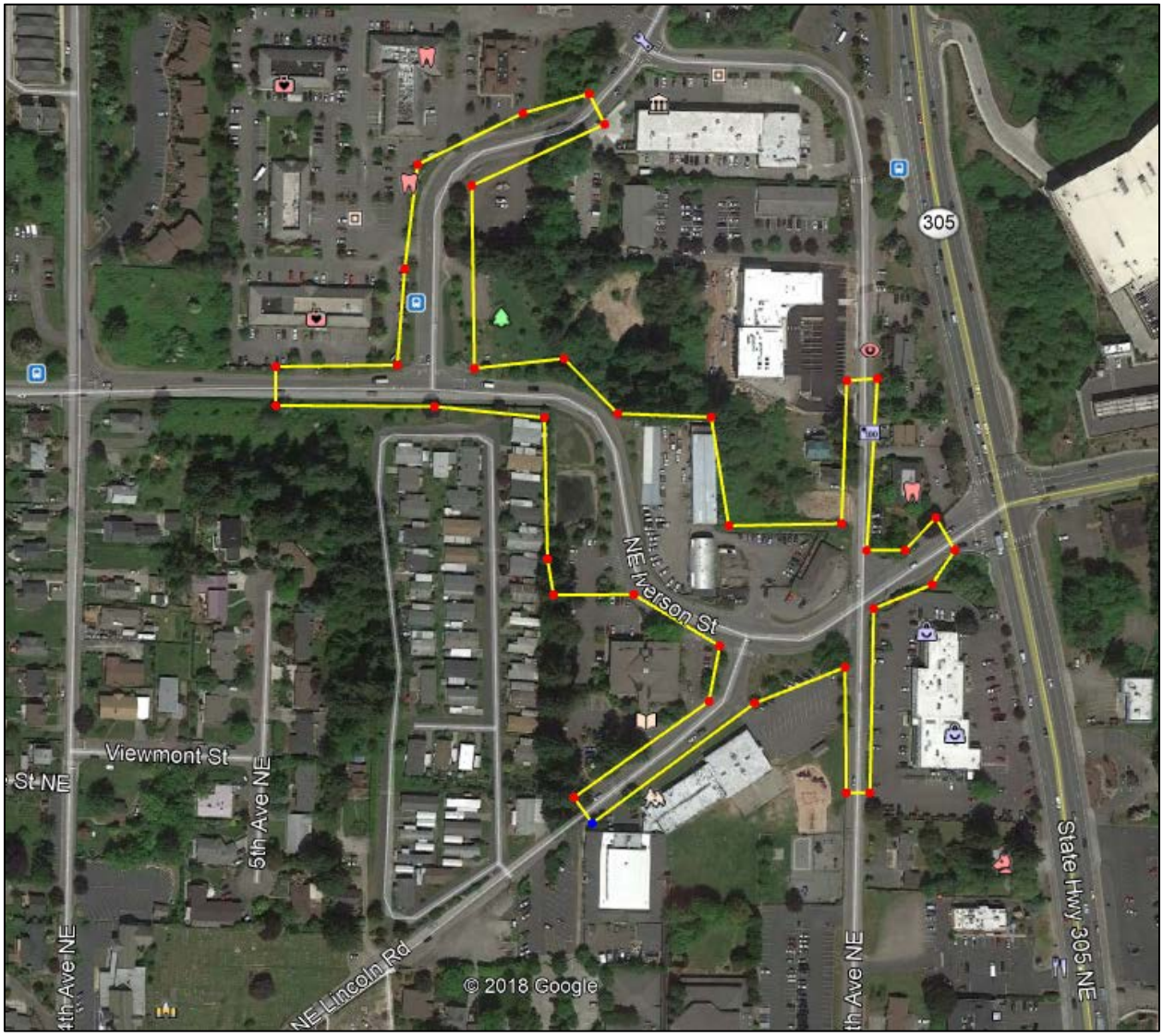

Figure 2 Map of Storm Drainage System and Stream

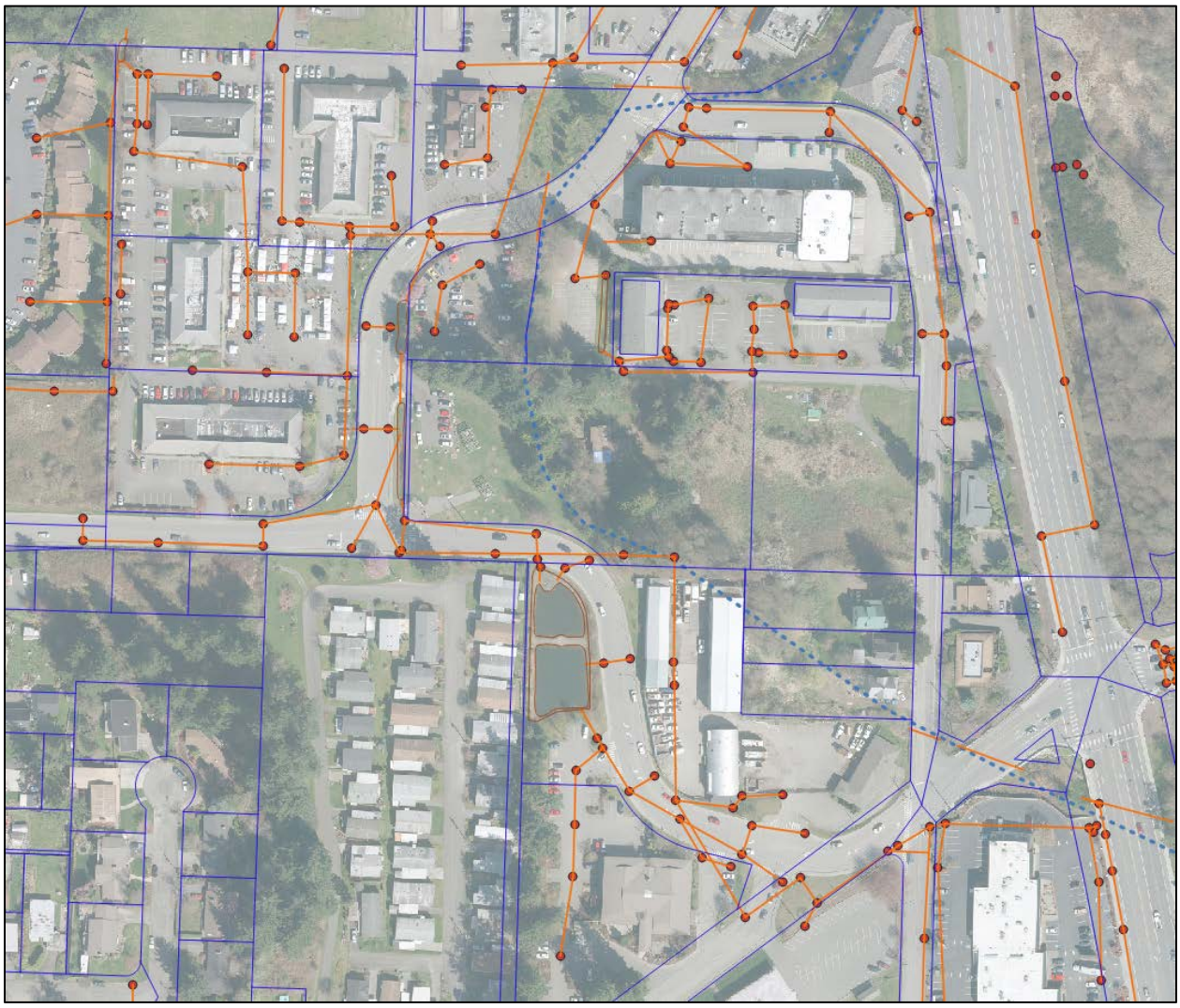

Figure 3 Map of Water and Sanitary Sewer

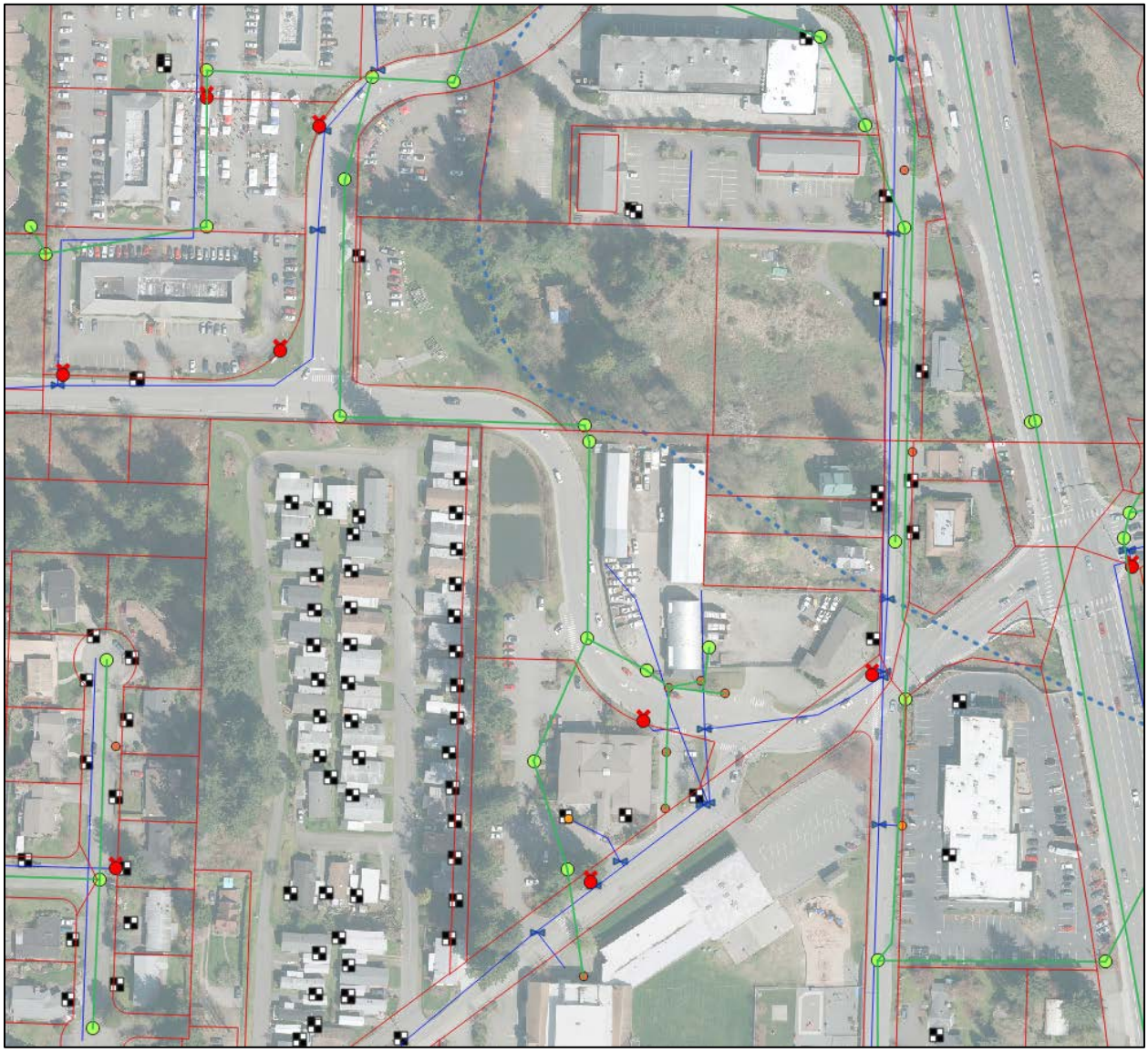

EXHIBIT B

Project: **City of Poulsbo Survey On-call**
Survey for Dogfish Creek Basin Retrofit

December, 2019

Task	Description	Labor Hour Estimate					Total Fee
		Survey Manager $ 202.00	Project Surveyor $ 141.00	Survey Technician $ 112.00	Survey Crew II $ 215.00	Survey Crew I $ 165.00	Fee
1	Survey control network	1			8		$ 1,922.00
2	Field Survey	3					$ 606.00
	7th Ave NE				8	8	$ 3,040.00
	NE Iverson St				8	16	$ 4,360.00
	NE Lincoln Rd				8	12	$ 3,700.00
	8th Ave NE				8	8	$ 3,040.00
	Stream				8	8	$ 3,040.00
	Public Works Site				8		$ 1,720.00
	Detention Pond				4		$ 860.00
3	Base map preparation	2		100			$ 11,604.00
4	Right of way determination	2	30				$ 4,634.00
	Expenses (utility locates, mileage)						$ 5,800.00
	Task Total	**8**	**30**	**100**	**60**	**52**	**$ 44,326.00**

Total Estimated Fee: $ 44,326.00

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	Resolution No. 2020-02, Amending Council Rules of Procedure
EXHIBITS:	Resolution, Red-line Council Rules of Procedure, Clean Copy
STAFFED BY:	City Clerk Fernandez
CATEGORY:	Consent Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

At the January 8, 2020, Council meeting, the council reviewed the Council Rules of Procedure and recommended adding language that allows remotely attending council meetings. No other changes were requested.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

	Committee	Not Applicable

IMPACTS:

Expenditure Required? ☐ Yes ☑ No	Included in Budget? ☐ Yes ☑ No Amount: $

RECOMMENDED ACTION:

Staff is seeking approval of the resolution amending the Council Rules of Procedure to add remote attendance at Council meetings.

SAMPLE MOTION:

Move to approve Resolution No. 2020-02, a resolution of the City Council of the City of Poulsbo, Washington, repealing Resolution No. 2018-02; adopting new Poulsbo City Council Rules of Procedure; and fixing a time when the same shall become effective.

Exhibit "A"
Resolution No. 2020-02

POULSBO CITY COUNCIL

RULES OF PROCEDURE

RULES OF PROCEDURE

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POULSBO CITY COUNCIL
RULES OF PROCEDURE

1. GENERAL RULES

1.1 MEETINGS TO BE PUBLIC: All official meetings of the Council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in RCW Chapter 42.30). The minute book shall be open to public inspection.

1.2 QUORUM: Four Councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

1.3 ATTENDANCE, EXCUSED ABSENCES: RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Chair, City Clerk or Deputy City Clerk and state the date and the reason for the absence. The City Clerk or Deputy City Clerk will route a notice explaining the absence to all other Councilmembers who will indicate their approval or disapproval on the form. The Clerk will maintain a file of executed forms.

1.4 REMOTE ATTENDANCE: From time to time, it is not possible for a councilmember to attend a City Council meeting. In limited instances, the City would benefit by a Councilmember's participation by means of remote communication. The Council recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations is intended to be an alternative and relatively infrequently used method for participation by Councilmembers. Remote attendance may occur as follows:

(a) Notice shall be given to the City Clerk, who may approve a Councilmember's appearance at a Council meeting via remote communication in limited instances, including emergencies that require immediate action or remedy.

(b) In no event shall the City Clerk approve a Councilmember's remote attendance unless satisfactory equipment is available. Satisfactory equipment shall mean any telephone or other device equipped with a speaker function capable of broadcasting the Councilmember's voice attending clearly and sufficiently enough to be heard by those in attendance at the meeting. The devise must allow the Councilmember to pose and answer questions as posed from time to time. Remote participation requires a technical transmission check-in prior to the meeting.

(c) The City Clerk cannot approve remote attendance if there is not a quorum of Councilmembers physically present at the meeting. If there is not a quorum physically present, the meeting will be cancelled.

(d During any meeting that a Councilmember is attending via remote communication, the mayor shall state for the record that a particular Councilmember is attending via remote communication and the reasons for such attendance.

(e) Councilmembers attending via remote communication may participate and vote during the meeting as if they were physically present at the meeting.

(f) Councilmembers attending via remote communication shall comply with all rules and procedures as if they were physically present at the meeting and shall normally listen in a "mute" status until ready to individually speak.

(g) In the case of executive sessions, the Council may permit participation from remote location(s) only when the Council on a case-by-case basis considers such participation to be necessary and the Council is confident in the security of such remote communications.

1.5 **<u>MEETING MINUTES</u>**: The City Clerk shall maintain a record of the proceedings of all council meetings. This record will be called the minute book.

1.6 **RIGHT OF FLOOR**: Any councilmember desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered.

1.7 **RULES OF ORDER**: Robert's Rules of Order shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these rules shall apply.

1.8 **COUNCIL COMMUNICATION AND BALLOT ENDORSEMENTS**:

(1) Any time Councilmembers communicate with the public, they shall include a disclaimer that they are speaking only for themselves and not speaking for any other member or the Council as a whole. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that the statements do not represent the Council's or City's position.

(2) The Council, as a whole, will not endorse those measures placed on a ballot for the vote of the people. Individual endorsement by Councilmembers shall only be made and stated as an individual citizen.

1.9 **VIOLATION OF CITY ORDINANCES**: Members concerned with a violation of a city ordinance shall contact the Mayor or appropriate department head and explain the violation and its location. Members shall not act as an enforcement agent.

1.95 **RULES OF PROCEDURE REVIEW**: The City Clerk will schedule a workshop to review Council's Rules of Procedure during January of every even-numbered year or at such time deemed necessary.

2. TYPES OF MEETINGS

2.1 **REGULAR COUNCIL MEETINGS**: The Council shall meet on the first three Wednesdays of each month at 7:00 PM. When a Council meeting falls on a holiday, the Council may determine an alternate day for the meeting or cancel the meeting. The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the

Council Chambers at city hall, unless specified otherwise by a majority vote of the Council. All regular and special meetings shall be public pursuant to the RCW Chapter 42.30 and the Open Public Meetings Act.

2.2 **SPECIAL MEETINGS**: Special meetings may be called by the Mayor or any four (4) members of the Council. If a Councilmember wishes to attend a meeting of a council committee to which he or she is not assigned, the Councilmember is responsible for notifying the City Clerk with enough time to allow for the noticing requirement. The City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the Clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered. The Council may not make final disposition on any matter not mentioned in the notice. If a special meeting is convened, and proper notice has not been given, the chair should advise the members of the potential Open Public Meetings Act violation, and ask for a motion to adjourn. The meeting will be rescheduled to a time and date that allows for the proper noticing requirements.

Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

2.3 **CONTINUED AND ADJOURNED SESSIONS**: Any session of the Council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

2.4 **STUDY SESSIONS AND WORKSHOPS**: The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or of any three or more members of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all

discussions and conclusions thereon shall be informal and do not constitute official actions of the Council.

2.5 **EXECUTIVE SESSIONS**: Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act (RCW 42.30.110). Among the topics that may be discussed are: (1) personnel matters; (2) consideration of acquisition of property for public purposes or sale of city-owned property; and (3) potential or pending litigation in which the city has an interest, as long as legal counsel is present in person or by phone as provided in the Revised Code of Washington. The Council must keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. The Council may hold an executive session during a regular or special meeting. Before convening in executive session the Chair shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session. The announced time limit for executive sessions may be extended to a stated later time by the announcement of the Chair.

2.6 **ATTENDANCE OF MEDIA AT COUNCIL MEETINGS**: All official meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

2.7 **CONSIDERATION OF INTERJURISDICTIONAL ISSUES**: Generally, the Council will not take a position on an issue pertaining to another jurisdiction. However, if a Councilmember believes an interjurisdictional issue could directly or indirectly impact the citizens of Poulsbo and the Council as a whole should consider taking a position, the following procedure shall be followed:

Consideration of whether the Council should take a position on the issue will first be referred to an appropriate Committee. If the Committee determines the Council as a whole should consider the issue, it should then be placed on the Council business agenda for consideration by the Council as a whole.

2.8 **COUNCIL LIAISONS:** Councilmembers are assigned to various outside agencies to serve as the liaison for the City. Liaisons should attend the outside agency's meetings regularly and report back to the Council. These are the organizations at this time (subject to change): North Kitsap School District, Poulsbo Chamber of Commerce, Historic Downtown Poulsbo Association, Kitsap Economic Development Alliance, Port of Poulsbo, and Kitsap Regional Coordinating Council.

3. CHAIR AND DUTIES

3.1 **CHAIR**: The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the Alternate Deputy Mayor shall preside. In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, the Council shall elect a Chair.

3.2 **CALL TO ORDER**: The meetings of the Council shall be called to order by the Mayor or, in his/her absence, by the Deputy Mayor. In the absence of both the Mayor and Deputy Mayor, the meeting shall be called to order by the Alternate Deputy Mayor. In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, the meeting shall be called to order by the City Clerk or Clerk's designee for the election of a temporary Chair.

3.3 **PRESERVATION OF ORDER**: The Chair shall preserve order and decorum, prevent attacks on personalities or character of members' and confine members in debate to the question under discussion.

3.4 **POINTS OF ORDER**: The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"

3.5 **QUESTIONS TO BE STATED**: The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon all questions.

3.6 **SUBSTITUTION FOR CHAIR**: The Chair may call the Deputy Mayor to temporarily chair the meeting. In the absence of both the Mayor and Deputy Mayor, the Alternate Deputy may temporarily chair the meeting.

In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, any other member (Presiding Officer) may be called to temporarily chair the meeting.

3.7 **PRESIDING OFFICER - POWERS**: The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of acting as the Presiding Officer.

4. ORDER OF BUSINESS AND AGENDA

4.1 **ORDER OF BUSINESS**: The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the members present, suspends the rules and changes the order:

(1) Call to Order
(2) Pledge of Allegiance
(3) Agenda Review
(4) Comments from Citizens (limited to a total of 15 minutes)
(5) Mayor's Reports and Council Comments
(6) Consent Agenda
(7) Business Agenda (any associated committee reports will be given during the agenda item at the Chair's direction)
(8) Council Committee Reports (limited to a total of 5 minutes per committee)
(9) Department Head Comments
(10) Board and Commission Reports
(11) Continued Comments from Citizens
(12) Mayor and Councilmember Comments
(13) Adjournment

The Consent Agenda may contain items which are of a routine and non-controversial nature which may include, but are not limited to, the following: meeting minutes, payroll, claims, budget amendments, and any item previously approved by Council with a unanimous vote and which is being submitted to Council for final approval. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Councilmember.

4.2 **COUNCIL AGENDA MODIFICATIONS**: The Mayor shall set the agenda for all regular council meetings. At the start of each meeting, before any discussion, the Council or Mayor may propose to amend the agenda. A majority of the Council must vote by motion to accept modifications to the agenda.

4.3 **COUNCIL AGENDA**: Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare).

4.4 **MAYOR AND COUNCILMEMBER COMMENTS AND CONCERNS**: The agenda shall provide a time when the Mayor ("Mayor's Reports") or any Councilmember ("Council Comments") may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda, but formal action on such matters may be deferred until a subsequent Council meeting, except that immediate action may be taken upon a vote of a majority of all members of the Council. There shall be no lectures, speeches or grandstanding.

5. CONSENSUS AND MOTIONS

5.1 **CONSENSUS VOTES**: When a formal motion is not required on a Council action or opinion, a consensus voice vote will be taken. The Chair will state the action or opinion and each Councilmember will state his/her name and vote by saying "aye" or "nay."

5.2 **MOTIONS**: No motion shall be entertained or debated until duly seconded and announced by the Chair. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the Clerk before it is debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.

5.3 **VOTES ON MOTIONS**: Each member present shall vote on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearance of fairness doctrine, or in which he or she has been granted leave to abstain by the City Council in advance and for a stated reason. Such member shall

disqualify himself or herself prior to any discussion of the matter and shall leave the Council Chambers. When disqualification of a member or members results or would result in the inability of the Council at a subsequent meeting to act on a matter on which it is required by law to take action, any member who was absent or who had been disqualified under the appearance of fairness doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

5.4 **FAILURE TO VOTE ON A MOTION**: Any Councilmember present who fails to vote without a valid disqualification or without having otherwise received the Council's permission to abstain shall be declared to have voted in the affirmative on the question.

5.5 **MOTIONS TO RECONSIDER:** A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

6. PUBLIC HEARING PROCEDURES

6.1 **SPEAKER SIGN-IN**: Prior to the start of a public hearing the Chair may require that all persons wishing to be heard sign in with the Clerk, giving their name and whether they wish to speak as a proponent, opponent or other member of the public.

A "Proponent" a person, firm, or organization speaking in favor of a proposal on which a public hearing is being held. The term "proponent" includes, but is not limited to, the permit applicant when a development permit is the subject of the public hearing; and

An "opponent," a person, firm or organization speaking against a proposal on which a public hearing is being held. The term "opponent" includes, but is not limited to, a person, organization or association opposing a permit application when a development permit is the subject of the public hearing; and

"Other members of the public," are those persons, firms, or organization wishing to speak concerning a proposal on which a public hearing is being

held and who do not met the definition of proponent or opponent. The term "other members of the public" includes, but is not limited to, persons and government agencies who desire to comment on a proposal but who are not speaking in favor of or against the proposal on which the public hearing is being held.

Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chair, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control presentations. (Suggested time limits are five minutes per individual speaker or ten minutes for the proponent, opponent, or when presenting the official position of an organization or group.)

6.2 CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS

Prior to the start of a public hearing the Chair will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Councilmember from participating in the public hearing process. A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Mayor or Chair and/or a request by the majority of the remaining members of the Council to step down is subject to censure. The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest.

6.3 THE PUBLIC HEARING PROCESS

Public hearings will begin according to the established agenda (or as soon thereafter as possible).

The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order:

(1) All comments by proponents, opponents or other members of the public (as defined in Section 6.1) shall be made from the podium; any individuals making comments shall first give their name. This is required because an official recorded transcript of the public hearing is being made.

(2) No comments shall be made from any other location. Anyone making "out of order" comments shall be subject to removal from the meeting. If you are disabled and require accommodation, please advise the City Clerk.

(3) There will be no demonstrations during or at the conclusion of anyone's presentation.

(4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard and to ensure that no individual is embarrassed by exercising his/her right of free speech.

The Chair calls upon city staff to describe the matter under consideration.

The Chair calls upon proponents, opponents, and all other individuals who wish to speak regarding the matter under consideration.

The Chair inquires as to whether any Councilmember has questions to ask the proponents, opponents, speakers or staff. If any Councilmember has questions, the appropriate individual will be recalled to the podium.

The Chair continues the public hearing to a time specific or closes the public hearing.

7. DUTIES AND PRIVILEGES OF CITIZENS

7.1 MEETING PARTICIPATION: Citizens are welcome at all Council meetings and are encouraged to attend and participate prior to the deliberations of the Council. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen, Councilmember or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Use of cellular telephones is prohibited in the Council Chambers.

7.2 COMMENTS FROM CITIZENS: Under agenda item "Comments From Citizens" citizens may address any item they wish to discuss with the

Mayor and Council. They shall first obtain recognition by the Chair, state their name and the subject of their comments. The Chair shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Chair or Council may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a Council committee for action or investigation and report at a future meeting.

Citizen/group presentations scheduled on the agenda to address the Council will be requested to step to the podium, give their name for the record. Presentations should be prearranged through the Mayor's Office and be limited to the time allotted, not to exceed twenty (20) minutes, with ten (10) minutes allowed for a question/answer period after the presentation.

7.4 **MANNER OF ADDRESSING THE COUNCIL - TIME LIMIT**: Each person addressing the Council shall step up to the podium, give his/her name in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit his/her remarks to three (3) minutes. Agenda item "Comments From Citizens" shall be limited to a total of 15 minutes and agenda item "Continued Comments From Citizens" shall be limited to the time available at the end of the regular Council meeting, unless additional time or less time is agreed upon by the Council (dependent upon the length of the Council agenda). All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Chair, members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the Chair. The Council will then determine the disposition of the issue (information only, place on present agenda, workshop, a future agenda, assign to staff, assign to Council Committee or do not consider).

7.5 **PERSONAL AND SLANDEROUS REMARKS**: Any person making personal, impolite, disrespectful or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience before the Council during that Council meeting by the Chair or Presiding Officer.

7.6 **WRITTEN COMMUNICATIONS**: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the city's business or over which the Council had control at any time. The written communication may be submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the Council members. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

7.7 **COMMENTS IN VIOLATION OF THE APPEARANCE OF FAIRNESS DOCTRINE**: The Chair may rule out of order any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

7.8 **"OUT OF ORDER" COMMENTS**: Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the Council Chambers.

These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. FILLING COUNCIL VACANCIES AND SELECTING DEPUTY MAYOR AND ALTERNATE DEPUTY MAYOR

8.1 **NOTICE OF VACANCY**: If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 42.12. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position.

8.2 **APPLICATION PROCEDURE**: The Council will draw up an application form which contains relevant information that will answer set questions posed by Council. The application form will be used in conjunction with

an interview of each candidate to aid the Council's selection of the new Councilmember.

8.3 **INTERVIEW PROCESS**: All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews will be determined by drawing the names; in order to make the interviews fair, applicants will be asked to remain outside the Council Chambers while other applicants are being interviewed. Applicants will be asked to answer questions submitted to them in advance of the interview and questions posed by each Councilmember during the interview process. The Councilmembers will ask the same questions of each candidate. Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

8.4 **SELECTION OF COUNCILMEMBER**: The Council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

8.5 **SELECTING DEPUTY MAYOR AND ALTERNATE DEPUTY MAYOR**: Pursuant to RCW 35A.12.065 "Biennially at the first meeting or a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability."

9. FILLING VACANCY IN THE OFFICE OF THE MAYOR

9.1 **VACANCY:** If a vacancy occurs, the Council will follow the procedures outlined in RCW 42.12.

9.2 **SELECTION OF MAYOR**: The Council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and

selection of a person to fill the vacancy will be conducted during an open public meeting.

10. RULES OF CONDUCT

PREAMBLE: Each Councilmember is elected by and answers to the citizens of Poulsbo. Our oath of office pledges that each of us will uphold the laws of the City of Poulsbo, the State of Washington, and the provisions of the constitution of the State and the United States. We have pledged ourselves to avoid conflicts of interest, the appearance of unfairness and to abide by other statutory directives.

These Rules of Conduct and standards of behavior have been adopted to guide us in instances where the law does not. They are based on common sense and courtesy, and may be enforced by the City Council through a motion of censure in accordance with the procedures as established by Robert's Rules of Order.

10.1 RESPECT: The citizens have elected each of us and by displaying respect and courtesy to our fellow Councilmembers, we honor the citizens' choice. We pledge that we will accord each Councilmember, the Mayor and staff the respect which their positions accord. We will extend this same respect to members of the public and to others who testify before us, recognizing that those individuals have a duty to conduct themselves in a reasonable manner.

10.2 LISTEN: We will listen to each other, to the staff and to the public. We will listen with an open mind. We will allow each speaker an equal opportunity to be heard within the time limits established by the Chair, so long as that individual adheres to our standards of conduct.

10.3 FAIR DEBATE: Each Councilmember will be permitted an opportunity to speak. As Councilmembers, we will allow our fellow Councilmembers to finish their thoughts. We will adhere to the City Council's adopted Rules of Procedure. Each Councilmember will await recognition by the Chair before speaking.

10.4 DISCLOSURE, AVOIDING THE APPEARANCE OF IMPROPRIETY: While state statutory provisions regarding the Appearance of Fairness Doctrine govern our conduct in quasi-judicial matters, Councilmembers will also attempt to avoid even the appearance of impropriety in all of our actions.

When we are aware of an issue that might reasonably be perceived as a conflict, and even if we are in doubt as to its relevance, we will reveal that issue for the record. We pledge that we will step down when required by the Appearance of Fairness Doctrine, that is, when an objective person at a Council meeting would have reasonable cause to believe that we could not fairly participate. We also recognize that as elected officials, we are unable to step aside from our elected responsibility when engaged in City of Poulsbo matters.

10.5 **MAINTAIN OUR LEGISLATIVE FOCUS**: We pledge to respect the administrative function of the Mayor and staff. We will do so, however, without suspending our critical faculty and the legislative oversight which we have been elected to exercise.

10.6 **MAJORITY AND MINORITY RIGHTS**: As we determine where the best interests and welfare of our citizens lie, we will always attempt to balance the wishes of the majority with the rights of the minority.

10.7 **OPEN PROCESS**: We will carry on our debates in public based upon information in the record. In addition to honoring the requirements of the Open Public Meetings Act, we will endeavor to carry on all of our business in open public session based on information in the public record and equally accessible to all citizens.

10.8 **HONOR CONFIDENCES**: To the extent required by law, we will honor the confidences to which we are privy due to our role as Councilmembers. In addition to any statutory requirement, we will avoid the release of any information that would give any person a competitive or unfair advantage and will endeavor to make sure that public information is equally and readily accessible to all members of the public and not just to specific constituencies.

11. SUSPENSION AND AMENDMENT OF THESE RULES

11.1 **SUSPENSION OF THESE RULES**: Any provision of these rules not governed by the Poulsbo Municipal Code may be temporarily suspended by a vote of a majority of the Council.

11.2 **AMENDMENT OF THESE RULES**: These rules may be amended or new rules adopted by a majority vote of all members of the Council,

provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

12. **<u>TRAVEL AND TRAINING BUDGET</u>**: Each Councilmember shall be allocated 1/7 of the Travel and Training budget approved for the Council. The City Clerk will provide a quarterly report of expenses incurred year to date for each Councilmember and the balance of their allocated budget for the year. The process for reimbursement or payment of claims is the same as for all other employees.

Exhibit "A"
Resolution No. 20~~18-02~~20-02__

POULSBO CITY COUNCIL

RULES OF PROCEDURE

RULES OF PROCEDURE

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POULSBO CITY COUNCIL
RULES OF PROCEDURE

1. GENERAL RULES

1.1 MEETINGS TO BE PUBLIC: All official meetings of the Council shall be open to the public with the exception of executive sessions for certain limited topics (as defined in RCW Chapter 42.30). The minute book shall be open to public inspection.

1.2 QUORUM: Four Councilmembers shall be in attendance to constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time, but no adjournment shall be for a longer period than until the next regular meeting.

1.3 ATTENDANCE, EXCUSED ABSENCES: RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three (3) consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Chair, City Clerk or Deputy City Clerk and state the date and the reason for the absence. The City Clerk or Deputy City Clerk will route a notice explaining the absence to all other Councilmembers who will indicate their approval or disapproval on the form. The Clerk will maintain a file of executed forms.

1.4 REMOTE ATTENDANCE: From time to time, it is not possible for a councilmember to attend a City Council meeting. In limited instances, the City would benefit by a Councilmember's participation by means of remote communication. The Council recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations is intended to be an alternative and relatively infrequently used method for participation by Councilmembers. Remote attendance may occur as follows:

(~~aa~~) Notice shall be given to the City Clerk, who ~~The Mayor~~ may approve a Councilmember's appearance at a Council meeting via

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remote communication in limited instances, including emergencies that require immediate action or remedy.

(~~b~~b) In no event shall the ~~Mayor~~City Clerk approve a Councilmember's remote attendance unless satisfactory equipment is available. Satisfactory equipment shall mean any telephone or other device equipped with a speaker function capable of broadcasting the Councilmember's voice attending clearly and sufficiently enough to be heard by those in attendance at the meeting. The devise must allow the Councilmember to pose and answer questions as posed from time to time. Remote participation requires a technical transmission check-in prior to the meeting.

(c) The City Clerk cannot approve remote attendance if there is not a quorum of Councilmembers physically present at the meeting. If there is not a quorum physically present, the meeting will be cancelled.

(~~c~~)d During any meeting that a Councilmember is attending via remote communication, the mayor shall state for the record that a particular Councilmember is attending via remote communication and the reasons for such attendance.

(~~d~~e) Councilmembers attending~~appearing~~ via remote communication may participate and vote during the meeting as if they were physically present at the meeting.

(~~e~~f) Councilmembers ~~appearing~~attending via remote communication shall comply with all rules and procedures as if they were physically present at the meeting, and shall normally listen in a "mute" status until ready to individually speak.~~.~~

(~~f~~g) In the case of executive sessions, the Council may permit participation from remote location(s) only when the Council on a case-by-case basis considers such participation to be necessary and the Council is confident in the security of such remote communications.

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1.~~4~~5 **MEETING MINUTES**: The City Clerk shall maintain a record of the proceedings of all council meetings. This record will be called the minute book.

1.~~5~~6 **RIGHT OF FLOOR**: Any councilmember desiring to speak shall be recognized by the Chair and shall confine his/her remarks to one subject under consideration or to be considered.

1.~~6~~7 **RULES OF ORDER**: Robert's Rules of Order shall be the guideline procedures for the proceedings of the Council. If there is a conflict, these rules shall apply.

1.~~7~~8 **COUNCIL COMMUNICATION AND BALLOT ENDORSEMENTS**:

(1) Any time Councilmembers communicate with the public, they shall include a disclaimer that they are speaking only for themselves and not speaking for any other member or the Council as a whole. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that the statements do not represent the Council's or City's position.

(2) The Council, as a whole, will not endorse those measures placed on a ballot for the vote of the people. Individual endorsement by Councilmembers shall only be made and stated as an individual citizen.

1.~~8~~9 **VIOLATION OF CITY ORDINANCES**: Members concerned with a violation of a city ordinance shall contact the Mayor or appropriate department head and explain the violation and its location. Members shall not act as an enforcement agent.

1.95 **RULES OF PROCEDURE REVIEW**: The City Clerk will schedule a workshop to review Council's Rules of Procedure during January of every even-numbered year or at such time deemed necessary.

2. TYPES OF MEETINGS

2.1 **REGULAR COUNCIL MEETINGS**: The Council shall meet on the first three Wednesdays of each month at 7:00 PM. When a Council meeting falls on a holiday, the Council may determine an alternate day for the meeting or cancel the meeting. The Council may reschedule regular meetings to a different date or time by motion. The location of the meetings shall be the Council Chambers at city hall, unless specified otherwise by a majority vote of the Council. All regular and special meetings shall be public pursuant to the RCW Chapter 42.30 and the Open Public Meetings Act.

2.2 **SPECIAL MEETINGS**: Special meetings may be called by the Mayor or any four (4) members of the Council. If a Councilmember wishes to attend a meeting of a council committee to which he or she is not assigned, the Councilmember is responsible for notifying the City Clerk with enough time to allow for the noticing requirement. The City Clerk shall prepare a notice of the special meeting stating the time, place and business to be transacted. The City Clerk shall attempt to notify each member of the Council, either by telephone or otherwise, of the special meeting. The City Clerk shall give at least 24 hours' notice of the special meeting to each local newspaper of general circulation and to each local radio and/or television station which has filed with the Clerk a written request to be notified of special meetings. No subjects other than those specified in the notice shall be considered. The Council may not make final disposition on any matter not mentioned in the notice. If a special meeting is convened, and proper notice has not been given, the chair should advise the members of the potential Open Public Meetings Act violation, and ask for a motion to adjourn. The meeting will be rescheduled to a time and date that allows for the proper noticing requirements.

Special meetings may be called in less than 24 hours, and without the notice required in this section, to deal with emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical or increase the likelihood of such injury or damage.

2.3 **CONTINUED AND ADJOURNED SESSIONS**: Any session of the Council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

2.4 **STUDY SESSIONS AND WORKSHOPS**: The Council may meet informally in study sessions and workshops (open to the public), at the call of the Mayor or of any three or more members of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, receive other similar information from city department heads or conduct procedures workshops, provided that all discussions and conclusions thereon shall be informal and do not constitute official actions of the Council.

2.5 **EXECUTIVE SESSIONS**: Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act (RCW 42.30.110). Among the topics that may be discussed are: (1) personnel matters; (2) consideration of acquisition of property for public purposes or sale of city-owned property; and (3) potential or pending litigation in which the city has an interest, as long as legal counsel is present in person or by phone as provided in the Revised Code of Washington. The Council must keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. The Council may hold an executive session during a regular or special meeting. Before convening in executive session the Chair shall publicly announce the purpose for excluding the public from the meeting place and the time when the executive session will be concluded. If the Council wishes to adjourn at the close of a meeting from executive session, that fact will be announced along with the estimated time for the executive session. The announced time limit for executive sessions may be extended to a stated later time by the announcement of the Chair.

2.6 **ATTENDANCE OF MEDIA AT COUNCIL MEETINGS**: All official meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

2.7 **CONSIDERATION OF INTERJURISDICTIONAL ISSUES**: Generally, the Council will not take a position on an issue pertaining to another jurisdiction. However, if a Councilmember believes an interjurisdictional issue could directly or indirectly impact the citizens of Poulsbo and the Council as a whole should consider taking a position, the following procedure shall be followed:

Consideration of whether the Council should take a position on the issue will first be referred to an appropriate Committee. If the Committee determines the Council as a whole should consider the issue, it should then be placed on the Council business agenda for consideration by the Council as a whole.

2.8 **COUNCIL LIAISONS:** Councilmembers are assigned to various outside agencies to serve as the liaison for the City. Liaisons should attend the outside agency's meetings regularly and report back to the Council. These are the organizations at this time (subject to change): North Kitsap School District, Poulsbo Chamber of Commerce, Historic Downtown Poulsbo Association, Kitsap Economic Development Alliance, Port of Poulsbo, and Kitsap Regional Coordinating Council.

3. CHAIR AND DUTIES

3.1 **CHAIR**: The Mayor, if present, shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the Alternate Deputy Mayor shall preside. In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, the Council shall elect a Chair.

3.2 **CALL TO ORDER**: The meetings of the Council shall be called to order by the Mayor or, in his/her absence, by the Deputy Mayor. In the absence of both the Mayor and Deputy Mayor, the meeting shall be called to order by the Alternate Deputy Mayor. In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, the meeting shall be called to order by the City Clerk or Clerk's designee for the election of a temporary Chair.

3.3 **PRESERVATION OF ORDER**: The Chair shall preserve order and decorum, prevent attacks on personalities or character of members' and confine members in debate to the question under discussion.

3.4 **POINTS OF ORDER**: The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"

3.5 **QUESTIONS TO BE STATED**: The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon all questions.

3.6 **SUBSTITUTION FOR CHAIR**: The Chair may call the Deputy Mayor to temporarily chair the meeting. In the absence of both the Mayor and Deputy Mayor, the Alternate Deputy may temporarily chair the meeting. In the absence of the Mayor, Deputy Mayor and Alternate Deputy Mayor, any other member (Presiding Officer) may be called to temporarily chair the meeting.

3.7 **PRESIDING OFFICER - POWERS**: The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of acting as the Presiding Officer.

4. ORDER OF BUSINESS AND AGENDA

4.1 **ORDER OF BUSINESS**: The order of business for all regular meetings shall be transacted as follows unless the Council, by a majority vote of the members present, suspends the rules and changes the order:

(1) Call to Order
(2) Pledge of Allegiance
(3) Agenda Review
(4) Comments from Citizens (limited to a total of 15 minutes)
(5) Mayor's Reports and Council Comments
(6) Consent Agenda
(7) Business Agenda (any associated committee reports will be given during the agenda item at the Chair's direction)
(8) Council Committee Reports (limited to a total of 5 minutes per committee)
(9) Department Head Comments
(10) Board and Commission Reports
(11) Continued Comments from Citizens
(12) Mayor and Councilmember Comments
(13) Adjournment

The Consent Agenda may contain items which are of a routine and non-controversial nature which may include, but are not limited to, the following: meeting minutes, payroll, claims, budget amendments, and any item previously approved by Council with a unanimous vote and which is being submitted to Council for final approval. Any item on the Consent Agenda may be removed and considered separately as an agenda item at the request of any Councilmember.

4.2 **COUNCIL AGENDA MODIFICATIONS**: The Mayor shall set the agenda for all regular council meetings. At the start of each meeting, before any discussion, the Council or Mayor may propose to amend the agenda. A majority of the Council must vote by motion to accept modifications to the agenda.

4.3 **COUNCIL AGENDA**: Subject to the Council's right to amend the agenda, no legislative item shall be voted upon which is not on the Council agenda, except in emergency situations (defined as situations which would jeopardize the public's health, safety or welfare).

4.4 **MAYOR AND COUNCILMEMBER COMMENTS AND CONCERNS**: The agenda shall provide a time when the Mayor ("Mayor's Reports") or any Councilmember ("Council Comments") may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda, but formal action on such matters may be deferred until a subsequent Council meeting, except that immediate action may be taken upon a vote of a majority of all members of the Council. There shall be no lectures, speeches or grandstanding.

5. CONSENSUS AND MOTIONS

5.1 **CONSENSUS VOTES**: When a formal motion is not required on a Council action or opinion, a consensus voice vote will be taken. The Chair will state the action or opinion and each Councilmember will state his/her name and vote by saying "aye" or "nay."

5.2 **MOTIONS**: No motion shall be entertained or debated until duly seconded and announced by the Chair. The motion shall be recorded and, if desired by any Councilmember, it shall be read by the Clerk before it is

debated and, by the consent of the Council, may be withdrawn at any time before action is taken on the motion.

5.3 **VOTES ON MOTIONS**: Each member present shall vote on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearance of fairness doctrine, or in which he or she has been granted leave to abstain by the City Council in advance and for a stated reason. Such member shall disqualify himself or herself prior to any discussion of the matter and shall leave the Council Chambers. When disqualification of a member or members results or would result in the inability of the Council at a subsequent meeting to act on a matter on which it is required by law to take action, any member who was absent or who had been disqualified under the appearance of fairness doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

5.4 **FAILURE TO VOTE ON A MOTION**: Any Councilmember present who fails to vote without a valid disqualification or without having otherwise received the Council's permission to abstain shall be declared to have voted in the affirmative on the question.

5.5 **MOTIONS TO RECONSIDER:** A motion to reconsider must be made by a person who voted with the majority on the principal question and must be made at the same or succeeding regular meeting. No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

6. PUBLIC HEARING PROCEDURES

6.1 **SPEAKER SIGN-IN**: Prior to the start of a public hearing the Chair may require that all persons wishing to be heard sign in with the Clerk, giving their name and whether they wish to speak as a proponent, opponent or other member of the public.

A "Proponent" a person, firm, or organization speaking in favor of a proposal on which a public hearing is being held. The term "proponent" includes, but is not limited to, the permit applicant when a development permit is the subject of the public hearing; and

An "opponent," a person, firm or organization speaking against a proposal on which a public hearing is being held. The term "opponent" includes, but is not limited to, a person, organization or association opposing a permit application when a development permit is the subject of the public hearing; and

"Other members of the public," are those persons, firms, or organization wishing to speak concerning a proposal on which a public hearing is being held and who do not met the definition of proponent or opponent. The term "other members of the public" includes, but is not limited to, persons and government agencies who desire to comment on a proposal but who are not speaking in favor of or against the proposal on which the public hearing is being held.

Any person who fails to sign in shall not be permitted to speak until all those who signed in have given their testimony. The Chair, subject to the concurrence of a majority of the Council, may establish time limits and otherwise control presentations. (Suggested time limits are five minutes per individual speaker or ten minutes for the proponent, opponent, or when presenting the official position of an organization or group.)

6.2 CONFLICT OF INTEREST/APPEARANCE OF FAIRNESS

Prior to the start of a public hearing the Chair will ask if any Councilmember has a conflict of interest or Appearance of Fairness Doctrine concern which could prohibit the Councilmember from participating in the public hearing process. A Councilmember who refuses to step down after challenge and the advice of the City Attorney, a ruling by the Mayor or Chair and/or a request by the majority of the remaining members of the Council to step down is subject to censure. The Councilmember who has stepped down shall not participate in the Council decision nor vote on the matter. The Councilmember shall leave the Council Chambers while the matter is under consideration, provided, however, that nothing herein shall be interpreted to prohibit a Councilmember from stepping down in order to participate in a hearing in which the Councilmember has a direct financial or other personal interest.

6.3 THE PUBLIC HEARING PROCESS

Public hearings will begin according to the established agenda (or as soon thereafter as possible).

The Chair introduces the agenda item, opens the public hearing and announces the following Rules of Order:

(1) All comments by proponents, opponents or other members of the public (as defined in Section 6.1) shall be made from the podium; any individuals making comments shall first give their name. This is required because an official recorded transcript of the public hearing is being made.

(2) No comments shall be made from any other location. Anyone making "out of order" comments shall be subject to removal from the meeting. If you are disabled and require accommodation, please advise the City Clerk.

(3) There will be no demonstrations during or at the conclusion of anyone's presentation.

(4) These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard and to ensure that no individual is embarrassed by exercising his/her right of free speech.

The Chair calls upon city staff to describe the matter under consideration.

The Chair calls upon proponents, opponents, and all other individuals who wish to speak regarding the matter under consideration.

The Chair inquires as to whether any Councilmember has questions to ask the proponents, opponents, speakers or staff. If any Councilmember has questions, the appropriate individual will be recalled to the podium.

The Chair continues the public hearing to a time specific or closes the public hearing.

7. DUTIES AND PRIVILEGES OF CITIZENS

7.1 **MEETING PARTICIPATION**: Citizens are welcome at all Council meetings and are encouraged to attend and participate prior to the deliberations of the Council. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly and effective meeting, be the speaker a citizen,

Councilmember or staff member. Further, it will be expected that all speakers will deliver their comments in a courteous and efficient manner. Anyone making out-of-order comments or acting in an unruly manner shall be subject to removal from the meeting. Use of cellular telephones is prohibited in the Council Chambers.

7.2 **COMMENTS FROM CITIZENS**: Under agenda item "Comments From Citizens" citizens may address any item they wish to discuss with the Mayor and Council. They shall first obtain recognition by the Chair, state their name and the subject of their comments. The Chair shall then allow the comments, subject to a three (3) minute limitation per speaker, or other limitations as the Chair or Council may deem necessary. Following such comments, if action is required or has been requested, the Chair may place the matter on the current agenda or a future agenda or refer the matter to staff or a Council committee for action or investigation and report at a future meeting.

Citizen/group presentations scheduled on the agenda to address the Council will be requested to step to the podium, give their name for the record. Presentations should be prearranged through the Mayor's Office and be limited to the time allotted, not to exceed twenty (20) minutes, with ten (10) minutes allowed for a question/answer period after the presentation.

7.4 **MANNER OF ADDRESSING THE COUNCIL - TIME LIMIT**: Each person addressing the Council shall step up to the podium, give his/her name in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit his/her remarks to three (3) minutes. Agenda item "Comments From Citizens" shall be limited to a total of 15 minutes and agenda item "Continued Comments From Citizens" shall be limited to the time available at the end of the regular Council meeting, unless additional time or less time is agreed upon by the Council (dependent upon the length of the Council agenda). All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Chair, members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the Chair. The Council will then determine the disposition of the issue (information only, place on present

agenda, workshop, a future agenda, assign to staff, assign to Council Committee or do not consider).

7.5 **PERSONAL AND SLANDEROUS REMARKS**: Any person making personal, impolite, disrespectful or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting and may be barred from further audience before the Council during that Council meeting by the Chair or Presiding Officer.

7.6 **WRITTEN COMMUNICATIONS**: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the city's business or over which the Council had control at any time. The written communication may be submitted by direct mail or by addressing the communication to the City Clerk who will distribute copies to the Council members. The communication will be entered into the record without the necessity for reading as long as sufficient copies are distributed to members of the audience/public.

7.7 **COMMENTS IN VIOLATION OF THE APPEARANCE OF FAIRNESS DOCTRINE**: The Chair may rule out of order any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

7.8 **"OUT OF ORDER" COMMENTS**: Any person whose comments have been ruled out of order by the Chair shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the Chair may subject the individual to removal from the Council Chambers.

These rules are intended to promote an orderly system of holding a public meeting and to give every person an opportunity to be heard.

8. FILLING COUNCIL VACANCIES AND SELECTING DEPUTY MAYOR AND ALTERNATE DEPUTY MAYOR

8.1 **NOTICE OF VACANCY**: If a Council vacancy occurs, the Council will follow the procedures outlined in RCW 42.12. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy and the procedure and deadline for applying for the position.

8.2 **APPLICATION PROCEDURE**: The Council will draw up an application form which contains relevant information that will answer set questions posed by Council. The application form will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember.

8.3 **INTERVIEW PROCESS**: All candidates who submit an application by the deadline will be interviewed by the Council during a regular or special Council meeting open to the public. The order of the interviews will be determined by drawing the names; in order to make the interviews fair, applicants will be asked to remain outside the Council Chambers while other applicants are being interviewed. Applicants will be asked to answer questions submitted to them in advance of the interview and questions posed by each Councilmember during the interview process. The Councilmembers will ask the same questions of each candidate. Each candidate will then be allowed two (2) minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.

8.4 **SELECTION OF COUNCILMEMBER**: The Council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

8.5 **SELECTING DEPUTY MAYOR AND ALTERNATE DEPUTY MAYOR**: Pursuant to RCW 35A.12.065 "Biennially at the first meeting or a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the

remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability."

9. FILLING VACANCY IN THE OFFICE OF THE MAYOR

9.1 VACANCY: If a vacancy occurs, the Council will follow the procedures outlined in RCW 42.12.

9.2 SELECTION OF MAYOR: The Council may recess into executive session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during an open public meeting.

10. RULES OF CONDUCT

PREAMBLE: Each Councilmember is elected by and answers to the citizens of Poulsbo. Our oath of office pledges that each of us will uphold the laws of the City of Poulsbo, the State of Washington, and the provisions of the constitution of the State and the United States. We have pledged ourselves to avoid conflicts of interest, the appearance of unfairness and to abide by other statutory directives.

These Rules of Conduct and standards of behavior have been adopted to guide us in instances where the law does not. They are based on common sense and courtesy, and may be enforced by the City Council through a motion of censure in accordance with the procedures as established by Robert's Rules of Order.

10.1 RESPECT: The citizens have elected each of us and by displaying respect and courtesy to our fellow Councilmembers, we honor the citizens' choice. We pledge that we will accord each Councilmember, the Mayor and staff the respect which their positions accord. We will extend this same respect to members of the public and to others who testify before us, recognizing that those individuals have a duty to conduct themselves in a reasonable manner.

10.2 LISTEN: We will listen to each other, to the staff and to the public. We will listen with an open mind. We will allow each speaker an equal opportunity to be heard within the time limits established by the Chair, so long as that individual adheres to our standards of conduct.

10.3 **FAIR DEBATE:** Each Councilmember will be permitted an opportunity to speak. As Councilmembers, we will allow our fellow Councilmembers to finish their thoughts. We will adhere to the City Council's adopted Rules of Procedure. Each Councilmember will await recognition by the Chair before speaking.

10.4 **DISCLOSURE, AVOIDING THE APPEARANCE OF IMPROPRIETY**: While state statutory provisions regarding the Appearance of Fairness Doctrine govern our conduct in quasi-judicial matters, Councilmembers will also attempt to avoid even the appearance of impropriety in all of our actions. When we are aware of an issue that might reasonably be perceived as a conflict, and even if we are in doubt as to its relevance, we will reveal that issue for the record. We pledge that we will step down when required by the Appearance of Fairness Doctrine, that is, when an objective person at a Council meeting would have reasonable cause to believe that we could not fairly participate. We also recognize that as elected officials, we are unable to step aside from our elected responsibility when engaged in City of Poulsbo matters.

10.5 **MAINTAIN OUR LEGISLATIVE FOCUS**: We pledge to respect the administrative function of the Mayor and staff. We will do so, however, without suspending our critical faculty and the legislative oversight which we have been elected to exercise.

10.6 **MAJORITY AND MINORITY RIGHTS**: As we determine where the best interests and welfare of our citizens lie, we will always attempt to balance the wishes of the majority with the rights of the minority.

10.7 **OPEN PROCESS**: We will carry on our debates in public based upon information in the record. In addition to honoring the requirements of the Open Public Meetings Act, we will endeavor to carry on all of our business in open public session based on information in the public record and equally accessible to all citizens.

10.8 **HONOR CONFIDENCES**: To the extent required by law, we will honor the confidences to which we are privy due to our role as Councilmembers. In addition to any statutory requirement, we will avoid the release of any information that would give any person a competitive or unfair advantage and will endeavor to make sure that public information is equally and

readily accessible to all members of the public and not just to specific constituencies.

11. SUSPENSION AND AMENDMENT OF THESE RULES

11.1 SUSPENSION OF THESE RULES: Any provision of these rules not governed by the Poulsbo Municipal Code may be temporarily suspended by a vote of a majority of the Council.

11.2 AMENDMENT OF THESE RULES: These rules may be amended or new rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

12. TRAVEL AND TRAINING BUDGET: Each Councilmember shall be allocated 1/7 of the Travel and Training budget approved for the Council. The City Clerk will provide a quarterly report of expenses incurred year to date for each Councilmember and the balance of their allocated budget for the year. The process for reimbursement or payment of claims is the same as for all other employees.

RESOLUTION 2020-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, REPEALING RESOLUTION NO. 2018-02; ADOPTING NEW POULSBO CITY COUNCIL RULES OF PROCEDURE; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, the City Council of the City of Poulsbo adopted Rules of Procedure pursuant to Resolution No. 2018-02; and

WHEREAS, the City Council again desires to make amendments to the Rules of Procedure, and desires to repeal the previous versions of the Rules of Procedure and enact a new version for ease of reference, inclusive of all prior amendments and recent revisions; now therefore

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1. Resolution No. 2018-02 adopting the Poulsbo City Council Rules of Procedure is hereby repealed.

Section 2. The City Council of the City of Poulsbo hereby adopts as its rules of procedure the rules set forth on the attached Exhibit A incorporated herein by this reference as if set forth in full.

Section 3. This section shall become effective upon the date of passage of this Resolution.

RESOLVED this 22nd day of January, 2020.

APPROVED:

_____

MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:

_____

CITY CLERK, RHIANNON FERNANDEZ

FILED WITH THE CITY CLERK: 01/09/2020
PASSED BY THE CITY COUNCIL: 01/22/2020
RESOLUTION NO. 2020-02

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	Planning Commission Appointment Confirmation
EXHIBITS:	Commission Application
STAFFED BY:	City Clerk Fernandez
CATEGORY:	Business Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

One Planning Commission position became vacant with the resignation of Gordon Hanson.

Planning Director Boughton and Mayor Erickson have met with Mr. Mark Kipps, and Mayor Erickson recommends appointing Mr. Kipps to fill a term ending December 31, 2022.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

	Committee	Not Applicable

IMPACTS:

Expenditure Required? ☐ Yes ☐ No	Included in Budget? ☐ Yes ☐ No Amount: $

RECOMMENDED ACTION:

Concur with the Mayor's recommendation for appointment to the Planning Commission as presented.

SAMPLE MOTION:

Move to confirm the Mayor's recommendation for appointment to the Planning Commission as presented.

Boards and Commission Application

The City of Poulsbo appreciates your interest in serving the citizens of Poulsbo as a volunteer. Please take a moment to complete the requested information below. **Please use the reverse side of the application to tell us in a 350 word essay why you are interested in becoming a volunteer member of this board/commission and what you feel you would contribute if selected.** Feel free to attach additional information you feel would help in the selection process.

Please return your completed application to:
Attn: City Clerk's Office, City of Poulsbo ~ 200 NE Moe Street ~ Poulsbo, WA 98370

Board/Commission Position: Planning Commission

Name: Mark Kipps

Home Address: [redacted]

Business Address: _____
(Required if applying for a Board and Commission in the Business Owner capacity)

Home Phone: — **Business or Cell Phone:** [redacted]

E-mail Address: [redacted]

Education: *(Include High School and post High School institutions attended name and address)*

- HS Diploma; Montomery HS, Santa Rosa CA, 1974
- BS Industrial Engineering, University of Washington Seattle WA 1987
- MS Electrical Engineering, US Naval Postgraduate School Monterey CA 1994
- MS Education, Old Dominion University Norfolk VA, 2002

Licenses Held *(if applicable)*

- _____
- _____

Employment History

Current Employer: Huntington Ingalls Industries (1998 - Present)
Job Title/Position: Pacific Northwest Engineering Programs Manager

Previous Employer: US Navy (1975 - 1998)
Job Title/Position: Engineering Duty Officer; Surface Line Officer; Enlisted Submariner

(Application Continued on Reverse Side)

Please describe work experience as it relates to the Board or Commission you are interested in: My work in the US Navy and as a provider of maintenance and modernization on ships has required me to work on a team to plan and execute very complex projects.

Memberships in Professional/Civic Organizations: *(include office held)* Current board member and president of the Puget Sound Ship Repair Association

Please use this page to explain why you are interested in serving on this board or commission and what you feel you will contribute if selected (350 word essay).

Please see attached statement.

Thank you for taking the time to complete this application. During the selection process you may be contacted to schedule a meeting with the Mayor and/or staff. If you have any additional questions for us, please contact the Clerk's Office at 360.394.9880.

For City Use Only			
Date of Appointment:		**Date of Reappointment:**	
Date of Original Term Expiration:			
Date			

MARK R. KIPPS
(360) 340-2387 mobile
markkipps@comcast.net

Poulsbo Boards and Commissions Application

Why I am interested in serving on the planning commission:

I am currently transitioning from working full time to something more like a consulting role for my company. I will have more time to pursue other interests including volunteering in our community. I have always believed that I have an obligation to serve and give back for the many gifts and blessings I have received in my life. I have also come to believe very strongly that the place where a person can make the most impact is right in the community where they live.

Our local public and private civic institutions and the real flesh and blood human connections that they encourage are exceptionally important to society. Local institutions are the most directly answerable to the people and give citizens a real chance to be heard. At their best these institutions provide a place to turn and officials that listen, understand and care.

I would like contribute to the work of our planning commission. My professional career has been spent working on complex problems with diverse teams of people in order to achieve the best possible result. As an engineer and project manager I am interested in applying my forty years of experience to help in planning the future of Poulsbo.

Poulsbo is a special place. My wife, Helen, and I moved here in 2014 after living in central Kitsap County since the early 1980s. We love it here and we have chosen to make it our home. I want to help retain the character that makes this place so special while carefully planning for the growth that must and will happen if we are to remain a vital community.

I wish to serve the community and I have what I believe to be relevant experience in planning and executing complex projects. I would be honored to serve the city on the Planning Commission.

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	Ordinance No. 2020-__, Special Event Ordinance Update
EXHIBITS:	Draft Ordinance
STAFFED BY:	City Clerk Fernandez
CATEGORY:	Business Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

In 2018, the City's insurer, WCIA, audited the City's special event application process and made recommendations for updating our code and our application. WCIA recommended removing the special event license from 5.04 – Business Licenses and create new Chapter 5.30 – Special Events. WCIA's model special event ordinance was used and edited to be specific to the City of Poulsbo. City reviewers have reviewed and discussed the proposed changes and recommend approval. WCIA, the City Attorney, and the Community Services Committee have also recommended approval.

Major changes include:
*The application will be approved administratively. All appeals will be heard by the Council.
*The fee is changing from $25 to $75, and there is an additional $50 fee for late applications that need to be expedited.
*Chapter 5.32 Carnivals, Circuses, Traveling Shows and Outdoor Amusements will be repealed and will fall under the special event process.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

01/08/2020	Community Services	Not Applicable

IMPACTS:

Expenditure Required? ☐ Yes ☑ No	Included in Budget? ☐ Yes ☑ No Amount: $

RECOMMENDED ACTION:

Staff recommends approving the ordinance to promote, protect and the preserve the public interest by regulating special events, and to compensate the City for the time that is spent on approving an application.

SAMPLE MOTION:

Move to approve Ordinance No. 2020-__, an ordinance of the City of Poulsbo, Washington, amending the Poulsbo Municipal Code to repeal subsection 5.04.090(b), regarding special event master license; amending Title 5 of the Poulsbo Municipal Code to add a new Chapter 5.30 in order to promote, protect and preserve the public interest by regulating special events; repealing Chapter 5.32 to be included in the new Chapter 5.30; amending the Poulsbo Municipal Code to update fees for processing special event applications and repealing fees for carnival licenses; providing for severability and establishing an effective date.

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING THE POULSBO MUNICIPAL CODE TO REPEAL SUBSECTION 5.04.090(B), REGARDING SPECIAL EVENT MASTER LICENSE; AMENDING TITLE 5 OF THE POULSBO MUNICIPAL CODE TO ADD A NEW CHAPTER 5.30 IN ORDER TO PROMOTE, PROTECT AND PRESERVE THE PUBLIC INTEREST BY REGULATING SPECIAL EVENTS; REPEALING CHAPTER 5.32 TO BE INCLUDED IN THE NEW CHAPTER 5.30; AMENDING THE POULSBO MUNICIPAL CODE TO UPDATE FEES FOR PROCESSING SPECIAL EVENT APPLICATIONS AND REPEALING FEES FOR CARNIVAL LICENSES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 5.04.090 of the Poulsbo Municipal Code ("PMC") regulates Special Event Licenses within the City; and

WHEREAS, the City desires to make the PMC consistent with the current requirements and regulations of the city's risk pool and separate the regulations for Temporary Business Licenses and Special Event Permits into different chapters; and

WHEREAS, the City desires to amend the title of PMC Section 5.04.090 to Temporary Business License; and

WHEREAS, the City desires to repeal Subsection 5.04.090.B, regarding Special Event Licensing, and create a new Chapter 5.30 PMC for Special Event Permits; and

WHEREAS, the City desires to repeal Chapter 5.32 PMC, regarding carnivals, circuses, traveling shows and outdoor amusements, with the intent that these events will be covered under the new Chapter 5.30 PMC, Special Event Permits; and

WHEREAS, the City desires to update Subsections (D) and (J) of Section 3.12.040, Miscellaneous fees and charges, to reflect the cost of city staff time to review Special Event Permit applications; and

WHEREAS, the Community Services Committee reviewed these proposed code amendments at their November 13, 2019 committee meeting and recommended approval by the City Council; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 5.04.090 of the Poulsbo Municipal Code is hereby amended to read as follows (strikethroughs indicate deletions, underlining indicates additions):

5.04.090 ~~Fee~~ Temporary ~~and special events~~ Business License.

A. Any person engaged in business within the city for a period not to exceed fourteen days within any three consecutive months may obtain a temporary business license upon application to the city clerk. The fee for this temporary license is set forth in Section 3.12.040(D)(5). The temporary license may not be renewed during that calendar year.

~~B. A master license shall be required for all special events held within the city limits of Poulsbo. Requirements of the special event master license are as follows:~~

~~1. The promoter, sponsor or other person, firm, company, corporation or legal entity of whatsoever nature or kind organizing, managing, operating or conducting any promotional activity or special event within the city shall obtain a special event master license to cover all dealers/vendors involved in the activity/special event.~~

~~2. Application shall be made on a form provided by the city clerk at least three months prior to the date of the event to provide adequate time for input from city departments, community services committee and/or city council if required or deemed necessary.~~

~~3. Dealers/vendors participating in a convention, show, sale or other promotional activity or special event shall be covered under the special event master license and shall not be required to have separate licenses for the event.~~

~~4. The city reserves the right to charge any sponsor of a special event direct costs incurred by the city as a result of the event. Such costs may include, but are not limited to, the cost of barricading streets, police officers to direct or block pedestrian or vehicular traffic, plan reviews, or other public safety involvement such as periodic cleanup or other services.~~

~~5. The sponsor of the special event shall provide the city clerk with a list of all participating dealers/vendors at least ten days prior to the event. The list shall include the vendor's name, business name (if appropriate), mailing address, telephone number and state sales tax number. A map or layout of booths and booth numbers and the business in that booth shall also be provided, if appropriate. Only those dealers/vendors~~

~~listed on the application or its amendments are approved under the special event master license.~~

~~6. No license shall be issued to any person, firm, company or corporation to run, operate, conduct or manage any special event within the city which is in violation of any ordinance of the city or Kitsap County, or any statute of the state.~~

~~7. Any person, firm, company or corporation receiving a special event master license pursuant to this chapter may be required to provide a certificate of insurance with a comprehensive general liability policy covering bodily injury and property damage, with respect to the use and occupancy of city property with liability limits of not less than one million dollars, per occurrence, and shall include products liability if food and/or beverage vending is part of the special event or public activity. The city shall be named as additional insured on all such policies, which policies shall in addition provide that they may not be canceled or modified for any reason without fifteen days' prior written notice to city. Sponsor shall provide the city with a certificate or certificates of such insurance ten days prior to the date of the event. Greater or lesser coverage may be required based upon an objective assessment of risk to the public health, safety and welfare of the special event.~~

~~8. The following special events shall be exempt from the requirement to obtain a special event master license under this chapter: (a) dances or other social events conducted by schools or churches; (b) temporary sales conducted by businesses, such as holiday sales, grand opening/closing business sales or anniversary sales; (c) bazaars or arts and craft shows sponsored by churches, lodges or other nonprofit social groups; (d) garage sales and rummage sales; (e) organized amateur sporting events such as little league baseball, amateur soccer, and day camps sponsored by the city's recreation department; (f) charitable, religious or nonprofit organizations on premises under their control; and (g) other events and activities which do not directly affect or use city services.~~

~~9. All applications for a special event master license shall be accompanied by a nonrefundable application fee as set forth in Section 3.12.040(D)(6). (Ord. 2018-22 § 1 (part), 2018; Ord. 2010-20 § 1 (part), 2010; Ord. 2003-16 § 11 (part), 2003; Ord. 2000-03 § 1, 2000; Ord. 96-10 § 6, 1996; Ord. 92-33 § 2, 1992; Ord. 91-37 §§ 8, 11, 1991; Ord. 84-32 § 12, 1984)~~

Section 2. Adoption of Chapter 5.30 PMC. To preserve the general health, safety and welfare of all the public, a new chapter, 5.30 Special Events Permit, is hereby added to the Poulsbo Municipal Code as shown in Attachment A.

Section 3. Repeal of Chapter 5.32 PMC. Poulsbo Municipal Code Chapter 5.32 is hereby repealed in its entirety.

Section 4. Amendment. Subsections 3.12.040(D) and 3.12.040(J) of the Poulsbo Municipal Code are hereby amended to read as follows (~~strikethroughs~~ indicate deletions, **bolding** indicates additions):

3.12.040 Miscellaneous fees and charges.

* * *

D. Business License Fee–Late Payment—Prorated Out of Town Renewals.

1. The fee for the initial application for an annual business license shall be sixty-five dollars and the master license service handling fee to be submitted with the application. Businesses whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than two thousand dollars shall be no fee or zero dollars.

2. The fee for renewal of the business license shall be sixty-five dollars and the master license service handling fee per year to be received by the State Department of Revenue on or before the expiration date as determined by the State of Washington Department of Revenue.

3. If any license issued under this chapter is not renewed by the date of expiration, the Business Licensing Service may assess the late renewal fee authorized by RCW 19.02.085 in addition to the license fees due for renewal.

4. The fee for a temporary license, of a period not to exceed fourteen calendar days within any three consecutive months, shall be twenty dollars and may not be renewed during that calendar year.

~~5. The fee for a special event license shall be a nonrefundable application fee of twenty-five dollars; provided, that the application fee may be waived if, in the opinion of the city clerk, the imposition of such fee will create an undue hardship on the applicant.~~

~~6. The city reserves the right to charge any sponsor of a special event direct costs incurred by the city as a result of the event. Such costs may include, but are not~~

~~limited to, the cost of barricading streets, police officers to direct or block pedestrian or vehicular traffic, plan review or other public safety involvement and staff performing cleanup or other city services.~~

J. ~~Carnivals, Circuses, Traveling Shows and Outdoor Amusements~~**Special Event**—~~License~~**License**—Fee.

~~Carnivals, Circuses, Traveling Shows and Outdoor Amusements—License—Fee. The fee for each permit issued under the provisions of Chapter 5.32 of the Poulsbo Municipal Code shall be twenty-five dollars for each day or part of the day that the business is operated, to be collected by the city clerk.~~

1. The fee for a special event license shall be a nonrefundable application fee of seventy-five dollars for applications received 90 days or more prior to the event. The fee for an expedited special event license shall be an additional nonrefundable application fee of fifty dollars for applications received less than ninety days, but more than 45 days, prior to the event, for events that require no road closures.

2. The city reserves the right to charge any sponsor of a special event direct costs incurred by the city as a result of the event. Such costs may include, but are not limited to, the cost of barricading streets, police officers to direct or block pedestrian or vehicular traffic, plan review or other public safety involvement and staff performing cleanup or other city services.

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

Section 6. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

PASSED by the Poulsbo City Council this _____ day of January, 2020.

APPROVED:

_____

MAYOR, BECKY ERICKSON

ATTEST/AUTHENTICATED:

_____
CITY CLERK, RHIANNON FERNANDEZ CMC

APPROVED AS TO FORM:
OFFICE OF CITY ATTORNEY:

BY:_____
JAMES E. HANEY
OGDEN MURPHY WALLACE, PLLC

FILED WITH THE CITY CLERK: 01-09-2020
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 2020-__

SUMMARY OF ORDINANCE NO. 2020-__

of the City of Poulsbo, Washington

On the _____ day of _____, 2020, the City Council of the City of Poulsbo, passed Ordinance No. 2020-__. A summary of the content of said ordinance, consisting of the title, provides as follows:

> AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING THE POULSBO MUNICIPAL CODE TO REPEAL SUBSECTION 5.04.090(B), REGARDING SPECIAL EVENT MASTER LICENSE; AMENDING TITLE 5 OF THE POULSBO MUNICIPAL CODE TO ADD A NEW CHAPTER 5.30 IN ORDER TO PROMOTE, PROTECT AND PRESERVE THE PUBLIC INTEREST BY REGULATING SPECIAL EVENTS; REPEALING CHAPTER 5.32 TO BE INCLUDED IN THE NEW CHAPTER 5.30; AMENDING THE POULSBO MUNICIPAL CODE TO UPDATE FEES FOR PROCESSING SPECIAL EVENT APPLICATIONS AND REPEALING FEES FOR CARNIVAL LICENSES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 2020.

_____

CITY CLERK, RHIANNON FERNANDEZ

Attachment A

Chapter 5.30
SPECIAL EVENTS

Sections:

5.30.010 Purpose.

5.30.020 Definitions.

5.30.030 Permit - Required

5.30.040 Permit – Application Requirements

5.30.050 Permit – Application Processing

5.30.060 Permit – Standard of Issuance

5.30.070 Permit – Conditions

5.30.080 Permit – Grounds for Denial

5.30.090 Appeal Procedure

5.30.100 Fees, Indemnification Agreement, and Insurance

5.30.110 Fees for City Services

5.30.120 Revocation of Permits

5.30.130 Violation – Penalty

5.30.140 Savings Clause

5.30.010 Purpose.

The purpose of this chapter is to recognize the impact that special events have on the availability of city services and to provide procedures to allow the events, but to protect the general health, safety, and welfare of all public. This chapter is not to override any constitutional rights of the public to exercise their free speech or other rights under the United States Constitution.

5.30.020 Definitions

A. "Administrator" means the City Clerk or his/her designee.

B. “Applicant” means the person, organization, company, non-profit, or corporation managing, running operating, sponsoring, or conducting the special event and has authority to do so.

C. “Block party” means an event that involves blocking any part of a residential street to hold an event which is open to the public.

D. “Carnival” means a traveling enterprise offering amusements, such as circuses, or an organized program of entertainment or exhibition.

E. “City property” means land the city owns that has the capacity and capability to hold an event.

F. “Parade” means any march or procession consisting of people, animals, bicycles, vehicles, or combination thereof, except funeral processions, upon any city street, state highway, or sidewalk which does not comply with normal and usual traffic regulations or controls.

G. “Parks” means any site owned by the city designed or developed for recreational use by the public.

H. “Permit” means a document issued by the city granting permission to engage in an activity not allowed without a permit.

I. “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.

J. “Run” means an organized procession to contend in a race consisting of people, bicycles, or other vehicular devices or combination thereof upon a city street, state highway, or sidewalk.

K. “Special Events” include any activity which is to be conducted on public property or on a public right-of-way; any event held on private property which would have a direct significant impact on traffic congestion; or traffic flow to and from the event over public streets or rights-of-way; or which would significantly impact public streets or right-of-way near the event; or which would significantly impact the need for City-provided emergency services, such as police, fire or medical aid. It is presumed that any event on private property which involves an open invitation to the public to attend or events where the attendance is by private invitation of 100 or more people are each presumed to be an event that will have a direct significant impact on the public streets, right-of-way or emergency services. Special events might include, but are not limited to, fun runs/walks, athletic competitions, auctions, bike-a-thons, public fundraisers, parades, carnivals, festivals, shows or exhibitions, film/movie events, circuses, block parties and fairs.

L. “Special Event Permit” means a required permit for an activity requiring a permit.

M. "Special Events protected under the First and Fourteenth Amendments" include any event involving political or religious activity intended primarily for the communication or expression of ideas.

N. "Street dance" means any organized formation of a dance on any public right-of-way.

O. "Tourism" means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.

P. "Use" shall mean to construct, erect, or maintain in, on, over or under any street, right-of-way, park or other public place, any building, structure, sign, equipment or scaffolding, to deface any public right-of-way by painting, spraying or writing on the surface thereof, or to otherwise occupy in such a manner as to obstruct the normal public use of any public street, right-of-way, park or other public place within the City, including a use related to special events.

Q. "Vendor" means any person or company offering a service or sale of product.

5.30.030 Permit – Required

A. No person, firm, company, nonprofit, or corporation shall run, manage, operate, or conduct any special event without having applied for and received a special event permit in advance of such special event, as required by this chapter.

B. There shall be a nonrefundable administrative fee to process each application submitted, which is to be paid to the city as set forth in Section 3.12.040(J). The fee is due upon when the application packet is submitted to the city clerk's office. Each application shall be for only one event.

C. An application for a special event permit shall be filed with the city clerk's office no less than 90 calendar days, and no more than one calendar year, before the date when the proposed special event is to take place. If the special event permit application packet is received by the city clerk's office less than 90 calendar days, but more than 45 calendar days, in advance of the event, and the application requires no road closures, then the city may expedite the application with the payment by the applicant of an additional nonrefundable administrative processing fee as set forth in Section 3.12.040(J).

D. Waiver of Application Deadline: Upon a showing of good cause or at the discretion of the City, the City may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other City services for the event. Good cause can be demonstrated by the applicant showing that the circumstance that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, and the event is for the purpose of exercising rights under the First and/or Fourteenth Amendments of the United States Constitution. The showing of good cause includes events that bring benefit to the citizens of Poulsbo, not an individual or specific organization, or events that are organized as an result of unforeseen catastrophic events for fundraising aid.

E. A safety plan may be required upon request of the Police Chief after review of the application. A safety plan shall be in addition to any street or park use, or other regular permits as may be required by ordinance.

F. When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe upon constitutional freedoms, and in a manner that respects the liberty of the applicant(s) and the public.

G. The provisions of this chapter shall not apply to the following:

1. Funeral and wedding processions;

2. Dances or other social events conducted by schools or churches on their property;

3. Groups required by law to be so assembled

4. Temporary sales conducted by businesses, such as holiday sales, grand opening sales, or anniversary sales;

5. Garage or rummage sales on private property;

6. Bazaars or arts and craft shows sponsored by churches or other non-profit groups on private property;

7. Organized amateur sporting events such as little league baseball, amateur soccer, or day camps sponsored by the City's recreation department; and

8. Other similar events and activities which do not directly affect or use City services or right-of-way property.

5.30.040 Permit - Application Requirements

A. The special event permit application shall be submitted to the city clerk's office. Such application shall state and include, at a minimum, the following information:

1. Name, organization, phone number, and address of the applicant, and the name, address and phone number of its authorized representative, if a corporation, association or other entity;

2. Name of the proposed event, including a complete description of the event sought to be permitted, and the proposed location, date, start and end times of the event;

3. Anticipated number of exhibitors/vendors and visitors;

4. Whether police services will be required;

5. The dimensions and plans for any temporary structure(s) proposed to be erected for the event;

6. Whether there will be cooking, or food sales/consumption done on site;

7. Garbage/Recycling Plan;

8. Parking/Traffic Mitigation Plan & Towing Waiver;

9. A certificate of insurance evidencing Commercial General Liability insurance in amounts determined by the City. The applicant's insurance policy shall name the City of Poulsbo an additional insured by additional insured endorsement at least as broad as ISO form CG 2012 and shall be submitted to the City for approval at least 7 working days prior to the event. Additional types and amounts of insurance may be required depending on the specific elements of the event. Acceptability of insurance is subject to approval by the administrator.

10. A Vendor List of all participating vendors within the event. Vendors listed on the special events permit list, may be exempt from requiring a City of Poulsbo General Business license. Only vendors listed on the event's vendor list will be approved to operate during the event. The vendor list must include vendor's name or business name; mailing address; telephone number; and Washington State Master Business License Identification Number (UBI). The applicant shall provide the administrator with a list of all participating dealers/vendors at least ten days prior to the event. A map or layout of booths and booth numbers and the business in that booth shall also be provided, if appropriate. Only those dealers/vendors listed on the application or its amendments are approved under the special event permit.

11. A detailed map showing the location of event routes, tents, vendors, beer gardens, exits/entrances, fire lanes, garbage cans, and restrooms/sani-can(s), signage, barricades, first aid, traffic patterns, parking, road closures/detours and other applicable event details;

12. If alcoholic beverages will be served on city property, a permit approved by the Washington State Liquor and Cannabis Board (note: you may be subject to additional insurance requirements);

13. If an event will be using both public and private property, the applicant shall provide written documentation to the city that the private property owner(s) have granted permission to them to use the private property for the event;

14. If the event is a parade or a run, the following additional information shall be required:

    a. The exact location of any marshaling or staging areas for the parade/run;

b. The time at which units of the parade/run will begin to arrive at the staging areas and the times at which all such units will be disbursed therefrom;

c. The exact route to be traveled, including the starting point and termination point;

d. The approximate number of persons, animals, and vehicles which will constitute the parade/run, and the types of animals and descriptions of the vehicles, as applicable; and

e. A statement as to whether the parade/run will occupy all or only a portion of the width of the street, roadway, or sidewalks to be used.

15. If the event requires a state highway closure, the application must include at least one of the following three documents: (a) event agreement with WSDOT; (b) letter of acknowledgment from WSDOT; or (c) written proof that the event organizer has submitted the completed application to WSDOT;

16. Any other relevant information required by the city to fully evaluate the application.

5.30.050 Permit – Application Processing

Special event permits shall be processed as follows:

A. If a special event is proposed to be held in the same location and during the same time frame as the immediately previous year, that event's organizer will be given first priority over other special event permit applicants; provided, that this applicant notifies the clerk's office by February 1st of each year; otherwise, the special event location and time frame will be available on a first-come, first-served basis to other applicants. The remaining requirements of this chapter will still apply.

B. The administrator shall route the application to the city police, finance, public works, planning & economic development, risk manager, parks and recreation departments, and fire authority to review. Each of the above-listed departments/authorities shall provide the administrator a written recommendation of approval (conditional or otherwise) or denial of the application. The application will also be routed to Kitsap Transit, and other applicable agencies for informational purposes;

C. The parks & recreation department shall notify (via council committee meeting notice) the public of each special event proposed to allow citizens to provide written comments regarding how allowing the special event will impact their property, business or quality of life. The administrator will consider any information provided by citizens/business owners and may deny the special event permit application if a showing is made of severe financial impact or other undue hardship on a citizen's property, business or quality of life;

D. The parks & recreation department shall bring forth all applications to the council community services committee for review and input.

E. The administrator shall approve or deny all special event permit applications subject to conditions as outlined in this chapter.

5.30.060 Permit – Standard of Issuance

The administrator shall issue (or approve with conditions) a special event permit as provided herein upon certification from the departments/authorities listed in PMC 5.30.050(B) who have been consulted, based on the following considerations:

A. The applicant has provided all the required application materials and has provided any additional documents or information requested by the city;

B. The applicant has paid the non-refundable administrative processing fee as set forth in Section 3.12.040(J);

C. The proposed special event location is available because no other events are scheduled to take place at the location on that date and time or, if another event is scheduled to take place, that event organizer has provided written consent to the administrator to allow a parallel event to take place at the same location, date, and time;

D. The applicant is holding an event using both public and private property and has provided written documentation that the private property owners allow them to use the private property for their event;

E. The applicant has provided a copy of either an event agreement with WSDOT or a letter of acknowledgment from WSDOT, as needed;

F. The police department, fire authority, and public works department have determined the following:

1. The proposed event will not endanger public safety or health;

2. The proposed event will not seriously inconvenience or impair the general public's use of public property, services, or facilities;

3. The location of the proposed event will not substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted encroachment permit; and

4. The proposed event is not scheduled to occur along a route or at a location adjacent to a school or class during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class.

G. The administrator received no written comments from the public demonstrating undue hardship or other substantial negative effects of the special event on their property, business or quality of life; and

H. No permit shall be issued to any person, firm, company or corporation to run, operate, conduct or manage any special event within the city which is in violation of any ordinance of the city or Kitsap County, or any statute of the state.

5.30.070 Permit – Conditions

The City may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety and rights of persons and property, and the control of traffic. The following conditions may apply:

A. Alteration of the time, place and manner of the event proposed on the event application;

B. Conditions concerning the area of assembly and disbanding of an event occurring along a route; or

C. Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way.

Conditions on special event permits not protected under the First and Fourteenth Amendments of the U.S. Constitution include, but are not limited to:

D. Requirements for the use of traffic cones or barricades;

E. Requirements for the provision of first aid or sanitary facilities;

F. Requirements for use of event monitors and providing notice of permit conditions to event participants;

G. Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for fire safety;

H. Compliance with animal protection ordinances and laws;

I. Requirements for use of garbage containers, cleanup, and restoration of City property;

J. Restrictions on the use of amplified sound and compliance with noise ordinance, regulations and laws;

K. Notice to residents and/or businesses regarding any activity which would require a street closure;

L. Restrictions on the sale and/or consumption of alcohol;

M. Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability risk to the City;

N. Requirements regarding the use of City personnel and equipment;

O. Compliance with any other applicable federal, state or local law or regulation; or

P. Payment of special event fees as stated in section "**FEES FOR CITY SERVICES."**

5.30.080 Permit – Grounds for Denial

A. The City may deny an application for a special event permit if in the sole discretion of the administrator or his or her designee:

1. The applicant provides false or misleading information;

2. The applicant fails to complete the application or to supply other required information of documents, including but not limited to, failing to remit all customary and reasonable fees, charges, deposits, insurance or bonds, or local, county, state or federal permits or approvals, if any, required by the city for the use of the public place that is the subject of the permit application submittal, or the applicant declares or shows an unwillingness or inability to comply with the reasonable terms or conditions contained in the proposed permit;

3. The permit is submitted less than 90 days prior to the event, or less than 90 calendar days, but more than 45 calendar days, in advance of the event, and the application requires no road closures;

4. The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property;

5. The proposed event would seriously inconvenience or impair the general public's use of public property, services, or facilities;

6. The proposed event would unreasonably disrupt the orderly or safe circulation of traffic and would present an unreasonable risk of injury or damage to the public;

7. The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;

8. There are not sufficient safety personnel or other necessary City staff to accommodate the event.

In the event subsection 4, 5 or 6, above applies, the City shall offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application.

B. Should the application be denied; the administrator shall notify the applicant by certified mail within five business days of the denial. This notification shall include the reasons for the denial of the permit and shall advise the applicant of the appeal procedure.

5.30.090 Appeal Procedure

A. The applicant shall have the right to appeal the denial of a permit or a permit condition. The applicant shall also have the right to appeal the amount of fees imposed pursuant to section **FEES FOR CITY SERVICES**, or a determination by the City that the applicant's insurance does not comply with the requirements specified in the permit. A written Notice of Appeal shall be filed with the City Clerk within three (3) business days after receipt of a notice of denial or permit conditions from the City. The written Notice of Appeal shall set forth the specific grounds for the appeal and attach any relevant documents for consideration. The City Council shall hear the appeal on the record provided from the designated City official and upon public comment given at the scheduled hearing before the Council. The hearing shall be scheduled no later than thirty (30) days after receipt of a timely and proper Notice of Appeal. Public comment at the appeal hearing shall be limited to three (3) minutes per individual and fifteen (15) minutes each for appellant and City respondent. The decision of the City Council is final.

B. If there is insufficient time for a timely appeal to be heard by the City Council prior to the date on which the event is scheduled, the applicant may, at its own option, request that the designated City Clerk schedule the appeal before the Mayor or designee. The Mayor or designee shall hold a hearing no later than five (5) business days after the filing of the appeal and will render a decision no later than one (1) business day after hearing the appeal. If the appeal is requested and heard before the Mayor or designee, the Mayor's or designee's decision is final. There is no further appeal to the City Council.

5.30.100 Fees, Indemnification Agreement, and Insurance

No fee, indemnification agreement or insurance requirement shall be imposed when prohibited by the First and Fourteenth Amendment to the United States Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event. Factors that may be considered in evaluating whether or not the fee applies include the nature of the event, the extent of commercial activity, such as the sales of food, goods, and services, product advertising or promotion, or other business participation in the event, the use or application of any funds raised, if part of any annual tradition or series, previous events in the sequence, and the public perception of the event.

A. Indemnification Agreement

1. Prior to the issuance of a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the permit applicant and authorized officer of the sponsoring organization must agree to reimburse the City for any costs incurred by it in repairing damage to City property and indemnify, defend and hold the City, its officers, employees, volunteers and agents harmless from all causes of action, claims or liabilities occurring in connection with the permitted event, except those which occur due to the City's sole negligence.

B. Insurance

1. The types and amounts of insurance required shall be determined by the City and based on the risk exposure of the event (liability limit requirement will be at least $1,000,000 per occurrence), for all events not protected under the First and Fourteenth Amendments of the U.S. Constitution.

The Risk Manager is authorized and directed to require written proof of such insurance prior to permit issuance. A liability insurance policy shall be written on an occurrence basis, shall name the City of Poulsbo as an additional insured using ISO form CG 20 12 or CG 20 26, or coverage at least as broad, shall be written for a period not less than twenty-four (24) hours prior to the event and extending for a period not less than twenty-four (24) hours following the completion of the event. The applicant shall provide the City and all Additional Insureds for this event with written notice of any policy cancellation within two business days of their receipt of such notice.

5.30.110 Fees for City Services

A. Upon approval of an application for a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the administrator should provide the applicant with an estimated cost of providing City personnel and equipment prior to permit issuance. The applicant must sign off on the anticipated charges. Actual costs will be billed to the applicant after the event. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required City services and the cost of operating the equipment to provide such services.

B. Permit fees and fees for the use of City services and equipment may be waived in part or in full by the City via Council Resolution, if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of City funds without reimbursement by the applicant and would not result in the private financial gain of any individual or "for profit" entity.

5.30.120 Revocation of Permits

A. Any permit issued under this ordinance may be summarily revoked by the administrator or his/her designee at any time when, by reason of disaster, public calamity, riot or other

emergency or exigent circumstances, the City determines the safety of the public or property requires such immediate revocation. In the event of a revocation caused by an emergency or exigent circumstance, the City shall refund the balance of the fee less the costs incurred through the effective date of the cancellation.

B. The City may also summarily revoke any permit issued pursuant to this ordinance if the City finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit or fails to comply with any condition of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by certified mail at the address specified by the permittee in the application.

C. The chief of police, fire chief, planning director, or public works superintendent, or their designees, shall have the authority to revoke a permit issued hereunder instantly upon violation of any one or more of the code ordinances or conditions or standards of issuance as herein set forth.

5.30.130 Violation – Penalty

A. It shall be unlawful for any person to sponsor or conduct a special event requiring a special event permit pursuant to this ordinance unless a valid permit has been issued and remains in effect for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a required, valid permit or with knowledge that a once valid permit has expired or been revoked.

B. The special event permit authorizes the permittee to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit or to continue with the event if the permit is revoked or expired.

C. Any person and the officers, directors, managing agents, or partners of any corporation, firm, partnership or other organization or business violating or failing to comply with any of the provisions of this chapter shall have committed a civil infraction and, upon a determination by the Poulsbo municipal court that such infraction has been committed, shall pay a civil monetary penalty to the city of a sum not to exceed two hundred dollars. In addition, each and every day during any portion of which a violation of any provision of this chapter is committed, continued or permitted constitutes a separate infraction. Penalties collected pursuant to this section shall be deposited in the city's general fund to be used for general purposes of the city.

D. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply thereto.

E. Any person deemed to have committed a civil infraction under subsection C of this section who shall fail to come into compliance, or remain in compliance, with the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in jail for a term not exceeding ninety days or by a fine in an amount not

more than one thousand dollars or by both such fine and imprisonment. Each day that such condition or violation continues shall be regarded as a new and separate offense and shall be punishable accordingly. (Ord. 96-30 § 17, 1996: Ord. 184 § 4, 1953)

5.30.140 Savings Clause

A. If any section, sentence, clause, phrase, part or portion of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter, which shall continue in full force and effect.

Special Event Ordinance Update

1

Timeline

- The City's insurer, WCIA, reviewed the current code and application during an audit in 2018 with the Risk Manager, Deputy City Clerk, and Parks & Recreation Director
- WCIA recommended removing the Special Event License from PMC 5.04 Business Licensing and creating a new chapter. WCIA provided model ordinance language and an application to use in updating the City's process
- The Clerk's Office used the recommended language to create a new application form with a permitting guide and the proposed code revisions, which was reviewed by the Police Department, Public Works, Parks & Recreation, Risk Manager, and WCIA

2

Major Changes

- The application will be approved administratively. All appeals will be heard by the Council (the Council will receive updates from the Clerk's Office on upcoming events). If the Council were to approve the applications, then the Hearing Examiner would need to hear any appeals.
- The special event application fee is increasing from $25 to $75. There is an additional expedite fee of $50 for late applications. This reflects the administrator's staff time to review and process a special event.
- Chapter 5.32 Carnivals, Circuses, Traveling Shows and Outdoor Amusements will be repealed and will fall under the special event process.

3

Review

- The City Attorney has reviewed the proposed code update and has approved it to form.
- The City's Insurer (WCIA) has reviewed the code and application update and recommends approval.
- The Council's Community Services Committee reviewed the update at the January 8, 2020 meeting and recommended approval.

4

Questions?/Motion

- Move to approve Ordinance No. 2020-__, an ordinance of the City of Poulsbo, Washington, amending the Poulsbo Municipal Code to repeal subsection 5.04.090(b), regarding special event master license; amending Title 5 of the Poulsbo Municipal Code to add a new Chapter 5.3 in order to promote, protect, and preserve the public interest by regulating special events; repealing Chapter 5.32 to be included in the new Chapter 5.30; amending the Poulsbo Municipal Code to update fees for processing special event applications and repealing fees for carnival licenses; providing for severability and establishing an effective date.

5

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	Special Events - Charging for Services Discussion
EXHIBITS:	Memos from Police and Public Works on costs for services
STAFFED BY:	City Clerk Fernandez
CATEGORY:	Business Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

Our current code and applications states that if we provide services, we can charge for services based on the fee schedule. However, the charge has not been passed on, because past council direction was to absorb these costs for certain events. The events have grown substantially, and this direction needs to be revisited.

Staff recommends charging all events for services. The larger events receive LTAC awards that can pay for operations of the events. If certain events will be covered, a council resolution needs to be adopted outlining how providing these services is a benefit to the citizens.

Additionally, in 2015, the City stopped receiving LTAC grants to cover police overtime. Since 2015, the City has been absorbing the costs. A request was submitted to LTAC in 2019, but we were not awarded a grant. The level of service and the dollars have been increasing and we have no revenue streams to fund these services. The Police and Public Works Department have provided special event fee breakdowns to aid your discussion. Please note, garbage services must be passed onto the event organizers.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

11/13/2019	Community Services	Not Applicable

IMPACTS:

Expenditure Required? ☐ Yes ☑ No	Included in Budget? ☐ Yes ☑ No Amount: $

RECOMMENDED ACTION:

Staff recommends charging fees for services to all events. The larger events that receive LTAC awards can build that into their requests. This was discussed at the 11/13/19 CSC meeting and was recommended for a full council discussion.

SAMPLE MOTION:

Move to direct staff to begin charging special events for services.

or

Move to direct staff to prepare a council resolution that states which events will receive city services and bring back to a future council meeting for approval.

Special Event Breakdown

Poulsbo Police Department

VIKING FEST

2019

$14,000 = $12,800 for 170 Overtime Hours; $1,200 for Barricades, Supplies and Public Outreach Materials

- This does not include 67 hours provided by regional law enforcement entities, 14 volunteer police reserve hours, on-duty hours for officers already working, nor the hours associated with planning, organization and command staff duties.

2018

$12,095 = $11,595 for 177 Overtime Hours; $500 for Supplies

- This does not include 36 hours provided by regional law enforcement entities, volunteer police reserves, volunteers and on-duty hours for officers already working, nor the hours associated with planning, organization and command staff duties.

3RD OF JULY

2019

$5,600 = $4,800 for 60 Overtime Hours; $800 for Barricades and Supplies

- This does not include 80 hours provided by regional law enforcement entities, volunteer police reserve hours, on-duty hours for officers already working, nor the hours associated with planning, organization and command staff duties.

2018

$5,000 = $4,700 for 65 Overtime Hours; $300 for Supplies

- This does not include 110 hours provided by regional law enforcement entities, volunteer police reserves, volunteers and on-duty hours for officers already working, nor the hours associated with planning, organization and command staff duties.

Other Special Events which affect department staffing and overtime to consider:

HDPA Car Show	Petswalk	MidSommerfest
Boat Rendezvous	HDPA Trick-Or-Treat	Julefest
Holiday Tree Lighting		

Summary

Stakeholders must recognize the enormous costs borne by city departments to include local and regional first responders. Although we all agree to come together to provide for the safety and security of our citizens and visitors, a more equitable cost-sharing program must be explored.

Special Event Breakdown
Poulsbo Public Works Department

Public Works spends a lot of time and effort on Special Events. Some is easily quantified others not so much as we have not done a great job of tracking everything over the years.

The big ones are Viking Fest and 3rd July with overtime cleanup costs. The overtime we have captured fairly well the last few years but the "Getting Ready" for the events the signs and prepping of the town are not so quantifiable.

Below is a breakdown of costs the last couple years for these events. It all comes down to Level of Service. The last couple years we increased our level of service, but it comes with a cost.

Viking Fest - Add approx. 24 Straight Time Manhours just for signs and placement and pickup which is roughly
$800 to each of the following as well.

- 2016 – 61 Overtime Hrs for Cleanup = $2,700
- 2017 – 77 Overtime Hrs for Cleanup = 3,500
- 2018 – 82 Overtime Hrs for Cleanup = $3,700
- 2019 – 131 Overtime Hrs for Cleanup = $6,500 – in 2019 we went to 3 person per shift plus 1 additional person on Sat. to help with Traffic Control Barricade Set Up.

3rd July Fireworks – Add 8 hrs. of Straight Time sign placement and pick up as well which is roughly $250

- 2016 - 24.5 Overtime Hrs for Cleanup = $1,100
- 2017 - 17.5 Overtime Hrs for Cleanup = $800
- 2018 – 44.5 Overtime Hrs for Cleanup = $2,000
- 2019 – 49.5 Overtime Hrs for Cleanup = $2,200

Other Events we have increased some Levels of Service to for Sign placement and Park Cleanup the last couple years. I would say average $200 per event for the following

- HDPA Car Show
- Petswalk
- Bash by The Bay
- Mid Sommerfest
- Arts by the Bay
- Yule Fest
- Halloween
- Viking Ave Tree Lighting
- Poulsbo Marathon

Special Event Services Cost Recovery Discussion

1

Code & Application

- The code allows the City to recover fees for services provided based on a fee schedule.
- Examples of fees:
  - Police Staffing
    - Off duty officers - $75 per hour with a three-hour minimum (Resolution No. 2019-01)
  - Public Works Staff Time
    - Extra staffing for garbage pick up
      - Example: Call in one person to swing through park for garbage pick-up during the weekend, 2 hour minimum - $100
    - Staff time to paint signs for road closures
  - Dumpster Fees **must be billed** (Solid Waste paid by the rate payer)

2

Current Policy

- Past Council direction was for the City to absorb the costs of special events.
- The size of the events in Poulsbo has grown, and so has the cost to the City.
- The Community Services Committee reviewed the costs at the November 13, 2019, meeting and asked for a full council discussion on this issue.

3

Police Costs

- 3rd of July
  - 2019 - $5,600 ($4,800 overtime; $800 barricades/supplies).
  - 2018 - $5,000 ($4,700 overtime; $300 supplies)
- Viking Fest
  - 2019 - $14,000 ($12,800 overtime; $1,200 barricades/supplies)
  - 2018 - $12,095 ($11,595 overtime; $500 supplies)
- These numbers do not include the hours provided by regional enforcement entities, volunteer reserve officers, volunteers, and on-duty hours for officers already working, nor the hours associated with planning, organization and command staff duties.

4

Public Works Costs

- Viking Fest

Year	Overtime Cleanup	Sign Placement/PU	Total Cost
2016	$2,700 (61 hrs)	$800	$3,500
2017	$3,500 (77 hrs)	$800	$4,300
2018	$3,700 (82 hrs)	$800	$4,500
2019	$6,500 (131)	$800	$7,300

- 3rd of July

Year	Overtime Cleanup	Sign Placement/PU	Total Cost
2016	$1,100 (24.5hrs)	$250	$1,350
2017	$800 (17.5 hrs)	$250	$1,050
2018	$2,000 (44.5 hrs)	$250	$2,250
2019	$2,200 (49.5)	$250	$2,450

5

Other Events

Other events that have costs associated with them, but have not been tracked include (Approximately $200 per event for PW):

- HDPA Car Show
- Petswalk
- Bash by the Bay
- Mid Sommerfest
- Arts by the Bay
- Yule Fest
- HDPA Trick-or-Treat
- Viking Ave Tree Lighting
- Poulsbo Marathon

6

Discussion

- Community Services Committee asked that this discussion be brought to the full Council. The Committee made no recommendation.
- The larger events that receive LTAC funds can build city service costs into their operating budget for reimbursement.
- The City has not received LTAC funds for police overtime since 2015
  - The City applied this year but did not receive an award.
- Staff recommends charging for services to all events.
- If the Council wants to provide services to some events, a resolution needs to be approved that outlines the public benefit of providing services for these events.

7

Motion

- Move to direct staff to begin charging special event for services.

OR

- Move to direct staff to prepare a Council resolution that states which special events will receive city services and bring back to a future council meeting for approval.

8

POULSBO CITY COUNCIL AGENDA SUMMARY

MEETING DATE: 01/22/2020

AGENDA ITEM:	Johnson Parkway Project Update
EXHIBITS:	None
STAFFED BY:	City Engineer Lenius
CATEGORY:	Business Agenda
MAYOR OK/Initial:	

SUMMARY STATEMENT:

City Engineer Lenius will provide an update on the Johnson Parkway/Noll Road project.

☐ Additional Staff Report Attached

COMMITTEE RECOMMENDATION:

	Committee	Recommended

IMPACTS:

Expenditure Required? ☐ Yes ☑ No	Included in Budget? ☐ Yes ☑ No Amount: $

RECOMMENDED ACTION:

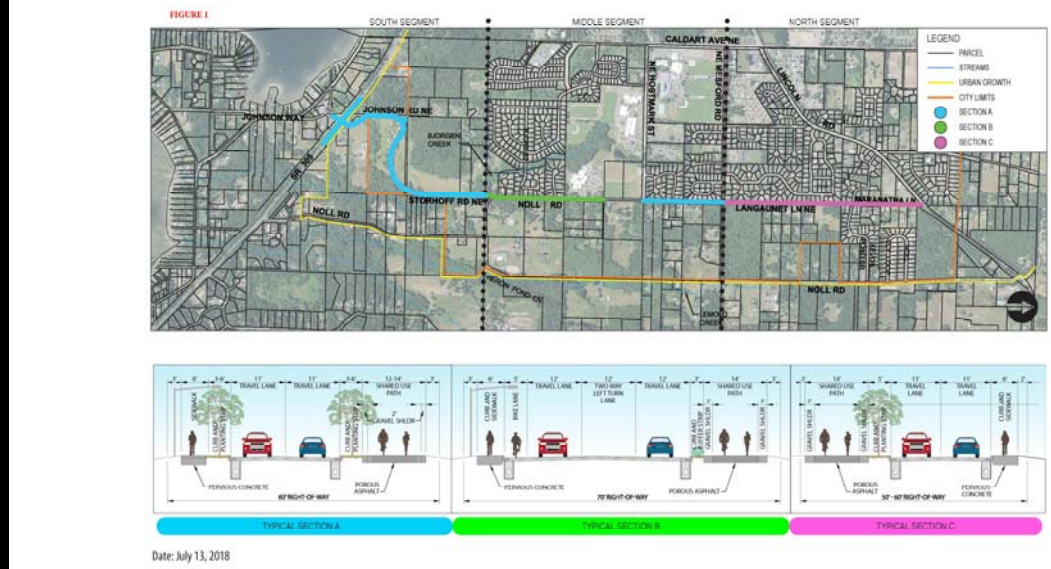
No action. Update Only.

SAMPLE MOTION:
N/A

Johnson Parkway/SR305 Update

City Council – 1/22/2020

1



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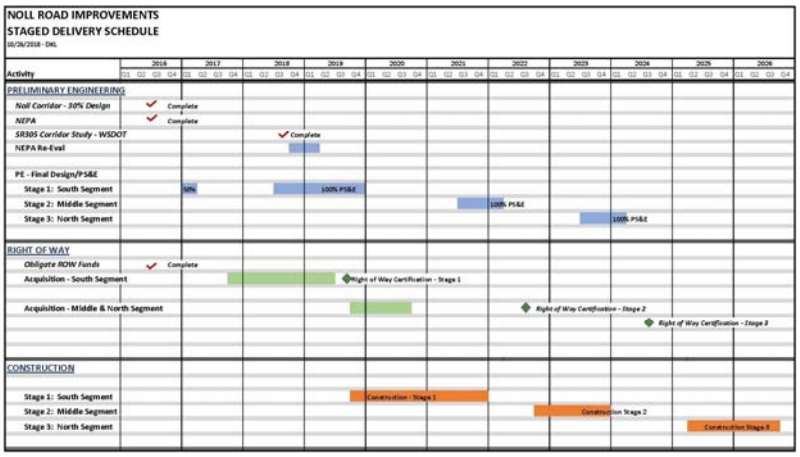

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Washington State Department of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300
360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 26, 2019

In response to the passage of I-976 and resulting cuts to transportation revenue sources, Governor Inslee directed WSDOT to postpone projects not yet underway. By delaying the obligation of funds, WSDOT provides the Governor and Legislature more funding flexibility as they determine how to amend the 2019-21 transportation budget to implement I-976 during the legislative session.

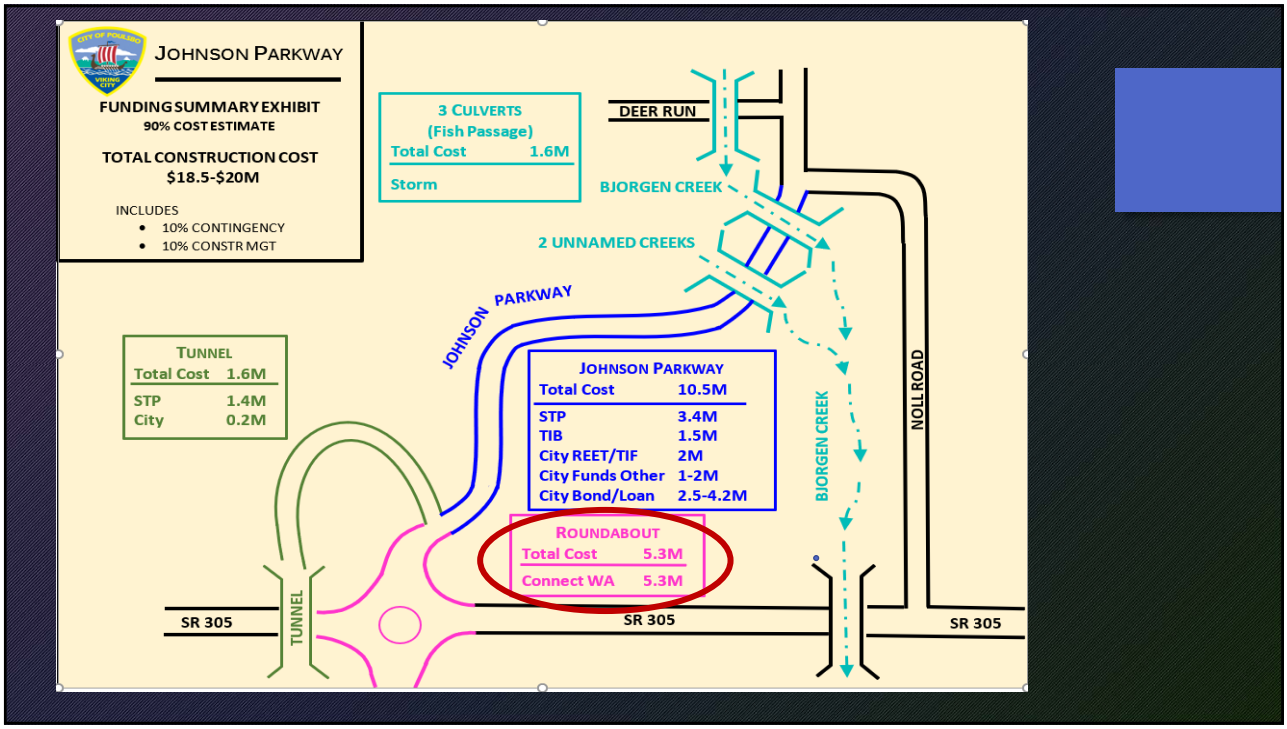
WSDOT knows that the loss to transportation accounts used by our agency during the 2019–21 biennium is estimated to be $451 million out of a $6.7 billion biennial budget, assuming an implementation date of Dec. 5, 2019. For 2021–23, the effect for the full biennium is estimated at $645 million, and for 2023–25 the revenue loss is estimated at $726 million. This is a significant loss to specific programs supported by our agency budget.

The attached list identifies delayed projects including:

- Construction projects that add capacity to the transportation system scheduled to go out to advertisement in the next six months (including any unexecuted consultant agreements related to these projects).
- State funded local agency projects with no executed agreement or projects that have a portion of the funds not under agreement.
- Rail grant projects with no executed agreements.
- Public Transportation grant projects with no executed agreement and/or no purchase order of equipment or vehicles have yet been placed.

WSDOT is assuming a delay of these projects for at least six months. It is important to note that projects and grants *not* included in the attached list may also be affected by legislative deliberations to amend the 2019-21 transportation budget to reflect passage of I-976. Additionally, all new grant funded project solicitations will be on hold until we are given further direction by the Legislature and Governor.

4



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FUNDING STATUS – As a Result of I -976

- November 26th – WSDOT issued Hold List
  - City of Poulsbo immediately submitted a request for reconsideration
    - Safety, Readiness, Leveraged Funding, Economic Impact, Fish Passage, Partnership, Potential Loss of Funding
- December - WSDOT Leadership Evaluated Projects
- December 20th - Results of Re-evaluation
  - Only 3 projects moved forward
  - Johnson Parkway/SR305 – Not Selected to Move Forward
  - Legislative Session will evaluate Transportation Projects

6

Impact to Johnson Parkway/SR305

- Project Currently on Hold and Ready to Advertise
- Best Case Scenarios = 3 to 6 Month Delay
  - We will continue to seek early approval in the event that ready projects are allowed to move forward

    OR
  - Decision will be Finalized with State Budget – April 2020

7

Engineering Department Actions

- Two Project Positions on Hold
  - Construction Manager Position not filled
  - Contract Administrator moved to fill position in the Planning Department
- Johnson Parkway Project is Ready to Advertise
  - As soon as funding becomes available
  - Exploring all options
- Continue moving other City Projects forward

8

CONSTRUCTION PROJECTS 2020

PROJECT	AD DATE
• Finn Hill	1/17/2020
• Liberty Bay Bioretention	1/24/2020
• Raab Park Restroom	2/14/2020
• Johnson Parkway	2/14/2020 to 5/1/2020
• Pavement Restoration/Chip Seal	4/15/2020
• Westside Well WTP	10/1/2020
• Raab Park Tank/Booster	10/1/2020

9

PROJECTS IN PLANNING/PROCESS

• Rural Town Center (Complete Streets) Fjord Drive	2020
• Liberty Bay Waterfront Trail ROW	2021
• Noll Road Phase 2 ROW	2021
• Transportation Plan	2021
• KRCC Grant Application (Noll Road North Segment)	3/9/2020 and 5/15/2020
• Wilderness Park Tank Repair	2022
• Noll Road DOE (Retrofit) Grant	2020
• Dogfish Creek DOE Grant	2020
• W. Poulsbo Waterfront Stormwater Park DOE Grant	2020
• 8th Avenue Culvert Grant	2020
• Sewer Comp Plan	2020-2023
• Lemolo Siphon Study	2020
• I&I Study – RH2	2020/21
• Kitsap County Sewer Pipe Repair - Coordination	2021

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QUESTIONS?

Thank you -

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