



**CITY COUNCIL** 345 6<sup>th</sup> Street, Suite 100, Bremerton, WA 98337 ☐ Phone (360) 473-5280

**\*\*\* AMENDED \*\*\***

**WEDNESDAY, MAY 8, 2024**

**CITY COUNCIL HYBRID STUDY SESSION AGENDA**  
**Starting at 5:00 PM in Council Conference Room 603**

Council Conference Room 603 will be open to the public to attend the Study Session in-person, but there will be no opportunities for input. However, public questions or comments may be submitted at any time to [City.Council@ci.bremerton.wa.us](mailto:City.Council@ci.bremerton.wa.us). Please remember that the content of the Agenda Bill items is subject to change; and no action at the Study Session is anticipated. If approved by the Council, these items will be placed on the **May 15, 2024** City Council Meeting Agenda, or as indicated...

- Members of the public may click the link below to join the webinar:  
<https://bremertonwa-gov.zoom.us/j/8738266756?pwd=ZWIMVnVYbFBHYjY5U1RJUmFreDFXUT09>
- Or One tap mobile:  
US: +12532050468,,87318266756#,,,,\*857582# or +12532158782,,87318266756#,,,,\*857582#
- Or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833  
  
Webinar ID: 873 1826 6756  
Passcode: 857582

**A. BRIEFINGS ON AGENDA BILL ITEMS**

1. Confirm Mayor's appointment of Peregrin K. Sorter as Administrative Hearing Examiner and approval of associated Professional Services Agreement
2. ~~Contract Award for Reservoir 17—Interior Coating Replacement~~ *Item pulled*
3. ~~Select Funding Alternative to close design funding gap for Warren Avenue Bridge Project~~ *Item pulled*
4. Proposed Ordinance amending Section 2.50.032 of the Bremerton Municipal Code entitled "Actual Salary Rate"
5. Council Review of Parks & Recreation Director Job Description

**B. INFORMATION ONLY – Department-led items...**

1. Update on DEI Program – Human Resources and Legal Departments
2. Briefing on Do's & Don'ts during Election Season – Legal Department

**C. GENERAL COUNCIL BUSINESS**

1. Constituent FAQs Links for Council Webpage – Council Vice President Anna Mockler
2. Pride Recognition in the City of Bremerton – President Jennifer Chamberlin
3. Public Safety Committee Briefing (*Last Meeting 5/2/24*) - Chair Denise Frey
4. Regional and Other Committee/Board Briefings
5. Other General Council Business (*For good of the order, and as time allows...*)

**D. ADJOURNMENT OF STUDY SESSION**



Americans with Disabilities Act accommodations provided upon request. Those requiring special accommodations should contact the City Clerk's Office at (360) 473-5323 at least 24 hours prior to the meeting.

**AGENDA BILL**  
CITY OF BREMERTON  
CITY COUNCIL

**A1**

**SUBJECT:** Confirm Appointment of  
Peregrin K. Sorter as Administrative Hearing  
Examiner and Approval of Professional  
Services Agreement

Study Session Date:	<u>May 8, 2024</u>
COUNCIL MEETING Date:	<u>May 15, 2024</u>
Department:	<u>DCD</u>
Presenter:	<u>Andrea Spencer</u>
Phone:	<u>(360) 473-5283</u>

**SUMMARY:**

The Bremerton Municipal Code (BMC) chapter 2.13 establishes that the City will have an Administrative Hearing Examiner (“Examiner”) to review and interpret land use regulations, conduct hearings, render decisions, and hear other matters as provided for in the BMC and other ordinances. In 2023 Alex Sidles, PLLC was appointed the City’s Administrative Hearing Examiner, and in March 2024 we were notified that Mr. Sidles was being appointed to the Washinton State Growth Management Hearings Board and would no longer be able to serve as our Examiner after May 31, 2024.

The Department of Community Development sent out a Request for Quotes (RFQ) which closed on April 26, 2024. Based on the RFQ responses, a review of the applicant’s qualifications and consideration of cost, Peregrin K. Sorter, Laminar Law, PLLC was selected to serve as the City’s new Examiner. The BMC requires that the selection of the Examiner be confirmed by the City Council. Mayor Wheeler proposes the appointment of the Administrative Hearing Examiner pursuant to the terms of the attached Professional Services Agreement. The annual cost for this contract will be approximately \$40,000, with potential additional costs if additional hearings are required.

**ATTACHMENTS:**

Professional Services Agreement with Peregrin Sorter, Laminar Law PLLC  
Bremerton Municipal Code 2.13 – Administrative Hearing Examiner  
Request for Qualifications **Added 5/6/24 12:53 PM**

**FISCAL IMPACTS** (Include Budgeted Amount): This annual expenditure is budgeted

**STUDY SESSION ACTION:**     Consent Agenda         General Business         Public Hearing

**RECOMMENDED MOTION:**

Move to approve the appointment of Peregrin K. Sorter, Laminar Law PLLC as the City’s Administrative Hearing Examiner and authorize the Mayor finalize and execute the agreement with substantially the same terms and conditions as presented.

**COUNCIL ACTION:**     Approve         Deny         Table         Continue         No Action

**PROFESSIONAL SERVICES AGREEMENT  
CITY OF BREMERTON ADMINISTRATIVE HEARING EXAMINER**

The City of Bremerton (“City”) and Laminar Law, PLLC (“Consultant”), referred to collectively as the “Parties,” enter into the following Agreement for professional services:

**I. Scope:** The Consultant agrees to perform the services more specifically described in the Scope of Work, dated April 29 2024, including any attachments thereto, attached hereto as Exhibit A, which is incorporated by reference herein. The Scope of Work may be modified only pursuant to Section VII.H of this Agreement. If the Scope of Work provides for unspecified additional services such services shall only be performed upon the express written request of the City. Consultant further represents that the services furnished under this Agreement will be performed in accordance with generally accepted professional practices in effect at the time such services are performed.

**II. Term:** The City and the Consultant agree that work will begin on the tasks described in Exhibit A beginning June 1, 2024. The parties agree that the work described in Exhibit A is to be completed as provided for in the work schedule attached hereto as Exhibit A; provided however, that additional time shall be granted by the City for excusable delays or extra work as provided for in Section X.A of this agreement.

**III. Compensation:** In consideration of the services provided pursuant to this Agreement, the City shall pay Consultant in an amount not to exceed \$ 3,300 per month plus \$ 225.00 per hour for services provided in excess of twelve hearings per year. Consultant’s charges and bills shall conform to the fee schedule attached hereto as Exhibit A and incorporated herein by this reference.

The Consultant shall submit regular billing statements detailing work performed and amount charged on each task or portion thereof. The descriptions shall conform to and fall within the categories set out in the Scope of Work and/or Fee Schedule. Upon receipt of a conforming billing statement, the City shall promptly process payment. PROVIDED, HOWEVER, the City reserves the right to prioritize scoped work and accelerate and/or delay work tasks under the time frame set forth in Section II herein. The Consultant's labor rates and billing fees shall be as delineated in Exhibit A.

Consultant shall not perform work beyond the Scope of Work, nor shall be compensated for such work, unless the Scope of Work or amount of compensation is modified pursuant to this Agreement. Consultant shall only be compensated for additional services if requested pursuant to Section I and, if not otherwise provided, such compensation shall be in accordance with Exhibit A.

If a billing statement does not conform to this Agreement, the City may withhold payment until the statement is brought into compliance. Such withholding does not relieve Consultant of its obligations under this Agreement.

**IV. Relationship of Parties:** Consultant represents that it is skilled in the matters addressed in the Scope of Work and is performing independent functions and responsibilities within its field of expertise. Consultant and its personnel are independent Consultants and not employees of the City. Consultant and its personnel have no authority to bind the City or to control the City's employees and other Consultants. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. Consultant will be solely and entirely responsible for its acts and for the acts of Consultant's agents, employees, representatives and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent Consultants to perform the same or similar work.

As an independent Consultant, Consultant is responsible for its own management. The City's administration and enforcement of this Agreement shall not be deemed an exercise of managerial control over Consultant or its personnel.

As an independent Consultant, Consultant is responsible for payment of all taxes and licensing fees necessary to perform its obligations under this Agreement. These taxes and fees include but are not limited to State industrial insurance, Business & Occupation, State professional licensing, and City business licensing. If any taxes or fees due the City have been declared delinquent, the City may withhold the delinquent amount, plus any additional charges arising from the delinquency, from any payments due Consultant.

**V. Indemnification:**

A. Consultant shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal costs and attorney fees, arising out of or in connection with the performance of this Agreement except for that portion of the injuries and damages caused by the City's sole negligence, unless Consultant is conducting work pursuant to Subsection B below.

The City's review or acceptance of any of the work when completed shall not be grounds to avoid any of these covenants of indemnification.

B. Architects, Engineers and Any Other Professional Listed In and Performing Services Defined in RCW 4.24.115. Should a court of competent jurisdiction determine that Consultant's services provided pursuant to this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE

PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER.

The provisions of this section shall survive the expiration or termination of this Agreement.

**VI. Insurance:** The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, employees, sub-consultants or sub-Consultants.

Before beginning work on the project described in this Agreement, the Consultant shall provide a Certificate of Insurance evidencing:

1. **Commercial General Liability** insurance written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and general aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations/broad form property damage; explosion, collapse and underground (XCU) if applicable; and
2. **Professional Liability** insurance with limits no less than \$1,000,000 limit per occurrence/claim; and
3. **Workers Compensation** insurance as statutorily required by the Industrial Insurance Act of the State of Washington, Title 51, Revised Code of Washington and employer's liability with limits not less than \$1,000,000.

Any payment of deductible or self-insured retention shall be the sole responsibility of the Consultant.

All required policies shall be provided on an “occurrence” basis except professional liability insurance (if required), which may be provided on a “claims-made” basis.

The City shall be named as an additional insured on the Commercial General Liability insurance policy, as respects work performed by or on behalf of the Consultant and a copy of an endorsement that is acceptable to the City, which names the City as an additional insured shall be attached to the Certificate of Insurance. The City reserves the right to receive a certified copy of all the required insurance policies and endorsements. The City further reserves the right to reject any unacceptable policies and/or endorsements.

The Consultant's Commercial General Liability insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

The Consultant's insurance shall be primary and non-contributory insurance as respects the City and shall contain a waiver of subrogation against the City for claims arising out of any operations, liabilities and obligations to which coverage applies. It shall be an affirmative obligation upon Consultant to advise the City's Risk Manager by fax at (360) 473-5161, or by

certified mail, return receipt requested to City of Bremerton, Attn: Risk Management, 345 6<sup>th</sup> Street, Suite 100, Bremerton, WA 98337 within two days of the cancellation, suspension or substantive change of any insurance policy set out herein, and failure to do so shall be construed to be a breach of this Agreement.

The City also reserves its unqualified right to require at any time and for any reason, proof of coverage in the form of a duplicate of the insurance policy with all endorsements as evidence of coverage.

In the event that the Consultant employs other consultants or Consultants (sub-consultants or sub-Consultants) as part of the work covered by this Agreement, it shall be the Consultant's responsibility to require and confirm that each sub-consultant or sub-Consultant meets the minimum insurance requirements specified above. The Consultant shall, upon demand of the City, deliver to the City copies of such policy or policies of insurance and the receipts for payment of premiums thereon.

## **VII. General Conditions:**

A. Reports and Information: When requested by the City, Consultant shall furnish periodic reports and documents on matters covered by this Agreement. The reports and documents shall be furnished in the time and form requested. Consultant shall maintain accounting records in accordance with Generally Accepted Accounting Principles ("GAAP") to substantiate all billed amounts.

B. Ownership and Use of Records and Documents: Original documents, drawings, designs and reports, including those in electronic format, developed under this Agreement are the property of the City. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in Consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

All data, documents and files created by Consultant under this Agreement may be stored at Consultant's office in Tacoma, Washington. Consultant shall make such data, documents, and files available to the City upon its request at all reasonable times for the purpose of editing, modifying and updating as necessary until such time as the City is capable of storing such information in the City's offices. Duplicate copies of this information shall be provided to the City upon its request, and at reasonable cost.

All documents, including all reports, drawings, specifications, computer software or other items prepared or furnished by Consultant pursuant to this Agreement, are instruments of service with respect to the project and are the property of the City. Any reuse by the City for other than the specific purpose intended will be at City's sole risk.

C. Use of Photographs and Images. Consultant shall not use or distribute photographs or images depicting City officials, personnel, property, or equipment whether prepared by Consultant or provided by City without prior written consent of the City. The City will not unreasonably withhold its consent.

D. Work Performed at Consultant's Risk: Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at Consultant's own risk, and Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.

E. Place of Work: The Consultant shall perform the work authorized under this Agreement at its offices in Tacoma, Washington. Meetings with the City staff as described in Exhibit A, Scope of Work, shall take place at the City's offices, or at locations mutually agreed upon by the parties.

F. Entire Agreement: This Agreement and its Exhibits constitutes the entire agreement between the Parties, and the Parties acknowledge that there are no other agreements, written or oral, that have not been set forth in the text of this Agreement.

G. Severability: Should any part of this Agreement be found void, the balance of the Agreement shall remain in full force and effect.

H. Modification: This Agreement may only be modified by written instrument signed by both Parties.

I. Written Notices: All communications regarding this Agreement shall be sent to the parties at the addresses listed below by registered or 1st class mail, or by personal service, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.

Notices to be sent to:

Notices to be sent to:

CITY:

CONSULTANT:

Attn: ANDREA SPENCER  
City of Bremerton  
345 6<sup>th</sup> Street, Suite 100  
Bremerton, WA 98337-1891

Attn: PEREGRIN K. SORTER  
LAMINAR LAW, PLLC  
1919 N. Union Avenue  
Tacoma, WA 98406

J. Waiver: Failure to enforce any provision of this Agreement shall not be deemed a waiver of that provision. Waiver of any right or power arising out of this Agreement shall not be deemed waiver of any other right or power.

K. Non-Waiver of Breach: The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred

in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements or options, and the same shall be and remain in full force and effect.

L. Compliance with Laws: Consultant shall comply with all applicable Federal, State, and local laws in performing its obligations under this Agreement.

M. Choice of Law and Venue: This Agreement shall be interpreted according to the laws of the State of Washington. Any judicial action to resolve disputes arising out of this Agreement shall be brought in Kitsap County Superior Court.

N. Attorneys' Fees: In the event of litigation to enforce any of the terms or provisions herein, each party shall pay all its own costs and attorney's fees.

O. Assignment: Any assignment of this agreement by the Consultant without the written consent of the City shall be void.

**VIII. Equal Employment Opportunity Statement:** In the hiring of employees for the performance of work under this Agreement, the Consultant, its subConsultants, or any person acting on behalf of Consultant shall not discriminate in any employment practice on the basis of age (40+), sex, race, creed, color, national origin, sexual orientation/gender identity, marital status, military status, or the presence of any physical, mental or sensory disability.

**IX. ADA Statement:** The City of Bremerton does not discriminate on the basis of disability in programs and activities, which it operates pursuant to the requirements of the Americans with Disabilities Act of 1990, and ADA Amendments Act. This policy extends to both employment and admission to participation in the programs, services and activities of the City of Bremerton. Reasonable accommodation for employees or applicants for employment will be provided.

**X. Termination:** This Agreement shall remain in force until completion and acceptance of the services. This Agreement can be terminated by either party providing 60 days' notice of termination. This Agreement may be immediately terminated for cause by a Party if the other Party substantially fails to perform through no fault of the terminating Party, and the non-performing Party does not commence correction of the failure of performance within thirty (30) days of the terminating Party's sending notice to the non-performing Party. Any Notice by Consultant shall include a report showing the status of all items listed in the Scope of Work current through the termination date.

If the City receives reimbursement by any federal, state, or other source for work described in Section I herein, and that funding is withdrawn, reduced or limited in any way, or the project is cancelled or substantially reduced after the execution date of this Agreement and prior to the completion of the work, the City may summarily terminate this Agreement.

A. Excusable Delays: The right of Consultant to proceed shall not be terminated nor shall Consultant be charged with liquidated damages for any delays in the completion of the work due to: 1) any acts of the federal government in controlling, restricting, or requisitioning materials,



equipment, tools, or labor by reason of war, national defense, or other national emergency; 2) any acts of the City, its consultants, or other public agencies causing such delay; and 3) causes not reasonably foreseeable by the parties at the time of the execution of the Agreement that are beyond the control and without the fault or negligence of the Consultant, including, but not restricted to, acts of God, fires, floods, strikes, or weather of unusual severity. PROVIDED, HOWEVER, that the Consultant must promptly notify the City within ten (10) calendar days in writing of the cause of the delay. If, on the basis of the facts and the terms of this Agreement, the delay is properly excusable, the City shall, in writing, extend the time for completing the work for a period of time commensurate with the period of excusable delay.

B. Rights Upon Termination: In the event of termination, the City shall pay for all services performed by the Consultant to the effective date of termination, as described on a final invoice submitted to the City. After termination, the City may take possession of all records and data within the Consultant's possession pertaining to this project which may be used by the City without restriction. Any such use not related to the project which Consultant was contracted to perform shall be without liability or legal exposure to the Consultant.

**XI. Suspension & Debarment.** For contracts involving Washington State and Federal funding, Consultant hereby certifies, by signing this agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any State or Federal department or agency. Consultant shall provide immediate written notice to the City if at any time it learns that it is or has become ineligible for certification. Should Consultant enter into a covered transaction with another firm, Consultant agrees by signing this agreement that it will verify that the firm with whom it intends to do business is not debarred, suspended, ineligible, excluded or disqualified.

IN WITNESS WHEREOF, the parties below have executed this Agreement.

CITY:

CONSULTANT:

CITY OF BREMERTON

Laminar Law, PLLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

Kylie J. Finnell, Bremerton City Attorney

Angela Hoover, City Clerk

### **SCOPE OF WORK**

**ESTABLISHMENT OF ADMINISTRATIVE HEARING EXAMINER.** The City of Bremerton Establishes Peregrin K. Sorter and Laminar Law, a Professional Limited Liability Company (PLLC), to serve as the City's Administrative Hearing Examiner pursuant to Bremerton Municipal Code (BMC) 2.13.

**JURISDICTION.** Laminar Law, PLLC will have the jurisdiction established in BMC 2.13.070.

**DUTIES.** Laminar Law, PLLC will fulfill the duties as established in BMC 2.13.080.

**CONDUCT, PROCEDURES, AND DECISIONS.** Laminar Law, PLLC will follow the provisions outlined in BMC 2.13 that allows the establishment organizational rules for conducting hearings and agrees to render decisions, recommendations, and reconsiderations pursuant to the provisions contained in the subsections of BMC 2.13.

### **TERM**

This Agreement will continue in full force and effect until terminated. The parties agree that this contract can be terminated by either party giving 60-day written notice of termination.

### **COMPENSATION**

Compensation for the Administrative Hearing Examiner shall be a flat fee of \$3,300.00 per month. In a calendar year, this rate will include twelve days of hearings and all duties and activities set forth above. In the event the City of Bremerton needs to schedule additional hearing days, these hearing will be billed at the rate of \$225.00 per hour. Any hearing scheduled outside of the regular hearing date should be held on a mutually agreed upon date and time. Invoices shall be payable 30 days upon receipt. Upon termination of this Agreement, matters pending shall be completed and compensated pursuant to this compensation schedule. Final payment shall be withheld until all Findings of Fact and Conclusions of Law have been received.

## Chapter 2.13 ADMINISTRATIVE HEARING EXAMINER

Sections:

- 2.13.010 PURPOSE.**
- 2.13.020 CREATION.**
- 2.13.030 APPOINTMENT AND REMOVAL.**
- 2.13.040 QUALIFICATION AND REMOVAL.**
- 2.13.050 IMPROPER INFLUENCE, CONFLICT OF INTEREST AND APPEARANCE OF FAIRNESS.**
- 2.13.060 ORGANIZATION, RULES.**
- 2.13.070 JURISDICTION.**
- 2.13.080 DUTIES.**
- 2.13.090 FILING OF APPLICATIONS AND APPEALS.**
- 2.13.100 OPEN RECORD PUBLIC HEARING.**
- 2.13.110 DECISIONS AND RECOMMENDATION.**
- 2.13.120 RECONSIDERATION.**
- 2.13.130 APPEAL OF DECISION.**
- 2.13.140 CITY COUNCIL ACTION.**
- 2.13.150 CITY ADMINISTRATIVE STAFF ARE TO BE CONSIDERED A PERSON OR PARTY.**

### **2.13.010 PURPOSE.**

The purpose of this chapter is to:

- (1) Separate the land use regulatory function from the land use planning process;
- (2) Ensure procedural due process and appearance of fairness in regulatory hearings and decisions;
- (3) Provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters;
- (4) Provide for consistency and predictability in decision making and the application of policies and regulations adopted by the city;
- (5) Provide a forum for conducting public hearings required by the Bremerton Municipal Code; and
- (6) Provide a forum for hearing appeals of administrative decisions and other matters as established by the Bremerton Municipal Code. (Ord. 4798, Amended, 05/10/2002; Ord. 4778, Added, 11/05/2001)

### **2.13.020 CREATION.**

The position of the Administrative Hearing Examiner (also referred to in this chapter as "Hearing Examiner" or "examiner") is hereby created. The Administrative Hearing Examiner shall review and interpret land use regulations; conduct hearings, render decisions, and make recommendations on land use applications; hear appeals from administrative orders,

recommendations, permits, decisions or determinations made by a city official as set forth in this chapter, and review and hear other matters as provided for in the Bremerton Municipal Code and other ordinances. The term "Administrative Hearing Examiner" shall likewise include the examiner pro tem. (Ord. 4798, Added, 05/10/2002)

#### **2.13.030 APPOINTMENT AND REMOVAL.**

The Administrative Hearing Examiner shall be appointed by the Mayor subject to confirmation by the City Council. The appointment may be made as a contract employee or as an independent contractor for a term and on conditions determined appropriate by the City Council. The Examiner(s) pro tem shall be selected by and serve at the pleasure of the Mayor. In the absence or the inability of the Administrative Hearing Examiner to act, or when expertise is needed to hear a particular matter, the examiner pro tem shall serve in place of the Administrative Hearing Examiner and shall have all the duties and powers of the Administrative Hearing Examiner. The Administrative Hearing Examiner may be terminated in accordance with the contract terms. An examiner pro tem may be terminated by the Mayor at will. (Ord. 4798, Amended, 05/10/2002; Ord. 4778, Added, 11/05/2001)

#### **2.13.040 QUALIFICATION AND REMOVAL.**

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. Examiners shall hold no other elective or appointive office or position with the City of Bremerton. (Ord. 4798, Amended, 05/10/2002; Ord. 4778, Added, 11/05/2001)

#### **2.13.050 IMPROPER INFLUENCE, CONFLICT OF INTEREST AND APPEARANCE OF FAIRNESS.**

No city official, elective or appointive, shall attempt to influence the Administrative Hearing Examiner in any matter officially before him so as to constitute misconduct of a public office under Chapter [42.20](#) RCW or a violation of the appearance of fairness doctrine. No member of the council shall participate in any proceedings on appeal from the Administrative Hearing Examiner's decision if to do so will constitute a conflict of interest or violation of the appearance of fairness doctrine. The Administrative Hearing Examiner shall conduct all proceedings in a manner to avoid conflicts of interest or other misconduct and to avoid violations of the appearance of fairness doctrine. If such conflicts or violations cannot be avoided in a particular case, the examiner shall assign an examiner pro tem to act in his absence. (Ord. 4778, Added, 11/05/2001)

#### **2.13.060 ORGANIZATION, RULES.**

The Administrative Hearings Examiner is empowered to adopt rules for the scheduling and conduct of hearings and other procedural matters related to the duties he is required to perform. The rules shall include any procedural rules for conducting hearings as set forth in the Bremerton Municipal Code. The rules shall provide for the process to be effective and efficient while assuring that the participants are afforded an opportunity to present their case without unnecessary emphasis upon formal procedure. The examiner shall have the authority to subpoena witnesses, and to the extent necessary to assure a fair hearing and to afford each party the opportunity to present their case, may allow limited discovery if it is not unduly burdensome, will not unnecessarily delay the proceedings, and the information is not otherwise available. (Ord. 4798, Amended, 05/10/2002; Ord. 4778, Added, 11/05/2001)

#### **2.13.070 JURISDICTION.**

- (1) The Administrative Hearing Examiner shall have jurisdiction to:
  - (a) Conduct hearings, render decisions, make recommendations and to hear appeals of administrative decisions on land use applications as specified in BMC Title [20](#), as amended.
  - (b) Conduct public hearings on all local improvement districts and utility local improvement districts.
  - (c) Hear an appeal of a department director's administrative decision when provided in the Bremerton Municipal Code.
  - (d) Hear code enforcement matters pursuant to provisions of the Bremerton Municipal Code.
  - (e) Conduct public hearings when required under the provisions of the State Environmental Policy Act; conduct open-record public hearings or closed-record appeals in accordance with the provisions of the Bremerton Municipal Code; conduct such other hearings as the city council may from time to time deem appropriate.
  - (f) Hear such other matters as may be designated by the Bremerton Municipal Code and/or the City Council.
- (2) It is the intent that all quasi-judicial appeals of land use decisions, which have prior to the enactment of this chapter been heard by the city council and/or the planning commission, now be heard by the Administrative Hearing Examiner pursuant to this chapter, and to the extent other provisions of the Bremerton Municipal Code are inconsistent, jurisdiction for such quasi-judicial appeals will be with the Administrative Hearing Examiner unless otherwise required by state or federal law.
- (3) Unless otherwise indicated, all other references in the Bremerton Municipal Code to "Hearing Examiner" shall not mean the Municipal Court Hearing Examiner except for those matters established pursuant to Chapter [2.62](#) of the Bremerton Municipal Code over which the Municipal Court Hearing Examiner will have jurisdiction. (Ord. 4970 §1, 2006: Ord. 4798, Amended, 05/10/2002; Ord. 4778, Added, 11/05/2001)

#### **2.13.080 DUTIES.**

The Administrative Hearing Examiner shall have the following duties with respect to applications of matters submitted before him or her.

- (1) Appeals of Administrative Decisions/Determinations. The Administrative Hearing Examiner shall hear open-record appeals of administrative decisions/determinations submitted before him or her, prepare a record thereof, and enter findings of fact and conclusions based upon these facts, which findings and conclusions shall represent final action unless appealed as specified in BMC [2.13.130](#), for the following:
  - (a) Appeals of all Type I and Type II project permit decisions identified in BMC [20.02.040](#) and appealed pursuant to BMC [20.02.140\(a\)\(3\)](#).
  - (b) Appeals of business license denials, revocations and regulations as authorized pursuant to BMC Title [5](#).
  - (c) Appeals of right-of-way use permit application decisions made pursuant to Chapter [11.02](#) BMC.

- (d) Appeals of administrative decisions on shoreline substantial developmental permits pursuant to BMC [20.02.140](#)(b) and Chapter 7(c)(4) of the City of Bremerton Shoreline Master Program.
- (e) Appeals of administrative decisions on short subdivisions and plats pursuant to BMC [20.12.100](#).
- (f) Appeals of administrative determinations applying the City Building Code pursuant to BMC [17.04.140](#).
- (g) Appeals of administrative determinations applying the Uniform Fire Code pursuant to BMC [18.02.180](#).

(2) Decisions of the Administrative Hearing Examiner. The Administrative Hearing Examiner shall receive and examine available information, conduct open-record public hearings, prepare a record thereof, enter findings of fact and conclusions based upon these facts, and render a decision, which decision shall represent the final action on the application, unless appealed, as specified in BMC [2.13.130](#) for all Type III project permit applications identified in BMC [20.02.040](#).

(3) Recommendations of the Administrative Hearing Examiner. The Administrative Hearing Examiner shall receive and examine available information, conduct open predecision public hearings, prepare a record thereof and enter findings of fact and conclusions based upon those facts, together with a recommendation to the city council, for the following:

- (a) All Type IV project permit applications identified in BMC [20.02.040](#).
- (b) Local Improvement districts and utility local improvement district formation and assessments pursuant to Chapter [11.04](#) BMC and Chapters [35.43](#) and [35.44](#) RCW. (Ord. 4970 §2, 2006; Ord. 4798, Added, 05/10/2002)

#### **2.13.090 FILING OF APPLICATIONS AND APPEALS.**

Applications to the Administrative Hearing Examiner for a decision, recommendation or an appeal shall be filed with the Department of Community Development. Applications shall be filed with the applicable filing fee as set forth in Chapter [3.01](#) BMC. When it is found an application or appeal meets the filing requirements of the affected City Code, rule or regulation, the application shall be accepted. The Administrative Hearing Examiner shall be responsible for assigning a date for the public hearing for each application or appeal. Hearings on project permit applications are subject to the notice and hearing requirements set forth in the Bremerton Municipal Code. (Ord. 4894 §1, 2004; Ord. 4836, Amended, 12/20/2002; Ord. 4798, Added, 05/10/2002)

#### **2.13.100 OPEN RECORD PUBLIC HEARING.**

- (1) Before rendering a decision or recommendation on any land use application, the Administrative Hearing Examiner shall hold one (1) open-record public hearing thereon.
- (2) For all applications, notice of the time and place of the public hearing shall be given as provided in the ordinance governing the application. If none is specifically set forth, such notice shall be given at least ten (10) working days prior to such hearing.
- (3) The Administrative Hearing Examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this chapter and also to administer oaths, and preserve order. (Ord. 4798, Added, 05/10/2002)

### **2.13.110 DECISIONS AND RECOMMENDATION.**

(1) The Administrative Hearing Examiner's recommendation or decision may be to grant or deny the application, or the Administrative Hearing Examiner may recommend or require of the applicant such conditions, modifications and restrictions as the Administrative Hearing Examiner finds necessary to make the application compatible with its environment, with applicable State laws, and to carry out the objectives and goals of the comprehensive plan, the zoning code, the subdivision code, and other codes and ordinances of the City. Conditions, modifications and restrictions which may be imposed are, but are not limited to, additional setbacks, screenings in the form of landscaping and fencing, covenants, easements and dedications of additional road rights-of-way. Performance bonds or other financial assurances may be required to ensure compliance with conditions, modifications and restrictions.

(2) In regard to all Type IV project permit applications identified in BMC [20.02.040](#), the Administrative Hearing Examiner's findings and conclusions and recommendation shall be submitted to the City Council, which shall have the final authority to act on such applications. The hearing by the Administrative Hearing Examiner shall constitute an open-record predecision hearing before the final decision is made by the City Council. The Administrative Hearing Examiner shall file its recommendation with the City Council at the expiration of the period provided for reconsideration, or if reconsideration is accepted, within ten (10) working days after the decision on reconsideration.

(3) When the Administrative Hearing Examiner renders a decision or recommendation, the Administrative Hearing Examiner shall make and enter written findings from the record and conclusions therefrom which support such decision. The decision shall be rendered within ten (10) working days following conclusion of all testimony and hearings, unless a longer period is mutually agreed to on the record by the applicant and the Administrative Hearing Examiner. The copy of such decision, including findings and conclusions, shall be transmitted by first class mail to the applicant and other parties of record in the case requesting the same.

(4) In the case of shoreline substantial development permits, pursuant to RCW [90.58.140](#)(11)(a)(iii), appeals shall be decided within thirty (30) calendar days of filing of the appeal.

(5) The filing fee as set forth in Chapter [3.01](#) BMC paid by the appellant for any appeal to the Administrative Hearing Examiner shall be refunded to the appellant if the appellant is the substantially prevailing party. (Ord. 4970 §3, 2006; Ord. 4894 §2, 2004; Ord. 4798, Added, 05/10/2002)

### **2.13.120 RECONSIDERATION.**

A party of record believing that a decision or recommendation of the Administrative Hearing Examiner is based on erroneous procedures, errors of law or fact, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for reconsideration by the Administrative Hearing Examiner within fourteen (14) calendar days of the date the decision or recommendation is rendered. This request shall set forth the specific errors or new information relied upon by such appellant, and the Administrative Hearing Examiner may, after review of the record, take further action as he or she deems proper. If a request for reconsideration is accepted, a decision is not final until after a decision on reconsideration is issued. (Ord. 5148 §2, 2011; Ord. 4798, Added, 05/10/2002)

### **2.13.130 APPEAL OF DECISION.**

(1) Any party who feels aggrieved by the decision or other final action of the Administrative Hearing Examiner may submit an appeal within twenty-one (21) calendar days from the date the final decision of the Administrative Hearing Examiner is rendered to the Superior Court or to another designated forum.

(2) No appeal may be made from a recommendation of the Administrative Hearing Examiner. (Ord. 4798, Added, 05/10/2002)

**2.13.140 CITY COUNCIL ACTION.**

(1) Any application requiring action by the City Council shall be taken by the adoption of a motion, resolution or ordinance by the City Council. When taking any such final action, the City Council shall make and enter findings of fact from the record and conclusions therefrom which support its action. The City Council may adopt all or portions of the findings and conclusions from the Administrative Hearing Examiner's recommendation.

(2) The action of the City Council, approving, modifying, or rejecting a recommendation of the Administrative Hearing Examiner, shall be final and conclusive. Appellants have twenty-one (21) calendar days from the date of City Council action to file an appeal with the superior court. (Ord. 4798, Added, 05/10/2002)

**2.13.150 CITY ADMINISTRATIVE STAFF ARE TO BE CONSIDERED A PERSON OR PARTY.**

For the purpose of BMC [2.13.130](#) and [2.13.140](#), the City's administrative staff shall be considered a "person" and/or "party" and shall have the same rights as any other person or party to make requests for reconsideration to the Administrative Hearing Examiner or to appeal decisions of the Administrative Hearing Examiner to Superior Court or to another designated forum. (Ord. 4970 §4, 2006: Ord. 4798, Added, 05/10/2002)



**REQUEST FOR QUOTES  
ADMINISTRATIVE HEARING EXAMINER SERVICES  
PROPOSALS DUE: Noon Friday April 26, 2024**

The City of Bremerton (City) utilizes a Hearing Examiner system for considering and acting on quasi-judicial land use actions, code enforcement cases, technical building code appeals and related appeals/permits. The current contract for services will end in August of 2023. The City of Bremerton is seeking quotes for the services of an Administrative Hearing Examiner to begin on or about August 28, 2023. The Administrative Hearing Examiner is an independent contractor and not an employee of the City of Bremerton. Quotes should include all the requested information indicated below.

**GENERAL SCOPE OF SERVICES:**

The successful applicant shall perform the duties of the Administrative Hearing Examiner as set forth in City of Bremerton Municipal Code, as now in effect or as hereafter amended. The City of Bremerton Hearing examiner system is adopted pursuant to RCW 35A.63.170 and Bremerton City Ordinances 4778 and 4798 and Bremerton Municipal Code Chapter 2.13 Administrative Hearing Examiner.

The Administrative Hearing Examiner conducts quasi-judicial hearings on complex land use matters, code enforcement matters and regulatory compliance issues on behalf of the City, and other issues designated to the Hearing Examiner by ordinance or resolution. The Hearing Examiner shall issue decisions and recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities.

All duties shall be performed in a manner consistent with accepted practices for hearing examiner services, including interpreting, reviewing, and implementing the City's land use regulations and the pertinent and appropriate provisions of Bremerton Municipal Code; conducting orderly and impartial hearings and hearing appeals; and preparing written decisions in a timely manner which are understandable and based upon reasoning and all applicable laws.

The City of Bremerton Department of Community Development will provide preparation of case files and records; staff support during hearings; set agendas in consultation with the examiner; prepare legal notices; provide reproduction, mailing, distribution of notices and decisions.

**QUALIFICATIONS:**

The applicant shall provide information regarding the applicant's background and familiarity with general land use law and regulations and land use hearing processes. The hearing examiner must have expertise and experience in land use planning. A practicing land use attorney is preferred. The applicant must have knowledge of the Washington State Growth Management Act and Washington State Environmental Policy Act. The Administrative Hearing Examiner shall hold no other elective or appointive office or position with the City of Bremerton.

## **PROPOSAL:**

The applicant shall submit a proposal indicating the general conditions of a contract with the City, if the applicant is chosen, including all costs that would be incurred by the City for the provision of the Hearing Examiner services. Prior to beginning work, the Examiner will be required to procure and maintain for the duration of the contract and at the Examiner's expense (not required as part of quote)

Automobile Liability insurance with limits no less than \$1,000,000 combined single limit per accident for bodily injury and property damage; and

Commercial General Liability insurance written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and general aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations/broad form property damage; explosion, collapse and underground (XCU) if applicable; and

Excess Liability insurance with limits not less than \$1,000,000 limit per occurrence and aggregate; and

Professional Liability insurance with limits no less than \$1,000,000 limit per occurrence/claim; and

Workers Compensation insurance as statutorily required by the Industrial Insurance Act of the State of Washington, Title 51, Revised Code of Washington and employer's liability with limits not less than \$1,000,000.

## **SUBMITTAL REQUIREMENTS:**

Interested parties should submit the following:

1. **Letter of Interest** – No more than one (1) page in length that includes contact information and signature. The letter should state the educational degree(s) held by the person, institutions issuing degree(s) and the date such degree(s) were issued. If the proposal is submitted by a law firm, information on all attorneys anticipated to provide services must be provided.
2. **Summary of Qualifications, Experience and Availability** – This must be no more than three (3) pages in length. It should summarize the applicant's qualifications to be a hearing examiner, including his/her relevant experience as a hearing examiner or other type of administrative judge, experience with land use law, environmental law, shoreline laws, municipal codes, code enforcement and building codes. For judicial or quasi-judicial experience, please list jurisdictions, types of cases, number of cases and approximate dates such work was performed.
3. **Method and Approach** – A summary of the applicant's approach to providing examiner services, including a description of applicant's support staff and how applicant will have the ability to meet decision deadlines.
4. **Example of Written Work** – At least three (3) examples of the applicant's written decisions, preferably as a hearing examiner, must be provided.

5. **Professional References** – At least three (3) professional references, including phone numbers and other contact information.

6. **Fee Proposal**—A description of the proposed compensation required by the applicant. Specify whether the proposal is for a lump sum annual fee, a cost per hour fee or a combination of lump sum and cost per hour fees. Specify whether mileage, travel time and/or out of pocket expenses are factored into the fee proposal.

### **SELECTION CRITERIA AND PROCESS:**

Selection will be based upon:

1. Knowledge and experience in:
  - Adjudication or Litigation related to land use planning and zoning
  - Growth Management Act
  - State Environmental Policy Act
  - Municipal Code Enforcement
  - Administrative Procedures
2. Experience with writing legally defensible local land use decisions.
3. Approach to quality control, case management and decision delivery.
4. Making effective use of public resources through a reasonable fee proposal.
5. Experience and manner of holding public meetings and quasi-judicial proceedings in various formats (in-person and via Zoom).
6. Response of references.

All proposals shall be submitted by e-mailing [andrea.spencer@ci.bremerton.wa.us](mailto:andrea.spencer@ci.bremerton.wa.us) by **Noon., on Friday, April 26, 2024**. Proposals received after this time will not be considered. For specific questions concerning this Request for Quotes (RFQ) please email Andrea Spencer, Director of Community Development at [andrea.spencer@ci.bremerton.wa.us](mailto:andrea.spencer@ci.bremerton.wa.us)

### **TERMS AND CONDITIONS:**

1. The City reserves the right to reject any and all proposals, to waive irregularities and informalities in the submittal and evaluation process, and to change the selection process or timeline.
2. The City reserves the right to request clarification of information submitted and to request additional information from any proposer.
3. The contract resulting from acceptance of a proposal by the City shall be in a form supplied by the City and shall reflect the specifications on this RFQ. This RFQ does not obligate the City to accept or contract for any expressed or implied services.
4. The City shall not be responsible for any costs incurred by an interested party in preparing, submitting, or presenting its response to the RFQ.
5. All submitted documents are public record and subject to disclosure.

AGENDA BILL  
CITY OF BREMERTON  
CITY COUNCIL

**A2**  
*Item pulled*

**SUBJECT:**

Contract Award for Reservoir 17 – Interior  
Coating Replacement

Study Session Date: May 8, 2024  
COUNCIL MEETING Date: May 15, 2024  
Department: Engineering  
Presenter: Bill Davis  
Phone: (360) 473-2312

**SUMMARY:** Reservoir 17 is a 1.0-million-gallon steel water reservoir located at 400 Ridge Drive. The scope of work includes abrasive blasting and recoating the entire interior with a 3-coat epoxy coating system. The interior was last coated in 1995. Additional work under this contract includes cleaning the exterior of eight (8) steel reservoirs located at multiple sites to remove organic matter that could reduce coating life.

Bids were opened on May 7, 2024. \_\_\_\_\_ bids were received. \_\_\_\_\_ was the lowest responsible, responsive bidder in the amount of \$\_\_\_\_\_ (which includes sales tax).

**ATTACHMENTS:** 1. Agreement; 2. Location Map; 3. Bid Tabulation

**FISCAL IMPACTS (Include Budgeted Amount):** This project is included in the 2024 Water Capital Budget.

**STUDY SESSION ACTION:**  Consent Agenda  General Business  Public Hearing

**RECOMMENDED MOTION:** Move to award the contract for the Reservoir 17 – Interior Coating Replacement project to \_\_\_\_\_ in the amount of \$\_\_\_\_\_, including sales tax, and authorize the Mayor to finalize and execute the agreement with substantially the same terms and conditions as presented.

**COUNCIL ACTION:**  Approve  Deny  Table  Continue  No Action

## SECTION 00500

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### AGREEMENT

THIS AGREEMENT is dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2024 by and between City of Bremerton (hereinafter called OWNER) and

---

(hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

#### **ARTICLE 1. WORK.**

CONTRACTOR shall complete the WORK as specified or indicated in the OWNER'S Contract Documents entitled **RESERVOIR 17 – INTERNAL COATING REPLACEMENT**.

#### **ARTICLE 2. CONTRACT TIMES.**

The WORK shall obtain Substantial Completion within **90-calendar days** from the commencement date stated in the Notice to Proceed. Time is of the essence as to each and every deadline set forth in this agreement. This provision has been specifically negotiated. Final Completion and Acceptance of WORK shall be achieved no later than 30 calendar days following Substantial Completion.

#### **ARTICLE 3. LIQUIDATED DAMAGES.**

OWNER and the CONTRACTOR recognize that time is of the essence for this Agreement and that the OWNER will suffer financial loss if the WORK is not completed within the time specified in Article 2 herein, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions and Supplementary Conditions. They also recognize the delays, expense, and difficulties involved in proving in a legal proceeding the actual loss suffered by the OWNER if the WORK is not completed on time. Accordingly, instead of requiring any such proof, the CONTRACTOR shall pay the OWNER liquidated damages for the delay (Not as a penalty) in the amount of **\$750 per day** that expires after the time specified in Article 2.

#### **ARTICLE 4. CONTRACT PRICE.**

OWNER shall pay CONTRACTOR for completion of the WORK in accordance with the Contract Documents in the amount set forth in the Bid Schedule(s).

#### **ARTICLE 5. PAYMENT PROCEDURES.**

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

---

Contractor Initials

**ARTICLE 6. CONTRACT DOCUMENTS.**

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the WORK consist of this Agreement (Section 00500) and the following which are either attached or incorporated herein by reference:

- Notice Inviting Bids (Section 00030).
- Bidders Checklist (Section 00100).
- Bid Proposal including the Bid, Bid Schedule(s), Information Required of Bidder, Bid Bond, and all required certificates and affidavits (Section 00300).
- Performance Bond (Section 00610).
- Payment Bond (Section 00620).
- General Conditions (Section 00700).
- Supplementary General Conditions (Section 00800).
- Technical Specifications as listed in the Table of Contents, including appendices.
- Drawings as listed in the List of Drawings
- Addenda numbers \_\_\_\_\_ to \_\_\_\_\_, inclusive.
- Change Orders which may be delivered or issued after Effective Date of the Agreement and are not attached hereto.

There are no Contract Documents other than those listed in this Article 6. The Contract Documents may only be amended by Change Order as provided in Section 3.04 of the General Conditions.

**ARTICLE 7. WAIVER OF IMMUNITY.**

The CONTRACTOR and OWNER acknowledge and agree that they have negotiated the following in accordance with the requirements of RCW 4.24.115 and the CONTRACTOR specifically waives his immunity under industrial insurance under Title 51 RCW. The CONTRACTOR and OWNER acknowledge and agree to the requirements for indemnification in Sections 6.20 of the General Conditions and Supplemental Conditions. The provisions of this section shall survive the termination of the contract.

**ARTICLE 8. SUSPENSION OF WORK AND TERMINATION.**

The CONTRACTOR agrees to the right of the OWNER to suspend work or terminate this agreement as indicated in Article 15 of the General Conditions and Supplementary Conditions.

\_\_\_\_\_  
Contractor Initial

**ARTICLE 9. ASSIGNMENT**

No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents. The OWNER, in its sole discretion, may refuse to allow the CONTRACTOR to assign any or all of its duties, rights and/or responsibilities under the Agreement, except with regards to an assignment of funds for security purposes. In the case of an assignment for security purposes the CITY may condition its approval to the extent it deems necessary to assure that there will be adequate funds to complete the WORK and to pay subcontractors and suppliers.

OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have caused this Agreement to be executed the day and year first above written.

OWNER: City of Bremerton

CONTRACTOR \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

By \_\_\_\_\_  
(Printed name)

By \_\_\_\_\_  
(Printed name) [CORPORATE SEAL]

Attest \_\_\_\_\_

Attest \_\_\_\_\_

Address for giving notices:

Address for giving notices:

City of Bremerton

\_\_\_\_\_

345 6<sup>th</sup> Street, Suite 100

\_\_\_\_\_

Bremerton, WA 98337

\_\_\_\_\_

License No. \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
(Signature)

Agent for service of process:

City Attorney  
(Title)

\_\_\_\_\_

**AGREEMENT CERTIFICATE**  
**(if Corporation)**

STATE OF                                     )  
  ) SS:  
COUNTY OF                               )

I HEREBY CERTIFY that a meeting of the Board of Directors of the \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

a corporation existing under the laws of the State of \_\_\_\_\_, held on  
\_\_\_\_\_, 2024, the following resolution was duly passed and adopted:

"RESOLVED, that \_\_\_\_\_, as  
\_\_\_\_\_ President  
of the Corporation, be and is hereby authorized to execute the CONTRACT dated \_\_\_\_\_,  
2024, by and between this Corporation and **City of Bremerton** and that his/her execution thereof, attested  
by the Secretary of the Corporation, and with the Corporate Seal affixed, shall be the official act and deed  
of this Corporation."

I further certify that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
corporation this \_\_\_\_\_, day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Secretary

(SEAL)



**AGREEMENT CERTIFICATE**  
**(if Partnership)**

STATE OF                                 )  
   )   SS:  
COUNTY OF                             )

I HEREBY CERTIFY that a meeting of the Partners of the \_\_\_\_\_

\_\_\_\_\_

a partnership existing under the laws of the State of \_\_\_\_\_, held on \_\_\_\_\_, 2024, the following resolution was duly passed and adopted:

"RESOLVED, that \_\_\_\_\_, as \_\_\_\_\_ of the Partnership,

be and is hereby authorized to execute the CONTRACT dated \_\_\_\_\_,

2024, by and between this Partnership and **City of Bremerton** and that his/her execution thereof,

attested by the \_\_\_\_\_ shall be the official act and deed of this Partnership."

I further certify that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_, day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Partner

(SEAL)

**AGREEMENT CERTIFICATE**  
**(if Joint Venture)**

STATE OF                                    )  
  ) SS:  
COUNTY OF                               )

I HEREBY CERTIFY that a meeting of the Principals of the \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

a joint venture existing under the laws of the State of \_\_\_\_\_, held on \_\_\_\_\_, 2024, the following resolution was duly passed and adopted:

"RESOLVED, that \_\_\_\_\_, as \_\_\_\_\_ of the Joint Venture, be and is hereby authorized to execute the CONTRACT dated \_\_\_\_\_, 2024, by and between this Joint Venture and **City of Bremerton** and that his/her execution thereof, attested by the \_\_\_\_\_ shall be the official act and deed of this Joint Venture."

I further certify that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_, day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Managing Partner

(SEAL)

**AGREEMENT CERTIFICATE**  
**(if Limited Liability Company)**

STATE OF \_\_\_\_\_ )  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

I HEREBY CERTIFY that a meeting of the Members of the \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

a Limited Liability Company existing under the laws of the State of \_\_\_\_\_, held on  
\_\_\_\_\_, 2024, the following resolution was duly passed and adopted:

"RESOLVED, that \_\_\_\_\_, and  
\_\_\_\_\_ as members of the Limited Liability Company,  
be and are hereby authorized to execute the CONTRACT dated \_\_\_\_\_,  
2024, to the **City of Bremerton** by this Limited Liability Company and that their execution thereof shall  
be the official act and deed of this Limited Liability Company."

I further certify that said resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_, day  
of \_\_\_\_\_, 2024.

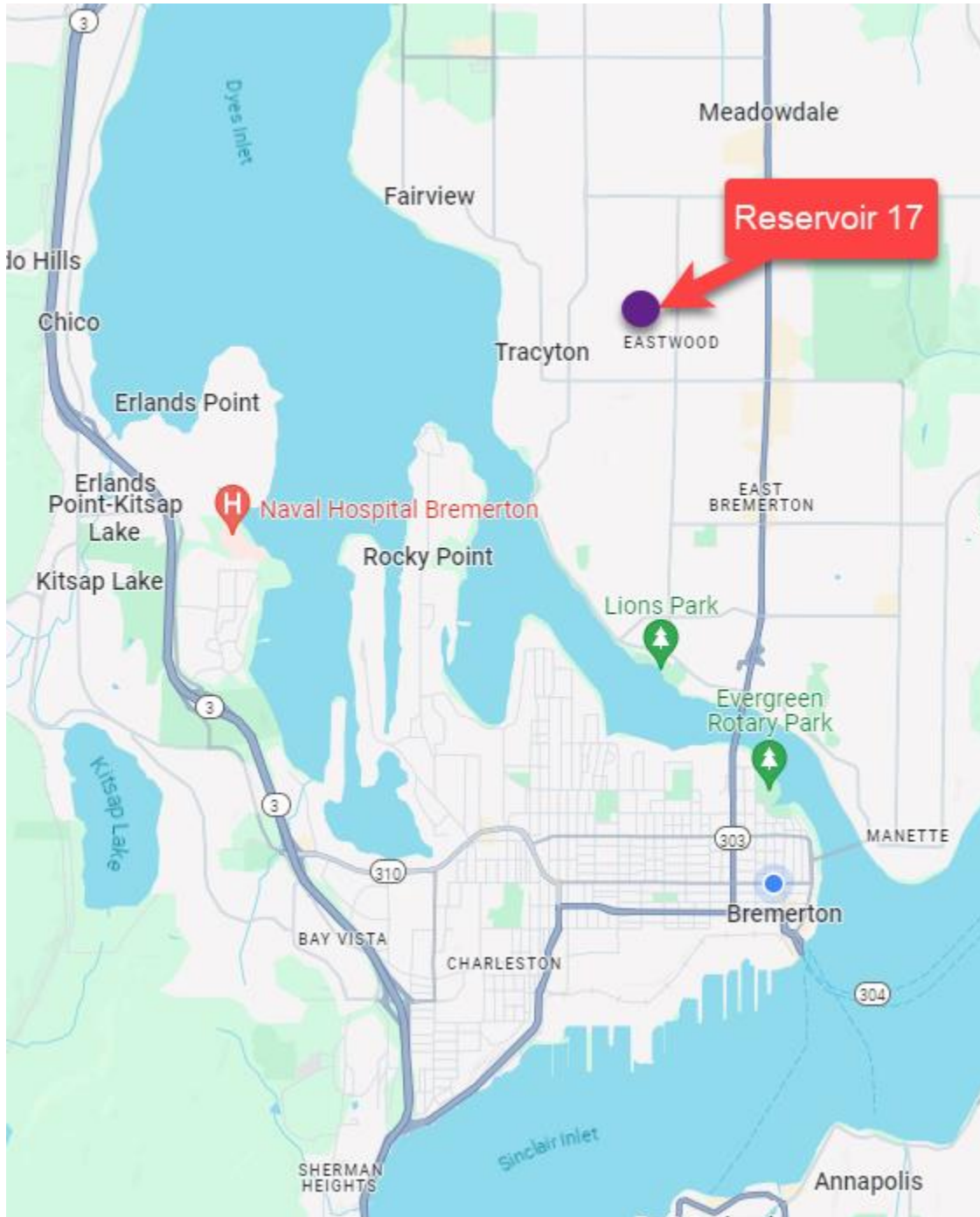
\_\_\_\_\_  
A Limited Liability Company

By: \_\_\_\_\_  
Member

By: \_\_\_\_\_  
Member

(SEAL)

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**RESERVOIR 17 LOCATION MAP**

**CITY OF BREMERTON  
BID TABULATION**

<b>BID TITLE:</b>	Reservoir 17- Interior Coating Replacement		<b>OPENED BY:</b>	Angela Hoover
<b>DATE OPENED:</b>	5/7/2024	<b>TIME OPENED:</b>	<b>RECORDED BY:</b>	Noreen Bolo

NAME OF BIDDER	BOND	BASE BID	SALES TAX	TOTAL
			0.00	0.00
			0.00	0.00
			0.00	0.00
			0.00	0.00
			0.00	0.00
			0.00	0.00
			0.00	0.00
			0.00	0.00
CURRENT SALES TAX RATE	9.20%			

**SUMMARY**

ENGINEER ESTIMATE (INCLUDING SALES TAX)	\$
APPARENT LOW BIDDER	\$
SECOND LOW BIDDER	\$
THIRD LOW BIDDER	\$

AGENDA BILL  
CITY OF BREMERTON  
CITY COUNCIL

**A3**  
*Item pulled*

**SUBJECT:**

Select Funding Alternative to close design funding gap for Warren Avenue Bridge Project

Study Session Date: May 8, 2024

COUNCIL MEETING Date: May 15, 2024

Department: PW&U

Presenter: T. Knuckey

Phone: (360) 473-2376

**SUMMARY:**

Depending on the outcome of Initiative 2117 this fall, there is an estimated budget shortfall beginning in 2025 between \$300K and \$800K for design of the Warren Avenue Bridge improvements. The attached summary outlines options to close the shortfall.

Staff recommend Alternative 1 which would reduce the chip seal program for both 2024 and 2025. Alternative 3 would rely on REET to fund the full funding shortfall is not recommended since revenue projections do not indicate this is feasible.

**ATTACHMENTS:**

- 1) Alternative Summary

**FISCAL IMPACTS (Include Budgeted Amount):** See attached Alternative Summary.

**STUDY SESSION ACTION:**  Consent Agenda  General Business  Public Hearing

**RECOMMENDED MOTION:**

Move to identify Alternative \_\_\_\_ as the approach for the Administration to address the design funding gap for the Warren Avenue Bridge Multimodal project.

**COUNCIL ACTION:**  Approve  Deny  Table  Continue  No Action

**Warren Ave Bridge Design Budget Shortfall**  
**Alternative Summary**  
**May 8, 2024**

The cost to design the Warren Avenue Bridge Multimodal Improvements Project is projected to exceed grant funds by \$800K. The legislature has identified \$500K in funding to partially close that funding gap; however, those funds are contingent on the outcome of Initiative 2117 in the November election. If the initiative fails and the Climate Commitment Act (CCA) remains, then the City would receive the additional grant funds, and the design funding gap would be \$300K. If it passes, then the design funding gap is \$800K.

This memorandum offers three options to close the design funding gap – to be conservative, it is assumed that the Initiative will pass, and the funding gap will be \$800K.

**Alternative 1** – the annual Pavement Preservation (Chip Seal) budget is \$650K. This alternative would reduce the 2024 Chip Seal contract from \$650K to \$350K (savings of \$300K) to partially offset the design funding shortfall. If the CCA is rescinded in the fall, the 2025 Chip Seal contract would similarly be reduced to \$350K and the remaining shortfall would be made up using REET.

Note that while the 2024 budget for Chip Seal is \$650K, there is only \$350K remaining in the 3-year Unit Price Contract that was executed in 2022. Should Council not prefer this alternative, we will bring a Change Order for approval to increase the construction contract by \$300K to allow the contractor to deliver the \$650K in work for 2024.

**Alternative 2** – this alternative would defer all program reductions to 2025, and likely result in suspending all Chip Seal for 2025. Any remaining shortfall would be covered by REET.

**Alternative 3** – fully fund the design gap using REET.



**AGENDA BILL**  
CITY OF BREMERTON  
CITY COUNCIL

**A4**

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**SUBJECT:**

Proposed Ordinance amending Section  
2.50.032 of the Bremerton Municipal Code  
entitled "Actual Salary Rate"

Study Session Date: May 8, 2024  
COUNCIL MEETING Date: May 15, 2024

Department: Legal/HR  
Presenter: Charlotte Nelson  
Phone: (360) 473-5926

**SUMMARY:** The proposed ordinance amends Section 2.50.032 of the Bremerton Municipal Code to allow department heads to promote management/professional employees above a rate higher than one rate above what they are currently making with the approval of the Mayor.

**ATTACHMENTS:**

Ordinance No. \_\_\_\_\_

**FISCAL IMPACTS (Include Budgeted Amount):**

**STUDY SESSION ACTION:**     Consent Agenda     General Business     Public Hearing

**RECOMMENDED MOTION:**

Move to pass Ordinance No. \_\_\_\_\_ amending Section 2.50.032 of the Bremerton Municipal Code entitled "Actual Salary Rate".

**COUNCIL ACTION:**     Approve     Deny     Table     Continue     No Action

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE** of the City Council of the City of Bremerton, Washington, amending Section 2.50.032 of the Bremerton Municipal Code entitled "Actual Salary Rate."

WHEREAS, the City Council desires to amend provisions of Section 2.50.032 relating to setting the salary rate for management and professional employees upon promotion; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Section 2.50.032 of the Bremerton Municipal Code entitled "Actual Salary Rate" is hereby amended to read as follows:

**2.50.032 ACTUAL SALARY RATE.**

(a) Initial Rate. The salary rate of a person upon appointment to a management or professional position shall be set no lower than Rate 1 of the salary band to which an employee's position is assigned. When it is in the best interest of the City, the department heads (with the Mayor's approval) may authorize an initial salary of a newly hired or promoted person at a rate which exceeds Rate 1. Newly hired persons who report directly to the Mayor require the approval of City Council when being hired at a rate which exceeds Rate 1.

(b) Salaries may be increased as follows:

(1) Salary Rate Advancement. Each person shall be eligible for a salary rate advancement upon completion of twelve (12) full months of regular (as opposed to interim) service at each rate in the salary band. To receive a salary rate advancement, the employee must be evaluated as "meets expectations" (or equivalent) on his or her work performance evaluation. Salary rate advancements shall be an increase of one (1) rate in the same salary band, if available.

(2) Additional Advancement. Those employees who receive a rating that exceeds the rating "meets expectations" (or equivalent) may be eligible to receive an additional salary rate advancement for an increase of one (1) additional rate in the same salary band, if available, above the initial rate advancement provided in subsection (b)(1) of this section. This additional advancement shall require the recommendation of the department head, or equivalent, and approval of the Mayor and City Council.

(3) A rate advancement that was denied may be granted following a minimum sixty (60) day review period of the employee's performance.

(4) Notwithstanding the above, when it is in the best interest of the City, the City Council upon the recommendation of the Mayor may authorize an in-range adjustment to provide additional salary in instances of promotion, to provide for internal equity corrections, or for another reason deemed appropriate by the City Council.

(c) Changes to Employee Classifications.

(1) Downgrading an Employee's Classification. Upon the City Council's approval of downgrading a person's classification to a lower salary band, the person's initial

salary rate will be set at the same rate in the new band that was in effect in the former salary band. In the event a person's salary rate exceeds the maximum rate of the salary band to which his or her position is assigned on the date of downgrading, his or her actual salary rate shall be frozen until such time as the maximum rate of the new band is equal to or greater than his or her actual salary and, at such time, the employee's salary rate shall be set at the maximum rate of the salary band to which his or her position is assigned.

(2) Upgrading an Employee's Classification. If an employee's classification is moved from one salary band to a higher band (excluding promotions), the employee's salary rate at the higher band shall be set at the next rate which is higher than the salary the employee was receiving at the former band. Any additional rate advancements shall require City Council approval. The employee's salary rate advancement date does not change.

(3) Promotions.

(A) In the event an employee is promoted from one management/professional classification to a higher classification (one (1) salary band to a higher salary band), the employee's salary shall be set no lower than Rate 1 of the salary band to which an employee's position is assigned. When it is in the best interest of the City, the department heads (with the Mayor's approval) may authorize the rate of a promoted person at a rate which is higher than described above. ~~rate at the higher band shall be set at the next rate which is higher than the salary the employee was receiving at the former band.~~ Promoted employees shall be eligible for a salary rate advancement upon completion of twelve (12) full months of regular (as opposed to interim) service at each rate in the new salary band, which shall be the employee's new salary rate advancement date.

(B) In the event an employee is promoted to a management/professional classification from another employee group, excluding IAFF Bargaining Unit members, their salary shall be set no lower than Rate 1 of the salary band to which an employee's position is assigned. When it is in the best interest of the City, the department heads (with the Mayor's approval) may authorize the rate of a promoted person at a rate which is higher than described above. Promoted employees shall be eligible for a salary rate advancement upon completion of twelve (12) full months of regular (as opposed to interim) service at each rate in the new salary band, which shall be the employee's new salary rate advancement date.

**SECTION 2.** *Corrections.* The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener, clerical, typographical, and spelling errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**SECTION 3.** *Severability.* If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 4.** *Effective Date.* This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
JENNIFER CHAMBERLIN,  
Council President

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
GREG WHEELER, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
ANGELA HOOVER, City Clerk

\_\_\_\_\_  
KYLIE J. FINNELL, City Attorney

PUBLISHED the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

EFFECTIVE the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ORDINANCE NO. \_\_\_\_\_.

R:\Legal\Legal\Ordinances\Human Resources\2024.04.23 Ordinance - BMC 2.50.032 - Actual Salary Rate.docx

**AGENDA BILL**  
CITY OF BREMERTON  
CITY COUNCIL

**A5**

**SUBJECT:**

Council Review of Parks & Recreation  
Director Job Description

Study Session Date:	<u>May 8, 2024</u>
COUNCIL MEETING Date:	<u>May 15, 2024</u>
Department:	<u>Legal/HR</u>
Presenter:	<u>Charlotte Nelson</u>
Phone:	<u>(360) 473-5926</u>

**SUMMARY:** City Council review of the Director of Parks and Recreation job description.

**ATTACHMENTS:**

1. Job Description – Director of Parks & Recreation;
2. BMC Chapter 2.17 Parks and Recreation Department;
3. BMC Chapter 13.15 Parks and Recreation Commission; *Added 5/6/24 12:55 PM*
4. Class Specification Bulletins: City of Olympia, City of Longview, City of Marysville, and City of Puyallup;
5. Emails from Council Members and Mayor.

**FISCAL IMPACTS (Include Budgeted Amount):**

**STUDY SESSION ACTION:**     Consent Agenda     General Business     Public Hearing

**RECOMMENDED MOTION:**

Move to approve the Director of Parks and Recreation job description as presented.

**COUNCIL ACTION:**     Approve     Deny     Table     Continue     No Action

**DIRECTOR OF PARKS & RECREATION****GENERAL FUNCTION**

This is a professional Parks & Recreation executive management classification. Under general direction of the Mayor, the Director of Parks & Recreation performs a variety of management, administrative and professional work in providing and managing parks and various recreational programs and facilities.

**DISTINGUISHING CHARACTERISTICS**

Work consists of planning, organizing, directing, supervising and managing community parks and recreation services by applying current professional methods and practices in conformance with applicable statutes, regulations and policies. Participates as a member of the Mayor's leadership team in setting and supporting administrative policy and direction and communicating administrative policy and direction internally and externally.

**REPRESENTATIVE ESSENTIAL DUTIES and RESPONSIBILITIES** (Note – this list is intended only to illustrate the various types of work that may be performed. The omission of specific statements does not exclude them from the position.)

Professional Services: Provides information, data and advice supportive to the development of policy and legislation related to the preservation of open space, urban landscaping, parks and recreation facility acquisition, and construction. Manages the maintenance and safe operation of parks, recreation facilities and programs. Directs and implements recreation and community organized sports, recreation and leisure programs of interest to various age groups and assures access to appropriate public facilities and equipment for sports and leisure activities.

Department Operations: Directs and implements changes to department services and funding levels, operating policies, standards, procedures and rules. Monitors budget and service contract and compliance control systems. Establishes work methods, selects operating systems, equipment and procedures. Prepares reports on department activity and operations.

Program Budgeting: Describes and quantifies program activity, trends and resources; establishes objectives; justifies and presents funding requirements for department programs short and long range resource allocation levels for personnel, services and supplies, capital equipment and facilities acquisition, maintenance and repair for the department as a whole and for special departmental projects.

Department Organization: Establishes the internal organizational structure of the department, assigns duties to positions, arranges for classification of positions, and obtains budget authority for funding positions. Serves as appointing authority for all employees of the department. Supervises and/or directs the supervision, selection, training, evaluation, discipline and discharge of department personnel.

General City Management: Responds to inquiries from officials, staff, outside agencies and the public. Participates in policy development considerations such as setting general budget priorities, contract negotiation strategies, capital improvement programs, etc. Participates in the activities of civic, community, and parks and recreation organizations. Performs other assigned work which is consistent with the responsibilities assigned to the classification and necessary to the operations of the department and/or the City.

**Other Duties**

- Regular attendance is an essential requirement
- Performs related work as assigned and/or required

**DIRECTOR OF PARKS & RECREATION****KNOWLEDGE, SKILLS and ABILITIES (Entry Requirements)**

Knowledge of:

- Principles, practices, methods and technical support functions of park and recreation services;
- Current professional standards applicable to open space, parks and recreation services;
- Fundamental intent and basic provisions of municipal, state and federal financing mechanisms for open space, parks and recreation services;
- Techniques used for gathering, evaluating and summarizing parks and recreation department service information in preparing budgets;
- Management, personnel and ethical practices as they apply to parks and recreation department operations.

Ability to:

- Apply professional parks and recreation principles to specific service program operations;
- Interpret and apply the intent and specific provisions of laws and regulatory provisions to particular conditions and determine a course of action;
- Evaluate, plan and establish a proper sequence of action for multiple functional units and personnel to accomplish goals;
- Provide verbal and written directives, information and advice to a wide variety of people and officials;
- Persuasively and ethically communicate ideas and assert a point of view in complex or controversial situations;
- Exhibit and instill in subordinates a high public service priority in contacts with the public and others encountered in the work;
- Develop and implement open space, parks, facilities and recreation operating methods which provide a high degree of environmental and human safety;
- Prepare clear, concise and comprehensive correspondence, reports, studies and other written materials.

**QUALIFYING EDUCATION and EXPERIENCE (Minimum Requirements)**

Graduation from an accredited college or university with a bachelor's degree preferably in parks and recreation or a closely related field and seven (7) years of full-time paid experience in parks and recreation work; at least two (2) of which involved preparing service program funding justifications, and at least three (3) of which involved supervisory responsibility at the senior management level; or any combination of training, education and experience which provides the required knowledge skills and abilities. Excellent skills in written and verbal communications, interpersonal relationships, problem solving, as well as a customer service orientation and sound computer skills are essential.

A VALID Washington State driver's license is required and must be obtained prior to date of appointment or another date set by the City.

An equivalent combination of education, experience, and training sufficient to successfully perform the essential duties of the position as listed above must be demonstrated by the applicant.

**LEGAL and REGULATORY EMPLOYMENT CONDITIONS**

**Occupational Group: Executive Management.** In addition to the essential function of administrative head of an office or department, a person in executive management actively participates in: 1) evaluating

**DIRECTOR OF PARKS & RECREATION**

the costs and effects of all existing operations and services; 2) devising strategies, advising, supporting and coordinating the activity of elected officials considering issues which involve conflicting or competing internal and external needs and resources; and 3) implementing City-wide service and operational changes.

**Fair Labor Standards Act:** The position qualifies for exemption from the Fair Labor Standards Act minimum wage and overtime provisions under the Act's Executive Employees exemptions.

**Representation:** This position is excluded from bargaining unit representation.

**Civil Service:** The classification is excluded from the City's Civil Service System.

**Appointment and Removal Authority:** The position is filled by Mayoral appointment pursuant to the Bremerton City Charter Article IV Section 21 which states in relevant part: "The Mayor shall be the administrator of the City...and shall make all appointments of administrative heads with confirmation by the City Council." Removal is at the will of the Mayor.

**This classification specification does not constitute an employment agreement between the City and employee. It is subject to change by the City, with the approval of Human Resources, as the needs of the City and requirements change.**



**Chapter 2.17**  
**PARKS AND RECREATION DEPARTMENT**

Sections:

**2.17.010 DEPARTMENT CREATED.**

**2.17.020 PARKS DIRECTOR - POSITION CREATED AND APPOINTMENT.**

**2.17.030 DUTIES.**

**2.17.010 DEPARTMENT CREATED.**

There is hereby created the Parks and Recreation Department for the purpose of performing parks and recreation services for the City. The department shall be supervised by the parks director who shall serve as its director, who shall have complete charge of all of the work of the department, and who shall be responsible for hiring and supervising employees of the department. (Ord. 4810, Added, 09/14/2002)

**2.17.020 PARKS DIRECTOR - POSITION CREATED AND APPOINTMENT.**

There is hereby created the position known as Parks Director. The Parks Director shall be appointed by the Mayor, subject to confirmation of the City Council, on the basis of professional experience, education and demonstrated knowledge of accepted practices relating to the duties of the department. (Ord. 4810, Added, 09/14/2002)

**2.17.030 DUTIES.**

It shall be the duty of the parks director to provide for the proper maintenance and operation of public parks, playgrounds, recreational and golf course facilities, and Ivy Green Cemetery; and to provide recreational programs on behalf of the City. The Parks Director shall perform such other duties as the City Council or Mayor may direct or as may be required by law. (Ord. 4810, Added, 09/14/2002)

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**Chapter 13.15  
PARKS AND RECREATION COMMISSION**

Sections:

**13.15.010 CREATED.**

**13.15.020 REMOVAL.**

**13.15.030 RULES.**

**13.15.040 MEETINGS AND OFFICERS.**

**13.15.050 POWERS AND DUTIES.**

**13.15.010 CREATED.**

That the City of Bremerton Parks and Recreation Board shall be known as the Parks and Recreation Commission. The Parks and Recreation Commission shall consist of seven (7) members who shall be residents of the City of Bremerton. The appointments shall be for three (3) year terms. Members shall be appointed for staggered terms so that two members shall be appointed for terms commencing September 30, 2001, two members shall be appointed for terms commencing September 30, 2002; and three members shall be appointed for terms commencing September 30, 2003. The current Commission members whose terms expire in 2001, 2002 and 2003 shall continue to serve their terms until September 29 of the year of the expiration of their terms. The members shall serve without compensation. (Ord. 4724, Added, 12/08/2000)

**13.15.020 REMOVAL.**

Any member of the Commission may be removed from office with notice from the Mayor upon the formal recommendation of the Commission for incompetence, incompatibility of office, dereliction of duty, malfeasance in office, lack of attendance at meetings, or other good cause. Members of the Commission may be dismissed from the Commission if they miss more than three (3) consecutive meetings, unexcused, or any five (5) meetings within a twelve (12) month period. (Ord. 4724, Added, 12/08/2000)

**13.15.030 RULES.**

The Bremerton Parks and Recreation Commission shall conduct all meetings in accordance with the rules adopted by the Commission which are designated as the Parks and Recreation Commission By-Laws. (Ord. 4724, Added, 12/08/2000)

**13.15.040 MEETINGS AND OFFICERS.**

The Commission, each year, shall elect its own chairperson and create and fill such other offices as it may determine it requires. The Commission's regular meeting shall be held at 5:30 p.m. on the fourth Tuesday of each month, unless a change in the scheduled date or time is approved and duly noticed by the Commission. (Ord. 4724, Added, 12/08/2000)

**13.15.050 POWERS AND DUTIES.**

The Parks and Recreation Commission shall serve in an advisory capacity to the City Council, the Mayor, and the Parks and Recreation staff concerning formulation of policy and plans for development, management, and operation of the City's parks and recreation programs. Duties of the Commission shall include, but not be limited to:

- A. Assist with review of the Parks and Recreation budget;
- B. Promote parks and recreation programs to the community;
- C. Assist in the establishment of short-term and long-term goals for the future of the City's park system, including recreational programming and park maintenance; and
- D. Monitor and assess the park system.

In its advisory capacity, the Parks and Recreation Commission may advise, make recommendations, to and guide the Parks and Recreation Department on issues relating to recreational programming and the City's parks and open space system, and to assist the City in the following:

- A. The development of a broad variety of programs, facilities and services to meet the needs and demands of the community;
- B. Education of the public about the importance of and need for Parks and Recreation programs, facilities and services;
- C. Enhancement of citizen involvement in the planning and development of the parks system and the identification of local needs;
- D. Establishment of an effective public relations program utilizing all appropriate communications media;
- E. Long range capital improvement planning;
- F. Development of a close liaison and coordination with other agencies to ensure total cooperative community effort to provide the most effective and efficient service possible; and
- G. Periodic review of the Parks and Recreation Department's programs, facilities, services and relationships to assure that its goals and objectives are relevant to community needs. (Ord. 4724, Added, 12/08/2000)



The Bremerton Municipal Code is current through Ordinance 5491, passed February 7, 2024.

Disclaimer: The City Clerk's Office has the official version of the Bremerton Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.bremertonwa.gov/>

City Telephone: (360) 473-5323

[Code Publishing Company](#)



City of Olympia

## Director of Recreation, Arts, and Facilities

<b>CLASS CODE</b>	037	<b>SALARY</b>	\$49.54 - \$60.23 Hourly \$8,586.81 - \$10,439.68 Monthly \$103,041.74 - \$125,276.11 Annually
<b>ESTABLISHED DATE</b>	January 04, 2019	<b>REVISION DATE</b>	January 04, 2019

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### Description

Under the general direction of the Department Director, the Associate Director is independently responsible for the administration of a wide range of department level programs, projects, and systems within the Department; with a primary focus on the Recreation, Arts, and Facilities Divisions. Associate Director's serve on behalf of the Director on critical department projects and/programs, and in their absence.

### Essential Functions

The essential functions of this position include but are not limited to:

1. Provide leadership and guidance to the daily operation and long-range vision of the Recreation, Arts, and Facilities Divisions.
2. Provide leadership and guidance to the daily operation and long-range vision of the Recreation, Arts, and Facilities Divisions.
3. Provide leadership and guidance to the development and implementation of the department's operating budget, and all associated projects.
4. With support from the management team, prepare and manage all aspects of the annual department operating budget.
5. Develop, write and present program related information to and for a variety of internal and external audiences.
6. Develop, recommend and implement policies, procedures and standards.
7. Implement public process efforts and provide related information and reports to elected officials, managers, committees, boards, and the general public.
8. May be required to represent the Department and/or City as a liaison to a variety of advisory or community organizations as a regular attendee or related to time-specific projects.
9. Compliance with employee and public safety issues.
10. Responsible for program related administrative, customer service, public education, studies/research, program evaluation and written communications activities.
11. Staff efforts in program planning and implementation, data collection, analysis and reporting, research results in support of long and short-range planning, services and quality improvement efforts.
12. Contribute to the department's image, services, activities, programs and policies by using a variety of media, advertising, promotion and marketing techniques to encourage participation, generate revenue and build support, approval and consensus for department programs and services.
13. Punctual, regular and reliable attendance is essential for successful job performance.

## Typical Qualifications

### Knowledge/Skills/Abilities:

1. Knowledge in all of Departments major program areas: Recreation Facilities and Program Operation; Planning & Development; Park Services; Arts & Events.
2. Knowledge in long-range comprehensive planning.
3. Knowledge in Department level program and policy development and implementation.
4. Knowledge in Department level budget development and administration.
5. Knowledge in intergovernmental processes.
6. Knowledge in the Development and implementation intergovernmental agreements such as the Olympia School District Use Agreement.
7. Knowledge in contract development and management.
8. Knowledge in multi-project administration.
9. Knowledge in the management and supervision of numerous full-time and temporary employees.
10. Knowledge with labor relations and negotiations.
11. Knowledge in developing entrepreneurial and creative funding approaches to support Parks, Arts, and Recreation functions.
12. Knowledge of municipal government powers, functions, services, responsibilities, organization dynamics and administrative procedures.
13. Knowledge of policy development, analysis, implementation application, and communication.
14. Skills and abilities to communicate effectively when working with elected officials, neighborhood associations, citizen boards, committees, and the media.
15. Skills and abilities in creating and maintaining a work environment that encourages creative team dynamics, ownership, learning, and career fulfillment.
16. Skills and abilities to establish Department vision, set direction, and implement programs addressing community needs and issues.
17. Skills and abilities to lead, mentor, manage and supervise numerous full-time and part-time employees.
18. Skills and abilities in problem solving through collaboration and team building at the City, Department and Community level.

### Experience/Education:

1. Graduation from an accredited college or university with a four-year degree in Parks/Recreation Management, Public Administration, Arts Administration, Business Administration or a closely related field is required.
2. Six years of progressive experience in the management and administration of the major functional areas or programs within the department's lines of business, including at least two years of supervisory experience is required.
3. Municipal or public sector experience is preferred.

### Special Requirements:

1. Possession of valid Washington State Driver's License required.

## Supplemental Information

### Contacts:

1. Frequent and successful contact/interaction with employees and supervisors is critical to success.
2. The Associate Director must establish and maintain effective working relationships with all contacts.

3. Diplomacy, professionalism, enthusiasm, and strong communication and interpersonal skills are required to gain cooperation and motivate others.
4. Additionally, the incumbents have extensive contact with other Associate Directors in the Department to coordinate with other work units, departments, and agencies.
5. Incumbents serve as a technical advisor to the Department Director, the community, administrators, advisory committees, planning commissions, and the City Council.
6. Incumbents have daily or frequent contact with staff, other department management, citizens, and/or contractors.
7. The contact is for information sharing, coordination of effort and/or complaint resolution.
8. Providing accurate information in a style commensurate with the City's Philosophy Statement is central to overall success.

Supervision:

1. Directly or indirectly supervises all assigned staff.
2. In an Associate Director role, may at times supervise staff normally assigned to the other Associate Director or the Director.

Accountability:

1. The Associate Director reports to the Department Director and is accountable in departmental administration, operation and leadership.
2. This position has overall responsibility for design, direction, and accomplishment of Department level responsibilities, goals, and objectives in areas such as budgeting, strategic planning, marketing, communications, public involvement, employee training, and public image creation and maintenance.

Working Conditions:

1. The Associate Director primarily works in an office setting; however, sufficient agility and mobility is required to attend meetings at various locations, and maneuvering in and around a variety of work sites throughout the City.
2. Field work may expose the Associate Director to hazardous construction conditions, hazards associated with working in and around vehicular traffic, and variable weather as well as coming in contact with many health and safety hazards such as heavy equipment, chemicals, hazardous substances, and natural occurrences.
3. Work hour flexibility is required to attend meetings held at a variety of locations and during non-business hours.
4. The position is subject to the stress associated with accommodating competing priorities and demands and meeting various deadlines.
5. Meetings, particularly with officials and the general public, may be confrontational in nature.

The City of Olympia is an Equal Opportunity Employer, committed to a diverse workforce. Women, people of color, and people with disabilities are encouraged to apply.

**Class Spec Data**

FLSA Status - Exempt

Pay Grade - 086

Represented - No



City of Longview WA  
Parks and Recreation Director

<b>CLASS CODE</b>	E8	<b>SALARY</b>	\$8,326.00 - \$11,242.00 Monthly \$99,912.00 - \$134,904.00 Annually
<b>REVISION DATE</b>	March 05, 2015		

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**Class Summary**

The Parks and Recreation Director is responsible for directing and managing the overall operations of the City's Parks and Recreation Department, which includes divisions such as; Parks, Recreation, and Golf. Specific duties could include: managing staff to include hiring and firing decisions; establishing policies and procedures; promoting the public services available through various divisions; and ensuring all operations are aligned with the City's goals and priorities.

**Class Essential Job Duties**

Provides oversight and directs the implementation of operations for the Parks & Recreation Department, including Parks, Recreation, and Golf divisions, which includes planning, coordinating, administering, and evaluating programs, projects, processes, procedures, systems, standards, and/or service offerings.

Manages and directs staff to include: prioritizing and assigning work; conducting performance evaluations; ensuring staff are trained; ensuring that employees follow policies and procedures; maintaining a healthy and safe working environments; and, making hiring, termination, and disciplinary recommendations.

Responds to requests for information and provides subject-matter-expert guidance to other departments, officials, the general public, and/or external agencies; explains and interprets programs, policies, and activities.

Develops and monitors the departmental budget including allocating resources and approving expenditures.

Participates and/or serves on a variety of internal and external committees, meetings, and/or other related groups to secure advocacy and influence support for programs and ideals.

Ensures compliance with Federal, State, and local laws, regulations, codes, and/or standards;

Coordinates activities between multiple service areas and works to integrate and coordinate assigned service areas.

Performs other duties of a similar nature or level.

**Training and Experience**

**Training and Experience** (positions in this class typically require):

Bachelor's degree in parks and recreation administration, recreation, business, public administration, or related field; and 5-7 years of management experience in Parks and Recreation.

**Licensing Requirements** (positions in this class typically require):

Licensing Requirements:

Certified Parks and Recreation Professional (preferred)

**Knowledge and Skills**

Knowledge of:

- Management and leadership principles;
- Program development and administration principles and practices;
- Applicable Federal, State, and local laws, rules, regulations, codes, and/or statutes;
- Advanced principles, practices, theories, and methodologies in assigned area of responsibility;
- Strategic planning principles;
- Marketing and communication principles and practices;
- Fiscal management principles;
  
- Public relations principles;

Budgeting principles.

Skill in:

- Monitoring and evaluating employees;
- Prioritizing and assigning work;
- Providing leadership;
- Using computers and applicable software applications;
- Managing projects;
- Managing and coordinating the preparation and publication of a variety of marketing, promotional, and/or communication materials;
- Giving presentations and speaking in public;
- Interpreting, applying, and ensuring compliance with applicable Federal, State, and local laws, rules, and regulations;
- Analyzing problems, identifying alternative solutions, projecting consequences of proposed actions, and implementing recommendations in support of goals;
- Preparing and administering budgets;
- Managing change and sensitive topics;
- Planning, analyzing, and evaluating programs and services, operational needs, and fiscal constraints;
  
- Resolving conflict;

Communication and interpersonal skills as applied to interaction with coworkers, supervisor, customers, advisory groups, the general public, etc., sufficient to exchange or convey information and to receive work direction.

**Physical Requirements**

Positions in this class typically require: reaching, standing, walking, fingering, grasping, feeling, talking, hearing, seeing and repetitive motions.



Sedentary Work: Exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body. Sedentary work involves sitting most of the time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.



**MARYSVILLE**  
WASHINGTON

City of Marysville  
Parks Director

<b>CLASS CODE</b>	M124	<b>SALARY</b>	\$174,854.00 - \$223,804.00 Annually
<b>ESTABLISHED DATE</b>	May 01, 2019	<b>REVISION DATE</b>	March 28, 2022

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### Position Summary

The position is responsible for the overall vision and direction of the Parks, Culture and Recreation Department as well as administrative oversight of activities and programs including the acquisition, development and maintenance of all parks facilities and grounds; the establishment of recreation, athletic, community center, cultural arts and special event programs; and the supervision and evaluation of performance of assigned personnel.

Responsibilities include development and oversight of department goals and objectives, policies and procedures; budget development and oversight; and compliance with statutory requirements.

Considerable and frequent contact is maintained with the Executive Department, City Council, and other department directors as well as representatives of local, state and federal governments and agencies, and the general public.

### Essential Duties & Responsibilities

*Other duties may be assigned as needed.*

1. Plans, directs, and coordinates comprehensive parks, culture and recreational programs and services for the city and provides strong and creative leadership and vision to the department and staff. Develops, supports and models a positive and productive workplace culture based on city core values.
2. Develops a competent, well-trained, properly structured and motivated staff capable of achieving departmental goals and commitments; evaluates employee performance, reviews projects and programs, and distributes work to ensure proper and efficient workflow.
3. Works with advisory boards, foundations, community coalitions, elected officials and other agencies in developing master plans and long range plans for the acquisition, development and maintenance of community parks and recreational facilities.
4. Develops, implements and evaluates effective and efficient operation of the department in the delivery of services to the public in a manner that complies with all applicable laws, regulations, regulations and ordinances.
5. Directs the establishment and maintenance of effective and efficient departmental work policies, systems and procedures, consistent with city policies relating to personnel, budgeting and accounting, procurement, contract management and other administrative matters; participates in labor contract negotiations and responds to grievances as required.
6. Oversees all Parks, Culture and Recreation programs and projects for the city. Coordinates programs and activities of the department with other city departments, local and regional agencies and citizen groups.
7. Participates directly in the planning and development of significant community projects consistent with city goals and objectives.

8. Facilitates and promotes research, updated technologies and trends and recommends programming and resources to achieve objectives.
9. Prepares annual budget and justifies budget requests and amendments.
10. Projects and procures revenues and funding for the work of the department, including management of grants and accessing federal and state funding sources.
11. Ensures the financial well-being of the department by establishing cost control measures and monitoring all fiscal operations of the department. Ensures the efficient and economical use of departmental funds, staffing, materials, facilities and time.
12. Manages golf course enterprise operations and related management agreements.
13. Directs planning and presentation of public involvement programs for neighborhoods, businesses and other community groups. Provides staff support for Marysville Parks, Culture and Recreation Advisory Board(s) and ad hoc committees and other community organization partners coordinating work plans and assignments to facilitate efficient and meaningful public involvement and policy direction.
14. Performs related duties as assigned in order to effectively accomplish assigned areas of responsibility and contribute to effective city operations.

### **Knowledge, Skills, and Abilities**

*To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

#### **Knowledge of:**

- Principles and practices related to parks grounds and facilities maintenance including horticulture and landscaping.
- Principles of urban park planning and design, urban forestry and environmental practices.
- Principles and practices of recreational activities, programs, community wellness, and community events.
- Principles and practices of risk management for parks, facility use, trails, marina, and recreational programming.
- Principles and practices of effective management, including supervision, training, evaluation, motivation, problem solving, decision making, and leadership.
- Principles and practices of municipal budget development and administration, purchasing and contract requirements.
- Planning and development of capital improvement projects related to parks.
- Safety regulations, standards, guidelines and practices related to parks and facilities maintenance, trails, marina, and recreational activities and equipment.
- Windows based computers.
- Principles of Collective Bargaining Agreements.
- Principles of emergency management practices at a regional response level.

#### **Ability to:**

- Provide strategic leadership to the department, elected officials and senior management.
- Plan, direct and control the operations and functions assigned to the Parks, Culture and Recreation Department.
- Plan, organize, develop and supervise the work of subordinate employees, including training, assigning, and evaluating their work, and providing job performance feedback.
- Critically analyze current policies, practices, and procedures, and implement changes as needed.
- Prepare and administer complex municipal budgets.

- Establish and maintain effective working relationships with co-workers, city staff, city officials, other governmental agencies, and the public.
- Remain current on legislative and regulatory changes that affect park and facilities maintenance and recreation programs and activities.
- Communicate effectively both orally and in writing; explain complex ideas to a variety of audiences including the Mayor, Chief Administrative Officer, City Council, media, and the public in a clear, comprehensive and professional manner; make public presentations and respond to questions from a variety of audiences.
- Work effectively with media to communicate the city's message.
- Effectively operate windows based computer, including word processing, spreadsheet, database, and specialized software applications related to assigned duties.
- Maintain regular and reliable attendance.

## **Qualifications**

*A combination of the experience, education, and training listed below which provides an equivalent background to perform the work of this position.*

### **Experience:**

- Ten years of progressively responsible experience in municipal Parks and Recreation management.
- Five years of supervisory experience.

### **Education and Training:**

- Bachelor's degree in business management, public administration or a related field.
- Coursework and/or training in park maintenance resource management, park revenue, and golf course management preferred.

### **Certificates/Licenses:**

- Emergency Management Training/NIMS certification.
- Must possess, or have the ability to possess within one month of hire date, a Washington State Driver's License.
- Must possess, or have the ability to possess within six months of hire date, first aid and CPR certifications.

## **Physical Demands/Working Conditions**

*The physical demands and characteristics of the work environment described here are representative of those occurring in the performance of the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

While performing the essential functions of this job, the employee is frequently required to sit; use hands to finger, handle, or feel objects, tools, or controls; and talk or hear. The employee is occasionally required to stand; walk; reach with hands and arms; climb or balance; and stoop, kneel, crouch, or crawl. The employee may frequently lift up to 10 pounds; occasionally lift and/or move 10 - 20 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. This position works primarily in an office, and the noise level in the work environment is usually low to moderate.

Incumbent is occasionally required to conduct site visits to indoor and outdoor facility sites, private properties or park sites and could require exposure to outside weather conditions, moving traffic and heavy construction equipment, as well as standing and/or walking on variable surfaces including hard, even surfaces and uneven ground, and sloped embankments. The noise level may be moderate to loud.

Work is performed mainly during city office hours; however, some travel will be required and incumbent must attend night meetings of the City Council or city boards and commissions. These meetings are frequently held in

the evening and consequently require extended work hours.

*This position description generally describes the principle functions of the position and the level of knowledge and skills typically required. It does not constitute an employment agreement between the employer and employee, and it is subject to change as the needs of the employer and the requirements of the job change.*



City of Puyallup  
**Parks and Recreation Director**

<b>CLASS CODE</b>	136A	<b>SALARY</b>	\$62.62 - \$80.17 Hourly \$10,854.00 - \$13,896.00 Monthly \$130,248.00 - \$166,752.00 Annually
<b>ESTABLISHED DATE</b>	September 25, 1993	<b>REVISION DATE</b>	July 13, 2018

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**Definition**

Plan, organize and manage all activities of the Parks and Recreation Department in accordance with state law, federal law, and the City of Puyallup Municipal Code. Develop, implement and maintain processes and systems to facilitate the effective operations of Parks Maintenance and Development, Recreation Services, Senior Services, and the Pavilion. Determine strategic goals based upon present and future service demands and community needs. Supervise division managers/supervisors, providing leadership and resources to meet departmental goals and objectives. Ensure the effective and efficient utilization of department personnel, funds, equipment, facilities and time.

Work performance is reviewed through periodic reports on the department program objectives and goals. Considerable and frequent contact is maintained with the City Manager, other department directors, the Parks and Recreation Board, representatives of state and local governments, the Federal government, consultants, vendors and the public. Work is performed primarily in the office setting. This position will require the attendance of evening meetings.

**Essential Functions**

- Establish department goals, objectives and priorities; develop implementation strategies and timelines; monitor and measure performance; implement corrective action as needed.
- Participate in, and provide leadership to, City-wide long-range, strategic planning activities in coordination with the City Manager.
- Select, train, motivate, and evaluate department personnel; assign work activities, projects and programs; work with employees to correct deficiencies; and when appropriate implement discipline and termination procedures.
- Establish and maintain effective working relationships with department staff, city staff, officials, boards and commissions, vendors, and the public.
- Prepare and ensure fiscal responsibility of the department budget; forecast funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement adjustments.
- Coordinate grant applications and progress reports for parks and recreation projects or programs.
- Coordinate parks capital improvement projects, working with city departments, consultants and contractors.
- Develop, implement and maintain departmental policies and procedures.
- Administer collective bargaining agreements with relevant employees, ensuring contract compliance; handle grievance procedures, and participate in contract negotiations.

- Confer with the City Manager on matters concerning major departmental activities and furnish technical advice on department programs.
- Meet with and respond to inquiries from Council, city committees and boards, citizen groups, commissions and the public on department matters.
- Perform liaison work with other cities, counties, regional, state and federal agencies in funding and department matters.
- Safely drive city vehicles to off-site city departments and off-site meetings.
- Maintain regular and punctual attendance.
- Attend evening meetings and activities in fulfillment of job duties.
- Maintain confidentiality of sensitive and confidential materials.
- Perform other duties as assigned.

## **Qualifications**

### **Knowledge of:**

- Management principles and practices, including program planning and budgeting.
- Managerial aspects of senior programs, public recreation programs, parks maintenance programs and park planning and development.
- Recreational programming and its impact on the community.
- The organization and management of municipal government.
- Modern principles of leadership and motivation.
- Correct English usage, grammar, spelling, punctuation and vocabulary.

### **Ability to:**

- Plan for future needs of the community, develop department program statements, assist subordinates in the development of program objectives.
- Interpret and apply City policies, procedures, law and regulations relating to management activities.
- Effectively administer management principles, practices, and methods.
- Use logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to various situations.
- Complete work and projects in a thorough and timely manner.
- Show initiative in performing job duties.
- Effectively train, supervise, and evaluate department personnel (directly or indirectly) in a manner conducive to effective work performance and positive morale.
- Demonstrate leadership, team building, time management and organizational skills.
- Apply judgment and discretion in resolving problems and interpreting policies.
- Operate a personal computer with associated software and peripherals.
- Communicate effectively both verbally and in writing and possess active listening skills.
- Maintain confidentiality of information.
- Work evenings and occasional weekends to attend meetings and planning sessions.
- Establish and maintain positive, effective working relationships with those contacted in the performance of work.
- Maintain regular, reliable and punctual attendance.

## **Education and Experience**

Bachelor's degree in Business Administration, Recreation Management or related area, and five years of increasingly responsible parks and recreation supervisory experience; or a combination of education, experience, and training that indicates the ability to successfully perform the essential functions of the position listed above.

**SPECIAL QUALIFICATIONS:**

- Criminal history check pursuant to RCW 43.43.830/832 where an employee will or may have unsupervised access to children, developmentally delayed persons or vulnerable adults.
- Possession of or the ability to obtain, and maintain throughout employment, a valid Washington State driver's license.

**Physical Characteristics and Work Environment**

Constant use of sight, hearing, and speech abilities to perform essential functions and communicate with others. Constant fine finger manipulation and use of hands and arms in reaching/handling/fingering/grasping while operating office equipment and computers, preparing written documentation, handling paperwork, etc. Frequent sitting, may be extended at times, while doing desk activities. Frequent bending/twisting at waist/knees/neck while working at desk, worktable, or moving from sitting to standing position. Frequent standing in combination with walking (short distances) throughout work shift in office areas. Occasional lifting/carrying up to 30-pound documents, file boxes. Occasional pushing/pulling force up to 10 pounds opening doors, drawers, and moving materials. Occasional climbing on stairs. Communicates verbally with City staff, outside agencies and the public in one-on-one settings, group settings and over the telephone. Works primarily indoors in an office environment with low noise levels, with occasional travel from site to site for attendance at meetings, including some evening meetings.

**Supervision**

This position reports directly to the City Manager and serves as a member of the City Manager's executive team. Incumbent receives general administrative direction from the City Manager. Work is reviewed and evaluated by the City Manager through periodic consultation and assessment of compliance with policy and departmental accomplishments. Employee exercises independent decision-making authority for management of staff, determining work objectives and goals to be accomplished, and the administration of programs and projects. Work independently within the scope and context of rules, regulations, and employer objectives.



**From:** Denise Frey <[Denise.Frey@ci.bremerton.wa.us](mailto:Denise.Frey@ci.bremerton.wa.us)>  
**Sent:** Tuesday, April 9, 2024 7:58 AM  
**To:** Jennifer Chamberlin <[Jennifer.Chamberlin@ci.bremerton.wa.us](mailto:Jennifer.Chamberlin@ci.bremerton.wa.us)>  
**Cc:** Kylie Finnell <[Kylie.Finnell@ci.bremerton.wa.us](mailto:Kylie.Finnell@ci.bremerton.wa.us)>; Mike Riley <[Mike.Riley@ci.bremerton.wa.us](mailto:Mike.Riley@ci.bremerton.wa.us)>  
**Subject:** Fw: Notification of Retirement (Jeff Elevado)

President Chamberlin,

With this morning's news of Jeff Elevado's retirement after such a long period of service, I'd like to make certain that the job description for the position is updated and that a national search is conducted to find his replacement. While I know that Council is not responsible to hiring, we ARE responsible for the approval of the job description and salary level.

This is an exciting opportunity for our Parks and Recreation Department to evolve and Council has a responsibility to see that it's fully taken advantage of!

Thanks as always for your leadership!

Denise Frey

*Denise Frey*

**Council Member, District 2**  
**Chair, Public Safety Committee**  
**Chair, Lodging Tax Advisory Committee**  
**Member, Public Works Committee**  
**Bremerton City Council**  
**(360) 473-5280**  
**[denise.frey@ci.bremerton.wa.us](mailto:denise.frey@ci.bremerton.wa.us)**  
**[www.BremertonWA.gov](http://www.BremertonWA.gov)**

**From:** Anna Mockler <[Anna.Mockler@ci.bremerton.wa.us](mailto:Anna.Mockler@ci.bremerton.wa.us)>

**Sent:** Saturday, April 20, 2024 9:15 AM

**To:** Jennifer Chamberlin <[Jennifer.Chamberlin@ci.bremerton.wa.us](mailto:Jennifer.Chamberlin@ci.bremerton.wa.us)>; Denise Frey <[Denise.Frey@ci.bremerton.wa.us](mailto:Denise.Frey@ci.bremerton.wa.us)>; Kylie Finnell <[Kylie.Finnell@ci.bremerton.wa.us](mailto:Kylie.Finnell@ci.bremerton.wa.us)>; City Council <[City.Council@ci.bremerton.wa.us](mailto:City.Council@ci.bremerton.wa.us)>

**Subject:** Proposed changes to Parks Director Job Description

Please distribute to all members of Council.

Until staff return on Monday, I'm sending this to you three – Council President Chamberlin, because you are our Council President; Councilor Frey, because you are the Councilor most interested in Parks; Attorney Finnell, because we discussed this with you in Council recently.

Attached is the current job description. Suggestions for change:

1. Demonstrated experience in successful grantwriting and fundraising. *(We need \$300-\$400K to hire three more Operations staff. Other Parks funding issues constantly arise. Someone who is good at this is a highly important job requirement.)*
2. Experience selecting, installing, and maintaining PNW native, drought-tolerant trees, shrubs, and plants. *(This is the direction Dir. Elevado was moving in. It's a fiscally conservative direction, requiring less water & maintenance. It's ecologically sound, providing habitat for urban birds, wildlife, and pollinators.)*
3. Experience managing community gardens. *(These fill our Parks with people, which makes everyone safer. Builds community.)*
4. Experience planting trees to mitigate the climate crisis. *(We need refuges for extreme heat events that are open to all. Trees absorb water, reducing impact of heavy rain events. Act as windbreaks against fiercer winds.)*

I can't translate this into HR language, I'm sure HR can.

Paul Dutky's last report from Parks Commission showed survey results that big majority of respondents want trails through trees to run and walk. Let's give the people what they want.  
Anna

Anna Mockler

City Councilor, District Six

2024 Council Vice-President

Audit Committee Chair

**From:** Greg Wheeler <[Greg.Wheeler@ci.bremerton.wa.us](mailto:Greg.Wheeler@ci.bremerton.wa.us)>

**Sent:** Monday, April 22, 2024 12:26 PM

**To:** Charlotte Nelson <[Charlotte.Nelson@ci.bremerton.wa.us](mailto:Charlotte.Nelson@ci.bremerton.wa.us)>; Kylie Finnell <[Kylie.Finnell@ci.bremerton.wa.us](mailto:Kylie.Finnell@ci.bremerton.wa.us)>

**Subject:** RE: Proposed changes to Parks Director Job Description

Experience selecting, installing, and maintaining PNW native, drought-tolerant trees, shrubs, and plants would definitely limit our search to the Pacific Northwest Puget Sound Region.

## Guidelines for Local Officials and Employees Who Engage in Election Campaigns

### • 10 Basic Principles •

*This document is an expression of the Commission's view of the meaning of RCW 42.17A.555 and relevant rules and case law. It is intended to provide guidance regarding the Commission's approach and interpretation of how the statutory prohibition on the use of public facilities for campaigns impacts activities that may be contemplated by government employees and others who may seek to utilize those public facilities. Readers are strongly encouraged to review the statute and rules referenced in these guidelines.*

*The PDC urges agencies to review the guidelines in their entirety, and to consult with their own legal counsel and with the PDC. **For additional information, visit [www.pdc.wa.gov](http://www.pdc.wa.gov) or use your phone's camera to scan the QR code.***



1. Public facilities may not be used to support or oppose a candidate or ballot proposition. [RCW 42.17A.555](#). Facilities include local government agency equipment, buildings, supplies, employee work time, and agency publications. The statute includes an exception to the prohibition for "activities which are part of the normal and regular conduct of the office or agency." **(See page 3 for definition of "normal and regular.")**
2. The Public Disclosure Commission holds that it is not only the right, but the responsibility of local government to inform the general public of the operational and maintenance issues facing local agencies. This includes informing the community of the needs of the agency that the community may not realize exist. Local governments may expend funds for this purpose provided that the preparation and distribution of information is not for the purpose of influencing the outcome of an election.
3. Public employees do not forfeit their rights to engage in political activity because of their employment. Neither may agency employees be subjected to coercion, pressure, or undue influence to participate in political activity or to take a particular position. Public officials and employees should make it clear that any participation is personal rather than officially sponsored.
4. Supervisory personnel have a duty to know, apply, and communicate to their staffs the difference between acceptable information activities and inappropriate promotional activities in support of local government ballot measures.

5. Local elected officials are free to support agency ballot issues and engage in other political activities as long as such activities do not make use of government facilities, time or resources and do not either pressure or condone employees' use of agency facilities, time or resources to support ballot issues.
6. The PDC is charged with enforcing [RCW 42.17A.555](#). This requires consideration and analysis of activities, which may or may not be determined to be in violation of the statute. The PDC has, over the years, developed methods of considering and analyzing activities engaged in by public offices. Among the factors considered are the normal and regular conduct and the timing, tone, and tenor of activities in relation to ballot measure elections. As in any matter where intent is to be considered, hard and fast rules, which will be applicable to all situations, are difficult to establish.

The combination of a number of activities into a coordinated campaign involving close coordination between agency activities and citizens' committee activities which closely resembles traditional election campaign activities and which is targeted at and/or occurs close in time to a ballot measure election is likely to draw close scrutiny and careful consideration by the PDC as to whether a violation has occurred.

7. a. Historically, the PDC has routinely advised and held that with respect to election-related publications, one jurisdiction-wide objective and fair presentation of the facts per ballot measure is appropriate.

In addition, if an agency\* has also customarily distributed this information through means other than a jurisdiction-wide mailing (e.g. regularly scheduled newsletter, website, bilingual documents, or other format), that conduct has also been permitted under [RCW 42.17A.555](#) so long as the activity has been normal and regular for the government agency.

b. The PDC will presume that every agency may distribute throughout its jurisdiction an objective and fair presentation of the facts for each ballot measure. If the agency distributes more than this jurisdiction-wide single publication, the agency must be able to demonstrate to the PDC that this conduct is normal and regular for that agency. In other words, the agency must be able to demonstrate that for other major policy issues facing the government jurisdiction, the agency has customarily communicated with its residents in a manner similar to that undertaken for the ballot measure.

c. Agencies are urged to read the definitions of "normal and regular" at WAC [390-05-271](#) and [WAC 390-05-273](#). **Agencies need to be aware, however, that in no case will the PDC view a marketing or sales effort related to a campaign or election as normal and regular conduct.**

8. The PDC attributes publications or other informational activity of a department or subdivision as the product of the local agency as a whole.
9. Providing an objective and fair presentation of facts to the public of ballot measures that directly impact a jurisdiction's maintenance and operation, even though the measure is not offered by the jurisdiction, may be considered part of the normal and regular conduct of the local agency. The agency must be able to demonstrate that for other major policy issues facing the jurisdiction, the agency has customarily communicated with its residents in a manner similar to that undertaken for the ballot measure.
10. State law provides certain exemptions from the prohibition on the use of public office or agency facilities in campaigns for an elected legislative body, an elected board, council or commission of a special purpose district, and elected officials that are not afforded appointed officials. RCW 42.17A.555 (1) and (2) apply only to these elected bodies and elected officials.\*\*

\*Agency means any county, city, town, port district, special district, or other state political subdivision.

\*\*See [Chapter 215, Laws of 2006](#) and [AGO 2005 No. 4](#).

### **Definition of Normal and Regular Conduct** [WAC 390-05-273](#)

Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17A.555, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

## Guidelines for Local Officials and Employees Who Engage in Election Campaigns

### • Chart by Group Category •

*The categories of persons identified below identify groups more likely to consider undertaking the activity mentioned in the adjacent columns. If an activity is described as "Permitted," it is viewed as permitted for all agency personnel otherwise having the authority under law or agency policy to undertake that action, not just the persons identified in the chart. The same approach is applied to the "Not Permitted" column. The remarks in the chart's "General Considerations" column have relevance for the entire section.*

Group	Permitted (May...)	Not Permitted (Shall not...)
Administrators (City Manager, PUD Manager, Fire Chief, etc.)	<ul style="list-style-type: none"> <li>• Inform staff during non-work hours of opportunities to participate in campaign activities</li> <li>• Communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure</li> <li>• In the course of normal publications for the agency, distribute an objective and fair presentation of the facts based on and expanded upon the information prepared by the agency in accordance with the normal and regular conduct of the agency</li> <li>• Speak at community forums and clubs to present factual and objective information on a ballot measure during regular work hours</li> <li>• Encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections</li> <li>• Respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties</li> </ul>	<ul style="list-style-type: none"> <li>• Pressure or coerce employees to participate in campaign activities</li> <li>• Use internal memoranda solely for the purpose of informing employees of meetings supporting or opposing ballot measures</li> <li>• Coordinate informational activities with campaign efforts, in a manner that makes the agency appear to be supporting or opposing a ballot measure</li> <li>• Use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure</li> </ul>

Group	Permitted (May...)	Not Permitted (Shall not...)
	<ul style="list-style-type: none"> <li>• Wear campaign buttons or similar items while on the job if the agency's policy generally permits employees to wear political buttons</li> <li>• Engage in campaign activities on their own time, during non-work hours and without using public resources</li> </ul>	
Community Groups	<ul style="list-style-type: none"> <li>• Use agency facilities for meetings supporting or opposing a ballot measure to the extent that the facilities are made available on an equal access, nondiscriminatory basis, and it is part of the normal and regular activity of the jurisdiction</li> </ul>	<ul style="list-style-type: none"> <li>• Use agency facilities to produce materials that support or oppose a ballot measure</li> </ul>
Local Elected Legislative Body	<ul style="list-style-type: none"> <li>• Collectively vote to support or oppose a ballot measure at a properly noticed public meeting, where opponents of the measure are given an equal opportunity to express views</li> </ul>	<ul style="list-style-type: none"> <li>• Pressure or coerce agency management to participate in campaign activities</li> <li>• Explicitly include passage of a ballot measure in the agency's annual goals</li> </ul>
Local Elected Officials	<ul style="list-style-type: none"> <li>• Engage in political activities on his or her own time, if no public equipment, vehicle or facility is used (An elected official may use their title but should clarify that they are speaking on their own behalf, and not on behalf of the agency. If the elected legislative body has adopted a resolution, the official can then speak on behalf of the agency.)</li> <li>• Attend any function or event at any time during the day and voice their opinion about a candidate or ballot proposition as long as they are not being compensated and are not using any public equipment, vehicle or other facility</li> </ul>	<ul style="list-style-type: none"> <li>• Direct agency staff to perform tasks to support or oppose campaign activities or ballot measures</li> <li>• Use public facilities or resources to engage in political activities</li> </ul>
Appointed Officials	<ul style="list-style-type: none"> <li>• Engage in political activities on his or her own time, if no public equipment, vehicle or facility is</li> </ul>	<ul style="list-style-type: none"> <li>• Direct agency staff to perform tasks to support or oppose campaign activities or ballot measures</li> </ul>



Group	Permitted (May...)	Not Permitted (Shall not...)
	<p>used (they may use their title, but should clarify that they are speaking on their own behalf, and not on behalf of the agency)</p> <ul style="list-style-type: none"> <li>• Attend any function or event at any time during the day and voice their opinion about a candidate or ballot proposition as long as they are not being compensated and are not using any public equipment, vehicle or other facility</li> </ul>	<ul style="list-style-type: none"> <li>• Use public facilities or resources to engage in political activities</li> <li>• Use public facilities to express a collective decision or actually vote upon a motion or resolution to support or oppose a ballot proposition</li> <li>• Use public facilities to make a statement at a press conference or responding to an inquiry in support or opposition to any ballot proposition</li> </ul>
Management Staff or Designees	<ul style="list-style-type: none"> <li>• Speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours</li> <li>• Participate in campaign activities, including meeting with citizens' campaign committees to plan strategies, during non-work hours and without the use of public resources</li> <li>• Inform staff during non-work hours of opportunities to participate in campaign activities</li> <li>• Respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties</li> <li>• Wear campaign buttons or similar items while on the job if the agency's policy generally permits employees to wear political buttons</li> <li>• Place window signs or bumper stickers on their privately owned cars, even if those cars are parked on government property during working hours</li> <li>• Communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure</li> </ul>	<ul style="list-style-type: none"> <li>• Use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure</li> <li>• Use public resources to promote or defeat a candidate or ballot measure</li> <li>• Pressure or coerce employees to participate in campaign activities</li> <li>• Use agency resources to organize the distribution of campaign materials</li> </ul>

Group	Permitted (May...)	Not Permitted (Shall not...)
	<ul style="list-style-type: none"> <li>• Encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections</li> </ul>	
Agency Employees	<ul style="list-style-type: none"> <li>• Speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours</li> <li>• Inform staff during non-work hours of opportunities to participate in campaign activities</li> <li>• Engage in campaign activities on their own time, during non-work hours and without using public resources</li> <li>• Respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties</li> <li>• Wear campaign buttons or similar items while on the job if the agency's policy generally allows employees to wear political buttons</li> <li>• During non-work hours, make available campaign materials to employees in lunchrooms and break rooms that are used only by staff or other authorized individuals</li> <li>• Place window signs or bumper stickers on their cars, even if those cars are parked on government agency property during working hours</li> <li>• Encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections</li> </ul>	<ul style="list-style-type: none"> <li>• Use work hours or public resources to promote or oppose a candidate or ballot measure (such as gathering signatures, distributing campaign materials, arranging speaking engagements, coordinating phone banks, or fundraising)</li> <li>• Pressure or coerce other employees to participate in campaign activities</li> <li>• Use agency resources to organize the distribution of campaign materials</li> </ul>
Union Representatives	<ul style="list-style-type: none"> <li>• During non-work hours, make available campaign materials to union members in lunchrooms and</li> </ul>	<ul style="list-style-type: none"> <li>• Use the agency's internal mail or email system to communicate campaign-related information, including endorsements</li> </ul>

Group	Permitted (May...)	Not Permitted (Shall not...)
	<p>break rooms that are used only by staff or other authorized individuals</p> <ul style="list-style-type: none"> <li>• Distribute campaign materials at union-sponsored meetings</li> <li>• Post campaign materials on a bulletin board, if such a board is in an area that is not accessible to the general public and if such activity is consistent with the agency's policy and the collective bargaining agreements</li> </ul>	<ul style="list-style-type: none"> <li>• Distribute promotional materials in public areas</li> </ul>

## Guidelines for Local Government Agencies in Election Campaigns

### • Chart by Tool Category •

*Public facilities may not be used to support or oppose a candidate or ballot proposition. RCW 42.17A.555. Facilities include local government agency equipment, buildings, supplies, employee work time, and agency publications. The statute includes an exception to the prohibition for "activities which are part of the normal and regular conduct of the office or agency."*

*The Public Disclosure Commission holds that it is not only the right, but the responsibility of local government to inform the general public of the operational and maintenance issues facing local agencies. This includes informing the community of the needs of the agency that the community may not realize exist. Local governments may expend funds for this purpose provided that the preparation and distribution of information is not for the purpose of influencing the outcome of an election.*

*Guidance around use of common communication tools is summarized below. For a full list, visit [www.pdc.wa.gov](http://www.pdc.wa.gov) or use your phone's camera to scan the QR code.*



Tool	Permitted	Not Permitted
Agency Publications (Specific to Elections)	<ul style="list-style-type: none"> <li>• Agencies may develop an objective and fair presentation of the facts regarding agency needs and the anticipated impact of a ballot measure and may distribute it in the agency's customary manner. This information may be printed in various languages and communicated in other formats as required by the ADA.</li> <li>• In the course of regular publications for the agency, the agency may distribute an objective and fair presentation of the facts for each ballot measure in accordance with the normal and regular conduct of the agency.</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not distribute election-related information in a manner that targets specific subgroups. Targeting does not refer to mailing information to agency constituencies such as community leaders, or some other group, or to the agency's regular distribution list to provide information in a manner that is consistent with the normal and regular conduct of the agency.</li> <li>• Agencies shall not publicize information supporting or opposing a candidate or ballot measure.</li> </ul>

Tool	Permitted	Not Permitted
Agency Publications (Regular)	<ul style="list-style-type: none"> <li>• Agencies may include all or part of the information regarding agency needs and the anticipated impacts of a ballot measure in the agency's regular publications, such as agency and department newsletters. (For example, a department newsletter may specifically describe the projects and/or programs planned for that department.)</li> <li>• Agencies may inform staff and/or others of community meetings related to ballot measures if other such information is normally published in a newsletter or community calendar, and if both those supporting or opposing a ballot measure have the opportunity to appear on the calendar or in the newsletter.</li> <li>• Agencies may factually report jurisdictional support for a ballot measure, so long as it is the normal and regular conduct for the agency. (For example, a community newsletter that ordinarily reports on governmental actions may report that the jurisdiction adopted a resolution supporting a ballot measure.)</li> <li>• Agencies may thank citizens for their support after an election in agency publications.</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not use internal memoranda or other agency publications to encourage employees to participate in campaign activities.</li> <li>• Agencies shall not publish materials supporting or opposing a candidate or ballot measure.</li> </ul>
Equipment and Supplies	<ul style="list-style-type: none"> <li>• Agency employees, in the course of their employment, may use equipment to make an objective and fair presentation of the facts at community forums and clubs.</li> <li>• Agency employees, in the course of their employment, may produce information that is an</li> </ul>	<ul style="list-style-type: none"> <li>• Public resources (including but not limited to internal mail systems, email systems, copiers, telephone) shall not be used to support or oppose a candidate or ballot measure, whether during or outside of work hours.</li> </ul>

Tool	Permitted	Not Permitted
	<p>objective and fair presentation of the facts using public resources.</p>	<ul style="list-style-type: none"> <li>• Citizens' campaign committees and other community groups shall not use agency equipment (including but not limited to internal mail systems, projectors, computers, and copiers) to prepare materials for meetings regarding ballot measures.</li> </ul>
<p>Technology (Websites, Calling Systems, etc.)</p>	<ul style="list-style-type: none"> <li>• An agency may develop an objective and fair presentation of the facts and post that information on its website, including information regarding agency needs and the anticipated impacts of a ballot measure. This information may be reformatted so that it is consistent with the manner in which the agency customarily presents information on its website.</li> <li>• Agency websites may permit viewers to make selections to learn about the anticipated impacts of a ballot measure for a specific division, or otherwise allow readers to explore issues in greater or lesser detail.</li> <li>• Agencies may update the information on their websites in a manner that is customary for the agency.</li> <li>• Staff may respond to inquiries regarding a ballot measure in an objective and fair manner, via email or by telephone, if it is part of their normal and regular duties.</li> </ul>	<ul style="list-style-type: none"> <li>• Agency computers, email systems, telephones, and other information technology systems shall not be used to aid a campaign for or against a candidate or ballot measure.</li> <li>• Electronic communication systems shall not be used to generate or forward information that supports or opposes a candidate or ballot measure.</li> <li>• Agency websites shall not be used for the purposes of supporting or opposing a candidate or ballot measure.</li> </ul>
<p>Reader Boards and Posters</p>	<ul style="list-style-type: none"> <li>• Information encouraging staff and members of the public to vote, or providing the dates of upcoming elections such as "vote on February ___", may be posted, as long as such encouragement is</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not display a "Vote for ." sign or other promotional messages on reader boards or posters.</li> </ul>

Tool	Permitted	Not Permitted
	<p>customarily posted for elections other than just an agency's ballot measure.</p> <ul style="list-style-type: none"> <li>• Agencies may thank citizens on their reader boards for their support after an election.</li> <li>• May post objective and fair information at an agency or at a future site regarding anticipated improvements to be funded by a ballot measure that is specific to that agency or site.</li> </ul>	<ul style="list-style-type: none"> <li>• Signs advocating for or against candidates or ballot measures shall not be posted on agency property in any area accessible to the general public.</li> <li>• Publicly owned vehicles shall not be used to carry or display political material.</li> </ul>
Meeting Facilities	<ul style="list-style-type: none"> <li>• Agency meeting facilities, including audio visual equipment, may be used by campaign committees for activities on the same terms and conditions available to other community groups, subject to the provisions of the agency's policy.</li> <li>• Use of agency meeting facilities is permitted when the facility is merely a "neutral forum" where the activity is taking place, and the public agency in charge of the facility is not actively endorsing or supporting the activity that is occurring.</li> </ul>	
Lists	<ul style="list-style-type: none"> <li>• Lists of names (such as agency vendors or customers) that an agency has obtained or created in the course of transacting its regular public business are subject to public disclosure requirements; thus, unless otherwise exempt, the lists must be released subject to public records requests.</li> <li>• Agencies may charge a pre-established fee to cover the costs of providing copies of such lists on an equal access, nondiscriminatory basis.</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not sell copies of such lists (though they may charge a pre-established fee to recover the costs of providing copies of the lists).</li> <li>• If a list is generally available as a public record, it cannot be denied to a person or group on the grounds that it might be used in a campaign.</li> </ul>

<p>Agency Calendars</p>	<ul style="list-style-type: none"> <li>• Agency officials, appointees and employees may place on their individual agency calendar the basic information that they are scheduled to be out of the office to attend campaign events. They may synchronize their personal electronic calendars with agency electronic calendars if only basic information gets placed on the agency calendar about campaign events.</li> <li>• Agency officials, appointees and employees may respond to public inquiries, including from campaigns, about the employee's, appointee's or official's availability on their schedule to attend a campaign event.</li> <li>• A supervising employee, appointee or official may request their scheduling staff to block out time on the supervising employee's, appointee's or official's calendar for campaign events.</li> <li>• A scheduling assistant may receive information and block out time on the supervising employee's, appointee's or official's individual calendar for campaign events, as directed by that person.</li> <li>• A scheduling assistant may respond to public inquiries, including from campaigns, about the supervising employee's, appointee's or official's availability to attend a campaign event.</li> <li>• Agencies may inform staff and others of community meetings related to ballot measures if other such information is normally published in a community calendar, and if both those supporting or opposing a ballot measure have the opportunity to appear on the calendar.</li> </ul>	<ul style="list-style-type: none"> <li>• Agency officials, appointees and employees shall not use, nor direct their staff to use, public facilities or resources to arrange or plan campaign activities, or to assist with a campaign activity. Arranging details of the official's, appointee's or employee's appearance or participation in the campaign activity such as travel logistics, tickets, invitations to other participants, or agenda while at the event, are not permitted. Communicating about the individual's interest and/or potential for participating in planned or possible future campaign events or activities, including endorsement interviews, are not permitted. Those activities must use campaign resources and staff, not public agency resources and staff.</li> <li>• Agency officials, appointees and employees shall not place their individual campaign-related events on agency-wide distributed calendars such as monthly calendars of agency events, or regularly scheduled newsletters with agency events provided or distributed to staff or the public.</li> </ul>
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## Supporting/Opposing Ballot Measures and Candidates

August 17, 2022 by [MRSC Insight](#)

During election season local government staff and elected officials often contact MRSC with questions about supporting or opposing ballot issues or candidates for office. What can be done and what cannot? One statute that provides the answer to all of these questions, as well as many others, is [RCW 42.17A.555](#), which states in part:

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

The prohibitions against using public facilities for campaign purposes have been crafted to respect free speech rights in the political process and provide options for elected officials and agency staff to inform the public.

This blog addresses questions local governments often have when it comes to supporting or opposing ballot measures and candidates for public office.

Common Questions Regarding Candidates

### **As an elected (or appointed) official, what can I do to support of a candidate for office?**

An elected/appointed official may write a letter or record a video/write a social media post or sign an endorsement in support of a candidate. You may even use your title, but it must be clear that this is your personal opinion and not made on behalf of the governing body that you serve on.

Also, regardless of how you express your support be sure that you don't use government resources (including office equipment, facilities, social media channels webpage, or staff time), as that is prohibited in [RCW 42.17A.555](#).

## **May a local government host a candidates' night in a council or commissioners chambers or other room?**

Yes, such a forum would be alright if it's a "neutral forum" where all the candidates are allowed to participate and the public agency is not actively offering endorsement or support to any one candidate.

## **May uniforms be used in a candidate brochure or advertisement?**

It depends. According to the PDC:

Agency employees and campaigns may use uniforms that are not the property of the agency and are rented or purchased with non-public funds (such as campaign funds), to assist campaigns including to support or oppose ballot propositions.

Common Questions Regarding Ballot Measures

## **How may an elected or appointed official support or oppose a ballot measure?**

As long as an elected/appointed official (or local government employee) is not using agency resources, they can support or oppose a ballot proposition, give money in support or opposition of the proposition, and be involved in campaigns.

In enacting the prohibitions that are in [RCW 42.17A.555](#), the legislature affirmed that Washington State has a longstanding policy of promoting informed public discussion regarding proposed ballot measures. Elected/appointed officials and agency staff have an important voice in that discussion.

Here are some specific circumstances MRSC consultants have been asked about in the past:

- Making a statement in support of or in opposition to a ballot proposition at an [open press conference](#) or in response to a specific inquiry: Approved, as long as it is clear the support is not made on behalf of the local government they represent, and the press conference is not held in a public facility or otherwise uses public resources.
- Having the official (and their title) listed on advertisements, such as a privately funded mailer in support of/opposition to a ballot proposition: Approved, but the mailer should include a footnote that the title is provided for identification purposes only.

## **How may a governing body support or oppose a ballot measure?**

[RCW 42.17A.555](#) allows a legislative body to express support or opposition if its meeting notice includes the title and number of the ballot proposition, and if those who have an opposing view are afforded an approximately equal opportunity to express their opinions.

The governing body is free to adopt a resolution supporting or opposing a ballot proposition; make facilities available on a nondiscriminatory; equal access basis for political purposes; and/or make an objective and fair presentation of the facts relevant to a ballot proposition if such an action is part of the normal and regular conduct of the agency. See, e.g., [WAC 390-05-271](#) (general applications of [RCW 42.17A.555](#)) and [WAC 390-05-273](#) (definition of normal and regular conduct).

### **May a local government allow photographs of agency facilities or grounds to be included in advertisements?**

An advertisement could include a photo or image of agency facilities or grounds if the photo/image was obtained from a [Public Records Act](#) (PRA) request or is otherwise available to the public (e.g., downloaded from a website, etc).

A good rule of thumb on these issues is to consider public perception. Will anyone viewing this advertisement think agency facilities or resources were used? To address such concerns, real or perceived, the advertisement could include a footnote noting how the photo or image was obtained (e.g., publicly available or through a PRA request), though such a footnote is not a requirement.

### **May a local government allow candidates, ballot sponsors, or ballot opponents to place campaign materials in a government building?**

Probably, as long as there is a policy setting aside an area where election campaign brochures and related materials are made available to the public. Additionally, all candidates or competing sides of a ballot issue must be allowed to place their literature at that location and the agency should not provide an advantage to any particular candidate or position. The practice, if routinely allowed, could be considered "normal and regular conduct," a recognized exception to [RCW 42.17A.555](#).

### **May a local government prepare a fact sheet on a ballot issue?**

A local government may prepare such a sheet as long as it is an objective and fair presentation of the facts of the ballot measure, and if creating a fact sheet would be part of the agency's normal and regular communications. Other information may be provided, for example through a newsletter or website, if the information is fair and objective and if the manner in which the local government shares the information is a normal, regular, and customary means of providing information to the public.

A recommended approach for an agency in preparing a fact sheet is to:

1. Determine the set of objective facts applicable to the issue that voters need to know;
2. Determine what the agency does as part of its normal and regular conduct in communicating with its constituency (e.g., sending out regular newsletters on substantive issues, creating webpages, etc.); and
3. Ensure the content of the fact sheet is not promotional (i.e., it does not support or oppose the issue).

## Additional Resources

The [Public Disclosure Commission](#) (PDC) is an excellent resource that helps local governments, staff, and elected/appointed officials operate within the constraints of these laws. If you question whether an informational brochure is objective and fair or whether the proposed use of a facility or government resource is appropriate, the PDC can provide answers. The key is to contact the PDC *before* undertaking a particular action.

MRSC staff have written on a [variety of election-related topics](#), from campaign buttons to pandemic-related considerations and more. MRSC also maintains a webpage on the [use of public facilities in campaigns](#), and, of course, you can always [reach out](#) for tailored guidance from one of our legal, financial, or policy consultants.

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*MRSC is a private nonprofit organization serving local governments in Washington State. Eligible government agencies in Washington State may use our free, one-on-one [Ask MRSC service](#) to get answers to legal, policy, or financial questions.*

## FAQ – How Do I ...?

*Report an Emergency?*      Dial 911

*Report a Non-Emergency Issue of Concern?* Bremerton1

Vandalism. Flooding. Pothole. Abandoned vehicle. Encampment. For these and other non-emergency issues, email [Bremerton1@bremertonwa.gov](mailto:Bremerton1@bremertonwa.gov) or download the Bremerton1 app here:

<https://bremerton1.bremertonwa.gov/>

*Find out if I live inside Bremerton City Limits?*

Many Bremerton mailing addresses are actually in unincorporated Kitsap County.

<https://cobgis.bremertonwa.gov/wab/Council%20Districts/>

*Contact my City Councilor?*

<https://www.bremertonwa.gov/635/Council-Districts> Click on the photo of your Councilor to learn more about them, including email address.

*Find out who's doing what, where, and when on streets and other infrastructure?*

<https://www.bremertonwa.gov/404/Projects>

*Look up property information, like owner, critical area designation, etc.?*

<https://psearch.kitsap.gov/psearch/>

*Find out who's planning or building what and where?*

You can learn about the permit application and the 14-day comment period from notices in the Kitsap Sun, from the Notify Me webpage <https://www.bremertonwa.gov/list.aspx>, or from a mailed notice sent to households less than 300 feet away. A few permit applications that aren't Type I are posted with a notice board on-site, visible from the street.

You then call the Staff Planner listed on the notice. When you reach the Planner, you ask about permit application by Parcel # and the File #.

The Planner will tell you when the DCD counter at Norm Dicks is open to look at the site plans and all other permit application materials. Or you can request these materials be emailed to you (typically very large files). Land use legal notices currently in the comment period are also posted on the DCD webpage [here](#).

After you review the materials, you provide comment. You can ask to see other public comments and project plans. A list of public comments are provided with the Staff Report decision that is provided to all interested parties, including those that commented on the permit. City staff and the applicant separately review public comments. If a public comment is related to items within the City's review authority (traffic, utilities, allowed uses, etc.) those comments are analyzed by staff members specializing in those specific disciplines for resolution. At their discretion, the applicant may choose to alter proposed plans for items that are outside the city review authority.

Our permit processes are provided in the municipal code per [BMC 20.02](#).

*(Adapted from 8 Sept 23 email between AM and DCD; not yet reviewed by DCD 21Mar24)*

*Resolve Conflict with Neighbors?*

- For noise complaints and violent harassment, dial 911.
- For non-violent harassment, Bremerton1.
- Bremerton's Chronic Nuisance Property Ordinance can help with neighbors who rent by working with their landlords to resolve the issue.

<https://www.bremertonwa.gov/339/Chronic-Nuisance-Property-Ordinance>

*UTILITIES – How Do I ...?*

*Report a missed Waste Management pickup, change service, etc.?*

800.592.9995 or [wm.com/MyWM](http://wm.com/MyWM)

*Learn more about water, wastewater, and stormwater bills and services?*

<https://www.bremertonwa.gov/524/Utility-Billing>

*Apply for low-income senior or disabled reduction on water bills?*

Details of eligibility and how to apply here: <https://www.bremertonwa.gov/576/Low-Income-Programs>

*Apply for low-income senior or disabled exemption or deferral on property taxes?*

<https://www.kitsap.gov/assessor/Pages/SeniorDisabledExemptionDeferral.aspx>

Possible links to add, per Jeff & Anna 20 Mar:

Business licensing

Animal licensing

Where was my car towed to?

Outdoor burning

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**From:** City Council <[City.Council@ci.bremerton.wa.us](mailto:City.Council@ci.bremerton.wa.us)>

**Sent:** Friday, May 3, 2024 1:56 PM

**To:** City Council <[City.Council@ci.bremerton.wa.us](mailto:City.Council@ci.bremerton.wa.us)>

**Cc:** Mike Riley <[Mike.Riley@ci.bremerton.wa.us](mailto:Mike.Riley@ci.bremerton.wa.us)>; Kelsie Donleycott <[Kelsie.Donleycott@ci.bremerton.wa.us](mailto:Kelsie.Donleycott@ci.bremerton.wa.us)>; Dave Sorensen <[Dave.Sorensen@ci.bremerton.wa.us](mailto:Dave.Sorensen@ci.bremerton.wa.us)>; Kylie Finnell <[Kylie.Finnell@ci.bremerton.wa.us](mailto:Kylie.Finnell@ci.bremerton.wa.us)>

**Subject:** FW: New Reply Received - May 8 , Item C1

Kelsie, thank you for this valuable input to the proposed [Constituents FAQ Links] , which I will share with the Council Members for their advanced review and consideration, and to aid in the discussion during the May 8 Study Session.

Attn: Attn: Council Members (FYI)

**\*\* For informational purposes only. Please do not reply to this email \*\***

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**From:** Kelsie Donleycott

**Sent:** Friday, May 3, 2024 12:49 PM

**To:** City Council <[City.Council@ci.bremerton.wa.us](mailto:City.Council@ci.bremerton.wa.us)>

**Cc:** Mike Riley <[Mike.Riley@ci.bremerton.wa.us](mailto:Mike.Riley@ci.bremerton.wa.us)>; Dave Sorensen <[Dave.Sorensen@ci.bremerton.wa.us](mailto:Dave.Sorensen@ci.bremerton.wa.us)>

**Subject:** Re: New Reply Received - May 8 - City Council Study Session Notice & Agenda

I reviewed the handout and noted the following:

- Page 1 under the "Find out who's planning or building what and where?" question, notices are not generally sent via Notify Me regarding permit applications or 14-day comment periods. I believe this information is posted on the [Land Use Legal Notices webpage](#), which is referenced in the third paragraph of this question.
  - You may want to remove: "from the Notify Me webpage <https://www.bremertonwa.gov/list.aspx>,"

*Find out who's planning or building what and where?*  
You can learn about the permit application and the 14-day comment period from notices in the Kitsap Sun, ~~from the Notify Me webpage <https://www.bremertonwa.gov/list.aspx>~~, or from a mailed notice sent to households less than 300 feet away. A few permit applications that aren't Type I are
  - You may want to add the following within the "FAQ - How Do I...?" section":

*Sign-up to receive alerts and news from the city?*

<https://www.bremertonwa.gov/alerts>

- In addition to Bremerton1, Bremerton Police Department also has an [Online Reporting System](#).
- The Utilities FAQs may have information to include: <https://www.bremertonwa.gov/Faq.aspx?TID=16>
- For the "Possible Links to Add" the following may be helpful:
  - [Animal Licenses](#)
  - [Tax & License](#) or [Business Licenses](#)
  - [Parking Enforcement](#)
  - [Outdoor Burning FAQs \(PDF\)](#)

Please let me know if I can provide further information.

Thank you,  
Kelsie