

# CITY MANAGER WEEKLY UPDATE REPORT ~ KENT MYERS

February 6, 2009

This week I have continued my efforts to try to meet with key community groups and individuals to learn more about the issues facing the City of Port Angeles. This includes meetings with the local US Coast Guard Commander, the Olympic National Park Superintendent and Clallam County Sheriff. I also attended meetings of the Chamber of Commerce, the Harbor-Works Development Authority, Port Angeles Business Association (PABA), the Homeless Task Force and several employee groups. This evening my wife and I plan to attend the Clallam Economic Development Council Annual Dinner. I also enjoyed a tour of some of our parks and recreational facilities conducted by Deputy Director Richard Bonine.

At the PABA meeting this week, the Clallam County Administrator provided an update on economic development projects, which are included in the attached report. It is interesting to note that the County has managed to control their expenses over the past several years and now have a fund balance of about \$13 million. As noted in the report, they have taken a conservative approach to adding new positions with an actual reduction of staffing during the past eight years.

On another County issue, the County is working with the Lower Elwha Klallam Tribe to secure better access to the reservation with Kaycee Way and the Old Milwaukee Way Railroad ROW being the preferred access. This week we received the attached letter from the Lower Elwha Klallam Tribe outlining their request and the County will have a work session on Monday to discuss this issue. This will also be an item that our Real Estate Committee will consider at their next meeting. In the meantime, please let Glenn Cutler or I know if you have any thoughts or concerns.

One of the efforts we have initiated the past several weeks to try to control expenses this year is a review on all positions that become vacant during the year. Prior to the start of any recruitment to fill vacant positions, the Human Resources Director and I will meet with the Department Head to discuss the need to fill the position. In some cases, the position will not be immediately filled so that we can realize some budget savings. In other cases, it is critical to immediately fill the position in order to avoid overtime costs, provide a critical service, or for other reasons. I have attached an example of a report from Fire Chief Dan McKeen documenting the need to fill a paramedic position which was recently vacated.

At last Tuesday's Council meeting the owner of Maria's Restaurant commented on his need to get a sign permit from the city. I visited the restaurant on Thursday and City Staff met with Maria and her son today to discuss their request. We identified four different options for signage at their location on Lincoln Street and they appeared to be satisfied with these options.

At this same Council meeting Paul Lamoureux offered some comments on a gravel road in the Reserve at Valley Creek Subdivision. As a follow up to these comments I have attached a letter sent to Joseph Hofrichter on this matter last week.

This week we received news that the Pollution Control Board issued a ruling favorable to Washington communities on our appeal on the State's stormwater rules (see attached e-mail).

As you may recall, the Council approved new labor agreements in the past several months with the exception of the Teamster's non-sworn union. This week we received a call from the local Secretary/Treasurer for the union who indicated that they had voted down the City's latest proposal and they requested mediation. A State Mediator will be assigned and this mediation will take place in about four weeks.

Finally, I wanted to make sure that the Council was aware that we have been getting an increased number of requests for public records. We are meeting all requirements of state law and providing these requests in a timely manner. While this is an important effort by the City to keep the public informed, you should also realize that there is a cost associated with fulfilling these requests. Currently the City Clerk and the City Attorney's Office are having a difficult time keeping up with the workload and we may need to look at options for keeping up with the requests in the near future.

And – just a reminder that next week I will be out of the office on February 12 and 13. City Attorney Bloor will be Acting City Manager in my absence.

Have a great weekend. I hope to see you next week.

# Clallam County Government

## *Good for the Local Economy?*

Using 2009 Budget Data:

**Takes Out:** \$26,485,381 = Taxes of all types, fees, fines, etc..  
**Puts Back:** \$67,581,183 = Salary costs: \$31,100,357;  
Capital Projects & Local Services: \$36,480,826  
**Net:** \$41,095,802 = Infused directly into the local economy, mostly from other governmental entities (State & Federal) and grant sources

### **Economic Development Projects 2009-2010**

- Carlsborg Sewer Project is progressing with studies completed and financial analysis underway. The County is working with the PUD to construct a sewer system that will resolve a number of growth management issues as well as environmental issues surrounding this UGA. This will eventually be a \$15,000,000 infrastructure project.
- The Eastern UGA sewer extension project is complete (\$6,200,000) which has allowed for growth and business expansion in the Eastern Urban Growth Area of Port Angeles. There is one line extension being designed now as a result of the initial project which will hook up some 20 residential dwellings that need upgraded sewer connections. There are three businesses working on another line extension to get their facilities connected. So this project has promoted economic growth in Eastern Port Angeles and will continue to do so once the financial climate improves.
- The largest transportation project on the County TIP is the Deer Park overpass and rest area project. This is a \$7,500,000 project. It will utilize five funding sources including \$2,000,000 from the County REET 2 fund which has been collected for this type of economic development project. This project will address the failing Deer Park intersection as well as future concerns over the safety of the Buchanan Drive intersection. The project upon completion will allow complete build out of the commercial acreage on the South side of the highway as well as additional residential growth on both sides of the highway without being limited by failing intersections and unsafe Highway 101 access.
- The County is working on development of a covered Multi-Purpose indoor arena to be constructed at the County Fairgrounds. The project itself would cost \$950,000 and would provide a venue for large indoor events to come to Port Angeles. This would provide economic spin off benefit to the community and promote a number of tourism type events.

### **Road and Bridge Projects 2009-2010**

- Replace the Nicholas Road Bridge which was damaged by flood waters in January. This will be a \$2,500,000 project on the upper Hoko Road area.
- Finish the Elwha Bridge project with remaining expenditures in 2009 around \$3,500,000 (total project cost = \$19,000,000).
- Priest Road reconstruction (Sequim area) \$283,000.
- Design of the Old Olympic Highway reconstruction from Spring Road to Barr Road. Construction scheduled for 2010 at a total cost of \$900,000.

- Black Diamond Road curve improvement project \$265,000.
- Rural two lane road improvements grant \$400,000 for Laird Road and Sequim Dungeness Way.

#### **Olympic Discovery Trail and Adventure Route Trail west of PA 2009-2010**

- Lake Crescent section including reopening the tunnels will be a \$2,000,000 project funded by Federal and State grants.
- Adventure route work to add sections to this trail will amount to \$200,000 and are grant funded.

#### **County Buildings and Facilities 2009**

- Design and energy analysis of the Courthouse solar system and develop plan for replacing the existing 30 year old system with modern energy efficient solar HVAC system. Design and analysis will cost \$100,000 and upgrade project will cost \$750,000. Grants will be considered and the energy savings over time will help pay for this improvement.
- Replacement of the Courthouse roof in 2009 will be a \$450,000 project.
- Replacement of the Old Courthouse boiler and heat system and upgrading the sewer line \$235,000.
- Remodel and conversion of the Third Street Professional Building lower level to the new County Health Department Clinic \$350,000.
- West End Sheriff's Detachment building in Forks \$120,000

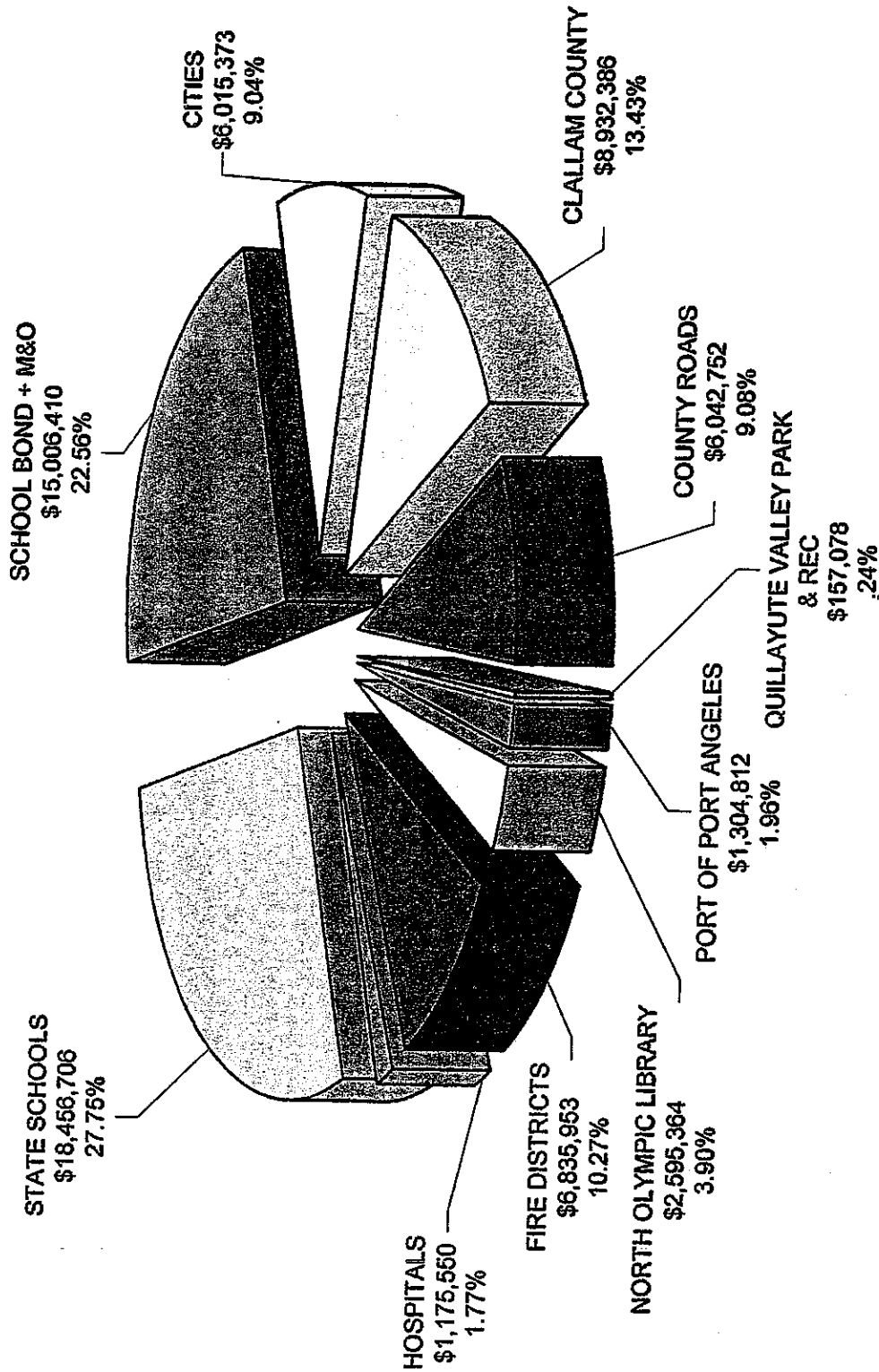
#### **County Parks and Fairgrounds Facilities 2009**

- There are two acquisitions being considered for 2009 including the Agnew Soccer Fields property and the Slip Point Light Station in Clallam Bay.
- Fairgrounds improvements include adding hook ups, backflow prevention, new sewer lift station and completion of the new North midway section \$100,000
- Table and grill replacements, and trail work \$20,000

#### **Other**

- Coordinate grant program for development of Highway Scenic highway program.
- The County promotes and develops sections of the ODT which provide facilities used for major events and tourism related activities each year.
- The County maintains and operates 18 County Parks providing areas for area residents to recreate and also provides facilities for area tourism which provides major spin off economy for the County.
- The County Fairgrounds has become a facility used year round for events and local activities. This facility brings in tourism related income and also provides for local events.
- The Courthouse facilities being the County seat in Port Angeles provides a major economic stimulus to the businesses in and around the Courthouse as our staff and the public attending trials and county meetings eat, utilize local restaurants and coffee houses as well as shop downtown and as they come in and out of activities.
- The County Departments expend a large share of their operating budgets on materials and supplies purchased from local vendors and this puts money back into the community
- The construction projects at all levels also puts money back into the community by employing local construction firms and they in turn spend some of their money locally.

**CLALLAM COUNTY TREASURER  
JUDITH A. SCOTT  
TOTAL PROPERTY TAX COLLECTABLE 2008  
\$66,522,384**



TAXES CHARGED per \$1,000 OF ASSESSED VALUE

City of: Port Angeles \$ 8.89991  
 Sequim 7.86444  
 Forks 10.61729

Unincorporated: Port Angeles \$7.69863  
 Sequim 6.29129  
 Joyce 6.18983  
 Cape Flattery 9.48178  
 Quillayute Valley 8.05554

# Clallam County Tax History

Make up of Clallam County General Fund Tax Levies					
Description	2009	2008	2007	2006	2005
<b>Assessed Valuation</b>	<b>\$ 8,587,834,547</b>	<b>\$ 8,196,577,906</b>	<b>\$ 7,477,997,284</b>	<b>\$ 6,053,545,616</b>	<b>\$ 5,125,832,006</b>
% Annual Increase	4.773%	9.609%	23.531%	18.099%	10.620%
<b>Veterans Assistance</b>	<b>0.01125</b>	<b>0.01125</b>	<b>0.01125</b>	<b>0.01125</b>	<b>0.00934</b>
\$	96,613.14	\$ 92,211.50	\$ 84,127.47	\$ 68,102.39	\$ 47,875.27
% Annual Increase	4.773%	9.609%	23.531%	42.250%	
<b>HHS Dev. Disabilities</b>	<b>0.025</b>	<b>0.025</b>	<b>0.025</b>	<b>0.025</b>	<b>0.025</b>
\$	214,695.86	\$ 204,914.45	\$ 186,949.93	\$ 151,338.64	\$ 128,145.80
% Annual Increase	4.773%	9.609%	23.531%	18.099%	10.620%
<b>Land Assessment</b>	<b>0.0012</b>	<b>0.0012</b>	<b>0</b>	<b>0.00198</b>	<b>0.00195</b>
\$	10,305.40	\$ 9,835.89	\$ -	\$ 11,986.02	\$ 9,995.37
<b>County General Fund</b>	<b>1.03591</b>	<b>1.05232</b>	<b>1.10956</b>	<b>1.29528</b>	<b>1.46471</b>
\$	8,896,223.69	\$ 8,625,422.86	\$ 8,297,286.67	\$ 7,841,036.57	\$ 7,507,867.40
% Annual Increase	3.140%	3.955%	5.819%	4.438%	3.639%
<b>Refunds</b>			<b>0.0063</b>	<b>0.00578</b>	<b>0.00683</b>
\$	-	\$ -	\$ 47,111.38	\$ 34,989.49	\$ 35,009.43
<b>General Fund Tax/1000</b>	<b>1.07336</b>	<b>1.08977</b>	<b>1.15211</b>	<b>1.33929</b>	<b>1.50783</b>
Total Collected	\$ 9,217,838.09	\$ 8,932,384.70	\$ 8,615,475.45	\$ 8,107,453.11	\$ 7,728,883.27
<b>Net to County</b>	<b>\$ 9,217,838.09</b>	<b>\$ 8,932,384.70</b>	<b>\$ 8,568,364.07</b>	<b>\$ 8,072,463.61</b>	<b>\$ 7,693,873.84</b>
% Annual Increase	3.196%	4.248%	6.143%	4.921%	4.535%
Amt / \$250,000 Home	\$ 268.34	\$ 272.44	\$ 288.03	\$ 334.82	\$ 376.96
Amt per month	\$ 22.36	\$ 22.70	\$ 24.00	\$ 27.90	\$ 31.41

# Clallam County General Fund Trends 2001 - 2009

	2001	2002	2003	2004	2005	2006	2007	2008	2009
Revenue	\$ 23,417,252	\$ 22,287,560	\$ 23,567,357	\$ 24,755,345	\$ 29,385,958	\$ 29,695,227	\$ 31,873,073	Preliminary \$ 30,696,552	Budget \$ 30,847,430
Expenditures	\$ 23,565,488	\$ 22,485,047	\$ 22,092,025	\$ 24,529,533	\$ 27,974,374	\$ 27,022,702	\$ 29,916,181	\$ 30,077,331	\$ 32,832,300
Net	\$ (148,236)	\$ (197,487)	\$ 1,475,332	\$ 225,812	\$ 1,411,584	\$ 2,672,525	\$ 1,956,892	\$ 619,221	\$ (1,984,870)
Ending Fund Balance	\$ 4,906,632	\$ 4,709,145	\$ 6,184,477	\$ 6,410,289	\$ 7,821,873	\$ 10,494,398	\$ 12,451,290	\$ 13,070,511	\$ 11,085,641
Total County FTE's	422.10	417.36	386.56	394.17	397.45	398.18	404.93	409.02	412.93

The County General Fund is the "operating" money for Clallam County Government, and provides for the following services:

	General Government	Public Health	Public Works	Land Use	Internal Services & Other
Sheriff Operations	Assessor	Health & Human Services	Capital Projects	Community Development	Information Technology
County Jail	Auditor	Alcohol/Drug Abuse			Equipment Rental
District Courts I & II	Commissioners	Developmental Disabilities			Parks
Superior Courts	Treasurer	Chemical Dependency/Mental Health			Fair
Juvenile Services					Veteran's Relief
Family Court					



February 3, 2009  
Subject: Elwha Valley Access

Kent Myers, City Manager  
City of Port Angeles  
321 East Fifth Street  
Port Angeles, WA 98362

Dear Mr. Myers,

We thank you for your visit to the Elwha Tribal Center on January 30, 2009. As we discussed during that meeting the Lower Elwha Klallam Tribe has been working toward construction of a direct all-weather route to the Lower Elwha Valley. During the meeting we were able to provide a brief overview of the project and the proposed relationship between the City of Port Angeles and the Elwha Valley Access project. We ask the City of Port Angeles to support this Tribe's #1 transportation improvement priority.

The attached aerial photos and preliminary design show 2 alternatives for section of the proposed route between Lower Elwha Road at Kacee Way and the Elwha Valley floor. One alternative crosses City property and the other aligns with Kacee Way and the old Milwaukee Railroad Right of Way. We understand that the railroad right of way is a utility corridor for the City of Port Angeles municipal waterline and a future segment of the Discovery Trail. Currently the railroad right of way is in use as construction access for the Elwha River Bridge and City water treatment facility.


The Tribe and Clallam County are in the final negotiations to establish a working relationship for ownership, operation, and management of the proposed road as it travels between jurisdictions. The Elwha Valley Access will be funded by the Tribe, but where the route crosses County jurisdiction including along City property, the road will be owned, operated and maintained by Clallam County. Where

the route crosses tribal jurisdiction the Tribe will own, operate and maintain the road.

Tribe, County and City technical staff and tribal contractors have met to review the proposed Elwha Valley Access and concur that the project is feasible. A section of the proposed route uses the old Milwaukee Railroad Right of Way which is owned by the City. The Tribe asks for the City's support for this project and dedication of staff time to work out the details of a government to government agreement formalizing the relationship among the Tribe, City and County for right-of way use and road construction.

The Tribe's timeline for this project is critically limited. We request response at your earliest convenience. For additional information, feel free to contact Carol Brown at 452.4137\*135 or myself at 452.8471\*115.

Sincerely,



Sonya Tetnowski  
Chief Executive Officer




# PORT ANGELES

WASHINGTON, U. S. A.

## FIRE DEPARTMENT

**DATE:** January 28, 2009

**TO:** Kent Myers, City Manager

**FROM:** Dan McKeen, Fire Chief 

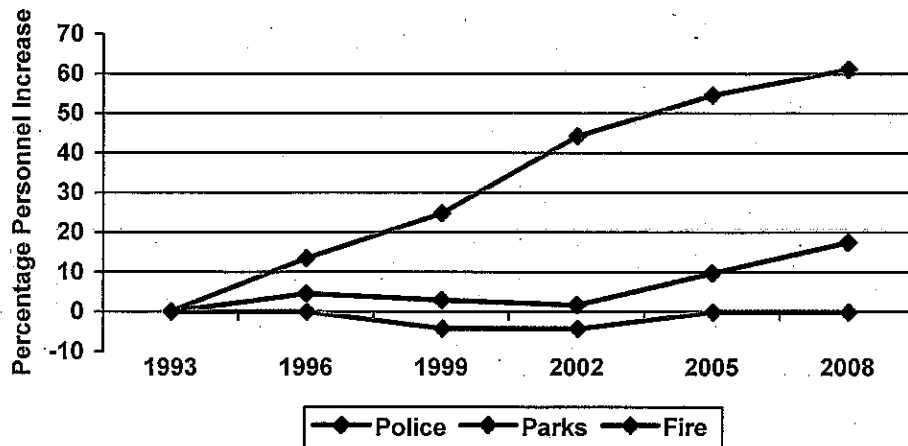
**SUBJECT:** Authorization to Re-Fill Budgeted Paramedic Position

### BACKGROUND

In 1993, the Port Angeles Fire Department consisted of 24 career personnel. The Department responded to 2,116 calls for service in that year. In 2003, the Fire Department had one less career position and responded to 3,097 calls. This equates to a 46% increase in call volume during a period when the Department *lost* a position.

In 2005, the Fire Department was funded to replace the position it lost earlier, bringing our staffing level up to that of 1993. In 2008, with the same number of career personnel as 15 years earlier, the Fire Department responded to 3,633 calls – a 72% increase in call volume from 1993. One of the main reasons for this continuing increase in call volume is that more and more people are turning to 9-1-1 as a gateway to the health care system.

During that same 15-year period, the Parks Department has added 14 positions and the Police Department has added 5 positions. The following graph illustrates the 15-year trend in adding personnel to the City's three major General Funded departments. 1993 represents the baseline (0%), with the percentage of personnel increases and or decreases listed in three-year increments.



Eighty percent of the Fire Department's calls are for EMS response. On average, a medical aid call will last approximately 45 minutes to one hour. This includes the time from initial dispatch until the time that the unit is cleaned, restocked and ready to respond again. During this time, the Medic unit is unavailable for response to any subsequent simultaneous or overlapping calls. The Department routinely responds to overlapping calls, which are handled in-part by callbacks of off-duty career and volunteer personnel. In 2008, callbacks for emergency medical calls increased by 117% from the previous year.

The financial impact from the department's lack of ability to respond to simultaneous calls is significant. When the Port Angeles Fire Department is unable to respond to a simultaneous call for emergency medical service, the local private ambulance provider, when available, transports patients to the hospital. A resident transported by the Fire Department pays no out of pocket expenses. A resident transported by the private provider can be charged up to \$1,200, with the resident responsible for those charges not covered by insurance. Additionally, when the fire department calls back personnel for additional manpower, the cost to the City can be as much as \$450.

#### **VACATED POSITION**

Due to the resignation of paramedic Lance Doyle, the Fire Department has moved paramedic Andrew Cooper from the paramedic "floater" position, to shift. This move created a vacancy in the paramedic floater position.

There are currently two floaters within the Department. A paramedic floater and an officer floater. These floaters provide flexibility and are utilized in order to:

- Provide coverage for planned absences such as vacations.
- Provide the ability for shifts to train as a unit and to allow for out-of-area specialized training.
- Make available coverage in the event of extended sick leave or long-term disabilities.
- Lesson the need for callbacks due to simultaneous calls.

In addition, and most important, the availability of the paramedic floater has enabled the Department to maintain a second layer of paramedic coverage. In 2008, a second layer of paramedic coverage was provided to City residents 100% of the time.

#### **RECOMMENDATION**

It is the Port Angeles Fire Department's recommendation that the City Manager authorize the Department to move forward in re-filling its vacant paramedic position, which is already included in the Department's 2009 budget. The position will allow the Department the ability to continue to provide a second layer of EMS coverage.

#### **IMPACTS FROM NOT FILLING THE POSITION**

There are a number of impacts that will occur if the vacant paramedic position is not filled. These impacts include: a decrease in service delivery capability, training capability, and fire suppression capability. Additionally, there would be a corresponding cost increase and reduced

revenue. Also, there would be a negative impact on specific performance measures for the Department.

#### Service Delivery

- Decreases the Department's ability to provide a second layer of EMS advanced life support (ALS) coverage.

#### Training

- The elimination of the paramedic floater decreases the availability of uninterrupted training hours. Currently, the paramedic floater position allows the majority of shift training to be accomplished with an intact operational unit unless there is an overlapping simultaneous call. *Enabling crew integrity while training is a vital component of effective team training.*
- Would decrease opportunities for specialized out-of-town training. Paramedics in particular are required to meet demanding standards for annual continuing education. Many of these continuing educational opportunities are only available out-of-town. The paramedic floater currently opens up many more of these opportunities.

#### Fire Suppression

- The paramedic floater currently provides increased opportunities for an additional member of the suppression team, which results in increased firefighter safety and more effective fireground operations. Eliminating this position will increase the percentage of times the Department operates at minimum staffing – a staffing level that does not allow the Department to meet many of its critical objectives.
- The elimination of a single person on a suppression crew decreases the possibility of providing immediate 2 in/2 out operations – this can translate to slower interior attacks and the potential for less effective operations.

#### Cost Savings

- There are anticipated cost increases that would occur through the elimination of the paramedic floater position. There would be an increase in overtime expenses by increasing the need for duty companies as well as increasing the need for overtime coverage for sick or vacation days.
- There will be increased costs during long-term disabilities and periods that require extended leave. Although these events only occur occasionally, they can have significant impacts upon the Department budget and especially upon the personnel. *With the loss of the paramedic floater, the Department loses the flexibility to routinely cover many of those shifts that will create overtime due to extended sick leave situations or disabilities.*

#### Revenue Generation

- This elimination of the position would allow for an increase in our reliance upon Olympic Ambulance for second ALS transports. Every time we transport a patient, we generate revenue through third party payer billing. Additionally, out-of-pocket expenses are eliminated for those City residents who would otherwise be transported by Olympic Ambulance. When Olympic Ambulance transports patients during simultaneous or

overlapping calls because of the City's lack of a second paramedic, the City loses potential revenue and a potential financial liability is created for City residents.

#### Performance Measures

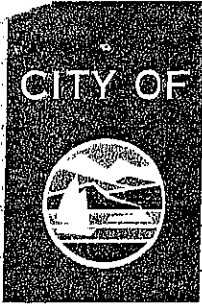
- The decreased availability of an additional paramedic will most certainly result in an overall increase in response times. Response times will increase through expanding those occurrences that create response delays by having to wait for personnel to come in to respond to overlapping calls – both for fire and EMS.
- Will significantly increase the percentage of ALS patients who are sent with the private ambulance provider due to simultaneous calls. ALS patients are those patients who require advanced (Paramedic) medical interventions.
- With the possibility of decreasing our ability to provide immediate 2 in/2 out operations to allow for an interior attack, the Fire Department will decrease the probability of confining a fire to the room of origin.

#### Workload/Morale

- Workload is easily quantifiable and a good indicator of the demands placed upon personnel. The Port Angeles Fire Department has ready access to data that gives the number of hours each firefighter works and the number of calls responded to by each firefighter. Morale, although difficult to measure, is very real, and a very important indicator of the demands and stresses felt by the firefighters. Clearly, the elimination of the paramedic floater will result in an increase in calls per firefighter – a corresponding increase in overall workload. It follows that this would have a corresponding negative affect upon morale.

DM

Pc: Bob Coons

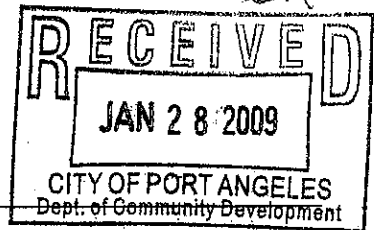


# PORT ANGELES

WASHINGTON, U. S. A.

Public Works & Utilities Department

*Nathan's Copy*



January 27, 2009

Joseph Hofrichter  
123 W. Ahlvers Road  
Port Angeles, WA 98362

Re: Existing gravel road along your south property line

Dear Joe:

Thank you for your patience in waiting for a response from me regarding the 15-foot easement referred to in part c of Condition 1 of The Reserve at Valley Creek (RVC). To help in this response, I will quote from Part c of Condition 1, which states:

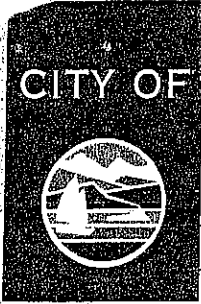
The 30-foot strip of land shown as a dedicated area to the City of Port Angeles for right-of-way purposes shall be modified to become a 15-foot wide easement for access only for the use by the adjacent property owners to the north, and for the City of Port Angeles for access to the wetland and stormwater facilities.

The easement referred to above was revised, due to a required wetland delineation, to one that varies from 10.7 feet wide at Ahlvers, to 19.73 feet wide at its west end (see Attachment 1).

You have expressed your concern to me that existing power poles located in this easement were to be moved as part of the conditions imposed on RVC when it received preliminary approval. You said that this was allow moving the existing road further south so that no part of it remains on your property (see Attachment 2). However, Condition 1 does not address moving the existing power poles, nor building a new road inside the 15-foot easement.

I do not consider moving the road or power poles to be warranted as you suggest, nor a City obligation at this time. The road and power poles have been in place for decades, and Clallam County PUD #1 used the road to access those poles when they owned them (before the area was annexed into the City and ownership of the overhead power lines transferred to the City). Periodic utility maintenance activities will continue to occur, using the existing road to access City-owned facilities.

I would like to resolve this issue if possible by offering to negotiate a Temporary Construction Easement (an example of which is attached) for that portion of the existing gravel road that appears to be on your property. This Easement would then be executed and recorded in the Clallam County Auditor's Office before and if the City



# PORT ANGELES

WASHINGTON, U. S. A.

Public Works & Utilities Department

ever uses the gravel road for any construction activities. I am hoping that this will alleviate any concerns you have with maintenance of that part of the existing road on your property.

If you are interested in entering into a construction easement, please let me know by contacting me at [ssperr@cityofpa.us](mailto:ssperr@cityofpa.us), or 360-417-4803.

Sincerely,

Stephen Sperr, P.E.  
City Engineer

cc: Bill Bloor, City Attorney  
Nathan West, Director of Community and Economic Development

Attachments: 1. Sheet 4 of the drawings for The Reserve At Valley Creek, showing easement  
2. Aerial map showing estimated property lines (not to be used for a legal description)  
3. Sample Temporary Construction Easement form

457-  
4626

**From:** William Bloor  
**To:** Glenn Cutler; Nathan West; Steve Sperr  
**Date:** 2/4/2009 1:58 PM  
**Subject:** Storm water appeal: Phase II Decision  
**Attachments:** William Bloor1.vcf

**CC:** Kent Myers; Terri Partch

Yesterday the Pollution Control Hearings Bd issued its decision in the second part of the storm water phase II appeal. The ruling is favorable to the coalition of cities. A brief description of the decision is copied below. This decision, considered in combination with the Bd's earlier favorable decision on the first part of the appeal, mean that we, the coalition cities, have succeeded in ameliorating the most troubling elements of the original permit. This is not the end of the process, but it is a significant milestone.

There will be an attys conference in the next week or two. I should have more info then about the expected next steps. In the meantime, please feel free to call if you have any questions or would like to discuss this in more detail.

Bill

William E. Bloor  
City Attorney  
Port Angeles  
360 417 4531  
wbloor@cityofpa.us

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

CONFIDENTIAL

NOT FOR PUBLIC RELEASE

>>> "Lori Terry" <TerrL@foster.com> 2/3/2009 3:38 PM >>>

Attached is the PCHB's Decision --- we earlier forwarded Judge Lynch's Concurrence and Dissent. The decision is a victory for us. With regard to LID, the PCHB did not order the mandatory use of LID as it did in the Phase I permit, finding that there are significant differences between the Phase I and II permittees and that it is, therefore, reasonable for Ecology to allow some lag in timing between Phase I and II jurisdictions. The Board also found that development of some types of technical guidance and adoption of a performance standard will likely take longer than is reasonable or feasible to incorporate into this cycle of the Phase II Permit. In addition to the current permit language regarding LID, the Board concludes that the Permit must set forth additional requirements with respect to broader use of LID during the permit term, and in anticipation of the next. Such steps should include, at a minimum, requirements to identify barriers to the use of LID and to address the same, requirements to identify currently available and understood LID practices that can reasonably be implemented within this permit term, requirements to identify potential or planned non-structural actions and LID techniques to prevent storm water impacts, requirements to establish goals and metrics to identify, promote, and measure LID use, including flexible schedules by which Phase II jurisdictions will begin to require and implement these non-structural and LID techniques on a broader scale in their jurisdictions in the future. The Board then goes on to say that it is within Ecology's technical expertise to determine how to best implement the decision within this permit cycle, whether it be through permit modification and/or the development of technical guidance documents or a LID performance standard. For these reasons, the Board does not order

inclusion of a performance standard within the Phase II Permit and gives Ecology some amount of discretion to determine the timing for moving Phase II permittees forward to broader implementation of LID. (pages 46-48). The Board found in favor of Ecology and the Coalition on all other issues that PSA took to trial. Our thanks to all of the Coalition witnesses who testified for us in the case. Their testimony was invaluable and contributed greatly to the success that we achieved.

With this decision, the previous Orders on Summary Judgment in the Phase II case are now final and must be appealed within 30-days. We will be scheduling a conference call very soon to talk about the Decisions, as well as the pending superior court action that has been "on hold."  
--Lori and John

Lori Terry Gregory  
Attorney  
FOSTER PEPPER PLLC  
1111 Third Avenue, Suite 3400  
Seattle, WA 98101-3299  
Phone: 206-447-8902  
Fax: 206-749-2002  
[terri@foster.com](mailto:terri@foster.com)  
[www.foster.com](http://www.foster.com) <<http://www.foster.com/>>

## John V. Halberg

1507 East Beach Road  
Port Angeles, WA 98363

RECEIVED  
FEB 03 2009  
City of Port Angeles

### Port Angeles City Council

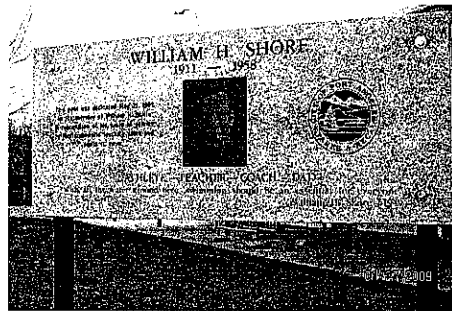
321 East Fifth Street  
Port Angeles, WA 98362

Attention: Gary Braun, Mayor

Ladies and Gentlemen:

Your decision last September to close the William H. Shore Memorial Pool as a necessary and desirable cost-cutting measure was seen as essential and prudent at that time.

As you are well aware, a number of citizens have been working cooperatively with you to explore ways to keep the pool open. These citizens have been working very diligently to raise funds to keep the pool open until an election can be held to form the "William Shore Memorial Pool District" as described in your Resolution No. 2-09.



It has been reported that the cost of holding a "Special Election" in May would be about \$62,000. The Clallam County Auditor's office has indicated to me in a telephone conversation that if this same election were held in November, the cost would be around \$7,000 to \$9,000.

An election in November would save around \$53,000 to \$55,000 in election costs, allow more time to educate the voters on this very important issue, and would allow more time for economic recovery.

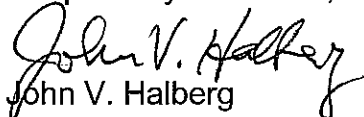
Would it not be more prudent to hold the election in November and to fund the pool with other city money until that time?

I believe that the election would have a much greater chance for success if held in November.

As stated on the memorial plaque at the entrance to the pool:

**"With all the water around here, swimming should be an essential for everyone"**

Respectfully submitted,

  
John V. Halberg

Copy to: Clallam County Commissioners; Save the Pool Group



February 3, 2009

Mr. John V. Halberg  
1507 East Beach Road  
Port Angeles, WA 98363

Dear Mr. Halberg:

Thank you for your letter and suggestion on how to save election costs in regards to the William Shore Memorial Pool.

Because of the hard work and dedication of the Save the Pool Committee to gather donations, City Council has already extended pool operations from March 31 until the end of May 2009. With pool operations costing approximately \$30,000 per month it is imperative that the election not be delayed and be held as soon as possible. Even though we could certainly save some funding for election costs, the costs for operation of the pool for the period between June and November would far exceed this savings.

Seeing the community rise to the challenge of raising funds to keep the pool open demonstrates the true heart and dedication of the people of Port Angeles. We wish the Save the Pool Committee every success with the campaign.

Again, thank you for your comments and suggestions. Please feel free to contact my office at any time.

Sincerely,



Kent Myers  
City Manager

KM/tlp

Cc City Council  
Clallam County Commissioners  
Save the Pool Committee



cc: Kent M.

January 30, 2009

Dave and Debbie Baker  
Goodman Septic Services  
P.O. Box 208  
Port Angeles, WA 98362

Dear Dave and Debbie:

I received your letter dated January 6, 2009 concerning the City's recent rate increase from \$0.11 per gallon to \$0.12 per gallon for the discharge of septage. In your letter, you requested relief from the new rate increase because of having relied for purposes of bidding a contract on verbal information from the Wastewater Treatment Plant Superintendent.

In order to address your concern, I will explain how rates are established in the City. The rate structure for our utility systems, among which includes those for the Wastewater Utility, are evaluated typically on an annual or bi-annual basis. These evaluations are performed by the Resource Management Division of the Public Works and Utilities Department. The Superintendent of the Wastewater Treatment Plant is not involved in this, and at the time of your inquiry was unaware of the rate increase.

Whenever rates are re-evaluated, the new rates are set forth in Chapter 3 of the Port Angeles Municipal Code. The septage discharge rate that you are concerned with is set forth in section 3.70.110, paragraph M.2.b of the Municipal Code. All such rates are established as part of a public process requiring a hearing. For this most recent rate increase, a public hearing was set at the City Council meeting of August 8, 2008, with the first public hearing conducted on September 2, 2008 followed by a second public hearing on September 16, 2008. These hearings were well advertised in various forums including the Peninsula Daily News as well as on the City's website. The purpose of the public hearings is to allow the public the opportunity to provide comments and suggestions regarding the proposed changes to the Municipal Code. The information of the new septage discharge rate was publicly available at the time of your inquiry and bid.

I have also reviewed the circumstances that you describe in your letter where you bid on the contract from Apex Companies, LLC for septage disposal services for the Walmart store that is located east of the City. After researching this, it is my understanding that this contract went through a bidding process that not only your company bid on, but also other septic system servicing companies in the area bid on. My further understanding is that the bids for this contract were very close to each in price. Consequently, I must regrettably decide that

providing a change to the official septage discharge rate that was in place at the time that bids closed cannot be done without disadvantaging other bidders who were part of that bidding process.

However, I am willing to offer you an alternative that may make your discharges more efficient. I would be willing to consider allowing you to discharge the waste you receive from Walmart directly into pumpstation #13 that is on Masters Road adjacent to the old K-Mart facility. I realize that this will most likely not fully address the issue from your perspective, but I am hoping it will facilitate your operation. Should you choose to accept my offer, we will have to work out the procedures for off-loading. My point of contact for this would be my Deputy Director of Operations, Mike Puntenney, who can be reached at 360-417-4802.

If you have questions or would like to discuss this further with me, please contact me at 360-417-4800.

Sincerely,



Glenn A. Cutler, P.E.

Director

Public Works and Utilities Department

February 3, 2009

Ms. Karen Rogers, Council Member  
City of Port Angeles  
223 East 5<sup>th</sup>  
Port Angeles, WA 98362

Dear Ms. Rogers:

I write to comment upon several topics pertaining to law and justice that were reported in the AWC Legislative Bulletin of January 30, 2009. The first item that was reported pertained to increase of the property crime's threshold proposed in Senate Bill 5225. Last year the legislature considered a proposal that would have increased the misdemeanor property crime threshold from \$250 to \$750. AWC did not take a position on that Bill. This year legislature will consider in SB 5225 increasing the threshold from the current level of \$250 to \$1,000. AWC apparently does not see this as significant.

This increase in threshold could have a significant impact on the City of Port Angeles. Not only would it raise our filing fees, but also costs for incarceration, jail medical, and costs for providing indigent defense services. All significant in this tight revenue time.

Of course SB 5225 does not contain any provision that would provide revenue to the City for increasing its prosecution, incarceration and public defense costs. The City of Port Angeles tax payer already pays for the cost of prosecution and incarceration, public defense, etc. for this class of offense by virtue of also being a County taxpayer. Under this Bill, the City taxpayer, will in essence, have to pay twice.

I note also that House Bill 1823 is being supported by AWC as a priority. This Bill would allow a City to recover the cost of prosecuting cases that meet the statutory definition of a felony but are referred by a county to a city for the filing of misdemeanor charges. Frankly, it seems inconsistent to me that AWC would take a strong position of making this Bill a priority, and by the same token take no position on increasing the threshold of property crimes from \$250 to \$1,000 for differentiation between misdemeanor and a felony. If a threshold for property crimes is to be increased, there should be a shifting of revenue to support the added burdens imposed upon the Cities.

Page - 2  
February 3, 2009

The same considerations apply in HB 1781. Approval of this Bill would reduce potential for cities to obtain assistance for local public defense funding while adoption of SB 5225 will likely cause public defense costs to cities to increase and those to counties to decrease.

Very truly yours,

Dennis C. Dickson  
Sr. Assistant City Attorney

DCD:jd

cc: Kent Myers, City Manager  
William E. Bloor, City Attorney

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**Kent Myers - Fwd: Ballot Language**

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**From:** Teresa Pierce  
**To:** Kent Myers; William Bloor  
**Date:** 2/6/2009 12:04 PM  
**Subject:** Fwd: Ballot Language

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>>> "Jones, Jim" <jjones@co.clallam.wa.us> 2/6/2009 11:52 AM >>>  
FYI, here is the approved Ballot title and wording from the prosecutor.

Jim

**PROPOSITION No. 1**

**Formation of a New Metropolitan Park District**

Clallam County Resolution No. 08, 2009 and City of Port Angeles Resolution No. 2-09 jointly propose the creation of the William Shore Memorial Pool District. If approved, this proposition would create a metropolitan park district pursuant to RCW 35.61 with boundaries identical to those of the existing Port Angeles School District, No. 121. The District would be governed by members of the county commissioners and city council who would be instructed to levy only as much tax as needed for the maintenance and operation of the pool, currently estimated to be fifteen cents per thousand dollars of assessed valuation.

FOR the formation of a metropolitan park district to be governed by members of the county commissioners and city council

AGAINST the formation of a metropolitan park district

Approved as to form:

---

Deborah S. Kelly, Prosecuting Attorney