City of Port Orchard
Council Meeting Minutes
Work Study Session of December 16, 2014

7:00 p.m. Call to Order

Mayor Matthes called the meeting to order at 7:00 p.m. Mayor Pro-tem Cindy Lucarelli and Councilmembers Jeff Cartwright, John Clauson, Fred Chang, Bek Ashby, Rob Putaansuu, and Jerry Childs were present. Development Director Nick Bond, Public Works Director Mark Dorsey, City Treasurer Allan Martin, City Clerk Brandy Rinearson, IT Technician Vince Tucker, and Office Assistant II Jenine Floyd were also present.

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

1. Discussion: Water/Sewer GAP Analysis

Public Works Director Dorsey stated staff was directed to research and develop a Water Sewer Financial Gap Analysis, prior to proceeding with utility rate discussions in 2015. As a function of Growth Management Compliance in 2016, staff is requesting direction on future actions needed to meet compliance. In 2016, the City’s Comprehensive Plan is required to be updated and financially constrained, pursuant to the Growth Management Act. Before this can occur, individual plan elements need to be updated. This includes adjustments to Capital Improvement Plans and associated fee structures. The Water Sewer Gap Analysis provided the basis for discussion of this issue. On May 27, 2014, the City Council approved Contract No. 033-14, with Katy Isaksen Associates to prepare the 2014 Water Sewer Financial Gap Analysis. On October 8, 2014, a presentation of the draft Gap Analysis was presented to the Utility Committee. On November 14, 2014, a presentation of the revised draft Gap Analysis was presented to the Utility Committee.

Katy Isaksen with Katy Isaksen & Associates provided a presentation which included:

- What is a Sustainable Utility
- Sustainable Financial Program
- Six Year Sewer Funding Gap
- Six Year Sewer Program
- Six Year Sewer Rate Outlook
- Sewer Scenarios: Impact on Rates
- Six Year Water Funding Gap
- Six Year Water Program
- Six Year Water Rate Outlook
- Water Scenarios: Impact on Rates
- Comparable 2014 Water/Sewer Bills
- Water & Sewer Rate Structures
- Options for Consideration
- Six Year Water/Sewer Improvements
Council Direction: Council would like more demographic information; staff will extend the contract with Katy Iskaksen; and this will be brought back to Council in 2015.

2. Discussion: Public Records Email Accounts

Mayor Matthes stated as mentioned at the December 9, 2014, Council meeting, he was concerned of the risk the City faces with not being able to access and retain City records when Councilmembers use personal/business email accounts for City related matters. Based on the feedback he received from Council, they share the same concerns. In light of reducing the City’s liability and participation of a potential violation of the public records act, he has directed staff to do the following; all employees are required to correspond with elected officials using City-assigned email accounts; City Personnel Policies are to be updated to reflect this change; and IT will put in place a software program to allow elected officials to use their personal electronic devices to access their City-assigned email account. Recently, the City of Bainbridge Island settled a public records lawsuit for nearly $500,000, for a public records act violation. The violation occurred because Councilmembers used their personal email accounts for city related business, which the city failed to produce when requested. Nine months ago this was discussed, and some Councilmembers stated they would like to use their own email accounts.

Councilmember Putaansuu said that is not accurate statement. They discussed that the system we have is archaic.

Mayor Matthes uses his City email account, and he has not had any problems with it. He also sees a lot of resistance to change. He hopes they can work on some type of agreement.

Councilmember Cartwright uses the public server at Kitsap Transit. Before Council had an opportunity to weigh in on this matter, the Mayor directed staff to quit sending emails to where they have asked their emails to be sent. Now they do not have the information coming to them.

Mayor Matthes noted emails are going to the Councilmembers City email address.

Councilmember Cartwright’s understanding of the Bainbridge Island case is not the fact that people used their private emails; it’s they refused to surrender their computers hard drive.

In response to Mayor Matthes, LAN Technician Tucker, noted we currently have three ways in which to receive email; City of Port Orchard account; the City’s website portal; and a City owned mobile device. He also provided a brief presentation on how to access the City’s web email. He was also asked to look at a ‘bring your own device’ (BYOD) world. There is a product, MaaS360, which can be installed on their devices, and would allow them to check their emails. Currently, other organizations use this application. It
is very easy to maintain, and can be ready by January 7th. This is the same product he brought before council 8 months ago.

In response to Councilmember Ashby, Mr. Tucker said this is an application that will go on all of their mobile devices. We will start off with a 20 license device, but it is expandable to any number.

In response to Councilmember Chang, Mr. Tucker agreed that everything will be stored to the City's server. We also would have remote capabilities.

Councilmember Lucarelli said the big issue is responding to emails. If we are not responding on our personal emails, there should be no problem receiving the information. If this is what they are reduced to, she would ask to have every single email be printed out and put in her City mailbox.

Councilmember Chang said that might not be a bad idea until the new system is up and running.

Councilmember Lucarelli finds it unacceptable that the Mayor made a policy change without alerting them. She does not think that is his job. His job is to pass the information they need, so they can do their job.

Councilmember Chang said the solution is a good one, but it is being rolled out a little too abruptly.

Mayor Matthes stated after talking to attorneys, he is scared about what the potential damage could be.

Councilmember Cartwright, Childs, and Clauson would also like their all of their emails printed out.

Mr. Tucker noted with our current system, we don't have access to their emails, as it is under their names and passwords. What he would have to do is set up a split, which means the emails would go to their inbox and to the City Clerk.

Councilmembers noted most of their emails go to their city email as well as their personal email, which creates a public record.

Councilmember Chang asked if the Council could go with the new policy when they receive the new system on January 7th, and in the meantime, they carry on as usual with emails being sent to their City email as well as being copied to the email they use regularly.

Council and staff discussed emails and how they relate to public records requests.
Mr. Tucker said the cost for 20 licenses would be $2,000 per year. It is $100 per device, per year.

Councilmember Ashby said 20 licenses would not be enough.

**Council Direction:** Mayor Matthes will direct staff to email Council at their City email, as well as their personal email address until the new program is installed on January 7, 2015; and will move forward with purchasing MaaS360 applications.

3. **Discussion: Kitsap County Buildable Lands Analysis**

Development Director Bond stated on December 1st, the Kitsap County Buildable Lands Analysis was released to the public. The City is required to plan for an additional 8,235 residents and 3,135 jobs over the 20 year planning period. The purpose of this report is to demonstrate if jurisdictions have adequate capacity to support their growth allocation, or if they do not have adequate capacity, in which case they have to take measures to insure they can do their share to accommodate regional growth. The analysis shows the city has surplus for residential and employment capacity, meaning the city does not have to do any additional steps to accommodate our population or growth for the 20 year period.

The comment deadline is January 31, 2015, if anyone has concerns, or is dissatisfied with the report.

Public Works Director Dorsey noted it is important the City stays under 25,000. As soon as we hit 25,000, SR160 and SR166 within our jurisdiction, becomes our responsibility, in addition to pavement, striping, and signals.

**Council Direction:** No direction was given to staff.

4. **Discussion: Attorney Recruitment Process**

Mayor Matthes stated staff is seeking input on the Council representative(s) to serve on the interview panel. Human Resource Coordinator has taken the Ad Hoc Committee’s recommendations and further refining the selection process with the Mayor, has developed a recruitment timeline, and the City Attorney’s Request for Proposal. The initial screening panel will consist of two Council members, the Community Development Director, the Director of Public Works and the City Treasurer. The Final Interview Panel will consist of the Mayor, the City Clerk, one Council member and one staff member that participated on the initial screening panel. Staff will be working on developing the job announcement for posting on January 5th.

Councilmember Ashby said they need to determine which City councilmember would be on the screening panel, and to look at what is proposed from the HR Coordinator and how it differs from their earlier proposal. It has been recommended that the Mayor, department heads, HR and senior staff participate in the interviews to equal the number of councilmember participation.
Councilmember Cartwright stated the screening portion proposed also alters from what the Ad Hoc Committee recommended. Their recommendation had 4 people, which includes two Councilmembers, the Mayor and HR Staff. In October, council was supportive of the Ad Hoc Committee's recommendations. There were also some Councilmembers who indicated they were not interested in the interview panel.

Councilmember Chang liked the idea of having the Development Director and Public Works Director included in the initial screening panel. They would bring a lot of real world experience in what we would need in an attorney.

In response to Mayor Matthes, Councilmember Cartwright said the Ad Hoc Committee cannot support the city attorney not showing up for all council meetings.

**Council Direction:** Council would like to move forward with the Ad Hoc Committee's recommendation to include the Ad-hoc Committee members and three staff, including the Mayor, for both the initial screening panel and the final interview panel.

5. **Discussion: Kitsap Transit Board**

Councilmember Clauson recused himself at 9:02pm, due to a conflict of interest.

Councilmember Cartwright stated although he works at Kitsap Transit, he does not believe there is a conflict as he reports to John, and John reports to the board. If there are no objections, he plans on staying.

Mayor Matthes would like Councilmembers Cartwright and Putaansuu to recuse themselves, as they all three were at the meeting.

Councilmembers Cartwright and Putaansuu said they would not recuse themselves.

Councilmember Chang would like Councilmember Cartwright to recuse himself due to conflict of interest.

Councilmember Cartwright recused himself at 9:04pm.

Mayor Matthes recused himself at 9:04pm, due to conflict of interest.

Councilmember Putaansuu stated for the last four years, we have had the benefit of having two seats on the Kitsap Transit Board. The Mayor has served and he has served as the At-Large member of the board. At today's Transit meeting, he was replaced by a Bainbridge Island councilmember. He has been on the board for four years. Two years ago he was the board chair. The reason he got on the Transit Board, is he is passionate about the passenger only ferry research and business plan the agency has put together and would like to see it to completion. The Transit Board By-laws state the Mayor of
Port Orchard, or a member of the council, chosen by the council can have a position on
the board. He is advocating being the City’s representative on that board.

Councilmember Chang said there has been a tradition of the other small cities
designating the Mayor. He believes Councilmember Putaansuu would advocate well,
however, he has concerns about the passenger ferry.

**Councilmember Childs MOVED and Councilmember Lucarelli seconded the motion to reappoint Councilmember Putaansuu as a representative of the Kitsap Transit Board. Upon vote, the motion passed with three consenting votes. Councilmember Chang cast the dissenting vote and Councilmember Putaansuu abstained.**

At 9:14 p.m., Mayor Matthes adjourned the meeting.

Brandy Rinearson, CMC, City Clerk

Timothy C. Matthes, Mayor