



**AGENDA FOR
PORT OF ILLAHEE COMMISSION
Wednesday, July 13, 2022 - 6:30PM
ZOOM MEETING #715 0997 5823 / Password: Illahee**

1. CALL TO ORDER

2. CONSENT AGENDA

1. Agenda

*2. The June 8, 2022 Regular Meeting minutes

*3. Pay Bills with check numbers 4899 through 4909 totaling \$ 10,558.69

3. SIGNING OF DOCUMENTS

Determine when/how to have at least 2 Commissioners sign the documents

4. PUBLIC COMMENT

5. REPORTS/UNFINISHED BUSINESS

Aho/ *1. Grants/Waterfront Access Improvements

- Piccone
- Status of project permits and design - Technical Deviation Request sent June 14, 2022
 - Response to Tribe – status of time extension from Army Corps
 - Engagement Letter from Chmelik Sitkin & Davis dated June 21, 2022
 - Status of the detailed inspection report of the pier/dock/piling/cross-bracing
 - Status of response to the County re: the Port's project in relation to the County's filtration project

Aho/ *2. Illahee Store Project

- Piccone
- Status of the County's confirmation of the "Maintenance" project for the parking area
 - Pollution Liability Insurance Agency (PLIA) – all electronic documents signed - status

3. Treasurer's Report as of June 30, 2022 General Fund \$ 116,946.65 Investments \$ 277,917.68
Good Property Management (GPM) Account \$ 200.00 (total: \$ 395,064.33)

4. Reports

Aho

a. Website

- Status of the Illahee Creek Watershed Report/Surface Water Management Plan (SWMP) and the mussel sampling (PSNS & County) results being added to the website
- Changing to .gov?

Bartz

*b. Properties

5560 Ocean View Boulevard/Rental

- E-mail dated June 20, 2022 concerning the sight distance with the overgrowth along Ocean View and Madrona – has it been maintained?

5500 Illahee Road/Rental

- Anything to report?

5507 Illahee Road/Illahee Store Property

- Letter dated June 6, 2022 from North Perry Avenue Water District informing that the water meter to the store will be taken out of "dormant" status. The Port can anticipate receiving monthly bills of apx. \$56 every other month minus consumption.

Illahee Road Lot

- Anything to report?

Burton

c. Dock/Pier

- Anything to report?

Tabled 5. Surveillance cameras

6. NEW BUSINESS

1. Illahee Day – last year was held on Saturday, September 11th

7. PUBLIC COMMENT



**AGENDA FOR
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Wednesday, July 13, 2022 - 6:30PM
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- 8. EXECUTIVE SESSION**-Property negotiation or Potential litigation?
- 9. ADJOURN** – Kitsap All Ports Meeting – Monday, July 25, 2022 @ 6:30PM – Port of Brownsville
Pre-meeting barbeque/potluck starts at 5:00PM
– Regular Meeting – August 10, 2022 @ 6:30PM – via ZOOM



Port of Illahee – Minutes of Regular Meeting on June 8, 2022

Port of Illahee
Minutes of Regular Meeting
June 8, 2022

The Regular Port of Illahee meeting was held virtually through the ZOOM app (meeting id# 71509975823 / Password: Illahee). Notice of the virtual meeting was posted near the kiosk at the head of the pier and on the Port's website – portofillahee.com.

CALL TO ORDER

Commission Chairman James Aho called the meeting to order at 6:30 PM. Also, in attendance were Commissioner Amber Bartz; Commissioner John Burton; Administrator Theresa Haaland; John Piccone of Sound West Engineering; Jon Buesch arrived at 7:32PM; and Roy Barton arrived at 7:34PM.

CONSENT AGENDA

The following consent agenda items were approved: June Meeting Agenda as amended; May 11, 2022 Regular Meeting minutes; June 8, 2022 checks numbering 4889 through 4898 totaling \$12,458.57 as outlined in the attached Voucher Approval (motion by Bartz; second by Burton; unanimous).

SIGNING OF DOCUMENTS – Commissioners agreed to stop by the Port of Silverdale office within the next couple of days to sign documents.

PUBLIC COMMENT – None

REPORTS/UNFINISHED BUSINESS

Grants/Waterfront Access Improvements – John Piccone reported that following the site meeting that he and Commissioner Aho attended with County personnel, he received a call from the County explaining that they intend

to authorize a “technical deviation” and will not require the roadway improvements such as the sidewalks, bike lanes, etc. Mr. Piccone explained that with this good news, progress can resume on the upland waterfront permitting and design. He plans to finish writing it up and turn it into the County later this week. He explained that the on-site meeting provided County personnel with a better understanding of the site and what can and cannot be done with it.

A letter dated May 13, 2022 from the Suquamish Tribe to the US Army Corps of Engineers (ACE) had been received. The Tribe requested the ACE deny the Port's permit application on the basis that the proposal will cause more than a minor impact to the Tribe's treaty-reserved fishing rights. Mr. Piccone had emailed the Tribe's response to the Commissioners and received feedback. He said that generally all the feedback was pretty much the same. In no way do the Commissioners want to be disrespectful to the Tribe or interfere with their treaty rights, but the Tribe's denial seems unrealistic and the claim that the project will interfere with fishing is false. Mr. Piccone said that the only way to move forward is to understand the details of the Tribe's denial. He suspects that they would focus on the proposed fishing dock. Different configurations for the fishing dock may need to be explored in an effort to placate the Tribe. Mr. Piccone thought they may also be thinking that the moorage is going to accommodate more boats than it currently does, but that is not the case. He said that he needs for the Tribe to define the specifics of their issue and from there the Port can propose a reasonable accommodation. Ultimately, the ACE will



Port of Illahee – Minutes of Regular Meeting on June 8, 2022

determine the outcome one way or the other. Mr. Piccone suggested that before providing a formal response the Port consider getting legal input. He said that he can provide a response, but from experience he knows that having legal representation is beneficial. He is planning to reach out to a lawyer he knows that has experience in these issues and just share with that lawyer what is happening with Illahee. Commissioner Aho said that he thinks getting the legal input is important and suggested Mr. Piccone bill the Port for the legal fees. Commissioner Burton questioned the lawyers' fees being billed through Sound West. Mr. Piccone said that he could have the lawyer bill the Port directly as there would be a small accounting fee and State excise tax if it was billed through Sound West. If the costs are just a few hours of the lawyers' time, adding up to not much more than \$1,000, Mr. Piccone said he could just bill it directly. He suggested we wait until it is determined how complicated it may become. Mr. Piccone plans to send an informal response to ACE asking for a time extension. At this point he is not able to fully understand the Tribe's concern and plans to request a very informal meeting with them in hopes it will shed light on the details of their objections. He said that he would like one Commissioner in attendance during that meeting. Everyone agreed that was a good plan.

The structural inspection of the dock, pilings and floats took place yesterday. A detailed report of the findings should be received within a few weeks. Once Mr. Piccone reviews it and discusses it with the inspector, he will forward it on to the Commissioners. One item that came as a surprise and a concern was that a few of

the pilings are not actually pilings but are precast. He said that he was sure the report will go into detail about them, as they are very deteriorated with exposed rusty steel. They are not what one would expect at a public facility. It was an unexpected concern. The inspectors mentioned that nine of the timbered pilings need replacement and three cross bracing areas are of concern. The report will outline several items that need to be addressed. Once the report is received, he will add some recommendations and include a timeline of when the recommendations need to be implemented and approximate costs. He hopes to have this by next month's meeting.

Commissioner Aho has been talking for some time now with Michelle Perdue, a Kitsap County Stormwater Program (KCSP) Manager about the possibility of the County conducting the filtration upgrade while the area is under construction with the Waterfront Access Improvement project. Commissioner Aho recently asked Ms. Perdue about it during a Central Kitsap Community Council (CKCC) meeting of which he is a board member. Ms. Perdue was making a presentation. Mr. Piccone said that was interesting because he just recently received an email from Jess Smith of KCSP. Ms. Smith told Mr. Piccone that she is aware of the Port's project, but she was wanting a better understanding of where the project is with regard to the design. Mr. Piccone plans to respond to Ms. Smith and cc Commissioner Aho.

Illāñee Store Project

Mr. Piccone had provided an email dated June 4, 2022 with five attachments of the parking lot options that had previously been discussed and one additional option. The ZOOM screen



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was shared with Mr. Piccone and he brought up all five designs. He explained that he had received feedback within the month individually from all three Commissioners about which parking design was best. There was not one clear option everyone agreed upon. He went on to explain that when he first started creating the options for the Illahee Store site, it seemed that the prior concept layout the Port had prepared was kind of the benchmark, but it occurred to him that it was never considered as a simple "maintenance" project. Since nothing new is being built, but rather the Port is maintaining what they already have, it creates a much larger paved area. The County would be informed that all the Port is wanting to do is maintain its paved area. The Port may not even want to stripe the area. Going this route, the current concrete would be pulverized and left to be used as the base, coarse gravel, then overlaid with pavement. Another benefit for a maintenance project is that it wouldn't be subject to all of the new stormwater regulations; the stormwater could be left as is, although Mr. Piccone would need to confirm that with the County as there may have been changes within the last two years. This would also free up area allowing the septic and drainfield to be on site. Overall, a maintenance project would save the Port a lot of money, possibly up to \$200,000. Mr. Piccone said that it won't look as nice as the other options with the new landscaping and stripped parking stalls, but those options are much more expensive and leaves the Port with less room for parking. Commissioner Aho said that he likes the idea of the open parking and the resurfacing and more than anything he likes the idea of the septic system being onsite. It simplifies everything and makes it less

expensive. Commissioner Burton agreed that he too likes the maintenance project option as it creates more potential parking spaces and provides for an onsite septic system. Commissioner Bartz agreed that the simpler, more cost-effective option is best and having the septic onsite would be ideal. Mr. Piccone said that he felt like he should have provided this option sooner, but was going off of the prior design the Port had prepared. He felt like that was the goal. Everyone was glad that he provided this additional option. Mr. Piccone plans to confirm with the County some of the things that have been true to him in the past. He is concerned that with the high turnaround in the County and how they are much more stringent, that things may have changed. He plans to figure out their current definition of a maintenance project and make sure the septic would fit in that area. He would just develop a simple grading plan, keeping it close to what it currently is now. He plans to do this prior to the Pollution Liability Insurance Agency's (PLIA) work as he will need to share with the PLIA contractor the intended final grade so they are aware when finishing things up with remediation of the contaminated soil.

Commissioner Burton explained that he has heard comments from community members, that if the sign, that is on a pole in the island, is ever removed, it will never be allowed to be reinstated. He questioned if it were possible to keep the sign post and use it to install a Port of Illahee sign. Mr. Piccone said that although he doesn't know the exact extent of the PLIA work, undoubtedly anything in that area will be affected. He added that with the sign basically out in the middle of everything it would restrict the ability to maximize the parking area and



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allow vehicles to pull through. He suggested a new sign be added to the gable end of the building. Commissioner Aho said that the current sign is so tall, it would take someone getting up on a ladder to make any changes to it. He agreed that removing the pole and having a sign closer to the building would be better. Commissioner Bartz agreed and said that she doesn't foresee any of the Commissioners climbing up on a ladder to change the sign and thought that having a sign closer to the ground for visibility makes sense. Commissioner Aho asked Commissioner Burton if the community members, that talked to him about the sign, were adamant about it staying. Commissioner Burton said that there were just a couple of people that had warned him stating that the Port should think twice about removing the sign as once it's gone there will be no getting it back. He suggested that the Port validate it with people in the area or have a vote of the public to keep it or remove it, just to get an idea if there is big support in keeping it. Commissioner Aho said that it is so easy nowadays to get an electronic sign that can be updated from a computer and attached to the building. He said that he thinks that is the way to go. He added that the decision needs to be made now because time is of the essence for this project and the Port must continue to move forward with its efforts. He said that he is in favor of doing away with the sign because it will negatively impact the parking area. Commissioner Burton agreed that an electronic sign which wouldn't require a ladder to be climbed to change the wording, moved closer to the building would be beneficial. Although an elevated sign would provide more visibility and questioned the visibility of a low sign at the level of the

building. It was questioned if the County might grandfather in the sign that is going to be removed. Mr. Piccone was doubtful.

Commissioner Aho agreed that a sign higher up would be good. The parking is the most important thing and to have clear access with regard to the grade so that what needs to get done can be done. Mr. Piccone said that he will reach out to the County to determine the specifics related to a maintenance project and he will keep the Commissioners posted. Mr. Piccone was thanked for his diligent work.

Commissioner Aho said that he still has some electronic signing of documents to do with PLIA, but has been having trouble logging onto Washington Access. He plans on contacting PLIA tomorrow in hopes to get help in accessing the electronic forms.

Treasurer's Report

As of May 31, 2022 the General Fund totaled \$125,975.95, Investments totaled \$277,747.59 and the balance of the Good Property Management (GPM) account totaled \$200.00 for a total of \$403,923.54.

Reports

Website – Commissioner Aho continues to regularly update the website.

Properties

5560 Ocean View Boulevard/Rental Property – Commissioner Bartz explained that as far as she is aware the electrical has not been repaired.

5500 Illahee Road/Rental Property – nothing to report.

5507 Illahee Road/Illahee Store Property – Commissioner Bartz reported that All Lawn



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Maintenance cleaned the gutters last week and the Port should be receiving the bill in the mail. Commissioner Aho said that it was good that the gutters were cleaned as they were really getting bad especially on the southside of the building.

Illahoe Road Lot – nothing to report

Dock/Pier – Commissioner Burton reported that he ordered new flags and has installed one. In the past the flags were purchased through Representative Derek Kilmer’s office, but due to COVID they aren’t currently manning the office and didn’t return a call regarding purchasing flags. Commissioner Burton ended up ordering the new flags through Amazon using the Port’s Visa card. He opted for a made in America brand.

Commissioner Burton explained that the prices of other local sani-can services are comparable to what the Port is currently paying Honey Bucket, so it wouldn’t be of any benefit to change the service.

Commissioner Burton reported that he noticed a new family of seals on the dock this morning.

Surveillance cameras – tabled.

NEW BUSINESS

Kitsap All Ports Meeting minutes were attached to the Agenda Packet for the Commissioners to read at their leisure.

PUBLIC COMMENT – Jon Buesch explained that he was having router problems or he would have been at the meeting sooner. Roy Barton was attending the meeting from Eastern Washington. Commissioner Burton provided a recap of the Mr. Piccone’s discussion about the

Waterfront Improvement Project and the Illahee Store Project. Mr. Buesch questioned if the County would have an objection to the Port performing a “maintenance” project on the Store property, since it hasn’t been in business for many years. It was explained that Mr. Piccone is going to contact the County to find out the specifics related to a maintenance project. It was agreed this would be a good way to move forward with regard to the Store project. Mr. Buesch said that he read in last month’s minutes that there was concern about parked cars blocking the view where windows may be installed on the east side of the building. He said that the windows will be much higher than the vehicles and shouldn’t infringe on the view. He doesn’t think that is going to be an issue and with that view windows on the east side of the building are a must.

EXECUTIVE SESSION – None.

ADJOURN

At 7:49PM the meeting adjourned (motion Bartz; second Burton; unanimous).

Approved:

Commissioner

Commissioner

Commissioner

June 14, 2022

To: Joe Rutan
Public Works Asst. Director/Co. Engineer,
614 Division Street MS 26,
Port Orchard, WA 98366

From: John Piccone, P.E.
Soundwest Engineering Associates
jpiccone@soundwesteng.com
(360) 337-0029

Subject: Port of Illahee Technical Deviation Request - Substantial Shoreline Development Permit #21-04129

The Port of Illahee requests technical deviations to (1) frontage improvement requirements and (2) minimum 35' turning radius as specified by Kitsap County review of the Substantial Shoreline Development Permit #21-04129.

The Port, the Port Engineer, and Public Works staff met at the site on June 2, 2022, to discuss the need for these technical deviations. The following summarizes the discussion at this meeting regarding the need for deviations.

Frontage Improvements, consisting of 12-foot travel lane, 5-foot bike lane and 6-foot sidewalk are not feasible due to topography constraints, existing utility constraints, and available ROW (see design concept drawings attached).

As shown in the attached plan view drawing, there is insufficient ROW on Illahee road adjacent to the project (as well as for a considerable distance in either direction) to incorporate a 12' travel lane, 5' bike lane, and 5' - 6' sidewalk. It is the Port's understanding that the County has studied this area in the past for potential non-motorized improvements and found such improvements to be infeasible. Likewise, there is insufficient ROW to incorporate 35' approach radii.

Right of way acquisition would be necessary to construct frontage improvements and 35' approach radii. Furthermore, relocation of all existing above ground utilities (power and communication) between the existing EOP and ROW would need to be relocated and retaining walls from 3 to 6 feet in height constructed along the ROW line. This would obviously be the case with any future continuation of the frontage improvements in either direction along Illahee road for a considerable distance adjacent to the numerous residential properties.

Moreover, even if ROW acquisition and other improvements occurred in an effort to make frontage improvements feasible, considerable grading issues beyond the ROW line could not be resolved. For the Port of Illahee approach such frontage improvements would need to meet 2% cross slope standards which would result in much steeper approach profile grades immediately beyond the ROW. The attached profile demonstrates that the approach road profile would increase from an existing 19% to 25%. 19% is already

much steeper than desirable and a 25% grade would not be acceptable or safe. Due to the nearby shoreline there is no feasible way to realign the access road to solve the increased profile issue. This profile grade issue immediately beyond ROW would also obviously exist for the numerous private driveways up and down Illahee road near the project site.

The Port of Illahee requests the requirement for 12' traveled lane, bike path, and sidewalk frontage improvements be lifted. Additionally, the Port requests the minimum approach radii requirement be reduced from 35' to 25'.

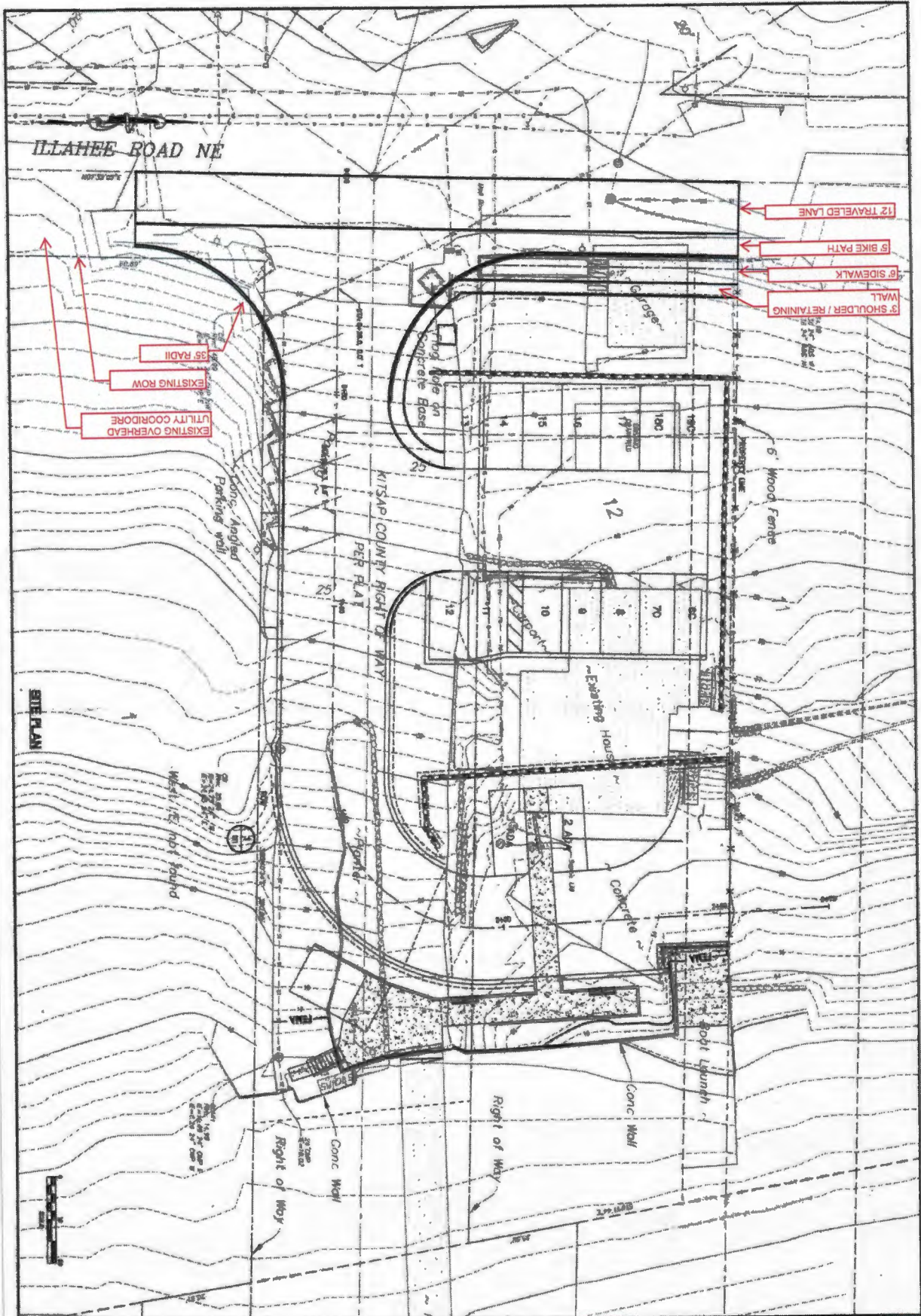
Thank you for your consideration,

John Piccone

John Piccone, P.E.
Port Engineer

Jim Aho

Jim Aho
Port Commissioner



ILLAHEE ROAD NE

- 12' TRAVELED LANE
- 5' BIKE PATH
- 6' SIDEWALK
- 3' SHOULDER / RETAINING WALL

- 35' RADIUS
- EXISTING ROW
- EXISTING OVERHEAD UTILITY CORRIDOR

SITE PLAN

<p>PORT OF ILLAHEE PUBLIC PIER & DOCK REHABILITATION</p>	<p>PARKING LOT AND ROW IMPROVEMENTS</p>	<p>60% PRELIMINARY DESIGN NOT FOR CONSTRUCTION</p>	<p>SOUNDWEST ENGINEERING ASSOCIATION 4214 PACIFIC AVENUE, NW SEASIDE, OR 97138 TEL: 503-738-8800 WWW.SOUNDWEST.COM</p>
<p>DATE: 01/15/2011 DRAWN BY: J. SMITH CHECKED BY: J. SMITH SCALE: AS SHOWN</p>	<p>PROJECT: PORT OF ILLAHEE SHEET: 01</p>		



Theresa Haaland <portofillahee@gmail.com>

Fwd: NWS-2021-861-Illahee, Port of (Floats) - Suquamish Objection

Jim Aho <illaheeporthree@gmail.com>
To: Theresa Haaland <portofillahee@gmail.com>

Tue, Jun 14, 2022 at 9:45 PM

fyi

----- Forwarded message -----

From: **John Piccone** <jpiccone@soundwesteng.com>
Date: Fri, Jun 10, 2022 at 11:49 AM
Subject: RE: NWS-2021-861-Illahee, Port of (Floats) - Suquamish Objection
To: Krenz, Daniel A CIV USARMY CENWS (USA) <Daniel.A.Krenz@usace.army.mil>, illaheeporthree@gmail.com <illaheeporthree@gmail.com>
Cc: Kathlene Barnhart <kbarnhart@suquamish.nsn.us>

Hi Daniel!

Please find attached the Port of Illahee's preliminary response regarding the Suquamish Tribe objection for this project. Note that we are requesting a time extension so that we may meet with the Tribe to better understand the concern, and to that end I have copied Kathlene Barnhart on this email.

Kathlene – Jim Aho and I would like to work with you to schedule an informal meeting at a mutually convenient time to discuss this objection. Please advise us if the Tribe is willing to do this, and if so please provide a few available dates and we'll make one of them work on our end. We are happy to come up to your office if that's more convenient for the Tribe.

Kind Regards,

John Piccone, P.E.

SOUNDWEST

ENGINEERING ASSOCIATES

Cell: 360.337.0029

jpiccone@soundwesteng.com

From: Krenz, Daniel A CIV USARMY CENWS (USA)
Sent: Friday, May 13, 2022 3:04 PM
To: jpiccone@soundwesteng.com; illaheeporthree@gmail.com
Subject: NWS-2021-861-Illahee, Port of (Floats) - Suquamish Objection

As part of the application review process, we notify Native American tribes about proposed projects that may impact their treaty rights. The Suquamish Tribe, objected to the issuance of a Department of the Army permit for your proposed

Port of Illahee

TRANSMITTED VIA EMAIL

June 10, 2022

Daniel Krenz, Section Chief
Regulatory Branch
U.S. Army Corps of Engineers
PO BOX 3755
Seattle, WA 98124

RE; NWS-2021-861, Suquamish Tribe objection to Port of Illahee public pier & float rehabilitation.

Dear Mr. Krenz:

With regard to the Suquamish Tribe objection to the Port of Illahee public pier & float rehabilitation (project), the Port of Illahee (Port) is requesting an extension of 45 days to prepare a formal response to the May 13, 2022 Suquamish Tribe (Tribe) objection.

The Port recognizes and respects the Tribe's treaty rights; however, it is not clear to the Port based on the May 13 objection how the proposed project would cause "more than a *de minimis* impact" to Tribal fisherman. The Port would appreciate the time necessary to meet with the Tribe to better understand the specific nature of the potential impact prior to submitting a formal response for consideration by the USACE in your determination process.

The Tribe's objection states that the proposed PFR will increase overwater coverage however, as outlined in the project BE, overwater coverage is actually reduced as a result of the project. Additionally, the Tribe's objection states that the physical structure will create in-water navigational and physical obstacles forcing Tribal fisherman to avoid the area. The Port is confused by this general

statement because the historic Illahee pier is not being extended and the new floats are in roughly the same footprint as the existing floats being removed. Furthermore, the project proposes to clean up and remove numerous manmade derelict materials which are currently submerged waterward of the end of the pier and pose an existing obstacle to many fishing activities not to mention the potential ongoing environmental impact to the waterbody and aquatic life.

The Port of Illahee has an established history of supporting and protecting the ecology of Port Orchard Bay, and by extension the viability of the fishery. The Port views the proposed project as a benefit to the shoreline ecology and therefore, respectfully, is confused by the Tribe's objection. Likewise, the Port is entirely unclear as to how the proposed project will impede access to Tribal fishing activities. For these reasons the Port wishes to meet with the Tribe with the hope of better understanding the specific nature of the basis for objection.

The Port will make every effort to schedule a mutually convenient time for such a meeting within the next 30 days and keep the USACE apprised of any progress in this regard. Please advise if this 45-day time extension will be acceptable to the USACE?

Sincerely,

John Piccone

John Piccone, P.E.

Port's Project Manager

Jim Aho

Jim Aho

Port Commissioner

June 21, 2022

Port of Illahee
Jim Aho, Port Commissioner
C/O Theresa Haaland, Port Administrator
P.O. Box 2357
Bremerton, WA 98310

RE: **Engagement Letter**

Dear Jim and Theresa,

We are pleased to issue this Engagement Letter to the Port of Illahee (the "Port"). Unless the Port instructs us differently, it will govern the relationship between our firm and the Port for all legal services we provide to the Port.

This Engagement Letter explains the terms and conditions of our agreement to provide legal services, our client service practices, and our billing procedures. These terms, practices, and procedures will apply to the Port's account unless the Port has reached a different written understanding with us. If the Port agrees to our practices and procedures, there is no need to sign or return this letter. We will assume that this letter meets with the Port's approval unless we hear otherwise.

PERSONNEL

I will be assigned primary responsibility for ensuring that the Port's legal needs are met. Additional attorneys may assist or replace others in rendering appropriate legal services. We attempt to assign attorneys and other personnel on the basis of their experience and expertise, the nature and scope of the issues, and the time constraints imposed by the matter. For example, we will have a young attorney or a paralegal assist on a case where that assistance will provide a savings to our clients. This way, we can provide the most efficient and cost-effective service.

SCOPE OF REPRESENTATION

Chmelik Sitkin & Davis P.S. represents the Port of Illahee as directed by the commission or staff. We do not represent any individual commissioners or employees. If we provide an opinion on the potential outcome of the Port's legal issue, it is an expression of our best professional judgment, not a guarantee. In the course of our representation of the Port, we will be applying the law in effect at the time our services are rendered. Those laws may change after we have completed a particular project for the Port. The current legal matter for which you have engaged Chmelik Sitkin & Davis P.S. is with regard to the Waterfront and Pier Renovation Project. Please note that our policy is to retain client documents for a period of seven years after completion of services on a matter.

CONFIDENTIALITY

The Rules of Professional Conduct, which govern all attorneys in the state of Washington, mandate that we keep confidential all aspects of our representation of the Port. This obligation continues even after we conclude our representation and the attorney/client relationship ends.

It is important to understand that any information communicated to us by the Commission is confidential unless the Commission instructs us otherwise. However, any communications from an individual commissioner is not privileged from disclosure to the other two commissioners. Therefore, if we have a communication with one commissioner we will, if asked, share that communication with the other commissioners.

BASIS FOR LEGAL FEES

Legal services rendered by our firm are generally charged at an hourly rate. Each attorney and paralegal is assigned billing rates for various stages and types of matters and records his or her time for each. From time to time, we utilize legal assistants to perform paralegal work and avoid unnecessary attorney's fees. This is billed under a designated "PAR" code. Because hourly rates vary among attorneys and paralegals, each statement will reflect the hours worked on the Port's matters. Those rates are reviewed periodically and may be changed without notice based upon determinations of the value of the services performed by each attorney and paralegal. All time is accounted for in increments of 1/10 of an hour. Like all our port clients we cap our attorneys' fees at \$300 per hour. For those attorneys with rates above \$300 per hour the rate is capped. For attorneys with hourly rates less than \$300 per hour the regular rate applies.

COSTS

It is our policy to serve the Port through the most effective support systems available, while at the same time allocating the cost of such systems to those clients who make the greatest use of them. Therefore, in addition to fees for legal services, we bill for duplication, court filing fees, deposition or transcript fees, consultants or expert witnesses, messengers, postage, travel expenses, and other out-of-pocket costs incurred on behalf of the Port of Illahee. We offer DocuSign as an option for executing contracts and other legal documents which do not require notarized signatures; if DocuSign is used, we charge a flat rate of \$100 per signer in order to defray our out of pocket subscription costs.

Although all such expenses are the Port's responsibility, Chmelik Sitkin & Davis P.S. will generally, for administrative ease, advance payment to these third parties. We may forward invoices to the Port for direct payment when the amounts are large.

It is our policy, when possible, to advise the Port in advance of any large or non-routine expenses which may be incurred on the Port's behalf.

RETAINER

We do not require a retainer from our port clients.

INVOICES AND PAYMENTS

We have the ability to create any number of separate invoices. Each invoice can reflect a control number assigned by the client. Typically, we create a separate invoice for each matter. This allows the commission to allocate legal costs against the appropriate project or account. In addition, we typically maintain a "general" file for those one-time questions or short matters that really do not justify a separate invoice.

Please contact us if the Port needs us to code our invoices in any particular fashion. We want to make sure that our invoices are presented in a format that is most usable to the Port.

Chmelik Sitkin & Davis P.S. typically bills on a monthly basis, and payment is due upon receipt of the invoice. We reserve the right to add a late payment charge of 12% per annum to account balances not paid within sixty days of the invoice date.

If the Port ever has any questions or concerns about an invoice, please call us. We are anxious to discuss any client billing concerns. The Port will not be billed for any time spent discussing these matters.

CONFLICTS OF INTEREST

In some instances a conflict of interest may develop between two clients. In such a case we do not represent either client on that matter unless both clients consent in writing to our representation. Frankly, conflicts are rare in our representation of ports.

TERMINATION OF ATTORNEY/CLIENT RELATIONSHIP

We serve at the pleasure of the Commission of the Port of Illahee. The Port can terminate our representation at any time without any notice period and for any reason or no reason. In such an event we will fully cooperate in concluding our representation and transitioning any ongoing matters to another attorney.

We retain the right to cease performing legal services and to terminate our legal representation of the Port of Illahee at any time upon written notice to the Port. The reasons for withdrawal are sometimes mandated by ethical rules including, among other reasons, unanticipated conflicts of interest, non-payment of legal fees and expenses, failure to disclose material facts, or actions contrary to our advice. If we find it necessary to withdraw from representation, we will give the Port prompt written notice and assist in the orderly transition of the Port's legal representation to other counsel that the Port select.

QUESTIONS

One of our goals is to ensure that legal services are delivered effectively and efficiently, and that all invoices are accurate and understandable. Please direct any questions about services or billing practices to the attorney responsible for the Port's account. We encourage the Port to discuss any

questions the Port may have with one of our attorneys at the inception of any matter and whenever the Port has questions during the course of that engagement.

CONCLUSION

We understand that we are in a customer service profession and that the Port of Illahee has selected this firm for important matters. We pride ourselves on developing a solid working relationship with our clients; therefore, we solicit the Port's input, good or bad. We encourage the Port to tell us about any concerns the Port has now or at any time in the future. Again, thank you for selecting our firm.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.



Tim D. Schermetzler

TDS/hmh
Encls.

C:\Users\Reception\Box\CSO Drive\Cases\Port Districts\PORT OF ILLAHEE\Engagement Letter.docx

CLIENT PRIVACY POLICY NOTICE

Attorneys, like other professionals who advise on personal financial matters, are required by federal law to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this new law. Following these professional standards, Chmelik Sitkin & Davis P.S. has always protected your right to privacy.

In the course of providing our clients with certain legal advice and services, we may receive significant personal financial information from our clients. All information that we receive from you is held in confidence and is not released to people outside the firm, except as agreed to by you or as required under applicable law.

Chmelik Sitkin & Davis P.S. retains records relating to professional services that it provides so that it is better able to assist you with your professional needs and in some cases to comply with professional guidelines. In order to guard your nonpublic personal information, we maintain physical, electronic, and procedural safeguards that comply with our professional standards.

If you have any questions, please feel free to call your attorney at (360) 671-1796. Your privacy and our professional responsibility are always top priorities at Chmelik Sitkin & Davis P.S.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.


Frank J. Chmelik

**CHMELIK SITKIN & DAVIS P.S.
 HOURLY RATES FOR ATTORNEYS & PARALEGALS
 MUNICIPAL RATE**

ATTORNEY	INITIALS	RATE
FRANK J. CHMELIK	FJC	\$300
JONATHAN K. SITKIN	JKS	\$300
RICHARD A. DAVIS	RAD	\$300
PETER M. RUFFATTO	PMR	\$300
KATHERINE D. DEETS	KDD	\$300
SETH A. WOOLSON	SAW	\$300
HOLLY M. STAFFORD	HMS	\$300
T. TODD EGLAND	TTE	\$300
MATTHEW T. PAXTON	MTP	\$300
TIMOTHY D. SCHERMETZLER	TDS	\$300
ALLISON BEARD	AB	\$260
AARON T. HAYNES	ATH	\$260
LILY K. HUBBARD	LKH	\$250
SARA B. FRASE	SBF	\$240
TREVOR J. SHEARER	TJS	\$230

PARALEGALS	INITIALS	RATE
SARA S. SWEETIN	SRS	\$180
KIM A. BARNHILL	KAB	\$180
PARALEGAL	PAR	\$180



Theresa Haaland <portofillahee@gmail.com>

Rental on Oceanview

Mike and Barbara <zbanjo@msn.com>
To: portofillahee@gmail.com

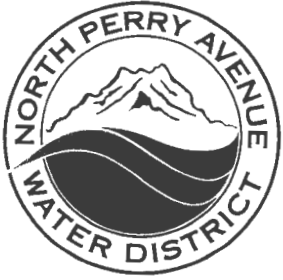
Mon, Jun 20, 2022 at 11:30 AM

llahee port,

I am concerned with the sight distance with the shrubs along OceanView and Madrona. Whoever maintains the height needs to cut them back and down. It's compromising the sight for cars coming up the hill. This is dangerous to pull out on to OceanView. I am sending this to you and the other responsible port people. Please have someone cut down before an accident happens.

Thank you

Barbara



2921 PERRY AVENUE • BREMERTON, WA 98310

360.373.9508 • FAX 360.377.6223

June 6, 2022

Port of Illahee
PO Box 2357
Bremerton, WA 98310

RE: 5507 Illahee Rd NE/11343.0

Dear Customer,

During a recent audit of accounts, it was discovered that North Perry Avenue Water District has had the above referenced account in a dormant status.

While the district had a long-term practice of allowing dormant accounts, the district no longer allows them as of March 4, 2015. See attached resolution. Beginning with the August 2022 billing, this account will be charged the Basic Rate of \$51.64 plus the \$4.00 street light charge in addition to any consumption.

We would like to apologize for this error. If you have any questions, please reach out to our office at the number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Tonder".

Peter Tonder
Office Manager
(360) 373-9508
p.tonder@northperrywd.org

**NORTH PERRY AVENUE WATER DISTRICT
KITSAP COUNTY, WASHINGTON**

RESOLUTION NO. 679

A RESOLUTION of the Board of Commissioners of North Perry Avenue Water District, Kitsap County, Washington eliminating the "snowbird account", otherwise known as the practice of allowing customers to turn their meters off during vacation or absence.

WHEREAS, the Board of Commissioners of the North Perry Avenue Water District (the District) acknowledges the District's long term practice of allowing customers to request a dormant account wherein the meter would be turned off during prolonged absence and turned on again upon their return, and

WHEREAS, the District would pro-rate monthly billings for such accounts including a pro-rated basic rate, and

WHEREAS, the District has reviewed such practices and determined it is no longer in the best interests of the District or its customers to allow dormant accounts (other than for military duty),

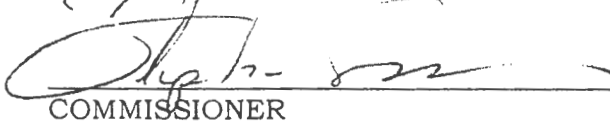
NOW, THEREFORE, the Board of Commissioners of the North Perry Avenue Water District hereby resolves as follows:

Beginning March 1, 2015, the District will no longer allow customers to request a temporary dormancy to their account, or request a temporary shut off of their meter due to absence (other than military duty) or vacation. During such temporary absences or vacations where no water is being used at the service address such customers will be charged the Basic Rate.


ADOPTED this 4th day of March, 2015



CHAIRMAN - COMMISSIONER



COMMISSIONER



COMMISSIONER