

**WEST SOUND UTILITY DISTRICT  
RESOLUTION 389-12**

**A RESOLUTION OF THE  
WEST SOUND UTILITY DISTRICT BOARD OF COMMISSIONERS  
APPROVING A REVISED INTERLOCAL AGREEMENT FOR THE  
MANAGEMENT OF THE WASTEWATER TREATMENT FACILITY**

**WHEREAS**, through the adoption of Resolution 385-12, the West Sound Utility District Board of Commissioners approved execution of an interlocal agreement with the City of Port Orchard for the management and operation of the wastewater treatment facility; and

**WHEREAS**, prior to the signing of the agreement by the City of Port Orchard, the City requested for modifications to the interlocal agreement; NOW, THEREFORE,

**THE BOARD OF COMMISSIONERS OF WEST SOUND UTILITY DISTRICT  
HEREBY RESOLVES:**

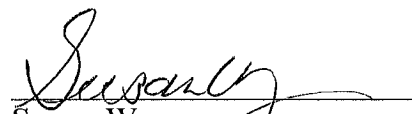
Section 1. The interlocal agreement approved by the Board through the adoption of Resolution 385-12 is repealed.

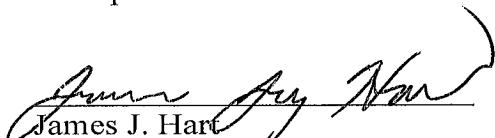
Section 2. The attached interlocal agreement (Attachment "A") by and between the District and City for the management of the wastewater treatment facilities is approved.

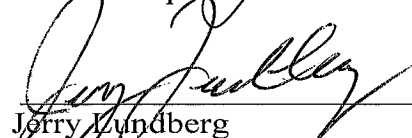
**APPROVED and ADOPTED by the Board of Commissioners of West Sound  
Utility District** at a regular scheduled meeting on August 20, 2012.

WEST SOUND UTILITY DISTRICT  
Kitsap County, Washington

  
Jeannie Screws  
Chairperson

  
Susan Way  
Vice Chairperson

  
James J. Hart  
Secretary

  
Jerry Lundberg  
Commissioner

**WEST SOUND UTILITY DISTRICT AND CITY OF PORT ORCHARD  
FOR WASTEWATER FACILITIES MANAGEMENT**

This Amendment to the Wastewater Facilities Management Agreement is made and entered into on this 14<sup>th</sup> day of August, 2012, by and between West Sound Utility District (hereinafter referred to as "District") and the City of Port Orchard (hereinafter referred to as "City").

**WHEREAS**, the District and the City entered into an interlocal agreement on January 31, 1983, for the management and operation of the South Kitsap Water Reclamation Facility (hereinafter referred to as "Facility"); and

**WHEREAS**, under the provisions of the 1983 Agreement, the "contract shall be for at least a term of 35 years from August 1, 1977, or such longer period as any Joint Facilities Bonds are outstanding or the payment thereof is not fully provided for, secured and funded, and shall continue thereafter until terminated by the agreement of all participants"; and

**WHEREAS**, the City secured two Public Works Trust Fund (PWTF) loans on March 28, 2002, and June 20, 2004 to fund capital improvements to the Facility with final payment on this debt obligation due on July 1, 2022 and July 1, 2024, respectively; and

**WHEREAS**, there is mutual desire and interest of the District and City to extend the term of the 1983 Agreement for an additional seventeen (17) months in order to provide the District and City the opportunity to evaluate the current operation and organizational structure; NOW, THEREFORE,

**THE CITY AND DISTRICT, THROUGH THEIR RESPECTIVE LEGISLATIVE BODIES, HEREBY AGREE AS FOLLOWS:**

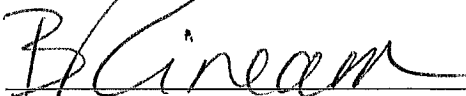
1. Term of Contract. The term of the Interlocal Agreement entered into on January 31, 1983, by and between the City and District for the management and operation of the Facility shall be extended until December 31, 2013. All other terms and provisions of the 1983 Agreement shall remain in effect and are incorporated by reference as if fully set forth herein.

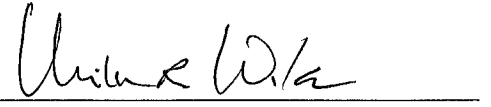
**CITY FOR PORT ORCHARD**

**WEST SOUND UTILITY DISTRICT**

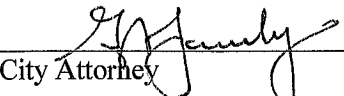
  
TIMOTHY C. MATTHES, Mayor


  
JEANNIE SCREWS, Chair

  
ATTEST:  
BRANDY RINEARSON, City Clerk

  
MICHAEL R. WILSON, General Manager

Approved as to Form:

  
City Attorney

  
District's Attorney