

H2
6/28/22

An ordinance extending the duration of the franchise held by WASHINGTON WATER SERVICE COMPANY, for use of county roads in the Sunshine Acres area.

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

Incorporation of testimony and record.

The Board adopts and incorporates herein the recommendations of staff, and any public testimony and documents received at the public hearing.

Incorporation of specific findings made at hearing.

1. The Board of Clallam County Commissioners desires to adopt an extension to the franchise granted by Clallam County (the "County") and held by Washington Water Service Company, (WWSC) concerning use of County right-of-way in Sunshine Acres Division 1-7, 3rd Plat of Sunshine Acres, and Sunshine Acres Industrial Park, except Diamond Point Road, Road No. 58250 is limited from milepost 0.50 to milepost 2.77. The geographic location is in Sections 15, 16, 21, 22, 28, 29, 32, and 33, Township 30 North, Range 2 West, W.M.
2. WWSC holds a Franchise granted by the County on June 11, 2002 under Ordinance no. 723 for use of county property for location of waterline facilities; and
3. The current term of the Franchises runs June 21, 2022; and
4. The County, and WWSC each desire to enter into an amendment extending the term of the Franchises as set forth herein to investigate future modifications to the Franchise agreement.
5. County law provides that the Franchise may be amended by Ordinance, and the parties have mutually agreed to extend the duration of the Franchise;

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS: The following

Section .010 Purpose.

The County has determined to extend the term of the Franchise granted by Ordinance 723 for an additional period of five (5) years.

1. Accordingly, the portion of Section 4.1 of the Franchise granted by Ordinance 723, which states: "TERM: The term of this franchise shall be for a period of five (5) years, beginning on the effective date of this franchise, unless terminated, revoked or modified under the provisions of this franchise. This franchise shall be automatically renewed for additional five (5) year terms up to a total of twenty (20) years from the effective date of this franchise, Unless not less than sixty (60) days prior to the termination of the current term or extension, the County gives notice of its intention to renegotiate the terms or conditions of the franchise, in which case, the franchise shall not renew unless and until the County and the Grantee reach agreement on terms and conditions acceptable to both parties. If the County and the Grantee are unable to reach agreement on new terms and conditions, the franchise shall terminate and the Grantee shall remove its facilities from the County rights-of-way unless otherwise allowed under Sec. 17." is hereby deleted in its entirety and is replaced with the following:

“TERM: The Franchise granted by this ordinance shall continue in full force and effect for a period of five (5) years beginning on the effective date of this franchise.”

2. Accordingly that portion of Section 32 of the Franchise granted by Ordinance 724, which identifies Contact, Mailing Address, Billing Address, and phone and fax for the Grantee and for the County is hereby deleted, and is replaced with the following:

FOR GRANTEE:

Contact Name: Matthew Brown

Mailing Address Washington Water Service Co.
PO Box 336

Gig Harbor, WA 98335

Phone (253) 851-4060

Fax (253) 857-4001

FOR THE COUNTY:

Clallam Co. Franchise Department-BOCC

Mailing Address 223 East 4th St., Ste. 4
Port Angeles, WA 98362

Phone (360) 417-2233

Section .020 General applicability.

1. Except as expressly modified by this Ordinance, all terms, conditions and provisions of the Franchise shall continue in full force and effect as set forth therein.
2. If any provision of this Ordinance is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable. This Ordinance shall be construed and enforced as if such illegal or otherwise unenforceable provision had never comprised a part hereof. The remaining provisions of this Ordinance shall remain in full force and effect and shall not be affected. Furthermore, in lieu of such illegal, invalid or unenforceable provision there shall be added automatically as part of this Ordinance a legal, valid and enforceable provision as similar in terms and intent to such illegal, invalid or unenforceable provision as may be legally possible.
3. The Franchise and assignments thereof was made, passed and adopted in accordance with all applicable notice and procedure requirements under all laws applicable to the County, and with all applicable notice and procedure requirements, and do not conflict with the laws of the State of Washington or the laws, ordinances, resolutions and other regulations of the County, as presently in effect or as the same were in effect at the time the particular action was taken.

4. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

ADOPTED this 28 day of June 2022

BOARD OF CLALLAM COUNTY COMMISSIONERS



Mark Ozias, Chair

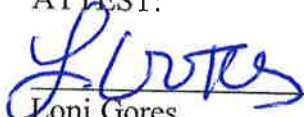


Randy Johnson



Bill Peach


ATTEST:



Loni Gores,
CMC, Clerk of the Board



Approved as to Form



Bert D. Boughton
Deputy Prosecuting Attorney

Washington Water Service Company



Matthew Brown
General Manager