



**Port of Port Townsend
2nd Monthly Meeting Agenda
Wednesday, May 26, 2021, 5:30 p.m.**

Via <https://zoom.us/> – or call (253) 215-8782 – and use Webinar ID: 862 6904 3651, Password: 911887
This meeting will only be accessible remotely, as per Governor's Proclamation 20-28.

Agenda

	<u>Pages</u>
I. Call to Order / Pledge of Allegiance	
II. Approval of Agenda	
III. Public Comments	
IV. Consent Agenda	
A. Approval of Workshop and Business Meeting Minutes from May 12, 2021	1-7
B. Approval & Ratification of Warrants	8-18
V. Special Presentation: Work Anniversaries for Sean Smith (15 years) & Chuck Fauls (5 years).....	19
VI. Second Reading ~ none	
VII. First Reading ~ none	
VIII. Regular Business	
A. IDD Levy Quarter 1, 2021 Financial Report.....	20-22
B. Capital Projects Quarterly Update	23-47
C. Resolution Delegating Administrative Powers and Duties regarding NDAs.....	48-63
D. 2021-2022 Seasonal Yard Rate Discount	64-67
IX. Staff Comments	
X. Commissioner Comments	
XI. Next Regular Business Meeting: Wednesday, June 9, 2021 Workshop at 9:30 a.m. & Meeting at 1:00 p.m., via Zoom	
XII. Executive Session – none as of 5/21/2021	
XIII. Adjournment	
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PORT COMMISSION PUBLIC WORKSHOP – May 12, 2021

The Port of Port Townsend Commission met for a Public Workshop online via Zoom

Present: Commissioners Petranek & Putney
Executive Director Berg
Deputy Director Toews
Port Engineer Love
Recorder Erickson

I. CALL TO ORDER:

Commissioner Petranek opened the Workshop to order at 9:32 a.m.

II. AGENDA:

- “Salmon in the Salish Sea and Beyond” presentation:
 - Jacques White, Long Live the Kings
 - Joseph Bogaard, Save Our Wild Salmon Coalition
- Quilcene Planning

III. ADJOURNMENT:

The Workshop adjourned at 11:29 a.m.

ATTEST:

Pamela A. Petranek, Vice President

William W. Putney III, Secretary

Peter W. Hanke, President

PORT COMMISSION REGULAR BUSINESS MEETING – Wednesday, May 12, 2021

The Port of Port Townsend Commission met for a regular business session via Zoom online.

Present via Zoom online video: Commissioners Petranek and Putney
Executive Director Berg
Port Engineer Love
Port Recorder Erickson
Port Attorney Woolson

I. CALL TO ORDER (00:00:05): Commissioner Petranek called the meeting to order at 1:00 p.m.

II. APPROVAL OF AGENDA (00:00:42)

Commissioner Putney moved to accept the Agenda as presented; Commissioner Petranek seconded the motion, and the motion carried unanimously.

III. PUBLIC COMMENTS (00:00:53)

Comment sent in via email, and read aloud for the record:

Diana Talley said farewell email to Dan Wiggins of Craftsmen United, Inc.

Received too late to read aloud, but included here as public comment:

Lois Venarchick commented on the Landfall site and asked that any new building that is built in conjunction with the Maritime Center include parking.

IV. CONSENT AGENDA (00:04:02)

A. Approval of Public Meeting Minutes from April 28, 2021.

B. Approval & Ratification of Warrants

Warrant #063706 through #063714 in the amount of \$37,470.62 and Electronic Payment in the amount of \$157,199.52 for Payroll & Benefits.

Electronic Debit in the amount of \$11,012.00 for Combined Excise Tax return.

Warrants #063715 through #063764 in the amount of \$75,972.56 for Accounts Payable.

Commissioner Putney moved to accept the Consent Agenda as presented; Commissioner Petranek seconded. Commissioner Patranek clarified two warrants and asked that Mott McDonald Jetty design updates be included with Point Hudson Jetty updates in the future.

Vote was taken and the motion carried unanimously.

V. SECOND READING (00:08:05)

A. Organizational Chart update with additional custodian

Port Engineer Love reminded Commission of the discussion from the last meeting about what the Maintenance Department has been working on and the need they have for current restrooms and custodial work. He said that this discussion is about opening more restrooms to the public, which requires adding a custodian to the Maintenance Department to continue the high-quality service to all Port restrooms.

Commissioner Petranek commented that Maintenance Manager Sparks had put together a stellar maintenance team and she thought it was a good move for them to have more support, since maintaining Port assets is a high priority.

Commissioner Putney asked what the current utilization of the custodial staff was. Port Engineer Love said 70 staff hours is spent cleaning per week, using one full-time custodian and a part-time custodian/part-time maintenance tech; if needed, they can pull from maintenance for more cleaning. This new fulltime custodian would give Maintenance the flexibility to get the bigger maintenance projects completed.

Commissioner Putney said he knew in spring the grass grows more and the Port is busier, but didn't want to lay a person off when things slow down. He thought it would be better to

back-fill with a temporary position, unless there is a predictable, consistent level of custodial work.

Executive Director Berg said post COVID staffing for restrooms will remain because tenants and visitors like the higher level of cleanliness. As to mowing, he said he'd like to have a seasonal team that would come on in spring and ride the mowers – a great summer job for a high-school or college grad. This would free up the skilled workers to work on the long list of maintenance projects. Port Engineer Love agreed and said he and Maintenance Manager Sparks had carefully studied the situation for longevity of this position before asking to add it.

Commissioner Petranek moved to approve a new hire in the position of custodian and to update of the Organizational Chart to include this new position. Commissioner Putney seconded, and motion carried.

VI. FIRST READING (00:19:32): none

VII. REGULAR BUSINESS (00:19:38)

A. Marketing & Communications Update by Scott Wilson (no materials – presentation only)

Scott Wilson reviewed the work he's been doing for the Port to increase business:

- Getting more deeply into social media: shifting \$5,000 from print to social media & search-engine marketing, targeting ads to launch in August and aimed at skippers of larger vessels with haul-out plans at end of season.
- Guest moorage outreach – particularly at Pt. Hudson, with ads in the PT Leader visitor guide that saturates Jefferson County shops and hotels year-round.
- Outreach to commercial fishing fleet in partnership with PTMTA members: Full-page ads in the 3 biggest commercial publications; ads grouped together promoting the strengths of the Port (haul-out facility, boatyard, place for DIY) as well as marine trades tenants, with cost split between Port and trades.
- Quarterly Port Report – 8-page tabloid newsletter about what's going on at the Port aimed at our constituents in Jefferson County. The next addition is being put together in cooperation with moorage tenants and focuses on wooden boats in Port Townsend. It will be a larger edition (12 pages) out in time for the Wooden Boat Festival.
- Ads planned in annual cruising and tide guides – promotes the entire port.

Commission Petranek thanked Mr. Wilson for working with tenants on these ads and said she was thrilled with the work.

Commissioner Putney asked about the visitor's guide distribution (outside of the ferries, it is only distributed in county). Executive Director Berg said the backstock on these would be good to use in the welcome bags the Port is planning to give to Point Hudson visitors.

Commissioner Petranek asked how many returning customers the Port has in the yard or guest moorage. Executive Director Berg said that at this point he didn't know but hoped the Port could harvest this useful information from Molo in the future. He said there was a plan to hand out packs to visitors with new web addresses on them that point directly to the Port's Point Hudson webpage; then count the hits on these new pages would show how much traffic is coming from these ads. Mr. Wilson said if the Port wants to know where ads work, it would be good to ask each visitor to the Port where they heard of us.

B. NW Maritime Center Lease Term Sheet & proposal (00:42:00)

Executive Director Berg introduced the draft term sheet for a long-term lease by saying that this has been a long-time conversation about what to do with the Landfall site and specifically how it could be used by the Northwest Maritime Center (NWMC). Because of a congressional request and the need for additional space, NWMC approached the Port about a long-term lease, because the site is one of only a few possible locations within WiFi and walkable distance

from the NWMC building across the street. For the Port, that space has been functioning as 18 public parking spots on a seasonal basis and hasn't brought in much money. Mr. Berg said that he felt it was time to move forward with existing tenant use, and who better than a neighbor and co-collaborator whose mission is similar to that of the Port? As for parking, he stated that 18 spaces will impact existing Port tenants and downtown businesses; however, the Port is not a regulator of parking--that would be a bigger conversation between businesses and the City about requiring parking for future developments.

Jake Beatty of the NWMC briefed the commission on how they would use the site, saying that before the pandemic, NWMC classrooms were overflowing. Although he knows it is an odd time to ask for more space, he is thinking about a strong demand in the future for more of the hands-on, in-person education they offer after the restraints of the pandemic are past. Mr. Beatty hoped the economic impact for educational tourism would strengthen the maritime character of this community--the building is designed for net neutral energy and flexible use--and until the building is built, they could use the area for more outside classroom space.

Commissioner Putney thought NWMC rental of the Landfall site was excellent use of that area over a parking lot because it fits right in with the shoreline master plan. He assumed that Executive Port Staff had worked with Mr. Beatty on these terms and asked if the terms worked for NWMC. Mr. Beatty replied that the rent cost was defensible, and it would help to bundle the cost of the building in with other fund-raising requests.

Commissioner Petranek clarified that the building was designed to primarily support the offerings of the PTMA (Port Townsend Maritime Academy) which is made up of high school students, as well as a broad range of other uses. Mr. Beatty confirmed that the idea behind the building design was to make it universally useful for the long-term. She then asked whether the Mr. Beatty had thought about renting other space within the Port, and he replied that in the future they may need more space, but for now, this is what works best for NWMC.

Commissioner Putney said that he saw the building as a showcase building that would draw visitors to both the NWMC and the Port.

Commissioner Petranek asked about the mobile training unit mentioned in the NWMC strategic plan, which would serve the south county high school students. Mr. Beatty said that the classrooms here in Port Townsend would serve as the central campus for hands-on classes, with introductory classes available at satellite programs in local high schools.

Commissioner Petranek asked whether the use of the building could be tied to what funders want. Mr. Beatty replied that the rule of thumb for foundation support or federal money is if the building they're funding is not owned, the investment would be tied to a long-term lease. Otherwise, philanthropy has no quid-pro-quo; if so, they would not be allowed to use it as a donation. He clarified that NWMC has no current funding initiative to create this building; however, it is a future intention to do so.

Commissioner Petranek said her intension was not to use the Landfall site as a parking lot forever; however, she wanted time to look at NWMC needs, and a lease on the table in two weeks is premature. She suggested extending our word-of-mouth agreement and taking time to work towards something we can all understand together.

Executive Director Berg explained that this was a first touch on this lease agreement; staff would bring a lease agreement to Commission following discussions with the prospective tenant. He stated that staff is ready to move forward, NWMC is ready to start paying rent. As this has been on the table for many years and would be putting an allowed, consistent use on a currently inconsistently used site, he asked what would be good to bring to the Commission in future to help the discussion.

Commissioner Petranek asked about the timing of the jetty work--would significant construction affect NWMC plans? Mr. Beatty said that NWMC could plan around it, and that could affect the lease, but that could be worked out.

Commissioner Petranek asked if the site had been appraised. Executive Director Berg said that the Port's Lease Policy doesn't require assessing everything we lease as it would be expensive to do individual commercial appraisals that don't necessarily resolve all questions.

Commissioner Putney stated that this was not a sale, which would need recent assessment of value. He said he didn't like dealing with each lease on an individual basis, unless there is a really good reason, because it would be unfair. He then asked if the Commission should shelf this until the next meeting for more discussion, or ask staff to continue to work with NWMC on the lease?

Commissioner Petranek said she needed more information before she would ask staff to pursue a lease agreement: due diligence on financials, explore leasing an existing building, City zoning for this spot. Commissioner Putney thought those seemed extraordinary requests and not something the Port normally does with other tenants. He said rules like that need to be part of Port procedures. Commissioner Petranek said she received feedback that more discussion was needed, and she felt more information would help. Executive Director Berg said he would follow up with Mr. Beatty; he expected this would be on the agenda in the near future. Mr. Beatty said that what they're proposing is completely transparent, the NWMC has nothing to hide, and when they applied to the appropriations committee, they had 107 letters of support from the community. He and Commissioner Petranek said they would talk.

C. Yard Rate Discount Change (01:18:10)

Executive Director Berg said this was on the agenda at the request from moorage and yard staff who were frustrated with managing an at-capacity yard as well as annoyed members of trades who are trying to get boats in the yard and work scheduled. He asked the Commission for direction and ideas on this problem. With so many folks paying in advance for the month, it leaves very little space for quick turnarounds. Hauling and yard fees bring income to the Port and near- and long-term projects to the trades. There are two problems (1) it's tough to manage an at-capacity yard, and (2) there is not much incentive for giving the discount in March, because this month has been booked--both before and after the discount was given. Mr. Berg asked Commission to think about what our goal is today with this discount and reflect on what the intent of this discount was.

Commissioner Putney said that the intent of the discount was getting 50% of yard fees was better than nothing. He wanted to see the discount tied to some activity resulting in some business for a marine trade housed at the Port, and was less enthusiastic about untethered gifts, even though this would mean more work for Port staff. He said it is best when boats are here to be worked on by marine trades in our boat yard, and not just being stored here.

Commissioner Petranek said that when the Port increased rates it created distrust in the boating community, which took a few years to reinstate. The boat task force took six months to collect data, then recommended to the Port that yard rates were more than twice as high than our surrounding competition. In moving to 50% that brought us to a competitive level, and this helped to create a full boat yard. She said the Port has also had an exceptional year with a backlog of boat owners who weren't able to get work done on their boat due to the pandemic, adding to the number of people seeking work done this season. She wanted to give the Boat Yard Planning group time to figure out how to create more spaces in the boat yard and explore getting data on how many boats are just being stored, and not worked on. She commended the yard crew for doing a stellar job and bringing in \$150,000 more in the first 3 months this year as compared to last year. She suggested a BBQ for yard staff to celebrate this and talk about how to improve things.

Commissioner Putney remembered that the high rates were discouraging boaters getting work done by the trades and said we should work on getting more business on the rates we have.

Commissioner Petranek suggested that to keep things stable and to create trust and dependability for our return customers that we hold the course on a successful program.

IX. STAFF COMMENTS (01:31:21)

Executive Director Berg commented that he was working on a new emergency order related to the pandemic intended to clarify the current status of the Port, recognize the Roadmap to Recovery Healthy Washington program and rescind prior orders 2020-01 through 2020-10. He intends to apply a common-sense approach that tenants, customers, and Port staff comply with Governor's proclamations, guidance from the state (e.g., L&I), and any directives from the County Health Officer that apply to the Port, so that we don't have to create something new anytime there are changes. He expects people not to visit the Port when they are sick. He would like to retain the outdoor space for the Port restaurants and plans to open the Marina Room for booking (imposing a cleaning charge to sanitize the space between users).

Mr. Berg said that he is working on two other projects with the NWMC: (1) a summer high-school program that provides high-school staff to welcome guests, pick up trash, provide a first smile to visitors to marina and RV park; and (2) let NWMC use a small land area with picnic table near the north jetty for additional outdoor classroom space.

Mr. Berg commented further that he met with the tenants' association on the wooden boat inventory that will live not only in the newsletter, but also on our website. He felt that with a higher proportion of wooden boats than other marinas in the area this is part of the Port Townsend culture and the community at large, who enjoy seeing the marina and would like to know the details of the wooden boat world would enjoy the picture and stories that go with them. He went on to report that the pyrolysis study is continuing, and Tetra Tech will give Commission a report in June, which will be shared with state, ending the Ports foray into plastic recycling.

Commissioner Putney asked about the backlog for getting a permanent slip in Boat Haven.

Executive Director Berg said it was a long wait for a slip, and as an example said that we have as many 40-foot boats on the waitlist as there are 40-foot slips in the marina. Mr. Berg asked Commission if in fact a historic wooden boat is a part of the character of the marina that the Port wishes to maintain, would it be feasible to then assign a slip to the boat and not the owner? This would mean that a person could buy a wooden boat and not to leave the marina and get in line on the waitlist for a slip. Commissioner Petranek said this would be in keeping with the character of the town. Port Attorney Woolson said that this type of policy would create a market for wooden boats, making them more valuable because they came with a slip, and warned the Port to consider policy requiring the boat to remain in that slip after new owner takes it on.

X. COMMISSIONER COMMENTS (01:42:28)

Commissioner Putney commented that he had been spending more time on broadband issues—two diametrically opposed bills passed and are now on the Governor's desk waiting for his decision on which to adopt. Mr. Putney is very curious about how the governor will decide and is anxiously awaiting the outcome. He said he would attend the WPPA broadband meeting this week, as there is lots of Port activity in broadband. He said he felt that the discussion at the workshop earlier today was great and he wish speakers like that had a larger venue than our workshop.

Commissioner Petranek commented that this morning's workshop was a great presentation; she hoped it was a jumping-off point on taking leadership in Salish sea restoration. She reported that she had attended a quarterly meeting of the PTMA and the NW School of Wooden BoatBuilding (NWSWB). She learned that the NWSWB and Director Betsy Davis are working on how to support to the high-school program and hope they can take advantage of all the working trades in the Port, exposing students to those incredible projects they could see in our yard. Commissioner Petranek informed those present that she had plans to:

- attend the North Hood Canal Chamber (NHCC) meeting next Monday where she hopes to increase south county outreach.

- present Jefferson County Chambers Community Leadership Awards this coming Saturday, and many marine trades have been nominated.
- reset the no-anchor buoys a couple of weeks with the Marine Resource Committee to protect the eel grass in.
- give a Working Waterfront interview on Friday that will be aired on Monday.

XI. Executive Session – none.

XII. Next Regular Business Meeting (01:58:51): Wednesday, May 26, 2021 at 5:30 p.m., via Zoom

XIII. Adjournment: Meeting adjourned at 2:59 p.m.

ATTEST:

Peter W. Hanke, President

William W. Putney III, Secretary

Pamela A. Petranek, Vice President



PO Box 1180 • Port Townsend, WA 98368

Administration: (360) 385-0656
3988

Operations: (360) 385-2355

Fax: (360) 385-

WARRANT/ELECTRONIC PAYMENT APPROVAL

We, the undersigned, as Commissioners and Auditing Officer of the Port of Port Townsend, in Jefferson County, Washington, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claims are just, due and unpaid obligations against the Port of Port Townsend, that we are authorized to authenticate and certify to said claim and that payment of these claims, in Warrant No. 063765 through No. 063769 generated on May 14th, 2021 in the amount of \$10,782.64 and Electronic Payment in the amount of \$77,344.65, for a total amount of \$88,127.29 is **ratified.**

Signed and Authenticated on this 26th day of May, 2021.

For: **Payroll and Benefits**

Commissioner Pete W. Hanke

Commissioner Pam Petranek

Commissioner William W. Putney III

S. Abigail Berg, Director of Finance
And Administration



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WARRANT APPROVAL

We, the undersigned, as Commissioners and Auditing Officer of the Port of Port Townsend, in Jefferson County, Washington, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claims is a just, due and unpaid obligation of the Port of Port Townsend, that I am authorized to authenticate and certify to said claim and that these claims, in Warrant No 063770 through No. 063809, are approved for payment in the amount of \$104,038.52 on this 26th day of May, 2021.

For: **Accounts Payable**

Commissioner Pete W. Hanke

Commissioner Pam Petranek

Commissioner William W. Putney III

S. Abigail Berg, Director of Finance
And Administration

Check Register

Journal Posting Date: 5/26/2021

Register Number: CD-000858

Port of Port Townsend (PTA)

Bank Code: W - WARRANTS PAYABLE							
Check Number	Check Date	Vendor	Invoice Number	Invoice Date	Invoice Amount	Discount Applied	Payment Amount
063770	5/26/2021	ADM002	Admiral Ship Supply Inc.				Check Entry Number: 001
			4/30/2021 STATEMENT	4/30/2021	1,149.26	0.00	1,149.26
063771	5/26/2021	ARR010	Arrow Lumber Port Townsend				Check Entry Number: 001
			72456	4/21/2021	5,987.56	0.00	5,987.56
063772	5/26/2021	BAN005	Bank of America				Check Entry Number: 001
			5/5/21 STATEMENT	5/5/2021	3,320.58	0.00	3,320.58
063773	5/26/2021	CEN010	Central Welding Supply				Check Entry Number: 001
			PT135440	5/20/2021	4,858.88	0.00	4,858.88
063774	5/26/2021	CEN030	CenturyLink				Check Entry Number: 001
			5/1/2021 STATEMENT	5/1/2021	200.00	0.00	200.00
063775	5/26/2021	CEN035	CenturyLink				Check Entry Number: 001
			5/8/2021 STMTS	5/8/2021	871.55	0.00	871.55
063776	5/26/2021	COO070	Coon Plumbing				Check Entry Number: 001
			22141A	5/6/2021	1,976.11	0.00	1,976.11
063777	5/26/2021	ERI040	Karen Erickson				Check Entry Number: 001
			4/2021	5/26/2021	17.92	0.00	17.92
063778	5/26/2021	FER001	Ferrellgas				Check Entry Number: 001
			5006281965	4/26/2021	413.90	0.00	413.90
063779	5/26/2021	FIS020	Fish N Hole				Check Entry Number: 001
			374,375,378	5/10/2021	77.84	0.00	77.84
063780	5/26/2021	GRA020	Grating Pacific LLC				Check Entry Number: 001
			0221060-IN	5/12/2021	3,657.03	0.00	3,657.03
063781	5/26/2021	HER060	James Herman				Check Entry Number: 001
			REFUND	5/14/2021	300.72	0.00	300.72
063782	5/26/2021	JC0003	Jefferson County - Public Work				Check Entry Number: 001
			4/2021 STATEMENT	5/4/2021	1,088.40	0.00	1,088.40
063783	5/26/2021	LEM040	Lemay Mobile Shredding				Check Entry Number: 001
			4699560	5/1/2021	12.88	0.00	12.88
063784	5/26/2021	MAR031	Marine Vacuum Service, Inc.				Check Entry Number: 001
			74031	5/10/2021	1,325.84	0.00	1,325.84
063785	5/26/2021	MIL015	Braith Miller				Check Entry Number: 001
			REFUND 5/14/21	5/14/2021	135.41	0.00	135.41
063786	5/26/2021	MUR002	Murrey's Disposal Co. Inc.				Check Entry Number: 001
			5/1/21 STATEMENTS	5/1/2021	12,615.53	0.00	12,615.53
063787	5/26/2021	NOR020	Northwest Administrators, Inc.				Check Entry Number: 001
			B BOLLING COBRA	5/26/2021	2,102.00	0.00	2,102.00
063788	5/26/2021	OES001	OESD 114				Check Entry Number: 001
			2021001180	5/15/2021	4,029.00	0.00	4,029.00
063789	5/26/2021	OLY001	Olympic Equipment Rentals Inc				Check Entry Number: 001
			269231	5/14/2021	37.07	0.00	37.07
063790	5/26/2021	OLY002	The Home Depot Pro Institutional				Check Entry Number: 001
			608841664	3/31/2021	1,729.58	0.00	1,729.58
			610123234	4/7/2021	83.16	0.00	83.16
			610655953	4/9/2021	48.64	0.00	48.64
			610655961	4/9/2021	331.58	0.00	331.58
			611488438	4/14/2021	128.11	0.00	128.11
Check 063790 Total:					2,321.07	0.00	2,321.07
063791	5/26/2021	OLY003	Olympic Springs, Inc.				Check Entry Number: 001
			4/30/21 STATEMENT	4/30/2021	17.35	0.00	17.35
063792	5/26/2021	PEN030	Peninsula Paint Co.				Check Entry Number: 001

Run Date: 5/20/2021 4:28:18PM

A/P Date: 5/26/2021

Page: 1
User Logon: DLF

Bank Code: W - WARRANTS PAYABLE						
Check Number	Check Date	Vendor	Invoice Number	Invoice Date	Invoice Amount	Discount Applied Payment Amount
			F0193208	5/17/2021	70.15	0.00 70.15
063793	5/26/2021	PEN060	Peninsula Pest Control, Inc			Check Entry Number: 001
			56263	5/13/2021	92.65	0.00 92.65
063794	5/26/2021	PET025	Petrick Lock & Safe			Check Entry Number: 001
			20259	5/11/2021	257.23	0.00 257.23
			20272	5/14/2021	879.16	0.00 879.16
			Check 063794 Total:		1,136.39	0.00 1,136.39
063795	5/26/2021	PIN010	Pinnacle Investigations Corp			Check Entry Number: 001
			74725	5/26/2021	48.35	0.00 48.35
063796	5/26/2021	POR005	Port Townsend Leader			Check Entry Number: 001
			107035	4/28/2021	105.00	0.00 105.00
063797	5/26/2021	POR065	Port of Port Townsend			Check Entry Number: 001
			JBROOKS 111.20	5/26/2021	111.20	0.00 111.20
			J HERMAN 90.88	5/26/2021	90.88	0.00 90.88
			WAITE 340.00	5/26/2021	340.00	0.00 340.00
			Check 063797 Total:		542.08	0.00 542.08
063798	5/26/2021	PRI001	The Printery			Check Entry Number: 001
			210065	4/29/2021	164.02	0.00 164.02
063799	5/26/2021	PUD001	Pud District #1			Check Entry Number: 001
			5/11/2021 STATEMENTS	5/11/2021	48,358.28	0.00 48,358.28
			5/11/21 STATEMEENT	5/11/2021	51.30	0.00 51.30
			Check 063799 Total:		48,409.58	0.00 48,409.58
063800	5/26/2021	QUI001	Quill Corporation			Check Entry Number: 001
			16513378	5/4/2021	179.89	0.00 179.89
063801	5/26/2021	ROT015	Roth Diving Services			Check Entry Number: 001
			537594	4/29/2021	2,500.00	0.00 2,500.00
063802	5/26/2021	SAF001	Safeway, Inc.			Check Entry Number: 001
			5/15/21 STATEMENT	5/15/2021	2,158.00	0.00 2,158.00
063803	5/26/2021	SEC010	Security Services			Check Entry Number: 001
			116027	5/1/2021	190.85	0.00 190.85
063804	5/26/2021	SHO010	Shold Excavating Inc			Check Entry Number: 001
			60612	5/7/2021	228.02	0.00 228.02
063805	5/26/2021	SNE020	S-Net Communications			Check Entry Number: 001
			102874	5/26/2021	563.03	0.00 563.03
063806	5/26/2021	SOU055	Sound Publishing, Inc			Check Entry Number: 001
			8022837	4/30/2021	390.95	0.00 390.95
063807	5/26/2021	UHL060	Paul Uhlig			Check Entry Number: 001
			REFUND 5/12/21	5/12/2021	358.07	0.00 358.07
063808	5/26/2021	VEN070	VenTek International			Check Entry Number: 001
			126783	5/1/2021	103.65	0.00 103.65
063809	5/26/2021	WAI040	Justin Waite			Check Entry Number: 001
			REFUND 5/14/2021	5/14/2021	281.94	0.00 281.94
			Report Total:		104,038.52	0.00 104,038.52



PO Box 1180 • Port Townsend, WA 98368

Administration: (360) 385-0656

Operations: (360) 385-2355

Fax: (360) 385-3988

ELECTRONIC DEBIT – Kitsap Bank

We, the undersigned, as Commissioners and Auditing Officer of the Port of Port Townsend, in Jefferson County, Washington, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation of the Port of Port Townsend, that we are authorized to authenticate and certify said claim, and that the Electronic Debit from the Port Checking Account held at Kitsap Bank is approved for payment in the amount of **\$11,354.26 is ratified.**

Signed and Authenticated on this **26th** day of **May**, 2021.

For: Washington State, Department of Revenue

Combined Excise Tax Return – for ***April, 2021*** in the amount of ***\$11,354.26.***

Commissioner Pete W. Hanke

Commissioner Pam Petranek

Commissioner William W. Putney III

S. Abigail Berg, Director of Finance
and Administration

Washington State Department of Revenue

Your Return has been submitted and your confirmation number is **0-020-394-692**

Below is information from your Monthly Return for the period ending April 30, 2021

Filing Date	May 20, 2021
Account ID	161-000-044
Primary Name	BOAT HAVEN FUEL DOCK
Payment Method	ACH Debit/E-Check
Payment Effective	May 25, 2021
Total Tax	11,354.26
Total Due	11,354.26



Combined Excise Tax Return

161-000-044
BOAT HAVEN FUEL DOCK
PORT OF PORT TOWNSEND

Filing Period: April 30, 2021

Due Date: May 25, 2021

Filing Frequency: Monthly

Business & Occupation

Tax Classification	Gross Amount	Deductions	Taxable Amount	Tax Rate	Tax Due
Retailing	92,258.54	0.00	92,258.54	0.004710	434.54
Service and Other Activities (\$1 million or greater in prior year)	96,846.39	0.00	96,846.39	0.017500	1,694.81
Total Business & Occupation					2,129.35

State Sales and Use

Tax Classification	Gross Amount	Deductions	Taxable Amount	Tax Rate	Tax Due
Retail Sales	92,258.54	0.00	92,258.54	0.065000	5,996.81
Total State Sales and Use					5,996.81

Public Utility Tax

Tax Classification	Gross Amount	Deductions	Taxable Amount	Tax Rate	Tax Due
Other Public Service Business	8,734.11	0.00	8,734.11	0.019260	168.22
Water Distribution	1,164.22	0.00	1,164.22	0.050290	58.55
Total Public Utility Tax					226.77

Deductions

Tax Classification	Deduction	Amount
Business & Occupation		
Retailing	Motor Vehicle Fuel Tax	0.00
State Sales and Use		
Retail Sales	Motor Vehicle Fuel Sales	0.00

Local City and/or County Sales Tax

Location	Taxable Amount	Tax Rate	Tax Due
1601 - PORT TOWNSEND	92,258.54	0.026000	2,398.72
Total Local City and/or County Sales Tax			2,398.72

Transient Rental Income

Location	Income
1601 - PORT TOWNSEND	30,130.62
Total Transient Rental Income	30,130.62

Special Hotel/Motel

Location	Taxable Amount	Tax Rate	Tax Due
1601 - PORT TOWNSEND	30,130.62	0.020000	602.61
	Total Special Hotel/Motel		602.61

Total Tax	11,354.26
Subtotal	11,354.26
Total Amount Owed	11,354.26

Prepared By:	Donna Frary
E-Mail Address:	donna@portofpt.com
Submitted Date:	5/20/2021
Confirmation #:	0-020-394-692
 Payment Type:	 ACH Debit/E-Check
Amount:	\$11,354.26
Effective Date:	5/25/2021



PO Box 1180 • Port Townsend, WA 98368

Administration: (360) 385-0656

Operations: (360) 385-2355

Fax: (360) 385-3988

ELECTRONIC DEBIT – Kitsap Bank

We, the undersigned, as Commissioners and Auditing Officer of the Port of Port Townsend, in Jefferson County, Washington, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation of the Port of Port Townsend, that we are authorized to authenticate and certify said claim, and that the Electronic Debit from the Port Checking Account held at Kitsap Bank is approved for payment in the amount of **\$265.83 is ratified.**

Signed and Authenticated on this **26th** day of **May**, 2021.

For: Washington State, Department of Revenue

Business License Renewal – for **2021** in the amount of **\$265.83**

Commissioner Pete W. Hanke

Commissioner Pam Petranek

Commissioner William W. Putney III

S. Abigail Berg, Director of Finance
And Administration

Washington State Department of Revenue

Your request has been submitted and your confirmation number is **0-020-405-718**

Below is information from your renewal

Filing Date and Time 5/18/2021 8:35:24 AM
Legal Entity Name PORT OF PORT TOWNSEND
Location Name PORT OF PORT TOWNSEND
Account number 161000044-001-0001
Physical Address 310 AIRPORT RD PORT TOWNSEND WA 98368-9709
Mailing Address PO BOX 1180 PORT TOWNSEND WA 98368-0980
Payment Method ACH Debit/E-Check
Payment Amount \$223.83

For easy reference, you can print this page and retain it with your records.

To check the status of your request, go to your account *Summary* page, select the *More Options* tab, and click **View, Edit, or Print Drafts or Submissions**.

Washington State Department of Revenue

Your request has been submitted and your confirmation number is **0-020-361-369**

Below is information from your renewal

Filing Date and Time 5/18/2021 8:37:44 AM
Legal Entity Name PORT OF PORT TOWNSEND
Location Name PORT OF PORT TOWNSEND
Account number 161000044-001-0002
Physical Address 199 BENEDICT ST PORT TOWNSEND WA 98368-4638
Mailing Address PO BOX 1180 PORT TOWNSEND WA 98368-0980
Payment Method ACH Debit/E-Check
Payment Amount \$42.00

For easy reference, you can print this page and retain it with your records.

To check the status of your request, go to your account *Summary* page, select the *More Options* tab, and click **View, Edit, or Print Drafts or Submissions**.

PORT OF PORT TOWNSEND

AGENDA COVER SHEET

MEETING DATE	May 26, 2021
AGENDA ITEM	<input type="checkbox"/> Consent <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading <input type="checkbox"/> Regular Business <input checked="" type="checkbox"/> Informational
AGENDA TITLE	Special Presentation: Work Anniversaries
STAFF LEAD	Terry Khile, Operations Manager
REQUESTED	<input checked="" type="checkbox"/> Information <input type="checkbox"/> Motion/Action <input type="checkbox"/> Discussion
ATTACHMENTS	

Terry will give a short presentation about these two Port employees on their work anniversaries:

- Sean Smith (15 years)
- Chuck Fauls (5 years)

PORT OF PORT TOWNSEND

AGENDA COVER SHEET

MEETING DATE	May 26, 2021
AGENDA ITEM	<input type="checkbox"/> Consent <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading <input checked="" type="checkbox"/> Regular Business <input type="checkbox"/> Informational
AGENDA TITLE	VIII.A. IDD Levy Quarter 1, 2021 Financial Report
STAFF LEAD	Abigail Berg, Director of Finance & Administration
REQUESTED	<input type="checkbox"/> Information <input checked="" type="checkbox"/> Motion/Action <input checked="" type="checkbox"/> Discussion
ATTACHMENTS	<ol style="list-style-type: none"> Staff Informational Memo IDD Levy Quarter 1, 2021 Financial Report

PORT OF PORT TOWNSEND

INFORMATIONAL MEMO

DATE: 5/21/2021
TO: Port Commission
FROM: Abigail Berg, Director of Finance & Administration
SUBJECT: IDD Levy Quarter 1, 2021 Financial Report

ISSUE

Presentation of the new Quarter 1, 2021 IDD Levy financial report.

BACKGROUND/DISCUSSION

At the April 7, 2021 Commission meeting, the first IDD Levy financial report was presented and discussed. The Commission determined they preferred a quarterly report that would include a true-up of the YTD capital expenditures, per budget or other Commission approved method, and to be reported in the months of May (quarter 1), August (quarter 2), November (quarter 3) and February (quarter 4). The purpose of this report is to keep the Commission apprised of the activity of the IDD Levy, both receipts and expenditures. Adjustments to the report have been made, per Commission request, to only include the total YTD receipts and expenses, not by month.

In addition, the Commission requested some more detailed summary of each project's expenditures, however the quarterly Capital Projects update is presented at this same meeting, so it is unnecessary.

FISCAL IMPACT

NA

RECOMMENDATION

For Commission review and discussion.

IDD Tax Levy

approved by voters November 5, 2019

First year of collection 2020

Base Year AV 2019

Annual maximum millage rate per \$1,000

total estimated IDD Levy

\$	5,988,145,402
\$	0.45
\$	16,167,993

Annual millage rate

Total Received from start of levy

Estimated remaining balance to tax

\$	0.13
\$	797,610.47
\$	15,358,639

\$	0.26
\$	1,587,705.37
\$	13,724,350

Revenues	2020		2021	
	budget	actual	budget	actual
Levy Receipts	809,354	797,610	1,634,289	790,095
total IDD Revenue	809,354	868,941	1,634,289	797,119
Capital Expenses (b)				
Point Hudson Jetty Project	590,000	194,646	226,700	18,369
Boat Haven Linear Dock Electrical (55%)	30,050	22,899	-	
Workyard Resurfacing 2021	-	-	90,000	
Main Stormwater Pump Station Repairs	-	-	100,000	46,453
Dock Renovation & Piling Replacement	80,272	-	150,000	7,115
Sperry Bldgs. Capital Maintenance	-	-	70,000	
Work & Boat Yard Electrical Design	-	-	30,000	
Quilcene Dredging Design	25,000	-	-	
total IDD Capital Expenses	725,322	217,545	666,700	71,937
Remaining IDD Reserve Fund balance	84,032	651,396	967,589	725,181

Notes:

(a) "Other Taxes" includes taxes that are paid as the result of having the IDD Levy apply to property taxes. These include DNR Timber Sales, Timber Leases, Timber Excise Tax, and Interest on DNR Leases. These will vary year to year.

(b) A budget for IDD Levy funding use was not developed in the original 2020 budget since the election results were not certified until after budget adoption. The voters did pass the IDD Levy referendum and on April 22, 2020, Port staff presented the Commission with a proposed budget for the 2020 IDD Levy capital expenditures. This was later revised several times during 2020.

PORT OF PORT TOWNSEND

AGENDA COVER SHEET

MEETING DATE	May 26, 2021
AGENDA ITEM	<input type="checkbox"/> Consent <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading <input checked="" type="checkbox"/> Regular Business <input type="checkbox"/> Informational
AGENDA TITLE	VIII.B. Capital Projects Quarterly update May 2021
STAFF LEAD	Mike Love, Director of Capital Projects and Port Engineer
REQUESTED	<input type="checkbox"/> Information <input checked="" type="checkbox"/> Motion/Action <input checked="" type="checkbox"/> Discussion
ATTACHMENTS	<ol style="list-style-type: none"> 1. Staff Informational Memo 2. Capital Project Worksheet and Schedule 3. Capital Project Summary Spreadsheet

PORT OF PORT TOWNSEND

INFORMATIONAL MEMO

DATE: 5/20/2021
TO: Commissioners
FROM: Mike Love
CC: Eron Berg, Eric Toews, Abigail Berg
SUBJECT: Capital Projects Quarterly update May 2021

ISSUE

2021 Capital projects current status presentation.

BACKGROUND

Capital projects maintain, improve, and create new infrastructure within the Port. Projects to be presented within this report are typically \$25,000 in cost or greater, projects that are within the current year budget, and projects that are under consideration as we work through the calendar year and identify opportunities. The attached project summary worksheets include a description of work, schedule, and cost.

DISCUSSION

Project summary worksheets include a description of work, schedule, and cost. The information presented is open to discussion with no required action.

FISCAL IMPACT

Potential new projects and cost changes to existing planned projects may have an impact on the current year budget. Budget amendments will be requested as necessary later.

RECOMMENDATION

No formal action required

ATTACHMENTS

1. Capital Project Worksheet and Schedule
2. Capital Project Summary Spreadsheet



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 **Q1 Update May 2021**

PROJECT: Dock Restoration Program - Quilcene Marina

PROJECT DESCRIPTION: The Port owns approximately 3 miles of floating dock that is exposed to weather, sea water, tidal changes, and boat use contributing to the degradation of the infrastructure. This project will replace elements of the docks at Quilcene Marina. This project includes replacing the walers; rub boards, triangle dock fillets, concrete repair, and utility supports as needed. This project will extend the useful life of these docks and improve safety.

Walers life cycle 15 years

Concrete Float life cycle 70 years

Wood Structure float life cycle 35 years

Wood Decking life Cycle 20 years

SCHEDULE: We expect to work on this project as time allows within our available in water permit window July 15 thru October 15, 2021.

Q1- Port is currently conducting a comprehensive planning study of Quilcene Property. Emergency dock repair complete. Broken dock removed and replaced with existing dock from within the Marina.

COST ESTIMATE: Rehabilitation Estimate.

Item	Qty.	Unit	Total
Walers and Rub boards	150	\$100	\$15,000
Thru rods and associated hardware	200	\$25	\$5,000
Fiberglass triangle dock fillets and support	24	\$100	\$2,400
Utility hangars	55	\$25	\$1,375
Misc. Materials (concrete, rebar, screws, etc)			\$5,000
Material subtotal			\$28,775
LABOR:			
Port Staff Labor	960 hours	\$67/hr.	\$64,320
Project Cost			\$93,095
Contingency	10%		\$9,310
TOTAL PROJECT COST:			\$102,405

Also considering alternate options to add to Rehabilitation Estimate:

Replacement Cost Estimate at \$150/sf for concrete float material (5300@\$150=\$795,000)

Replacement Cost Piling \$10,000/Each (20@10,000=\$200,000)

Budget: IDD Levy reserve 2022-\$256,000



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 **Q1 Update May 2021**

PROJECT: Dock Restoration Program – “D” Dock Boat Haven Marina

PROJECT DESCRIPTION: The Port owns approximately 3 miles of floating dock that is exposed to weather, sea water, tidal changes, and boat use contributing to the degradation of the infrastructure. This project will replace elements of “D” Dock at Boat Haven Marina. This project includes replacing the walers; rub boards, triangle dock fillets, concrete repair, and utility supports as needed. This project will extend the useful life of these docks and improve safety. **Q1- Staff reviewing the possibility of adding plastic deck grating over the concrete dock. Staff to review current pile condition within Marina to replace critical wood piling.**

Walers life cycle 15years

Concrete Float life cycle 70 years

Wood Structure float life cycle 35 years

Wood Decking life Cycle 20 years

SCHEDULE: We expect to work on this project as time allows within our available in water permit window July 15 thru January 15, 2022. We will assign three staff members to this project. **Q1- permit obtained to replace 18 wood piling within the Marina.**

COST ESTIMATE: Rehabilitation Estimate.

Item	Quantity	Unit	Total
Walers and Rub boards	300	\$250	\$75,000
Thru rods and associated hardware	400	\$250	\$10,000
Pile Hoops	40	\$130	\$5,200
Internal Pile Guides	20	\$225	\$4,500
Fiberglass triangle dock fillets and support	52	\$300	\$15,600
Utility hangars	55	\$25	\$1,375
Misc Materials (concrete, rebar, screws, etc.)			\$5,000
Material subtotal			\$116,675
LABOR:			
Port Staff Labor	2750 hours	\$67/hr.	\$184,250
Project Cost			\$300,925
Contingency	10%		\$30,093
TOTAL PROJECT COST:			\$331,018

Also considering alternate options to add to Rehabilitation Estimate:

Replacement Cost Estimate at \$150/sf for concrete float material cost (10200@\$150=\$1,530,300)

Replacement Cost Piling \$10,000/Each (60@\$10,000=\$600,000)

Budget: IDD Levy reserve 2021-\$150,000



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 **Q1-Update May 2021**

PROJECT: Dock Restoration Program – Point Hudson Marina

PROJECT DESCRIPTION: The Port owns approximately 3 miles of floating dock that is exposed to weather, sea water, tidal changes, and boat use contributing to the degradation of the infrastructure. This project will add support elements to the docks at Point Hudson Marina. This project includes replacing the shear and lateral support system to stiffen (5) existing finger docks on the northern edge of the Marina. This project will extend the useful life of these docks and prevent further wind damage.

SCHEDULE: We expect to work on this project as time allows within our available in water permit window July 15 thru January 15, 2022. We will assign three staff members to this project.

COST ESTIMATE:

This project will require many parts and fittings. Because of the complexity of this project and the unknowns we added a 10% contingency to this project.

Item	Quantity	Unit	Total
3x6 Pressure treated	30	\$160	\$4,800
Misc Materials (screws, hardware)			\$1,000
Material subtotal			\$5,800
<u>LABOR:</u>			
Port Staff Labor	240 hours	\$67/Hr.	\$16,080
Project Cost			\$21,880
Contingency	10%		\$2,188
TOTAL PROJECT COST:			\$24,068

Budget: Appropriate for use of IDD funding. No current funding identified. **Q1 -Project not eligible for FEMA event.**



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 Q1-update May 2021

PROJECT: Storm Water Pump Replacement – Boat Haven Yard

PROJECT DESCRIPTION: The Port owns and operates a stormwater conveyance system within the Boat Haven yard. The stormwater system is regulated under a Boatyard General Permit issued by the State Department of Ecology. A part of the stormwater conveyance system drains to a pump station that operates when the tide in the Marina does not allow stormwater to drain by gravity flow. The pumps and support rail system are in-need of replacement. This project will extend the useful life of pump station and decrease the risk of damage due to localized flooding.

SCHEDULE: We expect to work on this project as time allows within the dry season with lower tides. We will assign three staff members to this project.

COST ESTIMATE:

This project will require replacement many parts and fittings. Because of the complexity of this project and the unknowns we added a 10% contingency to this project.

Item	Quantity	Unit	Total
4 Stormwater Pumps and support rail	1	\$60,000	\$67,000
Misc. Pipe and fittings			\$5,000
Misc Materials (concrete, rebar, screws, etc)			\$5,000
Material subtotal			\$77,000
LABOR:			
Port Staff Labor	200 hours	\$67/Hr.	\$13,400
Project Cost			\$90,400
Contingency	10%		\$9,040
TOTAL PROJECT COST:			\$99,440

Q1 - Cost to Date 2021 \$46,453 Whitney Equipment

Budget: IDD Levy Reserve 2021 - \$100,000.



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021

PROJECT: Sunrise Coffee/ Furniture Clinic Sperry Building #3

PROJECT DESCRIPTION: Exterior rehab of Sperry building #3 (Sunrise Coffee and Furniture Clinic). The Sperry Buildings were built in the late 1970's early 1980's. The building needs 8 new windows that are leaking. The building needs 2 new glass entrance doors. Several rust spot and holes in siding need to be repaired. Metal repair in roll up door jamb (structural). Metal siding needs replacing above roll up door. Remove dirt and vegetation from bottom of siding. Elastomeric Roof Coating. Paint Building. New Led Exterior Lighting. This will prolong the useful life of the structure.

SCHEDULE: This would be a 5 year capital program to rehab the Sperry Buildings. We would do 2 a year for the next 5 years. Starting with the buildings at the Port entrance. Mostly dry season work.

Item	Quantity	Unit	Total
Windows	8	\$400	\$3,200
Repair/Replace Rusty Siding			\$1,500
Metal Rust Primer	5 gal	\$50	\$250
2 part Epoxy Paint for Metal Siding	20 gal	\$50	\$1,000
New Exterior LED lighting			\$1,000
Elastomeric Roof Coating	30gal	\$50	\$1,500
Glass Entry Doors (Subcontract Work)			\$5,000
Material subtotal			\$13,450
LABOR:			
Port Staff Labor	250 hours	\$67/hr.	\$16,750
Project Cost			\$30,200
Contingency	10%		\$3,020
TOTAL PROJECT COST:			\$33,220

Budget: IDD Levy Reserve 2021 - \$70,000 for two buildings shared with Sperry Bldg 2.



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 **Q1- Update May 2021**

PROJECT: PT. Brewery Building Sperry Building #2

PROJECT DESCRIPTION: Rehabilitation of the Pt Brewery Building. The Sperry Buildings were built in the late 1970's early 1980's. The building needs 4 new windows that are leaking. Several rust spot and holes in siding need to be repaired. Metal repair in roll up door jamb (structural). Remove planter boxes under tasting room windows and repair siding from rust and water damage. Remove dirt and vegetation from bottom of siding. Elastomeric Roof Coating. Paint Building. New Led Exterior Lighting. This will prolong the useful life of the structure.

SCHEDULE: This would be a 5 year capital program to rehab the Sperry Buildings. We would do 2 a year for the next 5 years. Starting with the buildings at the Port entrance. Mostly dry season work.

Q1- Work began May 2021 with removal of window planters.

Item	Quantity	Unit	Total
Windows	4	\$400	\$1,600
Repair/Replace Rusty Siding			\$1,500
Metal Rust Primer	5 gal	\$50	\$250
2 part Epoxy Paint for Metal Siding	20 gal	\$50	\$1,000
New Exterior LED lighting			\$800
Elastomeric Roof Coating	25 gal	\$50	\$1,250
Material subtotal			\$13,450
LABOR:			
Port Staff Labor	200 hours	\$67/Hr.	\$13,400
Project Cost			\$19,800
Contingency	10%		\$1,980
TOTAL PROJECT COST:			\$21,780

Budget: IDD Levy Reserve 2021 - \$70,000 for two buildings shared with Sperry Bldg 3.



CHRIS SPARKS
MAINTENANCE MANAGER

CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021

PROJECT: Boat Haven – Paint Fuel Dock Building

PROJECT DESCRIPTION: Paint the Boat Haven Fuel dock building. This will prolong the useful life of the structure.

SCHEDULE: Dry season work.

Item	Quantity	Unit	Total
Exterior Paint	20 gal	\$50	\$1,000
Misc materials			\$250
Material subtotal			\$1,250
LABOR:			
Port Staff Labor	100 hours	\$67/hr.	\$6,700
Project Cost			\$7,950
Contingency	10%		\$795
TOTAL PROJECT COST:			\$8,745

Budget: IDD Levy Reserve 2021 - \$10,000



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021

PROJECT: Point Hudson – Landscape Improvements

PROJECT DESCRIPTION: Develop a new landscape plan for Point Hudson and implement the plan. One concept is to match the original look of the point and remove the shrubs and replant with lawn or low growing shrubs to allow for full view of the buildings and ease of maintenance.

SCHEDULE: Spring 2021

Item	Quantity	Unit	Total
Material			\$250
Topsoil	250 CY	\$30/CY	\$7,500
Labor:			
Port Staff Labor	200 hours	\$67/hr.	\$13,400
SubContract:			
Hydroseed	1		\$10,000
Project Cost			\$34,900
Contingency	10%		\$3,490
TOTAL PROJECT COST:			\$38,390

Budget: NOI 2021 - \$40,000



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 **Q1- Update May 2021**

PROJECT: Boat Haven Yard 480 power installation.

PROJECT DESCRIPTION: This project is a partnership between the Port and PUD to provide enhanced 480 power feed to Port and private owned buildings and boat haul out locations. The 480 power will allow the Port tenants the ability to run heavy load electrical equipment. The Port will provide the trenching, installation of electrical conduit runs, and 7 end of run power pedestal. The PUD will provide the electrical conductors, transformer, meter base, and service meters. **Q1- PUD reviewing vault size to determine if adequate for future boatyard needs.**

SCHEDULE: We expect to work on this project as a priority after we receive our new excavator in Mid-February. It is estimated that 240 hours of staff time will be needed to accomplish this project. We will assign three staff members to this project. A coordination meeting with the PUD to be set to discuss details of cost sharing and assignment of work.

COST ESTIMATE:

Item	Quantity	Unit	Total
Pedestal	7	\$4,000	\$28,000
Conduit	3000	\$3	\$9,000
Clean backfill material	1	\$1,000	\$1,000
Disposal Fee	1	\$1,000	\$1,000
Misc Materials for Wood cover (concrete, rebar, screws, etc)			\$3,800
Material subtotal			\$42,800
LABOR:			
Port Staff Labor	240 hours	\$67/Hr.	\$16,080
EQUIPMENT:			
Excavator	80	\$50/Hr.	\$4,000
SUBCONTRACT WORK:			
Electrician			\$6,000
TOTAL PROJECT COST: including 10% Contingency			\$75,768

Budget: No current funding identified



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 Q1-Update May 2021

PROJECT: Boat Haven Moorage/Yard office relocation.

PROJECT DESCRIPTION: This project will relocate the staff from the existing Moorage/Yard office to a new location. Currently three options under consideration; 1) Old US coast Guard building currently used for material and equipment storage in the maintenance yard, 2) Skookum Bldg, 3) Existing office building with a remodel.

Q1- Staff further advancing consideration of the Old coast guard building to be renovated and relocated for use as moorage/yard office. Consider relocating current moorage/yard office for use as Airport terminal building. Consider relocation of the existing county hazardous material building to the Airport for equipment storage to allow for additional airplane hangar space.

SCHEDULE: We are currently conducting a hazardous material survey to determine the existence of asbestos and lead within the building that may need to be removed prior to occupying the space. Q1-hazardous material survey complete with no Asbestos detected, and lead paint detected.

COST ESTIMATE:

Q1 -Coast Guard Building Remodel/Relocate \$ 200,750 estimate.

Relocate Moorage Office - unknown at this time

Relocate County HM building - unknown at this time

Budget:	NOI funds 2021	\$60,000 (moorage office)
	NOI funds 2021	\$100,000 (airport terminal)



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021

PROJECT: Port WiFi

PROJECT DESCRIPTION: This project will construct WiFi internet connect within port facilities. Priority would be Point Hudson, Boat Haven and Quilcene. A preliminary plan has been created and alternate solutions are being explored.

SCHEDULE: We expect to work on this project as time allows beginning with Point Hudson.

COST ESTIMATE: The preliminary cost estimate is \$23,150 for Wifi access point materials. Wiring and installation cost not included in this estimate.

Budget: Appropriate for use of IDD funding. No current funding identified



MIKE LOVE, P.E.
PORT ENGINEER/CAPITAL PROJECT

CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021

PROJECT: Boat Haven Yard Storage Containers

PROJECT DESCRIPTION: This project will construct 10 new material storage containers to be rented to tenant in the yard preforming boat repair. Will assist in compliance with our Boatyard General Permit.

SCHEDULE: We expect to work on this project as time allows.

COST ESTIMATE: Material Cost \$1,200, Port Labor 20 hours/each \$1,340 10%contingency \$254
(10) @ 2,794 each = \$27,940

Budget: Appropriate for use of Net Operating Income funding. No current funding identified



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: May 2021

PROJECT: Pavilion Building Remodel

PROJECT DESCRIPTION: Remodel the Pavilion Building for use as public meeting space available for the Port Commission and public and private meetings and events. The improvements under consideration include new windows, new exterior doors, handrail for exterior deck, new HVAC system, additional bathroom, storage room, interior elevated platform, kitchenette, flooring, interior paint, and sound dampening. The building was built in the 1930's and is included in the Historical District. A building permit will be required with historic preservation review. Assistance for the design will be provided by Terrapin Architecture who has done prior work on the building for a possible tenant.

SCHEDULE: Demolition can begin immediately. Draft design to be available June 2021. The goal is to have this building usable for the Commission by late summer.

Cost Estimate:

Item	Quantity	Unit	Total
Windows	1	LS	\$10,000
Restroom	1	EA	\$7,500
Carpet(Subcontract Work)	1	LS	\$5,000
Communication System	1	LS	\$5,000
Exterior Doors	1	LS	\$5,000
Platform	1	EA	\$10,000
Demolition/Disposal	1	LS	\$500
Paint	1	LS	\$500
HVAC system (Subcontract Work)		LS	\$60,000
Material subtotal			\$103,500
LABOR:			
Port Staff Labor	320 hours	\$67/Hr.	\$21,440
Consultant	1	\$10,000	
Project Cost			\$135,580
Contingency	10%		\$13,558
TOTAL PROJECT COST:			\$148,434

Budget: Appropriate for use of Net Operating Income funding and/or IDD levy. No current funding identified.



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: May 2021

PROJECT: Point Hudson – Meeting Room Remodel Adjacent to Moorage Office

PROJECT DESCRIPTION: Remodel the office space adjacent to the Moorage Office to use for meeting and break area for Port. The improvements include new windows, new interior door, new interior lights, wood wainscoting repair, interior paint and wall resurfacing. The building was built in the the 1930's.

SCHEDULE: Project complete March 2021.

Cost Estimate:

Item	Quantity	Unit	Total
Wood Materials	1	LS	\$1,000
Interior Door	1	EA	\$500
Electrical/Lighting	1	LS	\$150
Material subtotal			\$1,650
LABOR:			
Port Staff Labor	80 hours	\$67/Hr.	\$5,360
Project Cost			\$8,010
Contingency	10%		\$801
TOTAL PROJECT COST:			\$8,811

Cost to Date: XXXX

Budget: Appropriate for use of Net Operating Income funding. No current funding identified.



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: May 2021

PROJECT: Nomura/Skookum Building Remodel

PROJECT DESCRIPTION: Phase 1- Remodel the Nomura Building for new tenant space. The improvements include new interior walls, paint, door relocation, removal of interior walls, relocate lighting and added electrical outlets.

Phase 2 Currently under consideration to remove a structural wall, construct, and remove interior non-structural wall to accommodate upstairs tenant. Add second bathroom upstairs, enclose HVAC system, and create storage area for Port files.

SCHEDULE: Phase 1 – Complete April 2021 and occupied by new tenant.

Phase 2 Currently under review by Architect to determine feasibility of structure building changes. Demolition can begin immediately. Draft design to be available May 2021.

Phase 1 Cost to Date = XXXXX

Phase 2 Estimate of Work

Item	Quantity	Unit	Total
Restroom Install	1	EA	\$7,500
Structural wall removal	1	EA	\$15,000
Material subtotal			\$22,500
LABOR:			
Port Staff Labor	160 hours	\$67/Hr.	\$10,720
Consultant Architect	1	\$5,000	
Electrician	1		\$7,500
Carpet Installer	1		\$5,000
Project Cost			\$50,720
Contingency	10%		\$5,072
TOTAL PROJECT COST:			\$55,792

Budget: Appropriate for use of Net Operating Income funding. No current funding identified.



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: May 2021

PROJECT: Dock Restoration Program – Boat Haven New Day Fisheries Commercial Dock Repair

PROJECT DESCRIPTION: The Port owns approximately 3 miles of floating dock that is exposed to weather, sea water, tidal changes, and boat use contributing to the degradation of the infrastructure. This project will replace elements of the New Day Fisheries Dock at Boat Haven Marina. This project includes replacing the walers, rub boards, pile hoop and thru bolts. This project will extend the useful life of these docks and improve safety.

Waler life cycle 15 years

Concrete Float life cycle 70 years

Wood Structure float life cycle 35 years

Wood Decking life Cycle 20 years

SCHEDULE: We expect to work on this project as time allows within our available in-water permit window July 15 thru January 15, 2022. We will assign two staff members to this project.

COST ESTIMATE: Rehabilitation Estimate.

Item	Quantity	Unit	Total
Walers and Rub boards	1	LS	\$1,000
Thru rods and associated hardware	1	LS	\$6,000
Pile Hoops	5	\$156	\$780
Material subtotal			\$7,780
LABOR:			
Diver (Subcontractor)	1	\$2,500	\$2,500
Port Staff Labor	80 hours	\$67/Hr.	\$5,360
Project Cost			\$15,640
Contingency	10%		\$1,564
TOTAL PROJECT COST:			\$17,204

Cost to Date: \$6,369.29 Portland Bolt, Peter Marine \$778.25

Budget: Appropriate for use of Net Operating Income funding. No current funding identified.



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021

PROJECT: Tommy Tailspin Hanger Rehab **Q1-Update May 2021**

PROJECT DESCRIPTION: This project will rehabilitate portions of the hanger to extend useful life. Roof and siding damage identified. Potential hazardous material. **Q1- FEMA weather event was declared (DR4593) and this project is under consideration for eligible repair project.**

SCHEDULE: We are currently conducting a hazardous material survey to determine the existence of asbestos and lead within the building that may need to be removed prior to occupying the space. **Q1- Asbestos in the exterior material was detected. Air study conducted within the interior of the building with no detection.**

COST ESTIMATE:

Q1 -Asbestos Removal and installation of new siding and roofing. \$301,796.

Budget: Appropriate for use of IDD funding. No current funding identified.

Q1-Potential FEMA eligible project.



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 **Q1 -Update May 2021**

PROJECT: Point Hudson Marina Breakwater Rehabilitation Project – Phase 1 - North Jetty

PROJECT DESCRIPTION: The breakwater protecting Point Hudson Marina needs to be replaced. The original breakwater was constructed in 1934 with major repair in the 1960's and minor repairs in the 1990's. This project will replace the breakwater system beginning with Phase 1 North Jetty. This useful life of the project is estimated at 30 years.

We are currently working with USFW to obtain all federal permits required for construction. In addition, application for the State Joint Aquatic Resources Permit (JARPA) to be submitted within the month. **Q1 – JARPA permit submitted and by May 27th federal agency to determine permit timeline.**

Existing wood piling will be replaced with steel pipe piles with an infill of large rock for wave energy dissipation. The pipe piles to be driven with vibratory hammer and limited use of an impact pile driver for capacity testing.

Staff is continuing to explore different methods of construction including a landward and incremental approach to removal and replacement of the breakwater. **Q1- permitting the project with water access**

SCHEDULE: We anticipate that the permit window for work on this project will allow in-water work to begin July 16 and end February 15th each calendar year. Phase 1 is planned to begin construction in the Fall on 2021 with a 4-month duration to complete to north jetty replacement. Phase 2 will be a separate construction contract beginning July 15 of 2022 and ending in water work by February 2023. **Q1- Permitting is not complete, the estimated construction to begin September 2022 with a two-season phased project to complete both the north and south breakwaters. Project most likely to be bid as one project with two seasons of work as preferred by the federal grant agency.**

COST ESTIMATE:

The cost estimate for the north and south jetty including the walkway is \$14 m.

Q1 – Current Consultant Budget Status

Mott MacDonald Agreement Supplement 3 is \$373,000 Remaining \$250,875

Widener and Associates Agreement \$50,025, Remaining \$16,676

Budget: Appropriate for use of IDD funding.

Federal Funding EDA Disaster Recovery Program Grant
RCO Recreation Conservation Office Grant

\$ 7,031,300 (50% Local Match)
\$ 882,661

Q1 – State Capital Budget (available July 2021)

\$ 1,000,000 (State Funding)

IDD Levy Reserve Funds

2021 Line of Credit secured to bridge funding, as needed

\$ 7,000,000



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021 Q1 -Update May 2021

PROJECT: Boat Haven Yard Gravel resurfacing Annual maintenance.

PROJECT DESCRIPTION: The Port owns and operates a stormwater conveyance system within the Boat Haven yard. The stormwater system is regulated under a Boatyard General Permit issued by the State Department of Ecology. As part of the stormwater treatment system is the annual placement of clean gravel surfacing to add in delaying storm water runoff and trapping particles prior to entering the storm drain system.

SCHEDULE: We expect to work on this project as weather allows within the dry season. Work will be completed under an existing contract with SetOn Construction awarded in 2019 for on-call gravel resurfacing work. It is estimated that over 160 hours of staff time will be needed to accomplish this project to relocate boats and other material from the areas to be resurfaced. Q1-Project on hold to be considered as component of the larger stormwater treatment project.

COST ESTIMATE:

Bid contract work estimated and budgeted at \$90,000.

Budget: IDD Levy Reserve 2021- \$90,000



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: May 2021

PROJECT: Boat Haven Boat Yard Stormwater Treatment System.

PROJECT DESCRIPTION: Boat Haven Boat Yard stormwater is regulated by the Department of Ecology (DOE) under a Boatyard General Permit. The existing permit under which we operate was issued July 6, 2016 and expires July 31, 2021. A draft new permit under consideration by the DOE reduces the allowable discharge limits for copper and adds new testing and reporting requirements for PH, turbidity, and oil. The proposed copper maximum benchmark is 15 ppb.

SCHEDULE: As the funding is finalized in the state budget July 2021, and the lead federal agency has determined we anticipate solicitation of an engineering firm to assist the Port to meet the proposed stormwater quality standards.

COST ESTIMATE: The preliminary cost for a new treatment system to meet the proposed stormwater quality standards is estimated to be \$2,600,000.

Budget:

Appropriate for use of Net Operating Income funding and/or IDD levy funds, as match.

2021-2023 State Budget \$2,050,000 (Federal - Coronavirus State Fiscal Recovery Account)



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: January 19, 2021

PROJECT: Boat Haven Marina Breakwater Rehabilitation Project

PROJECT DESCRIPTION: The breakwater protecting Boat Haven Marina needs to be repaired from 2018 storm damage. We designed and bid a repair project in 2019 and awarded the contract to American Construction. We are still in contact with American and upon permit agencies approval we plan to start work.

Staff is also exploring different methods of breakwater construction including a landward and incremental approach for future repairs.

SCHEDULE: The project is waiting for permit agency approval.

COST ESTIMATE:

The bid award amount to American was approximately \$240,000 additional cost is anticipated due to material, labor and equipment cost increases.

Budget:

Net Operating Income 2021- \$304,975



CAPITAL PROJECT WORKSHEET AND SCHEDULE

DATE: May 2021

PROJECT: Gardiner Boat Ramp Replacement

PROJECT DESCRIPTION: The port owns and operates five boat launches within Jefferson County. Gardiner Boat Ramp provides boat access to Discovery Bay and is in poor condition. The project will replace the ramp and provide a new seasonal dock for improved boat access.

SCHEDULE: As the funding is finalized in the state budget July 2021, we anticipate solicitation of an engineering firm to assist the Port in the design of the new facility. Construction planned for 2023.

COST ESTIMATE: The preliminary cost for the facility is estimated to be \$674,847.

Budget:

Appropriate for use of Net Operating Income funding.

2021 Recreation Conservation Office Grant \$539,877 (80% Grant funding, July 2021)

Port Funding Match required \$134,970 (20%)

	Location	Description	Labor Hours	Labor Cost	Equipment Cost	Material Cost	Subcontractor	SubTotal	Contingency	Total	IDD Project
1	Quilcene Marina	Dock Renovation Program	960	\$ 64,320	\$ -	\$ 28,775		\$ 93,095	\$ 9,310	\$ 102,405	No
2	Boat Haven D Dock	Dock Renovation Program	2,750	\$ 184,250	\$ -	\$ 116,675		\$ 300,925	\$ 30,093	\$ 331,018	Yes
3	Point Hudson Marina	Dock Renovation Program	240	\$ 16,080	\$ -	\$ 5,800		\$ 21,880	\$ 2,188	\$ 24,068	No
4	Boat Haven Yard	Storm Water Pump Replacement	200	\$ 13,400	\$ -	\$ 77,000		\$ 90,400	\$ 9,040	\$ 99,440	Yes
5	Boat Haven	Sperry Building #3	250	\$ 16,750	\$ -	\$ 13,450		\$ 30,200	\$ 3,020	\$ 33,220	Yes
6	Boat Haven	Sperry Building #2	200	\$ 13,400	\$ -	\$ 6,400		\$ 19,800	\$ 1,980	\$ 21,780	Yes
7	Boat Haven Marina	Paint Fuel Dock Building	100	\$ 6,700	\$ -	\$ 1,250		\$ 7,950	\$ 795	\$ 8,745	No
8	Point Hudson	Landscape Improvements	200	\$ 13,400	\$ 4,000	\$ 7,500	\$ 10,000	\$ 34,900	\$ 3,490	\$ 38,390	No
9	Boat Haven Yard	480 Power	240	\$ 16,080	\$ 4,000	\$ 42,800	\$ 6,000	\$ 68,880	\$ 6,888	\$ 75,768	Yes
10	Boat Haven Yard	Relocate Coast Guard Building to Moorage/Yard Office	800	\$ -	\$ -	\$ 100,500	\$ 82,000	\$ 182,500	\$ 18,250	\$ 200,750	No
12	Port Facilities	WiFi connectivity	-	\$ -	\$ -	\$ 23,150	\$ -	\$ 23,150	\$ 2,315	\$ 25,465	No
13	Boat Haven Yard	Storage Containers	200	\$ 13,400	\$ -	\$ 12,000	\$ -	\$ 25,400	\$ 2,540	\$ 27,940	No
14	Point Hudson	Pavilion Bldg Remodel, HVAC, Bathroom, Window replacement	320	\$ 21,440	\$ -	\$ 38,500	\$ 75,000	\$ 134,940	\$ 13,494	\$ 148,434	No
15	Point Hudson	Remodel office Adjacent to Moorage office	80	\$ 5,360	\$ 1,000	\$ 1,650	\$ -	\$ 8,010	\$ 801	\$ 8,811	No
16	Boat Haven	Remodel Skookum/Nomura Building	320	\$ 10,720	\$ -	\$ 22,500	\$ 17,500	\$ 50,720	\$ 5,072	\$ 55,792	No
17	Boat Haven	Commercial Dock Repair	80	\$ 5,360	\$ -	\$ 7,780	\$ 2,500	\$ 15,640	\$ 1,564	\$ 17,204	No

6,140

Bid Projects

	Location	Description	Design/Permit	Property	Construction	CM	SubTotal	Contingency	Total	IDD Project
19	Airport	Tailspin Tommy's Rehab Bldg	\$ 31,000.00	\$ -	\$ 243,360	\$ -	\$ 274,360	\$ 27,436	\$ 301,796	No
20	Point Hudson Breakwater	Phase 1-North Jetty Rehab	\$ 337,000	\$ -	\$ 5,000,000	\$ 250,000	\$ 5,587,000	\$ 558,700	\$ 6,145,700	Yes
21	Boat Haven Boat Yard	Gravel Resurfacing	\$ -	\$ -	\$ 90,000	\$ -	\$ 90,000		\$ 90,000	No
21	Boat Haven Boat Yard	Storm Water Treatment Compliance Upgrade	\$ 150,000	\$ -	\$ 2,215,000	\$ -	\$ 2,365,000	\$ 236,500	\$ 2,601,500	No
22	Boat Haven	Breakwater Repairs	\$ -	\$ -	\$ 240,000	\$ -	\$ 240,000		\$ 240,000	No
23	Gardiner	Boat Ramp replacement and new floating dock	\$ 127,200	\$ -	\$ 530,000	\$ 31,800	\$ 689,000		\$ 689,000	No

\$10,598,225

Season Work Schedule

Dry

Anytime

Permit

New

PORT OF PORT TOWNSEND

AGENDA COVER SHEET

MEETING DATE	May 26, 2021
AGENDA ITEM	<input type="checkbox"/> Consent <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading <input checked="" type="checkbox"/> Regular Business <input type="checkbox"/> Informational
AGENDA TITLE	VIII.C. Updating Resolution Delegating Administrative Powers and Duties re NDAs
STAFF LEAD	Eron Berg, Executive Director
REQUESTED	<input type="checkbox"/> Information <input checked="" type="checkbox"/> Motion/Action <input checked="" type="checkbox"/> Discussion
ATTACHMENTS	<ol style="list-style-type: none"> 1. Staff Informational Memo 2. Draft Resolution Delegating Administrative Powers and Duties re NDAs 3. Draft NDA Example

PORT OF PORT TOWNSEND

AGENDA MEMO

DATE: 5/26/2021
TO: Commission
FROM: Eron Berg, Executive Director
SUBJECT: Delegation Resolution

ISSUES

1. Should the Commission adopt the attached and updated delegation of authority resolution?

BACKGROUND

The Commission adopted a fundamentally new delegation of authority resolution in January. With a few months of using and working with that delegation, there were several minor recommended changes, the addition of an omission and the addition of clear authority to execute non-disclosure agreements. The Commission updated the delegation resolution on April 28, 2021 to address all of the items other than the authority to enter into non-disclosure agreements. This item returns to your agenda, as requested by the Commission on April 28th, for further discussion and consideration.

DISCUSSION

A redline of the current delegation is attached and includes the addition of a new provision which allows the Executive Director to enter into non-disclosure agreements (NDAs).

NDAs are an important tool when the Port is evaluating possible tenants and working with businesses in our broader economic development role. This language is the recommended language from the Port's general counsel, as is the actual non-disclosure agreement format we propose to use. NDAs do not override the public records act and make private records that are otherwise public under RCW 42.56. They do, however, provide a framework and shared understanding for how sensitive information will be handled when provided to the Port.

FISCAL IMPACT

None identified herein.

ATTACHMENTS

1. Draft updated delegation of authority resolution

RECOMMENDATIONS

If desired by the Commission:

1. Motion to adopt Resolution 746-21 delegating administrative powers and duties to the executive director.

RESOLUTION NO. 746-21

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF PORT TOWNSEND
DELEGATING ADMINISTRATIVE POWERS AND DUTIES TO THE EXECUTIVE DIRECTOR AND
DESIGNEES, REPEALING ALL PRIOR RESOLUTIONS DEALING WITH THE SAME SUBJECT MATTER.
(SUPERSEDING RESOLUTION NO. 745-21)**

WHEREAS RCW 53.12.270 authorizes the Commission to delegate administrative powers and duties to the Executive Director, and

WHEREAS the Commission of the Port of Port Townsend has in the past adopted policy directives delegating administrative powers and duties to the Executive Director and designees for the purpose of expeditious administration of the Port, and

WHEREAS the Commission has from time to time found it necessary to amend and revise such directives due to changes in law and/or operations of the Port, and

WHEREAS the Commission now wishes to provide an updated master policy directive on the delegated administrative powers and duties of the Executive Director and designees and to repeal all prior resolutions dealing with the same subject matter;

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Port Townsend as follows:

Section 1. The master policy directive of the Commission of the Port of Port Townsend as set forth herein, is adopted for the purpose of establishing the delegated administrative powers and duties of the Executive Director and designees. This policy directive will remain in effect until January 31, 2022, unless it is extended prior to that date.

Section 2. All portions of resolutions heretofore approved by the Commission pertaining to the subject matters contained in this resolution are hereby repealed.

Section 3. The Revised Code of Washington 53.08.090 authorizes the Commission to delegate by resolution to the Executive Director the authority to sell and convey Port personal property.

Section 4. The Port Commission hereby delegates to the Executive Director the authority to undertake the management operations of the Port.

Section 5. The following policy directive on the delegated administrative powers and duties of the Executive Director is hereby adopted.

I. PREAMBLE

A. The following policy is adopted by the Commission of the Port of Port Townsend for the purpose of establishing the administrative powers and duties of the Executive Director who is responsible for Port operations. The Executive Director may delegate to Port personnel such administrative authority or reporting requirements herein established as is necessary and

advisable in the efficient exercise of the Executive Director's powers and duties.

B. This policy sets forth specific delegations of power and duties from the Commission to the Executive Director. This policy shall not be interpreted to limit the duties or responsibilities of the Executive Director as those duties are determined from time-to-time by the Commission. In case of absence, the Executive Director may designate one or more senior Port staff to act in the place of the Executive Director with regard to the powers and duties herein. Subject to the limits within this delegation, the responsibility for all administration and Port operations of the Port rests with the Executive Director.

C. To implement delegations of authority to Port personnel, the Executive Director shall promulgate policy and procedural manuals, rules and procedures, monetary and budgetary directives and other such documents as personnel position descriptions, affirmative action plans, safety manuals, etc. which shall provide a clear span of authority and responsibility to the designees of the Executive Director.

D. Any Commission directives or initiatives shall be made through the Executive Director and shall be made only by the Commission acting as a body of the whole. Those directives include, but are not limited to, the separately adopted rate schedules, financial guidelines, promotional hosting policy, and standard lease policy.

E. The phrase "administration and Port operations", as used herein, means the regular day-to-day business of the Port, including but not limited to, operating, maintaining, and administering all of its properties, leasehold properties, facilities services and programs; including the implementation of construction work, alterations, repairs, maintenance, and improvements of the Port's real estate and physical facilities; and, the necessary planning incidental thereto; the conduct of financial accounting and legal matters as they relate to the Port's operation; the administration of all other operations which include personnel administration (i.e., hiring, firing, salary and benefits, training, grievance procedures, task and project assignments, employee training and incentive programs, etc.); the execution and administration of contracts; publishing legal notices; moorage agreements, and, all other pertinent functions.

F. The Executive Director shall inform the Commission regarding significant information, incidents, and business transactions by methods agreeable to the Commission. The Executive Director shall report to the Commission those actions as within this delegation. The Executive Director is the managing official of the Port, appointed by the Commission, and holds office as their representative. Nothing herein should be construed in any way as abrogating the duties and responsibilities of the Commission.

II. POLICY GOVERNING REAL PROPERTY

A. Lease Arrangements: All real property when available for lease shall, except as otherwise provided herein below, be leased only under an appropriately written lease instrument, approved by the Commission, and accompanied by a lease bond or other form of security in accordance with the law and the Port's Lease Policy. However, the Executive Director may execute short-term leases (terms of one year or less) subject to all of the following conditions:

1. The appropriate lease surety must be in place consistent with statutory requirements and the Port's standard form of lease, with the exception of State and

Federal leases that require the use of the tenant's lease form as long as the content of the lease form does not materially change the Port's intent in its standard lease form.

2. The arrangements for short-term occupancy shall be evidenced by the Port's standard form of lease (except that any clearly inapplicable provision or provisions inconsistent with the policy herein set out shall be deleted from the standard form).

3. The amount of the rental shall be in accordance with the rental revenue standards adopted by the Commission for similar Port property of the same or similar class and type and devoted to similar uses.

4. The use to which the property may be put by the tenant shall be expressly stated and shall be in accordance with the standards of use adopted by the Commission for the same or similar Port property or properties.

5. The lease may not be renewed or otherwise extended beyond five years without Commission approval.

B. Sublease Procedures: Leases, licenses, operating agreements, and related contracts between the Port and its tenants, licensees, and other parties shall include restrictions on the subleasing and require at a minimum the prior written consent of the Port to such subleases. Subject to the provisions of the lease or agreement, the Executive Director is authorized to grant consents to subleases, which for the purposes hereof shall include sub-operating agreements and sub-licensee agreements.

C. Other Lease Documents: The Executive Director is authorized to execute the following property instruments, subject to the terms specified herein:

1. Temporary and permanent easements for purposes of utility installation and maintenance, access, rights of entry and signage only.

2. Business Licenses and Licenses to Operate.

3. Aquatic land leases with the Washington State Department of Natural Resources to accommodate leasehold property leases consistent with the Port Management Agreement.

4. Binding site plans and short plats consistent with Port master plans in order to activate leasehold interests.

5. Changes in name of responsible party to the lease if all other conditions, including primary ownership, remain the same.

6. Lease assignments for purposes of collateral, including Waiver of Landlord Lien Agreements.

7. Lease assignments for purposes of a single condominium unit conveyance (change of ownership) where there is an established condominium association as the Lessee.

8. Response to estoppels and attornments.

9. Estoppel and attornment agreements.

10. Use Permits.

11. Rental and Storage Agreements.

D. Lease Enforcement and Lease Terminations: The Executive Director is authorized to enforce all terms and conditions of Port leases. The Executive Director is authorized to issue all

appropriate notices of default and/or notices of termination with regard to Port leases. The Executive Director is authorized to terminate any lease under the terms and conditions therein. Upon termination, the Executive Director is authorized to take all steps necessary to retake possession of the leasehold and recover for the Port all sums due the Port pursuant to the lease and the law. The Executive Director shall keep the Commission informed with respect to lessees that are issued default notices or termination notices.

III. POLICY GOVERNING CONTRACTS FOR PERFORMANCE OF PUBLIC WORK

A. Public Work Contract Awards: The Executive Director shall have the responsibility for following all required statutory procedures in connection with all public work contracts. The Executive Director is authorized to carry out all procedures required by applicable statutes preliminary to the acts required to be performed by the Commission at an open meeting. The Executive Director may, without prior Commission approval, execute on behalf of the Port public work contracts for \$300,000 or less, so long as the expenditure is within the limits of overall budgetary authority. In addition, the Executive Director may, without prior Commission approval, execute on behalf of the Port, public work contracts for public work identified in a specific budgetary line item and where the contract price and all other charges do not exceed the amount authorized in that specific budgetary line item.

B. Emergency Public Work Contracts: When any emergency shall require the immediate execution of a public work contract, the Executive Director, pursuant to the procedures of RCW 39.04.020 (and as amended), is authorized to make a finding of the existence of such emergency and execute any public work contract necessary to respond to the existing emergency, provided that the Executive Director shall, at the first Commission meeting following the Executive Director's finding of the existence of an emergency, request Port Commission ratification of the finding of an emergency and any contract awarded or executed pursuant to this authority. From the inception of any such emergency, the Executive Director shall continuously advise the Commission of the status of the emergency situation and the progress of any such public work contracts executed to remedy the emergency. Emergency public work contracts executed pursuant to the authority herein shall contain a clause which states that the contract is subject to ratification by the Commission and that if ratification does not follow, the contract shall terminate, and the Contractor shall be compensated for his work and materials used to the time of termination.

C. Change Orders: In the instances where public work contracts have been awarded and under which the work is in progress and individual changes in plans and/or specifications are necessitated in order to properly accomplish the work, the Executive Director is authorized, without prior Commission approval, to execute individual change orders to the contract if the following conditions are met:

1. The estimated cost of the aggregate changes in plans and/or specifications and all other charges will not exceed the specific budgetary line item, or, in cases requiring Commission approval for public works contracts, the authorized amount.
2. The contract provides for issuance of change orders.

IV. POLICY GOVERNING CONTRACTS FOR ACQUISITION OF MATERIALS, EQUIPMENT, SUPPLIES and SERVICES

A. Items Acquired for Normal Maintenance and Operation in the Open Market: The Executive Director shall have the responsibility for following all required statutory procedures, where applicable, in connection with all contracts for the acquisition of utilities, materials, equipment, supplies, and services provided; however, where utilities, materials, equipment, supplies, and services are acquired on the open market or pursuant to published tariffs and used or are necessary in normal maintenance and operations of the Port, no prior approval shall be required but shall, where appropriate, be approved or ratified as a part of the normal warrant process, and further, provided that in all cases where a statutory requirement exists for award of contracts following competitive bidding.

B. Budgeted Acquisitions or Acquisitions of \$100,000, or less: The Executive Director may, without prior Commission approval, execute on behalf of the Port, contracts for materials, equipment, and supplies (where the acquisition does not meet the criteria of Section A above) for \$100,000 or less so long as the expenditure is within the limits of overall budgetary constraints. In addition, the Executive Director may, without prior Commission approval, execute on behalf of the Port contracts for materials, equipment, supplies, and services identified in a specific budgetary line item and where the contract price does not exceed the amount authorized in that specific budgetary line item by ten percent (10%).

1. Budgeted Acquisitions of \$25,000 or less: The Executive Director may delegate Director-level Staff the authority to execute on behalf of the Port, contracts for acquisitions identified in a specific budgetary line item where the contract price and all other charges do not exceed \$25,000.

C. Emergency Contracts for Acquisition of Materials, Equipment, Supplies, and Services: When an emergency requires the immediate acquisition of materials, equipment, supplies, and services, the Executive Director is authorized to make a finding of the existence of such emergency and execute any contract for acquisition of materials, equipment, supplies, and services (subject to the Port of Port Townsend's Purchasing Procedures) necessary to respond to the existing emergency, provided that the Executive Director shall, at the first Commission meeting following the Executive Director's finding of the existence of an emergency, request Port Commission ratification of the finding of an emergency and any contract awarded or executed pursuant to this authority. From the inception of any such emergency, the Executive Director shall continuously advise the Commission of the status of the emergency situation and the progress of any contracts executed to remedy the emergency. Emergency acquisition contracts executed pursuant to the authority herein shall contain a clause which states that the contract is subject to ratification by the Commission and that if ratification does not follow, the contract shall terminate, and the Contractor shall be compensated for his work and materials used to the time of termination.

V. POLICY GOVERNING ADJUSTMENT AND SETTLEMENT OF CLAIMS AND PENALTIES EXCEPTING THOSE COVERED BY PARAGRAPH XIV BELOW:

A. Procedure for Settling Claims: The Executive Director shall be responsible for the implementation of necessary procedures for the settlement of all claims, either against or on behalf of the Port. Procedures in the handling of such claims shall, at a minimum, include the following:

1. For purpose of this Paragraph V, “claim” shall mean the assertion of any position, penalty, right or responsibility by or against the Port, its Commissioners or employees, but not including uncollectible accounts only to the extent as covered in Paragraph X herein.

2. No claims against the Port shall be considered unless and until proper written notice has been provided to the Port.

3. All claims for or against the Port may be processed in all respects (except for their final approval and payment) by the Executive Director or Legal Counsel.

4. Except as provided under Section B below, no claims shall be finally approved for settlement except by the Commission and no claim shall be paid except as authorized by the Commission.

B. Executive Director’s Authority to Settle Claims: The Executive Director may settle claims against the Port or claims asserted by the Port arising from operations for an amount not exceeding \$5,000. All claims when settled shall be reported to the Commission.

VI. POLICY GOVERNING ARRANGEMENTS FOR PROFESSIONAL AND CONSULTANT SERVICES

A. Procedure: The Executive Director shall be responsible for the Port’s compliance with RCW 53.19 and the initiation of appropriate procedures to obtain professional services specified RCW 39.80 (i.e., architectural, engineering, landscape architects and land surveyors) where deemed necessary in carrying out Port operations.

B. Executive Director’s Authority: When necessary, in the conduct of Port operations, the Executive Director may, without prior Commission approval, execute on behalf of the Port contracts for professional and consultant services for \$50,000 or less so long as the expenditure is within the limits of overall budgetary constraints and in compliance with state law.

VII. POLICY GOVERNING TRAVEL OF EMPLOYEES AND OTHER AUTHORIZED REPRESENTATIVES OF THE PORT

A. Executive Director’s Authority: The Executive Director is authorized to approve travel within the State of Washington by employees and/or other authorized representatives of the Port in order to effectuate necessary Port operations, provided that the travel expenses are within the annual budget approved by the Commission. The Commission shall approve all requests for and prior to any travel outside the State of Washington by employees and/or other authorized representatives of the Port.

VIII. POLICY GOVERNING STAFF AND EMPLOYEE ADMINISTRATION

A. Executive Director’s Authority: The Executive Director shall have the authority to manage all personnel matters for Port employees and staff which includes hiring, firing, training, grievance procedures, managing collective bargaining agreements, including letters of agreement, employee salaries and benefits. The Executive Director shall carry out these responsibilities according to guidelines and policies to be established by the Executive Director and within overall budgetary constraints. The Commission shall approve any collective bargaining agreements and amendments thereto.

IX. POLICY GOVERNING EXECUTIVE DIRECTOR'S AUTHORITY FOR PROPERTY ACQUISITIONS AND SALES

A. Authority of the Executive Director for Acquisitions Authorized by the Commission: When the Port Commission authorizes the acquisition of real property by purchase or condemnation, the Executive Director shall take all necessary steps, including the securing of appraisals, to secure title of such property for the Port. Acquisition price of individual properties (or ownerships) shall in no case exceed the Port's appraisal by 10% (ten percent), nor shall the total price paid for all properties exceed the estimates of the Port Commission's authorization without further specific Commission authorization.

B. Execution of Documents of Sale: The sale of real property is reserved to specific Commission authorization. When the Commission authorizes the sale of real property, the Executive Director shall take all necessary steps to complete the transaction, including but not limited to, accepting deposits, opening escrow and signing all necessary documents.

X. POLICY GOVERNING DISPOSITION OF UNCOLLECTIBLE ACCOUNTS

A. Definition of "Write-off": The term "write-off" means the adjustment of the accounting records of the Port to reflect the fact that the account is uncollectible in the normal course of operations. The Executive Director may authorize Legal Counsel to initiate or continue with legal action to collect an account without regard to whether the account has been written off the accounting records of the Port.

B. Procedures: The Executive Director is authorized to establish procedures for and to write off any uncollectible account in the amount of .05% of annual operating revenues of the last complete fiscal year or less subject to the following general guidelines:

1. Prior to writing off any account receivable or uncollectible, the Executive Director shall be satisfied that every reasonable effort has been made by the Port to accomplish the collection of the account.
2. Any account in excess of .05% of annual operating revenues of the last complete fiscal year which is deemed to be uncollectible shall be referred to the Port Commission for final write-off.

XI. POLICY GOVERNING LEASE SURETY, SURETY BONDS, RENTAL DEPOSITS, AND INSURANCE POLICIES

A. Authority of the Executive Director: The Executive Director or his designee is authorized to take all necessary actions on behalf of the Commission in connection with lease surety, lease surety bonds, assignments of accounts, rental deposits, or insurance coverage required pursuant to any leases of the Port, including any of the following actions:

1. Where the lease is not in default, to release any surety, surety bond, or rental deposit where an adequate substitute surety or rental deposit has been provided.
2. To approve any surety, surety bond, rental deposit, certificate of insurance, or insurance policies submitted in fulfillment of the requirements of any lease, including substitute or replacement coverage for any terminated bond, surety, or rental insurance.
3. To approve any substitute or modification of surety or insurance coverage, and to release any surety or insurance company when substitute or replacement insurance coverage has been provided in connection with any outstanding lease of the Port.

XII. POLICY GOVERNING SALE OF PERSONAL PROPERTY

A. Sale of Property Pursuant to RCW 53.08.090: The Executive Director or his designee is authorized, pursuant to RCW 53.08.090, to sell and convey surplus personal property of the Port subject to the following conditions:

1. that the market value of such personal property does not exceed \$10,000; and
2. that prior to any such sale or conveyance, the Executive Director shall itemize and list the property to be sold and make written certification to the Commission that the listed property is no longer needed for Port purposes; and
3. that offers for purchase are solicited from at least three (3) parties whenever possible; and
4. that any large block of such property having a value in excess of \$10,000 shall not be divided into components of a lesser value and sold unless done so by public competitive bid; and
5. that no property which is part of the comprehensive plan of improvement or modification thereof shall be disposed of until the comprehensive plan has been modified pursuant to RCW 53.20.010 and until such property is found to be surplus to Port needs; and
6. that in no case shall surplus personal property be sold to any Port official or employee or members of their families without the specific approval of the Commission.

XIII. LITIGATION

A. Management and Supervision of Litigation: The Executive Director and the Port's Legal Counsel (appointed by the Commission) shall be responsible for the procedures necessary for management and supervision of all litigation in which the Port has an interest, direct or indirect. For purposes of this section, "litigation" shall mean the assertion or potential assertion of any position, right or responsibility by or against the Port, including actions which have been filed in any court or any quasi-judicial or administrative forum.

B. Special Legal Services: The Executive Director, on consultation with the Port's Legal Counsel, is authorized to retain other such special counsel at fees as may be negotiated to assist in the handling of any claims, litigation, or other matters necessary to attend to the legal affairs of the Port, within overall budgetary constraints.

C. Engagement of Experts: The Executive Director may engage or cause to be engaged through Legal Counsel, such experts as may be necessary for the orderly support of claims or litigation in which the Port has a direct or indirect interest. Such engagement shall be upon authorization given by Legal Counsel after having been satisfied that such expenditure is necessary to the adequate preparation and representation of the Port's position in such litigation or claim and shall, wherever practicable, include evaluation of the litigation or claim and an estimate of the probable cost of such experts.

D. Consultation with Commission: The Executive Director will, in conjunction with the Port's Legal Counsel, consult with the Commission regarding strategy and the economic impact of litigation.

XIV. POLICY GOVERNING INTERLOCAL AGREEMENTS FOR USE OF PORT PROPERTY FOR TRAINING PURPOSES AND EVENT SITE USE AGREEMENTS FOR EVENTS

A. Executive Director's Authority: The Executive Director is authorized to execute agreements with other public agencies for purposes of conducting training exercises related to police, fire and public health and safety issues.

B. Executive Director's Authority: The Executive Director is authorized to execute event and site use agreements with organizations for events conducted by the organizations on Port property.

XV. POLICY GOVERNING APPLICATION AND ACCEPTANCE OF GRANTS

A. Authority of the Executive Director: The Executive Director or his designee is authorized to take all necessary actions on behalf of the Commission to prepare and submit applications for grants and State or Federal Legislative appropriations. The Executive Director shall notify the Commission of the amount and purpose of all grant applications and upon request shall provide copies of such applications.

B. Acceptance of Grants: The Executive Director shall consult with the Commission prior to accepting or appropriating any grant awarded to the Port and shall obtain Commission approval to accept and appropriate any grant funding or expenditure which was not specifically identified in the approved annual budget.

XVI. POLICY GOVERNING PERMIT APPLICATIONS AND NOTICES OF INTENT

A. Executive Director's Authority: The Executive Director is authorized to take all necessary actions to prepare and submit applications and notices of intent for coverage under state, local and federal regulatory permits including but not limited to, National Pollution Discharge Elimination System (NPDES) permits, Joint Aquatic Resources Permit Application (JARPA), and Hydraulic Project Approval (HPA) permits.

XVII. POLICY GOVERNING PROMULGATION OF ADMINISTRATIVE RULES AND REGULATIONS

A. Authority of the Executive Director: The Executive Director is authorized to adopt administrative rules, regulations and procedures necessary (hereinafter "rules and regulations") for the efficient operation of the Port so long as such rules and regulations are reported to the Commission and are consistent with Commission policy. All amendments to the rules and regulations established therein may hereafter be made by the Executive Director, so long as such amendments do not exceed the authority of the Executive Director, as granted elsewhere herein, and are reported to the Commission in a timely manner.

XVIII. POLICY GOVERNING AUTHORITY TO ENTER INTO NON-DISCLOSURE AGREEMENTS

A. Authority of the Executive Director: The Executive Director is authorized to enter into non-disclosure agreements on behalf of the Port of Port Townsend, provided that the non-disclosure agreement is first reviewed by legal counsel to ensure compliance with applicable law, including laws relating to public records and open public meetings.

ADOPTED by the Board of Commissioners of the Port of Port Townsend this ____ day of May, 2021 and duly authenticated in open session by signatures of the Commissioners voting in favor thereof and the seal of the Commission duly affixed.

ATTEST:

William W. Putney, III, Secretary

Peter W. Hanke, President

APPROVED AS TO FORM:

Pamela A. Petranek, Vice President

Port Attorney

**Port of Port Townsend
NON-DISCLOSURE AGREEMENT**

This **NON-DISCLOSURE AGREEMENT** (this “NDA”) is made and entered into as of _____, 202_ (the “Effective Date”), by and between _____ (the “Company”) a _____ and the Port of Port Townsend, a Washington municipal corporation (the “Port”). The Company and Port may be referred to herein individually as a “Party” and collectively as the “Parties.”

1. **PUBLIC RECORDS ACT AND OPEN PUBLIC MEETINGS ACT COMPLIANCE:** In entering into this NDA, the Parties recognize the following:
 - a. Subject to the requirements of Washington law set forth below (as the requirements are determined by the Port made in good faith), the Port is willing to accept Confidential Information, as that term is defined herein, for that limited purpose, in order to be allowed the opportunity to consider the Business Purpose, as that term is defined herein.
 - b. The Port is a Washington municipal government and therefore governed by the Washington Public Records Act, chapter 42.56 RCW, and the rules promulgated thereunder (the “PRA”) and the Washington Open Public Meetings Act, 42.30 RCW, (the “OPMA”). The Company has made itself familiar with the PRA and the OPMA.
 - c. The Port follows both the spirit and the letter of the PRA and the OPMA in all its affairs.
 - d. Except as required (in the determination of the Port made in good faith) by the PRA and the OPMA, the Port covenants that it will protect the confidentiality of the information provided to it by the Company and restrict its use as provided herein.
 - e. Once Confidential Information is received by the Port, it must be retained by the Port in accordance with law.
 - f. By law, the terms of this Agreement are subordinate to the provisions of the PRA and the OPMA.
2. **BUSINESS PURPOSE:** Both Parties, for their mutual benefit, wish to discuss _____ (the “Business Purpose”). During the course of such discussions, the Company may provide the Port with Confidential Information in connection with the Business Purpose. The Company wishes to protect the confidentiality of such information and limit the purpose for which it can be used by the Port. Nothing in this NDA shall be construed as an obligation by either Party to enter a contract, subcontract, or other business relationship.
3. **CONFIDENTIAL INFORMATION:** As used herein, the term “Confidential Information” means all information that is not generally known to the public, including without limitation, trade secrets, business plans, contracts, documents, financial information, customer information, operations, management, and technical or regulatory information of the Company (whether transferred orally, in writing, visually, electronically, or by any other means), furnished (whether before or after the date hereof) by Company to Port or to the respective directors, officers, employees, affiliates, and other representatives or agents (including, without limitation, financial advisors, financing sources, attorneys, consultants, and accountants) (collectively, “Representatives”) of Port, and all analyses,

compilations, forecasts, studies, or other documents prepared by Port, or its respective Representatives in connection with the Business Purpose that contain or reflect any such Confidential Information.

4. **EXCEPTIONS TO CONFIDENTIAL INFORMATION:** The term “Confidential Information” will not include information that Port demonstrates (a) was in the public domain at the time of disclosure, or subsequently comes within the public domain other than by a disclosure by Port or its Representatives, (b) was disclosed to Port without restriction from a source other than Company who does not have an obligation to keep such information confidential, (c) was known by Port prior to disclosure by Company, or is independently developed by Port without use of the Confidential Information, (d) was disclosed by Port with the prior written approval of Company, or (e) was disclosed by Port as required by law (see Section 5 below).
5. **DISCLOSURE OBLIGATIONS OF PORT:** In the event that a PRA request to review or receive copies of Confidential Information is received by the Port, the Port will notify the Company pursuant to RCW 42.56.520 and provide ten (10) calendar days for the Company to seek court protection of the Confidential Information or other appropriate relief. Nothing herein shall require the Port to participate in that action. If the Port is served with an order or subpoena of a governmental agency or court having competent jurisdiction requiring any information to be disclosed which is Confidential Information, then the Port shall immediately thereafter notify the Company in writing of the fact of such service, the information required, and the time to respond thereto so that the Company may seek a protective order or other appropriate remedy to challenge or narrow the scope of the required disclosure. Should the Company decide not to challenge any such subpoena or order, then Port may disclose such Confidential Information it is legally compelled to disclose, as solely determined by the Port in good faith.
6. **RETURN OF INFORMATION:** Upon the termination of this NDA or at the written request of the Company, Port will, unless otherwise required by law or regulation, including Washington records retention regulations for public entities, either (a) promptly destroy all copies of the Confidential Information in its or its Representatives’ possession and, upon written request of Company, confirm such destruction to Company in writing, or (b) promptly deliver to Company at its expense all copies of the Confidential Information in its or its Representatives’ possession, in each case excluding (i) Confidential Information stored electronically on data archive or back-up systems; (ii) Confidential Information in documents which also contain advice from advisers or that contain other information that is legally privileged; (iii) Confidential Information or documents containing information that the Port (or any Representatives) are bound by law, regulation, internal compliance procedures, or the rules of any professional body not to return or destroy; and (iv) Confidential Information contained in Commissions minutes or papers.
7. **REMEDIES, INJUNCTION, ETC:** Each Party acknowledges that remedies at law may be inadequate to protect Company against any actual or threatened breach of this NDA by Port or by its Representatives, and, without prejudice to any other rights and remedies otherwise available to Company, Port agrees that Company may be entitled to injunctive relief in addition to legal or other equitable relief. In the event of any litigation between the Parties concerning this NDA or its subject matter, but not relating to a dispute between the Parties regarding a PRA request, the substantially prevailing Party, as determined by a final and non-appealable decision, shall be entitled to recover its reasonable attorney's fees and costs from the other Party that the substantially prevailing Party incurred in connection with such litigation and any appeal thereof.

8. **WAIVER:** Each Party agrees that no failure or delay by the other Party in exercising any right, power, or privilege hereunder will operate as a waiver thereof, nor will any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any right, power, or privilege hereunder.
9. **GOVERNING LAW AND JURISDICTION:** This NDA will be governed by and construed and enforced in accordance with the internal laws of the State of Washington. For all disputes arising out of this NDA, the Parties each (i) consent to the exclusive venue and jurisdiction of the Superior Court for Jefferson County, Washington, and (ii) agree that such courts shall have personal jurisdiction over each Party.
10. **ENTIRE AGREEMENT; MODIFICATION; WAIVER:** This NDA shall supersede all prior agreements and contains the entire agreement between the Parties concerning the confidentiality of the Confidential Information, and no modifications of this NDA or waiver of the terms and conditions hereof will be binding unless confirmed in writing and signed by a duly authorized representative of each Party. No waiver by any Party of any provisions of this NDA shall be deemed to be a waiver of any preceding, concurrent, or succeeding breach of the same or any other provision. Subject to the terms herein, all rights and remedies granted or referred to in this NDA are cumulative, and resort to one shall not preclude resort to any other available right or remedy.
11. **ASSIGNMENT:** Neither Party may assign the NDA (in whole or in part) without the prior written consent of the other Party signed by a duly authorized representative of the other Party. Any attempted assignment made without such prior written consent shall be void and of no legal effect.
12. **NOTICE:** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party shall be in writing addressed to the other party at the addresses as follows:
- TO PORT: Port of Port Townsend
 P.O. Box 1180
 Port Townsend, Washington 98368
- TO COMPANY: _____

- or such address as may have been specified by notifying the other party of the change of address. Notice shall be deemed served on the date of actual delivery or the first attempted delivery as shown on the return receipt if mailed with the United States Postal Service by certified mail, return receipt requested.
13. **SUCCESSORS AND ASSIGNS:** This NDA shall inure to the benefit of and be binding on the Parties hereto and their respective successors and assigns.
14. **TERM OF AGREEMENT:** Except as otherwise expressly set forth herein, the obligations of this NDA will remain in effect for two (2) years after the date of disclosure of the Confidential Information.

15. **COUNTERPARTS:** This NDA may be executed in one or more counterparts, and by the different Parties hereto in separate counterparts, each of which, when executed, shall be deemed to be an original, but all of which taken together shall constitute one and the same agreement. This NDA shall become effective when counterparts have been signed by each of the Parties and delivered by facsimile, electronic transmission, or other means to the other Party. Electronic transmission of any signed original document, and retransmission of any signed electronic transmission shall be the same as delivery of an original document.
16. **ENTIRE AGREEMENT:** This NDA contains all of the understandings between the parties. Each party represents that no promises, representations, or commitments have been made by the other as a basis for this NDA which have not been reduced to writing herein. No oral promises or representations shall be binding upon either party, whether made in the past or to be made in the future, unless such promises or representations are reduced to writing in the form of a modification to this NDA, executed with all necessary legal formalities by the Commission of the Port of Port Townsend.

IN WITNESS WHEREOF, the Parties hereto have executed this NDA by their duly authorized officers or representatives effective as of the date first above written.

COMPANY:

LESSOR:

PORT OF PORT TOWNSEND

[COMPANY'S NAME]

By:

Its:

By: Eron Berg

Its: Executive Director

PORT OF PORT TOWNSEND

AGENDA COVER SHEET

MEETING DATE	May 26, 2021
AGENDA ITEM	<input type="checkbox"/> Consent <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading <input checked="" type="checkbox"/> Regular Business <input type="checkbox"/> Informational
AGENDA TITLE	VIII.D. 2021-2022 Seasonal Yard Rate Discount
STAFF LEAD	Eron Berg, Executive Director
REQUESTED	<input type="checkbox"/> Information <input checked="" type="checkbox"/> Motion/Action <input checked="" type="checkbox"/> Discussion
ATTACHMENTS	<ol style="list-style-type: none"> 1. Staff Informational Memo 2. Haul out report, 2015-2020

PORT OF PORT TOWNSEND

AGENDA MEMO

DATE: 5/26/2021
TO: Commission
FROM: Eron Berg, Executive Director
SUBJECT: 2021-2022 Seasonal Yard Rate Discount

ISSUES

1. Should the Commission modify the 2021-2022 Seasonal Workyard Discount?

BACKGROUND

This item returns to your agenda for further deliberations as there was no consensus at the May 12, 2021 meeting. The Commission adopted a 50% discount for the Workyard from October 1, 2021 through March 31, 2022 when it adopted 2021 rates. As is typical in March, March 2021 was a particularly busy month in the yard with little space to maneuver which resulted in delays in hauling vessels and complaints from some trades who were unable to timely schedule haul-outs to perform work.

DISCUSSION

The Seasonal rate was adopted by the Commission in an attempt to keep the yard full and the trades busy. By adopting it a year in advance, we planned to market and communicate this rate structure to further drive business to the yard. We are nearing deadlines for planned summer advertising that is specifically intended to market this rate, and prior to sending those ads to the world we want to be sure the Commission understands the way the discount is working.

Because of the recent transition to Molo, staff is not yet able to provide the Commission with comprehensive statistics to demonstrate the issue. Scheduling lead times (a.k.a., “delays”) this spring were approximately three weeks for haul outs with haul outs occurring on a one-out/one-in basis. As you can see in the chart below there are a high number of boats hauled out using the discount requirement of paying a month in advance. This means there are fewer spaces remaining for those staying less than a month, coming in mid-month or other new customers.

125 boats in the Workyard is 100% occupancy. Therefore, by way of example, in the month of March, those 13 remaining spaces accommodated 44 ins & outs. Staff are also reporting multiple instances of frustration and complaints from marine trades and customers as a result of the full capacity yard. As of May 7th, our daily schedule of ins and outs remains full, and we are now scheduling haul outs to the Workyard for July. This time of year, we’re usually booking 4 weeks ahead (not 8 weeks).

Month	Monthly Spaces billed ¹	Space remaining to accommodate new	Ins & Outs
January	96	29	47
February	104	21	33
March	112	13	44
April	104	21	80

¹ Does not include pre-paid customers.

In an effort to help with scheduling, particularly for the trades, we are hauling 75T vessels on four of the next five Saturdays (May 21, June 5, 12 and 19). This will result in a small overtime expense for the Port, but hopefully will help address the schedule.

Staff are working with the Yard Planning Group on short-term, mid-term and long-term options to maintain the viability and vibrancy of the yard. Separately, we are also working on opening up spaces wherever possible (e.g., hastening the relocation of derelict vessels to long-term storage and demolition).

It may be that this is a great problem to have and another year of working with the discount will be informative for the Commission as it considers the 2022-2023 season. In that case, this memo is intended to provide a heads-up that the Workyard is very full, which has impacted scheduling since March. Alternatively, two other possibilities would be to (1) limit the seasonal discount window to October 1, 2021 through February 28, 2022; or (2) offer the discount to boat owners whose vessels are being worked on by marine trades (i.e., discount applied for each month that a tradesperson is working on that project) with the goal to separate active work (incentivized by the discount) versus storage (no discount). It would be more work to manage (i.e., take additional staff time to “prove” a vessel is having/doing work), but option 2 could also include do-it-yourselfers who are doing business in the yard by asking them to provide receipts from Admiral, for example.

FISCAL IMPACT

None identified herein.

ATTACHMENTS

1. Haul out report, 2015-2020

RECOMMENDATIONS

If the Commission desires to try something different, consider one of the following:

1. Motion to modify the Seasonal Workyard discount to run from October 1, 2021 through February 28, 2022.

Alternatively,

2. Motion to modify the Seasonal Workyard discount to apply only to vessels who have work done by a marine trades business or to a vessel when its owner/crew self performs work during any month for which the discount is applied.



WORKYARD - 75T Haul Outs

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	TOT
2015	26	37	81	84	95	93	78	74	71	41	34	24	738
2016	19	34	62	76	87	86	78	82	65	61	32	21	703
2017	24	32	61	75	78	100	73	74	62	57	24	16	676
2018	25	29	81	91	99	88	86	72	60	57	44	23	755
2019	42	29	73	73	84	78	86	82	83	74	31	23	758
2020	18	34	46	31	44	85	82	69	77	82	44	34	646

PORT OF PORT TOWNSEND

AGENDA COVER SHEET

MEETING DATE	May 26, 2021
AGENDA ITEM	<input type="checkbox"/> Consent <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading <input type="checkbox"/> Regular Business <input checked="" type="checkbox"/> Informational
AGENDA TITLE	Informational Items
STAFF LEAD	Eron Berg, Executive Director
REQUESTED	<input checked="" type="checkbox"/> Information <input type="checkbox"/> Motion/Action <input type="checkbox"/> Discussion
ATTACHMENTS	Commission Contracts Update

PORT OF PORT TOWNSEND

INFORMATIONAL MEMO

DATE: May 20, 2021

TO: Commissioners

FROM: Sue Nelson, Lease & Contracts Administrator

CC: Eron Berg, Executive Director

SUBJECT: **May 26, 2021 Commission Meeting** – Commission Update: New/Amended Contracts Under \$50,000, Approved by Executive Director Eron Berg, per Delegation of Authority Resolution No. 743-21

Name	Dates	Description	Amount – Not to Exceed:
Northwest Maritime Center (License & Use Agreement)	5/18/21-9/30/21 (License & Use Agreement)	License & Use Agreement - Permission to conduct youth sailing programs on Port property.	N/A