

**Port of Port Townsend
Public Workshop
Wednesday, January 11, 2023, 9:30 AM**

**To be held in person at the Point Hudson Pavilion Building, 355 Hudson Street, Port Townsend
and also online**

Via <https://zoom.us/> – or call (253) 215-8782, use Webinar ID: 862 6904 3651, Password: 911887

AGENDA

- A. Peninsula Trails Coalition - Puget Sound to Pacific Project (PS2P) Presentation and Coordination
- B. 2023 Organizational Items

This workshop is open to Commissioners, Management, other Port staff, Consultants and the public. It is not the opportunity to give public testimony, but if Commissioners request input from individuals in the audience, those people may speak. The principal purpose of the workshop is to allow Port staff and the Board of Commissioners to communicate with each other and/or Consultants, answer Commission questions, and get the Commission's opinions and input regarding the subject topic(s).

About RAISE Grants

The Rebuilding American Infrastructure with Sustainability and Equity, or RAISE Discretionary Grant program, provides a unique opportunity for the DOT to invest in active transportation, road, rail, transit and port projects that promise to achieve national objectives. For FY2022, roughly 40 percent of the awards will fund improvements to bicycling, including trails. This year 55 percent were awarded to rural areas.

Roughly 40 percent of the FY'22 awards will fund improvements to bicycling, including trails.

Previously known as the Better Utilizing Investments to Leverage Development (BUILD) and Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants, Congress has dedicated nearly \$9.9 billion for thirteen rounds of National Infrastructure Investments

to fund projects that have a significant local or regional impact.

In each competition, DOT receives hundreds of applications to build and repair critical pieces of our freight and passenger transportation networks. The RAISE program enables DOT to examine these projects on their merits to help ensure that taxpayers are getting the highest value for every dollar invested.

The eligibility requirements of RAISE allow project sponsors at the State and local levels to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional DOT programs. RAISE can provide capital funding directly to any public entity, including municipalities, counties, port authorities, tribal governments, MPOs, or others in contrast to traditional Federal programs which provide funding to very specific groups of applicants (mostly State DOTs and transit agencies). This flexibility allows RAISE and our traditional partners at the State and local levels to work directly with a host of

entities that own, operate, and maintain much of our transportation infrastructure, but otherwise cannot turn to the Federal government for support.

Program Background

Since 2009 through 2021*, the Program has awarded more than \$3.8 billion in Federal funding to 345 projects to support rural and tribal communities across the nation, leveraging an estimated \$6.8 billion in non-RAISE/BUILD/TIGER funding. *The August 2022 announcement included an additional 166 projects awarded \$2.275 billion.

Overall, the Department of Transportation has received more than 10,400 applications requesting more than \$185 billion for transportation projects across the country.

The RAISE program enables DOT to use a rigorous merit-based process to select projects with exceptional benefits, explore ways to deliver projects faster and save on construction costs, and make needed investments in our Nation's infrastructure.

Additional background:

- 2022 RAISE grants are for planning and capital investments that support roads, bridges, transit, rail, ports, or intermodal transportation.
- 50% of funding is designated for projects in rural areas, and 50% of the funding is designated for projects in urban areas.
- Nearly two-thirds of projects are located in areas of persistent poverty or historically disadvantaged communities.
- The largest 2022 grant award is \$25 million. Per statute, no more than \$341.25 million could be awarded to a single state in this round of funding.
- FY2022 RAISE funds must be spent by September 30, 2031.

<https://www.transportation.gov/RAISEgrants/about>

About RAISE Grants

In the eleven rounds of funding between 2009 and 2021, DOT awarded \$3.8 billion to 345 projects from RAISE and its predecessors. In 2022, DOT awarded almost \$2.3 billion to 166 projects.

From the 2022 Notice of Funding Availability

The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, “Bipartisan Infrastructure Law,” or “BIL”) authorized and appropriated \$1.5 billion to be awarded by the Department of Transportation (“DOT”) for FY 2022 for Local and Regional Project Assistance Program Grants under National Infrastructure Investments. The 2022 Notice of Funding Opportunity (NOFO) solicits applications for projects to be funded under the Local and Regional Project Assistance Program, known as the RAISE Grants program, including any additional funding appropriated for the RAISE Grants program under the FY 2022 Appropriations Act. On March 15, 2022, the Consolidated Appropriations Act, 2022 (Pub. L. 117-103, “FY 2022 Appropriations Act”) appropriated an additional \$775 million for the FY 2022 RAISE Grant Program. Therefore, a total of \$2.275 billion in funding was available for the FY 2022 RAISE Grant Program.

RAISE Grants are for capital investments, including acquisition, in surface transportation that will have a significant local or regional impact. Per the BIL, in addition to capital awards, DOT will award at least \$113.75 million for eligible planning, preparation or design of projects eligible for RAISE Grants that do not result in construction with FY2022 RAISE funding; at least \$75 million will be awarded from the BIL funding and at least \$38.75 million will be awarded from the FY 2022 Appropriations Act funding.

Fifty percent of the funding will be awarded to rural areas.

In addition, DOT will award at least \$35 million for projects located in areas of persistent poverty or historically disadvantaged communities; a minimum of \$15 million will be awarded from the BIL funding and a minimum of \$20 million will be awarded from the FY 2022 Appropriations Act funding.

Merit Criteria for Selection

The evaluation of RAISE applications includes specific methods for presenting and reviewing the project benefits. Eight Merit Criteria were used in the FY2022 RAISE process.

Safety: Will the project target known, documented safety problems within the project area or wider transportation network, and how will the project protect motorized and non-motorized travelers or communities from health and safety risks.

Environmental Sustainability: Will the project reduce air pollution and greenhouse gas emissions from transportation, increase use of lower-carbon travel modes such as active transportation, improve resiliency of at-risk infrastructure, incorporate lower-carbon construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities.

Quality of Life: Will the project improve quality of life by increasing equity and accessibility for travelers, reducing transportation and housing cost burdens.

Improves Mobility and Community Connectivity: Will the project increase mobility and expand connectivity, particularly non-motorized travelers.

Economic Competitiveness and Opportunity: Will the project increase affordable transportation options and system connectivity to revitalize communities, increase access to location-efficient affordable housing, reduce burdens of commuting, increase tourism opportunities, or improve overall well-being. Will project delivery and implementation create good-paying jobs.

State of Good Repair: Will the project contribute to a state of good repair by restoring and modernizing core infrastructure assets, and/or addressing current or projected system vulnerabilities.

Partnership and Collaboration: Will the project engage communities affected by the project, and are equity considerations for disadvantaged communities meaningfully integrated into planning, development, and implementation of transportation investments.

Innovation: Will the project include innovative strategies including: innovative technologies, innovative project delivery, and innovative financing.

RAISE Grants Fund a Safer and More Sustainable Future

Jeff Knowles, AICP, Alta Planning + Design

On Thursday, U.S. Secretary of Transportation Pete Buttigieg announced \$2.2 billion in project awards from the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program. This cycle funded 166 projects to help communities move forward on projects that make our transportation systems safer, more accessible, more affordable, and more sustainable.

Nearly half of these awarded projects will fund pedestrian improvements, and roughly 40 percent will fund improvements to bicycling. Almost 2 out of every 3 projects will support areas of persistent poverty. This year, more than half of projects (55 percent) were awarded to rural areas compared to 45 percent in urban areas, with an average investment of \$16.7 million per capital project.

All 50 states were awarded project funding, including the District of Columbia, along with Puerto Rico, the Virgin Islands, and the Northern Mariana Islands. The states awarded the most funding were California (8) and Washington (7), while Minnesota, North Carolina, Oklahoma, Virginia and Texas all had six projects funded.

“Federal investment for active transportation is at an all time high, but the RAISE program remains highly competitive given the immense need,” said Alta Principal Jennifer Baldwin. “Complete Streets projects that improve walking and bicycling for equity communities and have other climate and economic benefits are a good fit for RAISE.”

Alta has a history of securing federal funding, and has helped clients raise over \$153 million in funding through the RAISE grant program alone.

“If your submission was not funded this cycle, take comfort in knowing that 4 out of 10 projects awarded in 2022 were resubmitted from last year,” said Alta Principal Jeff Knowles, AICP. “US DOT offers advice on how to strengthen your application so that you can compete again (and you should).”

There is more federal funding available through the Bipartisan Infrastructure Law this year. The Safe Streets and Roads for All (SS4A) Program and Reconnecting Communities Pilot Program are open. Reach out to Alta Principal and federal funding expert Jeff Knowles if you want to learn more about these opportunities to fund your projects. Contact him at jeffknowles@altago.com.

<https://blog.altaplanning.com>

COMPLETING THE GREAT AMERICAN RAIL-TRAIL FROM PUGET SOUND (Winslow) to PACIFIC (La Push)

A Three-County Proposal for a RAISE* Grant

Sponsored by: Bainbridge Island Parks & Trails Foundation (BIPTF), North Kitsap Trails Association (NKTA), and the Peninsula Trails Coalition (PTC)
Fall 2022 through Spring 2023

Objective

Submit a RAISE grant application by the next anticipated deadline of April, 2023 to plan and construct strategic sections of the Puget Sound to Pacific “PS2P” portion of the RTC Great American Rail Trail.

Executive Summary

The three non-profit trails advocacy organizations, (“The Proponents”) working in consultation with the Washington DC-based Rails-to-Trails Conservancy (RTC), propose to prepare a RAISE grant application, in the \$25-\$45 million range, for a comprehensive, three-county package of projects toward completing the westernmost section of the Great American Rail-Trail (GART), from the ferry terminal on Bainbridge Island to the Pacific Ocean at La Push.

The Proponents would seek approval for pursuing the grant from the affected jurisdictions, including Tribes, and would only proceed with concurrence from those jurisdictions to support the project work if the application is successful. The Proponents will secure the funding to hire a consultant (est. of \$120K-\$150K) to produce the grant application. The Proponents, in consultation with the jurisdictions, will direct the work of the consultant, jointly determine the method for the administration of the RAISE grant, if successful, and coordinate all elements of the process and the products.

Background

In April 2022, representatives of the RTC, along with Governor Inslee’s Senior Policy Advisor for Outdoor Recreation and Economic Development, Jon Snyder, made a field visit to the Olympic Peninsula and Bainbridge Island, accompanied by local advocates for regional trails. During this trip, both parties (RTC and Gov. Inslee’s office) indicated that what they were seeing and learning about the current status of regional trails here – the Sound to Olympics Trail (STO) on Bainbridge Island and in north Kitsap County, the Olympic Discovery Trail (ODT) across the north Olympic Peninsula, and the unnamed conceptual connector of the two from Hood Canal

Bridge west to the ODT – suggested that there is a strong possibility of producing a very competitive application for funding under the Federal RAISE program.

As that message carried through their 2-3 days in the area, their local guides agreed to have further exploratory discussions with RTC, and in early June, a conference call led to a decision to provide an early heads up-to staff-level contacts at many of the key jurisdictions (Kitsap, Jefferson, and Clallam counties; cities of Bainbridge Island, Poulsbo, Port Angeles; Port Townsend, and Suquamish and Jamestown S’Klallam Tribes). The conference call also initiated internal conversations and preliminary planning by a representative of each of the three proponents: Barbara Trafton - Bainbridge Island Parks & Trails Foundation, Don Willott - North Kitsap Trails Association, and Jeff Bohman - Peninsula Trails Coalition, along with Steve Durrant, Landscape Architect with a career focus on multi-modal transportation featuring shared-use trails, who has been serving as an expert advocate volunteer with the Proponents.

Favorable Factors

- Governor’s support
- Rails To Trails Coalition support
- WSDOT’s engagement with parts of the route
- Favorable federal agency environment
- Allure of completing the western 150+ miles of the national GART
- Uniquely long corridor of developed rural communities connected by the trail, crossing the Kitsap and Olympic Peninsulas between Puget Sound and the Pacific Ocean
- Multi-jurisdictional scope, including Tribes
- Opportunity for meaningful associated infrastructure projects that would increase competitiveness, such as culvert replacements and mass transit linkages
- Availability of qualified , specialized consultants

Actions to Date

Recognizing the boldness of the concept and the limited timeline, the scoping team concluded that it was important to gather facts supporting the concept’s potential to be able to present to the proponents’ boards, and to the leadership of the jurisdictions. The Proponents’ aim to gather information advances serious feasibility discussions regarding the work to be accomplished, the methods and processes under which all parties would have an appropriate stake in the process and the product. Clearly, this concept is in its infancy and will need to be thoroughly discussed before proceeding. Nonetheless, if the concept has a chance to succeed, and working backward from a submittal deadline of spring, 2023, the scoping team believes

that a consultant would need to be selected by October. With that timeline in mind, the scoping team has sought letters of interest from several highly-qualified candidates and has received expressions of interest from three firms: Alta, Parametrix and MIG. Those responses confirm the feasibility of developing a grant application by the deadline of spring, 2023, within the estimated cost of contracting and managing the consultant.

Proposed Operating Structure

- Proponent consortium raises the funds and has their non-profit, private sector flexibility to move the project along promptly, including managing the consultant's work.
- Consultant management by a designated project manager with proponents' leadership oversight
- Proponents would share project costs equally (1/3 ea. of ~\$150,000)
- Jurisdictions, possibly operating through the existing and relevant structure of the Peninsula Regional Transportation Planning Organization (PRTPO), would help guide the scope of work and would provide limited assistance to equip consultant with info needed to produce the application

Next Steps

The scoping team has discussed important aspects such as funding, project management, providing for thorough jurisdictional involvement, proponent organizations' roles & responsibilities, jurisdictional roles & responsibilities, fiscal management, and related matters. So, starting points for those subjects are ready for discussion. The next step, which this working document is intended to prompt, is a review and discussion by each of the proponents' boards, with the goal of having board approvals in place (along with any and all board input to next steps) by mid-September. PTC has already approved the concept and funding. Meanwhile, similar introductory conversations need to be held by the scoping team members with their respective jurisdictions so that jurisdictional buy-in can be accomplished in September. In turn, that will allow consultant selection in October and the project work could begin.

* **Rebuilding American Infrastructure with Sustainability and Equity** (the successor program to previous federal TIGER and BUILD programs)



For All Potential Co-Applicants: A Puget Sound to Pacific (PS2P) RAISE* Grant Update

12/15/22

1. A memorandum of understanding between the three partnering nonprofits - Bainbridge Island Parks & Trails Foundation (BIPTF), North Kitsap Trails Association, & Peninsula Trails Coalition - has been signed by each organization represented in the PS2P Collaborative.
2. BIPTF, on behalf of the three nonprofits and their formal Board approvals of this project, has employed Steve Durrant, Fellow in the American Society of Landscape Architects with a career focus on multi-modal transportation featuring shared-use trails, who had been serving as an expert advocate volunteer with the coalition nonprofits. Steve is serving as a temporary staff member in the role of Director of the RAISE Grant project.
3. A consulting contract for preparation of the grant application has signed between BIPTF as the lead nonprofit, and MIG, the selected consultant.
4. The RAISE Notice of Funding Opportunity (NOFO) was issued as of the November 30th as expected, 2 months earlier than recent years. The grant applications are due February 28th, also earlier than previous years. **We plan to proceed with an application in this round and propose that all interested partners in this Grant application express their intention to participate by December 31, 2022. Please contact Steve Durrant at RAISE@biparksfoundation.org with your jurisdiction's project lead contact information.**
5. As in previous rounds, the RAISE application provides two tracks: Planning and Capital. Planning grants can include planning and design elements. Capital include acquisition of right-of-way and project construction. We plan to pursue a planning grant to address the many gaps in the Sound to Olympics Trail and the Olympic Discovery Trail. These projects will include alignment alternatives studies to refine and decide specific alignments, type, size and location studies to address bridge and other barriers, engineering and design of projects and environmental compliance documentation.
6. The application planning process will also collect and prepare a preliminary evaluation of capital projects to help advance those for possible future grant applications.
7. All jurisdictions including Counties, Cities and Tribes are invited and highly encouraged to join this grant effort. The PS2P Nonprofit Collaborative is covering the cost and management of the grant application so you can focus on gathering details of desired planning and design projects aligned with the PS2P concept. Each entity submitting projects to the grant will need to be co-applicants in this grant. The Washington State Department of Transportation has agreed to be a co-applicant. Together we aim to identify a submitting agency from among the co-applicants. Requirements and responsibilities of Co-Applicants are listed below.

Requirements and responsibilities of Co-Applicants:

Funding. \$750 million shall be awarded to rural projects. Minimum grant award is \$1 million. Grants may not be greater than \$25 million.

Cost Sharing or Matching. The PS2P Project is located in an area considered Rural where cost sharing is not required by the RAISE grant program. The program is prohibited from considering cost share as a selection criterion or a competitiveness factor.

Eligibility. Eligible Applicants for RAISE grants are: States; a unit of local government; a public agency; a public authority with a transportation function, including a port authority; a federally recognized Indian Tribe or a consortium of such Indian Tribes; a transit agency; and a multijurisdictional group of entities.

Multiple jurisdictions may submit a joint application and should identify a Lead Applicant as the primary point of contact and also identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant.

Grant funds are disbursed as reimbursement for expenses incurred by the recipient during the grant period (funds spent before the grant will not be reimbursed).

The costs to the applicants of grant administration are a reimbursable expense.

Roles & Responsibilities. The Lead Applicant must have the authority to receive Federal financial assistance; they have the legal authority to complete the Project; they have the capacity, including institutional, managerial, and financial capacity, to comply with its obligations under this agreement; and non-eligible project costs listed in the application are committed to fund the Project.

Co-applicants must meet the same eligibility requirements as the Lead Applicant

Project Administration

Staff and administrative costs of Lead and Co-Applicants may be reimbursable by the grant

- Lead Applicant
 - will enter into a project agreement with DOT
 - will serve as a pass-through entity for grant funds
 - will submit quarterly progress reports
- Co-Applicants
 - will define the scope, schedule and eligible costs for conducting their own sub-components of the project
 - will staff sub-component tasks
 - will incur sub-component costs and apply for reimbursement through the Lead Applicant

Project Delivery

Staff costs of Lead and Co-Applicants may be reimbursable by the grant

Applicants will be responsible for

- Assigning or hiring staff capable of conducting the planning activity or directing consultants
- Conducting or directing required public engagement

* *Rebuilding American Infrastructure with Sustainability and Equity (RAISE funding opportunity is issued by the US Department of Transportation. It is the successor program to previous federal TIGER and BUILD programs).*

PORT OF PORT TOWNSEND

AGENDA MEMO

DATE: 1/11/2023
TO: Commission
FROM: Eron Berg, Executive Director
SUBJECT: 2023 Organizational Topics

ISSUES

In preparation for 2023:

1. Who will serve as president, vice president and secretary for the Commission?
2. Who will serve on which committees?
3. Should the Commission adopt updated meeting procedures?
4. Should the Commission adopt the attached delegation of authority resolution?
5. When should the annual retreat be scheduled and what topics would the Commission like to have on the agenda?

BACKGROUND

All five of these topics are discussed annually. They are on your agenda today for possible action consistent with the Commission's practice of annual review, update and adoption of these organizational topics.

DISCUSSION

Commission officers: For your information is a table with detail since 2010:

YEAR	PRESIDENT	VICE PRESIDENT	SECRETARY	Exec. Director
2023				
2022	Pam Petranek	Carol Hasse	Pete Hanke	Eron Berg
2021	Pete Hanke	Pam Petranek	Bill Putney	Eron Berg
2020	Pete Hanke	Bill Putney	Pam Petranek	Jim Pivarnik / Eron Berg
2019	Bill Putney	Pete Hanke	Steve Tucker	Jim Pivarnik
2018	Steve Tucker	Pete Hanke	Bill Putney	Sam Gibboney / Jim Pivarnik
2017	Pete Hanke	Brad Clinefelter	Steve Tucker	Sam Gibboney

2016	Pete Hanke	Steve Tucker	Brad Clinefelter	Larry Crockett / Sam Gibboney
2015	Steve Tucker	Brad Clinefelter	Pete Hanke	Larry Crockett
2014	Steve Tucker	Brad Clinefelter	Pete Hanke	Larry Crockett
2013	Leif Erickson	Steve Tucker	Dave Thompson	Larry Crockett
2012	Leif Erickson	Steve Tucker	Dave Thompson	Larry Crockett
2011	Dave Thompson	Leif Erickson	John Collins	Larry Crockett
2010	John Collins	Dave Thompson	Leif Erickson	Larry Crockett

Committee assignments: Attached are the 2022 committee assignment sheet along with a draft 2023 assignment list with staff recommendations and requests made by commissioners.

Commission meeting procedures: A updated draft of the meeting procedures is attached and includes no changes.

Delegation of authority: A updated draft of delegation is attached and includes very minor changes identified in track changes format. The primary change is a recommendation to increase the delegated authority to enter into professional service agreements from \$50,000 to \$100,000.

Annual retreat: When would the Commission like to hold an annual retreat? The list of topics that we have been tracking includes the following:

Strategic Plan update

Capital projects update & plan

Identification of new economic opportunities, including the Short's Farm

Other topics that may be of interest, either at the annual retreat, at workshop meetings or business meetings include:

Lease policy as it relates to selection of tenants and prioritization of uses for certain properties

Separate from the capital plan, a more detailed discussion of the Port's flood protection project

Point Hudson Parking Plan

FISCAL IMPACT

None identified herein.

ATTACHMENTS

1. 2022 Committee Assignment
2. Draft 2023 Committee Assignments
3. Commission meeting procedures
4. Draft updated delegation of authority

RECOMMENDATIONS

1. Motion(s) to elect a President, Vice President and Secretary for the Commission to serve through 2023 or until succeeded.
2. Motion to approve the attached list of committee assignments for 2023.
3. Motion to adopt Resolution 785-23 readopting commission meeting procedures.
4. Motion to adopt Resolution 786-23 delegating administrative powers and duties to the executive director.
5. Please provide direction on the annual retreat.

**PORT OF PORT TOWNSEND
2022 COMMITTEE ASSIGNMENTS**

COMMITTEE NAME	REPS	FREQUENCY
CEO Breakfast Group	Eron Berg	Monthly
Chamber of Commerce – Jefferson County (Luncheons)	Carol Hasse	Second Mondays
Chamber of Commerce – North Hood Canal <i>Meets alternately in Quilcene and Brinnon</i>	Pete Hanke	3 rd Mondays 5:30 PM
Climate Action Committee	Carol Hasse	Quarterly
East Jefferson Underground Coordinating Council	Chris Sparks	As called
EDC Team Jefferson – Board of Directors	Pam Petranek	Monthly
EDC Team Jefferson – Public Sector Cabinet	Eron Berg	Quarterly
Food Resilience Committee - Jefferson County	Pam Petranek	As called
IMT (Incident Management Team) - Jefferson County (360) 385-9368 jcdem@co.jefferson.wa.us	Terry Taylor	1 st Wednesdays 10-Noon
Joint Growth Management Steering Committee, Jefferson Co.	Eric Toews	As called
Marine Resources Committee (MRC) - Jefferson County https://www.jeffersonmrc.org/meetings-events/	Carol Hasse	1 st Tuesdays 6-8:00
North Olympic Development Council (NODC)	Carol Hasse	4 th Thursdays 2:00-4:00 PM
North Olympic Legislative Alliance (NOLA)	Eron Berg	As called
Pacific Coast Congress of Port Managers & Harbormasters Board	Kristian Ferraro	As called
Pilots Association - Jefferson County	Pete Hanke & Eron Berg	As called
Port Townsend Marine Trades Association	Executive Director, commissioner, <i>as invited</i>	Mondays
Port Townsend Moorage Tenants Union	Eron Berg	As invited
Public Infrastructure Fund Committee (PIF) - Jefferson County	Pete Hanke	As called
Solid Waste Advisory Council- Jefferson County	Pete Hanke	As called
WAMA – WA Airport Management Association	Pete Hanke	As called
Washington Finance Officers Association	Abigail Berg	As called
Washington Public Ports Association - Board of Trustees	Carol Hasse	Spring & Annual Conferences
WPPA - Finance & Administration Committee	Abigail Berg	As called
WPPA - Legislative Committee (+ <i>All 3 Commissioners</i>)	Eric Toews	As called
WPPA - Other Committees (Aviation, Economic Development, Environmental, Marina, and Public Relations)	<i>All 3 Commissioners</i>	As called

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RESOLUTION NO. 770-22

A Resolution of the Commission of the Port of Port Townsend
READOPTING COMMISSION MEETING PROCEDURES

WHEREAS, The Port of Port Townsend did establish and approve, in public session, "Commission Meeting Procedures" by Resolution No. 42-87 dated November 18, 1987, and;

WHEREAS, The Port of Port Townsend did rescind Resolution No.42-87, and adopted new Commission Meeting Procedures which were more efficient and beneficial for both the Commission and participating public, by Resolution No. 326-00 on July 26, 2000, and which was subsequently amended by Resolution No. 344-01 on March 14, 2001; by Resolution No. 363-02 on February 27, 2002; by Resolution No. 367-02 on March 27, 2002; by Resolution No. 390-03 on January 22, 2003; Resolution No. 392-03 on April 9, 2003; by Resolution No. 471-06 on July 26, 2006; by Resolution No. 487-07 on April 25, 2007; by Resolution No. 532-10 on January 27, 2010; by Resolution No. 553-11 on January 12, 2011; by Resolution No. 558-11 on March 23, 2011; by Resolution No. 561-11 on June 8, 2011; by Resolution No. 594-13 on May 8, 2013; Resolution No. 604-14 on January 22, 2014; by Resolution 624-15 on January 14, 2015; Resolution No. 639-16 on January 27, 2016; by Resolution No. 654-17 on January 11, 2017; Resolution No. 674-18 on January 24, 2018; by Resolution No. 675-18 on February 28, 2018; by Resolution No. 695-19 on January 24, 2019; by Resolution No. 714-20 on January 22, 2020; by Resolution 742-21 on January 13, 2021; and by Resolution 752-21 on September 8, 2021; and by Resolution 763-22 on January 12, 2022

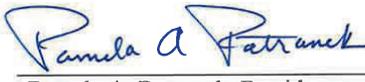
WHEREAS, the Port Commission wishes to modify the meeting procedures as noted in Appendix A, established on January 12, 2022, via Resolution No. 763-22.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Port Commission of the Port of Port Townsend, that Resolution No. 763-22 shall be rescinded, and the Commission Meeting Procedures, as shown in the attached "Appendix A," shall be adopted in their place.

ADOPTED this 8th day of June 2022, by the Commission of the Port of Port Townsend and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission duly affixed.

ATTEST:

Peter W. Hanke, Secretary


Pamela A. Petranek, President


Carol L. Hasse, Vice President



APPROVED AS TO FORM:

Port Attorney

APPENDIX A to Resolution 770-22
Port of Port Townsend Commission Meeting Procedures

The Commission Meeting Procedures have been adopted by Resolution 714-20, amending Resolutions 326-00, 344-01, 363-02, 367-02, 390-03, 392-03, 471-06, 487-07, 532-10, 553-11, 558-11, 561-11, 594-13, 604-14, 624-15, 639-16, 654-17, 674-18, 675-18, 694-19, 714-20, 742-21, 752-21 and 763-22. Any changes or deletions will require an amendment to the Resolution.

COMMISSION MEETINGS

TIME AND LOCATION OF MEETINGS

1. Effective June 9, 2022, with the exceptions outlined in paragraph 2 immediately below, regular business meetings of the Port of Port Townsend will occur twice a month - on the second Wednesday of each month at 1:00 p.m. and on the fourth Wednesday of each month at 5:30 p.m. in the Port's Pavilion Building, 355 Hudson Street, Port Townsend, Washington, unless otherwise indicated. Public Workshops will occur on the second Wednesday of each month at 9:30 a.m. Meeting and workshop schedules and locations are subject to change with a minimum 24-hour notice to the local newspaper and the Port's website.
2. Any meeting that falls on a holiday will be held the following regular business day. To accommodate Thanksgiving, the second meeting in November shall be held on Tuesday, November 22, 2022 at 1:00 P.M. There is no regular meeting scheduled for the second meeting (fourth Wednesday) in July, August or December.

MEETING FORMAT

1. **Regular Meetings: Are held in-person with a virtual option for commissioners, staff and public participation.**
2. **Special Meetings: Are held in-person and may not include a virtual option depending on location, internet availability and practicality of hosting a virtual option.**

RULES OF TRANSACTION OF BUSINESS

1. Order of Business shall be as follows:
 - I. Call to Order
 - II. Approval of Agenda
 - III. Public Comments Related to/not related to the agenda (limited to total of thirty (30) minutes; three (3) minutes per person)
 - IV. Consent Agenda
 - V. Special Guests & Presentations
 - VI. Second Reading (Action Items)
 - VII. First Reading (Discussion Only)
 - VIII. Regular Business
 - IX. Staff Comments
 - X. Commissioner Comments
 - XI. Next Meeting
 - XII. Executive Session (if any)
 - XIII. Adjournment
 - XIV. Informational Items
2. All matters which, in the judgment of the Commission, are of a legislative character shall be embodied in the form of Resolutions. Resolutions shall be numbered consecutively, and the original copy shall be signed by the President and Vice President and attested by the Secretary. Resolutions shall be filed by the Executive Assistant and shall be recorded in a book or books kept for such purpose, which shall be public records.
3. Organization of Workshops:
 - a. Shall have an agenda;
 - b. Will have minutes recording topics discussed either in written and/or audio format;
 - c. Will be used for discussion, with no formal action (i.e., an actual vote of the Commission on a motion, proposal, resolution, or order); and

- v. Each member shall have the opportunity to speak before any member speaks twice.
 - vi. Every member has the right to know the meaning of the question before the Commission and what its effect will be.
 - vii. All meetings must be characterized by fairness and by good faith.
- d. Routine and ordinary business may be approved and/or rejected by the Commission by placing it on either the Consent Agenda, or as an item of "Regular Business". Examples of items typically placed on the consent agenda are approval of warrants, meeting minutes, lease amendments, contracts and items that have already come before the Commission.

Examples of items considered as "Regular Business" include monthly financial reports, lease agreements, significant contracts, and grant agreements. Matters of routine and ordinary business may be voted on at the same meeting at which they are introduced.

- e. To facilitate sufficient time for reflective consideration of proposals by Commissioners and members of the public and staff, all proposals for policies* which impact Port customers or members of the public shall be voted on no sooner than the immediate next regular business meeting following introduction of the proposal. The introduction of a proposal at a Commission meeting is the "first reading" and any subsequent meeting where the proposal is considered is the "second reading". This requirement may be waived by a unanimous vote of the Commission.

*Examples of policy actions include adoption of the budget, adoption of strategic and/or comprehensive plans.

- f. Motions do not require a second.
 - g. The presiding officer of the Commission meeting shall have the right to participate fully in the discussion and shall cast a vote on all motions.
 - h. The standard priorities and requirements for main, subsidiary, and privileged motions shall be used.
6. The draft agenda may be available by Friday of the week previous.
7. The Executive Director or his designee would be responsible for keeping track of each issue.
8. Port staff and/or general counsel may serve as parliamentarian in the event the presiding officer, commissioner or commission desire procedural assistance.

All public comments and questions should be directed to the Commissioners. If the Commissioners so desire, they may refer the question to the Executive Director, Port Attorney, and/or other Port Staff in attendance.

MINUTES

1. Additions and or corrections to the Minutes will be recorded and become a part of the revised and approved consent agenda. Minutes are to be available to the Commissioners prior to the meetings.
2. Minutes are recorded according to RCW 42.30.035.

VOUCHER APPROVAL

Voucher approval is incorporated under "Consent Agenda". See also Resolution 737-20 for details on the issuance and approval of checks and warrants.

COMMISSIONER'S COMPENSATION

Each Commissioner shall be reimbursed or compensated for actual attendance at official meetings of the district and for other official services or duties on behalf of the district up to the maximum rate allowed in accordance with RCW 53.12.260.

RESOLUTION NO. 785-23

A Resolution of the Commission of the Port of Port Townsend

READOPTING COMMISSION MEETING PROCEDURES

WHEREAS, The Port of Port Townsend did establish and approve, in public session, “Commission Meeting Procedures” by Resolution No. 42-87 dated November 18, 1987, and;

WHEREAS, The Port of Port Townsend did rescind Resolution No.42-87, and adopted new Commission Meeting Procedures which were more efficient and beneficial for both the Commission and participating public, by Resolution No. 326-00 on July 26, 2000, and which was subsequently amended by Resolution No. 344-01 on March 14, 2001; by Resolution No. 363-02 on February 27, 2002; by Resolution No. 367-02 on March 27, 2002; by Resolution No. 390-03 on January 22, 2003; Resolution No. 392-03 on April 9, 2003; by Resolution No. 471-06 on July 26, 2006; by Resolution No. 487-07 on April 25, 2007; by Resolution No. 532-10 on January 27, 2010; by Resolution No. 553-11 on January 12, 2011; by Resolution No. 558-11 on March 23, 2011; by Resolution No. 561-11 on June 8, 2011; by Resolution No. 594-13 on May 8, 2013; Resolution No. 604-14 on January 22, 2014; by Resolution 624-15 on January 14, 2015; Resolution No. 639-16 on January 27, 2016; by Resolution No. 654-17 on January 11, 2017; Resolution No. 674-18 on January 24, 2018; by Resolution No. 675-18 on February 28, 2018; by Resolution No. 695-19 on January 24, 2019; by Resolution No. 714-20 on January 22, 2020; by Resolution 742-21 on January 13, 2021; and by Resolution 752-21 on September 8, 2021; and by Resolution 763-22 on January 12, 2022; and by Resolution 770-22 on June 8, 2022;

WHEREAS, the Port Commission wishes to modify the meeting procedures as noted in Appendix A, established on June 8, 2022, via Resolution No. 770-22.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Port Commission of the Port of Port Townsend, that Resolution No. 770-22 shall be rescinded, and the Commission Meeting Procedures, as shown in the attached “Appendix A,” shall be adopted in their place.

ADOPTED this 11th day of January 2023, by the Commission of the Port of Port Townsend and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission duly affixed.

ATTEST:

Peter W. Hanke, Secretary

Pamela A. Petranek, President

Carol L. Hasse, Vice President

APPROVED AS TO FORM:

Port Attorney

APPENDIX A to Resolution 785-23
Port of Port Townsend Commission Meeting Procedures

The Commission Meeting Procedures have been adopted by Resolution 714-20, amending Resolutions 326-00, 344-01, 363-02, 367-02, 390-03, 392-03, 471-06, 487-07, 532-10, 553-11, 558-11, 561-11, 594-13, 604-14, 624-15, 639-16, 654-17, 674-18, 675-18, 694-19, 714-20, 742-21, 752-21, ~~and 763-22~~ and 770-22. Any changes or deletions will require an amendment to the Resolution.

COMMISSION MEETINGS

TIME AND LOCATION OF MEETINGS

1. Effective ~~June 9, 2022~~ January 11, 2023, with the exceptions outlined in paragraph 2 immediately below, regular business meetings of the Port of Port Townsend will occur twice a month - on the second Wednesday of each month at 1:00 p.m. and on the fourth Wednesday of each month at 5:30 p.m. in the Port's Pavilion Building, 355 Hudson Street, Port Townsend, Washington, unless otherwise indicated. Public Workshops will occur on the second Wednesday of each month at 9:30 a.m. Meeting and workshop schedules and locations are subject to change with a minimum 24-hour notice to the local newspaper and the Port's website.
2. Any meeting that falls on a holiday will be held the following regular business day. To accommodate Thanksgiving, the second meeting in November shall be held on Tuesday, November 22, 2022 at 1:00 P.M. There is no regular meeting scheduled for the second meeting (fourth Wednesday) in July, August or December.

MEETING FORMAT

1. **Regular Meetings: Are held in-person with a virtual option for commissioners, staff and public participation.**
2. **Special Meetings: Are held in-person and may not include a virtual option depending on location, internet availability and practicality of hosting a virtual option.**

RULES OF TRANSACTION OF BUSINESS

1. Order of Business shall be as follows:
 - I. Call to Order
 - II. Approval of Agenda
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 - VIII. Regular Business
 - IX. Staff Comments
 - X. Commissioner Comments
 - XI. Next Meeting
 - XII. Executive Session (if any)
 - XIII. Adjournment
 - XIV. Informational Items
2. All matters which, in the judgment of the Commission, are of a legislative character shall be embodied in the form of Resolutions. Resolutions shall be numbered consecutively, and the original copy shall be signed by the President and Vice President and attested by the Secretary. Resolutions shall be filed by the Executive Assistant and shall be recorded in a book or books kept for such purpose, which shall be public records.
3. Organization of Workshops:
 - a. Shall have an agenda;
 - b. Will have minutes recording topics discussed either in written and/or audio format;
 - c. Will be used for discussion, with no formal action (i.e., an actual vote of the Commission on a motion, proposal, resolution, or order); and

- d. Rules governing written and spoken input from members of the public for business meetings will not apply to workshops, but public comment will be included on the agenda and may be invited by the Commission for particular topics.
4. Organization of Regular Business Meetings:
- a. A Call to Order will begin with the Pledge of Allegiance.
 - b. The meeting agenda shall be approved at the beginning of the meeting.
 - c. Minutes will record topics discussed and actions taken in written and audio/video format, depending on how the meeting is recorded.
 - d. Where practical, any information to be presented before the Commission for consideration will be made available to the public in advance of the meeting. This information will be part of the agenda and meeting packet posted on the Port's website pursuant to RCW 42.30.077.
 - e. Presentations will be allowed by any member of the public indicating a desire to address the Commission, of no more than three (3) minutes, (maximum of thirty minutes per meeting) for Public Comment period on any appropriate topic. Each speaker must state their name and the subject of their comment before beginning. Written comments are encouraged.
 - f. When, in the opinion of a Commissioner, significant information has been presented to the Commission which was not made available to the public in advance, or upon the request of a Commissioner to hear from the public on a particular agenda item or topic, public comment may be allowed in a fashion the presiding officer will make clear.
 - g. No public comment will be entertained once a motion for action has been called and the Commission's deliberation has begun.
 - h. Public comments submitted to the Port in writing, either through submission to publiccomments@portofpt.com or indicating that they are public comments, will be included in the meeting packet or late materials depending on when they are received.
 - i. Public comments and presentations shall adhere to common norms of civility and may be cut off by the presiding officer, if in his or her judgment these norms of civility are violated. Disruptions of Port Commission meetings are prohibited. Disruptions include, but are not limited to the following:
 - i. Failure of a speaker to comply with the allotted time established for the individual speaker's comment;
 - ii. Addressing the audience, rather than the commission, by a member of the public who has been recognized by the presiding officer for public comment;
 - iii. Outbursts (e.g., clapping, shouting, cheering) from members of the public who have not been recognized by the presiding officer for public comment;
 - iv. Holding or placing a banner or sign in the meeting room in a way that endangers others or obstructs the free flow of meeting attendees or the view of others attending the meeting; or
 - v. Behavior that intentionally disrupts or otherwise impedes the orderly conduct of Commission business.
5. Conduct of Regular Business Meetings:
- a. The Port Commission, as a governing body, is charged with making decisions that advance the mission of the Port and which are based on sound information and analysis, respect for views of the public, and each Commissioner's best disinterested judgment.
 - b. With only 3 elected Commissioners, the Commission can operate with a high degree of informality and need not be bound to all the provisions spelled out in standard codes of parliamentary procedure. However, some formal procedures need to be followed to respect the rights of all 3 Commissioners to participate equally and fully in all Commission business.
 - c. Some fundamental principles for conducting Commission meetings include (taken from The Standard Code of Parliamentary Procedure, by Alice Sturgis):
 - i. All Commissioners have equal rights, privileges, and obligations.
 - ii. The majority vote decides.
 - iii. The rights of the minority must be protected.
 - iv. Full and free discussion of every proposition presented for decision is an established right of the members.

- v. Each member shall have the opportunity to speak before any member speaks twice.
 - vi. Every member has the right to know the meaning of the question before the Commission and what its effect will be.
 - vii. All meetings must be characterized by fairness and by good faith.
- d. Routine and ordinary business may be approved and/or rejected by the Commission by placing it on either the Consent Agenda, or as an item of “Regular Business”. Examples of items typically placed on the consent agenda are approval of warrants, meeting minutes, lease amendments, contracts and items that have already come before the Commission.

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- e. To facilitate sufficient time for reflective consideration of proposals by Commissioners and members of the public and staff, all proposals for policies* which impact Port customers or members of the public shall be voted on no sooner than the immediate next regular business meeting following introduction of the proposal. The introduction of a proposal at a Commission meeting is the “first reading” and any subsequent meeting where the proposal is considered is the “second reading”. This requirement may be waived by a unanimous vote of the Commission.

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 - h. The standard priorities and requirements for main, subsidiary, and privileged motions shall be used.
6. The draft agenda may be available by Friday of the week previous.
7. The Executive Director or his designee would be responsible for keeping track of each issue.
8. Port staff and/or general counsel may serve as parliamentarian in the event the presiding officer, commissioner or commission desire procedural assistance.

All public comments and questions should be directed to the Commissioners. If the Commissioners so desire, they may refer the question to the Executive Director, Port Attorney, and/or other Port Staff in attendance.

MINUTES

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- 2. Minutes are recorded according to RCW 42.30.035.

VOUCHER APPROVAL

Voucher approval is incorporated under “Consent Agenda”. See also Resolution 737-20 for details on the issuance and approval of checks and warrants.

COMMISSIONER'S COMPENSATION

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RESOLUTION NO. 786-23

A Resolution of the Commission 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. 762-22)**

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, 202~~4~~3, 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 three 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.

12. Minor amendments intended to correct errors or oversights that are consistent with the intent of the Commission approved lease.

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 \$~~105~~0,000 or less so long as the expenditure is within the limits of overall budgetary constraints and in compliance with state law. Additionally, the Executive Director may, without prior Commission approval, execute amendments to Commission authorized professional and consultant services agreements in the amount up to 10% of the contract’s value.

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 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.

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, EVENT SITE USE AGREEMENTS FOR EVENTS AND RATES WITHIN ESTABLISHED RANGES

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

C. Executive Director's Authority: The Executive Director is authorized to establish rates for particular dates or seasons (i.e., low season or midweek discounted rates and peak season rates) when the Commission has established rate ranges on approved rate cards.

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 January 2023 and duly authenticated in open session by signatures of the Commissioners voting in favor thereof and the seal of the Commission duly affixed.

ATTEST:

Peter W. Hanke, Secretary

Pamela A. Petranek, President

Carol L. Hasse, Vice President

APPROVED AS TO FORM:

Port Attorney