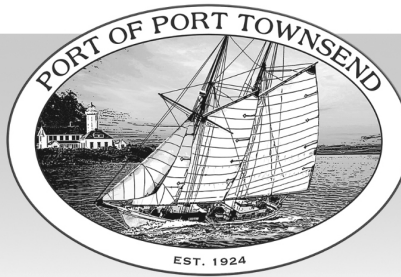


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**Commission Meeting  
2nd Monthly Meeting Agenda - REVISED  
Wednesday, March 27, 2024, 5:30 p.m.**

**Point Hudson Pavilion Building, 355 Hudson Street, Port Townsend, & via Zoom  
<https://zoom.us/> – or call (253) 215-8782 – and use Webinar ID: 862 6904 3651, Password:  
911887**

- I. Call to Order / Pledge of Allegiance
- II. Approval of Agenda
- III. Public Comments .....3--6
- IV. Consent Agenda
  - A. Approval of Workshop & Business Meeting Minutes from March 13, 2024 .....7-12
  - B. Approval & Ratification of Warrants .....13-21
- V. Second Reading ~ none
- VI. First Reading
  - A. Waitlist Updates including amended Rates, updated assignment process and elimination of the 52'+ list .....22-28
- VII. Regular Business
  - A. Boatyard Stormwater Project & Budget Update .....29-33
- VIII. Staff Comments
- IX. Commissioner Comments
- X. Next Meetings:

Wednesday, April 10, 2024 Commission Workshop at 9:30 a.m. & Commission Business Meeting at 1:00 p.m., via Zoom and

Meetings where a quorum of the Commission may attend are Wednesday, April 17, 2024 Short Farm Community Visioning Meeting at 5:30 p.m. and Thursday, April 18, Farm Steering Committee Meeting at 5:30 p.m. both at the Kivley Center

Save the Date! Point Hudson Breakwater Reopening Event: April 24, 2024, 1:00-3:00 P.M.
- XI. Executive Session – Discussions with legal counsel about current or potential litigation as allowed under RCW 42.30.110(1)(i)
- XII. Adjournment
- Informational Items .....34**
  - Port Contracts Update .....35
  - Letter of Support for SR20 Mill Road Intersection .....36

- 2023 Port Townsend MainStreet Program Presentation .....37-58
- Commission Meeting Schedule.....59-61

# PORT OF PORT TOWNSEND

## AGENDA COVER SHEET

<b>MEETING DATE</b>	March 27, 2024
<b>AGENDA ITEM</b>	<input checked="" type="checkbox"/> First Reading <input type="checkbox"/> Second Reading <input checked="" type="checkbox"/> Regular Business
<b>AGENDA TITLE</b>	VI. A. Waitlist Updates including amended Rates, updated assignment process and elimination of the 52'+ list
<b>STAFF LEAD</b>	Eron Berg, Executive Director
<b>REQUESTED</b>	<input type="checkbox"/> Information <input type="checkbox"/> Motion <input type="checkbox"/> Action <input checked="" type="checkbox"/> Discussion
<b>ATTACHMENTS</b>	Draft Waitlist Rues

# PORT OF PORT TOWNSEND

## AGENDA MEMO

**DATE:** 3/27/2024  
**TO:** Commission  
**FROM:** Eron Berg, Executive Director & Kristian Ferrero, Harbormaster  
**SUBJECT:** Waitlist updates

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### **ISSUES**

Should the Port amend the 2024 Moorage Rate card to increase waitlist fees and vary fees by slip size?

Should the Port delete the 52'+ waitlist and refund fees paid?

Does the commission have comments or concerns about the draft rules?

### **BACKGROUND**

The commission asked for updated waitlist rules and fees at the retreat and again at the March 13, 2024 meeting. The purpose is to better support the maritime culture by accurately reflecting demand and more efficiently placing boats in slips. Attached are draft revised rules and two proposals that require commission action: updated fees and the removal of the 52'+ list with authorization to refund fees paid by those on that list.

### **DISCUSSION**

The revised rules address several concerns, including the following:

1. Deleting the internal request to move list. This allows someone to be placed in the marina based on the shortest waitlist and then request to move to a new size slip at the top of the new size list. Requests like this would now require placement on the appropriately sized waitlist.
2. Placement would be faster by allowing a prospective licensee 48 hours from email and phone notification to take the slip that is offered. A failure to respond or pass would result in relocating to the bottom of the list.
3. Recreational vessels owned by corporate entities would clearly be treated the same as vessels owned by people. This addresses the ability of a boat owner to take a slip in the name of a corporate entity and then sell the entity which would effectively sell the boat and transfer the slip.
4. The T-Bird exception is clearly spelled out.
5. Long term absences were deleted prior – this is a rule clean up.
6. Special requests are more clearly spelled out. This provision is intended to allow discretion to address operational issues (such as a harbormaster desire to relocate vessels due to beam or access issues, for example, where such change would result in a changed slip size).

The proposed waitlist rates are increased from a single fee of \$100.00 to:

2024 Waitlist Rates by Category	
25'	\$ 250.00
30'-34'	\$ 360.00
35'	\$ 390.00
40'-42'	\$ 470.00
45'	\$ 530.00
50'	\$ 590.00

Waitlist renewal fees remain unchanged (currently \$50.00/year).

Taken together, the intent of these changes is to shorten the waitlists to better reflect actual demand for moorage and conform the rules to current practices.

#### **FISCAL IMPACT**

There will be some impact (assuming an increase), but staff believes this will not be significant as the cost increase should result in fewer people on the waitlist.

The recommended refund is estimated to cost less than \$2,000.

#### **ATTACHMENTS**

Draft revised waitlist rules

#### **RECOMMENDATIONS**

Please provide feedback on the draft rule changes prior to implementation under delegated authority.

Motion to amend the 2024 Moorage Rate card to amend the waitlist fees as described in this memo, effective May 1, 2024.

Motion to eliminate the waitlist for 52' and larger vessels and to refund waitlist fees paid by people on that waitlist.



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## AMENDMENT TO PORT RULES & REGULATIONS

ISSUED BY: Eron Berg, Executive Director

DATED: March 27, 2024

EFFECTIVE: April 1, 2024

SUMMARY: This amendment updates the waitlist process and deleting sections of the rules that are unused in current practice.

RULE:

### **4.04.010 Statement of policy.**

Moorage at the Port's marinas is open to all on equal terms, and shall be available on a first-come, first-served basis. As the demand for moorage is greater than the availability, it is normally necessary to go on a waiting list to receive a regular moorage berth. [Reissued by Exec. Dir. 10/15/13. Formerly #32]

### **4.04.020 Prospective ~~tenants~~ licensees - Waiting list - Moorage assignments.**

A "Moorage Waiting List" shall be maintained for prospective ~~tenants~~ licensees seeking moorage space. The waiting list shall be processed by date of application, the earliest date receiving first consideration. Moorage shall be assigned in that order with consideration given to overall length, beam and operating characteristics of the vessel. [Reissued by Exec. Dir. 10/15/13. Formerly #32.1]

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#### **4.04.030 — Existing tenants - Requests to move – Moorage reassignments.**

~~In addition to the Moorage Waiting List described in 4.04.020, above, a “Requests to Move List” shall be maintained to accommodate those existing moorage tenants that are seeking re-assignment (i.e. upgrade or downgrade size) of moorage space. The list shall have priority in berth assignments, based on seniority date and request to move date. To receive a slip transfer from the list, a tenant’s existing account(s) with the Port must be paid up to current status. [Reissued by Exec. Dir. 10/15/13. Formerly #32.1]~~

#### **4.04.040 All applications – Required information – Updating information.**

A. Applicants for moorage space must fill out the Moorage Waiting List form and indicate the LOA of vessel including bowsprits, dinghies and other appurtenances. Applicants shall designate preferred slip size(s) whether or not they presently have a boat as they will be placed on a single list, by size.

B. Applicants are responsible for keeping the Port advised of current address, telephone numbers, emergency contacts, and informing the Port in writing of any changes in any information on the application. If information is incorrect when an assignment is available, applicant may be skipped. will be dropped to the bottom of the list[Reissued by Exec. Dir. 10/15/13. Formerly #32.2 and #32.5]

#### **4.04.050 Fees – Moorage waiting and reassignment applications.**

A. Except for undesirable moorage spaces, a nonrefundable Moorage Waiting List administrative fee shall be required in order to be placed on a waiting list. —This fee will be applicable to moorage upon assignment and acceptance of a slip.

B. The wait list fee shall be renewed annually, in the first week of each year. If said fee is not paid by March 1st of that year, the application shall be considered abandoned, and the applicant will be removed from the waiting list with no further rights to moorage under said

application. Applicants that sign up on or after June 1st of the current year will not be assessed renewal fees until the second January following their list date. ~~Renewal fees are not applicable to accepted moorage.~~

~~C. Waitlist Signup fees will be based on size category on the rate card and approved by the commission, on a yearly basis~~

~~C. The "Request to Move" list fee shall be a one-time fee per listing. This fee is the same amount as the original Moorage Waiting List application fee. [Reissued by Exec. Dir. 11/28/23(1); Reissued by Exec. Dir. 10/15/13. Formerly #32.3 and #32.4]~~

#### **4.04.060 Moorage assignments and reassignments – Process.**

A. Assignments of moorage shall be from the "Moorage Waiting List" ~~and "Request to Move List",~~ by taking the top name from the Moorage Waiting List ~~and alternating thereafter with the top name on the Request to Move list.~~ for the slip size category of which there is a slip available.

B. If a person ~~on either of~~ the lists declines the offered space, the space shall be offered to the next person on the same list until accepted by someone on that list. ~~If one of the lists is exhausted without an acceptance, the Port staff may offer space to the top name on the other list.~~

C. When a waiting list applicant is notified of an available slip, they shall have 48 hours to respond. Port staff will email and call the applicant using the email and phone number on file. If no response is received by Port staff, the next person on the list shall be notified and offered the available slip. ~~The first person contacted shall be given three (3) opportunities to accept an offered slip. If, after the third offer, they fail to accept the offered slip, they shall be moved to the bottom of the list. No~~ response after 48 ~~hours~~ will result in the applicant being dropped to the bottom of the waitlist and that date will become their new waitlist date. See also, [§4.04.090](#), below. [Reissued by Exec. Dir. 10/15/13. Formerly #32.6 and 32.7]



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#### **4.04.090 Non-acceptance of offered slips - Effect on Waiting List position.**

~~Applicants shall not be required to accept an offered slip. An applicant who is offered and declines a slip may pay a \$25.00 "pass fee" to retain his/her position on the Waiting List. An applicant may decline an offered slip and pay the pass fee for up to three (3) consecutive slip offerings; however, if said applicant declines an offered slip a fourth time, they shall lose their Waiting List position and be moved to the bottom of said list. [Reissued by Exec. Dir. 10/15/13. Formerly #32.9]~~ If the applicant declines an offered slip, they can either elect to drop to the bottom of the list or be removed altogether. If they elect to drop to the bottom of the list, the date of that election will become their new waitlist date.

#### **4.04.100 Simultaneous availability of multiple slips – Assignment process.**

If more than one moorage of the same length and type is available at the same time, the appropriate number of applicants will be ~~sent letters of availability and emailed and called for~~ assigned on a first-come, first-served basis consistent with 4.04.060, above. [Reissued by Exec. Dir. 10/15/13. Formerly #32.10]

#### **4.04.150 Slip transfers.**

A. ~~Tenants-Licensees~~ wishing slip transfers of a different size must apply for the new waiting list.

B. ~~Tenants-Licensees~~ wishing slip transfers of the same size will notify the Port in writing. When the next slip becomes available that meets their requirements, the Port will notify the tenant-licensee by email and phone call and they will have 48 hours to make the change.

C. Thunderbirds. In an effort to maintain the rich history of the one-class design Thunderbird fleet, moorage may transfer with the sale of a Thunderbird, provided that the new moorage licensee may only use the slip as moorage for a Thunderbird.

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D. Corporations, LLCs and other entities with recreational moorage must provide the moorage office with all necessary documents to indicate underlying ownership at time of assignment. Corporate entities shall be disregarded for purposes of slip transfer. Slips shall not transfer with the change of ownership of an entity (i.e., an LLC that owns a recreational vessel must relinquish the slip at the time of sale of the LLC, just as an individual owner would at the time of the sale of a vessel).

EC. In the event that a tenant licensee shall die, the moorage may be transferred to the individual who has legally inherited the vessel, provided that appropriate proof of inheritance and ownership is supplied. [Reissued by Exec. Dir. 10/15/13. Formerly #34.1-34.3]

#### **~~4.04.160~~ — Long-term absences.**

~~A regular moorage tenant requiring an extended absence or who is between boats may relinquish a slip for up to two (2) years and retain the tenant's original waiting list date or first date of assignment, whichever is earlier. — The tenant's slip will then be reassigned and the tenant shall have up to two (2) years to again be placed on the wait list using their original seniority date. — All other relevant provisions of this Chapter 4.04 shall then apply (i.e., §§4.04.020 to 4.04.130, above). — If at the end of the two (2) year period the tenant shall have declined to again be placed on the waiting list, the tenant's seniority date shall be forfeited. — [Reissued by Exec. Dir. 10/15/13. Formerly #75]~~

#### **4.05.020 Special ~~interest group~~ requests.**

Subject to the approval of the Executive Director, the Harbormaster will consider each special ~~interest group~~ request individually and will make a decision concerning the request based upon its importance on Port operations. [Reissued by Exec. Dir. 10/15/13. Formerly #73]