

RESOLUTION NO. 546-10

A RESOLUTION OF THE COMMISSION OF THE PORT OF PORT TOWNSEND ESTABLISHING A PORT POLICY AND APPLICATION FORM FOR NON-PROFIT MASTER POLICY

WHEREAS, Port districts are created by law as “municipal corporations” of the State pursuant to RCW 53.04.060; and,

WHEREAS, as a creature of the State, in general, the Port as a municipal corporation can exercise only powers that are delegated to them by law either expressly, or by implication from the terms of a particular statute; and,

WHEREAS, Ports are expressly granted the powers for:

- 53.08.245 Economic development programs
- 53.08.250 Participation in world fairs or expositions
- 53.08.255 Tourism promotion

WHEREAS, as a public entity, a Port district however may not make a gift of public funds, or lend it public credit; and,

WHEREAS, the Port Commission wishes to provide a master policy directive on Port Policy for its relationship with non-profit entities, charitable groups, and sponsorships consistent with the Port’s powers and limitations contained in State law.

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE PORT COMMISSION OF THE PORT OF PORT TOWNSEND:


That the Non-profit, Charitable Activity, and Sponsorships Policy Directive of the Port Commission of the Port of Port Townsend, as set forth in Exhibit “A” attached to this resolution and by this reference incorporated herein, is adopted.

ADOPTED by a majority of the members of the Port Commission of the Port of Port Townsend at a regular meeting held on the 8th day of September, 2010, a majority of the members being present and voting on this resolution and signed by its President and attested by its Secretary under the official seal of said Commission in authentication of its passage this 8th day of September, 2010.

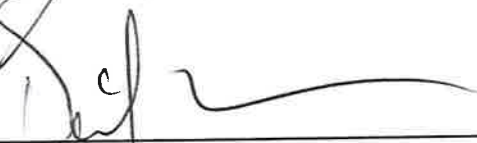
ATTEST:



Leif W. Erickson, Secretary



John N. Collins, President



David H. Thompson, Vice President

APPROVED AS TO FORM:



Carolyn Lake, Port Attorney



Attachment A
Non-profit, Charitable Activity and Sponsorships Policy Directive of the Port Commission
of the Port of Port Townsend

Purpose:

To adopt Port criteria consistent with state law for Non-profit, Charitable Activity and Sponsorships

Background:

In making the evaluation of whether a non-profit and or charitable activity, event or sponsorship is allowed or prohibited, the Commission and staff should consider the governing principles for Port action:

1. Is the action covered by an express grant of authority? (For example - economic development, promotional, tourism?) If so, allowed.

2. Is the action fairly implied by, or incidental to, an express grant of authority? Can one justify that the activity, event or sponsorship is related to economic development, promotional, tourism? If so, allowed.

3. Does the proposed action involve a gift of public funds (prohibited)? Or- alternatively, will the Port received consideration - something of value in return? (Allowed).

4. Does the proposed action involve a lending of public credit? (Prohibited).

Ultimately, all activity, events or sponsorship should be tied to accomplishing an express Port purpose.

Policy:

- Any non-profit, Charitable Activity and Port Sponsorship must be submitted in writing for approval to the Port's Executive director or his designee for approval.
- The proposal must include a description of the (1) proposed activity, and (2) how the activity is related to an authorized port purpose (economic development, promotional, tourism, etc).
- If the activity is expected to result in consideration to the Port (marketing, promotional, etc), an estimated dollar value of the benefit to the Port should be listed.
- Any marketing or promotional benefit to the Port should be documented (i.e., record kept of brochures, photos of banners, etc).
- **In no case shall the Port make a gift of its public funds, or lend its public credit.** See Washington Constitution Article VIII, section 7. The prohibition against any gift of public funds or lending of public credit is absolute, without regard to the purpose of the gift or lending of credit.
- All activity, events or sponsorship must be tied to accomplishing an express Port purpose.



Non Profit Funding Request Application

The Port of Port Townsend is able to provide limited support for partnership projects that create economic development benefits and enhance the community vitality of Jefferson County. As a special purpose district governed by state law, expenditures by the Port of Port Townsend must adhere to the legal requirements set forth in Title 53 of the Revised Code of Washington particularly Chapter 53.08 which defines Powers of

Ports. The Port of Port Townsend policy for "Non-profit, Charitable Activity and Sponsorship" spells out the criteria for material support of charitable activities that are consistent with state law. If your project or request is found to be within the Port's statutory authority and consistent with Port policy, your application will be considered as received.

Instructions

1. Please fill in this form, then print it out. Use the tab key or click to move between fields, and click to mark boxes.
2. Answer each question in the space provided
3. Attach the required documents.
4. Sign and date the application.

5. Send completed application to:
Sue Nelson
Port of Port Townsend,
P.O. Box 1180
Port Townsend, WA 98368
or by e-mail to snelson@portoft.com

Applicant Information

Organization

Name			
Address			
City	County	State/Province	Zip/Postal Code
Website		Is your organization a current non-profit Corp registered with the Sate of Wash.	
UBI Number		IRS Designation	

Organization/Representative/Contact

Name		Phone
Title	E-mail Address	

Project Information

Briefly describe the type of support you are seeking from the Port. Include the time period for this activity		
Briefly describe how this support contributes to the mission of your organization.		
Geographic Area Covered by Project	Number of People Served by Project	Dates of Project From: To:
Annual Amount Requested from Port of Port Townsend	Total Annual Project Cost	Is this a one-time event or an ongoing effort?
How is the activity for which support is requested related to an authorized Port purpose, Economic Development, Promotional, Tourism, etc?		
What will the Port receive in consideration for the requested support?		
What is your estimated monetary value of consideration to be received by the Port?		

Additional Information

Does this organization have a formal policy of compliance with equal employment opportunity and affirmative action laws and regulations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please attach each of the following to the completed application:	
<input type="checkbox"/> Operating budget for previous year <input type="checkbox"/> Operating budget for current year-to-date <input type="checkbox"/> Statement of Activities <input type="checkbox"/> Project budget (if relevant) <input type="checkbox"/> List of current board members/officers <input type="checkbox"/> Most recent 990 form if required to submit a 990 <input type="checkbox"/> Current Balance Sheet or Statement of Financial Position <input type="checkbox"/> Copy of Certificate of Incorporation <input type="checkbox"/> Copy of IRS Determination Letter	

Signature

Signature	Date
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