

RESOLUTION NO. 668-17

A Resolution of the Commission of the Port of Port Townsend

RESOLUTION AMENDING THE DELEGATION OF AUTHORITY TO PORT MANAGEMENT ADOPTED BY RESOLUTION NO. 655-17

WHEREAS, section 53.12.270 of the Revised Code of Washington provides authority to the Port Commission for delegation of powers to Port Management, and;

WHEREAS, the Port Commission has developed a delegation of authority policy requiring annual re-adoption, and;

WHEREAS, following the receipt of public comment, the Port Commission discussed and adopted Resolution No. 655-17 on January 25, 2017 which delegated specific authority to port management to the Port District's Executive Director; and

WHEREAS, Exhibit "A", was adopted by and incorporated by reference within Commission Resolution No. 655-17, and inter alia, delegates the authority to the Executive Director to enter into real and personal property leases and agreements not exceeding one (1) year in duration; and

WHEREAS, Section VI of Exhibit "A" to Resolution No. 655-17 neglected to incorporate criteria and conditions limiting the Executive Director's delegated authority to enter into real and personal property leases and agreements; and

WHEREAS, the Commission desires to facilitate the responsive and effective conduct of Port business by amending the existing delegation of authority to allow the Executive Director or her/his designee to execute real property leases and agreements of up to five (5) years in duration subject to clear limitations on authority;

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

Section VI of Exhibit "A" to Resolution No. 655-17, setting forth the Executive Director's administrative authority to enter into real and personal property lease and rental agreements shall be amended to read as follows:

VI. REAL & PERSONAL PROPERTY RENTALS OR LEASES

All real & personal property belonging to the Port, when available for rent or lease, shall, except as otherwise provided herein below, be leased only under an appropriate written lease instrument, approved by the Commission, and accompanied by a lease bond or other form of security in accordance with RCW 53.08.085. The term lease as used herein may refer to rental agreements, operating agreements or use agreements. ~~Provided,~~ ~~however,~~ ~~in the case of a month-to-month lease subject to all the following conditions,~~ ~~the ED may execute the lease:~~ However, the Executive Director, or two management level Directors authorized in writing by the ED, may execute short-term leases (i.e., terms of five (5) years or less) subject to the following conditions:

- A. The estimated cost of real property improvements to be undertaken by the Port precedent to lease, exclusive of applicable taxes, will not exceed Twenty-Five Thousand Dollars (\$25,000.00).
- B. The appropriate lease surety must be in place consistent with statutory requirements and the Port's standard form lease, with the exception of State and Federal leases that require use of the tenant's lease form, as long as the content of the lease form does not materially change the intent expressed in the Port's standard lease form.
- C. The arrangements for the short-term occupancy shall be evidenced by the Port's standard form lease (except that any clearly inapplicable provision or provisions inconsistent with the policy set forth herein may be deleted from the standard form).
- D. The use to which the property may be put by the tenant shall be expressly stated and shall be in accordance with applicable land and shoreline use regulations and any standards of use adopted by the Commission for the same or similar Port property or properties.
- E. The lease may not be renewed or otherwise extended beyond five (5) years without prior Commission approval.


All other provisions of the delegation of authority to Port management set forth in Exhibit "A" to Resolution No. 655-17, adopted on January 25, 2017, shall remain in effect.

ADOPTED this 9th day of August 2017, 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:


 Stephen R. Tucker, Secretary


 Peter W. Hanke, President


 Brad A. Clinefelter, Vice President

APPROVED AS TO FORM:


 Port Attorney

