

Effective June 30, 2021, and subject to conditions in Governor Inslee's Proclamation 20-28.15 which extends the substantive provisions contained in Proclamation 20.28.14.

Port Commission Meetings will be conducted remotely until further notice.

A GoToMeeting will be arranged to enable the public to listen and make comments remotely.

To participate remotely, please use the following call-in information:

1-866-899-4679, Access Code: 914-140-837

AGENDA

Port of Kennewick

Regular Commission Business Meeting

Port of Kennewick Commission Chambers (via GoToMeeting)

350 Clover Island Drive, Suite 200, Kennewick, Washington

Tuesday, December 14, 2021

2:00 p.m.

- I. CALL TO ORDER**
- II. ANNOUNCEMENTS AND ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF AGENDA**
- V. OATH OF OFFICE**
- VI. PUBLIC COMMENT** (*Please state your name and address for the public record*)
- VII. CONSENT AGENDA**
 - A. Approval of Direct Deposit and ePayments Dated November 17, 2021
 - B. Approval of Warrant Register Dated November 23, 2021
 - C. Approval of Direct Deposit and ePayments Dated December 2, 2021
 - D. Approval of Warrant Register Dated December 14, 2021
 - E. Approval of Regular Commission Meeting Minutes November 9, 2021
- VIII. EMERGENCY DELEGATION UPDATE** (**TIM/AMBER**)
- IX. PRESENTATIONS**
 - A. City of West Richland Update, Mayor Brent Gerry (**TIM**)
 - B. Columbia Gardens Playground, Renata Presby (**TIM**)
 - C. Governance and Management Audit, Jim Darling (**BRIDGETTE/TIM**)
- X. RECESS**

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XI. REPORTS, COMMENTS AND DISCUSSION ITEMS

- A. Vista Field Infrastructure Contract Acceptance; Resolution 2021-27 (**LARRY**)
- B. Amendment of Real Estate Broker's Commission; Resolution 2021-28 (**AMBER**)
- C. 2022 Commissioner Compensation; Resolution 2021-29 (**LUCINDA**)
- D. Ethics Training (**LUCINDA/NICK**)
- E. State Auditor's Office (SAO) Audit Update (**NICK**)
- F. Biden's Build Back Better Update (**TIM/TANA**)
- G. Commission Meetings (formal and informal meetings with groups or individuals)
- H. Non-Scheduled Items
(**LISA/BRIDGETTE/TANA/NICK/LARRY/AMBER/LUCINDA/TIM/TOM/SKIP/DON**)

XII. PUBLIC COMMENT *(Please state your name and address for the public record, if not stated previously)*

XIII. EXECUTIVE SESSION *(Ask public if they are staying, and if not, where they can be located if the Executive Session ends early.)*

- 1. Potential Litigation, per RCW 42.30.110(1)(i) (**LUCINDA**)

XIV. ADJOURNMENT

PLEASE SILENCE ALL NOISE MAKING DEVICES



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Commission Meeting recordings, with agenda items linked to corresponding audio, can be found on the Port's website at: <https://www.portofkennewick.org/commission-meetings-audio/>

Commission President Commissioner Don Barnes called the Regular Commission Meeting to order at 2:00 p.m. via GoToMeeting Teleconference.

ANNOUNCEMENTS AND ROLL CALL

The following were present:

Board Members: Commissioner Don Barnes, President (via telephone)
Skip Novakovich, Vice-President (via telephone)
Thomas Moak, Secretary (via telephone)

Staff Members: Tim Arntzen, Chief Executive Officer (via telephone)
Tana Bader Inglima, Deputy Chief Executive Officer (via telephone)
Amber Hanchette, Director of Real Estate and Operations (via telephone)
Nick Kooiker, Chief Finance Officer (via telephone)
Larry Peterson, Director of Planning and Development (via telephone)
Lisa Schumacher, Special Projects Coordinator
Bridgette Scott, Executive Assistant (via telephone)
Lucinda Luke, Port Counsel (via telephone)

PLEDGE OF ALLEGIANCE

Commissioner Barnes led the Pledge of Allegiance.

APPROVAL OF THE

MOTION: Commissioner Novakovich moved to approve the Agenda as presented; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

PUBLIC COMMENT

Commissioner Novakovich recently visited with Parliamentarian, Ann McFarland, and learned when an individual is making a public comment, they do not need to provide their address, only name and city.

Commissioner Barnes stated he will continue to ask for name and address until he hears otherwise from Port counsel and thanked Commissioner Novakovich for the information.

No further comments were made.

CONSENT AGENDA

- A. Approval of Direct Deposit and E-Payments Dated November 2, 2021**
Direct Deposit and E-Payments totaling \$111,008.34
- B. Approval of Warrant Register Dated November 9, 2021**

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Expense Fund Voucher Number 103301 through 103336 for a grand total of \$130,436.33

C. Approval of Regular Commission Meeting Minutes October 26, 2021

MOTION: *Commissioner Novakovich moved to approve the Consent Agenda as presented; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

EMERGENCY DELEGATION UPDATE

Mr. Arntzen stated the Emergency Delegation has been on the Agenda since April 2020 and he would like to revisit it in January to see if the Commission would like to keep or remove this item from the Agenda.

Ms. Hanchette has nothing further to report.

REPORTS, COMMENTS AND DISCUSSION ITEMS

A. Vista Field

1. Timing to Open Roads

Mr. Arntzen updated the Commission on the timing of opening roads at Vista Field. Mr. Arntzen outlined the events of the construction and close out process for the Vista Field Phase 1A project (*Exhibit A*):

- Total Site Services are completing the punch list to close out the contract;
- The City of Kennewick has not accepted the project/as-built drawings;
- Is this an appropriate time to open the site: water features have been winterized, additional security concerns, and marketing efforts;
- Commission directed deviations from the Work Plan and unanticipated activities arose;
- Unanticipated unavailability of key personnel;

Commissioner Moak thanked Mr. Arntzen for the report and stated he believes Crosswind Boulevard important from a transportation perspective for traffic flow. Commissioner Moak is fine with having a grand opening in the spring, but he does not believe that prohibits the Port from opening the street and thinks they are two separate issues. Furthermore, Commissioner Moak does not think the contractor is doing their due diligence and slowing things down. Commissioner Moak understands we are in COVID, but believes he has not received any reports on what tasks need to be completed and why there is slow down. Commissioner Moak does not want to do anything until the City has completed their review; however, he thinks the City would want to see the road open and completed. Furthermore, he does not believe the additional tasks for staff should have slowed down Total Site Services from completing the project or the City from accepting the project. Commissioner Moak stated he was not aware of the personnel issues and stated had the Commission been aware, they could have re-prioritized some projects. Commissioner Moak is excited for the road to open and believes the public is too; however, he is not in favor of opening the street when the tasks are not complete. Once those tasks are complete, he would like to see it open and then the Port can determine when the grand opening and ribbon cutting should take place.

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Mr. Arntzen stated staff has provided regular reports regarding construction and other aspects of the projects. Furthermore, he has placed several phone calls to Commissioner Moak where we discussed the project in depth and he received nothing but praise and at no point, did he receive the directive to speed things up. Mr. Arntzen has not received any deadlines or timelines from the Commission and until recently, he had not received word from the Commission that they were displeased about the progress and there was a mandate to open the site. Additionally, Mr. Arntzen cannot speak to the Commission about private employee matters, which he alluded to at the last Meeting.

Commissioner Novakovich agrees with Commissioner Moak about wanting to open Vista Field and prioritizing projects; however, on two occasions, he requested staff to give us a list of projects for the Commission to prioritize, but Commissioners Barnes and Moak did not agree with him. The Commission has thrown a lot at staff that is not in the Work Plan and we asked them to accomplish various items including the governance audit. Commissioner Novakovich read an excerpt from the Commission Meeting minutes from March 4, 2021:

“Commissioner Barnes concurs with Commissioner Moak’s comments and supports the three projects outlined by Commissioner Moak.

Commissioner Novakovich agrees with his fellow Commissioners and stated with the caveat that staff is not penalized for not meeting other requirements laid out by the Commission.

Commissioner Barnes stated the Commission is giving clear direction to staff to pursue the three projects with the understanding that this may affect current staff workload going forward.”

Commissioner Novakovich does not see how the Commission can criticize staff when we have not given them clear direction on what order we want to see things accomplished. Furthermore, the Commission needs to remember there are only so many resources that we have to apply and how we want to apply them. This is why Commissioner Novakovich requested a list of staff projects and resources should be allocated, so the Commission could prioritize that; however, there was not a consensus, until now. Commissioner Novakovich thinks it’s unfair to criticize staff for not moving Vista Field forward when we have not given them clear direction and have given them other projects to work on. The Commission also stated in the minutes that we were not going to penalize staff for not seeing projects move forward.

Commissioner Barnes stated this comes down to communication and as he understood it, Commissioner Moak asked for an update on when the roads would open at Vista Field. Commissioner Barnes does not recall Commissioner Moak ever saying that he wanted Mr. Arntzen to “drop the hammer” on anyone or take leave away from an employee. Nor did he hear Commissioner Moak ask that that be placed on the table as a possibility. Commissioner Barnes believes he requested a simple update and where things are. Commissioner Barnes stated when Mr. Arntzen laid all the facts out today, and factored in the contractual

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considerations, and the City's requirements, those are big matters to keep in mind as to when it can be completed. Commissioner Barnes stated if we have communication and maybe tone down some of the threatening elements of the communication. No one is asking anyone to break any laws, no one is asking to divulge personal information, medical or otherwise, about anyone. No one is asking anyone to do that, but he does not think it is unreasonable at all for any Commissioner to ask for an update on where things stand, what are some of the hurdles to getting to the point of where we want to be, can we talk about what could be done to speed things up. Commissioner Barnes has not heard the Commission say for staff to take their time, nor has he heard for it to be done tomorrow. Communication is important and there are areas where all of us can improve our communications. The recount of things we have dealt this, these are elements of real life, and everyone goes through it. And no one is asking for anyone to be penalized or criticized when these kinds of things happen. The recount of some of the items that have slowed our projects, the first thing that was missed in that recount is the anonymous citizen complaint. That could have been handled better and more effectively with less cost and less lost time to the Port. In his opinion, it had a huge impact on the progress that has been made at the Port.

2. Deschutes Driveway

a. Interlocal Agreement with the City of Kennewick

Mr. Peterson outlined the Deschutes Driveway relocation agreement and Interlocal Agreement with the City of Kennewick.

Commission and staff discussion commenced regarding the elements of the driveway relocation.

PUBLIC COMMENT

Marie Mosley, City of Kennewick City Manager, 210 West 6th Avenue, Kennewick. Ms. Mosley reported that the City Council approved the Interlocal Agreement at the last Council Meeting.

No comments were made.

MOTION: Commissioner Novakovich moved to approve Resolution 2021-22, adopting the Interlocal Agreement between the Port of Kennewick and the City of Kennewick related to relocation of a driveway serving the property at 6601 West Deschutes Avenue located directly south of the Vista Field Phase #1 redevelopment area; and to take all other action necessary to close this transaction; and further authorizes the CEO to execute an Access Driveway Relocation Agreement with the owners of the property; and ratifies and approves all action by Port officers and employees in furtherance hereof; Commissioner Moak seconded.

Discussion:

Commissioner Barnes stated a lot of work and effort went into this item and sometimes items like this can come up after the project has begun, where there may have been an oversight or inadvertent consequence to construction activities. Commissioner Barnes commended staff at the Port and City to make this a more acceptable situation to those that were impacted by this.

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With no further discussion, motion carried unanimously. All in favor 3:0.

3. Design Standards

Mr. Peterson presented for Commission consideration, Resolution 2021-23 approving and adopting the Vista Field Design Standards prepared by DPZ Partners.

Commissioner Moak is excited to adopt the Vista Field design standards and appreciates all the work that has gone into the document. Commissioner Moak stated the Commission previously requested staff to ask the City to review the document and inquired if they had any comments.

Mr. Peterson stated the City had one comment related to how a City Municipal Code was referenced; the comment did not change the design standards.

PUBLIC COMMENT

No comments were made.

MOTION: *Commissioner Novakovich moved to approve Resolution 2021-23, approving and adopting the Vista Field Design Standards; and ratify and approve all action by Port officers and employees in furtherance hereof and authorize the Port's CEO to take all action necessary in furtherance hereof; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

B. Governance and Management Audit

Ms. Scott reported per the Commission's direction, staff worked with Mr. Darling on the procedural and administrative details to advertise the Request for Proposals for the project manager and the governance and management audit. The RFP's have been posted on the Port's website since October 14, 2021 and ads were placed in the *Tri-City Herald* and the *Daily Journal of Commerce*. In addition, the RFP's were directly emailed to the individuals identified by Mr. Darling. The proposals for the Project Manager were due on November 3, 2021, and as of today, no proposals have been received. Honoring the directive for staff and legal counsel to remain out of the process to maintain transparency, staff invited Mr. Darling to attend today's meeting to assist the Commission with possible options.

Mr. Arntzen thanked Ms. Scott for her thorough report.

Mr. Darling echoed Mr. Arntzen's comments and was surprised that the Port did not receive any proposals. Mr. Darling outlined two options for the Commission: reissue and advertise the RFP until December 12, 2021 and reach out to prospective consultants or wait until the Governance and Management Audit RFP closes and let staff manage the process until then. Then, either look for a project manager or have staff manage the project. Mr. Darling recommended waiting until the Commission review the Governance and Management Audit RFP on December 14, 2021 and see what kind of proposals the Port receives and make a call at that point.

Commissioner Barnes stated if it is a nominal cost, other than staff time, he is in favor of

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rerunning the advertisement with a deadline of December 10, 2021. Ms. Scott stated the advertisements are estimated to cost \$600.00.

Commissioner Moak mulled if we reissue the RFP, what are the odds of someone submitting a proposal.

Mr. Darling will reach out to prospective consultants.

Commissioner Moak is comfortable with reissuing the RFP.

Commissioner Novakovich is concerned that with the holidays and believes it may be a bad time to reissue the RFP and suggested waiting until after the first of year when things settle down.

Commissioner Barnes stated Commissioner Moak concurs with reissuing the Project Manager RFP and suggested readvertising with a deadline to submit proposals by December 10, 2021 and for Mr. Darling to reach out to firms regarding the RFP.

The Consensus of the Commission to reissue the RFP for the governance and management audit Project Manager with a deadline of December 10, 2021 with telephone outreach to potential firms by Mr. Darling.

C. Washington Public Ports Association (WPPA) Annual Conference

Ms. Scott stated the WPPA Annual Conference will be held in Bellevue December 1-3; with a Commissioner Training on November 30, 2021 for all newly elected commissioners, as well as existing commissioners who would like to refresh their education. The training agenda is still under development but will feature presentations from Jim Darling and WPPA Counsel Frank Chmelik, Open Public Meetings Act and Public Records Act training, as well as political campaign rules training.

Staff is continuing to take a conservative approach to COVID and is not traveling at this time. As of October 25, 2021, Washington's Public Health Order requires proof of full vaccination or proof of a negative COVID-19 test within the last 72 hours for all event guests. Commissioners will need to provide a copy of your vaccination record or a negative COVID test prior to entry to the Annual Meeting and the surrounding restaurants.

Ms. Scott stated if a Commissioner would like to attend, please let her know as soon as possible. Ms. Scott will reach out to Commissioner Elect Ken Hohenberg.

RECESS

Commissioner Barnes called for a recess for at 3:26 p.m. until 3:29 p.m.

Commissioner Barnes reconvened the meeting at 3:30 p.m.

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PUBLIC HEARING

A. Levy Certification

Mr. Kooiker presented Resolution 2021-24 certifying the Port's Levy Certification, which allows the Port to collect taxes in 2022. Resolution 2021-25 allows the Port to take the 1% statutory increase which is approximately \$40,000-\$50,000.

B. Increase in Tax Capacity

The increase in tax capacity was discussed with Item A, Levy Certification.

Commissioner Barnes recessed the Regular Meeting at 3:32 p.m. and declared an Open Public Hearing for discussion regarding the Levy Certification and the Tax Capacity.

PUBLIC COMMENTS

No comments were made

Commissioner Barnes closed the Public Hearing at 3:33 p.m. regarding the Levy Certification and the Tax Capacity and reconvened the Regular Commission Meeting.

MOTION: *Commissioner Novakovich moved to approve Resolution 2021-24, certifying the Port of Kennewick's tax levy for 2022 collections, and 2021-25 increasing the Port of Kennewick's tax levy capacity in 2022; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

REPORTS, COMMENTS AND DISCUSSION ITEMS (continued)

A. Chief Executive Officer Annual Performance Review

Ms. Luke reported that the CEO Annual Performance, pursuant to the CEO Employment contract, the evaluation is to be completed by November 15th, and before the Commission is the proposed Resolution as well as the Agenda Report which sets forth the steps that have been taken to date, so far. To date, the CEO's performance evaluation packet for 2021 was delivered to Commissioners on September 30, 2021 and as a subsequent submission on October 6, 2021, was a letter from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) regarding the CEO. The Commissioners have received all of those materials. Ms. Luke received Commissioners Moak and Novakovich's input on the forms and compiled them into one evaluation form. Ms. Luke, as provided in Exhibit A, that compiled form, along with an attachment that includes Commissioner Barnes evaluation. The language of that evaluation mirrors from the form if you have already reviewed it. These are verbatim input from each Commissioner and not modified in any way. They were simply compiled so that the Commission had everything before them in one document, which is Exhibit A. What the Commission is required to do, other than complete the evaluation process and go through the form and determine finalization of that form, is to also, pursuant to the CEO's employment agreement, determine whether the CEO's performance was satisfactory, above satisfactory, or exceptional for purposes of Section 4 of the employment agreement compensation and benefits. Ms. Luke will not go too much further into the details of the evaluation and what she received from each Commissioner but wants to remind each Commissioner of a few basics of performance evaluations, not only the CEO, but also staff, whose evaluation will also be conducted

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very soon. The basic standards are, that no performance evaluation should be a surprise to the employee. If there have been issues during the year, they should have heard about those issues and been given the opportunity to take corrective action. And, as discussed by Ms. Luke, as well as the Port's insurance carrier's risk management team during past evaluation processes, is a reminder of the Port Commission Rules of Policy and Procedure, as well as the insurance carrier's risk management team's input, that provides that no employee should be retaliated against for making a complaint or for participating in an investigation of such a complaint. Essentially, the Port's Rule 5.2 indicates that no employee will be discharged, threatened, or discriminated against in any manner for follow up on a complaint or for reporting misconduct. Those are some of the guidelines we work within when doing performance evaluations, whether it is CEO or other staff members. Ms. Luke is not going to walk through the evaluation form itself, but allow the Commission to work through that, and if you would like any input from her during that step, please let her know. Also, Ms. Luke inquired if the Commission has any questions before starting.

Commissioner Barnes believes there were statements made by another Commissioner that are false; they are not based on fact. And he would like to propose and if a motion if necessary, he would like to propose, and he is ready to identify those statements, he would like to propose those statements be struck from the CEO evaluation.

Ms. Luke stated it is her understanding that each Commissioner is allowed to provide their own opinions of performance of the CEO, but again, the three Commissioners are to work through that. But it is her understanding that that performance evaluation is a compilation of all input from all three Commissioners.

Commissioner Barnes inquired if it is it too late to provide additional input from one Commissioner.

Ms. Luke stated the compiled draft has been provided to all three Commissioners, late last week. Ms. Luke did not receive anything further, so that we would have an opportunity to discuss, review, and walk through completing the evaluation today. Ms. Luke does not know how much more any Commissioner would like to add, but that may make it challenging to complete the evaluation today and may require to come back at a Special Meeting. Again, Ms. Luke will leave that to the Commission to work through.

Commissioner Moak might agree with the substance of Commissioner Barnes comments, but he believes that each Commissioner is responsible for what he has put in the evaluation. And Commissioner Moak does not necessarily agree with either of the two Commissioners statements, and he expects that they don't agree with what is in his. But he does think the way we are doing things, is that we are each providing our input, whether we think it is correct or incorrect and giving the manager the best information that we have. Commissioner Moak does not feel, even though he might disagree with other's interpretations, he does not believe it is for him to try to correct or in any way edit the opinions of others. Commissioner Moak would not support trying to do anything other than pass the Resolution.

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Commissioner Novakovich asked legal counsel, the Motion says, “I move approval of Resolution...as set forth in Exhibit A or blank alternative.” What does the “blank alternative” mean?

Ms. Luke stated if the Commissioners were to modify Exhibit A or remove pages, or if Commissioner Moak decides to change an unmet to a met or a met to unmet or if Commissioner Novakovich were to change, based on the discussions, or what the Commission had heard prior in the meeting, applicable portion of the evaluation. That gives the Commission the option to modify Exhibit A, although, in her experience, does not believe it has happened in the past. That is, but Ms. Luke is not telling the Commissioners, that they have to adopt the evaluation form in Exhibit A, as presented. The Commission are the policy makers, and the ones to evaluate the CEO’s performance, therefore, have the option to do as you wish with Exhibit A.

Commissioner Novakovich had a few comments and observations: one is as we went through the exercise and the report on Vista Field, he wonders how relevant Commissioner Moak’s comments are, and he does not want to take them out, they are there and he believes Commissioner Moak is correct, we shouldn’t be changing those things, but the fact that we were given good examples of the CEO never really given a directive to open Vista Field, and yet be given all kinds of other assignments to do, just how relevant those comments are. And secondly, Commissioner Barnes seems to talk a lot about the anonymous citizen’s complaint, which really wasn’t anonymous in the first place, but he seems to be dwelling on that and if you look at our policy, once that complaint was filed, our policies state that the person filing it should be anonymous and it also says that our CEO will recuse himself once he turns it over to the attorney. That all happened in 2019, and yet Commissioner Barnes seems to be dwelling on that subject which should have been part of our CEO evaluation in 2020, not 2021. Commissioner Novakovich, thinks that seems retaliatory at this point because it is after the fact and how pertinent is that to a 2021 evaluation.

Commissioner Barnes believes there was significant new information made available to the Port of Kennewick Commission with Judge Kallas’ decision that was issued on December 31, 2020. He believes that was again, new, significant, game changing information. The fact that the Judge ruled that the anonymous citizen complaint was unsubstantiated in its entirety, so there was no opportunity to take that new, significant, information into account, in any prior evaluations.

Commissioner Novakovich stated Commissioner Barnes comments were related to our CEO’s actions after he recused himself in 2019. It does not make any difference what Judge Kallas said, and actually, she only recused Commissioner Barnes, she did not recuse the whole complaint, so that is a false statement. But the fact that the comments that Commissioner Barnes is making are directed towards our CEO, who had nothing to do with that citizen complaint after he recused himself in 2019.

No further Commission discussion continued.

PUBLIC COMMENT

No comments were made.

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MOTION: *Commissioner Novakovich moved to approve Resolution 2021-26, adopting the CEO's Annual Performance Review as set forth in Exhibit A; furthermore, in accordance with the CEO's Employment Agreement, deem the CEO's performance as exceptional; Motion dies for lack of second.*

MOTION: *Commissioner Moak moved to approve Resolution 2021-26, adopting the CEO's Annual Performance Review as set forth in Exhibit A; furthermore, in accordance with the CEO's Employment Agreement, deem the CEO's performance as above satisfactory; Commissioner Novakovich seconded.*

Discussion:

Commissioner Moak finds it very difficult, and he referenced that in evaluation, that he does not like the way this review is done. He finds it very difficult to reconcile three different evaluations, in which they are significantly divergent in terms of their opinions; and to try and come up with a word or two words, above satisfactory or satisfactory, or exceptional, and to be forced to use those words but they aren't his but, they are somebody else's words, to define the work. In my evaluation, there were things that were exceptional and others that weren't. When Commissioner Moak comes up with his recommendation, you have to look at three different evaluations and some of it is totally opposite in terms of the viewpoint and how do you reconcile all that. Commissioner Moak does what he thinks and we have to pass a Resolution and he understands that, and so that is why that Resolution is what he has moved.

With no further discussion, motion carried. All in favor 2 Ayes (Commissioners Moak and Novakovich): 1 Nay (Commissioner Barnes).

Mr. Arntzen asked Commissioner Barnes if he could read a statement into the record.

Commissioner Barnes inquired if it is relevant to this Agenda Topic.

Mr. Arntzen stated it is and read a statement into the record (*Exhibit B*).

"Here is my brief reply to my 2021 performance reviews provided by Commissioners Moak and Barnes. Both are retaliatory and unfounded. Let's start with Commissioner Barnes' review first, since much of what he said applies to the review provided by Commissioner Moak as well.

At least Commissioner Barnes is honest when he admits, that prior to January 2019 "everything was fine between us." I agree with this portion of his review. Then he proceeds to comment that his opinion of me changed, essentially overnight, after a certain single event in January of 2019. After that event, according to his review, I suddenly became untrustworthy, incompetent, unethical...you name it. His review is supposed to evaluate my performance in calendar year 2021, not things that happened in 2019 and 2020. Apparently Commissioner Barnes is so displeased with me that he calls for me to be fired. People should read the words that he wrote. It is in the performance review, he said I should be fired at the earliest opportunity. Wow.

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What was the single event in 2019 that caused Commissioner Barnes to develop an intense hatred of me? It was the fact that the Yakima Valley Farmworkers' wanted to buy land to build a \$25,000,000 medical clinic at the gateway to the Port's valued land holdings at Vista Field.

In a private conversation with me, the Commissioner directed me to find a way to keep the clinic out of the Vista Field neighborhood. I told him I could not and would not. I made it clear that blocking the farmworkers from the Vista Field neighborhood was unethical, wrong and I would not participate in that kind of activity in any way, shape, or form. He erupted. In a series of contacts with him after my stand, he instructed me to lie to the Commission related to the project and pursued a continual course of harassing me. He looked for ways to fire me. Obviously, that course of conduct, called retaliation, continues to this day.

And I am sure the Commissioner will tell everyone once again, that in his mind he was "acquitted by a judge" of all past wrongdoing. However, the judge never even considered or likely heard about the "redlining" issue. That was never addressed. But it still flies around our community like a huge albatross.

The second reason Commissioner Barnes has such hatred for me, is that when he made the work environment at the Port so unbearable, that Commissioner Novakovich had to file a complaint pursuant to Port Policy, in an attempt to get Commissioner Barnes to stop tormenting me and my staff. In Commissioner Barnes' performance review, he addresses the complaint by acting as if I filed it. In a sense, he indicates that I should have simply made it go away, rather than forwarding the complaint to the Port attorney as required by Port Policy. A Policy that bears his signature.

Had I acted dishonestly and ran the complaint through the shredder, so to speak, I likely would have been guilty of major wrongdoing. And remember, it was the complaint that ensnared Commissioner Barnes and his colleague, Commissioner Moak. In short, government officials that got caught.

Plainly stated, it's not only Commissioner Barnes who doesn't like me and wants me gone, but Commissioner Moak as well. It seems to me that the two elected officials don't like any oversight and they don't like a CEO that won't look the other way when he senses unethical conduct. Maybe that how it's done in Olympia or Washington D.C.

Commissioner Moak's review is what's called a "pretext." A pretext is a reason given in justification of a course of action that is not the real reason.

He marks me down for not having Vista Field open, but as was stated earlier in this meeting, there are a number of reasons the site isn't open now. One reason is that Commissioner Moak assigned me many tasks throughout the year that took time away from Vista Field. Then, when the site wasn't moving fast enough for him he pounces on me with his negative review. But, this is a pretext because Commissioner Moak,

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like Commissioner Barnes, was incensed at me for not stopping the farmworkers and for not engaging in illegal activity regarding the citizen's complaint.

I view my actions as standing up for what's right. As you can see, there is a price to pay and it looks like I am paying it today. I appreciate this opportunity to offer my perspective."

Commissioner Barnes stated that there are statements that were just made by Mr. Arntzen that are not true, not even close to true. Commissioner Barnes will prepare a response and have it for our next Meeting.

B. Commissioner Meetings (formal and informal meetings with groups or individuals)

Commissioners reported on their respective committee meetings.

C. Non-Scheduled Items

Mr. Kooiker stated Clifton Larson Allen is auditing the 2020 financial statements and should be completed shortly. Furthermore, the State Auditor notified the Port that they will start our 2019-2020 accountability audit.

Commissioner Barnes stated he missed reporting a meeting. He had a brief telephone conversation with Debra at the State Auditor's Office regarding the upcoming audit.

PUBLIC COMMENTS

No comments were made.

ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned 4:05 p.m.

APPROVED:

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

Don Barnes, President

Skip Novakovich, Vice President

Thomas Moak, Secretary

Memorandum

To: File
From: Tim Arntzen, POK CEO
Date: November 9, 2021
Re: Vista Field Development Timeline

Background:

Vista Field is a 103-acre port-owned parcel of bare land in the heart of Kennewick. It was formerly a small airfield which was closed in 2013 and master planned as a new town center for commercial and residential activities. In March 2019, the port awarded a contract for construction of approximately \$5,500,000 in infrastructure improvements.

Commissioner Moak has asked why the redevelopment project is not open. This memo provides a summary response.

First it is imperative to recognize that the port is a small governmental entity with 12.5 employees. The port has a planner who is the primary staff person in charge of the Vista Field site. It has an operations director who will be the contact for persons wanting to purchase property and who oversees a three-person maintenance team which services all port properties. In short, the port operates “lean” without bureaucratic layers or an overabundance of staffing.

Discussion:

Here are the major reasons the site is not yet “open for business”:

I. No Contractor Closeout. Perhaps most importantly, the contractor who has constructed the infrastructure has not “closed out” the \$5,500,000 construction project. A few small items remain on the “punch list.” Per the approved contract the port cannot accept the project until all the items have been completed and the port formally accepts the project (which starts the warranty period, among other things). Rather than litigating and spending thousands on legal fees, only to likely have a judge permit more time to complete the punch list, I have directed staff to work collaboratively with the contractor to close out the project. The port and the contractor are working well together and will close the project out without squabbles or legal wrangling. I believe this is a time for finesse, and a little more patience. Interestingly enough, the contractor submitted our Vista Field project to the state contractor’s association awards competition and was notified that “we” (port and contractor) are receiving a state construction award for site excellence to be awarded in February.

The commission has been advised regularly about this contract closeout process and has not indicated that the CEO should take an adversarial approach to closeout with the contractor, which seems to make sense.

2. No Approval from City. The port does not have approval from the City of Kennewick to close out the project. The city is accepting dedication of millions of dollars of major street and utility infrastructure. Upon dedication, the city will assume all continued maintenance of the infrastructure it “accepts,” and all responsibility and liability, thereafter. This fact is of paramount importance to the port as a means of limiting our liability and maintenance costs. Thus, the port needs to understand and allow city staff the time necessary for it to review and accept the construction and its responsibility for its portion of the infrastructure. Until city acceptance, it would be reckless for the port to open the site. It would also likely damage the mutually beneficial working relationship the port has established with the city.

It should also be noted that Vista Field is not the only construction project happening in the city; and the city also has finite human resources to apply to the many projects they must review, approve and process. Therefore, “repeatedly prompting and pushing” representatives of the agency which holds permit approval and regulatory authority over Vista Field might be deemed unwise if our goal is to also foster a continued, harmonious future relationship. I would hope the commission understands the value a healthy partnership with City of Kennewick and the CEOs collaborative efforts to encourage momentum while still allowing the city to work through required processes to their satisfaction and our mutual benefit.

3. Appropriate Timing. Assuming the port could open the site, for example, when the construction has been closed out, and the city has accepted the work, then the question arises whether it is prudent to open the site to the public now. Here are a few items to consider:

(a) Site Security. Port staff must consider its ability to secure the 80+ undeveloped acres of the site to ensure public safety and to curtail unauthorized public access to portions of the site that remain undeveloped. For example, Phase I is about 20 acres of the 103-acre site. Those are the only acres which will be open to the public. Access has been planned for and when open, access to Phase I will be safe and orderly. This task is in process and is almost complete and it involves the city taking ownership of streets to allow for Kennewick Police Department patrol and response.

(b) Marketing/Grand Opening. Next, we must consider when the optimum time is to open the site. Does the port open the site now, with winter setting in, the *stream and fountains shut off*, and with Covid restrictions in place which limit public assemblies such as ribbon cuttings? Or does the port wait until spring when the weather is more conducive to outdoor events, and when, hopefully, Covid restrictions will be lessened, to allow for a signature, high-profile public event to showcase this tremendous partnership endeavor? This would include creation of saleable lots, design standards in place and so forth. And it has been discussed that too much distance between “opening” and something happening onsite could cast a pall on the area that could lead people to question if the project is really a “dud.”

4. Commission Directed Deviations from Work Plan and Unanticipated Activities. Furthermore, the port commissioners directed deviations from their published work plan and added several significant “new imperative projects” mid-course; without taking any established projects off the list. As stated by the CEO in multiple commission meetings, deviation from the adopted work plan requires a redirection of resources, including staff time from the commission-approved work plan and toward the other “new” objectives. At the time commission indicated its understanding that moving resources from established work plan priorities to new areas of focus would likely slow the progress at Vista Field. Some of those “new directives” include:

(a) **Cyber Attack.** In late fall of 2020, the port was victimized by cyber terrorists who encrypted nearly all the ports computer files and operating systems. The CEO and staff made retrieving and securing information and operating systems the highest priority. Working with insurance carriers, legal counsel, IT consultants and forensic experts took many months of key staff time, including that of the CEO.

(b) **Vista Field Corrective Warranty Work.** As is the case with most sophisticated construction projects, there are corrective work or warranty items that need to be addressed. With respect to Vista Field, a segment of the water feature needed to be reconfigured to correct stream elevations. This took re-mobilization of the stream contractor from Southern California to the site and several months for that work to be completed. Just getting the firm back on site took over a month! And there are a few other minor “corrective” issues with the site that were necessary, and which have largely been completed (street sign, tree replacement, as-built adjustments).

(c) **Biden Build Back Better (BBB) Infrastructure Funds.** In March, the commission directed the CEO to deviate from the approved work plan to apply for Biden BBB Infrastructure funds. These funds are primarily for transportation and housing projects (which are atypical for this port). Implementing this course change required the CEO to re-direct efforts of five key staff members from other projects (including Vista Field) to assist in the submission of multiple, detailed project applications for the BBB, congressional appropriations, and direct-earmark funding. This course deviation took about three months of staff work.

(d) **Governance and Management Audit.** In late January, the commission added a new *priority* project referred to as a “governance audit” which is to be comprehensive audit of all port policies, practices and procedures. Then, there would be “findings” related to things the port is not doing correctly, and a comprehensive remediation process by the audit firm. This included contracting with a consultant to develop a scope of work and to interview commissioners, staff and third parties for input. Procedural work is planned for completion by the end of this year, with the actual audit work beginning in January 2022 and likely consuming all of 2022 and perhaps beyond. Issuing the directive to take on an intensive, two-year undertaking which was not on the work list is staggering. It would be unimaginable to think that issuing this directive would not significantly impede items on the approved work plan, including progress at Vista Field.

(e) **Removal of Squatters at Oak Street House.** As the port attempted to sell its Oak Street residential property, the Governor issued a prohibition on tenant evictions. The state Attorney General indicated that while there were no bona-fide tenants in the port house situated on the land, it viewed those remaining onsite, who were under no rental agreement, nor paying any rent, as “tenants” under the governor’s Covid-19 mandate. This required staff working to provide multiple notices, extend additional time, offer relocation incentives, and diligence in ensuring both compliance with Governor’s Inslee’s pandemic mandates and a compassionate resolution in clearing of that site for auction. This took significant staff time and effort.

(f) **Yacht Club Liveaboard Safety Issue.** An issue arose as to whether members of the yacht club located on Clover Island were using boat houses (built and permitted as sheds) instead as liveaboard houseboat/vacation accommodations. Such use would violate federal and port policies and would create serious life, health and safety issues. The CEO spent countless hours working with the city manager, city fire chief, and city planning staff to address and correct this issue, with the ultimate result

that the club acknowledged liveaboard use was not allowed and with the promise to enforce this restriction on its membership. This took a great deal of staff time and effort.

(g) Covid Operating Strategy. In the face of a global pandemic, the port is maintaining its core function and has not received a single complaint regarding its effectiveness or responsiveness—all functions and activities have continued undeterred. Of paramount importance is public safety, including that of the commission and staff and their families. The entire operating environment of the port has changed—Covid has completely disrupted the way we used to do business. There should be a recognition that ongoing pandemic mandates continue to impact projects, plans, and operations established prior to Covid.

5. Unanticipated Unavailability of Key Personnel. Among the port's staff and contract professionals, this year brought the unexpected and tragic death of two of their family members, as well as significant medical issues impacting the health of other family members. Added to this, a key employee required major surgery, which sidelined them for several weeks. The reality is the port's projects require people—those people are our greatest assets, and they are not interchangeable robots. Which means the human resource aspect of management requires patience and understanding, rather than a cold demand that employees just show up and do the job, no matter what.

We have staff policies in place to address such instances, and the port under my leadership has tried to accommodate issues which arise in a reasonable and compassionate manner that helps fosters longevity and reduced staff turnover. I appreciate my staff and contractors and support their exemplary efforts. I hope that commissioners should understand the delicate balance of managing human resources and project outcomes.

6. Commission Statements About Progress: The commission has long articulated the mantra related to Vista Field construction completion by stating it wanted to: “*Get It Right; Not Right Now.*” Meaning this was a directive to the CEO to get the project done thoroughly and correctly rather than racing to complete the project haphazardly aligned to an artificial deadline

Conclusion:

The Vista Field roadways are not yet open for public use. As stated in this memo, there are several reasons why the site cannot realistically be opened immediately. First, the contractor has not closed out its contract. They are finishing up the final punch list items and it would be foolish for the commission to take the responsibility for construction before its official hand-off from contractor to owner (port). Second, the city has not accepted dedication of its portion of the site infrastructure. While one could opine that the city should move faster, the city moves at the pace it deems prudent. There are many pages of detailed plans and construction drawings to review, and I understand that the city must be assured of its satisfaction with construction before it obligates itself to “ownership” of that infrastructure.

Other factors must be considered in determining when it would be appropriate to open the site. Staff can offer comments related to this issue, but the ultimate responsibility for decision-making on these issues rests with the commission as a whole. Perhaps the commission understands that there is

unfinished business related to the improvements contract with Total Site Services and overseen by the City of Kennewick.

And again, the port has experienced external challenges as well, such as staff and contract personnel recovering from medical procedures requiring hospitalization and the grieving and recovery process of losing close family members unexpectedly.

I can understand a commissioner wanting the site open now. But insisting it be opened without first addressing the underlying issues related to that opening for background information first is puzzling. However, as always, I will faithfully implement any directive of the commission as I have done in the past. I only ask that the commission as a body be clear in its direction to me.

###

From: Amber Hanchette <amber@portofkennewick.org>

Sent: Tuesday, November 2, 2021 8:27 PM

To: Tim Arntzen <ta@portofkennewick.org>; Bridgette Scott <bscott@portofkennewick.org>

Subject: Vista Field - Marketing Impacts

Timing and momentum are key factors in marketing a new project or development. When Governor Inslee put the entire state of Washington into a mandatory lockdown mid-March of 2020, it was thought to be temporary. Restrictions and residual effects of the COVID19 global pandemic continue to this day – November 2, 2021.

Looking back, had we started marketing Vista Field anytime in the last 20 months of the COVID19 pandemic we could have faced many roadblocks that would have been entirely out of our control.

Construction came to a halt. The Tri-Cities Home Builders Association had to fight the State of Washington on behalf of its members to get construction workers back onto projects that were in the process of being built just so they could finish homes they had already started. <https://www.tri-cityherald.com/news/local/article242322106.html>



[Tri-Cities construction crews getting back to home building | Tri-City Herald](https://www.tri-cityherald.com/news/local/article242322106.html)

Still, Lexar Homes employees were eager to get back to work and finish Tri-Cities projects, he said. After a meeting Monday to go over the new regulations outlined by the governor's office ...

www.tri-cityherald.com

1. **Businesses were ordered to close for long periods of time.** Retail stores, restaurants, hotels, and service businesses were severely impacted by restrictions leading to questions about the future viability of commercial space. Vista Field is urban mixed use and will rely on private sector investment in commercial space to create 'the reason to visit' and provide services for future Vista Field residents.
2. **Construction costs skyrocketed.** The cost of building materials from lumber to plumbing, electrical and everything in between went up so significantly that some builders put projects on hold mid-hammer or delayed them indefinitely due to the cost. Vista Field land sales will have construction performance clauses where

builders must begin construction within 12 months of deed recording (see Resolution 2020-19). Had there been contracts in place, we may have encountered numerous requests for extensions or even defaults and neither are a good way to start a new development.

3. **Safety and security.** Most of Vista Field is undeveloped. Securing the boundaries of Phase 1 needed to take place post Phase 1 construction and before opening Crosswind Boulevard to keep as many motorized vehicles out of the undeveloped areas as possible for public safety. Security contracts needed to be in place for nightly patrols of the public spaces.
4. **Guiding documents:** Marketing is contingent upon having all our ducks in a row including design standards, owner's association, approved pricing, legal lots of record and marketing materials (electronic and printed). These documents take more time to develop since they will be setting the tone and structure for the project well past phase 1.
5. **Grand opening of roads:** Few meetings are held in-person, including port meetings, and no one is having grand openings or ribbon cuttings in-person. You would be accused of hosting a super-spreader, or no one would come out of fear. Grand openings during fair weather months are important because they create excitement and help build momentum for a project. Opening Crosswind Blvd just to let people drive and walk through while the marketing pieces and guiding documents are finalized is fine until a few weeks or months pass and the public starts to question why "something" hasn't happened yet. Then we have potentially lost momentum from the project being new and any marketing becomes less exciting when received by potential builders.

Would marketing Vista Field on the backside of a global pandemic be a much better strategy in the long run?

[Tim - I understand that my input may be used in documents provided to commissioners and the public. Thank you for asking my opinion.]

Kind Regards,

Amber Hanchette
 Director | Real Estate & Operations
 Port of Kennewick
 509.586.1186

From: Larry Peterson
Sent: Tuesday, November 2, 2021 3:24 PM
To: Tim Arntzen <ta@portofkennewick.org>
Cc: Amber Hanchette <amber@portofkennewick.org>; Bridgette Scott <bscott@portofkennewick.org>
Subject: VISTA FIELD: When Can/Will the Roads be Opened? (Tasks, Timeline & Marketing Considerations)

Tim,

As requested below are some preliminary thoughts and answers related to Commissioner Moak's "why aren't the Vista Field roads open" question which was asked at the last few meetings.

I understand my comments/notes might be referenced in your comments and correspondence to the Commission.

The seemingly simple question of "when will the Vista Field roads be opened" can be answered directly with one of two answers, but the **real question is when should the roads be opened?**

SIMPLE ANSWER #1

The roads could be opened in about an hours' time with the Port's maintenance team simply moving barricades and viola... the roads are open.

Simple Answer #1 could be referred to as "**premature opening**" of the roadways to traffic prior to City acceptance of the improvements which would require the Port, at Port expense to maintain, repair and replace any items damaged between the date of early opening an eventual City acceptance. It could become a vicious cycle of repair, que for acceptance and then repair the damage that occurred while the project is in the City's que and repeat.

Liability for any and all traffic, cycle and pedestrian accidents prior to City acceptance would seem to solely involve the Port as the contractor Total Site Services [TSS] had completed their work and the City would not have accepted the improvements.

Patrol and enforcement would also seem to be a Port responsibility as again the City would have yet to accept the perpetual responsibility to maintenance, repair, replace damage and patrol & enforce traffic, trespassing and safety laws.

Additionally prematurely opening the roads might results in the City observing the function of the road network and reconsidering their agreement to accept the improvements.

Yes there are signed construction plans to which the improvements comply and yes there is a development agreement, but there is also the Life, Health & Safety 'card' which the City has played during this so reconsidering approval just might occur... and at a minimum could yield new

requested tweaks and changes to which the Port could either capitulate or fight.... the later which would further delay and complicate eventual City approval and acceptance.

SIMPLE ANSWER #2

The roads could be opened after the of Kennewick accepts dedication of the Crosswind, Grandridge & Vista Field Boulevards rights-of-way and all associated improvements.

Simple Answer #2 could be referred to as “**getting it right, not necessarily right now**” which has been the Commission mantra from 2015 to the recent past.

The approach which has been shared with the Commission for years and memorialized in the 2017 Development Agreement had the Port making substantial public transportation & utility improvements and the City agreeing to operate and maintain these unique improvements as public-rights-of-way. Nearly \$4M of the \$5.5M improvements would be dedicated to the City, and in this case the word dedicate really means 'transfer of responsibility'.....responsibility for maintenance, responsibility for repair, responsibility for liability, responsibility for law enforcement.

Working backwards the City accepts dedication of the rights-of-way through as deed or platting action, in this case the roads would be officially dedicated when the Binding Site Plan [BSP] which creates the legal lots or record is recorded.

The City will only approve the BSP when all of the details related to the lots and the improvements have been satisfied.

A crucial step is the City approving the as-builts drawings for all the improvements, both shown on the plans and the minor tweaks they request once they actually walk the project have been completed AND these drawings have been submitted, reviewed and corrected to the City's satisfaction.

At present the City has yet to approve the as-built drawings and only 20 days ago identified a deficiency {missing speed limit sign} which the contractor TSS is working to install. [sign must be ordered, made, submitted to the city, reviewed for compliance to standards, tagged with ID#, treated with anti-graffiti coating and then installed]

Per the Port's contract with TSS it is the responsibility of TSS and their survey sub-contractor to survey all the improvements and provide that data to the Port's engineer of record (Parametrix) who compiles the actual as-built drawings.

Parametrix compiled all the information they could in advance of receiving the survey information, however after months of Peterson calling and emailing TSS for this information the survey data was finally provided on June 4, 2021.

Parametrix quickly added that survey detail to the drawings and submitted the as-builts for City review 12 days later on June 16, 2021.

The City took 51 days to review the 150+ drawing sheets and provide their Round #1 comments which were received on August 6, 2021. *{Peterson did check the status with the City every 10-14 days, but should pressure have been applied to the City review staff?}*

Most of the deficiencies involved missing survey points which TSS's survey sub-contractor gathered and returned to Parametrix who then resubmitted the as-builts 14 days later on August 20, 2021.

The City took 53 days to review the 150+ drawing sheets and provide their Round #2 comments which were received on October 12, 2021. *{Peterson did check the status with the City every 10-14 days}*

I could work with Lucinda to review the teeth the contract may contain to compel TSS to expedite the close out process, however over my 17 years with the Port the route typically pursued has been one of focusing on the project itself with a strong litigation avoidance approach. Frankly at this late stage the project is so close to finishing a full court legal press likely would not impact the schedule but could turn the Port/Contractor relationship from partner to adversarial. *{remember TSS submitted our project for an AGC Build Northwest Awards and it won.... so we could be sharing the stage just like we did with Advance American Construction or we could be in court}*

Why the dirt stopped moving in September 2020 or November 2020 {stream correction} yet the as-builts weren't submitted until June 2021, might seem to be a question worth asking.

Again per the contract it is the contractor's responsibility to submit the final billing and the survey data for the as-built drawings...so the ball was always in the TSS court.

Replaying that timeline from November 2020 to June 2021 or the present the following events/issues/factors are worth mentioning/considering;

November 13-15, 2020: Cyber attack crippled the Port's entire electronic network and the focus to rebuild our electronic world started in the finance department and ended up getting to

the Planning & Development Director's universe in early January 2021. Yes I had email during that time but the whole focus was on trying to piece our files back together, not why TSS was 30-60 days slow and submitting the as-built survey info.

February 2021: Overall focus was re-established and outreach to TSS began to close out the Vista Field project resulting in refinement and agreement to the penny on a \$5.5M project that involve 54 change orders, numerous field directives and changes in the installed quantities.

March 2021: Nearly ever moment from late February to late March was spent on identifying, estimating and prioritizing proposals for Commission consideration for submittal to Senator Patty Murray for inclusion in a dreamed **\$4T Build Back Better bill** in congress.

April & May 2021: The **year long waterfront master planning process** was coming to a conclusion when the idea of a partnership with the **Kennewick Housing Authority (KHA) for a vaguely/undefined project** nearly derailing a 12-month public outreach process that was very well received until the last minute when some suddenly considered the process to be wholly tainted. Sprinkled amongst the master plan was further discussion regarding Build Back Better proposals to be submitted to both Senator Maria Cantwell and Representative Dan Newhouse. Focus was directed away from the KHA and back to the master plan, while at the same time numerous emails were sent to TSS about the status and steps necessary to close out the Vista Field project.

May 20-22, 2021: I personally was devastated when **my only sibling suffered a massive stroke and was declared "brain dead."** I dropped everything and focused on family until June 1st.

June 4, 2021: After month of prodding the survey sub-contractor for TSS finally submitted 'enough' survey data to complete the as-built drawings and submit for City review.

June 16, 2021: As-built drawings submitted for City review.

July 5, 2021: First my mother is admitted to the hospital with mystery infections (not COVID 19) and nearly simultaneously my wife developed a heart arrhythmia and is raced to the emergency room.

July 9 thru 15, 2021: I spent a week in Vancouver WA **helping my Dad cope** with his wife/my Mom spending 11+ days in the hospital, many of which were in the ICU. Again I dropped everything and focused on family until July 16th.

August 6, 2021: City issues Round #1 comments on the as-built drawings.

August 20, 2021: TSS survey sub-contractor and Parametrix work to address City comments and resubmit revised as-built drawings.

October 12, 2021: City issues Round #2 comments on the as-built drawings. {at this moment a speed limit sign missed in round #1 comments has yet to be installed}

Throughout the whole timeline: The Anonymous Citizen Complaint/Commissioner Appeal evolving into the Governance Audit consumed time, attention and energy of all staff to varying degrees and although my personal involvement in these matters was lower than others, these matters impacted the overall function of the organization.

REAL/POLICY QUESTION - When SHOULD the Roads be Opened

The Commission as a group should openly and honestly discuss and address this question.

It seems that a great opportunity to couple the grand opening of the roadways with the full-fledged marketing efforts exist.

Surely the private sector would capitalize on such a public relations bonanza where TV, online & print exposure that cannot be bought would be lavished on the project for free.

Imagine the positive impact a springtime (mid-March 2022) event at Vista Field with the water flowing, COVID19 in significant remission thus allowing a large gathering of community members, elected leaders, developers & media and all marketing materials and outlets ready would have on the first phase of development.

Coupled with the change in weather and closure of the stunning and visual water feature the benefit of opening the roadways in Fall/Winter 2021..... primarily to hockey fans leaving the Coliseum after a few beers so they can shave 2 minutes on their return trip home, seem minuscule.

Does Vista Field subtly and quietly open in Fall 2021/early Winter 2022, possibly under 2-feet of snow or is the opening of Vista Field a Spring 2022 event to remember?

But this is THE policy question the Commission should answer:

Simple Answer #1 Open the roads right now?

Simple Answer #2 Open the roads upon City acceptance?

Strategic Answer..... Open the roads after City acceptance and in conjunction with initial market efforts and springtime weather?

THANK YOU

Larry Peterson
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11/09/21

Here is a brief reply to my 2021 performance reviews provided by Commissioners Moak and Barnes. Both are retaliatory and unfounded. Let's start with Commissioner Barnes' review first, since much of what he said applies to the review provided by Commissioner Moak as well.

At least Commissioner Barnes is honest when he admits, that prior to January of 2019 "everything was fine between us". I agree with this portion of his review. Then he proceeds to comment that his opinion of me changed, essentially overnight, after a certain single event in January of 2019. After that event, according to his review, I suddenly became untrustworthy, incompetent, unethical..... you name it. His review is supposed to evaluate my performance in calendar year 2021, not things that happened in 2019 and 2020. And apparently Commissioner Barnes is so displeased with me that he calls for me to be fired. Wow.

What was that single event in 2019 that caused Commissioner Barnes to develop an intense hatred of me? It was the fact that the Yakima Valley Farmworker's wanted to buy land to build a \$25,000,000 medical clinic at the gateway to the port's valued land holdings at Vista Field.

In a private conversation with me, the commissioner directed me to find a way to keep the clinic out of the Vista Field neighborhood. I told him I could not and would not. I made it clear that blocking the farmworkers from the Vista Field neighborhood was unethical and wrong and I would not participate in that kind of activity in any way, shape or form. He erupted. In a series of contacts with him after my stand, he instructed me to lie to the commission related to the project and pursued a continual course of harassing me. He looked for ways to fire me. Obviously, that course of conduct, called retaliation, continues to this day.

And I am sure the commissioner will tell everyone once again, that in his mind he was "acquitted by a judge" of all past wrongdoing. However the judge never even considered or likely heard about the "redlining" issue. That was never addressed. But it still flies around our community like a huge albatross.

The second reason Commissioner Barnes has such hatred for me, is that when he made the work environment at the port so unbearable, Commissioner Novakovich filed a complaint pursuant to port policy in an attempt to get commissioner Barnes to stop tormenting me and my staff. In Commissioner Barnes' performance review, he addresses the complaint by acting as if I filed it. He in a sense indicates that I should have simply made it go away, rather than forwarding it to the port attorney as required by port policy. A policy that bears his signature.

Had I acted dishonestly and ran the complaint through the shredder, so to speak, I likely would have been guilty of major wrongdoing. And remember, it was the complaint that ensnared Commissioners Barnes and his colleague, Commissioner Moak. In short, government officials that got caught.

Plainly stated, it's not only Commissioner Barnes who doesn't like me and wants me gone, but Commissioner Moak as well. It seems to me that the two elected officials don't like any oversight and they don't like a CEO that won't look the other way when he senses unethical conduct. Maybe that's how it's done in Olympia or Washington DC.

Commissioner Moak's review is what's called a "pretext". A pretext is a reason given in justification of a course of action that is not the real reason.

He marks me down for not having Vista Field open, but as was stated earlier in this meeting, there are a number of reasons the site isn't open now. One reason is that Commissioner Moak assigned me many tasks throughout the year that took time away from Vista Field. Then, when the site wasn't moving fast enough for him he pounces on me with his negative review. But, this is a pretext because Commissioner Moak, like Commissioner Barnes, was incensed with me for not stopping the farmworkers and for not engaging in illegal activity regarding the citizen's complaint.

I view my actions as standing up for what's right. As you can see, there is a price to pay and it looks like I am paying it today. I appreciate this opportunity to offer my perspective.

PORT OF KENNEWICK

Resolution No. 2021-22

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK AUTHORIZING THE PORT CHIEF EXECUTIVE
OFFICER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF
KENNEWICK FOR CONSTRUCTION FUNDING FOR THE RELOCATION OF
A DRIVEWAY ON DESCHUTES AVENUE IMPACTED BY
THE PORT'S VISTA FIELD PHASE #1 IMPROVEMENTS***

WHEREAS, the City of Kennewick and the Port worked in partnership with the owners of the property at 6601 W. Deschutes Avenue to resolve a driveway turning movement conflict resulting from the approved first phase of improvements at Vista Field; and

WHEREAS, the City will design, bid, construct and manage a project to relocate the driveway serving the properties at 6601 W. Deschutes Avenue; and

WHEREAS, the Port will reimburse the City for actual construction costs associated with this activity and the City will absorb all costs related to design, bidding and construction management; and


WHEREAS, the Port and City have outlined the general provisions in the Interlocal Agreement and identified as Exhibit A; and

WHEREAS, an Owner's Agreement for relocation of access driveway has been prepared by the Port for the owners of the property at 6601 W. Deschutes Avenue and is identified as Exhibit B.


NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick approves the Interlocal Agreement and the Owner's Agreement and instructs the Port CEO to execute the Agreements, and take all action necessary to implement the Agreements.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 9th day of November, 2021.


**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

By: 
7468DE9530724DC...

DON BARNES, President

By: 
0E53A30E1C8E442...

SKIP NOVAKOVICH, Vice President

By: 
A35176A2D2CD413...

THOMAS MOAK, Secretary

WHEN RECORDED RETURN TO:

Kennewick City Clerk
210 West 6th Avenue
Kennewick, WA 99336

INTERLOCAL COOPERATIVE AGREEMENT
Between
THE CITY OF KENNEWICK AND THE PORT OF KENNEWICK
Re: Washington Street Corridor Improvements

THIS INTERLOCAL COOPERATIVE AGREEMENT is entered into on this 27th day of May, 2021 (the "Effective Date") by and between the **City of Kennewick**, a Washington municipal corporation (hereafter "Kennewick"), and the **Port of Kennewick**, a political subdivision of the state of Washington (hereafter "the Port"). Kennewick and the Port are also herein referred to individually as a "Jurisdiction" and collectively as "the Jurisdictions."

I. RECITALS

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage, and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each Jurisdiction is authorized to contract with any one or more public agencies to perform any governmental service, activity, or undertaking which each Jurisdiction entering into the contract is authorized by law to perform; and

WHEREAS, Kennewick's proposed Washington Street Enhancement project presents an opportunity for promotion of economic development through a public infrastructure investment; and

WHEREAS, the Jurisdictions, by their respective governing bodies, have determined this effort may be best implemented on a shared basis in a manner deemed most efficient and effective for the Jurisdictions.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Jurisdictions agree as follows:

II. AGREEMENT

Section 1. Purpose and Scope of Work: The purpose of this Agreement is to formalize the roles and responsibilities of the Jurisdictions in relation to implementation of Kennewick's Washington Street Corridor Improvements. (the "Project").

Section 2. Administration: The Kennewick City Manager or designee will administer this

Agreement, and will be responsible for:

- a. Establishing policies for implementing this Agreement;
- b. Providing periodic progress reports to the elected officials of each Jurisdiction; and
- c. Monitoring progress of the Jurisdictions and other agencies in the fulfillment of their respective responsibilities.

Section 3. Funding: The Port will provide funding for the Washington Street Corridor Improvements project for work including engineering design, construction, and construction contract administration in the total amount of \$500,000. These funds will be paid to Kennewick on a reimbursable basis for actual work performed in one (1) installment, upon receipt of invoice.

The Port's funding obligations are limited at \$500,000 as described herein, and individual payments will not increase beyond the values identified herein.

Section 4. Development: Kennewick hereby commits to the following:

- a. Kennewick will narrow a portion of North Washington Street from Kennewick to Canal Drive, adding landscape planters, replacing and widening sidewalks from Kennewick Avenue to Columbia Drive.
- b. Kennewick anticipates the project will be completed by the end of 2021.
- c. In compliance with state and/or federal law, Kennewick will complete all property acquisitions necessary to complete the project.
- d. Kennewick shall solicit bids and award a construction contract in compliance with Kennewick and the Port's procurement procedures and applicable law.
- e. Kennewick will oversee construction of the improvements and perform all contract administration functions necessary.
- f. Kennewick will develop and distribute public information identifying its partnership with the Port in completing the project.

Section 5. Modification: Amendments to this Agreement must be in writing and executed by the duly authorized representative for each Jurisdiction.

Section 6. Term of Agreement and Termination:

- a. The term of this Agreement, commencing on the Effective Date, shall become effective on full execution hereof, and upon posting on at least one Jurisdiction's website as provided in RCW 39.34.040. Either Jurisdiction may choose to record this Agreement, but recordation is not required.

This Agreement shall expire on the date the Port's funding obligations as set forth in Section 3 above are satisfied in full.

Section 7. Inspection of Records: The records and documents with respect to all matters covered by this Agreement shall be subject to inspection by any Jurisdiction during the term of this Agreement, and shall be maintained thereafter in accordance with the retention schedule established by the State of Washington for municipal records.

Section 8. No Separate Legal Entity: By this Agreement, the Jurisdictions do not intend to form a separate legal entity to conduct the cooperative undertaking. Further, no acquiring, holding

or disposing of real or personal property will occur under this Agreement.

Section 9. Severability: In the event any term or condition of this Agreement or application thereof to any person, entity or circumstance is held invalid, such invalidity shall not affect any other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this Agreement are declared severable.

Section 10. Venue, Applicable Law and Personal Jurisdiction: All questions related to this Agreement shall be resolved under the laws of the State of Washington. In the event that either Jurisdiction deems it necessary to institute legal action arising from this Agreement, such action shall be instituted in Benton County Superior Court.

Section 11. Authority To Execute: Each person executing this Agreement on behalf of another person, corporation, partnership, company, or other organization or entity represents and warrants that he or she is fully authorized to so execute and deliver this Agreement on behalf of the entity for which he or she is signing. The Jurisdictions hereby warrant to each other that each has full power and authority to enter into this Agreement and to undertake the actions contemplated herein, and that this Agreement is enforceable in accordance with its terms.

Section 12. Counterpart Originals: Execution of this Agreement and any amendment or other document related to this Agreement may be by electronic signature and in any number of counterpart originals, including portable document format (.pdf), each of which shall be deemed to constitute an original agreement, and all of which shall constitute one whole agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Jurisdictions have entered into this Agreement as of the day and year first written above.

CITY OF KENNEWICK

DocuSigned by:

Marie E. Mosley

219EC87A54DE44F...
Marie Mosley, City Manager

Attest:

DocuSigned by:

Terri L. Wright

2B6A567A10F64E7...
Terri Wright, City of Kennewick

Approved as to form:

DocuSigned by:

Lisa Beaton

F74682BF565B496...
Lisa Beaton, City Attorney

PORT OF KENNEWICK

DocuSigned by:

Tim Amtzen

897EAA4E32B4455...
Tim Amtzen, Chief Executive Officer

Attest:

DocuSigned by:

Nick Koosker

F8375ED86FBD434...
Nick Koosker, CFO

Approved as to form:

DocuSigned by:

Lucinda Luke

5F8987BD05964F1...
Lucinda Luke, Attorney - Port of Kennewick

AGREEMENT FOR RELOCATION OF ACCESS DRIVEWAY

THIS AGREEMENT is made as of the ____ day of November, 2021, by and between the Port of Kennewick, a Washington municipal corporation, and following listed unit owners of Deschutes Professional Center, a condominium recorded in Volume C of Condominiums, Page 69, according to the Declaration thereof recorded under Auditor's File No. 2004-022317, and any amendments thereto, records of Benton County, Washington (the "Property"), located at 6601 West Deschutes Avenue, Kennewick, Benton County, Washington:

1. Unit A: Juergens Deschutes, LLC, a Washington limited liability company
2. Unit B: Sullivan Rowell Properties, L.L.C., a Washington limited liability company
3. Unit C: J2 Holdings LLC, a Washington limited liability company
4. Unit D: James Batch and Nancy Jones Batch, husband and wife
5. Unit E: Marvin L. McKenzie and Cinda Klages-McKenzie, husband and wife

Hereinafter the above-listed unit owners shall be referred to collectively as the "Owners". The Port of Kennewick and above-listed unit owners may hereinafter be collectively referenced as the "Parties."

Acceptance of Relocated Access Driveway. As part of Phase 1A of the Port's Vista Field redevelopment project an intersection at Deschutes Avenue and the new Crosswind Boulevard was created. This new intersection results in the need to relocate the access driveway for the Property. The City of Kennewick and the Port of Kennewick have worked with the Owners to identify a new location for the access driveway. The Owners have agreed to the relocation of the existing access driveway from the Northwest corner of the Property to the Southeast corner of the Property, as shown on the diagram marked Exhibit A, attached hereto and incorporated herein. The City of Kennewick and the Port of Kennewick have entered an interlocal agreement related to the project to relocate the access driveway. The Owners understand that they will remain responsible for the maintenance of the new access driveway consistent their obligations for the prior access driveway.

Waiver. The Parties agree that by entering into this contract, the Owners are waiving any objection or claim related to the relocation of their driveway access.

Miscellaneous Terms. The terms of this Agreement are governed by the following miscellaneous terms:

1. This Agreement is binding on and inures to the benefit of the parties hereto and their respective heirs, successors and assigns.
2. In the event of any dispute on account of this Agreement, venue and jurisdiction shall lie exclusively with the State Courts for Benton County and the substantially prevailing party in any such action shall be entitled to the recovery of its costs and reasonable attorney fees.
3. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of Washington.
4. This Agreement contains the entire agreement of the parties and shall not be modified or changed in any respect except by a writing executed by the parties.
5. The parties may execute this Agreement in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. Delivery of an executed counterpart's signature page of this Agreement by email in portable document format, facsimile, or by other electronic means intended to preserve the original graphic and pictorial appearance of the document has the same effect as delivery of an executed original of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the above-referenced date.

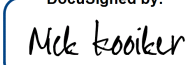
DATED: _____

Port of Kennewick, a Washington municipal corporation

DocuSigned by:

By 897EAA4F32B4455... 11/12/2021
Tim Arntzen, Chief Executive Officer

Approved:

DocuSigned by:

DAC096A4B5BD4FB... 11/11/2021
Nick Kooiker, Port Auditor/CFO

Approved as to form:

DocuSigned by:

5F8982BDD5964F1... 11/11/2021
Lucinda J. Luke, Port Counsel

Juergens Deschutes, LLC, a Washington
limited liability company

DATED: 11/8/2021

DocuSigned by:
K.C.K. Juergens
D0461135B724481...
K.C.K. Juergens

Sullivan Rowell Properties, L.L.C., a
Washington limited liability company

DATED: 11/9/2021

DocuSigned by:
Sullivan Rowell Properties, LLC
D76B493695D844A...

J2 Holdings LLC, a Washington limited
liability company

DATED: 11/10/2021

DocuSigned by:
Jennifer Mitchell
D4904EF53EF6435...

DATED: 11/10/2021

DocuSigned by:
James Batch & Nancy Jones - Distinctive Direction Co
8B417C9AAD0046F...
James Batch

DATED: _____

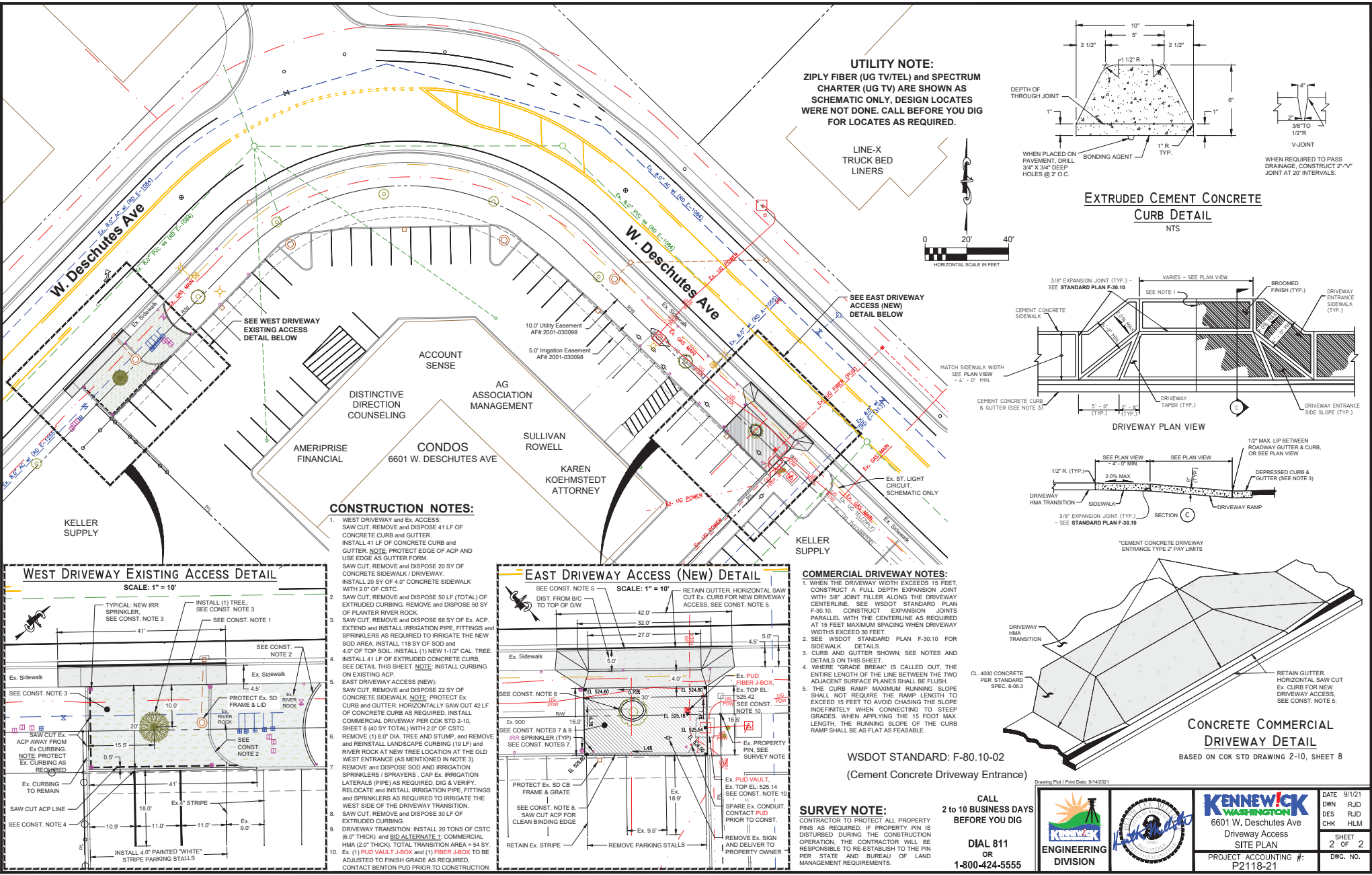
Nancy Jones Batch

DATED: 11/9/2021

DocuSigned by:
Marvin McKenzie - Ameriprise Financial
E6D9AF8B4272449...
Marvin L. McKenzie

DATED: 11/9/2021

DocuSigned by:
Cinda Klages-McKenzie
7DE555BE03D84CO...
Cinda Klages-McKenzie



PORT OF KENNEWICK

RESOLUTION No. 2021-23

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK ADOPTING THE
VISTA FIELD DESIGN STANDARDS***

WHEREAS, DPZ CoDesign was contracted to assist the Port with preparation of the Design Standards for the Vista Field Redevelopment project; and

WHEREAS, DPZ CoDesign prepared the Design Standards to complement the City's underlying Urban Mixed uses (UMU) zoning and the Port adopted 2017 Vista Field Redevelopment Master Plan; and

WHEREAS, the Board of Commissioners has reviewed the Vista Field Design Standards.

NOW, THEREFORE, BE IT RESOLVED that the Port of Kennewick Board of Commissioners hereby approves and adopts the Vista Field Design Standards as prepared and revised by DPZ CoDesign (Exhibit A).

BE IT FURTHER RESOLVED that the Port of Kennewick Board of Commissioners hereby ratify and approve all action by port officers and employees in furtherance hereof; and authorize the Port Chief Executive Officer to take all action necessary in furtherance hereof.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 9th day of November, 2021.

***PORT of KENNEWICK
BOARD of COMMISSIONERS***

By:

DocuSigned by:

DN Barnes

7468DE9530724DC...

DON BARNES, President

By:

DocuSigned by:

Skip Novakovich

0E53A30E1C8E442...

SKIP NOVAKOVICH, Vice President

By:

DocuSigned by:

Thomas Moak

A35176A2D2CD413...

THOMAS MOAK, Secretary



VISTA FIELD DESIGN STANDARDS

Adopted November 9, 2021
Resolution 2021-23 Exhibit A



Michael Mehaffy, Structura Naturalis
Laurence Qamar, Qamar and Associates
Doris S. Goldstein, Walkable Mixed-Use

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VISTA FIELD DESIGN STANDARDS

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Section 3. Regulating Plan 13

Section 4. Building Types 15

Section 5. Urban Standards..... 33

Section 6. Architecture Standards..... 37

Section 7. Site and Landscape 47

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Section 9. Design Review Procedure 53

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VISTA FIELD DESIGN STANDARDS

SECTION 1 INTRODUCTION

1.1 GENERAL

The Vista Field Standards produce for the new community a visual identity that emerges from the location, climate and history of its site. The Standards guide the implementation of the Vista Field Master Plan.

The goal of the Master Plan and Design Standards is to enable a walkable, connected community. Workplace, retail and entertainment, and housing for a variety of ages and incomes are all in close proximity, with appealing open spaces and gathering places. Buildings designed individually contribute to a harmonious whole and combined with the Vista Field streets create a comfortable and interesting public realm of shared spaces.

The interface between the private properties and the public realm determines the community's physical character. Perceived in the streets and squares, and in views established for public benefit, this harmony in the public realm is the aim of the urban, architecture, landscape, and thoroughfare standards that follow.

Other goals include sustainability and climate resilience, in consideration of the health of natural systems and human well-being. This is reflected in a master plan and building types intended to reduce use of non-renewable resources: a compact, mixed-use pedestrian friendly plan to reduce automobile dependence for daily activities, buildings scaled to allow cross-ventilation, and construction materials and methods specified for longevity in a dry climate.

These Standards for the first phase of Vista Field intentionally allow room for exploration and experimentation. With the help of the Town Architect, the first buyers and their architects will design buildings and other improvements that carry out the themes established by the Standards. This collaboration will serve as a learning process for the community, further defining what works well with the Master Plan and environment, what creates the community's identity and what is most beautiful. Future iterations of these Design Standards will integrate that wisdom and expand that knowledge to a larger number of lot types than what is available in the first phase.

1.2 LIST OF STANDARDS

The Design Standards for Vista Field consist of eight components to be used together to implement the community vision:

Section 2. Definitions: capitalized terms apply wherever used in the Design Standards.

Section 3. Regulating Plan: a map showing the various lot types, Building Types, location and form of public spaces, including streets and squares.

Section 4. Building Types: graphic design instructions for each Building Type, corresponding to the Urban Standards. For this first phase, there are a limited number of building types.

The illustrations are intended to show possible configurations and to serve as inspiration, with the actual design to be developed by lot owners and their architects in cooperation with the Town Architect.

Section 5. Urban Standards: text that regulates those aspects of buildings which affect the public realm, guiding building placement, configuration, and parking.

Section 6. Architectural Standards: text that specifies the materials and configurations permitted for walls, roofs, openings, and other building elements, intended to produce visual compatibility among disparate building types, and promote a unique identity for the community. These Standards relate to the vernacular building traditions of the region, thus inheriting a suitable response to the climate.

Section 7. Landscape Standards: text that specifies materials and configuration of site improvements, separated into those pertaining to public areas and to private lots, reflecting the overall site goals of creating an ecosystem harmonious with the region, and developing a unified character for the new community with a forestation that is coordinated with the urban fabric.

Section 8. Thoroughfare Standards: text that guides the quality of the pedestrian experience in the streets, alleys, and pedestrian passages than organize community mobility.

Section 9. Design Review Procedures: sample forms for application and review.

Together, the Design Standards address the quality and character of buildings, landscape and public spaces of Vista Field. The relatively high degree of specificity in these Standards will ensure that investments in homes and businesses are supported by consistent and predictable development. The highest quality of design and construction is desired. Poorly proportioned or executed details are unacceptable.

Provisions of all the Standards are activated by “shall” when required; “should” when recommended; and “may” when optional.

1.3 AUTHORITY

The Design Standards, the role of the Town Architect and the requirement for design review are all established under the Declaration of Covenants, Conditions and Restrictions for Vista Field, recorded or to be recorded in the public records of Benton County, Washington (the “Declaration”), which is binding upon all purchasers of property within Vista Field. The Declaration requires review and approval of all plans to build any type of improvements within Vista Field, including choice of materials, and of any modifications of those plans. The Declaration also allows for enforcement.

For the Vista Field development, the Design Standards shall take precedence over other typical regulations. In matters of health and safety, the City of Kennewick, State of Washington and national regulations shall take precedence.

The City of Kennewick, WA Code of Ordinances Mixed-Use Design Standards District that includes standards for street frontage, blocks, site design, and building design, shall prevail in case of difference.

1.4 USES

Vista Field mixes residential and commercial uses within a block and often within a building. The Design Standards anticipate that a well-designed building can have many possible uses, and that uses may evolve over time.

Building Types describe in general terms the kinds of uses expected. Variations from these Building Types shall be subject to TA approval. The Vista Field Declaration of Covenants, Conditions and Restrictions for Commercial Property (the "Commercial Declaration") further regulates types and mixtures of commercial uses.

Temporary exterior commercial uses, seating, dining and displays in shopfront setbacks, where permitted under the Commercial Declaration, shall be subject to approval of TA.

1.5 ADMINISTRATION

As further described in Part VII of the Declaration, the Vista Field Town Architect (TA) shall administer these Standards, and all the approvals required by these Standards. Properties and improvements are required to conform to the Vista Field Design Standards unless an exception is granted in writing.

Exceptions to these Standards may be approved by the Town Architect on the basis of architectural merit, site conditions and/or other extenuating or unusual circumstance, and as described in the Declaration. Where appropriate, the design intention of the Standards and the Regulating Plan may support an exception to the Standards. Each exception should be considered unique and shall not set a precedent for future exceptions. A specific description of each deviation shall be clearly recorded in writing prior to the start of construction.

Sample forms to submit applications for design review may be found in Section 9 of this document.

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SECTION 2 DEFINITIONS

All capitalized words in the Design Standards shall be interpreted as defined below.

Alley: a thoroughfare, or access easement, designated to be a secondary means of vehicular access to the rear or side of properties; an Alley may connect to a vehicular driveway located to the rear of lots providing access to outbuildings, service areas and parking, and may contain utility easements.

Awning: a fixed or movable shading structure, cantilevered or otherwise entirely supported from a building, used to protect outdoor spaces from sun, rain, and other natural conditions. Awnings are typically used to cover outdoor seating for restaurants and cafes.

Blade Sign: a sign made from rigid material mounted perpendicular to a building wall with one side attached or supported by a device extending from a building wall.

Block: the aggregate of private lots, passages, and rear alleys, circumscribed by thoroughfares. **Build-to Line:** a line on the Regulating Plan at which the building Facade is required to be placed.

Building Height: the vertical extent of a building measured in feet or stories. Building Height shall be measured from the sidewalk or if there is no sidewalk from the street pavement at the front of the building, at the centerline of the lot width. Building Height shall be measured to the highest point of the roof for flat roofs; to the midpoint between the eaves and the highest point of the roof for pitched roofs.

Building Type: the categorization of a building according to its location on the master plan and its relationship to public space such as the street it faces.

Civic: the term defining organizations dedicated primarily to community benefit through the arts, culture, education, recreation, government, transport, and municipal parking.

Civic Building: a building operated by an organization dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or other community benefit public use.

Civic Space: an outdoor area dedicated for public use and operated by a Civic organization or by the Vista Field Property Owners Association.

Configuration: the form of a building or a building component based on its relation to the overall building and adjacent public space.

Elevation: an exterior wall of a building not facing a Frontage. See: Facade.

Floor Elevation: the height of a floor level.

Encroachment: any building element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, or into the public frontage.

Exception: a ruling that would permit a practice that is not consistent with a specific provision of this Code, but that is justified by its intent.

Facade: the exterior wall of a building facing a Frontage Line. See Elevation.

Frontage: the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage which are defined below.

Frontage Line: a lot line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines. Lots at inter- sections have two Frontage Lines.

Lot: a parcel of land accommodating a building or buildings of unified design.

Lot Coverage: the percentage of Lot area that may be covered by building.

Lot Line: the boundary that legally and geometrically demarcates a Lot.

Lot Width: the length of the principal Frontage Line of a Lot.

Outbuilding: an accessory building, usually located toward the rear or the front of the same Lot as a Principal Building; connected to or separated from the Principal Building.

Parking Lot or Area: A designated space for auto access and arrival, with or without access to a garage, usually detailed as a pedestrian space with garden landscaping and pavement.

Pedestrian Passage: a right-of-way with pedestrian access only.

Porch: An exterior roofed space attached to a Principal Building.

Principal Building: the main building on a lot, usually located to face and be entered from a street.

Principal Frontage: the Private Frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width.

Private Frontage: the privately held layer between the Frontage Line and the Principal Building Facade.

Public: wherever used in these Design Standards, the word “public” shall refer to areas that are shared with others in the general community but does not mean that the areas are necessarily dedicated to the public nor does it confer any rights in the general public.

Public Frontage: the area between the pavement of the vehicular lanes and the Frontage Line.

Regulating Plan: a map or set of maps that shows general areas of Building Type zones, Civic zones, thoroughfares, special districts if any, and special requirements if any, of areas subject to, or potentially subject to, regulation by the Guidelines.

Setback: the area of a lot measured from the Lot Line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments.

Shopfront: that part of a building that is designed for potential retail use.

Sidewalk: the paved or graveled section of the public frontage dedicated exclusively to pedestrian activity.

Story: a habitable level within a building, excluding an attic or raised basement.

Streetscreen: a freestanding wall built along the Frontage Line, or coplanar with the Facade.

Terminated Vista: a location visible at the end of a street or other public space. Terminated Vistas are often focal points in a community, serving as landmarks or points of interest.

Turning Radius: the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

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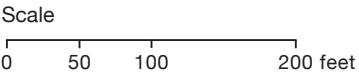
SECTION 3 REGULATING PLAN



Regulating Plan

Vista Field Phase 1

- Phase 1 Boundary
- Build-To-Line
- ← Terminated Vistas
- (I) Type I: Residential
- (II) Type II: Live Work
- (III) Type III: Mixed Use
- (IV) Type IV: Main Street



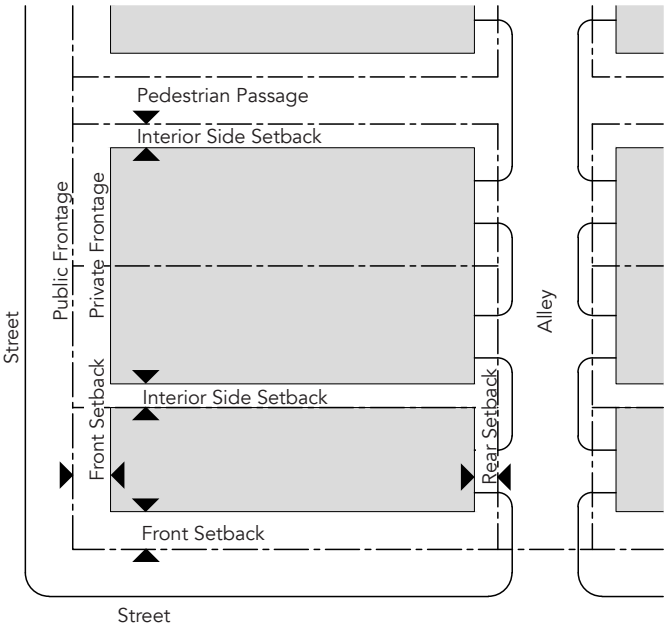
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SECTION 4 PHASE ONE BUILDING TYPES

Type I. Residential: two stories, single-family houses. Townhouses, cottage courts, and small apartment houses may be included in later phases.

Type II. Live Work: two to three stories, with individual identity, business space at ground level, and residential use behind and above.

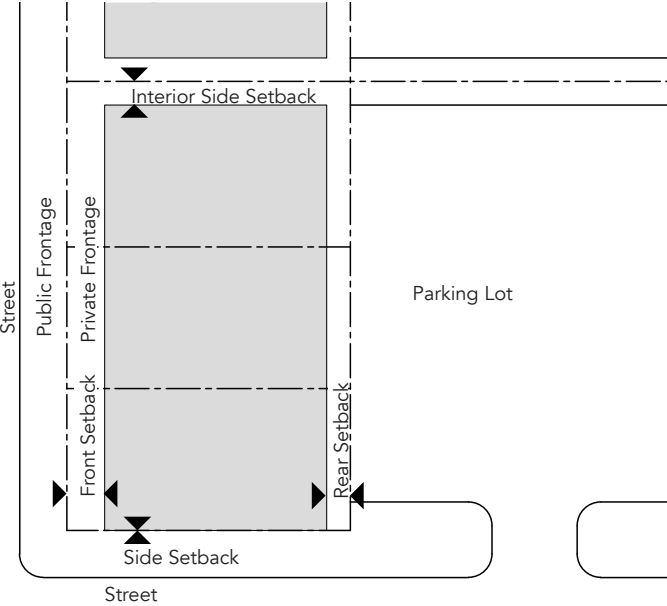
Illustration 4.A. Building Types I & II



Type III. Mixed Use: two to three stories, with restaurant, retail, and service space below, and commercial or residential uses above.

Type IV. Main Street: one to two stories, welcoming a variety of business and residential uses.

Illustration 4.B. Building Types III & IV



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4.1 BUILDING TYPE I: RESIDENTIAL

Type I Residential allows single family houses on a single platted lot, with alley-accessed parking. Townhouses, cottage courts and small apartment buildings may be included in later phases.

Use:	Residential
Lot width:	20' minimum, 100' maximum
Lot depth:	50' minimum, 100' maximum
Lot area:	1,000 sf minimum, 5,000 sf maximum
Building setbacks:	Front: Build-to Line at 8', 50% of Lot width minimum
	Sides: 0' interior side, and 5' minimum end unit side, including at pedestrian passage
	Rear: 5' minimum
Building height:	35' maximum (3 stories above basement level)
	Basement shall not extend above street elevation.
Parking:	Alley access, garage or parking pad

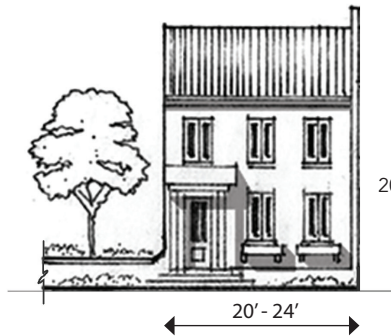
Additional Standards:

- Build-to Lines for individual buildings shall be according to the Regulating Plan.
- Porches, stoops, and lightwells for basement windows may encroach into front setback, and end unit side setback, up to 50%. Balconies and bay windows may encroach into the front, end unit side, and rear setback up to 50%.
- Walls and fences shall be required on internal side property lines, shall not encroach on front and rear setbacks, and shall be a maximum height of 6'.



4.1 BUILDING TYPE I: RESIDENTIAL

Illustration 4.1.A. Illustrative Elevations



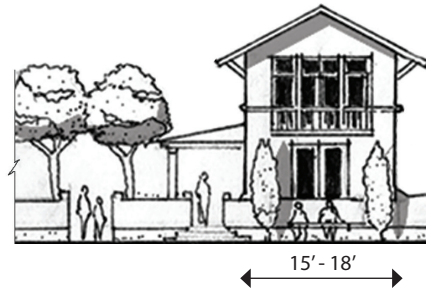
TYPE I
A
20' lot width min.
0' side setback



TYPE I
E
30' lot width min.
0' side setback



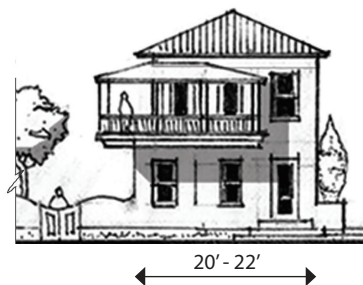
TYPE I
B
20' lot width min.
0' side setback



TYPE I
F
35' lot width min.
5' side setback min.
both sides



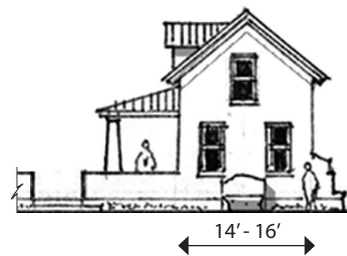
TYPE I
C
25' lot width min.
0' side setback



TYPE I
G
35' lot width min.
5' side setback min.
both sides



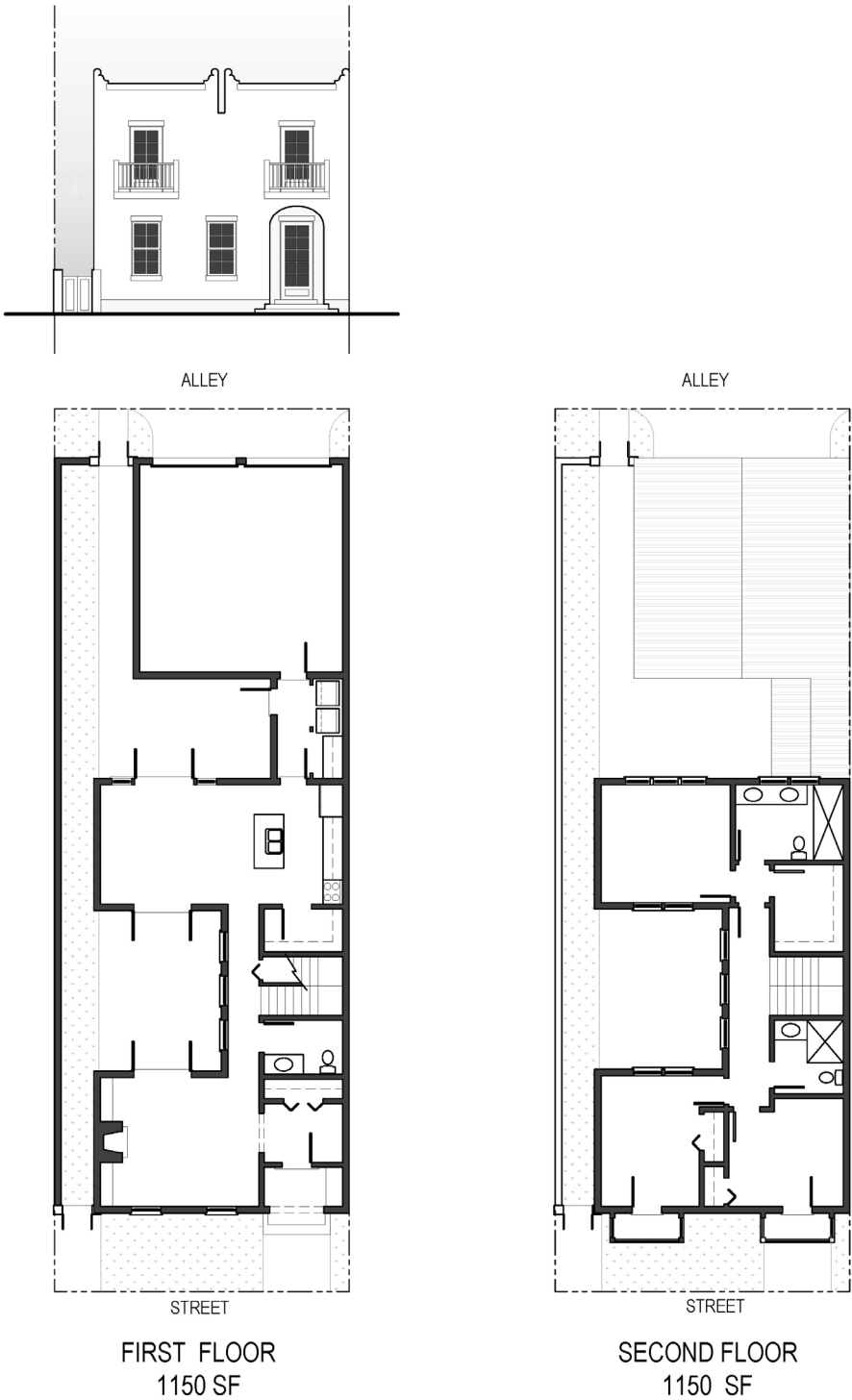
TYPE I
D
30' lot width min.
0' side setback



TYPE I
H
35' lot width min.
5' side setback min.
both sides

4.1 BUILDING TYPE I: RESIDENTIAL

Illustration 4.1.B. Illustrative Elevation and Plans



TYPE I - RESIDENTIAL (1)



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4.2 BUILDING TYPE II: LIVE WORK

Type II Live-Work Building allows residential and commercial uses of a small scale on a single platted lot, with alley-accessed parking. This type serves as a transitional type between commercial and residential uses. It is intended to facilitate working at home, and to encourage incubation of new businesses.

Use:	Residential, commercial						
Lot width:	25' minimum, 50' maximum						
Lot depth:	50' minimum, 100' maximum						
Lot area:	1,250' sf minimum, 5,000' sf maximum						
Building setbacks:	<table><tr><td>Front:</td><td>Build-to Line at 8', 50% minimum of Lot width</td></tr><tr><td>Sides:</td><td>0' interior side, and 5' minimum end unit side, including at pedestrian passage</td></tr><tr><td>Rear:</td><td>5' minimum</td></tr></table>	Front:	Build-to Line at 8', 50% minimum of Lot width	Sides:	0' interior side, and 5' minimum end unit side, including at pedestrian passage	Rear:	5' minimum
Front:	Build-to Line at 8', 50% minimum of Lot width						
Sides:	0' interior side, and 5' minimum end unit side, including at pedestrian passage						
Rear:	5' minimum						
Building height:	35' maximum (3 stories above basement level) Basement shall not extend above street elevation						
Parking:	Alley access, garage or parking pad						

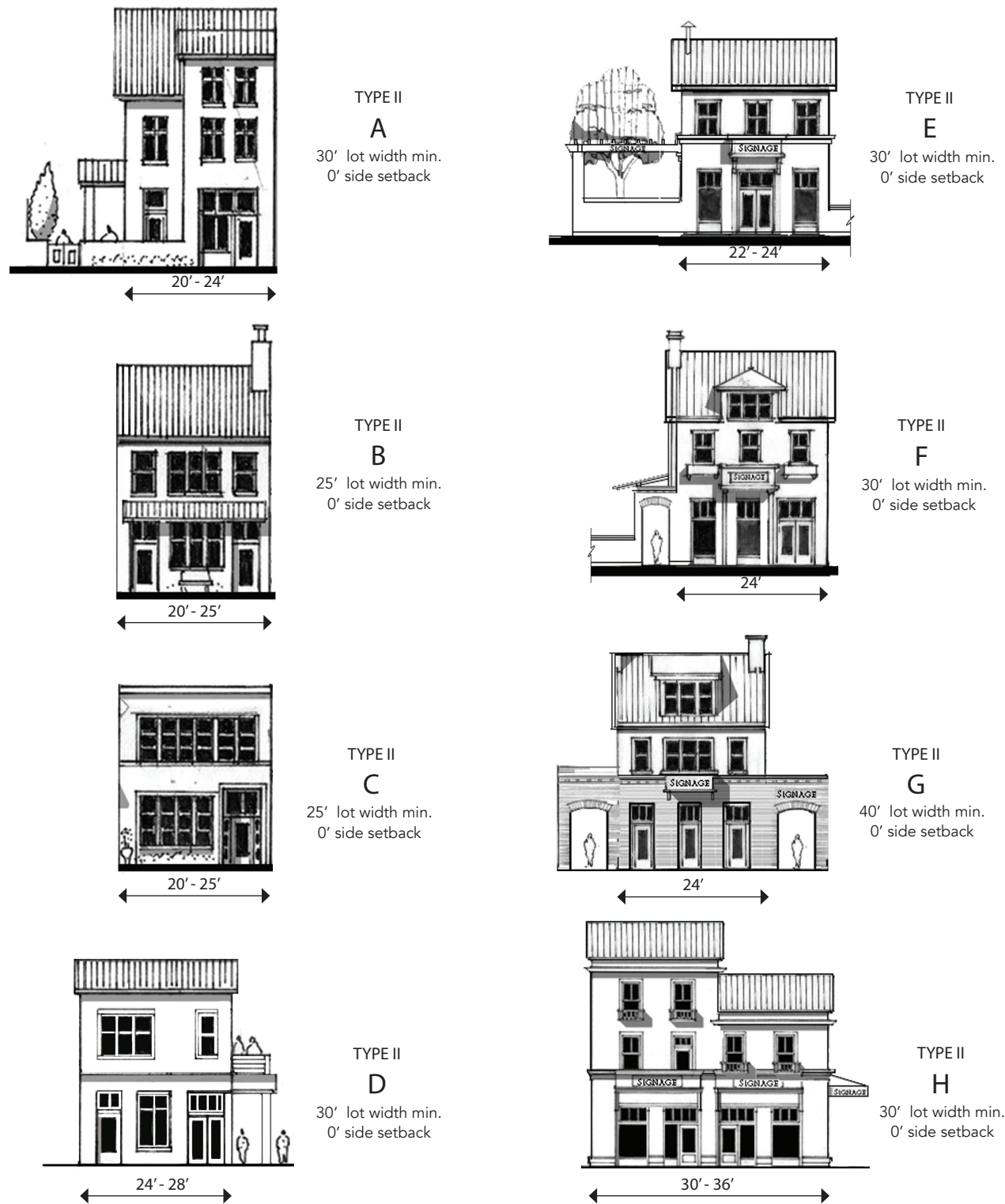
Additional Standards:

- Build-to Lines for individual buildings shall be according to the Regulating Plan.
- Porches, stoops, and light wells for basement windows may encroach into front setback and end unit side setback, up to 50%. Balconies and bay windows may encroach into the front, end unit side, and rear setback up to 50%.
- Walls and fences shall be required on side internal property lines, shall not encroach on front and rear setbacks, and shall be maximum height of 6'.



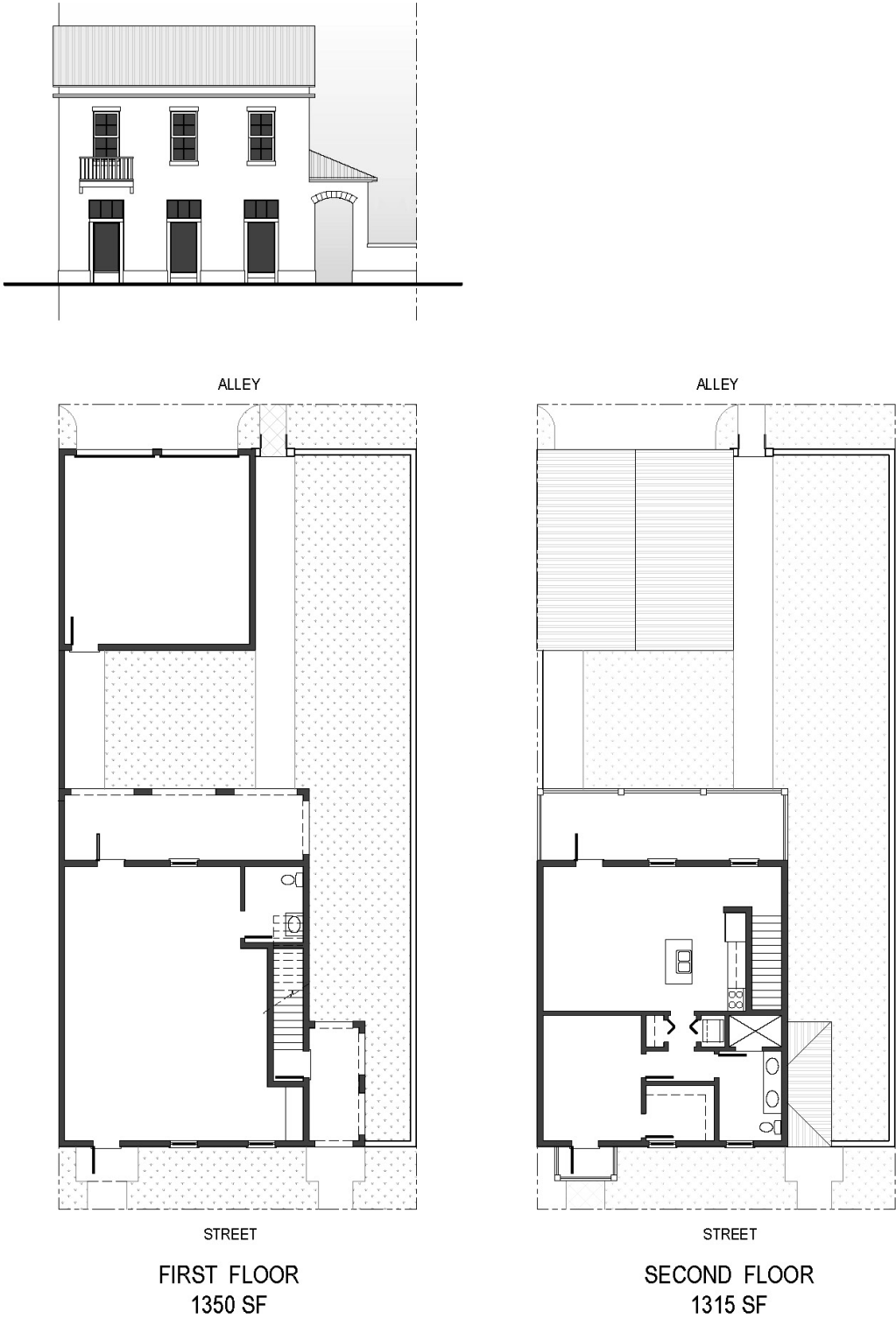
4.2 BUILDING TYPE II: LIVE WORK

Illustration 4.2.A. Illustrative Elevations



4.2 BUILDING TYPE II: LIVE WORK

Illustration 4.2.B. Illustrative Elevation and Plans



TYPE II : LIVE WORK (1)

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4.3 BUILDING TYPE III: MIXED USE

Type III Mixed Use allows a flexible arrangement of commercial and residential uses with alley access or shared lot parking.

Use:	Retail, office, services, and residential		
Lot width:	20' minimum, 150' maximum		
Lot depth:	50' minimum, 10,000' maximum		
Lot area:	1,000' sf minimum, 15,000' sf maximum		
Building setbacks:	Front:	0' or Build-to Line at 8' according to Regulating Plan	
	Sides:	0'	
	Rear:	5' minimum	
Building height:	45' maximum (2 stories minimum and 3 stories maximum above basement level)		
	Minimum first floor finished height 14'		
	Basement shall not extend above sidewalk elevation		
Parking:	Rear access shared parking lot as per Regulating Plan.		

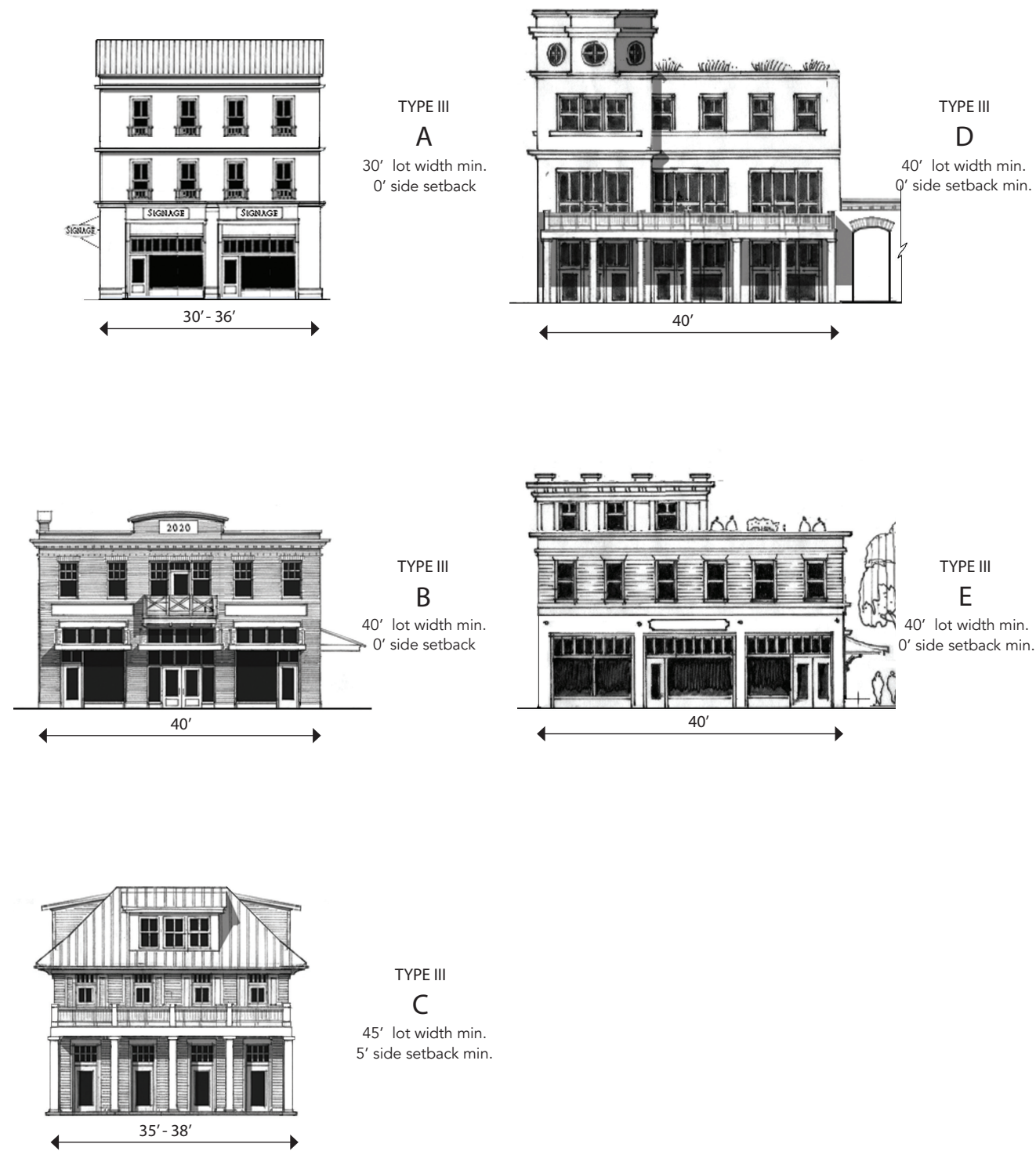
Additional Standards:

- Adjacent to residential Type I, a ground floor residential use with at-grade ADA level entry is acceptable.
- Build-to Lines for individual buildings shall be according to the Regulating Plan.
- Balconies and bay windows may encroach into the front, side, and rear setback up to 50%.
- Retractable awnings may encroach into setbacks and beyond front property line, by approval of the TA.



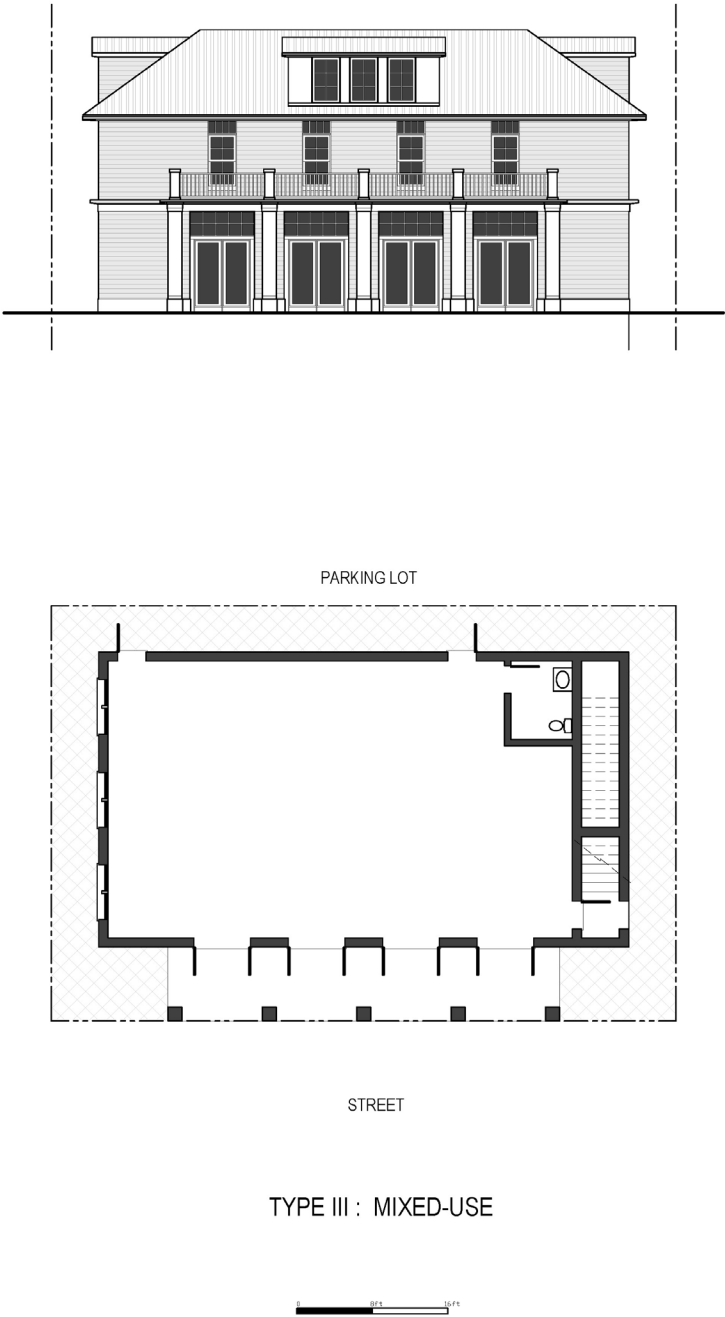
4.3 BUILDING TYPE III: MIXED USE

Illustration 4.3.A. Illustrative Elevations



4.3 BUILDING TYPE III: MIXED USE

Illustration 4.3.B. Illustrative Elevation and Plan



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4.4 BUILDING TYPE IV: MAIN STREET

Type IV Main Street allows retail use at ground level with or without upper story commercial and residential uses in a single structure, with alley access or shared lot parking.

Use:	First floor retail, office and services	
	Second floor office, services, and residential	
Lot width:	20' minimum, 100' maximum	
Lot depth:	50' minimum, 100' maximum	
Lot area:	1,000' sf minimum, 10,000' sf maximum	
Building setbacks:	Front:	0' or Build-to Line at 8' according to Regulating Plan
	Sides:	0'
	Rear:	5' minimum
Building height:	35' maximum (2 stories above basement level)	
	Minimum first floor finished height 14'	
	Basement shall not extend above sidewalk elevation.	
Parking:	Rear access shared parking lot as per Regulating Plan	

Additional Standards:

- Adjacent to residential Type I, a ground floor residential use with at-grade ADA level entry is acceptable.
- Build-to Lines for individual buildings shall be according to the Regulating Plan.
- Balconies and bay windows may encroach into the front, side, and rear setback up to 50%.
- Retractable awnings may encroach into setbacks and beyond front property line, by approval of the TA.



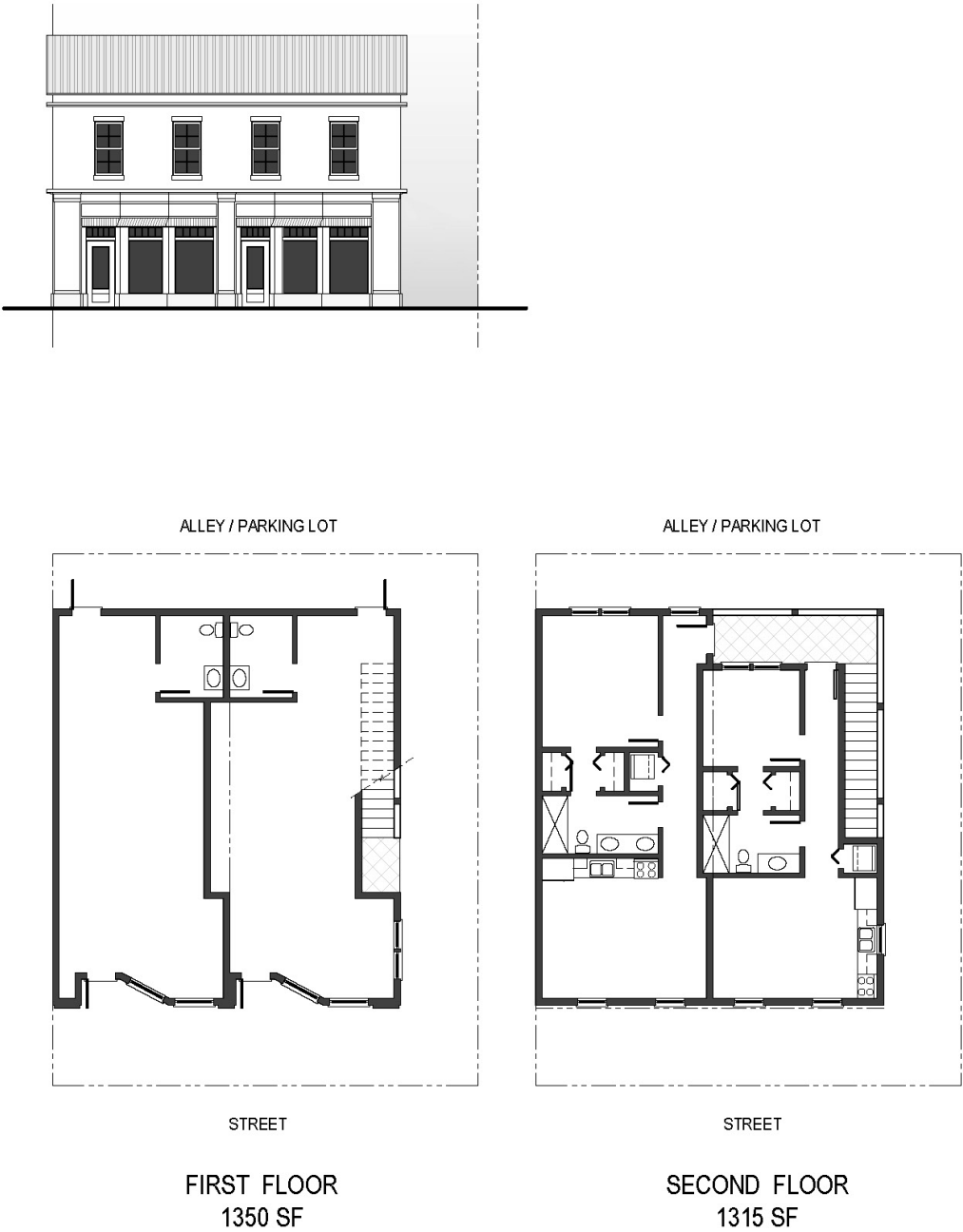
4.4 BUILDING TYPE IV: MAIN STREET

Illustration 4.4.A. Illustrative Elevations



4.4 BUILDING TYPE IV: MAIN STREET

Illustration 4.4.B. Illustrative Elevation and Plans



TYPE IV : MAIN STREET (1)



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SECTION 5 URBAN STANDARDS

The Urban Standards are organized by these categories:

5.1 General

5.2 Building Placement

5.3 Building Placement

5.4 Building Configuration

5.5 Parking and Driveway Standards

5.1 GENERAL

- a. The Urban Standards apply to all Building Types, unless otherwise stated below, and are coordinated with the requirements of the specific Building Types.

5.2 BUILDING PLACEMENT

5.2.1 Building Type

- a. Buildings and all building elements shall be placed in relation to their Lot lines, Setbacks, Build-to Lines, and Frontage Lines according to the Regulating Plan and the Building Types.
- b. Platted lots shall be dimensioned according to Building Types.
- c. One Principal Building, and in certain Types, one Outbuilding or multiple buildings, may be built on each lot as shown in Building Types.
- d. Civic Buildings are not regulated under the Design Standards, but shall develop their site plans in conjunction with the TA.

5.2.2 Frontages

- a. Lot lines that coincide with a right-of-way or public space are designated Frontage Lines.
- b. Buildings shall have their principal pedestrian entrances on a Frontage Line.
- c. Facades shall be built parallel to the Principal Frontage Line of a straight line and parallel to the chord if broken or curved. Elevations may deviate from the trajectory of Lot Lines.
- d. Lots facing two streets shall be considered to have two Frontages, in regard to Setbacks, attachments, and other details, for the purposes of these Standards. Thus, corner buildings have two fronts, two Facades, one back, and one side.
- e. Lots with Pedestrian Passage access only shall treat the Passage side as the Lot Frontage.
- f. The TA may determine that a certain lot or portions thereof may be held to Principal Frontage (streets and public spaces) standards if it is highly and easily visible from the

public realm, even if it does not meet the definition of Principal Frontage.

5.2.3 Terminated Vistas

- a. Buildings shall be placed on Lots with attention to view corridors and Terminated Vistas of the Master Plan.
- b. A building Façade that terminates a vista shall be designed to recognize its focus and importance. Driveways and service areas shall not be permitted at Vista Terminations.
- c. Set-backs and Build-to Lines
- d. In the case of adjacent Building Type difference, Setbacks may be adjusted by approval of TA.
- e. Setbacks shall be measured perpendicular to the property line of the Lot; at curved property lines (as at a street), the measure shall be taken perpendicular to the tangent at the centerline of the Lot.
- f. Streetscreens shall be aligned with the building Façade.
- g. Encroachments into Setbacks and beyond the Build-to Line shall be according to Building Types.
- h. Alleys
- i. Lots with Alley access shall restrict auto access to the Alley and shall not have auto access from adjacent streets.
- j. Lots with Alley access shall provide a space for pedestrians to pass from the Building to the Alley without having to go through the garage
- k. Alleys shall be screened from street view by walls or landscape extending from buildings along the Frontage. When alleys intersect at other than 90 degrees, buildings shall align, to avoid exposing to the street the parking or garage entry behind an extended building.

5.2.4 Accessory Uses

- a. Basketball hoops, croquet courts, and gardens (including vegetable gardens) may be permitted in front yards by approval of TA.
- b. The following outbuildings and landscape constructions may be permitted by approval of TA, and shall adhere to the Vista Field Standards: garages, workshops, guest houses, artisan studios, garden pavilions, greenhouses, storage sheds, gazebos, trellises, swimming pools and pool houses. Swimming pools and hot tubs shall maintain a low profile and shall be screened from surrounding lots and street views.

5.2.5 Concealment from View

- a. All outdoor storage, trash containers, electrical, plumbing, mechanical and communications equipment, tanks, generators, utility meters, clotheslines, satellite dishes, play equipment, hot tubs, permanent grilles, firewood (except on porches), and the like shall be permitted only behind the front façade, at enclosed rear and side yards and shall conform to required Setbacks; or on roofs concealed by parapet walls; and shall be concealed from view from Frontages and adjacent yards. Trash containers shall be enclosed to prevent animal access.

- b. Loading docks and service areas in Types III and IV shall be concealed from street and sidewalk views. When Alley or rear parking lot access is not available, service areas at a frontage concealed from public view by a Street Screen may be permitted by approval of TA.
- c. Trash containers in Types III and IV shall be concealed from street view, located within a permanent enclosure, and accessed from an Alley or rear parking lot.

5.3 BUILDING CONFIGURATION

5.3.1 Building Massing and Height

- a. Building massing shall be simple, with a maximum of two gables per building facing the street, and a maximum of six exterior corners, exclusive of attachments, facing the street.
- b. Building Heights shall be as shown in Building Types.
- c. Chimneys, stairwells, trellises, and other portions of a structure up to 215 sf in area, may be allowed to exceed maximum building height by an additional story.

5.3.2 Entries, Porches and Balconies

- a. Each Building shall have a clearly indicated front entry that is visible and accessible from a street.
- b. Porches shall be a minimum of 7' deep.
- c. Balconies that cantilever shall be maximum 3' deep.

5.3.3 Concealment from View

- a. All Building and deck crawl spaces shall be enclosed and screened from public view.
- b. Mechanical equipment on a roof shall be enclosed by a parapet of the minimum height necessary to conceal it from any public view.
- c. Solar power equipment shall be regulated consistent with the Declaration and applicable State and Federal law.
- d. Antennas shall be concealed to the greatest extent consistent with Federal law, and when possible concealed from public view.

5.4 PARKING AND DRIVEWAY STANDARDS

- a. Required off-street parking placement shall be according to Building Type.
- b. Required parking quantities shall be as per Kennewick, WA Code of Ordinances Off-Street Parking Standards.
- c. Parking shall be accessed by Alley or in a Parking Lot at the rear of a Lot, and may be unsheltered or in a garage or carport.
- d. Parking lots shall be masked from the Frontage by a Liner Building or Street Screen.
- e. Where a driveway crosses a sidewalk, any elevation change or slope shall occur within the Lot to maintain a sidewalk without uneven slopes.
- f. Shared parking lots shall have a minimum of one bicycle rack space for every 20 vehicular parking spaces.

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SECTION 6 ARCHITECTURE STANDARDS

The Architecture Standards are organized by these categories:

- 6.1 General*
- 6.2 Walls*
- 6.3 Elements and Attachment*
- 6.4 Roofs and Eaves*
- 6.5 Openings*
- 6.6 Colors*
- 6.7 Lighting*
- 6.8 Signs*

6.1 GENERAL

- a. The goal of the Architecture Standards is the achievement of a unique architectural identity for Vista Field through a balance of uniformity and variety. A suitable response to the climate and geography can be learned from the vernacular traditions. Inspiration and lessons can be taken from historical regional buildings, including arid shrub step, Agrarian Vernacular, Bungalow and Craftsman, Spanish Revival, Neo-Classical and Mission styles. Historical styles when employed should strive to be exemplary of the origins. The use of limited materials, focused on those locally sourced, and a defined color palette provide a background of uniformity for variations in form. Constraints on form seek to produce building design of the highest quality, avoiding clichés and kitsch, in support of the urban and environmental goals and community identity.
- b. Materials and their details and applications for the individual units or other portions of a multi-unit building shall be consistent.
- c. Where a material is specified, it is that material that is specified not others that may resemble it. For example, “wood” means “wood”, not wood chips pressed and glued together, or recycled plastic melted and molded to resemble wood. Materials other than those specified in this document may be approved by the TA.
- d. Where previously approved materials have since been prohibited or are no longer permitted, the previously approved material may be used only for repairs.
- e. All dimensions shall be considered nominal.

6.2 WALLS

6.2.1 Materials:

- a. Foundation and pier materials shall be concrete, stone or brick. Block with light coating of stucco for exposed foundation walls may be permitted by approval of TA.
- b. Wall materials and columns above foundation walls and piers shall be stone, concrete, stucco, tile, brick, metal, cementitious boarding, wood, and composition wood.

- c. Shingles shall be smooth cut sawn cedar, 4" to 6" to the weather, sealed with oil or stain only. Coarse variety may be permitted by approval of TA. Single panels are prohibited.
- d. Horizontal lap and ship lap siding shall be: smooth face clear redwood or western red cedar, 4" to 6" to the weather, painted or sealed and stained; or composition siding smooth side only, Hardie, Hardie Artisan or Boral, 4 to 6" to the weather, painted or prefinished.
- e. Board and batten shall be clear redwood, western red cedar, or composition panel smooth face only, with 2x3 battens, 16" o.c. maximum, painted or sealed and stained. Application shall initiate batten at the centerline of each wall plane.
- f. Brick shall be laid in a horizontal running bond pattern with mortar joints no greater than 3/8", shall have minimal color variation, and shall not be painted.
- g. Stone shall be natural rock, should be of the region, and shall be individual stones 8" minimum average; laid dry-stack or mortared, uniform in style ranging from coursed ashlar to uncoursed rubble; and shall appear to be weight bearing and not applied.
- h. Concrete shall be architectural cast-in-place or board form.
- i. Metal shall be brass, bronze, wrought iron, galvanized, stainless or enameled steel or marine-grade aluminum, and shall be permitted only by approval of TA.
- j. Nails, screws, fasteners, hinges exposed to the elements shall be galvanized or stainless steel.
- k. Mailboxes, newspaper boxes, flower boxes, lettering and numbering shall not be plastic or vinyl.

6.2.2 Configuration and Technique:

- a. All Elevations of a single building shall maintain a uniform level of quality in materials and detailing.
- b. Facades should be designed to emulate traditional width to height proportions such as the golden section, square and double square; and with tri-partite assemblies: base, middle, and top; and center and edges.
- c. Porch openings shall be vertical in proportion.
- d. Wall cladding shall be of two materials maximum; and shall be in two configurations of the material maximum.
- e. Materials changes shall be along a horizontal line and not along a vertical or diagonal line, typically at a floor line, gable or water-table, and shall place the heavier material below the lighter, expressing a continuous transfer of building loads from the roof to the foundation. Foundations shall appear to carry the weight of the building.
- f. Decorative shingles may be permitted by approval of TA.
- g. Trim such as corner boards, framing for openings and fascia, shall be no less than 1 1/4".
- h. Wood posts shall be 6" minimum in width or depth, chamfered at the corners, and with spacing of traditional proportions.
- i. Siding spacing shall butt into corner boards and openings trim. Siding shall not extend in front of trim.
- j. Façade stone or brick shall return onto the adjacent side wall 8" to 12".

- k. Foundation piers of masonry or concrete shall be 12" in width and 8" in depth minimum. Foundation walls and piers shall be exposed a maximum of 8". Above 8" an architectural finish shall be required. Exposed crawlspace shall be a maximum 18" above grade.
- l. Porch columns shall be brought to grade as masonry piers or masonry foundation walls. Piers shall have openings framed and filled with wood or brick lattice. Wood skirts covering piers are prohibited.
- m. Stone or pre-cast lintels shall extend horizontally beyond the opening spanned a dimension equal to the height of the lintel. Brick soldier lintels shall extend a minimum of one brick beyond the opening.
- n. Lintels and sills should generally align to create a harmonious facade. When used, window sills should receive more emphasis than lintels, since the lintel already casts a shadow line. The window sill should extend beyond the window opening and surrounding trim a maximum of 2" and shall be detailed with a drip to prevent wall staining.
- o. Arches shall be permitted only in masonry or stucco wall surfaces. Keystones shall be centered on the arch and have sides radial to the arch.
- p. Metal columns shall be steel and shall be round in section and of a minimum 6" diameter.

6.3 ELEMENTS AND ATTACHMENTS

6.3.1 Materials:

- a. Bay windows, porches and balconies shall be made of the wall materials, or they may be made of wood, painted or sealed and stained to match the building wall materials; or metal finished to match other metal of the building including windows and doors.
- b. Awnings shall be made of structural building materials such as metal, wood, glass or concrete, and shall have visible architectural support, such as brackets, integral to the awning design. Awnings made of canvas or synthetic woven material resembling canvas may be permitted by approval of TA.
- c. Glazing shall be clear glass. Reflective glass is prohibited. Frosted, etched, and other decorative glass may be permitted by approval of TA.
- d. Porch and deck floors shall be wood or concrete; brick, stone and composite decking may be allowed by approval of TA.
- e. Front entrance porch steps and stoops shall be stone, brick or concrete, and shall be faced on all exposed sides with stone, brick or concrete. Secondary porch steps and stoops may be permitted in wood or composite wood by approval of TA.
- f. Balcony, porch, deck and stair railings shall be of a single material in wood or composite simulated wood, subject to TA approval of the material. Metal railings may be permitted by approval of TA.
- g. Pergolas and trellises shall be made of wood, metal or vinyl; trellis wire shall be stainless steel held by 6" stand-offs.
- h. Window air-conditioners are prohibited. Wall air-conditioners facing an alley or parking lot may be allowed by approval of the TA.

6.3.2 Configuration and Technique:

- a. Awnings shall be sloping rectangles with a free-hanging drip edge, without side or bottom soffit panels, and shall be of a solid color to match the wall color or trim or a dark accent color. Half-dome and plastic awnings are prohibited.
- b. Awnings for Types III and IV shall be a minimum of 36 inches wide, shall have a maximum slope of 1:3 from the building to the edge, shall be at height minimum 9' above the pedestrian, and shall not extend closer than two feet to the edge of the adjacent street curb. All awnings shall be integral to the overall design of the storefront and shall respect vertical column and window spacing. Awnings shall be at least nine feet high from the adjacent sidewalk.
- c. Bay windows shall cantilever 2 feet maximum, and shall be supported by knee-braces, or other architectural support. Bay windows may be supported by foundation walls.
- d. Balconies shall cantilever 3 feet maximum, and shall be supported with brackets or other architectural support.
- e. Chimneys shall have a foundation at grade, and for height shall replicate wood-burning standards. Chimney top flues shall be metal or tile. Horizontal flues may be permitted by approval of the TA, and shall not face a street or other public space frontage. Metal flues shall be painted the color of the roof, flat black or left natural.
- f. Wood railings shall be clear cedar, 2x2 minimum pickets. Railings shall have top and bottom rails; top rails shall be eased for handling comfort and bottom rails shall have a vertical section. Railings 1x4 minimum flat face to façade with 1/2" gaps maximum may be permitted by approval of TA. Top and bottom rails shall be centered on the pickets.
- g. Metal railings may be permitted by approval of TA.
- h. Flagpoles less than 6' long may be mounted at an angle to porch columns or posts and building walls.

6.4 ROOFS AND EAVES

6.4.1 Materials:

- a. Pitched roofs cladding shall be slate, terracotta tile, metal or asphalt shingles.
- b. Metal roof cladding shall be prefinished standing seam, galvalume or zincalume; prefinished corrugated; or unfinished copper; with roof attachments to match main roof.
- c. Asphalt shingles shall be multi-ply architectural in a single color.
- d. Flat roof surfaces may be reflective roofing, wood decked, and concrete, ceramic or terracotta tiled.
- e. Green (vegetated) roofs may be permitted by approval of TA.
- f. Gutters and downspouts shall be copper, steel or anodized/natural finish aluminum. Copper-anodized aluminum is prohibited.
- g. Flashing shall be copper, lead or anodized aluminum.
- h. Copper roofs, flashing, gutters and downspouts shall be allowed to age naturally and shall not be painted or sealed.

- i. Roof penetrations such as vents, attic ventilators, turbines, and flues, shall be painted to match the color of the roof or flat black, except those made of metal may be left natural.
- j. Splash blocks shall be stone, brick, concrete or gravel.

6.4.2 Configuration and Technique:

- a. Roofs shall be simple and symmetrically gabled or hipped, or flat. Two roof types maximum per building, one primary and one secondary, shall be the allowed.
- b. Primary roofs shall be gable end or hip. Primary single shed roofs (roofs that pitch in one direction) are prohibited.
- c. Secondary roofs shall be hip, gabled; or flat with a parapet to conceal slopes and equipment.
- d. Primary roof pitch shall be between 6:12 and 14:12. Secondary roof pitch may be shallower by approval of TA.
- e. Roof slope breaks may be permitted at 25% maximum of overall width of roof by approval of TA.
- f. Shed roofs shall be permitted when the ridge is attached to an exterior wall of a building and shall have a pitch between 2:12 and 4:12.
- g. Eaves shall cantilever 2 feet maximum. Gable end eaves shall cantilever 2 1/2 feet maximum.
- h. Exposed soffits shall have rafter tails maximum 2x6, with 1x4 or 1x6 tongue-in-groove, or ACX plywood. Gable end rake rafters and fascia shall be minimum 2x8.
- i. Enclosed soffits shall be 1x4 tongue-in-groove, skip sheathing with a 1/2" gap, or stucco.
- j. Brackets shall be 4x6 vertical, 6x6 horizontal, 4x6 strut.
- k. Gutters shall be 1/2 round, J-style, or box and shall be the same profile on any one building.
- l. Downspouts shall be round or square on a stand-off pin and shall be placed by approval of TA. Rain chains and barrels may be permitted by approval of TA. In the absence of gutters, gravel shall be placed at the dripline.
- m. Dormers shall be habitable, roofed with a symmetrical gable, hip, or shed, and placed minimum 3' from side building walls.
- n. Skylights shall be flat in profile. Skylights, vent stacks and other roof applications and protrusions shall be placed on roofs facing away from streets.
- o. Solar tiles and solar panels may be permitted by approval of TA, and shall be integrated into the surface of the roof and shall not expose an independent structure. Roofs should be designed to accommodate panels; panels applied to an unrelated roof design shall be prohibited as shall be stair-stepping rectangular patterns. Solar energy panels are further regulated under paragraph 7.6.6 of the Declaration.
- p. Turbines may be permitted by approval of TA.
- q. Flat roofs shall be surrounded by a parapet wall tall enough to conceal any roof-top equipment, and no less than 1' above the roof deck. The parapet may be interrupted by drainage scuppers.

6.5 OPENINGS

6.5.1 Materials:

- a. Windows:
 - i. Windows shall be made of wood, aluminum clad wood, fiberglass, vinyl, Westeck true-divided grid vinyl, or steel sash.
 - ii. Glass shall be clear and free of color. Frosted, etched, tinted or other decorative glass and glass blocks may be permitted by approval of TA, except at street frontages where they may be applied in clerestories only. Reflective or dark glass is prohibited.
- b. Doors:
 - i. Doors shall be made of wood, aluminum-clad wood, wood-veneered fiberglass, glass panel, or steel.
 - ii. Garage doors shall be made of wood, composite wood, steel or wood-veneered fiberglass, and may have glass or framed panels.
- c. Screens and Shutters:
 - i. Screens for windows and doors shall be made of bronze, aluminum, dark colored fiberglass or black vinyl.
 - ii. Shutters shall be made of wood, painted or sealed and stained, Boral, metal, or vinyl.
- d. Storefronts:
 - i. Type III and Type IV storefronts shall be made of wood, brick, composite board, stone, custom metal work or steel frame and clear glass. Painted surfaces shall be white or a dark color glossy painted finish. Masonry and anodized aluminum storefronts may be permitted by approval of TA.

6.5.2 Configuration and Technique:

- a. Windows:
 - i. Windows facing frontages, streets, and public spaces shall be located within wall sections such that wall thickness is perceived from the exterior of the building. Flush mounted windows are prohibited.
 - ii. A minimum of 30% of the total Façade area shall be made of glass windows and doors.
 - iii. Windows shall be square or vertical in proportion, such as 1:1.5, golden section, double square, triple square. Transoms may be horizontal. Windows may be circular, semi-circular, oval, hexagonal or octagonal in shape, but only one such window may be placed on a façade. Windows may be quarter-circular in shape when paired in a gable end.
 - iv. Windows may be sub-divided into panes that shall be square or vertical in proportion, with similar proportions throughout the building. Muntins shall be true-divided light, or three-part simulated divided lite, and shall match the color of the exterior sash. Muntins shall not be snap-ons.

- v. Windows shall be operable, single-hung, double-hung, casement, awning or fixed. Sliding windows are prohibited.
 - vi. Two or more windows in the same rough opening on a facade shall be separated by a minimum 4" wide post.
 - vii. Windows facing streets shall be no closer than 2' to the corners of the building, except in Types III and IV.
 - viii. Single panes of glass shall be in area a maximum 20 square feet, except in Types III and IV.
- b. Doors:
- i. Doors facing frontages, streets, and public spaces shall be located within wall sections such that wall thickness is perceived from the exterior of the building. Flush mounted doors are prohibited.
 - ii. Doors facing Frontages shall be made of visible boarding or stiles with glass panels or recessed or raised panels, half-lite, full-lite, or three-quarter lite, that express construction technique. Door lites that are arches, rounds, fans or ovals are prohibited. Flush doors with applied trim are prohibited.
 - iii. Double doors shall not exceed 5'-6" in overall width except where intermediate 4" minimum posts are provided.
 - iv. Sliding glass doors shall not be permitted on facades facing streets.
 - v. Screen doors, if provided, shall be full view or three quarter view, and may have a center cross rail finished to match the screen door. Screen doors shall be finished to match the door they serve or the trim around it.
 - vi. Garage doors shall be configured as a sectional overhead or hinged carriage door, and should be an individual door for each parking space.
 - vii. Garage doors facing an alley may be maximum 18' for double width, and may be permitted taller than 8' in height by approval of TA.
- c. Screens, Shutters and Security:
- i. Window screens, if provided, shall be full view screens. Half view screens may be permitted by approval of TA. Window screens shall be finished to match the window they serve or the trim around it.
 - ii. Porch screens may be allowed and shall be framed to reflect column spacing proportions.
 - iii. Shutters, if provided, shall be applied to all of the typical windows on a Façade or elevation; shall be shaped and sized to the opening they serve; shall match the color of the wall or the building trim; shall be fully functional except with approval of TA. If fixed, shutters shall be mounted as if hinged to the window sash.
 - iv. Security doors and windows may be permitted by approval of TA. For residences these shall be designed as decorative window grills and doorway gates. For storefronts, these shall be interior links or grills that are completely hidden from view when not in use. Solid metal gates or roll-down shutters shall not be permitted.

d. Storefronts:

- i. Storefronts shall be designed as a unified composition of doors, windows, bulkheads, transoms, signage, awnings, lighting and other details.
- ii. Type III and IV storefront entrance doors shall be recessed to allow the door to swing out without obstructing pedestrian flow on the sidewalk. Each tenant space shall have at least one three-foot wide door at the main entry. Storefront entrances shall be encouraged at building corners. Where appropriate, folding doors and windows that allow the activity of the business to open adjacent to and onto the public sidewalk may be installed for restaurants and food services. Rear and side doors and windows facing service alleys and parking lots shall be encouraged, but not required.
- iii. Total fenestration on the first floor for Types III and IV shall be a minimum of 70% of the first floor facade area and shall have a continuous kickplate 12 – 36" above the sidewalk.

6.6 COLORS

- a. Colors shall be selected from the Benjamin Moore Historic Colors Palette or equivalent with the addition of pure white and shall be approved by TA.
- b. Residential buildings shall be a maximum two colors, including walls, doors, windows, and trim. Trim shall be one color only. Window sashes and entrance doors may be a third color.
- c. Wall colors shall be lighter than the trim or attachments and other elements, except white trim is permitted. Contrasting trim other than white shall be avoided.
- d. Awnings may have a maximum of two colors by approval of TA.

6.7 LIGHTING

- a. Lighting shall adhere to Dark Sky Friendly standards. Path and area lighting shall have shields to direct light to ground area of use.
- b. All exterior lighting, including lampposts, lighting on building walls, wall sconces, pendants and surface mounted ceiling lights shall be downlights, max 2700K LED or equivalent. Type III and Type IV signs may be lit by a gooseneck fixture with focus specific to the sign. Type II and Type IV service entries shall have fixtures with photocells that light from dusk to dawn.
- c. Two exterior light fixtures maximum per house or live-work may face the street. Other light sources should be concealed from exterior views. Fixtures should be located to preclude glare.
- d. Exterior light fixtures shall be compatible with the style of the building to which they are attached.
- e. Doors facing a street or a public space, and garage doors opening onto an alley, shall have a light fixture with a photocell that lights from dusk to dawn.
- f. Uplighting, floodlighting and wall washing lighting shall be prohibited.
- g. All lighting should have a functional purpose. Additional decorative lighting for Types III and IV only may be allowed by approval of TA. External lighting of awnings may be

permitted by approval of TA. Backlighting of awnings from under or inside shall be prohibited.

- h. Interior lighting of storefronts and exterior lighting of signs for Types III and IV is recommended throughout nighttime hours (or at a minimum until 11pm) to accentuate storefront displays, illuminate building details, and promote public safety.

6.8 SIGNS

- a. Postal numbers shall be placed on the principal building facade and on alley or rear parking entrances, and shall be maximum 6" tall.
- b. Signs for streets and other public spaces, wayfinding, civic and shared facilities shall be of a unified design.
- c. Signs for private buildings shall be made of wood, synthetic wood, brass, bronze, copper, wrought iron, ceramic, cast aluminum or thickly enameled steel. All signs shall be subject to approval by TA. Plastic signs or letters, backlit signs, and electronic or video screen signs shall be prohibited.
- d. One sign advertising a home-based business shall be permitted at each Frontage of a Type I or Type II building. Signs advertising a home-based business shall be blade or window signs, a maximum size of 2 square feet. Signs may be mounted to a freestanding post, hung below a porch roof, or mounted to a building wall.
- e. One sign advertising a shopfront business shall be permitted at each Frontage of a Type III or Type IV building. Signs advertising a shopfront business shall be blade or window signs, or a first floor sign band.
- f. Blade signs for shopfront businesses shall be attached perpendicular to the façade; shall be at a height minimum 9' above the pedestrian; shall extend horizontally maximum 3'; shall be maximum 2.5' in vertical dimension, with a maximum overall size of 2.5 square feet, and a 15' minimum distance between blade signs. Blade signs may be a representational silhouette in metal.
- g. Window signs for shopfront businesses shall be inscribed on the shopfront glass or shall be made of permanently affixed cut-out lettering or hand-painted letters. Neon signs on the inside of a Type III or Type IV shopfront window may be allowed by approval of TA.
- h. Sign bands for a shopfront businesses shall be an integral design with the storefront's elevation and details, and may be a contrasting color to the building. Sign bands may be up to 12 inches in height and may extend the entire length of the storefront. Sign bands shall not be internally illuminated but may be externally lit subject to the approval of TA.
- i. Signs for civic and shared facility buildings may be façade signs; shall be made of material and color to be integral with the building design; shall be maximum 2 feet in height by any length; shall not be translucent or internally illuminated; and may be externally lit. Brass or stainless steel may be used for signs mounted to masonry building walls.
- j. One business hours sign of maximum 1 square foot advertising hours of operation and credit card acceptance shall be permitted at storefront entry.

- k. One security system sign per frontage and one per service entry shall be permitted, maximum 5" x 8", attached to the building wall or a window.
- l. Temporary A-frame signs of maximum 6 square feet each side may be placed on the sidewalk adjacent to the business during business hours, shall be made of wood, synthetic wood or metal, shall have a hand-crafted design, and shall be approved by TA.
- m. One sign advertising a property for sale or rent is permitted at each frontage, maximum 5" x 8", affixed to the building or on a post maximum 4 feet in height, for a maximum duration of 90 days per year.
- n. One sign per lot identifying the building contractor is permitted, maximum 2' x 3', on posts maximum 4 feet in height, for the duration of the construction only.

SECTION 7 SITE AND LANDSCAPE STANDARDS

The Site and Landscape Standards are organized by these categories:

7.1 General

7.2 Public Space

7.3 Gardens

7.4 Fences, Walls and Pavements

7.1 GENERAL

- a. The goal for the outdoor spaces and landscape improvements of Vista Field is to construct a landscape of plants native to the **arid shrub step**, location of Kennewick, including drought tolerant materials that can provide shade.
- b. Site designs shall minimize grading.
- c. Topographic transitions between improvements and existing grades or between Lots shall appear to be natural slopes or to be garden terraces.
- d. All site drainage and water runoff from impervious surfaces shall be retained on the Lot that generates it.
- e. Tree planting shall be considered permanent improvement of the community landscape. Trees shall be selected from the 2018 Community Tree List of the Mid-Columbia Community Forestry Council. Removal of trees larger than 4" caliper deciduous and 6" caliper conifer shall require approval by TA.

7.2 PUBLIC SPACE

7.2.1 Materials:

- a. Public Space site materials shall be according to a site plan masterplan that specifies location, dimensions, at installation and at maturity, durability, and other characteristics that provide maximum safety and comfort, and are conceived of as part of a visually harmonious public realm.
- b. Public Space pavements shall be stone, brick, or concrete pavers and designed for maximum permeability: asphalt for driveways and parking lots, and poured concrete pavement for streets and sidewalks may be permitted by approval of TA. All pedestrian pavements shall have a non-skid finish.

7.2.2 Configuration and Techniques:

- a. All site utilities shall be placed underground. Above ground equipment shall be located in alleys or parking areas behind buildings and screened from view with walls and landscape.

7.3 GARDENS

7.3.1 Materials:

- a. Garden planting materials shall be selected from the following plant lists: the Tree Lists by Mature Heights of the Community Tree List of the Mid-Columbia Community Forestry Council; and the Washington Native Plant Society's WNPS Native Plants of Eastern WA brochure.
- b. Garden pavements shall be stone, brick, or concrete pavers and shall be designed to provide maximum permeability.

7.3.2 Configuration and Techniques:

- a. Fenced areas and lawn areas shall be located and designed to be functional and geometrically defined for privacy, protection from the wind, and security of children and pets. Lawn areas shall be restricted to a functional space to minimize irrigation.
- b. Landscape irrigation shall be an underground or drip irrigation system and shall have retracting sprinkler heads or shall be otherwise visually unobtrusive.
- c. Garden planting may provide shade for adjacent Public Frontage, but shall not interfere with Public Space landscaping.
- d. Hot tubs and pools shall be recessed in the ground and visually screened with a fence, wall or hedge.
- e. Woodburning outdoor fireplaces and firepits may be allowed by approval of TA, and shall be separated from all combustible structures and trees by a minimum distance of 15 feet.

7.4 FENCES, WALLS, PAVEMENTS

7.4.1 Materials:

- a. Fences shall be made of wood pickets, painted or sealed and stained, or steel, wrought iron painted, or ESP aluminum. Fence gates shall be made of the fence material.
- b. Garden walls and retaining walls shall be made of architectural finish concrete, segmental block, brick or brick veneer, local stone or local stone veneer, and shall be capped. Wall gates shall be made of wood, painted or sealed and stained, steel, wrought iron painted, or ESP aluminum.
- c. Trash yard and dumpster enclosures shall be made of concrete, wood sealed and stained or painted, or steel painted, with gates of wood or steel.
- d. Hedges shall be made of plants selected from the Plant List. Hedge gates shall be made of wood, painted or sealed and stained, steel, wrought iron painted or ESP aluminum, with framing structure of the same material.
- e. Garden pavement shall be permeable and shall be made of, stone, concrete pavers, brick, brick pavers, wood, or gravel with aggregate maximum 1/4".
- f. Gravel in front yards and at frontages shall be edged to prevent runover.
- g. All pedestrian pavements shall have a non-skid finish.

- h. Driveway and parking lot pavement shall be made of asphalt, brick, brick pavers, or concrete. Concrete may be patterned but stamped concrete patterns shall be prohibited. Driveway and parking lot materials shall be approved by TA.
- i. Gravel in front yards and at frontages shall be edged to prevent runoff.

7.4.2 Configuration and Techniques:

- a. Fences, garden and retaining walls, and hedges, and their location and height shall be designed to coordinate with the design of the adjacent Public Frontage and neighboring lots.
- b. Fences, garden walls and hedges shall be located no closer to the street than the front façade of the building, and in Type III and Type IV located to screen parking lots from the street.
- c. Fences and garden walls shall provide closure, starting and ending at a building wall or terminal post that is larger than the other fence posts.
- d. Fences and walls shall be a maximum 6' above grade. Trashcan and dumpster enclosures shall be minimum as tall as the containers they conceal.
- e. Garden and retaining walls shall be minimum 8" wide and capped with overhang of 1/2" to 1' on each side to protect from water intrusion.
- f. Retaining walls shall be part of building foundations or shall be part of garden terracing. Retaining walls shall follow required building setbacks, and shall be a maximum 4' in height.
- g. Hedges may be a single type of plant or a mix of plants. At installation plants shall be 18" o.c. and a minimum 24" in height. Hedges shall be maintained to allow light to penetrate to all branches, tapered slightly to create a base that is wider than the top.
- h. Parking lots for Type III and Type IV buildings shall be planted to provide maximum shading of the pavement, with continuous tree islands perpendicular to the parking stalls, or tree diamonds with corners intersecting the striping with a maximum separation of four parking spaces. Each tree shall have a minimum of 5'x 5' planting area.

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SECTION 8 THOROUGHFARE STANDARDS

8.1 GENERAL

- a. The streets are the primary shared experience of Vista Field. Their dimensions, pavements, lighting, and trees planted provide the visual ambience of the public realm. Streets are also the main conveyance of utilities throughout the community and an important component of over- all storm-water management. These Standards are intended to encourage pedestrian mobility, minimize vehicular use, and minimize the intrusion of utilities on the visual and pedestrian experience.
- b. Shared facilities in the street rights-of-ways and other public spaces, including street lighting, street signs, trash cans, benches, electrical transformers, dumpster enclosures, and other utilities, shall be of uniform design, approved and located by TA.
- c. Above ground utility components shall be placed at the rear of buildings rather than at Frontages, shall be grouped and screened with landscape elements to minimize their visual impact.
- d. Each street on a block by block basis shall have pavement and Public Frontages designed to provide place-specific character, taking into account topography, on-street parking, driveway entries, et al.
- e. Street intersections shall have a curb radius of 10', with a clear zone radius of 25'. Parking shall be held back from an intersection minimum 20'.
- f. Alley and lane intersections with streets shall be designed to minimize visual impact of alley or lane on street frontage with building extensions and landscape screening.

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SECTION 9 DESIGN REVIEW PROCEDURES

9.1 GENERAL.

- a. All Public and Private building and landscape improvements shall be reviewed by the Vista Field Town Architect (TA) and shall require TA's approval prior to commencement of construction.
- b. The TA shall approve, conditionally approve, or disapprove, submitted applications with explanatory notification in writing to the applicant, including if possible the changes necessary for approval, within ten days of each of the following reviews. The TA may approve deviations from the Standards based on the determination that the proposal fulfills the basic intent of the Standards, offers a standard superior to that in the Standards that is to be set aside, and is compatible with adjacent development.

9.2 SCHEMATIC DESIGN REVIEW.

This review confirms conceptual conformance with the Development Standards. More than one scheme may be submitted. Submit (two sets):

- ☐ Lot Plan at 1"=20'
- ☐ Floor Plans at 1/8"=1'-0"
- ☐ Elevations (at frontages) at 1/8"=1'-0" (or photo of each elevation if previously built on another lot)

9.3 DESIGN REVIEW.

This review confirms compliance of the design details with the Standards and verifies that previous recommendations made by TA have been incorporated. Submit (two sets):

- ☐ Lot Plan at 1/8"=1'-0"
- ☐ Landscape Plan at 1"=20'
- ☐ Floor Plans at 1/4"=1'-0"
- ☐ Roof Plan at 1/4"=1'-0"
- ☐ Elevations (all) at 1/4"=1'-0"
- ☐ Building Section at 1/4"=1'-0"
- ☐ Wall Section & Details at 1-1/2"=1'-0"
- ☐ Material List & Samples
- ☐ Schematic Design Review comments

9.4 CONSTRUCTION DOCUMENTS REVIEW. SUBMIT (TWO SETS).

- ☐ Construction Documents
- ☐ Design Review comments

If essentially the same building has been previously built on another lot, submit the following to apply for simultaneous A, B and C reviews:

- ☐ Lot Plan at 1/8"=1'-0"
- ☐ Landscape Plan at 1"=20'
- ☐ Previously reviewed Construction Documents.
- ☐ Photo of each elevation of each previously built structure on most recent lot.
- ☐ All changes from previously built structure(s) clearly noted.

9.5 CONSTRUCTION.

Plans approved by the Vista Field TA may proceed to the City of Kennewick for building permit, and subsequent inspections shall take place according to the City of Kennewick requirements.

9.6 CHANGE DURING CONSTRUCTION.

- ☐ Changes during construction shall be approved by Vista Field TA prior to approval by City of Kennewick
- ☐ Change during Construction Form
- ☐ Additional information to describe changes

9.7 DESIGN REVIEW PROCEDURES CHECKLIST.

a. Lot Plan

- ☐ North arrow, scale
- ☐ Property lines, dimensions and area
- ☐ Easements
- ☐ Building footprints with entries noted
- ☐ Encroachments, if any, dimensioned
- ☐ Sidewalks, driveways and patios
- ☐ Finished floor elevations, existing & proposed grades
- ☐ Existing trees over 3" caliper and other natural features
- ☐ HVAC and other exterior equipment including lighting

b. Landscape Plan

- ☐ Names of all material
- ☐ Size, quantity and location of all material, at installation and at maturity
- ☐ Garden elements such as retaining walls, paved surfaces, trellises, arbors, fences, gates, etc.

c. Floor Plans

- ☐ Room dimensions and uses labeled
- ☐ Encroachments, if any, dimensioned
- ☐ Roof drip line

d. Roof Plan

- ☐ All roof penetrations

e. Elevations

- ☐ Openings, doors, and windows
- ☐ Materials rendered and specified, including color
- ☐ Finished grade and finished floor elevations
- ☐ Building height to eaves, ridges & parapet walls
- ☐ Overall height from grade at front setback
- ☐ Roof pitches
- ☐ Open or closed eave condition if any
- ☐ Awnings, signs, and lights if any

f. Building Section

- ☐ Structure
- ☐ Openings, doors and windows
- ☐ Finished grades
- ☐ Dimensions, horizontal and vertical

g. Wall Sections And Details

- ☐ Openings, doors & windows (including heads and sills)
- ☐ Porches and balconies including railings
- ☐ Ornamental elements and trim
- ☐ Inside & outs corners (pilasters, cor. boards, etc.)
- ☐ Eaves and cornices

- ☐ Dimensions of column centerline to:
 - ☐ Face of pier
 - ☐ Face of column at bottom of shaft (1st floor)
 - ☐ Face of column at top of shaft (1st floor)
 - ☐ Face of beam (1st floor)
- ☐ If two-story porch:
 - ☐ Face of column at bottom of shaft (2nd floor)
 - ☐ Face of column at top of shaft (2nd floor)
 - ☐ Face of beam (2nd floor)
- ☐ Fences and garden walls
- ☐ Chimneys

9.8 MATERIALS LIST (WITH MANUFACTURER AND PRODUCT).

- ☐ Roof, gutters and downspouts
- ☐ Exterior walls and trim
- ☐ Windows, doors and garage doors
- ☐ Shutters and screens
- ☐ Fence and garden walls
- ☐ Sidewalk, driveway and patios

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PORT OF KENNEWICK

RESOLUTION NO. 2021-24

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE PORT OF KENNEWICK CERTIFYING THE PORT'S 2022 LEVY

WHEREAS, the Board of Commissioners of the Port of Kennewick met and considered its budget for the calendar year 2021 and 2022 at a regular meeting on November 10, 2020, a quorum of the Commission being present; and

WHEREAS, a legal notice of public hearing on the Preliminary Budget of Port of Kennewick for the calendar year of 2021 and 2022 was published in accordance with RCW 53.35.020, RCW 53.35.045 and RCW 84.52.020; and

WHEREAS, the Port's actual levy amount from 2021 year was \$4,518,713; and

WHEREAS, the population of the Port is more than 10,000; and

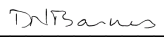
WHEREAS, the Board of Commissioners of Port of Kennewick after hearing and after duly considering all relevant evidence and testimony presented, determined that the Port of Kennewick requires a regular levy for the 2022 tax year in the amount of \$5,200,000, which includes an increase in property tax revenue from the previous year, amounts resulting from the addition of new construction, improvements to property, any increase in the value of state-assessed property, and amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the district and in its best interest.


NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Port of Kennewick substantiate that an increase in the regular property tax levy is hereby authorized for the levy to be collected in 2022 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be approximately \$46,000, which is a one-percent increase from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

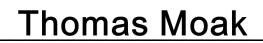
BE IT FURTHER RESOLVED that the Board of Commissioners of the Port of Kennewick hereby direct the Chief Financial Officer/Auditor to certify a copy of this resolution and forward the same to the Clerk of the Board of the County Commissioners in accordance with RCW 84.52.020.

APPROVED and dated by the Commissioners of the Port of Kennewick at a Regular Meeting on November 9, 2021.

PORT of KENNEWICK BOARD of COMMISSIONERS

By: 
DON BARNES, President

By: 
SKIP NOVAKOVICH, Vice President

By: 
THOMAS MOAK, Secretary

CERTIFICATION OF TAX LEVY**STATE OF WASHINGTON**
County of Benton

In accordance with RCW 84.52.020, I, **Nick Kooiker**, CFO/Auditor for Port of Kennewick, do hereby certify to the Benton County legislative authority that the Commissioners of said district request that the following levy amounts be collected in 2022 as provided in the district's budget, which was adopted following a public hearing held on November 10, 2020. I hereby request the Board of County Commissioners of Benton County, Washington, to make said regular levy of the Kennewick Port District, as set forth below, and that said regular levy is for operation, maintenance, land acquisition, construction, and the levy is to be distributed as follows:

Expense (General) Fund	\$5,190,000
Administration Refund Fund	\$10,000

<i>Total Regular Levy</i>	<i>\$5,200,000</i>
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<i>Population Certification:</i>	<i>Above 10,000</i>
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If the above certification is more than the Assessor's levy calculations, the Assessor's Office is directed to reduce the Expense (General) Fund amount to the actual Assessor's levy calculation.

CERTIFIED this 9th day of November, 2021.

CERTIFIED BY:

PORT of KENNEWICK
CFO/AUDITOR

DocuSigned by:

Nick Kooiker

DAC096A4B5BD4FB

Nick Kooiker



Ordinance / Resolution No. 2021-24 RCW 84.55.120

WHEREAS, the Commission of The Port of Kennewick has met and considered
(Governing body of the taxing district) (Name of the taxing district)
its budget for the calendar year 2022; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 4,518,713.00; and,
(Previous year's levy amount)

WHEREAS, the population of this district is ☒ more than or ☐ less than 10,000; and now, therefore,
(Check one)

BE IT RESOLVED by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2022 tax year.
(Year of collection)

The dollar amount of the increase over the actual levy amount from the previous year shall be \$ 46,000
which is a percentage increase of 1.0 % from the previous year. This increase is exclusive of
(Percentage increase)

additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities, and any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Adopted this 9 day of November, 2021.

DocuSigned by:
DN Barnes
DocuSigned by:
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Skip Novakovich
DocuSigned by:
0E53A30E1C8E442
Thomas Moak
A35176A2D2CD413...

Don Barnes Commissioner District 1
Skip Novakovich Commissioner District 3
Thomas Moak Commissioner District 2

If additional signatures are necessary, please attach additional page.

This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax levies. A certified budget/levy request, separate from this form is to be filed with the County Legislative Authority no later than November 30th. As required by RCW 84.52.020, that filing certifies the total amount to be levied by the regular property tax levy. The Department of Revenue provides the "Levy Certification" form (REV 64 0100) for this purpose. The form can be found at: <http://dor.wa.gov/docs/forms/PropTx/Forms/LevyCertf.doc>.

To ask about the availability of this publication in an alternate format, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711. For tax assistance, call (360) 534-1400.

PORT OF KENNEWICK

RESOLUTION NO. 2021-25

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK AUTHORIZING AN INCREASE IN TAX LEVY CAPACITY PURSUANT TO RCW 84.55.120 AND WAC 458-19-005

WHEREAS, a public hearing was held by the Board of Commissioners for the Port of Kennewick regarding the 2021 and 2022 budget; and

WHEREAS, pursuant to RCW 84.55.120 and WAC 458-19-005, the rate of inflation (IPD rate) for 2022 is 3.860% and the limit factor for property taxes for 2022 is 101%; and

WHEREAS, the Port of Kennewick's levy amount from the previous year was \$4,518,713; and


WHEREAS, the Port has set its increase in tax levy capacity for the 2021 and 2022 budget at one percent (1%) and finds there is substantial need to set the levy limit at one hundred and one percent (101%); and

WHEREAS, the Board of Commissioners of the Port of Kennewick Taxing District, after hearing and after duly considering all relevant evidence and testimony presented, finds there is a substantial need to set the levy limit at one hundred one percent (101%), in order to discharge the expected expenses and obligations of the district and in its best interest; and


NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Port of Kennewick Taxing District that an increase in the regular property tax levy, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in levy value of state assessed property, is hereby authorized for the 2022 levy in the amount of approximately \$46,000 which is a one (1%) percentage increase from the previous year.

ADOPTED by the Board of Commissioners of the Port of Kennewick at a Special Meeting held this 9th day of November 2021; and duly signed by its proper officers in the authentication of its passage on said date.


PORT of KENNEWICK BOARD of COMMISSIONERS

By: 
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DON BARNES, *President*

By: 
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SKIP NOVAKOVICH, *Vice President*

By: 
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THOMAS MOAK, *Secretary*

PORT OF KENNEWICK

Resolution No. 2021-26

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK APPROVING THE PORT CHIEF EXECUTIVE
OFFICER'S 2021 PERFORMANCE EVALUATION**

WHEREAS, the Port Commission conducts an annual evaluation of the Port's Chief Executive Officer's performance pursuant to the CEO's Employment Agreement.

WHEREAS, on September 30, 2021, the Port Commissioners were provided with the 2021 CEO Performance Evaluation Packet.

WHEREAS, as directed by the Port Commission, Port Counsel gathered preliminary drafts of performance evaluations from all three individual Commissioners and attached is the CEO's performance evaluation including the verbatim comments and appraisals of all three individual Commissioners.

WHEREAS, the CEO has made a written request that all aspects of his 2021 performance review be conducted in open session.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Port of Kennewick Board of Commissioners hereby approves the CEO's performance evaluation attached as Exhibit "A".

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED that the Port of Kennewick Board of Commissioners, in accordance with the CEO's contract, hereby deems the CEO's performance above satisfactory for 2021.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 9th day of November, 2021.

By: Disapprove

DON BARNES
President

By: 
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SKIP NOVAKOVICH
Vice President

By: 
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THOMAS MOAK
Secretary

2021 ANNUAL PERFORMANCE REVIEW
Commission Evaluation of
Chief Executive Officer Performance*

IMPORTANT DUTIES/EXPECTATIONS	PERFORMANCE APPRAISAL		COMMISSIONER COMMENTS
<ul style="list-style-type: none"> ➤ Attach extra papers as necessary ➤ Factors should be reviewed in terms of quality, quantity and timeliness 	Met	Not met	
<p>I. <u>Vision and Purpose</u></p> <p>Collaborates with the Commission to advance the Port's vision and purpose. Leads senior staff to develop a concise vision. Advocates the vision by strategic resource allocation toward attainment.</p>	X	X[TM]	<p>Tim does his best to communicate with all three commissioners but over the past few years Commissioners Barnes and Moak have refused to meet with him on advancing Port vision. There is no doubt he has led senior staff the best he was able when not over ruled by two commissioners.[SN] This year, the strategic vision for Vista Field seemed not-so-visible. Resource allocation toward attainment was very slow. There did not seem to be collaboration by Tim with the Commission on how to get that vision implemented better or faster. Staff appeared reluctant to share work towards achieving the VF vision. Consultants seemed to turn out work very slowly. When there was a suggestion to allocate more resources towards Vista Field, there was no acknowledgement by Tim how more resources could be allocated.</p> <p>While there was much better vision on the Kennewick Waterfront, inability to really crystalize the VF vision results in a "not met" score.[TM]</p>

Page 2 of 12

Exhibit A

<p>IV. <u>Integrity</u></p> <p>Sets the tone for the Port by exemplifying consistent values and high ethical awareness, honesty and fairness.</p>	XX		<p>Perhaps no one exemplifies consistent values of high ethical awareness and impeccable integrity than Tim who has been working in an environment that most leaders would not tolerate, would explode or simply resign.[SN] Tim worked through many COVID-related issues to keep commissioners, staff, and the public safe. Tim worked to be fair to tenants during the pandemic and with “squatters” on Verbena property.[TM]</p>
<p>V. <u>Financial Stewardship</u></p> <p>A. Maximizes the Port’s ability to serve and expand the public purpose while maintaining taxation stability.</p> <p>B. Administers the Port’s financial affairs consistent with state law and adopted policies, budget and financial guidelines.</p>	XX XX		<p>Tim has done the best possible job related to Financial Stewardship – in spite of commissioner Barnes forcing the Port to spend a ridiculous amount of money needlessly on his defense of a complaint for which he was found guilty on more charges than commissioner Moak. Commissioner Barnes did not follow Port policy and had the Port spend over \$170,000 on public records request he never used. Tim has done an outstanding job regarding financial stewardship he could control.[SN] The port has had taxation stability.[TM] Clean audit again for POK. Financial affairs seem consistent with laws, policies, and guidelines.[TM]</p>
<p>VI. <u>Political and Institutional Sensitivity</u></p> <p>A. Maneuvers through complex political and institutional situations effectively; anticipates potentially negative reactions, recommends and plans a course of action accordingly; views politics as a necessary part of organizational and public sector</p>	XX		<p>Tim is an excellent strategic thinker with an uncanny visionary mind he uses for the benefit of the Port. His knowledge of political and institutional sensitivity is excellent. Tim is able to foresee how current decision may develop into future complex issues and he is able to pre-plan creditable</p>

Exhibit A

<p>life and works to be effective within that reality. Unless otherwise not practical, obtains commission concurrence prior to publicly stating position.</p> <p>B. Develops solutions to complex issues that challenge the Port's ability to recognize its vision and purpose. Demonstrates sensitivity to resource availability when developing solutions.</p>	XX	<p>solutions to address these before they become problematic.[SN]</p> <p>Tim consistently helped keep POK out of political situations that were outside the scope of port activities when other entities wanted the port to endorse. Tim worked with commission on helping define courses of action stemming from federal requests for infrastructure funding and "earmarks". He helped defuse efforts by some who wanted to use Waterfront Master Plan to attack port's federal partnership.[TM]</p>
<p>VII. <u>Stakeholder Relations</u></p> <p>A. Leads the Port in building effective relationships with tenants, customers and community.</p> <p>B. Effective relations are maintained with other governmental officials, community leaders, citizens, news media, etc., to resolve problems and complaints; to coordinate functions, to gain and provide information and to assemble outside assistance for Port activities.</p>	<p>XX</p> <p>XX</p>	<p>The letters received by stakeholders offer more substantiation of Tim's ability to positively handle Stakeholder Relationships for the benefit of the Port.[SN]</p> <p>Tim was able to use his delegated authority during the pandemic to assist at least one tenant with rent deferral. Heard no other concerns from tenants or port customers. One major tenant, Bruker, is vacating considerable space due to a corporate consolidation, and not because of dissatisfaction with the port. Some community members were unhappy with some of the port's efforts to respond to requests for federal assistance, but Tim helped keep that from disrupting the Waterfront Master Plan.[TM]</p> <p>There do not appear to be any issues with relationships with officials or community leaders, but the port did not pursue much new this year with any of our partners, either. Governmental partners are generally happy with the port when we support their projects with cash.[TM]</p>

	Met	Not met	
<p>VIII. <u>Priority Setting</u></p> <p>Spends time and the time of others on what is important; can quickly sense what will help or hinder accomplishing a goal; eliminates obstacles; creates focus.</p>	X	X[TM]	<p>Tim has done the best he can despite dealing with constant interference and micro-management by Commissioners Barnes and Moak.[SN] Vista Field did not seem to be Tim's priority this year. I did not see Tim eliminating obstacles or creating focus on VF. There seemed no urgency to getting Crosswind Blvd open and hanger designs completed that would help tell the story of Vista Field.[TM]</p>
<p>IX. <u>Knowledge</u></p> <p>A. Knows how successful public ports work; knowledgeable in current and possible future practices, trends and information affecting port management, the port industry and our Port; knows the competition; is aware of how strategies and tactics work in the marketplace.</p> <p>B. Maintains a favorable presence within the region, state and industry that results in an increased knowledge of initiatives, trends, practices and legislation that may affect the Port.</p>	XX	XX	<p>Tim has assembled a very proficient, extraordinary staff of highly skilled, knowledgeable people. He understands that he cannot possibly keep up with the everchanging work environment of Ports specifically as well as the United States, and global economy in general. He utilizes the knowledge and expertise of his staff to brief him on a regular basis allowing him to make the most strategic decisions then implement actions that most benefit the Port, its' jurisdictional partners and the public we serve.[SN] Port of Kennewick is quite different in what it does from most of the other ports. I think Tim knows how to fit into the port arena and is aware of the direction of other ports. Because of the lack of travel due to the pandemic, Tim probably had less contact with other ports and port managers during the year.[TM]</p>

Exhibit A

<p>X. <u>Decision Quality</u></p> <p>Makes good decisions based on analysis, wisdom, experience and judgment; most solutions and suggestions turn out to be correct when judged over time.</p>	XX		<p>See comments immediately above which also apply here.[SN] Tim's decision-making appears good. Whether his suggested solutions and suggestions turn out to be correct when judged over time...time will tell.[TM]</p>
<p>XI. <u>Entrepreneurial</u></p> <p>A. Demonstrates an entrepreneurial spirit by identifying ways to generate revenue, investment capital and maximizes the financial potential of existing port assets.</p> <p>B. Brings recommended opportunities to the Commission's attention. Recommendations include financial projections, as well as potential public opinion concerns (risk/reward analysis).</p>	<p>X</p> <p>X</p>	<p>X[TM]</p> <p>X[TM]</p>	<p>Tim has been a small business owner, grew up in a small business family and was brought up with an entrepreneurial spirit and knowledge of what it takes maximize all available resources to attain the greatest possible results. When allowed by the commission to exercise his abilities he has done an outstanding job. Unfortunately, due to the way he has been treated by Commissioners Barnes and Moak he has become hesitant to bring forward his well thought out recommendations.[SN] I guess I didn't see anything entrepreneurial this year. In looking over Tim's self-evaluation, I didn't find anything that would fit that category. This is an area where I might be persuaded to change my score with better information.[TM]</p>
<p>XII. <u>Leadership/Management</u></p> <p>A. Rallies support behind the vision and strategic plan; can inspire and motivate staff and community.</p> <p>B. Creates an environment where employees at all levels contribute their knowledge, skills, abilities and ideas in a way that maximizes their potential. Employee potential is not limited by divisional walls or job title. Appropriately delegates to others. Is a good judge of talent; hires the</p>	<p>X</p> <p>X</p>	<p>X[TM]</p> <p>X[TM]</p>	<p>Considering that Commissioner Moak and to a greater degree Commissioner Barnes were both found to have created a Hostile Work Environment at the Port of Kennewick Tim has done an amazing job of holding his staff together, encouraging them to perform to the best of their abilities while supporting them in every way possible while subjecting himself to retaliation tactics by Commissioners Moak and especially Commissioner</p>

Exhibit A

best people available inside or outside the organization.			Barnes.[SN]
C. Creates a climate in which people want to do and can do their best; can motivate team or project members; empowers others; invites input and shares ownership and visibility. Makes each person feel his/her work is important.	X	X[TM]	Unfortunately, the work environment over the past several years created by Commissioners Barnes and Moak have prevented the Commission from accepting Tim's vision, knowledge and expertise.[SN]
D. Assists the Commission in defining its shared vision. Communicates that direction to the organization. Advises the Commission on challenges and threats to the Port's ability to be successful.	X	X[TM]	See above as responses to E.[SN] Tim has been relegated by Commissioners Barnes and Moak to a role not allowing him to perform per his delegation of authority.[SN]
E. Effectively manages staff relations consistent with port policies.	X	X[TM]	
F. Manages the administration and operations of the Port consistent with the delegation of authority as adopted and/or modified by the Board of Commissioners.	X	X[TM]	I didn't see much rallying behind a shared vision this year. Some of this can be attributed to COVID and the lack of ability to meet in person. I did not see much motivation and inspiration about Vista Field, not just with the commission, but also with the community. The Kennewick Waterfront, definitely more so. I think Tim did a good job there and there was good leadership. I think internally, Tim probably does a good job leading his staff—I know nothing to the contrary. However, in assisting the Commission in defining a shared vision, during this year, it was much less so. [TM] Being asked to provide one score when there are six different sub-items that deal with different aspects of leadership and management is difficult. How Tim leads or manages staff, I have no direct knowledge, other than what I observe in a public commission

Exhibit A

			meeting.[TM]
<p>XIII. <u>Initiative</u></p> <p>Self-starting ability. Promptly takes hold and follows through with minimum direction.</p>	XX		<p>Tim without doubt has the initiative to perform but again has been stifled by Commissioners Barnes and Moak to adhering to their non-productive direction.[SN] Tim's getting the federal requests for projects quickly was done well.[TM]</p>
<p>XIV. <u>Courage</u></p> <p>Willingness to state opinions and reasons without concern about the popularity of the views. Forthrightness in dealing with customers, suppliers, and others in the organization.</p>	XX		<p>See response to XIII above.[SN] Tim speaks up on issues when he thinks appropriate. He appropriately advises the commission on areas of sensitivity. I am unaware of any issues with Tim's forthrightness in dealing with customers, suppliers, and others in the organization.[TM]</p>
<p>XV. <u>Persuasiveness</u></p> <p>Ability to sell a sound course of action. Persuasive ability in oral and written presentations.</p>	XX		<p>See response to XIII.[SN] While Tim does not put much in writing to the commission, his oral arguments are generally sound and persuasive.[TM]</p>
<p>XVI. <u>Adaptability</u></p> <p>Ability to adjust to changing conditions or unusual assignments. Flexibility in undertaking a variety of assignments, acceptance of decisions which go counter to own opinion.</p>	XX		<p>Tim has had to become a master in flexibility not knowing what Commissioner Moak but particularly Commissioner Barnes may require of him yet will always do his best to comply with the direction given by the majority of the Commission.[SN] The federal request for suggestions for projects was new and ideas were cogently presented. The Port Audit was new, and Tim responded with hiring a trusted consultant to assist. The handing of issues with the Verbena property was unusual and dealt with appropriately within the constraints of the eviction moratorium.[TM]</p>

Exhibit A

<p>XVII. <u>Stamina</u></p> <p>Physical vigor. Ability to stand up under heavy requirements including foreign or domestic travel.</p>	XX		<p>The working environment created by Commissioners Moak and Barnes has taken its toll on Tim's physical vigor, yet he has been able to approach each day working for the Port as if it has had no affect on him. Amazing![SN] I have no knowledge of any stamina issues. Because of the pandemic, there was no foreign or domestic travel.[TM]</p>
<p>XVIII. <u>Ambition</u></p> <p>Desire to get ahead and willingness to make sacrifices necessary for progress.</p>	X	X[TM]	<p>Tim has made more personal sacrifices for the Port of Kennewick than anyone of us could possibly list on paper.[SN] This is a year where I did not see enough demonstrated ambition by Tim to get all parts of the port's largest project, Vista Field, moving. There seemed to be a very slow walk towards opening a road, getting designs for the hangar buildings, and getting activity on the site, even absent property sales.[TM]</p>
<p>XIX. <u>Loyalty</u></p> <p>Understanding and acceptance of goals and policies of the organization. Willingness to support organization and management.</p>	XX		<p>Considering the environment created by Commissioners Barnes and Moak as written in responses above there is no sane reason his loyalty needs to be questioned.[SN] Tim understands and accepts the goals and policies of the organization and is willing to support organization and management.[TM]</p>
<p>XX. <u>Communications</u></p> <p>Effectiveness of exchanging significant information throughout all levels of the organization; with clients, vendors, and the public.</p>	XX		<p>Tim communicates very effectively with all levels of the organization who are willing to listen to him. He has no control over Commissioners who refuse.[SN] I don't have much knowledge of Tim's communication within the organization or with clients or</p>

Exhibit A

			vendors but have heard nothing to the contrary. When the public has spoken at commission meetings, Tim has responded to questions appropriately.[TM]
--	--	--	--

	Met	Not met	
XXI. <u>Listening</u> Interest in and ability to receive and process information accurately. Able to overcome personal biases or defensiveness in so doing.	XX		Excels at listening and accurately processing received information for the benefit of the Port of Kennewick.[SN] Tim generally listens well and processes information accurately. His tone of voice, when questioned, is less defensive and more helpful.[TM]

Additional Commissioner Comments: Perhaps I have been repetitive in my responses regarding the negative impact Commissioner Barnes and Commissioner Moak have had on Tim Arntzen and the Port of Kennewick. But I feel very strongly that the comments I have written need to be a part of Tim's record of employment at the Port. Frankly I have been embarrassed by the treatment given Tim, Port staff, our jurisdictional partners, and the public by Commissioners Barnes and Moak. I have observed Commissioner Moak's actions and listened to his words when dealing with others since the mid 1990's so his actions and words do not surprise me. Commissioner Barnes words and actions do surprise me. I advocated for him to be appointed to the Commission initially only now realizing I was mistaken thinking he was a team player. Tim is an outstanding, highly skilled, highly regarded CEO everywhere except by two people on the Commission he serves. He deserves better treatment as does his staff and with the change in the Commission composition after the first of

Exhibit A

the year I believe he will once again take the Port of Kennewick to even greater heights of excellence while serving the taxpayers of the Port of Kennewick and those we partner with for their benefit.[SN] Tim does many good things for the Port and his self-appraisal lists quite a few of them. I don't quibble with the content of that self-appraisal, and I am proud of the work Tim and his team have done. Those accomplishments are real, and they stand as a reflection of the work accomplished during the year. I think work done on and around the Kennewick Waterfront was commendable, from the 1135 Corps of Engineers project to the Master Plan to the federal funding proposals. However, the port's #1 project, Vista Field, is moving too slowly and momentum has been lost. The Commission has never heard that Tim wanted to move faster, but that the commission was holding him up. The commission has not heard options or alternatives that could advance VF faster. Too many VF items remain incomplete—hangar design, owner's association, Vista Field team, road opening, vibrancy. Were it not for the slowness of Vista Field, I would have given Tim better marks. And if Vista Field were not the #1 priority, maybe it would not be so critical. I understand it was a trying year. But I can't say everything is great when there are areas of improvement needed. I still have confidence in Tim's ability to lead the Port and to move the Port forward and I anticipate good things ahead. Notes on the evaluation process: For the record, I think this is a lousy performance appraisal form, but because it is tied to the Manager's contract, it cannot be altered. As far as the self-appraisal is concerned, while I thought the writing of previous self-appraisals was sometimes "over-the-top", it did align with the categories that the commission was required to evaluate on.

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Exhibit A

This year's self-appraisal, while more factual and less dramatic, was more difficult to fit into the prescribed boxes. [TM]

***See attached Commissioner Barnes' evaluation and comments.**

Port of Kennewick:

DocuSigned by:
By: DN Barnes
Date: 11/10/2021

I acknowledge that I have received a copy of the 2021 CEO Evaluation:

Chief Executive Officer:

DocuSigned by:
Tim Aritzen
Tim Aritzen

Date: 11/10/2021

Perf Eval (Rec'd via email from Commissioner Don Barnes on 11/5/21 at 11:52 am)

I. Vision and Purpose

“Collaborates with the Commission to advance the Port’s vision and purpose. Leads senior staff to develop a concise vision. Advocates the vision by strategic resource allocation toward attainment.”

When in peaceful times, his performance met my expectations. However, during times of division or dissent, his ability to work with the Commission fails to advance the Port’s vision and purpose.

II. Strategic Agility

“Is proactive; anticipates future trends, benefits and consequences; has broad knowledge and perspective; can objectively state possibilities and probabilities.”

Again, in peaceful times, his performance objectives are met. However, in times of polarization and division, he loses the ability to objectively state or objectively recognize the possibilities and probabilities. As an example, his decision to move ahead with an investigation into an anonymous citizen complaint that a judge later found to be unsubstantiated in its entirety.

III. Operating Plans

“A. Develops, maintains and implements strategic plans and operational goals that effectively brings the Port’s vision to fruition.

B. Critical performance elements are monitored to help assure effective and efficient operations and to identify opportunities for policies and procedures improvement.”

Performance objectives were mostly met during times of collaboration and cooperation. However, his decision to move forward with the investigation of the anonymous citizen complaint (ACC) did not result in effective and efficient operations. (ie a waste of ~\$450K of taxpayer dollars)

IV. Integrity

“Sets the tone for the Port by exemplifying consistent values and high ethical awareness, honesty and fairness.”

In tranquil times, his performance generally meets my expectations. In times of polarization and division (ie processing of the ACC) his integrity is well short of my expectations.

V. Financial Stewardship

A. Maximizes the Port’s ability to serve and expand the public purpose while maintaining taxation stability.

B. Administers the Port’s financial affairs consistent with state law and adopted policies, budget and financial guidelines.

In tranquil times, performance traits score very high. During the processing of the ACC, his decisions resulted in very poor overall stewardship of Port financial resources (~\$450K waste of taxpayer funds).

VI. Political and Institutional Sensitivity

A. Maneuvers through complex political and institutional situations effectively; anticipates potentially negative reactions, recommends and plans a course of action accordingly; views politics as a necessary part of organizational and public sector life and works to be effective within that reality. Unless otherwise not practical, obtains commission concurrence prior to publicly stating position.

B. Develops solutions to complex issues that challenge the Port’s ability to recognize its vision and purpose. Demonstrates sensitivity to resource availability when developing solutions.

More of the same here in that expectations were generally met during peaceful times. However, serious inadequacy and failure to meet expectations when it came to anticipating negative reactions and the course of action in investigating the ACC. In deciding to pursue this investigation, he completely failed to demonstrate sensitivity to resource availability.

VII. Stakeholder Relations

A. Leads the Port in building effective relationships with tenants, customers and community.

B. Effective relations are maintained with other governmental officials, community leaders, citizens, news media, etc., to resolve problems and complaints; to coordinate functions, to gain and provide information and to assemble outside assistance for Port activities.

My evaluation here is consistent with my evaluation in other areas.

VIII. Priority Setting

Spends time and the time of others on what is important; can quickly sense what will help or hinder accomplishing a goal; eliminates obstacles; creates focus.

Does well here during tranquil times, but has demonstrated troubling inadequacies, specifically in investigating the ACC, that resulted in performance that was closer to 180 degrees away from this objective.

IX. Knowledge

A. Knows how successful public ports work; knowledgeable in current and possible future practices, trends and information affecting port management, the port industry and our Port; knows the competition; is aware of how strategies and tactics work in the marketplace.

B. Maintains a favorable presence within the region, state and industry that results in an increased knowledge of initiatives, trends, practices and legislation that may affect the Port.

He has demonstrated broad, in depth knowledge of how ports work. However, this breadth and depth of knowledge is not always used to the benefit of the Port. (ie the processing of the ACC)

X. Decision Quality

Makes good decisions based on analysis, wisdom, experience and judgment; most solutions and suggestions turn out to be correct when judged over time.

Again, in tranquil times, excellent results here. However, in adverse times (ACC processing) he demonstrated a lack of judgement and decision making was very poor.

XI. Entrepreneurial

A. Demonstrates an entrepreneurial spirit by identifying ways to generate revenue, investment capital and maximizes the financial potential of existing port assets.

B. Brings recommended opportunities to the Commission's attention. Recommendations include financial projections, as well as potential public opinion concerns (risk/reward analysis).

Performance generally met expectations during peaceful, tranquil times.

XII. Leadership/Management

A. Rallies support behind the vision and strategic plan; can inspire and motivate staff and community.

B. Creates an environment where employees at all levels contribute their knowledge, skills, abilities and ideas in a way that maximizes their potential. Employee potential is not limited by divisional walls or job title. Appropriately delegates to others. Is a good judge of talent; hires the best people available inside or outside the organization.

C. Creates a climate in which people want to do and can do their best; can motivate team or project members; empowers others; invites input and shares ownership and visibility. Makes each person feel his/her work is important.

Exhibit A

D. Assists the Commission in defining its shared vision. Communicates that direction to the organization. Advises the Commission on challenges and threats to the Port's ability to be successful.

E. Effectively manages staff relations consistent with port policies.

F. Manages the administration and operations of the Port consistent with the delegation of authority as adopted and/or modified by the Board of Commissioners.

Performance generally met expectations during peaceful, tranquil times.

XIII. Initiative

Self-starting ability. Promptly takes hold and follows through with minimum direction.

Mr. Arntzen does not lack for initiative.

XIV. Courage

Willingness to state opinions and reasons without concern about the popularity of the views. Forthrightness in dealing with customers, suppliers, and others in the organization.

In my opinion, Mr. Arntzen was not forthright when he decided to proceed with an investigation into an anonymous citizen complaint written by one Commissioner against the other two.

XV. Persuasiveness

Ability to sell a sound course of action. Persuasive ability in oral and written presentations.

Mr. Arntzen has demonstrated strong persuasive abilities.

XVI. Adaptability

Exhibit A

Ability to adjust to changing conditions or unusual assignments. Flexibility in undertaking a variety of assignments, acceptance of decisions which go counter to own opinion.

If the goal is “acceptance of decisions which go counter to own opinion,” then Mr. Arntzen demonstrated a complete inability to meet that goal when he made the decision to proceed with the ACC investigation.

XVII. Stamina

Physical vigor. Ability to stand up under heavy requirements including foreign or domestic travel.

My expectations for Mr. Arntzen in the area of stamina have generally been met.

XVIII. Ambition

Desire to get ahead and willingness to make sacrifices necessary for progress.

Mr. Arntzen meets my expectations for performance in the area of ambition.

XIX. Loyalty

Understanding and acceptance of goals and policies of the organization. Willingness to support organization and management.

With respect to loyalty, it is the opinion of this evaluator that Mr. Arntzen places his self interests ahead of the interest of the organization in far too many instances.

XX. Communications

Effectiveness of exchanging significant information throughout all levels of the organization; with clients, vendors, and the public.

Generally speaking, performance expectations have been met in the area of communications during peaceful, tranquil times. However, during times of divide and polarization, his performance is woefully inadequate. He has

demonstrated an outright unwillingness to communicate effectively in an effort to bridge divides.

XXI. Listening

Interest in and ability to receive and process information accurately. Able to overcome personal biases or defensiveness in so doing.

In instances where Mr. Arntzen disagrees with positions on the Commission, he has become defensive, combative, and even defiant in refusing to respond to questions and refusing to provide the information requested by the Commission. A recent example was his defensive, combative reaction to Commissioner Moak's request for more information about when roads would open in Vista Field. Commissioner Moak sought information about when a road might open, and Mr. Arntzen took the opportunity to elevate the issue to an accusation that Commissioner Moak wanted Mr. Arntzen to take paid time away from an employee.

Additional Commissioner Comments:

From the beginning of my initial term at the POK, the general over-arching theme has been one of collaboration, cooperation, mutual respect for all and a team willing to work to overcome obstacles. And there certainly were challenges such as whether or not to close Vista Field. The Port team was able to work together and to collaborate with community partners to arrive at a decision that was genuinely in the best interest of the citizens and taxpayers.

All of this pretty much stayed in place until Jan of 2019 when questions arose regarding details behind a proposed land transaction and everything changed!

Mr. Arntzen's performance failed to meet my expectations when he:

1. Brought a matter to the Port Commission with inadequate information and requested a decision (in a pre-prepared resolution) without adequate information
2. Refused, in a combative, defensive, defiant response, to provide more information about this matter
3. Refusal to diffuse the differences in a civil, professional manner

4. Taking a (opposite of forthright) path to put forward an anonymous citizen compliant that effectively silenced two of three elected Commissioners for two years, and a colossal waste of taxpayer resources on an investigation into a complaint that was found to be unsubstantiated in its entirety.

When the Port needed its CEO to be the collaborator, the consensus broker, and when the port needed that person most, he was not only absent but decided to go forward with an investigation of the ACC written by one Commissioner against the other two. This decision, in my opinion, was very much to the detriment of the port and its citizens and taxpayers.

I believe a review of past CEO performance evaluations will show that I consistently gave high marks to Mr. Arntzen from my beginning term up to 2019. Again, the overall environment at the port was one of cooperation and collaboration - working together even through very challenging times to reach consensus to best serve the citizens and taxpayers. However, the decision by Mr. Arntzen to proceed with the ACC investigation changes everything in my opinion. When the Port needed Mr. Arntzen most, he was not only absent, but went further away from Port goals and objectives by taking a more damaging and detrimental path - one which resulted in long term damage at the Port and a waste of \$450k of taxpayer monies. In my opinion, Mr. Arntzen's relationship with the Port should be terminated as soon as possible.

Columbia Gardens Playground



Kiwanis®



**PORT of
KENNEWICK**



The Plan Recap

- Port of Kennewick (POK) commissioners' presentation
 - Recap the Plan
 - Focus is on answering past questions
 - Input from commissioners
 - Open questions/comment
- Cost estimated in 2020 –\$225,000 (\$152,000 in equipment)
- Target Construction Timeline – Was Spring 2022, realistic outlook is 6 months after funds and agreements are secured.
- Age Group – 5-12 year old
- Playground- obstacle course surrounded by concrete paths and area for picnic benches
 - POK to work with (COK) to see what support they can offer to the project.
 - Prepare and sign tri-party commitment, roles and responsibilities
 - POK land commitment and potential funds (POK to confirm)
 - COK maintenance and potential funds (POK to confirm)
 - Kiwanis funds for the project – currently \$30K, more to fundraise



- Site surrounding area

Focus of this presentation

- Focus of this presentation
- Questions and clarifications
 - Design
 - Lot/development impact
 - Viability of site selection
 - Design/Construction/Maintenance
 - Administrative
 - COK Partnership
 - POK Commitment



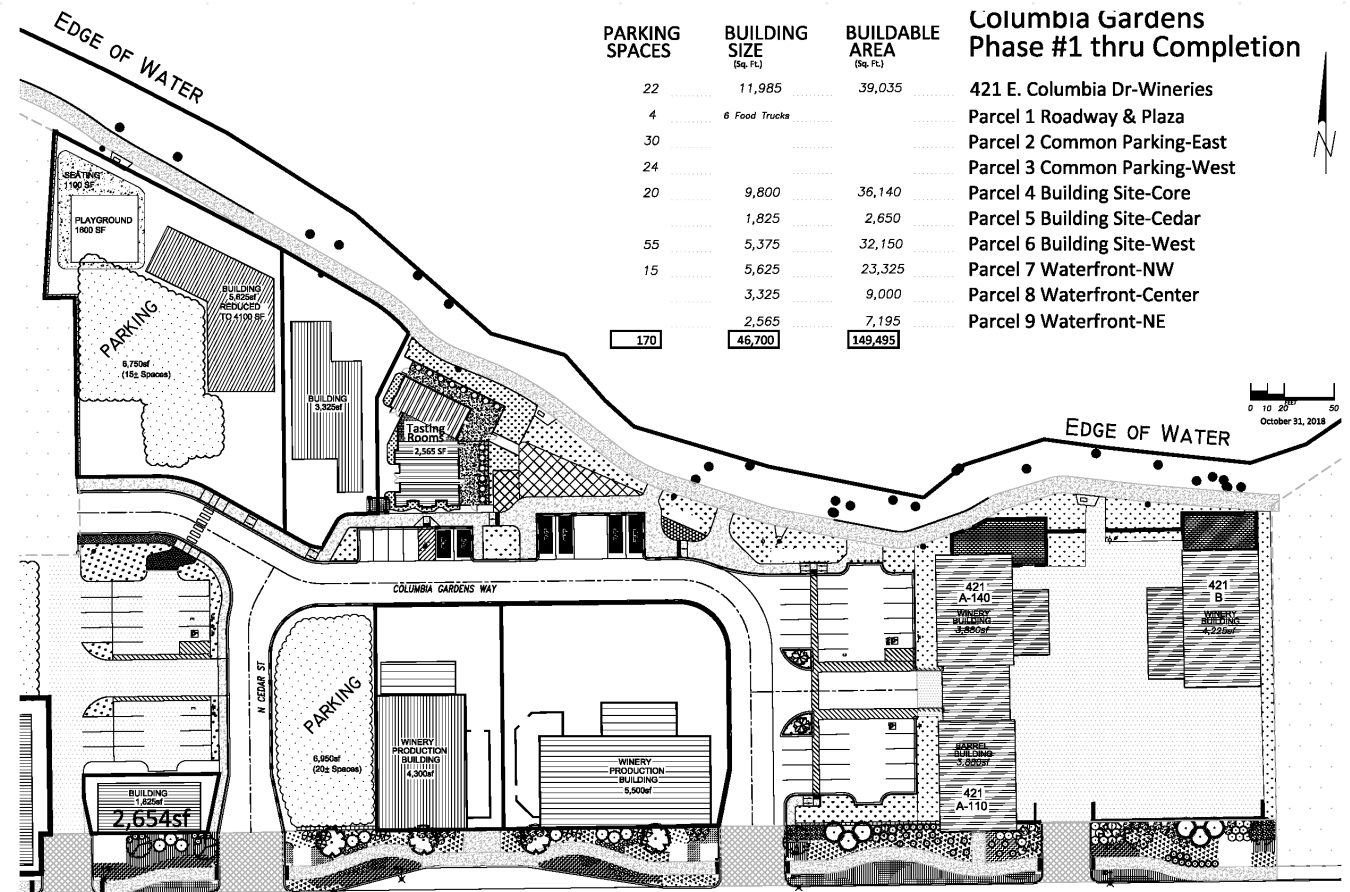
Questions/Clarifications

Q: How is development and parking impacted?

Following numbers are for the whole development.

- Parking planned 170 stalls. This was based on 1stall/300bldg. sf ratio (155 stalls required).
- Building area 46,700 SF
- Buildable area 149,496 SF
- Playground requires 2,700 SF

A: It is anticipated that the dedicated parking to the buildings/sites will absorb parking for the playground, no additional playground parking would be provided.



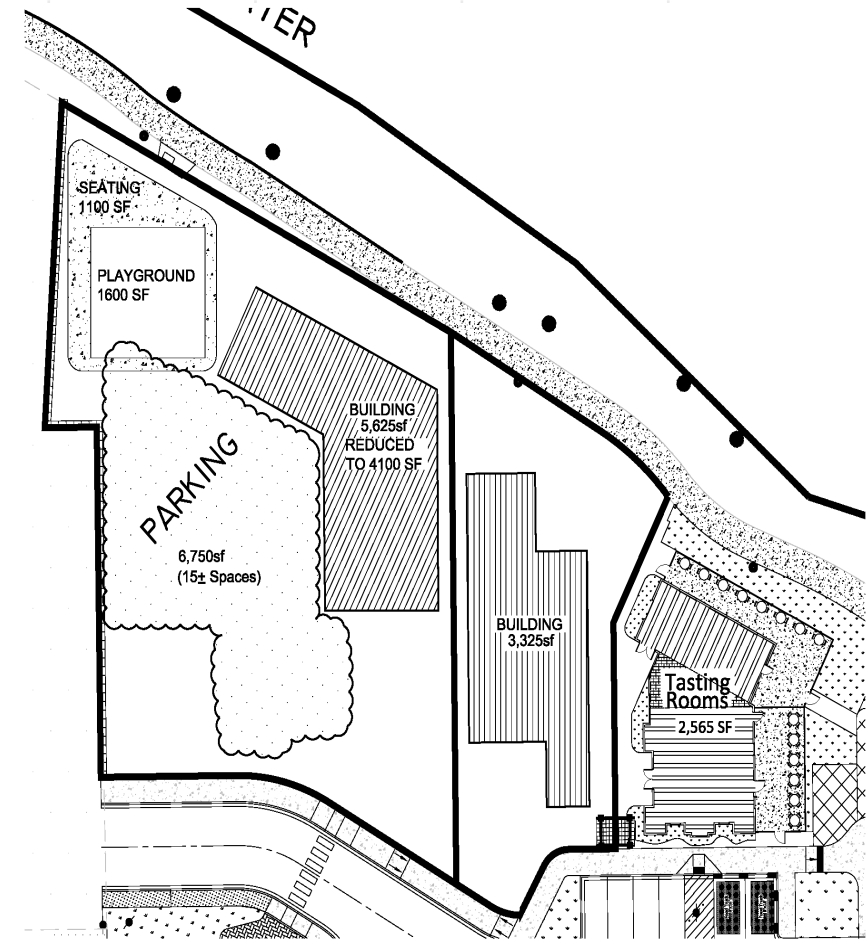
Questions/Clarifications

Q: How does the playground affect the lot (s)? Cost Impact to POK vs Building.

A: Site impact sale: 22,228sf-2,700sf designated to playground=19,528sf. Delta cost at \$12/sf = \$32,400

The 2,700sf would be allocated to the playground as opposed to subdividing the lot into two separate parcels.

POK intends to sell this lot, so this would result in lost revenue to the landlord and lost revenue on the sale of the parcel.



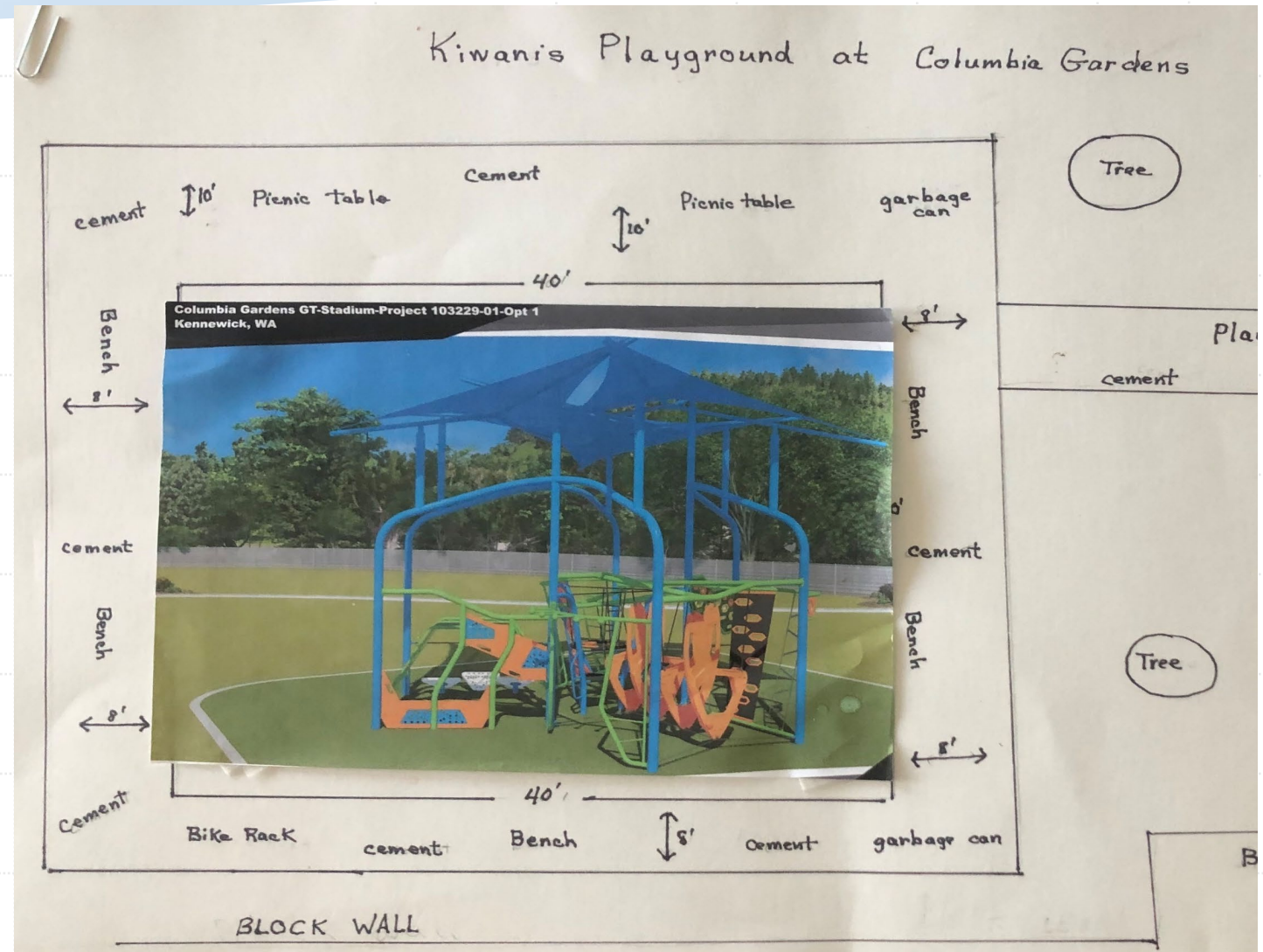
Questions/Clarifications

Q: How was this site selected?

A: POK was approached from Kiwanis club. This was desired location for them due to bike path location and destination location of the Columbia Garden's visitor community.

Q: Is this best location for new park?

A: Closest residential neighborhood besides adjacent mobile home park is Fruitland with its own park. Neighborhood south of CG is over one mile away. This would suggest that the primary users would be the CG visitors and bike path users.



Questions/Clarifications

Q: How would the lot divide? Is this the best lot in the development?

A1: There are two options:

1. Separate playground as its own lot.
2. Keep it part of the Parcel and designate the 2,700sf to the playground.

A2: Commitment to the COK is to have two effluent producing sites. It is most efficient to keep these close together. Therefore, the North-West portion of the development and the shape of the triangle of this lot would be the best area for the playground.

Q: How will the maintenance be addressed?

A1: It would be preferred if COK takes on the maintenance cost as they already have craft taking care of their parks. COK equipment/maintenance budget for Park and Rec. \$15,000/yr for 31 sites (includes Duffy's Pond park = \$484 + \$3,120 labor + tools and inspections +> about \$4k-5,000/site. This is an estimate only from COK budget extrapolation. Actual cost may be higher adding liability and insurance.

A2: If POK would have to take on the maintenance, there are couple of issues that stand out:

1. POK maintenance crew is stretched thin, new budget would have to be dedicated. The cost would be much higher than COKs as they don't have designated crew for parks.
2. Additional insurance and liability costs.

Questions/Clarifications

Q: What is the estimated cost to the POK, if choice is made for POK to take on the maintenance?

A: Part-time temporary labor ($\$25/\text{hr} \times 15 \text{ hrs/wk} \times 52 \text{ weeks}$) \$20,000

Playground Equipment Maintenance \$1,000

Small Tools & Minor Equipment \$1,000

Contractual/Consulting \$1,000

(Total guess. COK pays for Certified Playground Safety Inspector Training)

Janitorial Supplies (trash bags, cleaning supplies, etc) \$1,000

Tree Trimming \$2,000

(There are existing trees. Very old.)

TOTAL \$26,000

Weekly maintenance activities would include; trash control, graffiti abatement, repairing and cleaning equipment and base material.

Voids and Actions Remaining

1. Commitment from COK is still in question.
2. Is there a project without COK partnership?

GOAL: GO/NO GO DECISION

GO: Sign intent and agreement of the commitments

NO GO: provide formal notice to Kiwanis Club.

Without Solid Commitment and defined Roles of the three or two entities, there is no Project.



Administrative Input

- Tim Arntzen – discussion
- COK commitment
- POK commitment
- Other impacts



Discussion



From: [Tim Arntzen](#)
To: [Lisa Schumacher](#)
Subject: FW: Proposal Review Governance and Management Audit
Date: Wednesday, December 8, 2021 10:05:29 AM

Can you please add Jim's e-mail into the commission packet, please?

Thank you.

From: James Darling <jim@leewardstrategies.com>
Sent: Wednesday, December 8, 2021 6:34 AM
To: Tim Arntzen <ta@portofkennewick.org>
Subject: Proposal Review Governance and Management Audit

I have made a preliminary review of the proposal for the Governance and Management Audit (Audit) submitted by Moss Adams LLP, Seattle, Washington. It is my understanding that this is the sole proposal received by the Port for the Audit itself.

I also understand that the Port is likely to receive at least one proposal in response to the Port's RFP for Project Manager services intended to provide project oversight. That proposal and others received will be forwarded to the Commission in advance of their meeting on December 14th.

Review of Moss Adams Proposal

The RFP issued by the Port identifies the following evaluation areas that will be considered by the Port in awarding a contract to perform the Audit.

Qualifications and Experience: Moss Adams is a well known and respected national firm that undertakes organizational assessments for a host of clients, industries and governments. Their success has depended on objective advice to their clients regarding both policy and procedural evaluations. Moss Adams has worked in the Washington port industry with clients such as the ports of Bellingham, Everett, and Seattle in addition to the Port of Portland, Oregon and Port of Long Beach, California.

The in-house project team has considerable local government experience both as government staff as well as in a consulting role. The in-house team, in addition to their direct experience with public ports, has considerable experience in working with a variety of local governments. A number of the team members are graduates of the public administration program at the University of Washington. The RFP noted the Port's interest in a 'panel of experts'. Moss Adams proposes that their in-house team has the appropriate experience and knowledge in the areas identified in the RFP.

Project Approach: Moss Adams is proposing a four-step process to the work that evaluates systems and processes, organizational culture, document review and culminates in recommendations for improvements. The work will include interviews and document review to support their assessment.

The four steps include:

1. **Start up and management.**

2. **Fact finding** through interviews and document review. This step includes Port of Kennewick-wide surveys.
3. **Analysis** that includes benchmarking with other port peers.
4. **Reporting** results and recommendations through written reports and presentations. (Moss Adams utilizes qualitative surveys with results presented in a 'dashboard' format for ease of understanding.)

The proposed four step project approach includes review of the items delineated in the Request for Proposals (RFP), however, while it specifies the review of 'key documents' from the RFP, it does not refer specifically to the Base and Add On 'Systems and Processes' from the RFP. While this should be clarified it appears they propose on getting to the same 'systems process' review following their survey work. The Observations and Recommendation (Section 3.4 of their proposal) anticipates addressing systems and processes.

Their analysis work includes 'benchmarking' with other peer ports for comparative evaluation and real world solutions to addressing improvements in documents and systems.

Project Management: The proposal emphasizes the importance of regular communications over their forecasted 6 months to complete the work. That communication would be through the Port's project manager and directly with the Commission meeting as a body of the whole.

Compensation: The proposed compensation is \$125,000 which includes the Base Fee and the Add On review. This is within the anticipated budget for the project.

References: The proposal includes five municipal references.

Contract Exceptions: The proposal notes a need to further clarify the Port's contract language in regard to document ownership, indemnification procedures, and insurance requirements. This should be further assessed by the Port.

Assessment

The preliminary review of the written proposal from Moss Adams is that it meets the fundamental expectations of the Audit RFP. The RFP indicated that the Port would consider proposed alternative approaches. The Moss Adams proposal takes a four step process that appears to address the issues identified in the RFP.

The next steps for the Commission to address on December 14th include:

- a. Consideration of the Moss Adams proposal and forwarding a recommendation to the 2022 Commission. This action can be advanced through a Commission motion.
- b. Consideration of proposals received in response to the Project Manager RFP and forwarding a recommendation to the 2022 Commission. This action can be advanced through a Commission motion.

I will remotely attend the December 14th Commission meeting and will be prepared to

discuss the proposal and next steps with the Commission. (Please forward the meeting invite) It is my understanding that you will forward this email to the Commission in their packet for the December 14th meeting.

Thanks and I look forward to the discussion, Jim

--

James Darling



leewardstrategies.com

1 (360) 739-1595

Bridgette Scott

From: Tim Arntzen
Sent: Saturday, December 11, 2021 2:38 PM
To: Bridgette Scott; jim@leewardstrategies.com; 'Lucinda J. Luke'
Subject: Fwd: Inquiry re: personal services solicitation

Can you add this to the commission packet please?

Thank you.

Tim Arntzen

From: Tim Arntzen <ta@portofkennewick.org>
Sent: Friday, December 10, 2021 11:05 AM
To: 'Lucinda J. Luke'
Cc: Bridgette Scott; Nick Kooiker
Subject: FW: Inquiry re: personal services solicitation

I asked MRSC the following questions. Any comments?

From: Jill Dvorkin <jdvorkin@mrsc.org>
Sent: Friday, December 10, 2021 9:15 AM
To: Tim Arntzen <ta@portofkennewick.org>
Subject: Inquiry re: personal services solicitation

Hello Timothy,

You wrote:

The port issued an RFP for performance audit services. First, the response was not responsive in that it left out some of the requested services. Second the port only received one response. 1. Is the proposal flawed in that it does not address all the services requested? 2. Can the port accept the proposal despite the fact that no other proposals were received? 3. If the port can and does accept the single proposal, should the port do anything to assure the public that the cost is fair? We have a commission meeting next week to discuss this matter.

[Chapter 53.19 RCW](#) establishes competitive requirements for port district personal services contracts. Unlike for public works contracting, the statute is nearly silent regarding specific procedures and how to handle various bid scenarios (such as receiving no responsive bids).

However, as part of the legislation establishing this competitive solicitation requirement, the legislature directed MRSC to develop guidance on personal services contracting for ports. That guidance is here: [Personal Services Contracting Manual for Washington Ports](#). There are detailed checklists starting at p. 7 regarding contracting procedures, and Chapter 7 deals with the bid evaluation process. I've provided some excerpts from the manual in response to your specific questions below.

I talked with our Contracting and Procurement Specialist, Josh Kilka, about your questions. In the situation you describe, we think how you proceed will primarily depend on two things. The first is what the actual bid solicitation included. The second is what your port procedures say, if anything, about the bid evaluation process for personal services.

You asked three specific questions:

1. Is the proposal flawed in that it does not address all the services requested?

If the bid solicitation had language that required all services to be included to be considered responsive, your agency would generally not evaluate the RFP, as it was non-responsive because certain services were excluded. Your local procedures may address a situation where there are no responsive bids. In general, options could include:

Conducting another competitive solicitation;

Determine that competitive solicitation per RCW [53.19.010](#)(1) has occurred (or evidence of competition has been met for lower dollar threshold contracts (RCW [53.19.010](#)(5)), and enter into a contract without further competition. You could do this with the firm that sent in the non-responsive RFP, or you could reach out directly to other consultants. You should also check to see what your local procedures say. For cities in the public works contracting context, there is a provision addressing no bid scenarios. RCW [35.23.352](#)(1):

“If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.”

If the RFP did not have any specific language that required all services to be included to be considered responsive, your agency could accept the proposal and proceed with negotiations which could include a discussion of the omitted services and cost scenarios. If you cannot reach agreement, you could conduct another competitive solicitation.

2. Can the port accept the proposal despite the fact that no other proposals were received?

The port presumably satisfied its requirement for competitive solicitation by advertising the bid solicitation (see definition of “competitive solicitation at RCW [53.19.010](#)(2)). This is true even if it only received one bid.

At p. 35 of the Port Manual, this scenario is addressed:

What if only one proposal is received? While you can proceed with evaluation and award, you will want to determine the reasons for receiving just one proposal, if only to ensure that the port is obtaining the best value. Consider:

- Sufficient time allowed for proposals?
- Restrictive or proprietary specifications?
- Seasonal workload of proposers? Discuss the reasons with other potential proposers. If time permits and the port’s requirements can be made less restrictive, the RFP can be canceled and reissued.

If the port’s time constraints and objectives warrant proceeding with the single proposal, the port may perform a price analysis to determine whether the cost is fair and reasonable or it may simply rely on the port’s own estimate to negotiate a fair and reasonable price with the proposer

3. If the port can and does accept the single proposal, should the port do anything to assure the public that the cost is fair?

Yes, the port can negotiate the details of the contract to ensure that the cost for the services rendered is fair. If it does not feel that the cost is appropriate for the services offered, it does not need to enter into a contract with that firm.

From the Port Manual at p. 24:

Resources for confirming costs are in line with market rates:

- Comparable project contracts of the port or other entities, adjusted for inflation and regional cost factors;
- Rates paid by other public entities, adjusted for regional cost factors;
- Service contracts for the same specialty;

- State master contracts;
- Separate estimates prepared based on historical costs

I hope this helps. Our guidance at MRSC is general, and I recommend discussing this matter with the port's legal counsel, as well.

Thank you,

Jill

Jill Dvorkin (she/her)

Legal Consultant

206.625.1300 x115

MRSC Empowering local governments to better serve their communities

DISCLAIMER: MRSC is a statewide resource that provides general legal, policy, and financial guidance to support local government agencies. This email is not legal advice and does not create an attorney-client relationship. It is not confidential or privileged and is subject to Washington's Public Records Act.

OPPORTUNITY RISING

GOVERNANCE AND MANAGEMENT AUDIT PROPOSAL FOR

PORT OF KENNEWICK

Moss Adams LLP
999 Third Avenue, Suite 2800
Seattle, WA 98104
(206) 302-6500



MOSSADAMS

December 1, 2021

Port Commission
Port of Kennewick

350 N Clover Island Dr # 200
Kennewick, WA 99336

Dear Port Commission and Governance and Management Audit Project Manager:

We're pleased to submit our proposal to provide organizational climate assessment services to the Port of Kennewick (Port). We understand the Port is seeking an experienced firm to conduct an objective, credible, and comprehensive assessment of your operations, processes, and practices with particular attention to governance and management roles; with the overall goal of crafting recommendations for constructive initiatives and action plans to address areas in need of improvement.

Our proposed activities will be focused on various facets of your organization over a multi-year period, especially the areas most important to the Port's success: your people, processes, and systems.

By comparing your organization culture, as well as the input to that culture, with peer best practices and performance trends, we'll provide the Port with timely, helpful advice and steps that can be taken to achieve both short-term and long-term improvements. We are confident our team is the best fit for Port because we offer the following:

- **Focus on management and organizational assessments.** We are an industry leader in management and organizational assessments. We regularly conduct organizational assessments, management reviews, operational assessments, performance audits, and process reengineering projects for a wide range of clients throughout the United States.
- **An iterative, collaborative approach to our services.** We do more than just the technical task at hand. We focus on how we can deliver the greatest value to our clients by collaborating with you to help strengthen your ability to serve your community. We also believe in avoiding surprises—we share our insights as we conduct our work, validating facts that support findings and testing the practicality of recommendations along the way. In the end, our final reports are merely summaries of what we've already conveyed to and vetted with our clients. We draw on best practices to develop solutions that are practical, achievable, and affordable, and we deliver results in a manner sensitive to the public service environment in which our clients operate.
- **A strong reputation for providing independent and objective advice.** We're independent and deliver accurate, honest assessments in our consulting work. Quality assurance is built into our policies and culture so our work is accurate and timely, and will provide significant value to the Port

December 1, 2021

Port Commission
Port of Kennewick

350 N Clover Island Dr # 200
Kennewick, WA 99336

- **An established firm with extensive resources and expertise.** We're one of the 15 largest accounting and consulting firms in the United States, and we serve our clients with a staff of over 3,400 professionals in more than 25 locations around the country.

On the following pages, we've provided more information on our firm as well as a proposed workplan to meet your objectives. We think you'll find our firm highly qualified to provide these services, and we firmly believe we offer the kind of special dedication, continuity, and commitment that inspires mutual trust and confidence in projects of this type.

We look forward to the possibility of working with you on this important undertaking. Thanks very much for your consideration.

Sincerely,



Colleen Rozillis
Director
(206) 302-6795
colleen.rozillis@mossadams.com



Mark Steranka
Partner
(206) 302-6409
mark.steranka@mossadams.com

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1. Qualifications and Experience

ORGANIZATIONAL ASSESSMENT EXPERIENCE



Our consulting team frequently performs organizational assessments for local governments and government entities—experience that specifically aligns with the Port’s requirements for this engagement. You’ll work with a team that understands the unique requirements of public sector agencies and programs, as well as the intricacies involved in the diverse needs of various customers, departments, and constituents.

We’re well-versed in reviewing management practices, policies and procedures, organization structure, staffing levels and skills, employee engagement and development, and community satisfaction, as well as coordination and communication within and across functions.

Our consulting staff has completed hundreds of enterprise- and department-level organizational consulting projects. These include performance audits, organizational assessments, policy assessment and development, management reviews, internal controls audits, cost allocation studies, alternatives analysis, cost/benefit studies, peer benchmarking, workflow re-engineering, and systems implementation.

Combined with our significant experience working with the complex operational and technical structure of local governments, we bring the right combination of skills and experience to provide objective analysis and insight to your engagement. Based on our understanding of your needs, we believe our significant experience in the following areas makes us the best fit for the Port:

PERFORMANCE AUDITS

Our consulting team performs dozens of performance audits each year, helping governments to identify improvement opportunities by drawing from a breadth and depth of experience working with hundreds of similar clients. We consider and evaluate regulatory requirements and best practices so they can be practically applied by our clients to help define management and organizational models, strategies, and tactics to facilitate optimal performance.

We also develop performance metrics to enhance accountability, transparency, and performance-based budgeting. Performance metrics typically incorporate the identification of efficiency and effectiveness measures, alignment with strategic goals, and development of performance dashboards for use by elected and appointed officials. Results can be utilized to inform strategic plans, policy development, performance audits, and annual internal audit programs.

Our focus is on helping local governments and entities improve performance through deliberate and thoughtful changes.

POLICY AND PROCEDURE DEVELOPMENT

We specialize in evaluating and strengthening policies and procedures, both as stand-alone projects and in our role as the designated internal/performance auditor for government clients. Typically, these services focus on helping strengthen operational economy, the effectiveness performance audits, regulation compliance, management review, and internal control assessment. Our team's vast experience in policy and procedure evaluation and development includes work for numerous local government entities on billing, payment processing, write-offs, and credit card processing. As a result, our team understands unique requirements of each component of a government organization like yours and we've earned recognition and an outstanding reputation for our services based on a solid track record developing successful policies and procedures.

ORGANIZATIONAL DEVELOPMENT AND OPTIMIZATION

Local governments tend to be dynamic, constantly changing and transitioning to the next phase in their life cycles with organizational culture evolving through the continual change. That's why our team focuses on helping our government clients make the organizational changes required to successfully implement strategies and tactics that fundamentally impact culture.

We leverage industry best practices to identify ways to enhance each organization's ability to achieve its mission, goals, and strategic initiatives.

Organizational development is the systematic process of managing significant changes in the current business and moving towards specified future outcomes. By examining the Port's thinking, assumptions, strategies, and goals in relation to critical success factors, an entirely new alignment of organizational components may be created to support a new strategic direction or respond to external influences. We'll take a look at areas such as organizational structure, business processes, policies and procedures, resource capacity, customer needs, leadership style, core competencies of employees, decision-making models, and culture

Our consultants approach organizational development by combining solid industry experience with a unique combination of behavioral and organizational skills to address both the art and science of leadership and organizational change. We help our clients become more effective, efficient, productive, financially successful, and fulfilling places to work. At the same time, the organization and its management and staff can maximize stakeholder value by improving organizational effectiveness, people potential, and performance results.

STRATEGIC PLANNING

For over 40 years, we've provided strategic planning services to governments, not-for-profit organizations, and businesses. Our planning expertise enables us to help our clients develop a comprehensive, practical, and achievable strategic plan that engages stakeholders throughout the planning process. Our approach identifies not just key goals and priorities, but the practical, actionable steps to attain goals; implementation planning; and performance measures to monitor and report progress.

Effective strategic planning processes involve the engagement of a variety of key stakeholders to inform organizational strengths, weaknesses, opportunities, and threats. Therefore, outreach to leadership, employees, community members, partners, and other stakeholders is an integral component of strategic plan development.

PORT AND GOVERNMENT CLIENTS

You'll receive more effective services from our specialized professionals who have a deep understanding of the pressures you face, like the need for greater efficiency under tight budget constraints, or substantial experience with capital program assessments and construction audits. Our experience working with organizations like the Port means our professionals are more likely to help you spot potential problems, create effective solutions, and understand the industry-specific impacts of today's major disruptors. Listed below are selected clients our firm serves that are similar in complexity to the Port:

- Alameda Corridor Transportation Authority
- Albuquerque Sunport International Airport
- City of Portland, Oregon
- City of Modesto, California
- City of Salem, Oregon
- Los Angeles World Airports (LAX)
- Orange County, California
- Port of Bellingham
- Port of Everett
- Port of Long Beach
- Port of Portland
- Port of Seattle
- San Francisco International Airport
- Seattle-Tacoma International Airport
- Sound Transit
- Spokane Airports

PROPOSED PROJECT PERSONNEL

Working with the right team of professionals makes all the difference to your engagement. The team members we've thoughtfully selected to serve your specific needs have years of government and not-for-profit experience. But more than that, you'll find they bring an optimistic perspective focused on helping Port explore and embrace emerging opportunities. Your Moss Adams team will personally engage with your team and bring a new level of energy and enterprise to your engagement.

As mentioned above, your engagement will be led by Coleen Rozillis, director. She'll be joined by Mark Steranka, partner, who will provide quality assurance and facilitation. Colleen and Mark will oversee a team with a robust combination of quality assurance, project management, analytical, and relevant industry experience. Each of the individuals below will be key to the successful completion of your project.

Name	Engagement Team Role
Colleen Rozillis, director	Project manager
Mark Steranka, partner	Quality assurance and facilitation
Laurie Tish, partner	Quality assurance and government industry subject matter expert
Tammy Lohr, manager	Performance audit lead
Annie Rose Favreau, manager	Organizational and culture lead
Emily Hayes, manager	Peer benchmarking and survey lead
Donnie Strohfus, senior	Analyst
Jessie Lenhardt, senior	Analyst
Jenny Fox, staff	Analyst

Throughout the course of the project, our team will be engaged between 20% (activities such as ongoing project management and document review) and 100% of their time (i.e., interviews, report development, data analysis), depending on the tasks at hand and phases of the project. We will collaborate with your team at project kickoff to establish clearly defined timelines and expectations for our work together. Complete resumes and qualifications for our proposed engagement team are included on following pages.

Colleen Rozillis, PMP, Director



Since 2005, Colleen has advised local, state, and tribal governments; K-12 and higher education institutions; and not-for-profits to improve operations and efficiency by assessing organizational and program effectiveness and developing and refining performance and level-of-service measures. She works collaboratively with clients to understand their goals and objectives; develop policies, processes, and tools; and define organizational and programmatic changes to better equip and position them to achieve their goals and objectives. Her areas of expertise include:

- Organizational assessment
- Performance assessment and measurement
- Governance consulting and facilitation
- Strategic planning
- Decision-maker strategic communications and reporting
- Performance metric development and reporting
- Business process reengineering
- Best practices benchmarking
- Policy development

Colleen's additional experience includes planning, policy, and financial analysis in Alaska, Arizona, California, Colorado, Hawaii, Michigan, Nevada, Ohio, Oregon, Pennsylvania, Texas, Utah, and Washington. Before joining Moss Adams, she managed the Performance Reporting Branch of the Washington State DOT and authored the 2011-2015 WSDOT Strategic Plan.

Colleen has recently provided organizational development and performance consulting services to clients, including Ben Franklin Transit, City of Berkeley, City of Modesto, City of Redondo Beach, City of Salem, City of Santa Monica, City of Stockton, Claremont McKenna College, Clark College, Concordia University, Culver City, Delta Diablo, Douglas County, Marion County, Pierce County, Seattle Public Schools, Sonoma County, University of Nevada-Las Vegas, UNLV Foundation, and Western University of Health Sciences.

Professional Affiliations

Member, International City/County Management Association
Member, Project Management Institute
Member, Institute of Internal Auditors
Chair-Elect and Board Trustee, Humanities Washington

Education

MS, public policy and management, Carnegie Mellon University
BA, English and political science, University of Michigan
Diversity and inclusion certificate, Cornell University



Professional Experience

Mark offers over 35 years of experience working with local and state governments throughout the western United States to deliver planning, policy, and operational services. Engagements typically address finance, governance, management, operations, organization, policies, procedures, and processes. He leads ongoing services for numerous local governments. Representative clients include:

- **Cities:** Anacortes, Burien, Carson City, Edmonds, Lynnwood, Issaquah, Modesto, Mount Vernon, Newport Beach, Normandy Park, Portland, Redondo Beach, Santa Monica, and Stockton
- **Special Purpose Districts:** Community Transit, Lake Stevens Sewer District, Santa Clara Valley Water District, Snohomish County PUD, and Tacoma Department of Public Utilities
- **Counties:** Curry County, Douglas County, King County, Orange County, Pierce County, San Juan County, and Sonoma County
- **States:** Alaska, California, Idaho, Oregon, and Washington
- **Higher Education Institutions:** California State University System, Central Washington University, Claremont University Consortium of Colleges, College of Menominee Nation, Concordia University, New Mexico State University, Pepperdine University, San Francisco State University, and University of Nevada, Las Vegas

Mark is experienced reporting to boards, committees, councils, commissions, audit committees, and executive management and working with citizen committees and stakeholder groups. He is also well-versed in designing and facilitating meetings, focus groups, and customer surveys.

Professional Affiliations

Member, International City/County Management Association
Member, Institute of Internal Auditors
Member, American Society of Public Administration

Education

Executive Management Program, University of Washington
BS, mechanical engineering, University of Notre Dame



Professional Experience

Laurie is our firm's national practice leader for Government Services and focuses on serving municipal utilities and governmental entities. Her expertise includes GAAP pertinent to governmental entities, municipal and tax-exempt finance, regulatory and statutory accounting and reporting, and federal compliance audits. She also serves as the lead partner on annual examinations and reviews of corporate sustainability reports. Laurie is a nationally recognized speaker on topics including corporate sustainability reporting, government accounting and auditing standards, federal compliance, and corporate governance in the public sector.

Laurie has provided auditing and consulting services to special enterprise funds, general governments, public employee retirement systems, and not-for-profit entities. Within the sustainability services area, she primarily serves clients in the food processing and beverage industries.

Laurie is past-chair of the Washington State Board of Accountancy and currently serves on the Board of Directors of the National Association of State Boards of Accountancy. She's a past-chair of the Governmental Accounting and Auditing Committee for the WSCPA.

Some of Laurie's current clients include the Port of Seattle (including Seattle-Tacoma International Airport), Portland International Airport, Los Angeles World Airports (including Los Angeles International Airport), Spokane Airports, and the Territory of American Samoa Government (including Pago Pago International Airport).

Professional Affiliations

Board member, National Association of State Boards of Accountancy
Former member and past chair, Washington State Board of Accountancy
Former Member and past chair, Governmental Accounting and Auditing Committee, Washington Society of Certified Public Accountants
Former member, Professional Ethics Executive Committee
Member, American Institute of Certified Public Accountants
Member, Washington Society of Certified Public Accountants
Special technical reviewer, Government Finance Officers Association

Education

BA, business administration, Foster School of Business, University of Washington



Professional Experience

Tammy specializes in assessing organizational performance, developing strategies, assessing system and resource needs, and streamlining processes to improve operations for government and not-for-profit organizations. She focuses on key elements including conducting interviews; reviewing and analyzing documents; developing findings and recommendations; and preparing and presenting reports and deliverables that meet professional audit and reporting standards, as well as her clients' expectations. By using a collaborative approach to working with her clients, Tammy delivers projects and reports that are attuned to each client's unique operating environment and optimize organizational performance. Prior to joining Moss Adams, she worked as a performance auditor for the Washington State Auditor's Office.

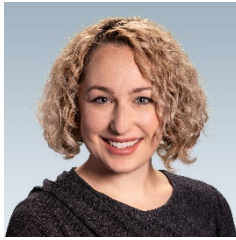
Tammy has recently provided organizational development and performance consulting services to clients including Ben Franklin Transit, Carson City, City of Berkeley, City of Modesto, City of Redondo Beach, City of Salem, City of Santa Monica, City of Stockton, Claremont McKenna College, the Claremont Colleges, Clark College, Concordia University, County of Maui, Seattle Public Schools, Sound Transit, the State of Oregon, the State of Utah, UNLV Foundation, and Western University of Health Sciences.

Professional Affiliations

Member, International City and County Manager's Association
Member, Society for Human Resources Management
Member, Institute of Internal Auditors
Member, Association of Certified Fraud Examiners

Education

MPA, Daniel J. Evans School of Public Policy and Governance, University of Washington
BA, public health, University of Washington



Professional Experience

Annie Rose helps public and social sector clients increase their impact through organizational assessments, strategic planning, and performance measurement development. With a focus on strategy and organizational development, she has a strong background in quantitative and qualitative research, strategic communications, and collaborative facilitation. Her areas of expertise include leadership facilitation, stakeholder and community engagement, performance measure development, governance facilitation, policy development, and peer leading and innovative practices benchmarking.

Annie Rose has worked with a variety of clients, including the 32nd District Agricultural Association, Ben Franklin Transit, Berkeley Public Library, City of Newport Beach, City of Santa Monica, City of Stockton, City of Salem, Confederated Tribes of the Umatilla Indian Reservation, Delta Diablo, Douglas County, Jefferson Public Utility District, Seattle Public Schools, El Camino Hospital, Sound Transit, the University of California-Irvine, and University of Nevada, Las Vegas.

Professional Affiliations

Member, Institute of Internal Auditors

Member, International City and County Manager's Association

Education

MPA, Daniel J. Evans School of Public Policy and Governance, University of Washington

BA, French and English literature, Seattle University



Professional Experience

Emily has served a variety of clients since joining Moss Adams in 2011 by delivering a diverse array of business consulting, internal audit, and in-depth research services. Her passion is for helping clients identify, evaluate, and implement opportunities for improvement. Emily's background in research and information management drives her commitment to connecting clients with meaningful, actionable information as part of every engagement.

Her professional areas of focus include assessing streamlining business processes for effectiveness and efficiency; strengthening organizational resilience through contingency planning; and supporting organizations through mitigating inherent and emerging risks.

Emily leads the delivery of targeted research and analysis services including the development and administration of surveys; developing and tracking performance measures; financial, operational, and compensation benchmarking; and economic, industry, and market analysis.

Emily has served clients, including California State University San Marcos, Clark College, Carson City, City of Creswell, City of Eugene, City of Patterson, City of Redondo Beach, City of Roseville, City of San Jose, City of Santa Monica, Community Transit, Cook Inlet Tribal Council, Culver City, King County Housing Authority, New Mexico State University, Port of Portland, Port of Seattle, San Francisco State University, Snoqualmie Indian Tribe, SOAR Oregon, Sonoma County, Sound Transit, Tuolumne Me-Wuk Tribal Council, UNLV Foundation, Washington State Department of Transportation, Wenatchee Valley Medical Center, Western University of Health Sciences, and Youth Development Inc.

Professional Affiliations

Board Member, Seafair Board of Directors

Member, Institute of Internal Auditors

Member, International City and County Manager's Association

Education

MS, information management, University of Washington

BA, international studies, American University



Professional Experience

Donnie is a consultant with the Business Consulting group at Moss Adams. He has significant experience developing strategic, policy, and budget recommendations to public and private sector organizations based on extensive research, interviews, and analysis. He is also skilled in reporting and presenting on methods, findings, data visualizations, and strategic considerations to manage implementation of recommendations and action plans. Prior to joining Moss Adams, Donnie held positions at the Washington State Department of Ecology and City of Bainbridge Island, and was a Captain in the US Army.

Donnie has worked with clients, including University of California, Irvine, Western University of Health Sciences, Sierra Health Foundation, Seattle Public Schools, City of Glendale, City of Modesto, City of Salem, City of Stockton, County of Orange, and Douglas County.

Education

MPA, public policy analysis, University of Washington
BS, criminology, Florida State University



Professional Experience

Jessie helps bring clarity to complex organizational issues through strategic initiatives that result in improved outcomes directly linked to organizational KPIs. Her experience in organizational development initiatives includes product line restructuring, CRM development and implementation, rebranding, change management, and leadership coaching. She works one-on-one with clients to transform internal workflows, improve project management technology, and provide clients with innovative solutions. Prior to joining Moss Adams, Jessie served as an internal consultant for the development and implementation of new asset management technology.

Jessie has worked with a variety of clients including the American Gold Star Manor, City of Cupertino, City of Glendale, City of Salem, County of Maui, Confederated Tribes of the Umatilla Indian Reservation, Douglas County, Quileute Tribe, and Samish Indian Nation.

Education

MA, organizational leadership, Gonzaga University
BA, art history, University of Oregon



Professional Experience

Jenny assists public and social sector clients in improving their operations through organizational assessments, internal audits, and performance auditing. She has a strong background in best practice research and policy and procedure development. Prior to joining Moss Adams after a successful internship, Jenny interned for KPMG and Wind Cove Energy.

Jenny has worked with a variety of clients, including Western University of Health Sciences, Seattle Public Schools, City of Glendale, City of Salem, City of Stockton, Corona-Norco Unified School District, County of Orange, Douglas County, and Sierra Health Foundation.

Education

MA, accountancy, University of Houston

MBA, business administration, Baylor University

2. Project Approach Narrative

UNDERSTANDING YOUR SCOPE OF WORK

We understand the Port's commission is seeking governance and management audit services in light of the discovery that the Port's policies and procedures have not been recently reviewed. Our team at Moss Adams has the experience and resources to help the Port review policies, practices, and keystone operating documents and to make sure they are properly aligned to help the Port achieve its mission.



In line with your requested scope of work, we plan to perform systems and process evaluation, organizational cultural assessment, area-document review, and to provide recommendations for improvement based on our observations and findings. Our expected deliverables include written reports for each of these three major assessment areas as well as a written report summarizing our recommendations for each area.

Your services will be conducted in accordance with industry standards and firm has internal controls in place to make sure we deliver high quality, defensible products for your engagement.

Our services and deliverables are focused on the application of best practices. Our experience working with various forms of local government will enhance our ability to provide practical solutions that will be of specific benefit to you. We'll work with you to a plan that's tailored to, and impacted by port industry business practices, regulatory compliance, current economic conditions, and COVID-19.

Focus on Communication

We take a holistic approach to government services and pride ourselves on not only leveraging best practices but serving as a source of them.

Similar to our approach with other government clients, we propose to provide comprehensive internal audit services work through three levels of communication:

- **Biweekly** project activities and communication with your team
- **Regular** status updates and completed audit reports to the full leadership team at least quarterly
- **Semiannual or annual** program briefings to the Commissioners

Establishing these three distinct levels of communication provides both our teams with awareness of ongoing activities, facilitates project finding transparency, and helps generate appropriate recommendations. This approach is also an integral component in communicating overall program results and impacts to governance, leadership, management, and staff.

Port Personnel Expectations

Your personnel will be expected to designate a project director to serve as a primary point of contact with the performance audit team, work collaboratively with our team, participate in audit planning, participate in relevant interviews, provide requested documents, review deliverables, and provide work space for our team members when they work on-site (a conference room or vacant office is sufficient).

The Benefits of Our Approach

At Moss Adams, we have the rare blend of inspiration, depth of resources, and technical excellence to empower our clients to discover and claim the future. You'll benefit from keen insights stemming from our unique understanding of the needs and nature of your organization. We look ahead, bring new approaches and fresh perspectives, and we regularly collaborate across our practices to identify new opportunities for your organization to succeed.

Distinguished for our depth of industry knowledge, we take the time to understand each client's individual situation, anticipate needs, and identify gaps before they become obstacles. This way, our clients can grow, manage, and protect their assets with confidence. Below we have outlined some of the ways the Port of Kennewick can benefit from working with us.

The Benefit	How It Happens
MORE FLEXIBILITY	We build reasonable flexibility into project timing to fit your schedule, needs, and other commitments and responsibilities.
MORE RELEVANT ANALYSIS	Our team has significant experience with local governments and ports, and we are fully dedicated to improving risk management, controls, and performance for clients like Port of Kennewick.
A HOLISTIC VIEW OF PORT OF KENNEWICK'S PERFORMANCE	Because of our broad experience, our analysis and recommendations do not just consider a few select controls. We consider how your organization functions holistically and evaluate the critical components to achieving and maintaining success in the areas most important to you: your people, processes, and systems.
BENCHMARKING APPROACH	Our approach to benchmarking includes qualitative surveys and peer interviews from other clients of comparable scope and size. We take the time to gather unique, firsthand insights from your peers that will help you meet your goals.
SURVEY AND RESEARCH TOOLS	We utilize the Qualtrics Research Suite platform to design and execute customized surveys that streamline data collection and analysis. We also have certified PowerBI users who create unique data-visualization dashboards that facilitate data-driven insights.
SENSITIVITY TO YOUR ENVIRONMENT	We take a collaborative approach to our engagements and are sensitive to the public sector environment and the unique challenges that airports face. We also understand the limited flexibility of your operating environment. Instead of performing services for you, we team with you to evaluate performance and make recommendations for improvement that will work within a tight budget, improve public trust and citizen engagement, and help you navigate regulatory changes.
CONFIDENTIALITY	Our workpapers and draft reports are completely confidential and belong to us. This minimizes the risk of delivering incomplete or inaccurate information to the citizens you serve and helps you maintain or improve public trust.
SUBSTANTIAL RESOURCES	As one of the nation's 15 largest accounting and consulting firms, with more than 3,400 employees—including over 350 partners—we have the breadth of knowledge, expertise, technological tools to serve you now and in the future. Whatever needs may arise, Moss Adams has the capability and experience to meet them with effective, innovative solutions.

3. Project Management

WORK PLAN

Our project will be executed through four major phases, each phase is described in greater detail below.

- 1

Start-Up and Management. This phase consists of collaborative project planning with the Port’s commission and independent project manager to determine interview lists, documents to be reviewed, on-site observations and walk-throughs to be performed, when and how results will be shared, and how we’ll report on project status.
- 2

Fact Finding. In the second phase, we’ll conduct fieldwork, including documentation review, walk-throughs, observations, interviews, and an online survey. We’ll obtain the most current information available and insights from Port personnel and selected external stakeholders.
- 3

Analysis. Based on firsthand input gained during our fieldwork in the previous phase, we’ll evaluate the importance, impact, and scope of our observations to develop recommendations for organizational improvement. We’ll leverage best practices to inform our assessment and conduct peer benchmarking to provide comparative data from other government entities on organizational culture, employee engagement, resident and customer satisfaction, and the role of governance in the Port’s culture.
- 4

Reporting. In the final phase, we’ll conclude the project by communicating observations and recommendations through reports and presentations. We’ll deliver both draft and final reports, which will include a detailed action plan.

PHASE 1:

START-UP AND ONGOING MANAGEMENT

We’ll begin the project by confirming the Port’s desired outcomes and potential reference points from which to assess performance.

1.1 Initiate Project

We’ll conduct an early kickoff meeting with the independent project manager and others, as determined by the Port, to confirm expectations and discuss overall project scope, logistics, deliverables, timing, and progress reporting requirements. We’ll clarify responsibilities of Moss Adams and Port personnel, timing of project activities, communication expectations for the project team and Port staff, and format of deliverables. We’ll establish an interview list and finalize our approach to each phase of the project.

1.2 Perform Project Management

We’ll conduct rigorous project management activities for the duration of the engagement. These activities will include providing guidance to the consulting team, coordinating with the project director, working through issues and solving problems, monitoring progress against the approved work plan, and submitting progress reports. We will provide the project team with monthly project reports that details the status of work, upcoming activities, and anticipated deliverable dates.

1.3 Provide Quality Assurance

We believe it’s important to recognize the need for quality by providing excellent client service and engagement oversight. All deliverables receive a quality assurance review before submittal to the Port.

PHASE 1
DELIVERABLES



- Final work plan
- Interview list
- Monthly progress reports

PHASE 2
FACT FINDING

During fact finding, we gather objective input required to assess the Port's assessment-area systems and processes, organizational culture, and document review.

2.1 Review Documentation

We'll gather relevant documentation for review including the following items outlined in your RFP:

Tier 1 (to be included in base fee)	Tier 2 (to be included in add on fee)
<ul style="list-style-type: none"> Port Commission Rules of Policy & Procedure CEO Procedures & Staff Handbook CEO Delegation of Powers including secondary delegation to staff Public records and information management program Commission directives for Port assets Employee evaluation policies CEO and Staff employment contracts Attorney contract CEO, Internal Auditor, and Legal Counsel evaluations Port's organizational chart Personnel policies and procedures Strategic and master plans 	<ul style="list-style-type: none"> Budget financial and operational policies Art Policy Buyback clause language Declaring local emergency and Delegation of Authority (CEO) Appointment of Port auditor Job descriptions of all employees Comprehensive Scheme of Harbor Improvements Financial reports 2019 Audit 2020 Audit

Additional documentation needed to conduct the performance audit and organizational assessment may include current organization charts, master plans, capital improvement plans, bargaining agreements, Commission meeting minutes, and relevant performance measures. Through our documentation review, we expect to gain an understanding of the Port's operational and organizational environment as well as further defining issues and surrounding facts. Specific steps include developing a document request list, coordinating document receipt and review, and developing questions for use during interviews.

2.2 Perform Interviews and Focus Groups

We'll conduct interviews and focus groups with a broad group of stakeholders. Interviews are at the heart of fact finding, and it's through interviews that we'll gain each person's perspective of the current structure, staffing, policies and procedures, operational and organizational environment, strengths, and opportunities for improvement. Interviews and focus groups will be conducted at multiple levels with representatives from leadership, staff, and other key stakeholders defined with the Port.

2.3 Administer Survey

We often utilize a confidential, online survey to supplement interviews. We plan to use such a survey to enable all the Port's employees to provide input into the organizational assessment. The focus of the survey will be identifying the inputs to organizational culture, defining current culture and future culture, and impact of cultural challenges on the organization as a whole. We also may wish to survey the community or stakeholders to gain a sense of the level of service provided to the community, community expectations, and gather any other relevant information related to the Port's goal of becoming a high performing organization.

2.4 Prepare Preliminary Observations

We'll document our preliminary observations, including commendations and opportunities for improvement. Opportunities for improvement will be organized by area of focus and relate to systems and processes, organizational culture, and gaps in policies and procedures.

2.5 Present Preliminary Observations

We'll present preliminary observations to the Port. The fact-finding phase of work gives the entire project team an opportunity to scan a wide breadth of issues.

The purpose of sharing preliminary observations is to avoid surprises by giving the Port a chance to preview findings and verify facts to make sure the basis for each observation is accurate and valid. Observations will form the basis for analysis of opportunities for improvement.

PHASE 2 DELIVERABLES



- Document request list
- Survey results
- Preliminary observations for Tasks 1-3

PHASE 3

ANALYSIS

Analysis moves the study process from observations to assessment. This task will determine the significance of opportunities for improvement and how best to address them.

3.1 Assess Organizational Climate

Based on observations, we'll evaluate each functional area and position for opportunities for improvement. Our assessment will be forward-looking to help the Port to better align their organizational climate with the needs of staff and community stakeholders and to position the Port to attain its strategic objectives.

3.2 Identify Best Practices Through Benchmarking

Part of our assessment process will draw from comparisons to best practices. In addition, we can leverage peer benchmarking to provide comparative data, if desired. Some firms perform benchmarking by reviewing collections of articles, statistics, and stagnant data. But at Moss Adams, because we have extensive, firmwide industry connections, we can conduct real-time interviews with other ports to obtain firsthand insights from your peers about the challenges they've faced, the measures they've taken to overcome them, and how they've established and maintained continued organizational success. Incorporating this feedback with the rest of our findings enhances our ability to provide innovative, effective, value-added solutions to the Port. We will work with the Port to identify peers for benchmarking purposes.

3.3 Perform Gap and Alternatives Analysis

We'll identify differences between current Port practices and appropriate best practices to define gaps that should be addressed. The gap analysis will focus on opportunities to improve efficiency and effectiveness and reduce business risks. Opportunities for improvement will build on strengths and address weaknesses. For each major opportunity for improvement, we'll conduct alternative analysis in an abbreviated cost-benefit format inherent to our analysis. Each alternative solution will be scrutinized for pros, cons, resources, budget, training, and risks, if relevant. The results will directly feed into our recommendations. We'll work with Port staff to determine which alternatives are the best fit for the Port.

3.4 Prepare Draft Observations and Recommendations

Based on our analysis, we'll update observations and prepare recommendations. Organized by area of focus, observations and recommendations will include, but may not be limited to:

- Work environment,
- Policies and procedures,
- Cultural norms and behaviors,
- Opportunities to maximize organizational health and resilience,
- Recruiting and retention,
- Management roles, responsibilities, and authority
- Decision making processes
- Learning and development, and
- Onboarding.

A draft implementation plan options including sequencing of recommendations based on priority, may be presented where relevant.

3.5 Present Draft Observations and Recommendations

Draft observations and recommendations will be presented to the Port for final fact validation and assessment of the practicality of recommendations.

PHASE 3 DELIVERABLES



- Benchmarking results
- Draft recommendations to improve and shift organizational culture, structure, and associated outcomes (Task 4)

PHASE 4

REPORTING

This phase covers the production of deliverables, including draft and final reports.

4.1 Submit Draft Report

Our work will be packaged in a draft report for Port to review. The draft report will include the necessary level of detail to allow the document to stand on its own. The report will integrate the study components and include an executive summary, study objectives, scope and methodology, commendations, observations and recommendations, and a detailed implementation plan.

4.2 Submit Final Report

Based on feedback from the Port, we'll revise the draft report and submit our final report.

4.3 Present Final Report

We'll present the final report to Port's Board of Commissioners, senior management, and employees. We'll prepare a presentation to facilitate these briefings.

PHASE 4 DELIVERABLES



- Draft and final reports for systems and process evaluation, organizational cultural assessment, and area-document review, including observations and recommendations
- Final report presentation

SCHEDULE

Organizational assessments of this nature typically take approximately five to six months to complete from project start-up to delivery of the final report. The overall timing will depend on the availability of key Port personnel and the general timing of this work in relation to other relevant work impacting the Port. The duration of the phases is depicted below. Should we be awarded this work, we are available to begin work shortly after contract execution.

Stage	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
1. START-UP AND MANAGEMENT						
2. FACT FINDING						
3. ANALYSIS						
4. REPORTING						



4. Compensation

For our clients, it’s about more than the dollars you pay at the end of the day; it’s about value. Consider both the tangible and intangible benefits of working with us. You’ll get solid and timely deliverables. But more than that, the experience you’ll have working with forward-thinking, industry-specialized professionals who work side by side with you to explore new possibilities is where you’ll see the value. Invest in your future prosperity and experience a different style of service with us.

Service Description	Amount
Base Fee <i>Covering Tier I items in Task 1 and Task 3</i>	\$85,000
Add-on Fee <i>Covering Tier II items in Task 1 and Task 3</i>	\$40,000
Total	\$125,000

REIMBURSABLE EXPENSES

Travel expenses will be charged as incurred and will not exceed 5% of total fees.

HOURLY RATES

Staff Level	Hourly Rate
Partner	\$325
Director	\$300
Manager	\$250
Senior	\$225
Staff	\$200



5. References

CITY OF SALEM, OR

Courtney Knox-Busch
*Financial and Administrative
Manager*

(503) 540-2426
cbusch@cityofsalem.net

Moss Adams is providing comprehensive organizational assessment and optimization services to the City of Salem. We conducted a citywide organizational assessment and structure study, focused on opportunities for enterprise-wide improvement in efficiency, effectiveness, and collaboration. We conducted a SWOT analysis survey of all city employees and held more than 40 interviews with City leadership and key staff. The organizational assessment identified opportunities for improvement in four major areas: leadership and culture, organization structure and staffing, planning and communication, and processes and systems.

Following the organizational assessment, we collaborated with the executive leadership team to identify initiatives to implement. We are currently working with the City on multiple projects to improve operations and service delivery, including a fee study, performance framework, strategic plan, warehouse efficiency study, and other projects with the goal of organizational alignment. In addition, we have facilitated multiple City Council meetings and provided governance training to Council members.

CITY OF MODESTO, CA

Joe Lopez
City Manager

(209) 577-5402
joelopez@modestogov.com

In 2011, we were retained to provide internal and performance audit services for the City. Since that time, we have completed numerous internal controls audits, risk assessments, and performance audits. We conducted a citywide organizational assessment and restructuring study. As a result of that study, a number of departments and programs were realigned, and subsequent work was done to support effective cultural change and efficient government, including an admin-analyst study and a series of public works efficiency studies. We are currently performing work to improve performance and collaborations of the City's engineering functions.

SOUND TRANSIT

Julie Honeywell,
Chief Human Resources Officer

(206) 302-6538
julie.honeywell@soundtransit.org

In early 2021, due to the high level of growth and change within the organization in recent years, Sound Transit engaged our firm to conduct a performance audit of its workforce performance management program. Our team evaluated the agency's employee performance management practices to verify they were in alignment with best practices to sustain a high-performance workforce and to identify opportunities for continuous improvement with practical recommendations. Soon after the completion of our audit, the agency was able to implement many of our suggestions for improvement into the next performance cycle including a simplified performance ratings system and developing a new manager onboarding program.

**CALIFORNIA INSTITUTE
FOR REGENERATIVE
MEDICINE**

Ms. Maria Bonneville
*Executive Director to the
Governing Board*

(510) 340-9114
mbonneville@cirm.ca.gov

Moss Adams has performed three comprehensive triennial performance audits (2012, 2015, and 2018) for the California Institute for Regenerative Medicine (CIRM), a department of the state of California, to address organizational efficiency and effectiveness, as well as compliance with laws and regulations. CIRM is a \$3 billion stem cell research organization governed by a 23-member board of directors comprised of industry leaders. We conducted both audits in accordance with GAGAS and examined the functions, operations, management systems, and policies and procedures of CIRM in order to assess whether it was achieving economy, efficiency, and effectiveness in the employment of available resources. A core component of the audit focused on compliance with statutes, policies, and procedures for the issuance of contracts, grants, and loans and protecting intellectual property rights associated with research funded or commissioned by CIRM. Due to the organization's unique funding structure and finite duration, the 2018 review focused on areas such as business continuity, knowledge transfer, transition planning, employee engagement, and board engagement.

ORANGE COUNTY, CA

Lilly Simmering, Deputy
County Executive Officer

(855) 886-5400
lilly.simmering@ocgov.com

Moss Adams has conducted two performance audits for Orange County, one of the County's auditor-controller and another of the County's public defender administration. We conducted both audits in accordance with GAGAS and examined the functions, operations, management systems, and policies and procedures of in order to assess whether Departments were achieving economy, efficiency, and effectiveness in the employment of available resources. Findings and recommendations were designed to support the success of departments as they each operate within County-wide systems and policies. These included opportunities to enhance workplace culture, support employee development, plan for resources, maximize the utilization of systems, and address gaps in policies and procedures.

Legal Exceptions

Port of Kennewick

RFP

Exceptions

This Proposal is contingent upon completion of the Moss Adams new client acceptance process and execution of a mutually agreeable contract. With respect to Attachment A – Consultant/Service Agreement, Moss Adams suggests the following: clarifying the Port's ownership of final deliverables and Moss Adams' ownership (and retention) of intellectual property, working papers, works in progress, and general skills and know-how (§§3.3 and 3.4); focusing and clarifying indemnification provisions and procedures (§3.7); and clarifying insurance requirements to comport with existing policies, including notification only goes to primary insured.

We have successfully signed services agreements with thousands of clients, including numerous public entities, and we commit to working in good faith to successfully negotiate a mutually agreeable contract on a timely basis should we be awarded this work.

TERRY WALSH (509) 521-2322

KNOWLEDGE OF GOVERNMENT GOVERNANCE:

Over thirty years of experience in the review and revision of public sector governance documents, including but not limited to personnel policies, public facilities, parks use, art programs, interlocal agreements, new programs, and project procurement. Specific examples include, but are not limited to:

- Human resource employment handbook: Governance policies included all aspects of employment from hiring, conduct and discipline to outside employment, performance management and termination. Responsibilities also included creation and negotiation of collective bargaining governance documents as well as Civil Service rules and regulations along with promotional testing policies and procedures.
- Parks and recreation policies and procedures: Governance policies included all aspects of parks, facilities and recreation including facilities policies and procedures, contracting of goods and services, contracting of construction projects, parks rules and regulations and program management policies and procedures.
- Tourism policies and procedures: Governance policies and procedures included contracts for tourism events, insurance requirements, event management procedures and interlocal agreements with other entities including sister-cities, counties, and ports on the development of a collaborative wayfinding program with sister cities and ports.
- Economic Development policies and procedures: Governance documents included art policies, input on development documents, co-lead on creative arts district application, oversaw governance documents for opportunity zone recruitment, led economic development staff in conjunction with Planning Department and Department of Commerce on the establishment of an interactive permitting process for the City website.
- Facilities governance documents: Oversaw governance documents in conjunction with Purchasing department on citywide janitorial procurement, construction of Columbia Park golf course, construction of Southridge sports and events center, and numerous park improvement procurement documents for amenities such as irrigation, park amenities and easement maintenance projects throughout the City of Kennewick.

THE SUCCESSFUL APPLICANT WILL BE DEMONSTRABLY NEUTRAL IN THE APPROACH TO THE WORK AND HAVE NO REAL OR PERCEIVED CONFLICTS WITH THE PORT:

Thirty-five years of demonstrated relationship management skills. Demonstrated ethics while working internally and outside of the organizations for which I have been employed. This included partners within the communities.

Demonstrated trust was a critical trait in my professional career which helped to build and retain relationships. Port Commissioners and Port Staff both have experience with me that demonstrates that I can be impartial and work cooperatively to accomplish the goals of this project in partnership with the selected contractor, Port Commissioners and Port Staff.

References that can clearly attest to my ethical and professional relationship management skillset include:

Marie Mosley: City Manager, City of Kennewick, (509) 585-4251

Steve DiJulio: Attorney at Law, Foster Garvey PC, (206) 335-6892

David Robison, CEO, Strategic Construction Management, (509) 378-5044

Adam Fyall, Sustainable Development Manager, Benton County (509) 736-3053

ADVERTISING AND SOLICITATION OF PROPOSALS FROM QUALIFIED FIRMS TO UNDERTAKE THE ACTUAL AUDIT. THIS INCLUDES ISSUANCE OF THE REQUEST FOR PROPOSALS (RFP) PREVIOUSLY APPROVED BY THE PORT. THE PORT'S STAFF WILL PROVIDE SUPPORT AND ASSISTANCE IN ISSUING THE RFP

Over 20 years of direct experience in the solicitation, review, and recommendation of proposals for projects in local government, particularly in the Tri-Cities area. Specific examples of projects include but are not limited to:

- Columbia Park West End Master Plan – Worked as a team member with City of Richland Staff.
- Columbia Park Master Plan – Worked with Parks and Purchasing staff on the development of an RFP, reviewed, and evaluated bids and recommended successful bidder to City Manager, Parks & Recreation Commission and City Council.

- Employment Policy update – Worked with City Attorney’s office to secure a law firm for the review and update of Employment Policies and Procedures. Acted as liaison with the contracted firm.
- Art procurement – Worked with purchasing, Arts Commission and in particular zones, partners such as the Port of Kennewick, STCU and the Historic Downtown Kennewick Partnership on the procurement and installation of art within the City of Kennewick.
- Tri-Cities Wayfinding development and installation – Worked as a member of the Visit Tri-Cities team on the solicitation and selection of a company to design the wayfinding system and the procurement of a company for the installation of the pieces.
- Lead with the assistance of the Parks and Facilities Manager and Purchasing Manager in the solicitation, procurement, and construction of the Columbia Park Golf Course Clubhouse, with O’Brien Construction and Strategic Construction Management.

COORDINATING THE EVALUATION PROCESS OF ALL AUDIT APPLICANTS DIRECTLY WITH THE PORT COMMISSION CULMINATING IN THE SELECTION OF THE PREFERRED CONSULTING FIRM. WORK WILL INCLUDE ORGANIZING THE EVALUATION CRITERIA FOR THE COMMISSION AND MAKE A RECOMMENDATION IF REQUESTED. IN ADDITION, IF NECESSARY, DEVELOP INTERVIEW QUESTIONS AND COORDINATE THE INTERVIEW PROCESS.

Over thirty years of experience in reviewing, interviewing, and recommending bidders to City Council, Civil Service Commission, Arts Commission, Planning and Economic Development Council Committee, Parks and Recreation Commission, and other public sector entities. Examples Included:

- Columbia Park Golf Course bidding review and selection with procurement and parks staff.
- Civil Service assessment center firms and candidate evaluation, interviewing and hiring recommendations.
- Solicitation, Interviewing and Hiring of numerous staff members.
- Columbia Park Master Plan solicitation, evaluation, and interviewing.
- Columbia Park West End Master Plan evaluation, interviewing and selection with Richland Staff.

- Wayfinding evaluation, interviewing and selection with City of Richland staff.
- Healthcare service bid evaluations, interviews, and recommendation for selection with staff and Board of Trustees of Association of Washington Cities.
- CTUIR Memorandum of Understanding including acting as liaison for meeting, development and recommendation to staff, City Council and CTUIR. MOU was signed after my retirement, but I believe my work was the catalyst for the agreement.

WORKING IN COLLABORATION WITH THE PORT STAFF AND PORT LEGAL COUNSEL TO EXECUTE THE CONSULTANT SERVICE AGREEMENT WITH THE SELECTED CONSULTANT PURSUANT TO PORT POLICIES

Extensive experience working with City of Kennewick, Sister Cities, Counties, and Ports for the execution of numerous consultant service agreements as noted above. It would be my goal to depend on the experts such as Port of Kennewick Legal counsel and the Port's CFO for the development of the appropriate documents. I would serve as the intermediary between the consultant and the experts from the Port to ensure appropriate documents are secured that would meet Federal, State and Port requirements.

COORDINATING THE WORK OF THE CONTRACTED CONSULTANT IN TERMS OF SCHEDULING MEETINGS AND DISTRIBUTING PERTINENT INFORMATION SUCH AS PROJECT DELIVERABLES

Extensive experience with Boards, Commissions, Councils and Committees in scheduling meetings, distributing pertinent information such as deliverables, and recording and implementing the final decisions of these entities. Responsibilities included Civil Service Commission, Parks, Facilities and Recreation Commission, Planning and Economic Development Council Committee, Arts Commission, and serving as Senior Staff member to City Council for all departmental projects and activities.

SERVING AS A LIAISON BETWEEN THE PORT AND THE SELECTED AUDIT CONSULTANT

Asked by the City Manager in several instances to serve as liaison to many entities such as the Ports, Developers and Community Partners including CBC, CTUIR, Visit Tri-Cities and many more. Performance reviews consistently show examples of leadership skills which included exemplary communication, ethics, and integrity.

PROVIDING PERIODIC UPDATES TO THE PORT COMMISSION ON THE AUDIT CONSULTANT'S PROGRESS

It would be my intent to coordinate closely with the Port staff and Commissioners to determine expectations on reporting and timing for such presentations by the successful consultant. Milestones would be clearly outlined through the proposal process to determine accountability and tracking of timeline outcomes.

REVIEW AND RECOMMEND PAYMENT OF ALL SUBMITTED VOUCHERS CONSISTENT WITH PORT POLICY AND AGREEMENT TERMS

It would be intent to again coordinate very closely with the CFO and other appropriate staff to follow all Port procurement and financial policies for recommendation of payment to the consultant. Port Commissioners would be updated on payment progress as well as deliverables on a consistent basis.

BUDGET

Hourly rate: \$170.00

Propose to set a limit of up to **\$34,000**, which may be renegotiated through agreement of both parties as noted in the Port of Kennewick contracting agreement. This would include a total of 200 hours of work with the Port staff, Port Commissioners, and successful bidder.

Travel: Airfare – \$400.00 per occurrence
Car rental – \$100.00 per occurrence
Hotel – \$150.00 per occurrence

Propose a total cost of **\$6,500** (10 trips) for travel. If more travel is required, the rate would continue to be as stated with appropriate receipts. If less travel is required, the total amount would decrease.

If I am successfully awarded this contract, I will secure the appropriate business license and insurance. I would anticipate up to an additional **\$1,000** for these costs which would be added to the proposal.

Receipts will be provided for all travel costs, business license and insurance. Invoices for agreed upon work will be provided as required in the Port of Kennewick contracting policies.

Total proposed initial cost of consulting services would be up to **\$41,500**. Should the scope of services be limited, or the cost of travel be reduced, those costs shall be applied to the contract.

**Terry Walsh
1749 NE Pecan Lane
Camas, Washington 98607
(509) 521-2322**

EDUCATION

- B.S. EASTERN OREGON UNIVERSITY – CONCENTRATION IN HUMAN RESOURCE MANAGEMENT AND PSYCHOLOGY
- M.A. CITY UNIVERSITY – HUMAN RESOURCE MANAGEMENT
- CERTIFIED LABOR RELATIONS PROFESSIONAL – NATIONAL PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION (NPELRA)
- GRADUATE OF HUMAN RESOURCE EXECUTIVE CERTIFICATION PROGRAM – HARVARD SCHOOL OF BUSINESS THROUGH THE SOCIETY OF HUMAN RESOURCE MANAGEMENT (SHRM)

PROFESSIONAL EXPERIENCE

EXECUTIVE DIRECTOR OF EMPLOYEE AND COMMUNITY RELATIONS, City of Kennewick, Washington. 2008-2019. Member of the Executive Leadership team reporting directly to the City Manager. Duties included oversight and strategic planning for Economic Development, Human Resources, Labor Management, Risk Management, and Parks, Facilities and Recreation.

Human Resource management oversight including but not limited to Talent Acquisition, Workforce Development, Civil Service, Benefit Administration, Labor Relations and Employee Benefits and Services. Development of a Human Resource Strategic Plan for the City, including succession planning, leadership training and a performance management program. Consultant to all other Executive Directors on employment related issues. Worked with City Manager on matters of labor relations and organizational alignment. Worked on moving toward the creation of a learning organization within the city, with the ability to break down silos and development of a process learning approach to delivery of first-class services to the citizens we served.

Budgetary responsibility for the Department of Employee and Community Relations. This included planning and development of budgetary items such as consulting agreements and RFPs involving Capital Improvement Programs for Parks, Facilities and Recreation. Duties included solicitation, evaluation, and recommendation of bidders to boards and commissions, city staff and city council. Also responsible for working with sister ports and cities on bidding and award of projects such as Regional Wayfinding and Columbia Park West End Master Plan. Liaison between the City of Kennewick and the CTUIR, resulting in the development of a Memorandum of Understanding regarding Columbia Park.

Oversight, budgetary responsibility and strategic planning for Parks, Facilities and Recreation including a six-year comprehensive planning process. Worked on Capital Facilities plan, facilities design and review, construction management team member of city facilities remodel and new construction. Accountable for Recreational, Tourism/Special Events and Senior Service delivery within the City of Kennewick. Park and facilities responsibilities also include contractual review and approval for procurement of goods and services to the department utilizing city, state and federal procurement processes and procedures.

Oversight and strategic planning for Economic Development activities including recruitment, retention, and expansion of private and public sector investment within the city and coordination with regional partners and sister cities in the development of projects and programs. Act as the strategic liaison with the Port of Kennewick on redevelopment projects occurring in Kennewick. Act as a liaison with developers and builders to assist them in understanding the regulations and facilitating solutions to “getting to yes” with complex building projects.

DIRECTOR OF EMPLOYEE AND COMMUNITY RELATIONS, City of Kennewick, Washington. 2004-2008. Organizational realignment with new City Manager resulted in a promotion and oversight of additional city functions including Recreation, Senior Services, Tourism and Special events, along with the current responsibilities of Human Resources, Labor Relations and Risk Management. Duties included: Accountability for Interpretation and Implementation of Employment Laws, Risk Management Regulations and other State and Federal Laws pertaining to Employment Issues. Accountability for Compensation. Labor Negotiations, Labor Management Issues, Hiring, Discipline and Discharge and all other employment related issues. Accountability for recreational programming and services, Senior Services, Tourism and Special Events. Consultant with all departments on employee and labor relations issues. Accountable for contract negotiations with five collective bargaining groups.

HUMAN RESOURCE MANAGER, City of Kennewick, Washington. 1991-2004. Duties include Interpretation and Implementation of Employment Laws, Risk Management Regulations and other State and Federal Laws pertaining to employment issues. Responsible for Compensation, Labor Negotiations, Labor Management Issues, Hiring, Discipline and Discharge and all other employment related issues for 325-500 employees. Provide all training to employees and supervisors in the areas of Sexual Harassment, Performance Appraisals, Return to Work, Drug and Alcohol Testing, Workplace Diversity, Claims Management, etc. Initiate all investigations of employee conduct. Develop HR Strategic Plans for the department through assessment of priority areas to be addressed and determination of resources to be utilized to reach identified goals.

Serve as Civil Service Secretary/Chief Examiner for the Kennewick Civil Service Commission. Responsible for all activities performed by the Commission including test development and implementation, monthly business meetings, certification of lists, investigation of protests, disciplinary hearings, etc. for approximately 10-15 years.

PROFESSIONAL ASSOCIATIONS

1995-1999 Board Member of the Washington Public Employers Labor Relations Association

1991-2019 Member of the Society of Human Resource Management

1991-2019 Member of International Public Employer Management Association

1998 President of the Washington Public Employers Labor Relations Association

2010-2019 Elected Member of the Association of Washington Cities Employee Benefit Trust Board

2016-2019 Elected Chair of the Association of Washington Cities Employee Benefit Trust Board

2016-2019 Board of Trustees member for the Association of Washington Cities Healthcare Trust

2019 Tri-Cities Regional Chamber of Commerce ATHENA Leadership Award Recipient



PROJECT MANAGEMENT SERVICES FOR THE PORT OF KENNEWICK GOVERNANCE AND MANAGEMENT AUDIT



Cable Greens- Credit: Port of Kennewick Website

SUBMITTED BY:
WHITEWOLF ENGINEERING SERVICES





Whitewolf Engineering Services

www.whitewolfengineeringservices.com

whitewolfengineeringservices@gmail.com

360.592-3445

December 10, 2021

Bridgette Scott
Port of Kennewick
350 N Clover Island Drive #200
Kennewick, WA 99336

****SENT BY EMAIL****

RE: Governance and Management Audit Program Manager

Dear Ms. Scott:

I am pleased to submit my proposal for project management services associated with the Governance and Management Audit for the Port of Kennewick. With more than 30 years of public service working for different sized public agencies, I am no stranger to the operations, processes and practices involved in managing public funds. I am confident that my skills and experience meet the requirements you are seeking in the Request for Proposals.

I am uniquely qualified to manage the selected consultant for the audit based on the tools and best management practices obtained as Project Management Professional (PMP®). I have managed dozens of consultants over the years and am very comfortable with all aspects of consultant selection¹, negotiating contract terms, and managing scope, schedule, and cost for the life of the contract.

As a licensed civil engineer who worked largely in the public sector, I have developed a unique way of conveying technical concepts so that they can be understood by a variety of audiences. During my career, I have presented reports to both city and county councils, neighborhood groups, commissions, committees and, yes, port district commissioners, on a variety of projects. I have often been the liaison between these groups and the contracted consultant.

I welcome the opportunity to further discuss my qualifications in person.

Sincerely,

Ravyn Whitewolf, PE, PMP®

¹ See my article, Qualification-Based Selection: A recipe for a successful partnership, June 2017 APWA Reporter

OUR PRINCIPAL

Ravyn Whitewolf, PE, PMP, VMA

Ravyn brings the Port a wealth of local agency and project management experience. Most recently as public works director for the city of Blaine (9 years), she also had tenure with the City of Bellingham as Engineering Manager (11 years) and as a design engineer for Whatcom County Public Works (10 years). As a private consultant, she has been managing projects with a variety of clients including, most recently, the Blaine-Birch Bay Park and Recreation District 2 and Mason PUD1. The diversity of Ravyn's experience has resulted in skills above and beyond her technical background, including, but not limited to, communication, project management, facilitation, and conflict resolution.



PROJECT UNDERSTANDING

It is admirable that the Port of Kennwick is pursuing this audit after a precipitating event that stemmed from a citizen complaint. The Governance and Management Audit is an excellent way to evaluate the range of policies, practices and operating documents involved in accomplishing the Port's mission to "provide and support sound economic growth opportunities, which foster new business, industry and jobs, improve infrastructure and enhance the quality of life for the Port district citizens." It is not unusual for policies and practices to shift with time and change in personnel, opportunities and technology. We understand and appreciate the Commission's goal to evaluate these practices on a broader level than the initial complaint. Our approach will be entirely neutral; our staff has no real or perceived conflict of interest with this undertaking.

PUBLIC AGENCY EXPERIENCE

With 30 years of public agency experience, Ravyn has participated in similar processes upon which the Port is about to embark. At the city of Blaine, she was a key member of a strategic planning team that culminated in the award-winning Strategic Economic Initiative, a game plan for economic growth in Blaine. In addition, Ravyn participated in economic development, capital project programming and strategic planning processes throughout her career. She also routinely provided project and financial updates to Blaine and Bellingham city councils. Ravyn worked with the Port of Bellingham staff on a variety of projects throughout her career. She oversaw project teams that were part of the effort to redevelop Bellingham's waterfront and the downtown Arts District. As a part of these efforts, she worked closely with the Bellingham Arts Commission and the Public Facilities District Boards. In Blaine, Ravyn formed, trained, and facilitated a Public Works Advisory Committee consisting of two city council members and four community volunteers whose efforts helped to create a Transportation Benefit District to fund priority road projects over the next ten years for which she was also the spokesperson.

OMWBE

Ravyn is proud to be certified as a Disadvantaged Business Enterprise, Woman-owned Business through the Washington Minority and Woman's Business Enterprise (state and Federal).

RATES

The rate for these services is \$140 per hour. This includes professional and liability insurance, and all other overhead expenses. Out-of-pocket expenses (permit fees, copies, mileage etc.) will be invoiced at cost or per diem.

REFERENCES

LOCAL AGENCIES

Specific to Whitewolf Engineering Services:

Blaine-Birch Bay Park & Recreation District

Ted Morris | tmorris@bbbprd2.com | 360.319.7663

Mason County PUD

James Reyes | jamesr@mason-PUD1.org | 360.877.5249

Specific to Employment:

City of Blaine (In the capacity of Public Works Director)

Michael Jones | mjones@cityofblaine.com | 360.332.8311

City of Bellingham (In capacity of Engineering Manager)

Craig Mueller | camueller@cob.org | 360.778.7900

Freeman Anthony | fanthony@cob.org | 360.778.7922

Whatcom County (In capacity of Senior Design Engineer)

Laura Slye | laura.slye@clark.wa.gov | 360.397.6118

Bruce Mills | bruce.mills@ci.kennewick.wa.us | 509-585-4431

CONSULTANTS

BKI Engineering Services

Scott Lindsay | scottl@bki.cc | 360.610.4591

SAZAN Environmental

Steven Paget | spaget@sazan.com | 206.267.1700

WSP-USA

Jill Marilly | jill.m.marilley@wsp.com | 206.391.6927

When you select Whitewolf Engineering Services, you receive:

Port Experience

- Partnered with Port on redevelopment of Bellingham's waterfront. This involved planning efforts and projects.
- Coordinated efforts for managing projects in Blaine's marina and Bellingham's airport.
- Partnered with Port on operational efforts where jurisdictional boundaries abutted each other to save cost.

Project Management

- Project Management Plans
- Consultant Management
- Consultant Selection: Including Developing Selection Criteria, Interview Questions and Format
- Negotiation and Management of Contracts
- Formation of Public/Private Partnerships

Governance

- Management of Agency Staff and Private Consultants
- Strategic Planning
- Collaboration with Attorneys, Boards and Management
- Open Public Records Act (RCW 42.56) Requirements
- Open Public Meetings Act (RCW 42.30) Requirements

Communications

- Communication Planning
- Stakeholder Engagement
- Public Speaking to a Variety of Audiences



RAVYN WHITEWOLF, P.E., PMP, VMA

Owner/Principal

Whitewolf Engineering Services



With 30 years' experience in the public sector, most recently as Public Works Director for the city of Blaine, Ravyn brings a wealth of experience to the project team. She has a host of qualifications that translate well into her role as a private consultant. Whether it is forming public-private partnerships, managing project teams, or finding consensus on difficult topics, Ravyn's ability to effectively communicate information and technical concepts make her a natural project manager, leading to solutions that are functional and adaptive to clients' needs. She has an innate ability to identify, classify and organize key goals to accomplish a solution that benefits all parties. Moreover, Ravyn's "out of the box thinking" stimulates creative ideas from the rest of the team, often achieving unexpected results.

EDUCATION

Masters- Project Management, SFIA

QUALIFICATIONS

Licensed Professional Engineer - Civil

- State of Washington
- State of Oregon
- State of Idaho

Value Methodology
Associate
(SAVE International)

Project Management
Professional (PMP®)
Project Management Institute

Certified WBE/DBE



VOLUNTEER WORK

- APWA Engineering & Technology Committee (Chair, Certification)
- Engineers Without Borders - Axim, Ghana (Project Leader)
- Association of WA Cities Education Committee (PW Director)
- WA State Design Standards Committee
- WSDOT Rail – Station Stop Policy Committee (State Rail Plan)
- Watershed Masters, WSU

TENURE

31 Years' Experience

DIVERSE PROJECT EXPERIENCE*

Wastewater

City of Blaine – E. Blaine Utility Extension (Project Manager, Grant)
City of Bellingham – Oak Street Pump Station (Project Manager)

Water

WES – Mason PUD1 – Lake Arrowhead Main Replacement (PM)

Transportation

Whatcom County – Airport Drive Improvements (Designer, PM, ROW)
City of Bellingham - Northwest Drive Roundabouts (Project Manager)
City of Blaine – Hughes Avenue (QAQC, Federal Aid Compliance)

Facilities

City of Bellingham – Depot Market Square (Project Manager)
City of Blaine – ESCO Citywide (PM, Grant Admin, Interlocal)

Value Engineering

WES – Schools, Street and Utility projects (Civil, Facilitator)

*For more projects and information go to:

<https://www.whitewolfengineeringservices.com/projects.html>

PUBLICATIONS AND PRESENTATIONS

"Qualification-Based Selection: A recipe for a successful partnership"
June 2017 APWA Reporter

"Change Order Management" APWA Certification Committee 2016

"Mentoring" AWWA Women in Leadership Series February 2018

MULTI-DISCIPLINARY SKILLS AND ABILITIES

- PROJECT MANAGEMENT
- PERMITTING: LOCAL, STATE, FEDERAL
- TECHNICAL WRITING, GRANT WRITING
- FACILITATION, COMMUNITY ENGAGEMENT
- DESIGN/CONSTRUCTION MANAGEMENT
- VALUE METHODOLOGY
- COST ESTIMATING
- CONFLICT RESOLUTION

www.whitewolfengineeringservices.com

whitewolfengineeringservices@gmail.com

(360)592-3445



AGENDA REPORT

TO: Port Commission

FROM: Larry Peterson, Director of Planning & Development

MEETING DATE: December 14, 2021

AGENDA ITEM: Resolution 2021-27; Accepting Vista Field Phase #1A Project

I. REFERENCE(S):
Resolution #2021-27

II. FISCAL IMPACT:
\$5,663,069.83, plus applicable tax

III. DISCUSSION:
On March 12, 2019, the Port of Kennewick Commission approved Resolution 2019-06, entering into a contract with Total Site Services, LLC for the Vista Field Phase #1A roadway, utility, landscaping and water feature improvements. Total Site Services, LLC has completed the construction of the water, sanitary sewer, storm drainage, dry utilities, sidewalks, illumination, landscaping and an 850 linear foot water feature.

It is appropriate for the Port to accept the construction as complete so that we may issue a public notice and start the clock on potential lien filings by subcontractors and ultimately move toward final payment and release of the retainage security.

IV. ACTION REQUESTED OF COMMISSION:
***Motion:** I move approval of Resolution 2021-27 accepting Vista Field Phase #1A project as complete by Total Site Services, LLC and that all action by port officers and employees in furtherance hereof is ratified and approved; and authorize the Port Chief Executive Officer to take all action and finalize the financial terms of the contract.*

PORT OF KENNEWICK

RESOLUTION No. 2021-27

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK ACCEPTING THE
VISTA FIELD PHASE #1A PROJECT***

WHEREAS, Total Site Services, LLC provided notification that the improvements at Vista Field under the Vista Field Phase #1A Project to have been completed in accordance with the plans and specifications; and

WHEREAS, Sam Nielson P.E., Parametrix and Gary Hall P.E, Hall Engineering & Associates, the Port of Kennewick staff, and the City of Kennewick have inspected the work and certified that it has been completed in accordance with the plans and specifications.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Port of Kennewick hereby accepts the work of Total Site Services, LLC as being completed in accordance with the contract documents.

BE IT FURTHER RESOLVED that all action by port officers and employees in furtherance hereof is ratified and approved; and further that the port Chief Executive Officer is authorized proceed with the necessary requirements to finalize the project account.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 14th day of December, 2021.

***PORT of KENNEWICK
BOARD of COMMISSIONERS***

By: _____

DON BARNES, President

By: _____

SKIP NOVAKOVICH, Vice President

By: _____

THOMAS MOAK, Secretary



AGENDA REPORT

TO: Port Commission

FROM: Amber Hanchette, Director Real Estate & Operations

MEETING DATE: ORIGINAL 03/23/2021, UPDATED 12/14/2021

AGENDA ITEM: Real Estate Policy Update – Commission Structure

UPDATED 12/14/2021: A resolution is being presented to commission for consideration on Commission Structure update based on discussions from 3/23/2021 meeting.

BACKGROUND:

At the Port of Kennewick, purchase and/or sale real estate transactions are guided by the port's real estate policy established through Commission Resolution 2015-29 (see excerpt on page 2). As the port's vision shifts from fewer industrial intensive projects to more waterfront and infill redevelopment, the timing may be appropriate for a handful of minor adjustments to the real estate sales commission structure, offer process and art policy language.

DISCUSSION:

In taking a four-step approach, the discussions could be held over multiple commission meetings to allow adequate time for Commission conversation:

Today

1) Section 2: Commission Structure for Licensed Brokers

The current real estate commission structure is divided into bare land versus improved property then divided again by three different pricing levels.

A single rate real estate commission paid to a licensed real estate broker upon the sale of a port parcel would be more in line with generally accepted private sector practices. (Exhibit B-Redline version of real estate policy)

Future Commission Meetings

- 2) Section 1.8 - 1.10: Offer Submission Process – Potential update to reflect current conditions.
- 3) Art Policy - Potential update to art policy language. Discuss relationship between art policy and land sale.
- 4) Final Review - Incorporation of all commission comments for final review and resolution.

ACTION REQUESTED OF COMMISSION:

Commission discussion regarding streamlining the real estate commission structure.

Excerpt from Resolution 2015-29, Real or Personal Property Purchases and Sales, Part 2.0 follows:

2. COMMISSION STRUCTURE FOR LICENSED BROKERS.

Commissions will only be paid to licensed real estate brokers. The broker must submit a signed bona fide offer plus a signed appointment from the potential purchaser authorizing the broker to negotiate for the potential purchaser in order to claim the commission. The broker authorization must include the name of the proposed purchaser and the date of their first contact with said purchaser. Unless the provision is strictly complied with, the Port will not pay any claimed commission.

- 2.1.1. After final approval of the sale by the Port Commission and after receipt of all funds due at closing, the Port of Kennewick will pay to the licensed real estate broker negotiating any such sale a commission of four (4) percent based on the following schedule:

~~A. SALES OF UNIMPROVED REAL PROPERTY (Bare Land)~~

- ~~1. On the first \$500,000 of any sale ————— Seven (7) percent~~
- ~~2. On the next \$500,000 of any sale ————— Five (5) percent~~
- ~~3. On any amount over \$1,000,000 ————— Three (3) percent~~

~~B. SALES OF IMPROVED REAL PROPERTY (With Structure)~~

- ~~1. On the first \$500,000 of any sale ————— Five (5) percent~~
- ~~2. On the next \$500,000 of any sale ————— Five (5) percent~~
- ~~3. On any amount over \$1,000,000 ————— Three (3) percent~~

MOTION: I move approval of Resolution 2021-28 approving the modifications to the CEO Delegation of Authority, Part 2.0, Real Property Purchases and Sales, Commission Structure of Licensed Brokers, Section 2.1.1; and ratify and approve all action by port officers and employees in furtherance hereof; and authorize the port Chief Executive Officer to take all action necessary in furtherance hereof.

PORT OF KENNEWICK

Resolution No. 2021-28

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK
APPROVING A REVISION TO THE COMMISSION STRUCTURE
FOR LICENSED BROKERS***

WHEREAS, port policy, Real or Personal Property Purchase and Sales, Part 2.0, section 2.0 Commission Structure for Licensed Brokers adopted through resolution 2015-29 created a tiered commission structure for licensed real estate brokers; and

WHEREAS, elimination of a tiered commission structure and adoption of a fixed rate commission structure would simplify the licensed real estate broker fee structure; and

WHEREAS, the port commission discussed the subject at its March 23, 2021 commission meeting; and

WHEREAS, after final approval of the sale by the Port Commission and after receipt of all funds due at closing, the Port of Kennewick will pay to the licensed real estate broker negotiating any such sale a commission of four (4) percent of the sale price on the sale of real property.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby approves and adopts updated language to Real or Personal Property Purchase and Sales, Section 2.1.1. Commission Structure for Licensed Brokers as attached in Exhibit A.

BE IT FURTHER RESOLVED that the Port of Kennewick Board of Commissioners hereby ratify and approve all action by port officers and employees in furtherance hereof; and authorize the port Chief Executive Officer to take all action necessary in furtherance hereof.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 14th day of December, 2021.

***PORT of KENNEWICK
BOARD of COMMISSIONERS***

By: _____

DON BARNES, *President*

By: _____

SKIP NOVAKOVICH, *Vice President*

By: _____

THOMAS MOAK, *Secretary*

2. COMMISSION STRUCTURE FOR LICENSED BROKERS.

Commissions will only be paid to licensed real estate brokers. The broker must submit a signed bona fide offer plus a signed appointment from the potential purchaser authorizing the broker to negotiate for the potential purchaser in order to be eligible to claim the commission. The broker authorization must include the name of the proposed purchaser and the date of their first contact with said purchaser. Unless the provision is strictly complied with, the Port will not pay any claimed commission.

- 2.1.1. After final approval of the sale by the Port Commission and after receipt of all funds due at closing, the Port of Kennewick will pay to the licensed real estate broker negotiating any such sale a commission of four (4) percent of the sale price on the sale of real property.



AGENDA REPORT

TO: Port Commission

FROM: Lucinda J. Luke, Port Counsel

MEETING DATE: December 14, 2021

AGENDA ITEM: *Resolution 2021-29, Commissioner Compensation Statute*

- I. REFERENCE(S):** Resolution 2021-29; attached.
- II. FISCAL IMPACT:** Maintains Status Quo of Commissioner Compensation
- III. DISCUSSION:**

An August 2021 article (updated in September) written by WPPA Counsel, Frank Chmelik, and contributed to by several lawyers within his firm, James Thompson, and Victoria Lincoln at the WPPA and Lisa Lowe, the general counsel for the Port of Vancouver, raised concerns over a 2020 amendment to RCW 53.12.260. RCW 53.12.260 sets port commissioner per diem and monthly salary. Per WPPA counsel, the amendment raises possible need for action before year end 2021.

RCW 53.12.260 sets port commissioner per diem and monthly compensation. Section 1 sets the per diem compensation. Section 2 sets a monthly compensation. Section 3 allows the port commission to override the amounts in sections 1 and 2 and set a different number. Finally, since 2007, section 4 provides for an inflationary adjustment every five years as determined by the Office of Financial Management (the "OFM").

In 2007, the Legislature amended RCW 53.12.260 in *Engrossed Substitute House Bill 1368* (Chapter 469, Laws of 2007) to (i) increase the per diem compensation in section 1 from \$75 to \$90 per day and (ii) to index all the compensation numbers (both per diem and monthly compensation) to inflation with an adjustment every five years with a base date of July 1, 2008. The statute as amended in 2007 provided: *The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008.*

This resulted in an increase in the compensation numbers on July 1, 2008, July 1, 2013, and again on July 1, 2018, to the amounts paid today (\$128 per diem and \$285 per month for ports with gross operating revenue between \$1 million and \$25 million or \$713 for ports with gross operating revenue of \$25 million or more). The next increase was scheduled for July 1, 2023.

The 2020 Legislature passed *House Bill 2449* (Chapter 83, Laws of 2020) by unanimous vote. The bill was originally entitled *An Act Relating to Water-Sewer District Commissioner Compensation*. It seems

the intent was only to change the date for the next inflationary adjustment of water-sewer district commissioners from July 1, 2023, to January 1, 2024, to sync up with municipal government calendar year budget (instead of the State budget calendar which runs from July 1st). Along the way the bill was amended to add in twelve special purpose municipal governments, including port districts. The 2020 amendment made a simple change to RCW 53.12.260 as follows (deletions are redlined and additions are underlines).

The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~July 1, 2008~~ January 1, 2024.

Unfortunately, the adjustment date was changed but the original \$90 per diem and the \$200/\$700 monthly payments set in the 2007 version of RCW 53.12.260 were not updated. The “plain reading” is now \$90 per diem and the \$200 or \$500 monthly payments adjusted for inflation on January 1, 2024. It seems the Legislature, in effect and most certainly accidentally, rolled back the numbers to 2007 levels wiping away the inflation adjustments implemented in 2008, 2013 and 2018. The best thought about how this happened is that it was a legislative drafting oversight.

The Potential Problem. It seems that the “plain meaning” of RCW 53.12.260 now says the per diem compensation is \$90 per day, the monthly compensation is \$200 or \$500, and these numbers will be adjusted on January 1, 2024. As amended in 2020, RCW 53.12.260 seems to rollback commissioner compensation (again unintentionally) for commissioner terms (elected or re-elected) that will start on January 1, 2022. Note that *Article II, section 25 of the Washington Constitution prohibits raising or lowering an elected official's salary during a term of office so this issue will not affect current commissioner compensation but only take effect when a commissioner is elected or re-elected.*

Pursuant to RCW 53.12.260(3), the port commission set compensation for commissioners in lieu of the amounts specified in the statute. However, out of an abundance of caution to avoid the potential that commissioner compensation revert per the statutory amendment referenced above, counsel makes the recommendation set forth below.

WPPA counsel reached out to the assistant director of legal and legislative affairs at the Office of Financial Management (the “OFM”). The assistant director was very responsive and noted that the purpose of the 2020 amendment was to merely change the date from July 1st to January 1st. Beyond that, OFM could not provide an opinion other than it thinks the correct number will remain at the inflation adjusted amounts. Victoria Lincoln at the WPPA reached out to the State Auditor’s Office (the “SAO”) port district liaison. After her inquiry, the liaison consulted with the SAO legal counsel. The liaison indicated that after looking at the issue the SAO would not make this an audit issue. In essence, the SAO is saying “we all know what the Legislature intended.”

Courts generally apply the “plain meaning” rule for a statute and only resort to the Legislative history to resolve an ambiguity. Sometimes our Supreme Court deviates from the “plain meaning” rule to reach a desired conclusion. One might hope it would do so here but that would require a lawsuit involving a port district which is not good even if the port prevails. Perhaps the Attorney General will weigh in and issue an opinion which, while not legally binding, would go a long way to solving the problem. The SAO, the OFM or a state legislator would need to seek that opinion.

IV. COUNSEL RECOMMENDATION:

Consider Resolution 2021-29, maintaining the status quo for Port of Kennewick commissioner compensation.

V. ACTION REQUESTED OF COMMISSION:

Motion: I move approval of Resolution 2021-29, to maintain the status quo as follows:

1. Pursuant to RCW 53.12.260(3) the 2021 Port of Kennewick commissioner compensation of \$2,569.28 per month, adjusted 4% annually for inflation, shall be maintained for all current commissioners and shall apply to all Port of Kennewick commissioners hereinafter elected or appointed.
2. The RCW 53.12.260(4) inflationary adjustment that will occur on January 1, 2024, and each five years thereafter will be applied to all Port of Kennewick commissioner compensation.

Further, all action by port officers and employees in furtherance hereof is ratified and approved; and the port Chief Executive Officer is authorized to take all action necessary in furtherance hereof.

PORT OF KENNEWICK

Resolution No. 2021-29

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK ADDRESSING THE APPARENT LEGISLATIVE DRAFTING ERROR IN THE 2020 AMENDMENT TO RCW 53.12.260 BY MAINTAINING THE STATUS QUO FOR COMMISSIONER COMPENSATION FOR CURRENT AND FUTURE COMMISSIONERS.

WHEREAS, enacted in 1975, RCW 53.12.260 provides for port commissioner compensation. Today this compensation consists of (a) \$128 per diem per day compensation for each day or portion or thereof spent in actual attendance at official meetings of the port district commission, or in performance of other official services or duties on behalf of the district (b) since the 1992 amendment to RCW 53.12.260, monthly compensation of either \$200 or \$500 per month depending on the gross operating income of the port district in the preceding calendar year.

WHEREAS, in 2007 the Legislature amended RCW 53.12.260 increasing the per diem portion of commissioner compensation from \$75 to \$90 and providing for an inflationary adjustment to both per diem and monthly compensation every five years beginning July 1, 2008, as determined by the Washington State Office of Financial Management (the "OFM"). Adjustments on July 1, 2008, July 1, 2013, and July 1, 2018, resulted in current commissioner per diem of \$128 per month and the current monthly compensation of either \$278 or \$711 depending on the gross operating income of the port district in the preceding calendar year. The next adjustment was scheduled for July 1, 2023.

WHEREAS, in 2020 the Legislature sought, in House Bill 2449 (Chapter 83, Laws of 2020) to move the adjustment date for twelve special purpose governments, including port districts, from July 1st to January 1st to align with these twelve special purpose governments fiscal calendar year. The bill passed both the House and the Senate unanimously. The Legislature's *Final Bill Report* notes what the per diem compensation for these special purpose governments had risen to with adjustments to the current numbers and noted that the purpose of HB 2449 was merely to move the date. In the "summary" section the Final Bill Report notes that:

The calendar date on which the compensation limit for commissioners, board members, supervisors, and directors of special purpose districts must be adjusted for inflation every five years is changed from July 1 to January 1. The date of the next scheduled adjustment is delayed from July 1, 2023, to January 1, 2024.

WHEREAS, the HB 2449 change to RCW 53.12.260 was accomplished by making a simple change to the statute as follows (deletion in strikethrough and addition in underline):

The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~July 1, 2008~~ January 1, 2024

Unfortunately, the adjustment date was changed but the reference to \$90 per diem and the \$200/\$700 monthly payments set in the 2007 version of RCW 53.12.260 were not updated. The “plain reading” of the RCW 53.12.260 is now \$90 per diem and the \$200 or \$500 monthly payments adjusted for inflation on January 1, 2024. It is clear the effect of “rolling back” commissioner compensation to 2007 levels was unintended and a clear legislative drafting error.

WHEREAS, Article XI, Section 8 of the Washington State Constitution prohibits and increase or decrease in commissioner compensation during a term of office. Therefore, the 2020 amendment to RCW 53.12.260 would only apply as commissioners are elected or re-elected with the first application occurring for commissioners taking office on January 1, 2022.

WHEREAS, the Washington Public Ports Association has contacted the OFM and the Washington State Auditor’s Office (the “SAO”) about this issue. While acknowledging the issue, the OFM and SAO indicated that the current compensation should be left in place because the legislative intent was merely to change the date from July 1st to January 1st. The SAO has indicated that it will not be an audit issue. However, these views, while helpful, are not legally binding.

WHEREAS, subsection 3 of RCW 53.12.260 allows a port commission to set compensation for commissioners in lieu of the amounts specified in the statute (both per diem and monthly).

WHEREAS, the Port of Kennewick has set compensation for its commissioners in lieu of the amounts specified in the statute.

WHEREAS, it is in the best interest of the Port to maintain current levels of commissioner compensation and ensure that commissioners newly elected or re-elected in 2021 are provided the same compensation as the other commissioners when the newly elected or re-elected commissioners take office on January 1, 2022.

WHEREAS, until this unintended drafting error is (a) corrected by the Legislature, (b) a definitive legal interpretation from the Washington Attorney General’s Office is issued, or (c) Washington courts issue a binding decision it is in the best interest of the Port to adopt a resolution pursuant to RCW 53.12.260(3) to maintain the *status quo* for commissioner compensation subject to the January 1, 2024 change per RCW 53.12.260.

NOW THEREFORE, based upon the foregoing it is resolved by the Port of Kennewick, by and through its Commission, to maintain the *status quo* as follows:

1. Pursuant to RCW 53.12.260(3) the 2021 Port of Kennewick commissioner compensation of \$2,569.28 per month, adjusted 4% annually for inflation, shall be maintained for all current commissioners and shall apply to all Port of Kennewick commissioners hereinafter elected or appointed.
2. The RCW 53.12.260(4) inflationary adjustment that will occur on January 1, 2024, and each five years thereafter will be applied to all Port of Kennewick commissioner compensation.
3. The Port of Kennewick legal counsel and the chief executive officer will inform the Commission if and when the drafting issue in RCW 53.12.260 (a) has been the subject of Legislature action, (b) a definitive legal interpretation from the Washington Attorney General’s Office is issued, or (c) Washington courts issue a binding decision so that the Port Commission may consider an appropriate resolution.

BE IT FURTHER RESOLVED that the Port of Kennewick Board of Commissioners hereby ratify and approve all action by port officers and employees in furtherance hereof; and authorize the port Chief Executive Officer to take all action necessary in furtherance hereof.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 14th day of December, 2021.

***PORT of KENNEWICK BOARD of
COMMISSIONERS***

By:_____

DON BARNES, *President*

By:_____

SKIPNOVAKOVICH, *Vice President*

By:_____

THOMAS MOAK, *Secretary*