

Port of Kennewick Commission Chambers will be open to the public during Commission Meetings.

However, the Port will continue to use GoToMeeting to provide remote access,
and Commissioners and the Port team will attend remotely.

To participate and make public comments remotely, please call in at: 1-877-309-2073, Access Code: 357-677-157

Or, join on-line at the following link: <https://meet.goto.com/357677157>

AGENDA

Port of Kennewick

Regular Commission Business Meeting

Port of Kennewick Commission Chambers (or via GoToMeeting)

350 Clover Island Drive, Suite 200, Kennewick Washington

November 8, 2022

2:00 p.m.

I. CALL TO ORDER

II. ANNOUNCEMENTS AND ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF AGENDA

V. PUBLIC COMMENT *(Please state your name for the public record)*

VI. CONSENT AGENDA

- A. Approval of Direct Deposit and ePayments Dated November 2, 2022
- B. Approval of Warrant Register Dated November 8, 2022
- C. Approval of Regular Commission Meeting Minutes October 25, 2022
- D. Approval to Surplus Property; Resolution 2022-31
- E. Approval to Amend Port Commission Rules of Policy and Procedure; Resolution 2022-35
- F. Approval of CEO's Goals & Objectives; Resolution 2022-36

VII. PUBLIC HEARINGS

- A. 2023-2024 Budget Adoption; Resolution 2022-32 (NICK)
- B. Levy Certification; Resolution 2022-33 (NICK)
- C. Increase in Tax Capacity; Resolution 2022-34 (NICK)

VIII. NEW BUSINESS

- A. Bid Award: Columbia Gardens Public Restroom (Double J Excavation); Resolution 2022-37 (AMBER)

IX. REPORTS, COMMENTS AND DISCUSSION ITEMS

- A. DPZ Update (LARRY/TIM)
- B. Greenbriar Surety Bond Options, Taodd Hume (AMBER)
- C. State Auditor's Office 2020 Financial Review (NICK)
- D. November 22, 2022 and December 27, 2022 Commission Meetings (BRIDGETTE)
- E. Chief Executive Officer Annual Performance Review (NICK)
- F. Continuation of Local Emergency Declaration of Authority; Resolution 2022-38 (TIM)
- G. Commission meetings (formal and informal meetings with groups or individuals)
- H. Non-Scheduled Items
(LISA/BRIDGETTE/TANA/NICK/LARRY/AMBER/TIM/KEN/TOM/SKIP)

X. PUBLIC COMMENT *(Please state your name for the public record)*

XI. ADJOURNMENT

PLEASE SILENCE ALL NOISE MAKING DEVICES



PORT OF KENNEWICK REGULAR COMMISSION MEETING

DRAFT

OCTOBER 25, 2022 MINUTES

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 Skip Novakovich 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: Skip Novakovich, President (via telephone)
Kenneth Hohenberg, Vice President (via telephone)
Thomas Moak, Secretary (via telephone)

Staff Members: Tim Arntzen, 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 (via telephone)
Lisa Schumacher, Special Projects Coordinator
Bridgette Scott, Executive Assistant (via telephone)
Carolyn Lake, Port Counsel (via telephone)

PLEDGE OF ALLEGIANCE

Ms. Scott led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT

No comments were made.

CONSENT AGENDA

- A. Approval of Direct Deposit and E-Payments Dated October 18, 2022**
Direct Deposit and E-Payments totaling \$71,641.46
- B. Approval of Warrant Register Dated October 25, 2022**
Expense Fund Voucher Number 104214 through 104256 for a grand total of \$101,138.67
- C. Approval of Regular Commission Meeting Minutes October 11, 2022**
- D. Palencia Wine Co. Lease Renewal; Resolution 2022-30**

PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 25, 2022 MINUTES

DRAFT

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

PRESENTATION

A. 2023-2024 Draft Budget Workshop

Mr. Kooiker presented the 2023-2024 Draft Budget (Exhibit A).

Commission and staff discussion ensued regarding the draft 2023-2024 Budget.

REPORTS, COMMENTS AND DISCUSSION ITEMS

A. Vista Field Update

Ms. Hanchette reported that she participated in a financial roundtable with Community First Bank, organized by Amanda Jones. Ms. Hanchette shared the Port's standard Purchase and Sale Agreement, which has certain stipulations such as the buyback clause. Vista Field is unique in that financing a live/work unit is not very common and there may be additional steps for a potential buyer. Ms. Hanchette has several tours set up and will now be able to outline the basic financial terms.

B. Tamastlikt Cultural Institute Trust Board

Ms. Scott reported that Commissioner Novakovich has been elected to serve as the new president for the Tamastlikt Cultural Institute Trust Board. Staff congratulated Commissioner Novakovich and thanked him for his efforts in continuing to build our relationship with the Confederated Tribes of the Umatilla Indian Reservation.

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

Commissioners reported on their respective committee meetings.

D. Non-Scheduled Items

Mr. Arntzen stated Ms. Hanchette has been very busy at Vista Field and commended her for her community outreach. Mr. Arntzen would like to memorialize her tasks into a working document to provide for community reference.

Mr. Arntzen commented on the economy and inflation and stated these factors will have implications for staff salaries and Vista Field. With a potential recession, consumers have been looking for ways to reduce their costs by eliminating purchasing big-ticket items and moving away from discretionary spending. The housing market has struggled due to high interest rates and builders have reduced their activity. Lastly, inflation is near 8% and social security is offering a cost-of-living adjustment of 8.7%. Mr. Arntzen reported that inflation on some items are greater than the overall rate: food costs are up over 13%, gas is up 18%, electricity is up 16%, and natural gas is up 33%. These implications will affect staff salaries, and we do our best to keep salaries commensurate with cost of living. Additionally, there may be implications related to the speed at which Vista Field is developed.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

OCTOBER 25, 2022 MINUTES

DRAFT

Commissioner Hohenberg appreciates Mr. Arntzen bringing this up because it isn't just about wages and benefits, but being competitive, fair and taking care of our employees, who are our most important resource. Commissioner Hohenberg appreciates the heads up and stated it is challenging when dealing with public funds; however, at the end of the day, these are the tough decisions and the right thing to do to take care of people. Commissioner Hohenberg appreciates Mr. Arntzen's comments and believes it is important to keep our employees as whole as possible.

Commissioner Novakovich agrees with Commissioner Hohenberg and stated these factors are tough to swallow but need to happen. Commissioner Novakovich stated Mr. Arntzen has assembled a wonderful staff that have been through a lot the past few years and stayed; and he would like them to stay and work together as a team and move forward and do great things at Vista Field, Columbia Gardens and our community. Commissioner Novakovich thanked Mr. Arntzen for his forward thinking and asked Mr. Arntzen to let the Commission know if there is anything they can do to support his efforts.

Commissioner Novakovich relayed that Ron Swanby of Swampy's BBQ received their building permit and he appreciates Ms. Hanchette and the team's efforts.

PUBLIC COMMENTS

No comments were made.

COMMISSION COMMENTS

No comments were made.

ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned 2:58 p.m.

APPROVED:

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

Skip Novakovich, President

Kenneth Hohenberg, Vice President

Thomas Moak, Secretary

PORT OF KENNEWICK

RESOLUTION No. 2022-30

***A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK TO
APPROVE A FIVE-YEAR LEASE RENEWAL FOR
PALENCIA WINE CO.***

WHEREAS, the Port of Kennewick entered into five-year lease with Palencia Wine Co. November 1, 2017 to lease building space in the Columbia Gardens Wine and Artisan Village at 421 E. Columbia Drive Buildings A110 and A140, Kennewick and an addendum dated March 1, 2020 to add bullpen space in the Oak Street Industrial Park and an addendum dated January 1, 2021 for utility and food truck arrangement; and

WHEREAS, the tenant desires to exercise their option to renew for another five years and has agreed to a 3% annual rent escalation; and

WHEREAS, the tenant has requested an additional five-year lease option at the expiration of this term.

NOW, THEREFORE, BE IT RESOLVED that the Port of Kennewick Board of Commissioners hereby approves a five-year lease renewal with an additional five-year option for Palencia Wine Co.


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 25th day of October 2022.

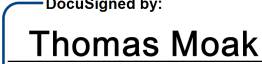
***PORT of KENNEWICK
BOARD of COMMISSIONERS***

By: 
0E53A30E1C8E442...

SKIP NOVAKOVICH, President

By: 
89F77EAC8921416...

KENNETH HOHENBERG, Vice President

By: 
A35176A2D2CD413...

THOMAS MOAK, Secretary

THIRD AMENDMENT OF COMMERCIAL PROPERTY LEASE AGREEMENT

This THIRD AMENDMENT OF COMMERCIAL PROPERTY LEASE AGREEMENT (this “Third Amendment”) is entered into this _____ day of October, 2022 (the “Effective Date”) by and between the PORT OF KENNEWICK, a Washington municipal corporation (as “Landlord”) and PALENCIA WINE COMPANY LLC., a Washington corporation (as “Tenant”), who are hereinafter referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, the Parties previously entered into a Commercial Property Lease Agreement, dated November 1, 2017, and subsequently entered into an Amendment to Commercial Lease Agreement dated March 1, 2020, related to real property commonly known as 1328 E. 3rd Ave in Kennewick, Benton County, Washington (collectively, the “Agreement”); and

WHEREAS, the Parties entered into a second amendment dated January 1, 2021, related to real property commonly known as 421 E. Columbia Drive Suite A110 and one mobile vendor space including utilities in Kennewick, Benton County, Washington (collectively, the “Agreement”); and

WHEREAS, Tenant desires to exercise the Lease Option under Article 3 of the Agreement to extend the Term for another five (5) years (the “First Option Period”), and further requests the ability to enter into another five (5) year term at the end of this First Option Period; and

WHEREAS, the Parties desire to amend the Agreement by memorializing a rent increase for the First Option Period, and to authorizing an additional five (5) year option (the “Second Option Period”) to be potentially available to Tenant, based upon the terms and conditions of the Agreement and this Third Amendment, at the conclusion the First Option Period; and

NOW, THEREFORE, based on the foregoing Recitals, the Parties agree as follows:

AGREEMENT

1. Recitals. The Recitals set forth above are hereby incorporated into this Second Amendment by this reference.
2. Commercial Property Lease Agreement. The Agreement described in the Recitals above is incorporated by reference into this Second Amendment as though written in full and shall, except as otherwise specifically modified herein, remains in full force and effect.
3. Amendments. The Agreement is amended as follows.
 - 3.1 Basic Lease Provisions. The following sections of the Basic Lease Provisions are hereby deleted and replaced in their entirety as follows:
 - G. Lease Commencement Date: The First Lease Option period begins on November 1, 2022.

I. Lease Options: Tenant shall have one (1) additional five (5) year option to extend the lease beyond this First Option Period authorized by this Second Amendment.

K. Base Monthly Rent Calculation for Building A110 & A140:

Year 1: \$0.65 psf

Year 2: \$0.66 psf

Year 3: \$0.67 psf

Year 4: \$0.68 psf

Year 5: \$0.69 psf

OPTION EXERCISED

Year 6: \$0.71 psf

Year 7: \$0.73 psf

Year 8: \$0.75 psf

Year 9: \$0.77 psf

Year 10: \$0.79 psf

Base Monthly Rent Calculation for Bullpen Space:

January 2020 through End of Term: \$.05 psf/month

2,000 sq. ft.

\$100.00 per month

before LET

OPTION EXERCISED (not including LET)

Year 6: \$103.00 per month

Year 7: \$106.00 per month

Year 8: \$109.00 per month

Year 9: \$112.55 per month

Year 10: \$115.93 per month

N. Total Monthly Rent (including LET) Building A110 & A140:

Year 1:

November 2017 \$526.13

December 2017 \$526.13

January 2018 \$526.13

February 2018 \$526.13

March – Nov 2018 \$4,623.73

Year 2: \$4,694.87

Year 3: \$4,766.00

Year 4: \$4,837.13

Year 5: \$4,908.27

OPTION EXERCISED

Year 6: \$5,050.54
Year 7: \$5,192.81
Year 8: \$5,335.08
Year 9: \$5,477.34
Year 10: \$5,619.61

Total Monthly Rent (includes LET) Bullpen Space:

OPTION EXERCISED

Year 6: \$116.23
Year 7: \$119.61
Year 8: \$123.00
Year 9: \$127.00
Year 10: \$130.82

Total Monthly Rent (includes LET) for both buildings and bullpen.

The Parties acknowledge that the years below do not accurately reflect the time Tenant has spent in Building A, but for purposes of ease of reference, the years reflect Lease Option years.

OPTION EXERCISED

Year 6: \$5,166.76 per month
Year 7: \$5,312.42 per month
Year 8: \$5,458.07 per month
Year 9: \$5,604.35 per month
Year 10: \$5,750.43 per month

- P. Rent Due Date: Rent shall commence on March 1, 2018 and be due thereafter on the first day of each month. From November 1, 2017 through February 28, 2018, Tenant shall be responsible for payment of Utilities as set forth in Article 7, and Leasehold Tax, if any, as set forth in Paragraph M, above. This section shall also apply to any Lease Options exercised.

3.2 Term. Article 3 is hereby amended as follows:

The Term hereof shall commence on the Lease Commencement Date defined in the Basic Lease Provision and shall terminate on the Expiration Date defined in the Basic Lease Provisions, unless earlier terminated.

Tenant shall have one (1) additional five (5) year extension option at the end of the First Option Period. ~~Tenant shall have the option to renew this Lease for one (1) five (5) year extension term,~~ but only if Tenant gives landlord written notice thereof not less than ninety (90) days prior to the

Expiration Date of the First Option Period. If tenant timely exercises this option, then the Lease shall continue in effect on the same terms and conditions, provided, however that a new rental rate will be negotiated for the renewal period based on the then current market rental rates for comparable facilities and there shall be no further renewal options. Tenant's right to the renewal term shall be contingent upon Tenant not being in default hereunder at the time of notice of intent is given or at any time thereafter prior to the beginning of the renewal term.

4. Further Acts and Documents. The Parties shall execute any and all further documents, instruments, and other conveyances and agreements, and shall do all acts, which may be necessary or appropriate to fully implement the provisions of this Second Amendment.
5. Construction.
 - (a) In the event of any conflict, inconsistency or ambiguity between the terms of the Agreement and this Third Amendment; the terms of this Third Amendment shall govern and control.
 - (b) Any terms that are capitalized in this Third Amendment but not defined in this Third Amendment and that are capitalized and defined in the Agreement shall have the same meaning for purposes of this Third Amendment as they have for purposes of the Agreement.
 - (c) The descriptive headings in this Third Amendment are for convenience only and will not control or affect the meaning or construction of any provision of this Second Amendment.
6. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and shall constitute one and the same instrument.

[Remainder of page left intentionally blank. Signature and notary pages follow.]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date set forth above.

LANDLORD:

**PORT OF KENNEWICK, a Washington
Municipal corporation, by authority of its Commissioners**

By: _____
Tim Arntzen, Chief Executive Officer

Reviewed:

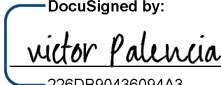
Approved as to Form:

Nick Kooiker, Chief Financial Officer

Taud Hume, Port Counsel

TENANT:

**Palencia Wine Company LLC,
a Washington corporation**

By:  _____
Victor Palencia, President

STATE OF WASHINGTON)

: ss.

County of _____)

WAIVED DUE TO COVID OFFICE CLOSURE

I hereby certify that I know or have satisfactory evidence that, on this ____ day of September, 2022, **Tim Arntzen** signed this instrument, on oath stated that (she/he) is authorized to execute the instrument as the **Chief Executive Officer** of the **PORT OF KENNEWICK**, and acknowledged it to be (her/his) free and voluntary act of such party for uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public in and for the State of

Washington, residing at _____

My commission expires: _____

STATE OF WASHINGTON)

: ss.

County of _____)

I hereby certify that I know or have satisfactory evidence that, on this ____ day of September, 2022, **Victor Palencia** signed this instrument, on oath stated that (she/he) is authorized to execute the instrument as the _____ of **PALENCIA WINE COMPANY LLC**, and acknowledged it to be (her/his) free and voluntary act of such party for uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public in and for the State of

Washington, residing at _____

My commission expires: _____

Port of Kennewick

2023/24 Budget

October 25, 2022

Managing Resources & Accountability

by Nick Kooiker, CFO/Auditor





GFOA

(Government Finance Officers Association)

Reporting Pyramid

Reporting Pyramid

Leadership

Summary

Middle
Management

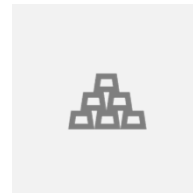
Division Reports

Day to Day
Operations

Detailed

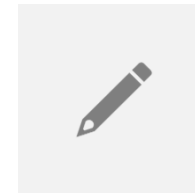


Economic Data



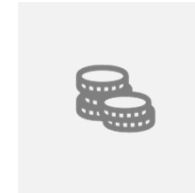
National

Level



State

Level



Local

Level

Unemployment: National ~ State ~ Local

3.7%

National
Unemployment Rate

10.2% in 2020

3.9%

State
Unemployment Rate

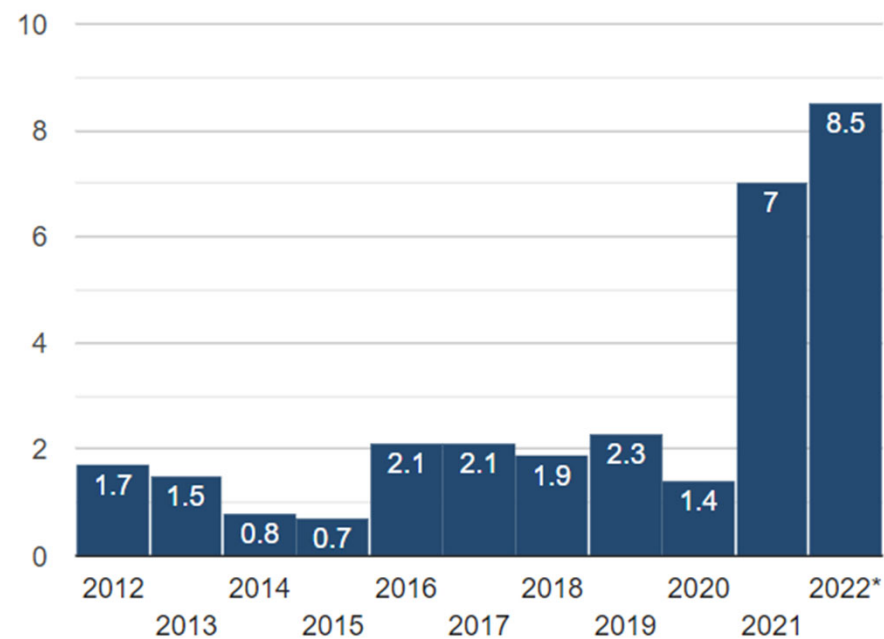
3.8%

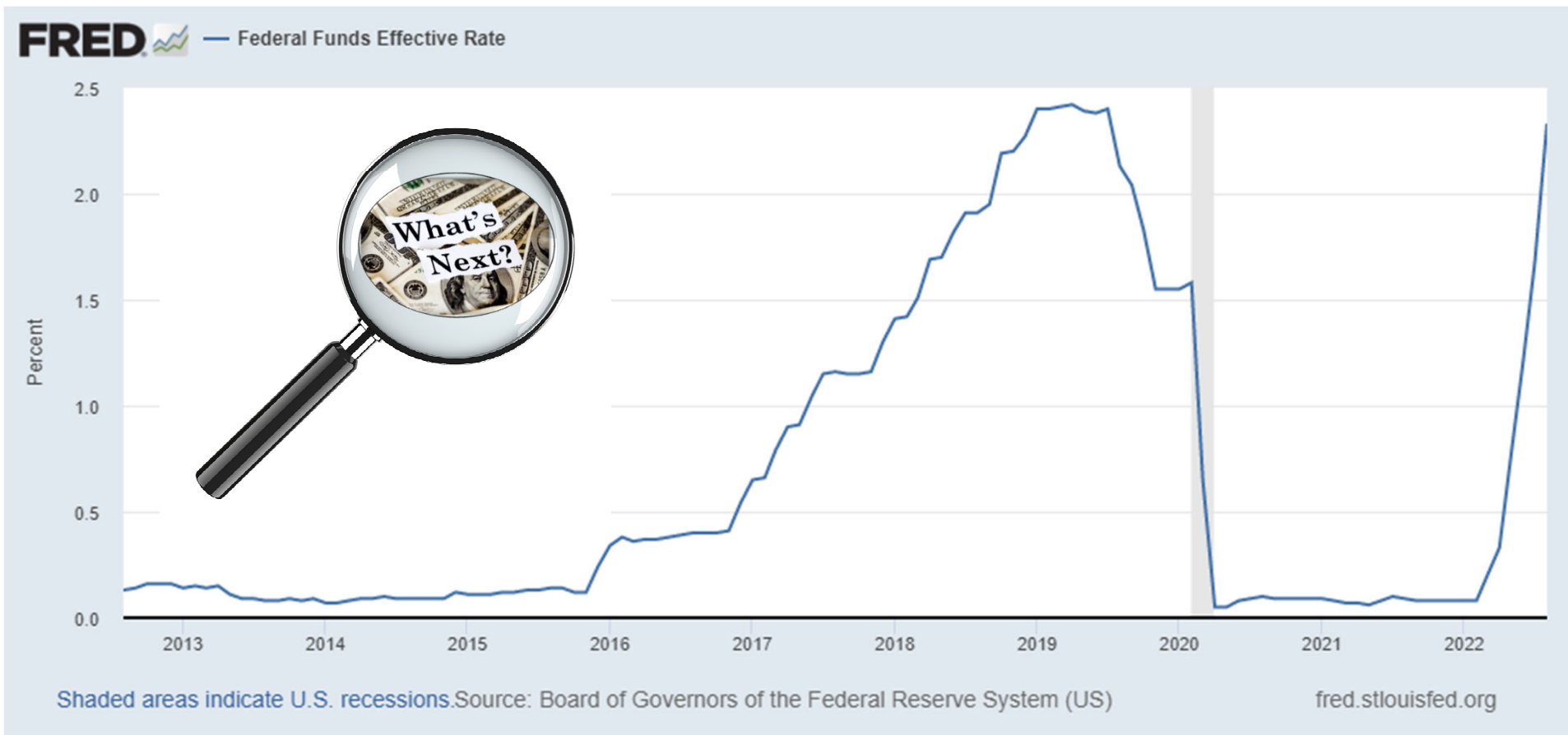
Benton County
Unemployment Rate

As of July 2022
(WA State Employment
Security Dept.)



Chart: United States Annual Inflation Rates (2012 to 2022)





- **Approximately \$12M in cash**
- **The Port owes just over \$4.1M on the Vista Field loan, and the interest rate increases in December 2023**
- **Operating revenues are approximately 16% higher than benchmark**
- **Operating expenses are approximately 9% under benchmark**
- **The Port's net position is just over \$67M**
- **The 2022 levy rate is \$.26/thousand, compared to \$.44 in 2001.**



Port's Current Financial Position

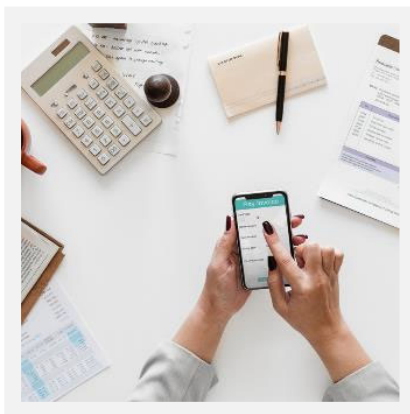
- Reducing costs and enhancing revenues when feasible while maintaining acceptable service levels.
- Promoting fiscal responsibility among departments.
- Acknowledging the Port's limited staff and financial resources.
- Provide the public with high quality projects and services within a healthy work environment by encouraging efficiency...
- \$2.5M reserve fund



Budget Philosophy

Resolution 2018-27

Budget Assumptions



Fund Balance

Forecasting fund balance on 12/31/22 to be approximately \$10.2M



Inflation

This budget is conservative, allowing for increased expenses



RCCF

Capital Budget relies heavily on RCCF funding

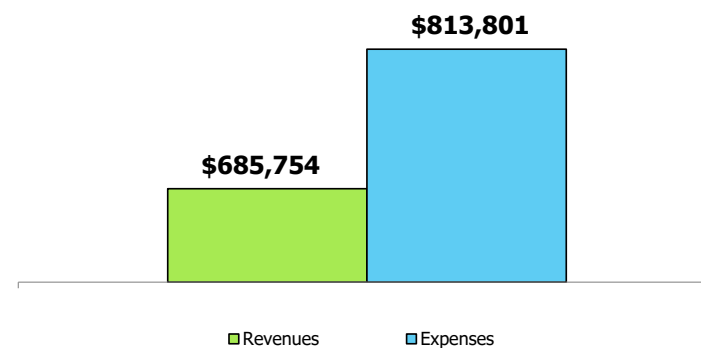


Maintaining Port Investments

Budget reflects funding to maintain current service levels



Responsible for operations and management of marina, haul outs and boat storage.



- The marina is nearly 100% occupied, so recommending a minimum 2% per year increase in rates.
- Expenses include estimated staffing costs, increase in marina liability insurance, extra security patrol, and milfoil cost.
- Most expenses are indexed to a 5% inflation factor, an actual contract amount, or estimated by department manager.

Marine Division

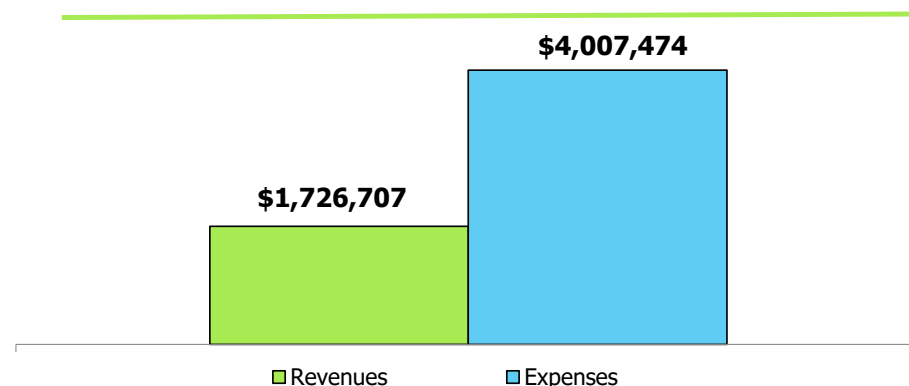
Revenue & Expenses



Property Management Division

Revenue & Expenses

Responsible for management, operations, and maintenance of various Port assets (mainly Port buildings).



- Revenues are based upon leases in place through 2024, and leases that are “highly likely” to renew.
- VFDF-A is mostly vacant due a material lease ending. This was a \$143k/year lease (approximately 14% of lease revenues). This revenue is not in the budget.
- Expenses include estimated staffing costs, increase in utility expenses, extra Vista Field grounds maintenance assistance, a town planner, asphalt and storm drainage maintenance, extra food truck plaza assistance, plus extra security patrol.
- Most expenses are indexed to a 5% inflation factor, an actual contract amount, or estimated by department manager.

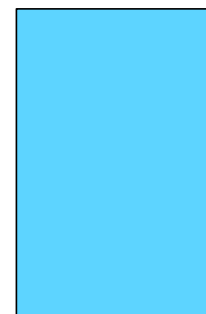


Corporate Division

Revenue & Expenses

Other divisions are supported by the corporate division. Which includes, among many other things: Board of Commissioners, Legal, Accounting & Finance, IT, and Contract Administration.

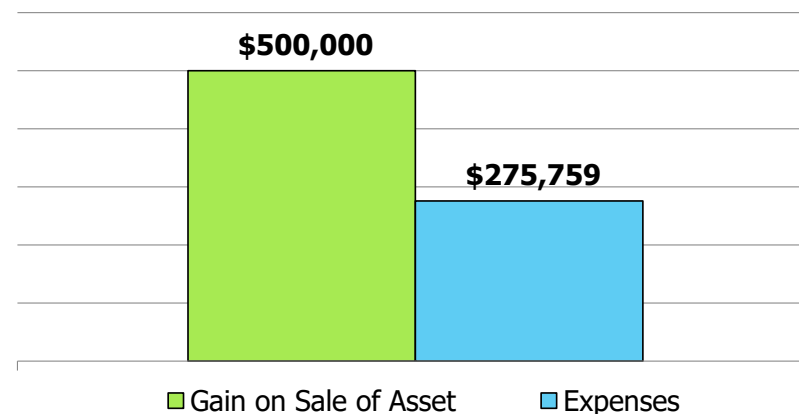
Corporate Cost
\$4,249,640



- Budget takes into account additional staffing resources needed, as well as the property management budget.
- Expenses include increase in liability insurance, advertising, and automobile expenses for newly acquired Port maintenance trucks. The budget also allows for a new staff member, if needed.
- Most expenses are indexed to a 5% inflation factor, an actual contract amount, or estimated by department manager.



This division manages the process of buying or selling property in support of the Port's overall business plans.



Real Estate Division

Revenue & Expenses

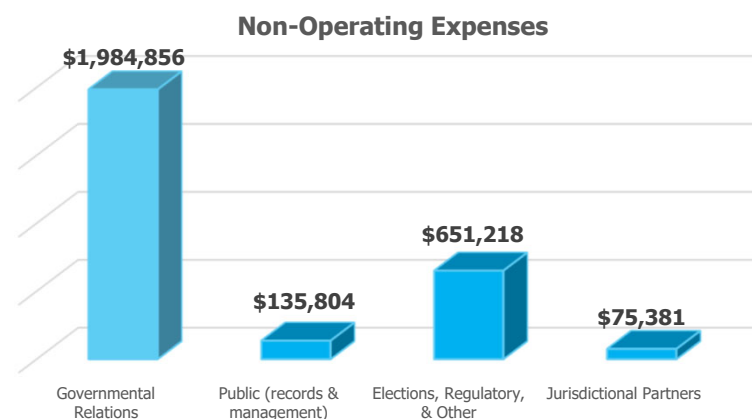
- Port staff typically budgets approximately \$500k in land sales during the budget cycle, which is very conservative.
- Expenses are primarily estimated staff time related to this division and other cost that is not allowed to be capitalized. Expect increased cost for marketing and selling vista field properties.



Non Operating Division

Revenue & Expenses

This division includes various items that don't affect Port operations. This can include items such as: Election costs, third party audit expenses, marketing expenses, and membership dues.



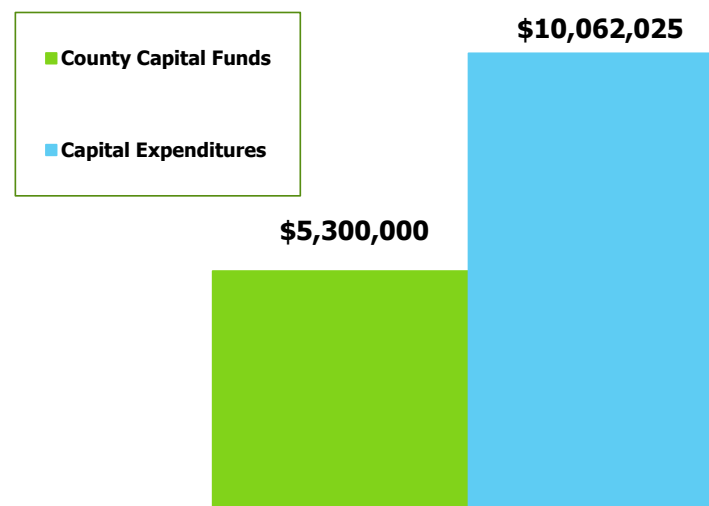
- Expenses tied to a contract, or membership dues such as TRIDEC, WPPA, Visit Tri Cities, etc.
- Expenses include estimated staff time related to this division. Increased budget for 2023 election and SAO two year audit.
- Property tax revenues are budgeted at \$9.5 million.



Economic Development Division

Revenue & Expenses

This division supports all of the Port's capital assets to be planned or constructed.



- Revenues include RCCF for Vista Field Hangars and Infrastructure. The expenses are balanced out in capital budget for each of those line items.
- Details of capital expenditures are on the next slide (except staff cost allocated to this division).

Capital Projects

CAPITAL EXPENSES	TOTAL 23/24
Vista Field Hangers	\$ 3,300,000
Vista Field Infrastructure	\$ 1,325,000
Vista Field Misc	\$ 350,000
Vista Field Parking	\$ 500,000
Vista Field Satellite Shop	\$ 500,000
1135 Shoreline	\$ 500,000
Clover Island	\$ 500,000
Columbia Drive	\$ 450,000
VFDF A Rehab	\$ 500,000
Art Project	\$ 100,000
City of Richland	\$ 300,000
Asset Replacement	\$ 500,000
Opportunity Fund	\$ 125,000
Misc. Capital	\$ 100,000
Staff Cost for Capital	\$ 1,012,025
TOTAL	\$ 10,062,025

*Totals include estimated staff time

2023/24 Preliminary Budget

Total Revenues	\$ 17,703,661
Total Expenses (less capital and promotional hosting)	\$ 12,903,089
<i>Profit (Loss)</i>	<i>\$ 4,800,571</i>
Capital Expenses	\$ 10,062,025
Promotional Hosting Expenses	\$ 24,125
Beginning Cash on Hand	\$ 9,755,248
Reserve Fund	\$ 2,500,000
Unrestricted Fund Balance	\$ 1,969,670
<i>Ending Cash on Hand</i>	<i>\$ 4,469,670</i>

Thank You

Nick Kooiker, CFO/Auditor
509-586-1186
nick@portofkennewick.org



PORT OF KENNEWICK

RESOLUTION 2022-31

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK AUTHORIZING THE PORT CHIEF EXECUTIVE OFFICER TO SELL AND CONVEY SURPLUS PROPERTY

WHEREAS, the Board of Commissioners of the Port of Kennewick met this 8th day of November, 2022, a quorum of the Commissioners being present; and

WHEREAS, from time to time it is necessary to surplus items no longer needed for Port District purposes; and

WHEREAS, Washington State Auditor's Office (SAO) updated their best practices for internal controls over small and attractive assets which recommends tracking assets with a value of \$300 or more. Port of Kennewick's prior procedures including tracking all small and attractive assets regardless of value. Due to cost benefit, the Port of Kennewick will follow the SAO guidance and stop tracking assets with a value less than \$300; and

WHEREAS, RCW 53.08.090 provides that the Port Commissioners may authorize the Port Chief Executive Officer to sell and convey property; and

WHEREAS, prior to each such disposition of Port property, the Port Chief Executive Officer is directed to present to the Commission an itemized list of the property and to make written certification that the listed property is no longer needed for Port District purposes.

NOW, THEREFORE, BE IT RESOLVED the Port of Kennewick Commissioners authorize the Chief Executive Officer to surplus Port property no longer needed for Port purposes as attached in "Exhibit A" and the small and attractive assets under \$300 value removed from the inventory tracking list are attached in "Exhibit B".

ADOPTED by the Board of Commissioners of Port of Kennewick this 8th day of November 2022.

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

By: _____

SKIP NOVAKOVICH, President

By: _____

KENNETH HOHENBERG, Vice President

By: _____

THOMAS MOAK, Secretary

RESOLUTION 2022-31
"Exhibit A"

Asset	Property Description	Date in Service	Cost	Book Value	Disposal Reason
230	Sprinkler Timer Remote Control	7/9/2018	\$ 460.28	\$ -	Stolen
235	Dual Monitor Arms	3/13/2018	\$ 428.97	\$ -	Broken
262	Utility Trailer - Garbage Pick Up	8/1/2020	\$ 325.79	\$ -	Stolen
266	HP Laptop	12/1/2020	\$ 1,840.71	\$ -	Broken
277	Signs - VFDF A	7/15/1995	\$ 1,225.69	\$ -	Replaced
313	Doors - VFDF A	3/31/1997	\$ 4,774.05	\$ 1,700.79	Replaced
319	Signs - VFDF B	4/30/1997	\$ 396.36	\$ -	Replaced
336	Blinds - VFDF A	8/31/1997	\$ 298.08	\$ -	Replaced
365	Sign for Building - VFDF A	3/10/1998	\$ 4,062.96	\$ 1,540.63	Replaced
428	Frame Overhead Door - VFDF A	8/25/1998	\$ 7,858.38	\$ 3,077.85	Replaced
495	Restroom Improvements - VFDF A	12/15/1998	\$ 593.01	\$ 21.75	Replaced
502	Frame Door - VFDF A	12/29/1998	\$ 1,652.10	\$ 66.18	Replaced
513	Water Heater & Faucet - VFDF A	1/12/1999	\$ 810.00	\$ -	Replaced
550	Storage Room Shelving - VFDF A	7/13/1999	\$ 905.58	\$ -	Replaced
574	Sign - VFDF A	10/12/1999	\$ 117.72	\$ 8.21	Replaced
632	HVAC 5-Ton Condensing Unit - VFDF A	6/27/2000	\$ 2,068.21	\$ 206.79	Replaced
718	HP Designjet 800PS Plotter	2/21/2003	\$ 7,619.99	\$ -	Broken
736	HVAC Lennox HS29 - VFDF A	5/31/2003	\$ 2,409.68	\$ -	Replaced
771	Lennox Air Conditioner - VFDF A	5/6/2004	\$ 2,057.70	\$ -	Replaced
772	Lennox Air Conditioner - VFDF A	10/25/2004	\$ 2,978.25	\$ -	Replaced
800	Furniture - Airport	4/1/2005	\$ 5,834.71	\$ -	Broken
890	Furniture - Airport	3/31/2006	\$ 1,822.69	\$ -	Broken
941	Compressor TXV - Oak Street Building A	12/31/2007	\$ 1,910.95	\$ -	Replaced
1047	Compressor - Oak Street Building A	6/30/2009	\$ 2,109.68	\$ -	Replaced
1064	Asset Replacement Program - Oak Street Building A	8/31/2010	\$ 6,600.00	\$ -	Outdated
1154	Baracuda Network Back up	4/30/2013	\$ 20,589.87	\$ -	Outdated
1173	Optiplex Mini Tower	8/31/2013	\$ 1,167.91	\$ -	Outdated
1213	Server Software Licenses	6/24/2015	\$ 7,853.12	\$ -	Expired License
1215	Cisco Wireless Access & 5 yr Software License	7/14/2015	\$ 2,409.61	\$ -	Expired License
1229	Autocad Software	10/1/2015	\$ 5,062.56	\$ -	Expired License
1232	Microsoft Surface Pro	9/1/2016	\$ 2,126.30	\$ -	Outdated
1233	Microsoft Surface Pro	9/1/2016	\$ 2,118.68	\$ -	Outdated
1253	SQL Server & License for Laserfiche	7/1/2017	\$ 3,921.12	\$ -	Moved to Cloud After Ransomware
1254	Power Monitor - Marina	3/1/2017	\$ 1,598.81	\$ -	Broken
1260	Laserfiche Storage - Hard Drive	12/31/2018	\$ 1,198.90	\$ -	Replaced
1261	Laserfiche 3 year Virus Sophos Software	12/31/2018	\$ 1,699.70	\$ -	Expired License
1266	Blinds - Nick's Office	6/30/2018	\$ 2,267.50	\$ 809.82	Water Damage
1275	Barracuda Server & Email Archive	2/13/2019	\$ 10,864.56	\$ 2,353.99	Moved to Cloud After Ransomware

CFO/Auditor Certification:

DocuSigned by:

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Nick Kooiker

11/2/2022

Date

RESOLUTION 2022-31

“Exhibit B”

Assets Under \$300 Removed Off Attractive Asset Tracking List

*All Below Assets Have a Book Value of \$0

Asset #	Property Description	Date in Service	Cost
5	6ft ladder	4/18/02	\$ 118
16	Key Box - Tel Key	9/15/88	\$ 138
35	4' Fiberglass Step Ladder	10/12/2004	\$ 42
49	Door Closers-Restroom Clover Island	5/15/1979	\$ 127.76
82	Restroom Improvements Clover Island	5/15/1983	\$ 64.18
108	DeWalt Cordless drill combo set	7/8/2011	\$ 270
109	Prim 20-20 game camera	3/30/2012	\$ 159
110	Prim 20-20 game camera	3/30/2012	\$ 159
116	Pro Webcam C910	1/18/2012	\$ 76
126	16" Cutoff Saw	3/6/2012	\$ 76
140	Booster Pac SOR ES2500	1/6/2012	\$ 190
152	Bosch Jig Saw	7/4/1905	Under \$300
153	Stanley Toolbox	1/6/2012	Under \$300
154	6' Ladder	1/6/2012	Under \$300
157	Wheelbarrow (4)	1/6/2012	Under \$300
158	6' Folding Table (2)	1/6/2012	Under \$300
159	Printer Stand	1/6/2012	Under \$300
165	Werner Extension Ladder 16'	1/6/2012	Under \$300
168	Husqvarna Hedge Trimmer	7/2/2013	\$ 244
170	Whistler Inspection Camera	1/23/2013	\$ 107
172	US General Tool Cart	7/1/2013	\$ 141
176	Slide Base Used Chair	6/11/2014	\$ 64
177	Slide Base Used Chair	6/11/2014	\$ 64
178	Slide Base Used Chair	6/11/2014	\$ 64
179	Slide Base Used Chair	6/11/2014	\$ 64
180	Slide Base Used Chair	6/11/2014	\$ 27
181	Slide Base Used Chair	6/11/2014	\$ 27
184	Dewalt Drill Set - 18 volt Cordless Combo s	3/24/2015	\$ 161
187	Dremel Multi-Max Oscillating Tool	3/26/2015	\$ 140
188	Parts Washer	11/26/2013	\$ 141
189	Porter Cable Compressor	10/28/2014	\$ 194
190	HP Printer - Desk Jet 2542	11/18/2014	\$ 75
194	Stainless work island	3/24/2015	\$ 273

RESOLUTION 2022-31

"Exhibit B" Continued

Assets Under \$300 Removed Off Attractive Asset Tracking List

*All Below Assets Have a Book Value of \$0

Asset #	Property Description	Date in Service	Cost
195	Stainless work island	3/24/2015	\$ 273
197	28' Aluminum Extension Ladder	10/11/2016	\$ 292
200	Dremel Grinder 12V	2/18/2016	\$ 108
202	Tester Multimeter	2/29/2016	\$ 113
203	Dewalt 18V Compact Drill	6/7/2016	\$ 151
206	Dremel 120V Saw Kit	5/11/2016	\$ 140
208	Cement Mixer	6/14/2016	\$ 239
209	6" Dual Action Polisher	6/20/2016	\$ 74
210	Booster Pac SOR ES5000	6/7/2016	\$ 173
211	Battery Tender	6/27/2016	\$ 205
213	Game Camera Primos 16MP Pro	9/18/2017	\$ 141
215	Multimeter - T5-600	6/6/2017	\$ 130
216	20" Aluminum Extension Ladder	4/18/2017	\$ 162
221	Bernzomatic Torch Kit	2/7/2019	\$ 98
222	DW Flexvolt 60V Grinder	1/9/2019	\$ 292
223	Dewalt Cordless Drill 4 tool combo	3/1/2019	\$ 270
224	2 gallon sprayer	4/5/2019	\$ 76
225	12' Step Ladder	8/2/2019	\$ 292
227	Bench Grinder 8"	12/28/2018	\$ 206
237	Dual Monitor Arms	6/11/2018	\$ 313
256	LED Task Light	4/1/2020	\$ 310

CFO/Auditor Certification:

DocuSigned by:

Nick Kooiker

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Nick Kooiker

11/2/2022

Date



AGENDA REPORT

TO: Port Commission

FROM: Bridgette Scott

MEETING DATE: November 8, 2022

AGENDA ITEM: Proposed Amendment to the Port Commission Rules of Policy and Procedure;
Resolution 2022-35

I. REFERENCE(S):

Resolution 2022-35, approving an amendment to the Commission's Rules of Policy and Procedures

II. FISCAL IMPACT: \$0

III. DISCUSSION:

The Commission approved Resolution 2022-23 updating the Commission's Rules of Policy and Procedures on August 23, 2022. A few punctuation changes have been made to Section 6.14; and for greater clarification, changes in red have been added/deleted to Sections 6.14 and 6.15 as illustrated on Resolution 2022-35, Exhibit A.

PORT OF KENNEWICK

Resolution No. 2022-35

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK AMENDING THE PORT COMMISSION RULES OF POLICY AND PROCEDURE

WHEREAS, the Port of Kennewick Commission adopted Resolution 2011-05 on February 22, 2011 establishing a formal policy and procedures document to address the specific roles, expectations of conduct, knowledge, disclosures, prohibitions, legal requirements, and accountability of the elected officials who are responsible for the current operation and future direction of the Port of Kennewick; and

WHEREAS, the Commission approved several updates to the Rules of Policy and Procedure via Resolution No. 2016-01, Resolution No. 2017-16, Resolution No. 2019-24, and Resolution No. 2022-19; and Resolution No. 2022-23; and

WHEREAS, the Commission has determined that further updates to Section 6.14 of the Rules of Policy and Procedure are warranted based on the need for greater clarity.

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby approves amending Section 6.14 of Port Commission Rules of Policy and Procedure as attached.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 8th day of November 2022.

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

By: _____

SKIP NOVAKOVICH, President

By: _____

KENNETH HOHENBERG, Vice President

By: _____

THOMAS MOAK, Secretary

6.14 Public Comment. Public comment shall be permitted at Commission meetings in accordance with these Rules and as required by RCW 42.30.240, as it now exists or as may be amended in the future. Comments shall be received at the beginning of each meeting, and at the end of each meeting, as identified on the agenda. ~~The Commission President, at his discretion, may offer an opportunity for additional public comments on any agenda item which requires Commission action, excluding the Consent Agenda.~~ Either the President or staff may read the following guidelines into the record The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. When the Port receives written testimony intended for and accepted by the Commission, this testimony must be distributed to the full Commission. The deadline for the submission of written testimony is not less than 24 hours prior to the meeting at which Commission action will be taken. Upon the request of any individual who will have difficulty attending a Commission meeting by reason of disability, limited mobility, or for any other reason that makes physical attendance at a meeting difficult, the Commission shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

6.14.1 Speakers attending in person shall move to the lectern and shall comment only after being recognized by the Presiding Officer. ~~At the conclusion of in-person public comments, the Presiding Officer will request comments from members of the public participating remotely.~~

6.14.2 Speakers shall state their names and ~~addresses~~ city of residence prior to addressing the Commission;

6.14.3 The President may allocate available time among individuals wishing to comment. Generally, the time shall be 3 minutes for each speaker;

6.14.4 Groups are encouraged to express their views through a single spokesperson rather than individually;

6.14.5 Speakers shall limit themselves to matters regarding the issue of concern;

6.14.6 Speakers shall not repeat remarks or points of view made by prior speakers;

6.14.7 The Presiding Officer may overrule impertinent, redundant or disruptive comments; Applause or other interruptions are discouraged;

6.14.8 All remarks should be directed to the Presiding Officer; and

6.14.9 Individuals should not expect the Commission, staff, consultants, other speakers or any other person, to respond to their comments. Instead, the Commission may direct the matter to staff for comment at a future meeting or for Commission consideration at a future meeting.

PORT OF KENNEWICK

Resolution No. 2022-36

***A RESOLUTION OF THE PORT OF KENNEWICK
BOARD OF COMMISSIONERS FORMALIZING COMPLETION OF
GOALS #1, #2 & #7 OF CEO'S 2021/22 GOALS AND OBJECTIVES***

WHEREAS, the Commission approved goals and objectives for the Port CEO, attached as Exhibit "A" and last modified on March 8, 2022; and

WHEREAS, the COVID "back to work" plan was presented to the Commission on May 24, 2022, thus completing Goal #1 of the CEO's 2021/22 Goals and Objectives; and

WHEREAS, a Vista Field Hangar lean renovation analysis was presented to the Commission on July 26, 2022, thus completing Goal #2 of the CEO's 2021/22 Goals and Objectives; and

WHEREAS, a maintenance facility needs and alternatives report was presented to the Commission on July 26, 2022, thus completing Goal #7 of the CEO's 2021/22 Goals and Objectives; and

WHEREAS, the Commission desires to formally accept as complete Goals #1, #2, and #7 of the CEO's 2021/22 Goals and Objectives related to these items.

NOW, THEREFORE, BE IT HEREBY RESOLVED the Board of Commissioners of the Port of Kennewick hereby accepts as complete Goals #1, #2, and #7 of the CEO's 2021/22 Goals and Objectives.

ADOPTED by the Board of Commissioners of the Port of Kennewick this 8th day of November 2022.

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

By: _____

SKIP NOVAKOVICH, *President*

By: _____

KENNETH HOHENBERG, *Vice President*

By: _____

THOMAS MOAK, *Secretary*

Resolution 2022-36
Exhibit "A"

EXHIBIT A					
CEO 2021/22 Goals & Objectives (including update on 2019/20 ongoing goals)					
DATE: November 8, 2022					
GOAL & OBJECTIVE		TACTICAL STEPS	ACTION	STATUS (checkmark = Completed)	COMMENTS
2019/2020 Goals and Objectives Carryover					
Vista Field	2019/20 GOAL	Sell one parcel or obtain one ground lease (does not include Arts Center Task Force).	Considered complete when presented to Commission.	50% complete	The Port now has lots to sell, and are advertising to sell lots. Have one letter of intent received, but no offers to purchase have been presented to commission.
	2				
2021/2022 Goals and Objectives					
Port Administration	2021/22 GOAL	Prepare "Back to Work" plan for Port staff in relation to the COVID-19 pandemic.	Considered complete when presented to Commission.	100% Complete	Presented to Commission on 5/24/22.
	1				
Vista Field	2021/22 GOAL	Develop a Vista Hangar analysis to include lean renovation options (with RCCF partnership funds) and viability/potential for selling on a ground lease.	Considered complete when presented to Commission.	100% Complete	Presented to Commission on 7/26/22.
	2				
Kennewick Waterfront	2021/22 GOAL	Implement the identified Duffy's Pond tenant-improvements and algae mitigation plan.	Considered complete when presented to Commission.	50% Complete	Standing bar installed on tasting room patios. Food truck plaza fencing was bid (pulled project due to escalating material costs whereby bidders wouldn't hold pricing with material cost tripling). City permits finalized for restroom. Working with Palencia regarding design of demonstration vineyard. All algae mitigation prep work required by Port is complete. Chemical application is dependent upon City schedule.
	5				
Districtwide	2021/22 GOAL	Prepare a report which evaluates maintenance facility needs and possible alternatives.	Considered complete when presented to Commission.	100% Complete	Presented to Commission on 7/26/22.
	7				

PORT OF KENNEWICK

RESOLUTION NO. 2022-32

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PORT OF KENNEWICK ADOPTING THE 2023 & 2024 BUDGET

WHEREAS, the Board of Commissioners of Port of Kennewick met at a regular meeting on October 25, 2022, a quorum of the Commission being present; and

WHEREAS, Port of Kennewick has properly given notice of the public hearing held on October 25, 2022 to consider Port of Kennewick's Budget for the 2023 and 2024 calendar years, pursuant to RCW 84.55.120; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Port of Kennewick after a public hearing, and after duly considering all relevant evidence and testimony presented, has adopted the attached budget for Port of Kennewick for the year 2023 and 2024.

ADOPTED by the Board of Commissioners of Port of Kennewick at its regular meeting on November 8, 2022.

***PORT OF KENNEWICK
BOARD OF COMMISSIONERS***

By: _____
SKIP NOVAKOVICH, President

By: _____
KEN HOHENBERG, Vice President

By: _____
THOMAS MOAK, Secretary



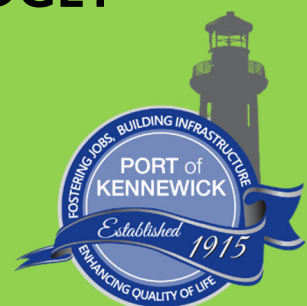
Port of Kennewick

2023/24 PRELIMINARY BUDGET

Fostering Jobs

Building Infrastructure

Enhancing Quality of Life



Mission & Goals

The Port of Kennewick's mission is to provide and support sound economic growth opportunities that create jobs and/or improve the quality of life of the port district citizens.

Economic Development and Job Creation Goals:

- Provide the public with high quality projects and services within a healthy work environment.
- Evaluate economic development opportunities based on results to be derived district-wide versus project-specific or jurisdiction-specific.
- Encourage transparency, open competition and equal project consideration, fostering a reputation for fairness with the local business community.
- Seek to fund projects with available resources.
- Support intergovernmental cooperation by partnering with entities which demonstrate support.

These above goals will be accomplished through the following projects:

- Vista Field Redevelopment
- Kennewick's Historic Waterfront District
 - Columbia Drive Redevelopment
 - Clover Island Miscellaneous Projects
 - Clover Island 1135 Shoreline Restoration

Financial, Operational, and Budget Philosophy:

- The Port is maintaining its goal of a balanced budget.
- The Port is fiscally sound and is ensuring its available resources do not exceed expenditures.
- The Port's budget allows funding for additional staff in order to facilitate budgeted capital projects while promoting fiscal responsibility.
- The Port will continue to report Return on Investment as appropriate and share audited financial reports with the public.

2023/24 PRELIMINARY BUDGET*

Total Revenues	\$ 17,703,661
Total Expenses (less capital and promotional hosting)	\$ 12,903,089
Profit (Loss)	\$ 4,800,571
Capital Expenses	\$ 10,062,025
Promotional Hosting Expenses	\$ 24,125
Beginning Cash on Hand	\$ 9,755,248
Reserve Fund	\$ 2,500,000
Unrestricted Fund Balance	\$ 1,969,670
Ending Cash on Hand	\$ 4,469,670

*The 2023 & 2024 Preliminary Budget PowerPoint Presentation is integral to the Port of Kennewick's preliminary budget document.

*For questions regarding this report, contact the Port's Chief Financial Officer, Nick Kooiker at 509-586-1186

PORT OF KENNEWICK

RESOLUTION NO. 2022-33

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE PORT OF KENNEWICK CERTIFYING THE PORT'S 2023 LEVY

WHEREAS, the Board of Commissioners of the Port of Kennewick met and considered its budget for the calendar year 2023 and 2024 at a regular meeting on October 25, 2022, 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 2023 and 2024 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 2022 year was \$4,685,767; 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 2023 tax year in the amount of \$5,400,000, 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 2023 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be approximately \$50,000, 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 8, 2022.

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

By: _____

SKIP NOVAKOVICH, President

By: _____

KEN HOHENBERG, 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 2023 as provided in the district's budget, which was adopted following a public hearing held on November 8, 2022. 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	\$5,390,000
Administration Refund Fund	\$10,000

<i>Total Regular Levy</i>	<i>\$5,400,000</i>
----------------------------------	---------------------------

<i>Population Certification:</i>	<i>Above 10,000</i>
----------------------------------	---------------------

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 8th day of November, 2022.

CERTIFIED BY:

**PORT of KENNEWICK
CFO/AUDITOR**

Nick Kooiker

Ordinance / Resolution No. 2022-33
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 2023; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 4,685,767; 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 2023 tax year.
(Year of collection)

The dollar amount of the increase over the actual levy amount from the previous year shall be \$ 50,000.00
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 8 day of November, 2022.

_____	_____
_____	_____
_____	_____

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. 2022-34

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 2023 and 2024 budget; and

WHEREAS, pursuant to RCW 84.55.120 and WAC 458-19-005, the rate of inflation (IPD rate) for 2023 is 6.457% and the limit factor for property taxes for 2023 is 101%; and

WHEREAS, the Port of Kennewick's levy amount from the previous year was \$4,685,767; and

WHEREAS, the Port has set its increase in tax levy capacity for the 2023 and 2024 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 2023 levy in the amount of approximately \$50,000 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 8th day of November 2022; and duly signed by its proper officers in the authentication of its passage on said date.

*PORT of KENNEWICK
BOARD of COMMISSIONERS*

By: _____

SKIP NOVAKOVICH, President

By: _____

KEN HOHENBERG, Vice President

By: _____

THOMAS MOAK, Secretary



AGENDA REPORT

TO: Port Commission

FROM: Amber Hanchette; Director Real Estate & Operations

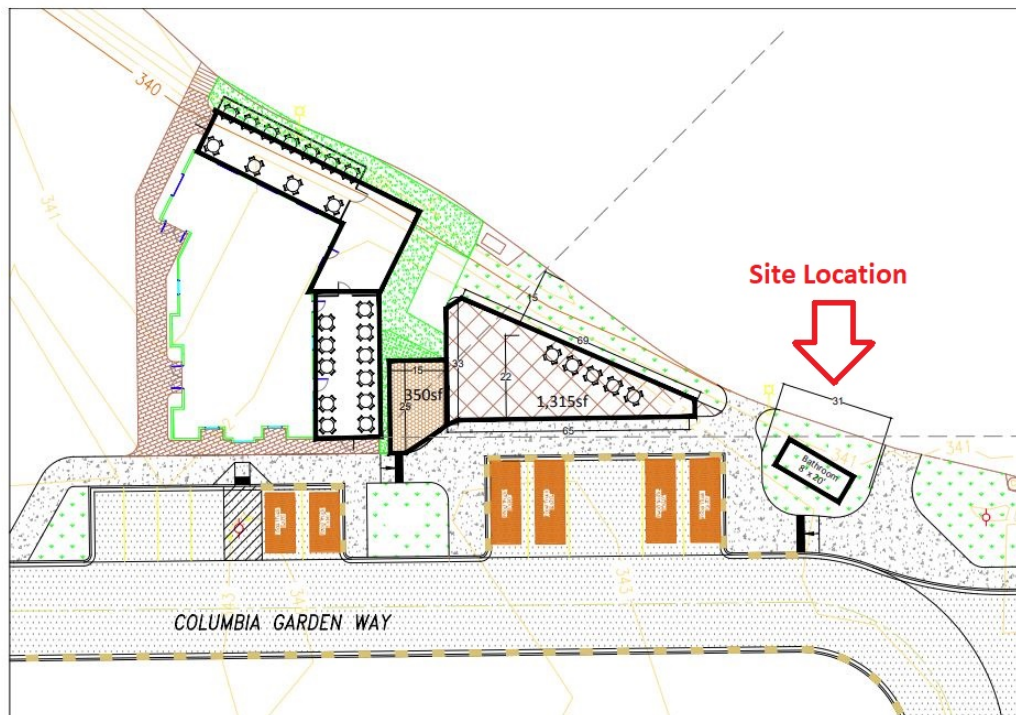
MEETING DATE: November 8, 2022

AGENDA ITEM: Resolution 2022-37; Contract Award Columbia Gardens Public Restroom

I. REFERENCE(S):
Resolution #2022-37

II. DISCUSSION:

On October 19, 2022, five contractors from the port's small works roster were invited to bid on construction of a public restroom facility in Columbia Gardens.



Of the five contractors invited, three bids were received with the low bid award to Double J Excavating Inc. at \$205,000.00 plus WSST.

This project has a projected completion date of spring 2023.

III. ACTION REQUESTED OF COMMISSION:

Motion: I move approval of Resolution 2022-37 approving a contract with Double J Excavating for construction of a public restroom facility in Columbia Gardens and further authorize the Chief Executive Officer to execute all documents and agreements; and that all action by port officers and employees in furtherance hereof is ratified and approved.

PORT OF KENNEWICK
Resolution No. 2022-37

***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF
KENNEWICK ACCEPTING AND AWARDING A CONSTRUCTION CONTRACT FOR A
PUBLIC RESTROOM IN THE COLUMBIA GARDENS WINE & ARTISAN VILLAGE***

WHEREAS, a request for bids to construct a public restroom facility in the Columbia Gardens Wine & Artisan Village on Columbia Drive was properly advertised with approved plans and specifications being made available to five (5) contractors on the Port's small works roster; and

WHEREAS, the staff and the project architect have certified that the low bidder for the project is Double J Excavating in the amount of \$205,000.00, plus applicable tax, which includes construction of facility and site improvements.

NOW THEREFORE, BE IT RESOLVED that the Port of Kennewick Commission does hereby accept the bid from Double J Excavating Inc. for the construction of a public restroom in the Columbia Gardens Wine & Artisan Village as the low bidder in the amount of \$205,000.00, plus applicable tax, and hereby awards the construction contract to said low bidder.

BE IT HEREBY FURTHER RESOLVED that the Chief Executive Officer (CEO) is authorized to enter into a contract between the Port of Kennewick and Double J Excavating Inc. for \$205,000.00 plus applicable tax for the construction of a public restroom facility in the Columbia Gardens Wine & Artisan Village and that the CEO is further authorized to proceed with all necessary procedures required to complete construction of the project.

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 8th day of November, 2022.

PORT of KENNEWICK
BOARD of COMMISSIONERS

By: _____
SKIP NOVAKOVICH, President

By: _____
KENNETH HOHENBERG, Vice President

By: _____
THOMAS MOAK, Secretary



DPZ FALL NEWSLETTER

As we enter the homestretch of 2022, DPZ is pleased to provide updates on a few projects that have moved into implementation and efforts in coding and master planning that have been adopted. The past few weeks also reminded us of the passage of time and nature's strength.



BEACHTOWN GALVESTON, TX (Photos Courtesy of beachtown.com)

The end of September witnessed the destructive impact of Hurricane Ian across the Southeast U.S., especially parts of Southwest Florida where DPZ has been working for decades. Hurricane Ian was a shocking reminder that how we occupy coastal areas needs to respect the speed and power of storms and the water and wind they generate. DPZ was recently visited by [Beachtown Galveston](#) town founder Tofigh Shirazi, and it brought to mind the way the City of Galveston, TX, reinvented itself after the cataclysmic Hurricane of 1900 that took 6,000 lives. The City's grade was raised by 16 ft, more than 2,100 building were jacked up, and a new, higher seawall was erected. When our project for Mr. Shirazi was designed in 1997 on a stretch of beachfront just outside Galveston's flood-fortified boundaries, it was a given that the first habitable floor of each structure would be a full level above grade, including the majority of commercial spaces. History keeps teaching us and Beachtown has been able to weather Hurricanes Ike and [Harvey](#) largely unscathed by learning from events like Rita and Katrina and upgrading its [construction techniques](#).

Beachtown is an example that there is hope for a more resilient Southwest Florida. We send our heartfelt wishes to those affected by Hurricane Ian. [Click here to read more](#).



Photos Courtesy of vistafield.com

Vista Field

Vista Field

The retrofit of a decommissioned airport, [Vista Field](#) represents an ambitious endeavor that aims to raise the bar in infrastructure re-purposing and creative place-making. This past summer saw progress with the phase one streets, sidewalks, utilities, and landscaping at the center of [Vista Field](#) continuing to take shape.

DPZ has worked on this project for over a decade with the help of Tim Arntzen (executive director for Port of Kennewick), Larry Peterson (director of planning and development for Port of Kennewick), ECONWest, Paul Crabtree, Parametrix, John Anderson, Tom Lowe, Michael Mehaffy, Lawrence Qamar, and a host of other consultants.



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Vista Field Aerials



The Port Of Kennewick
25 subscribers

Analytics

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Laval Code

Congratulations to the L'Atelier Urbain team! The famous Town Planning Code of the City of Laval, Quebec, was adopted on July 12 by the municipal council after 4 years of intensive work. We at DPZ had the honor of contributing to this process by sharing our knowledge on form-based codes.



OLF-8 Plan

The ongoing work DPZ has completed on the OLF-8 Master Plan in Pensacola, FL, has officially been adopted. The county is now busy trying to find the appropriate team to implement the project and has issued an RFP for developers.

[Click here for more information.](#)



TORNAGRAIN, SCOTLAND (Photo Courtesy of Tornagrain; tornagrain.com)

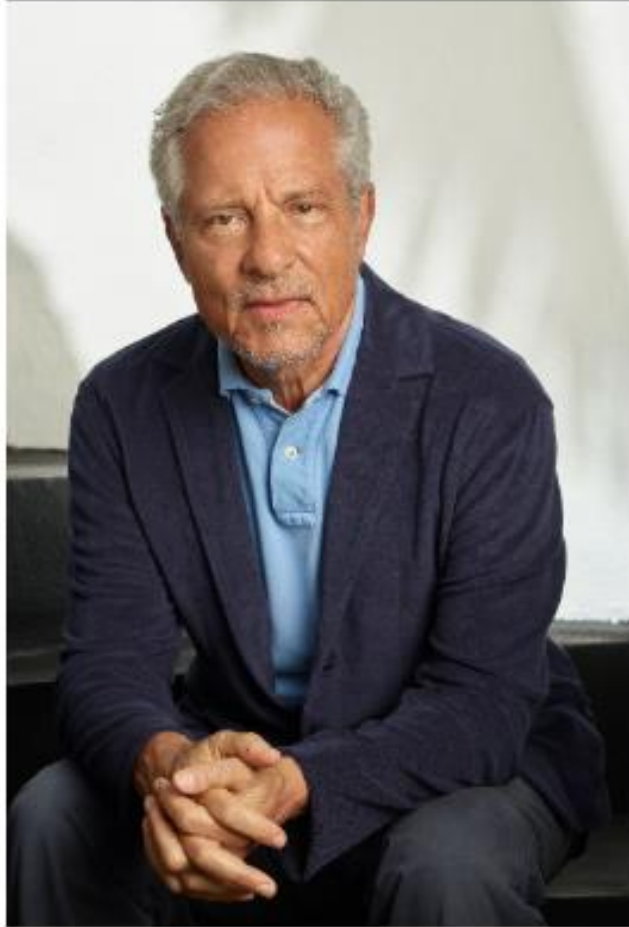
Royal Advocacy

With the passing of Queen Elizabeth II, Great Britain lost a much-admired figure and entered a period of heartfelt mourning. The country also welcomed a new monarch with an uncommon resume. Unable to ignore the former Prince of Wales' patronage of the built environment, several news outlets are pondering over his legacy and its impact on the future of architecture and planning in the UK. DPZ has been witness to the hard work and stunning achievements by the Prince of Wales Foundation, often in the face of the harshest criticism. His influence on the development of numerous towns and villages throughout the UK, including several by DPZ, cannot be underestimated. [Click to read more.](#)



Summer Interns

This past Summer, DPZ continued a long and cherished tradition of taking on eager and promising interns as part of the team. These outstanding individuals from a variety of backgrounds came together with the common mission of shaping the future of New Urbanism. [Click to read more.](#)



From Andres Duany: The Second Studio Podcast

Andrés Duany joins David Lee and Marina Bourderonnet at The Second Studio to discuss New Urbanism, his appearance on the Tucker Carlson Fox show, the importance of understanding an audience, Seaside, FL, the current state of architecture, and more. [Click to listen.](#)



WITHERSPOON
BRAJCICH
MCPHEE

Memorandum

To: Port of Kennewick;
Tim Arntzen; Amber Hanchette

From: Taud A. Hume

Re: *Mechanics Liens on Public Property*

Date: November 3, 2022

Question: Can a mechanics lien be filed against Port property?

Short Answer: No, mechanics liens cannot be filed against public property. Additionally, work conducted on behalf of a tenant under a lease on Port property will only expose the tenant's interests (e.g. the improvements themselves and not the real property) to a mechanics lien, which can be foreclosed upon pursuant to RCW 60.04.051.

RCW 60.04.021 provides that "[A]ny person furnishing labor, professional services, materials, or equipment for the improvement of real property shall have a lien upon the improvement for the contract price of labor, professional services, materials, or equipment furnished at the instance of the owner, or the agent or construction agent of the owner." However, attachment of a lien is limited "to the interest of the person who requests the labor or materials, or that person's agent." *Haselwood*, 137 Wash.App. at 882, 155 P.3d 952 (citing *W.T. Watts, Inc. v. Sherrer*, 89 Wash.2d 245, 248, 571 P.2d 203 (1977)). This concept was codified in RCW 60.04.051, which provides "[t]he lot, tract, or parcel of land which is improved is subject to a lien to the extent of the interest of the owner at whose instance, directly or through a common law or construction agent the labor, professional services, equipment, or materials were furnished." The extent of a lien under RCW 60.04.051 is therefore based upon the interest of the person requesting the services and materials.

However, Washington courts have repeatedly held that public property cannot be subject to a mechanic's lien. *Hall & Olswang v. Aetna Cas. & Sur. Co.*, 161 Wash. 38, 47, 296 P. 162 (1931) ("The almost universally accepted rule is that general mechanics' and materialmen's lien

statutes, in the absence of express words therein subjecting public property to such liens, do not subject public property to such liens.”); *Hall & Olswang v. Aetna Cas. & Sur. Co.*, 161 Wash. 38, 47, 296 P. 162, 166 (1931); see *Hewson Constr., Inc. v. Reintree Corp.*, 101 Wash.2d 819, 828–29, 685 P.2d 1062 (1984); *3A Indus., Inc. v. Turner Constr. Co.*, 71 Wash.App. 407, 411, 869 P.2d 65 (1993). In part, this is based upon the general principle that where a person causes improvements to be made upon lands in which he/she holds less than fee simple title, only his/her interest in those lands can be subject to liens for labor performed or materials furnished for construction. *Baker v. Sinclair*, 22 Wash. 462, 61 P. 170 (1900).

But it is also important to note that RCW 60.04.051 provides:

If, for any reason, the title or interest in the land upon which the improvement is situated cannot be subjected to the lien, the court in order to satisfy the lien may order the sale and removal of the improvement from the land which is subject to the lien.

For example, in *Est. of Haselwood v. Bremerton Ice Arena, Inc.*, 166 Wash. 2d 489, 499–500, 210 P.3d 308, 313 (2009) lenders brought an action to foreclose on a deed of trust securing a loan for construction of ice arena on city-owned property. A subcontractor also filed claims alleging that its mechanics' lien was superior to all other claims, and further filed motion to remove its improvements. The Court, in distinguishing the interest in real property held by the tenant, held:

Under the concession agreement between the City and [Tenant], the City retained ownership of the underlying land, while [the Tenant] owned the Arena and any improvements on the land for the duration of the agreement. When the concession agreement terminated, the improvements on the land would revert to the City. [The Tenant] never owned the land underlying the Arena. The most [the Tenant] could own, during the agreement, was the improvements to the land. Under RCW 60.04.051 and the concession agreement, [the subcontractor’s] lien could reach only the improvements on the property, not the underlying property.

Similarly, any tenant on Port property only has a tenancy interest in the real property owned by the Port. As such, no materialmen’s liens could be created against the Port’s property. However, liens could be filed against the improvements themselves and foreclosed upon under Washington law.



**Office of the Washington State Auditor
Pat McCarthy**

November 3, 2022

Board of Commissioners
Port of Kennewick
Kennewick, Washington

Contracted CPA Firm's Audit Report on Financial Statements

We have reviewed the audit report issued by a certified public accounting (CPA) firm on the financial statements of the Port of Kennewick for the fiscal year ended December 31, 2020. The Port contracted with the CPA firm for this audit and requested that we accept it in lieu of performing our own audit.

Based on this review, we have accepted this report in lieu of the audit required by RCW 43.09.260. The Office of the Washington State Auditor did not audit the accompanying financial statements and, accordingly, we do not express an opinion on those financial statements.

This report is being published on the Office of the Washington State Auditor website as a matter of public record.

Sincerely,

Pat McCarthy, State Auditor
Olympia, WA

Americans with Disabilities

In accordance with the Americans with Disabilities Act, we will make this document available in alternative formats. For more information, please contact our Office at (564) 999-0950, TDD Relay at (800) 833-6388, or email our webmaster at webmaster@sao.wa.gov.

AGENDA REPORT

TO: Port Commission

FROM: Tim Arntzen, CEO

CC: Port General Legal Counsel Carolyn Lake

MEETING DATE: November 8, 2022

AGENDA ITEM: Resolution 2022-38; Continuing Local Emergency Declaration.

I. REFERENCE(S): Resolution 2020-06
Resolution 2022-38

II. FISCAL IMPACT: None.

III. DISCUSSION:

The Washington State mandate for remote public meetings and restrictions on holding in-person public meetings expired June 1, 2022. Upon expiration of the proclamation, the newly revised Open Public Meetings Act (“OPMA”) law applied.

Pursuant to the current OPMA, RCW 42.30.230, open public meetings must be held at a physical location where the public can attend, unless a local, state, or federal emergency has been declared and the public agency determines it cannot hold an in-person meeting with reasonable safety. While state law encourages agencies to offer a remote attendance option along with its in-person option (see RCW 42.30.030), they are no longer required to do so.

On October 31, 2022, Washington state’s declaration of emergency lifted. However, local governments can still rely on their own declared state of emergency or a federal emergency declaration (such as the president’s emergency declaration) to hold a fully remote meeting if they detail their reasoning why the local or federal emergency prevents them from meeting in person.

Another option for the Port of Kennewick is refresh the Declaration of Local Emergency, which the Commission first declared in 2020, and to continue to conduct Port Commission meetings under the hybrid model by which the Port currently operates. A physical location is provided for the public attendance, at their option, and Commission and staff may attend via remote means.

The Port Commission previously adopted Resolution 2020-06 which documented impacts of COVID 19 world-wide, nationwide and locally. Importantly, Resolution 2020-06 was a declaration of a local emergency. The current Resolution 2020-06 continues in force until terminated by law or by further Resolution.

That Resolution also delegated to the Port Chief Executive Officer, among other things, the authority to “exercise such emergency powers as may be lawful under applicable laws, regulations, ordinances, or the District’s policies, and necessary, including by way of example and not limitation: general port powers under Title 53, RCW, RCW 53.12.270 (Delegation of

powers to managing official), RCW 39.04.280(3) for emergency procurement, and Chapter 39.28 RCW (Emergency Public Works)”).

Though the Washington state Governor’s emergency orders ended October 31, 2022, coronavirus remains a workplace hazard and employers must take precautions to prevent the spread of the virus. Though the Washington state emergency orders are ending, the Benton-Franklin Health District reminds us that throughout the Counties, coronavirus remains a workplace hazard and employers must take precautions to prevent the spread of the virus.

Further, what does not end on October 31st, 2022 are the state Health Emergency Labor Standards Act (HELSEA) requirements that remain in effect as long as there is a public health emergency declared by the President of the United States.¹ The current presidential emergency declaration remains in effect through March 1, 2023

The Benton-Franklin Health District makes available the rates per 100,000 Population of Cases, Hospitalizations and Deaths due to COVID, and updates this information regularly. For Benton County the 7-day case rate is 34.5; the 14-day case rate is 70; the 7-Day Hospitalization rate is 6.3 and the 7-Day Death Rate is 0.5.

The Port has fared well under the current policies. The CEO is aware of no areas where Port business has suffered; and is aware of no citizen complaints due to the current policy. Port efficiency remains high, and in some cases, efficiency has increased pursuant to the remote work policy.

IV. CEO RECOMMENDATION:

The CEO recommends that the Port of Kennewick Commission refresh the Declaration of Local Emergency and leave in place the CEO’s current delegation of authority. Under that authority, the CEO would continue to manage local conditions and Port Commission meetings would also continue to be held under the hybrid model by which the Port currently operates. A physical location is provided for the public attendance, at their option, and Commission and staff attendance is via remote means. This status would remain in place through the fall and winter of 2022-23 and be revisited in February 2023 to coincide with the current expiration date of the existing presidential emergency (March 2023).

V. ACTION REQUESTED OF COMMISSION:

I move approval of Resolution 2022-38 which works with and will continue the local emergency declared by the Commission in Resolution 2020-06.

¹ HELSEA requirements include, among other things: Non-health care employers must notify staff and others at the workplace of a potential exposure to COVID-19 within one business day, and Employers are prohibited from discriminating against high-risk employees for seeking accommodations for COVID-19.

PORT OF KENNEWICK
Resolution No. 2020-06

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK DECLARING LOCAL EMERGENCY
AND
DELEGATION OF AUTHORITY**

RECITALS:

WHEREAS, novel Coronavirus COVID-19, a respiratory disease that can result in serious illness or death, is caused by a new strain of coronavirus that had not been previously identified in humans and has proven it can easily spread from person to person; and,

WHEREAS, the U.S. Center for Disease Control and Prevention (CDC) has identified a potential public health threat posed by COVID-19 both globally and within the United States, including within Washington State; and,

WHEREAS, there are documented cases of COVID-19, including deaths caused thereby, within Washington State; and,

WHEREAS, the Washington State Department of Health has confirmed the person-to-person spread of COVID-19 and is finding an increasing risk of exposure and infection to the general public due to its potential to spread quickly; and,

WHEREAS, the U.S. Department of Health and Human Services declared a public health emergency for COVID-19 on January 31, 2020; and,

WHEREAS, Washington State Governor Jay Inslee proclaimed a public health emergency for COVID-19 on February 29, 2020; and,

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and,

WHEREAS, the President of the United States declared public national emergency relating to COVID-19 on March 13, 2020; and,

WHEREAS, Benton County Commissioners declared a public health emergency regarding COVID-19 on March 17, 2020; and,

WHEREAS, the Regular Meeting of the Port Commission on March 24, 2020 at 2:00 p.m. being conducted using CDC recommended social distancing protocols for COVID-19 with Commissioners meeting in-person pursuant to Port Rules of Policy and Procedure Section 6.9 CEO, public attendees attending in-person or remotely, and Port staff members participating remotely via speakerphone, and said meeting was noticed as required by RCW 42.30, and specifically RCW 42.30.070; and

WHEREAS, there is an emergency present which necessitates this Resolution.

NOW, THEREFORE, BE IT DECLARED BY THE COMMISSION OF THE PORT OF KENNEWICK:

1. Proclamation. The Commission of the Port of Kennewick ("District") hereby and expressly finds and declares, based upon the Recitals above, which are expressly adopted herein, that COVID-19 is a civil public health emergency that:

A. Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences; and

B. Could, if unattended, seriously affect the safety, health, or welfare of a substantial number of citizens of the Port's district, or preclude the operation or use of essential public services and facilities with such magnitude or severity as to necessitate seeking state, county, or other supplementation of local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced.

2. Authority. This Resolution Declaring a Local Emergency and Delegating Authority ("Resolution") authorizes the Chief Executive Officer to exercise such emergency powers as may be lawful under applicable laws, regulations, ordinances, or the District's policies, and necessary, including by way of example and not limitation: general port powers under Title 53, RCW, RCW 53.12.270 (Delegation of powers to managing official), RCW 39.04.280(3) for emergency procurement, and Chapter 39.28 RCW (Emergency Public Works). Effective upon signature hereto and as further detailed in Section 3 below, the Chief Executive Officer is authorized to exercise such lawful authority through the use and direction of District personnel, services, equipment and such additional acts as the Chief Executive Officer may find necessary in his sole discretion to properly and safely manage this emergency.

3. Powers. In order to properly delegate and authorize the Chief Executive Officer to prepare for, address, manage, prevent, respond to, and remediate this emergency situation, the Chief Executive Officer shall have all necessary powers to do the following, which is provided for example and not limitation: Make necessary rules and regulations reasonably related to the emergency, to obtain supplies, equipment, personal property, professional, procured or technical services, etc. (including selecting and awarding such contracts as necessary), such public works as defined by

RCW 39.04.010, to authorize overtime and/or extended leave for personnel, to requisition personnel and material, obtain emergency funding and permitting through federal, state and local agencies, and take such other lawful acts as may be necessary and reasonably related to the emergency situation declared hereunder.

3.1 The foregoing powers and authorities are to be read consistent with the District's existing Delegation of Authority Resolution No. 2018-26; however, if there is a conflict between the Delegation of Authority Resolution No. 2018-26 and this Resolution, this Resolution shall control.

3.2 If the Chief Executive Officer exercises any powers or authorities delegated under this Resolution, the Chief Executive Officer shall report such exercise to the Commission at the next regular Commission meeting with explanation as to why it was necessary to take such action under this Resolution to meet the emergency situation articulated herein. If required by law, the Commission shall take such action in an open session to ratify the Chief Executive Officer's action(s) hereunder.

4. **Termination.** This Resolution shall continue in full force and effect until terminated by law or by further Resolution and shall be reviewed as a regular agenda item on the Commission's agenda until such time as this Resolution is terminated.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 24th day of March, 2020.

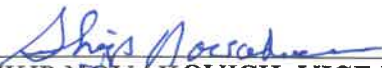
**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

BY:



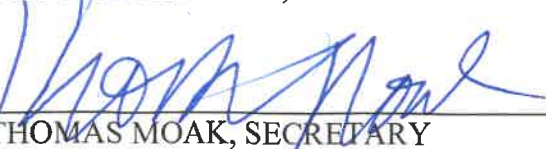
DON BARNES, PRESIDENT

BY:



SKIP NOVAKOVICH, VICE PRESIDENT

BY:



THOMAS MOAK, SECRETARY

PORT OF KENNEWICK

Resolution No. 2022-38

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK EXTENDING THE LOCAL EMERGENCY DECLARATION & RELATED DELEGATION OF AUTHORITY & SETTING A REVIEW DATE

WHEREAS, The Washington State mandate for remote public meetings and restrictions on holding in-person public meetings expired June 1, 2022. Upon expiration of the proclamation, the newly revised Open Public Meetings Act (“OPMA”) law applied.

WHEREAS, pursuant to the current OPMA, RCW 42.30.230, open public meetings must be held at a physical location where the public can attend, unless a local, state, or federal emergency has been declared and the public agency determines it cannot hold an in-person meeting with reasonable safety. While state law encourages agencies to offer a remote attendance option along with its in-person option (see RCW 42.30.030), they are no longer required to do so.

WHEREAS, on October 31, 2022, Washington state’s declaration of emergency lifted. However, local governments can still rely on their own declared state of emergency or a federal emergency declaration (such as the president’s emergency declaration) to hold a fully remote meeting if they state their reasoning why the local or federal emergency prevents them from meeting in person.

Another option for the Port of Kennewick is to refresh the Declaration of Local Emergency, which the Commission first declared in 2020, and to continue to conduct Port Commission meetings under the hybrid model by which the Port currently operates. A physical location is provided for the public attendance, at their option, and Commission and staff attendance is via remote means.

WHEREAS, the Port Commission previously adopted Resolution 2020-06 which documented impacts of COVID 19 world-wide, nationwide and locally. Resolution 2020-06 was a declaration of a local emergency. The current Resolution 2020-06 continues in force until terminated by law or by further Resolution.

WHEREAS, Resolution 2020-06 also delegated to the Port Chief Executive Officer, among other things, the authority to “exercise such emergency powers as may be lawful under applicable laws, regulations, ordinances, or the District’s policies, and necessary, including by way of example and not limitation: general port powers under Title 53, RCW, RCW 53.12.270 (Delegation of powers to managing official), RCW 39.04.280(3) for emergency procurement, and Chapter 39.28 RCW (Emergency Public Works)”.

WHEREAS, although the Washington state Governor’s emergency orders ended October 31, 2022, coronavirus remains a workplace hazard and employers must take precautions to prevent the spread of the virus. Though the Washington state emergency orders are ending, the Benton-Franklin Health District reminds us that throughout the Counties, coronavirus remains a workplace hazard and employers must take precautions to prevent the spread of the virus.

WHEREAS, the Benton-Franklin Health District makes available the rates per 100,000 Population of Cases, Hospitalizations and Deaths due to COVID, and updates this information regularly. For Benton County the present 7-day case rate is 34.5; the 14-day case rate is 70; the 7-Day Hospitalization rate is 6.3 and the 7-Day Death Rate is 0.5.

WHEREAS, the Port has fared well under the current policies. The CEO is aware of no areas where Port business has suffered; and is aware of no citizen complaints due to the current policy. Port efficiency remains high, and in some cases, efficiency has increased pursuant to the remote work policy.

WHEREAS, what does not end on October 31, 2022 are the state Health Emergency Labor Standards Act (HELSEA) requirements that remain in effect as long as there is a public health emergency declared by the President of the United States.¹

WHEREAS, the current national presidential emergency declaration remains in effect through March 1, 2023.

WHEREAS, the federal emergency proclamation remains in effect and local emergency factors continue to necessitate this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. Proclamation of Emergency. Based on the above factors, the Port of Kennewick Commission reaffirms its Declaration of Local Emergency.
2. Current Delegation CEO Remains Unchanged. The Port of Kennewick Commission leaves in place the CEO's current delegation of authority as contains in Resolution 2020-06. Under that authority, the CEO would continue to manage local conditions and it is anticipated that Port Commission meetings would also continue to be held under the hybrid model by which the Port currently operates. A physical location is provided for the public attendance, at their option, and Commission and staff attendance may be via remote means.
3. Commission Review in February 2023. The Port of Kennewick Commission will review the status of this Local Declaration in February 2023 to coincide with the current expiration date of the existing presidential emergency declaration (March 2023).

ADOPTED by the Board of Commissioners of Port of Kennewick on the 8th day of November, 2022.

By: _____

SKIP NOVAKOVICH, *President*

By: _____

KENNETH HOHENBERG, *Vice President*

By: _____

THOMAS MOAK, *Secretary*

¹ HELSEA requirements include, among other things: Non-health care employers must notify staff and others at the workplace of a potential exposure to COVID-19 within one business day, and Employers are prohibited from discriminating against high-risk employees for seeking accommodations for COVID-19.