

2 items to post on the JWM public webpage

John Nutter <johnn@portofpa.com>

Fri 2/22/2019 7:19 PM

To: hollyhairell@outlook.com <hollyhairell@outlook.com>

📎 1 attachments (1,002 KB)

JWM IFC & RFI combined.pdf;

Webmaster Hairell-

I need the email below and the attached document both posted to the JWM public information webpage.

Thanks - John

From: John Nutter

Sent: Friday, February 22, 2019 6:51 PM

To: 'Charlie Bush'

Cc: Karen Goschen; Brian Wendt; Kristina Nelson-Gross; Barry Berezowsky; David M. Garlington

Subject: RE: Draft JWM RFI

Hi Charlie-

Thanks for the comments below. I've tried to make sure our public information webpage has all of the relevant documents, including the letters back and forth in which our legal teams disagree on the SMP issue. It's my hope that as we work through the RFI process, we'll be able to come to a common agreement on this topic or reach a position in which it isn't relevant. Attached is the draft RFI that will be presented to our Commission next week for initial review and comments. I look forward to working with the City over the next several months as we all work together to find the best path forward for the marina.

Thanks – John

John Nutter

Director of Property, Marinas, & Airports

Direct: 360-417-3363

Cell: 360-808-5469

www.portofpa.com



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From: Charlie Bush [mailto:cbush@sequimwa.gov]

Sent: Tuesday, February 19, 2019 8:55 AM

To: John Nutter

Cc: Karen Goschen; Brian Wendt; Kristina Nelson-Gross; Barry Berezowsky; David M. Garlington

Subject: RE: Draft JWM RFI

Hi John,

Thank you for sharing this draft with us. Please accept our apologies for the delayed response. We've been dealing with a lot of snow in Sequim for over the past week.

We note that both tribal entities and nonprofit organizations are not classified as public agencies under State law. As domestic dependent nations, tribes derive their power and authority from the federal government and are not subject to State laws, such as the Public Records Act, among other laws. *See also, e.g., Cotton Petroleum Corp. v. New Mexico*, 490 U.S. 163, 191-192, 109 S.Ct. 1698 (1989) (U.S. Supreme Court held tribes are not "states" for purposes of the commerce clause). Similarly, State law (RCW 24.03) allows a nonprofit to be a "public" nonprofit, but it still retains its "corporation" status. A "public" nonprofit is simply a 501(c)(3) corporation that chooses not to distribute any part of its income to its directors, members, or officers. Since State law is what authorizes the City's powers, including its Shoreline Master Program, neither are public agencies under the City's Shoreline Master Program and are not permitted owners of a marina in our City.

We note that the RFI process is the Port's entirely and we respect your authority to conduct it in whatever manner you feel is appropriate. However, since you asked for feedback, those are our thoughts. We wish you well with the process.

Thanks,

Charlie Bush

City Manager



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From: John Nutter <johnn@portofpa.com>

Sent: Monday, February 11, 2019 2:30 PM

To: Charlie Bush <cbush@sequimwa.gov>; Kristina Nelson-Gross <knelson-gross@sequimwa.gov>; Barry Berezowsky <bberezowsky@sequimwa.gov>

Cc: Karen Goschen <kareng@portofpa.com>; Brian Wendt <brianw@portofpa.com>

Subject: Draft JWM RFI

Charlie, Barry, and Kristina-

Attached is rough draft of the document we are preparing to release on 2/27. If you have any suggestions or concerns, particularly as they relate to the relationship between the City of Sequim and the marina please feel free to send me a note or give me a call.

Thanks - John

John Nutter

Director of Property, Marinas, & Airports

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