

# Port of Port Angeles

*Port Angeles, Washington*

**Commissioners' Resolution No.** \_\_\_\_\_

**20-1216**

**RESOLUTION OF THE PORT OF PORT ANGELES RENEWING THE  
DELEGATION OF ADMINISTRATIVE AUTHORITY TO THE  
EXECUTIVE DIRECTOR.**

WHEREAS, under RCW 53.12.270, the Port Commission of the Port of Port Angeles is authorized to delegate to the Executive Director of the Port of Port Angeles such administrative powers and duties as the Commission may deem proper for the efficient and proper management of Port operations;

WHEREAS, said Delegation must be revised periodically as circumstances require to ensure the agency is able to address its day-to-day operational needs; and

WHEREAS, state law and said Delegation require the authority conferred to the Executive Director to be renewed on an annual basis;

NOW THEREFORE BE IT RESOLVED BY THE PORT COMMISSION OF THE PORT OF PORT ANGELES AS FOLLOWS: Resolution 19-1200 is hereby rescinded, and the Port of Port Angeles Delegation of Administrative Authority to the Executive Director, as set forth in Exhibit A attached hereto and by this reference incorporated herein, is adopted and renewed for the purpose of establishing the administrative authority of the Executive Director.

ADOPTED by the Port Commission of the Port of Port Angeles at a special meeting thereof held this 13th<sup>th</sup> day of February 2020.

PORT OF PORT ANGELES  
BOARD OF COMMISSIONERS



Steve D. Burke, President



Colleen M. McAleer, Vice President



Connie L. Beauvais, Secretary

**PORT OF PORT ANGELES  
DELEGATION OF ADMINISTRATIVE AUTHORITY  
TO EXECUTIVE DIRECTOR**

**PREAMBLE**

The following Delegation of Administrative Authority to Executive Director (“Delegation of Authority”) is adopted by the Commission of the Port of Port Angeles pursuant to RCW 53.12.270, for the purpose of establishing the administrative authority of the Executive Director. This Delegation of Authority is expressly subject to statutory and constitutional provisions governing port district operations. In the event any portion of this Delegation of Authority grants greater authority to the Executive Director than is provided under an applicable statutory or constitutional provision, the statutory or constitutional provision shall control.

The Commission shall retain an Executive Director who shall derive his or her authority from the Commission acting as the governing body of the Port and who shall implement the objectives of the Port as established by the Commission. Any Commission directives or initiatives shall be implemented through the Executive Director and shall be made only by the Commission acting as a body. The Executive Director shall regularly inform and consult with all Commissioners, by a method mutually agreeable to the Commission and the Executive Director, regarding execution of Port policies, Port operations, and information relevant to Commission oversight. The Executive Director shall serve as the primary spokesperson for the operations of the Port.

Subject to the limitations identified in the specific policies herein and in any separate policies that may from time to time be adopted by the Commission, the Executive Director shall be responsible for normal Port operations. The phrase “normal Port operations” as used herein means the operation, maintenance, administration and use of the Port’s marine terminals, airports and other properties and facilities; the marketing of Port facilities; the development of industrial districts; the implementation of construction work, alterations and improvements to the Port’s real estate and physical facilities, and necessary planning incidental thereto; the administration of the day-to-day operations which include personnel administration (administration of the employee salary schedule and incentive programs, benefits, task and project assignments, hiring, firing, training, grievance procedures, employee enrichment and improvement, etc.); execution of contracts, including provisions for defense, release and indemnity; the



delivery of services essential to the Port's mission; financial and accounting related matters; legal matters as they relate to the Port's operations, provided that this delegation of authority shall not be construed to mean a Port Commissioner may not speak directly with Port counsel regarding such matters; and all day-to-day operation and administrative matters. Further, the Executive Director is hereby authorized to publish notice of any and all public hearings that are required by law or are necessary for Commission action.

The Executive Director shall select and manage all staff and outside resources necessary to carry out long-range plans, major programs and projects, maintain facilities and provide supporting functions in accordance with the policies of the Port. The Executive Director may delegate to Port staff, as is necessary and advisable in the efficient exercise of the Executive Director's authority, and in such manner as the Executive Director deems appropriate, such of his or her authority or reporting requirements established herein.

This Delegation of Authority shall be reviewed, revised (if needed), and renewed at the first scheduled meeting in February of each year.

## **GUIDELINES AND PROCEDURES FOR DELEGATED AUTHORITY**

### **I. PORT PROPERTY MANAGEMENT:**

Except as otherwise provided herein, the Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this Section I without prior Commission approval, and of all known deviations and tenant defaults.

#### **A. Leases – General Authorization:**

1. The Executive Director is authorized to negotiate the terms of all leases. The Executive Director shall, as required by this Delegation of Authority and as otherwise deemed appropriate by the Executive Director, inform the Commission of proposed terms and conditions of such leases and the progress of negotiations. Prior to the presentation of any lease which requires Commission approval, the Executive Director shall inform each Commissioner of the proposed terms of such lease.

2. The Executive Director shall ensure that all lease terms are complied with and shall take necessary measures to cause compliance and to protect the Port's legal position.

B. Leases – Commission Approval Required: Commission approval of the following is required:

1. Any lease with a term in excess of one (1) year;
2. Port consent to the assignment or sublease by a Port tenant of a lease with a term in excess of one (1) year remaining on the lease;
3. Any lease that provides for a rental amount of less than fair market rental value;
4. Any lease that contains any material non-standard terms or conditions;
5. Any lease that imposes any financial obligation on the Port for improvements to the leased property;
6. Agreements between the Port and the state of Washington for the use of state-owned aquatic lands, including harbor area leases and aquatic land leases.

C. Leases – Commission Approval Not Required:

1. Lease Term of One Year or Less: The Executive Director is authorized, without prior Commission approval, to execute and amend any lease with a term of one year or less, subject to the following:
  - a. The lease agreement shall be on the Port's standard written form of lease; and
  - b. The monthly rental amount shall be a fair market rental for property of the same or similar class and type and devoted to similar uses.
2. Options to Lease: The Executive Director may execute options to lease Port property. The Executive Director shall report any such option to lease to the Commission as soon as practicable.

D. Modifications to Existing Leases:

1. Non-Material Amendments to Leases: The Executive Director may execute amendments to leases previously approved by the Commission, subject to the following conditions:
  - a. The amendment does not cause a change in use, premises or duration of the leasehold; and
  - b. The amendment does not decrease financial return to the Port.
2. Assignments and Subleases: The Executive Director may execute assignments and subleases, subject to the following conditions:
  - a. The lease agreement permits an assignment or sublease;
  - b. The lease is not in “holdover” status at the time an assignment or sublease is to be made;
  - c. Other material terms of the lease agreement are unchanged unless modification of any such terms is contemplated in the lease agreement; and
  - d. Any rental adjustment provided for in the lease agreement is made.
3. Option to Renew: The Executive Director may execute a lease renewal except in the following circumstances:
  - a. The renewal term will exceed the renewal term contemplated in the lease previously approved by the Commission; or
  - b. Such renewal will require modification of a material term or condition of the lease, the modification of which was not contemplated in the lease previously approved by the Commission.

- E. Security and Insurance: The Executive Director is authorized to take all necessary actions on behalf of the Commission in connection with security and insurance required by Leases, including but not limited to, any of the

following:

1. Upon termination of the lease agreement, and where the tenant is not in default, release any surety bond, surety, rental insurance, or such other security that has been provided;
2. Approve any surety bond, surety, rental insurance, or other security or insurance submitted in fulfillment of the requirements of any lease agreement, including substitute or replacement coverage for any terminated bond, surety or rental insurance; and
3. Approve any substitute for or modification of required insurance coverages, and release any insurance company when proof of substitute or replacement insurance coverages has been provided to the Port as required by the lease agreement.

Actions taken by the Executive Director under this Subsection E are exempt from the requirement of monthly reporting to the Commission.

- F. Marine Terminal Services Agreements: Except in the case of Port operated marinas, the Executive Director, and his or her designee, is authorized, as necessary, to issue agreements, concerning; checking, dockage, free time, handling, heavy lift, loading and unloading, terminal storage, usage, wharfage, and wharf demurrage and including any marine terminal facilities that may be provided incidentally to such marine terminal services, provided that such agreements shall be for a term of one year or less and shall be at reasonable rates as circumstances permit and for similar uses.

Actions taken by the Executive Director, or his or her designee, under this Subsection F are exempt from the requirements of monthly reporting to the Commission. However, the Executive Director shall keep the individual commissioners informed of such agreements.

- G. Miscellaneous Agreements:

1. Use Agreements: The Executive Director may execute any facility or property use agreement, including a license agreement for the use of Port real property, that meets the following conditions:
  - a. Is for a term of one year or less;

- b. Is limited to uses of Port property that are consistent or otherwise compatible with uses to which such property may otherwise reasonably be put; and
  - c. Charges a reasonable rate, or otherwise establishes fair compensation for the use of Port property, except, however, in those cases where the Executive Director is authorized by any separate policy or policies to waive or reduce Port facility or property use fees.
2. Equipment, Airport Hangar and Marina Tenant Agreements: The Executive Director may execute short-term agreements for the use of Port-owned equipment, airport hangars, marina slips, and storage facilities, so long as such Agreements:
- a. Are for a term of one year or less; and
  - b. Charge a reasonable rate, or otherwise establish fair compensation for the use of Port property, except, however, in those cases where the Executive Director is authorized by any separate policy or policies to waive or reduce fees for such Port assets.

Actions taken by the Executive Director under this Subsection G.2 are exempt from the requirement of monthly reporting to the Commission.

3. Fee Waivers: The Executive Director shall have the authority to waive any fee for a nonprofit or governmental entity if the use of any port facility or property promotes a public benefit; the total value of the waived fee does not exceed \$5,000; and the intended use does not interfere with the day-to-day operations of the Port or its tenants and customers. Any fee waivers granted by the Executive Director shall be reported on the monthly report to the Commission. To avoid any conflict regarding separation of church and state, use of Port facilities for religious services or events which are religious in nature or will benefit a church will not be entitled to a fee waiver.

## II. CONTRACTS FOR PERFORMANCE OF WORK:

### A. Work Contract Awards:

1. If the total estimated price of a public work project does not exceed \$50,000.00, and if the funds are available within the approved annual budget, the Executive Director may, without prior Commission approval, award a contract using the small works roster process authorized in RCW 53.08.120, as amended, or, in the alternative, advertise notice calling for bids and thereafter award a contract for work. Any contract awarded under this provision shall be reported to the Commission at the first regularly scheduled meeting of the following month.
2. In an emergency, the Executive Director may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the Port to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, the Executive Director shall, within two weeks following the award of any such contract, request Commission ratification, on the record, of the finding of an emergency and of any contract awarded executed pursuant to that finding. From the inception of any such emergency, the Executive Director shall continuously advise the Commission of the development of the emergency situation and the progress of any contract executed to remedy the emergency. "Emergency" as used in this paragraph means unforeseen circumstances beyond the control of the Port that either present a real, immediate threat to the proper performance of essential functions, or will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

### B. Change Orders: The Executive Director is authorized to execute individual change orders to an existing contract if the funds are available within the approved annual budget, and if all of the following conditions are met:

1. The change order does not exceed the following dollar limits:
  - a. For a contract awarded by the Executive Director, the aggregate cost of the original contract and all changes will not exceed \$50,000.00;



- b. For a contract awarded by the Commission, the total cost of all contract changes will not exceed the lesser of \$50,000.00 or 10% of the last Commission-approved total; and
  - 2. The individual change order has been approved and certified by the project architect or engineer as being necessary to the proper, or more efficient and economical, accomplishment of the work called for in the basic contract.
- C. Final Acceptance of Contracts: The Executive Director may give final acceptance of completed public works projects of a total cost that does not exceed \$300,000.00.

Except in the case of emergencies as provided in Section II.A.2 above, the Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this Section II without prior Commission approval.

### III. PERFORMANCE OF WORK BY PORT CREWS:

The Executive Director is authorized to approve individual capital projects that are to be carried out by Port crews, or day labor when deemed appropriate, when the total estimated cost for labor and materials does not exceed \$50,000.00. Prior Commission approval is required for any such projects when the total estimated cost for labor and materials exceeds \$50,000.00.

The Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this section without prior Commission approval.

### IV. CONTRACTS FOR ACQUISITION OF MATERIALS, EQUIPMENT AND SERVICES:

The Executive Director is authorized to execute, and shall follow all required statutory procedures where applicable, in connection with all contracts for the acquisition of utilities, materials, equipment and routine services. Utilities, materials, equipment, supplies and services (including services provided by public agencies) may be acquired on the open market, pursuant to published tariffs, or by competitive bidding when necessary, for the normal maintenance and operations of the Port. No prior Commission approval shall be required for

any such contract, but shall, when appropriate, be approved as a part of normal monthly expenses and shall be within authorized budgets. Provided, however, prior Commission approval is required for the purchase of any single piece of equipment whose purchase order price exceeds \$50,000.00.

V. LEGAL SERVICES; LITIGATION; ADJUSTMENT AND SETTLEMENT OF PRELITIGATION CLAIMS:

The Commission shall select and retain general Port Counsel on such terms and conditions as the Commission deems appropriate.

The Executive Director, in coordination with Port Counsel, shall manage and supervise all legal services for the Port and all litigation and potential litigation in which the Port has an interest; provided, however, that the Executive Director may not assert a claim or commence litigation on behalf of the Port without first reporting the matter to the Commission.

For purposes of this Section V, "litigation" means the assertion of any claim, position, right, or responsibility, by or against the Port, which has been or may be filed in any court quasi-judicial body, or administrative forum. The term also includes the various stages thereof and resolution of the same.

- A. Legal Services. The Executive Director may use Port Counsel to advise Port staff and to provide general legal services as required. In cases of emergency or conflict of interest, the Executive Director may select such other counsel as is required for temporary general legal services. In addition, the Executive Director, in consultation with Port Counsel, may engage or cause to be engaged such special or independent counsel as may be necessary to provide, or assist in providing, legal services. The Executive Director shall report to the Commissioners the retention of any such counsel as soon as practical so as to keep them informed of litigation risks, scope of service, and potential costs.
- B. Engagement of Experts. The Executive Director may engage, or cause to be engaged through Port Counsel, such experts, mediators, consultants, investigators, and/or other individuals as may be necessary in connection with litigation or anticipated litigation, including resolution of the same, in which the Port has a direct or indirect interest, without the limitations otherwise set forth in Sections VI or VII below. Any such engagement shall be upon authorization by Port Counsel after Port Counsel is satisfied that such expenditure is necessary to the adequate preparation and representation of the Port's position in such litigation or anticipated

litigation, including resolution of the same, and shall, wherever practicable, include evaluation of the litigation and an estimate of the probable cost of such experts. The Executive Director shall report to the Commissioners the retention of any such experts as soon as practical so as to keep them informed of litigation risks, scope of service, and potential costs.

C. Adjustment and Settlement of Prelitigation Claims. Except as otherwise provided in this Delegation of Authority, the Executive Director shall observe the following procedures in the adjustment and final settlement of all prelitigation claims made against or on behalf of the Port, *i.e.* those that have not been formally filed with any court or reviewing forum.

1. For purpose of this Section V, “claim” means the assertion of any position, right or responsibility by or against the Port, but does not include (1) uncollectible accounts to the extent they are covered in Section XIV below, or (2) claims asserted by or against the Port which have become the subject of litigation, *i.e.* those that have been formally filed with a court or reviewing forum.
2. No claims against the Port for damages for tortious conduct may be considered unless and until the claimant has served proper notice upon the Port as required by law. Except as set forth herein, no claim may be settled and paid without first being reported to the Commission.
3. Any properly presented claim arising from normal Port operations and not exceeding the lesser of \$25,000.00 or the Port’s applicable insurance deductible amount may be adjusted and settled by the Executive Director without first being reported to the Commission, provided that Port Counsel confirms that payment of the claim is justified on the basis of the following:
  - a. a substantial likelihood that the Port is or will be found liable and that a judgment rendered in the case would be in the amount claimed or higher; or
  - b. the likelihood that the expenses involved in litigation would be unnecessarily high in relation to the amount claimed.

All such claims resulting in Port settlement payments in excess of \$7,500.00 shall be reported to the Commission as soon as practicable.

D. Settlement of Claims in Litigation. Any matter that is the subject of litigation, *i.e.* those that have been formally filed with a court or reviewing forum, may be compromised and settled by the Executive Director provided that the following conditions are met:

1. The amount in controversy as stated in the pleadings does not exceed the lesser of \$25,000.00 or the Port's applicable insurance deductible amount; and
2. Port Counsel confirms that payment of the claim is justified on the basis of the following:
  - a. a substantial likelihood that the Port is or will be found liable and that a judgment rendered in the case would be in the amount claimed or higher; or
  - b. the likelihood that the expenses involved in litigation would be unnecessarily high in relation to the amount claimed.

All such claims resulting in Port settlement payments in excess of \$7,500.00 shall be reported to the Commission as soon as practicable.

E. Claims in Excess of \$25,000. Any claim exceeding the lesser of \$25,000.00 or the Port's applicable insurance deductible amount shall be reported to the Commission as soon as practicable.

F. Settlement of Insured Claim. Nothing contained herein shall preclude administrative approval of the settlement by the Port's insurer of a claim against the Port, when such settlement is payable by the insurer.

G. Litigation Updates. The Executive Director, in coordination with Port Counsel or Special Counsel representing the agency, shall periodically request an executive session with the Commission to keep the Commissioners informed of, and to receive direction on, litigation matters. Once annually, the Executive Director and Port Counsel shall request an executive session to provide an update of all open litigations, which shall include, but not be limited to, a review of the status, history, risks, contemplated strategies, possible means to resolve, estimated timelines, the identities of special counsel and experts serving the agency, and current and anticipated costs.

VI. CONTRACTS FOR PROFESSIONAL SERVICES:

A. Contract Awards: The Executive Director is authorized to contract for professional services with qualified architectural, engineering and technical testing and inspection firms licensed in the State of Washington, to provide such services as required for maintenance, preliminary engineering work, and small projects of the Port, and for similar purposes reasonably required in connection with public works. The procurement of and payment for professional services shall be accomplished in accordance with applicable statutory requirements. Provided, if the price for professional services on any single project or closely related work is estimated to exceed \$50,000.00, the contract shall be awarded by the Commission. The Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this section without prior Commission approval.

B. Change in Scope of Service: The Executive Director is authorized to execute changes in the scope of service, if the funds are available within the approved annual budget, and if all of the following conditions are met:

1. For a contract awarded by the Executive Director, the aggregate cost of the original contract and all changes will not exceed \$50,000.00; and
2. For a contract awarded by the Commission, the total cost of all contract changes shall not exceed the lesser of \$50,000.00 or 10% of the last Commission-approved total.

The Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this section without prior Commission approval.

VII. CONTRACTS FOR PERSONAL AND PURCHASED SERVICES:

A. Contract Awards: The Executive Director is authorized to contract for personal services with qualified consultants when necessary in carrying out normal Port operations. The procurement of and payment for personal services shall be accomplished in accordance with applicable statutory requirements. Provided, if the price for personal services on any single matter or closely related matter is estimated to equal or exceed



\$50,000.00, the contract shall be awarded by the Commission. The Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this section without prior Commission approval.

B. Change in Scope of Service: The Executive Director is authorized to execute changes in the scope of service without prior Commission approval, if the funds are available within the approved annual budget, and if all of the following conditions are met:

1. For contracts that equal or exceed \$50,000.00, the change may not result in a substantial change in the scope of work specified in the contract;
2. For contracts awarded by the Executive Director, the aggregate cost of the original contract and all changes shall not equal or exceed \$50,000.00; and
3. For contracts awarded by the Commission, the total cost of all contract changes shall not equal or exceed the lesser of \$50,000.00 or 10% of the last Commission-approved total.

The Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this section without prior Commission approval.

C. Sole Source Contracts: The Executive Director is authorized to execute sole source contracts for personal services less than \$50,000.00 in value. For purposes of this section, and as provided in RCW 53.19.010, "sole source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on the uniqueness of the service, sole availability at the location required, or warranty or defect correction service obligations of the consultant. The Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this section without prior Commission approval.

D. Purchased Services Contracts: The Executive Director is authorized to execute contracts for vendor services to accomplish routine, continuing, and necessary functions. By way of example, and not limitation, such "purchased services" include, but are not limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer

hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.

VIII. TRAVEL OF EMPLOYEES AND OTHER AUTHORIZED REPRESENTATIVES OF THE PORT:

In order to facilitate necessary normal Port operations, the Executive Director may authorize travel by Port employees and/or other Port representatives for Port business, in accordance with the Port's travel policy adopted pursuant to RCW 53.08.176 and RCW 42.24.090. Reimbursable personal travel expenses per trip shall not exceed \$5,000.00 per person.

The Commission shall be advised at the first regularly scheduled meeting of the following month of all such authorizations for travel outside of Washington, Oregon, Idaho and British Columbia, Canada.

IX. GRIEVANCE PROCEDURES FOR CERTAIN EMPLOYEES:

The Executive Director shall establish problem resolution procedures that will be available to both represented and nonrepresented Port staff. The problem resolution procedures are in addition to any grievance procedures available to represented staff via their current collective bargaining agreement. The problem resolution procedures may include the following:

- A. The manner in which problems are reported;
- B. The responsibilities of each supervisory level in the process;
- C. Rules for representation of employees;
- D. A whistle-blower policy for employees to report improper governmental actions without fear of retaliation;
- E. A confidential 24/7 hotline for employees to report problems and whistleblower complaints.

X. SYSTEMS OF EMPLOYEE IMPROVEMENT:

The Executive Director shall establish systems of employee education, training and development to complement training and development programs and activities already specifically authorized by the Commission. Such programs shall promote the policy of the Commission to increase the skills and productiveness of all Port employees, and may include, without limitation, leave of absence in select cases; general and specific training and education aimed at improving a Port employee's ability to perform duties at the Port; programs designed for entry level employees; attendance at seminars, conferences and meetings; and subscription and purchase of training materials, guides and other such resources.

XI. ACCEPTANCE OF GIFTS OF PERSONAL PROPERTY:

The Executive Director may accept for and on behalf of the Port gifts of personal property.

XII. EXECUTIVE DIRECTOR'S AUTHORITY FOR PROPERTY ACQUISITIONS AND SALE OF REAL PROPERTY:

When the Commission authorizes the acquisition of real property by purchase or condemnation, the Executive Director shall take all necessary steps, including obtaining an appraisal report, to acquire title to such property for the Port.

When the Commission authorizes the sale of real property, the Executive Director shall take all necessary steps to complete the transaction including, without limitation, accepting deposits, opening escrow, and signing all necessary documents.

XIII. SALE OF PERSONAL PROPERTY:

The Executive Director is authorized to sell and convey surplus personal property of the Port of Port Angeles without Commission approval, in accordance with the requirements of RCW 53.08.090, as amended, provided that the value of such property may not exceed \$10,000.00, and no Port employee or official may purchase such property. And provided further that, prior to any such sale, the Executive Director shall provide the Commission with an itemized list of the personal property to be sold and shall make written confirmation that the listed property is no longer needed for Port purposes.

If the Executive Director is unable after reasonable effort to dispose of the property by sale, either through a publicly advertised competitive bidding process or sale by negotiation, the Executive Director may dispose of the property by donation to a Clallam County tax-exempt organization, or by delivery to the local transfer station or recycling center.

If a single item of property has an estimated value of \$200.00 or less, and the Executive Director reasonably determines that the expense of disposing of the property by sale exceeds any benefit the Port may receive from the sale, the Executive Director may dispose of the property by donation to a Clallam County tax-exempt organization, or by delivery to the local transfer station or recycling center.

The authority granted under this section shall be renewed from year to year, at the first Commission meeting of each calendar year. All renewals of, and any amendment to or repeal of, the authority granted under this section must be by Commission Resolution.

XIV. DISPOSITION OF UNCOLLECTIBLE ACCOUNTS:

The Executive Director is authorized to establish procedures for and to write off any uncollectible accounts in the amount of \$1,000.00 or less, subject to the following general guidelines. Prior to writing off any account receivable as uncollectible, the Executive Director shall be satisfied that every reasonable effort has been made by the Port to receive payment on the account. The Executive Director may, as appropriate, authorize legal action in the proper court of law, or assign the account to a collection agency. If, after attempting all normal account collections procedures, an account remains uncollectible after 180 days, the Executive Director may write off the account. Any amount in an account in excess of \$1,000.00 that is deemed to be uncollectible shall be referred to the Commission for final approval of writing off that account. The Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this section.

XV. INSURANCE POLICIES:

The Executive Director is authorized to negotiate and obtain appropriate policies of insurance to cover Port property, liability, employee coverages, and other areas appropriately included within a comprehensive insurance program. The Executive Director is authorized to approve from time to time changes or modifications within the policies of insurance including programs to provide self-

insurance or deductible provisions so long as such programs are promptly and regularly reported to the Commission so that they are kept informed of basic changes in the overall insurance program of the Port.

XVI. INVESTMENT OF TEMPORARILY IDLE PORT FUNDS:

For purposes of this paragraph, “temporarily idle Port funds” means those funds that are not required for immediate expenditure. In accordance with applicable law and Port Resolutions relating to the investment of public funds, the Executive Director is authorized to direct the Port Treasurer in the management of temporarily idle Port funds, including, without limitation, investments in authorized government securities, sale of such investments and necessary interfund transfers. Reports of investments shall be made to the Commission in accordance with the Port’s investment policy as provided by Resolution.

XVII. RULES AND REGULATIONS:

The Executive Director is authorized to adopt and amend administrative rules and regulations as necessary for the efficient operation of the Port. The Executive Director shall inform the Commission at the first regularly scheduled meeting of the following month of all actions undertaken under this section.

XVIII. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT:

It is the policy of the Port to provide equal opportunity to the users of all Port services and facilities, all contracting entities, Port employees, and applicants for employment, and to assure that there be absolutely no discrimination against any persons on grounds of race, creed, color, national origin, political ideology, gender, sexual orientation, marital status, age, military status, or the presence of any sensory, mental, or physical handicap. This policy is to be implemented by the Executive Director.

XIX. APPLICATION FOR AND ACCEPTANCE OF GRANTS

The Executive Director, or his or her designee, is authorized to pursue and accept on behalf of the agency, without prior referral to the Commission, all grant and loan opportunities, when the Grantor does not require official Commission action, under the following conditions:



1. The program(s) or project(s) to be funded by the grant or loan opportunity are listed in the Port Commission's adopted annual operating budget, capital investment plan, or strategic plan; or
2. When the program(s) or project(s) to be funded by a grant or loan opportunity are not listed in the documents noted in paragraph (A)(1) above, the grant or loan may still be pursued and accepted provided the grant or loan does not require the Port to contribute new agency money (even if reimbursed) exceeding \$50,000, or that result in increased operating expenses of \$50,000 annually.

The Executive Director, or his or her designee, shall notify the Commission of the purpose, amount, duration, and associated obligations of any grant or loan application and award at the first regularly scheduled meeting of the month after the application is made. If, upon review, the Commission determines the grant application is not in the best interest of the agency, then it may direct the Executive Director to rescind the application.