

# Port of Port Angeles

*Port Angeles, Washington*

## Commissioner's Resolution No. 21-1232

### 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 Port is able to address its day-to-day operational needs; and

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

WHEREAS, in Resolution No. 20-1216, the Port Commission delegated to its Executive Director certain authority for the management and operations of the Port;

NOW THEREFORE BE IT RESOLVED that Resolution 20-1216 is hereby rescinded, and the Port of Port Angeles Delegation of Administrative Authority to the Executive Director, as set forth in **Exhibit A** attached hereto and by this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 regular meeting thereof held this 27<sup>th</sup> day of July 2021.

PORT OF PORT ANGELES  
BOARD OF COMMISSIONERS



Steve D. Burke, President



Colleen M. McAleer, Vice President



Connie L. Beauvais, Secretary

## Exhibit A

Section 1. The master policy directive of the Commission of the Port of Port Angeles as set forth herein, is adopted for the purpose of establishing the delegated administrative powers and duties of the Executive Director and designees. This policy directive will remain in effect until August 1, 2022, unless it is extended prior to that date. In accordance with RCW 53.08.085, Paragraph XII, Sale of Property shall be reviewed and approved annually.

Section 2. All portions of resolutions heretofore approved by the Commission pertaining to the subject matters contained in this resolution are hereby repealed.

Section 3. The Revised Code of Washington 53.08.090 authorizes the Commission to delegate by resolution to the Executive Director the authority to sell and convey Port personal property.

Section 4. The following policy directive on the delegated administrative powers and duties of the Executive Director is hereby adopted.

### **I. PREAMBLE:**

A. The following policy is adopted by the Commission of the Port of Port Angeles for the purpose of establishing the administrative powers and duties of the Executive Director who is responsible for Port operations. The Executive Director may delegate to Port personnel such administrative authority or reporting requirements herein established as is necessary and advisable in the efficient exercise of the Executive Director's powers and duties.

B. This policy sets forth specific delegations of power and duties from the Commission to the Executive Director. This policy shall not be interpreted to limit the duties or responsibilities of the Executive Director as those duties are determined from time-to-time by the Commission. In case of a short-term absence, the Executive Director may designate one or more senior Port staff to act in the place of the Executive Director with regard to the powers and duties herein. Subject to the limits within this delegation, the responsibility for all administration and Port operations of the Port rests with the Executive Director.

C. To implement delegations of authority to Port personnel, the Executive Director shall promulgate policy and procedural manuals, monetary and budgetary directives, and other such documents as personnel position descriptions, affirmative action plans, safety manuals, etc. which shall provide a clear span of authority and responsibility to the designees of the Executive Director.



D. Any Commission directives or initiatives shall be made through the Executive Director and shall be made only by the Commission acting as a body of the whole. Those directives include, but are not limited to, the separately adopted travel policy, tariff schedules, financial guidelines, promotional hosting policy, and standard rental rates/practices.

E. The phrase “administration and Port operations”, as used herein, means the regular day-to-day business of the Port, including, but not limited to, operating, maintaining, and administering all of its properties, leasehold properties, facilities services and programs; including the implementation of construction work, alterations, repairs, maintenance, and improvements of the Port’s real estate and physical facilities; and, the necessary planning incidental thereto; the conduct of financial accounting and legal matters as they relate to the Port’s operation; the administration of all other operations which include personnel administration (*i.e.*, hiring, firing, salary and benefits, training, grievance procedures, task and project assignments, employee training and incentive programs, etc.); the execution and administration of contracts; publish legal notices; and, all other pertinent functions.

F. The Executive Director shall inform the Commission regarding significant information, incidents, and business transactions by methods agreeable to the Commission. The Executive Director shall report monthly to the Commission those actions as within this delegation. The Executive Director is the managing official of the Port, appointed by the Commission, and holds office as their representative. Nothing herein should be construed in any way as abrogating the duties and the responsibilities of the Commission.

## **II. POLICY GOVERNING REAL PROPERTY AND THE PORT TERMINALS:**

A. Lease Arrangements: All real property when available for leasing shall, except as otherwise provided herein below, be leased only under an appropriate written lease instrument, executed by the Commission, and accompanied by a lease bond or other form of security in accordance with law. However, the Executive Director may execute short term leases (terms of one year or less) subject to all of the following conditions:

1. The appropriate lease surety must be in place consistent with statutory requirements and the Port’s standard form of lease, except for State and Federal leases that require the use of the tenant’s lease form as long as the content of the lease form does not materially change the Port’s intent in its standard lease form.

2. The arrangements for short term occupancy shall be evidenced by the Port’s standard form of lease (except that any clearly inapplicable provision or provisions inconsistent with the policy herein set out shall be deleted from the standard form).

3. The amount of the rental shall be in accordance with the rental revenue standards adopted by the Commission for similar Port property of the same or similar class and type and devoted to similar uses.

The use to which the property may be put by the tenant shall be expressly stated and shall be in accordance with the standards of use adopted by the Commission for the same or similar Port property or properties.

4. The lease may not be renewed or otherwise extended beyond three years without Commission approval.

B. Sublease Procedures: Leases, concession agreements, operating agreements, and related contracts between the Port and its tenants, concessionaires, and other parties shall include restrictions on the subleasing and require at a minimum the prior written consent of the Port to such subleases. Subject to the provisions of the lease or agreement, the Executive Director is authorized to grant consents to subleases which for the purposes hereof shall include sub operating agreements and sub concession agreements; given that there is less than one year remaining on the lease, the Lessee is not in default or "holdover" status and the material terms of the lease agreement are unchanged.

C. Other Lease Documents: The Executive Director is authorized to execute the following property instruments, subject to the terms specified herein:

1. Temporary and permanent easements for purposes of utility installments only.

2. Short-term agreements (less than one year) for the use of Port-owned equipment, airport hangars, marina slips and storage facilities, in keeping with the Port Lease and Property Use Policy.

3. Business Licenses and Licenses to Operate.

4. Aquatic land leases with the Washington State Department of Natural Resources to accommodate leasehold property leases consistent with the Port Management Agreement.

5. Binding site plans and short plats consistent with Port master plans in order to activate leasehold interests.

6. Changes in name of responsible party to the lease if all other conditions, including primary ownership, remain the same.

7. Lease assignments for purposes of collateral and lease assignments for purposes of a single airport condominium unit conveyance (change of ownership) where there is an established condominium association as the Lessee.

8. Response to estoppels and attornments.

D. Lease Renewals: The Executive Director is authorized to renew leases for terms less than five years provided such renewals are provided for in the basic lease; all

other substantive terms of the lease remain unchanged; rental rate adjustments provided for in the lease are made; and the lessee is in good standing. The Executive Director shall report any such lease option to the Commission as soon as practicable.

E. Lease Enforcement and Lease Terminations: The Executive Director, in coordination with legal counsel is authorized to enforce all terms and conditions of Port leases. The Executive Director is authorized to issue all appropriate notices of default and/or notices of termination with regard to Port leases. The Executive Director is authorized to terminate any lease under the terms and conditions therein. Upon termination, the Executive Director is authorized to take all steps necessary to retake possession of the leasehold and recover for the Port all sums due the Port pursuant to the lease and the law. The Executive Director shall keep the Commission informed with respect to lessees prior to issuing default notices or termination notices.

F. Realtors Compensation Program: The Executive Director is authorized to make payments for real estate services consistent with the Commission's adopted policy on Lease and Property Use and within the lease authority of Section II, A.

G. Lay Berth Agreements: The Executive Director is authorized to execute Lay Berth Agreements for a term not to exceed one year to allow a vessel to berth on a daily or monthly basis at the Port's Terminals. The Executive Director shall keep the Commission informed with respect to these agreements.

H. Cargo Throughput, Logyard and usage of Port Facilities Agreements: The Executive Director is authorized to negotiate terms, conditions, and charges for services related to moving cargo across the Port's Terminals and Log yard which deviate from the published Tariff when (i) in the course of business it is necessary to deviate from the Tariff to capture new revenue or retain existing business relationships, and (ii) such agreements will not require the expenditure of any unbudgeted capital improvements or operating funds, and (iii) the term of the agreements shall not exceed one year. The Executive Director shall keep the Commission informed with respect to these agreements.

### **III. POLICY GOVERNING CONTRACTS FOR PERFORMANCE OF PUBLIC WORK:**

A. Public Work Contract Awards: The Executive Director shall have the responsibility for following all required statutory procedures in connection with all public work contracts. The Executive Director is authorized to carry out all procedures required by applicable statutes preliminary to the acts required to be performed by the Commission at an open meeting. The Executive Director may, without prior Commission approval, execute on behalf of the Port public work contracts for \$50,000<sup>1</sup> or less so long as the

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1. For projects, where the cost of the work or improvement, including costs of materials, supplies and equipment, will not exceed the sum of \$40,000, Ports can use RCW 53.08.120.2(c) where no bids are required.

expenditure is within the approved budget. In addition, the Executive Director may, without prior Commission approval, execute on behalf of the Port, public work contracts for public work identified in a specific budgetary line item and where the contract price and all other charges do not exceed the amount authorized in that specific budgetary line item by ten percent (10%), but in no case in excess of \$50,000. Any contract awarded that does not exceed \$50,000 shall be reported to the Commission at the first regularly scheduled meeting of the following month.

B. Emergency Public Work Contracts: When any emergency shall require the immediate execution of a public work contract, the Executive Director, pursuant to the procedures of RCW 39.04.020 (and as amended), is authorized to make a finding of the existence of such emergency and execute any public work contract necessary to respond to the existing emergency, provided that the Executive Director shall, at the first Commission meeting following the Executive Director's finding (not to exceed two weeks) of the existence of an emergency, request Port Commission ratification of the finding of an emergency and any contract awarded or executed pursuant to this authority. From the inception of any such emergency, the Executive Director shall continuously advise the Commission of the status of the emergency situation and the progress of any such public work contracts executed to remedy the emergency. Emergency public work contracts executed pursuant to the authority herein shall contain a clause which states that the contract is subject to ratification by the Commission and that if ratification does not follow, the contract shall terminate, and the Contractor shall be compensated for his work and materials used to the time of termination.

C. Change Orders: In the instances where public work contracts have been awarded and under which the work is in progress, and individual changes in plans and/or specifications are necessitated in order to properly accomplish the work, the Executive Director is authorized, without prior Commission approval, to execute individual change orders to the contract if the following conditions are met:

1. The estimated cost of the aggregate changes in plans and/or specifications and all other charges will not exceed the specific budgetary line item, \$50,000.00 or 10% of the last Commission-approved total.
2. The contract provides for issuance of change orders.

D. Final Acceptance of Contracts: The Executive Director may give final acceptance of completed public works projects of a total cost that do not exceed \$300,000.

#### **IV POLICY GOVERNING CONTRACTS FOR ACQUISITION OF MATERIALS, EQUIPMENT, SUPPLIES AND EMERGENCY SERVICES**

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The Port shall make its best effort to reach out to qualified contractors, including certified minority and woman-owned contractors.

A. Items Acquired for Normal Maintenance and Operation in the Open Market:

The Executive Director shall have the responsibility for following all required statutory procedures, where applicable, in connection with all contracts for the acquisition of utilities, materials, equipment, and supplies; provided, however, that where utilities, materials, equipment, and supplies are acquired on the open market or pursuant to published tariffs and used or are necessary in normal maintenance and operations of the Port, no prior approval shall be required but shall where appropriate be approved as a part of normal monthly expenses, and further, provided that in all cases where a statutory requirement exists for award of contracts following competitive bidding.

B. Budgeted Acquisitions or Acquisitions of \$50,000, or less: The Executive Director may, without prior Commission approval, execute on behalf of the Port, contracts for materials, equipment, and supplies (where the acquisition does not meet the criteria of Section A above) for \$50,000 or less so long as the expenditure is within the limits of overall budgetary constraints. In addition, the Executive Director may, without prior Commission approval, execute on behalf of the Port, contracts for materials, equipment, or supplies identified in a specific budgetary line item and where the contract price does not exceed the amount authorized in that specific budgetary line item by ten percent (10%).

C. Emergency Contracts for Acquisition of Materials, Equipment, Supplies, and Services: When an emergency shall require the immediate acquisition of materials, equipment, supplies, and services, the Executive Director is authorized to make a finding of the existence of such emergency and execute any contract for acquisition of materials, equipment, supplies, and services (subject to the Port of Port Angeles Personal Service Agreement and Contracting Policy) necessary to respond to the existing emergency, provided that the Executive Director shall, at the first Commission meeting following the Executive Director's finding of the existence of an emergency, request Port Commission ratification of the finding of an emergency and any contract awarded or executed pursuant to this authority. From the inception of any such emergency, the Executive Director shall continuously advise the Commission of the status of the emergency situation and the progress of any such public work contracts executed to remedy the emergency. Emergency acquisition contracts executed pursuant to the authority herein shall contain a clause which states that the contract is subject to ratification by the Commission and that if ratification does not follow, contract shall terminate, and the Contractor shall be compensated for work and materials used to the time of termination.

E. 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. For projects that exceed \$40,000.00 the Port shall determine if contracting out construction would be less expensive than Port labor per RCW 53.08.135.

**V. POLICY GOVERNING ADJUSTMENT AND SETTLEMENT OF CLAIMS AND PENALTIES EXCEPTING THOSE COVERED BY PARAGRAPH XIV BELOW:**

A. Procedure for Settling Claims: The Executive Director shall be responsible for the implementation of necessary procedures for the settlement of all claims, either against or on behalf of the Port. Procedures in the handling of such claims shall, at a minimum, include the following:

1. For purpose of this Paragraph V, "claim" shall mean the assertion of any position, penalty, right, or responsibility by or against the Port, its Commissioners, or employees, but not including uncollectible accounts only to the extent as covered in Paragraph X herein.

2. No claims against the Port shall be considered unless and until proper written notice has been provided to the Port.

3. All claims for or against the Port may be processed in all respects (except for their final approval and payment) by the Executive Director or Legal Counsel.

4. Except as provided under Section B below, no claims shall be finally approved for settlement except by the Commission and no claim shall be paid except as authorized by the Commission.

B. Executive Director's Authority to Settle Claims: The Executive Director may, with the written concurrence of legal counsel, negotiate and settle claim(s) asserted against the Port or claims asserted by the Port for an amount not to exceed \$25,000 or the Port's applicable insurance deductible amount may be adjusted, for a single incident; provided that the claim(s) seek only money damages and do not personally name or assert a claim against a Commissioner. All claims over the amount of \$7,500 shall be reported to the Commission as soon as practicable.

**VI. POLICY GOVERNING ARRANGEMENTS FOR PROFESSIONAL AND CONSULTANT SERVICES:**

A. 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 RCW 53.19.090 and RCW 53.19.080 along with the initiation of appropriate procedures to obtain professional services specified RCW 39.80. The aggregate cost for the professional and consulting services shall be less than \$50,000 and not exceed the amount authorized in that specific budgetary line item by ten percent (10%)



B. Sole Source Contracts<sup>2</sup>: The Executive Director is authorized to execute sole source contracts for services less than \$50,000 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.

**VII. POLICY GOVERNING TRAVEL OF EMPLOYEES AND OTHER AUTHORIZED REPRESENTATIVES OF THE PORT:**

A. Executive Director's Authority: 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 per person without advance approval by the Commission.

**VIII. POLICY GOVERNING STAFF AND EMPLOYEE ADMINISTRATION:**

A. Executive Director's Authority: The Executive Director shall have the authority to manage all personnel matters for Port employees and staff which includes hiring, firing, training, grievance procedures, employee benefits, and administration of the employee salary schedule and incentive programs. The Executive Director shall carry out these responsibilities according to state and local guidelines and policies and within overall budgetary constraints. The Executive Director will inform the Commission of actions being taken in the event the action may result in public notice or litigation.

**IX. POLICY GOVERNING EXECUTIVE DIRECTOR'S AUTHORITY FOR PROPERTY ACQUISITIONS AND SALES:**

A. Authority of the Executive Director for Acquisitions Authorized by the Commission: When the Port Commission authorizes the acquisition of real property by purchase or condemnation, the Executive Director shall take all necessary steps, including the securing of appraisals, to secure title of such property for the Port. Acquisition

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2. Pursuant to RCW 53.19.040, sole source contracts shall be filed with the Commission and made available for public inspection prior to the proposed starting date of the contract. Documented justification for sole source contracts shall be provided to the Commission when the contract is filed. to ensure that the costs, fees, or rates negotiated are reasonable.

price of individual properties (or ownerships) shall in no case exceed the Port's appraisal by ten percent (10%), nor shall the total price paid for all properties exceed the estimates of the Port Commission's authorization without further specific Commission authorization.

B. Execution of Documents of Sale: The sale of real property is reserved to the specific Commission authorization. When the Commission authorizes the sale of real property, the Executive Director shall take all necessary steps to complete the transaction, including, but not limited to, accepting deposits, opening escrow, and signing all necessary documents.

#### **X. POLICY GOVERNING DISPOSITION OF UNCOLLECTIBLE ACCOUNTS:**

A. Definition of "Write-off": The term "write-off" means the adjustment of the accounting records of the Port to reflect the fact that the account is uncollectible in the normal course of operations. The Executive Director may authorize Legal Counsel to initiate or continue with legal action to collect an account without regard to whether the account has been written off the accounting records of the Port.

B. Procedures: The Executive Director is authorized to establish procedures for and to write off any uncollectible account in the amount of \$1,000 or less subject to the following general guidelines and in accordance with RCW 19.16.500:

1. Prior to writing off any account receivable or uncollectible, the Executive Director shall be satisfied that every reasonable effort has been made by the Port to accomplish the collection of the account.

2. The Executive Director may, as appropriate, authorize legal action in the proper court of law, or assign the account to a collection agency, while keeping the Commission informed. If, after attempting all normal account collections procedures, an account remains uncollectible after 180 days, the Executive Director may write off the account.

3. Any account in excess of \$1,000 which is deemed to be uncollectible shall be referred to the Commission for final write-off.

#### **XI. POLICY GOVERNING LEASE SURETY, SURETY BONDS, RENTAL DEPOSITS, AND INSURANCE POLICIES:**

A. Authority of the Executive Director: The Executive Director or his designee is authorized to take all necessary actions on behalf of the Commission in connection with lease surety, lease surety bonds, assignments of accounts, rental deposits, or insurance coverage required pursuant to any leases of the Port, including any of the following actions:

1. Where the lease is not in default, to release any surety, surety bond, or rental deposit where an adequate substitute surety or rental deposit has been provided.

2. To approve any surety, surety bond, rental deposit, certificate of insurance, or insurance policies submitted in fulfillment of the requirements of any lease, including substitute or replacement coverage for any terminated bond, surety, or rental insurance.

3. To approve any substitute or modifications of surety or insurance coverage, and to release any surety or insurance company when substitute or replacement insurance coverage has been provided in connection with any outstanding lease of the Port.

## **XII. POLICY GOVERNING SALE OF PROPERTY:**

A. Sale of Property Pursuant to RCW 53.08.090: The Executive Director or his designee is authorized, pursuant to RCW 53.08.090, to sell and convey surplus personal property of the Port subject to the following conditions:

1. that the market value of such personal property does not exceed \$19,531; and

2. that prior to any such sale or conveyance, the Executive Director shall itemize and list the property to be sold and make written certification to the Commission that the listed property is no longer needed for Port purposes; and

3. that offers for purchase are solicited from at least three (3) parties whenever possible; and

4. that any large block of such property having a value in excess of \$19,531 shall not be divided into components of a lesser value and sold unless done so by public competitive bid; and

5. that no property which is part of the comprehensive plan of improvement or modification thereof shall be disposed of until the comprehensive plan has been modified pursuant to RCW 53.20.010 and until such property is found to be surplus to Port needs; and

B. The sale of surplus personal property to Port officials or employees shall be restricted to public auctions, or consignment for bid, where the process is managed by a third-party vendor, and all interested parties have equal opportunity in the bidding process.

C. The Executive Director shall itemize and list the personal property to be disposed and shall make written certification to the Commission that the listed property was no longer needed for Port District purposes.

1. 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 surplus personal property by donation to a Clallam County tax-exempt organization, or by delivery to the local transfer station or recycling center.

2. If a single item of personal 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, municipal corporation or tribal government or by delivery to the local transfer station or recycling center.

### **XIII. POLICY GOVERNING INVESTMENT OF TEMPORARILY IDLE PORT FUNDS:**

A. Authority of the Executive Director: For purposes of this paragraph, “Temporarily Idle Port Funds” shall mean those funds which are not required for immediate expenditure. In accordance with the Port of Port Angeles Investment Policy, the Executive Director is authorized to direct the investment of temporarily idle Port funds. These directives shall permit, but shall not be limited to, investments in authorized government securities, sale of such investment and necessary interfund transfers. A summary report of all investments, sales, and interfund transfers shall be provided to the Commission quarterly.

### **XIV. LITIGATION:**

A. Management and Supervision of Litigations: The Executive Director and the Port’s Legal Counsel shall be responsible for the procedures necessary for management and supervision of all litigation in which the Port has an interest, direct or indirect. For purposes of this section, “litigation” shall mean the assertion or potential assertion of any position, right, or responsibility by or against the Port, including actions which have been filed in any court or any *quasi*-judicial or administrative forum.

B. Special Legal Services: The Executive Director, on consultation with the Port’s Legal Counsel, is authorized to retain other such special counsel at fees as may be negotiated to assist in the handling of any claims, litigation, or other matters necessary to attend to the legal affairs of the Port, within overall budgetary constraints.

C. Engagement of Experts: The Executive Director may engage or cause to be engaged through Legal Counsel, such experts as may be necessary for the orderly support of claims or litigation in which the Port has a direct or indirect interest, without limitations otherwise prescribed in Paragraph X of this resolution. Such engagement shall be upon authorization given by Legal Counsel after having satisfied themselves that such expenditure is necessary to the adequate preparation and representation of the Port’s position in such litigation or claim and shall, wherever practicable, include evaluation of the litigation or claim and an estimate of the probable cost of such experts.

D. Consultation with Commission: In instances of litigation in which the value has, or is likely to exceed \$25,000, the Executive Director will, in conjunction with the



Port's Legal Counsel, consult with the Commission regarding strategy and the economic impact of litigation.

**XV. POLICY GOVERNING INTERLOCAL AGREEMENTS FOR USE OF PORT PROPERTY FOR TRAINING PURPOSES AND EVENT SITE USE AGREEMENTS FOR ONE DAY EVENTS:**

A. Executive Director's Authority: The Executive Director is authorized to execute agreements with other public agencies for purposes of conducting training exercises related to police, fire, and public health and safety issues. Additionally, the Executive Director is authorized to execute event and site use agreements with organizations for up to 3-day nonpolitical events conducted by the organizations on Port property.

**XVI CONFIDENTIALITY AGREEMENTS.**

A. The Executive Director shall have the authority, upon concurrence of the Port's Legal Counsel, to execute confidentiality and nondisclosure agreements; provided however, said agreements shall comply with the requirements of Washington's Public Records Act, Chapter 42.56 RCW.

**XVII COLLECTIVE BARGAINING AGREEMENTS**

A. The Executive Director shall have the authority to enter into non-material amendments to Collective Bargaining and related Agreements with represented Port employees. These amendments shall not cost the Port more than \$25,000 per year. Collective Bargaining Agreements must conform to RCW 53.18.060, Restraints on agreement. 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.

**XVIII APPLICATION FOR AND ACCEPTANCE OF GRANTS**

A. 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.

B. 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.