



REGULAR COMMISSION MEETING
Tuesday, February 11, 2025, at 9:00 am
338 W. First St, Port Angeles, WA 98362
AGENDA

The Regular Commission Meeting will be available to the public in person and remotely. For instructions on how to connect to the meeting remotely, please visit <https://portofpa.com/about-us/agenda-center/>

- I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- II. EARLY PUBLIC COMMENT SESSION (TOTAL SESSION UP TO 20 MINUTES)**
- III. APPROVAL OF AGENDA**
- IV. WORK SESSION**
 - A. Clallam County EDC Presentation
 - B. Port Angeles Yacht Club Presentation
 - C. Sequim Bay Yacht Club Presentation
 - D. Annual Bad Debt Report
 - E. Delegation of Authority Review
- V. APPROVAL OF CONSENT AGENDA**
 - A. Regular Commission Meeting Minutes – January 28, 2025
 - B. Vouchers in the amount of \$1,738,806.48
- VI. COMPLETION OF RECORDS**
 - A. Monthly Delegation of Authority Report
- VII. PLANNING AND CAPITAL PROJECTS**

No items
- VIII. LOG YARD**

No items
- IX. MARINE TRADES AND MARINE TERMINALS**

No items
- X. PROPERTY**

No items



XI. MARINAS

No items

XII. AIRPORTS

No items

XIII. OTHER BUSINESS

- A. Item for Consideration - Commission Bylaws, Resolution 25-1317

XIV. ITEMS NOT ON THE AGENDA

XV. COMMISSIONER REPORTS

XVI. PUBLIC COMMENT SESSION (TOTAL SESSION UP TO 20 MINUTES)

XVII. FUTURE AGENDA

XVIII. NEXT MEETINGS

- A. February 25, 2025 – Regular Commission Meeting
- B. March 11, 2025 – Regular Commission Meeting
- C. March 25, 2025 – Regular Commission Meeting
- D. April 8, 2025 – Regular Commission Meeting

XIX. UPCOMING EVENTS

- A. February 23-24, 2025 – Northwest Aviation Conference, Puyallup, WA
- B. April 22-24, 2025 – AFRC Annual Meeting, Stevenson, WA
- C. April 23-25, 2025 – Olympic Logging Conference, Victoria, B.C.

BROWN BAG LUNCH AND OPEN DISCUSSION WITH THE COMMISSION *(TIME PERMITTING)*

XX. EXECUTIVE SESSION

The Board may recess into Executive Session for those purposes authorized under Chapter 42.30 RCW, The Open Public Meetings Act.

XXI. ADJOURN



RULES FOR ATTENDING COMMISSION MEETING

- Signs, placards, and noise making devices including musical instruments are prohibited.
- Disruptive behavior by audience members is inappropriate and may result in removal.
- Loud comments, clapping, and booing may be considered disruptive and result in removal at the discretion of the Chair.

RULES FOR SPEAKING AT A COMMISSION MEETING

- Members of the public wishing to address the Board on general items may do so during the designated times on the agenda or when recognized by the Chair.
- Time allotted to each speaker is determined by the Chair and, in general, is limited to 3 minutes.
- Total time planned for each public comment period is 20 minutes, subject to change by the Chair.
- All comments should be made from the speaker's rostrum and any individual making comments shall first state their name and address for the official record.
- Speakers should not comment more than once per meeting unless their comments pertain to a new topic they have not previously spoken about.
- In the event of a contentious topic with multiple speakers, the Chair will attempt to provide equal time for both sides.



Report For The Port of Port Angeles

February 11, 2025

Presented by
Clallam County EDC

2024

Accomplishments



Program	Notes
APEX Accelerator Federal Contract	EDC Awarded \$335K federal \$ for 2024; \$45K from State and \$15K EDC match. Served 96 businesses in 2024; more than \$12.9M in contracts awarded to Clallam County businesses in 2024.
Clallam Bay Early Learning Center	Helped to open the Center that will serve 1- to 6-year-olds with designated groups for toddlers (12-30 months) and Pre-K (30 months to 6 years). The center will have 10 slots available initially, with the capacity to expand to 45 slots as staffing grows. Grand Opening 02/03/25.
Completed Securing Federal Funding initiative (SFFI) Grant	Supply chain economic impact & strategy development; and EDA Grant writing support; Analysis report of ESD & DSHS data
Completed Strategy Development Grant (SDG)	Economic Impact analysis; Business Development Strategist; and NRIC Development Strategist;
ADO Grant Writer Funding	Awarded \$109K to support grant writing for the City of Forks; Clallam PUD, CRTC & Makah Thermal Timber Modification; and Freight Transportation Network Improvement
Successful Audits	4 th Federal Single Audit just completed (2020-2023) – No Findings or Management Letters
Fiscal Sponsor of Washington Mass Timber Accelerator (WMTA)	Act as fiscal sponsor to WMTA for City of Seattle \$150K to WMTA. Group includes 4 Mass Timber Companies, WSU, Cities of Seattle & Spokane & WSU & Clallam EDC.
McKinley Mill	Meeting regularly with Managing Director of McKinley in Dallas to identify ways to insulate McKinley from market fluctuations. Goal is to either reopen in 2-3 years for another 20-50 years or support an innovative manufacturer to purchase assets.
NOLA	NOLA Steering Cmte established 3 Legislative Priorities for 2025 Session – reinstate funding for PC; subsidize OB/GYN services for hospitals; and \$ for County EOC.

2025 Projects



Program G	Notes
Evergreen Manufacturing Growth Grant	Awarded \$200K for Wood Fiber and Residual Supply Study to Port Angeles and LaPush by trucking and/or barge from Oregon to British Columbia; Hire Architectural & Engineering Team to design for CRTC an ADU Modular home.
APEX Accelerator Federal Contract	Pursue follow on federal grant \$308K for April 2025-Mar 2026; Help businesses get certified in Clallam and support business preparedness in case of disaster.
Fiscal Sponsor of Washington Mass Timber Alliance	State awarded \$111K to WMTA. Clallam EDC is acting as fiscal sponsor – 4 Mass Timber Companies, WSU, Cities of Seattle & Spokane, WSU & Clallam EDC.
McKinley Mill	Continue working weekly with Managing Director of McKinley in New Mexico to assess options to site remains a high wage job producer. Goal is to either reopen long term or to sell to an innovative job producer.
NOLA	NOLA Steering Cmte established 3 Legislative Priorities for 2025 Session – reinstate funding for PC; subsidize OB/GYN services for hospitals; and \$ for County EOC. Actively pursue those goals and provide testimony regarding housing issues.
Governor’s Strategic Reserve Funds	Pursuing \$200K to support Forks Industrial Park electric expansion requirements through Department of Commerce.
Clallam Forest Products Innovation Program	Awarded \$5.21M over 3 years to support 12 projects that revitalize the local forest products industry, generating new economic opportunities throughout the North Olympic Peninsula.

2024 Metrics Reports



Recruitment & Marketing - Countywide

Business Contacts Initiated; Site Selector Interactions & Recruitment Activities	# of Activities	Notes
Q1	4	2 Development Firms, National High-End Recreation Firm, Global Wood Manufacturer
Q2	7	Seafood Processor, 2 Construction firms, 3 Developers, Restaurant chain
Q3	1	Mass Timber Manufacturer
Q4	4	1 Biomass Manufacturer, 2 biomass energy producers, distribution facility
Total for 2024	16/12	Annual Contract Requirement 12

2024

Business Retention and Expansion – Countywide

Existing Business Support Appointments	# of Activities	Notes
Q1	26	6 forest products, 5 retail, 5 personal service, 3 construction, 2 transportation, 2 pet care, 2 real estate, 1 non-profit *
Q2	13	distilleries, wineries, construction firms, agriculture, machine repair*
Q3	29	1 wholesaler, 7 retail, 4 personal service, 2 transportation, 2 HVAC, 1 forestry, 1 security, 5 construction, 2 landscaping, 3 restaurant, 1 plumbing*
Q4	40	2 personal service, 2 plumbing, 2 manufacturing, Bed & Breakfast, hotel, screen printing, social org, 2 HVAC, 2 marketing, 2 construction, wholesaler, trucking, forestry, security, architect, specialty trade contractor, 2 landscaper, winery, accounting, trucking, barber, restaurant, health, restaurant, building supply, office equipment, electric, 5 grocery, commercial contractor
Total for 2024	108/72	Annual Contract Requirement 72

*Analysis from our follow-up sessions reveals that businesses participating in our Business Counseling program experienced an average increase in net operating income: 8% in Q3, 13% in Q2, and 16% in Q1 over the course of 6-8 months.

2024



Startup Assistance - Countywide

Business Startups	# of Startups Supported	Notes
Q1	5	Consulting Services, Restaurant, Marketing Firm, Pet Sitting, Lawn Care
Q2	11	2 Nonprofits, 2 professional service firms, air transportation, community kitchen, 4 personal service firms, restaurant
Q3	11	4 professional service, 2 Childcare, 1 community kitchen, 2 retail, 1 Coffee, 1 Farm
Q4	19	Grocery, coffee, barber, winery, 5 professional services, social org, restaurant, 2 childcare, copy service center, advertisement, farm, cabinet shop, 2 retail, construction
Total for 2024	44/36	Annual Contract Requirement - 36
23 of the 44 businesses had received their necessary licenses and had begun generating revenue at the 6 month follow up.		

2024



Training - Workshops - Events

**Contract Requirement for 2024 is 12
Completed: 22**

**Assistance to over 250 Local Businesses Training-
Workshops**

**EDC Weekly Newsletter 7K+ subscribers
EDC Weekly CWC**

**Partners for Workshops & Training Include:
Impact WA, ORIA, SBDC, SBA, Clallam County,
City of Port Angeles, City of Sequim, City of Forks,
SOS, LNI, DOR, ESD, DES, OMWBE, NOP APEX,
EDC Team Jefferson, Kitsap Bank, First Fed Bank,
MRSC, Army Corps of Engineers, Project Equity,
GSA, US Coast Guard, NAVSEA, NAVSUP.**

1. How to Start or Grow your Business
2. APEX Govt Contracting Assistance Presentation
3. Affordable Workforce housing presentation
(Feasibility of Manufacturing Modular Accessory Dwelling Units)
4. Recompete Presentation to Sequim SD
5. Strategies to establish exact pricing
6. Benefits of Collaboration for your business
7. Options to Sell your Business to your employee's webinar
8. Guiding you through Washington State's Regulations
9. Resources using financial tools
10. Washington Employee Ownership Program(ESOP)
11. Launching & Starting a small business
12. Growth Management Act
13. Emergency Preparedness for you and your business
14. Washington State Childcare Awareness
15. Principals for Lean Manufacturing with live simulation.
16. SBRR – Meet the experts
17. Lease evaluation training
18. Secretary of State navigation of programs & resources
19. Childcare access, affordability & flexibility
20. Annual EDC Gala
21. EDC Membership Night Lefties Baseball
22. EDC Grand Opening

Department of Revenue (DOR)

Public Records - Countywide

DOR Data Sharing	# of Records	Notes
Clallam EDC has received the County-wide Business List from the Department of Revenue (DOR).	9700+	We are currently classifying all 9,700+ county-wide businesses by clusters. This initiative will improve our knowledge base, enabling us to track numbers of businesses in each cluster, using 6-digit NAICS codes. Includes UBIs, Legal Name, DBA, Addresses & NAICS.
Data limitations: No employee or revenue data (yet), list has duplicates based on multiple addresses or DBAs. Includes government entities.		

Marketing to Our County & Businesses

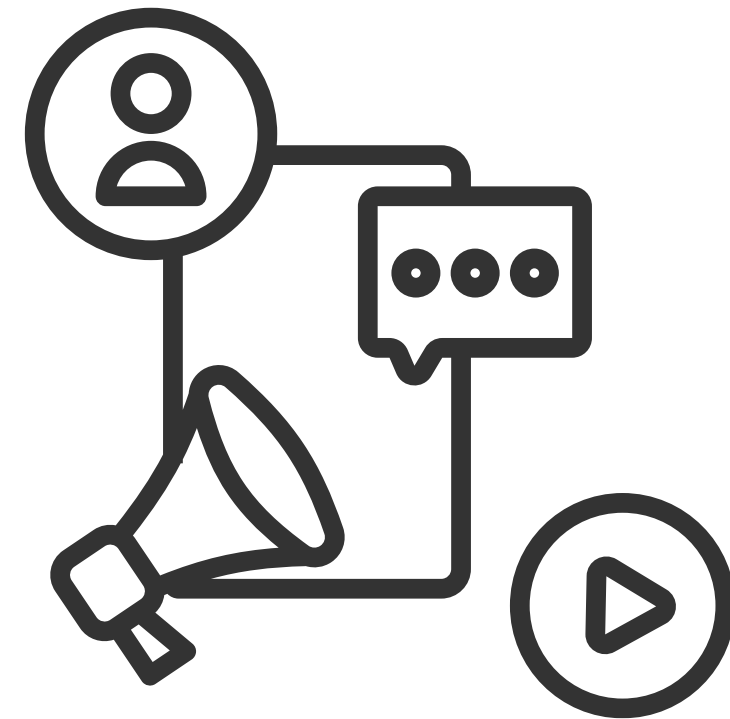
**Weekly
Newsletters
7000+ Contacts**

**Coffee With
Colleen
Weekly**

**Clallam EDC
YouTube
4000 Views**

**Advocacy
North Olympic
Legislative Alliance**

**LinkedIn
45% Follower
Increase**



NavalX NW Tech Bridge



Contracted to Manage Communications for NavalX Northwest Tech Bridge.

- **Social Media and Brand Development**
- **Newsletter and Blog Article Writing**
- **Event Coordination**
- **Website Maintenance**

YOUR INNOVATION. OUR MISSION.

Together, we transform groundbreaking ideas developed in the Pacific Northwest into solutions that safeguard our nation, drive economic growth, and create a sustainable global pipeline of innovative advancements for the U.S. Navy.



WHAT WE DO

We work with small businesses that have big goals

By engaging in federal R&D programs that have the potential for commercialization, small businesses can explore their technological potential and profit from its commercialization.

The result?

Small businesses get funding to create entirely new technologies to serve new markets and new customers.



North Olympic Peninsula APEX Accelerator

Supported Businesses → Clallam County
91

\$12,944,517.17 in FEDERAL contracts
awarded to Clallam County businesses



5 Community Presentations

10 Workshops

Including:

- Summer Camp
- Apprenticeship Utilization Requirement Training for agencies/contractors
- MRSC Small Works Roster Training for agencies/contractors

10 Recruitment events

Including:

- Meet the Federal Agencies
- NPBA Board
- Meet Forma



North Olympic Peninsula APEX Accelerator

2025 Priorities

- **Cybersecurity Maturity Model Certification (CMMC)**
- **HUBZone Certifications!**
- **More in-person events for contractors and local agency staff**
- **Emergency/Disaster Rolodex**
- **Marketing and Outreach**
- **Increase Virtual Trainings**



APEX helps small businesses succeed in the government marketplace

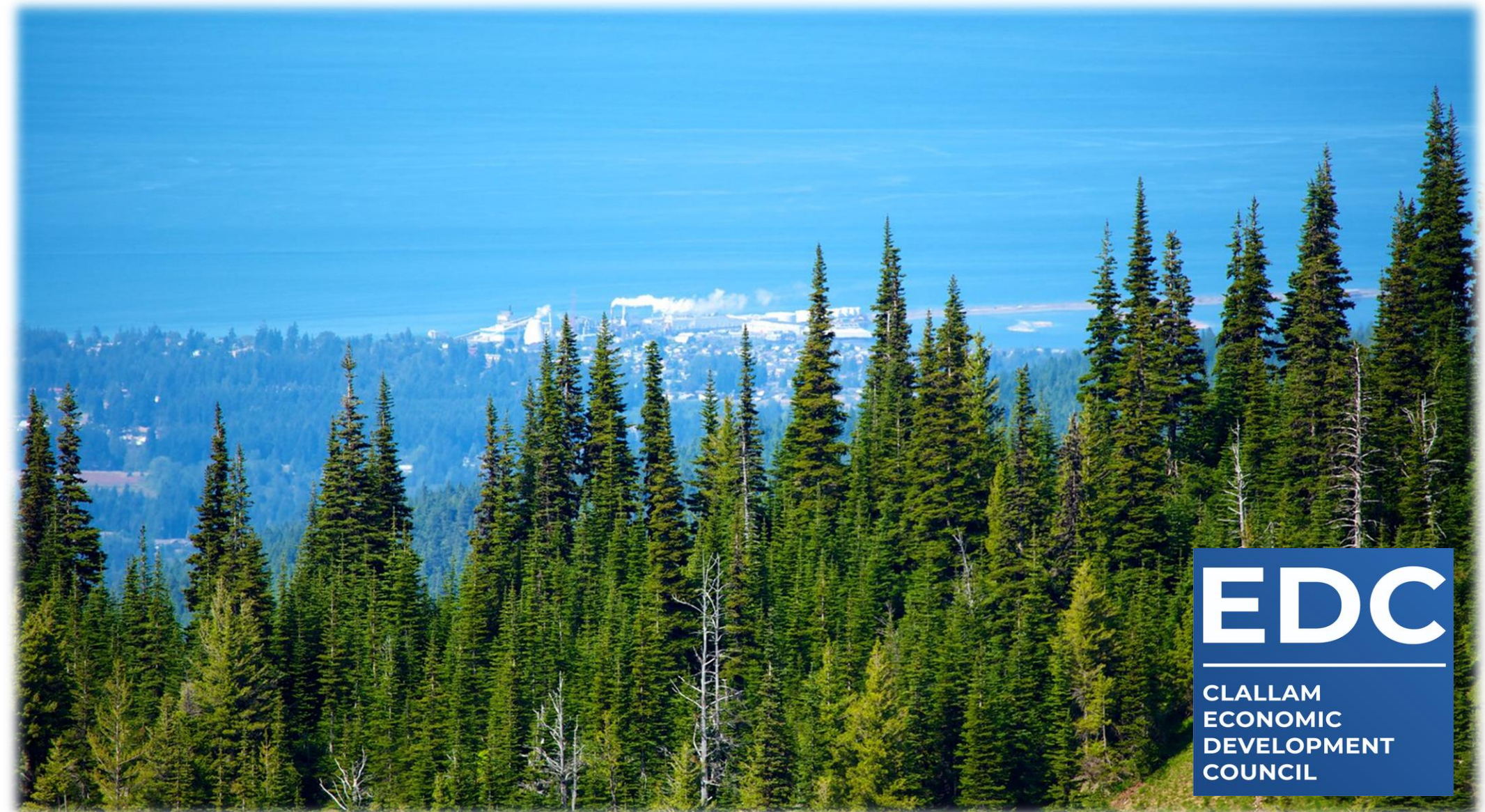
- **APEX Accelerators have served businesses throughout the nation for almost 40 years.**
- **NOP-APEX Accelerator is 85% funded through the Department of Defense with a local 15% match for economically distressed regions.**
- **2024-2025 Award = \$308,229 in federal dollars**
- **New fulltime counselor**



Clallam Forest Product Innovation Program

The U.S. Department of Commerce, through the EDA, has awarded a \$4.2 million grant to the Clallam EDC, to support the Clallam Forest Product Innovation Program at NRIC. This funding aims to revitalize the local forest products industry, generating new economic opportunities throughout the North Olympic Peninsula. Paired with over \$1 million in local matching funds, including **\$150,000 from the Port of Port Angeles**, the grant will fund several important initiatives.

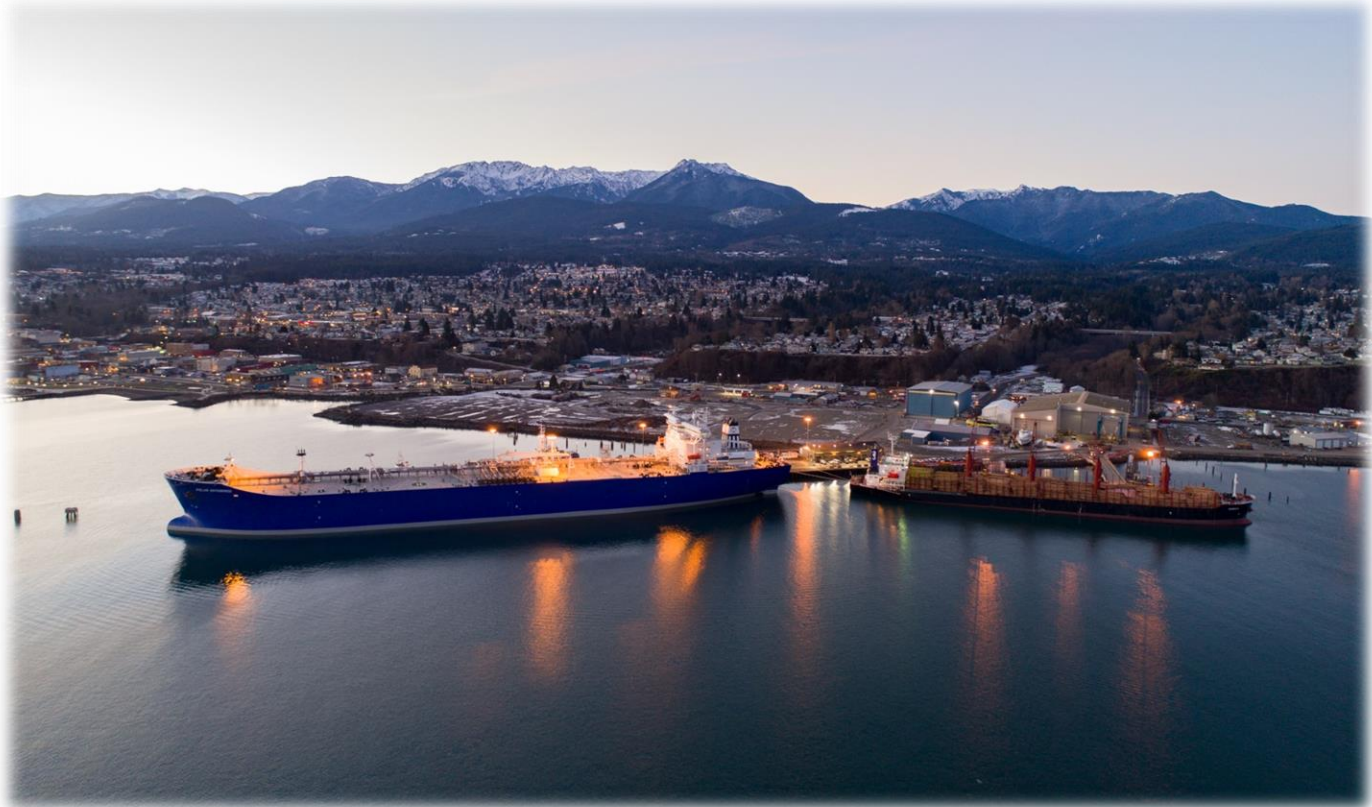
- Clallam Forest Product Innovation Program - \$5.27M
- 80/20 Funding through EDA– non-competitive due to Biomass Closure Community
- PNW Mass Timber Tech Hub Member & RECOMPETE Ph 1 Designee



Clallam Forest Product Innovation Program

Together, These Projects Tell an Exciting Story

Tribal Pre-manufactured Low-cost Housing	1	Composite Recycling Technology Center process optimization and automation design study
	2	Tribal housing market study
	3	Tribal Housing Demonstration Units
Wood Product Manufacturing	4	Feasibility study of North Olympic Peninsula species in Oriented Strand Board (OSB) Manufacturer
	5	Plywood mill feasibility and siting study
	6	Forks Industrial Park Reconfiguration and Tenant Recruitment
	7	Feasibility Study for a Publicly Owned (Port of PA) Kiln
	8	Publicly owned kiln Preliminary Engineering Report and Environmental Narrative
	9	Industrial Symbiosis Screening
Forestry Workforce	10	Investing in Forestry Skills: A Technology-Focused Workforce Training Program
Logistics	11	Olympic Peninsula Logistics Improvement Study
	12	Terminal 1/Terminal 3 Preliminary Engineering Report and Environmental Narrative



Our Team



Colleen McAleer
Executive
Director



Lorie Fazio
Director of
Operations



Mitch Koonz
Communication
Manager



Roy Mann
Business Development
Strategist



Rebekah Miller
APEX Program
Director

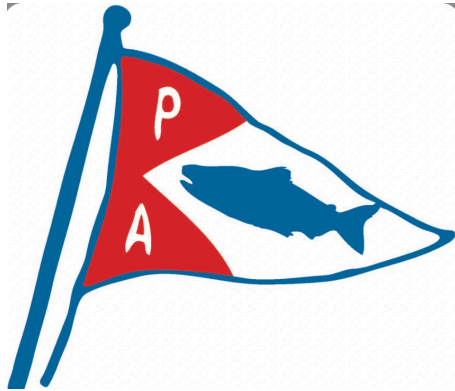


Justine Wagner
APEX
Counselor

Questions?

2025

Presented by
Clallam County EDC



Port Angeles Yacht Club

Annual report to the Port of Port Angeles

Board of Commissioners

February 11, 2025

PAYC was founded in 1893 by a group of ardent sailboat racers, fishermen, and civic leaders. After years of service to the community, club members incorporated PAYC in 1937 as a casual yacht club for people who loved being on and around the water. Boat owners or maritime enthusiasts. PAYC has offered boating education, and opportunities to acquire experience at sea. PAYC and CBP continue to offer maritime educational and recreational opportunities to the club members, youth sailing groups, and the public. And as well a wonderful social club where friendships are launched.

2024 Has been a fantastic year for club activities. PAYC and CBP Fleet Captains have offered excellent leadership, and organization of our weekly and bi weekly, during the winter months, sailing races. Creating a collaborative way to connect crew, and boat owners that wish to participate. Experience is not necessary, but will be acquired through participation from novice crew members. I have learned so much about sailing and racing, without much experience coming in, and without boat ownership. This is a true benefit to the community.



2025 continues with our biweekly races Sundays at 12:30, for our winter season, with racing increased to weekly, as daylight increases for Spring and Summer seasons at 17:00 on Wednesdays.



PAYC and CBP have also had kayaking excursions. These are open to the public as well, with a disclosure. The kayaking excursions are led by experienced kayakers, and a safety boat is provided. The kayak launch the club purchased has made it



much safer to launch kayaks even with the boat launch next to the club being very busy on week ends. It also gives confidence to new kayakers.

PAYC hosted 2024 Hands Across the Water Regatta. Our Fleet Captain Eric Mueller was instrumental in organizing this event in collaboration with the Royal Victoria Yacht Club. It was exciting to be able to restart this tradition, and a great way to meet other sailors. While bringing business to Port Angeles. The Fleet captains have begun the initial planning for the 2025 Hands Across the Water Regatta. The 2025 Regatta will be held on June 13th, 14th, and 15th. The race being held on June 14th.



The Regatta coincided with the 2024 Maritime festival. The 2025 Maritime Festival will be June 6th and 7th, PAYC and CBP will have booths again at the Maritime Festival, offering educational activities like knot tying. Promoting memberships, and classes. PAYC will also have an open house, the club will be open to the public. PAYC members will offer boat rides on motor vessels, and sailing vessels. CBP will be offering boat rides on their sailing vessels. Having different dates for the Hands Across the Water Regatta, and the Maritime Festival for 2025, will offer better focus on both events, and more participation from CBP and PAYC members.



PAYC and CBP have supported the Port Angeles Parks and Recreation Department, by offering the Day of Play event at the Port Angeles Yacht Club. This event offers families an opportunity to experience sailing aboard one of the CBP's Sailing vessels. PAYC opens the clubhouse for this event and volunteers help with registering participants, having participants sign waivers, fitting children and adults with PDFs, escorting people down the dock, helping people on and off the boats. This is often the first experience for families to board a sailing vessel and enjoy the boat ride. While learning boating safety.

While participants are waiting their turns, children are offered various games and activities at the clubhouse. We will be offering this event again for 2025.



The Marine Swap Meet has been a successful fundraising event which is also open to the public. With nautical supplies, nautical antiques, art, and all kinds of useful items.

The 2025 swap meet is scheduled for March the 29th.

PAYC participates in the Fourth of July Boat Parade. We always have enthusiastic onlookers from the city pier. 2025 should be another great opportunity for a boat parade.



PAYC hosted deck the docks, 2024 we had a good turn out. We always meet new people at this event, and pick up new members. Its a great family event. Every year we offer charity to a needy family in the community during the holiday season. Its always fun for our volunteers, wrapping presents, and decorating. PAYC plans to continue with the deck the docks tradition in 2025.



PAYC Supports the Sea Scouts, with use of our clubhouse for their fundraising events. The Sea Scouts provide training, and access to maritime experiences that enhance their skills and knowledge. Additionally the partnership with PAYC, and CBP encourages the Sea Scouts to build connections within the broader maritime community. The exposure to experienced sailors, mentors, and volunteers helps the Sea Scouts to grow in confidence , while learning the value of community service.



PAYC has a long standing tradition of community service. The maritime programs and activities offered by PAYC and CBP enhance the greater community of the Olympic Peninsula. And bring in business to Port Angeles. PAYC continues to cultivate and add nautical charm to Port Angeles and the greater peninsula.

Thank You for the opportunity to give this report to the Port of Port Angeles, I am passionate about the maritime culture, and serving our community.

Commodore Karen O'Donnell

Sequim Bay Yacht Club
Annual Report to the Port of Port Angeles
February 11, 2025

Sequim Bay Yacht Club is proud to be a long-term partner with the Port of Port Angeles. Our mission since SBYC's founding in 1976 includes promoting safe boating, a solid practice of seamanship and navigation, and fellowship and camaraderie among members, as well as providing leadership in club sailing and cruising programs. Building a strong and resourceful recreational boating community assists the Port in furthering its mission to foster economic prosperity and living wage employment.

John Wayne Marina is a critical component of Sequim's livability and appeal. Many of our members moved here because of JWM, and SBYC has been the portal to the recreational activities of Sequim Bay, the San Juan Islands, and beyond. Because of the accessibility of JWM, our members enjoy the opportunities to sail, cruise, row, and fish for a wide variety of species all within minutes of Sequim. Most of our active boating members have moorage at JWM or launch permits issued by the Port. Many also patronize Port Angeles marine industries for boat repair, parts, and maintenance furthering the Port's mission.

2024

Sequim Bay Yacht Club ended 2024 with 155 members. Although some members leave the Club annually for a variety of reasons, we continue to experience an influx in new members. With the continued in-migration, SBYC anticipates membership to increase especially in light of the proposed development of the John Wayne property adjacent to the Marina. A number of our members first learned about SBYC from visiting the marina and attending one of our public events including our monthly guest speakers at our General Meetings, or our Opening Day boat rides and rowing experiences. Last year our Opening Day flagpole ceremony was attended by over 75 people including dignitaries from the City of Sequim.

SBYC's General Meetings offered public speakers on a variety of topics. Among our speakers were Chris Turner, Battalion Chief, of Clallam County Fire District 3 who educated the audience regarding safety practices on land and sea, and marine fire

prevention. Dann May and Mac McDonald of Peninsula College spoke about how to respond to earthquakes and tsunamis for mariners. Jim Hough included a discussion on digital security and healthy internet practices. We also hosted Keith Ross, photographer and artist. Hailey Lampe's discussion entitled "Soil to Sea" explained how regenerative gardening and landscaping contribute to a healthy sea.

SBYC continued to offer its popular Learn-to-Sail and Learn-to-Row programs, and our clubroom was the location for piloting, navigation, and marine electrical courses taught by members of America's Boating Club North Olympic Sail and Power Squadron. These programs were available to the public as well as members of SBYC and NOSPS. In September, our Reach and Row for Hospice event was again successful raising over \$23,000 bringing the total since fund raising began in 1991 to over \$525,000. This event takes place on two consecutive weekends separating the rowing races and sailing regatta drawing the public to the marina for both events.

2025

SBYC will continue to offer events available to the general public. Our General Meetings will have guest speakers whose presentations will be advertised to encourage attendance. The January meeting featured Chris Butler-Minor who is the Community Engagement Specialist of the Olympic Coast Marine Sanctuary. In February, Karl Kruger, adventure paddleboarder, will speak about his experiences in long range paddles including the Race to Alaska.

Training and education will again include Learn-to-Row and Learn-to-Sail classes, and technical courses taught by NOSPS. All classes are available to the public.

Our sailboat racing schedule has commenced with the "Frostbite Series" taking place every other Saturday through March. The "Duck Dodge" racing will take place on Thursday evening commencing in April. To encourage participation, food events in the clubroom after the races are being scheduled as often as possible.

We have contacted the Irrigation Festival group to partner our Opening Day event with their activities which are on the same weekend. We're hopeful that the additional publicity will generate an increase in attendance.

Sequim Bay Yacht Club wishes to thank the Port of Port Angeles for their Community Support Contribution. Our club operates on a tight budget and the Port's in-kind assistance makes it possible for our club to grow and thrive. We value the partnership with the Port and look forward to maintaining this relationship into the foreseeable future.

Respectively submitted,

Bryan Berreth, 2025 Commodore
Sequim Bay Yacht Club

**ITEM FOR CONSIDERATION
BY THE
BOARD OF PORT COMMISSIONERS**

February 11, 2025

SUBJECT: DELETION OF ACCOUNTS RECEIVABLE FROM RECORDS

Presented by: Jennifer Baker, Director of Finance & Admin

BACKGROUND:

One of the steps in closing the Port's financial records for 2024 is an assessment of the collectability of overdue accounts. This step aims to present Accounts Receivable (A/R) assets on our financial statements in a fair and consistent fashion in accordance with GASB (Governmental Accounting Standards Board). Removal of accounts from our records requires Commission action.

ANALYSIS:

We have identified 13 accounts with outstanding balances totaling \$47,778.86 (including leasehold excise tax), which should be removed from our (A/R) asset listing. Removing these accounts from our records does not mean that the Port forgives these debts. The Port proactively manages our receivables to deal with delinquent accounts promptly, while we continue to pursue collection by all practical means.

FISCAL IMPACT:

Assets and net earnings for 2024 will decrease by an additional \$47,778.86. The breakdown of affected accounts are as follows:

<u>Loc</u>	<u>Name</u>	<u>Boat</u>	<u>Moorage</u>	<u>Storage</u>	<u>Electricity</u>	<u>Fees</u>	<u>Leasehold</u>	<u>Total</u>	<u>Collections</u>	<u>Comment</u>
JWM	Nicolas Bell-Andrade	WN928DT	1,112.19	75.00	55.28	143.15	122.36	1,507.98	12/20/2024	No boat to seize
JWM	Christopher Johnson	WN7580KU	3,421.05	55.00	556.00	333.09	405.02	4,770.16	12/18/2024	Destroyed
JWM	Matt Korwel	Atargatus	943.32	-	40.85	133.79	121.12	1,239.08	12/19/2024	No boat to seize
JWM	David Wiacek	WN1700NV	742.80	2.50	46.63	20.29	96.97	909.19	5/24/2023	No boat to seize
PABH	Joseph Babcock	WN8518JC	2,882.22	-	206.02	695.56	370.09	4,153.89	12/16/2024	Destroyed
PABH	Dwight Brown	WN4696JB	2,145.00	-	-	365.23	275.44	2,785.67	12/18/2024	Destroyed
PABH	John Cooper	WN4696JB	6,206.97	-	927.64		778.40	7,913.01	12/18/2024	Destroyed
PABH	Elijah Della	Sea Slick	-	3,634.31	-	521.29	-	4,155.60	12/18/2024	Failed to sell at auction
PABH	James Dinsmore	WN1117RS	3,786.80	-	429.80	276.51	486.21	4,979.32	12/18/2024	Sold for \$100.00
PABH	James Lawler	HIN 697754	-	4,432.50	-	24.87	554.09	5,011.46	N/A	Bankruptcy
PABH	Rick Simmons	WN4656	1,835.79	-	266.96	-	226.00	2,328.75	12/16/2024	Sold for \$3,100.00
PABH	Jason Splain	Boozin Buddyz	-	3,321.00	-	457.70	426.41	4,205.11	N/A	Lives in BC
PABH	Pat Spradling	WN296	2,876.70	-	-	573.56	369.38	3,819.64	12/19/2024	Destroyed
								-		
			25,952.84	11,520.31	2,529.18	3,545.04	4,231.49	47,778.86		

RECOMMENDED ACTION:

Commission approval of the removal of the listed accounts from our records. Staff will continue with collection efforts.

Work Session and Review

January 28, 2024

SUBJECT: Resolution 25-1316 Updates to Port's Delegation of Authority

TEAM LEAD:

**Paul Jarkiewicz, Executive Director
Carolyn Lake, Port Legal Counsel**

RCW & POLICY REQUIREMENTS:

The Revised Code of Washington (RCW) authorizes the commission of a port authority to delegate certain powers to its managing official:

The commission may delegate to the managing official of a port district such administrative powers and duties of the commission as it may deem proper for the efficient and proper management of port district operations. Any such delegation shall be authorized by appropriate resolution of the commission, which resolution must also establish guidelines and procedures for the managing official to follow.

RCW 53.12.270(1). Pursuant to this statute, the Commission adopted a "Delegation of Authority," conferring certain authorities to the Executive Director. Implicit in this statutory grant is the authority to revise/amend the delegation as needed.

Moreover, certain powers conferred to the Executive Director, and contained in the current delegation of authority, require renewal on a "year to year" basis. See e.g. RCW 53.08.090(1) and Delegation of Authority, art XII, concerning the sale of property less than \$22,000 (amended annually by a price increase index from the Office of Financial Management).

BACKGROUND:

The Port's current Delegation of Authority requires the Port Commission to review, revise (if needed), and approve the delegation annually, specifically regarding Sale of Real or Personal Property (RCW 53.08.90).

ANALYSIS:

The attached Resolution 25-1316 and Exhibit A:

1. Renews the authority to surplus, sell and convey property with a value up to \$22,000, and clarifies the policy applies to both real and personal property.
2. Adds provisions which waive competitive bidding requirements for certain public works special facilities and for pollution control facilities & certain purchases and Contracts as allowed by RCW 39.04.280(1)(b) and RCW 70A.210.110.
3. Updates text and reorganizes structure to clean up inconsistencies and improve clarity
4. Updates references to reflect changes in state law regarding procurement processes.
5. Adds reference to and process for Trade Promotion and Promotional Hosting.

ENVIRONMENTAL IMPACT: None

FISCAL IMPACT: None

**RESOLUTION OF THE PORT OF PORT ANGELES REGARDING
THE DELEGATION OF 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, the Delegation of Authority Resolution serves as the directive by which the Commission delegates certain authority, otherwise retained by the Commission to the Port of Port Angeles Executive Director.

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

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

WHEREAS, the Port's Delegation of Authority Resolution includes the Port's policies governing contracts for performance of public works, for purchasing and for personal services contracts.

WHEREAS, RCW 39.04.280(1)(b) authorizes the governing body of a public agency to waive the competitive bidding requirements for certain public works special facilities, upon finding a factual basis for doing so.

WHEREAS, in addition, RCW 70A.210.110 (recodified in 2020; previously RCW 70.95A.090) also authorizes a competitive bidding exemption for pollution control facilities constructed or improved by cities, towns, counties, or port districts, specifically stating, that Pollution control facilities "shall be constructed, reconstructed, and improved ... in the manner determined by the governing body in its sole discretion and any requirement of competitive bidding, lease performance bonds or other restriction on the procedure for the award of contracts for such purpose ... is not applicable."

WHEREAS, RCW 70A.210.020 defines pollution broadly to include "any form of environmental pollution, including but not limited to water pollution, air pollution, land pollution, solid waste disposal, thermal pollution, radiation contamination, or noise pollution," and defines "facility" as "any land, building, structure, machinery, system, fixture, appurtenance, equipment or any combination thereof, or any interest therein ... to be used ... in furtherance of the purpose of abating, controlling, or preventing pollution."

WHEREAS, the Washington state legislature found when adopting

Chapter 70A.210 RCW which contains the exemption found that, amongst other things:

- (1) That environmental damage seriously endangers the public health and welfare;
- (2) That such environmental damage results from air, water, and other resources pollution and from solid waste disposal, noise and other environmental problems;
- (3) That to abate or control such environmental damage antipollution devices, equipment, and facilities must be acquired, constructed and installed;
- (4) That encouraging and accelerating the installation of facilities for abating or controlling and preventing environmental damage is in the public interest and serves a public purpose in protecting and promoting the health and welfare of the citizens of the cities, towns, counties, and port districts and of this state; and
- (5) That Chapter 70A.210 RCW shall be liberally construed to accomplish these intentions expressed in the "Legislative Purpose" section, RCW 70A.210.010.

WHEREAS, the Port Commission of the Port of Port Angeles adopts these same factual findings in support of this Resolution waiving the competitive bidding requirements for construction contracts, purchasing and personal services contracts for certain public works special facilities and for pollution control facilities.

WHEREAS, in Resolution No. 24-1290, the Port Commission delegated to its Executive Director certain authority for the management and operations of the Port;

NOW THEREFORE BE IT RESOLVED that:

1. Resolution 24-1290 and any prior adopted Delegations of Authority to the Executive Director in conflict with this Resolution are hereby rescinded, and
2. 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 for the purpose of establishing the delegated authority of the Executive Director.

ADOPTED by the Port Commission of the Port of Port Angeles at a regular meeting thereof held this ___th day of January 2025 .

PORT OF PORT ANGELES
BOARD OF COMMISSIONERS

Connie L. Beauvais, President

Colleen M. McAleer, Vice President

Steve D. Burke, Secretary

Delegation of Authority to the Executive Director

I. Forward:

A. The following policy is adopted by the Commission of the Port of Port Angeles for the purpose of establishing the delegated 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 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. However, ultimate 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 may 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. Any delegation to Staff shall be in writing and will require periodic review/reauthorization by 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 policy.

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.

- G. "Filed with Commission" means delivery to the Executive Assistant to the Commission and distribution to each Commissioner.

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. Further guidance to Port Staff concerning Lease rates, terms and considerations is contained in the Port's Lease Policy.

B. Leases One Year or Less. Additionally, the Executive Director may execute short term leases (terms of one year or less) subject to all 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 protections of the Port's interests 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,
4. 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, and
5. the associated expenditures of the Port do not exceed \$XXXX.

C. 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, has a similar use as adopted by the Commission for the same or similar Port property, the Lessee is not in default or "holdover" status the material terms of the lease agreement are unchanged, and when the associated expenditures of the Port do not exceed \$XXXX.

D. Other Property Transactions: The Executive Director is authorized to execute the following property instruments, subject to the terms specified herein:

1. Utility Easements. Easements that may impact the Port's Strategic Plan, provide utility service to non-Port properties, or result in the Port incurring costs due to increasing utility capacity, the Commission shall be notified of the proposed easement and terms at a meeting open to the public prior to the execution of such easement and a copy shall be filed with the Commission.

2. Short-term property agreements (one year or less) for the use of Port-owned equipment, airport hangars, marina slips and storage areas, 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 which are consistent with an approved port leasehold interest.

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.

E. Lease Extensions : The Executive Director is authorized to extend leases for terms of up to five years provided: the extensions are included in the terms of the original lease approved by Commission,, all other substantive lease terms remain unchanged; rental rate adjustments provided for in the lease are made; and the lessee is in good standing¹. The Executive Director shall report the execution of any such lease extension to the Commission as soon as practicable and a copy shall be filed with the Commission.

F. 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 for Port leases, provided Commission shall be notified prior to issuing default notices or termination notices. The Executive Director is authorized to terminate any lease consistent with the lease 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.

G. Realtors Compensation Program: The Executive Director is authorized to

1. A tenant in "good standing" is in FULL compliance with all obligations in their current or past lease agreements includes inter alia timely payment of rent, adherence to specific terms of lease (property usage, etc.), adherence to property boundaries, promotion of the Port, adherence to local/state/federal rules and regulations, adherence to Port regulations (notification of tenant improvements, permission, notice, etc.), and exercises good faith in its dealings with the Port.

make payments for real estate services consistent with the Commission's adopted Lease and Property Use Policy and within the lease authority of Section II.A.

H. 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. A summary of agreements executed pursuant to this section shall be filed with the Commission

I. 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, (iii) the term of the agreements shall not exceed one year, and when the associated expenditures of the Port do not exceed \$XXXX. . The Executive Director shall keep the Commission informed with respect to these agreements. A summary of agreements executed pursuant to this section shall be filed with the Commission

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 as contained in RCW 39.04.151- 39.04.154.² The Executive Director is authorized to carry out all public works contracting procedures required by applicable statutes preliminary to the acts required to be performed by the Commission at an open meeting provided the associated expenditures of the Port do not exceed \$XXXX. The Executive Director may, without prior Commission approval, execute on behalf of the Port public work contracts for \$50,000 or less so long as the 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

² (B) Beginning July 1, 2024, a port district may let contracts using the small works roster process under RCW 39.04.151 through 39.04.154 in lieu of advertising for bids.

(B) Beginning July 1, 2024, RCW 39.04.152(4):

(a)(i) For small works roster projects with an estimated cost less than \$350,000, not including sales tax, state agencies and authorized local governments may contract by securing written or electronic quotations to assure that a competitive price is established and to award contracts to the responsible bidder with the lowest responsive bid.

(ii) A state agency or authorized local government contracting through a small works roster shall invite bids notifying all contractors on the applicable roster that have indicated interest in performing work in the applicable geographical area.

(b) For small public works projects with an estimated cost less than \$150,000, not including sales tax, to increase the utilization of small businesses, state agencies and local governments are encouraged to and may direct contract with small businesses as defined in chapter 395, Laws of 2023, before direct contracting with other contractors on the appropriate small works roster without a competitive process as provided by RCW 39.04.152(4)(b)(i-v).

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 a cumulative amount of \$50,000 on the project. Any contract awarded by the Executive Director 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 which were previously approved by Commission where total expenditure of the Port does not exceed \$300,000.

E. Waiver of Competitive Bidding Requirements for Certain Public Works Special Facilities and for Pollution Control Facilities Contracts: Pursuant to RCW 39.04.280(1)(b) and RCW 70A.210.110 and this Port Resolution 25-1316, which contains the findings of fact in support, the Commission waives competitive bidding requirements for public works contracts for certain public works special facilities and for pollution control facilities as defined in RCW 70A.210.020. The Executive Director is authorized to carry out all procedures for the letting of said contracts for public works special facilities and for pollution control facilities exempted herein preliminary to the acts and approvals required to be performed by the Commission at an open meeting.

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

A. Items Acquired for Normal Maintenance and Operation in the Open Market: The Executive Director shall have the responsibility for following all required statutory procurement procedures, where applicable, in connection with 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 Commission 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, those processes are followed.

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 IV.A above) for \$50,000 or less so long as the expenditure does not exceed the amount included in the approved budget for the acquisition. 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.

D. 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. Prior Commission approval is required for any such projects when the total estimated cost for labor and materials exceeds \$50,000. For projects that exceed \$40,000 the Port shall determine if contracting out construction would be less expensive than Port labor per RCW 53.08.135.

E. Waiver of Competitive Bidding Requirements for Certain Purchases.

Pursuant to RCW 39.04.280(1)(b) and RCW 70A.210.110 and Port Resolution ___, which contains the findings of fact in support, the Commission waives competitive bidding requirements for purchases related to certain public works special facilities and for pollution control facilities as defined in RCW 70A.210.020. The Executive Director is authorized to carry out all procedures for purchases listed below and exempted herein preliminary to the acts and approvals required to be performed by the Commission at an open meeting.

1. Purchases that are clearly and legitimately limited to a single source of supply;
2. Purchases involving special facilities or market conditions;
3. Purchases in the event of an emergency.
4. Purchases of insurance or bonds;
5. Purchases for pollution control facilities as defined in RCW 70A.210.020, and
6. Public works in the event of an emergency.

V. POLICY GOVERNING ADJUSTMENT AND SETTLEMENT OF CLAIMS AND PENALTIES (EXCLUDING THOSE COVERED BY PARAGRAPH XIV):

A. Procedure for Settling Claims: The Executive Director is delegated authority 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 Section, "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 as covered in Section X.

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 V.B, 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 as may be adjusted, for a single incident; provided that the claim(s) seeks only money damages and does 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,

PERSONAL AND CONSULTANT SERVICES:

A. Executive Director's Authority: The Executive Director is authorized to contract with firms 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, and for similar purposes reasonably required in connection with public works, and for personal services and technical testing and inspection, to provide the Port outside consulting services and expertise. 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 procedures to obtain professional services specified in RCW 39.80 and contracts for personal services shall comply with the procedures specified in RCW 53.19. The aggregate cost for the services awarded by the Executive Director under this section shall be \$50,000 or less so long as the expenditure is within the limits of the approved budget. and does not exceed the amount authorized in that specific budgetary line item by ten percent (10%).

B. Change Orders. In the instances where consultant contracts have been awarded and under which the work is in progress, and changes in scope or fee 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 scope and fee and all other charges will not exceed the specific budgetary line item, \$50,000.00 or 10% of the total contract amount approved by the Commission.

C. Sole Source Contracts⁴ 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.

D. Exempt Personal Services Contracts. Pursuant to RCW 53.19.020 and RCW 70A.210.110, all personal service contracts will be entered into pursuant to competitive solicitation, except for:

1. Emergency contracts,
2. Sole source contracts; provided however, that sole source service contracts, regardless of the amount, shall be filed with the Commission and made available to the public prior to starting the work.

4. 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.

3. Personal Services Contracts related to pollution control facilities as defined in RCW 70A.210.020
4. Any other specific contracts or classes as exempted by 53.19 RCW.
5. Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the Commission when the Commission has determined that a competitive solicitation process is not appropriate or cost-effective.

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

A. Executive Director's Authority: To facilitate necessary normal Port operations, the Executive Director may authorize travel by Port employees and/or other Port representatives, excluding Commissioners, 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. Executive Director's Authority: 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 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 authority to authorize sale of real property is reserved to the Commission. 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 approval of 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. 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.

2. 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 SURPLUS PROPERTY:

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

1. The market value of the real or personal property is less than \$22,000.

2. Prior to any such sale or conveyance, the Executive Director shall

itemize and list the real property to be sold and make written certification to the Commission that the listed property is no longer needed for Port purposes.

3. Once authorized pursuant to this Section, surplus real property may be disposed of by competitive means, including offers for purchase solicited from at least three (3) parties, whenever possible.

4. Any large block of such property having a value in excess of \$22,000 shall not be divided into components of a lesser value and sold unless done so by public competitive bid.

5. Property which is part of the Port's comprehensive scheme of harbor improvement shall not be disposed of until the comprehensive scheme has been modified pursuant to RCW 53.20.010 and until such property is found to be surplus to Port needs.

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, municipal corporation, tribal government 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 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, 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 Section, "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. 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, provided the amendment shall not cost the Port more than \$25,000 per year. Collective Bargaining Agreements must conform to the restraints outlined in RCW

53.18.060. 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, is authorized to pursue and accept on behalf of the granting agency, without prior approval by 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 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, the Commission it may direct the Executive Director to rescind the application.

XIX Expenditures for Trade Promotion and Promotional Hosting.

A. The Executive Director will report proposed expenditures covering industrial development, trade promotion, and promotional hosting as provided in RCW 53.36.120 to Commission as part of the annual budget adoption. Expenditures proposed for promotional hosting shall be limited as provided in RCW 53.36.130.

B. Port staff and representatives responsible for industrial development, promotional hosting, and trade promotion, and authorized to host are authorized to make expenditures for promotional hosting of all appropriate Port activities subject to all of the provisions of the promotional hosting policy.

C. Commission hosting requires prior authorization by the full Commission.

D. The Executive Director is authorized to approve membership in port authority, economic development, regional trade, tourism, industrial associations, facility, trade promotion organizations, and professional organizations up to \$10,000 pursuant to organization or individual membership. Memberships greater than \$10,000 shall be approved by the Commission as a Normal Operating Expense through the annual budget process. A list of all memberships of the Port will be reported semi-annually to the Commission.

XX EXECUTIVE DIRECTOR DELEGATION OF AUTHORITY

A. The Executive Director has the authority to assign a delegate to act with the Executive Director's full delegation of authority, in the Executive Director's absence from the Port district jurisdiction exceeding 24 hours.

B. The Commission retains the authority to appoint an authorized delegate for the Executive Director under the following conditions:

1. If the Executive Director is absent from the Port district jurisdiction exceeding 24 hours, and
2. The Executive Director has not already delegated the Executive Director's full authority to a delegate for that absence, and
3. If said delegation is necessary for the orderly and efficient continuation and exercise of Port business, as determined by the Commission in its sole discretion.



REGULAR COMMISSION MEETING
Tuesday, January 28, 2025, at 9:00 am
338 W. First St, Port Angeles, WA 98362
MINUTES

The Regular Commission Meeting will be available to the public in person and remotely. For instructions on how to connect to the meeting remotely, please visit <https://portofpa.com/about-us/agenda-center/>

Connie Beauvais Commissioner
Colleen McAleer, Commissioner ***attended via Zoom**
Steve Burke, Commissioner
Paul Jarkiewicz, Executive Director

Caleb McMahon, Dir. of Economic Development
Braedi Joutsen, Clerk to the Board
Chris Hartman, Director of Engineering
Sarah Kuh, Management Accountant

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE (0:00-0:31)

Comm. Beauvais called the meeting to order at 9:00 am.

II. EARLY PUBLIC COMMENT SESSION (TOTAL SESSION UP TO 20 MINUTES) (0:32-1:09)

None.

III. APPROVAL OF AGENDA (1:10-1:52)

- Motion to approve the agenda as highlighted: Comm. Burke
- 2nd: Comm. McAleer
- Vote: 3-0 (Unanimous)

IV. WORK SESSION (1:53-8:47), (33:30-1:06:10), (1:42:09-1:56:10)

A. Conduct Board Elections

- Motion to move recommend officers for the 2025 year as follows: Comm. Burke to serve as Board President, Comm. McAleer as Vice President, and Comm. Beauvais to serve as Secretary, and to make the officer positions effective upon adjournment of the meeting: Comm. Beauvais
- 2nd: Comm. Burke
- Vote: 3-0 (Unanimous)

B. Review of Port Representation

- Discussion
- No Action
- Will make changes as discussed

C. December Financial Report

- Presentation: Jennifer Baker
- Discussion
- No Action

**Comm. McAleer had to excuse herself from the meeting at 9:58 am*

D. Cash and Investment Report

- Presentation: Jennifer Baer
- Discussion
- No Action

E. New Truck Review

- Presentation: Paul Jarkiewicz
- The Commission and audience went outside to view the newly purchased Port Vehicles, that were on display.
- No Action



V. APPROVAL OF CONSENT AGENDA (8:48-10:05)

- A. Special Commission Meeting Minutes – January 9, 2025
- B. Regular Commission Meeting Minutes – January 14, 2025
- C. Vouchers in the amount of \$403,924.75
 - Discussion
 - Motion to approve the consent agenda: Comm. Beauvais
 - 2nd: Comm. McAleer
 - Vote: 3-0 (Unanimous)

VI. COMPLETION OF RECORDS (1:06:11-1:38:53)

- A. 4th Quarter Operations Report
 - Presentation: Caleb McMahon, Paul Jarkiewicz
 - Discussion
 - No Action

VII. PLANNING AND CAPITAL PROJECTS

No items

VIII. LOG YARD

No items

IX. MARINE TRADES AND MARINE TERMINALS

No items

X. PROPERTY (29:55-33:29)

- A. Item for Consideration – Olympic RC Modelers Term Lease & 2024 Report
 - Presentation: Caleb McMahon
 - Discussion
 - Motion to approve the non-standard items as outlined and execute a new term lease with Olympic RC Modelers as of February 1, 2025: Comm. Burke
 - 2nd: Comm. McAleer
 - Vote: 3-0 (Unanimous)

XI. MARINAS

No items

XII. AIRPORTS

No items

XIII. OTHER BUSINESS (10:06-29:55)

- A. Item for Discussion - Commission Bylaws Review
 - Presentation: Braedi Joutsen
 - Discussion
 - Will bring back to next Commission Meeting
- B. Item for Consideration – Renew Delegation of Authority
 - Presentation: Paul Jarkiewicz
 - Discussion
 - Will bring back to next Commission Meeting
- C. Item for Consideration – Economic Adjustment Assistance Grant Match
 - Presentation: Katharine Fraizer
 - Discussion



- Motion to introduce Resolution 25-1315, a Resolution of the Board of Commissioners of the Port of Port Angeles Washington, committing matching funds to Clallam Economic Development Council's Federal Economic Development Administration Economic Adjustment Assistance (EAA) Grant for Economic Development projects in the forest products sector: Comm. Burke
- 2nd: Comm. Beauvais
- Vote: 3-0 (Unanimous)
- Motion to waive second consideration: Comm. Beauvais
- 2nd: Comm. Burke
- Vote: 3-0 (Unanimous)
- Motion to adopt Resolution 25-1315, a Resolution of the Board of Commissioners of the Port of Port Angeles Washington, committing matching funds to Clallam Economic Development Council's Federal Economic Development Administration Economic Adjustment Assistance (EAA) Grant for Economic Development projects in the forest products sector: Comm. Beauvais
- 2nd: Comm. Burke
- Vote: 2-0 (Unanimous) **Comm. McAleer abstained from the vote**

XIV. ITEMS NOT ON THE AGENDA

XV. COMMISSIONER REPORTS (1:38:54-1:39:49)

Comm. Beauvais shared that she has an email from Comm. Ozias regarding his meeting with Comm. Upthegrove inviting him to our area and to meet with the Revenue Advisory Committee.

XVI. PUBLIC COMMENT SESSION (TOTAL SESSION UP TO 20 MINUTES) (1:39:50-1:41:20)

James Taylor, Port Angeles, WA – wanted to ask the Commission if they know what's going on with the McKinley property, as there are contradicting reports floating around.

XVII. FUTURE AGENDA

XVIII. NEXT MEETINGS (1:41:19-1:41:35)

- A. February 11, 2025 – Regular Commission Meeting
- B. February 25, 2025 – Regular Commission Meeting
- C. March 11, 2025 – Regular Commission Meeting
- D. March 25, 2025 – Regular Commission Meeting

XIX. UPCOMING EVENTS (1:41:36-1:42:08)

- A. January 29-30, 2025 – WPPA Port and Maritime Day, Olympia, WA
- B. January 31st - February 8th, 2025– Seattle Boat Show, Seattle, WA
- C. February 23-24, 2025 – Northwest Aviation Conference, Puyallup, WA

BROWN BAG LUNCH AND OPEN DISCUSSION WITH THE COMMISSION (TIME PERMITTING)

XX. EXECUTIVE SESSION (1:56:11-1:57:34)

The Board may recess into Executive Session for those purposes authorized under Chapter 42.30 RCW, The Open Public Meetings Act.

- Comm. Beauvais recessed the meeting to convene an executive session with an anticipated length of 20 minutes. Following the executive session, the Commission is not expected to take action.
- Discussion:
 - One (1) item concerning legal or financial risk. Discussing such matters in executive session is appropriate pursuant to RCW 42.30.110(1)(i).



- Start Time: 11:00 am
- Extended: 3 minutes
- End Time: 11:20 am

Public Session of Commission Meeting Reconvened: 11:20 am

Commissioner Beauvais noted that no action will be taken as a result of the executive session.

Commissioner Beauvais noted that we will now move the public meeting upstairs into the admin conference room so that Port Staff and the Commission can meet with Congresswoman Randall. She will adjourn the meeting from there; no action will be taken, and the public is invited to attend.

XXI. ADJOURN

Comm. Beauvais adjourned the meeting at 11:55 am.

PORT OF PORT ANGELES
BOARD OF COMMISSIONERS

Connie Beauvais, President

Steven Burke, Secretary

**PORT OF PORT ANGELES
GENERAL FUND – LETTER OF TRANSMITTAL
VOUCHER APPROVAL**

We, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due, and unpaid obligation against the Port of Port Angeles, and that we are authorized to authenticate and certify to said claim.

This process is in compliance with the applicable RCWs and the State Auditor's Budget Accounting and Reporting System (BARS) requirements. Further, the Port maintains effective internal controls to ensure that all disbursements are valid obligations authorized in accordance with the Delegation of Authority Policy.

SUMMARY TRANSMITTAL January 23, 2025 – February 5, 2025

Date: February 11, 2025

Accounts Payable

	Begin Check #	End Check #		
For General Expenses and Construction				
Accts Payable Checks (computer)	418948	481989	\$	941,486.58
Voided/Zero Payable				
Accts Payable ACH	004187	004201	\$	81,611.76
Accts Payable ACH	004269	004295	\$	273,613.68
VOIDED/ZERO PAYABLE ACH				
Wire Transfer - Expenses			\$	3,649.22
Wire Transfer - Excise Tax			\$	5,680.46
Wire Transfer - Leasehold Tax			\$	195,395.54
Total General Expenses and Construction			\$	1,501,437.24
Payroll				
Employee Payroll – Draws (Direct Deposit)			\$	-
Voided Payroll Check			\$	-
Employee Payroll Checks PPD (Direct Dep)	004202	004268	\$	117,071.30
Wire Transfer – (Payroll Taxes, Retirement, Deferred Comp, L&I, PMFL)			\$	120,297.94
Total Payroll			\$	237,369.24
Total General Exp & Payroll			\$	1,738,806.48

CERTIFICATION

I, the Port Auditor or Deputy Auditor, do hereby clarify that the claims listed above are true and valid obligations and that appropriate and effective internal controls are in place to ensure that the outstanding obligations have been processed in accordance with the Port of Port Angeles procurement/payment policies and delegation of authority.

Auditor / Deputy Auditor

Commissioner, Connie Beauvais

Commissioner, Steven D. Burke

Commissioner, Colleen McAleer

MONTHLY REPORT TO THE BOARD OF PORT COMMISSIONERS

January 2025

SUBJECT: REPORTS REQUIRED UNDER THE PROVISIONS OF THE DELEGATION OF AUTHORITY

REPORT	NO ACTION	ATTACHED
Lease Renewals/Options and 1 Year or Less Agreements at Market Rates; Leases, Assignments, Subleases, Berthage/Dockage, & Miscellaneous (Use, Equipment, Hangar, Marina Slips)		X
Lease Bond, Rental Insurance Deviations	X	
Work Contracts (\$50,000 or less) Executed	X	
Work Contracts Completed	X	
Change Orders Authorized	X	
Work by Port Crews or Day Labor (\$50,000 or less)	X	
Claims Settled	X	
Professional & Consulting Services Awarded and Architectural, Engineering & Technical Services Awarded		X
Fees Waived	X	
Uncollectible Accounts Written Off	X	
Experts Engaged for Litigation	X	
Grant Applications/Award	X	
Travel Outside WA, OR, ID and BC, Canada		X
Surplus Personal Property (under \$10,000)	X	

LEASES, RENEWALS, AMENDMENTS, MISC. AGREEMENTS AND OPTIONS EXECUTED
OF ONE YEAR OR LESS APPROVED BY EXECUTIVE DIRECTOR
(In Accordance with the Delegation of Authority, Resolution 24-1290 dated 1.09.2024)

JANUARY 2025

TENANT NAME	DOCUMENT	LOCATION	FORM OF SURETY	SQ FEET	TERM	MONTHLY RENT
WA Department of Fish and Wildlife	Rental Agreement	930 Marine #E	Waived/Govt	600 SF Office	1 year 3.01.25 - 2.28.26	\$678 + \$25 Util

PROFESSIONAL & PERSONAL SERVICES
AWARDED BY THE EXECUTIVE DIRECTOR
(In Accordance with Delegation of Authority)
January 2025

CONSULTANT	PROJECT	EST. COST	OTHER CONTRACT PROVISIONS
Environmental Risk Communications, Inc.	GARS P40 Analysis 2025 (Formerly GASB 49)	\$5,000	NA
123 West Design Collective LLC	Concept designs for marketing 720 Marine Dr	\$2,250.00	NA

Consultant Services Selection Summary



Type of Contract: ☒ Personal ☐ Professional ☐ Sole Source ☐ Emergency

Res 24-1290: Executive Director authorization shall not exceed \$50,000. Change orders: original cost and all change orders shall not exceed \$50,000. All closely related contracts shall not exceed \$50,000.

Sole Source personal service contract \$50,000 or more: requires Commission to ensure reasonable costs.

\$50,000 to \$200,000 requires evidence of competitive process

Over \$200,000 formal competitive solicitation; requires RFP/RFQ

Non-Competed requires Commission approval to exempt a contract from a competitive process

1. Project Title	GARS P40 Analysis 2025 (Formerly GASB 49)
2. Consultant	Environmental Risk Communications, Inc. (ERCI)
3. Approved Contract Amount	\$5,000
4. SubAccount/GL Account #	90-3-00-SO
5. Budget & Fund Source	Operating Budget
6. Project Manager	Jennifer Baker or Jesse Waknitz
7. Other Terms: (sales tax)	Not Applicable (NA)
8. Closely Related Contracts	ERCI performed the GASB 49 Analysis last year for the Port of Port Angeles.
9. Fed Funding Requirement*	NA

*If federal funding involved, stop and contact Engineering Department for federal requirements. Requires an RFP.

10. Justification

Personal services are required to conduct the annual GARS P40 (Formerly GASB49) pollution remediation obligation analysis for the Port.

11. Scope of Services

GARS P40 is an accounting and financial reporting standard for pollution remediation obligations. Pollution remediation is an obligation to address the current or potential detrimental effects of existing pollution by conducting pollution remediation activities. The Port's current pollution remediation obligations include MTA Site, K-PLY Site, Western Port Angeles Harbor, Terminal 5/7 Upland and 220 Tumwater Truck Route Site (Shell & Kardlock Sites).

The consultant will develop reserve, watch list, and recoveries documentation and present these findings in a cover report per GARS P40.

12. Contract Time	Start Date: January 3, 2025	Completion Date: December 31, 2026
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13. Explanation of Cost, Work Schedule, and Contingency

Lump sum fee not to exceed \$5,000

14. Procurement Schedule – Key Milestone Dates

NA

15. Authorized Contract Amount and Any Authorized Contingency

\$5,000 with no contingency

Selection Requirements:**16. Evaluation Team Members**

Jesse Waknitz – Environmental Manager

17. Proposals Evaluation/Summary

NA

18. Interviews Summary (if conducted)

NA

19. References Summary

ERCI has conducted the GASB49 Reporting for the Port, each year, over the last 10 years.

20. Negotiations Summary

NA

21. Selection Summary

ERCI was selected because they have a good understanding of the Port's cleanup sites and completed the GASB49 reporting in a timely and efficient manner last year.

The selection team members affirm that they do not have a conflict of interest with any of the firms evaluated or key personnel of any of the firms, and that the selection process followed Port Consultant Services Procurement Policy and Procedure

SIGNATURES

Jesse Waknitz
Project Manager

1/2/2025
date

Selection team member (if needed) date

Selection team member (if needed) date

Engineering Director date (Required for public
work, professional, and grant funded contracts)

Commission Approval ☐ Required

☒ Not Required

Scheduled Commission Meeting: _____

Monthly Report Date: January 2025

Approved Commission Meeting: _____



CONSULTANT SERVICES AGREEMENT

PROJECT: Digital Design Services
CONSULTANT: 123 West Design Collective LLC

THIS AGREEMENT is made and entered into by and between the Port of Port Angeles (*hereinafter referred to as the "Port"*) and 123 West Design Collective LLC (*hereinafter referred to as the "Consultant"*) for the furnishing of consultant services for design options for marketing Port vacant rental property.

The Port and Consultant mutually agree as follows:

SCOPE AND SCHEDULE OF WORK

List of Deliverables:

- Develop digital images for several options for the renovation of 720 Marine Drive, including restaurant and retail store.
- Incorporate feedback from Port staff for desired final work product.
- Printable flyer for each concept.

COMPENSATION

This will be accomplished on an hourly fee and expense basis and will not exceed **\$2,250.00** without prior written approval from the Port. Detailed hourly rate and expense details will be invoiced monthly by the Consultant.

LENGTH OF AGREEMENT

The length of this agreement is from January 1, 2025 through March 31, 2025.

RATE AND FEE SCHEDULE AND OUT-OF-POCKET EXPENSES

Hourly rate of \$75.00/hour for a not to exceed amount of \$2,250.00.

REPRESENTATIVES

The Port's Project Manager and Consultant's Representative for this Agreement are as specified. Alternate representatives may be appointed by either party with written notice to the other party.

Port's Project Manager: Cherie Gottschalk
P.O. Box 1350
Port Angeles, WA 98362
(360) 417-3435 direct
Cherieg@portofpa.com

Consultant's Representative: Kyle Zimmerman
117 N. Lincoln St.
Port Angeles, WA 98362
(470) 428-0622
kyle@123westdesigncollective.com

TERMS AND CONDITIONS

In consideration of the mutual covenants, obligations, and compensation to be paid by the Port to Consultant, it is agreed that:



1. Relationship of the Parties

Consultant, its subconsultants and employees, is an independent Contractor. Nothing contained herein shall be deemed to create a relationship of employer and employee or of principal and agent.

2. Conflicts of Interest

Consultant warrants that it has no direct or indirect economic interest which conflicts in any manner with its performance of the services required under this Agreement. Consultant warrants that it has not retained any person to solicit this Agreement and has not agreed to pay such person any compensation or other consideration contingent upon the execution of this Agreement.

3. Compliance with Laws

Consultant agrees to comply with all local, state, tribal and federal laws and regulations applicable to the services, including registration and taxes, permitting regulations and those regarding employee safety, the work place environment, and employment eligibility verifications as required by the Immigration and Naturalization Service. Consultant shall obtain all licenses and permits required to complete the scope of work as defined. The Port shall furnish Consultant with the information required by the Hazard Communication standard for materials preexisting on the project site. Consultant will ensure that this information is made available to the Consultant's personnel and subconsultants, and incorporated into the contract documents as appropriate.

4. Suspension and Debarment

By signing this agreement, the Consultant verifies that it has not been suspended or debarred from working on federally funded projects.

5. Records and other Tangibles

Until the expiration of six years after the term of this Agreement, Consultant agrees to maintain accurate records of all work done in providing services specified by the Agreement and following Consultant's receipt of final payment therefore to deliver such records to the Port upon termination of the Agreement or otherwise as requested by the Port.

6. Ownership of Work

The services to be performed by Consultant shall be deemed instruments of service for purposes of the copyright laws of the United States. The Port has ownership rights to the work products prepared by the Consultant in performing these services. Consultant shall not be responsible for changes made in the work products by anyone other than the Consultant. Consultant shall have free right to retain, copy and use any tangible materials or information produced but only for its own internal purposes. Use of documents or other materials prepared under this Agreement for promotional purposes shall require the Port's prior consent.

7. Disclosure

All information developed by the Consultant and all information made available to the Consultant by the Port, and all analyses or opinions reached by the Consultant shall be confidential and shall not be disclosed by the Consultant without the written consent of the Port except to the extent required by law or legal process.

8. Deliverables

Unless otherwise specified in the Scope of Work, Consultant shall provide draft deliverables to the Port for review prior to preparation of final deliverables. Delivery of materials produced shall consist both of the tangible materials and any and all computer files used in the creation of the tangible product in the original format in which it was created and a PDF format or other format specified by the Port.

9. Compensation

As full compensation for the performance of its obligations of this Agreement and the services to be provided, the Port shall pay Consultant as specified in the Agreement. Compensation for vehicle usage



will be paid at the current Internal Revenue Service allowable mileage reimbursement rate based on road mileage distance between Consultant's office and project location. Consultant's expenses will be reimbursed at cost. Hourly rates shall include all of Consultant's routine administration and overhead expenses, including all equipment, software, tools and supplies reasonably required to perform the scope of services. The Port will not separately reimburse Consultant for routine overhead expenses or administration including but not limited to:

- A. Computer hardware or software usage
- B. Digital camera or recording equipment
- C. Communications - including phone, internet, fax, postage and courier
- D. Routine reproduction except for documents produced by outside vendor
- E. Small tools and expendables.
- F. Federal, state or local taxes
- G. Safety training and equipment
- H. Time devoted to Agreement negotiation, invoicing or dispute resolution.

10. Payment Schedule

Consultant shall submit detailed numbered invoices showing description of work items being invoiced, work order number, title of project, total authorized, total current invoice, balance of authorization, individual's names and titles, hours, hourly rate and all authorized expenses itemized, with backup, by the 10th of the month to be paid by the end of the current month, unless other terms are agreed to by the parties.

11. Costs and Disbursements

Consultant shall pay all costs and disbursements required for the performance of its services under this Agreement.

12. Indemnity

For all claims arising from the performance of the Consultant's professional services Consultant and its subconsultants agree to indemnify and hold harmless the Port of Port Angeles, its appointed and elective officers and its employees from and against any and all suits, claims, actions, losses, costs, penalties and damages of whatever kind and nature, including attorney fees and costs, by reason of any and all claims and demands on it, its officers and employees, to the extent arising from the negligent acts, errors or omissions by the Consultant in the performance of the Consultant's professional services.

13. Insurance

Prior to commencement of services under this Agreement and if required below, Consultant shall procure and maintain one or more lines of insurance coverage to be kept in force for the life of this Agreement. If required, insurance shall be procured from insurance carriers with a current A.M. Best's rating of no less than "A VI". Consultant shall submit to the Port a Certificate of Insurance which shows that it has obtained the required coverage(s). Coverage shall not lapse or be terminated without written notification to the Port, delivered electronically or by mail, not less than thirty (30) days prior to any such lapse or termination. Consultant agrees to notify the Port of any material change of coverage or reduction in limits. Except for professional liability, the Port shall be named as an additional insured on all policies on ISO Form CG 20 10 Form B.

This Agreement ☐ [Does] ☒ [Does not] require commercial general liability insurance. If neither box is checked, commercial general liability insurance is required. If required, the following will apply:
Consultant shall procure and maintain during the life of this Agreement commercial general liability coverage on occurrence form CG0001 or equivalent with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate;

This Agreement ☐ [Does] ☒ [Does not] require automobile liability insurance. If neither box is checked, automobile liability insurance will be required.



Consultant shall procure and maintain during the life of this Agreement automobile liability insurance covering owned, non-owned and hired vehicles of \$1,000,000 combined single limit per accident. Sole proprietors may provide coverage on a Personal Auto Policy in lieu of a Commercial Auto coverage form.

This Agreement ☐ [Does] ☒ [Does not] require Professional Liability insurance coverage. If neither box is checked, the Agreement does require this coverage.

Consultant shall procure and maintain during the life of this Agreement professional liability insurance of \$1,000,000 per claim and in the aggregate. Insurance shall have a retroactive date before the date of commencement of services and shall remain in effect for the term of this Agreement plus three years.

14. Force Majeure

Neither the Port nor the Consultant shall hold the other party responsible for damages or delay in performance caused by acts of god, strikes, lockouts, accidents, or other events beyond the control of the other or the other's employees and agents.

15. Standard of Care

Consultant shall perform its work to conform to generally accepted professional standards. Consultant shall be responsible for the professional quality, technical adequacy and accuracy, timely completion and coordination of all deliverables prepared under this Agreement. Consultant shall, without additional compensation, correct or revise any errors or omissions in such deliverables. The Port's approval of deliverables shall not relieve Consultant of responsibility for the adequacy or accuracy thereof. The Consultant shall remain liable for damages and costs incurred by the Port to the extent arising from the Consultant's errors, omissions or negligent performance of services furnished under this Agreement.

16. Competitive Specification

This Agreement ☐ [Does] ☒ [Does not] require development of plans or specifications. If required, the following paragraph shall apply:

Consultant shall provide for the maximum use of materials, equipment, construction methods and products that are readily available through competitive procurement, or through standard or proven production techniques.

Consultant shall not produce a design or specification which would be restrictive or written in a manner as to contain proprietary requirements other than those based on performance, unless such requirements are necessary to demonstrate a specific outcome or to provide for necessary interchangeability of parts and equipment. Consultant shall justify in writing the use of any sole source. Where brand names are identified, they shall be followed by the salient product performance characteristics and the words "or approved equal" so that comparable quality or utility may be determined.

17. Time

Time is of the essence in the performance by the Consultant of the services required by this Agreement. The Consultant shall complete its services within the milestones set forth in the project schedule. The Consultant shall also address issues which may result in completion beyond the established schedule or budget.

18. Assignability

Consultant shall not assign any interest in this Agreement and shall not transfer any interest in the Agreement to any party without prior written consent of the Port.

19. Term of this Agreement

The effective dates of this Agreement are as specified. This Agreement may be terminated by the Port for cause when the Port deems continuation to be detrimental to its interests or for failure of the consultant to perform the services specified in the Agreement. The Port may terminate this Agreement at any time for government convenience in which case it shall provide notice to the Consultant and reimburse the Consultant for its costs and fees incurred prior to the notice of termination. The provisions and warranties contained in this Agreement that by their sense and context are intended to survive the completion of



performance or termination of this Agreement shall so survive. All indemnities provided in this Agreement shall survive the expiration or any earlier termination of this Agreement.

20. Disputes

If a dispute arises relating to this Agreement and cannot be settled through direct discussions, the parties agree to endeavor to settle the dispute through a mediation firm acceptable to both parties, the cost of which shall be divided equally. The Port reserves the right to join any dispute under this Agreement with any other claim in litigation or other dispute resolution forum, and the Consultant agrees to such joinder, so that all disputes related to the project may be consolidated and resolved in one forum. Venue for any litigation shall be the Clallam County Superior Court of the state of Washington and the prevailing party shall be entitled to recover its costs and reasonable attorney fees.

21. Extent of Agreement

This Agreement represents the entire and integrated understanding between the Port and Consultant and may be amended only by written instrument signed by both the Port and Consultant.

22. Order of Precedence

The provisions of this Agreement are complimentary and shall be interpreted to give effect to all of its provisions. Any inconsistency in this Agreement shall be resolved in the following order of precedence, if attachments are part of this agreement:

- A. Personal Services Agreement including Terms and Conditions, as modified by the latest amendment.

AGREED

This agreement is expressly conditioned upon the Terms and Conditions and any Attachments attached and by reference incorporated herein. Consultant acknowledges reading this Agreement, understands it and agrees to be bound by its Terms and Conditions.

PORT OF PORT ANGELES

By: 

Paul Jarkiewicz

Title: Executive Director

Date: 01/14/2025

123 WEST DESIGN COLLECTIVE LLC

By: 

Kyle Zimmerman

Title: Owner/CEO

Date: 1/15/2025

TRAVEL APPROVED BY THE EXECUTIVE DIRECTOR *
(In Accordance with Delegation of Authority)
January 2025

STAFF	LOCATION OF MTG.	DATE(S)	PURPOSE
Chris Hartman Caleb McMahon	Tampa, FL	1/20 – 1/22	AAPA POWERS Conference

*

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.

**ITEM FOR CONSIDERATION
BY THE
BOARD OF PORT COMMISSIONERS**

February 11, 2025

Subject: Port Commission Bylaws, Resolution 25-1317

Presenter: Braedi Joutsen, Clerk to the Board

RCW & POLICY REQUIREMENTS

The rules governing the Port Commission's business transactions are outlined in the Port of Port Angeles Board of Port Commission Bylaws, which may be amended by resolution of the Port Commission. The Bylaws were last amended by Commission Resolution No. 22-1252 on March 22, 2022.

Minor amendments to the Bylaws may be proposed after the Port Commission completes its yearly review. Resolution No. 22-1252, which holds the current bylaws, is attached to this IFD for your ease of reference and review.

BACKGROUND:

Resolution 22-1252 was adopted on March 22, 2022, to establish regular meeting dates and rescinded the previous resolution 17-1157, which established regular work sessions to be held twice monthly, on the second and fourth Monday of each month at 9 AM.

ANALYSIS:

At the first Commission meeting of the year, the Port Commission is requested to review and consider the current bylaws to see if they are sufficient or if changes are proposed.

During the previous Commission meeting additional language was added to Article II B, further defining that the new officer roles would be effective upon adjournment of that meeting. In Article VII D the Commission requested removal of the second to the last sentence due to its confusing nature.

ENVIRONMENTAL IMPACT:

None

FISCAL IMPACT:

None

RECOMMENDED ACTION:

Review and discuss the proposed amendments to the Bylaws and any further changes that may be required.

On a motion and second, introduce Resolution No. 25-1317 amending the Port of Port Angeles Board of Port Commission Bylaws.

If the introduction of the Resolution is unanimous, then, on a motion and second, adopt Resolution No. 25-1317 amending the Port of Port Angeles Board of Port Commission Bylaws.

**A RESOLUTION AMENDING PORT OF PORT ANGELES BOARD OF
COMMISSION BYLAWS.**

WHEREAS, the Port of Port Angeles Board of Port Commission Bylaws may be amended by resolution duly adopted by the Port Commission and

WHEREAS, the Bylaws were last amended by Resolution No. 22-1252 and were adopted on March 22, 2022; and

WHEREAS, there is now a need to further modify said Bylaws.

NOW THEREFORE BE IT RESOLVED that Resolution No. 22-1252 is hereby rescinded; and

BE IT FURTHER RESOLVED that the Bylaws set forth on the attached Exhibit A are hereby approved and adopted as the Port of Port Angeles Board of Port Commission Bylaws and are effective as of today's date.

ADOPTED by the Board of Commissioners of the Port of Port Angeles at a regular meeting thereof held this 11th day of February 2025.

PORT OF PORT ANGELES
BOARD OF COMMISSIONERS

Steven D. Burke, President

Colleen McAleer, Vice-President

Connie L. Beauvais, Secretary

**PORT OF PORT ANGELES BOARD OF PORT
COMMISSIONBYLAWS**

**ARTICLE I
Preamble**

These Bylaws shall constitute the rules governing the transaction of business by the duly elected Port Commission.

**ARTICLE II
Organization of the
Commission**

- A. The Commission shall organize by the election from its own members a President, Vice-President and Secretary.
- B. The Commission shall elect new officers at the first meeting of each calendar year, whose term shall run for one (1) year, beginning when elected upon adjournment of that meeting unless an emergency exists, or until the election of a successor. Vacancies in an office arising from any cause may be filled at any regular or special meeting of the Commission.
- C. In the event of a vacancy in the office of Port Commissioner by death, resignation or otherwise, such vacancy shall be filled pursuant to RCW 42.12.070, as presently codified or hereafter amended.
- D. The Commission may from time to time establish such committees as are necessary to conduct its more specialized work. The composition of committees shall be determined by the Commission. To remain in compliance with the Open Public Meeting Act (RCW 42.30), committees will never exceed one Commissioner. Such committees shall report directly to the entire Commission on their work.
- E. Individual Commissioners serve as members of the Commission, a body which acts only by majority vote.

**ARTICLE III
Duties of Commissioners**

The Commission's responsibilities include but are not limited to the following:

- 1. Establish policies for the overall direction and strategies of the Port;
- 2. Hire an Executive Director to implement the Port policies and objectives and to administer and operate the Port based on the delegation of administrative

responsibility and authority pursuant to resolution of the Commission. The Commission shall set the salary level and review the performance of the Executive Director, following guidelines based on resolution of the Commission, Port goals and objectives, job description and other appropriate criteria developed jointly by the Commission and the Executive Director;

3. Determine the types of business activity in which the Port will engage;
4. Approve the annual operating and capital budgets and establish annual budget priorities;
5. Establish the degree to which the Port will use the governmental powers of taxation and eminent domain;
6. Establish financial policies including capital formation and debt issuance;
7. Establish Port positions on significant governmental legislation;
8. Establish a range of compensation for Port employees. During budget deliberations each year, adopt adjustments to the salary range based on inflation or other market/economic criteria, if appropriate. Review benefits annually;
9. Establish the organization structure with the Executive Director;
10. Appoint a treasurer and auditor pursuant to the provisions of RCW 53.36.010, and select and retain on such terms and conditions as the Commission deems appropriate, legal counsel, and an independent auditor (which may be the State Auditor or a private accounting company) for the Port.

Each Commissioner Shall:

- A. Review the agenda for each Commission meeting and read and become familiar with agenda material prior to regular meetings, special meetings and work sessions;
- B. Be prepared to represent the Commission when assigned as the Commission representative to associations, groups and other organizations;
- C. Be responsible for making timely requests to the Commission to be excused for non-attendance at meetings of the Commission, so as to avoid causing an inadvertent vacancy in accordance with RCW 53.12.140;
- D. Submit requests for reimbursement for meeting attendance and expenses (including appropriate documentation) in a timely manner;
- E. Be willing to accompany the Executive Director and/or staff as a Commission representative on business trips as assigned by the Commission;
- F. Serve as a member of the Board of Directors of the Industrial Development Corporation of the Port of Port Angeles pursuant to Resolution #529 (as hereafter amended or superseded).

ARTICLE IV

Duties of Officers

A. The President Shall:

1. Preside at all public meetings of the Commission and at executivesessions of the Commission;

2. Sign all resolutions, contracts, and other instruments on behalf of the Commission as authorized by the Commission;
3. Approve the proposed agenda for each Commission meeting and authorize the issuance of notices for regular meetings, special meetings and work sessions;
4. Perform all such other duties as are incident to the office or are properly required by the Commission.

B. The Vice-President shall:

1. During the absence or disability of the President, exercise all the functions of the President;
2. Preside at all public meetings at which the President is not physically present;
3. Have such powers and discharge such duties as may be properly assigned from time to time by the Commission including but not limited to, performing the duties of the Secretary;
4. Perform all such other duties as are incident to the office or are properly required by the Commission.

C. The Secretary shall:

1. Supervise the recording of the minutes by Port staff;
2. Supervise Port staff in retaining a record of all motions and resolutions adopted by the Commission;
3. Supervise the safekeeping of the seal and the minute books;
4. Otherwise perform such further duties as are incident to the office and as are properly required by the Commission including but not limited to performing the duties of the Vice-President;
5. Review vouchers prior to the Commission meeting at which the voucher summary will be presented for approval and, be prepared to report voucher details to the entire Commission prior to approval.

D. Any Commissioner who shall be elected to act for an incumbent elected officer during the temporary absence or disability of such officer shall exercise all the functions of the incumbent officer, but only during the continuance of the absence or disability of such officer.

ARTICLE V

Meetings

A. Regular Meetings: No additional notice shall be required for regular meetings, the time and place of which are established by resolution. The time and place of regular meetings may be modified by the Board at any time by resolution. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

B. Special Meetings and Work Sessions: Special public meetings or work sessions may be called for at any time either by the President or by a majority of the Commissioners by delivering personally or by mail, facsimile, or email written notice to each Commissioner, each local newspaper of general circulation and to each local radio or television station which has on file with the Commission a written request to be notified of such special meeting or work session. Such notice must be delivered personally or by mail, facsimile, or email at least twenty-four (24) hours before the time of such meeting, as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meeting by the Commission. Such written notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the Secretary of the Commission a written waiver of notice. Such waiver may be given by email or facsimile transmittal. Such written notice may also be dispensed with as to any member who is present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage when time requirements of such a notice would make notice impractical and increase the likelihood of such injury or damage. If, by reason of fire, flood, earthquake, or other similar emergency, there is a need for expedited action by the Commission to meet the emergency, the Commission President may provide for a meeting site other than the regular meeting site and the notice requirements of these bylaws shall be suspended during such emergency.

C. Regular and special meetings and work sessions shall be open and public except as otherwise provided by law (see Section E - Executive Sessions). To further ensure accessibility to these public meetings, streaming access will be available along with recordings of past meetings on the Port's website. All meetings will be held in accordance with the requirements of RCW 42.30 and reasonable efforts shall be made to comply with the encouraged but not required suggestions in RCW 42.30.

D. Place of Meetings: All meetings shall be held at the Port of Port Angeles Administration Building, 338 W. 1st Street, Port Angeles, Washington. The place for holding such meetings may be changed by concurrence of a majority of the Commission. Notice of change of meeting location shall be publicized in the same manner as provided hereinabove with respect to notice of special meetings and work sessions, change of location of a regular meeting does not cause the meeting to become a special meeting.

E. Executive Sessions: The Commission may meet in executive session, which shall be closed to the public, during a regular or special meeting for all the purposes permitted by the Open Public Meetings Act (RCW 42.30) and other laws. Before convening an executive session, the presiding officer of the Commission shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be

extended to a stated later time by announcement of the designee. Information learned in executive session shall be treated as confidential.

F. Adjournment or Continuation to a Special Meeting: Adjournment or continuation to a special meeting shall be pursuant to notice as required by law.

G. Quorum: Two (2) Commissioners shall constitute a quorum for the convening of a meeting.

H. Absences: Any absence by a Commissioner from a meeting because of attendance to other Port business shall be so recorded in the minutes of the meeting, provided for in ARTICLE IX, and any such absence shall be automatically excused by the Commission.

I. Meetings shall be conducted in accordance with these Bylaws (including Exhibit A hereto) and Roberts' Rules of Order. In circumstances of conflict between the provisions thereof, these Bylaws (including Exhibit A hereto) shall control.

J. Cancellation of Meeting: Any regular or special meeting or work session may be canceled by the President. The President will not cancel a meeting within 24 hours of the scheduled meeting unless the cancellation is the result of a natural disaster or other emergency which would justify such cancellation for public safety or where such disaster/emergency may affect the Board's ability to achieve a quorum. In addition, the President shall not have the authority to cancel a meeting which was scheduled by written request provided to the Executive Director by two Commissioners.

K. Each Commissioner shall receive per diem compensation in an amount prescribed by RCW 53.12.260, as presently codified or hereafter amended, for each day or portion thereof spent (a) in actual attendance at official meetings of the Commission, or (b) in performance of other official services or duties on behalf of the Port.

L. A Commissioner may participate in any Commission meeting remotely.

ARTICLE VI

Motions

A. Except as otherwise required by ARTICLE VII, the Commission shall transact its business by motion which may be made or seconded by any Commissioner in attendance, including the chair of the meeting.

B. Voting on all motions shall be "aye" or "no," and the minutes of the meeting shall record the vote of each Commissioner present.

C. Concurrence of two (2) Commissioners shall be necessary and shall be sufficient for the passage of any motion.

ARTICLE VII

Resolutions

A. All final actions of the Commission that, in the judgment of the Commission, are of a legislative character shall be embodied in the form of resolutions.

B. A resolution may be adopted in the same meeting at which the resolution is introduced if, on a motion seconded and passed unanimously, the full Commission agrees to introduce the resolution, and thereafter on a motion seconded and passed by a majority of Commissioners, the Commission agrees to waive the second consideration of the resolution and adopt the resolution; PROVIDED, however, that a resolution that supersedes, amends, modifies, or suspends an existing resolution shall not be adopted at the same meeting at which it is introduced except by the affirmative vote of the entire Commission. Otherwise, a resolution may be introduced on a motion seconded and passed, in which case the resolution shall be put on the agenda of the next Commission meeting for adoption. If an emergency meeting of the Commission is called as described in Article V, Section B of these Bylaws, the unanimous approval requirements of this Article VII shall be suspended during such emergency.

C. Voting on all resolutions shall be "aye" or "no," and the minutes of the meeting shall record the vote of each Commissioner present.

D. Resolutions shall be numbered consecutively, and the original copy of each resolution shall be duly authenticated in open session by the signature of the Commissioners voting in its favor. Each resolution shall be filed by the Secretary and shall be recorded in a book or books kept for such purposes, which shall be public records.

ARTICLE VIII

Minutes

A Minutes of all proceedings of the Commission shall be approved by the Commission and shall be maintained in the Port's records, which shall be public records.

B. No minutes are required for Executive Sessions.

ARTICLE IX

Amendment of Bylaws

These Bylaws may be amended by the Commission by resolution duly adopted.

Future Agenda Items –Commission Meeting

2/11/2025

February 25, 2025 (Regular Commission Meeting)

- January Financial Report
- Monthly Cash & Investment Report

March 11, 2025 (Regular Commission Meeting)

- Monthly Delegation of Authority Report
- Annual Capital Projects Report

March 25, 2025 (Regular Commission Meeting)

- February Financial Report
- Monthly Cash & Investment Report

April 8, 2025 (Regular Commission Meeting)

- Monthly Delegation of Authority Report

April 22, 2025 (Regular Commission Meeting)

- Monthly Cash & Investment Report
- 1st Qtr Operations Report

April 28, 2025 (Special Joint Commission Meeting)

Upcoming Events/Announcements

February 23-24, 2025 – Northwest Aviation Conference, Puyallup, WA

April 22-24, 2025 – AFRC Annual Meeting, Stevenson, WA

April 23-25, 2025 – Olympic Logging Conference, Victoria, B.C.

Future

- Boatyard and Marina Rules & Regulations
- Port Emergency Response Plans and Activities
- Employee Handbook Update and Resolutions