

**PORT OF OLYMPIA COMMISSION**  
**Resolution 2026-04**

**A resolution of the Port of Olympia Commission establishing a property use policy  
regarding civil immigration enforcement activities.**

**WHEREAS**, the Port of Olympia (“Port”) is a municipal corporation organized under the laws of the State of Washington and is vested with authority to acquire, manage, control, lease, and regulate the use of Port property pursuant to Chapter 53 RCW; and

**WHEREAS**, in operating its marine terminals, airport, and related facilities, the Port acts in both governmental and proprietary capacities and retains discretion to determine the terms and conditions under which its property is made available for use; and

**WHEREAS**, the Port has a fiduciary and statutory responsibility to ensure that its property is used in a manner that promotes safe, efficient, and commercially viable operations and preserves public trust; and

**WHEREAS**, the Port receives and may in the future receive federal financial assistance, including but not limited to transportation, maritime, aviation, infrastructure, and homeland security–related grants; and

**WHEREAS**, acceptance of federal funds may subject the Port to specific statutory and regulatory conditions lawfully imposed pursuant to Congress’s Spending Clause authority under Article I, Section 8 of the United States Constitution; and

**WHEREAS**, civil immigration enforcement and border control are functions of the federal government, including the agencies known as U.S. Immigration and Customs Enforcement (“ICE”) and Customs and Border Patrol (“CBP”), and the Port recognizes the federal government’s exclusive authority in matters of immigration and customs regulation; and

**WHEREAS**, nothing in this Resolution is intended to regulate, restrict, impede, or otherwise interfere with federal officers acting within the scope of federal authority, nor to conflict with federal law; and

**WHEREAS**, consistent with the Tenth Amendment to the United States Constitution and applicable Supreme Court precedent, state and local governmental entities are not required to use their property, personnel, or resources to administer or enforce federal regulatory programs; and

**WHEREAS**, the Port retains proprietary authority to determine how its property, personnel, and financial resources are allocated, provided such determinations do not conflict with binding federal or state law; and

**WHEREAS**, the Port Commission finds it appropriate to clarify the circumstances under which Port-owned property may be made available for non-Port governmental uses in order to ensure operational continuity and minimize legal risk;

**BE IT HEREBY RESOLVED** by the Port of Olympia Commission:

### **Section 1. Purpose and Scope**

This Resolution establishes a neutral property-management policy governing discretionary use of Port-owned property by non-Port governmental entities for activities unrelated to the Port's primary commercial and transportation functions.

This Resolution regulates only the Port's proprietary decisions concerning the voluntary leasing, licensing, or contractual use of Port property. It does not regulate the conduct of federal officers nor purport to control activities occurring outside Port property.

### **Section 2. Civil Immigration Enforcement Use**

Except where required by federal or state law, the Port shall not:

1. Enter into new leases, licenses, memoranda of understanding, or other agreements that authorize the use of Port property primarily for civil immigration enforcement operations, including detention, staging, or processing; or
2. Provide Port funds, equipment, or personnel for the purpose of assisting in civil immigration enforcement activities.

This Section applies only to discretionary agreements and does not apply where the Port is legally compelled by valid court order or other binding legal requirement.

### **Section 3. Non-Interference with Federal Authority**

Nothing in this Resolution shall be construed to:

- Prohibit or obstruct federal officers from accessing Port property areas that are open to the general public;
- Prevent compliance with a judicial warrant signed by a federal or state judge or pursuant to federal or state law;
- Interfere with criminal law enforcement activities conducted pursuant to lawful authority;
- Authorize any action or refusal to act that would violate a valid condition of federal financial assistance lawfully accepted by the Port;
- Restrict compliance with federal statutes, regulations, or grant assurances applicable to Port facilities, including aviation or maritime security requirements;
- Restrict communications or information sharing as required by applicable federal law; or

- Create any private right of action against the Port, its officials, or employees.

#### **Section 4. Intergovernmental Immunity**

This Resolution is intended solely as an exercise of the Port’s proprietary authority as a property owner and market participant. It shall be interpreted in a manner consistent with the doctrines of federal preemption and intergovernmental immunity.

#### **Section 5. Severability**

If any provision of this Resolution is determined by a court of competent jurisdiction to be preempted by federal law or otherwise invalid, such provision shall be severed, and the remaining portions shall remain in full force and effect.

#### **Section 6. Implementation**

The Executive Director is directed to:

- Review existing agreements for consistency with this policy;
- Ensure that future property use agreements reflect this policy; and
- Consult legal counsel prior to entering into agreements that may implicate federal civil immigration enforcement activities.

#### **Section 7. Effective Date**

This Resolution shall take effect immediately upon adoption.

ADOPTED at a regular meeting of the Port Commission on \_\_\_\_\_, 2026.

**PORT OF OLYMPIA COMMISSION**

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