



Serving All of Thurston County

Commission Meeting
Monday, January 27, 2025
5:30 PM

Percival Plaza - Olympics Room
626 Columbia Street NW
Olympia, WA 98501

The meeting agenda is available on the Port's website as of January 23, 2025.

<https://www.portolympia.com/commission>

The public may join the meeting from their computer, tablet or smartphone at:

<https://us02web.zoom.us/j/87174114590?pwd=QqJCvbSpg8bE7Y485MXBTSXSACzAeO.1>

or Telephone: 1 253 215 8782

Meeting ID: 871 7411 4590

Passcode: 594862

Written public comments may be submitted to commissioncoordinator@portolympia.com by 12:00 p.m. on the date of the meeting. All written comments will be compiled and sent to the Commissioners prior to the meeting.

Verbal public comment is accepted in person at the meeting.

If you are attending the meeting via Zoom, you may raise your hand during the meeting to give public comment. For those listening by phone, press *9 if you wish to raise your hand and provide comment.

AGENDA

- A. Call to Order
- B. Pledge of Allegiance
- C. Approval of Agenda
- D. Executive Director Report
- E. Public Comment

Individual public comments are limited to 3 minutes per person. Members of the public may comment on agenda items and other port business.

NOTE: Guidelines for public comment can be found in the Commission Rules in Resolution 2023-08 Article VI.

- *Comments should be directed to Commission:* Comments should be directed to the Commission as a whole and should not include comments about individual Port staff or members of the public.
- *Courtesy:* All speakers (members of the public, Port staff, and Commissioners) shall be courteous in language and demeanor and shall confine remarks to those facts that are germane and relevant to the question or issue under discussion.

Port of Olympia Mission

Creating economic opportunities and building community for all of Thurston County through responsible resource use.

- F. Consent Calendar
 - 1. Washington State Department of Ecology Budd Inlet Remedial Action Grant 2 Agreement
 - 2. 2025 Commission Committee Assignments
- G. Pending Issues or Business
 - 1. None
- H. Action Calendar
 - 1. None
- I. Action/Other Calendar
 - 1. Sailors Union of the Pacific: Alex Smith, Executive Director
Public Comment on Action/Other Item
- J. Advisory Calendar
 - 1. 2025 Capital Budget Amendment: Building Purchase: Alex Smith, Executive Director
Public Comment on Advisory Item
 - 2. Update to Rules Resolution – Resolution 2025-03: Alex Smith, Executive Director
Public Comment on Advisory Item
- K. Commissioner Reports/Discussion
- L. Other Business
- M. Meeting Announcements
- N. Adjourn

COVER MEMO

Briefing Date/Time:	January 27, 2025
Staff Contact/Title:	Jonathon Wolf, Environmental Manager
Subject:	Agreement with the Washington State Department of Ecology for Remedial Action Grant TCPRA-2325-OlypEP-00055
Purpose:	<input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Decision Needed

Background/Overview:

The Port of Olympia applied for and received Remedial Action Grant TCPRA-2325-OlypEP-00055 in 2022 from the State of Washington, through the Department of Ecology, to help fund expenses related to the Budd Inlet cleanup project. The total eligible cost is \$12,500,000; Ecology's share is \$6,250,000 and the Port's matching share is \$6,250,000. The Port intends to start expending these funds in 2025.

Documents Attached:

- PowerPoint presentation.
- Agreement No. TCPRA-2325-OlypEP-00055 Toxics Cleanup Remedial Action Grant and Loan Program Agreement between the state of Washington Department of Ecology and Port of Olympia.

Financial Impact:

To access the full Ecology share, the Port will need to expend \$6,250,000 of matching funds. This will partially come from the Department of Commerce Appropriation (\$1,400,000). The rest will come from further grants, appropriations, and Port funds.

Suggested Motion:

"...Move to authorize the Port of Olympia's Executive Director, Alex Smith, to sign Agreement No. TCPRA-2325-OlypEP-00055 Toxics Cleanup Remedial Action Grant and Loan Program Agreement between the state of Washington Department of Ecology and Port of Olympia, to carry out with the provided funds the actions described in the Agreement."



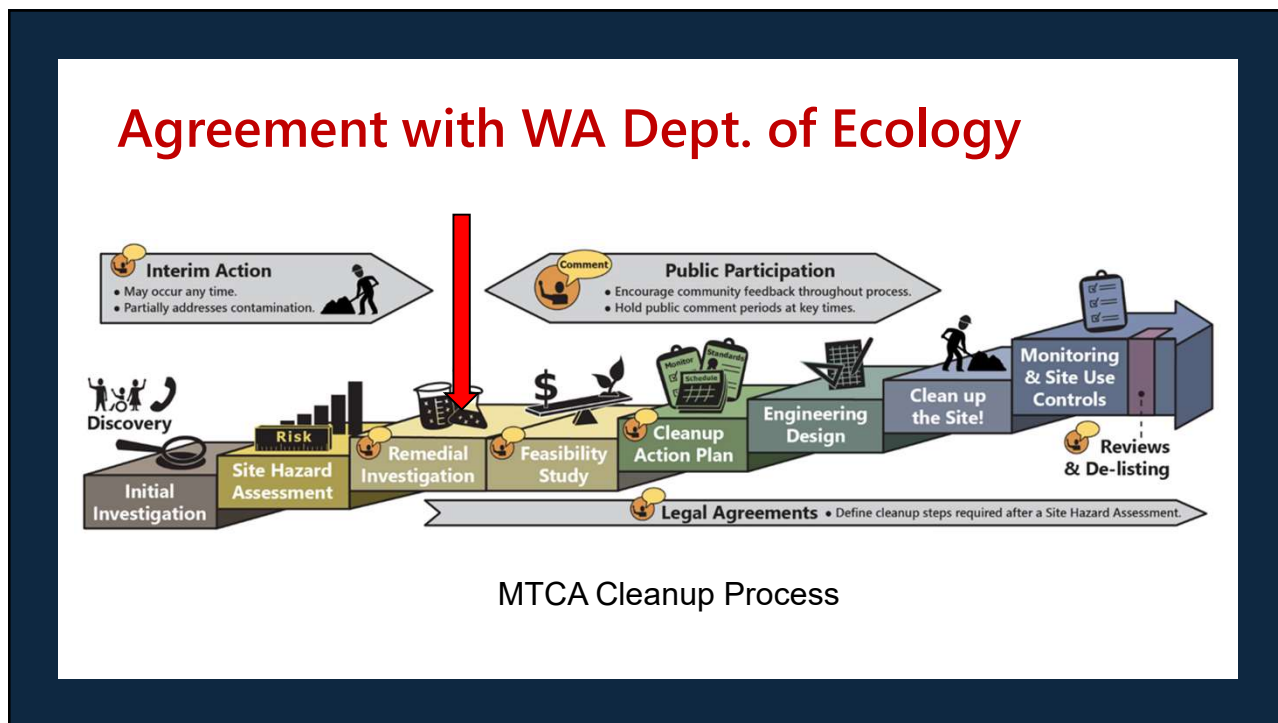
PORT of OLYMPIA
Serving All of Thurston County

Washington State Department of Ecology Budd Inlet Remedial Action Grant 2 Agreement

Jon Wolf
Environmental Manager
January 27, 2025



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Ecology Remedial Action Grants History

- Applied for RAG 1 in 2015. Total to spend: \$4.2M (\$2.1M Ecology/\$2.1M Port match). Closed out at the end of 2024.
- Applied for RAG 2 in 2022. Total to spend: \$12.5M (\$6.25M Ecology/\$6.25M Port Match).
 - Will start spending the funds after signing the agreement.
- RAG 2 Deliverables:
 - Pre-remedial Design Investigation Report – results of sampling.
 - Engineering Design Report – cleanup proposals.
 - Grant and Project Administration.

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Grant Match and Timeline

- \$6.25M match required by the Port (50% of the total \$12.5M).
- Match is currently in the form of a state legislative appropriation through Commerce (roughly \$1.4 million remaining of the \$2 million appropriation) and Port dollars.
 - Port has budgeted to spend \$4 million in 2025: \$2 million in Ecology grant dollars; \$1.4 million in appropriated dollars and \$600,000 in Port dollars (matching).
- Port is asking for another appropriation this legislative session and will continue seeking grant opportunities.
- Grants currently being executed cannot be written beyond the biennium (2023-2025) but Ecology has confirmed it will be extended as needed beyond 2025.

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Suggested Motion

"...move to authorize the Port of Olympia's Executive Director, Alex Smith, to sign Agreement No. TCPRA-2325-OlypEP-00055 Toxics Cleanup Remedial Action Grant and Loan Program Agreement between the state of Washington Department of Ecology and Port of Olympia, to carry out with the provided funds the actions described in the Agreement."

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Questions and Comments

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Agreement No. TCPRA-2325-OlypEP-00055

TOXICS CLEANUP REMEDIAL ACTION GRANT AND LOAN PROGRAM AGREEMENT

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

PORT OF OLYMPIA

This is a binding Agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and PORT OF OLYMPIA, hereinafter referred to as the “RECIPIENT,” to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title:	Budd Inlet Sediments Site
Total Cost:	\$100,000,000.00
Total Eligible Cost:	\$12,500,000.00
Ecology Share:	\$6,250,000.00
Recipient Share:	\$6,250,000.00
The Effective Date of this Agreement is:	07/01/2023
The Expiration Date of this Agreement is no later than:	06/30/2025
Project Type:	Oversight Remedial Action Grant or Loan

Project Short Description:

The RECIPIENT'S Site, referred to as Budd Inlet Sediments Site, is a small embayment located in southern Puget Sound near the City of Olympia. Budd Inlet Sediment Site, (FSID 3097108, CSID 2245) is divided into West Bay and East Bay. The RECIPIENT will complete necessary feasibility studies to select appropriate remedial action and engineering design for contaminated sediment at the Site. This work is directed by the Second Amendment to Agreed Order DE 6083.

Project Long Description:

Site Description and Background:

The RECIPIENT'S Site, referred to as Budd Inlet Sediments Site, is a small embayment located in southern Puget Sound near the City of Olympia. Budd Inlet Sediments Site, FSID 3097108, CSID 2245, is divided into West Bay and

Agreement No: TCPRA-2325-OlypEP-00055
Project Title: Budd Inlet Sediments Site
Recipient Name: PORT OF OLYMPIA

East Bay. The filling of tidelands in the late 1800s and 1900s created the Port peninsula, West Bay and East Bay of Budd Inlet, and part of the downtown area of Olympia. The Port peninsula consists of approximately 150 acres. The inlet is approximately seven miles long and two miles wide at its center. The First Amendment to Agreed Order DE 6083 designated the 'Study Area,' which is a horseshoe-shaped area in Budd Inlet surrounding the Port peninsula. However, the RECIPIENT's current work has expanded to a larger area and includes both East and West Bays of Budd Inlet. Contamination is present in West and East Bay, in and outside of the navigation channel footprint.

Environmental Issues and Contaminants of Concern:

The Site is on ECOLOGY's Contaminated Sites List and listed as Budd Inlet Sediments. The primary chemicals of concern exceeding MTCA cleanup levels in both surface and subsurface are dioxin/furan, cPAH.

Summary of Remedial Actions Performed:

Agreed Order DE 6083 entered into between ECOLOGY and the RECIPIENT on December 5, 2008, requires the RECIPIENT to perform remedial actions in response to releases of hazardous substances at the Budd Inlet Sediments Site. On February 15, 2012, the First Amendment to the Order was entered into between ECOLOGY and the RECIPIENT and required the RECIPIENT to investigate the nature and extent of contamination in a portion of the Site, investigate potential sources of contamination to sediments near the Port's peninsula in Budd Inlet, and prepare an Investigation Report. In addition, the First Amendment includes work to identify and analyze remedial action alternatives to remediate contaminated sediments.

The following activities were accomplished by the RECIPIENT under the First Amendment to the Agreed Order:

- Finalized source control investigations and finalized storm drain sampling data report.
- Drafted alternatives memo and submitted to ECOLOGY for review.
- Began preparation of Draft Pre-Remedial data gaps memo.
- Submitted draft sediment sampling plan to ECOLOGY.

On June 6, 2023, a second Amendment to the Order was entered into between ECOLOGY and the RECIPIENT and requires the RECIPIENT to prepare a public review draft and final versions of the Interim Action Plan, prepare pre-remedial design data gaps and investigation work, perform the pre-remedial design described in the work plan, prepare pre-remedial design data, and prepare engineering design and permitting documents for the interim action.

Expected outcomes:

1. Draft Cleanup Action Plan (DCAP) or draft Interim Action Plan.
2. Pre-remedial Design Investigation Report.
3. Engineering Design Report (EDR).
4. Overall improvement in the quality of sediments and water quality in the Budd Inlet.

Overall Goal:

The goal of the project is to complete necessary studies to select a remedial action for contaminated sediment; and obtain data, prepare engineering designs, and prepare permitting documents for source control and implementation of selected sediment remedial action.

Agreement No: TCPRA-2325-OlypEP-00055
Project Title: Budd Inlet Sediments Site
Recipient Name: PORT OF OLYMPIA

RECIPIENT INFORMATION

Organization Name: PORT OF OLYMPIA

Federal Tax ID: 91-6001201
UEI Number: FNSGJ46UJ4P3

Mailing Address: 606 Columbia St NW, Ste 300
Olympia, WA 98501

Physical Address: 606 Columbia St NW, Ste 300
Olympia, Washington 98501

Organization Email: donb@portolympia.com
Organization Fax: (360) 528-8090

Contacts

Agreement No: TCPRA-2325-OlypEP-00055

Project Title: Budd Inlet Sediments Site

Recipient Name: PORT OF OLYMPIA

<p>Project Manager</p>	<p>Jonathon Wolf Budd Inlet Project Manager</p> <p>606 Columbia St NW, Ste 300 Olympia, Washington 98501 Email: jonathonw@portolympia.com Phone: (360) 528-8062</p>
<p>Billing Contact</p>	<p>Angela Burris</p> <p>606 Columbia St NW, Ste 300 Olympia, Washington 98501 Email: angelab@portolympia.com Phone: (360) 528-8062</p>
<p>Authorized Signatory</p>	<p>Jonathon Guy Wolf Budd Inlet Project Manager</p> <p>606 Columbia St NW, Ste 300 Olympia, Washington 98501 Email: jonathonw@portolympia.com Phone: (360) 528-8062</p>

Agreement No: TCPRA-2325-OlypEP-00055
 Project Title: Budd Inlet Sediments Site
 Recipient Name: PORT OF OLYMPIA

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
 Toxics Cleanup
 PO BOX 47600
 Olympia, WA 98504-7600

Physical Address: Toxics Cleanup
 300 Desmond Drive SE
 Lacey, WA 98503

Contacts

<p>Project Manager</p>	<p>Sandy Smith</p> <p>PO Box 47775 Olympia, Washington 98504-7775 Email: sasm461@ecy.wa.gov Phone: (360) 999-9588</p>
<p>Financial Manager</p>	<p>Dan Koroma</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: dkor461@ecy.wa.gov Phone: (360) 764-6459</p>

Agreement No: TCPRA-2325-OlypEP-00055
Project Title: Budd Inlet Sediments Site
Recipient Name: PORT OF OLYMPIA

AUTHORIZING SIGNATURES

RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in this Agreement.

RECIPIENT acknowledges that they had the opportunity to review the entire Agreement, including all the terms and conditions of this Agreement, Scope of Work, attachments, and incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this Agreement. Furthermore, the RECIPIENT has read, understood, and accepts all requirements contained within this Agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

No subsequent modifications or amendments to this agreement will be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made a part of this agreement. ECOLOGY and RECIPIENT may change their respective staff contacts without the concurrence of either party.

This Agreement shall be subject to the written approval of Ecology’s authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement and bind their respective organizations to this Agreement.

Washington State
Department of Ecology

PORT OF OLYMPIA

By: _____

By: _____

Barry Rogowski
Toxics Cleanup
Program Manager
Date

Jonathon Guy Wolf
Budd Inlet Project Manager
Date

Template Approved to Form by
Attorney General's Office

Agreement No: TCPRA-2325-OlypEP-00055

Project Title: Budd Inlet Sediments Site

Recipient Name: PORT OF OLYMPIA

Alex Smith

Executive Director

Date

Agreement No: TCPRA-2325-OlypEP-00055
 Project Title: Budd Inlet Sediments Site
 Recipient Name: PORT OF OLYMPIA

SCOPE OF WORK

Task Number: 1 **Task Cost: \$1,000,000.00**

Task Title: Feasibility Study - J004

Task Description:

This task funds the RECIPIENT's eligible costs ECOLOGY deems reasonable and necessary to plan and perform the Feasibility Study, referred to as Alternatives Evaluation, consistent with the scope of work in Agreed Order DE 6083 for the Site, including remedy selection and development of the draft interim action plan or cleanup action plan. Eligible costs may also include pilot tests, treatability studies, stormwater source control engineering studies, green remediation alternatives analysis, Environmental Impact Statements, data management, and public involvement.

Once a cleanup alternative is selected, a draft Interim Action Plan (IAP) or Cleanup Action Plan (CAP) will describe the scope, objective and implementation of the interim or final action to be performed. The IAP or CAP will be developed for the ECOLOGY preferred interim or final action following ECOLOGY review and approval of the Alternatives Evaluation Memo. The draft IAP or CAP will meet the requirements of WAC 173-340-430(7).

Task Goal Statement:

The Alternatives Evaluation Memo will identify and evaluate potential remedial alternatives for contaminated sediment. The Interim Action Plan or Cleanup Action Plan will identify the selected remedy in each cleanup area.

To complete an engineering study to develop and evaluate cleanup action alternatives to enable ECOLOGY to select a cleanup action for the Site.

Task Expected Outcome:

The Alternatives Evaluation Memo will provide the basis to develop an Interim Action Plan or Cleanup Action Plan. The Cleanup Action Plan will provide the basis for the engineering design of the selected cleanup remedy.

The results of the Feasibility Study process are documented in a Feasibility Study report and adequate information has been provided so a cleanup action can be selected for the Site.

Recipient Task Coordinator: Jonathon Wolf

Feasibility Study - J004

Deliverables

Number	Description	Due Date
1.1	Feasibility Study (Alternatives Evaluation Memo)	
1.2	Draft Interim Action Plan or Cleanup Action Plan (CAP)	

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SCOPE OF WORK

Task Number: 2 **Task Cost:** \$11,000,000.00

Task Title: Engineering Design - J005

Task Description:

This task funds the RECIPIENT's eligible costs ECOLOGY deems reasonable and necessary to complete the engineering design work at the Site consistent with work in Agreed Order DE 6083 for the Site. This includes the Engineering Design Report (EDR), supplemental testing, surveying, mapping, green remediation alternatives design, design of stormwater reduction and treatment facilities, and permit applications needed to begin construction. This task also includes any required pre-remedial design investigation planning, field explorations, and pre-remedial design reporting; permitting activities; and preparation of construction plans and specifications, or reports.

The EDR may include specialized studies and engineering calculations to support final design.

Task Goal Statement:

To perform pre-remedial design activities and prepare the detailed working documents needed to implement the cleanup action for the Site. This includes completion of pre-remedial design investigation activities and preparation of an engineering design report that includes sufficient information for the development and review of construction plans and specifications needed for cleanup construction.

Task Expected Outcome:

Pre-remedial design investigation data and reports, and an engineering design report that documents engineering concepts and design criteria needed for the design of the cleanup action, including constructions plans and specifications.

Recipient Task Coordinator: Jonathon Wolf

Engineering Design - J005

Deliverables

Number	Description	Due Date
2.1	Pre-remedial Design Investigation Report(s)	
2.2	Engineering Design Report (EDR)	

Agreement No: TCPRA-2325-OlypEP-00055
Project Title: Budd Inlet Sediments Site
Recipient Name: PORT OF OLYMPIA

SCOPE OF WORK

Task Number: 3 **Task Cost:** \$500,000.00

Task Title: Grant and Project Administration - J008

Task Description:

This task funds the RECIPIENT's eligible direct costs ECOLOGY deems reasonable and necessary to administer the grant and manage project activities. The RECIPIENT is expected to ensure compliance with a minimum of quarterly billing requirements and be responsive to all grant related communications for both payments and amendments.

Examples of eligible activities includes costs necessary to:

- Ensure compliance with the terms of the Agreed Order DE 6083 except legal costs.
- Perform Public Involvement Activities: Plan and hold meetings and communications with the public, consultants/contractors, or ECOLOGY not billed under another task.
- Competitively procure and actively manage consultants and construction contractors.
- Manage the grant, develop, and maintain grant files.
- Prepare and submit payment requests, and progress reports, spending plans, or other reports required by ECOLOGY.
- Conduct, coordinate, and schedule project activities described in the scope of work under the Agreed Order DE 6083.
- Purchase services, supplies, tools, and equipment needed to accomplish grant tasks. (Equipment purchases are conditionally eligible and require prior written approval by ECOLOGY's financial manager).
- Attend training events approved by ECOLOGY in advance, including related travel costs.
- Conduct research or studies relevant to multiple tasks.
- Manage scientific data, including Environmental Information Management System (EIM) submissions.

Grant Administration task is limited to 10 percent of the total grant amount, and up to 10 percent invoiced for staff costs in each payment request progress report.

SPENDING PLANS: The RECIPIENT shall submit a spending plan form in EAGL. The spending plan must be updated at least quarterly to reflect actual expenditures and projections for the remainder of grant/loan reimbursement requests. The spending plan form in EAGL must be updated with each payment request/progress report.

EQUIPMENT: All equipment purchases are conditionally eligible and require prior written approval by ECOLOGY's grant financial manager. Absent prior written approval, costs may not be reimbursed under the grant. The RECIPIENT must complete an Equipment Purchase Report in EAGL for all desired equipment purchases after the ECOLOGY grant financial manager has approved the written purchase request and prior to requesting payment for the equipment.

TRAVEL AND PER DIEM: ECOLOGY will reimburse travel costs at the state per diem rate in effect when the costs were incurred. Any costs incurred over the state rate will not be reimbursed under the grant unless an exception is provided in writing by the ECOLOGY financial manager prior to the costs being incurred.

The RECIPIENT may bill costs related to vehicle usage at the state approved mileage rate. Any other motor pool costs are considered part of overhead and may not be direct billed to this grant.

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BACKUP DOCUMENTATION: All backup documentation for time and materials, whether recipient staff costs, prime contractor or subcontractor, must include the person, the day they worked, the hours each day, the rate of pay, total cost, and the activity being performed.

Task Goal Statement:

To manage the grant and project, and complete all administrative documentation and billings in accordance with accounting standards, the terms and conditions of the grant, and the Administrative Requirements for Recipients of Ecology Grants and Loans Managed in EAGL.

Task Expected Outcome:

Project documentation will be properly developed and maintained in accordance with the terms and conditions of the grant, and the Administrative Requirements for Recipients of Ecology Grants and Loans Managed in EAGL

Recipient Task Coordinator: Jonathon Wolf

Grant and Project Administration - J008

Deliverables

Number	Description	Due Date
3.1	Quarterly grant payment requests/progress reports (PR/PR) with proper documentation.	
3.2	Updated spending plan form completed in EAGL with each PR/PR.	
3.3	Recipient Close Out Report submitted with the final PRPR.	

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BUDGET

Funding Distribution EG250060

NOTE: The above funding distribution number is used to identify this specific agreement and budget on payment remittances and may be referenced on other communications from ECOLOGY. Your agreement may have multiple funding distribution numbers to identify each budget.

Funding Title: Budd Inlet Sediment - Oversight
 Funding Effective Date: 07/01/2023
 Funding Type: Grant
 Funding Expiration Date: 06/30/2025

Funding Source:

Title: Model Toxics Control Capital Account (MTCCA)

Fund: FD

Type: State

Funding Source %: 100%

Description: The Model Toxics Control Act (MTCA), Chapter 70.105D RCW. MTCA directs 25% of the tax revenue into the Model Toxics Control Capital Account (MTCCA) and in some cases capital bond funds are provided to increase available grant funding.

Approved Indirect Costs Rate: Approved State Indirect Rate: 25%

Recipient Match %: 50%

InKind Interlocal Allowed: No

InKind Other Allowed: No

Is this Funding Distribution used to match a federal grant? No

Budd Inlet Sediment - Oversight	Task Total
Feasibility Study - J004	\$ 1,000,000.00
Engineering Design - J005	\$ 11,000,000.00
Grant and Project Administration - J008	\$ 500,000.00

Total: \$ 12,500,000.00

Agreement No: TCPRA-2325-OlypEP-00055
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 Recipient Name: PORT OF OLYMPIA

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
Budd Inlet Sediment - Oversight	50.00 %	\$ 6,250,000.00	\$ 6,250,000.00	\$ 12,500,000.00
Total		\$ 6,250,000.00	\$ 6,250,000.00	\$ 12,500,000.00

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

If this Agreement includes retroactive reimbursement for past costs covering field activities potentially impacting cultural resources, then that activity will be subject to ECOLOGY review to assess actions taken to address potential direct and indirect effects on prehistoric and historic archaeological sites, historic buildings and structures, traditional cultural places, sacred sites or other cultural resources. Based on the findings of the review, some or all past costs may be deemed ineligible for retroactive reimbursement.

Any current or future work included in this Agreement will also be subject to cultural resource review by ECOLOGY in accordance with any and all applicable WA State Executive Order(s).

GENERAL FEDERAL CONDITIONS

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.

A. CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY

EXCLUSION:

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended,

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declared ineligible, or voluntarily excluded from participation in this covered transaction.

5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled “CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION” without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.
8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. RECIPIENT/CONTRACTOR must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

B. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING REQUIREMENTS:

CONTRACTOR/RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Any CONTRACTOR/RECIPIENT that meets each of the criteria below must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$30,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

Ecology will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. Ecology is required to report the FFATA information for federally funded agreements, including the required Unique Entity Identifier in www.sam.gov <http://www.sam.gov> within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov <http://www.usaspending.gov>.

For more details on FFATA requirements, see www.fsr.gov <http://www.fsr.gov>.

C. FEDERAL FUNDING PROHIBITION ON CERTAIN TELECOMMUNICATIONS OR VIDEO SURVEILLANCE SERVICES OR EQUIPMENT:

As required by 2 CFR 200.216, federal grant or loan recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

1. Procure or obtain;
2. Extend or renew a contract to procure or obtain; or
3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment, video surveillance services or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#)

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<https://www.govinfo.gov/content/pkg/PLAW-115publ232/pdf/PLAW-115publ232.pdf>, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

Recipients, subrecipients, and borrowers also may not use federal funds to purchase certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the [System for Award Management \(SAM\)](https://sam.gov/SAM/) <https://sam.gov/SAM/> exclusion list.

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Project Title: Budd Inlet Sediments Site
Recipient Name: PORT OF OLYMPIA

GENERAL TERMS AND CONDITIONS

Pertaining to Grant and Loan Agreements With the state of Washington, Department of Ecology

GENERAL TERMS AND CONDITIONS

For DEPARTMENT OF ECOLOGY GRANTS and LOANS

07/01/2023 Version

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://fortress.wa.gov/ecy/publications/SummaryPages/2301002.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to "covered technology." This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology's public web site.

4. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

- a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:
 - Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.
- * For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.

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- For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).
- b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves field activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.
 - Make the IDP readily available to anyone working at the project site.
 - Discuss the IDP with staff, volunteers, and contractors working at the project site.
 - Implement the IDP when Cultural Resources or human remains are found at the project site.
- c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

5. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

6. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

7. COMPENSATION

- a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.
- b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.

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j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

8. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

10. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

11. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

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The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

12. ENVIRONMENTAL DATA STANDARDS

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at:

<http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at:

<https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

13. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

14. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

15. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

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16. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

18. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

19. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

20. PROGRESS REPORTING

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- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
- b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
- c) RECIPIENT shall use ECOLOGY's provided progress report format.
- d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.
- e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

21. PROPERTY RIGHTS

- a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.
- b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.
- c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.
- d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.
- e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
- f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:
 1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.
 2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.
- g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

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22. RECORDS, AUDITS, AND INSPECTIONS

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

- a) Be kept in a manner which provides an audit trail for all expenditures.
 - b) Be kept in a common file to facilitate audits and inspections.
 - c) Clearly indicate total receipts and expenditures related to this Agreement.
 - d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.
- RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

23. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement. RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

24. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

25. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

26. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

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27. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

- a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.
- b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products.

For more suggestions visit ECOLOGY's web page, Green Purchasing,

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

28. TERMINATION

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no

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event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments. If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

29. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

30. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

End of General Terms and Conditions

COVER MEMO

Briefing Date/Time: January 27, 2025

Staff Contact/Title: Alex Smith, Executive Director, 360.528.8001
Alexs@PortOlympia.com

Subject: Commission Committee Assignments

Purpose: Information Only Decision Needed

Overview:

- This presentation is an Action item on the Consent Agenda.

Background:

Port Commissioners participate on different committees with a variety of organizations throughout Thurston County as part of their duties as Port Commissioners. At the beginning of each year, the Commission revisits the committees they are each assigned to and decide if they want to change any assignments.

At the January 21st Commission Work Session, the Commission went through the list of committees and decided which Commissioner would participate in each. The attached chart reflects their decisions.

Documents Attached:

- Chart of Commission Committee assignments for 2025.



2025 Commission Community Roles & Port Staff Support

Entity/Group/Board	Scheduled Meeting	2024 Commission Assignments	Port Staff	2025 Commission Assignments
*Visitors Convention Bureau (VCB)	Monthly 3 rd Tues. 3:30 PM	Commissioner Tonge Commissioner Harding	Taber Lee	Commissioner Harding
Thurston County Chamber	Monthly 2 nd Wed. 11:30 AM	Commissioner Tonge	Mike Reid	Commissioner Tonge
*Transportation Policy Board	Monthly 2 nd Wed. 7:00 AM	Commissioner Vasavada	Warren Hendrickson	Commissioner Iyall
*Solid Waste Advisory Committee	Monthly 1 st Wed. 10:00 AM	Commissioner Harding	Shawn Gilbertson	Commissioner Iyall
Tenino Chamber	Monthly 3 rd Wed. 11:30 AM	Commissioner Sanders	Mike Reid	Commissioner Sanders
*Economic Development Council	Monthly 4 th Wed. 12:00 PM	Commissioner Vasavada	Mike Reid	Commissioner Vasavada
Yelm Chamber	Monthly 2 nd Tues. 11:30 AM	Commissioner Iyall	Mike Reid	Commissioner Iyall
Lacey Chamber	Monthly 1 st Wed. 11:30 AM	Commissioner Tonge	Mike Reid	Commissioner Tonge
Makers Space	Scheduled as Needed	Commissioner Tonge	Afsin Yilmaz	Commissioner Tonge
*Thurston Regional Planning Council	Monthly 1 st Friday 8:30 AM	Commissioner Harding	Warren Hendrickson	Commissioner Harding



2025 Commission Community Roles & Port Staff Support

Entity/Group/Board	Scheduled Meeting	2024 Commission Assignments	Port Staff	2025 Commission Assignments
*Capital Lake-Deschutes Estuary Executive Work Group	Scheduled Quarterly	Commissioner Sanders Commissioner Vasavada	Shawn Gilbertson Jon Wolf	Commissioner Vasavada Commissioner Sanders
*Sea Level Rise Collaborative: Executive Committee	Scheduled Quarterly	Commissioner Sanders Commissioner Vasavada	Shawn Gilbertson Jon Wolf	Commissioner Sanders Commissioner Vasavada
Tumwater Chamber	Monthly 3 rd Wed. 11:30 PM	Commissioner Harding	Chris Paolini	Commissioner Harding
Grand Mound Rochester Chamber	Monthly 1 st Wed. 12:00 PM	Commissioner Sanders	Mike Reid	Commissioner Sanders
South Thurston Economic Development Initiative (STEDI)	Monthly 3 rd Fri. 8:00 AM	Commissioner Sanders	Mike Reid	Commissioner Sanders
*Washington Public Ports Association Trustee	Two Annual Meetings & as Needed	President, Commissioner Iyall	N/A	Commissioner Vasavada
JBLM Community Connector	Scheduled as Needed	Commissioner Iyall	Warren Hendrickson	Commissioner Iyall

* Denotes positions that specify participation by an elected Port Commissioner.

COVER MEMO

Briefing Date/Time: January 27, 2025

Staff Contact/Title: Alex Smith, Executive Director, 360.528.8001,
Alexs@portolympia.com)

Subject: Sailors Union of the Pacific Request

Purpose: Information Only Decision Needed

Overview:

- This is an “Action Other” request

Background:

Attached are materials related to entry level mariner credential/training financial assistance. The Sailors Union of the Pacific is asking for the Port to support their legislative request for financial assistance.

The Sailors' Union of the Pacific is also seeking \$60,000 from the Legislature to build out of a basic safety training program at Crawford Nautical Training facility. Statewide there is a capacity gap for both the essential entry level and required renewal training. Rep. Reed will submit the legislative request and Rep. Elect Parshley has agreed to cosign this budget proviso. The Sailors Union of the Pacific would like the Port to support this request with a letter of support. Samples of similar letters of support are attached.

Documents Attached:

Briefing Paper
Deep Sea Fisherman’s Letter
Fishing Vessel Owners Association Letter
ILWU Letter
Maritime Career Readiness Program
Robert Kettle Letter of Support

Sailors' Union of the Pacific

TELEPHONE (415) 777-3400

CABLE ADDRESS *SAILORS*

FAX (415) 777-5088

HEADQUARTERS: 450 HARRISON ST
SAN FRANCISCO, CALIFORNIA 94105

BRANCHES

PHONE

SEATTLE, 98199 • WEST WALL BUILDING • 4005 20TH AVE W SUITE 115 • (206) 467-7944

WILMINGTON, 90744 • 533 N MARINE AVE • (310) 835-6617

HONOLULU, 96813 • 707 ALAKEA ST • (808) 533-2777

DAVE CONNOLLY • PRESIDENT / SECRETARY-TREASURER

Washington State Capitol
416 Sid Snyder Ave SW, Olympia, WA 98504

Sailors' Union of the Pacific, Seattle Branch
4005 20th Ave W #115th, Seattle, WA 98199

Dear Budget Writer,

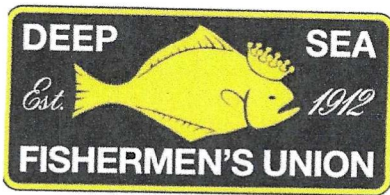
Established in 1885, The Sailors' Union of the Pacific Seattle Branch represents unlicensed sailors on Jones Act and United States Flag vessels. We are writing to submit our steadfast support for a **\$60,000 budget request to fund Washington's oldest maritime training entity, nonprofit Crawford Nautical Training to establish a US Coast Guard Certified Basic Safety Training (BST) program.** This is a priority for Maritime Unions, but it benefits the entire industry by increasing the desperately needed entry level and renewal training capacity for mariners.

Basic Safety Training (BST) is required for all mariners who work on ocean-going tugs and deep-sea vessels. Also, BST is required when seeking an original Merchant Mariner Credential. Candidates interested in joining the industry are currently faced with months long waiting periods to access initial training. Seasoned mariners including inland tug/barge must renew their credentials every five years to revalidate their training. Without current training mariners cannot work aboard vessels. The limited number of schools offering Coast Guard certified courses hinders our ability to produce and maintain a current pool of mariners. Increasing training capacity while utilizing a respected Union-owned school will help address this problem.

Founded in 1923, Crawford Nautical Training serves the Washington State Ferries, Freezer Long Liners Association, Fishing Vessel Owner's Association, Foss Maritime, Crowley Maritime, Washington's unlicensed maritime Unions, as well as anyone interested in joining or currently in the maritime industry.

Thank you for your consideration,

Brendan Bohannon
Seattle Branch Agent
Sailors' Union of the Pacific



5215 Ballard Avenue NW,
Ste.1 Seattle, WA 98107

October 28, 2024

Washington State Capitol Building
416 4th Ave SW, Olympia, WA 98504

Dear Budgetary Committee Member of the Washington State
Legislature,

Seattle Branch of the Sailors' Union of the Pacific, Deep Sea Fishermen's Union of the Pacific and the Inland Boatmen's Union of the Pacific are seeking \$60,000 operating budget request funding build out of Coast Guard certified basic safety training program at Washington's oldest maritime school, Crawford Nautical Training. This is a solution to the Washington state's maritime Industry's detrimental capacity shortage for training entry level and continuing ed for mariners.

Basic safety training is required for all mariners whom work on ocean going tugs and deep sea vessels. BST is required to acquire a Merchant Mariner Credential. Candidates interested in joining the industry mariners are currently faced with months waiting periods to access initial training. Seasoned mariners must renew their credentials every five years utilizing the survival portion of the basic safety program. Without required documentation, mariners cannot work. This hinders our ability to produce and maintain the current pool of mariners. Increasing training capacity while utilizing a respected Union owned school will help address this problem.

Crawford Nautical is a nonprofit training school. Founded in 1923, Crawford's is a nonprofit serving the Washington State Ferries, Freezer Long Liners Association, Fishing Vessel Owner's Association, Washington's unlicensed maritime Unions, anyone interested in joining and or currently in the maritime industry.

Thank you for your consideration.

Sincerely,

James Johnson
Executive Director



FISHING VESSEL OWNERS' ASSOCIATION INCORPORATED

4005 20TH AVE. W., ROOM 232
SEATTLE, WASHINGTON 98199-1290
PHONE (206) 284-4720 • FAX (206) 283-3341

SINCE 1914

Representative Julia Reed
Washington State Capitol
416 Sid Snyder Ave SW
Olympia, WA 98504

November 7, 2024

Representative Reed,

The Fishing Vessel Owners' Association is a trade association of longline vessel operators formed in 1914. Our mission is to promote safety at sea, ensure competitive pricing, and promote habitat-friendly gear with minimum bycatch. In 2022, in partnership with the Deep Sea Fishermens' Union of the Pacific we acquired Washington's oldest maritime training entity, nonprofit Crawford Nautical Training. We are writing to submit our enthusiastic support for **\$60,000 budget request to fund to establish a US Coast Gard Certified Basic Safety Training (BST) program at Crawford Nautical.** This benefits our School, maritime Unions and the entire industry by increasing desperately needed entry level and renewal training capacity for mariners.

Basic safety training is required for all mariners whom work on ocean going tugs and deep sea vessels. BST is required for seeking a Merchant Mariner Credential. Candidates interested in joining the industry are currently faced with months waiting periods to access initial training. Seasoned mariners including inland tug/barge must renew their credentials every five years utilizing the survival portion of the basic safety program. Without a current "docs" mariners can't work. This hinders our ability to produce and maintain current pool of mariners. Increasing training capacity while utilizing a respected Union owned school will help address this problem.

Founded in 1923, Crawford Nautical serves the Washington State Ferries, Freezer Long Liners Association, Fishing Vessel Owner's Association, Foss Maritime, Crowley Maritime, and Washington's unlicensed maritime Unions, anyone interested in joining and or currently in the maritime industry.

Thank you for your consideration,



Robert Alverson, Executive Director



INTERNATIONAL LONGSHORE & WAREHOUSE UNION
WASHINGTON AREA DISTRICT COUNCIL

3440 E. Marginal Way S • Seattle, WA 98134

Washington State Capitol
416 Sid Snyder Ave SW, Olympia, WA 98504

Dear Honorable Lisa Parshley, Rep. Julia Reed and Rep. Greg Nance,

The International Longshore and Warehouse Union Washington Area District Council is an amalgamation of locals representing dock, ferry, barge, tug, and warehouse workers. We are writing to submit our steadfast support for a **\$60,000 budget request to fund Washington's oldest maritime training entity, nonprofit Crawford Nautical Training to establish a US Coast Gard Certified Basic Safety Training (BST) program.** This is a priority for our affiliate the Inland Boatmen Union of the Pacific but benefits the entire industry by increasing desperately needed entry level and renewal training capacity for mariners.

Basic safety training is required for all mariners whom work on ocean going tugs and deep sea vessels. BST is required for seeking a Merchant Mariner Credential. Candidates interested in joining the industry are currently faced with months waiting periods to access initial training. Seasoned mariners including inland tug/barge must renew their credentials every five years utilizing the survival portion of the basic safety program. Without a current "docs" mariners can't work. This hinders our ability to produce and maintain current pool of mariners. Increasing training capacity while utilizing a respected Union owned school will help address this problem.

Founded in 1923, Crawford's serves the Washington State Ferries, Freezer Long Liners Association, Fishing Vessel Owner's Association, Foss Maritime, Crowley Maritime, Washington's unlicensed maritime Unions, anyone interested in joining and or currently in the maritime industry.

Thank you for your consideration,

Dan McKisson
President, ILWU Washington Area District Council

AFFILIATED ILWU LOCAL UNIONS:

Local 4 Longshore Vancouver	Local 9 Warehouse Seattle	Local 22 Portworkers Tacoma	Local 25 Longshore Anacortes	Local 47 Longshore Olympia	Local 98 Foremen Seattle	MARINE DIVISION
Local 5 Allied Olympia	Local 19 Longshore Seattle	Local 23 Longshore Tacoma	Local 27 Longshore Port Angeles	Local 51 Longshore Port Gamble	Washington Pensioners	Inlandboatmen's Union Puget Sound Region
Local 7 Longshore Bellingham	Local 21 Longshore Longview	Local 24 Longshore Aberdeen	Local 32 Longshore Everett	Local 52, Supercargoes, Supervisors, and Checkers Seattle	Washington Federated Auxiliaries	IBU Region 37



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& opportunities?



sji

MARITIME CAREERS

The maritime industry is actively seeking individuals to fill many open positions! However, the initial accreditation process can seem overwhelming to new people. **That's where we come in!**

We know all the steps to get you started on your new career path, and we will be there for you every step of the way.

Why Choose Maritime?

- ✓ Entry level salary starting at \$55,000 - \$140,000
- ✓ Generous union benefits including pension, 401K, premium health insurance, and more!
- ✓ Opportunity to work worldwide
- ✓ Flexible work hours, outside the typical 9-5 schedule

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In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.



SEATTLE CITY COUNCIL | DISTRICT 7

COUNCILMEMBER ROBERT KETTLE

Washington State Legislature Appropriations Committee

Chair: Timm Ormsby

John L. O'Brien Building,

P.O. Box 40600,

Olympia, WA 98504-0600

Dear Chair Ormsby,

I proudly champion Seattle's Maritime industrial economy, and its status as a major port city. We are truly a port city, as roughly 30% of Seattle's commercial tax base is maritime industrial. I am writing to submit my steadfast support for a **\$60,000 budget request to fund Washington's oldest maritime entity, the nonprofit organization Crawford Nautical Training, to establish a US Coast Guard Certified Basic Safety Training (BST) program.** This is a priority for Maritime Unions, and also benefits the entire industry by increasing the desperately needed entry level and renewal training capacity for mariners.

Basic Safety Training (BST) is required for all mariners who work on ocean-going tugs and deep-sea vessels. BST is required for those seeking a Merchant Mariner Credential. Candidates interested in joining the industry are currently faced with months-long waiting periods to access initial training. Seasoned mariners, including inland tug barge members, must renew their credentials every five years, which utilizes the survival portion of the basic safety program. Without current "documents," mariners can't work. This hinders our state's ability to produce and maintain a current pool of mariners. Increasing training capacity while utilizing a respected union-owned school will help address this problem.

Crawford Nautical is a nonprofit training school, founded in 1923, that is still serving the Washington State Ferries, Freezer Long Liners Association, Fishing Vessel Owner's Association, Foss Maritime, Crowley Maritime, Washington's unlicensed maritime unions, those who are interested in joining, and those who are currently in the maritime industry.

Thank you for your time and consideration,

Robert E. Kettle

City of Seattle Councilmember

District 7

An equal opportunity employer

600 Fourth Avenue, Floor 2 | PO Box 34025, Seattle | Washington 98124-4025

Phone (206) 684-8807 Fax (206) 684-8587 TTY (206) 233-0025

Email robert.kettle@seattle.gov

COVER MEMO

Briefing Date/Time: January 27, 2025

Staff Contact/Title: Alex Smith, Executive Director, 360.528.8001,
Alexs@PortOlympia.com

Subject: 2025 Capital Budget Amendment: Building Purchase

Purpose: Information Only Decision Needed

Overview:

- Advisory Item – No action required

The purpose of bringing this issue before the Commission is to gain Commission approval of an amendment to the 2025 capital budget to initiate the purchase of a Real Estate asset.

Background:

The Port first entered into a lease with Challain, Incorporated (doing business as Batdorf and Bronson) on January 14, 1997 for a 1.46 acre lot of Port-owned property adjacent to the Marine Terminal and Olympia Farmers Market. The lease was for an initial term of fifty years, and contemplated that Batdorf would construct and operate a facility for roasting coffee beans and the retail sale of goods.

Batdorf constructed the building in 1998. It is a pre-engineered metal building that is currently used as a mix of office space and industrial warehouse, with approximately 14,700 square feet of space.

Recently Dillanos Coffee Roasters acquired Batdorf, now known as Dancing Goats. Dillanos is consolidating its coffee roasting operations in Sumner, Washington, and closed down roasting operations in Olympia at the end of last year.

Also late last year Dancing Goats reached out to the Port to see if the Port wanted to buy the building. Given that it is already located on Port property, is located

adjacent to one of the Port's business lines and is closer to another Port business line than our current offices, Port staff thought it would be a good strategic purchase for the Port. As Port staff looked into it, we also thought it made sense for the Port to use the building as the headquarters for the Port, including administrative offices and Commission meeting space. The building will go through a tenant improvement before ultimately becoming the Port of Olympia's new headquarters.

The reasons for recommending the Port use the building for Port headquarters include:

- **Location:** The building is on Port property and immediately adjacent to the Port's most visible downtown operations.
- **Rental Savings:** The Port currently spends upwards of \$300,000 per year for 8,000 square feet of administrative office and Commission meeting space;
- **Construction Cost Savings:** It would cost a great deal more if the Port were to build a new building for these purposes. For example:
 - The estimates to construct the Waterfront Center (which was also considered for Port administrative and Commission meeting space) was more than *\$900 per square foot* (roughly \$22 million for 22,000 square feet of space);
 - The cost per square foot to purchase the Dancing Goats Building is *\$147 per square foot* (\$2,152,500 for 14,700 square feet). Even if the Port invests \$1,300,000 in tenant improvements to meet the Port's needs for the building, the cost (*\$235 per square foot*) is still far below what it would cost to build a new building.
- **Narrows the Scope and Cost of the Waterfront Center:** Moving the Port offices to an existing structure simplifies the conversation around the Waterfront Center. That building will be more narrowly focused around replacing Swantown Marina's offices and supporting the kinds of uses the community would like to see in a building in that location. It is also likely to reduce the cost to construct the Waterfront Center by reducing the amount of office space needed in it.

The Port commissioned an appraisal of the building and agreed with Dancing Goats on a purchase price of \$2,152,500 for the building, and an additional \$5,350 for other non-fixed assets the Port would like to purchase. The Port and Dancing Goats have agreed to the terms of a Purchase and Sale Agreement, and on February 10th staff will seek Commission approval for the Executive Director to sign the Purchase and Sale Agreement.

Documents Attached:

PowerPoint Presentation

Summary and Financial Impact:

- 2025 budget amendment authority requested: \$2,157,850 for purchase of the building and other assets from Dancing Goats
- Source of funds: Port reserves
- The purchase of the asset will reduce lease costs to the Port of approximately \$300,000 a year.

Options with Pros and Cons:

Pros:

- Purchase will allow the Port to reduce lease/rental costs of office space which is not located on Port property.
- Purchase will also help to consolidate multiple Port operations into one location.
- Purchase will save the Port the construction costs of building a new facility to house administrative offices and Commission meeting space.

Cons:

- This purchase will lower Port reserves by \$2,157,850.

Staff Recommendation:

Approval to amend the 2025 capital budget with an additional \$2,157,850 infusion to initiate purchase of a Reale Estate asset.

Next Steps/Timeframe:

This item will be brought back to the commission on February 10, 2025, for action by the commission.



2025 Capital Budget Amendment: Building Purchase

Alex Smith
Executive Director
January 27, 2025



1



Today's Presentation

Advisory Only – No Action Required

- History of building
- 2025 Capital Budget Amendment
- Next Steps



2

2025 Capital Budget Amendment

Building History

- Built in 1998 and sits on 1.46 acre lot on Port property
- Pre-Engineered metal building (PEMB)
- Mix of offices space and industrial warehouse



3



3

2025 Capital Budget Amendment

Building Purchase



4

- **\$2,157,850** addition to 2025 capital budget
- **Building** - \$2,152,500
- **Other Assets** - \$5,350
- **Source:** Reserve funds



4

Future Use of the Building

Port Administrative Offices



▪ Why Port Offices?

- Location
- Cost
 - **Current Space** - \$300,000/yr.
 - **Cost to Build** - \$700+/sq. ft.
 - **Cost to Purchase This Building** – \$147/sq. foot

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5

What About the Waterfront Center

It is Moving Forward



- We still need new marina offices.
- The Commission approved the contract for architects to do a market analysis for it.
- The market analysis is done, we will come back to the Commission for a presentation and next steps.

6



6

Next Steps

Future Commission Action

- Action item to be brought to Commission for approval on February 10, 2025.
- The request will be:
 - To amend the 2025 capital budget to add \$2,157,850 for the purchase of the Dancing Goats building; and
 - For authorization for the Executive Director to sign the Purchase and Sale Agreement for the building.

7



7

Questions and Comments

8



8

COVER MEMO

Briefing Date/Time: January 27, 2025

Staff Contact/Title: Alex Smith, Executive Director 360.528.8001
Alexs@PortOlympia.com

Subject: Commission Resolution on Rules Governing the Transaction of Port Business

Purpose: Information Only Decision Needed

Overview:

- This presentation is Advisory only.

Background:

This agenda item proposes amendments to the Resolution that sets out the rules for how the Commission transacts business at Port Commission Meetings. The goal of the amendments is to streamline the meetings and provide a means for The Commission and/or Port Staff to more effectively respond to questions and concerns raised by members of the public about specific agenda items.

At the January 21, 2025 Commission Work Session, the Commission discussed and agreed to consider changes to how they conduct Port business. The proposed changes are reflected in the attached draft resolution, and highlighted in yellow so they are easy to find. A redlined version is also attached.

The changes include the following:

1. Grammatical changes for brevity and clarity;
2. Changes to align with current practices, including:
 - a. Specifying that all Commissioners participate in reviewing and approving topics for upcoming business meetings and work sessions; and
3. Clarifying the items appropriate for disposition on the “Consent” agenda;

4. Specifying an additional way to address disruptive behavior in a Commission meeting;
5. Specifying Meeting Minutes are to be signed by just the Commission President and Secretary; and
6. Changing from two Commission business meetings a month and a scheduled work session to just two business meetings a month. Work sessions will be called as needed or desired, and noticed as special meetings.
7. Changing the timing of public comment to concentrate comments into a single period at the beginning of the Commission meeting for comments on specific agenda items (and other Port business). This allows staff and the Commission to respond to public comments on an agenda item when the item comes up later in the meeting. This contrasts with the current practice of hearing public comment after each “Advisory” and “Action Other” item, which does not allow Port Staff or the Commissioners to address the concerns raised.

We also propose to amend the Commission Meeting agendas to highlight the change in public comment as follows:

A. Public Comment

This public comment period is the opportunity for public input on the agenda items on this evening’s agenda, in addition to an opportunity for public comment on any other port business.

Individual public comments are limited to 3 minutes per person. ~~Members of the public may comment on agenda items and other port business.~~

NOTE: Guidelines for public comment can be found in the Commission Rules in Resolution ~~2025-032-09~~ Article VI.

- *Comments should be directed to Commission:* Comments should be directed to the Commission as a whole and should not include comments about individual Port staff or members of the public.
- *Courtesy:* All speakers (members of the public, Port staff, and Commissioners) shall be courteous in language and demeanor and shall confine remarks to those facts that are germane and relevant to the question or issue under discussion.

Documents Attached:

- Draft Amended Resolution
- Draft Amended Policy 127
- Power Point presentation

Summary and Financial Impact:

The concept is to make minor changes to how the Commission runs its Business Meetings, and should have little to no financial impact.

Options with Pros and Cons:

The Commission could stay with its current order of transacting business; or identify alternative changes. The changes proposed respond to Commission requests to streamline meetings, align with current practices, make the transaction of Port business more efficient, and provide a way to more effectively respond to public comments. An alternative is to continue with prior practice, which has allowed the Port to successfully transact business, but not as efficiently and responsively as desired.

Staff Recommendation:

Approval of the recommended changes to the resolution that sets out the rules for how the Port transacts business.

Next Steps/Timeframe:

Staff will make any changes to the draft resolution requested by the Commission and bring it back as an “Action” item at the February 10, 2025 Commission Meeting.



 **PORT of OLYMPIA**
Serving All of Thurston County

Amendments to Commission Resolution on Conducting Business


Alex Smith
Executive Director
January 27, 2025



1

Background

- How the Commission conducts business is governed by Resolution 2023-08.
- The Commission asked staff to explore potential changes to the Resolution to:
 - Make the workload for Commissioners more manageable;
 - Allow the staff and Commission to be more responsive to public comment at the meeting where the comment is made;
 - Make the Commission meetings more efficient.



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Proposed Changes

- Change from three to two scheduled meetings a month.
 - Removing regularly scheduled work sessions and instead holding work sessions as needed or desired.
- Allow for increased use of the Consent Agenda.
- Concentrate public comment on all items on the agenda into a single period early in the meeting.
 - Allows the staff and Commission to better respond to public comment when that item comes up on the agenda.

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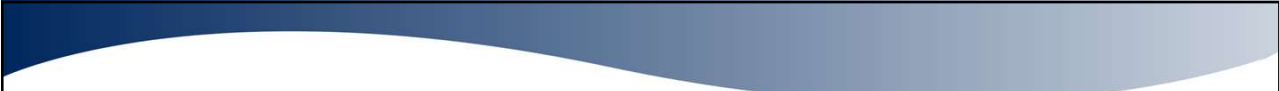
Next Step

Bring an Action item to the Commission on February 10, 2025, seeking approval of Resolution 2025-03, amending Resolution 2023-08.

4




4



Questions and Comments

5



**PORT OF OLYMPIA COMMISSION
RESOLUTION 2025-0343-08**

**A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION
ADOPTING RULES GOVERNING THE TRANSACTION
OF PORT COMMISSION BUSINESS AND SUPERSEDING RESOLUTION ~~2022~~2023-
0908**

WHEREAS, the Port of Olympia Commission seeks to adopt rules governing the transaction of Port Commission business as required by RCW 53.12.245;

AND WHEREAS, this Resolution supersedes Port of Olympia Commission Resolution 202~~22~~23-089;

NOW, THEREFORE, BE IT RESOLVED that the Port of Olympia Commission hereby adopts the Rules set forth below, which shall be effective upon adoption.

**ARTICLE I
Preamble**

These Rules will govern the transaction of business by the Port of Olympia Commission.

**ARTICLE II
Organization of the Commission**

- A. The Commission will annually elect a President, Vice-President, and Secretary.
- B. The Commission will elect officers at its first regular meeting at the beginning of each calendar year. The term will run for one (1) year beginning when ~~elected, and~~ elect and terminate at the election of a successor. Vacancies in an office may be filled at any regular or special meeting of the Commission.

**ARTICLE III
Duties of Officers**

- A. The President shall:

Preside at all meetings of the Commission and during executive sessions of the Commission in a manner consistent with these Rules; sign all resolutions, contracts, and other instruments on behalf of the Commission as authorized by the Commission; perform all such other duties as are incident to the office or are properly required by the Commission; meet with the Executive Director and other Commissioners to prepare and review agendas ~~and meeting packets~~ as specified in this Resolution; and, when needed, authorize the issuance of notices for regular and special meetings of the Commission as provided for in these Rules.

B. The Vice-President shall:

During the absence or disability of the President, exercise all the functions of the President; and have such powers and discharge such duties as may be assigned from time to time by the Commission.

C. The Secretary shall:

Ensure the recording of the minutes, motions and resolutions adopted by the Commission by Port of Olympia staff; and otherwise perform such further duties as are incident to the office and as are properly required by the Commission.

D. Temporary Absence:

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 official.

ARTICLE IV
Meetings

A. Meetings Schedule:

The Commission will adopt a calendar with its year-long schedule for its regular meetings at its first regular meeting of the calendar year, or the soonest meeting possible hereafter. The Commission will post its calendar to provide notice of all meetings on its website at <http://www.portolympia.com> in accordance with the Open Public Meetings Act (Ch. 42.30 RCW). The Commission schedule shall include a recess of approximately two-weeks the second half of the month in August and December. Accordingly, the Commission schedule should reflect one regular meeting in both August and December. The Commission's regular and special meetings shall be open and public except as otherwise provided by these Rules.

B. Regular Meetings:

The Port of Olympia Commission regular meetings are scheduled on the second and fourth Monday evenings of each month at 5:30 p.m. at the Port of Olympia, Percival Plaza, 626 Columbia Street NW, Suite 1-B, Olympia, Washington, unless specified otherwise. The Port will post the location of all regular meetings on its website at <http://www.portolympia.com> prior to each meeting date in compliance with the notice requirements of the Open Public Meeting Act. Regular meetings shall be open and public except as otherwise provided by these Rules.

C. Work Sessions:

The Port of Olympia Commission holds ~~regular~~ work sessions ~~on the third Monday of each month at 3:30 p.m.~~ as needed. at the Port of Olympia, Percival Plaza, 626 Columbia Street

NW, Suite 1-B, Olympia, Washington, unless specified otherwise. The Port notices work sessions as “special meetings” and will endeavor to post the location of all work sessions on its website at <http://www.portolympia.com> at least 20 days prior to each work session date.

The purpose of work sessions ~~is is three fold~~:

~~1. Work sessions are~~To provide an opportunity for the Commissioners to informally discuss Port issues and exchange ideas without the structure of a regular business meeting.

~~a.~~ Consistent with this purpose, the Commissioners may propose topics for future work sessions during the “Other Business” agenda item at a regular business meeting. The Commission will indicate their agreement to include a topic by voting as provided for in Art. V (E) herein.

~~1. Scheduling of topics for particular workwork sessions will be agreed upon by the President and the Executive DirectorCommission and the Executive Director, during their regular weekly meeting. Attempts to schedule will not be made during a regular meeting or work session.~~

2. ~~Work sessions are also~~To provide an opportunity for staff to present topics for preliminary feedback that may be considered later at a regular or special business meeting.

3. ~~Work sessions are~~To provide an opportunity for the Executive Director to update the Commission on business, operational, and strategic issues for informal discussion. The Executive Director will coordinate with Port staff and Commissioners to add agenda items to work sessions.

~~3. Work sessions are alsoTo provide a time when the Commission canmay discuss future topics for upcoming regular business meetings and work sessions.~~

The President will ~~set the agenda for the work sessions~~identify opportunities for work sessions with input from Commissioners and the Executive Director. Although the Commission may legally take action at a work session consistent with the Open Public Meetings Act (Ch. 42.30 RCW), it will strive to limit action during work sessions to extraordinary, exigent, or emergency circumstances where action is necessary prior to the Commission’s next scheduled regular meeting. In the event action is taken during a work session, a period for public comment will be added to the agenda, after Commission discussion and prior to action being taken.

Meeting materials for work sessions will be provided and made available to the public consistent with these Rules.

D. Special Meetings:

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~~The President or a~~Any Commissioner may call a special meetings of the Commission ~~may be called by any Commissioner or requested by staff with Commission approval. If a Commissioner calls a special meeting, he or she will by~~ notifying the Executive Director and Commission Coordinator of the proposed meeting date and business to be transacted at the special meeting. Notice of a requested special meeting under this provision must be provided sufficiently in advance of the requested special meeting date to allow ~~the Port staff~~ to provide ~~required~~the required twenty-four (24)-hour written notice of the meeting ~~and to Commissioners and~~ to provide adequate public notice of the meeting and agenda, ~~as both of which are~~ required under the Open Public Meetings Act.

Special meetings shall be open and public except as otherwise provided by these Rules. A special meeting is limited to matters identified in the notice. The Commission may hold an executive session during a special meeting with appropriate notice.

E. Executive Sessions:

An executive session is understood to mean the part of a regular or special meeting of a governing body ~~that is~~ closed to the public. The Commission may meet in an executive session, which shall be closed to the public, during a regular or special meeting for ~~any of~~ the purposes permitted by the Open Public Meetings Act (RCW 42.30) and other laws. ~~Such purposes,~~ including, but are not limited to, the following:

1. The consideration of matters affecting national security (RCW 42.30.110(1)(a));
2. The selection of a site or the acquisition of real estate by lease or purchase, when public knowledge regarding such consideration would cause a likelihood of increased price (RCW 42.30.110(1)(b));
3. The sale or lease of real estate when public knowledge regarding such consideration would cause a likelihood of decreased price (RCW 42.30.110(1)(c));
4. Review of negotiations on the performance of publicly bid contracts when public knowledge would cause a likelihood of increased costs (RCW 42.30.110(1)(d));
5. The appointment, employment, or dismissal of a public officer or employee; provided that, final action setting that salary, discharging or disciplining an employee, or interviewing or appointing a candidate to elective office shall be at an open public meeting (RCW 42.30.110(1)(g) and (h));
6. The hearing of complaints or charges brought against such officer or employee unless such officer or employee requests a public hearing (RCW 42.30.110(1)(f));
7. That portion of a meeting during which the Commission is planning or adopting the strategy or position to be taken by the Commission during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the

proposals made in such negotiations or proceedings while in progress (RCW 42.30.140(4)(a)), and;

8. Communications with legal counsel respecting agency enforcement action, litigation or potential litigation to which the Port, the Commission, and/or a Commissioner or Port employee acting in an official capacity is, or is likely to become, a party when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the Port (RCW 42.30.110(1)(i)). Port legal counsel is required to attend executive sessions called for this purpose.

The Commission may invite Port staff or others with some relationship to the matter being discussed, or who provide assistance to the Commission, to the executive session.

~~In order to~~ avoid inconvenience to the public during regular meetings, the Commission will endeavor to hold executive sessions immediately prior to a regular meeting of the Commission and, if possible, at the same location or in close proximity to the location of the regular meeting. Notwithstanding this provision, the Commission may enter into executive session during any meeting for any purpose consistent with the Open Public Meetings Act.

The public meeting will be reconvened following an executive session. Items discussed in the executive session will be considered during the meeting, as appropriate and required by law.

Commissioners will not take notes during executive session using an electronic device such as, but not limited to, a computer, tablet, or cell phone. Commissioners may take handwritten notes during executive session; however, all handwritten notes will be provided to the Executive Director at the conclusion of the executive session for appropriate retention.

F. Adjournment or Continuation to a Special Meeting:

Adjournment or continuation to a special meeting, if necessary, shall be pursuant to notice as required by law.

G. Commissioner Town Hall Guidelines:

A Commissioner Town Hall is a forum convened by an individual Commissioner who desires to meet with members of the public for informal discussion of subjects related to Port business. Individual Commissioners may hold Commissioner Town Halls subject to compliance with the following guidelines:

1. Location and Staffing. A Commissioner Town Hall may be held in a Port facility or meeting room, or other public meeting place in Thurston County. Port staff will not be required to attend a Commissioner Town Hall. Facility costs for Commissioner Town Hall sessions not held at ~~other than~~ Port facilities shall not be reimbursable.

2. Minutes and Recording. The Port will not create or retain minutes or recordings of Commissioner Town Hall sessions.

3. Public Notice. The Port will publish the times and locations of scheduled Commissioner Town Halls on the Port's website, online calendar, and will be sent to the e-mail distribution list for distribution of Commission agenda and meeting materials. Times and locations for Commissioner Town Halls will also be included as part of Port meeting announcements made at the conclusion of regular Commission meetings.

4. Scheduling. Requests to schedule Commissioner Town Hall sessions must be submitted to the Commission Coordinator no later than seven (7) days prior to the Commissioner's desired meeting date. Scheduling is subject to the availability of Port facilities.

5. Attendance by Other Commissioners. Attendance of more than two (2) Commissioners at a scheduled individual Commissioner Town Hall creates a quorum of the Commission and requires compliance with the Open Public Meetings Act. ~~To~~In order to ensure the Port's compliance with the Open Public Meetings Act, Commissioners shall not attend Commissioner Town Hall sessions being held by other Commissioners without five (5) days' advance notice to the Commission Coordinator.

6. Limitations on Use. Commissioner Town Hall sessions may not be used for campaign purposes. Further, ~~in order to~~ ensure compliance with RCW 42.52.180 governing use of public resources for political campaigns, individual Commissioners may not hold Commissioner Town Hall sessions as defined in this section during any period of the Commissioner's active candidacy for re-election to the Commission or other elected office. The term of "active candidacy" for purposes of this limitation shall run from the date the Commissioner becomes a "Candidate" as defined in RCW 42.17.005(7) and its implementing regulations until the results of the primary, general, or special election on which the Commissioner appears as a candidate on a ballot are certified pursuant to RCW 29A.60.190.

H. Quorum:

Three (3) Commissioners shall constitute a quorum for the convening of a meeting.

I. Cancellation of a Meeting:

The President may direct the cancellation of a regularly scheduled Commission meeting.

J. Administration of Meetings:

Meetings shall be conducted in accordance with these Rules.

K. Commissioner Remote Attendance:

From time to time, a Commissioner may not be able to attend a Board of Commissioners meeting in person. The Commission recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations is intended to be an alternative and infrequently used method for participation by Commissioners. Attendance by remote communication may occur as follows:

1. Consistent with these rules, any Commissioner may attend a meeting via remote communication to the extent permitted by the Washington Open Public Meetings Act, RCW 42.30 as it now exists or as it may be amended in the future.

2. A Commissioner planning to attend via remote communication must provide notice to the Executive Director ~~and Commission Coordinator~~ at least 24 hours prior to the scheduled meeting. The notice must ~~advise of~~indicate the Commissioner's intent to attend via remote communication and the reason(s) why the Commissioner cannot attend the meeting in person.

3. A Commissioner may not attend remotely unless satisfactory equipment is available at the physical location of the meeting. Satisfactory equipment means any telephone or other communications device equipped with a speaker junction capable of broadcasting the Commissioner's voice ~~attending~~ clearly and sufficiently enough to be heard by those in attendance at the ~~meeting, and~~meeting and allowing a Commissioner attending remotely to hear discussion at the meeting.

4. During any meeting that a Commissioner is attending via remote communication, the Commission President or presiding officer shall state for the record that a particular Commissioner is attending via remote communication and the reasons for such attendance.

5. Commissioners attending via remote communication may participate and vote during the meeting as if they were physically present at the meeting.

6. Commissioners attending via remote communication shall comply with all rules and procedures as if they were physically present at the meeting.

7. In the case of executive sessions, the Commission may permit participation from remote location(s) only when the Commission is confident in the security of such remote communications.

L. Commissioner Absence and Excusal:

Each Commissioner is responsible for requesting to be excused from regular or special meetings of the Port Commission; ~~so as to~~to avoid causing an inadvertent vacancy in the office according to RCW 53.12.140. A Commissioner who is unable to attend a regular or special meeting will notify the Commission Coordinator no later than two (2) hours before the scheduled start of the meeting, if feasible to do so, to request excusal. The Commission Coordinator will

inform the President (or other officer presiding over the meeting) of the Commissioner's excusal request prior to the meeting. The President (or presiding officer) shall note the Commissioner's request for excusal on the record for the minutes, and shall also state for that purpose whether the Commissioner's absence is or is not excused. Alternatively, during the ~~Introduction of Commissioners initial~~ portion of any meeting, as noted in Article V below, the Commission may ~~take action~~ on the Commissioner's excusal request by motion as provided for in Article VI.

The Commission shall automatically excuse ~~the~~ absence of a Commissioner resulting from attendance to other Port business.

ARTICLE V Order of Business

A. The President of the Commission and the Executive Director determine the placement of items on the Agenda for the Commission. The Commission shall vote to add agenda items to the list for a future work session or regular meeting and allow for the President and Executive Director to schedule the item as appropriate.

B. Regular meetings will ordinarily follow the below prescribed format:

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Special recognition (if needed)
5. Executive Director's Report
6. Litigation Report
(~~at second regular Monday meeting of every month only as needed~~)
7. Public comment
 - a. Commission statement on nature of public comment
 - b. General public comment period ~~for is the time for comments on any item on the agenda, or any other topic related to Port business~~ the member of the public wants to address.
8. Consent Calendar
 - a. Approval of minutes
 - b. Warrants and vouchers

i. Any warrant or voucher exceeding \$200,000 will be listed with the amount and the payee

c. Other consent items, including, but not limited to: (1) items for which an Advisory was given at a preceding Commission meeting and for which there were no Commission concerns or requests for additional information; and (2) pro forma contract or lease updates.

d. Should any Commissioner wish to move an item on the consent calendar to be an "Action" item, he or she can make a motion to do so during the "Approval of Agenda" portion of the meeting. If a majority of the Commission votes in favor, the item will be moved from the consent calendar.

9. Agenda action items

- a. Staff presentations, if needed
- b. Action by motion, vote, or resolution

10. Agenda action items – OTHER (matters brought for action without prior advisory)

- a. Staff presentation, if needed
- ~~b. Public comment~~
- c. Action by motion, vote or resolution

11. Agenda advisory items

- a. Staff presentations, if needed
- ~~b. Public comment (on all advisory items)~~
- c. Commission discussion

~~12. Continued public comment, if needed~~

13. Commissioner Reports

14. Other business (during this period, Commissioners may also raise and discuss new issue(s), ~~and~~ request to add such issue or issues to a future work session agenda or ~~to~~ send the issue or issues to the POCAC for review), and

15. Future meeting announcements

16. Adjourn.

C. The Commissioners may agree to change the order of business set forth above at any time.

D. All proceedings of the Commission will be by consensus, motion, or resolution recorded in minutes and books maintained for that purpose, which shall be publicly available.

E. If any vote is unanimous then it shall be so recorded. A record of the vote on any resolution or motion shall be made by a roll call vote of "yea" or "nay" in the minutes of the

Commission. The proceedings of the Commission shall be ~~carried on~~conducted in such a manner and such dispatch as may be mutually agreeable to the Members of the Commission. Robert's Rules of Order shall be applied for the governing of any proceeding, and thereupon no resolution shall be considered or other action taken, until the same has been duly moved, seconded and carried. All resolutions passed by the vote of the Commissioners present at any meeting shall be deemed to have been moved, seconded and passed in due form.

F. Any Commissioner, the Port Attorney or the Executive Director may make a point of order if necessary.

ARTICLE VI Guidelines for Public Comment at Meetings

A. ~~A.~~ General Procedures: The following general procedures are applicable to all types of public comment at Commission meetings. ~~There is one portion of the regular Commission meeting agenda set aside for public comment. This is the opportunity for members of the public to comment on agenda items before the Commission or any other topic related to Port business, subject to the following procedures:~~

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B. The public comment period held at the beginning of the meeting will generally be limited to 30 minutes;

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C. Each commenter will be allowed three (3) minutes for individual comment; commenters may not yield some or all the allotted three (3) minutes resulting in a longer comment period for another commenter. If a commenter is interrupted during the allotted three (3) minutes, the commenter shall be allowed to continue speaking beyond the three (3) minute timer for a period equivalent to the interruption;

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D. If there are more than ten (10) commenters who wish to make public comments during the general public comment period, then the Commission reserves the right to defer additional general public comment to proceed with meeting business, and instead hold an additional general public comment period prior to the conclusion of the meeting;

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E. The subject of public comments not directed to a specific agenda item or items must be related to Port business, and;

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F. The President will enforce these requirements and shall be allowed to curtail any individual public comment that exceeds allotted time, is beyond the reasonable scope of Port business, is overly repetitive or lengthy, or includes disruptive behavior as defined in Section VI-D below.

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1. Procedures for Providing Public Comment at In-Person Meetings: The Port will provide a sign-in sheet for those who wish to provide general comment at regular in-person Commission meetings. The sign-in period for public comment will begin when the public meeting space opens and will close when the meeting is called to order. Commenters must provide their legal name on the sign-in sheet in order to be ~~called, and~~ called, and may not wear costume masks that obscure the entirety of their face to address the Commission. Commenters may wear face coverings as per public health requirements and/or recommendations. To comment virtually, commenters will be asked to raise their virtual hand to indicate they would like to comment. Commenters must provide their legal name.

2. Procedures for Providing Public Comment at Virtual Meetings: Those who wish to provide verbal public comment at a Virtual Meeting must sign up in advance with the Commission Coordinator by emailing CommissionCoordinator@portolympia.com or by submitting the form on the Port's website (www.portolympia.com) by 12:00 noon on the date of the meeting. The Commission President will call those who have signed up in advance by name to provide comment. After all who have signed up are called, the Commission President may accept further public comment.

3. Procedures for Providing Written Comment (In-Person and Virtual Meetings). Members of the public may also provide the Commission with written comment by sending the written comments via email to the Commission Coordinator or by using the form on the Port's website (www.portolympia.com) from the time and date the agenda is published to the public through 12:00 noon the day of the meeting. The Commission Coordinator will compile the public comments received by the above-referenced d deadline and forward the compiled public comments to the Commission prior to the related meeting.

4. Use of Electronic Media During Public Comment: Commenters may use electronic media (such as presentations or video) to present information to the Commissioners during the public comment period at regular Commission meetings, subject to the following limitations:

a. Electronic media to be used during public comment must be related to Port business.

b. Commenters must abide by the three (3) minute time limit when using electronic ~~media, and~~ media and should select and edit presentations accordingly. Commenters may not yield some or ~~all of~~ all their allotted three (3) minutes ~~so as to result~~ resulting in a longer presentation time for another commenter.

c. ~~In order to~~ To protect the integrity of Port information systems, electronic media or a link to internet-based information must be e-mailed to the Commission Coordinator at CommissionCoordinator@portolympia.com no later than noon on the day of the Commission meeting ~~where when~~ the electronic media is to be used. To be accepted for presentation, email submissions must include (i) the name of the individual who will be providing public comment;

(ii) the author of the electronic media being submitted; and (iii) a brief description of the content of the electronic media.

d. Commenters may not use jump drives, external drives, or other direct connection to Port information systems to present electronic media to the Commission during public comment. Links to internet-based information must be accessible using the Port's web browser. The Port will not be responsible for resolving compatibility issues related to electronic media submitted for public comment.

e. The Commission Coordinator will review all timely submitted electronic media prior to the Commission meeting to determine that the content is functional and viewable. Prior to the meeting, the Commission Coordinator will provide the President with a report identifying the electronic media submittals received, if any. The report will include the commenter's name, the author of the electronic media, and the brief description of content provided with the submittal.

f. The President will enforce the above guidelines and shall be allowed to preclude commenters from using electronic media that fails to comply with submittal guidelines, guidelines for public comment, or otherwise contains information unrelated to Port business.

5. Limitations on Use of Public Comment for Campaigning or Advertising: No person may use public comment periods for the purpose of campaigning or promoting a campaign, whether for an election or ballot proposition. In addition, no person may use public comment periods for the purpose of commercial advertising. These limitations do not prevent or preclude any person addressing the Commission from expressing views or opinions over matters related to the Port's business or within the Commission's jurisdiction. In addition, these limitations do not prohibit individuals or organizations from promoting public events.

6. Comments to be Directed to Commission: Comments should be directed to the Commission as a whole and should not include comments about individual Port staff or members of the public.

~~7. Courtesy: -All speakers (members of the public, Port staff, and Commissioners) shall be courteous in language and demeanor and shall confine remarks to those facts that are germane and relevant to the question or issue under discussion.~~

~~B. Procedures for General Public Comment: The Commission will allow general public comment on issues related to Port business at regular Commission meetings, subject to the following procedures:~~

~~1. The general public comment period held at the beginning of the meeting will generally be limited to 30 minutes;~~

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~~2. Each commenter will be allowed three (3) minutes for individual comment; and commenters may not yield some or all of all the allotted three (3) minutes so as to result resulting in a longer comment period for another commenter. If a commenter is interrupted during the allotted three (3) minutes, the commenter shall be allowed to continue speaking beyond the three (3) minute timer for a period equivalent to the interruption;~~

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~~3. If there are more than ten (10) commenters who wish to make public comments during the general public comment period, then the Commission reserves the right to defer such additionaladditional general public comment to proceed with meeting business, and instead hold an additional general public comment period prior to the conclusion of the meeting;~~

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~~4. The subject of public comments not directed to a specific agenda item or items must be related to Port business, and;~~

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~~5. The President will enforce these requirements and shall be allowed to curtail any individual public comment that exceeds allotted time, is beyond the reasonable scope of Port business, is overly repetitive or lengthy, or includes disruptive behavior as defined in Section VI-D below.~~

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~~C. Procedures for Public Comment on Advisory and Action Other Items: The Commission shall also provide separate public comment periods during the meeting for advisory and action-OTHER items appearing on the meeting agenda. These comment periods shall be subject to the general procedures set forth above as well as the following:~~

~~1. Each commenter shall be allowed three (3) minutes for individual comments; and commenters may not yield some or all of the allotted three (3) minutes so as to result in a longer comment period for another commenter; and~~

~~2. The President shall be allowed to curtail any individual public comment that exceeds allotted time, is beyond the scope of the subject agenda item, is overly repetitive or lengthy, or includes disruptive behavior as defined in Section VI-D below.~~

~~D. Disruptive Behavior: Disruptive behavior includes, but is not limited to: speaking beyond the allocated time limit; preventing members of the public from hearing or viewing the discussion of the Commission, whether by standing or holding a banner or sign in a manner that obstructs view of or passage through the meeting room; speaking in a volume louder than low, conversational tone when not recognized by the President for public comment; and any threatening or harassing comments or behavior, whether directed at any or all Commissioners, Port of Olympia staff, or other members of the public.~~

~~E. Curtailing Public Comment and Disruptive Behavior: The President has discretion to curtail public comment and Disruptive Behavior which violates these guidelines.~~

1. The President will first request that the individual follow these guidelines. If an individual fails to comply with the President's request, the President may deem the individual out of order and direct that the individual be removed from the Commission meeting. If the individual is engaging in Disruptive Behavior that is threatening or harassing, the President may direct the individual be removed from the Commission meeting regardless of whether the threatening or harassing behavior occurs during the public comment portion of the Commission meeting. If the individual presents a threat to those present at the meeting, the President may request assistance from law enforcement or security in removing the individual.

2. If an individual or group of individuals disrupts the orderly conduct of a meeting and the President cannot restore order, the Open Public Meetings Act (RCW 42.20.050) also allows the President to adjourn the meeting and reconvene it at another location selected by a majority of the Commission. In such a session, the Commission may only take final action on matters appearing on the agenda.

F. **Security:** In order to promote the safety and efficiency of Commission meetings, the President may request the presence of additional security for meetings expected to address sensitive and/or controversial subjects.

ARTICLE VII Motions

A. Except as otherwise required by these Rules, the Commission shall transact its business by motion, which may be made by any Commissioner in attendance.

B. Voting on all motions shall be either "yea," ~~or~~ "nay," or "abstain." Robert's Rules of Order shall be applied for the governing of any proceeding, and thereupon no motion shall be considered or other action taken, until the same has been duly moved, seconded and carried. All motions passed by the vote of the Commissioners present at any meeting shall be deemed to have been moved, seconded and passed in due form.

~~C.~~ Concurrence of three (3) Commissioners shall be necessary and shall be sufficient for the passage or failure(?) of any motion.

~~D.C.~~ Commissioners may ~~shall~~ vote by motion to direct the Executive Director's work.

~~E.D.~~ Commissioners shall vote on all motions unless required to abstain due to an actual or apparent conflict of interest under RCW Chapter 42.52 and Port of Olympia Commission Resolution 2021-03, which sets ethical standards for Port Commissioners.

ARTICLE VIII Resolutions

A. All matters, which in the judgment of the Commission, are of a legislative character shall be embodied in the form of resolutions. Text of the proposed resolutions shall be provided prior to the public meeting as set forth in these Rules.

B. Voting on all resolutions shall be either “yea,” ~~or~~ “nay,” or “abstain.” Robert’s Rules of Order shall be applied for the governing of any proceeding, and thereupon no resolution shall be considered or other action taken, until the same has been duly moved, seconded and carried. All resolutions passed by the vote of the Commissioners present at any meeting shall be deemed to have been moved, seconded and passed in due form.

C. Resolutions shall be numbered consecutively by the year in which they are enacted and the original copy of each resolution shall be duly authenticated in open session by the signatures of the Commission President, Vice-President and Secretarys present, which shall serve to attest to a majority of the Commission members voting in favor of the Resolution. Adopted resolutions shall be filed, published on the Port’s website, and recorded in minutes and a book or books kept for such purposes, which shall be public records.

ARTICLE IX Minutes

A. Port staff will prepare draft action minutes of each meeting and distribute them to Commissioners for their review as to accuracy of actions taken. The goal will be to provide concise and complete minutes for Commission review no later than thirty (30) days after the subject meeting. The Minutes must contain a record of motions, agenda and agenda changes, participants, and actions taken. The minutes may include ~~a brief summary~~ a summary of each topic’s staff presentation and discussion.

B. The Commission Coordinator will send the draft minutes to Commissioners as soon as possible following each ~~meeting, and meeting and~~ will include a date for Commissioners to return corrections. Commissioners will individually send any corrections back to the Commission Coordinator. If a substantive correction is offered to the draft minutes, the Commissioner offering the correction will include a reference to the place in the Commission video timeline from where the correction originates. The Commission Coordinator will prepare a final draft incorporating corrections. The Executive Director will complete a final review of the draft.

C. In most cases, minutes will be presented for approval at the next regular business meeting. Approval of the minutes will ~~be in~~ be included in the Consent Agenda.

D. Written public comments submitted directly to Commissioners or to the Commission Coordinator pursuant to Article VI.A.3 will not be appended to or included in the minutes. The minutes will reflect the names of commenters only.

E. When the Commission has approved the minutes of a meeting, the minutes as approved shall represent the final and considered determination of the Commission as to the motions and

actions set forth therein. Following their approval, minutes shall be signed by the Commission President and Secretary.

ARTICLE X Publication of Meeting Materials

A. Agendas, reports, cover memos, and any supporting materials will ordinarily be posted on the Port's website no later than 3:00 p.m. two (2) business days before a meeting, which will be the preceding Thursday before a regular Monday business meeting or work session. Agendas and materials for special meetings of the Commission called pursuant to Art. IV(~~ED~~) of this Resolution will be posted no later than 3:00 pm two (2) -business days before a meeting as a rule; however, consistent with the Open Public Meetings Act, in no event will agendas for special meetings be posted later than 24 hours prior to the scheduled meeting.

Meeting materials posted on the Port's website may be modified at any time subsequent to posting and prior to the meeting based upon changes to the agenda or to reflect updates to posted materials.

It is the responsibility of Staff to prepare materials for presentations including PowerPoint slides, maps, or other materials for presentation to the Commission. Commissioners will not provide supplementary materials to be considered for inclusion in the meeting materials packet. ~~Exception~~The exception to this rule is when a Commissioner has information to share regarding a committee they serve on behalf of the Port. For that exception, the Commissioner must submit the proposed materials to the Commission Coordinator for inclusion by no later than 3:00 pm the preceding Thursday before a Monday meeting.

B. Members of the public may request to be included on a voluntary e-mail list for distribution of Commission agenda and meeting materials. The Port will e-mail the agenda and a link to the meeting materials to those on this voluntary e-mail list on the same day the materials are posted on the Port's website.

C. The Port will provide a hard copy of the agenda and/or meeting materials, if requested, by visiting the Port's administrative office during the Port's regular business office hours.

D. Meeting videos supplement efficient written meeting minutes documenting action taken by the Commission. Video recordings for regular Port meetings held on or after February 18, 2016, will be published and retained on the Port's website, to be readily and available for viewing. This is subject to system capacity and budget authorization by the Commission. Video recordings will be maintained and archived at the Washington State Archives pursuant to applicable state records retention schedules.

ARTICLE XI Amendment of Rules

These Rules may be amended by Resolution.

ADOPTED by a majority of the members of the Port Commission of the Port of Olympia, a majority being present and voting on this Resolution at a regular Commission meeting on ~~February 10, 2025~~~~November 27, XXX~~, as attested to by the signatures below of the Commissioners this ~~10th~~~~27th~~~~XXX~~ day of ~~February, 2025~~~~November 2023~~~~XXX~~.

PORT OF OLYMPIA COMMISSION

~~Amy Harding~~~~Jasmine Vasavada~~~~Bob Iyall~~, President

~~Joe Downing~~~~Jasmine Vasavada~~~~Maggie Sanders~~,
Vice President

~~Bob Iyall~~~~Sarah Tonge~~, Secretary

**PORT OF OLYMPIA COMMISSION
RESOLUTION 2025-03**

**A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION
ADOPTING RULES GOVERNING THE TRANSACTION
OF PORT COMMISSION BUSINESS AND SUPERSEDING RESOLUTION 2023-08**

WHEREAS, the Port of Olympia Commission seeks to adopt rules governing the transaction of Port Commission business as required by RCW 53.12.245;

AND WHEREAS, this Resolution supersedes Port of Olympia Commission Resolution 2023-08;

NOW, THEREFORE, BE IT RESOLVED that the Port of Olympia Commission hereby adopts the Rules set forth below, which shall be effective upon adoption.

**ARTICLE I
Preamble**

These Rules will govern the transaction of business by the Port of Olympia Commission.

**ARTICLE II
Organization of the Commission**

- A. The Commission will annually elect a President, Vice-President, and Secretary.
- B. The Commission will elect officers at its first regular meeting at the beginning of each calendar year. The term will run for one (1) year beginning when elected and terminate at the election of a successor. Vacancies in an office may be filled at any regular or special meeting of the Commission.

**ARTICLE III
Duties of Officers**

- A. The President shall:

Preside at all meetings of the Commission and during executive sessions of the Commission in a manner consistent with these Rules; sign all resolutions, contracts, and other instruments on behalf of the Commission as authorized by the Commission; perform all such other duties as are incident to the office or are properly required by the Commission; meet with the Executive Director and other Commissioners to prepare and review agendas as specified in this Resolution; and, when needed, authorize the issuance of notices for regular and special meetings of the Commission as provided for in these Rules.

B. The Vice-President shall:

During the absence or disability of the President, exercise all the functions of the President; and have such powers and discharge such duties as may be assigned from time to time by the Commission.

C. The Secretary shall:

Ensure the recording of the minutes, motions and resolutions adopted by the Commission by Port of Olympia staff; and otherwise perform such further duties as are incident to the office and as are properly required by the Commission.

D. Temporary Absence:

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 official.

**ARTICLE IV
Meetings**

A. Meetings Schedule:

The Commission will adopt a calendar with its year-long schedule for its regular meetings at its first regular meeting of the calendar year, or the soonest meeting possible thereafter. The Commission will post its calendar to provide notice of all meetings on its website at <http://www.portolympia.com> in accordance with the Open Public Meetings Act (Ch. 42.30 RCW). The Commission schedule shall include a recess of approximately two-weeks the second half of the month in August and December. Accordingly, the Commission schedule should reflect one regular meeting in both August and December. The Commission's regular and special meetings shall be open and public except as otherwise provided by these Rules.

B. Regular Meetings:

The Port of Olympia Commission regular meetings are scheduled on the second and fourth Monday evenings of each month at 5:30 p.m. at the Port of Olympia, Percival Plaza, 626 Columbia Street NW, Suite 1-B, Olympia, Washington, unless specified otherwise. The Port will post the location of all regular meetings on its website at <http://www.portolympia.com> prior to each meeting date in compliance with the notice requirements of the Open Public Meeting Act. Regular meetings shall be open and public except as otherwise provided by these Rules.

C. Work Sessions:

The Port of Olympia Commission holds work sessions as needed. at the Port of Olympia, Percival Plaza, 626 Columbia Street NW, Suite 1-B, Olympia, Washington, unless specified otherwise. The Port notices work sessions as "special meetings" and will endeavor to post the

location of all work sessions on its website at <http://www.portolympia.com> at least 20 days prior to each work session date.

The purpose of work sessions is:

1. To provide an opportunity for the Commissioners to informally discuss Port issues and exchange ideas without the structure of a regular business meeting.
 - a. Consistent with this purpose, the Commissioners may propose topics for future work sessions during the “Other Business” agenda item at a regular business meeting. The Commission will indicate their agreement to include a topic by voting as provided for in Art. V (E) herein.
2. To provide an opportunity for staff to present topics for preliminary feedback that may be considered later at a regular or special business meeting.
3. To provide an opportunity for the Executive Director to update the Commission on business, operational, and strategic issues for informal discussion. The Executive Director will coordinate with Port staff and Commissioners to add agenda items to work sessions.

The President will identify opportunities for work sessions with input from Commissioners and the Executive Director. Although the Commission may legally take action at a work session consistent with the Open Public Meetings Act (Ch. 42.30 RCW), it will strive to limit action during work sessions to extraordinary, exigent, or emergency circumstances where action is necessary prior to the Commission’s next scheduled regular meeting. In the event action is taken during a work session, a period for public comment will be added to the agenda, after Commission discussion and prior to action being taken.

Meeting materials for work sessions will be provided and made available to the public consistent with these Rules.

D. Special Meetings:

Special meetings of the Commission may be called by any Commissioner or requested by staff with Commission approval. If a Commissioner calls a special meeting, he or she will notify the Executive Director and Commission Coordinator of the proposed meeting date and business to be transacted at the special meeting. Notice of a requested special meeting under this provision must be provided sufficiently in advance of the requested special meeting date to allow the Port to provide the required twenty-four (24)-hour written notice of the meeting and to provide adequate public notice of the meeting and agenda, as required under the Open Public Meetings Act.

Special meetings shall be open and public except as otherwise provided by these Rules. A special meeting is limited to matters identified in the notice. The Commission may hold an executive session during a special meeting with appropriate notice.

E. Executive Sessions:

An executive session is understood to mean the part of a regular or special meeting of a governing body that is closed to the public. The Commission may meet in an executive session, which shall be closed to the public, during a regular or special meeting for any of the purposes permitted by the Open Public Meetings Act (RCW 42.30) and other laws. Such purposes include, but are not limited to, the following:

1. The consideration of matters affecting national security (RCW 42.30.110(1)(a));
2. The selection of a site or the acquisition of real estate by lease or purchase, when public knowledge regarding such consideration would cause a likelihood of increased price (RCW 42.30.110(1)(b));
3. The sale or lease of real estate when public knowledge regarding such consideration would cause a likelihood of decreased price (RCW 42.30.110(1)(c));
4. Review of negotiations on the performance of publicly bid contracts when public knowledge would cause a likelihood of increased costs (RCW 42.30.110(1)(d));
5. The appointment, employment, or dismissal of a public officer or employee; provided that, final action setting that salary, discharging or disciplining an employee, or interviewing or appointing a candidate to elective office shall be at an open public meeting (RCW 42.30.110(1)(g) and (h));
6. The hearing of complaints or charges brought against such officer or employee unless such officer or employee requests a public hearing (RCW 42.30.110(1)(f));
7. That portion of a meeting during which the Commission is planning or adopting the strategy or position to be taken by the Commission during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in such negotiations or proceedings while in progress (RCW 42.30.140(4)(a)), and;
8. Communications with legal counsel respecting agency enforcement action, litigation or potential litigation to which the Port, the Commission, and/or a Commissioner or Port employee acting in an official capacity is, or is likely to become, a party when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the Port (RCW 42.30.110(1)(i)). Port legal counsel is required to attend executive sessions called for this purpose.

The Commission may invite Port staff or others with some relationship to the matter being discussed, or who provide assistance to the Commission, to the executive session.

To avoid inconvenience to the public during regular meetings, the Commission will endeavor to hold executive sessions immediately prior to a regular meeting of the Commission and, if possible, at the same location or in close proximity to the location of the regular meeting. Notwithstanding this provision, the Commission may enter into executive session during any meeting for any purpose consistent with the Open Public Meetings Act.

The public meeting will be reconvened following an executive session. Items discussed in the executive session will be considered during the meeting, as appropriate and required by law.

Commissioners will not take notes during executive session using an electronic device such as, but not limited to, a computer, tablet, or cell phone. Commissioners may take handwritten notes during executive session; however, all handwritten notes will be provided to the Executive Director at the conclusion of the executive session for appropriate retention.

F. Adjournment or Continuation to a Special Meeting:

Adjournment or continuation to a special meeting, if necessary, shall be pursuant to notice as required by law.

G. Commissioner Town Hall Guidelines:

A Commissioner Town Hall is a forum convened by an individual Commissioner who desires to meet with members of the public for informal discussion of subjects related to Port business. Individual Commissioners may hold Commissioner Town Halls subject to compliance with the following guidelines:

1. Location and Staffing. A Commissioner Town Hall may be held in a Port facility or meeting room, or other public meeting place in Thurston County. Port staff will not be required to attend a Commissioner Town Hall. Facility costs for Commissioner Town Hall sessions not held at Port facilities shall not be reimbursable.

2. Minutes and Recording. The Port will not create or retain minutes or recordings of Commissioner Town Hall sessions.

3. Public Notice. The Port will publish the times and locations of scheduled Commissioner Town Halls on the Port's website, online calendar, and will be sent to the e-mail distribution list for distribution of Commission agenda and meeting materials. Times and locations for Commissioner Town Halls will also be included as part of Port meeting announcements made at the conclusion of regular Commission meetings.

4. Scheduling. Requests to schedule Commissioner Town Hall sessions must be submitted to the Commission Coordinator no later than seven (7) days prior to the Commissioner's desired meeting date. Scheduling is subject to the availability of Port facilities.

5. Attendance by Other Commissioners. Attendance of more than two (2) Commissioners at a scheduled individual Commissioner Town Hall creates a quorum of the Commission and requires compliance with the Open Public Meetings Act. To ensure the Port's compliance with the Open Public Meetings Act, Commissioners shall not attend Commissioner Town Hall sessions being held by other Commissioners without five (5) days' advance notice to the Commission Coordinator.

6. Limitations on Use. Commissioner Town Hall sessions may not be used for campaign purposes. Further, to ensure compliance with RCW 42.52.180 governing use of public resources for political campaigns, individual Commissioners may not hold Commissioner Town Hall sessions as defined in this section during any period of the Commissioner's active candidacy for re-election to the Commission or other elected office. The term of "active candidacy" for purposes of this limitation shall run from the date the Commissioner becomes a "Candidate" as defined in RCW 42.17.005(7) and its implementing regulations until the results of the primary, general, or special election on which the Commissioner appears as a candidate on a ballot are certified pursuant to RCW 29A.60.190.

H. Quorum:

Three (3) Commissioners shall constitute a quorum for the convening of a meeting.

I. Cancellation of a Meeting:

The President may direct the cancellation of a regularly scheduled Commission meeting.

J. Administration of Meetings:

Meetings shall be conducted in accordance with these Rules.

K. Commissioner Remote Attendance:

From time to time, a Commissioner may not be able to attend a Board of Commissioners meeting in person. The Commission recognizes the benefits of fullest practicable attendance and participation by its members. Attendance from remote locations is intended to be an alternative and infrequently used method for participation by Commissioners. Attendance by remote communication may occur as follows:

1. Consistent with these rules, any Commissioner may attend a meeting via remote communication to the extent permitted by the Washington Open Public Meetings Act, RCW 42.30 as it now exists or as it may be amended in the future.

2. A Commissioner planning to attend via remote communication must provide notice to the Executive Director and Commission Coordinator at least 24 hours prior to the scheduled meeting. The notice must indicate the Commissioner's intent to attend via remote communication and the reason(s) why the Commissioner cannot attend the meeting in person.

3. A Commissioner may not attend remotely unless satisfactory equipment is available at the physical location of the meeting. Satisfactory equipment means any telephone or other communications device equipped with a speaker junction capable of broadcasting the Commissioner's voice clearly and sufficiently enough to be heard by those in attendance at the meeting and allowing a Commissioner attending remotely to hear discussion at the meeting.

4. During any meeting that a Commissioner is attending via remote communication, the Commission President or presiding officer shall state for the record that a particular Commissioner is attending via remote communication and the reasons for such attendance.

5. Commissioners attending via remote communication may participate and vote during the meeting as if they were physically present at the meeting.

6. Commissioners attending via remote communication shall comply with all rules and procedures as if they were physically present at the meeting.

7. In the case of executive sessions, the Commission may permit participation from remote location(s) only when the Commission is confident in the security of such remote communications.

L. Commissioner Absence and Excusal:

Each Commissioner is responsible for requesting to be excused from regular or special meetings of the Port Commission to avoid causing an inadvertent vacancy in the office according to RCW 53.12.140. A Commissioner who is unable to attend a regular or special meeting will notify the Commission Coordinator no later than two (2) hours before the scheduled start of the meeting, if feasible to do so, to request excusal. The Commission Coordinator will inform the President (or other officer presiding over the meeting) of the Commissioner's excusal request prior to the meeting. The President (or presiding officer) shall note the Commissioner's request for excusal on the record for the minutes and shall also state for that purpose whether the Commissioner's absence is or is not excused. Alternatively, during the initial portion of any meeting, as noted in Article V below, the Commission may act on the Commissioner's excusal request by motion as provided for in Article VI.

The Commission shall automatically excuse the absence of a Commissioner resulting from attendance to other Port business.

ARTICLE V

Order of Business

- A. The President of the Commission and the Executive Director determine the placement of items on the Agenda for the Commission. The Commission shall vote to add agenda items to the list for a future work session or regular meeting and allow for the President and Executive Director to schedule the item as appropriate.
- B. Regular meetings will ordinarily follow the below prescribed format:
1. Call to Order
 2. Pledge of Allegiance
 3. Approval of Agenda
 4. Special recognition (if needed)
 5. Executive Director's Report
 6. Litigation Report
(as needed)
 7. Public comment
 - a. Commission statement on nature of public comment
 - b. The general public comment period is the time for public comments on any item on the agenda, or any other topic related to Port business.
 8. Consent Calendar
 - a. Approval of minutes
 - b. Warrants and vouchers
 - i. Any warrant or voucher exceeding \$200,000 will be listed with the amount and the payee
 - c. Other consent items, including, but not limited to: (1) items for which an Advisory was given at a preceding Commission meeting and for which there were no Commission concerns or requests for additional information; and (2) pro forma contract or lease updates.
 - d. Should any Commissioner wish to move an item on the consent calendar to be an "Action" item, he or she can make a motion to do so during the "Approval of Agenda" portion of the meeting. If a majority of the Commission votes in favor, the item will be moved from the consent calendar.
 9. Agenda action items
 - a. Staff presentations, if needed
 - b. Action by motion, vote, or resolution

10. Agenda action items – OTHER (matters brought for action without prior advisory)

a. Staff presentation, if needed

b. Action by motion, vote or resolution

Commented [AS1]: Public comment periods removed

11. Agenda advisory items

a. Staff presentations, if needed

b. Commission discussion

13. Commissioner Reports

14. Other business (during this period, Commissioners may also raise and discuss new issue(s), request to add such issue or issues to a future work session agenda or send the issue or issues to the POCAC for review), and

15. Future meeting announcements

16. Adjourn.

C. The Commissioners may agree to change the order of business set forth above at any time.

D. All proceedings of the Commission will be by consensus, motion, or resolution recorded in minutes and books maintained for that purpose, which shall be publicly available.

E. If any vote is unanimous then it shall be so recorded. A record of the vote on any resolution or motion shall be made by a roll call vote of “yea” or “nay” in the minutes of the Commission. The proceedings of the Commission shall be conducted in such a manner and such dispatch as may be mutually agreeable to the Members of the Commission. Robert’s Rules of Order shall be applied for the governing of any proceeding, and thereupon no resolution shall be considered or other action taken, until the same has been duly moved, seconded and carried. All resolutions passed by the vote of the Commissioners present at any meeting shall be deemed to have been moved, seconded and passed in due form.

F. Any Commissioner, the Port Attorney or the Executive Director may make a point of order if necessary.

ARTICLE VI

Guidelines for Public Comment at Meetings

A. General Procedures: The following general procedures are applicable to public comment at Commission meetings. There is one portion of the regular Commission meeting agenda set aside for public comment. This is the opportunity for members of the public to comment on

agenda items before the Commission or any other topic related to Port business, subject to the following procedures:

1. The public comment period held at the beginning of the meeting will generally be limited to 30 minutes;
2. Each commenter will be allowed three (3) minutes for individual comment; commenters may not yield some or all the allotted three (3) minutes resulting in a longer comment period for another commenter. If a commenter is interrupted during the allotted three (3) minutes, the commenter shall be allowed to continue speaking beyond the three (3) minute timer for a period equivalent to the interruption;
3. If there are more than ten (10) commenters who wish to make public comments during the general public comment period, then the Commission reserves the right to defer additional general public comment to proceed with meeting business, and instead hold an additional general public comment period prior to the conclusion of the meeting;
4. The subject of public comments not directed to a specific agenda item or items must be related to Port business, and;
5. The President will enforce these requirements and shall be allowed to curtail any individual public comment that exceeds allotted time, is beyond the reasonable scope of Port business, is overly repetitive or lengthy, or includes disruptive behavior as defined in Section VI-D below.

B. Procedures for Providing Public Comment at In-Person Meetings: The Port will provide a sign-in sheet for those who wish to provide general comment at regular in-person Commission meetings. The sign-in period for public comment will begin when the public meeting space opens and will close when the meeting is called to order. Commenters must provide their legal name on the sign-in sheet in order to be called, and may not wear costume masks that obscure the entirety of their face to address the Commission. Commenters may wear face coverings as per public health requirements and/or recommendations. To comment virtually, commenters will be asked to raise their virtual hand to indicate they would like to comment. Commenters must provide their legal name.

C. Procedures for Providing Public Comment at Virtual Meetings: Those who wish to provide verbal public comment at a Virtual Meeting must sign up in advance with the Commission Coordinator by emailing CommissionCoordinator@portolympia.com or by submitting the form on the Port's website (www.portolympia.com) by 12:00 noon on the date of the meeting. The Commission President will call those who have signed up in advance by name

to provide comment. After all who have signed up are called, the Commission President may accept further public comment.

D. Procedures for Providing Written Comment (In-Person and Virtual Meetings). Members of the public may also provide the Commission with written comment by sending the written comments via email to the Commission Coordinator or by using the form on the Port's website (www.portolympia.com) from the time and date the agenda is published to the public through 12:00 noon the day of the meeting. The Commission Coordinator will compile the public comments received by the above-referenced deadline and forward the compiled public comments to the Commission prior to the related meeting.

E. Use of Electronic Media During Public Comment: Commenters may use electronic media (such as presentations or video) to present information to the Commissioners during the public comment period at regular Commission meetings, subject to the following limitations:

1. Electronic media to be used during public comment must be related to Port business.
2. Commenters must abide by the three (3) minute time limit when using electronic media and should select and edit presentations accordingly. Commenters may not yield some or all their allotted three (3) minutes resulting in a longer presentation time for another commenter.
3. To protect the integrity of Port information systems, electronic media or a link to internet-based information must be e-mailed to the Commission Coordinator at *CommissionCoordinator@portolympia.com* no later than noon on the day of the Commission meeting when the electronic media is to be used. To be accepted for presentation, email submissions must include (i) the name of the individual who will be providing public comment; (ii) the author of the electronic media being submitted; and (iii) a brief description of the content of the electronic media.
4. Commenters may not use jump drives, external drives, or other direct connection to Port information systems to present electronic media to the Commission during public comment. Links to internet-based information must be accessible using the Port's web browser. The Port will not be responsible for resolving compatibility issues related to electronic media submitted for public comment.
5. The Commission Coordinator will review all timely submitted electronic media prior to the Commission meeting to determine that the content is functional and viewable. Prior to the meeting, the Commission Coordinator will provide the President with a report identifying the electronic media submittals received, if any. The report will include the commenter's name, the author of the electronic media, and the brief description of content provided with the submittal.

6. The President will enforce the above guidelines and shall be allowed to preclude commenters from using electronic media that fails to comply with submittal guidelines, guidelines for public comment, or otherwise contains information unrelated to Port business.

F. Limitations on Use of Public Comment for Campaigning or Advertising: No person may use public comment periods for the purpose of campaigning or promoting a campaign, whether for an election or ballot proposition. In addition, no person may use public comment periods for the purpose of commercial advertising. These limitations do not prevent or preclude any person addressing the Commission from expressing views or opinions over matters related to the Port's business or within the Commission's jurisdiction. In addition, these limitations do not prohibit individuals or organizations from promoting public events.

G. Comments to be Directed to Commission: Comments should be directed to the Commission as a whole and should not include comments about individual Port staff or members of the public.

Courtesy: All speakers (members of the public, Port staff, and Commissioners) shall be courteous in language and demeanor and shall confine remarks to those facts that are germane and relevant to the question or issue under discussion.

H. Disruptive Behavior: Disruptive behavior includes, but is not limited to: speaking beyond the allocated time limit; preventing members of the public from hearing or viewing the discussion of the Commission, whether by standing or holding a banner or sign in a manner that obstructs view of or passage through the meeting room; speaking in a volume louder than low, conversational tone when not recognized by the President for public comment; and any threatening or harassing comments or behavior, whether directed at any or all Commissioners, Port of Olympia staff, or members of the public.

I. Curtailing Public Comment and Disruptive Behavior: The President has discretion to curtail public comment and Disruptive Behavior which violates these guidelines.

1. The President will first request that the individual follow these guidelines. If an individual fails to comply with the President's request, the President may deem the individual out of order and direct that the individual be removed from the Commission meeting. If the individual is engaging in Disruptive Behavior that is threatening or harassing, the President may direct the individual be removed from the Commission meeting regardless of whether the threatening or harassing behavior occurs during the public comment portion of the Commission meeting. If the individual presents a threat to those present at the meeting, the President may request assistance from law enforcement or security in removing the individual.

2. If an individual or group of individuals disrupts the orderly conduct of a meeting and the President cannot restore order, the Open Public Meetings Act (RCW 42.20.050) also allows the President to adjourn the meeting and reconvene it at another location selected by a

majority of the Commission. In such a session, the Commission may only take final action on matters appearing on the agenda.

J. Security: In order to promote the safety and efficiency of Commission meetings, the President may request the presence of additional security for meetings expected to address sensitive and/or controversial subjects.

ARTICLE VII Motions

A. Except as otherwise required by these Rules, the Commission shall transact its business by motion, which may be made by any Commissioner in attendance.

B. Voting on all motions shall be either “yea,” “nay,” or “abstain.” Robert’s Rules of Order shall be applied for the governing of any proceeding, and thereupon no motion shall be considered or other action taken, until the same has been duly moved, seconded and carried. All motions passed by the vote of the Commissioners present at any meeting shall be deemed to have been moved, seconded and passed in due form.

Concurrence of three (3) Commissioners shall be necessary and shall be sufficient for the passage or failure(?) of any motion.

C. Commissioners may vote by motion to direct the Executive Director’s work.

D. Commissioners shall vote on all motions unless required to abstain due to an actual or apparent conflict of interest under RCW Chapter 42.52 and Port of Olympia Commission Resolution 2021-03, which sets ethical standards for Port Commissioners.

ARTICLE VIII Resolutions

A. All matters, which in the judgment of the Commission, are of a legislative character shall be embodied in the form of resolutions. Text of the proposed resolutions shall be provided prior to the public meeting as set forth in these Rules.

B. Voting on all resolutions shall be either “yea,” “nay,” or “abstain.” Robert’s Rules of Order shall be applied for the governing of any proceeding, and thereupon no resolution shall be considered or other action taken, until the same has been duly moved, seconded and carried. All resolutions passed by the vote of the Commissioners present at any meeting shall be deemed to have been moved, seconded and passed in due form.

C. Resolutions shall be numbered consecutively by the year in which they are enacted and the original copy of each resolution shall be duly authenticated in open session by the signatures of the Commission President, Vice-President and Secretary, which shall serve to attest to a majority of the Commission members voting in favor of the Resolution. Adopted resolutions

shall be filed, published on the Port’s website, and recorded in minutes and a book or books kept for such purposes, which shall be public records.

ARTICLE IX
Minutes

- A. Port staff will prepare draft action minutes of each meeting and distribute them to Commissioners for their review as to accuracy of actions taken. The goal will be to provide concise and complete minutes for Commission review no later than thirty (30) days after the subject meeting. The Minutes must contain a record of motions, agenda and agenda changes, participants, and actions taken. The minutes may include a summary of each topic’s staff presentation and discussion.
- B. The Commission Coordinator will send the draft minutes to Commissioners as soon as possible following each meeting and will include a date for Commissioners to return corrections. Commissioners will individually send any corrections back to the Commission Coordinator. If a substantive correction is offered to the draft minutes, the Commissioner offering the correction will include a reference to the place in the Commission video timeline from where the correction originates. The Commission Coordinator will prepare a final draft incorporating corrections. The Executive Director will complete a final review of the draft.
- C. In most cases, minutes will be presented for approval at the next regular business meeting. Approval of the minutes will be included in the Consent Agenda.
- D. Written public comments submitted directly to Commissioners or to the Commission Coordinator pursuant to Article VI.A.3 will not be appended to or included in the minutes. The minutes will reflect the names of commenters only.
- E. When the Commission has approved the minutes of a meeting, the minutes as approved shall represent the final and considered determination of the Commission as to the motions and actions set forth therein. **Following their approval, minutes shall be signed by the Commission President and Secretary.**

Commented [AS2]: Change from full Commission signing to just the Commission President and Secretary

ARTICLE X
Publication of Meeting Materials

- A. Agendas, reports, cover memos, and any supporting materials will ordinarily be posted on the Port’s website no later than 3:00 p.m. two (2) business days before a meeting, which will be the preceding Thursday before a regular Monday business meeting or work session. Agendas and materials for special meetings of the Commission called pursuant to Art. IV(D) of this Resolution will be posted no later than 3:00 pm two (2) business days before a meeting as a rule; however, consistent with the Open Public Meetings Act, in no event will agendas for special meetings be posted later than 24 hours prior to the scheduled meeting.

Meeting materials posted on the Port’s website may be modified at any time subsequent to posting and prior to the meeting based upon changes to the agenda or to reflect updates to posted materials.

It is the responsibility of Staff to prepare materials for presentations including PowerPoint slides, maps, or other materials for presentation to the Commission. Commissioners will not provide supplementary materials to be considered for inclusion in the meeting materials packet. The exception to this rule is when a Commissioner has information to share regarding a committee they serve on behalf of the Port. For that exception, the Commissioner must submit the proposed materials to the Commission Coordinator for inclusion by no later than 3:00 pm the preceding Thursday before a Monday meeting.

B. Members of the public may request to be included on a voluntary e-mail list for distribution of Commission agenda and meeting materials. The Port will e-mail the agenda and a link to the meeting materials to those on this voluntary e-mail list on the same day the materials are posted on the Port’s website.

C. The Port will provide a hard copy of the agenda and/or meeting materials, if requested, by visiting the Port’s administrative office during the Port’s regular business office hours.

D. Meeting videos supplement efficient written meeting minutes documenting action taken by the Commission. Video recordings for regular Port meetings held on or after February 18, 2016, will be published and retained on the Port’s website, to be readily and available for viewing. This is subject to system capacity and budget authorization by the Commission. Video recordings will be maintained and archived at the Washington State Archives pursuant to applicable state records retention schedules.

**ARTICLE XI
Amendment of Rules**

These Rules may be amended by Resolution.


ADOPTED by a majority of the members of the Port Commission of the Port of Olympia, a majority being present and voting on this Resolution at a regular Commission meeting on February 10, 2025XXX, as attested to by the signatures below of the Commissioners this 10th XXX day of February, 2025XXX.

PORT OF OLYMPIA COMMISSION

Jasmine Vasavada, President

Maggie Sanders, Vice President

Sarah Tonge, Secretary

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Section:	100 EXECUTIVE POLICY & PROCEDURE	Revision Date:	1/20250/2 019
Policy:	PUBLIC PARTICIPATION	Policy No.	127
Approver:	COMMISSION	Resolution	Yes

POLICY: The Public Participation Policy of the Port of Olympia is to *meet* or *exceed*, where practical and applicable, all state laws for public participation that apply to public ports. This includes but is not limited to public participation related to development opportunities, budget adoption, real estate purchase and disposition of surplus real estate.

The Port will *exceed*, where practical and applicable, the state laws that apply to public ports for public participation as they relate to development opportunities, budget adoption, real estate purchase and disposition of surplus real estate, when the matter at hand is of special historical or cultural significance to the Thurston County community, and/or is of general special interest to a broad range of citizens in Thurston County.

The Port will meet the International Association for Public Participation (IAP2) core values for the practice of public participation, as follows:

1. Public participation is based on the understanding that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.


Staff and Commissioners will have access to annual training in effective public participation methods and practices, as necessary. The Port may choose to use a third-party public participation facilitator as its sole discretion.

No aspect of the Port's public participation policy shall be interpreted to divest the Port staff or the Port Commission of the ability to make decisions that fall within the limits of applicable statutory and/or delegated authority.

PROCEDURE:

1. The Port will meet or exceed, where practical and applicable, all state laws on public participation as described in the policy.
 - a. The Port Commission holds twice monthly regular ~~business open~~ meetings in the Port Office Olympics Room (626 Columbia St. NW) in downtown Olympia, at 5:30 PM to facilitate attendance by community members. The Commission may hold additional meetings at other dates and times, and


occasionally holds its regular ~~twice~~-monthly meetings in other locations around the County for the convenience of citizens.

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Policy:	PUBLIC PARTICIPATION	Policy No.	127
Approver:	COMMISSION	Resolution	Yes

- b. Commission meetings are held at locations that meet American Disability Act requirements.
 - c. Notices of all Port Commission meetings are published in compliance with the Open Public Meetings Act (Chapter 42.30 RCW). The meetings, agendas and attachments are also published on the Port's website, approximately one week prior to the meeting. The Port emails agendas to those who request them. On the website under the agenda is a place where people can submit comments on agenda topics.
 - d. The Port has its twice monthly regular Commission meetings taped and broadcast on ~~TCTV~~Facebook Live. Thurston County citizens can view the Commission meetings via the Ports website.
 - e. Before a matter becomes an "Action" item for Commission vote at a regular meeting, it is first presented to the Commission as an "Advisory" from staff at a regular meeting. Note, rare exceptions to this may occur. Each Commission meeting has at least ~~two~~one opportunities for public comment, so there typically are ~~two~~four opportunities for the public to comment on an item prior to the Commission vote.
 - f. Where practical and applicable, the Commission schedules a public hearing, usually in conjunction with a regular Commission meeting, to receive comments from the Thurston County community about a specific matter.
 - ~~f.g.~~ When possible, the Port holds Town Hall meetings throughout the calendar year, either to discuss specific topics, or to simply hear from members of the public.
 - ~~g.h.~~ Port Commissioners and Port staff accept and respond to comments and questions from citizens by telephone, email and letter, and are available to meet with citizens.
 - ~~h.i.~~ The Port website has an Inquiries section where citizens can make comments and ask questions which are responded to by appropriate staff.
2. When the Port Commission, where practical and applicable, determines to exceed its typical public participation procedures defined in #1 above, the Commission will select the public participation procedures most appropriate for the matter at hand, pursuant to public participation best practices. The public participation techniques which the Commission will consider may include but are not limited to:
- a. Facilitated public meetings using an experienced facilitator to maximize participant interaction and recorded to preserve public comments.
 - b. Public hearings featuring invited speakers to represent the different points of view, and recorded to preserve testimony.
 - c. County-wide statistically valid telephone survey.

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- d. Facilitated workshops or focus groups that include Thurston County citizens with different points of view on the topic.
- e. Outreach to inform citizens such as presentations to organized groups, news releases/media briefings, advertising, emails to Port email list and organized groups, and Port website postings.

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Approver:	COMMISSION	Resolution	Yes

- f. Where practical and applicable—such as in the case of a public meeting, workshop, focus group or presentation—the Port will ask for the public’s comments on their experience with the public participation technique, for example, by providing comment cards to the public in attendance
 - g. Other participation methods offered to the Commission by the public as appropriate on a case by case basis upon Commission invitation or request.
3. The Port will post the Resolution on the Port’s public website to encourage public involvement.

Spectrum of Strategies and Promises

- 1. This policy includes the IAP2 spectrum as a guide for staff in determining which level of public participation should be used in an engagement process.
 - a. The Port of Olympia promises to provide context and information on all projects to assist citizens and stakeholders in understanding issues, problems, alternatives, and/or solutions, and services we provide.

	Inform	Consult	Involve	Collaborate	Empower
Public Participation Goal	The Port will provide timely, accurate, balanced, objective and easily understood information.	The Port will obtain feedback on analysis, alternatives and/or decisions.	The Port will work directly with the public throughout that process to ensure that public concerns and ideas are understood and considered.	The Port will partner with the public in each aspect of the decision making process, including collaboration on analyzing issues, building alternatives and making recommendations.	The Port will delegate aspects of the decision making to stakeholders.
Promise to the Public	We will keep the public informed.	We will keep you informed, listen to public concerns, and provide feedback on how	We will work with the public to ensure that public concerns are directly reflected	We will partner with the public in a process that results in joint recommendations.	Although Commission is the final decision maker, we will

		public input influenced the decision.	in the alternatives developed and provide feedback on how public input influenced the decision.	We will inform the public how collaboration impacted the decision making.	empower the public on certain aspects of the decision making process.
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Washington Ports – Published Commission Meeting Frequencies

Ports Meeting 1x Month	Ports Meeting 2x Month	Ports Meeting 3x Month
Grays Harbor	Anacortes	Olympia
Benton	Kalama	
Tacoma	Seattle	
Allyn	Bellingham	
Brownsville	Vancouver	
Chinook	Longview	
Clarkston	Everett	
Columbia	Bremerton	
Coupeville	Camas-Washougal	
DeWatto	Centralia	
Garfield	Chehalis	
Grand Coulee	Chelan-Douglas	
Grandview	Edmonds	
Grapeview	Ephrata	
Hoodspport	Friday Harbor	
Illahee	Ilwaco	
Keyport	Kennewick	
Kingston	Klickitat	
Lopez	Moses Lake	
Manchester	Othello	
Mattawa	Pasco	
Orcas	Peninsula	
Pend Oreille	Port Angeles	
Silverdale	Port Townsend	
Skagit	Poulsbo	
Skamania	Quincy	
South Whidbey	Ridgefield	
Tacoma	Royal Slope	
Tracyton	Seattle	
Wahkiakum No. 1	Shelton	
Wahkiakum No. 2	Sunnyside	
Waterman	Walla Walla	
Willapa Harbor	Warden	
	Whitman City	
	Woodland	