PORT of OLYMPIA
Serving All of Thurston County

Commission Meeting
Monday, July 25, 2022
5:30 PM
Percival Plaza - Olympics Room
626 Columbia Street NW, Suite 1-B
Olympia, WA 98501
www.portolympia.com

The meeting agenda is available on the Port's website as of July 22, 2022.
https://www.portolympia.com/commission

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

https://us02web.zoom.us/j/84912126972

or Telephone: 1-312-626-6799

Webinar ID: 849 1212 6972

Please note that the Zoom link changes for each meeting

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 an individual would have difficulty physically attending the meeting, they may request the option to provide verbal comment remotely.

If you wish to make verbal public comment remotely, **please register in advance by 12:00 p.m. the day of the meeting by emailing commissioncoordinator@portolympia.com**.

Please indicate the method which you will be giving public comment (computer or phone).
Individual public comments are limited to 3 minutes per person.

Executive Session: *The Commission will hold an executive session on Monday, July 25, 2022 at 4:00 p.m. to review the performance of a public employee (RCW 42.30.110(1)(g)). The executive session is expected to last approximately 60 minutes with no action to be made or decisions to follow.*

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

Port of Olympia Mission
Create economic opportunities by connecting Thurston County to the world by air, land & sea.

F. Consent Calendar:

1. Bills and Vouchers for June, Batch #22-25.5

G. Action Calendar:

1. Resolution 2022-06 Commission Rules Update – Sam Gibboney, Executive Director
2. 5-Member Commission Ballot Proposition – Sam Gibboney, Executive Director and Rick Hughes, General Counsel

H. Action/Other Calendar:

1. Ballot Proposition Committees - Sam Gibboney, Executive Director
2. Public Comment on Action/Other Items

I. Advisory Calendar:

1. Swantown Dock Electric Upgrade Contract – Lisa Parks, Executive Services Director
2. Lacey CBC Roof Replacement Contract – Lisa Parks, Executive Services Director
3. Capital Budget Amendment – Lisa Parks, Executive Services Director
4. Public Comment on Advisory Items

J. Commissioner Reports/Discussion

K. Other Business

L. Meeting Announcements

M. Adjourn

PORT OF OLYMPIA
VOUCHER APPROVAL LISTING, Batch # 22-25.5
June

GENERAL FUND

COMPUTER PREPARED	939,876.37
BOND ACCOUNT PAYMENTS	-
VOIDED WARRANT(S) / ELECTONIC PAYMENT(S)	(149,941.97)
PAYROLL	
ELECTRONIC PAYMENTS	303,434.07
HAND CHECK	69,500.89
TOTAL GENERAL FUND WARRANTS, BOND ACCOUNT WARRANTS & ELECTRONIC PAYENTS:	1,162,869.36

General Fund Warrants Issued:
Electronic Payments Issued:
Bond Account Warrants Issued:
Payroll Warrants Issued:
Voided Warrant(s):
Voided Electronic Payment(s):

We the undersigned Board of Commissioners of the Port of Olympia, Olympia Washington, do hereby authorize the issuance of the warrants described above.

Total Warrants: $1,162,869.36

Warrants over $200,000:

Charles Iyall, Commission President

Amy Evans, Commission Vice President

Sam Gibboney, Executive Director

Joe Downing, Commission Secretary

PORT OF OLYMPIA
VOUCHER APPROVAL LISTING
June

Batch #: 22

WARRANTS ISSUED:	WARRANT NUMBERS:	
COMPUTER PREPARED issued partial week ending 6/3/22		40,209.95
COMPUTER PREPARED	084920	
COMPUTER PREPARED		
Voided Warrant(s)		
Voided Warrant(s)		
PAYROLL		
PROJECTS:		
COMPUTER PREPARED		
COMPUTER PREPARED		
COMPUTER PREPARED		
Voided Warrant(s)		
ELECTRONIC PAYMENTS:	ACH NUMBERS:	
Electronic Payments, issued week ending, 6/3/22		
	000889	15,635.00
	TOTAL WARRANTS	$ 55,844.95

RCW 42.24.080: "I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished the services rendered or the labor performed as described herein, and that the claims are just, due and unpaid obligations of the Port of Olympia, and that I am authorized to authenticate and certify to said claims".

Matt Peach, Finance Director

PORT OF OLYMPIA
VOUCHER APPROVAL LISTING
June

Batch #:
23

WARRANTS ISSUED:	WARRANT NUMBERS:	
COMPUTER PREPARED, Issued week ending 6/10/22		
COMPUTER PREPARED, Issued		
COMPUTER PREPARED		
Voided Warrant(s)		
Voided Warrant(s)		
PAYROLL		
PROJECTS:		
COMPUTER PREPARED, Issued		
COMPUTER PREPARED, Issued		
COMPUTER PREPARED		-
Voided Warrant(s)		-
ELECTRONIC PAYMENTS:	ACH NUMBERS:	
Electronic Payments, issued week ending, 6/10/22	000890	35,457.45
	TOTAL WARRANTS	$ 35,457.45

RCW 42.24.080: "I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished the services rendered or the labor performed as described herein, and that the claims are just, due and unpaid obligations of the Port of Olympia, and that I am authorized to authenticate and certify to said claims".

Matt Peach, Finance Director

PORT OF OLYMPIA
VOUCHER APPROVAL LISTING
June

Batch #: 24

WARRANTS ISSUED:	WARRANT NUMBERS:	
COMPUTER PREPARED, Issued week ending 06/17/22	084921-085037	521,518.31
COMPUTER PREPARED		
Voided Warrant(s)	085000-085037	(73,122.35)
Voided Warrant(s)		
PAYROLL		
PROJECTS:		
COMPUTER PREPARED, Issued week ending		
COMPUTER PREPARED		
COMPUTER PREPARED		
Voided Warrant(s)		
ELECTRONIC PAYMENTS:	ACH NUMBERS:	
Electronic Payments, issued week ending, 06/17/22	000892,000893,000894,000895,000896	99,161.72
Voided Warrant(s)	000891	(6,307.67)
	TOTAL WARRANTS	$ 541,250.01

RCW 42.24.080: "I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished the services rendered or the labor performed as described herein, and that the claims are just, due and unpaid obligations of the Port of Olympia, and that I am authorized to authenticate and certify to said claims".

Matt Peach, Finance Director

PORT OF OLYMPIA
VOUCHER APPROVAL LISTING
June

Batch #: 25

WARRANTS ISSUED:	WARRANT NUMBERS:	
COMPUTER PREPARED issued week ending ending 06/24	085038-085093	97,505.09
COMPUTER PREPARED		-
COMPUTER PREPARED		-
Voided Warrant(s)	085068	(1,011.06)
Voided Warrant(s)		
PAYROLL		-
PROJECTS:		
COMPUTER PREPARED		-
COMPUTER PREPARED		-
COMPUTER PREPARED		-
Voided Warrant(s)		-
ELECTRONIC PAYMENTS:	ACH NUMBERS:	
Electronic Payments, issued week ending, 06/24/22		
	000897	69,500.89
	TOTAL WARRANTS	$ 165,994.92

RCW 42.24.080: "I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished the services rendered or the labor performed as described herein, and that the claims are just, due and unpaid obligations of the Port of Olympia, and that I am authorized to authenticate and certify to said claims".

Matt Peach, Finance Director

PORT OF OLYMPIA
VOUCHER APPROVAL LISTING
June

Batch #:
25

WARRANTS ISSUED:	WARRANT NUMBERS:	
COMPUTER PREPARED issued week ending ending 06/24	085038-085093	97,505.09
COMPUTER PREPARED		-
COMPUTER PREPARED		-
Voided Warrant(s)	085068	(1,011.06)
Voided Warrant(s)		
PAYROLL		-
PROJECTS:		
COMPUTER PREPARED		-
COMPUTER PREPARED		-
COMPUTER PREPARED		-
Voided Warrant(s)		-
ELECTRONIC PAYMENTS:	ACH NUMBERS:	
Electronic Payments, issued week ending, 06/24/22	000903	69,500.89
hand check	000897	69,500.89
voided "hand check" for electronic paymer	000897	(69,500.89)
	TOTAL WARRANTS	$ 165,994.92

RCW 42.24.080: "I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished the services rendered or the labor performed as described herein, and that the claims are just, due and unpaid obligations of the Port of Olympia, and that I am authorized to authenticate and certify to said claims".

Matt Peach, Finance Director

PORT OF OLYMPIA
VOUCHER APPROVAL LISTING
June

Batch #: 25.5

WARRANTS ISSUED:	WARRANT NUMBERS:	
COMPUTER PREPARED issued partial week ending ending 06/30/22		280,643.02
COMPUTER PREPARED	085094-085113 and 085115-085166	-
COMPUTER PREPARED		-
Voided Warrant(s)		
Zero Checks	085114	
PAYROLL		-
PROJECTS:		
COMPUTER PREPARED		-
COMPUTER PREPARED		-
COMPUTER PREPARED		-
Voided Warrant(s)		-
ELECTRONIC PAYMENTS:	ACH NUMBERS:	
Electronic Payments, parital issued week ending, 06/30/2022		83,679.01
	000898-000902	
	TOTAL WARRANTS	$ 364,322.03

RCW 42.24.080: "I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished the services rendered or the labor performed as described herein, and that the claims are just, due and unpaid obligations of the Port of Olympia, and that I am authorized to authenticate and certify to said claims".

Matt Peach, Finance Director

PORT of OLYMPIA

COMMISSION MEETING

BRIEFING DATE/TIME:	**July 25, 2021**
DEPARTMENT:	**Executive**
STAFF CONTACT/TITLE:	**Sam Gibboney** **Telephone: 360.528.8001** **Email:Samg@portolympia.com**
TOPIC:	**Rules Resolution Update**
PURPOSE: ***Check all that apply***	☐ Information only ■ Decision needed ☐ Follow up from previous briefing

BACKGROUND & OVERVIEW:

Resolution 2022-03, *a Resolution of the Port of Olympia Commission adopting rules governing the transaction of business of the Port Commission*, is commonly referred to as the Rules Resolution. I is revised from time to time by the Commission. It was last revised on May 9, 2022.

Commissioner Amy Evans Harding has requested that the Commission consider revising the Rules Resolution, specifically to consider removing "Special Reports" from Article V *Order of Business*.

Currently Article V *Order of Business* lists the following as item number six on the agenda: Special reports (if needed, for individual warrants over $200,000.00).

It has been the practice to include this item on the agenda if a consent agenda item of Bills & Vouchers contains a warrant for over $200,000. The Executive Director would then make a verbal report of such warrants including the amount and the payee.

These same details are included in the agenda packet on the Voucher Approval Listing.

The Commission considered a draft revision on June 27, 2022. The attached version reflect input from the Commission on that date.

A redlined version of Resolution 2022-06 including the proposed change is attached.

DOCUMENTS ATTACHED:

- Resolution 2022-06
- Redlined version of Resolution 2022-06
- PowerPoint

PORT of OLYMPIA
Serving All of Thurston County

RESOLUTION 2022-06 COMMISSION RULES UPDATE

JULY 25, 2022

SAM GIBBONEY
EXECUTIVE DIRECTOR

Background

- Rules Resolution last updated on May 9, 2022
- Commission considered a draft revision on June 27, 2022

PORT of OLYMPIA

Sample Motion

Move to approve Resolution 2022-06: A Resolution of the Port of Olympia Commission adopting rules governing the transaction of Port Commission business and superseding Resolution 2022-05

3

PORT of OLYMPIA

PORT OF OLYMPIA COMMISSION
RESOLUTION 2022-06

A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION ADOPTING RULES GOVERNING THE TRANSACTION OF PORT COMMISSION BUSINESS AND SUPERSEDING RESOLUTION 2022-03

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 2020-08;

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. <u>The President shall</u>:

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 to prepare and review agendas and meeting packets as specified in this Resolution; and 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. 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 2:30 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 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 three-fold:

a. 1. Work sessions are an opportunity for the Commissioners to informally discuss Port issues and exchange ideas without the structure of a regular business meeting. 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. Scheduling of topics for particular work sessions will be agreed upon by the President and the Executive Director, during their regular weekly meeting. Attempts to schedule will not be made during a regular meeting or work session.

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

b. 3. Work sessions are an opportunity for the Executive Director to update the Commission on business, operational, and strategic issues for informal discussion. Port staff will not add agenda items to work sessions except in response to a Commissioner request or with the President's approval.

The President will set the agenda for the 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.

C. Special Meetings:

The President or any Commissioner may call a special meeting of the Commission 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 Port staff to provide required twenty-four (24)-hour written notice of the meeting to

Commissioners and to provide adequate public notice of the meeting and agenda, 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.

D. . Executive Sessions:

An executive session is understood to mean the part of a regular or special meeting of a governing body closed to the public. The Commission may meet in executive session, which shall be closed to the public during a regular or special meeting for all the purposes permitted by the Open Public Meetings Act (RCW 42.30) and other laws, including, but 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.

E. . 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.

F.. Quorum:

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

G. Cancellation of a Meeting:

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

H. Administration of Meetings:

Meetings shall be conducted in accordance with these Rules.

I.. 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 at least 24 hours prior to the scheduled meeting. The notice must advise of 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 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.

J. 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 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 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 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, including request for Agenda additions or deletions;

4. Tribal Honor Statement (to be decided);

5. Special recognition (if needed);

6. Executive Director's Report;

7. Litigation Report (at second regular Monday meeting of every month only);

8. Public comment;

    a. Commission statement on nature of public comment;
    b. General public comment period;

9. 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;

10. Agenda action items;

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

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

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

12. Agenda advisory items;

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

13. Continued public comment, if needed;

14. Commissioner Reports;

15. Other business (during this period, Commissioners may also raise 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;

18. Future meeting announcements;

19. 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 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 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 all types of public comment at Commission meetings.

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 real 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.

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-reference 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 should select and edit presentations accordingly. Commenters may not yield some or all of their allotted three (3) minutes so as to result in a longer presentation time for another commenter.

c. In order 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 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. <u>Limitations on Use of Public Comment for Campaigning or Advertising</u>: 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.

5.. 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. [].

6.. 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 be limited to 30 minutes;

2. Each commenter will be allowed three (3) minutes for individual comment; 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. 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 such 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.

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. 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.

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 "yea" or "nay." 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 two (2) Commissioners shall be necessary and shall be sufficient for the passage of any motion.

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

E. 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 "yea" or "nay." 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 Commissioners 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 of each topic's staff presentation and discussion.

F. 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.

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

H. 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.

I. 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.

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(C) 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 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. 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 _____, as attested to by the signatures below of the Commissioners this __th day of _____.

PORT OF OLYMPIA COMMISSION

By:_____
Bob Iyall, President

By:_____
Amy Evans, Vice-President

By:_____
Joe Downing, Secretary

PORT OF OLYMPIA COMMISSION
RESOLUTION 2022-~~XX~~06

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A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION ADOPTING RULES GOVERNING THE TRANSACTION OF PORT COMMISSION BUSINESS AND SUPERSEDING RESOLUTION 2022-03

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 2020-08;

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 to prepare and review agendas and meeting packets as specified in this Resolution; and authorize the issuance of notices for regular and special meetings of the Commission as provided for in these Rules.

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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. 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 2:30 p.m. at the Port of Olympia, Percival Plaza, 626 Columbia Street NW, Suite

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1-B, Olympia, Washington, unless specified otherwise. The Port will 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 three-fold:

a. 1. Work sessions are an opportunity for the Commissioners to informally discuss Port issues and exchange ideas without the structure of a regular business meeting. 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. Scheduling of topics for particular work sessions will be agreed upon by the President and the Executive Director, during their regular weekly meeting. Attempts to schedule will not be made during a regular meeting or work session.

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

b. 3. Work sessions are an opportunity for the Executive Director to update the Commission on business, operational, and strategic issues for informal discussion. Port staff will not add agenda items to work sessions except in response to a Commissioner request or with the President's approval.

The President will set the agenda for the 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.

C. Special Meetings:

The President or any Commissioner may call a special meeting of the Commission 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 Port staff to provide required twenty-four (24)-hour written notice of the meeting to

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Commissioners and to provide adequate public notice of the meeting and agenda, 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.

D. . Executive Sessions:

An executive session is understood to mean the part of a regular or special meeting of a governing body closed to the public. The Commission may meet in executive session, which shall be closed to the public during a regular or special meeting for all the purposes permitted by the Open Public Meetings Act (RCW 42.30) and other laws, including, but 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

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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.

E. . 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.

F.. Quorum:

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

G. Cancellation of a Meeting:

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

H. Administration of Meetings:

Meetings shall be conducted in accordance with these Rules.

I.. 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

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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 at least 24 hours prior to the scheduled meeting. The notice must advise of 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 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.

J. 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 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

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Commissioners 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 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, including request for Agenda additions or deletions;

4. Tribal Honor Statement (to be decided);

5. Special recognition (if needed);

~~6. Special reports (if needed, for individual warrants over $200,000.00);~~

~~7.~~6. Executive Director's Report;

~~8.~~7. Litigation Report (at second regular Monday meeting of every month only);

~~9.~~8. Public comment;

a. Commission statement on nature of public comment;
b. General public comment period;

~~10.~~9. Consent Calendar;

a. Approval of minutes
b. Warrants and vouchers;

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

c. Other consent items;

~~11.~~10. Agenda action items;

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

~~12.~~11. Agenda action items – OTHER (matters brought for action without prior advisory);

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

~~13.~~12. Agenda advisory items;

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

~~14.~~13. Continued public comment, if needed;

~~15.~~14. Commissioner Reports;

~~16.~~15. Other business (during this period, Commissioners may also raise 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;

18. Future meeting announcements;

19. 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

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Commission. The proceedings of the Commission shall be carried on 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 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 all types of public comment at Commission meetings.

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 real 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.

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-reference 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

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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 should select and edit presentations accordingly. Commenters may not yield some or all of their allotted three (3) minutes so as to result in a longer presentation time for another commenter.

c. In order 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 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.

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5.. 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. [].

6.. 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 be limited to 30 minutes;

2. Each commenter will be allowed three (3) minutes for individual comment; 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. 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 such 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.

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

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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. 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.

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 "yea" or "nay." 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 two (2) Commissioners shall be necessary and shall be sufficient for the passage of any motion.

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

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E. 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 "yea" or "nay." 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 Commissioners 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 of each topic's staff presentation and discussion.

F. 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.

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

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H. 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.

I. 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.

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(C) 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 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. 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

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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 _____, as attested to by the signatures below of the Commissioners this __th day of _____.

PORT OF OLYMPIA COMMISSION

By:_____
Bob Iyall, President

By:_____
Amy Evans, Vice-President

By:_____
Joe Downing, Secretary

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PORT of OLYMPIA

COMMISSION MEETING

BRIEFING DATE/TIME:	**July 25, 2022**
DEPARTMENT:	**Legal**
STAFF CONTACT/TITLE:	**Rick Hughes, General Counsel** **Telephone: 360.584.9214** **Email: rick @richardhugheslaw.com**
TOPIC:	**Five-member Commission Ballot Proposition**
PURPOSE: ***Check all that apply***	☐ Information only ■ Decision needed ☐ Follow up from previous briefing

BACKGROUND & OVERVIEW:

At the July 11, 2022 Commission meeting a proposed resolution was on the agenda as an advisory item. At that time the Commission reviewed the proposed resolution and received public comment. The July 11 meeting followed a Commission meeting on June 13, 22, where an overview of the process to increase the number of Port Commissioners to five was presented, including a proposed timeline and estimated costs. Under RCW 53.12.115, a ballot proposition must be submitted to the voters in the Port District to increase the number of Port Commissioners whenever the Commission adopts a resolution proposing such an increase. The purpose of tonight's action agenda item is for the Commission to further consider the attached Resolution, take public comment, and vote whether to adopt the proposed resolution. If the Resolution is adopted, the Port will consider approval of the Memorandum of Understanding between the County and the Port, which sets into motion collaborative efforts to form new Commissioner districts.

After adoption of the resolution by the Commission, the ballot proposition will appear at the next general or special election occurring at least sixty days after the resolution was adopted, which would be at the November 8, 2022 election, after first submitting the resolution to the County Auditor no later than August 2, 2022. If the ballot proposition receives majority voter approval, the two new Commissioner positions would be filled at the 2023 general election. The additional Commissioner receiving the highest number of votes is elected to a four-year term, and the other additional Commissioner is elected to a two-year term initially, then may run for a four-year term.

Due to a recent change in RCW 52.12.130, if voters approve the increase in Commission positions at the November 8, 2022 election, the five new districts must be formed by January 1, 2023. Because of the short time frame between November 8 and January 1, the redistricting effort will likely begin in late July or early August. Pursuant to Joint Resolution 2021-11 between Thurston County and the Port entered into last December, a committee consisting of the County Commission Chair, the Port Commission Chair, and the County Auditor (serving as a non-voting member) will convene in the near future to discuss collaboration on both respective entities' efforts to increase the number of Commission members, forming new districts, and sharing costs. These meetings will be open to the public.

Since the Commission's July 11, 2022 meeting, the Port Executive Director and General Counsel have

been in communication with their respective counterparts at the County. In that regard, a Memorandum of Understanding (MOU) has been developed which implements the aforementioned Joint Resolution between Thurston County and the Port. This MOU needs Port Commission approval to be implemented.

A draft timeline was developed by the County Manager and Port Executive Director and reviewed at the June 30 Commission meeting. Please note the date to submit approved boundaries to the County Auditor has been moved up to December 20, 2022 following approval of SB 5582, which amended RCW 53.12.130 require new commissioner districts be created prior to the first day in January in the year in which the two additional Commissioners are to be elected. The draft timeline is subject to change provides a roadmap to future activity:

- *June 13th - Port Commission work session*
- *July 11th – Port Ballot Proposition Resolution - Advisory*
- *July 25th – Port Ballot Proposition Resolution - Action*
- *Ballot resolution deadline to County August 2nd*
- *Election (Special Election for the Port) - November 8th*
- *Secretary of State certification Dec 8, 2022*

Re-Districting

- *August 3 through September 29th - GIS and Redistricting Team develop 5-commissioners district proposal*
- *September 30th - Final Draft of the new 5-member districts is submitted to the County and the Port*
- *Weeks of October 10th and October 17th - Joint work sessions to review the proposals*
- *November 4th final draft agreement of the boundaries*
- *November 8th General Election*
- *November 15th Set the Public Hearing*
- *November 29th Hold Public Hearing*
- *December 12th Port Commission Approval*
- *December 13th BoCC Approval*
- *December 20, 2022 Submit approved boundaries to County Auditor*

DOCUMENTS ATTACHED:

- Resolution number 2022-07: A RESOLUTION of the Port of Olympia Commission submitting a proposition to a vote by the qualified voters of the Port District whether the number of Commissioners of the Port District should be increased from three Commissioners to five Commissioners, each assigned to one of five newly drawn separate districts.
- Memorandum of Understanding between Thurston County and the Port of Olympia regarding the implementation of Joint Resolution No. 2021-11 drafting of new Commissioner districts.
- PowerPoint

SUMMARY & FINANCIAL IMPACT:

The Executive Director has estimate one-time costs at $381,000. Ongoing annual costs were estimated at $145,000 and election costs were estimated at $200,000 per election cycle.

AFFECTED PARTIES:
Citizens of Thurston County Port of Olympia Commission Thurston County Board of County Commissioners Thurston County Auditor
NEXT STEPS/TIMEFRAME: ***Based on the Commission's recommendation, describe the next steps required in order to bring this item to conclusion. Include the time frame for each step.***
Provided the Commission approves Resolution No. 2022-07 and the related MOU, the joint committee referred to in Joint Resolution 2021-11 will schedule public meetings to jointly form new Commissioner districts and collaborate on other related matters leading up to the November 8, 2022 election.

PORT of OLYMPIA
Serving All of Thurston County

Resolution 2022-07 Five-Member Commission Ballot Proposition

JULY 25, 2022

SAM GIBBONEY
EXECUTIVE DIRECTOR

Background

Collaboration & Joint Resolution

- RCW 53.12.130
- Joint Resolution of Intent – December 2021
- Thurston County passed Resolution on July 19, 2022
- Briefings on May 16 and June 13, 2022
- Draft Resolution presented July 11, 2022

2

PORT of OLYMPIA

District Approval

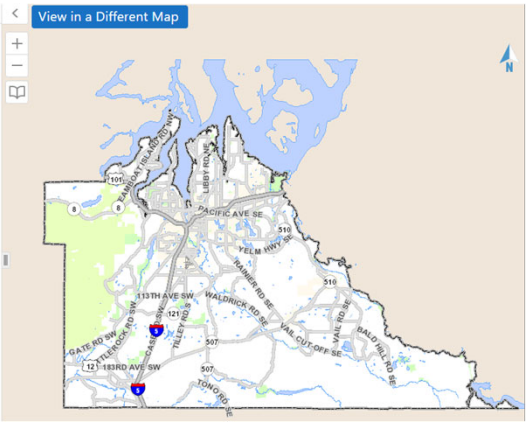
- *June 13th - Port Commission Work Session*
- *July 11th – Port Ballot Proposition Resolution – Advisory*
- *July 25th – Port Ballot Proposition Resolution - Action*
- *Ballot resolution deadline to County August 2nd*
- *Election (Special Election for the Port) - November 8th*
- *Secretary of State certification Dec 8, 2022*

3

PORT of OLYMPIA

Redistricting Process

- *August 3 through September 29th - GIS and Redistricting Team develop 5-commissioners district proposal*
- *September 30th - Final Draft of the new 5-member districts is submitted to the County and the Port*
- *Weeks of October 10th and October 17th - Joint work sessions to review the proposals*
- *November 4th final draft agreement of the boundaries*
- *November 8th General Election*
- *November 15th Set the Public Hearing*
- *November 29th Hold Public Hearing*
- *December 12th Port Commission Approval*
- *December 13th BoCC Approval*
- *December 20, 2022 Submit approved boundaries to County Auditor*



4

PORT of OLYMPIA

Election for New Commissioner Positions

- Next ***District*** general election
- Port in 2023

5

PORT of OLYMPIA

Cost Considerations

One Time Costs	2022	2023	Total
Ballot Proposition Election	75,000		75,000
Initial Election Costs for Two New Commissioner Seats		200,000	200,000
Re-Districting Plan	15,000		50,000
Ballot Educational Materials	1,000		1,000
Legal	20,000		20,000
Facility Remodel		10,000	10,000
IT & Communication hardware		6,000	
	111,000	216,000	356,000

On-Going Costs	Annual	Election Cycle
Additional Stipend & Benefits for Two New Commissioners	82,000	
Additional Travel Costs	3,500	
Additional Administrative Staff Support (0.5 FTE + general legal)	60,000	
Additional Election Costs (per 4 year election cycle)		200,000
	$ 145,500	$ 200,000

6

PORT of OLYMPIA

Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING BETWEEN THURSTON COUNTY BOARD OF COUNTY COMMISSIONERS AND THE PORT OF OLYMPIA COMMISSION

This Memorandum of Understanding (MOU) is entered into by and between the Thurston County and the Port of Olympia (hereinafter the "Parties") for purpose of Implementing Joint Resolution No. 2021-11 between the parties regarding drafting proposed new districts if the proposed ballot measures increasing the respective parties' Commission or Board of Commissioners from three to five.

PORT of OLYMPIA

Sample Motion

Move to approve Resolution 2022-07 submitting a proposition to a vote by the qualified voters of the Port District whether the number of commissioners of the Port District should be increased from three commissioner to five commissioners, each assigned to one of five newly drawn separate districts.

PORT of OLYMPIA

Sample Motion

Move to authorize the Commission President to execute the Memorandum of Understanding between the Port of Olympia and Thurston County for purpose of Implementing Joint Resolution No. 2021-11 between the parties regarding drafting proposed new districts if the proposed ballot measures increasing the respective parties' Commission or Board of Commissioners from three to five are approved by the voters.

PORT of OLYMPIA

PORT OF OLYMPIA COMMISSION
RESOLUTION 2022-07

A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION

SUBMITTING A PROPOSITION TO A VOTE BY THE QUALIFIED VOTERS OF THE PORT DISTRICT WHETHER THE NUMBER OF COMMISSIONERS OF THE PORT DISTRICT SHOULD BE INCREASED FROM THREE COMMISSIONERS TO FIVE COMMISSIONERS, EACH ASSIGNED TO ONE OF FIVE NEWLY DRAWN SEPARATE DISTRICTS.

WHEREAS, the laws of the State of Washington, RCW 53.12.115, authorize the Port Commission, Port of Olympia to resolve that a ballot proposition may be submitted to the qualified voters of the Port District to determine whether there should be an increase in the number of port commissioners from three (3) to five (5).

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Olympia, Thurston County, Washington, as follows:

Section 1. Finding. The Port Commission finds and declares that the best interests of the Port of Olympia require the Port of Olympia to submit the proposition whether the number of Port Commissioners of the Port District should be increased from the current three (3) Commissioners to five (5) Commissioners, each assigned to one of five newly drawn separate districts, for voter approval or rejection at the election to be held on November 8, 2022.

Section 2. Authorization For Election. The Thurston County Auditor, as ex-officio supervisor of elections in Thurston County, is hereby requested to call and conduct such election within the Port District on November 8, 2022 and to submit to the qualified voters of the Port District for their approval or rejection, a proposition providing for the increase in the number of Port Commissioners.

Section 3. Approval of Form of Ballot Proposition. The Secretary of the Port of Olympia Port Commission is hereby authorized and directed to timely certify said proposition to the Auditor of Thurston County, State of Washington, in the following form to be placed on the ballot for the November 8, 2022 election in that form or substantially similar form as to properly place the proposition before the qualified voters:

PROPOSITON

PORT OF OLYMPIA, WASHINGTON

NUMBER OF PORT COMMISSIONERS

The Commissioners of the Port of Olympia adopted Resolution No. 2022-07, concerning a proposition to increase the number of port commissioners. This proposition would increase the number of commissioners of the Port District from three (3) commissioners to five (5) commissioners who will serve in five separate newly drawn districts. Should this proposition be approved?

Yes..... [ ]
No.....[ ]

Section 4. Qualified Voters. The persons entitled to vote on the above-mentioned proposition shall be those registered voters within the boundaries of the Port District.

Section 5. Required Affirmative Vote For Passage. The aforementioned proposition would pass if a majority of the registered voters at the aforementioned election voted "yes" on the aforementioned proposition.

ADOPTED by the Port Commission of the Port of Olympia at a regular meeting thereof held this _____ day of _____ 2022.

PORT COMMISSION of the PORT OF OLYMPIA

By_____

ATTEST:

_____
BOB IYALL, COMMISSIONER
President

_____
AMY EVANS HARDING, COMMISSIONER
Vice President

_____
JOE DOWNING, COMMISSIONER
Secretary

CERTIFICATE

I, Secretary of the Port Commission (the "Commission") of the Port of Olympia, Washington (the "Port"), DO HEREBY CERTIFY:

1. That the attached resolution numbered _____ (the "Resolution"), is a true and correct copy of a resolution of the Port, as finally adopted at a meeting of the Commission held on the _____ of July 2022.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum of the Commission was present throughout the meeting and a legally sufficient number of members of the Commission voted in the proper manner for the adoption of said Resolution; that all other requirements and proceedings incident to the proper adoption of said Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of July, 2022.

_____
Joe Downing, Commissioner, Secretary
PORT COMMISSION

MEMORANDUM OF UNDERSTANDING BETWEEN THURSTON COUNTY BOARD OF COUNTY COMMISSIONERS AND THE PORT OF OLYMPIA COMMISSION

This Memorandum of Understanding (MOU) is entered into by and between the Thurston County and the Port of Olympia (hereinafter the "Parties") for purpose of Implementing Joint Resolution No. 2021-11 between the parties regarding drafting proposed new districts if the proposed ballot measures increasing the respective parties' Commission or Board of Commissioners from three to five are approved by the voters.

WHEREAS, Thurston County has reached a population of over 300,000 and less than 400,000 and pursuant to RCW 36.32. has the discretionary authority to bring a ballot measure before the voters to increase the number of commissioners from three to five; and

WHEREAS, the Thurston County Board of Commissioners (BOCC) passed Resolution No. 2022-07 to place a ballot measure before the voters in the November 2, 2022 General Election for approval to increase the Board of County Commissioners from three to five and create five new county commissioner districts; and

WHEREAS, the Port of Olympia Commissioners (Port Commission) is also expected to pass a Resolution putting a ballot measure before the voters in the November 2, 2022 Election for approval to increase the Port of Olympia Commissioners from three to five and create five new Port commissioner districts; and

WHEREAS, the Port Commission and the BOCC adopted Joint Resolution 2021-11, attached and incorporated herein by reference, to collaborate on drawing new boundaries, creating a three-member redistricting committee and sharing costs of these efforts in anticipation of both ballot measures being approved by the voters.

NOW THEREFORE, in consideration of the mutual promises made herein and the mutual benefits received hereunder, the Parties agree as follows:

The Parties approve and accept this MOU for the purpose of implementing the Parties' agreement set forth in Joint resolution No 2021-11 to collaborate on efforts to draw new boundaries, and agree to form a three-member Redistricting Committee with the following members: Chair of the County Commission; President of the Port Commission, and the County Auditor, with the County Auditor serving as a non-voting member providing technical guidance.

A. The Parties and the Redistricting Committee shall achieve the following deadlines in 2022:

   - **August 3rd through September 29th** County staff from the Informational Technology Department and Elections Division, and the Redistricting Committee shall develop a proposal to create five districts for the election of commissioners;

- **September 30th** The Redistricting Committee shall submit the final draft redistricting plan of the proposed five districts to the County and the Port;
- **Weeks of October 10th and October 17th** Redistricting Committee shall schedule joint work sessions between the parties to review the final draft of the proposed five districts.
- **November 4th** Final draft agreement of the boundaries are approved by the Parties;
- **November 15th** The Parties shall set a joint Public Hearing to take place on November 29 to take comment on the final approved draft of the five new districts.
- **November 29th** The parties will hold individual Public Hearings on the final draft and adopt final new 5 member districts on December 12 (Port Commission) and December 13 (BoCC);
- **December 12th** Port Commission Approval of the final new 5 member districts;
- **December 13th** BoCC Approval final new 5 member districts;
- December 20 Parties submit approved boundaries to County Auditor

B. The County will take the lead in providing technical support to the redistricting committee via our GEODATA staff.

- The Port agrees to cover 50% of the actual costs up to an amount not to exceed Fifteen Thousand dollars ($15,000.)
- Approximate cost of this effort is Thirty Thousand dollars ($30,000.)

C. If any provision of this Agreement shall be held invalid, such invalidity shall not affect the other provisions of this agreement which can be given effect without the invalid provisions. If such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, the provisions of this Agreement are declared severable.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by the date and signature herein under affixed. The persons signing this MOU on behalf of the Parties represent that each has authority to execute this MOU on behalf of the Party entering into this MOU.

Thurston County

_____ _____

Name **Date**

Port of Olympia Commission

_____ _____

Charles "Bob" Iyall, President **Date**

PORT of OLYMPIA

COMMISSION MEETING

BRIEFING DATE/TIME:	**July 25, 2022**
DEPARTMENT:	**Legal**
STAFF CONTACT/TITLE:	**Rick Hughes, General Counsel** **Telephone: 360.584.9214** **Email: rick @richardhugheslaw.com**
TOPIC:	**Five-member Commission Ballot Proposition**
PURPOSE: ***Check all that apply***	☐ Information only ■ Decision needed ☐ Follow up from previous briefing

BACKGROUND & OVERVIEW:

This action assumes that the Commission has approved Resolution 2022-07 *A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION SUBMITTING A PROPOSITION TO A VOTE BY THE QUALIFIED VOTERS OF THE PORT DISTRICT WHETHER THE NUMBER OF COMMISSIONERS OF THE PORT DISTRICT SHOULD BE INCREASED FROM THREE COMMISSIONERS TO FIVE COMMISSIONERS, EACH ASSIGNED TO ONE OF FIVE NEWLY DRAWN SEPARATE DISTRICTS.*

RCW 29A.32.280 spells out the requirements for the preparation of arguments advocating approval or disapproval of the ballot measure by appointed committees. For each measure from a unit of local government that is included in a local voter's pamphlet, the legislative authority of that jurisdiction shall, not later than the resolution deadline, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating rejection of the measure. The authority shall appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating rejection. Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons. If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall, whenever possible, make the appointments.

DOCUMENTS ATTACHED:

N/A

AFFECTED PARTIES:

Citizens of Thurston County
Port of Olympia Commission
Thurston County Auditor

NEXT STEPS/TIMEFRAME: ***Based on the Commission's recommendation, describe the next steps required in order to bring this item to conclusion. Include the time frame for each step.***

Provided the Commission names the committee members, the appointments will be filed with the county auditor by the deadline of August 2, 2022.

PORT of OLYMPIA

COMMISSION MEETING

BRIEFING DATE/TIME:	**July 25, 2022**
DEPARTMENT:	**Executive Services**
STAFF CONTACT/TITLE:	**Lisa Parks** **Telephone: 360.528.8020** **Email: Lisap@portolympia.com**
TOPIC:	**Swantown Dock Electric Upgrade Contract**
PURPOSE: ***Check all that apply***	■ Information only ☐ Decision needed ☐ Follow up from previous briefing

BACKGROUND & OVERVIEW:

Starting with the 2020 Capital Budget, upgrades to the electrical infrastructure serving Swantown Marina have been planned and implemented. These improvements were necessary to meet newer electrical code requirements, and to upgrade the services to match the needs of current tenants and customers. Specifically, docks B, C, G, H, I, J, K and L were identified as being in need of these improvements. Docks D, E and F are the most recently constructed within the marina, and are still in good working order, and A dock is a shared facility with the US Army Corps of Engineers.

In 2020, there were upgrades made at the Boatworks dock, and in early 2021, upgrades were completed at docks G, H, I, J, and K. The adopted 2022 Capital Budget allocated $292,000 to fund the improvements of B and C docks, and to refurbish the higher quality pedestals that were replaced for use on L dock. This is possible because the needs on L dock are more transient and only serve smaller vessels.

The capital budget amount for this project was based on an engineer's estimate for the designed project, which was prepared in the fall of 2021. Because of inflation and supply chain issues, staff requested an updated engineer's estimate for the competitive bid process. The bid estimate has been advertised with an engineer's estimate that ranges from $377,257 to $461,092. Because this estimate is over $300,000, project award requires Commission action. Bid opening is scheduled for August 3, 2022. Staff anticipates bringing a recommendation to award the bid to the lowest responsive bidder for the Commission to consider on the Action Calendar portion of the August 8, 2022 regular meeting.

DOCUMENTS ATTACHED:

- Power Point Presentation

NEXT STEPS/TIMEFRAME: ***Based on the Commission's recommendation, describe the next steps required in order to bring this item to conclusion. Include the time frame for each step.***

PORT of OLYMPIA
Serving All of Thurston County

Swantown Marina Electrical Replacement Phase II

July 25, 2022
Lisa Parks
Executive Services Director

Marina Electrical Replacement: Phase II

Project Description & Background

- Upgrade the electrical pedestals on B/C docks and on L dock
- Completes the upgrades on our current facilities
- 2020 Capital Budget ~ $900,000
- 2021 Capital Budget ~ $498,000 ("Carry Over" Project List)
- 2022 Capital Budget ~ $292,000 (B/C Docks, L Dock)

2

PORT of OLYMPIA

Marina Electrical Replacement: Phase II

Current Need

- Project is out to bid
  - B/C docks are base bid item
  - L dock is an additive bid item – completed only if total (base + add) is within project budget
- Updated Engineer's Estimate for bid package is $377,257 to $461,092
  - Increase due to inflation
- Contract awards over $300,000 requires Commission authorization
- Bid opening is August 3, 2022
- Bid award anticipated at August 8, 2022 Commission meeting

3

PORT of OLYMPIA

Marina Electrical Replacement: Phase II

Next Steps

- Receive and open bids
- Evaluate bids for lowest responsive qualified bid
- Commission action to award the bid – August 8, 2022 meeting

Questions…?

4

PORT of OLYMPIA

PORT of OLYMPIA

COMMISSION MEETING

BRIEFING DATE/TIME:	**July 25, 2022**
DEPARTMENT:	**Executive Services**
STAFF CONTACT/TITLE:	**Lisa Parks** **Telephone: 360.528.8020** **Email: Lisap@portolympia.com**
TOPIC:	**Lacey CBC Building 3 Roof Replacement Contract**
PURPOSE: ***Check all that apply***	■ Information only ☐ Decision needed ☐ Follow up from previous briefing

BACKGROUND & OVERVIEW:

In 2019 an Asset Assessment of port-owned buildings and properties was completed. The Assessment included facility condition assessments of 41 structures and their associated site improvements, structural, building envelope, mechanical and electrical systems; and it evaluated 16 properties for civil and electrical site improvements. Recommended improvements to these assets were identified and estimated, including minor and major repairs, as well as life-cycle/replacement costs, for a ten-year period of time, from 2020 to 2030.

The Asset Assessment included an evaluation of all three buildings at the Lacey Commerce Business Center (CBC). Each building had recommended repairs to their roof structures identified for calendar year (CY) 2023, and Buildings 2 and 3 had roof replacements programed for 2030. Throughout 2020 and 2021, repairs were made as needed, however, in December of 2021 and January of 2022, significant rain and snow events caused significant leaking into tenant spaces, particularly in Building 3. During this time, Port maintenance staff implemented several interim measures and a commercial roofing company was asked to inspect the roof to determine if additional, immediate repairs could be undertaken. The recommendation at that time was, all that could be done, had been done until better weather occurred this spring/summer.

Subsequently, one of the Port's on-call engineering firms provided a more detailed inspection of all three buildings and recommended they be replaced. Because it was in the worst condition, it was decided the Building 3 roof would be completed this year. Additionally, because the project is now a replacement instead of a repair, it is defined as a capital project that needs to be funded out of the capital (versus operating) budget.

The bid estimate for this replacement has been advertised with an engineer's estimate that ranges from $315,963 to $392,777. Because this estimate is over $300,000, project award requires Commission action. Bid opening is scheduled for August 1, 2022. Staff anticipates bringing a recommendation to award the bid to the lowest responsive bidder for the Commission to consider on the Action Calendar portion of the August 8, 2022 regular meeting.

DOCUMENTS ATTACHED:
▪ Power Point Presentation

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CBC Building 3 Roof Replacement

July 25, 2022
Lisa Parks
Executive Services Director

CBC Building 3 Roof Replacement

Project Description & Background

- 2019 Asset Assessment
  - Repair in 2022, Replace in 2030
- 2020/2021 Repairs as needed
- December 2021/January 2022 rain/snow events
  - Significant leaks in tenants' spaces
- On-call professional consultant
  - Inspection
  - Recommendation – Remove/Replace
  - Competitive Bid Estimate (RCW requirement)

2

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CBC Building 3 Roof Replacement

Current Need

- Amend Capital Budget to include project (replacement = capital expense)
  - Next agenda item
- Project is out to bid
  - Engineer's Estimate for bid package is $315,963 to $392,777
- Contract awards over $300,000 requires Commission authorization
- Bid opening is August 1, 2022
- Bid award anticipated at August 8, 2022 Commission meeting

3

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CBC Building 3 Roof Replacement

Questions…?

4

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COMMISSION MEETING

BRIEFING DATE/TIME:	**July 25, 2022**
DEPARTMENT:	**Executive Services**
STAFF CONTACT/TITLE:	**Lisa Parks** **Telephone: 360.528.8020** **Email: Lisap@portolympia.com**
TOPIC:	**Capital Budget Amendment**
PURPOSE: ***Check all that apply***	■ Information only ☐ Decision needed ☐ Follow up from previous briefing

BACKGROUND & OVERVIEW:

Each year, when the Commission approves the annual capital budget, a total dollar amount is authorized along with a specific list of projects. The Port of Olympia adopted capital budget including a total estimate of $2,871,726, including $1,646,686 in Port funds and $861,419 in anticipated, applied for grant funds. There were 22 different projects identified, ranging from equipment and vehicle purchases, to construction projects, and including the preliminary design, engineering and planning phases for several anticipated construction projects in the next couple of years.

The capital budget must be amended if additional Port funds are required, or if additional projects are to be added to the list. Because the CBC Building 3 Roof Replacement project is required to be a capital project, the Port's 2022 Capital Budget must be amended to include the project. However, because some of the authorized projects on the list are not moving forward in 2022, the proposed capital budget amendment does not include a request for more Port funds.

Attached to this cover memo is a table that identifies the approved capital budget items, summarizes their current and anticipated status for the calendar year, and it demonstrates the impact of the proposed addition of the CBC Building 3 Roof Replacement project. Staff anticipates bringing a revised Budget Resolution for the Commission's consideration and action at the August 8, 2022 regular meeting.

DOCUMENTS ATTACHED:

- Power Point Presentation
- Summary Capital Projects List

2022 Capital Budget Summary

Business Unit	Project	Budget	Actual/Projected	Notes
Airport	Hangar Pilot	$50,000	$0	On hold
	Shop	$20,000	$0	On hold
	Rwy 8/26 Reconstruction	$50,000	$0	On hold
	HCP Mitigation	$50,000	$0	On hold
Swantown	Dry Storage	$50,000	$10,539	Construction estimate high
	ME Phase II	$292,000	$461,092	Out to Bid
	Washdown Filtration	$44,000	$16,833	In Process
	Breakwater Pilings	$77,000	$0	On hold
Marine Terminal	Sweeper	$350,000	$365,500	Ordered
	Paving*	$510,250	$0	No Grant award
	Warehouse Fire Suppression	$10,000	$10,000	Pending
Properties	Marina/Admin/Marine Center*	$425,000	$425,000*	Pending
	RV Resort Infrastructure	$250,000	$0	No code change
Maintenance	EV Cargo Van	$55,000	$58,965	Pending
	Front Loader	$34,000	$35,236	Delivered
	Mower	$16,500	$13,021	Delivered
	Mower – Airport	$20,500	$20,500	Ordered
	Shared Shop – Peninsula	$112,500	$0	On hold
G&A	PC Hardware	$50,000	$50,000	In process
	Cyber Security Infrastructure*	$304,976	$80,000*	Carry over, grant funded
	Centennial Legacy Project	$50,000	$50,000	Pending
	Broadband	$50,000	$50,000	Awarded
	Total	**$2,871,726**	**$1,646,686**	
	Projected Grant Funds	**$861,419**	**$310,000**	$250,000 + $60,000
	Obligated Port Funds	**$2,010,307**	**$1,336,686**	
	CBC Bldg 3 Roof Replacement		**$392,777**	
	Port Funds		**$1,729,463**	

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Serving All of Thurston County

2022 Capital Budget Amendment

July 25, 2022
Lisa Parks
Executive Services Director

2022 Capital Budget Amendment

Summary

- Annual Capital Budget Adoption authorizes:
  - Total Dollar Amount
  - List of projects
- Port of Olympia Adopted 2022 Capital Budget
  - Total = $2,871,726
  - Port Funds = $1,646,686 (Projected $861,419 in grant funds)
  - 22 Projects
    - Equipment and Vehicles
    - Projects/Initiatives
      - Planning/Concept Phase
      - Design/Permitting Phase
      - Bid/Construction Phase

2

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2022 Capital Budget Amendment

Current Need/Request

- Amend Adopted 2022 Capital Budget
  - CBC Building 3 Roof Replacement
  - No change in total Port funds expended

Adopted Total Capital Budget	$2,871,726
Adopted Total Port Funds Authorized	**$2,010,307**
Projected Expenditures: Existing Authorized Project List	$1,336,686
Add CBC Bldg 3 Roof Replacement (High Range Estimate)	$ 392,777
Projected Expenditures: Updated Project List	**$1,729,463**
Cushion	$ 280,844

- This amendment is required prior to awarding the bid for the CBC Bldg 3 Roof Replacement Project

3

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2022 Capital Budget Amendment

Next Steps

- Amend the Budget Adoption Resolution
  - Include CBC Bldg 3 Roof Replacement on the list of projects
  - No change to the total authorized port funds
- August 8, 2022 Commission meeting

Questions…?

4

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