

#### Commission Meeting Monday, September 26, 2022 5:30 PM

Percival Plaza - Olympics Room 626 Columbia Street NW Olympia, WA 98501 www.portolympia.com

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

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

https://us02web.zoom.us/j/87156836133

or Telephone: 1 253 215 8782

Webinar ID: 871 5683 6133

Please note that the Zoom link changes for each meeting.

Written public comments may be submitted to <u>commissioncoordinator@portolympia.com</u> 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.

# AGENDA

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

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

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

#### Port of Olympia Mission

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

- <u>Courtesy</u>: 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.
- F. Consent Calendar:
  - 1. Bills and Vouchers for August, Batches 31-34.5
    - a. Voucher over \$200,000: Voucher 085510 for \$486,236.00 to Enduris
  - 2. Ratify Emergency Declaration
- G. Action Calendar:
  - 1. Resolution 2022-XX Rules Resolution: Update to include Pending or Ongoing Issues Sam Gibboney, Executive Director
- H. Action/Other Calendar:
  - 1. None
  - 2. Public Comment on Action/Other Items
- I. Advisory Calendar:
  - 1. Budd Inlet Consultant Contract: Dalton Olmsted & Fuglevand (DOF) Lisa Parks, Executive Services Director
  - 2. Capitol Lake Deschutes Estuary Memorandum of Understanding Department of Enterprise Services
  - 3. Resolution 2022-XX Support for Ballot Proposition Rick Hughes, General Counsel
    - A RESOLUTION of the Port of Olympia Commission expressing support for Port of Olympia Proposition 1 to increase the number of Commissioners of the Port District from three Commissioners to five Commissioners, each assigned to one of five newly drawn separate districts.
      - i. Public comment in support
      - ii. Public comment in opposition
  - 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 # 31-34.5 August

GENERAL FUND

| COMPUTER PREPARED<br>BOND ACCOUNT PAYMENTS                               | 1,152,330.34 |
|--|--------------|
| VOIDED WARRANT(S) / ELECTONIC PAYMENT(S)<br>PAYROLL                      | (2,074.56)   |
| ELECTRONIC PAYMENTS  | 227,924.47   |
| TOTAL GENERAL FUND WARRANTS, BOND ACCOUNT WARRANTS & ELECTRONIC PAYENTS: | 1,378,180.25 |

General Fund Warrants Issued:085317-085511Electronic Payments Issued:000925-000939Bond Account Warrants Issued:Payroll Warrants Issued:Voided Warrant(s):085062 and 085067Volded Electronic Payment(s):Volded 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:

\$1,378,180.25

Warrants over \$200,000: 085510- Enduris Washington \$486,236.00

Charles Iyall, Commission President

Amy Evans, Commission Vice President

Sam Gibboney, Executive Director

Joe Downing, Commission Secretary

PORT OF OLYMPIA VOUCHER APPROVAL LISTING August

Batch #:

31

| WARRANTS ISSUED:                               | WARRANT NUMBERS: |            |
|--|------------------|------------|
| COMPUTER PREPARED, issued week ending 08/05/22 | 2                | 110,997.88 |
| COMPUTER PREPARED                              | 085317-085372    |            |
| Voided Warrant(s)                              | 085067           | (1,219.92) |
|  |                  |            |

PROJECTS: COMPUTER PREPARED Voided Warrant(s)

TOTAL WARRANTS

\$ 205,281.20

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 August

Batch #: 32

| WARRANTS ISSUED:  | WARRANT NUMBERS:                      |            |
|---|---------------------------------------|------------|
| COMPUTER PREPARED, Issued week ending 08/12/22  |                                       | 260,625.72 |
| COMPUTER PREPARED   | 085373-085429                         |            |
| COMPUTER PREPARED   |                                       |            |
| Voided Warrant(s)   |                                       |            |
| Voided Warrant(s)   |                                       |            |
| PAYROLL   |                                       |            |
| PROJECTS:<br>COMPUTER PREPARED<br>COMPUTER PREPARED<br>COMPUTER PREPARED<br>Voided Warrant(s) |                                       | -          |
| ELECTRONIC PAYMENTS:  | ACH NUMBERS:                          | 50,154.23  |
| Electronic Payments, issued week ending, 08/12/22   |                                       |            |
|   | 000930-000933                         |            |
|   | · · · · · · · · · · · · · · · · · · · |            |
|   |                                       |            |
|   |                                       |            |

TOTAL WARRANTS

\$ 310,779.95

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".

Pen

Matt Peach, Finance Director

| PORT OF OLYMPIA<br><i>VOUCHER APPROVAL LISTING</i><br>August   |                                   | 33 | Batch #:  |
|--|-----------------------------------|----|-----------|
| WARRANTS ISSUED:<br>COMPUTER PREPARED, Issued week ending 08/19/22<br>COMPUTER PREPARED<br>Voided Warrant(s)       | WARRANT NUMBERS:<br>085430-085480 |    | 74,665.37 |
| PROJECTS:<br>COMPUTER PREPARED<br>Voided Warrant(s)  |                                   |    |           |
| ELECTRONIC PAYMENTS:<br>Electronic Payments, issued week ending 08/19/22<br>COMPUTER PREPARED<br>Voided Warrant(s) | ACH NUMBERS:<br>000934            |    | 8,587.17  |
|  | TOTAL WARRANTS                    | \$ | 83,252,54 |

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".

Mar Ray

Matt Peach, Finance Director

PORT OF OLYMPIA VOUCHER APPROVAL LISTING Batch #: August 34 WARRANTS ISSUED: WARRANT NUMBERS: COMPUTER PREPARED issued week ending ending 08/26/22 706,041.37 COMPUTER PREPARED 085481-085511 Voided Warrant(s) 085062 (854.64) PROJECTS: COMPUTER PREPARED Voided Warrant(s) ELECTRONIC PAYMENTS: ACH NUMBERS: Electronic Payments, issued week ending 08/26/22 24,001.69 COMPUTER PREPARED 000935-000937 Voided Warrant(s) TOTAL WARRANTS 729,188.42

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".

Carl

\$

Matt Peach, Finance Director

VOUCHER APPROVAL LISTING Batch #: August 34.5 WARRANTS ISSUED: WARRANT NUMBERS: COMPUTER PREPARED issued partial week ending 08/31/22 COMPUTER PREPARED Voided Warrant(s) PROJECTS: COMPUTER PREPARED Voided Warrant(s) ELECTRONIC PAYMENTS: ACH NUMBERS: Electronic Payments parital issued week ending 08/31/22 49,678.14 COMPUTER PREPARED 000938-000939 Voided Warrant(s)

PORT OF OLYMPIA

TOTAL WARRANTS

\$ 49,678.14

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".

carl

Matt Peach, Finance Director



# **COMMISSION MEETING**

| BRIEFING DATE/TIME:                     | September 26, 2022   |
|---|--|
| DEPARTMENT:                             | Executive  |
| STAFF CONTACT/TITLE:                    | Sam Gibboney<br>Telephone: 360.528.8001<br>Email: Samg@portolympia.com   |
| TOPIC:                                  | Consent Agenda: Ratify Emergency Declaration   |
| <u>PURPOSE:</u><br>Check all that apply | <ul> <li>Information only</li> <li>Decision needed - Ratify Emergency Declaration</li> <li>Follow up from previous briefing</li> </ul> |

### **BACKGROUND & OVERVIEW:**

RCW 39.04.280 states, if an emergency exists, the person designated by the governing body may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts to address the emergency situation.

The Port of Olympia Resolution No. 2019-06 delegates certain authorities to the Executive Director for matters related to Port Contracts and Acquisition Policies. Port Policy #1006 – Emergency Public Works Contracting - authorizes the Executive Director to declare an emergency and to execute an contracts necessary to respond to the emergency. It further provides that the Executive Director will notify Commission of the emergency declaration within 48 hours, and will bring the emergency declaration, and any contracts awarded and/or executed pursuant to that finding, to the next regularly scheduled Commission meeting for ratification.

On September 21, 2022, the Marine Terminal Senior Manager reported crane issues discovered during a vessel offloading operation. Inspection of the crane by the crane's motor manufacturer, Cummins, revealed two fuel pumps had failed and were in need of immediate repair or replacement in order for the crane to be operational. Cummins informed the Port there were no available fuel pumps and they had no estimate of when a pump would become available. They did inform Port staff the pumps could be rebuilt and reinstalled.

As you are aware, the crane is an integral part of the Marine Terminal's essential operations of loading and offloading cargo. Any delay in addressing this unforeseen event could have major ramifications to the Port's inbound vessels.

As a result, I have declared an emergency and authorized staff to expedite the repairs of the fuel pumps in order to ensure the Marine Terminal can continue operations with as little downtime as possible. The initial estimate for the repairs is \$14,905.41 excluding Washington State Sales Tax.

The action before the Commission at this meeting is to ratify the Emergency Declaration and the waiver of the competitive bid process through approval of the consent agenda.

### **DOCUMENTS ATTACHED:**

Emergency Declaration



## **Declaration of Emergency**

In compliance with Resolution No. 2019-06 and Port Policy #1006, as well as RCW 39.04.020, RCW 39.04.280 and RCW 53.08.120, the Executive Director of the Port of Olympia declares an emergency situation exists which presents a real, immediate threat to the proper performance of essential functions, or will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. Further, the Executive Director waives the competitive bidding requirements and authorizes the award of all necessary contracts to address this emergency situation.

The emergency situation exists as a result of observed and reported crane issues discovered by the Marine Terminal Senior Manager during a vessel offloading operation on September 21, 2022. An inspection of the crane by the crane's motor manufacturer, Cummins, revealed two fuel pumps had failed and were in need of immediate repair or replacement in order for the crane to be operational. Cummins informed the Port there were no available fuel pumps and they had no estimate of when a pump would become available. They did inform Port staff the pumps could be rebuilt and reinstalled. Because the crane is an integral part of the Marine Terminal's essential operations of loading and offloading cargo. Any delay in addressing this unforeseen event could have major ramifications to the Port's inbound vessels.

Sam Gibboney, Executive Director

7.22.22

Date



# **COMMISSION MEETING**

| BRIEFING DATE/TIME:                     | September 26, 2022  |
|---|---|
| DEPARTMENT:                             | Executive   |
| STAFF CONTACT/TITLE:                    | Sam Gibboney<br>Telephone: 360.528.8001<br>Email: samg@portolympia.com                                  |
| TOPIC:                                  | Resolution 2022-XX Commission Rules Update  |
| <u>Purpose:</u><br>Check all that apply | <ul> <li>Information only</li> <li>Decision needed</li> <li>Follow up from previous briefing</li> </ul> |

### BACKGROUND & OVERVIEW:

Resolution 2022-06 *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. The Commission revises it from time to time. It was last revised on July 25, 2022.

Commissioner Iyall requested that the Commission consider revising the Rules Resolution, specifically to consider adding a Pending Issues and Business agenda item to Article V *Order of Business*.

A redlined version was presented to the Commission on September 12, 2022.

A revised version reflects this request and is included for Commission consideration. Additionally, a redlined version is included for easy reference.

#### **DOCUMENTS ATTACHED:**

- Resolution 2022-XX "Rules Resolution"
- Resolution 2022-XX "Rules Resolution" redlined version

### PORT OF OLYMPIA COMMISSION RESOLUTION 2022-09

### A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION ADOPTING RULES GOVERNING THE TRANSACTION OF PORT COMMISSION BUSINESS AND SUPERSEDING RESOLUTION 2022-06

**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 2020-06;

**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. <u>The Vice-President shall</u>:

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

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. <u>Temporary Absence</u>:

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. <u>Meetings Schedule</u>:

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 <u>http://www.portolympia.com</u> 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. <u>Regular Meetings</u>:

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 <u>http://www.portolympia.com</u> 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. <u>Work Sessions</u>:

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 <u>http://www.portolympia.com</u> 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. <u>Special Meetings</u>:

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. <u>Executive Sessions</u>:

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.. <u>Quorum</u>:

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

#### G. <u>Cancellation of a Meeting</u>:

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

### H. <u>Administration of Meetings</u>:

Meetings shall be conducted in accordance with these Rules.

### I.. <u>Commissioner Remote Attendance</u>:

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. <u>Commissioner Absence and Excusal</u>:

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. Pending Issues or Business
- 11. Agenda action items;
  - a. Staff presentations, if needed;
  - b.
  - c. Action by motion, vote, or resolution;
- 12. 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. Agenda advisory items;
  - a. Staff presentations, if needed;
  - b. Public comment (on all advisory items);
  - c. Commission discussion;
- 14. Continued public comment, if needed;
- 15. Commissioner Reports;
- 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. <u>General Procedures</u>: The following general procedures are applicable to all types of public comment at Commission meetings.

1. <u>Procedures for Providing Public Comment at In-Person Meetings</u>: The Port will provide a sign-in sheet for those who wish to provide general comment at regular inperson 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. <u>Procedures for Providing Public Comment at Virtual Meetings</u>: Those who wish to provide verbal public comment at a Virtual Meeting must sign up in advance with the Commission Coordinator by emailing <u>CommissionCoordinator@portolympia.com</u> or by submitting the form on the Port's website (<u>www.portolympia.com</u>) 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. <u>Procedures for Providing Written Comment (In-Person and Virtual Meetings)</u>. 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 (<u>www.portolympia.com</u>) 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. <u>Use of Electronic Media During Public Comment</u>: 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@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.. <u>Comments to be Directed to Commission</u>: 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.. <u>Courtesy</u>: 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. <u>Procedures for General Public Comment:</u> 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. <u>Procedures for Public Comment on Advisory and Action-Other Items</u>: 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. <u>Disruptive Behavior</u>: 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. <u>Curtailing Public Comment and Disruptive Behavior</u>: 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. If 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. <u>Security</u>: 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 July 25, as attested to by the signatures below of the Commissioners this 25th day of July.

### PORT OF OLYMPIA COMMISSION

By:

Bob Iyall, President

By:\_\_\_\_\_ Amy Evans, Vice-President

By:\_\_\_\_\_

Joe Downing, Secretary

Port of Olympia Commission Resolution 2022-XX

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

#### A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION ADOPTING RULES GOVERNING THE TRANSACTION OF PORT COMMISSION BUSINESS AND SUPERSEDING RESOLUTION 2022-0<u>5</u>3

**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 2020-06;

**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.

Port of Olympia Commission Resolution 2022-XX06

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#### B. <u>The Vice-President shall</u>:

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

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. <u>Temporary Absence</u>:

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 <u>http://www.portolympia.com</u> 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 <u>http://www.portolympia.com</u> 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

Port of Olympia Commission Resolution 2022-<u>XX06</u>

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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 <u>http://www.portolympia.com</u> 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. <u>Special Meetings</u>:

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

Port of Olympia Commission Resolution 2022-XX06 Formatted: Highlight

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. . <u>Executive Sessions</u>:

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

Port of Olympia Commission Resolution 2022-<u>XX06</u>

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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. <u>Cancellation of a Meeting</u>:

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

#### H. <u>Administration of Meetings</u>:

Meetings shall be conducted in accordance with these Rules.

#### I.. <u>Commissioner Remote Attendance</u>:

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

Port of Olympia Commission Resolution 2022-<u>XX06</u> Formatted: Highlight

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. <u>Commissioner Absence and Excusal</u>:

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

Port of Olympia Commission Resolution 2022-XX06 Formatted: Highlight

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

Port of Olympia Commission Resolution 2022-<u>XX06</u>

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c. Other consent items;

#### 10. Pending Issues or Business

10.11. Agenda action items;

b.

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- a. Staff presentations, if needed;
- c. Action by motion, vote, or resolution;
- H+.12. Agenda action items OTHER (matters brought for action without prior advisory);
  - a. Staff presentation, if needed;
  - b. Public comment;
  - d. Action by motion, vote, or resolution;
- 12.13. Agenda advisory items;
  - a. Staff presentations, if needed;
  - b. Public comment (on all advisory items);
  - c. Commission discussion;

13.14. Continued public comment, if needed;

- 14.15. Commissioner Reports;
- 15.16. 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

Port of Olympia Commission Resolution 2022-<u>XX06</u>

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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. <u>General Procedures</u>: The following general procedures are applicable to all types of public comment at Commission meetings.

1. <u>Procedures for Providing Public Comment at In-Person Meetings</u>: The Port will provide a sign-in sheet for those who wish to provide general comment at regular inperson 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. <u>Procedures for Providing Public Comment at Virtual Meetings</u>: Those who wish to provide verbal public comment at a Virtual Meeting must sign up in advance with the Commission Coordinator by emailing <u>CommissionCoordinator@portolympia.com</u> or by submitting the form on the Port's website (<u>www.portolympia.com</u>) 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. <u>Procedures for Providing Written Comment (In-Person and Virtual</u> <u>Meetings</u>). 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 (<u>www.portolympia.com</u>) 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. <u>Use of Electronic Media During Public Comment</u>: Commenters may use electronic media (such as presentations or video) to present information to the Commissioners

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Port of Olympia Commission Resolution 2022-<u>XX06</u>

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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@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.

Port of Olympia Commission Resolution 2022-<u>XX06</u>

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5.. <u>Comments to be Directed to Commission</u>: 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.. <u>Courtesy</u>: 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. <u>Procedures for General Public Comment:</u> 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. <u>Procedures for Public Comment on Advisory and Action-Other Items</u>: 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

Port of Olympia Commission Resolution 2022-XX06 Formatted: Highlight

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. <u>Disruptive Behavior</u>: 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. <u>Curtailing Public Comment and Disruptive Behavior</u>: 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. <u>Security</u>: 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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Port of Olympia Commission Resolution 2022-XX06

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.

Port of Olympia Commission Resolution 2022-<u>XX06</u>

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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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Port of Olympia Commission Resolution 2022-<u>XX06</u>

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 \_\_\_\_\_\_, July 25, as attested to by the signatures below of the Commissioners this 25\_\_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-<u>XX06</u>

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# **COMMISSION MEETING**

| Briefing<br>Date/Time:                  | September 26, 2022  |
|---|---|
| DEPARTMENT:                             | Environmental   |
| <u>Staff</u><br><u>Contact/Title:</u>   | Lisa Parks<br>Telephone: 360.528.8020<br>Email: lisap@portolympia.com   |
| TOPIC:                                  | Budd Inlet Consultant Contract: Dalton Olmsted & Fuglevand - DOF  |
| <u>Purpose:</u><br>Check all that apply | <ul> <li>Information only - 2<sup>nd</sup> Advisory</li> <li>Decision needed</li> <li>Follow up from previous briefing</li> </ul> |

## BACKGROUND & OVERVIEW:

The Port of Olympia has signed an Agreed Order (AO) with the Washington Department of Ecology (Ecology) related to evaluating and cleaning up contaminated sediments in Budd Inlet in both West Bay (marine terminal) and in East Bay (marina/boatworks), as required by the Model Toxics Control Act (MTCA). This AO lays out the agreement between Ecology and Port for addressing past practices originating from Port property that have contributed to environmental contamination. Originally signed in December of 2008, the AO was amended in 2012 to require additional environmental characterization and cleanup alternatives analysis. Following this amendment, the Port was also awarded a MTCA Remedial Action Grant (RAG) to complete some of the additional work identified in the amended AO.

In 2015, the current RAG agreement between Ecology and the Port was put into place, with a total project cost of \$4,177,340, with 50% of that to be provided by the Port, and a completion date of 2019. There have been two approved amendments to the RAG agreement, both of which were to extend the completion date – first to June 30, 2021 and most recently to June 30 of 2023. To-date, the total project costs expended have been \$579,439.

The original technical consultant that has assisted the Port on this project since 2009 is Anchor QEA, and their most recent contract expired on 12/31/2021. A decision was made to conduct a new competitive solicitation for a technical consultant to help the Port complete its current obligations under the amended AO and amended RAG agreement, and to assist with future design, permitting and/or construction of environmental cleanup actions that will come out of the current required work. Two consulting teams responded to the Port's Request for Qualifications, and following interviews and presentations by both, the Port selection committee is recommending the team lead by Dalton Olmsted Fuglevand (DOF). The DOF team had a better understanding of the Port's needs for not only cleaning up contaminated sediment, but to also meet the ongoing maintenance dredging needs of both the Port and the US Army Corps Of Engineers.

To assist with the refinement of the revised project approach, an initial contract was executed between the Port and DOF in an amount of \$99,500, as authorized by Port Policy #1001. This allowed the DOF team to participate in a one day, strategic project kick off session, and to conduct a site visit, including some data collection, photography and drone video footage, during an extreme low tide

event that occurred in mid-July and allowed the team to observe site conditions that aren't otherwise regularly visible. Additionally, DOF has been able to participate in the refinement and development of the proposed project approach, including providing detailed cost estimates that are considerate of the break down of the proposed project into the proposed Stages.

The specific request for Commission action is to approve a contract amendment with DOF, adding money and extending the agreement term, to assist the Port with completion of Stage 1A of the project, focused on meeting the Port's current obligations under the amended AO and the amended RAG agreement. Specifically, the amendments include:

- Extending the term of the agreement through June 30, 2023
- Adding \$2,286,381 to the existing authorized amount of \$99,500, for a total Not to Exceed of \$2,385,881

Because this work will be completed to satisfy the tasks outlined in the existing RAG agreement, 50% of the \$2,385,881 or \$1,192,941 – will be reimbursed by Ecology. The work to be completed during this stage is focused on completing the investigation work that is required to assist the Port and Ecology in reaching agreement on, and selecting, the remedy to be used to accomplish sediment cleanup, including:

- Agency, stakeholder, and project team coordination
- Data collection, data analysis and data management
- Alternatives analysis, remedy selection support
- Development/refinement of technical approach

Assuming satisfactory completion of Stage IA, secured funding and a decision by the Commission to move forward to Stage IB, staff anticipates bringing future amendments to this contract with DOF to the Commission for consideration and approval.

Staff anticipates bringing this topic back to the Commission for consideration and action to approve the proposed contract amendments at the October 10, 2022 Regular Commission Meeting.

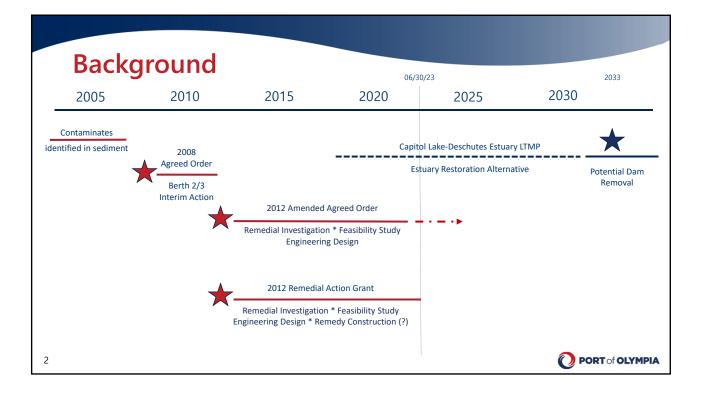
### **DOCUMENTS ATTACHED:**

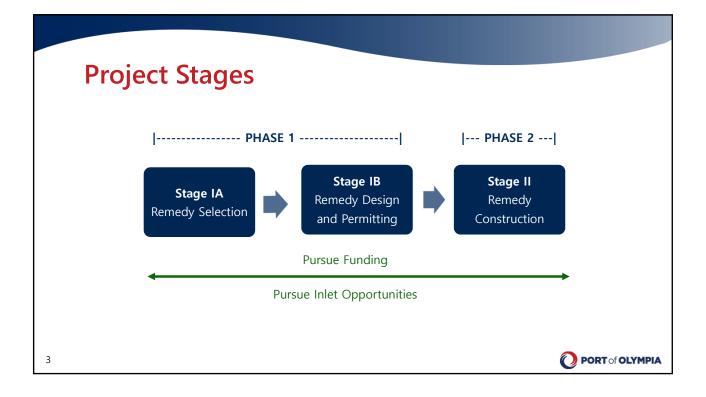
Power Point Presentation

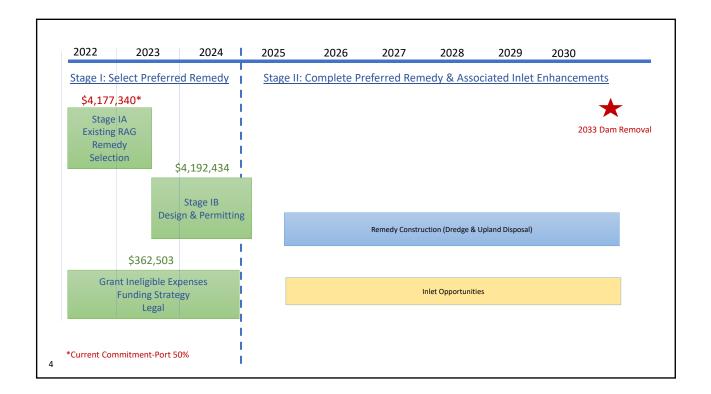


# Budd Inlet Consultant Contract: Dalton Olmsted & Fuglevand (DOF)

September 26, 2022 Lisa Parks Executive Services Director















# **COMMISSION MEETING**

| BRIEFING DATE/TIME:                     | September 26, 2022  |
|---|---|
| DEPARTMENT:                             | Executive   |
| STAFF CONTACT/TITLE:                    | Lisa Parks<br>Telephone: 360.528.8020<br>Email: Lisap@portolympia.com                                   |
| <u>Торіс:</u>                           | Capitol Lake-Deschutes Estuary MOU Overview   |
| <u>Purpose:</u><br>Check all that apply | <ul> <li>Information only</li> <li>Decision needed</li> <li>Follow up from previous briefing</li> </ul> |
| -                                       |   |

# BACKGROUND & OVERVIEW:

The Washington State Department of Enterprise Services (DES) is evaluating options for longterm management of the Capitol Lake-Deschutes Estuary (CLDE). The purpose is to identify and implement an environmentally and economically sustainable long-term approach that meets project goals to improve water quality, manage existing sediment accumulation and future deposition, improve ecological functions, and enhance community use of the resource. In June of 2021, DES issued a Draft Environmental Impact Statement (DEIS) with a 60-day comment period, during which the Port of Olympia provided comments. Since that time DES has been working to address comments received and has identified a preferred alternative – the Estuary Alternative – in anticipation of issuing a Final EIS by the end of October.

To fulfill the legislative direction of identifying a conceptual option for shared funding and governance for long-term management of CLDE, DES organized a Funding and Governance Work Group (FGWG) comprised of taxing authorities/districts in the project area as well as the Washington State Department of Natural Resources. Throughout the past several months since DES identified a preferred alternative, the FGWG has been meeting to identify and review various models for funding and managing on-going maintenance dredging needs that occur once the Capitol Lake dam is removed and the Deschutes River begins depositing sediment in the West Bay area of Budd Inlet.

Based on several meetings of the FGWG as well as individual meetings between DES and each member of the FGWG, it was determined that a non-binding Memorandum of Understanding (MOU) would be developed with the following stated purposes:

- To signal to the Legislature the support and areas of agreement among the FGWG partners;
- To help move toward estuary restoration for shared benefit; and
- To provide a bridging document to a future Interlocal Agreement (ILA)

DES would like to attach an executed MOU to the Final EIS when it is issued at the end of October, 2022.

Department of Enterprise Services staff will present to the Commission.

## **DOCUMENTS ATTACHED:**

Power Point Presentation (provided by DES at meeting)



# **COMMISSION MEETING**

| BRIEFING DATE/TIME:                     | September 26, 2022  |
|---|---|
| DEPARTMENT:                             | Executive   |
| STAFF CONTACT/TITLE:                    | Sam Gibboney  |
|   | Telephone: 360.528.8001   |
|   | Email: samg@portolympia.com   |
| <u>Торіс:</u>                           | <b>Resolution 2022-XX</b> A RESOLUTION of the Port of Olympia<br>Commission expressing support for Port of Olympia Proposition 1<br>to increase the number of Commissioners of the Port District from<br>three Commissioners to five Commissioners, each assigned to one<br>of five newly drawn separate districts. |
| <u>Purpose:</u><br>Check all that apply | <ul> <li>Information only</li> <li>Decision needed</li> <li>Follow up from previous briefing</li> </ul>   |

### **BACKGROUND & OVERVIEW:**

At the July 25, 2022 Commission meeting, the Commission approved Resolution 2022-07 to submit to the voters of Thurston County a ballot proposition to increase the number of Port Commissions from three to five with each assigned to five newly drawn and separate districts. The Commission also approved a Memorandum of Understanding with Thurston County, which sets into motion collaborative efforts to form the new Commissioner districts.

The ballot proposition will appear at the general election on November 8, 2022 election. If the ballot proposition receives majority voter approval, the two new Commissioner positions would be filled at the 2023 general election.

RCW 42.17A.555 allows a legislative body to express support or opposition if its meeting notice includes the title and number of the ballot proposition, and if those who have an opposing view are afforded an approximately equal opportunity to express their opinions.

Specifically, RCW 42.17A.555(1) provides an exception to the general prohibition against the use of public facilities for the promotion or opposition of any ballot proposition is permitted for:

"Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, port districts, school districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order or ordinance, or to support or oppose a ballot proposition, so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view...." and

A draft resolution expressing support for Port of Olympia Proposition 1 to increase the number of Commissioners of the Port District from three Commissioners to five Commissioners, each assigned to one of five newly drawn separate districts is attached.

#### **DOCUMENTS ATTACHED:**

• Draft Resolution 2022-XX expressing support for Port of Olympia Proposition 1 to increase the number of Commissioners of the Port District from three Commissioners to five Commissioners, each assigned to one of five newly drawn separate districts.

#### SUMMARY & FINANCIAL IMPACT:

Estimated one-time costs of the increase of the Commission from three to five members would be \$416,000. 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

#### PORT OF OLYMPIA COMMISSION RESOLUTION 2022-XX

### A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION EXPRESSING SUPPORT FOR PORT OF OLYMPIA PROPOSITION 1 TO INCREASE THE NUMBER OF COMMISSIONERS OF THE PORT DISTRICT 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 (Commission) 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); and

WHEREAS, on July 25, 2022, the Commission approved resolution No. 2022-07 to submit a proposition to increase the number of Port Commissioners from three (3) to five (5), who will serve in five separate newly drawn districts in Thurston County which reads as follows:

Question:

Should this proposition be approved?

Yes [ ]

No [ ]

WHEREAS, the proposition will appear on the November 8, 2022, election; and

WHEREAS, approval of resolution No. 2022-07 occurred after approval of a joint resolution between Thurston County and the Port of Olympia was approved on or about December 13, 2021, establishing the mutual intent to collaborate on respective ballot measures from each jurisdiction to increase the number of Commissioners representing each agency from three (3) to five (5), to provide greater clarity to the voters, and share the costs associated with forming newly drawn districts; and

WHEREAS, on or about July 25, 2022, the Commission approved a Memorandum of Understanding (MOU) between Thurston County and the Port of Olympia which formed a redistricting committee consisting of the Chair of the County Commission, the Chair of the Port Commission, and the County Auditor to serve as a non-voting member, to collaborate with respect to formation of newly drawn jurisdictions; and

**WHEREAS**, the redistricting committee met several times in meetings open to the public to develop proposed new districts and a timeframe for final approval of the districts, which must occur for the Port no later than December 31, 2022; and

WHEREAS, prior to final approval of the new districts, there will be several opportunities for

the public to provide comment; and

**WHEREAS**, RCW 42.17A.555(1) an exception to the general prohibition against the use of public facilities for the promotion or opposition of any ballot proposition is permitted for:

"Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, port districts, school districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order or ordinance, or to support or oppose a ballot proposition, so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view...." and

**WHEREAS**, the Port of Olympia's jurisdiction with respect to economic development extends to all of Thurston County. There are currently three Port Commissioners elected by the voters of Thurston County, each serving in a separate district. Since the Port's formation approximately 100 years ago, the County population has grown substantially; and

WHEREAS, approval of Port of Olympia Proposition No. 1 is necessary to:

- 1. Maintain effective and responsive representation of the people of Thurston County
- 2. Increase diversity of perspectives when Port decisions are made
- 3. Allow each Commissioner increased ability to respond to the needs of the people served by the Port.

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

- **Section 1.** The Port Commission hereby supports Port of Olympia Proposition 1, which will be presented to voters on the November 8, 2022 election.
- Section 2. The Port Commission hereby urges citizens within Thurston County to Vote on Port of Olympia Proposition 1, relating to increasing the number of Port Commissioners.
- **Section 3.** This Resolution shall become effective immediately upon adoption and signature as provided by law.

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

## PORT OF OLYMPIA COMMISSION

JOE DOWNING DISTRICT ONE COMMISSIONER

BOB IYALL DISTRICT TWO COMMISSIONER

AMY EVANS HARDING DISTRICT THREE COMMISSIONER

## 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.

Missy Goodell, Secretary PORT COMMISSION