



Serving All of Thurston County

Commission Meeting
Monday, October 10, 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 October 5, 2022.

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

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

<https://us02web.zoom.us/j/89188495743>

or Telephone: 1 (253) 215-8782

Webinar ID: 891 8849 5743

Please note that the Zoom link changes for each meeting.

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

Verbal public comment is accepted in person at the meeting. If an individual would have difficulty physically attending the meeting, they may request the option to provide verbal comment remotely.

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

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

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.

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

Port of Olympia Mission

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

- Courtesy: All speakers (members of the public, Port staff, and Commissioners) shall be courteous in language and demeanor and shall confine remarks to those facts that are germane and relevant to the question or issue under discussion.
- F. Consent Calendar:
1. None
 2. Public Comment on Consent Calendar
- G. Pending Issues or Business
- FAA Land Release
 - Habitat Conservation Plan
- H. Action Calendar:
1. Resolution 2022-10 Support for Ballot Proposition 1 – Rick Hughes, General Counsel
 - a. 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
- I. Action/Other Calendar:
1. Contract Amendment: Rick Hughes, General Counsel – Lisa Parks, Executive Services Director
 2. Public Comment on Action/Other Calendar
- J. Advisory Calendar:
1. Budget Process and Schedule Adoption – Matt Peach, Finance Director
 2. Budd Inlet Consultant Contract Amendments - Lisa Parks, Executive Services Director
 3. Public Comment on Advisory Calendar
- K. Commissioner Reports/Discussion
- L. Other Business
- M. Meeting Announcements
- N. Adjourn



COMMISSION MEETING

<u>BRIEFING DATE/TIME:</u>	October 10, 2022
<u>DEPARTMENT:</u>	Executive
<u>STAFF CONTACT/TITLE:</u>	Sam Gibboney Telephone: 360.528.8001 Email: samg@portolympia.com
<u>TOPIC:</u>	Resolution 2022-10 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.
<u>PURPOSE:</u> <i>Check all that apply</i>	<input type="checkbox"/> Information only <input checked="" type="checkbox"/> Decision needed <input type="checkbox"/> Follow up from previous briefing
<u>BACKGROUND & OVERVIEW:</u>	
<p>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.</p> <p>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.</p> <p>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.</p> <p>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:</p> <p><i>“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</i></p>	

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 2022-10 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 \$381,000. Ongoing annual costs were estimated at \$145,000 and election costs were estimated at \$200,000 per election cycle.

AFFECTED PARTIES:

Citizens of Thurston County
Port of Olympia Commission
Thurston County Board of County Commissioners
Thurston County Auditor

**PORT OF OLYMPIA COMMISSION
RESOLUTION 2022-10**

**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

Sample Motion

Move to approve Resolution **2022-10** 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.



COMMISSION MEETING

<u>BRIEFING DATE/TIME:</u>	October 10, 2022
<u>DEPARTMENT:</u>	Executive
<u>STAFF CONTACT/TITLE:</u>	Lisa Parks Telephone: 360.528.8020 Email: lisap@portolympia.com
<u>TOPIC:</u>	Contract Amendment: Port General Counsel
<u>PURPOSE:</u> <i>Check all that apply</i>	<input type="checkbox"/> Information only <input checked="" type="checkbox"/> Decision needed <input type="checkbox"/> Follow up from previous briefing
<u>BACKGROUND & OVERVIEW:</u>	
<p>The Port of Olympia in-house General Counsel left the Port in early March of 2022 to take another position, and a decision was made to hire the services of an outside attorney to fulfill this essential role. In April of 2022, the Port entered into a Consultant Agreement with Rick Hughes, of the Law Office of Richard L. Hughes, PLLC, to serve as Port General Counsel. This initial contract was awarded with a term of March 31, 2023 with a not-to-exceed amount of \$100,000. Through August of this year, approximately \$84,000 has been spent. To ensure on-going General Counsel support for Port projects and initiatives, staff is requesting a contract amendment from the Commission as follows:</p> <ul style="list-style-type: none">• Extend the term of the agreement through December 31, 2023;• Increase the NTE amount by \$250,000, for a total of \$350,000 <p>This request is being forwarded as an Action/Other item for the Commission's consideration and action.</p>	
<u>DOCUMENTS ATTACHED:</u>	
<ul style="list-style-type: none">▪ Power Point Presentation	

Contract Amendment: Port General Counsel

October 10, 2022

Lisa Parks
Executive Services Director

Port General Counsel Agreement

Background:

- March, 2022 – In-house Port General Counsel left employment
- April, 2022 – Law Office of Richard L Hughes selected
 - Consultant Agreement Executed by Executive Director
 - Initial Not-To-Exceed of \$100,000
 - Initial Term thru March 31, 2023
 - Thru August, 2022 total spent approximately \$84,000
 - Average monthly expense = \$16,740

Request:

- Extend term thru December 31, 2023
- Increase NTE by \$250,000 - Total of \$350,000

Suggested Motion...

"...move to approve a contract amendment with the Law Office of Richard L. Hughes, PLLC extending the term through December 31, 2023 and increasing the total not-to-exceed amount to \$350,000."



COMMISSION MEETING

<u>BRIEFING DATE/TIME:</u>	October 10, 2022
<u>DEPARTMENT:</u>	Administrative / Executive
<u>STAFF CONTACT:</u>	Matt Peach, Finance Director Telephone: 360.528.8004 Email: mattp@portolympia.com
<u>TOPIC:</u>	2023 Operating Budget and Capital Investment Plan Process and Timeline
<u>PURPOSE:</u> <i>Check all that apply</i>	<input checked="" type="checkbox"/> Information only <input type="checkbox"/> Decision needed <input type="checkbox"/> Follow up from previous briefing
<u>BACKGROUND & OVERVIEW:</u>	
Staff will present to the Commission and the citizens of Thurston County the 2023 Budget Process including the dates that the budget will be presented in public meetings and a public hearing.	
<u>DOCUMENTS ATTACHED:</u>	
<ul style="list-style-type: none">▪ Powerpoint Presentation▪ 2023 Budget Schedule	
<u>AFFECTED PARTIES:</u>	
Thurston County Citizens	
<u>COMMISSION RECOMMENDATION:</u> <i>Commission Discussion, Deliberation and Direction</i>	
Advisory Only.	

2023 BUDGET & CAPITAL INVESTMENT PLAN TIMELINE / PUBLIC INPUT

October 10, 2022

Matt Peach
Finance Director

2023 BUDGET TIMELINE

SEPTEMBER 23, 2022

Work Session – First Review of Draft 2023 Proposed Operating Budget & Capital Investment Plan

OCTOBER 3, 2022

Work Session – First Review of Draft 2023 Proposed Operating Budget & Capital Investment Plan

OCTOBER 10, 2022

Advisory on 2023 Budget Process

OCTOBER 17, 2022

Work Session – Review Tax Levy Uses, Environmental Uses and Capital Investment Plan

OCTOBER 24, 2022

Advisory on Draft 2023 Proposed Operating Budget, Capital Investment Plan, & Tax Levy



2023 BUDGET TIMELINE (CONT.)

NOVEMBER 7, 2022 –
Work Session for Final Review (If Needed)

NOVEMBER 14, 2022 –
Public Hearing on Draft 2023 Proposed Operating Budget,
Capital Investment Plan, & Tax Levy

NOVEMBER 21, 2022 –
Work Session for Final Review (If Needed)

NOVEMBER 28, 2022 –
Final Adoption of 2023 Operating Budget, Capital
Investment Plan, & Tax Levy



NEXT WORK SESSION OCTOBER 17

- Advertising & Promotion - Events
- Tax Levy
- Commission Special Projects
- Capital Investment Plan
- Bond Debt



Questions?



COMMISSION MEETING

<u>BRIEFING DATE/TIME:</u>	October 10, 2022
<u>DEPARTMENT:</u>	Environmental
<u>STAFF CONTACT/TITLE:</u>	Lisa Parks Telephone: 360.528.8020 Email: lisap@portolympia.com
<u>TOPIC:</u>	Budd Inlet Consultant Contracts: Cascadia Law Group; Cascadia Policy Solutions; Gemini Environmental; Lund Faucett
<u>PURPOSE:</u> <i>Check all that apply</i>	<input checked="" type="checkbox"/> Information only <input type="checkbox"/> Decision needed <input type="checkbox"/> Follow up from previous briefing
<u>BACKGROUND & OVERVIEW:</u>	
<p>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.</p> <p>In 2012, the current RAG agreement between Ecology and the Port was put into place, with a total project cost of \$4,177,340, including 50% of that to be provided by the Port, with 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 through 2021 have been \$579,439.</p> <p>In addition to the technical consultant, Dalton, Olmsted & Fuglevand (DOF), the Port has selected additional professional consultants to assist with a variety of tasks associated with ensuring a successful project. Each of these consultants was selected using the Port’s policies on procurement of consultants, specifically related to personal services, as defined in RCW 53.19. The firms under consideration for this action include the following: Cascadia Law Group, Cascadia Policy Solutions, Gemini Environmental, and Lund Faucett.</p> <p>Upon selection, a separate Personal Services agreement was executed between the Port and each consultant in an amount of \$50,000, as authorized by Port Policy #1001. This allowed the consultants to participate in a one day, strategic project kick off session, to participate in an extreme low tide occurrence in mid-July and to begin work providing stakeholder development and outreach, strategic</p>	

policy and funding development, as well as community outreach and project information materials.

The specific request for Commission action is to approve a contract amendment with each consultant, adding money and extending the term of their various agreements, 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. The table below demonstrates the specific additional dollar amounts being requested for each consultant:

Consultant	Initial \$	Additional \$	Total \$
Cascadia Law Group	\$50,000	\$22,000	\$72,000
Cascadia Policy Solutions	\$50,000	\$43,000	\$93,000
Gemini Environmental	\$50,000	\$88,000	\$138,000
Lund Faucett	\$50,000	\$96,000	\$146,000
Total			\$449,000

Because this work will be completed to satisfy the tasks outlined in the existing RAG agreement, a majority of these costs will be reimbursed by Ecology at a rate of 50%. However, not all costs are grant eligible, including legal costs and potentially some of the work to develop stakeholder partnerships. Staff anticipates, of the \$449,000 included in the above contracts, approximately \$75,000 is not likely to be grant eligible.

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 these contracts 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 24, 2022 Regular Commission Meeting, at which time the DOF contract amendment request will also be presented for approval.

DOCUMENTS ATTACHED:

- Power Point Presentation



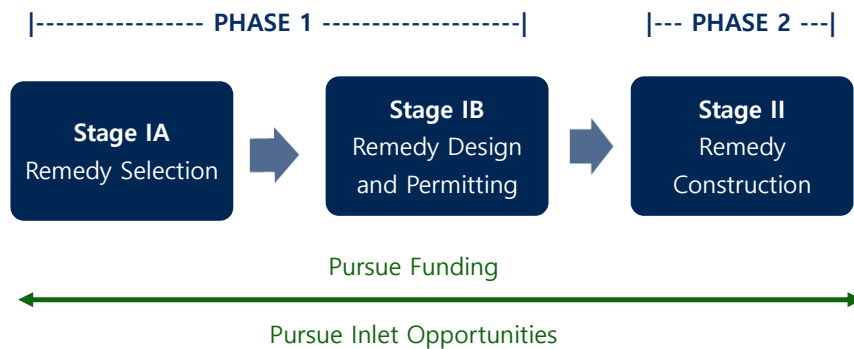
Budd Inlet Consultant Contracts:

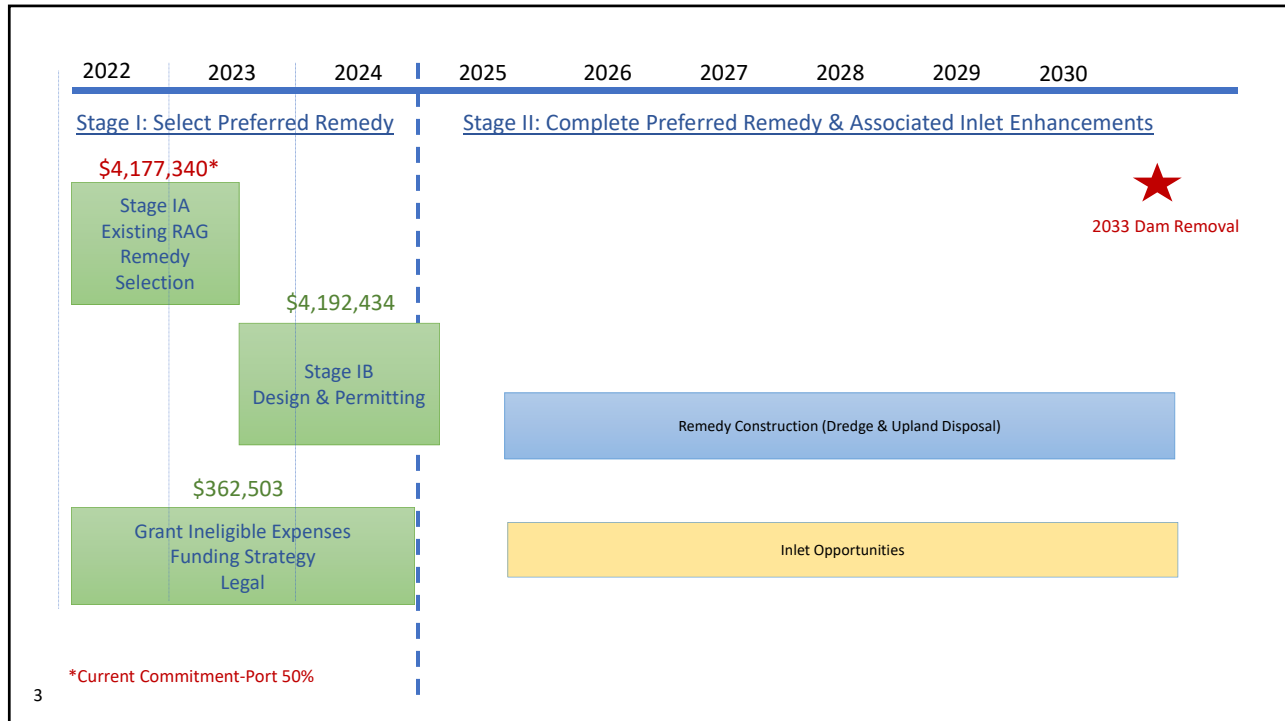
Cascadia Law Group
Cascadia Policy Solutions
Gemini Environmental
Lund Faucett

October 10, 2022

Lisa Parks
Executive Services Director

Project Stages





Commission Request

Approve Contract Amendments for Stage IA:

- Cascadia Law Group – Legal, regulatory issues
- Cascadia Policy Solutions – Policy, funding, stakeholder relations
- Gemini Environmental – Strategy, technical coordination
- Lund Faucett – Communications, outreach, public relations

Consultant	Initial \$	Add \$	Total \$	Term
Cascadia Law Group	\$50,000	\$22,000	\$72,000	June 30, 2023
Cascadia Policy Solutions	\$50,000	\$43,000	\$93,000	June 30, 2023
Gemini Environmental	\$50,000	\$88,000	\$138,000	June 30, 2023
Lund Faucett	\$50,000	\$96,000	\$146,000	June 30, 2023

Next Steps: Commission

- Contract Amendments on the Action Calendar on 10/24/2022



GEMINI ENVIRONMENTAL STRATEGIES LLC

LUND FAUCETT

DOF DALTON
OLMSTED
FUGLEVAND

**Cascadia
Policy
Solutions**
ENVIRONMENT | CLIMATE | ENERGY

**Cascadia
Law
Group**
ENVIRONMENTAL ATTORNEYS



5



Questions...?

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