

**PORT OF BENTON  
COMMISSION MEETING MINUTES  
January 8, 2020**

**ORIGINAL**

- A. CALL TO ORDER:** The regular monthly meeting was called to order at 8:30 a.m. at the Port of Benton Commission Meeting Room, 3250 Port of Benton Boulevard, Richland, Washington. Present were Commissioners Jane F. Hagarty, Roy D. Keck and Robert D. Larson. Staff members present included Executive Director, Diahann Howard, PPM®; Director of Finance, Stuart Dezember, CPA, PPM®; Port Counsel, David Billetdeaux; Director of Real Estate, Teresa Hancock; Director of Marketing, Wally Williams; Director of Special Projects, John Haakenson; Administrative Assistant, Kelly Thompson and Administrative Assistant, Sheri Collins. Also, in attendance were Randy Slovic and Kelly Allen.
- B. PLEDGE OF ALLEGIANCE:** Stuart Dezember led those present in reciting the Pledge of Allegiance.
- C. CURRENT BUSINESS:**
- 1. CONSENT ITEMS:** A motion was made by Commissioner Jane Hagarty, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the December 11, 2019 Commission Meeting Minutes and the December 17, 2019 Special Commission Meeting Minutes.
  - 2. UNSCHEDULED BUSINESS/VISITORS:** Randy Slovic introduced herself and stated her address.
  - 3. OATH OF OFFICE:** Port Counsel administered the oath of office to Commissioner Roy D. Keck, who recited and signed the oath of office. Administrative Assistant Sheri Collins notarized the document.
  - 4. SELECTION OF COMMISSION OFFICERS FOR 2020:** A motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty and unanimously passed by the Commission approving the Commission officers for 2020: President, Jane F. Hagarty; Vice President, Robert D. Larson and Secretary, Roy D. Keck.
- The regular Commission Meeting was recessed at 8:35 a.m. and the Economic Development Corporation Meeting was convened.
- 5. PORT OF BENTON ECONOMIC DEVELOPMENT CORPORATION MEETING:** See attached minutes.

The Port of Benton Economic Development Corporation Meeting was adjourned at 8:38 a.m. and the regular Commission Meeting was reconvened.

6. **ASSESSMENT MEMBERSHIPS UPDATE:** The Executive Director and the Director of Finance reviewed the updated assessment of memberships and organizational assignments for 2020. There were some noted changes.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the 2020 Assessment Membership and Organizational Assignments to include noted changes and approving all dues and travel expenses for Commissioners and Port personnel associated with attendance of Port related meetings and events for the 2020 calendar year.

7. **RESOLUTION 20-01, DELEGATION OF AUTHORITY OF THE EXECUTIVE DIRECTOR AND HER DESIGNEES:** Port Counsel and the Executive Director reviewed the Delegation of Authority and stated there were no changes other than replacing language with appropriate pronouns.

A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving Resolution 20-01 Delegation of Authority of the Executive Director and her designees.

8. **RESOLUTION 20-02, A RESOLUTION TO UPDATE THE REMOTE ATTENDANCE POLICY:** Port Counsel presented the Resolution at the request of the Commission to update the current Remote Attendance Policy, to reflect the importance of the Commissioners' schedules, meetings, agenda items, so that items are heard in a timely manner.

A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving Resolution 20-02, Updating the Remote Attendance Policy.

9. **RESOLUTION 20-03, A RESOLUTION ADOPTING THE PORT OF BENTON COMMISSION RULES OF POLICY AND PROCEDURE:** Port Counsel explained the revisions requested by Commissioners at their recent workshop had been made. The document was presented for final approval.

A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving Resolution 20-03, Adopting the Port of Benton Commission Rules of Policy and Procedure.

**10. 2020 ARCHITECT, ENGINEER AND PROFESSIONAL ROSTER APPROVAL:** The Director of Finance explained the annual process of advertising, requesting proposals and qualifications and the scoring process; which is required by the Washington State Auditor. He provided a summary sheet of the evaluation, scoring and placement of each category. Commissioner Hagarty commented in 2020 the Port needs to be very open and focused about project prioritization and follow up. Commissioner Roy Keck asked about the Small Works Roster and the state statutes that apply. The Executive Director stated the state statute allows for up to \$50,000; however, Port internal policy is \$10,000, with lower guidelines of up to \$3,000 for maintenance staff.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the 2020 Port of Benton Architect, Engineer and Professional Roster.**

- D. COMMISSIONER COMMENTS:** Commissioner Robert Larson commented on the USS Triton Sail Park and requested staff to continue to explore further opportunities to expand the park and add a building. The Executive Director responded stating she is working with community partners and they are seeking grant and research funding opportunities.

Commissioner Roy Keck commented 2019 was a very interesting year. He stated he is excited about the new Airport Manager and Facilities Manager hires that will be starting soon and working with the Executive Director and current staff to achieve Port goals. He also stated he has recently been appointed to the "at large position" for the Special District Advisory Committee with the State Treasurer.

Commissioner Jane Hagarty commented on her attendance at the Prosser Economic Development Association (PEDA) board meeting, the Walter Clore Wine and Culinary Center Board meeting and the Prosser Chamber of Commerce meeting.

- E. COUNSEL COMMENTS:** Counsel updated the Commission on the first round of employee-Commissioner training to be held today in three intervals so that all staff and Commission receive both whistleblower and retaliation training. He also provided an update on the state's Family Medical Leave Act, which states; "while an employee is on Family Medical Leave Act, they do not accrue benefits or receive service credit." Employees in this situation will be advised to exhaust all Paid Time Off (PTO) before going on the Family Medical Leave Act.

In the latest federal lawsuit with TCRY, the judge dismissed retaliation claims and awarded the Port over \$100,000 in attorney's fees. TCRY has appealed this judgement. Briefs are due for submittal on April 13, 2020 and answers are due for submittal by May 13, 2020, to the Ninth Circuit Court of Appeals.

Commissioner Roy Keck asked about the status of the other lawsuits with TCRY involving both the Port and the City of Richland. Port Counsel explained the Port and City are co-defendants. The Judge may not wish to make a final decision until the Ninth Circuit Court of Appeals votes. The sixty (60) day appeal period is over for TCRY to appeal the Surface Transportation Board's (STB) adverse discontinuance ruling in the Port's favor.

Counsel provided an update on the question of tariffs. TCRY asked if the Port would approve a tariff. TCRY is asking to charge the BNSF and UP a \$600 switching fee per car and a \$95 maintenance fee per car.

**F. EXECUTIVE DIRECTOR COMMENTS:** The Executive Director discussed the interviews held this week for the position of Airport Manager, stating she, Port Counsel, the Director of Special Projects, Buck Taft, Tri Cities Airport Director and Dan Davis have seen a high quality in the candidates and expect to be able to make a final choice soon. Interviews will follow for the Facilities Manager position. She has also been researching the .09 monies as related to Border Counties. This may allow the Port to continue to receive .09 monies in the future instead of the current sunset clause the Port is facing. She reminded everyone of the following dates: The Dam Rally, January 13, 2020 at the Pasco Red Lion; Aviation Awareness Day, in Olympia, January 14, 2020 (this year the Port is unable to send a representative); PNNL will facilitate Japanese visitors meeting via a webinar at WSU-TC, January 21 & 24 and the Tri-Cities Legislative Committee Reception, held in Olympia, January 30 - 31. She also discussed sending a Request for Qualifications for a consulting firm to assist in contracting for the economic development position, until other positions are filled. This will allow time to determine what is needed organizationally. The Executive Director will continue the federal portion of this position.

**G. DIRECTOR OF FINANCE COMMENTS:**

**1. REVISED 2020 BUDGET FOR REVIEW AND APPROVAL:** The Director of Finance reviewed the revised 2020 Budget, provided a summary of expenses and income adjustments, explained the HVAC unit replacement, Crow Butte Master Plan Update and tree trimming at all sites. Commissioner Jane Hagarty requested Crow Butte expenses be separated from other Port expenses so the Port can track their income and expenses attributed to Crow Butte Park.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the Revised 2020 Port of Benton Budget.**

**2. VOUCHER REVIEW AND APPROVAL:** Vouchers audited by the Auditor as required by RCW 42.24.080 and certified expense reimbursement claims as required by RCW 42.24.090 have been recorded on a listing, which has been made available to the Port Commission.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the December Voucher Certification and approved for payment those vouchers included in said listing and further described as follows: Payroll Warrants numbered 05435 through 05678 totaling \$93,161.05 and General Expense Warrants numbered 072002 through 072193 totaling \$867,387.37 from the General Expense Fund.

#### **H. STAFF INFORMATION REPORTS:**

**COMMUNICATIONS AND MARKETING:** The Director of Marketing discussed the Ag Show, which will be held January 17-20, 2020 at the TRAC. A press release is underway to highlight Commissioner Roy Keck's oath of office signing and the new officers of the Port Commission in 2020. He is coordinating with the Ports of Kennewick and Pasco for the February 26, 2020 State of the Ports luncheon.

**GRANTS:** The updated copy of the Grants Status report was reviewed. The Executive Director advised the Port will be submitting to Benton County for .09 dollars to support infrastructure investments within the Richland Innovation Center (RIC). The Port is also working with our grant writer in order to be ready for submittal on infrastructure upgrade and repairs needed at Crow Butte Park.

**SITES UPDATE:** The Executive Director discussed the Master Plan for Crow Butte Park will be starting soon.

JUB Engineers is facilitating public meetings with both the public, elected officials and stakeholders as the Richland Airport Master Plan is being updated.

- I. **EXECUTIVE SESSION:** The regular Commission Meeting was recessed at 10:12 a.m. and an Executive Session was convened to discuss On-going and Potential Litigation pursuant to RCW 42.30.110 (1)(i) and Personnel Matters pursuant to RCW 42.30.110 (1)(g). The Commission announced the Executive Session would last no longer than sixty (60) minutes. At 11:12 a.m. the Commission announced the Executive Session would last an additional five (5) minutes. At 11:17 a.m. the Commission Announced the Executive Session would last an additional ten (10) minutes. The Executive Session was adjourned at 11:27 a.m. and the regular Commission Meeting was reconvened.
- J. A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission authorizing Port Counsel to approve the tariff with an explanatory letter to TCRY and notice to the BNSF, UP and the City of Richland.

A motion was made by Commissioner Robert Larson, seconded by Commissioner Jane Hagarty, Commissioner Roy Keck recused himself from this motion, the motion was passed authorizing Port reimbursement for Port Commission and staff legal fees to date, relating to the recent investigation.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission authorizing Port Counsel to enter into settlement negotiations with Lucinda Luke.

K. **ADJOURNMENT:** With no further business, the meeting was adjourned at 11:31 a.m.

  
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Roy D. Keck  
Commission Secretary