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**PORT OF BENTON  
REGULAR COMMISSION MEETING  
Agenda**

**8:30 a.m., April 21, 2021**

**3250 Port of Benton Boulevard, Richland, Washington**

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. CONSENT AGENDA

1. Approval of Minutes from the March 10, 2021 Commission Meeting
2. Approval of Vouchers and Certifications, Including Payroll for Month of March Totaling \$735,641.98
3. Resolution 21-10, To Cancel Warrant No. 077758, in the amount of \$1,004.90
4. Resolution 21-11, To Cancel General Expense Warrant Nos. 073976-077500, which have not been issued

#### D. PUBLIC COMMENT

#### E. ITEMS OF BUSINESS

1. Welcome and Update from Karl Dye, TRIDEC
2. Welcome and Update from Tom Glover, City of Prosser
3. Approval of Bid for Lighting Replacement at 2345 Stevens Dr. to Ecomodus, LLC
4. Yardi Software SaaS Agreement – Annual Licensing and Implementation/Consulting
5. Resolution 21-12, A Resolution of the Port of Benton Relating to Contracting Indebtedness
6. Resolution 21-13, A Resolution Approving a 5+ year Ground Lease to PRBBQ Realty Co., LLC at the Richland Airport
7. Consent to Assignment – RLH Properties LLC to Ryan & Mari Rhoden at the Richland Airport
8. Resolution 21-14, A Resolution Approval a Sale to Luis Ruiz, Gabriela Razo Ruiz dba L&G Salon And/or Assigns in Benton City
9. Interlocal Agreement for Grant Writing Services

#### F. INFORMATION REPORTS

1. Grants Update
2. Budget Update
3. Wildlife Mitigation Depredation Airport Policy
4. 2021 Staff Training Plan

## G. COMMISSIONER REPORTS/COMMENTS

## H. DIRECTOR REPORTS/COMMENTS

1. Executive Director
2. Port Attorney
3. Finance Director
4. Economic Development & Governmental
5. Marketing
6. Real Estate
7. Special Projects
8. Facilities & Operations
9. Airports

## I. EXECUTIVE SESSION: Ongoing Litigation and Real Estate

## J. ADJOURNMENT

The next Port of Benton Commission meeting is Wednesday, May 12, 2021. Visit [portofbenton.com](http://portofbenton.com) for notices and information.

**PORT OF BENTON**  
**COMMISSION MEETING MINUTES**  
**MARCH 10, 2021**

**A. CALL TO ORDER:** The regular monthly meeting was called to order at 8:34 a.m. at Port of Benton Commission Meeting Room, 3250 Port of Benton Boulevard, Richland, Washington.

**PRESENT:** Commissioner Roy D. Keck (via remote telecommunications), Commissioner Robert D. Larson (via remote telecommunications), Commissioner Jane F. Hagarty. Executive Director, Diahann Howard, PPM®, Attorney, David Billetdeaux (via remote telecommunications); Director of Economic Development and Governmental Affairs, Miles Thomas (via remote telecommunications); Executive Administrator, Summers Miya (via remote telecommunications); Director of Real Estate, Teresa Hancock (via remote telecommunications); Director of Marketing, Wally Williams (via remote telecommunications); Contract Specialist, Sheri Collins (via remote telecommunications); Director of Facilities & Operations, Ron Branine (via remote telecommunications); Director of Airports, Joe Walker (via remote telecommunications); Director of Finance/CPA, Danielle Connor (via remote telecommunications); Senior Accountant, Veronica Serna (via remote telecommunications); Sundance Aviation, Clif Dyer (via remote telecommunications); Century West Engineers, Bryan Condon (via remote telecommunications); JUB Engineers, Ben Hoppe (via remote telecommunications); Hanford Communities, David Reeploeg (via remote telecommunications); Jesalyn Cole, Historic Downtown Prosser Association (via remote telecommunications); Michael Novakovich, Visit Tri-Cities (via remote telecommunications); Neal Ripplinger, Prosser Economic Development Association (via remote telecommunications); Debbie Berkowitz (via remote telecommunications); John-Paul Estey, Prosser Chamber of Commerce (via remote telecommunications); Rebecca Burghart, Manhattan Project National Historical Park (via remote telecommunications); Eric McCrea (via remote telecommunications)

The Commission Meeting was conducted using the CDC (Centers for Disease Control) recommended social distancing protocols for COVID-19 with Commissioners meeting in-person and remotely; public attending remotely and Port staff members participating in-person or remotely, and said meeting was noticed as required by RCW 42.30.070.

Commissioner Hagarty noted that she would read action items aloud alphabetically by last name and asked that each commissioner signify their vote by announcing 'Yes' or 'No' aloud. Further, when a Commissioner wishes to speak, the name of the Commissioner will be announced for those using remote telecommunications.

**B. PLEDGE OF ALLEGIANCE:** Diahann Howard led those present in reciting the Pledge of Allegiance.

**C. CONSENT AGENDA:**

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the February 10, 2021 Commission Meeting**

**Minutes, and approval of vouchers and certifications, including payroll, for the month of February totaling \$703,654.45.**

**D. PUBLIC COMMENT:**

There were no comments from the public.

**E. ITEMS OF BUSINESS:**

**1. Welcome and Update from David Reeploeg, Hanford Communities**

Executive Director of Hanford Communities, David Reeploeg thanked the Commission for the opportunity to present an update on Hanford Communities.

Reeploeg began with an update, noting that Hanford Communities was formed in 1994 when the relationship in the Tri-Cities with the Hanford site was a bit unclear, as much of the community was unaware of the scope of the cleanup and there was a level of mistrust regarding the Hanford site in general.

Reeploeg added that the local government wanted to establish a “voice” that represented the goings-on at Hanford, as well as to increase public awareness.

Reeploeg explained that the governing board of the Hanford Communities group sets the policy for the organization and the board consists of one elected official from each jurisdiction. Reeploeg added that changes were made in the May of 2020 after the retirement of Pam Larson and the administrative duties were transitioned to TRIDEC. Reeploeg added that he focuses half his time as Vice President of TRIDEC and the other half is devoted to Hanford Communities, which does receive some administrative support from the TRIDEC staff.

Reeploeg added that in September of 2020 a new scope of work with the state Department of Ecology was created, as well as a new website, which the goal is to have the website become the new “go-to” site for information and events involving Hanford.

Reeploeg added that he hopes to create more of a social media presence and encouraged all to “like” on Facebook, Instagram and YouTube. Reeploeg added that they have also added a quarterly newsletter, in which they have transitioned from snail mail to electronic.

Reeploeg stated that with the new administration in 2021, there will be some reorganization depending on the capabilities of those appointed to leadership.

Reeploeg added that Congressman Dan Newhouse is the current Western Caucus chair, which is a great benefit to the group, as his position is a great platform to advocate for western issues. Reeploeg stated that the Hanford Communities is very well-positioned, legislatively speaking.

Reeploeg addressed some recent Hanford site changes as the new leader of the Central Plateau Cleanup Company (CPCCo) is Scott Sax, who has been involved in the leadership at Hanford for many years. Reeploeg pointed out that Bob Wilkinson remains in the same capacity at Hanford Mission Integration Solutions (HMIS), formerly Mission Support Alliance (MSA).

Reeploeg noted that there is quite a bit of interest in securing contracts at the current time.

Reeploeg addressed the 2021 Issue Agenda, stating that the idea one manages waste is based on the physical characteristics of the waste and there are current controversies with the State, representing challenges, adding that a Congress-based study was released with \$200B - \$70B in savings recognized regarding solidifying waste sooner and there are broad concerns with the approach.

Reeploeg added that DFLAW is trying to work on facilities to vitrify waste.

Reeploeg added that there are two high-risk facilities currently and WESF has moved from pull storage to cast storage and also stated that there is contaminated soil in the 324 area, which is a top priority to move, as of the proximity to the river and city.

Commissioner Hagarty complimented Reeploeg on the seamless transition and focusing on all the right issues.

## **2. Welcome and Update from Rebecca Burghart, Manhattan Project National Historical Park**

Rebecca (Becky) Burghart, of the Manhattan Project National Historical Park and tenants of DOE within the Port's 2000 Logston Blvd. location, greeted the Commission and provided an overview of the digital app her team has been developing over the past months, adding that the plan is to launch the app in conjunction to National Junior Ranger day, which is at the end of April.

Burghart explained that the app will enhance the visitor experience and also helps to broaden the knowledge of community members and share the global story of the Manhattan Project.

Burghart provided a visual presentation of the app's capabilities, including highlighting the tours available, self-guided options, the Visitor Center at Logston Blvd., as well as the Visit Tri-Cities Visitor Center. Burghart noted that there is a Behind the Fence option that is not accessible in-person, at any time, but does showcase certain inaccessible Hanford areas on the app.

Burghart explained that there are 40 Tri-Cities locations highlighted, along with secret cities, legacies, displacement, untold stories, breaking scientific boundaries, a breakdown of amenities, links to tour sites, including the Triton Sail with directions.

Burghart added that the secret cities includes downtown Richland, the Alphabet Homes, Bruggeman's Warehouse, East Benton County Historical Society & Museum, Franklin County Historical Society & Museum, the Hanford Reach National Monument, as well as the area's farming history and attractions within a 2-hour range of the Tri-Cities.

Burghart noted that the Hanford site's sister cities of Los Alamos, NM and Oakridge, TN have apps that are similarly setup that create a woven-through experience for visitors and they have developed a visitor passport with a Hanford specific stamp, which will be available at the Logston Visitor Center, as well as the Visit Tri-Cities Visitor Center.

Burghart stated that the National Parks Systems has been working with Visit Tri-Cities on custom marketing materials to highlight the digital experience and the park itself.

Executive Director, Diahann Howard mentioned a virtual tour of the Triton Sail and President & CEO of Visit Tri-Cities, Michael Novakovich stated that he is looking forward to working with the Port of Benton and explained that they have equipment to create an engaging virtual experience video of the Sail, adding that STEM tourism ties in with the area's workforce development, which ties in with employment, therefore an investment in STEM feeds in with the overall economic development of the community. Novakovich added that the Visit Tri-Cities team works with many travel writers and they will pitch the STEM itineraries that include the Triton.

Burghart added that National Park week takes place in July and they will be partnering with Visit Tri-Cities on promotions.

## **3. Welcome and Update from John-Paul Estey, Prosser Chamber of Commerce**

Executive Director of the Prosser Chamber of Commerce, John-Paul Estey provided an update on recent activities at the Chamber, stating that they had to shift gears in the past year as all tourism-focused events were not able to take place due to COVID.

Estey added that he has shifted focus to working with local businesses and keeping them apprised of the current situation. Estey noted that they saw only a few business closures due to the pandemic and that they lost four members, but gained 16.

Estey added that he conducted their first in-person tourism meeting in a year just yesterday and stated that there was a lot of optimism around the table. Estey announced that the Chamber is currently planning to hold all tourism events in 2021, but they will have contingency plans in place and will focus on staying within current state guidelines.

Estey praised the Prosser partner meetings and added that a lot of good has come from working with the other groups and it is a great way to network and make progress.

Commissioner Jane Hagarty complimented the Prosser partners for coming together.

Jesalyn Cole, of the Historic Downtown Prosser Association echoed Estey's sentiments about the Prosser partner meetings and added that the HDPa office has also been a support role offering resources to local businesses throughout the pandemic.

#### **4. Welcome and Update from Neal Ripplinger, Prosser Economic Development Association**

Executive Director, Neal Ripplinger of the Prosser Economic Development Association greeted the Commission and spoke of the possibility of an expansion project, in which he has been meeting and discussing regulation requirements.

Ripplinger noted that the Rural Development Fund Project, which entails wayfinding and ADA compliance will be resubmitted by the City late spring. Ripplinger noted that the City had other .09 projects they wanted to complete before focusing on the Rural Development Fund Project.

Ripplinger stated that banners will be added at Exit 80, as well as downtown.

Ripplinger provided an update on PEDa's business recruitment efforts, noting that PEDa is working to institute a program. Ripplinger added that they are also working on a bi-weekly Prosser Business Spotlight to advertise and bring awareness to local businesses.

Ripplinger added that the Prosser partner meetings have been very beneficial and a great way to communicate with the partners throughout the COVID-19 pandemic and he anticipates the continuation of the partner meetings post-pandemic.

Ripplinger updated on the USDA Tourism Grant, noting that a consultant is coming in for a tourism assessment and PEDa looks forward to assisting.

Ripplinger provided an update on the grant writer program, adding that they plan to implement a series of webinars through the EDA grant, regardless of receiving the grant or not, as the webinars are focused on education.

Ripplinger stated that he continues to work and research the broadband project and feels that this is an important component to attract residents to the community, particularly because of the need of working and schooling from home.

#### **5. Approval of Carpet Replacement at 2345 Stevens Dr.**

Director of Facilities & Operations, Ron Branine stated that a request for bids was sent out on 2/24/21 and all bids were received by 3/4/21, with Luke's Carpet coming in as lowest-bidder at just over \$63K with tax. Branine added that these prices are within the previously approved scope of work and 2021 budget.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the carpet replacement at 2345 Stevens Dr.**

#### **6. Resolution 21-08 – Accepting Work for the 2019 Rail Rehab Project**

Attorney, David Billetdeaux reminded the Commission that the project included reconstruction of the Yakima River Bridge tie deck, replacing both the structural ties and rail, as well as the replacement of ballast, ties and rail on the I-182 (Berry's) bridge. Billetdeaux added that the Jadwin Ave. railroad crossing were reconstructed, replacing panels and rail, in addition to the replacement of the pedestrian

path crossing panels and rail. Billetdeaux stated that approximately 2,000 cross ties from Columbia Park Trail to Duportail Street were replaced and an additional 800 tons of ballast and approximately 8,000 linear feet of track were tamped and aligned.

**A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving the acceptance of work for the 2019 Rail Rehab Project.**

**7. Resolution 21-09 – Accepting an Agreement with Century West Engineering Corporation for On-Call Airport Engineering and Consulting Services for the Richland Airport and Prosser Airport**

Attorney, David Billetdeaux explained that a formal RFQ process was conducted and a number of engineering firms submitted qualified proposals for services at the Richland and Prosser Airports. Billetdeaux added that the standard process of scoring was utilized in review of the proposals and Century West came out on top.

Director of Airports, Joe Walker added that the work is for a 3-year master service agreement with options for two 1-year extensions.

Billetdeaux added that there is not a dollar figure because the service is for an on-call agreement.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the agreement with Century West Engineering Corporation for on-call engineering and consulting services for the Richland Airport and Prosser Airport.**

**F. INFORMATION REPORTS:**

**1. Grants Update:** Executive Director, Diahann Howard announced that the Prosser Airport project is planned to start in August and the port is currently out for bids.

Howard stated that the Richland Airport Master Plan continues, with the next step being the final preferred alternative.

Howard added that the .09 funds are out for bid on the Fermi improvements, which are sidewalks, streetlights and internet.

Howard added that \$5M for a North Richland development building has been submitted for federal consideration.

Howard stated that the bond refinancing will target about \$4M in new debt to be used towards a new facility, the Port currently has a letter of intent for 7,500 sq ft of space of the proposed space.

**G. COMMISSIONER REPORTS/COMMENTS:**

Commissioner Roy Keck announced that he has been following the legislative process regarding the transportation bills that are pending, adding that he will be attending the WPPA meeting being held tomorrow to discuss.

Commissioner Keck congratulated Miles Thomas on representing the Port well in the recent Coffee with Karl.

Commissioner Keck commented on his recent assistance at a vaccination clinic being held at the Benton County Fairgrounds and was happy to be able to assist with directing traffic



out of the tents after vaccines were administered. He noted that Congressman Dan Newhouse was there with a group assisting with the processes.

Commissioner Robert Larson stated that he continues to utilize Zoom for most meetings, and he is attending Richland Rotary regularly. Commissioner Larson also commented that he too is helping at a vaccination clinic being held at the Benton County Fairgrounds directing traffic out of the tents after vaccines were administered.

Commissioner Hagarty noted that her report was mostly covered by the three Prosser representatives at today's meeting but added that she enjoyed the State of the Ports virtual luncheon, congratulating Diahann Howard and Wally Williams, as well as the Regional Chamber for their efforts.

Commissioner Hagarty added that she tuned in to the recent Coffee with Karl discussing economic development and praised Miles Thomas and announced that the Port is lucky to have him on the staff, as he represented the Port tremendously well and did a fantastic job.

## **H: DIRECTOR REPORTS/COMMENTS**

**1. EXECUTIVE DIRECTOR:** Executive Director, Diahann Howard announced that everyone is relieved and happy to have Director of Facilities & Operations, Ron Branine back with the team.

Howard informed the Commission that she felt the Chamber's State of the Ports virtual luncheon went very well and was a united effort from the team.

Howard stated that there has been a lot of discussion regarding the TIF bill and Miles Thomas is currently listening to the meeting for updates.

Howard stated that she recently had a one-on-one with the Visit Tri-Cities CEO, Michael Novakovich, in which they discussed a strategic partnership in relation to STEM tourism. Howard thanked Novakovich for the partnership.

Howard provided an update on the Ports refinancing, noting that bond rates have now dropped to 2% and under 2% in the public bond market. Howard added that Piper Jaffrey has presented a cost of \$47K to move forward with the bond issuance and the cost will be rolled into the issuance.

Howard stated that the new debt will be used to construct a building in north Richland, the Port has a letter of intent from a great anchor tenant that supports the University, as well as the STEM industry. Howard added that the building will have a balance of flex and industrial space and can provide for a version of an accelerator building. Howard added that a second potential client has been identified and requested a motion from the Commission affirming the decision of the Executive Director, under her delegation of authority, to move forward with drafting and signing a contract with Piper Sandler for an approximately \$10M bond issue (\$4M new money, plus refinancing of old funds), with a fee of \$4.75 per \$1K of principal for a total of \$47,500.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the Port to move forward with signing a contract with Piper Sandler for an approximately \$10M bond issue (\$4M new money, plus refinancing of old funds), with a fee of \$4.75 per \$1K of principal for a total of \$47,500.**

Howard noted that Director of Special Projects, John Haakenson was unable to attend today's Commission meeting, as he is at Crow Butte Park, preparing for the upcoming season opening.

Howard wanted to congratulate Haakenson and the Crow Butte team on all of their cleanup and opening efforts, adding that new signs have been installed around the park. Howard informed the

Commission that the valuable leaf-sucking vehicle recently lost its transmission, but the team is working to get it fixed.

Howard added that they had a good kick-off team meeting with the Crow Butte group, stating that the team is ready for the electrical work that needs to take place to get irrigation going, but are still waiting on an OK from the Corp to move forward with the work. Howard advised that there is a backup plan, if the delay continues.

Howard noted that new annual passes have been ordered and all inspections and annual reports are being completed for the Corp. She advised that janitorial has been at the park this week for a deep clean, which has been taking place monthly because of COVID-19. The Port of Benton team is excited to welcome campers and open the park.

**2. PORT ATTORNEY:** Attorney, David Billetdeaux informed the Commission that he has been accepted into the PPM program, which will begin virtually soon and has also been reformatted to a three-year program.

Billetdeaux thanked Commissioner Keck for taking the time to volunteer at recent vaccination clinics.

Billetdeaux provided an update on the Ninth Circuit Court of Appeals, stating that the hearing was held on 3/2/21, and an opinion may not be heard for somewhere between three to nine months, as the courts systems are extremely behind. Billetdeaux added that he felt the proceedings went very well.

Billetdeaux provided an update on the Superior Court hearing on the Port's Motion for Summary Judgment, which was bumped last month to 3/17/21. Billetdeaux reminded the Commission that this will discuss the Class 3 issue and maintenance and once presented, may be taken under advisement.

**3. FINANCE DIRECTOR/AUDITOR:** Director of Finance/CPA, Danielle Connor presented a preliminary unaudited budget to actual for December 2020, stating that overall, the Port team did very well managing expenses and mitigating the risk with all the unexpected circumstances that last year brought. Connor recognized the whole team in coming together to keep things on track.

Connor stated that overall, the Port ended very close to where things started, stating that the Port started with \$2.9M and ended with cash of \$2.8M, with only a net decrease of \$100K.

Connor added that lease revenues ended up coming in right in line with budget, as well as tax revenue. Connor noted that Crow Butte revenue ended up as a deficit as expected, with the Park being closed. Connor advised that grant revenue is under budget due to the deferral of the \$1.2M .09 funds and miscellaneous income was ahead of budget due to about \$568K of unbudgeted insurance recoveries received. Connor continued, adding that collections of notes receivable came ahead of budget due to Steward Estates paying off their note early in 2020.

Connor advised that the unbudgeted sale of Summerlin properties was a welcomed addition to the cash flow. Connor stated that O&M was right in line with budget and G&A was slightly over budget, due to the transition and extra consulting fees.

Connor stated that the Port ended with total funds less expenditures 15% over budget, but that is offset with capital expenditures coming in 15% under budget.

Connor explained that there are still several open reconciliations and year end adjusting entries to work through for 2020 in preparation for compiling the formal financial statements, adding that the full financial statement package including supplemental management and discussion and additional disclosures and schedules is due to the SAO on 5/30/21.

Connor informed the Commission that general expenditures for February were approximately \$703K, up 85% from January and in line with forecasted. Connor added that February's total included remittance of Q4 LET and a large payment to Railworks for the derailment.

Connor noted that projects are still pretty quiet and there have been some expenditures from the Walter Clore turnover, but no material disbursements otherwise in February.

Connor stated that the February reports were received from Benton County earlier in the week and the unreconciled cash balance at the end of February, including reserved cash, was \$2.7M, which is in line with the forecast. Connor added that she expects expenditures to be higher in March and April, with projects starting to pick up related to both Port and grant-funded capital projects. Connor also noted that she is working on reconciling and preparing the reimbursement request for \$31K from the City of Richland for the Duportail rail crossing.

Connor informed that tenant AR is currently sitting at \$717K outstanding, with about 16%, or \$113K aged greater than 90 days. Connor added that a large deposit was received just yesterday that will be applied and bring the overall balance due down. Connor pointed out that the team continues to work in attempts to resolve and reconcile the past due amounts and have also started looking into sending monthly statements out in attempts to help with collection of the past due amounts.

Connor informed that several projects have been pushed to Q2 and about \$875K of capital is projected for Q2, with 45% being solely Port-funded and 55% being grant-funded and reimbursable.

Connor provided an update on the IAP project, noting that she is working to officially close-out the Intacct and Criterion IAP projects this month, but with continued access available for support for both applications. Connor added that there are continued ongoing open items and work being made towards improved systems and workflow and at this time, translating the budget and getting it mapped continues to be a priority which will lead into building out the dashboards and reporting with the intention to make more timely and applicable reporting available to the team.

Connor provided an update on the implementation of the Yardi work order system, stating that process maps and a timeline were developed and provided to Yardi and DSD a few weeks ago in attempts to help define the scope and expectations of the project. Connor continued, adding that she has been in discussions with both Yardi and DSD to continue to define the requirements and feasible solutions.

Connor stated that a proposal was received yesterday from Yardi for the asset management and lease administration/lease accounting applications, adding that the proposal is within what the Port has budgeted and previously presented with the initial IAP project. Connor stated that the proposal includes annual licensing for the Yardi applications, as well as implementation consulting and development costs for work on the interfaces.

Connor added that work continues with DSD to source and scope the development efforts required on the Intacct sides as there will be additional costs there.

Connor provided a visual update on the new accounting standard, GASB 87 highlighting that feedback has been acquired from a few resources on non-real estate leases and real estate leases and specific information is required, which will need to be collected from reviewing each lease. Connor noted that she will look to bring in 3<sup>rd</sup> party assistance, due to the time requirement and internal availability.

Connor continued, adding that there is guiding criteria to determine the discount rate which will vary from lease to lease and there are additional requirements for airport-related leases. Connor stated that there is an intention to bring transparency to the financial statements of long-term leases.

Connor added that the Port will most definitely need to rely on a software solution, as there is no way they could comply without utilizing a technology solution and pointed out that Yardi Voyager supports GASB 87.

Connor stated that herself, Teresa Hancock and Veronica Serna attended a really great and in-depth webinar series through American Association of Airport Executives over the last few months that exposed them to the requirements as well as other individual experiences with implementation of the GASB 87 standard.

Connor stated that she continues to build out a project plan and timeline and strategy for data collection and implementation of GASB 87, which will overlay with the implementation of Yardi for lease administration and work order and updates will be provided throughout the process.

**4. ECONOMIC DEVELOPMENT & GOVERNMENTAL AFFAIRS:** Director of Economic Development & Governmental Affairs, Miles Thomas thanked the Commission for the opportunity to provide an update on the Port's economic development and legislative priorities.

Thomas stated that the TIF for Jobs coalition moved the state Tax Increment Financing Bill through the State House last week, taking us one step closer to seeing this tool come to fruition. Thomas did note, however, that discussions are currently in progress relative to reservations expressed by a powerful minority of Ports that feel TIF does not work how they presumed and added that the Port continues to stand by the work that has been put into TIF and the cross-section of bipartisan support speaks to the power this tool has in the 48 other states that already have some form of tax increment financing available to them. Thomas added that in an ever-increasing cost environment for public works projects, TIF is one tool that would put us in a better bonding position to allow for the type of work to ready areas for development like the 1,641 acres and future heavy industrial developments.

Thomas noted that the Port continues to monitor the low carbon fuel standard bill and it continues to gain momentum despite opposition to this version of combating carbon emissions. Thomas explained that this bill, unlike the strategy supported by WPPA, does nothing to finance transportation infrastructure improvements or other offsets.

Thomas stated that Representative Boehnke's bill passed the house and now advances to the senate for consideration, adding that this bill is designed to push for more development of specific regional strategies in support to expanding manufacturing opportunities in Washington State, as well as targeting expanding minority and women-owned business opportunities through workforce development and strategic analysis of barriers to manufacturing.

Thomas added that as he shared in this week's Coffee with Karl, we are continuing to work our way through planning initiatives to thoroughly vet key projects in support of target sectors.

Thomas noted that the Port has received a Letter of Intent to lease, if proper financing can be secured, within the proposed Innovation and Commercialization Building the Port has been discussing for some time, adding that this gives the Port more assurance in an initial user of leased spaces, and provides the economy of scale to build more space than is immediately called for to provide units for flex-industrial users. Thomas added that in addition to providing this in-demand type of space, it would alleviate some competing uses in our facilities that do not have sufficient separation between very low and very high intensity applications.

Thomas continued, noting that this time last year, a vision for the waterfront was discussed and included in the scope of work for Maul Foster Alongi in a surface level real estate analysis. Thomas stated that the remaining waterfront acreage in North Richland is a rare opportunity, a piece of real estate the Port can never get back if developed without a plan and a strategy. Thomas stated that in addition to the waterfront, the corner of University is a key location for creating an enduring and transformative anchor development that welcomes visitors to the Tri-Cities Research District and can be representative of our target sectors and the cross-section of education, research, and innovative industrial development. Thomas concluded by stating that the Port will revisit the surface level analysis later this year in a master planning effort.

Thomas stated that the Crow Butte transformation has truly been a team effort and thanked John, Wally, Summers, Kathy, Veronica, Danielle, Ron and the Facilities team for working through the new website, synthesizing communications for park signage and digital and print materials. Thomas added that the entire Port team has been working together to make Crow Butte more cost and labor

efficient, while implementing new components to make camping and recreating at Crow Butte more enjoyable for visitors.

**5. MARKETING:** Director of Marketing, Wally Williams announced that he has been working with John Haakenson, Miles Thomas and staff on updating signs and brochures for Crow Butte park in preparation for the grand opening next Monday. Williams stated that they are also working to update the old parking passes to a new parking permit, which will be a reusable tag which will have a Crow Butte sticker, which the Port will be able to update by year.

Williams announced that he has been working on sample ads for the Journal of Business's Focus Magazine's Agriculture & Viticulture issue as well as an ad, in partnership with Tour Prosser, for the Washington Tasting Room magazine.

Williams stated that he has been updating all signage on properties focusing on Vintner's Village with the new branding.

**6. REAL ESTATE:** Director of Real Estate, Teresa Hancock complimented Port CPA, Danielle Connor on the software integration projects and added that she greatly appreciates the Yardi system and looks forward to its full implementation.

Hancock stated that she anticipates the Dufresne-Redding sale contract closing at the end of March and she looks forward to providing an update at the April Commission meeting. Hancock added that an update on her recent discussions with American Rock will also commence at the April meeting.

Hancock added that Tucci Energy and Energy Northwest are in partnership and Tucci Energy has approached the Executive team about the use of 340 acres and Hancock has provided a draft lease.

Hancock noted that as of 2/14/21, Benton County has entered phase II, but the doors of the 3100 and 3250 buildings remain locked as a precaution. Hancock added that she continues to provide showings to potential tenants.

Hancock added that a number of MSA leases have rolled into HMIS leases and many companies still await notification of contract awards. Hancock stated that land has been identified in the Research District for future development sites and staff will focus on backfilling 23,021 square feet with interested parties once contracts with DOE are finalized.

Hancock noted that she continues to adhere to the Governor's proclamations but has been working to amp up current listings with Loopnet and updated signage. Hancock concluded that she will have additional updates in Executive Session. Staff continue to receive a number of inquiries for all port properties, which is encouraging given Safe Reopening Benton County phasing.

**7. SPECIAL PROJECTS:** Executive Director, Diahann Howard provided Director of Special Projects, John Haakenson's report at the conclusion of her Executive Director report.

**8. FACILITIES & OPERATIONS:** Director of Facilities & Operations, Ron Branine announced that the team is replacing two smaller rooms of carpeting in the prior Vibragenix space in the 3100 building and is also looking at pulling carpet out of the south bay, due to a hydraulic odor possibly coming from the old carpeting.

Branine stated that the 2345 lighting project was out for bid, but all bids were rejected due to non-responsiveness and all bidders leaving out warranty information and/or were too high based on budget. Branine added that the bid will be put back out and ready by the April Commission meeting.

Branine added that he is still gathering information for the 3100 access controls.

Branine provided an update on the Pavement Maintenance project, stating that the team met with JUB to dial in the scope of the work, as well as the timing and this was also submitted to the City

of Richland for inclusion in their plan. Branine added that the City's scope of work went out last Sunday with a bid opening of March 22.

Branine stated that the team experienced four long days from the snow event from Valentine's through President's Day and will only need to tweak the current plan minimally, which will involve better communication with tenants on snow removal prioritization. Branine added that overtime was kept to a minimum.

**9. AIRPORTS:** Director of Airports, Joe Walker declared that that February snow removal went well and took the opportunity to thank the Commissioners and staff for the support and the new deicing trailer, which worked very well. Walker stated that they were able to keep one runway open throughout the snow event and LifeFlight even commented that they were able to fly in and out of Richland, but they were not able to land anywhere else, since Spokane and Portland International had been closed due to snow. Walker added that he and his team communicated directly with tenants that requested assistance with snow removal to ensure the airport was fully opened as quickly as possible.

Walker provided an update on the master plan status, stating that the Port will be making some adjustments to the preferred alternative based on the feedback received. Walker added that the next step in the master plan is phasing, which will determine estimated timelines for each project identified.

Walker thanked Teresa Hancock, Roger Wright and Miles Thomas for their help in resolving an irrigation issue that arose near the Prosser Airport from SVID's irrigation project, adding that this area was able to be quickly surveyed and the Port was able to come up with a solution to get water to landowners.

Walker updated that the taxi lane project is out for bid and bids are due 3/30/21 and additional information is posted on the Port website.

**I. EXECUTIVE SESSION:** The regular Commission Meeting was recessed at 11:23 a.m. and an Executive Session was convened at 11:30 a.m. to discuss real estate matters at possible litigation. It was announced that the Executive Session would take 45 minutes and if any action is required, the regular Commission Meeting will reconvene and bring forward the action at that time.

**J. ADJOURNMENT:** With no further business, the meeting was adjourned at 12:15 p.m.

---

Roy D. Keck  
Commission Secretary



**Port of Benton, Benton County, Washington  
Voucher Certification and Approval  
for the Month of March 2021**

**General Expenses**

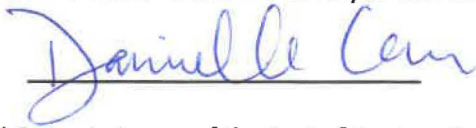
Accounts Payable Warrants #	77718	-	77892	\$ 534,043.93
Electronic /Wire Transfers				
None issued				\$ 47,695.43
Total General Expenses				<u>\$ 581,739.36</u>

**Payroll**

Direct Deposit				
ACH				\$ 110,980.98
Wire Transfers:				
IRS Payroll Tax Deposit	March 15, 2021			21,668.55
IRS Payroll Tax Deposit	March 31, 2021			21,253.09
Total Payroll				<u>\$ 153,902.62</u>
Total General Expenses and Payroll				<u><u>\$ 735,641.98</u></u>

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, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the Port of Benton and that I am authorized to authenticate and certify to said claim.

Attest:



Director of Finance/Port Auditor

We, the undersigned Commissioners of the Port of Benton, Benton County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment, this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_

President

\_\_\_\_\_

Vice President

\_\_\_\_\_

Secretary





# Port of Benton Check Register

Date	Payee	Document No	Amount
	<b>Bank: BCT MAIN - KeyBank National Association</b>	<b>Account No: 6601101</b>	
03/01/2021	VEN00012--AFLAC	077718	866.62
03/01/2021	VEN00015--AIREFCO, INC.	077719	22.06
03/01/2021	VEN00032--AT & T	077720	35.44
03/01/2021	VEN00075--CASCADE NATURAL GAS CORP	077721	11,321.08
03/01/2021	VEN00453--CENTRAL MACHINERY SALES INC.	077722	9,882.60
03/01/2021	VEN00083--CENTURYLINK	077723	339.51
03/01/2021	VEN00111--CHRISTOPHER CREE	077724	255.00
03/01/2021	VEN00089--CITY OF RICHLAND	077725	90.14
03/01/2021	VEN00119--DAY WIRELESS SYSTEMS	077726	369.06
03/01/2021	VEN00143--DSD BUSINESS SYSTEMS	077727	1,411.80
03/01/2021	VEN00162--FARMERS EXCHANGE	077728	1,148.97
03/01/2021	VEN00166--FERGUSON ENTERPRISES, INC.	077729	14.79
03/01/2021	VEN00175--FRONTIER FENCE, INC.	077730	4,941.30
03/01/2021	VEN00176--FUSE, SPC	077731	1,275.34
03/01/2021	VEN00009--GEO WAY ACE HARDWARE	077732	142.45
03/01/2021	VEN00201--HEALTH CARE AUTHORITY	077733	31,150.36
03/01/2021	VEN00223--JOHNSTONE SUPPLY	077734	22.20
03/01/2021	VEN00291--KENNEWICK RANCH AND HOME	077735	130.32
03/01/2021	VEN00297--PERSONAL TOUCH CLEANING, INC.	077736	2,726.03
03/01/2021	VEN00305--POCKETINET COMMUNICATIONS, INC.	077737	195.00
03/01/2021	VEN00306--PROMINENCE PUBLIC RELATIONS	077738	1,410.00
03/01/2021	VEN00362--STAN STINSON	077739	370.13
03/01/2021	VEN00341--SUPERIOR GLASS	077740	5,451.72
03/01/2021	VEN00141--THE DRAIN SURGEON	077741	684.45
03/01/2021	VEN00390--TIRE FACTORY	077742	937.95
03/01/2021	VEN00398--TRI-CITY SIGN & BARRICADE	077743	135.20
03/01/2021	VEN00399--TRIDEC, INC.	077744	5,000.00
03/01/2021	VEN00451--TWO RIVERS TERMINAL	077745	2,374.96
03/01/2021	10015--Billetdeaux, David	077746	209.53
03/01/2021	10023--Hardgrove, Justin	077747	64.99
03/01/2021	10001--Larson, Robert	077748	249.98
03/01/2021	10007--Keck, Roy	077749	168.04
03/08/2021	VEN00033--AT & T MOBILITY	077750	610.09
03/08/2021	VEN00044--BENTON PUD	077751	3,485.48
03/08/2021	VEN00066--BNSF RAILWAY COMPANY	077752	10,856.51
03/08/2021	VEN00069--BRUTZMAN'S INC	077753	4.07
03/08/2021	VEN00083--CENTURYLINK	077754	126.12
03/08/2021	VEN00071--CITY OF PROSSER	077755	6,502.17
03/08/2021	VEN00089--CITY OF RICHLAND	077756	333.68
03/08/2021	VEN00077--COLUMBIA BASIN IT	077757	523.65
03/08/2021	VEN00105--CONNELL OIL, INC	077758	1,004.90
03/08/2021	VEN00152--ELMER'S FLAG & BANNER, INC	077759	1,682.65
03/08/2021	VEN00162--FARMERS EXCHANGE	077760	588.26
03/08/2021	VEN00164--FASTENAL COMPANY	077761	13.41
03/08/2021	VEN00009--GEO WAY ACE HARDWARE	077762	100.95
03/08/2021	VEN00278--GERALD G. OLSON	077763	2,456.05
03/08/2021	VEN00200--HDR ENGINEERING, INC	077764	2,904.84
03/08/2021	VEN00218--JOHN COOK	077765	1,253.50
03/08/2021	VEN00223--JOHNSTONE SUPPLY	077766	185.77
03/08/2021	VEN00225--JUB ENGINEERS, INC	077767	19,687.76
03/08/2021	VEN00279--KATHRYN S. OLSON	077768	2,506.98
03/08/2021	VEN00228--KELLER ROHRBACK LLP	077769	17,392.92
03/08/2021	VEN00236--LES SCHWAB TIRE CTR INC	077770	19.01
03/08/2021	VEN00258--MOON SECURITY SERVICES, INC	077771	1,044.68
03/08/2021	VEN00326--RGW ENTERPRISES P.C. INC	077772	11,400.00
03/08/2021	VEN00389--THRIFTY SUPPLY	077773	1,620.16
03/08/2021	VEN00397--TRI-CITIES BATTERY & TIRE PROS	077774	84.28
03/08/2021	VEN00298--TRI-CITY COMPUTER CONSULTING LLC	077775	1,629.00
03/08/2021	VEN00402--UNDERGROUND CREATIVE, LLC	077776	125.00
03/08/2021	VEN00404--UNITED WAY OF BENTON/FRANKLIN COUNTY	077777	210.00
03/08/2021	VEN00415--VERIZON WIRELESS	077778	1,126.41
03/08/2021	VEN00425--WASHINGTON STATE SUPPORT REGISTRY	077779	44.00
03/08/2021	VEN00449--ZIPLY FIBER	077780	1,078.14
03/08/2021	10015--Billetdeaux, David	077781	200.73
03/08/2021	10006--Howard, Diahann	077782	119.98
03/08/2021	10002--Hagarty, Jane	077783	400.62
03/08/2021	10019--Branine, Ronald	077784	141.15
03/09/2021	VEN00105--CONNELL OIL, INC	077785	1,018.44
03/15/2021	VEN00024--AMERIGAS PROPANE LP	077786	2,322.67
03/15/2021	VEN00040--BATTERIES PLUS BULBS	077787	16.28

## Port of Benton Check Register

Date	Payee	Document No	Amount
03/15/2021	VEN00044--BENTON PUD	077788	1,392.34
03/15/2021	VEN00053--BENTON RURAL ELEC ASSOCIATION	077789	713.60
03/15/2021	VEN00069--BRUTZMAN'S INC	077790	19.89
03/15/2021	VEN00075--CASCADE NATURAL GAS CORP	077791	1,313.46
03/15/2021	VEN00083--CENTURYLINK	077792	3.61
03/15/2021	VEN00321--CI INFORMATION MANAGEMENT	077793	195.09
03/15/2021	VEN00052--CITY OF BENTON CITY	077794	211.62
03/15/2021	VEN00089--CITY OF RICHLAND	077795	14,750.37
03/15/2021	VEN00093--CLAYTON-WARD CO.,	077796	75.00
03/15/2021	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	077797	988.26
03/15/2021	VEN00143--DSD BUSINESS SYSTEMS	077798	162.90
03/15/2021	VEN00148--ED'S DISPOSAL, INC.	077799	66.44
03/15/2021	VEN00009--GEO WAY ACE HARDWARE	077800	98.75
03/15/2021	VEN00201--HEALTH CARE AUTHORITY	077801	30,037.81
03/15/2021	VEN00229--KELLEY'S TELE-COMMUNICATION, INC.	077802	231.90
03/15/2021	VEN00291--KENNEWICK RANCH AND HOME	077803	241.04
03/15/2021	VEN00290--CI-PW, LLC	077804	46.06
03/15/2021	VEN00306--PROMINENCE PUBLIC RELATIONS	077805	2,340.00
03/15/2021	VEN00295--PROSSER ECON DEV ASSOCIATION	077806	12,500.00
03/15/2021	VEN00464--ROCKABILLY ROASTING CO.	077807	42.50
03/15/2021	VEN00463--RODDA PAINT CO	077808	71.98
03/15/2021	VEN00334--SANITARY DISPOSAL, INC.	077809	509.34
03/15/2021	VEN00385--THE HOME DEPOT CRC/GECF	077810	847.21
03/15/2021	VEN00394--TREASURE VALLEY COFFEE	077811	86.80
03/15/2021	VEN00449--ZIPLY FIBER	077812	959.33
03/19/2021	VEN00465--BILL PIERRE CHEVROLET	077813	29,704.87
03/19/2021	VEN00466--TOWN CHRYSLER DODGE INC.	077814	33,951.86
03/22/2021	VEN00006--ABADAN, INC	077815	196.84
03/22/2021	VEN00038--BANNER BANK - Credit Card	077816	8,581.67
03/22/2021	VEN00040--BATTERIES PLUS BULBS	077817	21.67
03/22/2021	VEN00059--BENTON-FRANKLIN HEALTH DEPT.	077818	25.00
03/22/2021	VEN00069--BRUTZMAN'S INC	077819	81.68
03/22/2021	VEN00085--CHARTER COMMUNICATIONS	077820	799.96
03/22/2021	VEN00111--CHRISTOPHER CREE	077821	350.00
03/22/2021	VEN00089--CITY OF RICHLAND	077822	6,931.72
03/22/2021	VEN00234--CITY OF RICHLAND (Landfill)	077823	190.00
03/22/2021	VEN00107--COOK'S ACE HARDWARE	077824	15.39
03/22/2021	VEN00373--DEX MEDIA	077825	21.80
03/22/2021	VEN00149--EFC EQUIPMENT FEED PET SUPPLY	077826	128.64
03/22/2021	VEN00151--ELECTRICAL UNLIMITED, INC	077827	951.76
03/22/2021	VEN00162--FARMERS EXCHANGE	077828	1,065.27
03/22/2021	VEN00166--FERGUSON ENTERPRISES, INC.	077829	184.08
03/22/2021	VEN00180--GENSCO, INC	077830	642.91
03/22/2021	VEN00009--GEO WAY ACE HARDWARE	077831	157.31
03/22/2021	VEN00225--JUB ENGINEERS, INC	077832	851.25
03/22/2021	VEN00228--KELLER ROHRBACK LLP	077833	23,863.80
03/22/2021	VEN00231--KENNEWICK INDUSTRIAL & ELECTRICAL SUP-PLY	077834	240.65
03/22/2021	VEN00291--KENNEWICK RANCH AND HOME	077835	233.48
03/22/2021	VEN00233--KONE INC.	077836	2,818.36
03/22/2021	VEN00242--LIBERTY LAWN & SAW	077837	6.52
03/22/2021	VEN00270--NETWORK SERVICE BILLING, INC.	077838	10.65
03/22/2021	VEN00271--NOANET	077839	38,525.00
03/22/2021	VEN00297--PERSONAL TOUCH CLEANING, INC.	077840	19,037.22
03/22/2021	VEN00314--PS MEDIA	077841	134.40
03/22/2021	VEN00452--RED WING SHOES	077842	327.42
03/22/2021	VEN00342--SHANNON & WILSON, INC.	077843	12.00
03/22/2021	VEN00365--STRATTON SURVEYING & MAPPING	077844	1,065.00
03/22/2021	VEN00389--THRIFTY SUPPLY	077845	367.38
03/22/2021	VEN00380--SIJ HOLDINGS, LLC	077846	216.85
03/22/2021	VEN00244--TRI-CITY RAILROAD CO, LLC	077847	516.00
03/22/2021	VEN00399--TRIDEC, INC.	077848	8,750.01
03/22/2021	VEN00449--ZIPLY FIBER	077849	39.04
03/22/2021	VEN00089--CITY OF RICHLAND	077850	50,000.00
03/29/2021	VEN00012--AFLAC	077851	866.62
03/29/2021	VEN00018--ALANA LARSON	077852	534.83
03/29/2021	VEN00044--BENTON PUD	077853	152.89
03/29/2021	VEN00075--CASCADE NATURAL GAS CORP	077854	7,961.48
03/29/2021	VEN00083--CENTURYLINK	077855	560.05
03/29/2021	VEN00089--CITY OF RICHLAND	077856	90.14
03/29/2021	VEN00102--COLUMBIA BASIN PAPER & SUPPLY	077857	1,013.24

## Port of Benton Check Register

Date	Payee	Document No	Amount
03/29/2021	VEN00105--CONNELL OIL, INC	077858	1,751.11
03/29/2021	VEN00107--COOK'S ACE HARDWARE	077859	66.65
03/29/2021	VEN00114--CRYSTAL SPRINGS	077860	462.07
03/29/2021	VEN00119--DAY WIRELESS SYSTEMS	077861	369.06
03/29/2021	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	077862	1,172.88
03/29/2021	VEN00151--ELECTRICAL UNLIMITED, INC	077863	1,209.97
03/29/2021	VEN00162--FARMERS EXCHANGE	077864	332.32
03/29/2021	VEN00009--GEO WAY ACE HARDWARE	077865	178.98
03/29/2021	VEN00278--GERALD G. OLSON	077866	2,406.16
03/29/2021	VEN00190--GORDON TILDEN THOMAS & CORDELL LLP	077867	2,481.30
03/29/2021	VEN00214--IRRIGATION SPECIALISTS, INC	077868	1,021.51
03/29/2021	VEN00218--JOHN COOK	077869	1,253.50
03/29/2021	VEN00467--JOLENE YACONETTI	077870	650.32
03/29/2021	VEN00225--JUB ENGINEERS, INC	077871	10,990.90
03/29/2021	VEN00279--KATHRYN S. OLSON	077872	2,547.28
03/29/2021	VEN00262--KELLER ROHRBACK LLP	077873	10,804.60
03/29/2021	VEN00291--KENNEWICK RANCH AND HOME	077874	58.62
03/29/2021	VEN00253--MINUTEMAN PRESS OF KENNEWICK	077875	174.88
03/29/2021	VEN00258--MOON SECURITY SERVICES, INC	077876	1,271.66
03/29/2021	VEN00262--MR. ROOTER PLUMBING	077877	1,454.81
03/29/2021	VEN00292--PASCO CHAMBER OF COMMERCE	077878	1,000.00
03/29/2021	VEN00301--PITNEY BOWES, INC	077879	195.48
03/29/2021	VEN00305--POCKETINET COMMUNICATIONS, INC.	077880	195.00
03/29/2021	VEN00315--PURCHASE POWER	077881	520.99
03/29/2021	VEN00362--STAN STINSON	077882	1,024.52
03/29/2021	VEN00389--THRIFTY SUPPLY	077883	84.26
03/29/2021	VEN00390--TIRE FACTORY	077884	55.21
03/29/2021	VEN00298--TRI-CITY COMPUTER CONSULTING LLC	077885	540.83
03/29/2021	VEN00398--TRI-CITY SIGN & BARRICADE	077886	40.73
03/29/2021	VEN00404--UNITED WAY OF BENTON/FRANKLIN COUNTY	077887	1,500.00
03/29/2021	VEN00449--ZIPLY FIBER	077888	192.15
03/29/2021	10001--Larson, Robert	077889	200.00
03/29/2021	10007--Keck, Roy	077890	175.46
03/29/2021	10020--Miya, Summers	077891	142.74
03/29/2021	10013--Williams, Wallace	077892	203.54
03/15/2021	VEN00215--INTERNAL REVENUE SERVICE	03152021	21,668.55
03/31/2021	VEN00215--INTERNAL REVENUE SERVICE	03312021	21,253.09
03/10/2021	VEN00215--INTERNAL REVENUE SERVICE	12312020	1,698.63
03/23/2021	VEN00425--WASHINGTON STATE SUPPORT REGISTRY	CS03-2021	88.00
03/02/2021	VEN00122--DEPT. OF RETIREMENT SYSTEMS	DCP-02-28	4,030.28
03/26/2021	VEN00122--DEPT. OF RETIREMENT SYSTEMS	DCP-03-15	4,328.49
03/25/2021	VEN00239--ST OF WA DEPT OF REVENUE	FEB-2021	532.97
03/02/2021	VEN00268--NATIONWIDE RETIREMENT SOLUTION	NW-02-28	2,877.79
03/22/2021	VEN00268--NATIONWIDE RETIREMENT SOLUTION	NW-03-15	2,900.83
03/04/2021	VEN00122--DEPT. OF RETIREMENT SYSTEMS	PERS-02-28	15,524.53
03/29/2021	VEN00122--DEPT. OF RETIREMENT SYSTEMS	PERS-03-15	15,713.91
03/08/2021	VEN00105--CONNELL OIL, INC	Voided - 077758	(1,004.90)
<b>Total for BCT MAIN</b>			<b>624,661.00</b>

**RESOLUTION 21-10**  
**A RESOLUTION OF THE PORT OF BENTON, WASHINGTON**  
**TO CANCEL A WARRANT**

WHEREAS, General Expense Fund Warrant No. 077758, in the amount of \$1,004.90, which was issued to Connell Oil, Inc., warrant was printed with error, and

WHEREAS, said warrant is hereby considered to be canceled, and the Port Commission wishes to remove this warrant from the active accounting records.

NOW THEREFORE, the Port Commission hereby resolves to cancel Warrant No. 077758.

DATED AND SIGNED at Richland, Washington April 21, 2021.

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Jane F. Hagarty  
President

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Robert D. Larson,  
Vice President

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Roy D. Keck,  
Secretary

**RESOLUTION 21-11**  
**A RESOLUTION OF THE PORT OF BENTON, WASHINGTON**  
**TO CANCEL A WARRANT**

WHEREAS, General Expense Fund Warrant No. 073976 - 077500, which have not been issued whereas, warrant have been determined to be obsolete, and

WHEREAS, said warrant is hereby considered to be canceled, and the Port Commission wishes to remove this warrant from the active accounting records.

NOW THEREFORE, the Port Commission hereby resolves to cancel Warrant No. 073976 - 077500.

DATED AND SIGNED at Richland, Washington April 21, 2021.

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Jane F. Hagarty  
President

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Robert D. Larson,  
Vice President

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Roy D. Keck,  
Secretary

PORT OF BENTON  
BENTON COUNTY, WASHINGTON  
RESOLUTION NO. 21-12

A RESOLUTION of the Port of Benton, Benton County, Washington, relating to contracting indebtedness; providing for the issuance of not to exceed \$10,500,000 aggregate principal amount of limited tax general obligation bonds to provide funds to (1) refund, prepay and redeem certain outstanding limited tax general obligation bonds of the Port, (2) construct a building for commercial, tourism and economic development purposes and (3) pay the costs of issuance and sale of the bonds and the administrative costs of the refunding; fixing or setting parameters with respect to certain terms and covenants of the bonds; delegating authority to the Port's designated representative to set final terms of the sale of the bonds; and providing for related matters.

Adopted April 21, 2021

*This document prepared by:*

*Foster Garvey P.C.  
1111 Third Avenue, Suite 3000  
Seattle, Washington 98101  
(206) 447-4400*

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*\*The cover page, table of contents and section headings of this resolution are for convenience of reference only, and shall not be used to resolve any question of interpretation of this resolution.*

PORT OF BENTON  
BENTON COUNTY, WASHINGTON  
RESOLUTION NO. 21-12

A RESOLUTION of the Port of Benton, Benton County, Washington, relating to contracting indebtedness; providing for the issuance of not to exceed \$10,500,000 aggregate principal amount of limited tax general obligation bonds to provide funds to (1) refund, prepay and redeem certain outstanding limited tax general obligation bonds of the Port, (2) construct a building for commercial, tourism and economic development purposes and (3) pay the costs of issuance and sale of the bonds and the administrative costs of the refunding; fixing or setting parameters with respect to certain terms and covenants of the bonds; delegating authority to the Port's designated representative to set final terms of the sale of the bonds; and providing for related matters.

BE IT RESOLVED BY THE PORT COMMISSION OF THE PORT OF BENTON, BENTON COUNTY, WASHINGTON, AS FOLLOWS:

Section 1.     Definitions. As used in this resolution, the following capitalized terms have the following meanings:

- (a)     “*2009 Note Resolution*” means Resolution No. 09-03.
- (b)     “*2009 Taxable Note*” means the Port's Limited Tax General Obligation Bond Anticipation Note, 2009 (Revolving Line of Credit – Taxable), that was authorized to be issued by the 2009 Note Resolution.
- (c)     “*2009 Tax-Exempt Note*” means the Port's Limited Tax General Obligation Bond Anticipation Note, 2009 (Revolving Line of Credit – Tax-Exempt), that was authorized to be issued by the 2009 Note Resolution.
- (d)     “*2011 Bond Resolution*” means Resolution No. 11-13.
- (e)     “*2011 Bonds*” means the 2011A Bonds and the 2011B Bonds.
- (f)     “*2011A Bonds*” means the Port's Limited Tax General Obligation Bonds, 2011A (Taxable), authorized to be issued by the 2011 Bond Resolution.
- (g)     “*2011B Bonds*” means the Port's Limited Tax General Obligation Bonds, 2011B (Tax-Exempt), authorized to be issued by the 2011 Bond Resolution.
- (h)     “*2018 Bond Resolution*” means Resolution No. 13-09, as finally amended by Resolution No. 15-11.
- (i)     “*2018 Bonds*” means the 2018 Taxable Bond and the 2018 Tax-Exempt Bond.



(j) “*2018 Taxable Bond*” means the Port’s Limited Tax General Obligation Bond, 2018 (Nonrevolving Line of Credit – Taxable), converted as of the Conversion Date (December 3, 2018) to a Taxable Fixed Rate to the Extended Maturity Date (December 1, 2033), all as provided and authorized, and as such terms are defined by, the 2018 Bond Resolution.

(k) “*2018 Tax-Exempt Bond*” means the Port’s Limited Tax General Obligation Bond, 2018 (Nonrevolving Line of Credit – Tax-Exempt), converted as of the Conversion Date (December 3, 2018) to a Tax-Exempt Fixed Rate to the Extended Maturity Date (December 1, 2033), all as provided and authorized, and as such terms are defined by, the 2018 Bond Resolution.

(l) “*Authorized Denomination*” means \$5,000 or any integral multiple thereof within a maturity of the Bonds.

(m) “*Beneficial Owner*” means, with respect to a Bond, the owner of any beneficial interest in that Bond.

(n) “*Bond*” means each bond issued pursuant to and for the purposes provided in this resolution.

(o) “*Bond Counsel*” means the firm of Foster Garvey P.C., its successor, or any other attorney or firm of attorneys selected by the Port with a nationally recognized standing as bond counsel in the field of municipal finance.

(p) “*Bond Fund*” means the fund or account designated or created by the Treasurer for the payment of the principal of and interest on the Bonds.

(q) “*Bond Purchase Agreement*” means an offer to purchase a Series of Bonds, setting forth certain terms and conditions of the issuance, sale and delivery of those Bonds, which offer is authorized to be accepted by the Designated Representative on behalf of the Port, if consistent with this resolution.

(r) “*Bond Register*” means the books or records maintained by the Bond Registrar for the purpose of identifying ownership of each Bond.

(s) “*Bond Registrar*” means the Fiscal Agent, or any successor bond registrar selected by the Port.

(t) “*Commission*” means the Port Commission of the Port, acting in its legislative capacity.

(u) “*Code*” means the United States Internal Revenue Code of 1986, as amended, and applicable rules and regulations promulgated thereunder.

(v) “*DTC*” means The Depository Trust Company, New York, New York, or its nominee.

(w) “*Designated Representative*” means the officer of the Port appointed in Section 4 of this resolution to serve as the Port’s designated representative in accordance with RCW 39.46.040(2).

(x) “*Executive Director*” means the Port’s Executive Director or such other officer of the Port who succeeds to substantially all the responsibilities of that office.

(y) “*Final Terms*” means the terms and conditions for the sale of a Series of Bonds, including the amount, date or dates, denominations, interest rate or rates (or mechanism for determining interest rate or rates), payment dates, final maturity, redemption rights, price, and other terms or covenants, including minimum savings for refunding bonds (if the refunding bonds are issued for savings purposes).

(z) “*Finance Director*” means the Director of Finance / Auditor of the Port or such other officer of the Port who succeeds to substantially all of the responsibilities of that office.

(aa) “*Fiscal Agent*” means the fiscal agent of the State, as the same may be designated by the State from time to time.

(bb) “*Government Obligations*” has the meaning given in RCW 39.53.010, as now in effect or as may hereafter be amended.

(cc) “*Improvement Bonds*” means one or more Series of Bonds issued to carry out the Projects.

(dd) “*Issue Date*” means, with respect to a Bond, the date of initial issuance and delivery of that Bond to the Purchaser in exchange for the purchase price of that Bond.

(ee) “*Letter of Representations*” means the Blanket Issuer Letter of Representations between the Port and DTC, dated October 23, 2002.

(ff) “*MSRB*” means the Municipal Securities Rulemaking Board.

(gg) “*Official Statement*” means an offering document, disclosure document, private placement memorandum or substantially similar disclosure document provided to purchasers and potential purchasers in connection with the initial offering of the Bonds in conformance with Rule 15c2-12 or other applicable regulations of the SEC.

(hh) “*Owner*” means, without distinction, the Registered Owner and the Beneficial Owner.

(ii) “*Port*” means the Port of Benton, Benton County, Washington, a municipal corporation duly organized and existing under the laws of the State.

(jj) “*Projects*” means (1) acquiring and constructing a building for commercial, tourism and economic development purposes, (2) making other improvements to Port properties or facilities for capital purposes, as deemed necessary and advisable by the Port and (3) paying costs related to the issuance, sale and delivery of the Improvement Bonds. Incidental costs

incurred in connection with carrying out and accomplishing the Projects, consistent with RCW 39.46.070, may be included as costs of the Projects. The Projects include acquisition, construction and installation of all necessary furniture, equipment, apparatus, accessories, fixtures and appurtenances.

(kk) “*Project Fund*” means the fund or account designated or created by the Treasurer for the purpose of carrying out the Projects.

(ll) “*Purchaser*” means Piper Sandler & Co., or such other corporation, firm, association, partnership, trust, bank, financial institution or other legal entity or group of entities selected by the Designated Representative to serve as purchaser in a private placement or underwriter in a negotiated sale of the Bonds.

(mm) “*Redemption Date*” means the date fixed by the Designated Representative for the prepayment and redemption of the applicable Refunded Bonds.

(nn) “*Refunded Bond Resolutions*” means the 2011 Bond Resolution and the 2018 Bond Resolution.

(oo) “*Refunded Bonds*” means all or a portion of the Refunding Candidates selected by the Designated Representative to be refunded with proceeds of the Refunding Bonds and included in a Refunding Plan.

(pp) “*Refunding Bonds*” means one or more Series of Bonds issued to carry out the Refunding Plan.

(qq) “*Refunding Candidates*” means all of the outstanding principal of the 2011 Bonds and the outstanding principal of the 2018 Bonds, the refunding of which has been provided for by this resolution.

(rr) “*Refunding Plan*” means:

- (1) the placement of sufficient proceeds of the Bonds (together with other money of the Port, if necessary), to discharge the obligations of the Port with respect to the Refunded Bonds under the Refunded Bond Resolutions, with the Fiscal Agent (or the registered owner thereof);
- (2) the call, payment or prepayment and redemption of the Refunded Bonds on the Redemption Date at a price of par plus any accrued interest; and
- (3) the payment of the costs of issuing such Bonds and the costs of carrying out the foregoing elements of the Refunding Plan.

(ss) “*Rating Agency*” means any nationally recognized rating agency then maintaining a rating on the Bonds at the request of the Port.

(tt) “*Record Date*” means the Bond Registrar’s close of business on the 15th day of the month preceding an interest payment date. With respect to redemption of a Bond prior to its

maturity, the Record Date shall mean the Bond Registrar's close of business on the date on which the Bond Registrar sends the notice of redemption in accordance with Section 9.

(uu) "*Refinanced Taxable Projects*" means various commercial and industrial projects, including in part, improvements to buildings and facilities and facilities leased to commercial and industrial tenants of the Port located at the Port's Prosser and Richland Airports, Richland Business Park, Technology and Business Campus, Richland Industrial Center and other Port properties; and related financing costs.

(vv) "*Refinanced Tax-Exempt Projects*" means certain infrastructure projects the Port determined to be eligible for tax-exempt financing under the Code, including public road, street, public park and related improvements, facilities and equipment; and related financing costs.

(ww) "*Registered Owner*" means, with respect to a Bond, the person in whose name that Bond is registered on the Bond Register. For so long as the Port utilizes the book-entry only system for the Bonds under the Letter of Representations, Registered Owner shall mean the Securities Depository.

(xx) "*Rule 15c2-12*" means Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934, as amended.

(yy) "*SEC*" means the United States Securities and Exchange Commission.

(zz) "*Securities Depository*" means DTC, any successor thereto, any substitute securities depository selected by the Port that is qualified under applicable laws and regulations to provide the services proposed to be provided by it, or the nominee of any of the foregoing.

(aaa) "*Series of Bonds*" or "*Series*" means a series of the Bonds issued pursuant to this resolution.

(bbb) "*State*" means the State of Washington.

(ccc) "*System of Registration*" means the system of registration for the Port's bonds and other obligations set forth in Resolution No. 83-08 of the Port.

(ddd) "*Taxable Series*" means any Series of Bonds issued as taxable bonds as determined by the Designated Representative pursuant to the parameters for Final Terms set forth in Exhibit A and identified in the Bond Purchase Agreement for such Series.

(eee) "*Tax-Exempt Series*" means any Series of Bonds issued as tax-exempt bonds as determined by the Designated Representative pursuant to the parameters for Final Terms set forth in Exhibit A and identified in the Bond Purchase Agreement for such Series.

(fff) "*Term Bond*" means each Bond designated as a Term Bond and subject to mandatory redemption in the years and amounts set forth in the Bond Purchase Agreement.

(ggg) "*Treasurer*" means the Treasurer of Benton County, Washington, *ex officio* treasurer of the Port, or any successor to the functions of the Treasurer.

(hhh) “*Undertaking*” means the undertaking to provide continuing disclosure entered into pursuant to Section 16 of this resolution.

Section 2. Findings and Determinations. The Port takes note of the following facts and makes the following findings and determinations:

(a) *Authority and Description of the Refunding Plan.*

- (1) Pursuant to the 2011 Bond Resolution, the Port issued its 2011A Bonds in the aggregate principal amount of \$2,575,000 for the purpose of providing funds to: (i) pay and redeem certain of the then outstanding principal of the 2009 Taxable Note issued to acquire and carry out certain of the Refinanced Taxable Projects; (ii) pay costs of carrying out the Refinanced Taxable Projects; and (iii) pay the costs of issuance and sale of the 2011A Bonds. Under the 2011 Bond Resolution, the Port reserved the right to redeem the 2011A Bonds on any date on or after December 1, 2020, at the price of par plus accrued interest to the date fixed for redemption.
- (2) There is presently outstanding \$1,210,000 aggregate principal amount of the 2011A Bonds maturing on December 1, 2026 and payable in mandatory installment redemption payments on each December 1 in the years 2021 through 2026, inclusive.
- (3) Pursuant to the 2011 Bond Resolution, the Port issued its 2011B Bonds in the aggregate principal amount of \$1,410,000 for the purpose of providing funds to: (i) pay and redeem certain of the then outstanding principal of the 2009 Tax-Exempt Note issued to acquire and carry out certain of the Refinanced Tax-Exempt Projects; (ii) pay costs of carrying out the Refinanced Tax-Exempt Projects; and (iii) pay costs of issuance and sale of the 2011B Bonds. Under the 2011 Bond Resolution, the Port reserved the right to redeem the 2011B Bonds on any date on or after December 1, 2020, at the price of par plus accrued interest to the date fixed for redemption.
- (4) There is presently outstanding \$1,410,000 aggregate principal amount of the 2011B Bonds maturing on December 1, 2030 and payable in mandatory installment redemption payments on each December 1 in the years 2026 through 2030, inclusive.
- (5) Pursuant to the 2018 Bond Resolution, the Port executed and delivered its 2018 Taxable Bond to Banner Bank in the principal amount of \$3,000,000 to evidence the Port’s conversion to a single semiannual installment payment bond with a long-term maturity date of the Port’s existing obligations under certain short-term notes previously executed and delivered to Banner Bank to evidence Port draws on a line of credit with Banner Bank that were used to pay costs of the Refinanced Taxable Projects. Under the 2018 Bond Resolution, the Port reserved the right to

prepay and redeem the 2018 Taxable Bond on any June 1 or December 1 (or other date consented to by Banner Bank) prior to December 1, 2033 at the prepayment priced provided in the 2018 Taxable Bond plus accrued interest to the date fixed for prepayment.

- (6) There is presently outstanding: (i) \$424,378.60 principal amount of the 2018 Taxable Bond maturing on December 1, 2032 and payable in mandatory installment redemption payments on each June 1 and December 1 in the years 2021 through 2032, inclusive; and (ii) \$2,274,780.74 principal amount of the 2018 Taxable Bond maturing on December 1, 2033 and payable in mandatory installment redemption payments on each June 1 and December 1 in the years 2021 through 2033, inclusive.
- (7) Pursuant to the 2018 Bond Resolution, the Port executed and delivered its 2018 Tax-Exempt Bond to Banner Bank in the principal amount of \$1,000,000 to evidence the Port's conversion to a single semiannual installment payment bond with a long-term maturity date of the Port's existing obligations under certain short-term notes previously executed and delivered to Banner Bank to evidence Port draws on a line of credit with Banner Bank that were used to pay costs of the Refinanced Tax-Exempt Projects. Under the 2018 Bond Resolution, the Port reserved the right to prepay and redeem the 2018 Tax-Exempt Bond on any June 1 or December 1 (or other date consented to by Banner Bank) prior to December 1, 2033 at the prepayment priced provided in the 2018 Tax-Exempt Bond plus accrued interest to the date fixed for prepayment.
- (8) There is presently outstanding \$902,741.68 aggregate principal amount of the 2018 Tax-Exempt Bond maturing on December 1, 2033 and payable in mandatory installment redemption payments on each June 1 and December 1 in the years 2021 through 2033, inclusive.
- (9) After due consideration, it appears to the Commission that all or a portion of the Refunding Candidates may be refunded by the issuance and sale of the Refunding Bonds so that a savings will be effected by the difference between the principal and interest cost over the life of the Refunding Bonds and the principal and interest cost over the life of the Refunded Bonds but for such refunding, which refunding will be effected by carrying out the Refunding Plan.

(b) *Authority and Description of Projects.* The Port currently owns and operates various transportation, commercial and industrial development facilities and improvements within the Port pursuant to RCW 53.08.020 and other authorities. The Port is in need of additional facilities and improvements comprising the Projects to accommodate increased need for such facilities and improvements within the Port. The Commission therefore finds that it is in the best interests of the Port to carry out the Projects.

(c) *Plan of Financing.* Pursuant to applicable law, including without limitation chapters 39.36, 39.44, 39.46, 39.53 and 53.36 RCW, the Port is authorized to issue general obligation bonds for the purpose of carrying out the Refunding Plan and financing the Projects. The total expected cost of the Projects is approximately \$4,000,000, which is expected to be financed with proceeds of the Improvement Bonds, grants or other appropriations and other available money of the Port.

(d) *Debt Capacity.* The maximum amount of indebtedness authorized by this resolution is \$10,500,000. Based on the following facts, this amount is to be issued within the amount permitted to be issued by the Port for general municipal purposes without a vote:

- (1) The assessed valuation of the taxable property within the Port as ascertained by the last preceding assessment for Port purposes for collection in the calendar year 2021 is \$7,456,139,402.
- (2) As of the date hereof, the Port has limited tax general obligation indebtedness, consisting of bonds and other obligations outstanding in the principal amount of \$5,966,554.32, which is incurred within the limit of up to 1/4% of the value of the taxable property within the Port permitted for port district purposes without a vote.
- (3) As of the date hereof, the Port does not have unlimited tax general obligation indebtedness.

(e) *The Bonds.* For the purpose of providing the funds necessary to carry out the Refunding Plan and the Projects, the Port finds that it is in the best interests of the Port and its taxpayers to issue and sell the Bonds to the Purchaser, pursuant to the terms set forth in the Bond Purchase Agreement as approved by the Port's Designated Representative consistent with this resolution.

Section 3. Authorization of Bonds. The Port is authorized to borrow money on the credit of the Port and issue negotiable limited tax general obligation bonds in one or more Series evidencing indebtedness in aggregate principal amount not to exceed \$10,500,000 to provide funds necessary to carry out the Refunding Plan and the Projects.

Section 4. Description of the Bonds; Appointment of Designated Representative. The Executive Director and the Finance Director are each appointed as the Designated Representative of the Port and each of them acting alone is authorized and directed to conduct the sale of the Bonds in the manner and upon the terms deemed most advantageous to the Port, and to approve the Final Terms of the Bonds, with such additional terms and covenants as the Designated Representative deems advisable, within the parameters set forth in Exhibit A, which is attached to this resolution and incorporated by this reference.

Section 5. Bond Registrar; Registration and Transfer of Bonds.

(a) *Registration of Bonds.* Each Bond shall be issued only in registered form as to both principal and interest and the ownership of each Bond shall be recorded on the Bond Register.

(b) *Bond Registrar; Duties.* The Fiscal Agent is appointed as initial Bond Registrar. The Bond Registrar shall keep, or cause to be kept, sufficient books for the registration and transfer of the Bonds, which shall be open to inspection by the Port at all times. The Bond Registrar is authorized, on behalf of the Port, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the Bonds and this resolution, to serve as the Port's paying agent for the Bonds and to carry out all of the Bond Registrar's powers and duties under this resolution and the System of Registration. The Bond Registrar shall be responsible for its representations contained in the Bond Registrar's Certificate of Authentication on each Bond. The Bond Registrar may become an Owner with the same rights it would have if it were not the Bond Registrar and, to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as members of, or in any other capacity with respect to, any committee formed to protect the rights of Owners.

(c) *Bond Register; Transfer and Exchange.* The Bond Register shall contain the name and mailing address of each Registered Owner and the principal amount and number of each Bond held by each Registered Owner. A Bond surrendered to the Bond Registrar may be exchanged for a Bond or Bonds in any Authorized Denomination of an equal aggregate principal amount and of the same Series, interest rate and maturity. A Bond may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Any exchange or transfer shall be without cost to the Owner or transferee. The Bond Registrar shall not be obligated to exchange any Bond or transfer registered ownership during the period between the applicable Record Date and the next upcoming interest payment or redemption date.

(d) *Securities Depository; Book-Entry Only Form.* If a Bond is to be issued in book-entry form, DTC shall be appointed as initial Securities Depository and each such Bond initially shall be registered in the name of Cede & Co., as the nominee of DTC. Each Bond registered in the name of the Securities Depository shall be held fully immobilized in book-entry only form by the Securities Depository in accordance with the provisions of the Letter of Representations. Registered ownership of any Bond registered in the name of the Securities Depository may not be transferred except: (i) to any successor Securities Depository; (ii) to any substitute Securities Depository appointed by the Port; or (iii) to any person if the Bond is no longer to be held in book-entry only form. Upon the resignation of the Securities Depository, or upon a termination of the services of the Securities Depository by the Port, the Port may appoint a substitute Securities Depository. If (i) the Securities Depository resigns and the Port does not appoint a substitute Securities Depository, or (ii) the Port terminates the services of the Securities Depository, the Bonds no longer shall be held in book-entry only form and the registered ownership of each Bond may be transferred to any person as provided in this resolution.

Neither the Port nor the Bond Registrar shall have any obligation to participants of any Securities Depository or the persons for whom they act as nominees regarding accuracy of any records maintained by the Securities Depository or its participants. Neither the Port nor the Bond Registrar shall be responsible for any notice that is permitted or required to be given to a Registered Owner except such notice as is required to be given by the Bond Registrar to the Securities Depository.



Section 6. Form and Execution of Bonds.

(a) *Form of Bonds; Signatures and Seal.* Each Bond shall be prepared in a form consistent with the provisions of this resolution and State law. Each Bond shall be signed by the President and Secretary of the Commission, either or both of whose signatures may be manual or in facsimile. If any officer whose manual or facsimile signature appears on a Bond ceases to be an officer of the Port authorized to sign bonds before the Bond bearing his or her manual or facsimile signature is authenticated by the Bond Registrar, or issued or delivered by the Port, that Bond nevertheless may be authenticated, issued and delivered and, when authenticated, issued and delivered, shall be as binding on the Port as though that person had continued to be an officer of the Port authorized to sign bonds. Any Bond also may be signed on behalf of the Port by any person who, on the actual date of signing of the Bond, is an officer of the Port authorized to sign bonds, although he or she did not hold the required office on its Issue Date.

(b) *Authentication.* Only a Bond bearing a Certificate of Authentication in substantially the following form, manually signed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this resolution: "Certificate of Authentication. This Bond is one of the fully registered Port of Benton, Benton County, Washington, Limited Tax General Obligation [and Refunding] Bonds, [Series], described in the Bond Resolution." The authorized signing of a Certificate of Authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated and delivered and is entitled to the benefits of this resolution.

Section 7. Payment of Bonds. Principal of and interest on each Bond shall be payable in lawful money of the United States of America. Principal of and interest on each Bond registered in the name of the Securities Depository is payable in the manner set forth in the Letter of Representations. Interest on each Bond not registered in the name of the Securities Depository is payable by electronic transfer on the interest payment date, or by check or draft of the Bond Registrar mailed on the interest payment date to the Registered Owner at the address appearing on the Bond Register on the Record Date. However, the Port is not required to make electronic transfers except pursuant to a request by a Registered Owner in writing received on or prior to the Record Date and at the sole expense of the Registered Owner. Principal of each Bond not registered in the name of the Securities Depository is payable upon presentation and surrender of the Bond by the Registered Owner to the Bond Registrar. The Bonds are not subject to acceleration under any circumstances.

Section 8. Funds and Accounts; Deposit of Proceeds of Improvement Bonds.

(a) *Bond Fund.* The Treasurer is authorized and directed to create or designate the Bond Fund as a special fund of the Port for the sole purpose of paying principal of and interest and any redemption premium on the Bonds. Proceeds of Improvement Bonds in excess of the amounts needed to pay the costs of the Projects, if any, shall be deposited into the Bond Fund. All amounts allocated to the payment of the principal of and interest on the Bonds shall be deposited in the Bond Fund as necessary for the timely payment of amounts due with respect to the Bonds. The principal of and interest on the Bonds shall be paid out of the Bond Fund. Until needed for that purpose, the Port may invest money in the Bond Fund temporarily in any legal

investment, and the investment earnings shall be retained in the Bond Fund and used for the purposes of that Fund.

(b) *Project Fund.* The Treasurer is authorized and directed to create or designate the Project Fund as a fund or account of the Port for the purpose of paying the costs of the Projects. Proceeds received from the sale and delivery of the Improvement Bonds shall be deposited into the Project Fund and used to pay the costs of the Projects. Until needed to pay such costs, the Port may invest those proceeds temporarily in any legal investment, and the investment earnings shall be retained in the Project Fund and used for the purposes of that fund or account, except that earnings subject to a federal tax or rebate requirement (if applicable) may be withdrawn from the Project Fund and used for those tax or rebate purposes.

#### Section 9. Redemption Provisions and Purchase of Bonds.

(a) *Optional Redemption.* The Bonds shall be subject to redemption at the option of the Port on terms acceptable to the Designated Representative, as set forth in the Bond Purchase Agreement, consistent with the parameters set forth in Exhibit A.

(b) *Mandatory Redemption.* Each Bond that is designated as a Term Bond in the Bond Purchase Agreement, consistent with the parameters set forth in Exhibit A and except as set forth below, shall be called for redemption at a price equal to the stated principal amount to be redeemed, plus accrued interest, on the dates and in the amounts as set forth in the Bond Purchase Agreement. If a Term Bond is redeemed under the optional redemption provisions, defeased or purchased by the Port and surrendered for cancellation, the principal amount of the Term Bond so redeemed, defeased or purchased (irrespective of its actual redemption or purchase price) shall be credited against one or more scheduled mandatory redemption installments for that Term Bond. The Port shall determine the manner in which the credit is to be allocated and shall notify the Bond Registrar in writing of its allocation prior to the earliest mandatory redemption date for that Term Bond for which notice of redemption has not already been given.

(c) *Selection of Bonds for Redemption; Partial Redemption.* If fewer than all of the outstanding Bonds are to be redeemed at the option of the Port, the Port shall select the Series and maturities to be redeemed. If fewer than all of the outstanding Bonds of a maturity of a Series are to be redeemed, the Securities Depository shall select Bonds registered in the name of the Securities Depository to be redeemed in accordance with the Letter of Representations, and the Bond Registrar shall select all other Bonds to be redeemed randomly in such manner as the Bond Registrar shall determine. The Bond Purchase Agreement may establish the manner in which any Taxable Series or portions of any Taxable Series are selected for redemption. All or a portion of the principal amount of any Bond that is to be redeemed may be redeemed in any Authorized Denomination. If less than all of the outstanding principal amount of any Bond is redeemed, upon surrender of that Bond to the Bond Registrar, there shall be issued to the Registered Owner, without charge, a new Bond (or Bonds, at the option of the Registered Owner) of the same Series, maturity and interest rate in any Authorized Denomination in the aggregate principal amount to remain outstanding.

(d) *Notice of Redemption.* Notice of redemption of each Bond registered in the name of the Securities Depository shall be given in accordance with the Letter of Representations. Notice of redemption of each other Bond, unless waived by the Registered Owner, shall be given by the Bond Registrar not less than 20 nor more than 60 days prior to the date fixed for redemption by first-class mail, postage prepaid, to the Registered Owner at the address appearing on the Bond Register on the Record Date. The requirements of the preceding sentence shall be satisfied when notice has been mailed as so provided, whether or not it is actually received by an Owner. In addition, the redemption notice shall be mailed or sent electronically within the same period to the MSRB (if required under the Undertaking), to each Rating Agency, and to such other persons and with such additional information as the Finance Director shall determine, but these additional mailings shall not be a condition precedent to the redemption of any Bond.

(e) *Rescission of Optional Redemption Notice.* In the case of an optional redemption, the notice of redemption may state that the Port retains the right to rescind the redemption notice and the redemption by giving a notice of rescission to the affected Registered Owners at any time on or prior to the scheduled optional redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and each Bond for which a notice of optional redemption has been rescinded shall remain outstanding.

(f) *Effect of Redemption.* Interest on each Bond called for redemption shall cease to accrue on the date fixed for redemption, unless either the notice of optional redemption is rescinded as set forth above, or money sufficient to effect such redemption is not on deposit in the Bond Fund or in a trust account established to refund or defease the Bond.

(g) *Purchase of Bonds.* The Port reserves the right to purchase any or all of the Bonds offered to the Port at any time at any price acceptable to the Port plus accrued interest to the date of purchase.

Section 10. Failure To Pay Bonds. If the principal of any Bond is not paid when the Bond is properly presented at its maturity or date fixed for redemption, the Port shall be obligated to pay interest on that Bond at the same rate provided in the Bond from and after its maturity or date fixed for redemption until that Bond, both principal and interest, is paid in full or until sufficient money for its payment in full is on deposit in the Bond Fund, or in a trust account established to refund or defease the Bond, and the Bond has been called for payment by giving notice of that call to the Registered Owner.

Section 11. Pledge of Taxes. For as long as any of the Bonds are outstanding, the Port irrevocably pledges that it shall, in the manner provided by law within the constitutional and statutory limitations provided by law without the assent of the voters, include in its annual property tax levy amounts sufficient, together with other money that is lawfully available, to pay principal of and interest on the Bonds as the same become due. The full faith, credit and resources of the Port are pledged irrevocably for the prompt payment of the principal of and interest on the Bonds and such pledge shall be enforceable in mandamus against the Port.

## Section 12. Tax Covenants.

(a) *Interest on Taxable Series.* Interest on any Bonds of a Taxable Series will not be excluded from gross income of the Owners of such Bonds for federal income tax purposes.

(b) *Preservation of Tax Exemption for Interest on Tax-Exempt Series.* The Port covenants that it will take all actions necessary to prevent interest on any Tax-Exempt Series from being included in gross income for federal income tax purposes, and it will neither take any action nor make or permit any use of proceeds of such Tax-Exempt Series or other funds of the Port treated as proceeds of such Tax-Exempt Series that will cause interest on the Tax-Exempt Series to be included in gross income for federal income tax purposes. The Port also covenants that it will, to the extent the arbitrage rebate requirements of Section 148 of the Code are applicable to any Tax-Exempt Series, take all actions necessary to comply (or to be treated as having complied) with those requirements in connection with such Tax-Exempt Series.

(c) *Post-Issuance Compliance.* The Finance Director is authorized and directed to review and update the Port's written procedures to facilitate compliance by the Port with the covenants in this resolution and the applicable requirements of the Code that must be satisfied after the Issue Date to prevent interest on any Tax-Exempt Series from being included in gross income for federal tax purposes.

(d) *Designation of Tax-Exempt Series as "Qualified Tax-Exempt Obligations."* The Designated Representative may designate Tax-Exempt Series as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code, if the following conditions are met:

- (1) the Tax-Exempt Series does not constitute "private activity bonds" within the meaning of Section 141 of the Code;
- (2) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds and other obligations not required to be included in such calculation) that the Port and any entity subordinate to the Port (including any entity that the Port controls, that derives its authority to issue tax-exempt obligations from the Port or that issues tax-exempt obligations on behalf of the Port) will issue during the calendar year in which the Tax-Exempt Series is issued will not exceed the maximum amount then permitted by Section 265(b)(3) of the Code, currently \$10,000,000; and
- (3) the amount of tax-exempt obligations, including the Tax-Exempt Series, designated by the Port as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code during the calendar year in which the Tax-Exempt Series is issued does not exceed the maximum amount then permitted under Section 265(b)(3) of the Code, currently \$10,000,000.

Section 13. Refunding or Defeasance of the Bonds. The Port may issue refunding bonds pursuant to State law or use money available from any other lawful source to carry out a

refunding or defeasance plan, which may include (a) paying when due the principal of and interest on any or all of the Bonds (the “defeased Bonds”); (b) redeeming the defeased Bonds prior to their maturity; and (c) paying the costs of the refunding or defeasance. If the Port sets aside in a special trust fund or escrow account irrevocably pledged to that redemption or defeasance (the “trust account”), money and/or Government Obligations maturing at a time or times and bearing interest in amounts sufficient to redeem, refund or defease the defeased Bonds in accordance with their terms, then all right and interest of the Owners of the defeased Bonds in the covenants of this resolution and in the funds and accounts obligated to the payment of the defeased Bonds shall cease and become void. Thereafter, the Owners of defeased Bonds shall have the right to receive payment of the principal of and interest on the defeased Bonds solely from the trust account and the defeased Bonds shall be deemed no longer outstanding. In that event, the Port may apply money remaining in any fund or account (other than the trust account) established for the payment or redemption of the defeased Bonds to any lawful purpose.

Unless otherwise specified by the Port in a refunding or defeasance plan, notice of refunding or defeasance shall be given, and selection of Bonds for any partial refunding or defeasance shall be conducted, in the manner prescribed in this resolution for the redemption of Bonds.

#### Section 14. Refunding of the Refunded Bonds.

(a) *Use of Bond Proceeds Allocated to the Refunding Plan.* The proceeds of the sale of the Refunding Bonds shall be deposited immediately upon the receipt thereof with the Fiscal Agent (or, as determined by the Designated Representative, with the registered owner of the Refunded Bonds) and used to discharge the obligations of the Port relating to the Refunded Bonds under the Refunded Bond Resolutions by providing for the payment of the amounts required to be paid by the Refunding Plan. Such obligations shall be discharged fully by the Fiscal Agent’s simultaneous deposit in the bond fund for (or the registered owners’ receipt with respect to) the Refunded Bonds the amount required to be paid by the Refunding Plan. The Refunded Bonds shall no longer be deemed to be outstanding under the Refunded Bond Resolutions immediately upon such deposit with the Fiscal Agent. Any proceeds of the Refunding Bonds or other money deposited with the Fiscal Agent (or the registered owner of any Refunded Bonds) not needed to carry out the Refunding Plan and pay the costs of issuance of the Refunding Bonds shall be returned to the Port at the time of delivery of the Refunding Bonds to the Purchaser and deposited in the Bond Fund to pay interest on the Refunding Bonds on the first interest payment date.

(b) *Administration of Refunding Plan.* The Fiscal Agent is authorized and directed to make the payments required to be made by the Refunding Plan from the proceeds of the Refunding Bonds and other money, if any, deposited with the Fiscal Agent pursuant to this resolution. All money deposited with the Fiscal Agent and any income therefrom shall be held irrevocably and applied in accordance with the provisions of the Refunded Bond Resolutions and this resolution, chapter 39.53 RCW and other applicable statutes of the State. All necessary and proper fees, compensation and expenses of the Fiscal Agent for the Refunding Bonds and all other costs incidental to accomplishing the refunding of the Refunded Bonds and costs related to the issuance and delivery of the Refunding Bonds, shall be paid out of the proceeds of the Refunding Bonds.

(c) *Call for Redemption of the Refunded Bonds; Notice of Prepayment and Redemption.* The Port calls for prepayment and redemption on the Redemption Date, all of the Refunded Bonds at par plus accrued interest. Such call for prepayment and redemption shall be irrevocable after the delivery of the Refunding Bonds to the Purchaser. The proper Port officials are authorized and directed to give or cause to be given such notices as required, at the times and in the manner required, pursuant to the Refunded Bond Resolutions in order to effect the prepayment and redemption prior to maturity of the Refunded Bonds.

(d) *Findings with Respect to Refunding.* The Commission authorizes the Designated Representative to issue the Refunding Bonds if in the Designated Representative's judgment the savings that will be effected is not less than the percentage savings set forth in Exhibit A, which savings the Commission determines is in the best interest of the Port and its taxpayers and in the public interest. In making such finding and determination, the Designated Representative will give consideration to the fixed maturities of the Refunding Bonds and the Refunded Bonds, the costs of issuance of the Refunding Bonds and the known earned income from the investment of the proceeds of the issuance and sale of the Refunding Bonds and other money of the Port used in the Refunding Plan, if any, pending prepayment and redemption of the Refunded Bonds.

#### Section 15. Sale and Delivery of the Bonds.

(a) *Manner of Sale of Bonds; Delivery of Bonds.* The Designated Representative is authorized to sell the Bonds in one or more Series by negotiated sale or private placement based on the assessment of the Designated Representative of market conditions, in consultation with appropriate Port officials and staff, Bond Counsel and other advisors. In determining the method of sale of each Series and accepting the Final Terms, the Designated Representative shall take into account those factors that, in the judgment of the Designated Representative, may be expected to result in the lowest true interest cost to the Port.

(b) *Procedure for Negotiated Sale or Private Placement.* If the Designated Representative determines a Series of Bonds is to be sold by negotiated sale or private placement, the Designated Representative shall select one or more Purchasers with which to negotiate such sale. The Bond Purchase Agreement for each Series shall set forth the Final Terms. The Designated Representative is authorized to execute the Bond Purchase Agreement on behalf of the Port, so long as the terms provided therein are consistent with the terms of this resolution.

(c) *Preparation, Execution and Delivery of the Bonds.* The Bonds will be prepared at Port expense and will be delivered to the Purchaser in accordance with the Bond Purchase Agreement, together with the approving legal opinion of Bond Counsel regarding the Bonds.

#### Section 16. Official Statement; Continuing Disclosure.

(a) *Preliminary Official Statement Deemed Final.* The Designated Representative shall review and, if acceptable to him or her, approve the preliminary Official Statement prepared in connection with each sale of the Bonds to the public. For the sole purpose of the Purchaser's compliance with paragraph (b)(1) of Rule 15c2-12, the Designated Representative is authorized to deem that preliminary Official Statement final as of its date, except for the

omission of information permitted to be omitted by Rule 15c2-12. The Port approves the distribution to potential purchasers of the Bonds of a preliminary Official Statement that has approved by the Designated Representative and been deemed final, if applicable, in accordance with this subsection.

(b) *Approval of Final Official Statement.* The Port approves the preparation of a final Official Statement for the Bonds to be sold to the public in the form of the preliminary Official Statement that has been approved and deemed final in accordance with subsection (a), with such modifications and amendments as the Designated Representative deems necessary or desirable, and further authorizes the Designated Representative to execute and deliver such final Official Statement to the Purchaser if required under Rule 15c2-12. The Port authorizes and approves the distribution by the Purchaser of the final Official Statement so executed and delivered to purchasers and potential purchasers of the Bonds.

(c) *Undertaking to Provide Continuing Disclosure.* If necessary to meet the requirements of paragraph (b)(5) of Rule 15c2-12, as applicable to the Purchaser acting as a participating underwriter for the Bonds, the Designated Representative is authorized to execute a written undertaking to provide continuing disclosure for the benefit of holders of the Bonds in substantially the form attached as Exhibit B.

Section 17. Supplemental and Amendatory Resolutions. The Port may supplement or amend this resolution for any one or more of the following purposes without the consent of any Owners of the Bonds:

(a) To add covenants and agreements that do not materially adversely affect the interests of Owners, or to surrender any right or power reserved to or conferred upon the Port.

(b) To cure any ambiguities, or to cure, correct or supplement any defective provision contained in this resolution in a manner that does not materially adversely affect the interest of the Beneficial Owners of the Bonds.

Section 18. General Authorization and Ratification. The Designated Representative and other appropriate officers of the Port are severally authorized to take such actions and to execute such documents as in their judgment may be necessary or desirable to carry out the transactions contemplated in connection with this resolution, and to do everything necessary for the prompt delivery of the Bonds to the Purchaser thereof and for the proper application, use and investment of the proceeds of the Bonds. All actions taken prior to the effective date of this resolution in furtherance of the purposes described in this resolution and not inconsistent with the terms of this resolution are ratified and confirmed in all respects.

Section 19. Severability. The provisions of this resolution are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this resolution to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this resolution in all other respects, and the offending

provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

Section 20.    Repeal of Resolution No. 20-55. The adoption of this resolution by the Commission shall be deemed to supersede and repeal Resolution No. 20-55.

Section 21.    Effective Date of Resolution. This resolution shall take effect and be in force from and after its adoption.

ADOPTED by the Port Commission of the Port of Benton, Benton County, Washington, at a regular open public meeting thereof held on April 21, 2021, the following Commissioners being present and voting in favor of the resolution.

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Jane F. Hagarty, President and  
Commissioner

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Robert D. Larson, Vice President and  
Commissioner

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Roy D. Keck, Secretary and Commissioner



**EXHIBIT A**  
**PARAMETERS FOR FINAL TERMS**

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- |                               |   |
|-------------------------------|---|
| (a) Principal Amount.         | The Bonds may be issued in one or more Series and shall not exceed the aggregate principal amount of \$10,500,000.  |
| (b) Date or Dates.            | Each Bond shall be dated its Issue Date, which date may not be later than one year after the effective date of this resolution.   |
| (c) Denominations, Name, etc. | The Bonds shall be issued in Authorized Denominations and shall be numbered separately in the manner and shall bear any name and additional designation as deemed necessary or appropriate by the Designated Representative.  |
| (d) Interest Rate(s).         | Each Bond shall bear interest at a fixed rate per annum (computed on the basis of a 360-day year of twelve 30-day months) from the Issue Date or from the most recent date for which interest has been paid or duly provided for, whichever is later. One or more rates of interest may be fixed for each Bond or any Series of Bonds. No rate of interest for any Bond may exceed 5.00%, and the true interest cost to the Port for each Series of Bonds may not exceed 4.00%. |
| (e) Payment Dates.            | Interest shall be payable semiannually on dates acceptable to the Designated Representative, commencing no later than one year following the Issue Date of such Series of Bonds. Principal payments shall commence on a date acceptable to the Designated Representative and shall be payable at maturity or in mandatory redemption installments on dates acceptable to the Designated Representative.   |
| (f) Final Maturity.           | The Bonds shall mature no later than December 1, 2041.  |
| (g) Redemption Rights.        | <p>The Designated Representative may approve in the Bond Purchase Agreement provisions for the optional and mandatory redemption of Bonds, subject to the following:</p> <p>(1) <u>Optional Redemption.</u> Any Bond may be designated as being (A) subject to redemption at the option of the Port prior to its maturity date on</p>   |

the dates and at the prices set forth in the Bond Purchase Agreement; or (B) not subject to redemption prior to its maturity date. If a Bond of a Tax-Exempt Series is subject to optional redemption prior to its maturity, it must be subject to such redemption on one or more dates occurring not more than 10½ years after the Issue Date.

- (2) Mandatory Redemption. Any Bond may be designated as a Term Bond, subject to mandatory redemption prior to its maturity on the dates and in the amounts set forth in the Bond Purchase Agreement.

- (h) Price. The purchase price for the Bonds may not be less than 96% or more than 130% of the stated principal amount of the Bonds.
- (i) Selection of Refunded Bonds. Under the terms and conditions of this resolution, the Designated Representative is authorized to select the Refunded Bonds to be refunded by the Refunding Bonds under the Refunding Plan. The Refunded Bonds, as selected by the Designated Representative, shall be identified in the applicable Bond Purchase Agreement.
- (j) Minimum Savings. Each Series of Refunding Bonds shall produce a minimum net present value savings to the Port and its taxpayers of 3.00% (as a percentage of the Refunded Bonds refunded by such Series). Net present value savings means the aggregate of (i) annual debt service on the Refunded Bonds refunded by a Series of Refunding Bonds, less (ii) annual debt service on such Series of Refunding Bonds (including expenses related to costs of issuance of such Series of Refunding Bonds) discounted to the Issue Date using the yield on such Refunding Bonds as the discount rate, plus (iii) excess cash, if any distributed to the Port on the Issue Date, and less (iv) the amount of any contribution by the Port, if any, made on such Issue Date.
- (k) Section 265(b)(3) Designation. Pursuant to Section 12(d) of this resolution, the Designated Representative may designate any qualifying Series of Bonds as “qualified-tax exempt obligations” for purposes of Section 265(b)(3) of the Code.
- (l) Tax Status. The Designated Representative is authorized to determine whether any Series of Bonds will be issued as

a Taxable Series or a Tax-Exempt Series and to confirm the identification of any such Taxable Series or Tax-Exempt Series in the Bond Purchase Agreement applicable to such Series of Bonds.

(m) Other Terms and Conditions.

- (1) The Bonds may not be issued if it would cause the indebtedness of the Port to exceed the Port's legal debt capacity on the Issue Date.
- (2) The Designated Representative may determine whether it is in the Port's best interest to provide for bond insurance or other credit enhancement; and may accept such additional terms, conditions and covenants as he or she may determine are in the best interests of the Port, consistent with this resolution.

[Form of]  
**UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE**

**Port of Benton, Washington**  
**Limited Tax General Obligation Bonds, [Series]**

The Port of Benton, Washington (the “Port”), makes the following written Undertaking for the benefit of holders of the above-referenced bonds (the “Bonds”), for the sole purpose of assisting the Purchaser in meeting the requirements of paragraph (b)(5) of Rule 15c2-12, as applicable to a participating underwriter for the Bonds. Capitalized terms used but not defined below shall have the meanings given in Resolution No. 21-12 of the Port (the “Bond Resolution”).

(a) Undertaking to Provide Annual Financial Information and Notice of Listed Events. The Port undertakes to provide or cause to be provided, either directly or through a designated agent, to the MSRB, in an electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB:

- (i) Annual financial information and operating data of the type included in the final official statement for the Bonds and described in paragraph (b)(i) (“annual financial information”);
- (ii) Timely notice (not in excess of 10 business days after the occurrence of the event) of the occurrence of any of the following events with respect to the Bonds: (1) principal and interest payment delinquencies; (2) non-payment related defaults, if material; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notice of Proposed Issue (IRS Form 5701 – TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (7) modifications to rights of holders of the Bonds, if material; (8) bond calls (other than scheduled mandatory redemptions of Term Bonds), if material, and tender offers; (9) defeasances; (10) release, substitution, or sale of property securing repayment of the Bonds, if material; (11) rating changes; (12) bankruptcy, insolvency, receivership or similar event of the Port, as such “Bankruptcy Events” are defined in Rule 15c2-12; (13) the consummation of a merger, consolidation, or acquisition involving the Port or the sale of all or substantially all of the assets of the Port other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; (14) appointment of a successor or additional trustee or the change of name of a trustee, if material; (15) incurrence of a financial obligation of the Port or obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Port or obligated person, any of which affect security

holders, if material; and (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the Port or obligated person, any of which reflect financial difficulties. The term “financial obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with Rule 15c2-12.

- (iii) Timely notice of a failure by the Port to provide the required annual financial information described in paragraph (b)(i) on or before the date specified in paragraph (b)(ii).

(b) Type of Annual Financial Information Undertaken to be Provided. The annual financial information that the Port undertakes to provide in paragraph (a):

- (i) Shall consist of (1) annual financial statements prepared (except as noted in the financial statements) in accordance with applicable generally accepted accounting principles applicable to local governmental units of the State such as the Port, as such principles may be changed from time to time; (2) principal amount of general obligation bonds outstanding at the end of the applicable fiscal year; (3) assessed valuation for that fiscal year; and (4) property tax levy amounts and rates for that fiscal year;
- (ii) Shall be provided not later than the last day of the ninth month after the end of each fiscal year of the Port (currently, a fiscal year ending December 31), as such fiscal year may be changed as required or permitted by State law, commencing with the Port’s fiscal year ending December 31, 20\_\_; and
- (iii) May be provided in a single or multiple documents, and may be incorporated by specific reference to documents available to the public on the Internet website of the MSRB or filed with the SEC.

If not submitted as part of the annual financial information described in paragraph (b)(i) above, the Port will provide or cause to be provided to the MSRB audited financial statements, when and if available.

(c) Amendment of Undertaking. This Undertaking is subject to amendment after the primary offering of the Bonds without the consent of any holder of any Bond, or of any broker, dealer, municipal securities dealer, participating underwriter, Rating Agency or the MSRB, under the circumstances and in the manner permitted by Rule 15c2-12. The Port will give notice to the MSRB of the substance (or provide a copy) of any amendment to the Undertaking and a brief statement of the reasons for the amendment. If the amendment changes the type of annual financial information to be provided, the annual financial information containing the amended financial information will include a narrative explanation of the effect of that change on the type of information to be provided.

(d) Beneficiaries. This Undertaking shall inure to the benefit of the Port and the holder of each Bond, and shall not inure to the benefit of or create any rights in any other person.

(e) Termination of Undertaking. The Port's obligations under this Undertaking shall terminate upon the legal defeasance, maturity or prior redemption of all of the Bonds. In addition, the Port's obligations under this Undertaking shall terminate if the provisions of Rule 15c2-12 that require the Port to comply with this Undertaking become legally inapplicable in respect of the Bonds for any reason, as confirmed by an opinion of Bond Counsel delivered to the Port, and the Port provides timely notice of such termination to the MSRB.

(f) Remedy for Failure to Comply with Undertaking. As soon as practicable after the Port learns of any failure to comply with this Undertaking, the Port will proceed with due diligence to cause such noncompliance to be corrected. No failure by the Port or other obligated person to comply with this Undertaking shall constitute a default in respect of the Bonds. The sole remedy of any holder of a Bond shall be to take action to compel the Port or other obligated person to comply with this Undertaking, including seeking an order of specific performance from an appropriate court.

(g) Designation of Official Responsible to Administer Undertaking. The Finance Director or his or her designee is the person designated, in accordance with the Bond Resolution, to carry out the Undertaking in accordance with Rule 15c2-12, including, without limitation, the following actions:

- (i) Preparing and filing the annual financial information undertaken to be provided in paragraph (a)(i);
- (ii) Determining whether any failure to provide the annual financial information undertaken to be provided in paragraph (a)(i) has occurred and providing any notice undertaken to be provided in paragraph (a)(iii);
- (iii) Determining whether any event specified in items (1)-(16) of paragraph (a)(ii) has occurred, assessing its materiality, where necessary, with respect to the Bonds, and preparing and disseminating any notice undertaken to be provided in paragraph (a)(ii) of its occurrence;
- (iv) Determining whether any person other than the Port is an "obligated person" within the meaning of Rule 15c2-12 with respect to the Bonds, and obtaining from such person an undertaking to provide any annual financial information and notice of listed events for that person required under Rule 15c2-12;
- (v) Selecting, engaging and compensating designated agents and consultants, including but not limited to financial advisors and legal counsel, to assist and advise the Port in carrying out this Undertaking; and
- (vi) Effecting any necessary amendment of this Undertaking.

## CERTIFICATION

I, the undersigned, Secretary of the Port Commission (the “Commission”) of the Port of Benton, Benton County, Washington (the “Port”), hereby certify as follows:

1. The attached copy of Resolution No. 21-12 (the “Resolution”) is a full, true and correct copy of the Resolution duly adopted at a regular meeting of the Commission held on April 21, 2021 (the “Meeting”), as that resolution appears on the minute book of the Port.
2. The Resolution is in full force and effect.
3. Pursuant to various proclamations and orders issued by the Governor of the State of Washington, options were provided for the public to attend the Meeting remotely, including by telephonic access and, as available, internet access, which options provided the ability for all persons attending the Meeting remotely to hear each other at the same time.
4. The Meeting was duly convened and held in all respects in accordance with law, the public was notified of the access options for remote attendance via the Port’s website, a quorum of the members of the Commission was present throughout the meeting and a sufficient number of members of the Commission present voted in the proper manner for the adoption of the Resolution.

Dated: April 21, 2021.

PORT OF BENTON, WASHINGTON

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Roy D. Keck, Secretary of the Commission

**RESOLUTION 21-13**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE PORT OF BENTON APPROVING A  
GROUND LEASE WITH OPTION TO RENEW WITH  
PORTERS REAL BARBECUE COMPANY LLC  
(PRBBQ Realty Co. LLC)**

**WHEREAS**, the Port of Benton (Port) is authorized to enter into certain leases upon such terms as the Port Commission deems proper; and

**WHEREAS**, The Port of Benton (lessor) and Croskrey Properties LLC (lessee) entered into a written ground lease dated March 10, 2017 for real property described in Exhibit A hereto.

**WHEREAS**, Croskrey Properties LLC is selling the leasehold improvements to Porters Real Barbecue Company LLC, a subtenant, with the intent of the property to continue operating and serving as a communal kitchen for their various barbecue operations within the Tri-Cities; and

**WHEREAS**, purchaser(s) desire to enter into a new ten (10) year lease with two (2) 10-year options to renew, effective May 1, 2021, which has been negotiated by Port staff; and

**WHEREAS**, the Port Commission has called a regularly scheduled public meeting with notice of such meeting given as provided by law and such public meeting was held at such time and on said date; and

**WHEREAS**, Port staff and the Port attorney have reviewed the proposed Lease Agreement and find it is in proper form and it is in the Port's best interest; and

**WHEREAS**, after consideration of the attached lease agreement, the Port Commission has determined that the lease is proper.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board of Commissioners of the Port of Benton hereby approves a ten (10) year lease with two (2) 10-year options to renew with Porters Real Barbecue Company LLC (PRBBQ Realty Co LLC) as presented and authorizes the Port's Interim Executive Director to execute all documents and agreements on behalf of the Port to complete the transaction as specified above.

**ADOPTED** by the Port of Benton Board of Commissioners on this 21st day of April, 2021.

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ROY D. KECK, President

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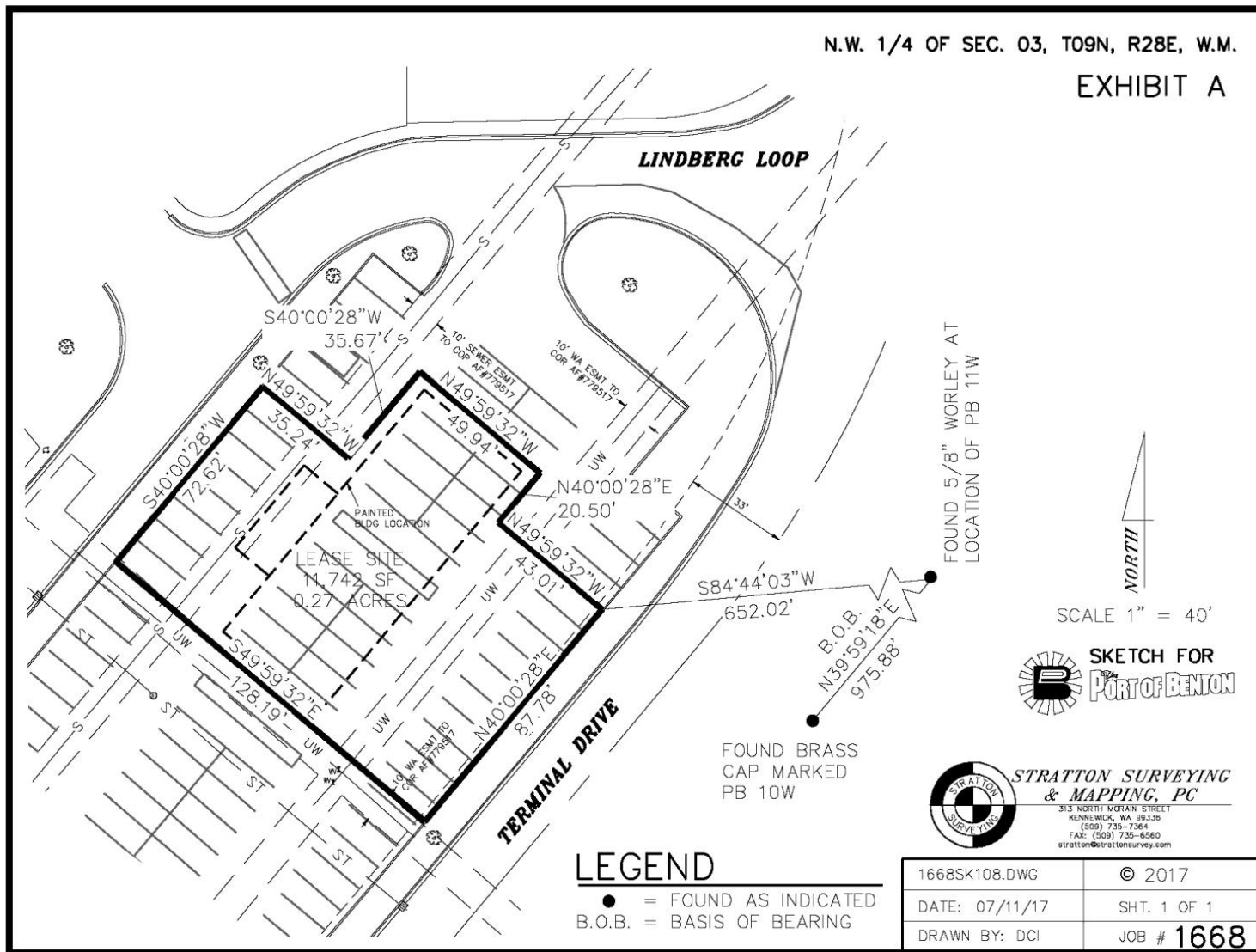
JANE F. HAGARTY, Vice President

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ROBERT D. LARSON, Secretary



**EXHIBIT A**  
**Resolution 21-13**  
**0.27 Acres / 1881 Terminal Drive**



**RESOLUTION 21-14**  
**A RESOLUTION OF THE PORT OF BENTON,**  
**AUTHORIZING A SALE OF REAL PROPERTY**

**WHEREAS**, the Port of Benton acquired property within Benton City to promote economic development for commercial and industrial purposes; and

**WHEREAS**, the rural community of Benton City was extremely hard hit and port facilities vacated by small business due to the ongoing Coronavirus 2019 (COVID-19) in Benton City. Port board and staff recognized opportunities to sell property as may be deemed appropriate to balance the port's budget and asset portfolio during this critical period; and

**WHEREAS**, Luis Ruiz and Gabriela Razo Ruiz (L & G Salon and/or Assigns) desire to purchase the leasehold improvement and vacant lot located at 721 and 723 Ninth Street, as a small business owner, providing much needed economic stability and job retention within the community; and

**WHEREAS**, LUIS RUIZ, GABRIELA RAZO RUIZ, DBA L&G SALON AND/OR ASSIGNS (Purchaser) has offered to purchase real property from the Port of Benton (Seller), consisting of combined 0.546 acres, a commercial building and vacant lot located at 721-723 9<sup>th</sup> Street within Benton City's commercial corridor as legally described on Exhibit "1" for the sum of \$100,000 (US dollars).

**WHEREAS**, the sale of this property will support and enhance the Port's economic development mission by facilitating further development and utilization of this property through the investment of private capital; and

**WHEREAS**, Port staff and Port attorney have reviewed the proposed Purchase and Sale Agreement and find it in proper form and is in the best interest of the Port and its constituents for the Port to sell the real property and improvements;

**BE IT HEREBY RESOLVED**, to motion approval of Resolution 21-14 authorizing the Port's Executive Director to execute all necessary documents related to the sale of real property to LUIS RUIZ, GABRIELA RAZO RUIZ, DBA L&G SALON AND/OR ASSIGNS in the sum of \$100,000.00 in accordance with the statutes governing sales of real estate in a port district.

**ADOPTED BY THE PORT OF BENTON COMMISSION** this 21<sup>st</sup> day of April, 2021.

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Roy Keck  
President

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Jane Hagarty,  
Vice President

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Robert D. Larson,  
Secretary

**EXHIBIT 1  
TO RESOLUTION 21-14**

**AUTHORIZING A SALE OF REAL PROPERTY**

**APN 1-1897-202-0044-010**

SECTION 18: TOWNSHIP 9: RANGE 27: BENTON CITY: BLOCK 44: THE EAST 50 FEET OF LOT 10 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD: DISSOLUTION OF DRAINAGE IMPROVEMENT DISTRICT 4 SUB A EASEMENTAND/OR RIGHT OF WAY PER BENTON COUNTY ORDINANCE NO. 441, ADOPTED AND PASSED NOVEMBER 6, 2006, RECORDED JANUARY 5, 2007, AUDITOR FILE NO. 2007-000506

REAL PROPERTY AND IMPROVEMENTS.

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS OF RECORD AND IN VIEW.

**APN 1-1897-202-0044-012**

SECTION 18: TOWNSHIP 9: RANGE 27: BENTON CITY: BLOCK 44: THE EAST 50 FEET OF LOT 12 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD: DISSOLUTION OF DRAINAGE IMPROVEMENT DISTRICT 4 SUB A EASEMENTAND/OR RIGHT OF WAY PER BENTON COUNTY ORDINANCE NO. 441, ADOPTED AND PASSED NOVEMBER 6, 2006, RECORDED JANUARY 5, 2007, AUDITOR FILE NO. 2007-000506

REAL PROPERTY AND IMPROVEMENTS.

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS OF RECORD AND IN VIEW.

## INTERLOCAL FOR GRANT WRITING SERVICES

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the City of Prosser, Washington, a municipal corporation, whose address is: 601 7<sup>th</sup> Street, Prosser, Washington, 99350 (Prosser); the City of Benton City, a municipal corporation whose address is: P.O. Box 70, 1009 Dale Avenue, Suite A, Benton City, Washington 99320 (Benton); the Port of Benton, a municipal corporation whose address is: 3250 Port of Benton Boulevard, Richland, Washington, 99354 (POB); and Prosser Memorial Hospital District, a municipal corporation whose address is: 723 Memorial Street, Prosser, Washington 99350. (PMH) and the Prosser Economic Development Association, whose address is: 236 Port Avenue, Prosser, Washington 99350 (PEDA).

**WHEREAS**, The Interlocal Cooperation Act, as amended and codified in Chapter 39.34 of the Revised Code of Washington, provides for interlocal cooperation between governmental agencies; and

**WHEREAS**, Prosser, Benton, POB, and PMH individually lack the financial resources to hire an in-house grant writer; and

**WHEREAS**, PEDA employs a grant writer under contract who has sufficient time to provide grant writing services to Prosser, Benton, POB, and PMH; and

**WHEREAS**, Prosser, Benton, POB, and PMH agree that their cooperation in entering into this agreement with PEDA will provide more efficient, effective, and less costly services for citizens within the jurisdictional limits of all parties, thereby better serving the public;

NOW, THEREFORE, the parties agree as follows:

1. **Purpose:** The purpose of this agreement is for PEDA to provide Prosser, Benton, POB, and PMH with the services of a professional grant writer and to set forth the powers, rights, and responsibilities of the parties to this agreement.
2. **Administration:** No new or separate legal or administrative entity is created to administer the provisions of this agreement. A joint board consisting of one member from Prosser, one member from Benton, one member from POB, one member from PMH, and one member from PEDA shall administer this agreement.
3. **Nondiscrimination.** In the performance of this agreement, the parties shall, at all times, comply with any, and all, federal, state, or local laws, ordinances, rules, or regulations with respect to nondiscrimination and equal employment opportunity, which may at any time be applicable.
4. **Staffing/Confidentiality.** PEDA agrees to sufficiently staff its grant writing staff in order to provide services under this agreement.

5. **Exclusivity.** This agreement is not exclusive. Prosser, Benton, POB, and PMH may contract with other persons or entities for grant writing services, as each deems necessary, or advisable.
6. **Scope/Services:** PEDA shall provide services to the other parties hereto as follows:
  - A. Meet with the joint board to determine each party's needs for grant writing services.
  - B. Research and seek out grants, funding resources, and similar revenue sources, through a variety of sources, including the Internet, library, journals, publication, newsletter and other sources. Grants will pertain to community economic development, to include providing health care, and will be outside the scope of routine grants that are sought and/or awarded on a regular basis to the parties to this Agreement.
  - C. Establish a resource information center comprised of information on public, private and non-profit resources that may be available to the public entity parties to this Agreement in the form of grants, funding sources, and other similar revenue sources.
  - D. Develop a comprehensive database of demographic information that will contribute to the preparation of grants, funding requests, and other similar revenue sources.
  - E. Write/prepare or assist in the writing and preparation of grants and other proposals based on the identified needs of the parties.
  - F. Establish positive relations with representatives of organizations which provide grant funds and/or other valuable resources; and,
  - G. Perform related responsibilities as required in order to secure grant funds for the parties.
  - H. Provide a written report to each party each quarter summarizing the grant writing work completed for that quarter.
7. **Budget and Meeting:** The joint board shall meet in August of each year that this contract is in effect and establish a grant writer budget. Prosser, Benton, POB, and PHM each agrees to pay to PEDA an equal share of the budgeted amount for grant writing services. Each party shall pay PEDA in four equal payments due on, or before: April 1, July 1, October 1, and December 31 each year this agreement is in effect. In the event that any party hereto fails to include sufficient funds in their annual budget to make the payment due hereunder, then that party's participation in this agreement shall be terminated effective the date of the adoption of their budget. The joint board shall call a meeting after the removal of the terminated party to adopt a new grant writer budget for the subsequent year. For 2021 each party agrees to pay \$5,000 to PEDA on, or before each of the following dates: July 1, October 1, and December 31.
8. **Duration of Agreement - Termination:** This agreement shall commence on April 1, 2021, and remain in force until terminated by the parties. Prosser, Benton, POB, or PMH may terminate their participation by serving notice on all other parties on or before August 1, of any year this agreement is in effect. The notice of termination shall terminate that party's participation in this agreement effective midnight December 31, of that year. The parties may mutually agree to terminate this agreement at any time.

9. **Compliance with Legal Requirements:** Each party accepts responsibility for compliance with federal, state or local laws and regulations regarding this agreement.
10. **Property Acquisition:** It is anticipated that no joint property will be acquired under this agreement. In the event that joint property is acquired, then it shall be distributed, when the agreement is terminated, to the parties in proportion to that party's contribution to purchase such property. There shall be no joint financing under this agreement.
11. **Filing:** Executed copies of this agreement shall be filed with the Benton County Auditor or, alternatively, listed by subject on a public agency's web site or other electronically retrievable public source as required by Section 39.34.040 of the Revised Code of Washington prior to this agreement becoming effective.
12. **Non-Delegation/Non-Assignment:** Neither party may delegate the performance of any contractual obligation to a third party unless mutually agreed in writing. Neither party may assign this agreement without the written consent of the other party, which consent shall not be unreasonably withheld.
13. **No Third-Party Rights.** Except as expressly provided herein, nothing in this Agreement shall be construed to permit anyone other than the parties hereto and their successors and assigns to rely upon the covenants and agreements herein not to give any such third party a cause of action (as a third-party beneficiary or otherwise) on account of nonperformance hereunder.
14. **Partial Invalidity.** Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. Any provisions of this Agreement, which shall prove to be invalid, void, or illegal, shall in no way affect, impair, or invalidate any other provisions herein, and such other provisions shall remain in full force and effect.
15. **Entire Agreement.** This Agreement, and any amendments thereto mutually agreed to by the parties, constitutes the entire Agreement between the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind any of the parties. Either party may request changes to the Agreement. Proposed changes that are mutually agreed upon shall be incorporated by written amendment hereto.
16. **Dispute Resolution.** It is the parties' intent to resolve any disputes relating to the interpretation or application of this Agreement informally through discussions at the staff level through the Joint Board. In the event disputes cannot be resolved informally at the staff level, then the parties agree to first submit the dispute to non-binding mediation/dispute resolution before resorting to litigation.
17. **Litigation.** In the event that any suit or action is instituted by either party to enforce compliance with or interpret any of the terms, covenants, or conditions of this Agreement, the prevailing party shall be entitled to collect, in addition to necessary court costs, such sums as the court may adjudge as reasonable attorneys' fees. The venue for any action to

enforce or interpret this Agreement shall lie in the Superior Court for Benton County, Washington.

18. **Insurance.** Each party shall secure, and continuously carry in effect, with an insurance company or companies reasonably acceptable to the other, the following insurance policies:

Each party shall maintain insurance for bodily injury and property damage. Such insurance shall include: provisions or endorsements naming the other party and its elected officials, officers, agents, employees, and volunteers as additional insureds; provisions that such insurance is primary insurance with respect to the interest of each party, and that any insurance maintained by the party is excess and not contributory insurance with insurance required hereunder; and provisions or endorsements to include broad-form comprehensive liability and blanket contractual liability. Initial limits of liability for all requirements under this paragraph shall be \$1,000,000 each occurrence and \$2,000,000 general aggregate.

All insurance policies required hereunder shall contain provisions that such policies shall not be canceled or their limits of liability reduced without thirty (30) days prior written notice to the other party. Each party shall provide the other with a Certificate of Liability Insurance naming the other, and its elected officials, officers, agents, employees, and volunteers as additional insureds. It is expressly understood and agreed that it is the intention hereof to constitute a waiver and release of any and all subrogation rights which may have under any such insurance policies.

19. **Indemnification.** Each party shall indemnify and hold the other, its agents, employees, and/or officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, loss, damages, or costs, of whatsoever kind or nature, brought against the other arising out of, or in connection with, or incident to, the sole negligence or intentional misconduct of that party. The parties expressly agree that the indemnification provided herein constitutes the other's waiver of immunity under Title 51 R.C.W., for the purposes of this Agreement. The parties have mutually negotiated this waiver. The provisions of this section shall survive the expiration or termination of this Agreement.

20. **Evidence of Authority.** This agreement shall be executed in five (5) originals. Upon execution of this Agreement, each party shall provide the other with a certified copy of the resolution, ordinance, or other authority given to execute this Agreement pursuant to RCW 39.34.030(2), and said documents will be attached hereto and incorporated herein as **Exhibit "A"**

21. **Notices.** All notices and demands shall be in writing and sent to the parties hereto at their address as follows:

To Prosser:

City of Prosser  
601 7th Street  
Prosser, WA 99350

To Benton:

City of Benton City, Washington  
PO Box 70, 1009 Dale Avenue, Suite A.  
Benton City, WA 99320

To POB:

Port of Benton  
3250 Port of Benton Blvd.  
Richland, WA 99354

To PMH:

Prosser Memorial Hospital District  
723 Memorial St.  
Prosser, WA 99350

To PEDA:

Prosser Economic Development Association  
236 Port Avenue Ste A  
Prosser, Washington 99350

IN WITNESS WHEREOF said parties have caused this Agreement to be signed by the duly authorized officials on the day and year first written above.

**CITY OF PROSSER,  
WASHINGTON**

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

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



**CITY OF BENTON CITY,  
WASHINGTON**

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

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

**PORT OF BENTON**

By: \_\_\_\_\_  
Executive Director

Approved as to form:

\_\_\_\_\_  
Port Attorney

**PROSSER MEMORIAL HOSPITAL  
DISTRICT**

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

**PROSSER ECONOMIC  
DEVELOPMENT ASSOCIATION**

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

**PORT OF BENTON  
PROJECTS AND GRANTS STATUS**

April 2021

Project		Description	Grants Pursued/Received	Comments
1	Prosser Airport Taxiway extension design	Extend taxiway into area for new hangars - design only	FAA \$90,000 POB \$9,000	90% review drawings are out to FAA for approval.
2	Richland Airport Master Plan	Master plan update of Airport	FAA \$400,000 POB \$40,000	<b>Preferred alternative has been sent out to stakeholders for further review and comments.</b>
3	Richland Innovation Center Rural County Capital Funds	Infrastructure improvements across already developed lots and the widening of Fermi Avenue	Benton County RCCF \$1,100,000	<b>Fermi construction is out for bid. Beginning design work on remaining sidewalk, street light and fiber improvements.</b>
4	North Richland Development Building	Construct a 20-35,000 sf development building to support MNP, HHP, Triton and small business/commercialization	FED - \$6M STATE \$3M POB - \$3.5M	<b>Submitted State and Federal budget requests as well as possible self bonding.</b>
5	Richland Airport - Airfield Signage and Lights (PH1)	Replace Airfield Signs, Replace runway lights on RW 8/26 & 1/19 MIRL - DESIGN	FAA - \$250,000 WSDOT - \$12,500 POB - \$12,500	Approved for 2021.
6	Prosser 2021 Taxilane Construction	Construct a new taxilane	FAA - \$490,000 WSDOT - \$24,500 POB - \$24,500	Approved for 2021.
7	<b>Rail Improvements</b>	<b>Rail, ties and crossings</b>	<b>State \$5M</b>	<b>Submitted to State Legislators as budget request.</b>

**PORT OF BENTON  
PROJECTS AND GRANTS STATUS**

April 2021

Project		Description	Grants Pursued/Received	Comments
8	North Horn Rapids 1,641	Sewer extenstion	FED - \$3.25M - \$4M COR - \$400,000 POB - \$400,000	In cooperation with the City of Richland, submitted Federal budget request.
9	Bureau Land Management	Crow Butte	\$250,000 POB 10% match	ADA Restrooms renovation, pathways.
10	Grid Demonstration Project	EV Chargers Richland and Prosser	FED - \$500K POB/ENW/NoaNet	Submitted Federal budget request

### **WILDLIFE MITIGATION & DEPREDAATION**

#### **1.0 Purpose:**

Nationwide, aircraft-wildlife strikes are the second leading cause of aviation fatalities (FAA 2003 data) and account for more than 40 percent of the foreign object debris (FOD) damage sustained by aircraft. Hazing is preferred over euthanizing wildlife; however, when the wildlife is not responding to hazing, or when other circumstances necessitate, euthanizing is authorized.

#### **2.0 Application:**

As part of the airport's Wildlife Hazard Policies, the airport operations staff will work to vigorously abate or remove wildlife from the airport operations area (AOA).

#### **3.0 Procedure:**

##### **1. Authority and Responsibility**

- a. US Fish and Wildlife Service permit is renewed annually and authorizes airport operations staff, specifically named on the permit to euthanize, temporarily possess, and transport migratory birds.
- b. FAA rules require that airport personnel participating in wildlife mitigation and depredation comply with 14 CFR Part 139.303 (Personnel), and 14 CFR Part 139.337 (Wildlife Hazard Management).
- c. This policy authorizes airport operations personnel assigned to the airports to euthanize wildlife in accordance with SOPs and with a valid Federal Fish and Wildlife permit when performing wildlife depredation activities at Richland and Prosser Airports.
- d. Airport Operations personnel are responsible for knowing the KRLD and KS40 Wildlife permits and policies. The permits are a separate document which outline birds and wildlife that unit members are allowed to haze or depreciate. Airport managmnet personnel are responsible for updating the permits and ensuring that training is provided to airport operations members annually. Copies of the airport wildlife permits will be carried in the vehicle of airport operations staff engaged in wildlife hazing or abatement.
- e. Richland Municipal Code Chapter 9.26 allows designated Richland Airport personnel engaged in authorized wildlife management for purposes of air traffic or aircraft safety in accordance with the U.S. Fish and Wildlife Service (USFWS) and Federal Aviation Administration (FAA) authorizations to discharge firearms. [Ord. 99-76 § 1.01; Ord. 20-11 § 1.23; Ord. 22-16 § 1; Ord. 41-20 § 1].

##### **2. Safety**

- a. All firearms safety rules shall be followed at all times, with particular attention to maintaining a safe backdrop. Extreme care should be taken to prevent injury, damage, and unintentional movement of wildlife into the paths of aircraft.

##### **3. Pyrotechnic Bird Guns ("Bangers")**

- a. Only Airport Operations personnel who have received the annual FAA wildlife mitigation training may use an approved pyrotechnic bird gun, horn, or other noise-making device to haze wildlife.

- b. When possible, aim the pyrotechnic bird gun so the expended cartridge lands in a safety area to minimize FOD on the runway and taxiway pavement. However, in warmer weather, be cautious about starting the dry grass areas on fire.

#### **4. Air Rifles**

- a. Airport Operations personnel shall receive the annual FAA wildlife mitigation training, and basic air rifle qualification training and shall keep all related qualifications current with the approved type of KRLD/KS40/Airport issued air rifle system. Qualified Airport Operations personnel may use the air rifle for wildlife mitigation and depredation in and around the AOA.
- b. Due to the inherently quiet report of the air rifle, Airport Operations personnel should consider firing rounds from the pyrotechnic bird gun. If applicable this should be done shortly before or after use of the air rifle. This reinforces the effectiveness of hazing techniques and has been shown to improve overall mitigation (FAA). This technique also helps airport employees and citizens recognize the loud noise as wildlife mitigation in progress.

#### **5. Weapons and Devices**

##### **a. Shotguns for Bird Depredation**

- Only Airport Operations personnel who have received the annual FAA wildlife mitigation training, and who also have current Port of Benton shotgun qualification may use a shotgun for wildlife in the AOA.
- All Airport Operations personnel intending to use or carry a shotgun shall have the basic Port of Benton shotgun qualification training course and remain on the current qualified to carry list.
- Before using a shotgun in the AOA, as a courtesy, the Airport Operations Personnel may notify the unicom frequency and advise them that they are going to be doing "wildlife control."
- Whenever possible, several rounds from the pyrotechnic bird gun should be fired shortly before or after use of the shotgun. This reinforces the effectiveness of hazing techniques and has been shown to improve overall mitigation (FAA). This technique also helps airport employees and citizens recognize the loud noise as wildlife mitigation in progress.

##### **b. Wildlife Control Lasers for Hazing (Green Lasers)**

- The effectiveness of green lasers has been proven in recent studies and reduces wildlife habituation.
- Airport Operations personnel may use green lasers to haze wildlife in accordance with the approved FAA laser use authorization, upon receiving training and reviewing the document.
- Each laser is equipped with a key lock system that disables the laser when not in use. All lasers will be stored and kept in the "off" position with the key lock when not in use.
- Lasers may never be pointed across active runways, taxiways, or in the direction of aircraft.

- c. Shotgun Ammunition
- Only approved/issued shotgun ammunition should be used on wildlife, unless a serious emergency necessitates the use of another Port firearm or option.
  - Due to the variety of shotgun ammunition that is available, the purpose of this section is to simplify the specific type(s) and proper application.
  - Only Port-issued ammunition can be used. Steel shot #6 and steel BB for WILDLIFE ONLY.
  - As a recommended guide: Steel shot #6 should be used on smaller to larger birds such as starlings, crows, ducks, and seagulls. BB steel shot should be used for geese. This ammunition does not have to be brand specific as long as it complies with the steel shot sizes and is purchased by the Port of Benton. For predator control, such as coyote, BB or 00 buck is recommended. The patrol shotgun will still remain department 00 Buck and Rifled slugs. The following are recommendations of the steel shot #6 and BB. See graph below:

	WILDLIFE	RECOMMENDED AMMO	
Smaller	Starling	6 steel shot	
	Crow	6 steel shot	
	Duck	6 steel shot	
	Seagull	6 steel shot	BB steel shot
	Goose		BB steel shot
Larger	Coyote	BB steel shot	00 buckshot

Ammunition Storage will be clearly marked with WILDLIFE ONLY boxes (Steel Shot #6 and BB). 00 Buck and rifled slugs for regular patrol use shall be stored in a separate box/area.

### 6. Other Firearms and Depredation Methods

- a. If immediate emergency action is required to ensure the safety of aircraft crews or passengers, Airport Operations personnel are authorized to use any reasonable means at their disposal to euthanize any kind of wildlife. As with any decision in an emergency, the Airport Operations Personnel will be held to the "reasonable standard." In other words, would other properly trained and competent personnel have acted similarly in the same circumstance?

### 7. Disposal of Carcasses. Carcasses of animals should be collected as soon as possible and disposed of in a sanitary manner.

### 8. Reporting

- a. Airport Operation personnel shall document wildlife mitigation actions in the Daily Wildlife Activity Log.
- b. In the event of a firearm discharge in which the wildlife is missed airport management will be notified immediately and a follow up report will be created that includes, the date, time, location, weapon used, and possible trajectory of projectile.
- c. In the event a firearm discharge is presumed through investigation by Airport Management or Port Management to have struck people, livestock, or a structure, law enforcement will be contacted immediately by airport or port staff to investigate.

### 4.0 References:

RMC 9.26.020; 14 CFR Part 139.303 (Personnel); 14 CFR Part 139.337 (Wildlife Hazard Management)