

The Port of Benton Commission Meetings are not open to the public at this time. Pursuant to Governor Inslee's Proclamation 20-28.15, a Proclamation by the Governor amending and extending Proclamations 20-05, 20-25, and 20-28, et. Seq. as they relate to the Open Public Meetings Act, and Public Records Act, as well as CR 8402, members of the public will not be able to attend the regularly scheduled Commission meeting in person.

The regular Commission Meeting will be live broadcast via Zoom and made available using a telephone conference call-in line. The link to access this broadcast via Zoom, as well as the call-in number to participate via telephone, will be made available on the morning of the meeting on the Port of Benton's website at the link below, along with the meeting agenda, and minutes from past meetings. Live broadcast information: www.portofbenton.com/commission

For those unable to access the internet, please call 509-375-3060 by 8:00 a.m. on October 13, 2021 to be provided with call-in details.

All participants will be muted upon entry; when prompted click 'raise hand' in zoom or dial star + 9 (*9) to raise your hand. The host will unmute you to speak in the order hands are raised, when the host calls on you, press star + 6 (*6) to unmute yourself.

**PORT OF BENTON
REGULAR COMMISSION MEETING**

Agenda

8:30 a.m., October 13, 2021

3250 Port of Benton Blvd., Richland, WA 99354

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. CONSENT AGENDA

1. Approval of Minutes from the September 8, 2021 Commission Meeting
2. Approval of Vouchers and Certifications, Including Payroll for Month of September Totaling \$914,108.83
3. Resolution 21-42, To Cancel Warrant No. 078633, in the amount of \$354.58
4. Resolution 21-45, To Cancel Warrant No. 078698, in the amount of \$0

D. PUBLIC COMMENT

E. PUBLIC HEARING

1. 2022 Port of Benton Proposed Budget

F. ITEMS OF BUSINESS

1. Resolution 21-43, Authorizing a Sale of Real Property with Pepper Preppers Kitchen, LLC
2. Resolution 21-46, Addressing Commissioner Compensation for Current and Future Commissioners
3. Resolution 21-47, Accepting Completion of 2345 Carpet Replacement Project
4. Review and Acceptance of White Bluffs Storage and Archive Scope of Work
5. Review and Acceptance of Anderson & Perry contract for sidewalk improvements (\$50,000) - RIC
6. Review and Acceptance of HDR contract for Design of Van Giesen and Swift Blvd. Rail Crossings (\$67,800)

G. INFORMATION REPORTS

1. Grants Update
2. 2021 Budget Update
3. Port of Benton Vehicle Usage Policy

H. COMMISSIONER REPORTS/COMMENTS

I. DIRECTOR REPORTS/COMMENTS

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

J. EXECUTIVE SESSION: Ongoing Litigation and Real Estate

K. ADJOURNMENT

The next Port of Benton Commission meeting is Wednesday, November 10, 2021.
Visit portofbenton.com for notices and information.

**PORT OF BENTON
COMMISSION MEETING MINUTES
SEPTEMBER 8, 2021**

A. CALL TO ORDER: The regular monthly meeting was called to order at 8:30 a.m. at the Walter Clore Wine & Culinary Center, 2140 Wine Country Road, Prosser, Washington.

PRESENT: Commissioner Jane F. Hagarty; Commissioner Robert D. Larson; Commissioner Roy D. Keck; Executive Director, Diahann Howard, PPM®; Director of Economic Development and Governmental Affairs, Miles Thomas; Port Attorney, David Billetdeaux; Executive Administrator, Summers Miya; Director of Real Estate, Teresa Hancock; Director of Marketing, Wally Williams; Contract Specialist, Sheri Collins (via remote communications); Senior Accountant, Veronica Serna (via remote communications); Director of Facilities & Operations, Ron Branine (via remote communications); Director of Finance/CPA, Danielle Connor; Bryan Condon, Century West (via remote communications); Mike Luzzo, Richland Resident; PEDAs Executive Director, Neal Ripplinger; HDPAs Executive Director, Jesalyn Cole; City of Prosser, Tom Glover (via remote communications); Prosser Chamber of Commerce, John-Paul Estey; JUB Engineers, Ben Hoppe (via remote communications); WSU Tri-Cities, Byron Marlowe (via remote communications)

The Commission Meeting was conducted as a hybrid meeting with Commissioners meeting in-person; public attending both remotely and in-person, and Port staff members participating in-person and remotely, and said meeting was noticed as required by RCW 42.30.070.

B. PLEDGE OF ALLEGIANCE: Director of Marketing, Wally Williams led those present in reciting the Pledge of Allegiance.

Miles Thomas noted that one new item added to the agenda in the Information Reports section (G)(3), the Surplus of A/V equipment.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the addition of Section (G)(3) in the Information Reports section of the agenda, the Surplus of A/V Equipment.

C. CONSENT AGENDA:

A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving the August 17, 2021 Commission Meeting Minutes, and approval of vouchers and certifications, including payroll, for the month of August totaling \$1,069,669.48.

D. PUBLIC COMMENT:

City of Richland resident Mike Luzzo inquired about the item reserved for the public hearing and whether or not there was a clear title on the land sale.

Dr. Byron Marlowe of WSU Tri-Cities greeted the Commission and expressed his pride and excitement for the partnership between the Port of Benton, WSU Tri-Cities and the Walter Clore Center. Marlowe stated that he looked forward to developing a relationship with all in the future.

E. PUBLIC HEARING:

1. Receive Public Comment Concerning Declaring Property Excess to the Future Needs of the Port and the Advisability of Selling Real Property Owned by the Port

The regular Commission Meeting was recessed at 8:40 a.m. and Public Hearing was convened by Commissioner Hagarty for the purpose of receiving public comment for advisability of declaring port property surplus to the future needs of the Port of Benton and advisability of selling or conveying to the public for economic development and job creation purposes, consistent with the port's tightening budget in response to COVID-19 pandemic. No public comment was received. The executive director and director of real estate provided an overview of the real property consisting of 6.81 acres located in the Horn Rapids Business Park.

Commissioner Hagarty closed the Public Hearing at 8:42 a.m.

F. ITEMS OF BUSINESS:

1. Resolution 21-36, Amending Comprehensive Plan of Improvements and Declaring Real Property Surplus.

Director of Real Estate, Teresa Hancock requested a motion to approve amending the comprehensive plan of improvements and declaring 6.81 acres of real property surplus to the port's future needs of the Port of Benton to sell or convey to the public for economic development and job creation purposes, further authorizing the port's executive director to accept proposals for the purchase of the property and present to the commission for approval.

A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving Resolution 21-36, Amending Comprehensive Plan of Improvements and Declaring the Real property Surplus and authorizing the port's executive director to accept proposal for the purchase of the property and present to the commission for approval.

2. Resolution 21-37, Approving the Sale of Real Property Owned by the Port and Real Estate Contract with Columbia Basin Real Estate LLC

Director of Real Estate, Teresa Hancock explained that Columbia Basin Real Estate LLC is an Oregon based agri-business operating Weston Mountain Onions, who occupies the port's property located at 2927 Kingsgate Way since 2017. As tenants, they have privately invested in excess of \$1M operational infrastructure and ongoing maintenance of the 10,000 square foot facility. Hancock noted that the company started with 12 employees and has grown to 50 current employees. The property is operating beyond capacity in both facility and logistical needs. Hancock added the parties had discussed a potential sale inquiry in 2019 and again in 2020; however, COVID-19 put a halt to those plans. The sale is consistent with appraisals and recognizes private investment prior and future. Hancock stated the sale price is \$1,500,000 for property consisting of 6.81 acres of real property and improvements, including a

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rail spur. Port staff propose the sale transaction be by a real estate contract (4% down - \$60,000.00 / 6% interest / monthly installment payments of \$15,907.42) including principal and interest. The current lease will be terminated at closing. The potential purchasers suggest an early payoff within the next couple years once post-pandemic stated the Executive Director, Diahann Howard.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving Resolution 21-37, approving the sale of real property by the Port of Benton.

3. Welcome and Update from Neal Ripplinger, Prosser Economic Development Association

Prosser Economic Development Association (PEDA) Executive Director, Neal Ripplinger greeted the Commission.

Ripplinger updated that Tree Top is moving their puree operations from Medford, OR to Prosser and they are looking to retool 40 jobs to the Prosser area and are offering relocation options to current employees. Additionally, Ripplinger added that this Tree Top facility employs approximately 140.

Ripplinger provided a map highlighting the new residential areas slated in Prosser, which he explained were all likely except for perhaps one which will add a total of over 1,200 new homes to Prosser. Ripplinger expects the projects to be complete between one – five years.

Ripplinger mentioned the WIT Cellars purchase of Gamache in Vintners Village.

Ripplinger added that the final results were returned from the Community & Tourism Assessment study, which was funded through the USDA grant.

Ripplinger updated that the Wayfinding Project, which PEDA partnered with the Prosser Chamber and Historic Downtown Prosser, is progressing and the signs were just delivered and they are working on installation. Ripplinger noted that the signs are stand-up, not unlike the current signs, and include additional blades pointing towards Port properties, through the additional support and partnership with the Port. Ripplinger thanked the City of Prosser as well as the Port for all support received with the Wayfinding project, as it is important to the local businesses that the signs are visible and easy to follow for visitors. Ripplinger provided a map visual of the area that highlighted where the proposed signs will be located.

Ripplinger explained that there will be five new signs to complement existing signage, additional signage for the Depot/Visitor Center as well as additional and enlarged WINERIES signage will be added.

Ripplinger announced that the Prosser Business Spotlight continues to highlight one business per week and to date, PEDA has featured over 50 local businesses, with each business receiving complimentary direct mail advertising, social media coverage, as well as coverage on the Prosser Record Bulletin.

Ripplinger was happy to announced that the Class of 2020/2021 Prosser Leadership class graduated in August after completing all seven classes and a community project.

4. Welcome and Update from John-Paul Estey, Prosser Chamber of Commerce

Executive Director of the Prosser Chamber of Commerce, John-Paul Estey acknowledged and thanked everyone involved in wayfinding, as improvements were greatly needed and the overall impact benefits many.

Estey stated that the Chamber has been working closely with PEDA, City and HDPA, working on ways to help businesses survive the pandemic. Estey noted that the Artwalk and Wine Gala was held in

July, as the timing was perfect in regard to COVID-19 numbers and guidelines and thanked the Port for their sponsorship of the event. Estey added that there was limited negative feedback regarding the event.

Estey added that the Chamber will host a networking event towards the end of September and is working with HDPa. Estey stated that he is really looking forward to the Walter Clore Center reopening and encouraged Byron Marlowe to call on the Chamber for any assistance, or connections they may need in the community.

Executive Director of the Historic Downtown Prosser Association (HDPa), Jesalyn Cole agreed that the four Prosser organizations have been working very closely and share their resources when necessary. Cole announced that music is now playing downtown and the system can also be used as a PA. Cole updated that the Revitalize Washington event, which was slated for the end of September, has been moved to all-virtual, but Prosser will be featured during the remote sessions.

Cole added that the capital project at the Depot involves recycled railway and a pergola for the courtyard will be built, as well as expanding the deck and these projects are all thanks to a grant received.

Cole added that the Main Street grant is a 90-day process, which have expanded outdoor dining options by the addition of parklets.

Cole noted that the HDPa Annual Meeting will take place on October 7 and they are in the process of electing their new Board.

Cole added that legislation voted to increase funding, stating that historically funding was \$2.5M, but that number has increased to \$5M, which is great news for the HDPa budget. Cole stated there were officially 37 registered Main Streets in Washington.

5. Welcome and Update from Tom Glover, City of Prosser

City Administrator, Tom Glover announced that the City Hall is at a new location, at the corner of Bennett and Dudley. Glover noted that the next City Council meeting would be held on September 14 at 7 p.m.

6. HDR Engineering, Contract for Design for Derailment Repair

Executive Director, Diahann Howard stated that as discussed at the August Commission meeting, HDR has been working on the plans and specifications for the repair to the railroad track where the work was completed last year to clean up the derailment site. Howard added that as BNSF equipment went back and forth to remove the rail cars, they damaged many of the existing ties and while the Port is continuing to pursue reimbursement for this work, it is necessary to move forward with repairs at this time. Additionally, Howard added that this project will also repair some embankment erosion along the Port's track across the Yakima Delta, re-gap a portion of the track that is experiencing thermal expansion, and repair a damaged pier pad on the Columbia Park Trail Bridge.

Howard reminded the Commission that at the August Commission meeting, Commission approval was received to increase HDR's miscellaneous engineering budget to cover the preliminary design work they had completed on this project and the Port would like to now create a new tasks for them to complete the design of these improvements, including coordination amongst the railroads, prepare the documents for bid and provide assistance through the bidding process. Howard added that once bids are received, a separate budget for construction administration and inspection will be

approved.

Howard stated that the proposed budget for this work is \$80k.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving the HDR Engineering contract for design for derailment repair.

7. Resolution 21-38, Approval of Pavement Maintenance Project

Director of Facilities & Operations, Ron Branine stated that Resolution 21-38 pertains to the smaller task order for Central Paving and the work was completed on July 9, 2021. Branine added that the project included crack sealing seal coat on the trail and parking lot.

Branine added that the large task order will be presented at the October meeting.

Commissioner Hagarty for clarification on if this was the City of Richland collaboration project. Branine stated that the small task order was completed with the assistance of JUB Engineers and the large task order was in collaboration with the City of Richland and the small order was required to be completed prior to the large project.

A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving Resolution 21-38, approving the Pavement Maintenance Project.

8. Resolution 21-39, Wildfire Smoke Policy

Port Attorney, David Billetdeaux announced that on July 16, 2021 the Department of Labor & Industries adopted an emergency rule to protect workers across the state who may experience adverse effects due to wildfire smoke damage. Billetdeaux added that all agencies in Washington are required to abide by the new emergency rule, as agencies now have a requirement that they must provide a way for workers to understand when employees may be at risk. Billetdeaux added that notes include following the Air Quality Index (AQI), masks and respirators, which the Port has purchased and will be available to Port employees.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving Resolution 21-39, a Wildfire Smoke Policy.

9. Resolution 21-40, Prosser Airport - Fiber Easement

Executive Director Diahann Howard stated that the Port has requested that Benton PUD/Noanet extend fiber and conduit into the east end of the Prosser Airport to provided increased broadband service to several buildings in the airport. Howard noted that the initial benefit will be for the Port's building being leased by the City of Prosser, the Chukar Cherry facility and the Port's main hangar at 111 Nunn Rd.

Howard stated that to accommodate this work, the Port needs to create an easement along the east end, and south side, of the airport for the fiber conduit and a map was provided to the Commission highlighting the location for the 10 ft wide easement. Howard stated that the conduit will be located underground, but the 10 ft wide easement will be there permanently. Howard added that this location

does not appear to negatively impact any existing or future development of the airport and since it is a perpetual easement, Commission needs to approve this easement, by Resolution.

A motion was made by Commissioner Robert Larson, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving Resolution 21-40, regarding the fiber easement at the Prosser Airport.

10. Resolution 21-41, Approval to Submit Two Grant Applications to the Washington State Department of Transportation, Community Aviation Revitalization Board (CARB) Loan Program for up to \$750,000 with 2% interest

Executive Director Diahann Howard announced that the Port is going for two CARB loans solely intended for airports. Howard explained that there will be two applications submitted with the hopes of one award. Howard added that the applications are due on October 2, 2021.

Howard added that there was a pre-discussion with WASDOT and a tour with the WPPA and both agreed that both areas are a good opportunity for grant funding. Howard explained that the CARB program is three years old and is aimed to provide support for general aviation airports. Howard added that the airport must be a revenue-generating asset.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Robert Larson and unanimously passed by the Commission approving Resolution 21-41, approving the submission of two grant applications to the Washington State Department of Transportation, Communication Aviation Revitalization Board (CARB) Loan Program for up to \$750,000 with a 2% interest.

G. INFORMATION REPORTS:

1. Grants Update:

Executive Director Diahann Howard announced that through an extensive team effort, the ICAP application has been submitted after completing 48-pages of work. Howard stated that she feels there is a solid chance of award as the committee is looking at only east-side areas. Howard added that the application process highlighted the need to have an industry lead. Howard reminded the Commission that the award is \$500k to start and the award announcement should be made by the end of the month. Howard thanked the entire team for their support throughout the process.

Howard added that the Port has asked the Port of Pasco to lead the Build Back Better Cluster Program, as the focus is around ag, which Howard thinks will work with the Prosser area and Walter Clore Center and will also work with Byron Marlowe and possibly PEDAs.

2. 2022 Preliminary Budget Review:

Director of Finance/CPA, Danielle Connor stated that the team has met internally and prepared a preliminary 2022 budget, which the team will continue to review and refine in preparation for the October workshop.

Connor stated that the Budget Workshop is scheduled for Tuesday, October 12, 2021 and the budget will be presented again the following day at the October 13, 2021 Regular Commission Meeting to allow for public comment.

Connor added that the Port will then look to formally present and adopt the budget at the Commission Meeting
September 8, 2021

November 10, 2021 Regular Meeting, in order to meet the County deadline of November 30, 2021.

Connor provided an overview on properties and any decrease in lease revenue, pointing out a decrease in the 2345 building and an overview of vacancies throughout the Port districts. Connor noted that operating expenses are still being firmed up to determine available budget capacity for capital projects.

3. Surplus of A/V Property:

Director of Economic Development & Governmental Affairs, Miles Thomas stated that the Port will be putting together a surplus list of A/V equipment, which includes A/V equipment used for conferencing and applying market value to each item.

H. COMMISSIONER REPORTS/COMMENTS:

Commissioner Keck stated that he attended recent WPPA, PNWA and TRIDEC meetings and many meetings involve discussions related to the current Governor mandate as businesses seek methods to comply.

Commissioner Keck stated that he had the opportunity to attend a reception held at the Clover Island Inn involving WPPA, PNWA and legislators in support of the Ice Harbor Dam, which was a well-attended and informative event.

Commissioner Larson stated that he has continued to attend Richland Rotary events, along with various other Zoom events throughout the month.

Commissioner Hagarty announced that she continues to attend the Visit Tri-Cities (VTC) Board meetings, in which Staci West has recently been added to the Board.

Commissioner Hagarty noted that the TBEX event that VTC facilitated, has been postponed until April of 2022 and coincides with Spring Barrel weekend. Commissioner Hagarty added that VTC is weighing their choices regarding a hybrid or Zoom Annual Meeting, which will take place in November.

Commissioner Hagarty noted that she has also been attending the Benton-Franklin Council of Governments meetings, where the discussions have been related to funding.

I. DIRECTOR REPORTS/COMMENTS:

1. AIRPORTS:

Director of Facilities & Operations, Ron Branine stated that the Prosser Taxilane Project is ongoing and an additional 10 workdays have been added as the new asphalt was put down last Friday, but failed to meet spec as tested. Branine informed that it was decided that the contractor will need to tear out the new asphalt and relay at their own cost, which was called out in the scope and contract.

Executive Director, Diahann Howard added that the error was due to the way the asphalt was mixed and approximately 300 tons of asphalt will need to be redone.

Branine continued with an update on the Prosser Balloon Rally, noting that he recently met with Rally organizer, Morgan Everett in preparation of the event and it was decided to change the location for the balloons, as well as entry and exit to the event, which will make it easier for the Port facilities team to manage, as well for attendees. Branine clarified that this was a collaborative decision between the Port and event organizer.

Discussion ensued on the logistics of the Rally as far as additional security offered by City of Prosser and Commission encouraged Branine to connect with the City of Prosser Police Department to ensure all involved were on the same page.

Branine added that Zero Gravity has moved out of 1865 Bronco at the Richland Airport and he will be working with his team to finalize improvements needed to the building.

It was added that Executive Director Howard and Port Attorney Billetdeaux are working with Port Engineer Roger Wright on an RFQ for the space, as Wright is working with the comp plan and following the appropriate process for this space.

2. FACILITIES & OPERATIONS:

Director of Facilities & Operations, Ron Branine announced that the 2345 Lighting Project is still ongoing at approximately 75% completion.

Branine added that the Pavement Maintenance Project is also ongoing with striping at approximately 90% complete.

Branine stated that the 2579 Stevens Roofing Project started September 7th and there is an expected duration of 3-4 weeks.

Branine added the team continues to stripe parking lots and paint curbs that were not included in this year's pavement maintenance plan. Branine added that, as with many other supplies, paint remains difficult to obtain.

Branine noted that there are currently four HVAC units down Port-wide with lead times of 8-12 weeks.

Branine stated that the 3100 painting project was shifted to 2022, as suppliers are not currently making the elastomeric paint needed for the project until next year. Branine added that the paint that is available at this time will have a warrant of five years less than the elastomeric option. Branine noted that he felt waiting for the paint was available would save the Port money in the long run.

Branine stated that he continues to assist with budget planning and prep as they prepare for 2022 projects and is also working to close out 2021 with some smaller projects.

Branine announced that the team will begin prepping equipment soon for winter operations.

3. SPECIAL PROJECTS:

Director of Facilities & Operations, Ron Branine complimented the entire team, included recently retired John Haakenson on how nice the park looked on his recent visit.

Branine added that the house/Ranger Station remodel is going well and is on time and within budget. Branine stated that the Park recently underwent its annual compliance inspection with the Army Corps of Engineers on August 25th and there were very minimal findings, which would be addressed right away.

Branine stated that the Park irrigation system would remain on the generator for the remainder of the year, as the repair has been moved to 2022, but is all permitted and ready to go.

Executive Director Howard provided a quick update on the railroad, stating that the frogs and switches repair has been completed, but additional repairs are needed and welding will take place the first of the year.

Howard stated that HDR is working on the full scope of work for the Swift/Cemetery and Van Giesen crossings, with an expected timeframe of completion of sometime between April – June 2022. Howard added that full closure of Van Giesen is expected from a Thursday – Sunday.

Howard stated that the rail is estimated to need approximately \$8M in repairs.

Howard reminded the Commission that the Rail Caucus Tour was upcoming on Thursday, September 16 and Friday, September 17.

4. MARKETING:

Director of Marketing Wally Williams stated that the Cool Desert Nights event is coming up on Saturday, October 2 and he is working with Executive Administrator, Summers Miya on the Port vendor booth and has ordered new tablecloths and will be putting together giveaways.

Williams added that he is finishing up the Columbia River Trail wayfinding signs, which should be installed in the coming week.

Williams noted that he is working with Miya on the upcoming Entrepreneurial Awards event, which will be an all-virtual presentation this year. Williams added that the event will take place on Tuesday, November 2.

Williams stated that he has also been assisting with the Rail Caucus event, which will be coming up next week.

Williams noted that he is also working an ad for the Prosser Balloon Rally, which will be displayed in the program. Williams stated that this event will be taking place September 24-26.

Williams pointed out the new nametags that were provided to the Commission and all were encouraged to wear at Port events throughout the year.

5. REAL ESTATE:

Director of Real Estate, Teresa Hancock stated that staff are planning the backfill 24,000 (+/-) sq ft of the 2345 Stevens building coming online by the Atkins reduction of office space on the second floor as a result of COVID-19 remote work and reduction of contract work.

Hancock noted that she continues to receive leads for Vintners Village, including leads for small and medium-sized tasting rooms.

Hancock announced that she continues to work with Mr. Smoot, of Pepper Preppers for the acquisition of the former fire station building in Benton City (713 9th Street). Hancock announced that she will be bringing forward an offer to purchase at the October Commission meeting.

Hancock stated that she continues to work on ongoing leads, airports and the 2022 budget.

6. ECONOMIC DEVELOPMENT & GOVERNMENTAL AFFAIRS:

Director of Economic Development & Governmental Affairs, Miles Thomas stated that with the recent completion of the internet service upgrade at Crow Butte Park, staff are making plans to move the parking gate installation into the 2022 budget and have submitted graphics for the Corps of Engineers approval for the footing installation.

Thomas stated that he recently visited Palouse Falls State Park and noticed that they are utilizing the same installation in their parking area, which seemed to be very heavily utilized and the installation seemed similar to the setup at Crow Butte Park.

Thomas noted that with a little more than a month to go for reservations at Crow Butte, the Port will be lining up a few upgrades to the reservation system with vendor ResNexus. Thomas explained that additional features to be added at the Park include an optional fee for insuring reservations, which is accomplished through a third party vendor, and is very similar to insurance programs used for air travel and hotel stays. Thomas added that there is no additional cost for this

particular feature.

Thomas stated that on September 27, he will be making a presentation to the Richland Economic Development Committee to overview the Port and City's joint advertising over the past year.

Thomas added that the Port and City of Richland are coordinating on two fourth quarter advertisements, stating that the first is a Ports-focused piece including an editorial on the Port of Benton and an inclusion of the ad in Trade & Industry Magazine. Thomas added that the second piece is in Site Selector magazine, which Thomas explained the website data shows that it has had an uptick of visitor traffic to the land/property pages, with over 1,400 views per month. Thomas added that the Port's largest non-local demographic are visitors to the website from the Puget Sound region, followed closely by Los Angeles and southeast Oregon.

Thomas announced that the Port is currently working on several property leads, with one having a keen interest in a large property for agribusiness.

Thomas notified that the design RFQ for the Hanford History Project was advertised, and the deadline for submittals is Thursday. Thomas explained that out of the handful of architects the Port solicited to ascertain a timeline and willingness to bid, only one has indicated that they will not be submitting due to a substantial project they recently won, which would preclude them from meeting the Port's schedule. Thomas added that as discussed at the August Commission meeting, the RFQ is to design the storage portion of the facility only with limited articulation of the piece that will join the future gallery space. Thomas noted that this phasing is due to the timing of substantial need and current materials costs.

Thomas closed with the final note that this year he will be co-chairing the Tri-Cities Legislative Council for the 2022 session, alongside Staci West of Bechtel.

7. FINANCE DIRECTOR:

Director of Finance/CPA, Danielle Connor provided an update on the IAP project, stating that the team continues to make good progress on the Yardi implementation, but there is still a fair amount of foundation and master file setup. Connor noted that property and leases data has begun to be entered for testing and Tiffany, from Teresa Hanford's office has been onsite to assist with the data compilation and the data entry, adding that the majority of the lease data will need to be entered manually. Connor added that once more transactional data is entered into the system, the team will begin the integration design and development process, which Connor hopes will take place within the next few weeks. Connor noted that the timeline has been revised and she continues to monitor it, and is still aiming for later this fall to go live with core Voyager, with the Facilities Manager and GASB pieces to then follow.

Connor announced that consultant Teresa Hanford was unable to meet in August, so she will plan to move forward with revising and refiling the 2020 financial statements internally. Connor added that this will be challenging with the other initiatives, but the final draft needs to be filed with the SAO, as well as posted on EMMA (requirement of bond continuing disclosure) by the end of September and prior to the audit. Connor noted that she will be coordinating with the SAO soon to set-up the timing for the 2019 and 2020 audit and she still expects the audit to start in October.

Connor stated that general expenditures for August were approximately \$1M, about \$500k less than what was forecasted due to project timing. Connor listed some large payments that went out in August as \$175k to rail, \$120k for pavement maintenance and \$225k for the Fermi Ave. project. Additionally, Connor added that large payments were also made to Enduris for general insurance, City of

Richland utility payment to catch up on the account after working with the department on a master account, Ecomodus for the lighting project, Central Paving for pavement maintenance, Luke's Carpet for the carpet project and Railworks for retainage on the rail rehab project, or FRIB/FRAB.

Connor noted that project expenditures are still expected to increase, with the Prosser Taxi Lane construction and Fermi project underway, as well as additional rail repair and pavement maintenance. Connor added that the additional insurance surplus lines of \$40k were paid earlier this month and project expenditures are still forecasted to get heavier into the fall for both Port and grant-funded projects. Connor said that \$1.5M was forecasted for expenditures in September and \$1.1M has been forecasted for October. Connor added that she will continue to monitor and utilize the Line of Credit in September if needed.

Connor informed that the current (unreconciled) general operating cash balance, including reserved cash, is \$3.6M and the reports from the Benton County Treasurer have not yet been received to reconcile August.

Connor stated that Accounts Payable is currently sitting at \$181k due, of which about \$48k is past due. Connor stated that the Port is waiting on a signed amendment to release a \$14k payment to HDR and will also be paying a \$15k invoice to CBIT for the internet in Prosser, in addition to a \$12k invoice from Ecomodus.

Connor added that the utility balance to City of Richland has been paid that the conversion to a master account has been completed, which is making invoicing much smoother.

Connor stated that tenant Accounts Receivable is currently sitting at \$472k outstanding, as September billing was recently processed and the team is receiving/applying payments. Connor noted that currently about 16%, or \$74k is aged greater than 90 days and pointed out that last month's report had around \$75k aged greater than 90 days, and the months prior to that were \$92k and \$134k.

Connor said that the team continues to establish a process and identify next steps to address the past due amounts.

Connor informed that \$38k was received in August from the FAA for AIP 31 (RAP Master Plan) and \$9k was received from WSDOT for FRIB/FRAB in addition to \$37k received in early September for AIP 20, (PAP Taxi Construction). Connor stated that the team will queue up another reimbursement request for AIP 20 once the first large progress payment is processed.

8. PORT ATTORNEY:

Port Attorney, David Billetdeaux announced that the COVID-19 numbers have been skyrocketing in the area and reminded the Commission that the Emergency Order is still in place for Executive Director, Diahann Howard. Billetdeaux added that it is quite possible that the Port will return to 100% virtual Commission meetings.

Billetdeaux stated that the Port has reinstated the mask policy at Port facilities and employees are required to wear their mask when not in their own workspace and all visitors to the office are required to be wearing a mask.

Billetdeaux announced that the Redistricting RFP was sent out and one firm submittal was received. Billetdeaux added that the company Flo Analytics, and is under the Maul Foster Alongi umbrella, whom the Port is familiar and comfortable with.

Billetdeaux stated that he is working on a Port vehicle take home policy to present at the October Commission meeting, adding that this policy will cover emergency type situations.

Billetdeaux thanked Director of Real Estate, Teresa Hancock for her recent assistance in locating documents that were a part of discovery requests within the current TCRY litigation. Billetdeaux shared

that a letter was received from Rydel Peterson, regarding the TCRY lawsuit, that needed to be discussed within Executive Session.

9. EXECUTIVE DIRECTOR:

Executive Director, Diahann Howard announced that she recently participated in the ITAB presentation and the process is moving forward.

Howard stated that she recently joined tours with Century West Engineers and WPPA and both agreed that the sites noted for grant opportunities make sense.

Howard added that she attended the recent dedication of the Mattis Leadership Library and Veterans Memorial at WSU Tri-Cities.

Howard added that she was able to complete the Visit Tri-Cities survey and one-on-one and provided input from a regional prospective.

Howard noted that the RiverFest event was cancelled due to the COVID-19 pandemic, but added that the planning committee is working on a possible rebroadcast of "Our Rivers, Our Life", which had over 1M impressions along the I-5 corridor in 2020.

Howard added that the Facilities Manager interviews have been completed.

Howard reminded the Commission that the Port of Pasco BBQ is on September 9 at 12 p.m. and the Rail Caucus is on the 16th and 17th, which will be hosted by the Port of Benton.

J. EXECUTIVE SESSION: The regular Commission Meeting was recessed at 11:13a.m. and an Executive Session was convened at 11:14 a.m. to discuss ongoing litigation and real estate matters. It was announced that Executive Session would take 40 minutes and if any action was required, the Regular Commission Meeting will reconvene and bring forward the item at that time.

K. ADJOURNMENT: The Commission announced that no action was required to be taken relating to any items discussed within Executive Session. With no further business, the meeting was adjourned at 11:53 a.m.

Roy D. Keck
Commission Secretary

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

General Expenses

Accounts Payable Warrants #	78546	-	78699	\$	703,464.85
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Electronic Payments				\$	45,040.18
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Total General Expenses				\$	<u>748,505.03</u>
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Payroll

Direct Deposit					
ACH				\$	114,940.89

Wire Transfers:

IRS Payroll Tax Deposit	September 15, 2021	33,058.06
IRS Payroll Tax Deposit	September 30, 2021	17,604.85

Total Payroll				\$	<u>165,603.80</u>
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Total General Expenses and Payroll				\$	<u><u>914,108.83</u></u>
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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
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_____	Vice President
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_____	Secretary
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RESOLUTION 21-42
A RESOLUTION OF THE PORT OF BENTON, WASHINGTON
TO CANCEL A WARRANT

WHEREAS, General Expense Fund Warrant No. 078633, in the amount of \$354.58 which was issued to Danielle Connor, warrant was printed in 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. 078633.

DATED AND SIGNED at Richland, Washington October 13, 2021.

Jane F. Hagarty, President

Robert D. Larson, Vice President

Roy D. Keck, Secretary

RESOLUTION 21-45
A RESOLUTION OF THE PORT OF BENTON, WASHINGTON
TO CANCEL A WARRANT

WHEREAS, General Expense Fund Warrant No. 078698, in the amount of zero dollars which was not issued, warrant was printed in 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. 078698.

DATED AND SIGNED at Richland, Washington October 13, 2021.

Jane F. Hagarty, President

Robert D. Larson, Vice President

Roy D. Keck, Secretary

RESOLUTION NO. 21-43

A RESOLUTION OF THE PORT OF BENTON AUTHORIZING A SALE OF REAL PROPERTY WITH PEPPER PREPPERS KITCHEN LLC

WHEREAS, the Port of Benton owns real property located in the Port's Benton City Downtown Area, more particularly described on Attachment 1 to this resolution.

WHEREAS, the Port of Benton deemed the property was no longer necessary for Port purposes by Resolution 11-15 dated May 4, 2011 in effort to transfer to the public sector to further promote economic development and private investment within the District, pursuant to RCW 53.25; and

WHEREAS, Pepper Preppers Kitchen LLC (Purchaser) has offered to purchase the real property and improvements as depicted on Attachment 1 from the Port of Benton (Seller) for the sum of Two Hundred Eleven Thousand Dollars (\$211,000.00); and

WHEREAS, Port staff and the Port attorney have reviewed the proposed Purchase and Sale Agreement and find that is appropriate and in the best interests of the Port to sell the real property; and

WHEREAS, the Port Commission has determined the proposed sale is consistent with previous Port policies, hereby authorize the sale of real property and improvements and further amend the Port's Comprehensive Scheme of Harbor Development, therefore,

IT IS HEREBY RESOLVED, the real property described on Attachment 1 shall be sold to Pepper Preppers Kitchen LLC, a Washington limited liability company as provided by law for Two Hundred Eleven Thousand Dollars (\$211,000.000);

IT IS FURTHER RESOLVED that the Board of Commissioners hereby approve Resolution 2021-43 authorizing the Port's Executive Director to execute a Purchase and Sale Agreement with Pepper Preppers Kitchen LLC under the terms contained in Purchase and Sale Agreement for the sum of and hereby authorize to execute all documents and agreements on behalf of the Port of Benton to complete the transaction as specified above.

BE IT FURTHER RESOLVED Port of Benton's Comprehensive Plan of Improvements is hereby amended to remove the real property described on Attachment 1 from the Comprehensive Plan.

ADOPTED BY THE PORT OF BENTON COMMISSION this 13th day of October,
2021.

Jane F. Hagarty, President

Robert D. Larson, Vice President

Roy D. Keck, Secretary

ATTACHMENT 1
To RESOLUTION 21-43
AUTHORIZING A SALE OF REAL PROPERTY
WITH PEPPER PREPPERS KITCHEN LLC

713-719 9th Street
0.3929 Acres / Building 4,538 SF (+/-)

APN 1-1897-202-0044-004 / ID 47468

SECTION 18: TOWNSHIP 9: RANGE 27: BENTON CITY: BLOCK 44: LOTS 4 AND 5 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD: DISSOLUTION OF DRAINAGE IMPROVEMENT DISTRICT 4 SUB A EASEMENT AND/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.

TOGETHER WITH:

APN 1-1897-202-0044-007 / 47469

SECTION 18: TOWNSHIP 9: RANGE 27: BENTON CITY: BLOCK 44: LOTS 6,7 AND 8 (QCD-30416-3/10/53) SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD:

DISSOLUTION OF DRAINAGE IMPROVEMENT DISTRICT 4 SUB A EASEMENT AND/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.

AND:

APN 1-1897-202-0044-009 / 47470

SECTION 18: TOWNSHIP 9: RANGE 27: BENTON CITY: BLOCK 44: LOT 9, LESS THE NORTH 21 FEET OF THE WEST 42 FEET: SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD:

DISSOLUTION OF DRAINAGE IMPROVEMENT DISTRICT 4 SUB A EASEMENT AND/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.

RESOLUTION NO. 21-46

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF BENTON ADDRESSING THE APPARENT LEGISLATIVE DRAFTING MISTAKE IN THE 2020 AMENDMENT TO RCW 53.12.260 BY MAINTAINING THE STATUS QUO FOR COMMISSIONER COMPENSATION FOR CURRENT AND FUTURE COMMISSIONERS.

WHEREAS, enacted in 1975, RCW 53.12.260 provides for port commissioner compensation. Today this compensation consists of (a) \$128 per diem per day compensation for each day or portion or thereof spent in actual attendance at official meetings of the port district commission, or in performance of other official services or duties on behalf of the district (b) since the 1992 amendment to RCW 53.12.260, monthly compensation of either \$200 or \$500 per month depending on the gross operating income of the port district in the preceding calendar year.

WHEREAS, in 2007 the Legislature amended RCW 53.12.260 increasing the per diem portion of commissioner compensation from \$75 to \$90 and providing for an inflationary adjustment to both per diem and monthly compensation every five years beginning July 1, 2008, as determined by the Washington State Office of Financial Management (the "OFM"). Adjustments on July 1, 2008, July 1, 2013, and July 1, 2018, resulted in current commissioner per diem of \$128 per month and the current monthly compensation of either \$278 or \$711 depending on the gross operating income of the port district in the preceding calendar year. The next adjustment was scheduled for July 1, 2023.

WHEREAS, in 2020 the Legislature sought, in House Bill 2449 (Chapter 83, Laws of 2020) to move the adjustment date for twelve special purpose governments, including port districts, from July 1st to January 1st to align with these twelve special purpose governments fiscal calendar year. The bill passed both the House and the Senate unanimously. The Legislature's *Final Bill Report* notes that the per diem compensation for these special purpose governments had risen to with adjustments to the current numbers and noted that the purpose of HB 2449 was merely to move the date. In the "summary" section the Final Bill Report notes that:

The calendar date on which the compensation limit for commissioners, board members, supervisors, and directors of special purpose districts must be adjusted for inflation every five years is changed from July 1 to January 1. The date of the next scheduled adjustment is delayed from July 1, 2023, to January 1, 2024.

WHEREAS, the HB 2449 change to RCW 53.12.260 was accomplished by making a simple change to the statute as follows (deletion in strikethrough and addition in underline):

The dollar thresholds for salaries and per diem compensation established in this section must be adjusted for inflation by the office of financial management every five years, beginning ~~July 1, 2008~~ January 1, 2024

Unfortunately, the adjustment date was changed but the reference to \$90 per diem and the \$200/\$700 monthly payments set in the 2007 version of RCW 53.12.260 were not updated. The “plain reading” of the RCW 53.12.260 is now \$90 per diem and the \$200 or \$500 monthly payments adjusted for inflation on January 1, 2024. It is clear the effect of “rolling back” commissioner compensation to 2007 levels was unintended and a clear legislative drafting mistake.

WHEREAS, Article XI, Section 8 of the Washington State Constitution prohibits any increase or decrease in commissioner compensation during a term of office. Therefore, the 2020 amendment to RCW 53.12.260 would only apply as commissioners are elected or re-elected with the first application occurring for commissioners taking office on January 1, 2022.

WHEREAS, the Washington Public Ports Association has contacted the OFM and the Washington State Auditor’s Office (the “SAO”) about this issue. While acknowledging the issue, the OFM and SAO indicated that the current compensation should be left in place because the legislative intent was merely to change the date from July 1st to January 1st. The SAO has indicated that it will not be an audit issue. However, these views, while helpful, are not legally binding.

WHEREAS, subsection 3 of RCW 53.12.260 allows a port commission to set compensation for commissioners in lieu of the amounts specified in the statute (both per diem and monthly).

WHEREAS, it is in the best interest of the Port to maintain current levels of commissioner compensation and ensure that commissioners newly elected or re-elected in 2021 are provided the same compensation as the other commissioners when the newly elected or re-elected commissioners take office on January 1, 2022.

WHEREAS, until this unintended drafting mistake is (a) corrected by the Legislature, (b) a definitive legal interpretation from the Washington Attorney General’s Office is issued, or (c) Washington courts issue a binding decision it is in the best interest of the Port to adopt a resolution pursuant to RCW 53.12.260(3) to maintain the *status quo* for commissioner compensation subject to the January 1, 2024 change per RCW 53.12.260.

NOW THEREFORE, based upon the foregoing it is resolved by the Port of Benton, by and through its Commission, to maintain the *status quo* as follows:

1. Pursuant to RCW 53.12.260(3) the current Port of Benton commissioner compensation of \$128 per diem per day and \$1,500 per month for Port District positions 1 and 2, and compensation of \$128 per diem per day and \$1,000 per month for Port District Position 3, shall be maintained for all current commissioners. Starting January 1, 2022, commissioner compensation of \$128 per diem per day and \$1,500 per month shall apply to all Port of Benton commissioners hereinafter elected or appointed.
2. The RCW 53.12.260(4) inflationary adjustment that will occur on January 1, 2024, and each five years thereafter will be applied to all Port of Benton commissioner compensation.

3. The Port of Benton legal counsel and the executive director will inform the Commission if and when the drafting issue in RCW 53.12.260 (a) has been the subject of Legislature action, (b) a definitive legal interpretation from the Washington Attorney General's Office is issued, or (c) Washington courts issue a binding decision so that the Port Commission may consider an appropriate resolution.

ADOPTED in open session at a regular meeting of the Board of Commissioners of the Port of Benton on the 13th day of October, 2021, and duly authenticated by the signatures of the Commission and the seal of the Commission affixed hereto.

Jane F. Hagarty, President

Robert D. Larson, Vice President

Roy D. Keck, Secretary

RESOLUTION 21-47

A RESOLUTION OF THE PORT OF BENTON ACCEPTING WORK COMPLETED BY LUKE'S CARPET, LLC FOR THE 2345 STEVENS DRIVE CARPET REPLACEMENT PROJECT

WHEREAS, work known as the 2345 Stevens Drive Carpet Replacement Project upon notification by Luke's Carpet, LLC, that said project has been completed in accordance with the approved plans and specifications, has been duly inspected by the Port of Benton, and the project has been duly inspected by the Director of Facility & Operations, Ron Branine and

WHEREAS, the Contractor has certified that the work has been completed in accordance with the plans and specifications at a total cost of \$68,656.81.

NOW THEREFORE BE IT RESOLVED that the Port of Benton Commission does hereby accept the work Luke's Carpet, LLC, has completed in accordance with the contract of said project; and

BE IT HEREBY FURTHER RESOLVED that upon presentation and approval of the final invoice for the project, the Executive Director is directed to proceed with the necessary procedures, including required advertisements and government notifications, to finalize the project.

DATED AND SIGNED at Richland, Washington on this 13th day of October 2021.

Jane F. Hagarty, President

Robert D. Larson, Vice President

Roy D. Keck, Secretary

**PORT OF BENTON
PROJECTS AND GRANTS STATUS**

October 2021

	Project	Description	Grants Pursued/Received	Comments
1	Richland Airport Master Plan	Master plan update of Airport	FAA \$400,000 POB \$40,000	Master Plan final draft is being distributed to Airport users this week for comments due Nov 5th.
2	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	Fermi Ave is being paved this week. Sidewalk-Streetlight design is planned to begin soon.
3	North Richland Development Building	Construct a 20-35,000 sf development building to support MNP, HHP, Triton and small business/commercialization	FED - \$6M POB - \$3.5M	Submitted Federal budget requests. We continue to check in with Congressional staff regarding status
4	Richland Airport - Airfield Signage and Lights (PH1)	Replace Airfield Signs, Replace runway lights on RW 8/26 & 1/19 MIRL - DESIGN ONLY	FAA - \$250,000 No Match Required	50% design review plans received and we are reviewing now.
5	Richland Airport - Airfield Signage and Lights (PH1)	Replace Airfield Signs, Replace runway lights on RW 8/26 & 1/19 MIRL - CONSTRUCTION	FAA - \$3,200,000 No Match Required	FAA has awarded. Construction planned for June 2022. This will require multiple runway closures so we will have a significant amount of public information.
6	Prosser Airport - Taxilane	East Taxilane Construction	FAA - \$600,854 No Match Required	Project is substantially complete.

**PORT OF BENTON
PROJECTS AND GRANTS STATUS**

October 2021

Project	Description	Grants Pursued/Received	Comments
7	Bureau Land Management	Crow Butte: Renovation of one ADA campsite, conversion of two campsites for ADA, and 2,700 lineal feet of path replaced.	FED - \$250,000 POB - 10% match Submitted, no action yet.
8	Infrastrucutre Investment and Jobs Act Grant Funds	Direct grants for the improvement of public use airports. Specific projects have not yet been identified.	Richland Airport \$1,480,000 Prosser Airport \$ 790,000 Still waiting on formal approval and information on use of funds.
9	Innovation Cluster Accelerator Program Application	Washington Dept of Commerce, next evoultion of POB, IPZ. Goal to support creation of clean energy industry lead alliance.	State-\$250,000 -\$750,000 Received preliminary notification of \$400k award; contract negotiations taking place

**PORT OF BENTON
VEHICLE USAGE POLICY**

1. Purpose: It is the policy of the Port to provide vehicles primarily for Facilities, Crow Butte, and Airport use, with an electric vehicle for most other staff uses, and to reimburse employees for business use of personal vehicles according to the policy.
2. Employees affected: Public works employees, Port authorized employees and all other employees (excluding Commissioners) who drive their personal vehicles for Port business.
3. References: **Port of Benton Resolution No. 18-14 Alternative Vehicle Fuel Policy**
Port of Benton Personnel Policy - Revised 11/07/2018
4. Policy: Port owned vehicles shall be used exclusively for the conduct of municipal business. The use of a Port vehicle is restricted to on-duty time, Port call outs (after hours), and travel for training or meetings. Only employees and/or qualified volunteers holding a valid Washington State Driver's License and/or commercial vehicle endorsement, if applicable, will be allowed to operate Port vehicles. Facilities employees will have assigned vehicles for Port use.

Those employees who live within a five-mile radius of their assigned work location (i.e. Richland Airport, Facilities Shop, 3250 Port of Benton Blvd, etc) and subject to call out after regular work hours may be allowed to take their assigned vehicle home on a regular basis pending Executive Director approval. Upon approval of the Executive Director, employees subject to call out will be allowed to take their assigned vehicles home in circumstances, such as predicted snowfall, when call out is highly likely. An employee who demonstrates economic benefit to the Port may also, with Executive Director approval, be allowed to take their assigned Port-owned vehicle home.
5. SensLynx: Port vehicles are equipped with SensLynx, which provides supervisors with emailed documentation when employees in Port-owned vehicles exceed the speed limit or drive erratically. Port employees, per the terms of their employment, agree that there is no expectation of privacy associated with Port vehicles, and further agree that noted violations of speed limits may expose them to a write-up, demotion, or termination.
6. Economic Benefit: Economic Benefit to the Port means the amount by which the cost of reimbursement to an employee for the business use of his or her private vehicle to respond to callouts is greater than the commuting costs associated with an assigned, Port-owned, take-home vehicle for the same assignment period.

SAMPLE ECONOMIC BENEFIT CALCULATION
(based on a six-month Take-Home Vehicle Assignment period)

Private Vehicle	Port Assigned Vehicle
-----------------	-----------------------

A.	B.	C.	D.	E.	F.	G.	H.
Number of call-outs in 6 months	Total six months call-out miles driven	Reimbursement at Port rate, \$0.56 ¹ per mile	Average daily commute mileage	Average monthly commute mileage	Total six-month commute mileage	Vehicle cost per mile - \$0.75 ² times 6-month commute mileage	Economic benefit to the Port Column C minus Column G
37	2,900 miles	\$1,624.00	16 miles	320 miles	1,920 miles	\$1,444.00	\$180.00

⁽¹⁾ Port reimbursement based on current IRS issued optional standard mileage rate used to calculate the deductible cost of operating an automobile for business purposes. The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile.

⁽²⁾ Port vehicle cost per mile calculated by the Port based on prior year usage and the fixed and variable costs of operating a Port automobile. Calculation source: http://www.milesgallon.com/calculate_total_cost_per_mile.php

If the dollar amount in column "C" is greater than the dollar amount in column "G", then there is an economic benefit to the Port. If the dollar amount in column "C" is less than the dollar amount in column "G", then there is no economic benefit to the Port.

5. Procedures:

A. Seat Belts. All employees operating or riding as passengers in Port vehicles shall wear the vehicle's seat belt in the manner prescribed by the manufacturer.

B. Passengers will be transported in Port vehicles only to the extent that their conveyance is directly related to official business or of an emergency nature. Family members will not be transported in Port vehicles unless exigent circumstances require that transportation or upon prior approval of the Executive Director.

C. Employees who drive a vehicle on Port business must exercise due diligence to drive safely, obey traffic laws, and maintain the security of the vehicle and its contents. Employees are responsible for any driving infractions or fines because of their driving. Speeding or negligent driving infractions will subject the Employee to an immediate write-up. Multiple infractions may lead to suspension of driving privileges and/or termination.

¹ Port reimbursement based on current IRS issued optional standard mileage rate used to calculate the deductible cost of operating an automobile for business purposes. The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile.

² Port vehicle cost per mile calculated by the Port based on prior year usage and the fixed and variable costs of operating a Port automobile. Calculation source: http://www.milesgallon.com/calculate_total_cost_per_mile.php

D. Port vehicles may be used for travel to meals if an employee is on official Port business or when an employee is assigned to work in the field and to do otherwise would result in a loss of service or productive work time.

E. Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the Washington State/IRS mileage allowance for such use. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Therefore, employees who operate personal vehicles for Port business must maintain auto liability coverage as required by State law.

F. All employees who operate assigned Port vehicles shall conduct an inspection of the vehicle at reasonable intervals. Inspections should pay particular attention to the vehicle safety, including but not limited to items such as tires, brakes, emergency equipment, windshield wipers, fluid levels, etc. Employees with assigned vehicles are responsible for ensuring that the vehicle is properly maintained and always equipped and is in good operating condition. Employees should also refer to the maintenance history for their assigned vehicle to ensure that appropriate maintenance intervals are being followed.

Employees shall promptly report any defective or inoperative vehicle or equipment to his/her Department Head and assist in scheduling any maintenance/repairs and delivering the vehicle for its servicing.

G. Employees must report any accident, theft, or malicious damage involving a Port vehicle to their supervisor and the appropriate personnel within the Port Police Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible, but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident.

H. Employees shall not operate any Port vehicle at any time or operate any personal vehicle while eligible for mileage reimbursement and on Port business while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. Smoking inside any Port vehicle is prohibited.

Approved to sign by Port of Benton Commission on October 13, 2021.

DIAHANN HOWARD, PPM®
Executive Director

Date

PORT OF BENTON

GREENHOUSE GAS POLICY

1.0 PURPOSE AND SCOPE

The Port of Benton desires to promote the welfare of the citizens of the Port District and recognizes that escalating energy consumption and vehicular greenhouse gas emissions can be harmful to the health of people, the economy, and the environment. The Port recognizes that by seeking and implementing energy efficiency improvements in its operations and purchases, monetary savings may be realized as well as quality of life enhancements in the long term. The purpose of this Policy is to describe the Port's commitment to the reduction of greenhouse gases.

2.0 DEFINITIONS

None.

3.0 IMPLEMENTATION

The Executive Director, Directors and General Counsel will be responsible for ensuring adherence to this policy. All Port projects should be reviewed for compliance with this Policy.

3.1 Responsibilities

In order to protect its natural resources and reduce greenhouse gas emissions the Port will:

- Ensure any facilities built by the Port are strong models of cost-effective, energy-efficient design.
- Encourage flex-time schedules, online training options, and other alternatives for employees to decrease transportation requirements.
- Reduce greenhouse gases by expanding the use of conservation and alternative energy sources in Port-owned facilities.
- Consider ways to reduce pollutants from transportation activities, including fleet purchases, vehicle use policies, maintenance practices, and cleaner fuels.
- Manage lighting needs by applying light standards and using lamps that will assure safe and effective illumination at minimum cost and energy use.
- Utilize water-efficient landscapes and irrigation, including the use of drought tolerant and native species, use of mulches, and installation of water-efficient irrigation systems when possible.

4.0 PREREQUISITES/LIMITATIONS/CAUTIONS

None.

ATTACHMENTS/EXHIBITS

None.

As approved by the Executive Director of the Port of Benton.

Reviewed by:

DAVID J. BILLETDEAUX
General Counsel

Date: _____

Approved by:

DIAHANN HOWARD, PPM®
Executive Director

Date: _____

Revision History:

Issued: 09/30/2021