

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](http://www.portofbenton.com/commission)

For those unable to access the internet, please call 509-375-3060 by 8:00 a.m. on January 12, 2022 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., January 12, 2022**

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

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. OATH OF OFFICE - District 3, Lori Stevens, Commissioner Elect
- D. CONSENT AGENDA
  - 1. Approval of Agenda
  - 2. Approval of Minutes from the December 14, 2021 Commission Meeting
  - 3. Approval of Vouchers and Certifications, Including Payroll for Month of December Totaling \$1,135,390.56
  - 4. Approval of Project Fund Vouchers and Certifications for the Month of December Totaling \$8,960.00
  - 5. Resolution 22-01, To Cancel Project Warrant No. 900006, Which Was Not Printed Due to Printer Error

## E. PUBLIC COMMENT

## F. ITEMS OF BUSINESS

1. Selection of Port of Benton Commission Officers
2. Economic Development Corporation (EDC): Approval of Minutes from January 13, 2021 EDC Meeting, Selection of Officers
3. Resolution 22-02, A Resolution of the Port of Benton Approving Delegation of Authority for the Executive Director and Her Designees
4. Resolution 22-03, A Resolution of the Board of Commissioners of the Port of Benton Authorizing the Port Executive Director to Sell and Convey Surplus Property with Less Than \$10,000 Value
5. Interlocal Agreement with the City of Richland for the Installation of Rail Ties
6. Approval of Receipt of American Rescue Plan Funds for Airports – (Richland Airport, \$59,000 & Prosser Airport, \$32,000)
7. Review and Approval of Washington VERTical Clean Energy Cluster Consultant Selections for Contracts Not to Exceed \$210,000
8. Resolution 22-04, Resolution Authorizing Consent for a Ground Lease Over Five Years from Richard Whitney to Polo Hipolito Garza Jr. and Polo Hipolito Garza III
9. Resolution 22-05, Acceptance of Work Completed by Swaggart Brothers for the Prosser Airport Taxiway Project
10. Resolution 22-06, Acceptance of Work Completed by Wine Country Construction & Landscaping, LLC for the 2579 Stevens Drive Roof Replacement Project
11. Approval of Cooperative Service Agreement with United States Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services

## G. INFORMATION REPORTS

1. Rail Presentation

2. Grants Report

#### H. COMMISSIONER REPORTS/COMMENTS

#### I. DIRECTOR REPORTS/COMMENTS

1. Airports

2. Facilities & Operations

3. Real Estate

4. Marketing

5. Economic Development & Governmental

6. Finance Director

7. Port Attorney

8. Executive Director

#### J. EXECUTIVE SESSION: Ongoing Litigation, Real Estate and Personnel

#### K. ADJOURNMENT

The next Port of Benton Commission meeting is Wednesday, February 16, 2022.  
Visit [portofbenton.com](http://portofbenton.com) for notices and information.

## OATH OF OFFICE

**STATE OF WASHINGTON )**  
**: ss**  
**COUNTY OF BENTON )**

I, Lori Stevens, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Washington, and that I will faithfully and impartially perform and discharge the duties of the office of Port of Benton Commissioner, District 3, Benton County, State of Washington, according to law, to the best of my ability.

Lori Stevens

**SUBSCRIBED AND SWORN** to before me this 12th day of January, 2022.

Sheri Collins  
Notary Public in and for the State of  
Washington, residing in the City of  
Richland

**PORT OF BENTON  
COMMISSION MEETING MINUTES  
DECEMBER 14, 2021**

**A. CALL TO ORDER:** The regular monthly meeting was called to order at 8:33 a.m. at the Port of Benton Commission Meeting Room, 3250 Port of Benton Boulevard, Richland, Washington.

**PRESENT:** Commissioner Jane F. Hagarty; Commissioner Roy D. Keck; Commissioner Christy L. Rasmussen; Executive Director, Diahann Howard, PPM®; Executive Administrator, Summers Miya; Robert Larson, Community Member; Commissioner Elect Lori Stevens; Community Members Josh Fernald, Kellie Gilles, Dylan Fernald, Jameson Fernald, Judy Burke, Lindsey Peonio, Hailee Challenger  
**The following attendees attended via remote communications:** Port Attorney, David Billetdeaux; Director of Finance/CPA, Danielle Connor; Director of Real Estate, Teresa Hancock; Director of Marketing, Wally Williams; Contract Specialist, Sheri Collins; Director of Facilities & Operations, Ron Branine; Facilities Manager, Joe Pisca; Roger Wright, RGW Enterprises; Ben Hoppe, JUB Engineering; Gareth Nisbett, Community Member; Wendy Culverwell, Tri-Cities Area Journal of Business; Dennis Nichols

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

**B. PLEDGE OF ALLEGIANCE:** Commissioner Jane Hagarty led those present in reciting the Pledge of Allegiance.

**C. OATH OF OFFICE:**

Port Attorney, David Billetdeaux stood and presented Commissioner-appointee, Christy Rasmussen for the Oath of Office for District 2.

The following oath was given and taken by Christy L. Rasmussen:

I, Christy L. Rasmussen, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Washington, and that I will faithfully and impartially perform and discharge the duties of the office of the Port of Benton Commissioner, District 2, Benton County, State of Washington, according to law, to the best of my ability.

Commissioner Christy L. Rasmussen was subscribed and sworn-in on December 14, 2021, with Sheri Collins, a Notary Public in and for the State of Washington, residing in the City of Richland, notarizing the Oath of Office.

Notary, Sheri Collins notarized the document.

#### **D. CONSENT AGENDA:**

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Jane Hagarty, (with Commissioner Christy Rasmussen abstaining), and unanimously passed by the Commission approving the November 10, 2021 Commission Meeting Minutes, November 22, 2021 Special Commission Meeting Minutes and approval of vouchers and certifications, including payroll, for the month of November totaling \$1,112,173.75, approval of project vouchers and certifications for the months of September – November totaling \$1,154.02 and Resolution 21-57, to cancel warrant numbers 078976 – 078021, which were not printed, due to printing error.**

**Commissioner Roy Keck held the meeting minutes from the November 29, 2021 Special Commission Meeting to make the correction under Item 5, which incorrectly listed the term dates for District 2's term as 1/1/23 – 12/31/28. The correct dates for District 2's next regular term are 1/1/24 – 12/31/29, which were noted on the minutes before signing.**

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Jane Hagarty, (with Commissioner Christy Rasmussen abstaining), and unanimously passed by the Commission approving the Special Commission Meeting minutes from 11/29/2021 with the amendments to dates.**

#### **E. PUBLIC HEARING:**

##### **1. Resolution 21-54, A Resolution of the Commission of the Port of Benton Adopting the Port's 2022 Comprehensive Scheme of Harbor Improvements**

The regular Commission Meeting was recessed at 8:46 a.m. and Public Hearing was convened by Commissioner Hagarty for the purpose of adoption of the 2022 Comprehensive Scheme of Harbor Improvements. (Comp Plan)

Executive Director, Diahann Howard stated that the Comp Plan complements the Port strategic plan, capital plan and budget per RCW. Howard added that no changes have been made to the Comp Plan since it was provided to the Commission at a November meeting.

Howard clarified that any land sales or business transfers are identified in the Comp Plan and if a situation arises when a sale or transfer opportunity arises that is not noted in the Comp Plan, the appropriate public notice and process is followed.

Commissioner Hagarty noted that there were no comments from the public and closed the public hearing at 8:49 a.m.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Christy Rasmussen and unanimously passed by the Commission approving Resolution 21-54 and adopting the 2022 Port Comprehensive Scheme of Harbor Improvements.**

#### **F. PUBLIC COMMENT:**

There were no comments from the public.

## **G. ITEMS OF BUSINESS**

### **1. Resolution 21-56, Acceptance of CARB Loan – Richland Airport**

Port Engineer, Roger Wright provided a screen share, as well as background on current Richland Airport projects, including the Master Plan.

Wright stated that as part of the Master Plan, the consultant identified that the Richland Airport will need additional ramp (tie down) space to accommodate future growth, including larger aircraft. Wright added that the consultant identified the best location for this future tie down as an area adjacent to Runway 01. Wright explained that there are currently seven aircraft structures in this area including the first hangars built at the Richland Airport after the Port took over. Wright added that these buildings house 40 aircraft and all of them have different lease terms from 7 – 45 years and to be in a position to expand the ramp into this area within 20 years, the Port needs to make plans on how to address relocation of these hangars. Wright stated that one option would be for the Port to purchase the buildings allowing the current private owners to protect their investment. This would allow the Port to recover the building costs through rents over the next 10-15 years. This would allow the Port to control the hangars and when this land is needed to be transferred to ramp area. This option will ensure continued building maintenance, private owners protecting their investments and the Port would have control of the schedule of any hangar relocation.

Wright explained that the WSDOT Aviation Division has potential funding available for the express purpose of airports acquiring revenue-generating assets/buildings with the Community Aviation Revitalization Board (CARB) funds available for 2% up to \$750k. Wright stated that the Port applied for these funds in September and was successful in being awarded \$750k. Wright noted that the low interest loan comes with the first three years of payment deferred, which gives the Port ample time to generate funds from rent revenues to pay for any expenses or cover short term vacancies. Wright added that the intended hangars purchased will cash flow from the start with building loans being recovered in 12-15 years, which allows the Port to generate additional funds for the airport until the time is necessary to relocate the hangars. Wright added that at that time, the Port can choose to construct new hangars or allow the private sector to fund new hangars.

Wright stated that at this time, the Port needs to confirm the terms of the CARB loan, adding that over the next 12 months, the Port will attempt to enter into Purchase and Sale Agreements (following appraisals) for the purchase of approximately \$800k worth of hangars (\$750k from WSDOT and \$50k match for Port Airport funds.) Wright added that while CARB loan funds must be approved at this meeting, the Port is not obligated to take the funds until hangars are purchased and only needs to assume the portion of the \$750k necessary to purchase the hangars. Wright added that based on recent comparable sales, the Port estimates that we can purchase up to 20 (of 40) hangar spaces with these funds.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Christy Rasmussen and unanimously passed by the Commission approving Resolution 21-56, and accepting the CARB loan for the Richland Airport.**

### **2. 2022 Architect, Engineer and Professional Roster**

Port Attorney, David Billetdeaux reminded the Commission that per RCW 39.80, the Port is able to add selected architects, engineers and other professional services to a roster per an in-house rating

system.

Billetdeaux stated that multiple consultants were reviewed, and a list was comprised of the most qualified options. Billetdeaux stated that the 2022 list is incredibly extensive and has a strong pool of options to pull from when needed.

**A motion was made by Commissioner Christy Rasmussen, seconded by Commissioner Roy Keck and unanimously passed by the Commission, approving the 2022 Architect, Engineer and Professional Roster**

### **3. Approval of 2021 Contract Amendment for RGW Enterprises and Approval of 2022 Contract**

Executive Director, Diahann Howard stated that Roger Wright, of RGW Enterprises is a tremendous asset to the Port and has stepped up in 2021 to support projects involving airports and rail in addition to the many other projects Wright assists with all year long. Howard explained that the Port has been short an Airport Director in 2021 and has also had the Fermi project and more rail projects than anticipated, which requires more work put on RGW Enterprises.

Howard explained that the Port would like to amend the 2021 contract for RGW Enterprises by adding \$15k to the existing contract of \$140k, bringing the total contract for 2021 to \$155k.

Howard added that the Port would also like to approve the 2022 contract for RGW Enterprises at this time to ensure that nothing is slowed down at the turn of the new year. Howard stated that the 2022 contract for RGW would not change and requested approval of \$140k for 2022, which is in-line with the 2022 budget and slated projects.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Christy Rasmussen and unanimously passed by the Commission, approving the 2021 contract amendment of \$15k, total of \$155k for RGW Enterprises, and approval of the 2022 contract of \$140k for RGW Enterprises.**

### **4. Performance Review of Executive Director**

Port Attorney, David Billetdeaux clarified that historically, the performance review of the Executive Director has been held during Executive Session, but the preference of the state Auditor is for public reviews since the Executive Director is directly appointed by the Commission. Billetdeaux added that this would be the time to set goals for the new year or make any changes to the current contract.

Billetdeaux stated that Executive Director Diahann Howard would have the ability to provide her own review summary of 2021 at this time.

Executive Director, Diahann Howard provided a summary of the goals created for 2021:

1. Increase the growth and economic sustainability of the Port – become a regional and global influencer;
2. Reinforce our commitment to customers, stakeholders, tenants and to each other by operating more effectively and efficiently;
3. Affirm our commitment to each other, as representatives of the Port, and as a cohesive team

Howard stated that it is the mission of the Port of Benton to manage public assets and make strategic investments to be a catalyst for regional economic growth and prosperity. Howard stated the Port's core values are to drive results, deliver excellence, work as one team and act with integrity,



adding that the Port team has a strong desire to leave a positive legacy, as public service is a public trust. Howard thanked each team member for their commitment and service to the Port.

Howard added that the Port is in good alignment towards executing these objectives and stated that a written update was provided to them, including the 2021 Annual Work Plan that reflects the team's progress and evolution over the last year.

Howard recapped the 2021 goals for the Executive Director per the Port Strategic Plan:

1. Short-increasing net revenues, cleanup of facilities, communications/branding, development of economic development targets, assessment and master planning of undeveloped land to support recruitment.
2. Mid-range – Sail Park – All infrastructure and funding to catch-up.
3. Long-range – Crow Butte
4. Increase workforce training, allow time for volunteering to continue to develop a positive work environment

Howard provided highlights of 2021:

1. Projects – Integration of accounting systems with Real Estate system in-process, refinancing of debt to record low rates, increased level of digital communications and websites for Port of Benton, Tri-Cities Research District, Discover Richland and landing pages of Vintners Village and Washington VERTICAL are all active. Crow Butte has an updated reservation system that will drive further efficiencies in 2022.
2. Grants – Richland Airport: \$3.45M; Prosser Airport: \$600k; ICAP: \$400k; Richland CARB loan; Railroad FRIB: \$250k; EDA Phase 1, now March 2022 potential of up to \$15M.
3. Economic Development/Partnerships – Tours with key stakeholders took place, inquiries continued some resulting in sale of facilities or open land, three transactions remain pending as the Port moves into 2022, lease revenues goal was to hold at 90%, which was held even with some loss of tenants due to result of COVID and/or government contracting and lease revenues currently sits at 92.88%. Final stages towards a stronger lease structure and consistency of rate reviews are being realized. Asset inventory system better understood and was built into capital budget for future years of planning.
4. Work on airport master plan for Richland complete and projects at both airports. Rail planning in partnership with Richland and again many projects moving forward with grant, loan and Port dollars.
5. Balloon Rally, Cool Desert Nights, United Way Festival of Trees reflect the Port's commitment to broad community involvement, including sponsoring the Eastern Washington University Eastern Edge event, which supports the Hispanic workforce forum. These efforts are in alignment with the Port's work with WSU Tri-Cities at Clore small business curriculum, CBC and other partners such as Washington VERTICAL to drive clean energy and grow local businesses, coordinated efforts with Economic Development partners to bring in more Small Business Development (SBDC) presence for the Tri-Cities region. Discussions have started with the Port of Pasco, BFCOG and CBC on valued added ag needs in addition to being appointed to the State Low Carbon Advisory Board to further support initiatives and reappointment to US EMAB.

6. The facility to support the Hanford History Project has begun and the Port continues to seek dollars to leverage the Port's investment and open space to Manhattan National Park, who has space needs, as well as serve the USS Triton.
7. One-on-one meetings held with each Port team member to gather feedback, that resulted in adjustments to meeting days and times to ensure everyone is at the table and hybrid meetings have also been more prominent. Increased training internally and online has occurred to continue to develop a positive work environment.
8. The cleanup has provided a great deal of detail and background and the Port will continue to identify issues and opportunities for further improvement. The Port will continue to hold ourselves to private business standards along with best practices within government contracting and Ports.

Howard thanked the Commission for the honor to lead the Port of Benton team.

Commissioner Keck thanked Howard for her caring ownership of the Port of Benton, as it needed a caring touch to lead and continue to develop relationships with stakeholders, community and other partners. Commissioner Keck stated that the Port is now in an optimal position as far as clean energy goes and will continue to be a leader in the district, region, state and nation for years to come. Commissioner Keck thanked Howard for her dedication to the Port of Benton.

Commissioner Rasmussen noted that it is evident that the leadership is strong and from reading the strategic plan and workplan, the goals and outline are very clear.

Commissioner Hagarty added that there is more grant money than ever before and many with no match requirements from the Port and also commented on the number of leases the Port has, which is equivalent to Seattle/Tacoma. Commissioner Hagarty thanked Howard for everything she has done and continues to do for the Port.

#### **5. Proclamation 21-04, Honoring Jane F. Hagarty**

Executive Director Diahann Howard announced that today is bittersweet, as we recognize two long standing Port Commissioners, Jane Hagarty and Robert Larson, stating that both have provided leadership not only to the Port of Benton, but across the network of state and Pacific Northwest ports for over two decades.

Howard added that they have worked with their fellow Commissioners, including three executive directors over the course of their tenure, and have continued to transition and grow the Port to fully reflect and engage in economic development interest of the region and community.

Howard added that she has had the pleasure of working with them both for the past 15 years, specifically around the Port's legislative initiatives and requests. Howard stated that she will not be saying goodbye, only see you later, because she knows both their efforts and their presence will continue throughout the community.

Howard thanked them both for their kindness, support and some really fun stories, but mostly for their hearts of service to and for the Port of Benton.

Howard asked Commissioner Jane F. Hagarty to come forward and read Proclamation 21-04:

**PORT OF BENTON  
OFFICIAL PROCLAMATION - 21-04  
HONORING  
COMMISSIONER JANE F. HAGARTY**

WHEREAS, Mrs. Jane F Hagarty took on the role of Commissioner for District 3 via appointment of the Port Commission starting in 1996; she was re-elected in 1997, 2003, 2009, 2015 and served until 2021;

WHEREAS, Commissioner Hagarty served to support the system of ports and our working rivers via Pacific Northwest Waterways Association, at state level via Washington Public Port Association executive committee and board, regionally as part of the Walter Clore Wine and Culinary Center board and Visit Tri-Cities board along with port economic development partnerships with Benton County, Prosser Economic Development Association, Prosser Chamber and Prosser Historic Downtown along with Port tenants and community;

WHEREAS, Commissioner Hagarty has faithfully and diligently performed her duties as Port of Benton Commissioner for District 3 with the development of Vintners Village, Chukar Cherries at the Prosser Airport along with the Walter Clore Wine and Culinary Center;

WHEREAS, Commissioner Hagarty has supported and provided leadership of the Port of Benton's Vision and Mission and worked diligently alongside her Port team and her fellow elected officials for the good of the public. Commissioner Hagarty will be remembered for her many accomplishments as well as her ability to provide strong community economic development focused partnerships.

NOW THEREFORE, BE IT PROCLAIMED that the Port of Benton Commission and staff express their sincere and whole-hearted appreciation to Mrs. Jane F. Hagarty for her commitment to the Port of Benton, years of service and for her contributions while serving as Commissioner for over twenty-five years of service to the Port of Benton.

**6. Proclamation 21-03, Honoring Robert D. Larson**

Executive Director Diahann Howard asked Robert D. Larson to come forward and read Proclamation 21-03:

**PORT OF BENTON  
OFFICIAL PROCLAMATION - 21-03  
HONORING  
COMMISSIONER ROBERT D. LARSON**

WHEREAS, Mr. Robert D. Larson took on the role of Commissioner for District 2 starting on 1994; he was reelected in 2000, 2006, 2012 and 2018 and served until retiring November of 2021;

WHEREAS, Commissioner Larson served to support the system of ports and our working rivers via Pacific Northwest Waterways Association, and Association of Pacific Ports executive committee and board, at

state level Washington Public Ports Association, regionally as part of Hanford Communities, Manhattan National Park Committee, Benton Franklin Council of Governments, Good Roads and economic development partnerships with Benton County, City of Richland, TRIDEC, local chambers and Richland Rotary Club, Port tenants and community;

WHEREAS, Commissioner Larson has faithfully and diligently performed his duties as Port of Benton Commissioner for District 2 with the transfer of federal properties and the siting of the USS Triton Submarine Sail Park in north Richland.

WHEREAS, Commissioner Larson has supported and provided leadership of the Port of Benton's Vision and Mission and worked with the port team and his fellow elected officials for the good of the public. Commissioner Larson will be remembered for his many accomplishments as well as his ability to dream big to achieve economic development for the benefit of the Tri-Cities region.

NOW THEREFORE, BE IT PROCLAIMED that the Port of Benton Commission and staff express their sincere and whole-hearted appreciation to Mr. Robert D. Larson for his commitment to the Port of Benton, years of service and for his contributions while serving as Commissioner for over twenty-seven years of service to the Port of Benton.

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

##### **1. Grants Update:**

Engineer Roger Wright provided an update on the Fermi Avenue project in the Richland Innovation Center (RIC), which is funded with Benton County .09 funds. Wright stated that construction is essentially complete, but we are still waiting to energize the lighting system, but with the supply chain issues, it will likely be another four months before electrical transformers are available for this system.

Wright continued, stating that phase II of the Fermi project includes the remaining sidewalk, street light and fiber extension work that is under design and is planned to be completed in early 2022. Wright added that Anderson Perry has a preliminary application meeting with the City of Richland later this week.

Wright provided an update on the Hanford History Project, stating that Architects West is well underway with the design of the building and added that this 7,500 square foot building needs to be ready to occupy by September 2022 to accept the artifacts.

Wright provided an update on items 4 & 5 on the grants report document, regarding the Richland Airport Airfield Signage and Lights (phase 1), stating that the design work is 90% complete.

Wright stated that the Port's consultant continues to proceed with the design of the lighting replacement and the intent is to advertise for bids in February 2022. Wright added that the Port has already begun public notification of airport users concerning the planned runway closures during the project.

Wright stated that there will be a period of two weeks when both runways will be totally closed, which will force a shutdown to Life Flight operations. Wright stated that he is looking into options for Life Flight, including possibly moving them to Prosser airport during the shutdown period.

Wright added that the plan is to over-communicate information on this project and work to do everything possible to shorten the closure.

Wright stated that the Prosser Taxilane project is complete and is making requests for final reimbursements from the FAA. Wright added that he is working up potential hangar sites for Prosser

once the Airport Development Standards and lease rates are established.

Wright stated that fiber has been run to and is in operation at the Prosser Police Station and the 111 Nunn pilot's lounge.

Executive Director Diahann Howard stated that item 7 on the grants report regarding Bureau of Land Management infrastructure funds at Crow Butte Park may be removed, as there has been zero communication since applying for this grant.

Howard stated that regarding the 2022 FRIB application, there is up to \$250k available with a 1% interest and the Port has submitted for this low interest loan and all indications are good that the Port will be successful, which will defer some of the budgeted expenses for 2022.

## **2. Port of Benton Economic Development Corporation Audit Report – 2019-2020**

Director of Finance/CPA, Danielle Connor announced that the State Auditor's Office has completed their assessment audit of the Port of Benton Economic Development Corporation (EDC) for 2019 and 2020, which was a limited-scope audit. Connor added that a copy of the audit report was provided in the packet today and is also publicly available through the SAO website.

Connor stated that the Port EDC is a separate legally entity, separate EIN, and therefore requires separate reporting and auditing.

Connor added that the Port received an exit letter from the SAO, recognizing no activity and timely filling with no additional concerns.

## **I. COMMISSIONER REPORTS/COMMENTS:**

Commissioner Keck stated that the WPPA update on upcoming legislative policies was disappointing, as were the AAPA committee meetings at the recent conference in San Diego. Commissioner Keck stated that there was a lot of focus on the supply chain deficiency at the AAPA event, as many are trying to understand that the impacts of policies are causing the supply chain, carbon and climate issues.

Commissioner Keck added that the future electric vehicles? will require backup and support, which will situate the Port of Benton in a positive support role, as the Port will have the opportunity to support companies in development that provide base load resources.

Commissioner Rasmussen stated that in her 15 days as a Port Commissioner, she has been involved in quite a bit, including the WPPA Annual Meeting with new Commissioner training. Commissioner Rasmussen commented on the very interesting economic presentation on how ports drive economic development and also participated in discussions around the next legislative session.

Commissioner Rasmussen added that she also recently participated in the Coffee with Karl episode featuring Energy Northwest CEO, Bob Schuetz which she felt was enlightening and encouraging.

Commissioner Hagarty stated that she also attended the AAPA Annual Meeting and agreed with Commissioner Keck's sentiments as well as his comments on the Port being in a good position at this time to offer support and also find a way to promote clean energy.

Commissioner Hagarty added that it is very important for the Port to get the word out on a new generation of nuclear energy and educate appropriately.

Commissioner Hagarty announced that the PEDAs officers remained and also added three new members.

Commissioner Hagarty will be attending the Prosser Chamber on Thursday morning, as well as executive board next Monday and will provide notes to Executive Director, Diahann Howard.

Commissioner Hagarty added that she agrees that the Coffee with Karl subject matter keeps getting better and is a great way to share in such an informal way.

Executive Director, Diahann Howard added that the Port team is working towards a common language regarding nuclear and understands that nuclear is not a solve-all, but will work well integrating with other systems. Howard added that there is a lot of opportunity ahead and a united effort with TRIDEC, PNNL, Energy Northwest will be on the forefront.

## **J. DIRECTOR REPORTS/COMMENTS:**

### **1. AIRPORTS:**

Director of Facilities & Operations, Ron Branine announced that both airports are operating on autopilot and there have been great strides with the united cleanup effort. Branine added that a few new reader boards to announce projects, have been ordered. Branine stated that the tenants want two-way communications, so they too have a voice. Branine added that with Roger Wright's assistance, the tenants are getting their voices heard at the same time the Port provides a soft enforcement, which is leading to a positive result.

### **2. FACILITIES & OPERATIONS:**

Director of Facilities & Operations, Ron Branine stated that the 2345 lighting project is ongoing, but there are nine workers on site today and the project will hopefully be completed by the end of the year.

Branine announced that the 2579 roofing project has been completed.

Branine stated that the groundwork is still being developed for the HMIS buildout, which is the old Intermech space. Branine noted that HMIS wants several offices built, a breakroom, a very large pallet rack system, battery charging system for their electric forklifts.

Branine added that bids have been received for painting the interior of the old Atkins space, which is approximately 21,000 square feet. Branine added that the painters will be starting this week, with a four week completion schedule.

Branine announced that the sewer line at the Clore has been repaired by Desert Wind.

Branine added that there is still one HVAC unit down at the Total Site Services building on Salk, with no ETA on the replacement.

Branine advised that the facilities team continues to prep fleet equipment for winter operations and has also been installing snow poles.

Branine stated that several small LED light conversions have been completed, with most having less than a five-year ROI with some as low as one-year and will result in immediate savings on the electric bills.

Branine stated that the facilities team is preparing to do a soft flip at 2880 Lee Rd., Ste. B that will include painting, possible wall removal, door repair or replacement, testing of all HVAC components, floor cleaning and refinishing and other small finishing work.

Branine stated that the team is in the process of winterizing the park and is on constant leaf clean-up. Branine noted that the Port has not been able to get approval from the Corp on digging the

five-foot deep hole to repair the damaged irrigation line, but will continue with the replacement of the entire line in early spring, which was previously approved by the Corp.

Executive Director Diahann Howard added that the Port will be requested to meet with the Corps in Portland, as well as a meeting with the tribes to provide updates and overview of future needs.

### **3. REAL ESTATE:**

Director of Real Estate, Teresa Hancock offered a special thank you to Commissioners Jane Hagarty and Robert Larson for their stewardship, support and leadership. Hancock added that words cannot express how appreciative the Port is of them for their years of service to the Port of Benton, staff, senior leadership and to the communities. Hancock added that now is not a time for “goodbye”, only “thank you.”

Hancock welcomed Commissioner Rasmussen to the team.

Hancock announced that the sale of the Benton City parcel to the Frichettes closed on Monday, December 6, 2021. Hancock reminded that the sale will further promote the Port’s economic development mission through private investment of retail development within the downtown corridor on a vacant parcel formerly occupied by the “Head Shed” building that had to be demolished several years ago.

Hancock added that Greg and Shae Frichette are well known community and regional advocates (and amazing winemakers!) and are excited for 2022.

Hancock announced that the space formerly occupied by Wit Cellars in the Prosser Wine & Food Park, Suite B and presently leased by Alexandria Nicole Cellars has received three viable leads for the space. Hancock reminded that there is ribbon-cutting ceremony on Friday, December 17 for JJ Compeau, Naratiff Winery/Northwest Wine Collaborative, which is the new PWFP tenant in Suite A.

Hancock stated that there is currently 700,000 square feet of revenue-generating properties and added that COVID-19 vacancy has included 13+ spaces consisting of 44,259 square feet, which is an average of 27.47% vacancy.

Hancock added that since November 2021, several leads have been actively pursued to backfill spaces within the TBC, TEC and PWFP, with a solid focus of re-tenanting and seeking strategic improvements to maximize exposure and ease for occupancy in a highly competitive present market.

### **4. MARKETING:**

Director of Marketing, Wally Williams welcomed Commissioner Christy Rasmussen and thanked Commissioners Hagarty and Larson for their service.

Williams announced that the holiday card has been completed and mailed out. Williams added that he continues to work on signage for the Prosser and Richland Airports as well as continued flyers and ads for the closures of the upcoming project work in 2022.

Williams added that he has been ordering items for the new Commissioners, including updated business cards and nameplates.

### **5. ECONOMIC DEVELOPMENT & GOVERNMENTAL AFFAIRS:**

Executive Director, Diahann Howard provided an update as Miles Thomas is out on Family Leave because of the birth of daughter, Stella Hilary.

Howard stated that a lot of attention has been going to the Washington VERTical project.

Howard added that Thomas is working on the incubator RFP, which will go out upon his return.

Howard added that Thomas has been working very hard on the Small Business Development efforts to show the Port's continued support for small business growth and development.

Howard added that Thomas has been working on the White Bluffs Hanford History Project with Engineer, Roger Wright, as well as Port infrastructure programs, rail rehab and is also working on going after funds relative to Port key assets.

Howard added that the recent award announced by Washington's Maritime Blue that the Port of Benton is a part of was the only award in the state, which is very exciting.

## **6. FINANCE DIRECTOR:**

Director of Finance/CPA, Danielle Connor announced that the 2022 levy was submitted to Benton County Commissioners within the deadline of November 30, 2021. Connor added that a copy of what was submitted was provided in the Commissioner's packets for today's meeting.

Connor stated that the budgeted 2022 levy amount is \$2,699,365; the 2022 levy rate is 0.35 (0.3475).

Connor added that the Treasurer's office must certify rates by January 15, 2022, so we should be seeing the finalized levy amounts and rates sometime in January.

Connor provided an update on the IAP project, stating that the team continues to make progress on the implementation of the Voyager Commercial lease accounting and lease administration software, although progress has slowed with contractor, Tiffany taking a new position. Connor added that the Port is looking to bring Tiffany back on in a limited capacity starting in January 2022, which will assist with lease entry.

Connor stated that it takes approximately three hours of data entry per lease, and the team is sitting about 38% complete of the approximate 220 leases. Connor noted that about 145 leases remain to be entered, which estimates to about 435 hours of data entry needed.

Connor noted that typically, the Port sees somewhere between 6-12 new leases per year, but the implementation is essentially adding 220 new leases in less than one year. Connor added that once the leases are entered into the system, managing the changes going forward will be much more manageable and the team continues to look at additional resourcing options needed for the lease entry. Connor added that prior to Tiffany leaving, a detailed operating procedure for the lease entry was captured.

Connor added that the team continues to make progress on the integration piece of the project, and have recently received the first pass of the scripts, which included: Customers, Leases, Locations, and General Ledger. Connor added that the team is vetting them and will be coordinating with the Intacct consultant to compile initial feedback. Connor added that they are a great first pass, but will require additional rework.

Connor announced that the 2019 and 2020 audits are in process and all information has been provided electronically. Connor noted that the request list has been extensive, especially with it being a multi-year audit. Connor wanted to provide a huge thank you to Senior Accountant, Veronica Serna for all her efforts of running reports and gathering support thus far, and also thanked Summers Miya, Sheri Collins and Teresa Hancock for their help with supporting documents.

Connor stated that the Port management team held an informal entrance meeting with the SAO on November 22, 2021 and Port Commissioners should have received correspondence from the SAO with the details of that meeting, highlighting the audits they will be performing and the general areas of focus.

Connor stated that the team has confirmed with Moody's that the deadline for providing audited financial statements is January 4, 2022, however, if the audit extends beyond that date, it is



likely Moody's will put our rating under review and will then have an additional 30 days to provide the audited statements, and at that time, Moody's will work to reinstate the rating.

Connor added that it is looking like the audit will be completed sometime in mid-January and added that she has been in contact with the Moody's analyst and has promised to keep them apprised of updates of expected timing.

Connor reminded that the accounting team is preparing for the upcoming change in the pay period/pay dates from semi-monthly (24 pay days per year), to bi-weekly (26 pay days per year). Connor stated that this change will be effective on January 1, 2022 and initial planning has been completed and the team is preparing for the cutover. Connor added that there are several steps to work through in the system, as well as correspondence to get out to the team.

Connor announced that upcoming year end is coming up, which includes payroll and vendor filings in addition to 2021 budget close and 2021 financial statement preparation. Connor added that she is looking to close the 2021 budget year by January 31, 2022 and are asking for any expense reports or invoicing to be submitted by that date.

Connor provided a financial status update, stating that general expenditures for October were approximately \$1.1M, which was in line with what was forecasted.

Connor added that November payments included: Inland Asphalt for the Fermi project, Swaggart Brothers for the Prosser Taxilane project, engineering payments to JUB, Century West and RGW for the Prosser Taxiway project, Richland Airport design and Richland Airport master plan, and to Campbell & Company for the 3250 HVAC replacement project.

Connor added that some invoices are still expected related to projects and \$1.3M is forecasted to outflow in December.

Connor announced that the November reports from the Benton County Treasurer were received last week and the current (unreconciled) general operating cash balance, including reserved cash, is \$4.1M, with \$2.8M available operating.

Connor stated that Accounts Payable is currently sitting at about \$320k outstanding, with approximately \$182k of that being past due. Connor clarified that \$176k of this is for the City of Richland pavement maintenance invoice, as there has been some delay with back and forth invoice corrections, and we are now awaiting coding confirmation, but expect to get this payment released this week. Connor added that other delay factors include new vendor setup, gathering proper approval, as well as delays in receipt of the vendor invoices and necessary backup.

Connor stated that Accounts Receivable is currently sitting at \$327k, with about 27%, or \$88k is aged greater than 90 days, which is made up of several tenants. Connor added that the team continues to send statements and Teresa and Veronica are working together to reconcile customer accounts.

Connor announced that in November, there were \$1M in receipts, which was approximately \$260k more than forecasted. Connor stated that November cash receipts included: \$320k from FAA for AIP 20 Prosser Airport Taxilane construction and AIP 33 Richland Airport Lighting Design, as well as proceeds from the closing of the Benton City property and back due aggregate from Interstate Concrete.

Connor stated that she is building out the cash forecast for 2022 and will be inputting the 2022 budget into Intacct, which will then allow for buildout of more automated reporting.

Connor added that she is aiming to bring a preliminary 2021 budget to actual in January and then again in March or April once year end has been finalized.

## **7. PORT ATTORNEY:**

Port Attorney, David Biletdeaux provided a copy of the "Annual Port Checkup" flyer he obtained at the recent WPPA Annual Meeting and reviewed the recommendations with the team, including requirements for the Port Commission, election of officers, interlocal agreement posting

requirements, tort claims, posting of comp plan, OPMA trainings, Commissioner guidelines and trainings, technical requirements, delegation of powers, workers comp, surplus of property, appointment of auditor, appointment of SEPA representative, personnel manual and staff trainings, and gift thresholds.

Billetdeaux added that the Port of Benton is in compliance with all of the guidelines and in many cases has gone above and beyond. Billetdeaux added that for extra credit to the team, Commissioner reviews may prove valuable as a way to discuss and provide articulated goals.

**8. EXECUTIVE DIRECTOR:**

Executive Director, Diahann Howard stated that the recent WPPA Annual Meeting was great and it was wonderful to see other Port colleagues in person.

Howard added that she is working to complete year end reviews of all staff members.

Howard stated that all other items will be brought up in Executive Session.

**K. EXECUTIVE SESSION:** The regular Commission Meeting was recessed at 10:54 a.m. and an Executive Session was convened at 11:00 a.m. to discuss ongoing litigation, personnel and real estate matters. It was announced that Executive Session would take 30 minutes and if any action was required, the Regular Commission Meeting will reconvene and bring forward the item at that time. It was announced that 15 minutes would be added to Executive Session.

**L. ADJOURNMENT:** A motion was made by Commissioner Roy Keck and seconded by Commissioner Christy Rasmussen and unanimously passed by the Commission to amend the Executive Director's Employment Agreement to revise Section 2.2 to read, "the employee shall be entitled to six months' salary, hereafter, referred to as the 'severance period'" and to increase the Executive Director's 2022 salary to \$187,200.00, with a flat additional \$2k of discretionary Employer Deferred Compensation Contribution. All other terms remain the same.

With no further business, the meeting was adjourned at 11:45 a.m.

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Commission Secretary

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

**General Expenses**

Accounts Payable Warrants #	78976	-	79181	\$	964,103.66
Electronic Payments				\$	32,722.46
Total General Expenses				\$	<u>996,826.12</u>

**Payroll**

Direct Deposit					
ACH				\$	102,810.04
Wire Transfers:					
IRS Payroll Tax Deposit		December 15, 2021			18,783.88
IRS Payroll Tax Deposit		December 31, 2021			16,970.52
Total Payroll				\$	<u>138,564.44</u>

**Total General Expenses and Payroll**

**\$ 1,135,390.56**

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: Daniella Connor 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 \_\_\_\_\_, 2022

\_\_\_\_\_  
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>	
12/10/2021	VEN00487--AMAZON CAPITAL SERVICES, INC.	079022	230.50
12/10/2021	VEN00024--AMERIGAS PROPANE LP	079023	1,022.81
12/10/2021	VEN00044--BENTON PUD	079024	1,981.72
12/10/2021	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	079025	195.48
12/10/2021	VEN00143--DSD BUSINESS SYSTEMS	079026	1,303.20
12/10/2021	VEN00151--ELECTRICAL UNLIMITED, INC	079027	1,484.71
12/10/2021	VEN00164--FASTENAL COMPANY	079028	65.47
12/10/2021	VEN00009--GEO WAY ACE HARDWARE	079029	90.71
12/10/2021	VEN00194--HANFORD & ASSOCIATES LLC	079030	4,112.50
12/10/2021	VEN00222--JOHN DEERE FINANCIAL	079031	385.54
12/10/2021	VEN00228--KELLER ROHRBACK LLP	079032	3,560.75
12/10/2021	VEN00231--KENNEWICK INDUSTRIAL & ELECTRICAL SUP-PLY	079033	112.79
12/10/2021	VEN00291--KENNEWICK RANCH AND HOME	079034	314.91
12/10/2021	VEN00258--MOON SECURITY SERVICES, INC	079035	1,583.12
12/10/2021	VEN00326--RGW ENTERPRISES P.C. INC	079036	14,220.00
12/10/2021	VEN00450--SANDY'S TROPHIES	079037	113.98
12/10/2021	VEN00362--STAN STINSON	079038	945.00
12/10/2021	VEN00363--STONEWAY ELECTRIC SUPPLY INC	079039	96.05
12/10/2021	VEN00390--TIRE FACTORY	079040	1,301.46
12/10/2021	VEN00404--UNITED WAY OF BENTON/FRANKLIN COUNTY	079041	210.00
12/10/2021	VEN00414--VERIZON	079042	1,231.99
12/10/2021	VEN00439--WOOD'S NURSERY & GARDEN STORE	079043	184.61
12/10/2021	VEN00449--ZIPLY FIBER	079044	1,396.44
12/14/2021	VEN00487--AMAZON CAPITAL SERVICES, INC.	079045	619.25
12/14/2021	VEN00029--ARCHIBALD & COMPANY ARCHITECTS	079046	37.50
12/14/2021	VEN00053--BENTON RURAL ELEC ASSOCIATION	079047	669.76
12/14/2021	VEN00069--BRUTZMAN'S INC	079048	40.08
12/14/2021	VEN00075--CASCADE NATURAL GAS CORP	079049	847.07
12/14/2021	VEN00080--CENTRAL PAVING, LLC	079050	6,717.85
12/14/2021	VEN00321--CI INFORMATION MANAGEMENT	079051	178.10
12/14/2021	VEN00052--CITY OF BENTON CITY	079052	114.62
12/14/2021	VEN00071--CITY OF PROSSER	079053	5,075.96
12/14/2021	VEN00077--COLUMBIA BASIN IT	079054	1,000.44
12/14/2021	VEN00105--CONNELL OIL, INC	079055	1,234.85
12/14/2021	VEN00229--KELLEY'S TELE-COMMUNICATION, INC.	079056	125.88
12/14/2021	VEN00261--MP CONSTRUCTION, INC.	079057	21,125.96
12/14/2021	VEN00471--OSBORN CONSTRUCTION & DESIGN, LLC	079058	1,547.55
12/14/2021	VEN00295--PROSSER ECON DEV ASSOCIATION	079059	12,500.00
12/14/2021	VEN00298--TRI-CITY COMPUTER CONSULTING LLC	079060	1,629.00
12/14/2021	VEN00399--TRIDEC, INC.	079061	2,916.63
12/14/2021	VEN00402--UNDERGROUND CREATIVE, LLC	079062	200.00
12/14/2021	VEN00530--UNITED STATES TREASURY	079063	751.89
12/14/2021	VEN00496--WINE COUNTRY CONSTRUCTION & LAND-SCAPING, LLC	079064	55,212.06
12/14/2021	VEN00449--ZIPLY FIBER	079065	401.22
12/20/2021	VEN00089--CITY OF RICHLAND	079066	175,946.93
12/20/2021	VEN00089--CITY OF RICHLAND	079067	1,500.00
12/20/2021	VEN00006--ABADAN, INC	079068	259.55
12/20/2021	VEN00008--ABM JANITORIAL SERVICES	079069	3,136.44
12/20/2021	VEN00015--AIREFCO, INC.	079070	172.50
12/20/2021	VEN00487--AMAZON CAPITAL SERVICES, INC.	079071	209.70
12/20/2021	VEN00024--AMERIGAS PROPANE LP	079072	389.79
12/20/2021	VEN00030--ASBESTOS AND MOLD SOLUTIONS, INC.	079073	375.00
12/20/2021	VEN00038--BANNER BANK - Credit Card	079074	9,614.75
12/20/2021	VEN00529--BASIN DISPOSAL, INC.	079075	69.48
12/20/2021	VEN00060--BENTON FRANKLIN POWER VAC INC.	079076	702.00
12/20/2021	VEN00044--BENTON PUD	079077	1,109.40
12/20/2021	VEN00069--BRUTZMAN'S INC	079078	844.68
12/20/2021	VEN00469--CENTURY WEST ENGINEERING CORP	079079	63,297.45
12/20/2021	VEN00083--CENTURYLINK	079080	353.15
12/20/2021	VEN00085--CHARTER COMMUNICATIONS	079081	759.96
12/20/2021	VEN00290--CI-PW, LLC (Paradise Bottled Water)	079082	59.08
12/20/2021	VEN00089--CITY OF RICHLAND	079083	16,793.74
12/20/2021	VEN00234--CITY OF RICHLAND LANDFILL	079084	191.00
12/20/2021	VEN00093--CLAYTON-WARD CO.,	079085	55.00
12/20/2021	VEN00120--DBT TRANSPORTATION SERVICES LLC	079086	886.38
12/20/2021	VEN00131--DESERTGREEN LAWN & TREE CARE	079087	8,642.74
12/20/2021	VEN00143--DSD BUSINESS SYSTEMS	079088	1,846.20
12/20/2021	VEN00147--ECOMODUS, LLC	079089	11,724.40

## Port of Benton Check Register

Date	Payee	Document No	Amount
12/20/2021	VEN00151--ELECTRICAL UNLIMITED, INC	079090	1,578.51
12/20/2021	VEN00164--FASTENAL COMPANY	079091	38.19
12/20/2021	VEN00166--FERGUSON ENTERPRISES, INC.	079092	7.17
12/20/2021	VEN00175--FRONTIER FENCE, INC.	079093	70.76
12/20/2021	VEN00009--GEO WAY ACE HARDWARE	079094	218.97
12/20/2021	VEN00196--HARBOR FREIGHT TOOLS, INC.	079095	157.32
12/20/2021	VEN00201--HEALTH CARE AUTHORITY	079096	25,238.81
12/20/2021	VEN00525--HUB INTERNATIONAL NORTHWEST LLC	079097	9,500.00
12/20/2021	VEN00223--JOHNSTONE SUPPLY	079098	59.54
12/20/2021	VEN00225--JUB ENGINEERS, INC	079099	800.50
12/20/2021	VEN00231--KENNEWICK INDUSTRIAL & ELECTRICAL SUP- PLY	079100	28.49
12/20/2021	VEN00291--KENNEWICK RANCH AND HOME	079101	108.52
12/20/2021	VEN00233--KONE INC.	079102	2,818.36
12/20/2021	VEN00251--METALFAB INC	079103	60.00
12/20/2021	VEN00258--MOON SECURITY SERVICES, INC	079104	182.48
12/20/2021	VEN00261--MP CONSTRUCTION, INC.	079105	5,617.88
12/20/2021	VEN00471--OSBORN CONSTRUCTION & DESIGN, LLC	079106	1,901.59
12/20/2021	VEN00283--PACIFIC BACKFLOW SERVICES LLC	079107	5,027.66
12/20/2021	VEN00297--PERSONAL TOUCH CLEANING, INC.	079108	5,522.00
12/20/2021	VEN00301--PITNEY BOWES, INC	079109	195.48
12/20/2021	VEN00302--PLATT ELECTRIC SUPPLY, INC	079110	487.84
12/20/2021	VEN00307--PROSSER RENTALS, LLC	079111	1,270.62
12/20/2021	VEN00315--PURCHASE POWER	079112	200.00
12/20/2021	VEN00330--ROSS JAMES PHOTOGRAPHY	079113	295.31
12/20/2021	VEN00528--SAFELITE AUTO GLASS	079114	288.10
12/20/2021	VEN00333--SANDOLLAR LLC	079115	5,000.00
12/20/2021	VEN00334--SANITARY DISPOSAL, INC.	079116	1,804.53
12/20/2021	VEN00363--STONEWAY ELECTRIC SUPPLY INC	079117	655.99
12/20/2021	VEN00385--THE HOME DEPOT CRC/GEFC	079118	978.51
12/20/2021	VEN00346--THE SHERWIN-WILLIAMS CO.	079119	284.24
12/20/2021	VEN00389--THRIFTY SUPPLY	079120	80.18
12/20/2021	VEN00394--TREASURE VALLEY COFFEE	079121	58.60
12/20/2021	VEN00397--TRI-CITIES BATTERY & TIRE PROS	079122	154.16
12/20/2021	10015--Billetdeaux, David	079123	507.73
12/20/2021	10007--Keck, Roy	079124	304.19
12/20/2021	10020--Miya, Summers	079125	207.44
12/20/2021	10010--Serna, Veronica	079126	1,005.03
12/27/2021	VEN00487--AMAZON CAPITAL SERVICES, INC.	079127	243.31
12/27/2021	VEN00518--BAKER TILLY US, LLP	079128	750.00
12/27/2021	VEN00150--BENTON COUNTY ELECTION RESERVE FUND	079129	18,290.12
12/27/2021	VEN00007--BLUEROOM	079130	10.60
12/27/2021	VEN00069--BRUTZMAN'S INC	079131	43.65
12/27/2021	VEN00075--CASCADE NATURAL GAS CORP	079132	10,235.40
12/27/2021	VEN00534--CASTLE EVENT CATERING	079133	477.19
12/27/2021	VEN00083--CENTURYLINK	079134	101.99
12/27/2021	VEN00105--CONNELL OIL, INC	079135	2,172.27
12/27/2021	VEN00119--DAY WIRELESS SYSTEMS	079136	369.06
12/27/2021	VEN00131--DESERTGREEN LAWN & TREE CARE	079137	686.90
12/27/2021	VEN00143--DSD BUSINESS SYSTEMS	079138	1,954.80
12/27/2021	VEN00152--ELMER'S FLAG & BANNER, INC	079139	576.23
12/27/2021	VEN00164--FASTENAL COMPANY	079140	38.66
12/27/2021	VEN00009--GEO WAY ACE HARDWARE	079141	322.78
12/27/2021	VEN00278--GERALD G. OLSON	079142	2,389.37
12/27/2021	VEN00492--INLAND ASPHALT COMPANY	079143	316,099.19
12/27/2021	VEN00225--JUB ENGINEERS, INC	079144	4,193.11
12/27/2021	VEN00279--KATHRYN S. OLSON	079145	2,542.06
12/27/2021	VEN00291--KENNEWICK RANCH AND HOME	079146	401.73
12/27/2021	VEN00380--MCCLATCHY COMPANY	079147	2,267.88
12/27/2021	VEN00258--MOON SECURITY SERVICES, INC	079148	1,502.74
12/27/2021	VEN00265--NORTHWEST AQUATIC ECO-SYSTEMS, INC	079149	6,672.00
12/27/2021	VEN00471--OSBORN CONSTRUCTION & DESIGN, LLC	079150	2,735.73
12/27/2021	VEN00305--POCKETINET COMMUNICATIONS, INC.	079151	240.00
12/27/2021	VEN00326--RGW ENTERPRISES P.C. INC	079152	14,100.00
12/27/2021	VEN00464--ROCKABILLY ROASTING CO.	079153	95.00
12/27/2021	VEN00450--SANDY'S TROPHIES	079154	166.92
12/27/2021	VEN00362--STAN STINSON	079155	735.00
12/27/2021	VEN00358--STATE AUDITOR'S OFFICE	079156	8,233.68
12/27/2021	VEN00365--STRATTON SURVEYING & MAPPING	079157	180.00
12/27/2021	VEN00376--TRI-CITY REGIONAL CHAMBER	079158	25.00
12/27/2021	10022--Connor, Danielle	079159	720.31

## Port of Benton Check Register

Date	Payee	Document No	Amount
12/27/2021	10012--Hancock, Teresa	079160	4,866.69
12/27/2021	10010--Serna, Veronica	079161	4,136.90
12/27/2021	10013--Williams, Wallace	079162	144.91
12/31/2021	VEN00538--CANNON HILL	079163	1,128.40
12/31/2021	VEN00209--4IMPRINT, INC	079164	763.90
12/31/2021	VEN00012--AFLAC	079165	673.31
12/31/2021	VEN00487--AMAZON CAPITAL SERVICES, INC.	079166	243.77
12/31/2021	VEN00520--ANDERSON PERRY & ASSOCIATES, INC.	079167	5,256.25
12/31/2021	VEN00044--BENTON PUD	079168	2,684.99
12/31/2021	VEN00537--BNL TECHNICAL SERVICES	079169	2,500.00
12/31/2021	VEN00535--BUILDERS' HARDWARE & SUPPLY CO INC	079170	42.22
12/31/2021	VEN00096--CNA SURETY DIRECT BILL	079171	20.00
12/31/2021	VEN00258--MOON SECURITY SERVICES, INC	079172	283.35
12/31/2021	VEN00471--OSBORN CONSTRUCTION & DESIGN, LLC	079173	456.12
12/31/2021	VEN00326--RGW ENTERPRISES P.C. INC	079174	12,520.00
12/31/2021	VEN00450--SANDY'S TROPHIES	079175	298.11
12/31/2021	VEN00536--SPECK CHEVROLET BUICK OF PROSSER	079176	243.08
12/31/2021	VEN00358--STATE AUDITOR'S OFFICE	079177	3,347.76
12/31/2021	VEN00369--SUNWEST SPORTSWEAR	079178	409.21
12/31/2021	VEN00532--VIC'S AUTO PARTS & SUPPLY	079179	116.89
12/31/2021	VEN00449--ZIPLY FIBER	079180	74.20
12/31/2021	10007--Keck, Roy	079181	3,577.49
12/02/2021	VEN00425--WASHINGTON STATE SUPPORT REGISTRY	11-2021	68.00
12/28/2021	VEN00425--WASHINGTON STATE SUPPORT REGISTRY	12-2021	68.00
12/15/2021	VEN00215--INTERNAL REVENUE SERVICE	12/15/2021	18,783.88
12/30/2021	VEN00215--INTERNAL REVENUE SERVICE	12/31/2021	16,970.52
12/22/2021	VEN00122--DEPT OF RETIREMENT SYSTEMS	DCP111521	3,246.94
12/27/2021	VEN00239--STATE OF WA DEPT OF REVENUE	NOV2021	934.49
12/01/2021	VEN00268--NATIONWIDE RETIREMENT SOLUTION	NW11302021	2,495.12
12/22/2021	VEN00268--NATIONWIDE RETIREMENT SOLUTION	NW12152021	2,491.26
12/07/2021	VEN00122--DEPT OF RETIREMENT SYSTEMS	PERS113021	11,669.43
12/27/2021	VEN00122--DEPT OF RETIREMENT SYSTEMS	PERS121521	11,749.22
12/10/2021	VEN00487--AMAZON CAPITAL SERVICES, INC.	Voided - 078976	0.00
12/10/2021	VEN00024--AMERIGAS PROPANE LP	Voided - 078977	0.00
12/10/2021	VEN00044--BENTON PUD	Voided - 078978	0.00
12/10/2021	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	Voided - 078979	0.00
12/10/2021	VEN00143--DSD BUSINESS SYSTEMS	Voided - 078980	0.00
12/10/2021	VEN00151--ELECTRICAL UNLIMITED, INC	Voided - 078981	0.00
12/10/2021	VEN00164--FASTENAL COMPANY	Voided - 078982	0.00
12/10/2021	VEN00009--GEO WAY ACE HARDWARE	Voided - 078983	0.00
12/10/2021	VEN00194--HANFORD & ASSOCIATES LLC	Voided - 078984	0.00
12/10/2021	VEN00222--JOHN DEERE FINANCIAL	Voided - 078985	0.00
12/10/2021	VEN00228--KELLER ROHRBACK LLP	Voided - 078986	0.00
12/10/2021	VEN00231--KENNEWICK INDUSTRIAL & ELECTRICAL SUP-PLY	Voided - 078987	0.00
12/10/2021	VEN00291--KENNEWICK RANCH AND HOME	Voided - 078988	0.00
12/10/2021	VEN00258--MOON SECURITY SERVICES, INC	Voided - 078989	0.00
12/10/2021	VEN00326--RGW ENTERPRISES P.C. INC	Voided - 078990	0.00
12/10/2021	VEN00450--SANDY'S TROPHIES	Voided - 078991	0.00
12/10/2021	VEN00362--STAN STINSON	Voided - 078992	0.00
12/10/2021	VEN00363--STONEWAY ELECTRIC SUPPLY INC	Voided - 078993	0.00
12/10/2021	VEN00390--TIRE FACTORY	Voided - 078994	0.00
12/10/2021	VEN00404--UNITED WAY OF BENTON/FRANKLIN COUNTY	Voided - 078995	0.00
12/10/2021	VEN00414--VERIZON	Voided - 078996	0.00
12/10/2021	VEN00439--WOOD'S NURSERY & GARDEN STORE	Voided - 078997	0.00
12/10/2021	VEN00449--ZIPLY FIBER	Voided - 078998	0.00
12/10/2021	VEN00487--AMAZON CAPITAL SERVICES, INC.	Voided - 078999	0.00
12/10/2021	VEN00024--AMERIGAS PROPANE LP	Voided - 079000	0.00
12/10/2021	VEN00044--BENTON PUD	Voided - 079001	0.00
12/10/2021	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	Voided - 079002	0.00
12/10/2021	VEN00143--DSD BUSINESS SYSTEMS	Voided - 079003	0.00
12/10/2021	VEN00151--ELECTRICAL UNLIMITED, INC	Voided - 079004	0.00
12/10/2021	VEN00164--FASTENAL COMPANY	Voided - 079005	0.00
12/10/2021	VEN00009--GEO WAY ACE HARDWARE	Voided - 079006	0.00
12/10/2021	VEN00194--HANFORD & ASSOCIATES LLC	Voided - 079007	0.00
12/10/2021	VEN00222--JOHN DEERE FINANCIAL	Voided - 079008	0.00
12/10/2021	VEN00228--KELLER ROHRBACK LLP	Voided - 079009	0.00
12/10/2021	VEN00231--KENNEWICK INDUSTRIAL & ELECTRICAL SUP-PLY	Voided - 079010	0.00
12/10/2021	VEN00291--KENNEWICK RANCH AND HOME	Voided - 079011	0.00
12/10/2021	VEN00258--MOON SECURITY SERVICES, INC	Voided - 079012	0.00

## Port of Benton Check Register

Date	Payee	Document No	Amount
12/10/2021	VEN00326--RGW ENTERPRISES P.C. INC	Voided - 079013	0.00
12/10/2021	VEN00450--SANDY'S TROPHIES	Voided - 079014	0.00
12/10/2021	VEN00362--STAN STINSON	Voided - 079015	0.00
12/10/2021	VEN00363--STONEWAY ELECTRIC SUPPLY INC	Voided - 079016	0.00
12/10/2021	VEN00390--TIRE FACTORY	Voided - 079017	0.00
12/10/2021	VEN00404--UNITED WAY OF BENTON/FRANKLIN COUNTY	Voided - 079018	0.00
12/10/2021	VEN00414--VERIZON	Voided - 079019	0.00
12/10/2021	VEN00439--WOOD'S NURSERY & GARDEN STORE	Voided - 079020	0.00
12/10/2021	VEN00449--ZIPLY FIBER	Voided - 079021	0.00
<b>Total for BCT MAIN</b>			<b><u>1,032,580.52</u></b>

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

**Project Fund**

Accounts Payable Warrants #	900003	-	900007	\$	8,960.00
Electronic Payments				\$	-
Total Project Fund Expenses				\$	<u>8,960.00</u>
Total Project Fund Expenses				\$	<u><u>8,960.00</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: Danielle Connor 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 \_\_\_\_\_, 2022

_____	President
_____	Vice President
_____	Secretary



# Port of Benton Check Register

Date	Payee	Document No	Amount
<b>Bank: BCT PROJECT - KeyBank National Association</b>		<b>Account No: 6601401</b>	
12/10/2021	VEN00326--RGW ENTERPRISES P.C. INC	900003	120.00
12/20/2021	VEN00013--AHBL, INC.	900004	8,300.00
12/27/2021	VEN00326--RGW ENTERPRISES P.C. INC	900005	240.00
12/31/2021	VEN00326--RGW ENTERPRISES P.C. INC	900007	300.00
12/31/2021	VEN00326--RGW ENTERPRISES P.C. INC	Voided - 900006	0.00
<b>Total for BCT PROJECT</b>			<b>8,960.00</b>

**RESOLUTION 22-01**  
**A RESOLUTION OF THE PORT OF BENTON, WASHINGTON**  
**TO CANCEL A WARRANT**

**WHEREAS**, Project Fund Warrant No. 900006, in the amount of zero dollars which was not issued, warrants were printed in error, and

**WHEREAS**, said warrants 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 Warrants No. 900006.

**DATED AND SIGNED** at Richland, Washington on this 12<sup>th</sup> day of January 2022.

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TBD, President

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TBD, Vice President

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TBD, Secretary

**AGENDA**  
**PORT OF BENTON**  
**ECONOMIC DEVELOPMENT CORPORATION BOARD MEETING**  
**January 12, 2022**  
**8:40 a.m.**  
**3250 Port of Benton Boulevard**  
**Richland, Washington**

- A. Call to Order
- B. Approval of January 13, 2021, Port of Benton Economic Development Corporation Board Meeting Minutes
- C. Selection of Officers for 2022
- D. Adjournment

**PORT OF BENTON  
ECONOMIC DEVELOPMENT CORPORATION  
MEETING MINUTES  
JANUARY 13, 2021**

**A. CALL TO ORDER:** The Economic Development Corporation (EDC) meeting was called to order at 8:57 a.m. at Port of Benton Commission Meeting Room, 3250 Port of Benton Boulevard, Richland, Washington.

**PRESENT:** Commissioner Jane F. Hagarty. Executive Director, Diahann Howard, PPM®

The following individuals participated via remote communications: Commissioner Roy D. Keck, Commissioner Robert D. Larson, Port Attorney, David Billetdeaux; Director of Economic & Governmental Affairs, Miles Thomas; Executive Administrator, Summers Miya; Director of Real Estate, Teresa Hancock; Director of Marketing, Wally Williams; Contract Specialist, Sheri Collins; Director of Facilities & Operations, Ron Branine; Director of Airports, Joe Walker; Director of Special Projects, John Haakenson; Director of Finance/CPA, Danielle Connor; Senior Accountant, Veronica Serna; Sundance Aviation, Devin Alder; Sundance Aviation, Clif Dyer; Century West Engineers, Bryan Condon; JUB Engineers, Ben Hoppe

The EDC 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.

**B. APPROVAL OF MINUTES:**

**A motion was made by Commissioner Robert D. Larson seconded by Commissioner Roy D. Keck and unanimously passed by the Commission approving the January 8, 2020 Economic Development Minutes.**

**C. SELECTION OF OFFICERS:** As required by the Port of Benton EDC bylaws, an annual board meeting was held on this date. A motion was made by Commissioner Keck, seconded by Commissioner Larson and unanimously passed by the Commission, approving the EDC officers for 2021: President, Jane F. Hagarty; Vice President, Robert D. Larson; and Secretary, Roy D. Keck.

**D. ADJOURNMENT:** The meeting was adjourned at 8:59 a.m.

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TBD, Secretary  
Port of Benton Economic  
Development Corporation

## **RESOLUTION NO. 22-02 DELEGATION OF AUTHORITY**

A Resolution of the Port of Benton adopting a master policy directive on the administrative authority of the Executive Director and her designees.

**WHEREAS**, Section 53.12.270 of the Revised Code of Washington provides authority to the Port Commission for delegation of powers to the Executive Director: and

**WHEREAS**, the Port Commission has previously adopted policy directives in Resolution 94-01 delegating administrative authority to the Executive Director and his/her designees for the purpose of expeditious administration of the Port; and

**WHEREAS**, the Port Commission has from time to time found it necessary to amend and revise such directives due to changes in law and/or operations of the Port; and

**WHEREAS**, the Port Commission now wishes to provide an updated master policy directive on the administrative authority of the Executive Director and her designees, and to repeal any prior resolutions dealing with the same subject other than Resolution 20-18, discussed hereafter;

**WHEREAS**, the Port Commission previously authorized Delegating Authority to the Executive Director in Response to the Outbreak of Covid-19 under Resolution 20-18; and

**WHEREAS**, the Covid-19 Outbreak and subsequent response remains in effect to this day, thereby necessitating the Commission to continue to delegate emergency powers to the Executive Director under Resolution 20-18 in addition to all powers delegated below under Exhibit "A" attached to this Resolution and incorporated herein by such reference;

**NOW, THEREFORE, BE IT RESOLVED** by the Port Commission of the Port of Benton as follows:

**SECTION 1.** The master policy directive of the Port Commission of the Port of Benton as set forth as Exhibit "A" attached to this Resolution and incorporated herein by such reference, is for the purpose of establishing administrative authority for the Executive Director and her designees.

**SECTION 2.** The Revised Code of Washington 53.08.090 authorizes the Port Commission to delegate to the Executive Director by resolution, the authority to sell and convey port district property as outlined in Exhibit A, Section XX. In as much as state law requires that this authority be renewed from year to year, the Port Commission is authorized to accomplish the same by motion; provided, however, that in the event this authority is amended or repealed, such amendment or repeal must be by resolution adopted by the Port Commission.

ADOPTED by the Commission of the Port of Benton this January 12, 2022, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof.

PORT OF BENTON COMMISSION

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TBD, President

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TBD, Vice President

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TBD, Secretary

## **EXHIBIT "A" TO RESOLUTION NO. 22-02**

### **Port of Benton**

#### **COMMISSION POLICY DIRECTIVE**

#### **AUTHORITY OF EXECUTIVE DIRECTOR AND DESIGNEES**

The following policy is adopted by the Port Commission for the purpose of establishing the administrative authority of the Executive Director who is responsible for normal Port operations. The phrase "normal Port operations" as used herein, means regular day-to-day business transactions involving personnel, materials and money. The Commission shall retain an Executive Director to implement the objectives of the Port, which shall be established by the Port Commission. The Executive Director derives authority from the Commission acting as the governing body. The Executive Director shall retain professional staff, which shall operate and manage according to directives from the Executive Director. The Executive Director shall regularly inform and consult with the Commission regarding significant information and business transactions, by a method mutually agreeable to the Commission and the Executive Director. The Executive Director shall serve as the primary spokesman for management. The Executive Director shall be solely responsible for the conduct of business transactions of the Port.

The Commission is responsible for setting policy and direction for all Port business. It does so by annually adopting a budget and, from time to time, adopting other policy-setting documents. Within the general scope of and in conformance with the direction established by such documents and with the exception of the limitations identified in the specific policies which follow, the Executive Director shall be responsible for the operation, maintenance, administration and use of the Port's properties and facilities; the development of industrial districts; the implementation of construction work and alterations and improvements to the Port's real estate and physical facilities and necessary planning incidental thereto; the administration of the day-to-day operations which include personnel administration (salary and benefit matters, task and project assignments, hiring, firing, training, grievance procedures, employee enrichment and improvement, etc.); execution of contracts; the delivery of services essential to the Port's mission; financial and accounting related matters; legal matters and all other administrative matters. Further, Executive Director is hereby authorized to publish notice

of any and all public hearings which are required by law or are necessary for Port Commission action. Except as may be prohibited by state law, all delegations described herein with monetary limitation shall be automatically adjusted at the beginning of each year to conform with the preceding years, etc.

Prior to implementation, the Executive Director will notify the Port Commission of the index adjustments which will then become effective as of February 1.

The Executive Director may delegate to appropriate Port staff such of his/her administrative authority or reporting requirements herein established as, in his/her discretion, is necessary and advisable in the efficient exercise of such authority. To implement delegations of authority to Port staff, the Executive Director shall promulgate Port of Benton Policy and Procedure Manuals, monetary delegations, authority to execute contracts, and other documents such as employee position descriptions, affirmative action plans, office manuals, etc., which shall include such delegations as appropriate. The responsibility for all administration and day-to-day operations of the Port rests solely with the Executive Director. Any Commission directives or initiatives shall be made through the Executive Director and shall be made only by the Port Commission acting as a body.



**PORT OF BENTON**  
**SPECIFIC POLICY DIRECTIVES OF**  
**ADMINISTRATIVE AUTHORITY OF EXECUTIVE DIRECTOR**  
**AND DESIGNEES**

**I. REAL PROPERTY AGREEMENTS**

**A Types of Agreements**

The following directives of this Article I apply to all agreements for use of Port real property, including but not limited to leases, license agreements, rental agreements, operating agreements and use agreements (all hereinafter referred to as "Real Property Agreements or "Agreements").

**B. General Real Property Agreement Policy**

Except as provided in Paragraph I(c), all real property of the Port shall be used pursuant to an appropriate written instrument approved by the Port Commission and accompanied by security in accordance with law.

Prior to the execution of such instrument, the Executive Director shall have secured authority to enter negotiations and shall have appraised the Port Commission of the progress of such negotiations; provided for proper security, submitted the Agreement to Port Counsel for approval; and followed all other applicable laws and Port Commission created Lease Policy.

**C. Real Property Agreement Procedures**

The Executive Director is authorized to perform the following actions without Port Commission approval, but must quarterly provide the Port Commission a report summarizing actions:

1. Agreements having a term (including any options) of five years duration or less may be approved and signed by the Executive Director provided the Port's standard Agreement form is used (except for provisions inapplicable),

Agreement terms conform to proper real estate practices and the guidelines set forth in the Lease Policy, and there is no financial obligation of the Port for improvements.

2. To the extent assignments, subleases, or options are permitted in the basic Agreement the same may be approved by the Executive Director, provided; other substantive terms of the Agreement are unchanged; any option or options do not result in an Agreement term (including options) of more than five years; rental adjustments consistent with Port Lease Policy are made; and provided an amendment to the Agreement may be approved by the Executive Director if the scope of the amendment is otherwise within the authority of the Executive Director under this Resolution.
3. Easements of five years or less, licenses and permits ancillary to the normal operation of the Port may be granted by the Executive Director.
4. The Executive Director is charged with the responsibility to insure that all agreement terms are complied with and is authorized to take necessary measures to cause compliance or to protect the Port's legal position, including but not limited to the giving of all notices provided for in the Agreement.
5. Customary and usual easements granted for installation of utilities to service Port properties or for rights of way for access to Port properties may be executed by the Executive Director on behalf of the Port regardless of the length of the term. Other easements with a term of five years or less, licenses or permits ancillary to the normal operation of the Port may be executed by the Executive Director on behalf of the Port.

## **II. REAL PROPERTY AGREEMENT SECURITY AND INSURANCE**

The Executive Director is authorized to take all necessary actions on behalf of the Port Commission in connection with Agreement surety bonds, Agreement surety, rental insurance, or other security (hereinafter referred to as "Agreement Security") and insurance coverage required pursuant to any Agreements of the Port, including any of the following actions:

- A. Where the Agreement is not in default, to release any Agreement Security where an adequate substitute security has been provided.
- B. To approve any Agreement Security or insurance submitted in fulfillment of the requirements of any Agreement, including substitute or replacement coverage for any terminated bond or other Agreement Security.

- C. To approve any substitute or modification of insurance, and to release any insurance company when substitute or replacement insurance coverage has been provided.

### **III. REAL PROPERTY TRANSACTIONS**

- A. When the Port Commission authorizes the acquisition of real property by negotiated purchase or condemnation, the Executive Director shall take all necessary steps, including appraisals, to secure title of such property for the Port. The acquisition price of individual properties (or ownerships) shall in no case exceed the Port's appraisal without further specific Commission approval. When several parcels are authorized for purchase by the Port Commission, the total price paid for all such properties shall not exceed the Port's appraisal without further specific Commission approval.
- B. When the Port Commission authorizes the sale of Port real property, the Executive Director shall be empowered to take all necessary administrative steps including the acquisition of appraisals in order that execution of the conveyance instrument by the Commission may occur. After execution of the instrument by the Commission, the Executive Director is authorized to take any and all other necessary steps, including delivery, to finalize the sale.

### **IV. CONTRACTS FOR PERFORMANCE OF WORK**

- A. Contract Awards for Construction and Maintenance
  - 1. The Executive Director may, without prior Commission approval, execute on its behalf small works roster contracts where the total estimated contract price does not exceed Fifty Thousand Dollars (\$50,000), the work is within Capital Budget authorized limits, and so long as all statutory procedures are followed.
  - 2. The Executive Director may, without Port Commission approval, prepare plans and specifications, issue notices calling for bids, award and accept contracts for work where the total estimated contract price does not exceed Fifty Thousand Dollars (\$50,000), provided that all requirements of R.C.W. 53.08.120-135 are met, and the work is within authorized Capital Budget limits. Change order amounts are at the discretion of the Executive Director, provided they do not increase the adjusted contract to an amount in excess of \$50,000. If the project scope varies from the Commission approved Capital Budget, it will be brought before the Commission before obligation of any funds.

3. On contracts for work exceeding Fifty Thousand Dollars (\$50,000), Commission approval shall be required prior to the preparation of plans and specifications for such work. Request for authorization to prepare plans and specifications shall include an estimate as to the total cost of the work. Upon completion of plans and specifications, the Executive Director is authorized to publish notice calling, for bids. Award of contract will be made with Commission approval unless there is a time constraint. In the event of a time constraint, Commission approval for award by the Executive Director will be requested in connection with the request for authorization to prepare plans and specifications. If an award is to be made to other than the lowest responsible bidder; if there is a material deviation from the Port's General Conditions; or if the bid is in dispute, Port Commission approval shall be sought prior to the award. Port Commission approval shall be required for the rejection of all bids.
4. When any emergency shall require the immediate execution of a contract for work, the Executive Director, pursuant to the procedures of R.C.W. 39.04.020 (as it may be amended or succeeded), is authorized to make a finding of the existence of such emergency and execute any contracts necessary to respond to the existing emergency, provided that the Executive Director shall, at the first Port Commission meeting following the Executive Director's finding of the existence of an emergency, request Port Commission ratification of the finding of emergency and any contracts awarded and/or executed pursuant to that finding.

B. Change Orders

Where contracts for the performance of work exceeding \$50,000 have been awarded and under which the work is in progress, and individual changes in plans and/or specifications are necessitated in order to properly accomplish the work, the Executive Director is authorized to execute individual change orders to the contract provided the following conditions are met:

1. The estimated cost of the individual changes in plans and/or specifications will not exceed Ten Thousand Dollars (\$10,000) or 10% of the contract price, whichever is less. However, when an individual change order issued under any contract shall cause the total cash amount of change orders to that contract to exceed a sum equal to 20% of the original contract amount, or Fifty Thousand (\$50,000), whichever is less, such change order shall not be issued without prior Commission approval and no future change orders to said contract may be issued without Commission approval.
2. The contract provides for issuance of change orders.

3. The individual change order has been approved and certified by the Port's Architect or Engineer supervising the contract as being necessary to the proper accomplishment of the work called for in the basic contract.
4. Any time extension for completion of said contract which accompanies said change order does not exceed forty-five (45) days, except a change order extending the contract determined time beyond forty-five (45) days where it is to be a result of fire and other casualties not the fault of the contractor; strikes, riots and other civil disorders; unsuitable weather, or other act of God which results in suspension of work by order of the Port's architect or Engineer supervising the contract.

C. Reports

Notwithstanding the authorities granted in the preceding sections A and B, the Executive Director shall keep the Commission advised of all contracts on a monthly basis.

**V. UTILIZATION OF PORT CREWS**

- A. The Executive Director is authorized to use necessary workers for operations and maintenance of facilities pursuant to Port Commission approved labor agreements.
- B. The Executive Director shall be responsible for obtaining, prior Port Commission approval for work projects which are new construction or major modifications of Port facilities to be carried out by Port crews when the total estimated cost exceeds Fifty Thousand Dollars (\$50,000).

**VI. CONTRACTS FOR ACQUISITION OF UTILITIES, MATERIALS, EQUIPMENT, SUPPLIES, AND SERVICES**

The Executive Director shall have the responsibility for following all statutory requirements and procedures in connection with all contracts for the acquisition of utilities, materials, equipment, supplies and services. Utilities, materials, equipment, supplies and services (including services provided by public agencies) may be acquired on the open market, pursuant to published tariffs, or by competitive bidding when necessary for the normal maintenance and operations of the Port, and no prior Port Commission approval shall be required but shall, where appropriate, be approved as part of normal monthly expenses and shall be within authorized budgets. Where a requirement exists for formal competitive bidding, the Executive Director may execute contracts for the acquisition of utilities, materials, equipment, supplies and services subject to the following conditions:

- A. The contract or purchase order price for one year does not exceed Fifty Thousand Dollars (\$50,000) or, if specifically identified in the annual budget, the amount

shown in such budget, and the contract provides for no more than two (2) options to extend the contract for one (1) year periods, provided that the basic contract or purchase order price and any contract extensions must be within appropriate annual budget limits.

- B. The award is made to a bidder who has submitted a proposal based on the plans and specification on file, or, where permissible, based upon his own plans and specifications and accompanied by a bid proposal deposit as may be required, and which is, as nearly as practicable, in accordance with the requirements of R.C.W. 53.08.120, (as it may be amended or succeeded).
- C. The successful bidder has provided, where required, a performance bond with sureties which comply with the requirements of the applicable law.

## **VII. REIMBURSABLE SERVICES**

The Executive Director is authorized to enter into agreements pursuant to which the Port will provide reimbursable services, when such services are part of normal Port operations or incident thereto.

## **VIII. ARCHITECTURAL, ENGINEERING, AND TECHNICAL SERVICES**

The Executive Director is authorized to contract with qualified architectural, engineering, and technical testing and inspection firms licensed in the State of Washington to provide such services as required for maintenance, engineering work or small projects of the Port. Selection and reimbursement for such services shall follow all required statutory procedures and shall be consistent with normal established fees paid for such services. If the fee on any single project or closely related work is estimated to exceed Fifty Thousand Dollars (\$50,000), Port Commission approval shall be required. Where architectural and engineering services are ancillary to capital projects, Port Commission approval shall not be required so long as those fees do not exceed 15% of the estimated contract amount. The Executive Director will endeavor to use a variety of firms (including minority and women-owned business firms) based on the nature of the work and the expertise of the firms.

## **IX. PROFESSIONAL AND CONSULTANT SERVICES**

Except as provided in Section VIII of this Exhibit A, the Executive Director shall be responsible for obtaining professional and consultant services where deemed necessary in carrying out normal Port operations and provided all applicable legal requirements are met. The Executive Director may arrange for such services where the estimated cost of the proposed service does not exceed the amount of Fifty Thousand Dollars (\$50,000), provided all such arrangements shall be reported to the Port Commission monthly.

## **X. LEGAL SERVICES AND OTHER REPRESENTATION**

The Executive Director and Commission appointed Port Counsel shall be responsible for management and supervision of all legal services required by the Port and for litigation in which the Port has an interest, direct or indirect. For purposes of this section, "litigation" shall mean the assertion of any position, right or responsibility by or against the Port (or in which the Port may have an interest) which has been filed in any court of general jurisdiction, be it state or federal, or any quasi judicial or administrative forum.

### **A. Legal Services**

The Executive Director is authorized to retain law firms, through Port Counsel as necessary, to provide legal services. Retained legal counsel may act solely on behalf of the Port or jointly with other interested parties. Payment for legal services other than litigation shall be by reimbursement not to exceed established hourly rates plus expenses. In litigation matters, legal counsel shall be reimbursed at a rate not to exceed their established hourly rate plus expenses.

### **B. Engagement of Other Representatives**

In connection with litigation or other legal matters in which the Port has a direct or indirect interest, the Executive Director may engage, or cause to be engaged through the Port Counsel, other representatives to act solely on behalf of the Port or jointly with other interested parties. Such representatives shall be reimbursed at their established hourly rates plus expenses or on another basis which is standard for their services.

### **C. Engagement of Experts**

The Executive Director may engage or cause to be engaged through the Port Counsel, such experts as may be necessary to the orderly preparation of litigation in which the Port has a direct or indirect interest, within limitations otherwise prescribed in Section IX above. Such engagement shall be upon authorization given by the Executive Director after having been satisfied that such expenditure is necessary to the adequate preparation and representation of the Port's position in such litigation and shall wherever practicable include evaluation of the litigation and an estimate of the probable cost of such experts.

### **D. Settlement**

Unless otherwise specified herein any matter which is the subject of litigation may be compromised and settled by the Executive Director provided that the settlement amount does not exceed .1% of the Port's estimated current year gross operating revenues and that the Port Counsel shall certify to the Executive Director that such compromise and settlement is justified on the basis of the following:

- a. Claims filed against the Port
  - i) the likelihood that a judgment rendered in the case would be in the amount claimed, or higher than the amount claimed, or that there is reasonable cause to believe that there is considerable exposure of liability for the Port; or
  - ii) the likelihood that the expenses involved in litigation would be unnecessarily high in relation to the amount claimed, or the likely result.
- b. Claims filed on behalf of the Port
  - i) that the determination to settle the claim outweighs the risk of resorting litigation; or
  - ii) that the settlement of the claim would provide prompt payment to the Port and eliminate extensive delays; or
  - iii) that the proposed offer of settlement is reasonable in light of the claim asserted.

## **XI. ADJUSTMENT AND SETTLEMENT OF CLAIMS (except those as referenced above)**

The Executive Director shall be responsible for the observance of necessary procedures whereby the adjustment and final settlement of all claims, either against or on behalf of the Port, shall be carried out. Necessary procedures in the handling of such claims shall include the following:

- A. For purposes of this section, "Claim" shall mean the assertion of any position, right or responsibility by or against the Port, but not including (1) accounts receivable to the extent covered in Section XII, or (2) claims asserted by or against the Port which have become the subject of litigation as defined in Section X above.
- B. No claims against the Port shall be considered unless and until proper notice has been served by the claimant upon the Port.



- C. Any individual claim which exceeds .1% of the Port's estimated current year gross operating revenues may be processed in all respects (except for final approval and payment) by the Executive Director and Port Counsel. No such claims shall be submitted for approval to the Port Commission until a tentative agreement has been reached with the parties concerned for settlement. Claims which in the opinion of the Executive Director may exceed .1% of the Port's estimated current year gross operating, revenues shall be reported to the Port Commission promptly.
- D. Any single claim not exceeding .1% of the Port's estimated current year across operating revenues may be adjusted and settled and paid by the Executive Director provided that all of the following conditions are met:
1. The Port Counsel shall certify to the Executive Director that payment of the claim is justified on the basis of the following:
    - a. Claims filed against the Port:
      - i) a substantial likelihood that the Port is or could be found liable; or
      - ii) the likelihood that a judgment rendered in the case would be in the amount claimed, or higher than the amount claimed or that there is reasonable cause to believe that there is considerable exposure of liability for the Port;
      - iii) the likelihood that the expenses involved in litigation would be unnecessarily high in relation to the amount claimed, or the likely result.
    - b. Claims filed on behalf of the Port:
      - i) that the determination to settle the claim outweighs the risk of resorting to litigation;
      - ii) that the settlement of the claim would provide prompt payment to the Port and eliminate extensive delays;
      - iii) the proposed offer of settlement is reasonable in light of the claim asserted.
  - 2 All such claims, when paid, shall be reported to the Port Commission monthly.

## **XII. ADJUSTMENT AND WRITE-OFF OF ACCOUNTS RECEIVABLE**

The Executive Director is authorized to establish procedures to (1) make adjustments to accounts receivable for valid business reasons which do not constitute a gift of public funds, or (2) to write off any uncollectible account which does not exceed .05% of the Port's estimated current year gross operating revenues.

Prior to adjusting or writing off of any account receivable or uncollectible, the Executive Director shall be satisfied that every reasonable effort has been made by the staff to resolve or accomplish the collection of the account. For those accounts that fail to make payment, the Executive Director shall authorize the Port Counsel to bring action in courts of law, or if more appropriate, to assign the same to collection agencies in an attempt to collect such accounts. If, after attempting all normal account collection procedures, the account is still uncollectible after 90 days or more, the Executive Director shall be authorized to provide for writing off such an account. Any account in excess of .05% of the Port's estimated current year gross operating revenues which is deemed to be uncollectible shall be referred to the Port Commission for final approval of writing off that account.

## **XIII. INVESTMENT OF TEMPORARILY IDLE PORT FUNDS**

For purposes of this section, "Temporarily Idle Port Funds" shall mean those funds which are not required for immediate expenditure. The Executive Director is authorized to direct the Port Treasurer, in accordance with applicable law relating to the investment of public funds, in the investments of temporarily idle Port funds. These directives include, but shall not be limited to, investments in authorized government securities, sale of such investments, and necessary inter-fund transfers. A summary report of investments shall be provided to the Port Commission monthly.

## **XIV. INSURANCE PROGRAMS**

The Executive Director shall be authorized to negotiate and obtain appropriate policies of insurance to cover Port property, liability, employee coverages, and other areas appropriately included within a comprehensive insurance program. The Executive Director is authorized to approve changes or modifications within the policies of insurance, including programs to provide deductible provisions, so long as such programs are promptly and regularly reported to the Port Commission so it is kept informed of basic changes made in the overall insurance program of the Port.

## **XV. TRADE DEVELOPMENT PROGRAMS**

The Executive Director is authorized, consistent with statutory limitations, to develop and carry out programs of trade development (which may include tourism and tourism promotion), advertising (including the use of advertising firms within budgetary authority and promotion of the Port, including its properties, facilities and services. This may include. participation in programs and agreements designed to provide shippers which use or may use the Port of Benton with the most competitive service and lowest possible, freight rates including negotiation of warehouse rates, consolidation of traffic and prepayment of freight charges by the Port, and all necessary activities related to the intermodal movement of interstate and foreign cargo. Such programs of trade development and promotion shall be reviewed by the Port Commission from time to time so it may be informed as to chances which occur.

## **XVI. ISSUANCE OF TARIFFS**

Except in the case of the port operated marina, the Executive Director is authorized to issue tariffs and tariff amendments as necessary, provided the Port Commission will be given a report of adjustments on a quarterly basis.

## **XVII. RULES AND REGULATIONS**

The Executive Director is authorized to adopt any administrative rules and regulations necessary for the efficient operation of the Port so long as such rules and regulations are reported to the Port Commission quarterly.

## **XVIII. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT**

It is the basic policy of the Port of Benton to provide equal opportunity to the users of all Port services and facilities, all contracting entities, Port employees and applicants for employment, and to assure that there be absolutely no discrimination against any persons on grounds of race, creed, color, national origin, sex, sexual preference, marital status, age, or the presence of any sensory, mental, or physical handicap. This policy is to be implemented by the Executive Director as more specifically set forth by Resolution of the Port Commission (as it may be amended from time to time) and Port policies covering affirmative action, equal employment opportunity and minority and women-owned business participation in Port contracts.

## **XIX. TRAVEL OF EMPLOYEES AND OTHER AUTHORIZED REPRESENTATIVES OF THE PORT**

The Executive Director is authorized to approve travel by employees and/or other authorized representatives of the Port in accordance with the established travel policy in order to effectuate necessary normal Port operations, provided that reimbursable personal travel expenses for an individual trip shall not exceed Three Thousand Five Hundred Dollars (\$3,500) within the continental United States or Eight Thousand Five

Hundred Dollars (\$8,500) internationally, and provided that the Commission shall be advised monthly of major travel made by Port staff.

International trade missions will receive Port Commission review and approval.

The President of the Commission shall be notified in advance of any absence greater than 48 hours of the Executive Director and be furnished a report of major travel monthly.

## **XX. SALE OF PERSONAL PROPERTY**

The Executive Director is authorized pursuant to R.C.W. 53.08.090 to sell and convey surplus personal property of the Port pursuant to the requirements of R.C.W. 53.08.090-.092 (as amended or succeeded). In no case shall surplus personal property of the Port be sold to any Port Commissioner or Port employee or to members of their immediate families without the specific approval of the Port Commission. This provision does not prohibit commissioners, employees, and members of their immediate families from bidding on excess Port property sold at public auction.

## **XXI. BANKING SERVICES**

The Executive Director is authorized to negotiate for banking services and enter into agreements for such services for terms not to exceed five years. Procedures shall be established for the deposit/disbursal of Port funds recognizing the requirements cited in R.C.W. 53.36.010 and providing for an adequate system of internal control. Funds may be deposited in an impress bank account for miscellaneous expenditures in an amount not to exceed Four Thousand Dollars (\$4,000). Warrants/checks may require single or dual signatures as is deemed appropriate.

## **XXII. AUTHORIZATION OF EXPENDITURES**

The Executive Director is authorized to establish an adequate system to control purchases of materials, supplies and services. Such system should take into consideration the nature of the purchases and the dollar amounts involved. No funds shall be expended unless the purchase invoices have been properly approved in accordance with the provisions of the system established.

## **XXIII. IMPRESS WORKING FUNDS (PETTY CASH/CHANGE FUNDS)**

The Executive Director is authorized to establish various working funds, provided that the total amount of any such fund shall not exceed Five Hundred Dollars (\$500). The working funds provide for petty cash purchases/change funds, and the dollar amount thereof shall be recorded on the Port's balance sheet. The Executive Director is also authorized to establish and maintain procedures for the creation and control of such funds.

## **RESOLUTION 22-03**

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PORT OF BENTON AUTHORIZING THE PORT EXECUTIVE DIRECTOR TO SELL AND CONVEY SURPLUS PROPERTY WITH LESS THAN \$10,000 VALUE**

**WHEREAS**, the Board of Commissioners of Port of Benton met this 12<sup>th</sup> day of January, 2022, a quorum of the Commissioners being present; and

**WHEREAS**, from time to time it is necessary to surplus items no longer needed for Port District purposes; and

**WHEREAS**, RCW 53.08.090 provides that the Port Commissioners may authorize the Port Executive Director to sell and convey property of less than \$10,000 in value; and

**WHEREAS**, that prior to each such disposition of Port property, the Port Executive Director is directed to present to the Commission an itemized list of the property and to make written certification that the listed property is no longer needed for Port District purposes; and

**NOW, THEREFORE, BE IT RESOLVED** by the Port of Benton Commissioners to authorize the Port Executive Director to surplus Port property no longer needed for Port purposes which has a value of \$10,000 or less; and

**BE IT FURTHER RESOLVED** that this resolution shall be in force for one calendar year and shall expire on January 12<sup>th</sup>, 2023.

**DATED AND SIGNED** at Richland, Washington this 12<sup>th</sup> day of January, 2022.

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TBD, President

---

TBD, Vice President

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TBD, Secretary

WHEN RECORDED RETURN TO:

Richland City Clerk  
625 Swift Boulevard, MS-07  
Richland, WA 99352

**INTERLOCAL COOPERATIVE AGREEMENT**  
*Between*  
**THE CITY OF RICHLAND AND THE PORT OF BENTON**  
*Re: 2021 Derailment Damage Repair Project*

THIS INTERLOCAL COOPERATIVE AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022 (the “Effective Date”), by and between the **City of Richland**, a Washington municipal corporation (hereafter “Richland” or “City”), and the **Port of Benton**, a political subdivision of the state of Washington (hereafter “the Port”). Richland and the Port are also herein referred to individually as a “Jurisdiction” and collectively as “the Jurisdictions.”

**I. RECITALS**

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each Jurisdiction is authorized to contract with any one or more public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform; provided that such contract shall be authorized by the governing body of each Jurisdiction to the contract and shall set forth its purposes, powers, rights, objectives and responsibilities of the contracting parties; and

WHEREAS, the Port has prepared a 2021 Derailment Damage Repair Project contract to perform rail repairs on a portion of Port railroad track; and

WHEREAS, the City has need to replace railroad ties on City-owned railroad track, and has an inventory of 300 rail ties to be used for replacement of rail ties that have little or no service life remaining; and

WHEREAS, the City’s program is small in comparison to the Port’s program; and

WHEREAS, the Jurisdictions have determined that including the City's 2022 rail tie replacements into the Port's 2021 Derailment Damage Repair contract serves the best interests of both Jurisdictions and the public; and

WHEREAS, the Jurisdictions, by their respective governing bodies, have determined this effort may be best implemented on a shared basis in a manner deemed most efficient and effective for the Jurisdictions.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Jurisdictions agree as follows:

## **II. AGREEMENT**

**Section 1. Purpose and Scope of Work:** The purpose of this Agreement is to assist the City in preserving portions of City-owned rail located north of SR-240 and west of Stevens Drive in north Richland by replacing rail ties as marked in situ. Such preservation is for the benefit of all citizens and rail freight of Richland.

**Section 2. Administration:** The Port Executive Director or designee will administer this Agreement, and will be responsible for:

- a. Establishing policies for implementing this Agreement;
- b. Providing periodic progress reports to the elected officials of each Jurisdiction; and
- c. Monitoring progress of the Jurisdictions and other agencies in the fulfillment of their respective responsibilities.

**Section 3. Funding:** The City of Richland hereby commits to provide funding as set forth below:

- a. Contract work (including 10% contingency):      \$ 75,000
- b. Contract administration/inspection:              3% of the City contract work value

This funding shall be used for the Project construction listed in the Bid Tabulations under Schedule B per the 2021 Derailment Damage Repair Project contract documents.

- c. The City of Richland will provide its own rail ties located at the City of Richland north storage yard and a storage location adjacent to Lineage Logistics facility for pick up by the contractor.

**Section 4. Development and Bid Award Requirements:** Each Jurisdiction hereby commits to the following:

- a. By January 7, 2022, the Port will include the City's rail tie replacements and generate biddable construction plans.
- b. January 16, 2022, the Port will advertise the project for bids.
- c. On or about February 8, 2022, the Port will open bids.
- d. The Port will provide the City with a copy of the bid results. If the total cost of Schedule B work is at or below \$75,000, the Port will proceed to award the project contract in accordance with Port process requirements. If the total cost of Schedule B work is higher than \$75,000, the City will review the bid received for Schedule B and notify Port in writing by February 18, 2022 if the bid is

acceptable for award.

The scheduled action completion dates identified in Section 4. may be adjusted by the parties to add up to sixty (60) days without written amendment to this Agreement. Adjustments to the scheduled action completion dates that are greater than sixty (60) days require written amendment to this Agreement, which may be executed administratively without further legislative action.

**Section 5. Modification:** Excepting the provisions in Section 4 above, amendments to this Agreement must be in writing and executed by the duly authorized representative for each Jurisdiction. Said amendments may be executed without further legislative body action.

**Section 6. Term of Agreement and Termination:**

- a. The term of this Agreement, commencing on the Effective Date, shall become effective on full execution hereof, and upon posting on at least one Jurisdiction's website as provided in RCW 39.34.040. Either Jurisdiction may choose to record this Agreement at its own expense, but recordation is not required.
- b. This Agreement shall expire on the date of completion of the Project.

**Section 7. Inspection of Records:** The records and documents with respect to all matters covered by this Agreement shall be subject to inspection by any Jurisdiction during the term of this Agreement, and shall be maintained thereafter in accordance with the retention schedule established by the State of Washington for municipal records.

**Section 8. No Separate Legal Entity:** By this Agreement, the Jurisdictions do not intend to form a separate legal entity to conduct the cooperative undertaking. Further, no acquiring, holding or disposing of real or personal property will occur under this Agreement.

**Section 9. Severability:** In the event any term or condition of this Agreement or application thereof to any person, entity or circumstance is held invalid, such invalidity shall not affect any other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this Agreement are declared severable.

**Section 10. Venue, Applicable Law and Personal Jurisdiction:** All questions related to this Agreement shall be resolved under the laws of the State of Washington. In the event that either Jurisdiction deems it necessary to institute legal action arising from this Agreement, such action shall be instituted in Benton County Superior Court.

**Section 11. Authority To Execute:** Each person executing this Agreement on behalf of another person, corporation, partnership, company, or other organization or entity represents and warrants that he or she is fully authorized to so execute and deliver this Agreement on behalf of the entity for which he or she is signing. The Jurisdictions hereby warrant to each other that each has full power and authority to enter into this Agreement and to undertake the actions contemplated herein, and that this Agreement is enforceable in accordance with its terms.

**Section 12. Counterpart Originals:** Execution of this Agreement and any amendment or other document related to this Agreement may be by electronic signature and in any number of counterpart originals, including portable document format (.pdf), each of which shall be deemed to constitute an original agreement, and all of which shall constitute one whole agreement.

*[Signature Page to Follow]*



IN WITNESS WHEREOF, the Jurisdictions have entered into this Agreement as of the day and year first written above.

**CITY OF RICHLAND**

**PORT OF BENTON**

\_\_\_\_\_  
Jon Amundson, ICMA-CM  
City Manager

\_\_\_\_\_  
Diahann Howard, Executive Director

Attest:

Attest:

\_\_\_\_\_  
Jennifer Rogers, City Clerk

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

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Heather Kintzley, City Attorney

\_\_\_\_\_  
David Billetdeaux, Port Counsel

## **RESOLUTION 22-04**

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF PORT OF BENTON AUTHORIZING THE CONSENT TO ASSIGNMENT FOR A GROUND LEASE OVER FIVE YEARS**

**WHEREAS**, the Board of Commissioners of Port of Benton met this 12<sup>th</sup> day of January, 2022, a quorum of the Commissioners being present; and

**WHEREAS** the Port of Benton commission approved a ground lease with Richard Whitney on February 12, 2014, to construct an aeronautical hangar upon 6,583 square feet of land at the Richland Airport; recorded under Memorandum of Lease (AFN 2015-019473) as depicted on Attachment 1 hereto (Site Plan/Legal Description); and

**WHEREAS**, Lessee has provided written notice of his intent to sell the hangar improvements located at 2114 Butler Loop to Polo Hipolito Garza Jr and Polo Hipolito Garza III; and

**WHEREAS** the ground lease term exceeds the executive director's delegation of authority and Consent to Assignment of this lease requires board approval prior to sale and transfer of lease; and

**WHEREAS**, the initial term is thirty (30) years, expiring March 31, 2044; plus, two (2) 10-Year Option Terms. The parties will agree to updated changes in rent, terms and uses by Amendment as part of the lease assignment; and

**WHEREAS** port staff and the port attorney have reviewed the proposed Consent to Assignment of Lease, Lease Modification 1, and Deed for Severed Improvements and find in proper form and in the port's best interest; and

**NOW, THEREFORE, BE IT RESOLVED** the Board of Commissioners hereby approve Resolution 22-04 authorizing the Port's Executive Director to execute all documents and agreements necessary to complete this transaction on behalf of the Port of Benton as specified above; and

**DATED AND SIGNED** at Richland, Washington this 12<sup>th</sup> day of January 2022.

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TBD, President

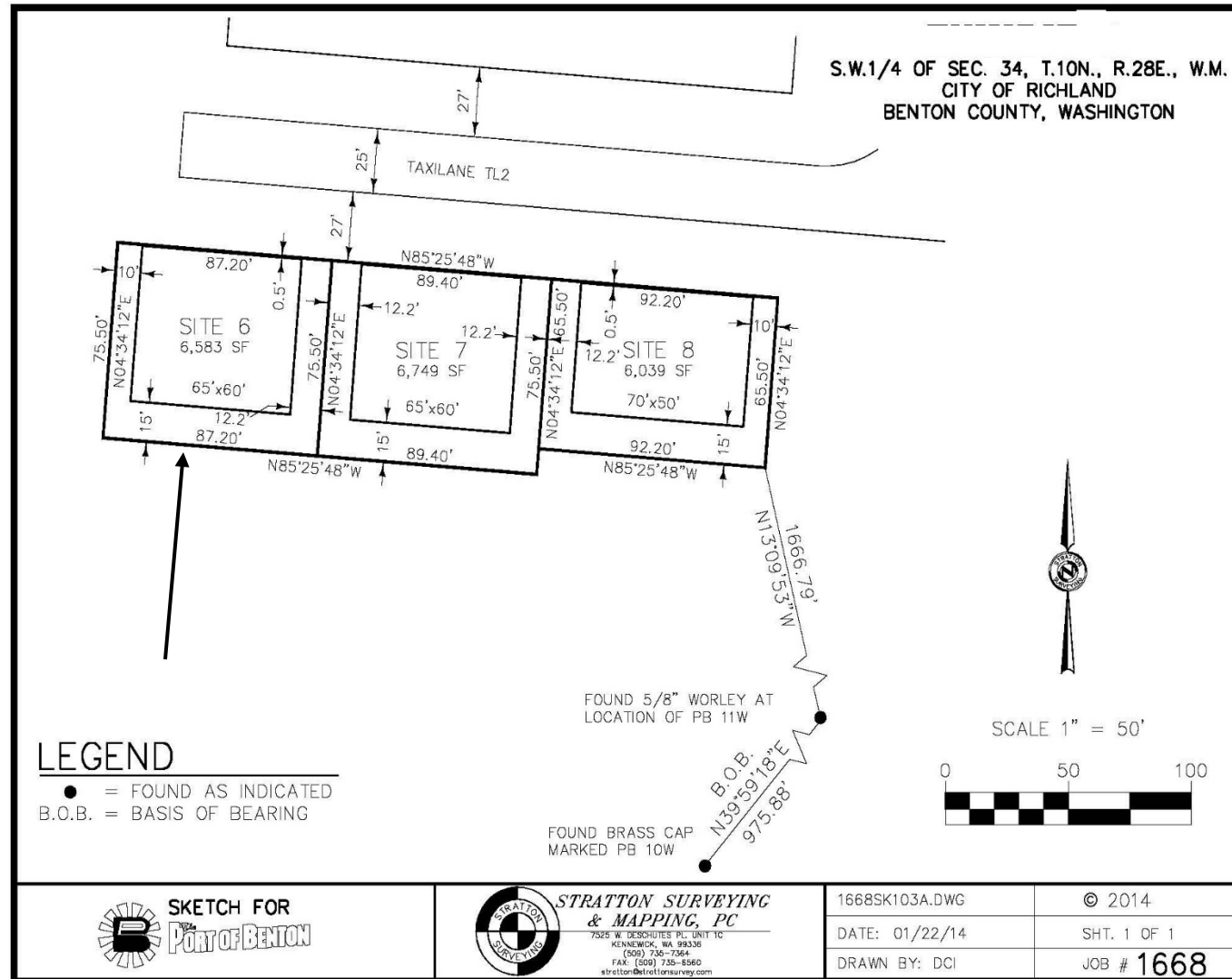
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TBD, Vice President

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TBD, Secretary

Attachment 1 to  
Resolution 22-04  
Site Plan / Legal Description



**Attachment 1 to  
Resolution 22-04  
Site Plan / Legal Description  
(Continued)**

**LEASE SITE 6:**

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT MONUMENT PB 11W AS SHOWN ON THE PLAT OF RICHLAND AND MONUMENTED WITH A 5/8" WORLEY REBAR SAID POINT BEARS NORTH 39°59'51" EAST 975.88 FEET FROM MONUMENT PB 10W AS SHOWN ON SAID PLAT; THENCE NORTH 13°09'53" WEST ALONG A RANDOM LINE 1666.79 FEET; THENCE NORTH 04°34'12" EAST 65.60 FEET.

THENCE NORTH 85°25'48" WEST 181.60 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 85°25'48" WEST 87.20 FEET.

THENCE SOUTH 04°34'12" WEST 75.50 FEET.

THENCE SOUTH 85°25'48" EAST 87.20 FEET.

THENCE NORTH 04°34'12" EAST 75.50 FEET TO THE SAID TRUE POINT OF BEGINNING.

**CONTAINS 6583 SF**

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

**RESOLUTION 22-05**

**A RESOLUTION OF THE PORT OF BENTON  
ACCEPTING WORK COMPLETED BY  
SWAGGART BROTHERS  
FOR THE  
PROSSER AIRPORT HANGAR TAXILANE CONSTRUCTION PROJECT**

**WHEREAS**, work known as the Prosser Airport Hangar Taxilane Construction Project, upon notification by Swaggart Brothers., that said project has been completed in accordance with the approved plans and specifications, has been duly inspected by the Engineer, Century West Engineering; and

**WHEREAS**, the Engineer has certified that the work has been completed in accordance with the plans and specifications.

**NOW THEREFORE BE IT RESOLVED** that the Port of Benton Commission does hereby accept the work by Swaggart Brothers, has completed in accordance with the contract of said project; and

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

**DATED AND SIGNED** at Richland, Washington on 12<sup>th</sup> day of January 2022.

\_\_\_\_\_  
TBD, President

\_\_\_\_\_  
TBD, Vice President

\_\_\_\_\_  
TBD, Secretary

**RESOLUTION 22-06**

**A RESOLUTION OF THE PORT OF BENTON  
ACCEPTING WORK COMPLETED BY  
WINE COUNTRY CONTRUCTION & LANDSCAPING, LLC  
FOR THE  
2579 STEVENS DR. ROOF REPLACEMENT PROJECT**

**WHEREAS**, work known as the 2579 Stevens Dr. Roof Replacement Project, upon notification by Wine Country Construction & Landscaping, LLC., that said project has been completed in accordance with the approved plans and specifications, has been duly inspected by the Director of Facilities & Operations; and

**WHEREAS**, the Director has certified that the work has been completed in accordance with the plans and specifications.

**NOW THEREFORE BE IT RESOLVED** that the Port of Benton Commission does hereby accept the work by Wine Country Construction & Landscaping, 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 bill for the project, the Executive Director is directed to proceed with the necessary procedures, including required advertisements and government notifications, to finalize the project account.

**DATED AND SIGNED** at Richland, Washington on 12<sup>th</sup> day of January 2022.

\_\_\_\_\_  
TBD, President

\_\_\_\_\_  
TBD, Vice President

\_\_\_\_\_  
TBD, Secretary

**COOPERATIVE SERVICE AGREEMENT**  
**between**  
**PORT OF BENTON**  
**and**  
**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)**  
**WILDLIFE SERVICES (WS)**

**ARTICLE 1 – PURPOSE**

The purpose of this Cooperative Service Agreement is to conduct wildlife damage management (WDM) activities to reduce property damage, human health and safety risks, and associated maintenance problems by managing various wildlife species.

*This Agreement is to include all Port of Benton facilities including, but not limited to, Crow's Butte, Richland Airport, Prosser Airport, and Port of Benton Railroad facilities.*

*Each Port of Benton site requesting service, will sign an annual Work Plan and Financial Plan (WPFP) detailing the service to be provided, location receiving service and anticipated cost for the year.*

**ARTICLE 2 – AUTHORITY**

APHIS-WS has statutory authority under the Acts of March 2, 1931, 46 Stat. 1468-69, 7 U.S.C. §§ 8351-8352, as amended, and December 22, 1987, Public Law No. 100-202, § 101(k), 101 Stat. 1329-331, 7 U.S.C. § 8353, to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety.

**ARTICLE 3 - MUTUAL RESPONSIBILITIES**

The cooperating parties mutually understand and agree to/that:

1. APHIS-WS shall perform services set forth in the Work Plan, which is attached hereto and made a part hereof. The parties may mutually agree in writing, at any time during the term of this agreement, to amend, modify, add or delete services from the Work Plan.
2. Port of Benton certifies that APHIS-WS has advised Port of Benton there may be private sector service providers available to provide wildlife damage management (WDM) services that Port of Benton is seeking from APHIS-WS.

3. There will be no equipment with a procurement price of \$5,000 or more per unit purchased directly with funds from Port of Benton for use on this project. All other equipment purchased for the program is and will remain the property of APHIS-WS.
4. The cooperating parties agree to coordinate with each other before responding to media requests on work associated with this project.

#### **ARTICLE 4 - COOPERATOR RESPONSIBILITIES**

Port of Benton agrees:

1. To designate the following as the authorized representative who shall be responsible for collaboratively administering the activities conducted in this agreement;

Diahann Howard, Executive Director

Port of Benton

3250 Port of Benton Boulevard

Richland, WA 99354

509-375-3060

dhoward@portofbenton.com

2. To authorize APHIS-WS to conduct direct control activities as defined in the Work Plan. APHIS-WS will be considered an invitee on the lands controlled by Port of Benton. Port of Benton will be required to exercise reasonable care to warn APHIS-WS as to dangerous conditions or activities in the project areas.
3. To reimburse APHIS-WS for costs, not to exceed the annually approved amount specified in the Financial Plan. If costs are projected to exceed the amount reflected in the Financial Plan, the agreement with amended Work Plan and Financial Plan shall be formally revised and signed by both parties before services resulting in additional costs are performed. Port of Benton agrees to pay all costs of services submitted via an invoice from APHIS-WS within 30 days of the date of the submitted invoice(s). Late payments are subject to interest, penalties, and administrative charges and costs as set forth under the Debt Collection Improvement Act of 1996.
4. To provide a Tax Identification Number or Social Security Number in compliance with the Debt Collection Improvement Act of 1996.
5. As a condition of this agreement, Port of Benton ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.
6. To notify APHIS-WS verbally or in writing as far in advance as practical of the date and time of any proposed meeting related to the program.



7. Port of Benton acknowledges that APHIS-WS shall be responsible for administration of APHIS-WS activities and supervision of APHIS-WS personnel.

## **ARTICLE 5 – APHIS-WS RESPONSIBILITIES**

APHIS-WS Agrees:

1. To designate the following as the APHIS-WS authorized representative who shall be responsible for collaboratively administering the activities conducted in this agreement.

Mike Linnell, State Director, WA/AK  
720 O’Leary Street NW  
Olympia, WA 98502  
360-753-9884  
Mike.a.linnell@usda.gov

2. To conduct activities at sites designated by Port of Benton as described in the Work and Financial Plans. APHIS-WS will provide qualified personnel and other resources necessary to implement the approved WDM activities delineated in the Work Plan and Financial Plan of this agreement.
3. That the performance of wildlife damage management actions by APHIS-WS under this agreement is contingent upon a determination by APHIS-WS that such actions are in compliance with the National Environmental Policy Act, Endangered Species Act, and any other applicable federal statutes. APHIS-WS will not make a final decision to conduct requested wildlife damage management actions until it has made the determination of such compliance.
4. To invoice Port of Benton quarterly for actual costs incurred by APHIS-WS during the performance of services agreed upon and specified in the Work Plan. Authorized auditing representatives of the Cooperator shall be accorded reasonable opportunity to inspect the accounts and records of APHIS-WS pertaining to such claims for reimbursement to the extent permitted by Federal law and regulations.

## **ARTICLE 6 – CONTINGENCY STATEMENT**

This agreement is contingent upon the passage by Congress of an appropriation from which expenditures may be legally met and shall not obligate APHIS-WS upon failure of Congress to so appropriate. This agreement may also be reduced or terminated if Congress only provides APHIS-WS funds for a finite period under a Continuing Resolution.

## **ARTICLE 7 – NON-EXCLUSIVE SERVICE CLAUSE**

Nothing in this agreement shall prevent APHIS-WS from entering into separate agreements with any other organization or individual for the purpose of providing wildlife damage management services exclusive of those provided for under this agreement.

## **ARTICLE 8 – CONGRESSIONAL RESTRICTIONS**

Pursuant to Section 22, Title 41, United States Code, no member of or delegate to Congress shall be admitted to any share or part of this agreement or to any benefit to arise therefrom.

## **ARTICLE 9 – LAWS AND REGULATIONS**

This agreement is not a procurement contract (31 U.S.C. 6303), nor is it considered a grant (31 U.S.C. 6304). In this agreement, APHIS-WS provides goods or services on a cost recovery basis to nonfederal recipients, in accordance with all applicable laws, regulations and policies.

## **ARTICLE 10 – LIABILITY**

APHIS-WS assumes no liability for any actions or activities conducted under this agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2401(b), and 2671-2680).

## **ARTICLE 11 – NON-DISCRIMINATION CLAUSE**

The United States Department of Agriculture prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. Not all prohibited bases apply to all programs.

## **ARTICLE 12 - DURATION, REVISIONS, EXTENSIONS, AND TERMINATIONS**

This agreement shall become effective on January 1, 2022 and shall continue through December 31, 2026, not to exceed five years. This Cooperative Service Agreement may be amended by mutual agreement of the parties in writing. The Cooperator must submit a written request to extend the end date at least 10 days prior to expiration of the agreement. Also, this agreement may be terminated at any time by mutual agreement of the parties in writing, or by one party provided that party notifies the other in writing at least 60 days prior to effecting such action. Further, in the event the Cooperator does not provide necessary funds, APHIS-WS is relieved of the obligation to provide services under this agreement.

In accordance with the Debt Collection Improvement Act of 1996, the Department of Treasury requires a Taxpayer Identification Number for individuals or businesses conducting business with the agency.

Cooperator's Tax ID No.: 91-0750272  
APHIS-WS's Tax ID: 41-0696271

Port of Benton

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Diahann Howard, PPM®, Executive Director  
Port of Benton  
3250 Port of Benton Boulevard, Richland, WA 99354

---

Date

**UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
WILDLIFE SERVICES**

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Mike Linnell, State Director WA/AK  
USDA, APHIS, WS  
720 O'Leary Street NW, Olympia, WA 98502

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Date

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Keith Wehner, Director, Western Region  
USDA, APHIS, WS  
2150 Centre Ave., Bldg. B, Mailstop 3W9, Ft. Collins, CO 80526

---

Date

Prepared by (APHIS-WS employees): Nick Borchert and Michelle Rodriguez

**PORT OF BENTON  
PROJECTS AND GRANTS STATUS**

January 2022

	Project	Description	Grants Pursued/Received	Comments
1	Richland Airport Master Plan	Master plan update of Airport	FAA \$400,000 POB \$40,000	Still waiting on FAA's review of the final Draft of the Airport Master Plan. Likely won't receive approval until March 2022.
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	<b>Sidewalk/Streetlight project is in design. Construction of the sidewalks is planned for March 2022.</b>
3	Richland Airport - Airfield Signage and Lights (PH1)	Replace Airfield Signs, Replace runway lights on RW 8/26 & 1/19 MIRL - <b>DESIGN ONLY</b>	FAA - \$250,000 No Match Required	90% design plans are being reviewed by Port Staff. Final design is planned to go out for bid in February 2022.
4	Richland Airport - Airfield Signage and Lights (PH1)	Replace Airfield Signs, Replace runway lights on RW 8/26 & 1/19 MIRL - <b>CONSTRUCTION</b>	FAA - \$3,200,000 No Match Required	FAA has awarded. Construction planned for July-Sept, 2022. This will require multiple runway closures so we will have a significant amount of public information.
5	Prosser Airport - Taxilane	East Taxilane Construction	FAA - \$600,854 No Match Required	Project is complete and the first 6 hangar locations are nearly ready for lease.
6	Railroad Improvements FRIB low interest loan	Provide low interest loan funding of railroad crossings at Van Giesen and Swift/Cemetery	FRIB - \$250,000 1% loan	Initial indications are that the Port will likely be successful with this application.

**PORT OF BENTON  
PROJECTS AND GRANTS STATUS**

January 2022

	Project	Description	Grants Pursued/Received	Comments
7	Infrastructure 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.
8	Innovation Cluster Accelerator Program Application	Washington Dept of Commerce, next evolution of POB, IPZ. Goal to support creation of clean energy industry lead alliance.	State-\$400,000	Contract completed and POB RFP out for services to be presented for formal approval at January Commission meeting.
9	Community Aviation Revitalization Board (CARB)	WSDOT funding to allow the Port of Benton to acquire existing hangars that are near the end of their long term leases and are located within the area in the Master Plan shown for removal.	WSDOT \$750,000 CARB Low interest 20 year loan with initial payment is due in 2026. Interest rate is 2% and hangar revenues cover debt service. Project at Richland Airport	Received preliminary award approval. Commission to provide formal approval at Commission Meeting.
10	EDA Build Back Better	Application led by Maritime Blue and Washington Clean Tech Alliance: POB \$15M for ICC facility focused on advanced energy, hydrogen and intermodal fleet demo.	FED - \$15M POB - \$500,000	Awarded Phase 1, now to draft phase 2 for Ports project due March 5th to MT Blue for submittal
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