

The Port of Benton Commission Meetings are open to the public.

The regular Commission Meeting will be available via Zoom, telephone conference call-in line and in-person. 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 September 14, 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., September 14, 2022**

**2140 Wine Country Rd., Prosser, WA 99350**

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. CONSENT AGENDA**

1. Approval of Agenda
2. Approval of Minutes from the August 10, 2022 Commission Meeting
3. Approval of Vouchers and Certifications, Including Payroll for Month of August Totaling \$699,598.45
4. Approval of Project Fund Vouchers and Certifications for the Month of August Totaling \$259,755.75
5. Resolution 22-27, To Cancel Warrant Nos. 080176-080250, In the Amount of \$0, Which Were Printed with Errors
6. Resolution 22,28, To Cancel Warrant No. 080296, In the Amount of \$5,824.48, Which Was Printed with Errors

#### D. PUBLIC COMMENT

#### E. ITEMS OF BUSINESS

1. Update from City of Prosser, Tom Glover
2. Update from Prosser Chamber of Commerce, John-Paul Etsey
3. Update from Prosser Economic Development Association, Neal Ripplinger
4. Resolution 22-29, Amending Signers for Banner Bank
5. Resolution 22-30, Surplus of Rail and Airport Items and Equipment
6. Resolution 22-31, Authorizing a Sale of Real Property
7. Resolution 22-32, Authorizing a Lease Modification (5+ Years) and Expenditure of Funds for Improvements
8. Review Revisions to Port Personnel Policy, and to Salary and Benefits Policy Directive

#### F. INFORMATION REPORTS

1. Grants Update
2. Richland Airport Lighting Project Update
3. Rail Update
4. 2023 Preliminary Budget Presentation

#### G. COMMISSIONER REPORTS/COMMENTS

#### H. 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

I. EXECUTIVE SESSION: Ongoing Litigation, Real Estate and Personnel

J. ADJOURNMENT

The next Port of Benton Commission meeting is the 2023 Budget Workshop on Monday, October 10, 2022 and the next regular Commission meeting will be held on Tuesday, October 11, 2022. Both meetings will be held at the Port of Benton Commission meeting room located at 3250 Port of Benton Blvd., Richland, WA. Visit [portofbenton.com](https://portofbenton.com) for notices and information.

**PORT OF BENTON  
COMMISSION MEETING MINUTES  
AUGUST 10, 2022**

**A. CALL TO ORDER:** The regular monthly meeting was called to order at 8:30 a.m. at the Port of Benton offices, 3250 Port of Benton Blvd., Richland, Washington

**PRESENT:** Commissioner Christy L. Rasmussen; Commissioner Roy D. Keck; Commissioner Lori Stevens; Executive Director, Diahann Howard, PPM®; Port Attorney, David Billetdeaux; Public Information Officer, Summers Miya; Director of Finance, Danielle Connor; Director of Marketing, Wally Williams; Roger Wright, RGW Enterprises; Joshua Lott, Anderson Perry; Theresa Richardson, City of Richland; Bill O'Neil, Community Member; Lynsee Wiegand, Parker, Smith & Feek; Mark Gleason, Parker, Smith & Feek

**The following attendees attended via remote communications:** Accounting Clerk, Liz Renz; Contract Specialist, Sheri Collins; Bryan Condon, Century West Engineering; Director of Economic Development & Governmental Affairs, Miles Thomas; Director of Real Estate, Teresa Hancock; Senior Accountant, Veronica Serna

The Commission meeting and public hearing were noticed as required by RCW 42.30.070.

**B. PLEDGE OF ALLEGIANCE:** Commission Vice-President Roy Keck led those present in reciting the Pledge of Allegiance.

**C. CONSENT AGENDA:**

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving the agenda for the August 10, 2022 Commission meeting, approval of minutes from the June 15, 2022 Commission meeting, approval of minutes from the July 13, 2022 Commission meeting, approval of vouchers and certifications, including payroll, for the month of July totaling \$646,019.27, approval of project vouchers and certifications for the month of July totaling \$6,348.47.**

**D. PUBLIC COMMENT:**

There were no comments from the public.

**E. PUBLIC HEARING**

1. Commissioner Christy Rasmussen opened the public hearing at 8:35 a.m. to accept public comment on the Six-Year Transportation Improvement Program (TIP) for the years 2023 through 2028, inclusive.

Engineer Roger Wright stated that projects must be on this list in order to qualify for state transportation grant funding. Wright stated that he has identified transportation projects where the

Port can seek grant funding and included projects for the Richland Business Park, Prosser and the Prosser Wine & Food Park with other projects that do include the rail.

Wright provided a screen share and hardcopy map that featured the projects noted.

Wright informed the Commission that the Benton-Franklin Council of Governments will hold a public hearing in September for all transportation projects.

Executive Director Diahann Howard added that the Port works closely with the Cities of Prosser and Richland to identify projects and grant applications.

Commissioner Rasmussen asked for public comment. There were no public comments.

The public hearing was closed at 8:39 a.m.

2. Resolution 22-25, Approving the Port of Benton's Six-Year Transportation Improvement Program for the Years 2023-2028 Inclusive

**A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving Resolution 22-25, accepting the Port's Six-Year Transportation Improvement Program for the years 2023-2028, inclusive.**

#### **F. ITEMS OF BUSINESS**

1. Resolution 22-26, Authorizing the Selection of an Energy Services Company through Washington State Department of Enterprise Services

Director of Economic Development & Governmental Affairs, Miles Thomas explained that the Port has immediate long-term needs to assess buildings subject to and potentially subject in the future to the State of Washington Clean Building Performance Standards and the State's Department of Enterprise Services Energy Savings Performance Contracting (ESPC) program was established to assist Washington state agencies to meet, exceed and identify both mandated and non-mandated energy performance improvements. Thomas stated that the state annually solicits requests for qualifications, contracts, Master Services Agreements, and provides selection of those qualified candidates based on geography, unique need of the contracting agency and preference to perform select services.

Thomas stated that the Port needs to address the site-wide improvements needed, as well as the issues at the 2579 Stevens Drive building and explained that by entering into this program, it will allow the Port to have access to the statewide contractors and the Port could then hire a contractor to perform a general assessment of sites and facilities.

Port Attorney stated that in 2019, the Clean Buildings Standard Act was passed, which requires all buildings to be in full compliance by 2028, as buildings are the second leading cause of pollutants, with transportation being the biggest polluter. Billetdeaux noted that adopting this Resolution would allow the Port to be ahead of schedule to meet requirements.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving Resolution 22-26, approving Resolution 22-26 and authorizing the selection of an energy services company through Washington State Department of Enterprise Services**

## 2. Consent to Assignment – RAP – Herb Brayton to Jeremy Hailey

Executive Director, Diahann Howard provided further detail on the consent to assignment at the Richland Airport from Herb Brayton to Jeremy and Vanessa Hailey. Howard explained that the hangar is considered Site 7 at the Richland Airport and is 0.15 acre / 6,400 acre site. Howard added that the original ground lease was 2221 Airport Way and Herb Brayton acquired the lease in May 2020. Howard added that this is lease assignment request number two for this ground lease.

Howard informed that the annual ground rent is \$1,207.37 with a deposit of \$1,207.37 and the initial term is from 9/1/2022 – 4/30/28 with three 10-year option terms adding that these rates are adjusted.

Howard recommended that the Commission approve this consent to assignment from Brayton to Hailey.

**A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving the consent to assignment at the Richland Airport for Herb Brayton to Jeremy Hailey.**

## 3. Approval of Lease (5+ Years) – Westinghouse Electric Company, LLC

Port Attorney, David Billetdeaux explained that the approval of the 5+ year lease extension to Westinghouse Electric Company, LLC has delayed due to various situations that have arisen regarding the lease and property, including particulars involving parking lot improvements that the Westinghouse believes the Port is required to complete.

Billetdeaux explained that the team has been working on updating the lease to reflect current lease language and also add in the full extent of the leased premises including parking lots, which was previously never included and will add significant revenue for the Port. Billetdeaux added that the lease has also been updated to include appropriate lease language related decommission language once the property is deemed no longer necessary for use in the future.

Billetdeaux asked the Commission to stay tuned for further updates related to the Westinghouse building and ground leases.

Executive Director, Howard added that the previous environmental experience that Billetdeaux and Teresa Hancock gained from the Test America site has proved very beneficial throughout the Westinghouse process.

Commissioner Rasmussen praised the team for adding decommission language to the updated lease.

## 4. Acceptance of Bid Received from Paintmaster, Inc. for 3100 George Washington Way Exterior Painting Project for \$57,015.00

Executive Director, Diahann Howard explained that three bids were received for the 3100 George Washington Way painting project, but one was untimely and voided. Howard stated that Paintmaster, Inc. provided the low bid of \$57,015.00, which includes Washington state sales tax.

Howard added that the bid received was over the budgeted amount, but the finance team as confirmed that a separate project that was budgeted for 2022 has been pushed to 2023 and the funds can be pulled from that project to cover the difference of the originally budgeted amount.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission accepting a bid received from Paintmaster, Inc. for the 3100 George Washington Way Exterior Painting Project for \$57,015.00.**

## **F. INFORMATION REPORTS:**

### **1. Grants Update**

Executive Director, Diahann Howard provided further updates on the projects featured on the August grants report.

- National Science Foundation – Invited to apply for full Type 1 application, up to \$1M with partners. Application due 9/29/2022. Planning for innovation engine to support clean energy facilities and work towards a Type 2 application, which is up to \$16M per year for ten years.
- Howard commented that the team is looking over the recent Senate approval for future grant opportunities.

### **2. Richland Airport Lighting Project Update**

Engineer, Roger Wright announced that the Richland Airport Electrical Project was on schedule. Wright explained the runway closure process adding that lighted barricades were borrowed from the Tri-Cities Airport and a thank you letter is in process to thank them for their assistance.

Wright explained that much of the work is taking place in trenches underground and therefore, is not creating a lot of attention. Wright added that there is a possibility of a jumpstart to the intersection work and during any closures, the taxiways can accommodate most general aviation flyers.

Wright noted that there will be a three-week impact to LifeFlight operations when the intersection is closed for repair.

Wright added that the runways have been and will reopen for weekends and there have not been any serious issues related to this project.

Wright announced that he is working with the communications team to plan a direct mailing the week before Runway 1-19 is closed and Runway 6-28 is the main. Wright explained that Runway 6-28's flight pattern will be directly over the adjacent neighborhoods and the Port would like to provide advanced notice to these homeowners that flight patterns will be adjusted until the project is completed.

Wright reminded the Commission that this project will fully replace all lighting at the airport to LED lighting, which will be much more sustainable and will also meet FAA requirements. Wright added that many electricians will not even work on older systems, such as the current lighting at Richland Airport.

Commissioner Christy Rasmussen thanked Roger Wright and the team for their work and the care given to making sure the runways were reopening for general aviation flyers.

### **3. Rail Update**

Engineer, Roger Wright provided an update on railroad operations, stating that BN and UP are working well together and the process of the first to arrive each day is working well.

Wright stated that cameras have been installed throughout the rail properties and the Port can now monitor the comings and goings related to the rail.

Wright added that the switches do need locks and he is working to make these arrangements.

Wright reminded the Commission that vital repairs are needed and HDR is providing a quote for immediate repairs needed, which once completed, will also bring the speed limit up from 5 mph to 10 mph within 90 days.

Wright noted that the rail building (2579 Stevens Dr.) has officially vacated and provided a PowerPoint presentation of the current state of the building, which highlighted 55 gallon drums filled with various substances, batteries, tires, paint, tools, old parts, a motorhome, and general trash and debris throughout the building and property.

Port Attorney, David Billetdeaux noted that a letter was sent out to TCRY, which threatened legal action if the facility and property were not cleaned up, particularly anything posing an environmental hazard and TCRY has replied with information that they promised to return within 24 hours to remove some of the noted items. Billetdeaux added that TCRY is required to notify the Port of a date and time before planning to be on any of the rail property.

Wright stated that there are many items that have been left that can be salvaged or scrapped for money, including three outbuildings filled with junk, which much can be sent to auction or surplus.

Wright added that a steel scrapper is currently onsite working to organize and remove some of the steel and junk. Wright estimated that \$100k of parts and pieces were scattered throughout the sand near an old rail building.

Executive Director Diahann Howard stated that the entire team is working to actively clean up the property as well as the business side of the property, stating that new lease agreements would be put in place with the current tenants.

Howard added that proper insurance coverage has been put in place and stated that the inside tenant revenue generates approximately \$25k-\$35k/month and outside revenue approximates to \$8,600/month.

Howard explained that there is a significant need for major improvements to this building, which highlights the vital need of the earlier-mentioned facility assessment (Item F1).

Howard added that there are currently 11 tenants and some of the tenants were not approved by the Port. Howard stated that there is significant interest in the building, including possible maritime use or logistics companies, but Howard added that the health, life and safety boxes will be checked first before moving forward with new businesses, which is the standard for Port leasing.

Howard announced that interest has been voiced from multiple shortline rail operators from around the nation.

Howard complimented the team for stepping up to handle rail issues and needs in recent weeks.

Engineer Roger Wright provided an update on the upcoming railroad crossing closure at Van Giesen/SR 224, reminding the Commission that the Department of Transportation built this crossing in the 90's using rubber crossing panels, which failed nationwide. Wright added that there is a current Washington Utilities and Transportation Commission (WUTC) order to get this crossing repaired as soon as possible.

Wright explained that the crossing and road will close at 12 p.m. on Thursday, August 18<sup>th</sup> and the crew will be working 24-hours/day until the project is completed. Wright stated that a detour will be in place and electronic signage is already in place alerting commuters of the upcoming closure.



Wright added that a press release has been sent out regarding the upcoming closure and Port staff hand-delivered copies of the press release to nearby businesses and all businesses located inside and outside the fence of the Richland Airport, as the detour route goes directly through Terminal Drive.

Wright added that he hopes the crossing can open by 12 p.m. on Sunday, but is posted to reopen by 6 a.m. on Monday, August 22.

Executive Director Howard thanked the Commission for approval of this project, reminding them that this project, as well as the upcoming Swift Blvd./Cemetery crossing, are 100% Port-funded.

Howard added that the Cemetery project is scheduled to begin on September 29 and the Cemetery plans to close for the weekend.

Wright stated that if there are urgent needs to enter the cemetery during the construction period, he will provide accommodation. Wright added that the cemetery is thrilled the Port is taking care of this project and even received a thank you letter from their board of directors.

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

Commissioner Lori Stevens announced that she attended the Tirriddis Sparkling Wines ribbon-cutting in the Prosser Wine & Food Park and also recently presented at the Benton City Chamber of Commerce and Prosser Chamber of Commerce. Commissioner Stevens added that she also attended the WPPA Commissioners' Seminar in Walla Walla.

Commissioner Roy Keck stated that he also attended the WPPA Commissioners' Seminar and was pleased that WPPA provided a manual to the Commissioners that clarifies mission, processes and many other valuable and relative items.

Commissioner Keck stated that he has been invited to share information on the rail and Richland Airport project at an upcoming City of Richland council meeting.

Commissioner Keck added that he also attended the recent Benton City Chamber of Commerce membership luncheon.

Commissioner Christy Rasmussen said that she also attended the WPPA Commissioners' Seminar, but arrived at a later session because she had attended the Tri-Cities Energy Convening event, which was sponsored by the Port/Washington VERTical that day. Commissioner Rasmussen noted that the convening event was fantastic, and the artist hired did a wonderful job capturing the essence of the message of the day.

Commissioner Rasmussen added that she recently attended the Energy Communities Alliance Forum on New Nuclear Development in Salt Lake City and complimented the entire community for their alliance and support on new nuclear, highlighting that many local leaders attended the forum, including DOE Hanford Brian Vance.

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

##### **1. AIRPORTS:**

Executive Director, Diahann Howard announced that the earlier airport update provided by Engineer, Roger Wright covered any and all airport updates.

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

Executive Director, Diahann Howard provided a facilities update, explaining that Director of Facilities & Operations, Ron Branine was on vacation.

Howard stated that 64 work orders have been turned in since the July meeting but should expect to see up to 100 per month once the tenants and staff are more in tune with the system.

Howard added that there have been 604 total work orders since the September 2021 meeting, with 49 open work orders currently. Howard noted that the facilities team estimates that they are capturing only 50% of the actual work orders at this time.

Howard informed the Commission that an answer has not yet been received from the Corps on the two smart parking meters, thus the meters have not yet been installed. Howard reminded the Commission that the request was submitted to the Corps in October 2021.

Howard added that there was a recent incident involving an injured camper at Crow Butte park, which she is reserving for Executive Session.

## **3. REAL ESTATE:**

Executive Director, Diahann Howard provided a real estate update, explaining that Director of Real Estate, Teresa Hancock was present virtually but is attending the Washington Economic Development Association meeting.

Howard stated that there are two pending sales in Prosser and five pending sales in Richland. Howard added that there are four pending new leases for Richland and several renewing leases that have graduated from startup, incubator to long term expirations.

Howard announced that plans are in place to initiate contractors for improvement pass through work at 2345 Stevens Drive, with cabling and IT currently underway. Howard stated that verbal approval has been received from HMIS, just awaiting formal confirmation.

## **4. MARKETING:**

Director of Marketing, Wally Williams announced that he has been working on various projects for the airport, Vintners Village, upcoming Rail Caucus event and railroad. Williams added that planning has started for the fall newsletter.

Williams noted that he has been working on signage for a number of Port buildings, including 2345 and 2579 Stevens. Williams stated that he has been working on several PowerPoint presentations for the team and has also began identifying items for the 2023 budget.

Williams added that the all-staff photo has been taken and the team is reviewing all proofs for final selection.

Public Information Officer, Summers Miya informed the Commission that she has been working with Williams on the upcoming Rail Caucus event, as well as Engineer Roger Wright and the timeline for the tour event has been confirmed. Miya stated that the Save the Date flyer will go out late in the week and asked the Commission to reserve Thursday, September 29<sup>th</sup> for the rail tour and reception event.

Miya announced that a Vintners Village Triple Ribbon-Cutting and Block Party event will take place on Thursday, September 15 from 3 p.m. – 5 p.m. at the phase two development building in Vintners Village. Miya added that the businesses located in this building all opened during the COVID-19 pandemic and official ribbon-cuttings were not performed. Miya added that a food truck will be onsite, as well as face painting, live music and efforts are in place to secure a hot air balloon that will be grounded throughout the event, but will be on display and advertising the upcoming Balloon Rally.

Miya stated that she has been working on press releases for the upcoming Van Giesen railroad

crossing project, Vintners Village website launch, in addition to weekly updates on the Richland Airport Electrical Replacement project. Miya added that she participated in the hand delivering of the press release regarding the upcoming rail crossing project to surrounding businesses and all businesses located inside and outside the fence at the Richland Airport.

Miya informed the Commission that plans are underway for the 2022 Entrepreneurial Awards event, which will take place on Tuesday, November 15 at the Richland Holiday Inn. Miya explained that this event is in partnership with the Richland Rotary Club, with a committee that includes: Port of Benton, Tri-Cities Research District, TRIDEC, FUSE, Tri-Cities Regional Chamber of Commerce and new this year, the Hispanic Chamber of Commerce. Miya added that the first committee meeting will take place tomorrow, August 11, 2022.

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

Executive Director, Diahann Howard provided an economic development & governmental affairs update, explaining that Miles Thomas was attending virtually but at the Washington Economic Development Association meeting.

Howard stated that an agreement with WSU has been signed regarding the Workforce Business Development course sponsorship and a wine server tasting certificate course will be scheduled at the Clore Center for the fall.

Howard stated that an annual use agreement has been signed with Washington Wine Commission and two board meetings will be held at the Clore each year.

Howard noted that Thomas is working on opportunities to collaborate with WSU IAREC on their initiatives and use of Clore Center for professional needs, meetings and conferences.

Howard added and thanked Thomas for supporting work on the HMiS lease with Director of Real Estate, Teresa Hancock for internal building control upgrades.

Howard noted that Thomas also helped facilities in installation of monitoring equipment at all rail bungalows.

Howard informed the Commission that Thomas will be highlighting Washington VERTical at the Washington Economic Development Association meeting this week.

#### **6. FINANCE DIRECTOR:**

Director of Finance/CPA, Danielle Connor provided an update on the 2021 audit, stating that the financial report for the federal single and financial statement audits is through review. Connor stated that there is one management letter item and a copy of the management letter has been provided. Connor added that process revisions and initiatives to rectify the issue has been captured for the next year.

Connor noted that the exit conference is scheduled for next Monday, August 15 in which the standing Commission President will be invited to attend. It will then take approximately two weeks for the final report to be published after the exit conference. Connor added that she will then file the audited report on EMMA, which is required within 10 days post publishing per debt disclosure covenants.

Connor noted that the accountability audit is still estimated to begin in late September/early October with a due date of December 31, 2022.

Connor stated that 2023 budget preparations are underway and she has completed an initial pass at a conservative revenue. Connor added that she has collected a full list of needs and wants for capital discussion and has taken an initial pass at operating expenditures.

Connor added that she will meet with the rest of the team to review and prioritize all requests.

Connor stated that there are many unknowns at this point due to the rail and the 2579 facility, as well as unknowns with inflation and the economic forecast.

Connor stated that first preliminary values will be sent in late September to forecast 2023 property tax levy, but Connor is planning for the typical 1% increase.

Connor provided an update on the IAP project, announcing that currently 90% of leases have been entered. Connor explained that the actual lease number continues to fluctuate, with an estimated six additional leases to add for the 2579 building. Connor added that leases at the 3100 and 2345 buildings also need added, but there remains work to do to set up the properties and units in the system. Connor added that the current focus is still heavy on lease entry and Accounting Clerk, Liz Renz is going back and reviewing leases to ensure any changes have been reflected and all are current.

Connor added that the team will be getting back into the system to continue billing testing this month.

Connor noted that the GASB 87 module configuration will be close to follow but is on hold until the lease entry is complete.

Connor stated that integration development continues to make progress and a meeting was held last week to meet with the project manager and developers. Connor explained that with the new hosted server available, she will be working with Columbia Basin IT to get an SFTP site setup which will be the pit stop for the file transfers between the two systems. Connor added that she will also be working towards setting up a test drive once the integration is ready with it currently being estimated to go live in mid-September.

Connor said that she estimates approximately 6-8 weeks of pre go-live cutover items/reconciliations and she has revised the schedule to run a parallel test the month of October, as it is critical that the billing and revenue are correct.

Connor stated that she is aiming for a pre-launch of October 1, 2022 to run one month parallel and will continue to reassess for readiness with additional contingencies.

Connor provided a financial status overview via PowerPoint presentation. Connor displayed that the current general operating balance is \$3.5M and the project fund is \$3.7M, with cash receipts totaling \$563k and cash disbursements \$646k in July. Connor added that A/P is currently at \$78k outstanding with \$16k past due, generally due to tardiness in receiving required paperwork from the vendor. Connor stated that there is currently \$277k outstanding in A/R of which \$90K greater than 90 days past due with the bulk of that due from one tenant, which Teresa Hancock has addressed.

Connor noted that current priorities include the 2023 budget, Voyager project, accountability audit and future SAO Lean consulting, which will likely take place in November 2022.

## **7. PORT ATTORNEY:**

Port Attorney, David Billetdeaux offered an expression of gratitude to the entire team for their patience and understanding as he has recovered from his broken arm and surgery.

Billetdeaux provided an update on the 2579 Stevens Drive railroad building, stating that he has been involved with the Safety Clean coordination with Facilities Manager, Joe Pisca. Billetdeaux updated that the RV will be removed by tomorrow, as instructed by the Port to the previous tenant.

Billetdeaux stated that he has been working diligently on the RFP for a rail operator and is getting close to completion.

Billetdeaux informed the Commission that the Port was approached by PNNL regarding some equipment that they owned and no longer needed that was stored on the rail property. Billetdeaux explained that PNNL has offered some of the equipment to the Port, which the Port can find use for, including a bungalow sitting on a concrete pad, car counter and cameras.

Billetdeaux added that there is a fence on property that serves little to no purpose other than

catching tumbleweeds, which is slated for removal.

Billetdeaux informed the Commission that the Port will be entering into an RFP process for insurance needs, as it is wise to see what else is out there. Billetdeaux stated that the Port is currently under contract with Enduris for all claims.

Billetdeaux stated that he has been involved in recent discussions with the City of Richland regarding a possible interlocal agreement involving the rail. Billetdeaux said that the City has expressed an interest in handling rail crossing issues that occur at night since they have the staff already on hand. Billetdeaux noted that this interlocal may be on the next Commission meeting, as well as the next City of Richland City Council meeting.

Billetdeaux added that the Port has begun looking into the Outlaw software, which could replace DocuSign and Adobe and allows for tagging, which would be crucially important to contract and real estate related tasks.

Billetdeaux stated that he has reserved a few items for Executive Session.

#### **8. EXECUTIVE DIRECTOR:**

Executive Director, Diahann Howard announced that she recently presented at the Tri-Cities Hispanic Chamber of Commerce monthly luncheon and also assisted at the presentation given at the recent Benton City Chamber luncheon.

Howard added that she is scheduled to present at the September City of Prosser council meeting, as well as a City of Richland council meeting, with rail being the focus at the Richland meeting.

Howard encouraged the Commission to attend the upcoming Rail Caucus tour and reception and added that there will be separate tour offered of the North Richland for the Commission and City of Richland Council, adding that more information will be provided on that tour in the coming weeks.

Howard stated that in recent conversations with USNIC and TRIDEC it was determined that a local event will work better for all in 2023. Howard added that the Port is the luncheon sponsor of the upcoming Association of Washington Business Energy Solutions Summit, which will be held in Tri-Cities in November. Howard added that she has also been asked to speak at the National Cleanup conference in Washington DC in September.

Howard added that the recent Energy Communities Alliance New Nuclear event went very well and had strong local representation, with TRIDEC, Benton County, Port, City, X Energy, Hanford and Local 598 involved. Howard added that the conference's focus about why existing host communities are strong locations for new nuclear.

Howard said that there was a prospect visit on August 2, which has led to discussion on how to drive forward readying of site development as well as the need to identify barriers.

**I. EXECUTIVE SESSION:** The regular Commission Meeting was recessed at 10:21 a.m. and an Executive Session was convened at 10:30 a.m. to discuss ongoing and potential litigation, real estate and personnel 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.

**J. ADJOURNMENT:** The Commission meeting was adjourned at 11:00 a.m. with an announcement that the next regularly scheduled Port of Benton Commission meeting would be held at 8:30 a.m. on September 14, 2022 at the Walter Clore Wine & Culinary Center, 2140 Wine Country Road, in Prosser, Washington at 8:30 a.m.

---

Lori Stevens  
Commission Secretary

**Port of Benton, Benton County, Washington  
Voucher Certification and Approval  
for the Month of August 2022**

**General Expenses**

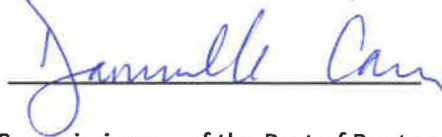
Accounts Payable Warrants #:	80024	-	80142	\$	518,232.47
Electronic Payments:				\$	-
Total General Expenses				\$	<u>518,232.47</u>

**Payroll**

Direct Deposit:					
ACH				\$	96,505.94
Electronic Payments:					
IRS Payroll Tax Deposit				\$	37,672.32
Other Payroll Related Payments				\$	47,187.72
Total Payroll				\$	<u>181,365.98</u>
Total General Expenses and Payroll				\$	<u><u>699,598.45</u></u>

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the Port of Benton and that I am authorized to authenticate and certify to said claim.

Attest:



Director of Finance/Port Auditor

We, the undersigned Commissioners of the Port of Benton, Benton County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment, this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_

President

\_\_\_\_\_

Vice President

\_\_\_\_\_

Secretary

## Port of Benton Check Register

Date	Payee	Document No	Amount Cleared
	<b>Bank: BCT MAIN - KeyBank National Association</b>	<b>Account No: 6601101</b>	
08/01/2022	VEN00122--DEPT OF RETIREMENT SYSTEMS	DCP7222022	4,559.19 In Transit
08/02/2022	10022--Connor, Danielle	080173	883.70 In Transit
08/02/2022	VEN00540--GLACIER SUPPLY GROUP, LLC	080157	946.40 In Transit
08/02/2022	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	080150	173.92 In Transit
08/02/2022	VEN00305--POCKETINET COMMUNICATIONS, INC.	080165	240.00 In Transit
08/02/2022	VEN00119--DAY WIRELESS SYSTEMS	080149	369.40 In Transit
08/02/2022	VEN00258--MOON SECURITY SERVICES, INC	080164	1,695.08 In Transit
08/02/2022	VEN00196--HARBOR FREIGHT TOOLS, INC.	080158	117.18 In Transit
08/02/2022	VEN00231--KENNEWICK INDUSTRIAL & ELECTRICAL SUP-PLY	080160	461.91 In Transit
08/02/2022	VEN00359--STEEBER'S LOCK SERVICE, LLC	080167	16.29 In Transit
08/02/2022	VEN00568--LENOVO INC.	080161	1,532.67 In Transit
08/02/2022	VEN00151--ELECTRICAL UNLIMITED, INC	080151	721.69 In Transit
08/02/2022	VEN00164--FASTENAL COMPANY	080155	26.46 In Transit
08/02/2022	VEN00426--WASHINGTON STATE DEPT OF TRANSPORTATION	080171	364.00 In Transit
08/02/2022	VEN00161--EXPRESS SERVICES, INC.	080153	4,022.31 In Transit
08/02/2022	VEN00228--KELLER ROHRBACK LLP	080159	2,791.44 In Transit
08/02/2022	VEN00358--WASHINGTON STATE AUDITOR'S OFFICE	080170	18,972.86 In Transit
08/02/2022	VEN00107--COOK'S ACE HARDWARE	080148	54.97 In Transit
08/02/2022	VEN00012--AFLAC	080143	603.11 In Transit
08/02/2022	VEN00069--BRUTZMAN'S INC	080144	322.11 In Transit
08/02/2022	VEN00394--TREASURE VALLEY COFFEE	080168	72.22 In Transit
08/02/2022	VEN00157--ENDURIS WASHINGTON	080152	462.00 In Transit
08/02/2022	VEN00075--CASCADE NATURAL GAS CORP	080145	198.94 In Transit
08/02/2022	VEN00449--ZIPLY FIBER	080172	545.52 In Transit
08/02/2022	VEN00440--WASHINGTON PUBLIC PORTS ASSOCIATION	080169	2,225.00 In Transit
08/02/2022	VEN00083--CENTURYLINK	080146	105.54 In Transit
08/02/2022	VEN00009--GEO WAY ACE HARDWARE	080156	174.37 In Transit
08/02/2022	VEN00337--SCALES NW LLC	080166	775.40 In Transit
08/02/2022	VEN00105--CONNELL OIL, INC	080147	2,690.54 In Transit
08/02/2022	VEN00584--MARTIN BUSINESS SYSTEMS	080162	667.98 In Transit
08/02/2022	VEN00253--MINUTEMAN PRESS OF KENNEWICK	080163	410.03 In Transit
08/02/2022	VEN00162--FARMERS EXCHANGE	080154	186.77 In Transit
08/03/2022	VEN00317--RAILWORKS TRACK SYSTEMS	080175	123,293.32 In Transit
08/03/2022	VEN00089--CITY OF RICHLAND	080174	652.50 In Transit
08/05/2022	VEN00215--INTERNAL REVENUE SERVICE	08052022	20,051.62 In Transit
08/09/2022	10004--Moore, Jeffrey	080287	304.32 In Transit
08/09/2022	10013--Williams, Wallace	080289	207.22 In Transit
08/09/2022	10007--Keck, Roy	080288	702.29 In Transit
08/09/2022	VEN00404--UNITED WAY OF BENTON/FRANKLIN COUNTY	080283	121.67 In Transit
08/09/2022	VEN00229--KELLEY'S TELE-COMMUNICATION, INC.	080268	196.09 In Transit
08/09/2022	VEN00402--UNDERGROUND CREATIVE, LLC	080282	200.00 In Transit
08/09/2022	VEN00301--PITNEY BOWES, INC	080274	217.00 In Transit
08/09/2022	VEN00467--JOLENE YACONETTI	080266	1,350.00 In Transit
08/09/2022	VEN00582--DAVINA ARNOLD	080259	1,350.00 In Transit
08/09/2022	VEN00298--TRI-CITY COMPUTER CONSULTING LLC	080280	1,737.60 In Transit
08/09/2022	VEN00581--TERRY ARNOLD	080278	1,750.00 In Transit
08/09/2022	VEN00399--TRIDEC, INC.	080281	2,083.33 In Transit
08/09/2022	VEN00542--MCCORMACK CONSULTING, LLC	080272	5,537.50 In Transit
08/09/2022	VEN00326--RGW ENTERPRISES P.C. INC	080275	17,100.00 In Transit
08/09/2022	VEN00414--VERIZON	080284	1,478.52 In Transit
08/09/2022	VEN00532--VIC'S AUTO PARTS & SUPPLY	080285	18.46 In Transit
08/09/2022	VEN00151--ELECTRICAL UNLIMITED, INC	080261	309.53 In Transit
08/09/2022	VEN00200--HDR ENGINEERING, INC	080265	18,015.31 In Transit
08/09/2022	VEN00291--KENNEWICK RANCH AND HOME	080269	59.72 In Transit
08/09/2022	VEN00390--TIRE FACTORY	080279	90.45 In Transit
08/09/2022	VEN00363--STONEWAY ELECTRIC SUPPLY INC	080276	469.80 In Transit
08/09/2022	VEN00491--LOWE'S CREDIT/SYNCHRONY FINANCIAL	080271	204.38 In Transit
08/09/2022	VEN00587--DITCHSTOCK	080260	2,360.00 In Transit
08/09/2022	VEN00369--SUNWEST SPORTSWEAR	080277	338.12 In Transit
08/09/2022	VEN00089--CITY OF RICHLAND	080255	21,937.03 In Transit
08/09/2022	VEN00278--GERALD G. OLSON	080263	2,500.00 In Transit
08/09/2022	VEN00279--KATHRYN S. OLSON	080267	2,910.40 In Transit
08/09/2022	VEN00077--COLUMBIA BASIN IT	080256	1,210.45 In Transit
08/09/2022	VEN00044--BENTON PUD	080253	2,600.59 In Transit
08/09/2022	VEN00449--ZIPLY FIBER	080286	783.01 In Transit
08/09/2022	VEN00113--CROWN PAPER & JANITORIAL INC.	080258	1,255.06 In Transit
08/09/2022	VEN00071--CITY OF PROSSER	080254	5,846.25 In Transit
08/09/2022	VEN00015--AIREFCO, INC.	080252	2,567.49 In Transit



## Port of Benton Check Register

Date	Payee	Document No	Amount Cleared
08/09/2022	VEN00009-GEO WAY ACE HARDWARE	080262	82.58 In Transit
08/09/2022	VEN00583-ADVANCE SIGNAL & CONTRACTING LLC	080251	4,680.79 In Transit
08/09/2022	VEN00585-LENNOX INDUSTRIES INC.	080270	1,552.98 In Transit
08/09/2022	VEN00105-CONNELL OIL, INC	080257	4,520.54 In Transit
08/09/2022	VEN00540-GLACIER SUPPLY GROUP, LLC	080264	1,277.32 In Transit
08/09/2022	VEN00258-MOON SECURITY SERVICES, INC	080273	6,037.40 In Transit
08/09/2022	10013-Williams, Wallace	Voided - 80250	(207.22) In Transit
08/09/2022	10007-Keck, Roy	Voided - 80249	(702.29) In Transit
08/09/2022	10004-Moore, Jeffrey	Voided - 80248	(304.32) In Transit
08/09/2022	VEN00449-ZIPLY FIBER	Voided - 80247	(783.01) In Transit
08/09/2022	VEN00532-VIC'S AUTO PARTS & SUPPLY	Voided - 80246	(18.46) In Transit
08/09/2022	VEN00414-VERIZON	Voided - 80245	(1,478.52) In Transit
08/09/2022	VEN00404-UNITED WAY OF BENTON/FRANKLIN COUNTY	Voided - 80244	(121.67) In Transit
08/09/2022	VEN00402-UNDERGROUND CREATIVE, LLC	Voided - 80243	(200.00) In Transit
08/09/2022	VEN00399-TRIDEC, INC.	Voided - 80242	(2,083.33) In Transit
08/09/2022	VEN00298-TRI-CITY COMPUTER CONSULTING LLC	Voided - 80241	(1,737.60) In Transit
08/09/2022	VEN00390-TIRE FACTORY	Voided - 80240	(90.45) In Transit
08/09/2022	VEN00581-TERRY ARNOLD	Voided - 80239	(1,750.00) In Transit
08/09/2022	VEN00369-SUNWEST SPORTSWEAR	Voided - 80238	(338.12) In Transit
08/09/2022	VEN00363-STONEWAY ELECTRIC SUPPLY INC	Voided - 80237	(469.80) In Transit
08/09/2022	VEN00326-RGW ENTERPRISES P.C. INC	Voided - 80236	(17,100.00) In Transit
08/09/2022	VEN00301-PITNEY BOWES, INC	Voided - 80235	(217.00) In Transit
08/09/2022	VEN00258-MOON SECURITY SERVICES, INC	Voided - 80234	(6,037.40) In Transit
08/09/2022	VEN00542-MCCORMACK CONSULTING, LLC	Voided - 80233	(5,537.50) In Transit
08/09/2022	VEN00491-LOWE'S CREDIT/SYNCHRONY FINANCIAL	Voided - 80232	(204.38) In Transit
08/09/2022	VEN00585-LENNOX INDUSTRIES INC.	Voided - 80231	(1,552.98) In Transit
08/09/2022	VEN00291-KENNEWICK RANCH AND HOME	Voided - 80230	(59.72) In Transit
08/09/2022	VEN00229-KELLEY'S TELE-COMMUNICATION, INC.	Voided - 80229	(196.09) In Transit
08/09/2022	VEN00279-KATHRYN S. OLSON	Voided - 80228	(2,910.40) In Transit
08/09/2022	VEN00467-JOLENE YACONETTI	Voided - 80227	(1,350.00) In Transit
08/09/2022	VEN00200-HDR ENGINEERING, INC	Voided - 80226	(18,015.31) In Transit
08/09/2022	VEN00540-GLACIER SUPPLY GROUP, LLC	Voided - 80225	(1,277.32) In Transit
08/09/2022	VEN00278-GERALD G. OLSON	Voided - 80224	(2,100.00) In Transit
08/09/2022	VEN00009-GEO WAY ACE HARDWARE	Voided - 80223	(82.58) In Transit
08/09/2022	VEN00151-ELECTRICAL UNLIMITED, INC	Voided - 80222	(309.53) In Transit
08/09/2022	VEN00587-DITCHSTOCK	Voided - 80221	(2,360.00) In Transit
08/09/2022	VEN00582-DAVINA ARNOLD	Voided - 80220	(1,350.00) In Transit
08/09/2022	VEN00113-CROWN PAPER & JANITORIAL INC.	Voided - 80219	(1,255.06) In Transit
08/09/2022	VEN00105-CONNELL OIL, INC	Voided - 80218	(4,520.54) In Transit
08/09/2022	VEN00077-COLUMBIA BASIN IT	Voided - 80217	(1,210.45) In Transit
08/09/2022	VEN00089-CITY OF RICHLAND	Voided - 80216	(21,937.03) In Transit
08/09/2022	VEN00071-CITY OF PROSSER	Voided - 80215	(5,846.25) In Transit
08/09/2022	VEN00044-BENTON PUD	Voided - 80214	(2,600.59) In Transit
08/09/2022	VEN00015-AIREFCO, INC.	Voided - 80213	(2,567.49) In Transit
08/09/2022	VEN00583-ADVANCE SIGNAL & CONTRACTING LLC	Voided - 80212	(4,680.79) In Transit
08/09/2022	VEN00449-ZIPLY FIBER	Voided - 080211	0.00 07/31/2022
08/09/2022	VEN00532-VIC'S AUTO PARTS & SUPPLY	Voided - 080210	0.00 07/31/2022
08/09/2022	VEN00414-VERIZON	Voided - 080209	0.00 07/31/2022
08/09/2022	VEN00404-UNITED WAY OF BENTON/FRANKLIN COUNTY	Voided - 080208	0.00 07/31/2022
08/09/2022	VEN00402-UNDERGROUND CREATIVE, LLC	Voided - 080207	0.00 07/31/2022
08/09/2022	VEN00399-TRIDEC, INC.	Voided - 080206	0.00 07/31/2022
08/09/2022	VEN00298-TRI-CITY COMPUTER CONSULTING LLC	Voided - 080205	0.00 07/31/2022
08/09/2022	VEN00390-TIRE FACTORY	Voided - 080204	0.00 07/31/2022
08/09/2022	VEN00581-TERRY ARNOLD	Voided - 080203	0.00 07/31/2022
08/09/2022	VEN00369-SUNWEST SPORTSWEAR	Voided - 080202	0.00 07/31/2022
08/09/2022	VEN00363-STONEWAY ELECTRIC SUPPLY INC	Voided - 080201	0.00 07/31/2022
08/09/2022	VEN00326-RGW ENTERPRISES P.C. INC	Voided - 080200	0.00 07/31/2022
08/09/2022	VEN00301-PITNEY BOWES, INC	Voided - 080199	0.00 07/31/2022
08/09/2022	VEN00258-MOON SECURITY SERVICES, INC	Voided - 080198	0.00 07/31/2022
08/09/2022	VEN00542-MCCORMACK CONSULTING, LLC	Voided - 080197	0.00 07/31/2022
08/09/2022	VEN00491-LOWE'S CREDIT/SYNCHRONY FINANCIAL	Voided - 080196	0.00 07/31/2022
08/09/2022	VEN00585-LENNOX INDUSTRIES INC.	Voided - 080195	0.00 07/31/2022
08/09/2022	VEN00291-KENNEWICK RANCH AND HOME	Voided - 080194	0.00 07/31/2022
08/09/2022	VEN00229-KELLEY'S TELE-COMMUNICATION, INC.	Voided - 080193	0.00 07/31/2022
08/09/2022	VEN00279-KATHRYN S. OLSON	Voided - 080192	0.00 07/31/2022
08/09/2022	VEN00467-JOLENE YACONETTI	Voided - 080191	0.00 07/31/2022
08/09/2022	VEN00200-HDR ENGINEERING, INC	Voided - 080190	0.00 07/31/2022
08/09/2022	VEN00540-GLACIER SUPPLY GROUP, LLC	Voided - 080189	0.00 07/31/2022
08/09/2022	VEN00278-GERALD G. OLSON	Voided - 080188	0.00 07/31/2022
08/09/2022	VEN00009-GEO WAY ACE HARDWARE	Voided - 080187	0.00 07/31/2022
08/09/2022	VEN00151-ELECTRICAL UNLIMITED, INC	Voided - 080186	0.00 07/31/2022

## Port of Benton Check Register

Date	Payee	Document No	Amount Cleared
08/09/2022	VEN00587-DITCHSTOCK	Voided - 080185	0.00 07/31/2022
08/09/2022	VEN00582-DAVINA ARNOLD	Voided - 080184	0.00 07/31/2022
08/09/2022	VEN00113-CROWN PAPER & JANITORIAL INC.	Voided - 080183	0.00 07/31/2022
08/09/2022	VEN00105-CONNELL OIL, INC	Voided - 080182	0.00 07/31/2022
08/09/2022	VEN00077-COLUMBIA BASIN IT	Voided - 080181	0.00 07/31/2022
08/09/2022	VEN00089-CITY OF RICHLAND	Voided - 080180	0.00 07/31/2022
08/09/2022	VEN00071-CITY OF PROSSER	Voided - 080179	0.00 07/31/2022
08/09/2022	VEN00044-BENTON PUD	Voided - 080178	0.00 07/31/2022
08/09/2022	VEN00015-AIREFCO, INC.	Voided - 080177	0.00 07/31/2022
08/09/2022	VEN00583-ADVANCE SIGNAL & CONTRACTING LLC	Voided - 080176	0.00 07/31/2022
08/09/2022	10004-Moore, Jeffrey	80248	304.32 In Transit
08/09/2022	10013-Williams, Wallace	80250	207.22 In Transit
08/09/2022	10007-Keck, Roy	80249	702.29 In Transit
08/09/2022	VEN00404-UNITED WAY OF BENTON/FRANKLIN COUNTY	80244	121.67 In Transit
08/09/2022	VEN00229-KELLEY'S TELE-COMMUNICATION, INC.	80229	196.09 In Transit
08/09/2022	VEN00402-UNDERGROUND CREATIVE, LLC	80243	200.00 In Transit
08/09/2022	VEN00301-PITNEY BOWES, INC	80235	217.00 In Transit
08/09/2022	VEN00467-JOLENE YACONETTI	80227	1,350.00 In Transit
08/09/2022	VEN00582-DAVINA ARNOLD	80220	1,350.00 In Transit
08/09/2022	VEN00298-TRI-CITY COMPUTER CONSULTING LLC	80241	1,737.60 In Transit
08/09/2022	VEN00581-TERRY ARNOLD	80239	1,750.00 In Transit
08/09/2022	VEN00399-TRIDEC, INC.	80242	2,083.33 In Transit
08/09/2022	VEN00542-MCCORMACK CONSULTING, LLC	80233	5,537.50 In Transit
08/09/2022	VEN00326-RGW ENTERPRISES P.C. INC	80236	17,100.00 In Transit
08/09/2022	VEN00414-VERIZON	80245	1,478.52 In Transit
08/09/2022	VEN00532-VIC'S AUTO PARTS & SUPPLY	80246	18.46 In Transit
08/09/2022	VEN00151-ELECTRICAL UNLIMITED, INC	80222	309.53 In Transit
08/09/2022	VEN00200-HDR ENGINEERING, INC	80226	18,015.31 In Transit
08/09/2022	VEN00291-KENNEWICK RANCH AND HOME	80230	59.72 In Transit
08/09/2022	VEN00390-TIRE FACTORY	80240	90.45 In Transit
08/09/2022	VEN00363-STONEWAY ELECTRIC SUPPLY INC	80237	469.80 In Transit
08/09/2022	VEN00491-LOWE'S CREDIT/SYNCHRONY FINANCIAL	80232	204.38 In Transit
08/09/2022	VEN00587-DITCHSTOCK	80221	2,360.00 In Transit
08/09/2022	VEN00369-SUNWEST SPORTSWEAR	80238	338.12 In Transit
08/09/2022	VEN00089-CITY OF RICHLAND	80216	21,937.03 In Transit
08/09/2022	VEN00278-GERALD G. OLSON	80224	2,100.00 In Transit
08/09/2022	VEN00279-KATHRYN S. OLSON	80228	2,910.40 In Transit
08/09/2022	VEN00077-COLUMBIA BASIN IT	80217	1,210.45 In Transit
08/09/2022	VEN00044-BENTON PUD	80214	2,600.59 In Transit
08/09/2022	VEN00449-ZIPPLY FIBER	80247	783.01 In Transit
08/09/2022	VEN00113-CROWN PAPER & JANITORIAL INC.	80219	1,255.06 In Transit
08/09/2022	VEN00071-CITY OF PROSSER	80215	5,846.25 In Transit
08/09/2022	VEN00015-AIREFCO, INC.	80213	2,567.49 In Transit
08/09/2022	VEN00009-GEO WAY ACE HARDWARE	80223	82.58 In Transit
08/09/2022	VEN00583-ADVANCE SIGNAL & CONTRACTING LLC	80212	4,680.79 In Transit
08/09/2022	VEN00585-LENNOX INDUSTRIES INC.	80231	1,552.98 In Transit
08/09/2022	VEN00105-CONNELL OIL, INC	80218	4,520.54 In Transit
08/09/2022	VEN00540-GLACIER SUPPLY GROUP, LLC	80225	1,277.32 In Transit
08/09/2022	VEN00258-MOON SECURITY SERVICES, INC	80234	6,037.40 In Transit
08/12/2022	VEN00268-NATIONWIDE RETIREMENT SOLUTION	NW08052022	2,481.94 In Transit
08/15/2022	10015-Billetdeaux, David	080290	122.77 In Transit
08/15/2022	VEN00069-BRUTZMAN'S INC	080295	15.21 In Transit
08/15/2022	VEN00464-ROCKABILLY ROASTING CO.	080316	142.50 In Transit
08/15/2022	VEN00560-TRI-CITIES HISPANIC CHAMBER OF COM-MERCE	080321	225.00 In Transit
08/15/2022	VEN00202-HERC RENTALS INC.	080306	1,869.65 In Transit
08/15/2022	VEN00166-FERGUSON ENTERPRISES, INC.	080303	7.73 In Transit
08/15/2022	VEN00242-LIBERTY LAWN & SAW	080311	295.94 In Transit
08/15/2022	VEN00231-KENNEWICK INDUSTRIAL & ELECTRICAL SUP-PLY	080310	462.69 In Transit
08/15/2022	VEN00365-STRATTON SURVEYING & MAPPING	080319	420.00 In Transit
08/15/2022	VEN00410-USDA APHIS	080324	1,323.86 In Transit
08/15/2022	VEN00334-SANITARY DISPOSAL, INC.	080317	1,454.40 In Transit
08/15/2022	VEN00093-CLAYTON-WARD CO.,	080300	55.00 In Transit
08/15/2022	VEN00071-CITY OF PROSSER	080299	56.04 In Transit
08/15/2022	VEN00380-MCCLATCHY COMPANY	080312	91.43 In Transit
08/15/2022	VEN00297-PERSONAL TOUCH CLEANING, INC.	080314	17,983.31 In Transit
08/15/2022	VEN00398-TRI-CITY SIGN & BARRICADE	080322	162.05 In Transit
08/15/2022	VEN00589-NATIONAL RAILWAY SUPPLY LLC	080313	8,700.00 In Transit
08/15/2022	VEN00035-ASSOCIATION OF WASHINGTON BUSINESS	080292	3,000.00 In Transit
08/15/2022	VEN00583-ADVANCE SIGNAL & CONTRACTING LLC	080291	6,204.93 In Transit

## Port of Benton Check Register

Date	Payee	Document No	Amount Cleared
08/15/2022	VEN00161-EXPRESS SERVICES, INC.	080302	2,256.85 In Transit
08/15/2022	VEN00196-HARBOR FREIGHT TOOLS, INC.	080305	39.13 In Transit
08/15/2022	VEN00532-VIC'S AUTO PARTS & SUPPLY	080325	135.86 In Transit
08/15/2022	VEN00385-THE HOME DEPOT CRC/GECF	080320	2,685.63 In Transit
08/15/2022	VEN00359-STEEBER'S LOCK SERVICE, LLC	080318	100.84 In Transit
08/15/2022	VEN00044-BENTON PUD	080293	2,542.85 In Transit
08/15/2022	VEN00449-ZIPLY FIBER	080326	424.88 In Transit
08/15/2022	VEN00053-BENTON RURAL ELEC ASSOCIATION	080294	833.10 In Transit
08/15/2022	VEN00223-JOHNSTONE SUPPLY	080308	375.47 In Transit
08/15/2022	VEN00075-CASCADE NATURAL GAS CORP	080297	84.19 In Transit
08/15/2022	VEN00052-CITY OF BENTON CITY	080298	89.69 In Transit
08/15/2022	VEN00228-KELLER ROHRBACK LLP	080309	9,239.65 In Transit
08/15/2022	VEN00516-BUSINESS RADIO LICENSING	080296	5,824.48 In Transit
08/15/2022	VEN00009-GEO WAY ACE HARDWARE	080304	331.61 In Transit
08/15/2022	VEN00399-TRIDEC, INC.	080323	2,083.33 In Transit
08/15/2022	VEN00077-COLUMBIA BASIN IT	080301	600.00 In Transit
08/15/2022	VEN00222-JOHN DEERE FINANCIAL	080307	4,991.71 In Transit
08/15/2022	VEN00567-PROSSER MEMORIAL HEALTH FOUNDATION	080315	2,500.00 In Transit
08/17/2022	VEN00122-DEPT OF RETIREMENT SYSTEMS	DCP8172022	4,522.94 In Transit
08/19/2022	VEN00215-INTERNAL REVENUE SERVICE	08192022	17,620.70 In Transit
08/23/2022	VEN00516-BUSINESS RADIO LICENSING	Voided - 080296	(5,824.48) In Transit
08/24/2022	10026-Stevens, Lori	080358	588.00 In Transit
08/24/2022	VEN00012-AFLAC	080328	603.11 In Transit
08/24/2022	VEN00291-KENNEWICK RANCH AND HOME	080348	74.89 In Transit
08/24/2022	VEN00358-WASHINGTON STATE AUDITOR'S OFFICE	080355	4,868.00 In Transit
08/24/2022	VEN00006-ABADAN, INC	080327	347.83 In Transit
08/24/2022	VEN00418-VIVA PUBLISHING, LLC	080353	1,000.00 In Transit
08/24/2022	VEN00491-LOWE'S CREDIT/SYNCHRONY FINANCIAL	080350	518.41 In Transit
08/24/2022	VEN00202-HERC RENTALS INC.	080347	1,171.73 In Transit
08/24/2022	VEN00444-WASHINGTON STATE DEPT OF LABOR & INDUSTRIES	080357	348.60 In Transit
08/24/2022	VEN00017-ALA CART GOLF CARTS, LLC	080329	2,369.82 In Transit
08/24/2022	VEN00161-EXPRESS SERVICES, INC.	080341	2,215.96 In Transit
08/24/2022	VEN00113-CROWN PAPER & JANITORIAL INC.	080339	326.15 In Transit
08/24/2022	VEN00044-BENTON PUD	080331	81.96 In Transit
08/24/2022	VEN00059-BENTON-FRANKLIN HEALTH DEPT	080332	25.00 In Transit
08/24/2022	VEN00162-FARMERS EXCHANGE	080342	356.51 In Transit
08/24/2022	VEN00009-GEO WAY ACE HARDWARE	080344	149.65 In Transit
08/24/2022	VEN00440-WASHINGTON PUBLIC PORTS ASSOCIATION	080354	1,215.00 In Transit
08/24/2022	VEN00321-CI INFORMATION MANAGEMENT	080336	46.43 In Transit
08/24/2022	VEN00083-CENTURYLINK	080335	108.58 In Transit
08/24/2022	VEN00469-CENTURY WEST ENGINEERING CORP	080334	4,447.25 In Transit
08/24/2022	VEN00038-BANNER BANK - Credit Card	080330	11,651.59 In Transit
08/24/2022	VEN00540-GLACIER SUPPLY GROUP, LLC	080345	62.85 In Transit
08/24/2022	VEN00180-GENSCO, INC	080343	832.86 In Transit
08/24/2022	VEN00201-HEALTH CARE AUTHORITY	080346	34,277.77 In Transit
08/24/2022	VEN00411-VALLEY PIPE CO.	080351	104.68 In Transit
08/24/2022	VEN00444-WASHINGTON STATE DEPT OF LABOR & INDUSTRIES	080356	52.50 In Transit
08/24/2022	VEN00510-LIFESECURE INSURANCE COMPANY	080349	928.75 In Transit
08/24/2022	VEN00570-VITAL RECORDS CONTROL	080352	219.47 In Transit
08/24/2022	VEN00105-CONNELL OIL, INC	080338	2,454.44 In Transit
08/24/2022	VEN00077-COLUMBIA BASIN IT	080337	2,780.32 In Transit
08/24/2022	VEN00151-ELECTRICAL UNLIMITED, INC	080340	528.99 In Transit
08/24/2022	VEN00516-BUSINESS RADIO LICENSING	080333	110.00 In Transit
08/26/2022	VEN00239-WASHINTGON STATE DEPT OF REVENUE	B&O07-2022	5,411.59 In Transit
08/29/2022	VEN00122-DEPT OF RETIREMENT SYSTEMS	PERS072022	23,211.52 In Transit
08/31/2022	VEN00122-DEPT OF RETIREMENT SYSTEMS	DCP8192022	4,518.60 In Transit
08/31/2022	VEN00268-NATIONWIDE RETIREMENT SOLUTION	NW08192022	2,481.94 In Transit
08/31/2022	10006-Howard, Diahann	080359	224.97 In Transit
08/31/2022	VEN00510-LIFESECURE INSURANCE COMPANY	080381	928.75 In Transit
08/31/2022	VEN00231-KENNEWICK INDUSTRIAL & ELECTRICAL SUPPLY	080379	87.64 In Transit
08/31/2022	VEN00305-POCKETINET COMMUNICATIONS, INC.	080385	240.00 In Transit
08/31/2022	VEN00119-DAY WIRELESS SYSTEMS	080368	369.40 In Transit
08/31/2022	VEN00175-FRONTIER FENCE, INC.	080374	167.55 In Transit
08/31/2022	VEN00590-AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES	080361	825.00 In Transit
08/31/2022	VEN00164-FASTENAL COMPANY	080373	338.20 In Transit
08/31/2022	VEN00136-DIGITAL IMAGE TRI-CITIES, INC.	080369	217.40 In Transit
08/31/2022	VEN00258-MOON SECURITY SERVICES, INC	080382	1,342.62 In Transit

## Port of Benton Check Register

Date	Payee	Document No	Amount Cleared
08/31/2022	VEN00397--TRI-CITIES BATTERY & TIRE PROS	080391	182.08 In Transit
08/31/2022	VEN00492--INLAND ASPHALT COMPANY	080378	36,164.47 In Transit
08/31/2022	VEN00390--TIRE FACTORY	080389	121.61 In Transit
08/31/2022	VEN00261--MP CONSTRUCTION, INC.	080384	3,750.15 In Transit
08/31/2022	VEN00233--KONE INC.	080380	7,763.35 In Transit
08/31/2022	VEN00501--MOUNTS LOCK AND KEY, INC.	080383	946.34 In Transit
08/31/2022	VEN00359--STEEBER'S LOCK SERVICE, LLC	080387	717.42 In Transit
08/31/2022	VEN00419--GRAINGER	080376	182.74 In Transit
08/31/2022	VEN00394--TREASURE VALLEY COFFEE	080390	78.97 In Transit
08/31/2022	VEN00161--EXPRESS SERVICES, INC.	080371	3,139.79 In Transit
08/31/2022	VEN00591--ENERGY COMMUNITES ALLIANCE, INC.	080370	950.00 In Transit
08/31/2022	VEN00532--VIC'S AUTO PARTS & SUPPLY	080394	44.41 In Transit
08/31/2022	VEN00376--TRI-CITY REGIONAL CHAMBER	080393	240.00 In Transit
08/31/2022	VEN00075--CASCADE NATURAL GAS CORP	080364	134.06 In Transit
08/31/2022	VEN00060--BENTON FRANKLIN POWER VAC INC.	080362	5,802.41 In Transit
08/31/2022	VEN00342--SHANNON & WILSON, INC.	080386	11,500.20 In Transit
08/31/2022	VEN00588--IC CONSULTING CORPORATION	080377	8,595.00 In Transit
08/31/2022	VEN00346--THE SHERWIN-WILLIAMS CO.	080388	66.36 In Transit
08/31/2022	VEN00162--FARMERS EXCHANGE	080372	130.41 In Transit
08/31/2022	VEN00083--CENTURYLINK	080366	105.54 In Transit
08/31/2022	VEN00009--GEO WAY ACE HARDWARE	080375	120.39 In Transit
08/31/2022	VEN00015--AIREFCO, INC.	080360	818.61 In Transit
08/31/2022	VEN00516--BUSINESS RADIO LICENSING	080363	110.00 In Transit
08/31/2022	VEN00234--CITY OF RICHLAND LANDFILL	080367	100.00 In Transit
08/31/2022	VEN00444--WASHINGTON STATE DEPT OF LABOR & INDUSTRIES	080395	285.40 In Transit
08/31/2022	VEN00469--CENTURY WEST ENGINEERING CORP	080365	958.00 In Transit
08/31/2022	VEN00377--TRI-CITY AREA JOURNAL OF BUSINESS	080392	970.00 In Transit
	<b>Total for BCT MAIN</b>		<b>603,092.51</b>

**Port of Benton, Benton County, Washington  
Voucher Certification and Approval  
for the Month of August 2022**

**Project Fund**

Accounts Payable Warrants #	900022	-	900023	\$	259,755.75
Electronic Payments				\$	-
Total Project Fund Expenses				\$	<u>259,755.75</u>
Total Project Fund Expenses				\$	<u><u>259,755.75</u></u>

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the Port of Benton and that I am authorized to authenticate and certify to said claim.

Attest:



Director of Finance/Port Auditor

We, the undersigned Commissioners of the Port of Benton, Benton County, Washington, do hereby certify the following vouchers/warrants have been certified and approved for payment, this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_

President

\_\_\_\_\_

Vice President

\_\_\_\_\_

Secretary

# Port of Benton Check Register

Date	Payee	Document No	Amount Cleared
	<b>Bank: BCT PROJECT - KeyBank National Association</b>	<b>Account No: 6601401</b>	
08/02/2022	VEN00578--BOOTH AND SONS CONSTRUCTION INC	900024	134,162.00 In Transit
08/09/2022	VEN00326--RGW ENTERPRISES P.C. INC	900025	3,000.00 In Transit
08/09/2022	VEN00342--SHANNON & WILSON, INC.	900026	7,000.00 In Transit
08/15/2022	VEN00151--ELECTRICAL UNLIMITED, INC	900027	374.56 In Transit
08/24/2022	VEN00519--ARCHITECTS WEST, INC.	900028	5,116.44 In Transit
08/31/2022	VEN00578--BOOTH AND SONS CONSTRUCTION INC	900029	108,366.50 In Transit
08/31/2022	VEN00211--INTERMOUNTAIN MATERIALS TESTING	900030	1,736.25 In Transit
	<b>Total for BCT PROJECT</b>		<b><u>259,755.75</u></b>

**RESOLUTION 22-27**  
**A RESOLUTION OF THE PORT OF BENTON, WASHINGTON**  
**TO CANCEL A WARRANT**

**WHEREAS**, General Expense Fund Warrant Nos. 080176-080250 in the amount of zero dollars which were not issued, the warrants have been deemed to be printed in error, and

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

**NOW THEREFORE**, the Port Commission hereby resolves to cancel Warrant Nos. 080176-080250.

**DATED AND SIGNED** at Richland, Washington on this 14<sup>th</sup> day of September 2022.

---

**Christy L. Rasmussen, President**

---

**Roy D. Keck, Vice President**

---

**Lori Stevens, Secretary**



**RESOLUTION 22-28**  
**A RESOLUTION OF THE PORT OF BENTON, WASHINGTON**  
**TO CANCEL A WARRANT**

**WHEREAS**, General Expense Fund Warrant No. 080296 in the amount of \$5,824.48 which was issued to Business Radio Licensing, the warrant has been deemed to be issued with errors, and

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

**NOW THEREFORE**, the Port Commission hereby resolves to cancel Warrant No. 080296.

**DATED AND SIGNED** at Richland, Washington on this 14<sup>th</sup> day of September 2022.

---

**Christy L. Rasmussen, President**

---

**Roy D. Keck, Vice President**

---

**Lori Stevens, Secretary**



**RESOLUTION 22-29**

**A RESOLUTION OF THE PORT COMMISSION OF THE PORT OF BENTON,  
WASHINGTON, AMENDING SIGNERS FOR BANNER BANK**

**WHEREAS**, the Port of Benton is a municipal corporation, organized and existing under the laws of the State of Washington, RCW 53.04.010; and

**WHEREAS**, the Port Commission has previously determined it would be in the best interest of the Port to appoint the Finance Director Danielle Connor as the Port Auditor; and

**WHEREAS**, the Port Commission previously appointed former interim Port Auditor Karen Schmidt as a signer for the Port's Banner Bank accounts; and,

**WHEREAS**, the current Port Auditor needs signer access to the Port's Banner Bank account to properly manage and conduct Port finances,

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE PORT OF BENTON, AS FOLLOWS:

1. Karen Schmidt shall be removed as a signer on the Port's Banner Bank accounts.
2. Danielle Connor shall be added to the Port's Banner Bank accounts, to join current signers David Billetdeaux and Diahann Howard.

**DATED AND SIGNED** at Prosser, Washington by the Port Commission of the Port of Benton at a regular commission meeting held this 14<sup>th</sup> day of September, 2022.

---

Christy L. Rasmussen, President

---

Roy D. Keck, Vice President

---

Lori Stevens, Secretary

**RESOLUTION 22-30**  
**A RESOLUTION OF THE PORT OF BENTON,**  
**DECLARING PERSONAL PROPERTY SURPLUS**

**WHEREAS**, the Port of Benton adopted a Policy for the sale and distribution of surplus personal property under Resolution No. 20-36 and in accordance with RCW 53.08.090; and

**WHEREAS**, the Executive Director may authorize a donation of surplus property when the cost of disposition of the property is equal to or exceeds the current fair market value of the property, to a specific bona fide charitable organization which is tax exempt pursuant to Internal Revenue Code Sec. 501(c)(3); and

**WHEREAS**, the Executive Director may declare personal property that is of no current or future public use to the Port with an individual item value of less than \$500.00 as scrap. Personal property declared scrap may be disposed of as prescribed by the Executive Director or sold by private sale at prices established by current market conditions; and

**WHEREAS**, approximately 125 lights and 20 signs have been declared scrap by the Executive Director after being removed from the Richland Airport as part of the recent Richland Airport Electrical Replacement project

**WHEREAS**, these items have no value to the Port, but could be donated to a local 501(c)(3) organization;

**BE IT HEREBY RESOLVED**, to motion approval of Resolution 22-30 authorizing the Port's Executive Director to declare the airport lights and signs as scrap, identify a local 501(c)(3) organization that desires the lights and signs, and donate them accordingly.

**ADOPTED BY THE PORT OF BENTON COMMISSION** this 14<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Christy L. Rasmussen, President

\_\_\_\_\_  
Roy D. Keck, Vice President

\_\_\_\_\_  
Lori Stevens, Secretary

**RESOLUTION 22-31**  
**A RESOLUTION OF THE PORT OF BENTON,**  
**AUTHORIZING A SALE OF REAL PROPERTY**

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

**WHEREAS**, Luis Ruiz and Gabriela Razo (9<sup>th</sup> Street Studio LLC) desired to purchase the leasehold improvements and vacant lots located at 721 and 723 Ninth Street, as a small business owner, providing much needed economic stability and job retention within the community; and

**WHEREAS**, Luis Ruiz, Gabriela Razo, DBA 9<sup>th</sup> Street Studio LLC (Purchaser) offered to purchase real property from the Port of Benton (Seller), consisting of combined 0.546 acres, a commercial building and vacant lot located at 721-723 9<sup>th</sup> Street within Benton City's commercial corridor as for the sum of \$100,000 (US dollars).

**WHEREAS**, the Port Commission authorized that sale under Resolution No. 21-14. However, the sale did not take place due in part to COVID-19 lending issues, and subsequently the Port Commission authorized the sale of 723 Ninth Street to Gregory J and Sharon Frichette under Resolution 21-55.

**WHEREAS**, Purchasers now offer to purchase real property from the Port of Benton, consisting of a combined .0286 acres, a commercial building and lot located at 721 9<sup>th</sup> Street within Benton City's commercial corridor as legally described on Exhibit "1" for the sum of \$80,000 (US dollars).

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

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

**BE IT HEREBY RESOLVED**, to motion approval of Resolution 22-31 authorizing the Port's Executive Director to execute all necessary documents related to the sale of real property to LUIS RUIZ, GABRIELA RAZO, 9<sup>TH</sup> STREET STUDIO LLC in the sum of \$80,000.00 in accordance with the statutes governing sales of real estate in a port district.

**ADOPTED BY THE PORT OF BENTON COMMISSION** this 14<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Christy L. Rasmussen, President

\_\_\_\_\_  
Roy D. Keck, Vice President

\_\_\_\_\_  
Lori Stevens, Secretary

**EXHIBIT 1  
TO RESOLUTION 22-31**

**AUTHORIZING A SALE OF REAL PROPERTY**

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

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

REAL PROPERTY AND IMPROVEMENTS.

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

**RESOLUTION 22-32**  
**A RESOLUTION OF THE PORT OF BENTON**  
**AUTHORIZING A LEASE MODIFICATION (5+ Years)**  
**And EXPENDITURE OF FUNDS FOR IMPROVEMENTS**

**WHEREAS**, the port and Hanford Mission Integration Solutions LLC (formerly Mission Support Alliance LLC) entered into a lease dated March 11, 2011 for leasable space located at 2345-2355-2377 Stevens Drive, and:

**WHEREAS**, Hanford Mission Integration Solutions LLC (HMiS) desired to modify the current lease and subsequent modifications to occupy additional office and warehouse space due to COVID-19 pandemic work force needs.

**WHEREAS**, the parties agreed to a extension of the current lease through December 31, 2025, with a fiscal impact in aggregate of **\$1,356,775.58** including leasehold excise tax and utility fees for said current and expansion area; and

**WHEREAS**, HMiS expansion requires improvements to ready for occupancy on the ground floor warehouse (99,941 square feet) and second level offices (23,990 square feet) adding to cumulative occupancy area of 289,771 square feet; and

**WHEREAS**, a lease modification has been approved by HMiS, a fixed cost reimbursement in aggregate of **\$239,019.38**, consisting of: \$146,734.45 (warehouse improvements, including sales tax and fees) and \$92,285.53 (2<sup>nd</sup> level office improvements, including sales tax and fees) to ready for occupancy;

**WHEREAS**, a lease modification effective October 1, 2022, approved by Department of Energy and HMiS, dated August 22, 2022 has been received and upon substantial completion of project(s), port will pass thru billable costs approved through full service lease/modification;

**NOW THEREFORE BE IT RESOLVED** that the Port of Benton Commission does hereby authorize the Executive Director to sign and execute all necessary documents in the sum of \$239,109.38 on behalf of the Port of Benton to complete this lease transaction as specified above.

**ADOPTED** by the Port of Benton Board of Commissioners on September 14, 2022.

---

Christy L. Rasmussen, President

---

Roy D. Keck, Vice President

---

Lori Stevens, Secretary

# **PORT OF BENTON PERSONNEL POLICY AND PROCEDURES**

---

## **STATEMENT OF GENERAL POLICY**

NO POLICY OR PROVISION IN THIS HANDBOOK IS INTENDED TO CREATE A CONTRACT BINDING THE EMPLOYEE OR THE EMPLOYER TO AN AGREEMENT OF EMPLOYMENT FOR A SPECIFIC PERIOD. A WORKER'S EMPLOYMENT CAN BE TERMINATED BY EITHER THE EMPLOYEE OR THE EMPLOYER AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT NOTICE. NO REPRESENTATIVE OR AGENT OF THE EMPLOYER, OTHER THAN THE EXECUTIVE DIRECTOR CAN AUTHORIZE OR SIGN AN EMPLOYMENT AGREEMENT CONTRARY TO THE ABOVE TERMS OR OTHERWISE MAKE ANY BINDING OFFER OF EMPLOYMENT FOR A SPECIFIC TERM.

THE POLICIES AND PROCEDURES IN THIS HANDBOOK ARE DESIGNED TO SERVE AS GUIDELINES FOR MANAGEMENT ACTION. THEY ARE NOT INTENDED TO CREATE ANY CONTRACT OR BINDING AGREEMENT BETWEEN THE EMPLOYER AND ANY EMPLOYEE. ALL POLICIES AND PROCEDURES OUTLINED IN THIS HANDBOOK ARE SUBJECT TO CHANGE OR MODIFICATION AT THE EMPLOYER'S DISCRETION AT ANY TIME THAT CIRCUMSTANCES WARRANT.

THIS HANDBOOK IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. NO PROVISION OR PORTION OF THE HANDBOOK CONSTITUTES ANY IMPLIED OR EXPRESSED CONTRACT, GUARANTEE, OR ASSURANCE OF EMPLOYMENT OR ANY RIGHT TO AN EMPLOYMENT-RELATED BENEFIT OR PROCEDURE. EMPLOYER RESERVES THE RIGHT TO CHANGE, MODIFY, ELIMINATE, OR DEVIATE FROM ANY POLICY OR PROCEDURE IN THIS HANDBOOK AT ANY TIME AND TO HIRE, TRANSFER, PROMOTE, DISCIPLINE, TERMINATE, AND OTHERWISE MANAGE ITS EMPLOYEES AS IT DEEMS APPROPRIATE. IF YOU HAVE QUESTIONS CONCERNING THESE GUIDELINES, PLEASE CONSULT WITH YOUR SUPERVISOR, THE EXECUTIVE DIRECTOR OR THE ASSISTANT EXECUTIVE DIRECTOR.

THE PORT OF BENTON IS AN EQUAL OPPORTUNITY EMPLOYER. IT IS THE POLICY OF THE PORT OF BENTON NOT TO DISCRIMINATE AGAINST ANY PERSON BASED ON AGE, SEX, GENDER IDENTITY, RACE, CREED, COLOR, RELIGION, NATIONAL ORIGIN, CITIZENSHIP STATUS, MARITAL STATUS, SEXUAL ORIENTATION, THE PRESENCE OF A PHYSICAL, SENSORY OR MENTAL DISABILITY, STATUS AS A REGISTERED DOMESTIC PARTNER, HONORABLY DISCHARGED VETERAN OR MILITARY STATUS, OR THE USE OF A TRAINED DOG GUIDE OR SERVICE ANIMAL BY A PERSON WITH A DISABILITY. THE PORT OF BENTON WILL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS, RULES AND REGULATIONS GOVERNING THE EMPLOYMENT RELATIONSHIP. NO EMPLOYEE OR OTHER PERSON ACTING FOR THE PORT SHALL HAVE THE AUTHORITY TO WAIVE COMPLIANCE WITH ANY

SUCH LAW OR RULE, OR TO OBLIGATE THE PORT TO WITH RESPECT TO AN ACT IN VIOLATION THEREOF.

**RULE I - DEFINITIONS:** The following terms, whenever used in these Rules, shall be construed as follows:

1. Appoint: The act of the Commission or the Executive Director in assigning an applicant (for employment) to a position.
2. Employee: A person receiving a wage from the Port of Benton for services performed under its supervision. The Commissioners, the Executive Director and leased or loaned employees obtained on a contract basis from others, whether or not such persons are "employees" under any statute, rule or regulation, are not included in this definition and this procedure does not apply to them, except as expressly provided herein.
3. Grievance: A request by a regular full-time or part-time employee for resolution of a work related complaint or dispute. The term does not include complaints or disputes arising from the discharge of an employee for any reason.
4. Position: A job description which has a title and specified wage or salary range.
5. Regular full-time employee: An employee who works in a position on a regularly scheduled shift of forty (40) hours per workweek.
6. Regular part-time employee: An employee who works in a position on a regularly scheduled shift of not less than fifteen (15) nor more than thirty-seven and one-half (37-1/2) hours per workweek.
7. Temporary employee: Any seasonal, limited term (notwithstanding "project" or funding term limitations) or emergency employee.
8. Vacancy: An authorized position which is not occupied and for which funds are available.
9. Workweek: A period of 168 consecutive hours beginning at 6:00 a.m. on Monday and ending at 6:00 a.m. the following Monday.
10. Workday: A period of consecutive hours which the employee is regularly scheduled to work during a period beginning at 12:00 a.m. on any day and ending at 12:00 a.m. of the following day.

## **RULE II— ATTENDANCE, LEAVE, AND HOLIDAYS**

1. Attendance: An employee must be in attendance during regularly scheduled work

hours, unless he or she is absent on approved leave. All employees are required to submit to the Auditor or his/her deputy a signed time sheet reflecting the actual hours worked. It is presumed by the Port that the time sheets submitted by the employee are accurate. The Port will maintain records showing the hours actually worked by each employee in each workweek. Such records will be retained for a period of not less than three years.

2. Hours of work: Regular full time employees shall work 40 hours per week. The standard work day shall be from 7:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to Noon on Friday for the administrative staff and from 6:30 a.m. to 4:00 p.m. Monday through Thursday and 6:30 a.m. to 10:30 a.m. for the maintenance staff. The Port may arrange with the employee a flexible schedule for his/her standard work day so long as the needs of the Port are met. If an employee knows that he or she will be late for work or absent, it is the employee's responsibility to contact his or her supervisor as soon as possible to enable the necessary arrangements to be made to continue the employee's functions. Regular employees who are designated by the Executive Director as exempt employees" may, with the permission of the Executive Director, vary and adapt their hours of work as required by the nature of their duties. The employee will be allowed to take a one (1) hour period after working four consecutive hours for a lunch break. This lunch break will not be compensated by the Port.
3. Absence: Absence from scheduled work without authorized leave or notice to the appropriate supervisor is not permitted. An employee who thus absents himself for two consecutive working days shall be deemed to have resigned from the Port service, unless excused by the Executive Director. If an employee must leave his place of duty during the regularly scheduled workday, he must notify his immediate supervisor or his designee prior to leaving. Any such absence shall be charged to available leave.
4. Rest Breaks: Rest breaks must be arranged so as not to interfere with Port business. Employees are entitled to one 15-minute rest break at least once during each consecutive four (4) hours of work. Rest breaks in excess of 15 minutes are authorized only when Port business is conducted coincident with the break.
5. Leave of Absence (without pay): A regular Port employee may request a leave of absence without pay. The disposition of such a request shall be obtained by the employee prior to the beginning of a leave period.
6. Paid Time Off Bank: The purpose of Paid Time Off (PTO) is to provide employees with flexible paid time off from work that can be used for such needs as vacation, personal or family illness, doctor appointments, school, volunteerism, and other activities of the employee's choice. The Port's goal is to reduce unscheduled absences and the need for supervisory oversight.

The PTO days an employee will accrue, **effective January 1, 2018** replace all existing vacation, sick time, and personal business days that had been allotted under prior policies. Time that is not covered by the PTO policy, and for which separate guidelines and



policies exist, include company paid holidays, bereavement time off, required jury duty, FMLA, and military service leave.

The vacation time an employee accrued in the past will carry over, in excess of the PTO policy, at the time this PTO policy is made effective.

#### Guidelines for PTO Use

Each full-time employee will accrue PTO based on their length of service as defined below. PTO is prorated based on the number of hours worked on an employee's regular schedule. PTO taken will be subtracted from the employee's accrued time bank in half-hour increments. Temporary employees, contract employees, and interns are not eligible to accrue PTO.

Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO for each pay period. PTO is not earned in pay periods during which unpaid leave, short or long term disability leave or workers' compensation leave are taken.

To take PTO requires verbal notice to the employee's supervisor two days beforehand, unless the PTO is used for legitimate, unexpected illness or emergencies. The employee shall also place their planned absence on the staff calendar. In all instances, PTO must be approved by the employee's supervisor in advance. The Port appreciates as much notice as possible when an employee expects to miss work for a scheduled absence. PTO in excess of seven (7) days requires approval of the Executive Director (Use the Paid Time Off form, **Attachment D**, to request PTO in excess of seven days).

#### Paid Time Off (PTO) Exceptions

- Employees who miss more than five consecutive unscheduled days may be required to present to the Executive Director a doctor's release that permits them to return to work.
- PTO taken in excess of the PTO accrued can result in disciplinary action up to and including employment termination. This time off will be unpaid.
- Under the company's Family and Medical Leave Act (FMLA) policy, all accrued PTO time is taken before the start of the unpaid FMLA time.
- Per state law, employees may utilize their allowances of leave when the employee's work or the employee's child's school or place of care has been closed by order of a public official for any health-related reason. An employee may also use leave for absences that qualify for leave under the state's Domestic Violence Leave Act, RCW 49.76.
- As a condition of taking leave for any purpose described in RCW [49.76.030](#), an employee shall give an employer advance notice of the employee's intention to take leave. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, the employee or his or her designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

- The Executive Director may grant exceptions to this policy.

Specific Eligibility for Paid Time Off : PTO is earned on the following schedule based on a 40 hour work week. PTO is prorated based on the number of hours worked on an employee's regular schedule.

The PTO Accrual Schedule is as follows:

Completed Years of Service	PTO Days Per Year (8hr/day)
01	24
02, 03, 04	28
05, 06, 07	32
08, 09, 10	34
11, 12, 13	36
14, 15, 16	38
17, 18, 19, 20	40
21, 22, 23, 24, 25	42
26+	44

Each employee may carry 120 days or 960 hours of accrued PTO over into a new calendar year. Employees are responsible for monitoring and taking their PTO over the course of a year so that they do not lose time accrued when the current calendar year ends (PTO is subject to supervisory approval).

Upon separation from Port service, a maximum of thirty (30) days or 240 hours at the employee's current salary rate, along with a maximum of sixty (60) days or 480 hours at 50% of the employee's current salary rate, as well as a maximum of thirty 30 days or 240 hours at 25% of the employee's current salary rate, will be paid to the employee. Employees with fewer than 240 hours of accrued PTO at time of separation will only be able to cash out their total accrued PTO, i.e., employees are not guaranteed 240 hours of PTO upon separation.

Employees shall have the option to cash out their accrued PTO and receive monetary compensation up to a maximum of eighty (80) PTO hours in a calendar year. Written requests must be given to the Executive Director before December 15<sup>th</sup> of the current year. No more than four PTO cash out requests shall be permitted per year. In accordance with RCW 41.50.150, vacation cash out may not be reportable for retirement purposes. Buy-back requests shall be made in increments of (20), (40), (60), and (80) hour blocks. No buy-back will be allowed if the remaining accrued PTO of the employee would be less than (80) hours after the buy-back is complete.

7. Illnesses and Medical Records: Illnesses were previously covered by “sick leave” but are now rolled into the PTO Bank policy. For illnesses that last longer than seven (7) days, the Executive Director may require certification of the attending physician to substantiate that an illness or injury prevents the employee from working. "Immediate family" for the purposes of this section is: husband, wife, registered domestic partner, father, mother, son, daughter, sister, brother, grandparent, mother-in-law or father-in-law.

Upon application of an employee, time off without pay up to 90 calendar days may be granted by the Executive Director for the remaining period of disability after earned PTO has been exhausted. In the event such leave exceeds 90 calendar days, an extension must be approved by the Board of Commissioners. The Executive Director may require that the employee submit a certificate of disability from the attending physician.

Employees injured in the course of their work duties may file an application for worker's compensation in accordance with state law for a period of absence from work due to a compensable work-related injury or disease. An employee so reimbursed may elect to receive time loss compensation from the Department of Labor and Industries rather than utilize any available PTO. Should the employee elect to receive both time loss compensation and PTO, PTO may be used only to the following extent:

The total number of hours which would have been charged to PTO, minus number of hours of regular salary for which payment was made by workmen's compensation fund.

Example: An employee is absent for one eight-hour day, and normally earns \$10 per hour (\$80 per day). Employee receives \$60 time loss compensation (equal to six hours sick leave at \$10/hour); employee may then use two hours of PTO (at \$10/hour) for a total of \$80.

Should any employee apply for time loss compensation and the claim is then or later denied, PTO hours may be used for the absence. Until eligibility for worker's compensation is determined by the Department of Labor and Industries the Port may pay full PTO, provided that upon receipt by the employee of worker's compensation, the employee shall return to the Port the portion of PTO pay which was reimbursed by the Department of Labor and Industries.

If the employee elects to receive short-term disability through the Port's medical insurance carrier, he or she is not eligible for time loss compensation for any period during which the employee receives short-term disability. In such a situation, short-term disability benefits will be treated in the same manner as time loss compensation.

An employee shall be entitled to use accumulated PTO to care for a child of the employee under the age of eighteen with a health condition that requires medical treatment or supervision.

Paid holidays occurring during an authorized PTO shall not be counted as a day of

PTO.

8. Family Leave Policy: Employees with at least one year of service who have worked at least 1,250 hours in the past year can request up to 12 weeks of job-protected leave:

- For the birth and to care for a newborn child;
- For the placement of a child or adoption or foster care;
- To care for a parent, spouse, or child who have serious health conditions;
- Because of employees' own serious health conditions that prevent them from performing their job duties; or
- Because employees' circumstances (as defined by the Federal Department of Labor) qualify for leave due to a spouse, child, or parent being called up for or on active duty in the Armed Forces during a war or national emergency declared by the President or Congress.

Employees with at least one year of service who have worked at least 1,250 hours in the past year can request up to 26 weeks of job-protected leave for servicemember family leave to care for a servicemember who is a spouse, child, parent, or next of kin and becomes seriously ill or injured while serving on active duty in the Armed Forces. Employees can use accumulated PTO during their family leave. Otherwise, leave is unpaid, and employees must arrange to continue their health plan coverage during their absence. For serious health conditions, employees must provide a physician's verification of the medical need for leave. On return from family leave, employees are placed in their former or comparable jobs. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,

- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Medical Certification: The leave required due to the serious health condition of the employee or the employee's immediate family member must be supported by a certification issued by a health care provider. **See Attachment C.** The Port will allow the employee at least 15 calendar days to obtain the medical certification. The Port may, at its own expense, require the employee to obtain a second medical certification from a health care provider. The Port may choose the health care provider. If the opinions of the employee's and the Port's designated health care providers differ, the Port may require the employee to obtain certification from a third health care provider, again at the Port's expense. This third opinion shall be final and binding. The third health care provider must be approved jointly by the Port and the employee.

Family and Medical Leave Policy: The Port is covered by the Federal Family and Medical Leave Act and has adopted this policy to administer the FMLA for Port eligible employees.

Employee Eligibility: To be eligible for FMLA leave, employees must have worked for the Port for 12 months and have worked at least 1,250 hours in the 12 months prior to taking FMLA leave.

Reasons for and Amount of FMLA Leave: Eligible employees can take up to 12 weeks of FMLA leave in a 12-month period because:

- Of the birth and to care for their newborn child;
- Of the placement with them of a child for adoption or foster care;
- They want to care for their spouse, child, or parent who has a serious health condition;
- Their own serious health condition prevents them from performing their job duties; or
- Their spouse, child, or parent is called up for or is on active duty in the Armed Forces and employees' circumstance justify their need to leave. Note: The Department of Labor will issue regulations defining qualifying "exigent" circumstances that support this reason for FMLA leave. Until the regulations are issued, employers have discretion to permit this type of leave.

Employees can take FMLA leave for their biological children, adopted children, foster children, stepchildren, legal wards, or children from whom employees have day-to-day and financial responsibility. Children must be under age 18, or over 18 and incapable of self-care because of a physical or mental disability.

The Port designates the calendar year, January 1 to December 31, as the 12-month period in which employees can take FMLA leave.

Servicemember Family Leave: Eligible employees can take up to 26 weeks of FMLA leave in a single 12-month period because their spouse, child, parent, or next to kin (nearest blood relative) is seriously ill or injured as a result of serving on active duty in the Armed Forces.

Married Co-Workers: If two spouses both work for the Port, they are limited to a combined total of 12 weeks of FMLA leave because of the birth, adoption, or foster care placement of a child, or to care for a parent with a serious health condition. If the spouses have taken less than the full 12 weeks of FMLA leave during the 12-month period, they are each entitled to take the difference between 12 weeks and the amount of FMLA leave they took individually due to their own serious health condition, or to care for a child or spouse with a serious health condition. If two spouses both work for the Port, they are limited to a total of 26 weeks for servicemember family leave and all other FMLA-qualifying reasons in a single 12-month period.

Requesting FMLA Leave: Employees requesting FMLA leave must give 30 days' advance notice to their supervisors. If the need for leave is unforeseeable, such as in the case of medical emergencies, employees must inform their supervisors as soon as they are aware of the need to leave.

Employees will receive a Request for Family and Medical Leave Form to complete and submit to their supervisors. If FMLA leave is taken because of employees' or their family members' serious health condition or for servicemember family leave, employees will receive a Certification of Health Care Provider Form to complete and submit before the leave begins or within 15 days if advance notice is not provided. Employees who request FMLA leave because their spouse, parent, or child is called up for or is on active duty in the Armed Forces will receive an Active Duty Certification Form to complete and submit.

After employees submit all of the required forms, they will be notified in writing whether their request for FMLA leave is approved. During leave, employees must keep their supervisors informed of the estimated duration of leave and their intended date to return from leave.

Scheduling FMLA Leave: FMLA leave can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Intermittent leave is leave taken in separate blocks of time for a single FMLA-qualifying reason. An FMLA reduced leave schedule is a work schedule that reduces employees' usual number of working hours per workday or workweek. Employees will be informed whether they can take intermittent leave or a reduced leave schedule when they apply for FMLA leave.

Pay and Benefits During FMLA Leave: FMLA leave is unpaid. The Port requires employees to substitute all their accrued PTO before FMLA unpaid leave may begin.

FMLA leave taken after employees' accrued vacation, sick, and personal time is exhausted is unpaid. Holidays that occur during FMLA leave will not be paid. Employees will not accrue PTO during FMLA leave.

The Port maintains group health plan benefits for employees on FMLA leave. Employees are required to pay their premium co-payment while they are on FMLA leave and are notified how to make the payments for their share of their group health plan premiums during leave.

Concurrent use of short-term disability and workers' compensation with FMLA leave. Employees on short-term disability or workers' compensation are required to take FMLA leave concurrently. For example, employees who are absent from work for four months due to a workers' compensation injury will have the first 12 weeks of that absence applied to FMLA leave.

Return from Leave: Employees returning from FMLA leave will be reinstated to their former positions or to positions with equivalent pay, benefits, and other employment terms and conditions. Certain "key" employees, who are among the highest paid employees of the Port, might not be reinstated to any position; "key" employees will be notified of their status when they apply for FMLA leave.

Employees returning from FMLA leave retain all benefits they accrued prior to the start of leave. Taking FMLA leave does not count as a break in service for pension or retirement plan purposes.

Maintenance and Disclosure of Records Containing Personal Medical Information: Records containing personal medical information about Port employees, including copies of email, shall not be placed in the regular personnel files of employees or former employees. Records containing personal medical information such as applications for leave for family or personal medical reasons, requests for reasonable accommodation of disabilities, fitness for duty certifications, worker's compensation records, insurance claims and litigation records must be maintained in a record system separate from personnel employment records. Access to such files is restricted to Port employees requiring use of the records in the performance of job duties. Records containing medical information shall not be disclosed without the express written consent of the employee or former employee. Records containing personal medical information may be used by the appropriate Port personnel to process requests for reasonable accommodation of disabilities, determine necessary actions for the health or safety of employees, investigate claims of disability-related discrimination, for group insurance purposes and as required for worker's compensation or litigation purposes.

Employees and former employees have the right to examine files containing medical information about them to the extent provided in RCW 49.12.250. Each file containing personal medical information shall contain a log sheet upon which each person examining the file shall note the date name of the person examining the file, and the date and reason for the examination. Disputes regarding the use or disclosure of records

containing medical information shall be subject to the grievance procedure set forth in these Policies. The Executive Director shall designate an employee as the Privacy Officer. The Privacy Officer shall be responsible for maintaining the files containing personal medical information and for administering this policy.

9. Donation of PTO: The Port has authorized a donated leave program to assist employees that have exhausted all PTO caused by a catastrophic illness or injury. In order for an employee to be eligible for donated time, the following conditions must be met and the proper procedure outlined herein be followed:

Donated leave may be acquired once an employee exhausts all paid PTO by suffering from a catastrophic illness or injury or by providing care to an immediate family member who has suffered from a catastrophic illness or injury.

A "catastrophic illness or injury" means a life-threatening illness or injury of an employee or a member of an employee's immediate family which total incapacitates the employee from work, which is verified by a licensed physician, and forces the employee to exhaust all paid leave earned by that employee, resulting in a loss of compensation from the Port for that employee.

Conditions that are short-term in nature including, but not limited to, common illnesses such as influenza, measles, common injuries, broken bones, strained ligaments, uncomplicated pregnancy, and the like are not catastrophic. Chronic illnesses or injuries such as cancer, major surgery, unresponsive syndromes and the like which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic.

The meaning of "employee" for purposes of this donated leave policy is a person employed by the Port for a minimum of 12 consecutive months prior to requesting donated leave and who has worked a minimum of 1250 hours during the 12 months immediately preceding the date of the request for donated leave and satisfy the requirements set forth in this policy. Donated leave may not be used in lieu of disability retirement.

"Immediate family" is defined for purposes of this policy as a spouse, registered domestic partner, parent, step-parent, child or step-child.

Any employee may donate a portion of his or her accrued PTO in the Port's donated PTO pool. The maximum amount of PTO that an employee can donate to the PTO leave pool may not exceed a number of hours that would leave the donor with fewer than 80 hours of accrued PTO. A leave donor may not revoke the leave donation.

Before an employee may receive donated PTO, he or she submit a request form for donated leave and provide the Auditor with sufficient documentation to recommend approval to the Executive Director. Such documentation, at a minimum, must include a physician statement that states the beginning date of the catastrophic illness or injury, a



prognosis for recovery, and the anticipated date that the employee will be able to return to work, or if the illness or injury requires the use of intermittent leave, the physician's statement must include an adequate description of the intermittent time off needed by the employee.

A leave recipient shall receive no more than 180 days of donated leave and shall not receive any such days on a retroactive basis. While using donated leave, the leave recipient shall accrue PTO and be entitled to retain such leave upon his or her return to work. Any unused donated leave shall be returned to the PTO pool.

All donations shall remain confidential and employees shall refrain from discussing PTO donations or the requests for or use of donated leave.

10. Maternity/Paternity Leave: Female employees will be granted leave for pregnancy, childbirth and related medical conditions on the same terms as those specified in Rule II, Paragraph 8.

Leave may be granted to an employee to care for a newly-born child residing with the employee. Such leave will be granted to male employees on the same terms as those for female employees. The employee may use accumulated PTO or may take unpaid leave.

The duration of leave to care for a newly-born child, whether paid or unpaid, shall not exceed a total of 90 days from the date of birth of such child.

11. Parental Leave: Adoptive and step-parents will be granted leave at the time of birth or initial placement of a child under the age of six and living with them, on the same terms as allowed for biological parents. Such leave will be granted to male employees on the same terms as for female employees.

12. Jury Duty Leave: It is the civic obligation of each Port employee to serve on a jury if he or she is called. While on jury duty or while appearing in response to a subpoena, an employee will receive full pay from the Port but the Port shall deduct there from an amount equal to jury or witness fees actually received by the employee.

13. Military Leave: Workers who have short-term (no longer than 31 days) military reserve training obligations are paid the difference between their military pay and the regular pay rate for their positions. Otherwise, an employee's status and benefits are not affected by short-term military leave.

Employees on military leave for longer periods (normally, up to five years) continue to accrue benefit and seniority rights and are entitled to their former or comparable positions on return from leave. Employees on military leave can elect to purchase up to 24 months' continue coverage for themselves, registered domestic partner, or their family members in employer's health plan.

14. Bereavement Leave: Port employees will be granted up to seven (7) working days with pay for a death in the immediate family, defined as a spouse or registered domestic partner, child, mother, father, sister, brother, grandparent, grandchild, spouse's parent, or step relationship.

15. Holidays: Legal holidays to be observed by the Port are:

- First day of January (New Year's Day)
- Third Monday of January (Martin Luther King Day)
- Third Monday of February (President's Day)
- Last Monday of May (Memorial Day)
- Nineteenth day of June (Juneteenth)
- Fourth day of July (Independence Day)
- First Monday in September (Labor Day)
- Eleventh day of November (Veteran's Day)
- Fourth Thursday in November (Thanksgiving Day)
- The day immediately following Thanksgiving Day
- Twenty-fifth day of December (Christmas Day)

Employees shall also be entitled to one paid holiday ("floater") per calendar year in addition to those specified in this section. Eleven holidays per year maximum are allowable for Ports. The floater holiday will be available in full Jan 1st of each year, it will not be "accrued" or any "prorated accrual" over the course of the year. Any new hires hired during the year will be given the Floater Holiday. The floater holiday will be equal to 8 hours per employee. The floater holiday is not considered PTO and will not be paid out upon termination. The floater holiday will not rollover or carryover at end of the calendar year, it will be use or lose per calendar year. The floater holiday will be available to all employees (full-time, part-time, seasonal, limited term, etc.)

### **RULE III - NONDISCRIMINATION, SEXUAL HARASSMENT, AND SUBSTANCE ABUSE**

1. Nondiscrimination Policy: The Port is committed to providing equal employment opportunity for all persons regardless of age, sex or gender identification, race, creed, color, religion, national origin, citizenship status, marital status, sexual orientation, status as a registered domestic partner, honorably discharged veteran or military status, the presence of a physical, sensory or mental disability, or the use of a trained dog guide or service animal by a person with a disability.

Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

The Port complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of harassment, including, but not limited to, harassment based on: age, sex or gender identification, race, creed, color, religion, national origin, citizenship status, marital status, sexual orientation, status as registered domestic partner, honorably discharged veteran or military status, the presence of a physical, sensory or mental disability, or the use of a trained dog guide or service animal by a person with a disability.

Some examples of conduct that might be considered harassment include ethnic slurs, racist jokes, pornographic e-mail, unwelcome touching, display of offensive pictures, or any other verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The Port considers harassment in all forms to be a serious offense.

Employees who have been subject to prohibited discrimination or harassment should immediately report the incident to their supervisor, the executive director, or the assistant executive director. Complaints are investigated immediately and handled as confidentially as possible. The Port ensures that employees following this complaint procedure are protected against illegal retaliation.

Any reported violations of EEO law or this policy are investigated. Any employee found to have engaged in discriminatory conduct or harassment are subject to immediate disciplinary action, ranging from sensitivity training to possible termination of employment.

2. Sexual Harassment Policy: Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where tolerance of such actions is made a condition of employment, interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

It is illegal and against the Port's policy for any worker of any sex to harass another worker or create a hostile working environment by committing or encouraging:

- physical assaults on another employee, including rape, sexual battery, molestation, or attempts to commit these assaults;
- intentional physical conduct that is sexual in nature, including touching, pinching, patting, or brushing up against another employee's body;
- unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct is unwelcome; and
- posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and are not intended to have a discriminatory employment effect might not be viewed as harassment.

The Port will determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation. The Port does not condone any sexual harassment of its employees. All employees will be subject to severe discipline, up to and including discharge, for any action of sexual harassment they commit. Employees

subject to sexual harassment should immediately report the harassment to their supervisor, the executive director, or the assistant executive director.

Supervisors, managers, and directors who receive a sexual harassment complaint should carefully investigate the matter. Both the complaint and the investigative steps and findings should be thoroughly documented. To the extent possible, confidentiality of all parties involved in a sexual harassment complaint will be maintained and information will be released only to those who need to know.

Employees dissatisfied with the resolution of the investigation of a sexual harassment complaint should utilize the grievance procedure set forth at Rule VI. No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

3. Substance Abuse Policy: See Attachment A. The Port is committed to maintaining a safe, healthy, and efficient working environment. The use, sale, possession, purchase, or transfer of drugs or the use of alcohol in the workplace poses unacceptable risks to safe and efficient operations. This policy prohibiting workplace substance abuse is designed to ensure employee safety, reduce absenteeism and tardiness, improve productivity, and protect the company's status and reputation. The policy applies to all employees (including contracted employees) and job applicants.

Employees are expected and required to report to work on time and in appropriate mental and physical condition. The unlawful use, possession, manufacture, distribution, or dispensation of drugs on company premises or while conducting company business off premises is strictly prohibited.

Possession or use of alcohol on company premises, except in connection with company authorized events, is prohibited. Employees whose absenteeism or tardiness results from off-duty use of alcohol or drugs will be instructed to seek rehabilitation or face termination.

The undisclosed use of legal drugs by employees while on the job is prohibited; however, employees can use prescribed medications while performing their jobs if the Port determines that such use does not pose a safety risk. Employees whose physicians have prescribed medications that might adversely affect their ability to perform their work must provide a written statement from their doctors.

Employees needing help in dealing with substance abuse problems are encouraged to use our employee assistance program. Conscientious efforts to seek and use such help will not jeopardize employees' jobs and will not be a part of any personnel record. Records of absences to seek treatment or insurance claims for covered treatment will be maintained, however, although the reasons for the absences or claims will be kept confidential and disclosed only on a need-to-know basis.

Violation of this policy will result in disciplinary action, up to and including termination, as well as possible criminal consequences.

#### **RULE IV - CLASSIFICATION AND SALARY**

1. Classification: The Executive Director shall classify each employment position as exempt or non-exempt, for the purpose of assuring compliance with the overtime pay requirements of applicable law. The Executive Director is authorized to obtain the assistance of counsel, the United States Department of Labor and the State of Washington, Department of Labor and Industries, as needed. The Executive Director shall recommend annually to the Commission the salary ranges for each such position, and shall establish a regular rate of pay for each employee occupying a position. No employee may be paid a regular wage or salary in excess of the amount budgeted, without the express approval of the Commission.
2. Pay Period: Employees of the Port shall be paid on the fifteenth of each month and the last working day of the month. If the fifteenth falls on a Saturday, Sunday or holiday, then employees of the Port shall be paid on the next preceding workday.
3. Overtime: It is the policy of the Port to reduce to a minimum the necessity for authorized overtime work. Non-exempt employees shall be paid one and one-half times their hourly base rate of pay for each hour in excess of forty (40) actually worked in a workweek. The workweek is Sunday through Saturday. No overtime will be allowed for any employee except in an emergency, without the prior written approval of his/her supervisor. Approved paid absences shall be included as hours "actually worked".

#### **RULE V - PERSONNEL ACTIONS**

1. Appointment: Appointments and promotions to vacant positions will be made by the Executive Director, unless otherwise provided by resolution of the Commission. All appointments and promotions shall be made on the basis of merit.
2. Promotion: The Executive Director will fill vacant positions by promotion if qualified persons are available. A promoted employee may be returned to the previous position if the employee's performance following a promotion is unsatisfactory.
3. Resignation: An employee wishing to leave the Port service in good standing, shall at least two weeks before leaving, file a written statement as to the reasons for leaving and the effective date.
4. Demotion; Suspension, Discharge - Personnel Files: An employee may be demoted, suspended or discharged, with or without cause or notice. The Executive Director will notify an employee in writing of (a) a demotion two weeks prior to its effective date, if possible, (b) a suspension, the reasons therefore, and the duration thereof, if known, and (c) a discharge, the reasons therefore, and its effective date. An employee who is suspended for non-disciplinary reasons (i.e. furloughed) will be given two weeks notice,

if possible. A suspension may be paid or unpaid. An employee who is demoted or discharged for poor performance or misconduct will be allowed to prepare and place in his or her personnel file a written rebuttal statement, not to exceed one page in length. A rebuttal statement will be retained in the personnel file as a permanent record, and will be disclosed to prospective employers of a demoted or discharged employee or to others on the same basis as any other document in a personnel file.

An employee may examine his personnel, payroll or benefit files, including any separate files containing medical information, upon request at any time during regular business hours. A former employee may examine his or her personnel files once during regular business hours in each of the two calendar years following separation from employment. An employee may obtain one copy of his personnel file in each calendar year without charge.

## **RULE VI- GRIEVANCE PROCEDURE**

An employee having a grievance as defined against the Port may resort to the following procedure:

If an employee feels that he or she has a justified complaint or problem, they must discuss this problem with the immediate supervisor. If within three working days after receiving an answer from the supervisor, the employee feels that their problem has not been satisfactorily resolved, the employee and the supervisor shall both submit to the Executive Director a report outlining the complaint, and the circumstances surrounding it.

The Executive Director shall reply in writing to both parties regarding the complaint within five working days. If the employee feels that the grievance is not fairly resolved by the Executive Director he or she may then, within five days, submit a written complaint to the Port Commission. The Commission shall make a judgment as to the final resolution of the grievance. No retaliatory action shall be carried out against any employee for utilizing the grievance procedures contained herein.

The grievance procedure may only be used by a regular full-time or part-time employee to contest the propriety of a demotion or disciplinary action, or to obtain a solution to a work-related problem. The procedure is not available to contest the discharge of any employee. The grievance procedure is not available to seasonal or temporary employees, the Executive Director, or leased or loaned employees.

## **RULE VII- WORK-RELATED SEMINARS AND CLASSES – TUITION REIMBURSEMENT FOR COLLEGE COURSES**

### **SEMINARS AND CLASSES**

Port employees may be reimbursed for continuing education or seminars directly related to the employee's duties or ability to maintain a license upon which their work duties pertain, if (a) enrollment in the class has been approved in writing by the Executive Director, and (b) the

class is successfully completed. Such training is to include continuing legal education (CLE) courses and continuing professional education (CPE) courses.

Port employees and Port Commissioners shall make every effort to attend any event or class that they have signed up and paid for. Should a cancellation occur within a time period that reimbursement may not be obtained from the class/venue, the employee/Commissioner shall reimburse the Port for the costs paid, unless a legitimate health issue for themselves or a family member may be proved via doctor's note.

## **TUITION REIMBURSEMENT**

The Port recognizes the value of well-educated and well-trained employees and supports the tuition reimbursement program with available funds. Employees are encouraged to further their personal and professional development goals through appropriate formal education programs.

### **General Requirements**

Tuition reimbursement is available for live or online courses offered by institutions accredited by the following accrediting organizations: Middle States Commission on Higher Education, New England Association of Schools and Colleges' Commission on Institutions of Higher Education, North Central Association of Colleges and Schools' Higher Learning Commission, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools' Commission on Colleges, and Western Association of Schools and Colleges' Senior College and University Commission. Accreditation information is available directly from the school.

Tuition Reimbursement is available only to full-time employees who are in good standing and have successfully completed 1 year of service with the Port. Employees whose official work schedule is part-time will receive reimbursement relative to their work schedule (e.g. half-time employees received 50 percent of allowable reimbursement).

Employees who intend to apply for tuition reimbursement must obtain approval from the Executive Director and the Director of Finance prior to registering for the class(es). Employees who do not obtain approval prior to taking the class will not be eligible for reimbursement.

If the employee leaves Port services before completing the entire reimbursement process, the Port will not provide reimbursement. Any reimbursement provided must be paid back to the Port.

To qualify for reimbursement for a college course, the employee must receive a grade of "C" or (2.0) or better. Classes may only be taken on a pass/fail basis if the class is only offered on a pass/fail basis. For pass/fail classes, the class must be passed for reimbursement. Official grade reports must be submitted with the request for tuition reimbursement. Should an employee "fail" a pass/fail class, or fail to obtain a "C" or "2.0" in a course, that employee must reimburse

the Port any monies already paid by the Port in full, within thirty (30) days of receiving their grade.

Participation must not interfere with scheduled work or negatively affect work performance. There must be a relationship between the course(s) and the employee's projected career path within the Port, or attainment of a degree that benefits the employee and the Port.

The reimbursement rate will be 100 percent of the tuition cost and mandatory fees. Maximum tuition reimbursement for an employee will not exceed the full-time Washington resident undergraduate tuition rate for the Washington State University Tri-Cities Branch Campus in a calendar year. Costs of textbooks will also be reimbursed. However, textbooks are to remain Port property and are to be provided to the Port upon completion of a course. Other costs (e.g. supplies, travel, parking, extracurricular clubs, etc.) are not reimbursable.

In some situations, reimbursement may be approved for courses that do not meet the above descriptions. These situations may include courses like a preparation class for a certification examination or a job-related course provided by a non-academic institution. Reimbursement for special courses shall be at a rate determined by the Executive Director on a case-by-case basis.

Employees who receive financial assistance for their education from another source must disclose the source and amount when seeking reimbursement. If employees are receiving 100% funding for their education from another source, the Port will not provide reimbursement. Under certain circumstances, it is possible that the tuition reimbursement program can be coordinated with other funding sources (e.g. GI Bill benefit, grant, scholarship). In all instances, total financial assistance and tuition reimbursement will not exceed the educational expenditures incurred.

Reimbursement process:

- A. Employee shall turn in Reimbursement form **Attachment E**.
- B. Employee will pay for the course prior to reimbursement.
- C. Upon course completion, employees will provide the Finance Director:
  1. A copy of the unofficial course transcript
  2. A copy of the receipt for tuition payment that shows the course title, number of credit hours, tuition costs, and fees,
  3. Documentation from the college's website or course catalog showing the cost per credit for the timeframe of the course, and
  4. A copy of the class syllabus noting the required textbook must be submitted with the textbook receipt
- D. Documentation for payment must be submitted within 90 days following the course end date.

Advance Tuition Reimbursement: Requests may be submitted up to forty-five (45) days in advance of the start date of the course in the event the employee requests advance reimbursement due to financial hardship. Requests approved in advanced are subject to the policy in effect at the time the class starts, not at the time of approval.



Advance reimbursement process:

- A. Employee shall turn in Reimbursement form **Attachment E**
- B. Employee will submit for reimbursement up to forty-five (45) days prior to the course start date. This shall include:
  - 1. A copy of the receipt for tuition payment that shows the course title, number of credit hours, tuition costs, and fees,
  - 2. Documentation from the college's website or course catalog showing the cost per credit for the timeframe of the course, and
  - 3. A copy of the class syllabus noting the required textbook must be submitted with the textbook receipt
- C. Within thirty days (30) of course completion, employees will provide the Finance Director:
  - 1. A copy of the unofficial course transcript

Tax implications: Depending on the IRS tax codes in effect, employee reimbursement may be subject to income and FICA tax withholding. For guidance on the laws related to tuition reimbursement, employees should contact their accountant or tax advisor.

## **RULE VIII- DISCLOSURE STATEMENTS, CONFLICTS OF INTEREST AND DISCLOSURE OF INFORMATION**

A disclosure statement regarding outside employment, business interests or ownership will be required of each new employee at time of hire, and annually thereafter. The disclosure statement must disclose the existence of any financial interest of the employee, and his or her spouse, or registered domestic partner which may be affected by an activity of the Port.

A conflict of interest occurs when (a) an employee, spouse or registered domestic partner has a private financial interest which may be affected by an activity of the Port, or (b) the employee, spouse or registered domestic partner has a legal duty to a third party which conflicts with a duty owed to the Port because of employment. Ownership of stock in a listed and publicly traded company that does business with the Port need not be reported. Any activity which could be a conflict of interest between the employee and the Port will require a plan to eliminate any conflict of interest and approval by the Board of Commissioners.

Commissioners or employees of the Port shall not accept gratuities, gifts or free services from any person or organization that conducts business with the Port. This provision does not prohibit the exchange of inexpensive gifts, food or beverages of the value of \$25.00 or less that are by custom exchanged at holiday seasons or at social functions organized for the enjoyment of Commissioners or employees.

Commissioners and employees shall maintain the confidentiality of information obtained during the conduct of Port business, unless disclosure is required by law or compelled by subpoena. Care should be exercised where the disclosure of information about Port business could result in a significant compromise of the Port's position in the negotiation of leases, land sales or acquisitions, the encouragement and support of new businesses, or the Port position in litigation or regulatory matters.

## **RULE IX - USE OF PORT ASSETS AND TIME**

Any use of Port assets or time by an employee for private personal benefit is prohibited. Employees will be disciplined or discharged for:

- a. use of Port vehicles for private purposes, unless expressly authorized by the Board of Commissioners; provided, however, that incidental use of a vehicle owned by the Port for incidental personal purposes such as meals, errands and personal needs which coincide with an employees performance of official Port duties is approved.
- b. use of Port computers for private correspondence, business activities or personal entertainment; provided, however, that incidental use of email for reasonable and necessary communication with members of the employee's immediate family is authorized if the communications are properly stored in the permanent Port email cache;
- c. theft or unauthorized use of property, materials, tools, equipment, telephones or fax machines or facilities owned by the Port; provided, however, that reasonable use of telephones owned by the Port for reasonable local communication for personal or immediate family matters; and
- d. conducting personal business for profit while being paid for work by the Port, or unreasonable use of work time for personal or family matters.

## **RULE X - DRUG FREE WORKPLACE PROGRAM - See Attachment A.**

## **RULE XI - REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION - See Attachment B.**

## **RULE XII - INTERNET AND EMAIL POLICY AND PROCEDURES**

The Port of Benton provides both internal and external communications networks in order to provide an efficient means of communication with fellow employees, persons outside the Port, and remote computer systems. Networks also provide a means of retrieving and communicating other business related information. Internal and external networks provide many business benefits. However, there are also legal, security, productivity and privacy issues related to how networks are properly used. Employees are required to become familiar with, and adhere to the following guidelines and information regarding use of Port network resources.

1. Privacy: All data and voice processing equipment, software, Internet accounts, and data residing within or on those devices are the property of the Port of Benton.

Communication over networks should not be considered private. Employees of the Port have no expectation of privacy in Port correspondence, in records created for use in Port

activities, or in email sent or received over the Port's email systems. Network administration and maintenance may require review and inspection of directories, files or messages. Messages may sometimes be diverted accidentally to a destination other than the one intended. Privacy of these communications is not guaranteed. The Port reserves the right to access stored records for any reason. Deleting e-mail may not necessarily destroy the record within the system.

Generally, computer files, voice mail, and e-mail are considered "documents" under the Washington State Public Disclosure Act (RCW 42.17). As such, it should be assumed that this information may be subject to release to any member of the general public upon request to the Port of Benton.

Email directly or indirectly related to activities or business of the Port, which is unprivileged, and which is sent or received by a Commissioner or employee, shall be saved and stored electronically in an electronic file.

The use of the email system for communications unrelated to Port business is discouraged.

2. Port-Owned Electronic Devices: Employees have no right to privacy with respect to the use of Port-Owned Electronic Devices. This includes any and all voicemails, social media messaging, emails, text messages, call history and/or any other information stored on a cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The Port has the right to inspect any and all Port-Owned Electronic Devices used by employees for such information at any time and without notice.

In addition, employees have the following responsibilities regarding Port-Owned Electronic Devices:

- b. Protect the Port-owned electronic device from theft, loss or damage.
  - c. Immediately report loss or theft of a Port-owned electronic device to your supervisor.
  - d. As cell phone calls and other electronic devices are not secure, use discretion while making calls of a sensitive or confidential nature.
  - e. Immediately return the electronic device to your supervisor if it is determined that the electronic device is no longer necessary for your job or upon leaving employment with the Port.
3. Personal Cell Phones and Text Message Policy: Employees should be aware that work-related texts and voice messages on cell phones may be public records subject to the Public Records Act. These text and voice messages are subject to the Public Records Act so long as one party to the conversation is a Port employee, regardless of who the other party is, i.e. friend, family, business associate. Employees have a duty to maintain such

records in accordance with the Washington Local Government Record Retention Schedules.

Records created related to Port business—including text messages, voicemail messages, and other electronic communications—are Port records. These records therefore (1) should be managed according to the applicable retention schedule, and (2) may be subject to disclosure under the Public Records Act. The following is intended to help manage the business-related messages you send or receive on smart phones, tablets, or similar devices (iPhone, iPad, Blackberry, Android, etc.)

- a. With supervisor authorization, employees may use text messaging only for routine or transitory messages that don't need to be retained by the Port. Examples include informal notices of meetings, directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication.
- b. Text messages may not be used to send policy, contract, formal correspondence, or personnel related data. Sensitive information should not be sent by text message, including social security numbers, credit card numbers, and passwords.
- c. If the electronic record is transitory in nature with no administrative, legal, fiscal, or archival value, then the record can be deleted at the discretion of the user. Examples include secondary copies of memos, general office notices, general information, working copies, transmittal memos, meeting announcements, invitations to retirement parties, drafts.
- d. If a text message is not transitory in nature and needs to be retained, employees must transfer the messages to the Port's network and/or devices.

#### 4. Network Usage Guidelines:

##### a. Network Access:

A. Employee access to internal and external networks, including the Internet, is granted as a Port business resource. "Loaning" of user IDs and passwords or failure to logoff during non-work hours are considered breaches of security. Employees must use networks in accordance with Port guidelines, and local, state, and federal laws. Employees who misuse this privilege will have their access revoked, and are subject to disciplinary measures.

B. Access to networks through any means other than Port authorized methods is prohibited. This is necessary to insure proper network usage, maintain operating efficiency, and insure network security.

C. Management approval is required for all employees to access authorized

internal computing resources: Access to external computing resources must be coordinated with the Director of Finance/Auditor to determine if existing resources will support the request connection.

b. Network Use. Electronic data processing and telecommunications (such as Microsoft Exchange, Voice Mail, and Internet access) are provided for the conduct of Port business. Employees who use these resources are responsible for doing so in an ethical, legal and professional manner. Further, they may not be used to support activities for personal gain, solicitation, or to support any illegal purposes. They may not be used to send or post messages that are in support of any religious, political, or non-business related outside organization or activity. Messages must not contain harassing, obscene, profane, or otherwise offensive language. Storage of personal files on Port networks is prohibited. E-mail and bulletin board services may be used to support Port sponsored education, professional organizations, or community activities, if this usage is approved by the Executive Director. Non-employee access to internal and external network systems, software and telecommunications shall be specifically limited to the conduct of official Port business.

5. Violations: Suspected violations of these policies shall be reported to the Executive Director. Violations of this policy may result in disciplinary action up to and including termination.
6. Downloading and Network Connections: The Port of Benton internal computer and voice networks are vulnerable (to unauthorized intrusion, viruses, etc.) at the point of interface with any external network connections. Computer systems residing on or connected to the internal network will use external connections only through Port approved and managed network interfaces. Any connection not meeting these requirements will be subject to disconnection until it is reviewed by the Information Systems Administrator/Director of Finance/Auditor and approved for use.
7. Virus Screening: Software may not be downloaded from external sources (e.g. bulletin board services, the Internet, etc.) and/or used without screening through a virus control utility.
8. External Disks: Binary (non-text, e.g. graphics) files, executable (program) files (including those attached to email), and removable computer media (e.g., diskettes, CD-ROM discs, DVD-ROM discs, and flash/usb drives) can contain computer viruses or other malicious code. No executable information (e.g. binary files, macros, etc.) obtained from external sources may be executed prior to virus checking with an appropriate utility.
9. Copyrights: Copyright laws must be adhered to. Copyrights and contractual agreements may prohibit the duplication of material without authorization. Do not include published material in email or file transfers without proper authorization. All licenses and copyrights associated with electronic material must be adhered to. Required copyright notices must be included in any use of such material.

10. Network Housekeeping: Electronic files must be reviewed periodically and purged if no longer needed. The Information Systems Administrator has established thresholds for monitoring network traffic and the volume of files and messages that an individual can accumulate. The Director of Finance/Auditor has established a schedule to complete a backup of all network files. Backup files are retained off-site.
11. Preservation And Storage Of Electronic Mail: "Electronic mail," hereinafter referred to as "email," means communications to or from Commissioners and employees which are directly or indirectly related to the business, operation, meetings or official activities of the Port. Email transmissions are "documents" which may be discoverable in litigation, or may be subject to the retention and disclosure requirements of RCW 42.17. Every email document sent or received by Commissioners or an employee of the Port, and which is or may be subject to the disclosure requirements of RCW 42.17, shall be stored electronically in a permanent cache and retained for a minimum period of three years. (Email which is related to an activity for which a longer record retention period is required, such as leases and contracts and some personnel records, shall be reduced to written form and stored in the appropriate paper files. If an email document is filed in written form, it may be deleted from the electronic storage file).

Email which contains significant information about a project or activity of the Port, such as bids, proposals, unprivileged legal documents, notices of claims, appraisals of property to be leased, sold or purchased, and similar matters, for which maintenance of a permanent record is of importance, should be copied and placed in the appropriate paper files. Duplication of records is not required; records reduced to written form and appropriately filed may be deleted from the email files. Email sent to or received by a Commissioner, including communications between Commissioners, regarding official Port business or any activity of the Port, must be stored in the email cache or reduced to written form and filed in the appropriate paper files.

Email which is determined to be exempt from public disclosure under RCW 42.17 shall not be stored in the email files. Such documents include, but are not limited to, mail containing significant personal or medical information about Commissioners or employees of the Port, financial or business information received from vendors, bidders or persons conducting business with the Port, matters involving litigation, appraisals and similar information related to the sale or acquisition of property, applications for employment, grievances and disciplinary matters.

Current and newly-hired employees will be given a copy of this policy and be required to sign a statement that they have read and understand it. Every email message sent by Commissioners or employees of the Port using Port email equipment shall contain the following statement: "This e-mail may contain privileged or confidential information disclosable only to the addressee. If you have received this e-mail in error, do not copy or distribute it to other persons not authorized to receive it. Please call the sender at 509-375-3060 to make arrangements for the document to be retrieved or destroyed."

12. Privileged Electronic Correspondence: It is important to be very careful to preserve the attorney–client privilege in email correspondence. The general rule is that the privilege applies to communications between an attorney and client, and once a third party is included in that communication, the privilege may be waived. Port policy and best practices dictate that whenever an email is received from Port counsel, the recipient shall not forward the email on or reply and add on additional employees or third parties to the communication, without the express consent of Port counsel or the Executive Director.

### **RULE XIII - TRAVEL EXPENSE REIMBURSEMENT**

Commissioners and employees who are required to travel to engage in activities directly related to the business of the Port shall be reimbursed for the reasonable and necessary expenses incurred. Reasonable and necessary expenses shall include:

1. Lowest available round-trip airfare from the Pasco airport to the destination and return, and all reasonable and necessary connecting transportation costs, such as bus, taxi, Uber/Lyft or equivalent, and car-rental expenses.
2. Mileage, if a private automobile is used, at the rate allowed by the United States Internal Revenue Service for mileage reimbursement. Employees receiving a vehicle allowance shall not receive mileage or use Port vehicles for travel, unless travel is required of two or more Port employees, in which case the use of Port vehicles is allowed for travel.
3. Lodging, meals (other than alcohol) and reasonable tips, local public transportation, parking, laundry expense (for absences in excess of one week), reasonable telephone expense for Port business and family communication, and necessary incidental expenses.
4. Cost of internet and communication services directly related to Port activities incurred during the travel period.
5. Commissioners and employees using credit or debit cards of the Port shall submit a complete written voucher of expenses incurred, together with receipts, for each item of expense. Valid receipts shall be submitted within fourteen (14) days of the last day of the month in which the travel occurred. If valid receipts are not submitted within fourteen days following the end of the travel month, the Commissioner or employee shall reimburse the Port for the expense. Reimbursement claims for items paid in cash shall be supported by a written receipt and explanation of the claim.

Reimbursement will be allowed only for expenses related to Port purposes. Employees are not to use Port credit or debit cards for personal or non-reimbursable expenses. The Director of Financer/Auditor shall withhold any amounts due from the Commissioner or employee from the next paycheck due, as provided in RCW 42.24.115.

If approved by the Director of Finance/Auditor, the Port may make a cash advance for reasonably expected travel and living expenses to be incurred in business travel, from a revolving fund established for that purpose; provided, that a full accounting for advanced cash

shall be completed before the payday next occurring after the person returns from travel. Such an accounting shall include a written voucher for all expenses claimed, with receipts, and shall be submitted under oath. Cash advanced for travel purposes will not be treated as a personal loan. If a proper accounting is not presented, the advance will be deducted from the employee's next paycheck.

#### **RULE XIV - PATENTS**

At the time an employee is hired, he or she shall be required to disclose in writing any project then being pursued by the employee which may result in the issuance of a patent to the employee. Such disclosures shall be maintained in a separate and secure file by the Port, and access to such documents is limited to Director of Finance/Auditor. The Port shall own any invention patented by an employee during his or her employment, unless the employee has previously notified the Port in writing of his work on a potential invention and establishes that no equipment, supplies, facilities or trade secret information belonging to the Port were used in its development, and that the invention does not relate to (a) the business of the Port, (b) an actual or demonstrably anticipated research or development project of the Port, or (c) the work of the employee for the Port.

#### **RULE XV - SAFETY GLASSES**

Protective, non-prescription safety glasses will be provided in the shop areas and for all work of Port employees who are engaged in activities during which facial or eye injury is a reasonably foreseeable risk. Safety glasses are provided without cost to the employee. Use of safety glasses or full face masks is required when mandated by rules of the Washington Department of Labor and Industries, or when work presents a risk of eye injury.

#### **RULE XVI- SMOKING IN PORT FACILITIES**

Smoking is prohibited in all facilities of the Port, including shops, rest rooms, offices, hallways, common areas, entrance vestibules and sidewalks. Employees wishing to smoke during rest breaks or lunch hours must do so off premises under control of the Port.

#### **RULE XVII— CELL PHONE/INTERNET REIMBURSEMENT**

Port employees and Commissioners can choose to own their own cell phone or continue to have the Port of Benton own them. If a port employee or Commissioner chooses to own their own phone they may receive an allowance of may receive \$100 a month to cover combined business related cell phone and data plan expenses for personally owned cell phones. All employees and Commissioners participating in the cell phone allowance program will receive \$100 annually towards the purchasing of a cell phone and related equipment.

If an employee or Commissioner can provide sufficient evidence that the business use of their cell phone is in excess of \$50 or \$100 on a three-month average, they should address the issue with the Port Auditor for a change in the allowance. Otherwise, no further reimbursement



for cell phone costs is available. In the event of excess data usage, at the discretion of the Executive Director, an employee may lose their data plan reimbursement privileges.

Responsibilities: Employees and Commissioners will be responsible for entering into a contract for cellular service with the provider of their choice. Employees are encouraged to have their cell phone provider apply the Government discount to their primary phone line. The Port will not be responsible, in any way, for employee's personal cellular phone and/or associated services, regardless of the type of use, including inappropriate charges, a lost/stolen phone or delinquent payments.

Each employee or Commissioner will immediately report the number of the cellular phone to the Port Auditor. The employee or Commissioner will carry the phone during business hours and when it is reasonably determined that there is a business need, or when normal communication links are not available.

The Port retains the right to periodically review the employee's or Commissioner's need for a cellular phone allowance and may cancel the allowance due to lack of business usage, changes in employee work-related responsibilities, or absences exceeding one month, such as employee leave, Short Term Disability or extended leave under the Family and Medical Leave Act if applicable.

Port employees and Commissioners may receive up to \$75 a month to cover internet service provider charges for work-related business conducted at home.

Responsibilities: Employees and Commissioners will be responsible for entering into a contract for internet service with the provider of their choice. The Port will not be responsible, in any way, for employee's internet services, regardless of the type of use, including inappropriate charges or delinquent payments.

**ATTACHMENT A**  
**PORT OF BENTON PERSONNEL POLICY & PROCEDURES**  
**DRUG FREE WORKPLACE PROGRAM**

**I. Statement of Policy:**

- A. Introduction and Background: The Port of Benton's responsibilities for protection of the health and safety of the public and of its employees require that actions be taken to assure that employees at Port of Benton facilities in positions with the potential for causing serious harm to the health and safety of employees or the public meet the highest standards of reliability. Among the actions deemed necessary is that the Port of Benton develop and maintain drug free workplace programs. This document provides criteria to be followed by the Port of Benton in developing and implementing a drug free workplace program.
- B. Purpose: This document establishes Port of Benton policies and criteria for developing and implementing programs that facilitate the maintenance of a drug free workplace, including detection of the use of illegal drugs by current or prospective employees.
- C. Scope: All current and prospective employees of the Port of Benton are required to participate fully in the Drug Free Workplace Program, including urine drug analysis as specified in subsequent sections of this document.
- D. Policy: The Port of Benton policy regarding protection of employee and public health and safety requires that the Port of Benton assure that its employees who occupy positions with the potential to cause damage, are free of the effects of the use of illegal drugs. In order to accomplish this, it shall be the Port of Benton's policy to:
  - a. Prohibit the use, possession or sale of illegal drugs at any Port of Benton facility.
  - b. Instruct supervisors and employees concerning substance abuse problems and the availability of assistance.
  - c. Conduct urine drug analysis of employees and applicants on the basis of reasonable suspicion or in connection with an occurrence.
  - d. Provide employees with the opportunity for rehabilitation under certain circumstances.
  - e. Take disciplinary action as appropriate, up to and including termination.
- E. Definitions:
  - a. "Confirmed Positive Test" means a finding based on an initial test with a positive result followed by a confirmatory test on the same sample using a more sensitive, drug-specific test with a positive result.
  - b. "Employee Assistance Program" means a system of counseling and referral services for the prevention, treatment and rehabilitation of employees who have substance abuse and other medical behavioral problems.

- c. "Illegal Drugs" means controlled substances as defined by Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title. The term "illegal drugs" does not apply to the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.
- d. "Reasonable Suspicion" means an articulable belief that an employee uses illegal drugs drawn from particularized facts and reasonable inferences from those facts.
- e. "Occurrence" means any untoward accident, incident, or event which results in personal injury, property damage or monetary loss; or a significantly increased probability of injury, loss, or damage. An automobile accident with a government vehicle, an error in administration, or misappropriation of company funds are examples of occurrences.

## II. Procedures

- A. Employee Assistance Program: In appropriate circumstances, the Port of Benton shall refer employees to qualified professionals for treatment of drug or alcohol related problems.
- B. Federal contract or grant: As a condition of employment on any Federal contract or grant, the employee must abide by the terms of this policy statement and is required to notify the Port, within five calendar days, if he or she is convicted of a criminal drug violation. Failure to notify the Port is grounds for automatic termination.
- C. Testing as a Result of an Occurrence: When there is an occurrence involving Port of Benton employees, the Executive Director may direct that all involved employees be tested for illegal drug use within 48 hours.
- D. Testing for Reasonable Suspicion: Any employee whose behavior creates the basis for reasonable suspicion on the part of a responsible person will be tested for illegal drug use. Testing for reasonable suspicion shall be recommended by the responsible person observing the suspicious activity but shall be ordered by the Executive Director. Such suspicion must be based on one or more of the following:
  - a. Observable phenomena, such as direct observation of drug use and/or the physical symptoms of being under the influence of a drug;
  - b. A pattern of abnormal conduct or erratic behavior;
  - c. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking; or
  - d. Information provided by reliable and credible sources and independently corroborated, or evidence that an employee has tampered with a drug test.

- E. Drugs for Which Testing is Performed: Testing will routinely be performed to identify the following drugs, classes of drugs, or metabolites thereof, and at the assay cut off levels indicated:

A POSITIVE DRUG RESULT MEANS THAT THE AMOUNT DETECTED MEETS OR EXCEEDS THE ASSAY CUT-OFF

Assay Cut-Off Levels:

Urine Ethanol	25 mg/dl
Amphetamines	1000 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Cannabinoid	150 ng/ml
Cocaine Metabolite	150 ng/ml
Methadone	300 ng/ml
Methaqualone	300 ng/ml
Opiates	1000 ng/ml
Phencyclidine	25 ng/ml
Propoxyphene	300 ng/ml
MDMA	500 ng/ml
Methamphetamine	1000 ng/ml

Testing may also be performed for other drugs or classes of drugs if deemed necessary and so directed by the Executive Director of the Port of Benton. Drugs tested for and cut-off levels may be changed as necessary to maintain compliance with state or federal law, directives or recommendations.

- F. Specimen Collection, Handling and Laboratory Analysis: All specimens shall be collected by a physician or a drug testing laboratory at a time and place to be specified by the Port of Benton. Procedures for providing urine specimens must allow individual privacy, unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. The Laboratory Contractor shall utilize a chain of custody procedure for maintaining control and accountability from point of collection to final disposition of specimens, and shall use cut-off levels as specified in Section E in screening specimens to determine whether they are negative or positive for a specific drug.
- G. Medical Review of Test Results: When a positive test result has been obtained, and confirmed by another test made on the same sample using a more sensitive, drug-specific test, the confirmed positive test result will be reviewed by a physician designated by the Executive Director of the Port of Benton considering the medical history of the employee or applicant and other relevant biomedical information. If the physician determines that there is a legitimate medical explanation for the confirmed positive test result consistent with legal drug use, the physician will certify that the

test results do not meet the conditions for a determination of illegal drug use. If no such certification can be made, the physician will make a determination of illegal drug use.

H. Action Pursuant to Determination of Illegal Drug Use:

- a. When an applicant has been tested and determined to be an illegal drug user, processing for employment will be terminated and the applicant will be so notified.
- b. When an employee has been tested and determined to be an illegal drug user, the employee shall be immediately removed from all duties. If this is the first determination of illegal drug use by that employee, the employee will be offered a reasonable opportunity for rehabilitation. Failure to take advantage of the opportunity for rehabilitation or a second determination of illegal drug use will be the basis for disciplinary action up to and including termination of employment.

I. Records:

- a. Port of Benton shall maintain maximum confidentiality of records related to substance abuse, to the extent possible consistent with state law. All drug testing records shall be maintained separately and independently of medical records and shall not be considered to constitute a portion of the employee medical record.
- b. All records, including initial test records and chromatographic tracings, shall be retained by the contract urine drug testing laboratory in such a manner as to allow retrieval of all information pertaining to the individual urine specimens for a minimum period of two years after completion of testing of any given specimen. Frozen duplicate samples of all urines testing positive for drug use shall be maintained for a minimum period of two years.

J. Refusal to Provide a Specimen or Participate in the Program: Refusal to provide a specimen or participate in the program will be considered equivalent to a positive test. Appropriate action will be taken as if a positive test had been found. A second refusal will result in disciplinary action up to and including termination of employment.

**ATTACHMENT B**  
**PORT OF BENTON PERSONNEL POLICY & PROCEDURES**

**POLICY FOR REPORTING IMPROPER GOVERNMENTAL ACTION AND  
PROTECTING EMPLOYEES AGAINST RETALIATION POLICY STATEMENT**

It is the policy of the Port of Benton (1) to encourage reporting by its employees of improper governmental action taken by the Port of Benton's officers or employees and (2) to protect the Port of Benton's employees who have reported improper governmental actions in accordance with the Port of Benton's policies and procedure(s).

**DEFINITIONS:** As used in this policy, the following terms shall have the meanings indicated:

1. "Improper governmental action" means any action by a Port of Benton officer or employee:
  - a. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
  - b. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

2. "Retaliatory action" means any adverse change in the terms and conditions of a Port of Benton employee's employment.
3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

**PROCEDURES FOR REPORTING:**

Port of Benton employees who become aware of improper governmental actions should raise the issue first with the Executive Director. If requested by the Executive Director, the employee shall submit a written report to the Executive Director, or to some person designated by the Executive Director, stating in detail the basis of the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the Executive Director, the employee may raise the issue directly with the President of the Commission of the Port of Benton or such other person as may be designated by the President to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The Executive Director or the President of the Commission of the Port of Benton or the President's designee shall take prompt action to assist the Port of Benton in properly investigating the report of improper governmental action. Port of Benton officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Port of Benton employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the Port of Benton employee reasonably believes that an adequate investigation was not undertaken by the Port of Benton to determine whether an improper governmental action occurred, or that insufficient action has been taken by the Port of Benton to address the improper governmental action or that for other reasons the improper governmental action is likely to recur. Port of Benton employees who fail to make a good-faith attempt to follow the Port of Benton's procedures in reporting improper governmental action shall not receive the protection provided by the Port of Benton in these procedures.

#### PROTECTION AGAINST RETALIATORY ACTIONS:

Port of Benton officials and employees are prohibited from taking retaliatory action against a Port of Benton employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise the Port of Benton Executive Director, the President of the Commission of the Port of Benton, or the President's designee. Port of Benton officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the Executive Director, the Port of Benton President, or the President's designee does not satisfactorily resolve a Port of Benton employee's complaint that he or she has been retaliated against in violation of this policy, the Port of Benton employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Port of Benton commission that specifies the alleged retaliatory action and specifies the relief requested.

Port of Benton employees shall provide a copy of their written charge to the Port of Benton Executive Director no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Port of Benton shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the Port of Benton or thirty (30) days after the delivery of the charge to the Port of Benton, the Port of Benton employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Port of Benton manager within the earlier of either fifteen (15) days of delivery of

the Port of Benton's response to the charge of a retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the Port of Benton for response.

Upon receipt of the request for hearing, the Port of Benton shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
PO Box 42488  
Olympia, WA 98504-2488  
(360) 407-2700  
(360) 664-8721 (Fax)

The Port of Benton will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

#### RESPONSIBILITIES:

The Executive Director is responsible for implementing the Port of Benton's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are provided to all newly-hired employees.

Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

#### LIST OF AGENCIES:

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the manager.

#### BENTON COUNTY:

Benton County Prosecutor (Criminal and Civil Divisions)  
7122 W Okanogan Pl # A  
Kennewick, WA 99336  
(509) 786-5621

Benton-Franklin Health District  
7122 W Okanogan Pl  
Kennewick, WA 99336  
(509) 460-4200

Benton Clean Air Agency



526 S Clodfelter Rd  
Kennewick, WA 99336  
(509) 783-1304

Benton County Sheriffs Department  
7122 W Okanogan Pl # B  
(509) 786-5615

STATE OF WASHINGTON:

Attorney General's Office  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200

UNITED STATES OF AMERICA:

General Services Administration  
915 Second Avenue  
Seattle, WA

Office of Inspector General  
Audits Investigations (206)931-7650  
Law Enforcement (206) 553-0290

Department of Health & Human Services  
Food & Drug Administration  
22201 23rd Drive S.E. Bothell, WA  
Trade Complaints (206)483-4949

Office of the Regional Secretary  
General Counsel's Office, Inspector General  
Audits (206) 553-0452  
Investigations (206) 553-0229

Department of Housing and Urban Development  
Office of Counsel  
1321 Second Avenue Seattle,  
WA (206)553-4976

Office of Inspector General  
Audits (206) 553-0270  
Investigations (206) 553-0272

Interstate Commerce Commission  
915 Second Avenue, Room 1894  
Seattle, WA 98174 (206)553-5421

Department of Interior  
U.S. Fish & Wildlife Services Division of Law Enforcement  
121 107th N.E.  
Bellevue, WA (206)553-5543

Department of Justice  
Drug Enforcement Administration  
220 West Mercer, Suite 300  
Seattle, WA  
(206)553-5443

Department of Labor  
Occupational Safety & Health (OSHA)  
1111 Third Avenue, Suite 715  
Seattle, WA 98101-3212  
(206)553-5930

Office of Inspector General  
Audits  
1111 Third Avenue, Suite 780  
Seattle, WA 98101-3212  
(206) 553-4880

Office of Inspector General  
Investigations  
1111 Third Avenue, Suite 785  
Seattle, WA 98101-3212

Office of Women's Bureau  
1111 Third Avenue, Suite 885  
Seattle, WA 98101-3212

Mine Safety & Health Administration  
117 107th N. E.  
Bellevue, WA (206)553-7037

National Transportation Safety Board  
19518 Pacific Highway South  
Seattle, WA  
(206) 764-3782

Nuclear Regulatory Commission  
510-975-0200

Securities and Exchange Commission  
915 Second Avenue  
Seattle, WA 98174 (206) 553-7990

Department of Transportation Office of Inspector General  
915 Second Avenue  
Seattle, WA 98178  
(206) 553-5720

Department of Treasury  
Bureau of Alcohol, Tobacco & Firearms Law Enforcement Division  
915 Second Avenue, Room 806  
Seattle, WA 98174

Department of Veterans Affairs  
Office of Inspector General  
915 Second Avenue  
Seattle, WA 98174  
Fraud/Waste/Abuse Hot Line 800-488-8244

**ATTACHMENT C**  
**PORT OF BENTON PERSONNEL POLICY & PROCEDURES**

Certification of Health Care Provider for Employee's Serious Health Condition  
(Family and Medical Leave Act)

---

DO NOT SEND COMPLETED FORM TO THE PORT OF BENTON; RETURN TO THE PATIENT

**SECTION I: For Completion by the EMPLOYER**

**INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: \_\_\_\_\_

Employee's job title: \_\_\_\_\_ Regular work schedule: \_\_\_\_\_

Employee's essential job functions: \_\_\_\_\_

Check if job description is attached: \_\_\_\_\_

**SECTION II: For Completion by the EMPLOYEE**

**INSTRUCTIONS to the EMPLOYEE:** Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: \_\_\_\_\_  
First Middle Last

**SECTION III: For Completion by the HEALTH CARE PROVIDER**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an

individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. **Please be sure to sign the form on the last page.**

Provider's name and business address: \_\_\_\_\_

Type of practice / Medical specialty: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

#### **PART A: MEDICAL FACTS**

1. Approximate date condition commenced: \_\_\_\_\_

Probable duration of condition: \_\_\_\_\_

##### **Mark below as applicable:**

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

\_\_\_ No \_\_\_ Yes. If so, dates of admission: \_\_\_\_\_

Date(s) you treated the patient for condition: \_\_\_\_\_

Will the patient need to have treatment visits at least twice per year due to the condition? No \_\_\_ Yes \_\_\_

Was medication, other than over-the-counter medication, prescribed? \_\_\_ No \_\_\_ Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? \_\_\_ No \_\_\_ Yes. If so, state the nature of such treatments and expected duration of treatment: \_\_\_\_\_

2. Is the medical condition pregnancy? \_\_\_ No \_\_\_ Yes. If so, expected delivery date: \_\_\_\_\_

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: \_\_\_ No \_\_\_ Yes.

If so, identify the job functions the employee is unable to perform: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **PART B: AMOUNT OF LEAVE NEEDED**

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? \_\_\_ No \_\_\_ Yes.

If so, estimate the beginning and ending dates for the period of incapacity: \_\_\_\_\_

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? \_\_\_\_ No \_\_\_\_ Yes.  
If so, are the treatments or the reduced number of hours of work medically necessary? \_\_\_\_ No \_\_\_\_ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period: Estimate the part-time or reduced work schedule the employee needs, if any: \_\_\_\_\_ hour(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? \_\_\_\_ No \_\_\_\_ Yes.  
Is it medically necessary for the employee to be absent from work during the flare-ups? \_\_\_\_ No \_\_\_\_ Yes .  
If so, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):  
Frequency : \_\_\_\_ times per \_\_\_\_ week(s) \_\_\_\_ month(s)  
Duration: \_\_\_\_ hours or \_\_\_\_ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

---

---

---

---

---

---

---

---

---

---

\_\_\_\_\_  
Signature of Health Care Provider

\_\_\_\_\_  
Date

#### PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN

STATEMENT If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR or THE PORT OF BENTON; RETURN TO THE PATIENT.

**ATTACHMENT D**  
**EMPLOYEE TIME-OFF REQUEST FORM**  
**FOR ABSENCES LONGER THAN SEVEN (7) DAYS**

Date: \_\_\_\_\_

Employee's Name: \_\_\_\_\_

Time Off Requested: \_\_\_\_\_

Reason for Time Off: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee's Signature: \_\_\_\_\_

- ☐ Time off granted from employee's PTO bank.
- ☐ Time off granted without pay.
- ☐ Time off granted with pay.
- ☐ Time off not granted.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT E  
TUITION REIMBURSEMENT FORM**

Employee's Name: \_\_\_\_\_

Amount of  
Reimbursement  
Requested: \_\_\_\_\_

Names of Course(s): \_\_\_\_\_

Course  
start date: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee's Signature: \_\_\_\_\_

**TO THIS FORM, PLEASE ATTACH:**

1. A copy of the receipt for tuition payment that shows the course title, number of credit hours, tuition costs, and fees,
2. Documentation from the college's website or course catalog showing the cost per credit for the timeframe of the course, and
3. A copy of the class syllabus noting the required textbook must be submitted with the textbook receipt

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**PORT OF BENTON**  
**PROJECTS AND GRANTS STATUS**

September 2022

	Project	Description	Grants Pursued/Received	Comments
1	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	Working on re-scoping the project to bring it into budget. Likely to install street lights late summer 2023.
2	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	<b>Construction is going well.</b> <b>Work in the runway</b> <b>intersection is nearly complete.</b> <b>Runway 8-26 should be opened</b> <b>and lighted by Sept 23rd.</b> <b>Weekly construction notices</b> <b>are going out to all airport</b> <b>users.</b>
3	Railroad Improvements - FRIB low interest loan	Provide low interest loan funding of railroad crossings at Van Giesen and Swift/Cemetery	FRIB - \$260,000 1% loan	<b>Van Giesen crossing</b> <b>completed. Cemetery closure</b> <b>will be Sept. 29 - Oct. 2.</b>
4	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	Project Coordinator, Legal, Communications contracts complete. Website in process.
5	Infrastructure Investment and Jobs Act - Grant Funds	Direct grants for the improvement of public use airports.	Richland Airport \$1,480,000 Prosser Airport \$ 790,000	Still waiting on formal approval and information on use of funds.

**PORT OF BENTON  
PROJECTS AND GRANTS STATUS**

September 2022

6	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	Appraisal conducted, awaiting final report.
Project		Description	Grants Pursued/Received	Comments
7	EDA Build Back Better	Application led by Maritime Blue and Washington Clean Tech Alliance: POB \$8M for ICC facility focused on advanced energy and hydrogen.	FED - \$8M 20% match CERB - \$2,500,000 - potential POB - \$500,000 COUNTY - \$1.5M	<b>Application was not selected by EDA; \$4.4B in requests to EDA with only \$970 million in resources.</b>
8	National Highway Freight Program (WSDOT portion)	SR 240 rail signal and crossing reconstruction. City of Richland and Port of Benton are jointly submitting on this project. City will be installing a bike/ped path on north side of crossing. WSDOT is planning on widening SR 240 from bypass highway to Hagen Rd.	WSDOT \$865,000 POB \$135,000	WSDOT approval received. Anticipate replacement in first half of 2023.
9	Washington State Department of Transportation Aviation Division - Airport Grants	Environmental Sustainability Grants. Grant provides for purchasing electric ground support equipment.	WSDOT \$50,000 Local Match - \$2,500	Working on an application to purchase electric aircraft handling equipment.

**PORT OF BENTON  
PROJECTS AND GRANTS STATUS**

September 2022

10	National Science Foundation	Type 1 - Budget to build a Type II Application - Planning for Innovation Engine to support Clean Energy facilities and projects	\$1M NSF	<b>Application not submitted due to partnership and resource readiness</b>
11	Railroad Improvements - FRAP grant	Provide grant funding of railroad crossings, ties and rail	FRAP - \$1,000,000 POB \$250,000	<b>Application submitted will know if moving forward in November</b>
12	Consolidated Rail Infrastructure & Safety Improvement (CRISI)	"White Bluffs Rail" remaining crossings, ties, panels and rail	\$5-\$8M project 80%Fed/20%POB Match	<b>Over \$1.4 billion available; pending review.</b>