

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 January 10, 2024 to be provided with call-in details.

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

**PORT OF BENTON  
REGULAR COMMISSION MEETING**

**Agenda**

**8:30 a.m., January 10, 2024**

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

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. CONSENT AGENDA**

1. Approval of Agenda
2. Approval of Minutes from the December 13, 2023 Commission Meeting
3. Approval of Minutes from the December 18, 2023 Special Commission Meeting
4. Approval of Vouchers and Certifications, Including Payroll for Month of December Totaling \$1,979,778.68
5. Approval of Project Fund Vouchers and Certifications for the Month of December Totaling \$1,523.30

**D. PUBLIC COMMENT**

## E. ITEMS OF BUSINESS

1. Selection of Port of Benton Commission Officers
2. Economic Development Corporation (EDC): Approval of Minutes from January 11, 2023 EDC Meeting, Selection of Officers, Financial Overview
3. Resolution 24-01, A Resolution of the Port of Benton Approving Delegation of Authority for the Executive Director and Her Designees
4. Resolution 24-02, A Resolution of the Board of Commissioners of the Port of Benton Authorizing the Port Executive Director to Sell and Convey Surplus Property with Less Than \$10,000 Value
5. Membership & Committee Review
6. 2024 Meeting Dates
7. Discuss and Distribute Annual Conflict of Interest Forms
8. Discuss and Review Port Commissioner Salary Increase

## F. INFORMATION REPORTS

1. 2022 Audit Report
2. 2024 Budget Overview
3. Marketing & Communications Update
4. Grants Update

## G. COMMISSIONER REPORTS/COMMENTS

## H. DIRECTOR REPORTS/COMMENTS

1. Finance Director
2. Port Attorney
3. Executive Director

## I. EXECUTIVE SESSION

## J. ADJOURNMENT

The next regular Port of Benton Commission meeting will be held on Wednesday, February 14, 2024 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  
December 13, 2023**

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

**PRESENT:** Commissioner Christy Rasmussen, Commissioner Lori Stevens; Commissioner Roy D. Keck; Executive Director, Diahann Howard, PPM®, PPX®; Port Attorney, David Billetdeaux, PPM®; Director of Real Estate, Teresa Hancock; Public Information Officer, Summers Miya; Senior Accountant, Veronica Serna; Julia Mora, Accounting Specialist; Director of Facilities & Operations, Ron Branine; Airport Manager, Quentin Wright; Director of Finance, Jeff Lubeck; Director of Marketing, Wally Williams; Wendy Culverwell, Tri-City Herald; Cassie Hammond, Washington DC; Theresa Richardson, City of Richland; Bill O'Neil, Richland Airport

**The following attendees attended via remote communications:** Contract Specialist, Sheri Collins; Construction Project Manager, Bryan Bell; Facilities Manager, Joe Pisca; Ashley Garza; Joshua Lott, Anderson Perry & Associates; Clif Dyer, Richland, WA; Travis Black, MARAD

The Commission meeting was noticed as required by RCW 42.30.070.

**B. PLEDGE OF ALLEGIANCE:** Commission President Christy Rasmussen 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 December 13, 2023 Commission meeting, approval of minutes from the November 8, 2023 Commission meeting, approval of vouchers and certifications, including payroll, for the month of November totaling \$712,429.87, approval of project vouchers and certifications for the month of November totaling \$260.00 and approval of Resolution 23-49, to cancel warrant number 081283, in the amount of \$851.72, issued to Ziply Fiber, which has been deemed lost.**

**D. PUBLIC COMMENT:**

City of Richland Mayor Pro Tem, Theresa Richardson stated that attending the Port of Benton Commission meeting is one of her favorites, as the Port does a great job.

Richardson provided an update on an extensive project the city has been working on for a substantial period of time, which more information will be shared in an upcoming news release. Richardson added that the news release will be related to better safety and economic opportunities on the George Washington Way project.

## E. ITEMS OF BUSINESS

### 1. Resolution 23-48, Donation Acceptance Policy

Port Attorney David Billetdeaux explained that this policy covers any business or any person who gives money or property to the Port of Benton. Billetdeaux added that after Public Information Officer Summers Miya attended the USS Triton reunion, Veterans and families began asking about sending items to donate, which prompted the presentation of Resolution 23-48. Billetdeaux added that this resolution ensures that the policy is in place when donations do begin to come in.

**A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving Resolution 23-48, a donation acceptance policy.**

### 2. Resolution 23-50, Accepting Work Completed by Inland Asphalt Company for Port of Benton Blvd. Pavement Repair

Executive Director Diahann Howard stated that the port has been notified by Inland Asphalt Company that the pavement repair on Port of Benton Boulevard has been completed in accordance with the approved plans and specifications at a total cost of \$98,590.00 plus Washington state sales tax for a project cost totaling \$119,450.43.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving Resolution 23-50, accepting work completed by Inland Asphalt Company for Port of Benton Blvd. pavement repair.**

### 3. Resolution 23-52, Solar Land Lease, Tucci Energy Services (North Horn Rapids)

Director of Real Estate Teresa Hancock explained that the Port of Benton and community partners acquired 1,641 acres of real property in 2015 within the north Horn Rapids Industrial Park from Department of Energy via TRIDEC, to support and promote economic development opportunities for large, industrial purposes.

Hancock added that Tucci Energy Services is planning a 75Mw large utility-scale photovoltaic solar project, expected to provide electricity to more than 11,000 homes at a project cost of approximately \$75.75 million.

Hancock explained that the Tucci solar project is multi-phased, with the Energy Northwest phase taking place first, but desires to lease 340 acres of port property contiguous to the Energy Northwest parcel to construct phase II, for an overall total of 127.5 Mw of solar production, reinforcing the vision for a northwest advanced clean energy park.

Hancock added that the total is a five-year solar land lease, plus two 10-year renewal periods for 340 acres of vacant, unimproved landlocked industrial land.

**A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving Resolution 23-52, a solar land lease, Tucci Energy Services in north Horn Rapids.**

### 4. Resolution 23-53, Fuel System Lease, RH Smith, Inc. (Richland Business Park)

Director of Real Estate Teresa Hancock explained that RH Smith is a long-term tenant to the port, as they entered into a lease dated October 1, 1998 in the 1100 area, with RH Smith as the primary

operator of the 1100 area cardlock 261, located within the port's Richland Business Park upon a 1.26 acre site.

Hancock stated that RH Smith desires to enter into a new five-year lease, plus a five-year renewal term, with agreed capital expenditure requirements throughout the primary term, which has been negotiated by port staff.

Hancock added that RH Smith also has agreed to seek private investment to support clean energy initiatives with port and economic partners, including performance upgrades, bio-fuel planning and implantation of electric vehicle opportunities for the general public.

Hancock explained that the port and RH Smith both possess insurance on the tanks.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving Resolution 23-53, fuel system lease, RH Smith, Inc. in Richland Business Park.**

#### 5. Resolution 23-54, Finance – Year End Cut Off Policy

Director of Real Estate, Jeff Lubeck stated that it recording expenses when they are provided is considered good practice, rather than a bill is received or paid.

Lubeck explained that the port endeavors to provide guidance on year-end cutoff practices to ensure financial transitions are recorded/accrued in the proper accounting period in accordance with Generally Accepted Accounting Principles.

Lubeck explained that invoices received by January 31 for the prior year will be processed and recorded in the prior fiscal year and invoices over \$5k received between February 1 – 14 for that prior year will be recorded as regular accounts payable for the prior year through the normal accounts payable process. Lubeck added that invoices under \$5k received after February 1 will be recorded in the current year through the regular accounts payable process, with invoices over \$50k received after February 14 for the prior year, will be accrued in the prior year and invoices under \$50k received after February 14 and before March 1 will be recorded in the current year through the regular accounts payable process.

Lubeck added that the entire finance department is responsible for understanding the year-end cutoff procedures and for raising potential issues and concerns to ensure they are adequately addressed and documented.

**A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving Resolution 23-54, related to a finance year-end cut-off policy.**

#### 6. City of Richland Utility Easement (Richland Rail)

Executive Director Diahann Howard explained that this agreement provides a permanent easement of 10 feet in width to the City of Richland, for the purpose of installing, inspecting, constructing, maintaining, etc. an electric line or lines, including conduits, equipment, fixtures and facilities related to electric lines, which will allow the city to perform necessary work next to the rail.

Port Attorney David Billetdeaux added that any easement over five years is brought forward to the Commission and that the development of this easement will help with future electrical projects, outages and projects.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving the City of Richland easement related to the Richland rail.**

7. Memorandum of Understanding Between City of Richland and Port of Benton on Industrial Land Exchange

Executive Director Diahann Howard stated that the memorandum of understanding aligns from the joint meeting in June with port Commission and City of Richland city council, covering discussion on an industrial land exchange.

A graphic was presented visually depicting the areas of land pertaining to the exchange.

Howard added that the potential exchange stems from many years of discussion, rail master plans and tenant requests.

Howard added that BNSF and UP support the exchange and added that the MOU is contingent upon one item, the final site for Atlas Agro remaining at 150 acres or possibly requiring more land which will be determined Q1 '24.

Howard reviewed the MOU, stating that the port owns industrial property that has been declared surplus and is located in the Northwest Advanced Clean Energy Park, Richland Business Park and Richland Innovation Center and the city owns industrial property located in the Horn Rapids Industrial Park.

Howard stated that both parties desire to see the full development of the Northwest Advanced Clean Energy Park to support regional electricity baseload generation requirements and advanced manufacturing in the region.

Howard stated that the goal of the port was to accomplish a proposed inland port that is united with maritime logistics, which will provide opportunity for rail to dock – dock to rail. Howard added that this will also provide benefit to current value-added agriculture-based industry located within the port district, as well as the city.

Howard stated that the addition of the inland port has the potential to support approximately \$4.2B in private investment to the local economy plus over 1,000 clean energy jobs, which historically provide opportunity to all socio-economic levels. Howard added that these jobs will allow the retention of the local workforce.

Howard noted that the exchange is an agenda item at the next city council meeting.

**A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving a memorandum of understanding between City of Richland and Port of Benton on industrial land exchange.**

8. 2024 Architect, Engineer and Professional Roster

Port Attorney David Billetdeaux thanked contract specialist Sheri Collins for compiling all of the companies for grading, which the team then scored on a qualification basis.

Billetdeaux explained that he, Ron Branine, Jeff Lubeck and Bryan Bell scored the companies, which were then averaged.

Billetdeaux added that scoring takes place once a year and then the companies are added to the roster based on their score, allowing the Port to reach out to the approved companies throughout the year for specific projects, and further streamlines projects.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving the 2024 architect, engineer and professional roster.**

9. 2024 Contracts (RGW Enterprises, Ashley Garza, Century West Engineering, HDR Engineering)

Port Attorney David Billetdeaux explained that these particular contracts are current contracts, which the port has ongoing projects and the approval allows for the avoidance of a lapse in progress. Billetdeaux added that everything has been included in the 2024 budget, including \$140k to RGW Enterprises and \$100k for Ashley Garza.

Billetdeaux stated that if additional funds are needed through the year, the regular procurement process will take place and it will be brought forward to the Commission for review and consideration of approval.

**A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving the 2024 contracts for RGW Enterprises, Ashley Garza, Century West Engineering and HDR Engineering.**

10. Proclamation 23-04, Honoring Commissioner Christy L. Rasmussen

Commission President Christy Rasmussen addressed the audience, explaining that it will be a forever memory and honor to have served on this port team as a Commissioner.

Rasmussen stated that she is truly grateful for the opportunity to have represented the port for the past two years, adding that she knew coming in that she wanted to be the best and most actively engaged Commissioner that she could be while working full-time at Energy Northwest and maintaining relationships with her large family.

Rasmussen stated that the role of Commissioner provided the opportunity to model transparent, fiscally conservative, informed decision making for port constituents, doing what is best and right for the entire community. Rasmussen added that the experience has truly confirmed what public service as an elected official is really about – the community, as well as the port team. Rasmussen stated that serving as a Commissioner was always about doing what was right when called to serve.

Rasmussen added that every member of the team enabled the Commission to accomplish many things, adding that the port team has inspired her service to the public.

Rasmussen highlighted a few of the team's accomplishments that bring her pride and joy to have been a part of, including:

- Prudent fiscal responsibility resulting in the reduction of taxes, honoring port taxpayers' investment and protecting their assets
- Restoration of rail crossings and planning to ensure port rail really is back on track, which is essential to continued development of north Richland industrial area
- Collaborative relationships the port has built across the community, region, state and nation working to advance clean energy solutions, further highlighting that the future is bright and "this IS the place"



- Efforts toward creating jobs and keeping the economy strong, the possibilities are endless to the workforce and the future is bright

Rasmussen stated that the community is blessed to have a team like the current port team and she is eternally blessed and honored to have been a part.

Rasmussen stated that in case we were wondering what she will do with her future “free time” and energy, she has no plans to step away from public service and she remains committed and actively engaged in the work of the Port of Benton, the community and the region. Rasmussen added this includes remaining chair of the workforce development project team for Washington VERTical along with Columbia Basin College, Logistics and Supply Chain Resilience Advisory Committee, program lead for the nuclear training program with her role at Energy Northwest, Tri-Cities Sunrise Rotary trustee and community chair, PNWA/IPNG, community advocate for waterways and hydro-electric system, Tri-Tech vocational high school general advisory council, Manhattan Project National Historical Park community advocate, Energy Communities Alliance, community advocate for clean-up and restoration of the Hanford site, while retooling the workforce to be ready for the advanced manufacturing energy generation future.

Rasmussen closed, with the message that she is here for the team and community, always available to listen to concerns and work toward finding solutions for the community, region and state to ensure innovation, sustainability and economic growth for all.

Rasmussen thanked the team again for their trust, encouragement and dedication to the individual roles at the port, adding that this is a “dream team”.

Rasmussen concluded that it has been an honor to have had the opportunity to serve as Port of Benton Commissioner and she looks forward to continuing to make a positive impact in the community.

Executive Director Diahann Howard read Proclamation 23-04 out loud:

**PORT OF BENTON  
OFFICIAL PROCLAMATION – 23-04  
HONORING  
COMMISSIONER CHRISTY L. RASMUSSEN**

**WHEREAS**, The Port Commission appointed Ms. Christy L. Rasmussen as Commissioner for District 2 on December 14, 2021;

**WHEREAS**, Commissioner Rasmussen’s service supported and enhanced Washington’s system of ports and working rivers via the Pacific Northwest Waterways Association and had a positive impact at a federal level via the Energy Communities Alliance Board, at a state level via the Washington Public Ports Association and in our region as the Hanford Communities Governing Board representative and Manhattan Project National Historical Park representative;

**WHEREAS**, Commissioner Rasmussen has faithfully and diligently performed her duties, including through the formation of the Northwest Advanced Clean Energy Park, Clean Energy Supplier Alliance, and VERTical innovation cluster, which continues to make great strides working with industry to

accelerate the transition of advanced clean energy technologies and manufacturing to achieve state and national climate goals;

**WHEREAS**, Commissioner Rasmussen has demonstrated leadership in advancing Port of Benton's Vision and Mission and worked diligently alongside the Port team and her fellow elected officials for the good of the public. Commissioner Rasmussen will be remembered for her many accomplishments and unwavering dedication to regional economic and workforce development efforts, including being a fervent supporter of the community's "Clean Up to Clean Energy" vision.

**NOW THEREFORE, BE IT PROCLAIMED** that the Port of Benton Commission and staff express their sincere and whole-hearted appreciation to Ms. Christy L. Rasmussen for her commitment to the Port, the communities in the Port District and surrounding region, and for her contributions while serving as a Port of Benton Commissioner.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving Proclamation 23-04, honoring Commissioner Christy L. Rasmussen.**

#### 11. Performance Review of Executive Director

Port Attorney David Billetdeaux explained that the State Auditors Officer recommends that the review of the executive director takes place in a public meeting, rather than a one-on-one meeting.

Executive director Diahann Howard provided her own review of 2023, highlighting the following:

- Starts with great team of integrity and character
- Desire for excellence from entire team
- SAO Lean process
- New financial and lease system fully integrated, displaying fiscal responsibility and transparency
- Work order system in process, further driving efficiency and accountability
- Team and individual training
- Culture with broader vision that is focused on serving the community

Howard for the following overview:

The 2024 balanced budget focused on three core areas. Port improvements, maintenance and economic development, operating revenues increased by 35%, property tax decreased for a 6<sup>th</sup> year in a row and we are now .31 cents per 1,000 assessed, we receive 1.11% of property tax collected in Benton County, we anticipate a 65% increase in business volume in 2024.

The 2024 budget also reflects new revenues from the White Bluffs phase I port building constructed using funds secured in June 2021 home to the Hanford History Project, that is overseen by Washington State University the contract is funded by DOE/HMiS. The bonds were financed at a near historic-low interest rate (2.57%). During that 2021 transaction, the port also refinanced more than \$6

million in older debt, resulting in \$1.2 million net-present value savings (21%) over the remaining 13 years, substantially reducing debt service obligations to the taxpayer.

Additionally, revenue projections may increase by \$9 million if renewable fertilizer company Atlas Agro moves forward past due diligence March of 2024. Since the sale is still in the feasibility stage, it is not included in the 2024 budget projections to be fiscally conservative.

This year, we will complete the highest number of capital projects in the Port's history at \$15.4 million, this includes grant secured and federal rail grants that are pending, breaking our 2022 record of \$11 million, we have 188 leases that we will continue to adjust rates as many that are older and are well below market.

We will target grants to fund a future expansion of the White Bluffs Center which will include space for the growing B Reactor tours visitor center that saw 13,000 visitors last year with visitor center, activity doubling across the National Park Services' Manhattan Project National Historical Park, which includes Hanford, Los Alamos and Oak Ridge over 43,000 visitors, 600,000 using the virtual app and 9.5 million Facebook interactions. MNP along with the Port's USS Triton Sail Park is in alignment with Visit Tri-Cities and regional STEM tourism goals.

We are pleased with the development to support the Prosser community bring American Cruise Lines in weekly to visit over 15 businesses, the visit will include visiting Enodav, the new tasting room in Vintners Village along with electric fast charging station to attract more tourism development that helps us continue to promote Vintners Village and Prosser.

A part of the that includes port partnership with WSU - IAREC, Hospitality and Entrepreneurship via Cougar Tracks. Over 30 classes and events were held in 2023. We also began discussions with industry and university as a result we have private development that desires to step in to help fully fulfill the EDA grant obligations of this facility and honor the industry investment by remaining committed to ongoing education of industrial as we are required to do so within the main facility.

VERTical partnership with industry remains strong, including advocacy which will continue with Clean Energy Day in Olympia on Jan 31, 2024, and webinars and attending trade shows will take place. We hope to hire a director for this project to move them to self-sufficiency. We took on this program due to its importance to our workforce and region.

According to the Department of Energy's (DOE) 2023 U.S. Energy and Employment Report, nearly 300,000 new clean energy jobs were created nationwide in 2022—outpacing national job growth (3.8% vs. 3.1%). This sharp uptick is particularly exciting because clean energy jobs offer higher wages than the national average.

Research conducted by the Brookings Institution found that having a clean energy job can increase an individual's income by 8%-19%. Clean energy jobs are also widely available to workers

without four-year degrees, providing opportunities for Americans of all socioeconomic and educational backgrounds.

Overall, projects with Atlas, Framatome and others pending total \$4.2 billion and over 1,000 jobs related to the clean energy sector.

All these site visits come back to our port's transportation and intermodal asset, primarily our dually served class I rail, the second short line in the state at 1.3 million tons and other city industrial growth will continue to increase rail needs.

Our MOU approved with City of Richland today allows us to final discussion with Atlas on their final property needs then move forward with our exchange with Richland.

Establishing plans and partnerships to develop an Inland Port in north Richland to provide multiple modes of transportation services for the region's vast industries to get their goods to market transforms our port forward to meet the needs of our value added ag and industrial manufacturing for decades to come.

2023 has been an outstanding year, we have built a lot of positive momentum and strong management that our economic, community, state and congressional partners have reaffirmed or direction and commitment to be with us to deliver for our businesses and community.

It has been an honor and privilege to work with all of you to bring this to realization. Thank you.

Port Attorney David Billetdeaux asked if the Commission had any questions or comments.

Commissioner Christy Rasmussen stated that the successes of the last few years are based on strong, balanced leadership and who has been at the helm. Commissioner Rasmussen complimented the transparency, the vision and the executive director's ability to see the larger picture.

Commissioner Rasmussen added that Howard is everywhere throughout the community and is someone who is highly respected and often sought out for advice and guidance. Rasmussen added if someone wants something done, they know to ask Diahann Howard and that it will be done thoroughly and correctly.

Commissioner Rasmussen added that the planning, the processes such as Lean and the commitment to transfer all leases into a new system has led to continued improvements and these are a few examples of Howard's leadership and success.

Port attorney David Billetdeaux stated that executive session may be used as an opportunity to discuss Howard's performance, any issues, salary and to remain in line with the rest of the port team, a rating.

Billetdeaux explained that port staff have received their reviews and are rated on a 1-5 system, where 1 is considered unsatisfactory and 5 exceeds performance.

Commissioner Lori Stevens inquired why a rating system has been introduced this year and not in past years.

Billetdeaux stated that per state auditor request and the request for complete transparency, as

well as to remain in line with the rest of the port team and to describe why, if any, there are salary changes.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Christy Rasmussen, abstained by Commissioner Lori Stevens, and passed by the Commission, approving a rating of “5” (Exceeds Performance) to the Executive Director, Diahann Hoard for 2023.**

#### **F. INFORMATION REPORTS:**

##### **1. Financial Update**

Director of Finance Jeff Lubeck announced that the 2022 audit is nearing completion, with the exit conference scheduled for December 19. Lubeck added that the audit is expected to be clean without any findings. Lubeck stated that the audit team, which was composed of a new team, asked meticulous questions and provided an opportunity to share more information and drive process improvements.

Lubeck added that the reserve study is also progressing, which is being conducted by Moss Adams, who is assessing overall risk by looking at debt and revenue levels. Lubeck shared that the results indicate a low risk level, with the lowest risk scores on leverage and liquidity.

Lubeck explained that the next step of the reserve study will help determine what the reserve amount should be, while also over-viewing a reserve risk management tool.

Lubeck provided a financial status overview, noting some expected volatility over coming months due to a possible building acquisition, reimbursements and projects.

Lubeck reviewed recent cash activity pointing out \$901,364 in cash receipts in November and \$719,963 in disbursements in November. Lubeck pointed out that A/P is higher than normal because there was no check run last week due to travel. Lubeck featured current A/R status, adding that much of the outstanding is due to an outstanding balance from Barnhart Crane, who Director of Real Estate Teresa Hancock was meeting with later that afternoon.

##### **2. Grants Update**

Executive Director Diahann Howard pointed out that the grants report was included in the meeting packet and highlighted the following:

Item 2 – Innovation Cluster Accelerator Program Application, Phase 2 – Application has been submitted and Diahann Howard will present to the Department of Commerce next week for consideration. Announcement expected shortly after presentation.

Howard noted that the RAISE and CRISI grants have been pulled off the report, but will be added back shortly, which is the standard process.

Howard thanked Travis Black, who was joining the meeting today and who is with MARAD and a great help with these grants.

Airport Manager Quentin Wright stated that work continues on the Prosser and Richland Airports pavement rehabilitation projects, which are 90% funded by FAA.

##### **3. Strategic Plan Update**

Executive Director Diahann Howard provided a review of the strategic plan, highlighting many of the updates since the plan was introduced in 2020. Howard stated that the plan emphasized economic resiliency, job creation and investment. Howard added that the team has also added focus on leadership training and public communication. Howard featured the significant efforts put forth by the finance team in assembling a significant budget.

Howard highlighted the port's performance and future plans, with new developments at Prosser and Richland airports, along with plans to continue to commemorate the USS Triton.

Howard noted that the team provided regular input and insights to the working plan.

Howard emphasized that the strategic plan for the coming year focused on efficiency, effectiveness, cross training, process refinement and the implantation of electronic payments. Howard added the need for a preventative maintenance system for all facilities and assets, which is in process.

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

Commissioner Lori Stevens announced that she attended the Prosser Chamber board meeting, Historic Downtown Prosser tree-lighting ceremony, Bubbles & Bites and also the Prosser Economic Development Association holiday party.

Commissioner Roy Keck stated that he attended the Washington Public Ports Association annual meeting, which was incredible. Commissioner Keck complimented executive director Diahann Howard on her "Ports Report" presentation, adding that he received an incredible amount of positive feedback for the remainder of the conference on the report.

Commissioner Christy Rasmussen stated that she attended the ECA Intergovernmental meeting, which includes Department of Energy, Department of Defense, Hanford, Tribes and more, which focused on how all agencies can partner going forward and included conversation about BILT funds and the ongoing clean-up.

Commissioner Rasmussen stated that she attended the United Way Festival of Trees event, which the port sponsors. Rasmussen added that she also felt that the WPPA annual meeting was incredible and informative, particularly some of the keynote presentations related to workplace culture and climate.

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

### **1. FINANCE DIRECTOR:**

Director of Finance Jeff Lubeck covered the finance department update in the information reports section.

### **2. PORT ATTORNEY:**

Port Attorney David Billetdeaux provided an update on Berry's Bridge, reminding the Commission that there has been confusion regarding whether the port of WSDOT is responsible for the maintenance of Berry's Bridge. Billetdeaux stated that a letter has been sent to WSDOT noting that an answer was needed within two months, which went unanswered. Billetdeaux added that another letter would be sent to request an answer by the end of the year.

Billetdeaux displayed a video of the recent accident at the Steptoe rail crossing, where a boom

truck drove through with an fully extended boom and destroyed the cantilever, then proceeding to leave the scene. Billetdeaux explained that the driver had eventually been identified thanks to Richland Police Department, adding that the driver's company's insurance would be held liable for the damage. Billetdeaux estimated that damages range from \$200-\$250k, adding that the crossing is in the queue for revitalization and spare parts will be used until it is completely repaired, which will take place in 2024.

Billetdeaux added that in addition the helpfulness of Richland Police Department, Columbia Rail has also been extremely helpful and were on scene right away assisting with cleanup of debris and ensure there were no safety issues.

Billetdeaux noted that due to the damage, the crossing is now a "stop and protect" crossing until the cantilever can be replaced.

Billetdeaux stated that despite the unfortunate aspects of this situation the reaction of all parties that came together was quite seamless.

Billetdeaux pointed out that the port's insurance quickly denied to assist, which will lead Billetdeaux into pursuing the development of an RFP for insurance providers.

Billetdeaux announced that he has begun working on a policy related to AI, as it is hard to deny that AI is here. Billetdeaux noted that City of Seattle has an extensive policy, but port policy will likely not be as in depth and will change over time.

Billetdeaux noted that he participated in a recent AI training, where key issues included to credit or not, fact checking and something known as AI hallucination. Billetdeaux added that the port strives to ensure that AI is being used correctly.

Billetdeaux stated that there have been changes in the industrial stormwater permitting process, as there have been changes on what is considered stormwater and is now directly related to raw manufacturing and runoff. Billetdeaux noted that further discussion will continue and this topic was brought up at the recent WPPA meeting and will be on a legislative discussion.

Billetdeaux added that airports will not be required to make any changes.

Billetdeaux stated that the January packet will be large, as annual guidelines will be included, annual resolutions related to delegation of authority and surplus items.

### **3. EXECUTIVE DIRECTOR:**

Executive Director Diahann Howard stated that an easement has been provided related to the Steptoe project, which is vital to the economy.

Howard provided an update on the State Route 240 crossing, which is part of the National Highway Freight Program grant and this program will replace the rail crossing and rail signal at this location. Howard added that this project is funded by a National Highway Freight Program grant from WSDOT for \$865k and a minimum port match of \$135k. Howard added that due to recent bids, the port believes the project will be closer to \$1.4M, including a port match of \$535k. Howard added that KPFF has begun work on the design and construction is still planned for mid-2024.

Howard stated that the 2023-2025 FRAP grant in the amount of \$1,030,000, with a \$250k port match, for a total project of \$1,280,000 will make repairs to the Airport Way railroad crossing, the Saint Street railroad crossing and will install signal electronics at Kingsgate Way railroad crossing. Howard stated that HDR has performed surveying work on this project and design work has begun with hopes to bid in January 2024.

Howard stated that the port received approval from the 2023 legislative budget appropriation for \$1,212,500 from the state and this project will install new ties and ballast across the entire port track. Howard noted that the port hopes to choose a consultant by the end of the year.

Howard announced that street light and sidewalk installation in the Richland Innovation Center is moving forward, thanks to Benton .09 funding. Howard added that the work has restarted and drawings are being revised and projects are being split up. Howard noted that the port is waiting on separate drawings from Anderson Perry.

Howard stated that American Rock Products is currently mining an additional area of their lease through a special use permit, which will likely take them all of 2024 to complete. Howard added that American Rock Products/3D Development has applied to run a culvert under the port track and preliminary drawings have been provided.

Howard noted that work continues with the work order system and it will be a minimum of 12 months until the team is able to have enough data to be able to get good info on assets to realize possible cost savings and forecasting for Capex.

Howard thanked Columbia Rail and Richland Police Department for their dedication and assistance during the recent issue at the Steptoe crossing, as well as recent emergency repairs at the Wye track. Howard added that 100 new ties have been added due to the wide gauge found during a recent inspection and the team is working to add no trespassing signs, per a Washington Utility Transportation Commission request to have them installed by 2024.

Howard added that the conversations have begun on the quiet zone application, which is likely to take up to a year and \$40-\$50k in the application process, adding that the new Center Parkway signal and the upcoming new signal at Steptoe should meet the requirements of a quiet zone, but most of the other signals will need some construction prior to implementing the quiet zone.

Howard provided an update on the State Route 240 rail crossing replacement project, which will take place in 2024.

Howard announced that the upcoming legislative session will be a 60-day session and there are 6-7 senators up for reelection, which may affect things. Howard added that there is \$2B in excess with a focus on 6-7 initiatives, including transportation, behavioral health, homelessness and energy.

Howard noted that there are also 5-9 items on the WPPA legislative agenda, including the previously mentioned stormwater issue.

Howard noted that she met with Neil and Anthony from PNWA in the port office recently and briefly reviewed recent activities, including presenting to the American General Contractors of America, attended city meetings, Central Washington Pathways board (including working local trade unions with TRIDEC), attended the Intergovernmental meeting, rail meeting as well as an M-84 spring roundtable, which was spearheaded by Travis Black, the Port of Pasco ag symbiosis, where there was conversation about a state ag center, and also attended and presented at the WPPA annual meeting.

Commissioner Keck inquired on the current rail speed. Howard stated that the speed limit remains at 5 mph from the junction to Duportail crossing and will remain until the 2024 projects are completed.

The marketing team previewed two of the Opportunity Happens Here tenant interview videos, which will be posted to the website and shared socially in 2024.

**J. EXECUTIVE SESSION:** The regular Commission meeting was recessed at 10:30 and it was announced that an Executive Session would begin at 10:35 a.m. to discuss items related to personnel for 20 minutes. At 10:55 a.m., it was announced that an additional 10 minutes would be needed.

The Commission meeting was reconvened at 11:05 a.m. and it was announced that a short break was needed.

The Commission meeting resumed at 11:15 a.m.



Commissioner Christy Rasmussen asked for a motion to approve the salary and comp package of the executive director.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving the revised salary and comp package of the executive director.**

Commissioner Christy Rasmussen asked for a motion to amend the employment contract for the executive director, Diahann Howard.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission approving the amendment to the employment contract for the executive director, Diahann Howard.**

Executive Director Diahann Howard stated that she would review the amended employment contract.

Port attorney requested that the Commission sign the amended contract presently.

**M. ADJOURNMENT:** The meeting was adjourned at 11:23 a.m.

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Commission Secretary

**PORT OF BENTON  
SPECIAL COMMISSION MEETING  
MINUTES  
DECEMBER 18, 2023**

- A. CALL TO ORDER:** The Port of Benton Special Commission Meeting was called to order at 8:00 a.m. at the Port of Benton Commission meeting room, 3250 Port of Benton Boulevard, Richland, Washington.

**PRESENT:** Commissioner Christy Rasmussen; Commissioner Roy Keck; Executive Director, Diahann Howard; Port Attorney, David Billetdeaux; Director of Finance, Jeff Lubeck; Public Information Officer, Summers Miya; Director of Real Estate, Teresa Hancock; Airport Manager, Quentin Wright; Scott Keller, Community Member; Garret Nisbet, Benton City; Becky Cooper, Community Member; Bill O’Neil, Community Member

**THE FOLLOWING PARTICPATED VIA REMOTE COMMUNICATIONS:** Senior Accountant, Veronica Serna; Ashley Garza, Construction Project Manager, Bryan Bell; Director of Marketing, Wally Williams, Contract Specialist, Sheri Collins

- B. PLEDGE OF ALLEGIANCE:** Commissioner Christy Rasmussen led those present in reciting the Pledge of Allegiance.

**C. PUBLIC COMMENT:**

Community member Bill O’Neil addressed the Commission, stating that this is an interesting position, as the old Commission has completed their meetings for the year, with the new Commission beginning at the January meeting.

O’Neil stated that it seems clear to him that the current Commission is panicking while trying to get things done before the new Commission is in place.

O’Neil stated that the urgency appears clear that they are trying to move forward with decisions without Commissioner elect Scott Keller’s input.

O’Neil stated that this is in line with the same shady stunt from two years ago when Commissioner Christy Rasmussen was appointed in retiring Commissioner Robert Larson’s place.

O’Neil stated that the absence of Commissioner Lori Stevens speaks volumes to the unethical behavior taking place today.

O’Neil stated that he has spoken to many angry constituents and has polled the public and the public is tired of the practices.

O’Neil reminded the Commission that they work for us, not the other way around.

O’Neil entered a plea to current counsel to address the Commission and remind them of decisions that will best impact the Port, not one signal individual.

Community member Becky Cooper stated that Port decisions have far-reaching effects and do not go unnoticed by the public. Cooper added that the Port is responsible for serving the people.

Community member and Commissioner elect Scott Keller addressed the Commission, noting that it would have been appreciated to wait two weeks for his appointment to complete these business items.

Keller stated that he continues to hear the word “transparent”, but transparency is not part of this deal right now and he wished things could have waited two weeks.

Community member Garret Nisbet announced that he wanted to contribute a statement to the record that he is in agreement with everything Bill O’Neil previously stated.

#### **D. ITEMS OF BUSINESS:**

##### **1. Review and Negotiation of Executive Director’s Employment Agreement**

Port Attorney David Billetdeaux explained that after last week’s regular Commission meeting, there was some confusion amongst the Commission regarding the executive director’s contract, adding that Diahann Howard was not brought into executive session to negotiate the contract and therefore, an executive session was needed today to determine that all are on the same page regarding the executive director’s contract.

##### **2. Potential Litigation with Legal Counsel Under RCW 42.30.110(1)(i)**

Port Attorney David Billetdeaux explained that per port Commission policy, page 19, any employee has the right to seek legal counsel, as any employee of a public agency has the right to be provided counsel.

Billetdeaux stated that this RCW is in place to ensure that all employees have a right to counsel and should not feel scared to seek counsel.

Commissioner Rasmussen sought clarification that all staff are covered under this RCW, which Billetdeaux confirmed.

Billetdeaux added that public employees can request counsel at anytime throughout the process, preferably ‘before’ proceedings, but anytime is acceptable.

Billetdeaux stated that this RCW is basically an insurance policy to public employees.

**E. EXECUTIVE SESSION:** The regular Commission meeting was recessed at 8:10 a.m. and an Executive Session was immediately convened at 8:10 a.m. to discuss personnel and potential litigation for 20 minutes. It was noted that if any action was required, Commissioners will reconvene the regular meeting and bring forward any item at that time.

At 8:30 a.m., port attorney David Billetdeaux announced that an additional 5 minutes was needed. The special Commission meeting was reconvened at 8:35 a.m.

It was noted that if any action was required, Commissioners will reconvene the regular meeting and bring forward any item at that time.

Port attorney David Billetdeaux stated that minor language edits have been made to the executive director's contract, which is in line with what other ports from around the state are doing.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Christy Rasmussen, and passed by the Commission approving the contract for the executive director with minor language edits.**

Port attorney David Billetdeaux addressed the next item.

Commissioner Christy Rasmussen announced that for any legal action regarding executive director, Diahann Howard's employment contract, the Port hereby indemnifies Howard, including payment of outside legal counsel, per the terms of Commission policy and past Commission practice.

**A motion was made by Commissioner Roy Keck, seconded by Commissioner Christy Rasmussen, and passed by the Commission approving the indemnification of executive director, Diahann Howard.**

**F. ADJOURNMENT:** With no further business, the meeting was adjourned at 8:38 a.m.

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Commission Secretary

**Port of Benton, Benton County, Washington  
Voucher Certification and Approval  
for the Month of December 2023**

**General Expenses**

Accounts Payable Warrants #: 82314 - 82496 \$ 748,427.00

Electronic Payments: \$ 1,049,450.06

Total General Expenses \$ 1,797,877.06

**Payroll**

Direct Deposit:  
ACH \$ 108,494.44

Electronic Payments:  
IRS Payroll Tax Deposit \$ 38,462.18  
Other Payroll Related Payments \$ 34,945.00

Total Payroll \$ 181,901.62

**Total General Expenses and Payroll** \$ 1,979,778.68

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Secretary

**Port of Benton, Benton County, Washington  
Voucher Certification and Approval  
for the Month of December 2023**

**General Expenses**

Accounts Payable Warrants #:	82314	-	82496	\$	748,427.00
Electronic Payments:				\$	1,049,450.06
Total General Expenses				\$	<u>1,797,877.06</u>

**Payroll**

Direct Deposit:					
ACH				\$	108,494.44
Electronic Payments:					
IRS Payroll Tax Deposit				\$	38,462.18
Other Payroll Related Payments				\$	34,945.00
Total Payroll				\$	<u>181,901.62</u>
<b>Total General Expenses and Payroll</b>				\$	<u><b>1,979,778.68</b></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 \_\_\_\_\_, 2023.

_____	President
_____	Vice President
_____	Secretary

**Dec-23  
Cash Disbursements  
Batch Totals**

	748,427.00	Dec-23
<b>\$</b>	<b><u>748,427.00</u></b>	

**Electronic Payments - Other Payment**

\$	3,644.77	12/27/23	WASHINGTON STATE DEPT OF REVENUE
\$	1,045,805.29	12/15/23	CHICAGO TITLE OF WASHINGTON
<b>\$</b>	<b><u>1,049,450.06</u></b>		

**IRS Payroll Tax Deposit**

\$	20,252.56	12/08/2023	INTERNAL REVENUE SERVICE
\$	18,209.62	12/22/2023	INTERNAL REVENUE SERVICE

<b>\$</b>	<b><u>38,462.18</u></b>
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**1,871,284.24 Warrants, ACH, FedTax**

**Payroll Direct Deposit Net Pay**

\$	57,572.84	12/08/23
\$	50,921.60	12/22/23

<b>\$</b>	<b><u>108,494.44</u></b>
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**Other Payroll Related Payments**

\$	3,603.42	12/08/23	DEPT OF RETIREMENT SYSTEMS
\$	35.00	12/15/23	DEPT OF RETIREMENT SYSTEMS
\$	3,680.68	12/15/23	DEPT OF RETIREMENT SYSTEMS
\$	22,975.08	12/15/23	DEPT OF RETIREMENT SYSTEMS
\$	2,300.41	12/01/23	NATIONWIDE RETIREMENT SOLUTION
\$	2,300.41	12/13/23	NATIONWIDE RETIREMENT SOLUTION
\$	50.00	12/18/23	WASHINGTON STATE SUPPORT REGISTRY
<b>\$</b>	<b><u>34,945.00</u></b>		

1,979,778.68

**Company name:** Port of Benton  
**Report name:** Check register  
**Created on:** 1/5/2024

Bank	Date	Payee	Document no.	Amount
BCT MAIN - KeyBank National Association	Account no: 6631-6601101			
	12/5/2023	VEN00012--AFLAC	82314	603.11
	12/5/2023	VEN00038--BANNER BANK - Credit Card	82315	16,511.38
	12/5/2023	VEN00044--BENTON PUD	82316	2,691.30
	12/5/2023	VEN00075--CASCADE NATURAL GAS CORP	82317	11,003.60
	12/5/2023	VEN00089--CITY OF RICHLAND	82318	23,328.07
	12/5/2023	VEN00077--COLUMBIA BASIN IT	82319	3,326.54
	12/5/2023	VEN00664--ELIZABETH RENZ	82320	3,471.00
	12/5/2023	VEN00161--EXPRESS SERVICES, INC.	82321	6,486.86
	12/5/2023	VEN00201--HEALTH CARE AUTHORITY	82322	31,553.25
	12/5/2023	VEN00531--HISTORIC DOWNTOWN PROSSER ASSOCIATION	82323	1,500.00
	12/5/2023	VEN00214--IRRIGATION SPECIALISTS, INC	82324	60.17
	12/5/2023	VEN00222--JOHN DEERE FINANCIAL (RDO EQUIPMENT)	82325	6,243.39
	12/5/2023	VEN00240--LIFE FLIGHT NETWORK FOUNDATION	82326	43.34
	12/5/2023	VEN00510--LIFESECURE INSURANCE COMPANY	82327	795.52
	12/5/2023	VEN00245--LUKE'S CARPET	82328	521.73
	12/5/2023	VEN00380--MCCLATCHY COMPANY	82329	1,200.21
	12/5/2023	VEN00258--MOON SECURITY SERVICES, INC	82330	2,077.76
	12/5/2023	VEN00262--MR. ROOTER PLUMBING	82331	4,427.96
	12/5/2023	VEN00648--ONPOINT COMMUNICATIONS, LLC	82332	13,000.00
	12/5/2023	VEN00471--OSBORN CONSTRUCTION & DESIGN, LLC	82333	309.80
	12/5/2023	VEN00284--PACIFIC FIRE INSPECTION SERVICES, INC.	82334	6,615.00
	12/5/2023	VEN00497--PRECISION APPROACH ENGINEERING, INC.	82335	3,000.00
	12/5/2023	VEN00326--RGW ENTERPRISES P.C. INC	82336	15,080.00
	12/5/2023	VEN00330--ROSS JAMES PHOTOGRAPHY	82337	615.88
	12/5/2023	VEN00636--SENSKE LAWN & TREE CARE LLC	82338	3,777.35
	12/5/2023	VEN00536--SPECK CHEVROLET BUICK OF PROSSER	82339	2,422.17
	12/5/2023	VEN00359--STEEBER'S LOCK SERVICE, LLC	82340	510.89
	12/5/2023	VEN00385--THE HOME DEPOT CRC/GECF	82341	2,374.66
	12/5/2023	VEN00346--THE SHERWIN-WILLIAMS CO.	82342	890.72
	12/5/2023	VEN00560--TRI-CITIES HISPANIC CHAMBER OF COMMERCE	82343	50.00
	12/5/2023	VEN00298--TRI-CITY COMPUTER CONSULTING LLC	82344	1,902.25
	12/5/2023	VEN00412--VALLEY PUBLISHING COMPANY	82345	969.12
	12/5/2023	VEN00449--ZIPLY FIBER	82346	2,616.28
	12/5/2023	10015--Billetdeaux, David	82347	1,089.42
	12/5/2023	10011--Alley, John	82348	180.00
	12/5/2023	10026--Stevens, Lori	82349	1,307.86
	12/5/2023	10029--Wright, Quentin	82350	86.96
	12/5/2023	10007--Keck, Roy	82351	4,228.92
	12/5/2023	10020--Miya, Summers	82352	720.87
	12/15/2023	VEN00637--360 AUTOMOTIVE & REPAIR	82353	181.40
	12/15/2023	VEN00006--ABADAN, INC	82354	449.62
	12/15/2023	VEN00024--AMERIGAS PROPANE LP	82355	1,390.87

12/15/2023	VEN00053--BENTON RURAL ELEC ASSOCIATION	82356	768.00
12/15/2023	VEN00059--BENTON-FRANKLIN HEALTH DEPT	82357	25.00
12/15/2023	VEN00597--BUSINESS RADIO INC	82358	271.75
12/15/2023	VEN00468--CASCADE FIRE PROTECTION CO.	82359	1,125.73
12/15/2023	VEN00075--CASCADE NATURAL GAS CORP	82360	2,142.41
12/15/2023	VEN00469--CENTURY WEST ENGINEERING CORP	82361	3,317.08
12/15/2023	VEN00083--CENTURYLINK	82362	230.38
12/15/2023	VEN00321--CI INFORMATION MANAGEMENT	82363	47.82
12/15/2023	VEN00290--CI-PW, LLC (Paradise Bottled Water)	82364	59.73
12/15/2023	VEN00052--CITY OF BENTON CITY	82365	99.04
12/15/2023	VEN00071--CITY OF PROSSER	82366	5,952.93
12/15/2023	VEN00234--CITY OF RICHLAND LANDFILL	82367	143.64
12/15/2023	VEN00100--COFFEY REFRIGERATION	82368	722.20
12/15/2023	VEN00105--CONNELL OIL, INC	82369	2,884.02
12/15/2023	VEN00107--COOK'S ACE HARDWARE	82370	197.51
12/15/2023	VEN00113--CROWN PAPER & JANITORIAL INC.	82371	161.23
12/15/2023	VEN00639--CWW LLC (COLUMBIA RAIL)	82372	3,490.00
12/15/2023	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	82373	397.85
12/15/2023	VEN00147--ECOMODUS, LLC	82374	2,396.84
12/15/2023	VEN00149--EFC EQUIPMENT FEED PET SUPPLY	82375	58.50
12/15/2023	VEN00671--ENERGY NORTHWEST	82376	1,500.00
12/15/2023	VEN00161--EXPRESS SERVICES, INC.	82377	1,684.54
12/15/2023	VEN00180--GENSCO, INC	82378	810.97
12/15/2023	VEN00009--GEO WAY ACE HARDWARE	82379	495.01
12/15/2023	VEN00540--GLACIER SUPPLY GROUP, LLC	82380	137.93
12/15/2023	VEN00419--GRAINGER	82381	837.42
12/15/2023	VEN00643--HARMER STEEL PRODUCTS COMPANY	82382	2,527.28
12/15/2023	VEN00200--HDR ENGINEERING, INC	82383	425.70
12/15/2023	VEN00229--KELLEY'S TELE-COMMUNICATION, INC.	82384	129.00
12/15/2023	VEN00291--KENNEWICK RANCH AND HOME	82385	135.85
12/15/2023	VEN00672--KPFF, INC.	82386	1,108.00
12/15/2023	VEN00644--LEAF	82387	205.08
12/15/2023	VEN00236--LES SCHWAB TIRE CENTER STEVENS DR.	82388	208.69
12/15/2023	VEN00510--LIFESECURE INSURANCE COMPANY	82389	795.52
12/15/2023	VEN00491--LOWE'S CREDIT/SYNCHRONY FINANCIAL	82390	99.19
12/15/2023	VEN00245--LUKE'S CARPET	82391	99.18
12/15/2023	VEN00490--MARY POTTER	82392	1,125.00
12/15/2023	VEN00641--MCKINSTRY ESSENTION LLC	82393	74,087.00
12/15/2023	VEN00261--MP CONSTRUCTION, INC.	82394	21,224.76
12/15/2023	VEN00297--PERSONAL TOUCH CLEANING, INC.	82395	27,189.23
12/15/2023	VEN00301--PITNEY BOWES, INC	82396	217.00
12/15/2023	VEN00302--PLATT ELECTRIC SUPPLY, INC	82397	339.36
12/15/2023	VEN00305--POCKETINET COMMUNICATIONS, INC.	82398	240.00
12/15/2023	VEN00306--PROMINENCE PUBLIC RELATIONS	82399	4,740.00
12/15/2023	VEN00315--PURCHASE POWER	82400	3.09
12/15/2023	VEN00464--ROCKABILLY ROASTING CO.	82401	95.00
12/15/2023	VEN00334--SANITARY DISPOSAL, INC.	82402	1,250.35



12/15/2023	VEN00352--SMARSH, INC.	82403	9.18
12/15/2023	VEN00536--SPECK CHEVROLET BUICK OF PROSSER	82404	755.16
12/15/2023	VEN00365--STRATTON SURVEYING & MAPPING	82405	1,040.00
12/15/2023	VEN00399--TRIDEC, INC.	82406	2,083.33
12/15/2023	VEN00402--UNDERGROUND CREATIVE, LLC	82407	1,750.00
12/15/2023	VEN00414--VERIZON	82408	1,676.90
12/15/2023	VEN00358--WASHINGTON STATE AUDITOR'S OFFICE	82409	18,318.30
12/15/2023	VEN00489--WAYNE POTTER	82410	4,177.29
12/15/2023	VEN00447--YAKIMA HERALD-REPUBLIC	82411	644.00
12/15/2023	VEN00449--ZIPLY FIBER	82412	1,096.88
12/15/2023	10011--Alley, John	82413	50.00
12/15/2023	10033--Mora, Julia	82414	100.00
12/15/2023	10029--Wright, Quentin	82415	86.96
12/15/2023	10007--Keck, Roy	82416	229.77
12/15/2023	10012--Hancock, Teresa	82417	1,341.18
12/15/2023	10013--Williams, Wallace	82418	765.18
12/19/2023	10017--Roemeling, Cory	82419	1,935.90
12/19/2023	10010--Serna, Veronica	82420	1,070.27
12/19/2023	VEN00637--360 AUTOMOTIVE & REPAIR	82421	415.99
12/19/2023	VEN00520--ANDERSON PERRY & ASSOCIATES, INC.	82422	3,933.75
12/19/2023	VEN00029--ARCHIBALD & COMPANY ARCHITECTS	82423	6,214.59
12/19/2023	VEN00518--BAKER TILLY US, LLP	82424	130.00
12/19/2023	VEN00038--BANNER BANK - Credit Card	82425	9,555.61
12/19/2023	VEN00044--BENTON PUD	82426	3,014.67
12/19/2023	VEN00053--BENTON RURAL ELEC ASSOCIATION	82427	691.40
12/19/2023	VEN00469--CENTURY WEST ENGINEERING CORP	82428	15,083.58
12/19/2023	VEN00052--CITY OF BENTON CITY	82429	100.60
12/19/2023	VEN00077--COLUMBIA BASIN IT	82430	240.25
12/19/2023	VEN00639--CWW LLC (COLUMBIA RAIL)	82431	28,000.00
12/19/2023	VEN00664--ELIZABETH RENZ	82432	2,670.00
12/19/2023	VEN00161--EXPRESS SERVICES, INC.	82433	2,105.70
12/19/2023	VEN00009--GEO WAY ACE HARDWARE	82434	21.73
12/19/2023	VEN00196--HARBOR FREIGHT TOOLS, INC.	82435	35.84
12/19/2023	VEN00547--HB PAINTERS, INC.	82436	1,863.12
12/19/2023	VEN00200--HDR ENGINEERING, INC	82437	12,882.19
12/19/2023	VEN00291--KENNEWICK RANCH AND HOME	82438	433.63
12/19/2023	VEN00644--LEAF	82439	205.08
12/19/2023	VEN00380--MCCLATCHY COMPANY	82440	2,055.94
12/19/2023	VEN00542--MCCORMACK CONSULTING, LLC	82441	2,175.00
12/19/2023	VEN00258--MOON SECURITY SERVICES, INC	82442	1,315.28
12/19/2023	VEN00648--ONPOINT COMMUNICATIONS, LLC	82443	13,000.00
12/19/2023	VEN00592--PRO FIRE LLC	82444	682.04
12/19/2023	VEN00334--SANITARY DISPOSAL, INC.	82445	230.34
12/19/2023	VEN00636--SENSKE LAWN & TREE CARE LLC	82446	1,896.85
12/19/2023	VEN00367--STRIPE RITE INC	82447	19,876.88
12/19/2023	VEN00385--THE HOME DEPOT CRC/GECF	82448	2,342.97
12/19/2023	VEN00404--UNITED WAY OF BENTON/FRANKLIN COUNTY	82449	1,750.00

12/19/2023	VEN00412--VALLEY PUBLISHING COMPANY	82450	490.38
12/19/2023	VEN00440--WASHINGTON PUBLIC PORTS ASSOCIATION	82451	100.00
12/19/2023	VEN00449--ZIPLY FIBER	82452	907.06
12/27/2023	VEN00674--509 CONSTRUCTION	82453	1,597.55
12/27/2023	VEN00012--AFLAC	82454	603.11
12/27/2023	VEN00024--AMERIGAS PROPANE LP	82455	523.48
12/27/2023	VEN00597--BUSINESS RADIO INC	82456	271.75
12/27/2023	VEN00469--CENTURY WEST ENGINEERING CORP	82457	76,538.87
12/27/2023	VEN00089--CITY OF RICHLAND	82458	26,762.87
12/27/2023	VEN00107--COOK'S ACE HARDWARE	82459	176.06
12/27/2023	VEN00147--ECOMODUS, LLC	82460	2,483.80
12/27/2023	VEN00149--EFC EQUIPMENT FEED PET SUPPLY	82461	326.09
12/27/2023	VEN00161--EXPRESS SERVICES, INC.	82462	1,108.25
12/27/2023	VEN00166--FERGUSON ENTERPRISES, INC.	82463	180.91
12/27/2023	VEN00009--GEO WAY ACE HARDWARE	82464	311.50
12/27/2023	VEN00676--H&N ELECTRIC	82465	6,511.13
12/27/2023	VEN00194--HANFORD & ASSOCIATES LLC	82466	10,811.25
12/27/2023	VEN00200--HDR ENGINEERING, INC	82467	4,199.62
12/27/2023	VEN00201--HEALTH CARE AUTHORITY	82468	38,616.41
12/27/2023	VEN00588--IC CONSULTING CORPORATION	82469	9,450.00
12/27/2023	VEN00672--KPFF, INC.	82470	4,238.00
12/27/2023	VEN00237--LES SCHWAB TIRE CENTER QUEENSGATE DR	82471	415.17
12/27/2023	VEN00245--LUKE'S CARPET	82472	78.72
12/27/2023	VEN00258--MOON SECURITY SERVICES, INC	82473	2,693.54
12/27/2023	VEN00673--MOSS ADAMS LLP	82474	3,501.77
12/27/2023	VEN00283--PACIFIC BACKFLOW SERVICES LLC	82475	5,340.00
12/27/2023	VEN00288--PALMER ROOFING COMPANY	82476	2,445.75
12/27/2023	VEN00296--PERMIT SURVEYING, INC	82477	15,500.00
12/27/2023	VEN00301--PITNEY BOWES, INC	82478	195.66
12/27/2023	VEN00302--PLATT ELECTRIC SUPPLY, INC	82479	829.55
12/27/2023	VEN00306--PROMINENCE PUBLIC RELATIONS	82480	6,480.00
12/27/2023	VEN00337--SCALES NW LLC	82481	773.83
12/27/2023	VEN00352--SMARSH, INC.	82482	10.20
12/27/2023	VEN00359--STEEBER'S LOCK SERVICE, LLC	82483	13.00
12/27/2023	VEN00346--THE SHERWIN-WILLIAMS CO.	82484	20.27
12/27/2023	VEN00298--TRI-CITY COMPUTER CONSULTING LLC	82485	1,902.25
12/27/2023	VEN00376--TRI-CITY REGIONAL CHAMBER	82486	240.00
12/27/2023	VEN00401--TWIN CITY METALS, INC	82487	17.50
12/27/2023	VEN00532--VIC'S AUTO PARTS & SUPPLY	82488	316.13
12/27/2023	VEN00433--WEST RICHLAND RENTALS	82489	21.20
12/27/2023	10015--Billetdeaux, David	82490	696.21
12/27/2023	10031--Lubeck, Jeffrey	82491	521.39
12/27/2023	10026--Stevens, Lori	82492	99.63
12/27/2023	10019--Branine, Ronald	82493	1,799.93
12/27/2023	10016--Collins, Sheri	82494	30.38
12/27/2023	10020--Miya, Summers	82495	906.46
12/27/2023	VEN00089--CITY OF RICHLAND	82496	1,500.00

12/18/2023	VEN00425--WASHINGTON STATE SUPPORT REGISTRY	Nov-23	50.00
12/15/2023	VEN00122--DEPT OF RETIREMENT SYSTEMS	12/2023Fee	35.00
12/8/2023	VEN00215--INTERNAL REVENUE SERVICE	12082023	20,252.56
12/22/2023	VEN00215--INTERNAL REVENUE SERVICE	12222023	18,209.62
12/15/2023	VEN00629--CHICAGO TITLE OF WASHINGTON	6224230164	1,045,805.29
12/27/2023	VEN00239--WASHINTGON STATE DEPT OF REVENUE	B&O11-2023	3,644.77
12/8/2023	VEN00122--DEPT OF RETIREMENT SYSTEMS	DCP112723	3,603.42
12/15/2023	VEN00122--DEPT OF RETIREMENT SYSTEMS	DCP121523	3,680.68
12/1/2023	VEN00268--NATIONWIDE RETIREMENT SOLUTION	NW11242023	2,300.41
12/13/2023	VEN00268--NATIONWIDE RETIREMENT SOLUTION	NW12132023	2,300.41
12/15/2023	VEN00122--DEPT OF RETIREMENT SYSTEMS	PER112023	22,975.08
<b>Total for BCT MAIN</b>			<b><u>1,871,284.24</u></b>

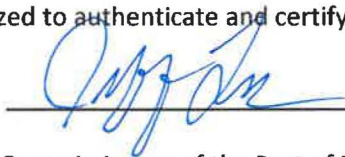
**Port of Benton, Benton County, Washington  
Voucher Certification and Approval  
for the Month of December 2023**

**Project Fund**

Accounts Payable Warrants #	900093	-	900094	\$	1,523.30
Electronic Payments				\$	-
Total Project Fund Expenses				\$	<u>1,523.30</u>
Total Project Fund Expenses				\$	<u><u>1,523.30</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 \_\_\_\_\_, 2023.

\_\_\_\_\_

President

\_\_\_\_\_

Vice President

\_\_\_\_\_

Secretary

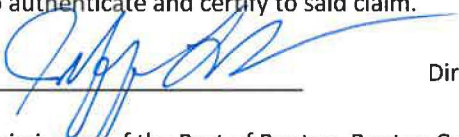
Port of Benton, Benton County, Washington  
Voucher Certification and Approval  
for the Month of December 2023

Dec-23  
Cash Disbursements  
Batch Totals

Dec-23

Project Fund						
Accounts Payable Warrants #	900093	-	900094	\$	1,523.30	<div>\$1,523.30</div>
Electronic Payments				\$	-	<div>ACH - Payment</div>
Total Project Fund Expenses				\$	1,523.30	<div>\$-</div>
Total Project Fund Expenses				\$	1,523.30	

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
President  
\_\_\_\_\_  
Vice President  
\_\_\_\_\_  
Secretary

Company name:

Port of Benton

Report name:

Check register

Created on:

1/5/2024

Bank	Date	Payee	Document no.	Amount
BCT PROJECT - KeyBank National Association	Account no: 6634-6601401			
	12/5/2023	VEN00519--ARCHITECTS WEST, INC.	900093	1,381.73
	12/19/2023	VEN00380--MCCLATCHY COMPANY	900094	141.57
Total for BCT PROJECT				1,523.30

**AGENDA**  
**PORT OF BENTON**  
**ECONOMIC DEVELOPMENT CORPORATION BOARD MEETING**  
**January 10, 2024**  
**8:40 a.m.**  
**3250 Port of Benton Boulevard**  
**Richland, Washington**

- A. Call to Order
- B. Approval of January 11, 2023, Port of Benton Economic Development Corporation Board Meeting Minutes
- C. Selection of Officers for 2024
- D. Adjournment

**PORT OF BENTON  
ECONOMIC DEVELOPMENT CORPORATION  
MEETING MINUTES  
January 11, 2023**

**A. CALL TO ORDER:** The meeting was called to order at 8:38 a.m. at the Port of Benton Commission Meeting Room, 3250 Port of Benton Blvd., Richland, WA

**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 Marketing, Wally Williams; Director of Facilities & Operations, Ron Branine; Accounting Clerk, Liz Renz; Airport Manager, Quentin Wright; Director of Real Estate, Teresa Hancock; Interim Director of Finance, Sara Marshall; Senior Accountant, Veronica Serna; Scott Keller, Community Member; Gareth Nisbett, Community Member, Theresa Richardson, City of Richland

**The following attendees attended via remote communications:** Contract Specialist, Sheri Collins; Joshua Lott, Anderson Perry

The Commission meeting was noticed as required by RCW 42.30.070.

**B. APPROVAL OF MINUTES:**

**A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving the January 11, 2023, Economic Development Corporation (EDC) minutes.**

**C. SELECTION OF OFFICERS:**

As required by the Port of Benton EDC bylaws, an annual board meeting would be held on this date. **A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck and unanimously passed by the Commission approving the EDC officers for 2023: President, Christy L. Rasmussen; Vice President, Roy D. Keck and Secretary, Lori Stevens**

**D. ADJOURNMENT:** The EDC meeting was adjourned at 8:42 a.m.

\_\_\_\_\_  
\_\_\_\_\_  
Secretary  
Port of Benton  
Economic Development Corporation



## RESOLUTION NO. 24-01 DELEGATION OF AUTHORITY

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

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

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

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

**WHEREAS**, the Port Commission now wishes to provide an updated master policy directive on the administrative authority of the Executive Director and her designees, and to repeal any prior resolutions dealing with the same subject.

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

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

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

**ADOPTED** by the Commission of the Port of Benton this January 10, 2024, at Richland, Washington and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof.

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

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

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

## **EXHIBIT "A" TO RESOLUTION NO. 24-01**

### **Port of Benton**

#### **COMMISSION POLICY DIRECTIVE**

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

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

The Commission is responsible for setting policy and direction for all Port business. It does so by annually adopting a budget and, from time to time, adopting other policy-setting documents. Within the general scope of and in conformance with the direction established by such documents and with the exception of the limitations identified in the specific policies which follow, the Executive Director shall be responsible for the operation, maintenance, administration and use of the Port's properties and facilities; the development of industrial districts; the implementation of construction work and alterations and improvements to the Port's real estate and physical facilities and necessary planning incidental thereto; the administration of the day-to-day operations which include personnel administration (salary and benefit matters including the fixing of wages and benefits within overall budgetary guidelines, task and project assignments, hiring, firing, training, grievance procedures, employee enrichment and improvement, etc.); execution of contracts; the delivery of services essential to the Port's mission; financial and accounting related matters; legal matters and all other administrative matters. Further, Executive Director is hereby authorized to publish notice of any and all public hearings which are required by law or are necessary for Port Commission action. Except as may be prohibited by state law, all delegations described herein with monetary limitation shall be automatically adjusted at the beginning of each year to conform with the preceding years, etc.

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

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

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

**I. REAL PROPERTY AGREEMENTS**

**A Types of Agreements**

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

**B. General Real Property Agreement Policy**

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

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

**C. Real Property Agreement Procedures**

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

1. Agreements having a term (including any options) of five years duration or less may be approved and signed by the Executive Director provided the Port's standard Agreement form is used (except for provisions inapplicable), Agreement terms conform to proper real estate practices and the guidelines set forth in the Lease Policy, and there is no financial obligation of the Port for improvements.
2. To the extent assignments, subleases, or options are permitted in the basic Agreement the same may be approved by the Executive Director, provided; other substantive terms of the Agreement are unchanged; any option or options do not result in an Agreement term (including options) of more than five years; rental adjustments consistent with Port Lease Policy are made; and provided an amendment to the Agreement may be approved by the Executive Director if the scope of the amendment is otherwise within the authority of the Executive Director under this Resolution.
3. Easements of five years or less, licenses and permits ancillary to the normal operation of the Port may be granted by the Executive Director.
4. The Executive Director is charged with the responsibility to insure that all agreement terms are complied with and is authorized to take necessary measures to cause compliance or to protect the Port's legal position, including but not limited to the giving of all notices provided for in the Agreement.
5. Customary and usual easements granted for installation of utilities to service Port properties or for rights of way for access to Port properties may be executed by the Executive Director on behalf of the Port regardless of the length of the term. Other easements with a term of five years or less, licenses or permits ancillary to the normal operation of the Port may be executed by the Executive Director on behalf of the Port.

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

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

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

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

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

- A. When the Port Commission authorizes the acquisition of real property by negotiated purchase or condemnation, the Executive Director shall take all necessary steps, including appraisals, to secure title of such property for the Port. The acquisition price of individual properties (or ownerships) shall in no case exceed the Port's appraisal without further specific Commission approval. When several parcels are authorized for purchase by the Port Commission, the total price paid for all such properties shall not exceed the Port's appraisal without further specific Commission approval.
- B. When the Port Commission authorizes the sale of Port real property, the Executive Director shall be empowered to take all necessary administrative steps including the acquisition of appraisals in order that execution of the conveyance instrument by the Commission may occur. After execution of the instrument by the Commission, the Executive Director is authorized to take any and all other necessary steps, including delivery, to finalize the sale.
- C. The Executive Director is authorized to enter into Non-Disclosure Agreements ("NDAs") to the extent permitted by law in order to provide for the furtherance of the public good in regards to price, technical information, business information, and other competitive real property features in negotiations with entities seeking to do business with the Port.

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

- A. Contract Awards for Construction and Maintenance
  - 1. The Executive Director may, without prior Commission approval, execute on its behalf small works roster contracts where the total estimated contract price does not exceed One Hundred Fifty Thousand Dollars (\$150,000), the work is within Capital Budget authorized limits, and so long as all statutory procedures are followed.
  - 2. The Executive Director may, without Port Commission approval, prepare plans and specifications, issue notices calling for bids, award and accept contracts for work where the total estimated contract price does not exceed One Hundred Fifty Thousand Dollars (\$150,000), provided that all requirements of R.C.W. 53.08.120-135 are met, and the work is within authorized Capital Budget limits. Change order amounts are at the

discretion of the Executive Director, provided they do not increase the adjusted contract to an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000). If the project scope varies from the Commission approved Capital Budget, it will be brought before the Commission before obligation of any funds.

3. On contracts for work exceeding One Hundred Fifty Thousand Dollars (\$150,000), Commission approval shall be required prior to the preparation of plans and specifications for such work. Request for authorization to prepare plans and specifications shall include an estimate as to the total cost of the work. Upon completion of plans and specifications, the Executive Director is authorized to publish notice calling, for bids. Award of contract will be made with Commission approval unless there is a time constraint. In the event of a time constraint, Commission approval for award by the Executive Director will be requested in connection with the request for authorization to prepare plans and specifications. If an award is to be made to other than the lowest responsible bidder; if there is a material deviation from the Port's General Conditions; or if the bid is in dispute, Port Commission approval shall be sought prior to the award. Port Commission approval shall be required for the rejection of all bids.
4. When any emergency shall require the immediate execution of a contract for work, the Executive Director, pursuant to the procedures of R.C.W. 39.04.020 (as it may be amended or succeeded), is authorized to make a finding of the existence of such emergency and execute any contracts necessary to respond to the existing emergency, provided that the Executive Director shall, at the first Port Commission meeting following the Executive Director's finding of the existence of an emergency, request Port Commission ratification of the finding of emergency and any contracts awarded and/or executed pursuant to that finding.

#### B. Change Orders

Where contracts for the performance of work exceeding One Hundred Fifty Thousand Dollars (\$150,000) have been awarded and under which the work is in progress, and individual changes in plans and/or specifications are necessitated in order to properly accomplish the work, the Executive Director is authorized to execute individual change orders to the contract provided the following conditions are met:

1. The estimated cost of the individual changes in plans and/or specifications will not exceed Fifteen Thousand Dollars (\$15,000) or 20% of the contract price, whichever is less. However, when an individual change order issued under any contract shall cause the total cash amount of change orders to that contract to exceed a sum equal to 20% of the original contract amount, or Fifty Thousand (\$50,000), whichever is less, such change order shall not

be issued without prior Commission approval and no future change orders to said contract may. be issued without Commission approval.

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

#### C. Reports

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

### V. UTILIZATION OF PORT CREWS

- A. The Executive Director is authorized to use necessary workers for operations and maintenance of facilities pursuant to Port Commission approved labor agreements.
- B. The Executive Director shall be responsible for obtaining, prior Port Commission approval for work projects which are new construction or major modifications of Port facilities to be carried out by Port crews when the total estimated cost exceeds One Hundred Fifty Thousand Dollars (\$150,000).

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

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

bidding, the Executive Director may execute contracts for the acquisition of utilities, materials, equipment, supplies and services subject to the following conditions:

- A. The contract or purchase order price for one year does not exceed Fifty Thousand Dollars (\$50,000) or, if specifically identified in the annual budget, the amount shown in such budget, and the contract provides for no more than two (2) options to extend the contract for one (1) year periods, provided that the basic contract or purchase order price and any contract extensions must be within appropriate annual budget limits.
- B. The award is made to a bidder who has submitted a proposal based on the plans and specification on file, or, where permissible, based upon his own plans and specifications and accompanied by a bid proposal deposit as may be required, and which is, as nearly as practicable, in accordance with the requirements of R.C.W. 53.08.120, (as it may be amended or succeeded).
- C. The successful bidder has provided, where required, a performance bond with sureties which comply with the requirements of the applicable law.

## **VII. REIMBURSABLE SERVICES**

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

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

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

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

Except as provided in Section VIII of this Exhibit A, the Executive Director shall be responsible for obtaining professional and consultant services where deemed necessary in carrying out normal Port operations and provided all applicable legal requirements are



met. The Executive Director may arrange for such services where the estimated cost of the proposed service does not exceed the amount of Fifty Thousand Dollars (\$50,000), provided all such arrangements shall be reported to the Port Commission monthly.

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

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

### **A. Legal Services**

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

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

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

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

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

### **D. Settlement**

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

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

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

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

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

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

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

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

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

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

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

### **XIV. INSURANCE PROGRAMS**

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

### **XV. TRADE DEVELOPMENT PROGRAMS**

The Executive Director is authorized, consistent with statutory limitations, to develop and carry out programs of trade development (which may include tourism and tourism promotion), advertising (including the use of advertising firms within budgetary authority and promotion of the Port, including its properties, facilities and services. This may include participation in programs and agreements designed to provide shippers which

use or may use the Port of Benton with the most competitive service and lowest possible, freight rates including negotiation of warehouse rates, consolidation of traffic and prepayment of freight charges by the Port, and all necessary activities related to the intermodal movement of interstate and foreign cargo. Such programs of trade development and promotion shall be reviewed by the Port Commission from time to time so it may be informed as to chances which occur.

## **XVI. ISSUANCE OF TARIFFS**

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

## **XVII. RULES AND REGULATIONS**

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

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

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

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

The Executive Director is authorized to approve travel by employees and/or other authorized representatives of the Port in accordance with the established travel policy in order to effectuate necessary normal Port operations, provided that reimbursable personal travel expenses for an individual trip shall not exceed Ten Thousand Dollars (\$10,000) within the continental United States and provided that the Commission shall be advised monthly of major travel made by Port staff. Any International Travel must be approved by the Executive Director, as to Port employees, and the Port Commission in an open public meeting, as to Commissioners. All travel must abide by Resolution 23-31, "A Resolution of the Port of Benton Commission Regarding Travel Policies & Procedures."

International trade missions will receive Port Commission review and approval.

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

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

The Executive Director is authorized pursuant to R.C.W. 53.08.090 to sell and convey surplus personal property of the Port pursuant to the requirements of R.C.W. 53.08.090-.092 (as amended or succeeded) and authorized pursuant to Port Resolution No. 20-36, "A Policy of The Port of Benton for the Sale and Disposal of Surplus Personal Property." In no case shall surplus personal property of the Port be sold to any Port Commissioner or Port employee or to members of their immediate families without the specific approval of the Port Commission. This provision does not prohibit commissioners, employees, and members of their immediate families from bidding on excess Port property sold at public auction.

## **XXI. BANKING SERVICES**

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

## **XXII. AUTHORIZATION OF EXPENDITURES**

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

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

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

## **RESOLUTION 24-02**

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

**WHEREAS**, the Board of Commissioners of Port of Benton met this 10<sup>th</sup> day of January, 2024, a quorum of the Commissioners being present; and

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

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

**WHEREAS**, that the Port Commission previously approved Port Resolution No. 20-36, "A Policy of the Port Of Benton for the Sale And Disposal of Surplus Personal Property," which remains in effect and shall be followed; and

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

**BE IT FURTHER RESOLVED** that this resolution shall be in force for one calendar year and shall expire on January 9<sup>th</sup>, 2025.

**DATED AND SIGNED** at Richland, Washington this 10<sup>th</sup> day of January, 2024.

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

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

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

Organization	Type	Port Representative	Meeting Frequency
American Association of Port Authorities (AAPA)	Assessment Membership	RK/CR/LS/DH/DB/JL/TH	Periodic
American Association of Airport Executives (AAAE)	Assessment Membership	QW/TH/RB/DH/VS-SC	Periodic
American Short Line and Regional Rail Association	Assessment Membership	BB/DH	Periodic
Benton City Chamber of Commerce	Assessment Membership	LS/TH/BB	Yearly
Benton-Franklin Council of Govt's (BFCOG)	Assessment Membership		Periodic
BFCOG - STP Systems Trans. Plan	Assessment Membership	RK/CR/RGW	Irregular
BFCOG - Board	Assessment Membership	RK/CR	Monthly
BFCOG - Tri-Mats Policy Advisory Committee (PAC)	Assessment Membership	RK/CR	Monthly
BFCOG - Tri-Mats Technical Advisory Committee (TAC)	Assessment Membership	RGW/AG	Monthly
BFCOG - Surface Transportation (STP)	Assessment Membership	RK/CR	Irregular



Energy Communities Alliance (ECA)	Assessment Membership	RK/DH	Monthly
Benton-Franklin-Walla Walla Counties Good Roads & Transportation Association	Assessment Membership	CR/RK/LS	Monthly
Hispanic Chamber of Commerce	Assessment Membership	DB/DH/SM/CR/RK	Annual
Leadership Tri-Cities	Assessment Membership	DH	Annual
Pacific Northwest Waterways Association (PNWA)	Assessment Membership	RK/CR/LS/DH	Annual
Prosser Chamber of Commerce	Assessment Membership	LS/TH/RB/RW/BB	Weekly
Washington Small Business Development Center (SBDC) Advisory Council	Assessment Membership	SM/DH	
Tri-City Regional Chamber of Commerce	Assessment Membership	CR/RK	Monthly
Tri-City Regional Chamber of Commerce - Ex-Officio	Assessment Membership	DB	Monthly
Tri-Cities Regional Business and Visitors Center (TRI PORTS - Visit Tri-Cities Small Conference)	Assessment Membership		Annual

TRI PORTS - Tri-Cities Port	Assessment Membership	DH	Quarterly
TRI PORTS - Manager Representative	Assessment Membership	DH	Quarterly
TRI PORTS - Commission Representative	Assessment Membership	RK	Quarterly
TRI PORTS - TRIDEC Executive Committee Representative	Assessment Membership	RK	Quarterly
Visit Tri-Cities	Assessment Membership	DH/DB	Monthly
Inland Ports and Navigation Group	Assessment Membership	CR/RK/LS/DH/DB	Annual
Washington Airport Managers Association (WAMA)	Assessment Membership	QW/TH/RB/VS	Annual
Washington Public Ports Association (WPPA)	Assessment Membership		Periodic
WPPA - Executive Committee	Assessment Membership	RK	Periodic
WPPA - Economic Development Committee	Assessment Membership	CR/RK/DH	Quarterly

WPPA - Finance & Admin Committee	Assessment Membership	JL/VS/LR/SC	Quarterly
WPPA - Legal Committee	Assessment Membership	DB	Quarterly
WPPA - Cooperative Development	Assessment Membership	TH	Quarterly
WPPA - Legislative Committee	Assessment Membership	RK/CR/LS/DH	Periodic
WPPA - Public Information Committee	Assessment Membership	WW/SM	Periodic
WPPA - Aviation Committee	Assessment Membership	RK/LS/DH/QW	Quarterly
WPPA - Environmental Committee	Assessment Membership	RK/CR/DB	Periodic
WPPA - Cyber Committee	Assessment Membership	DB	Periodic
WPPA - Procurement Committee	Assessment Membership	JL/SC/DB	Periodic
Benton County Investment Board	Governmental Local/County/State	JL	Periodic

Governmental Conference OEDP (COG)	Governmental Local/County/State	CR/DH	Annual
Hanford Communities (COR)	Governmental Local/County/State	CR/DH	Periodic
Richland City Council Public Hearings	Governmental Local/County/State	DB/DH/RW	Occasional
DOE Community Information Meeting	DOE/Hanford Related	RK/CR/DH	Periodic
DOE Land Use Planning	DOE/Hanford Related	DH/AG	Occasional
Environmental Management Advisory Board	DOE/Hanford Related	DH	Monthly
Hanford Nuclear Related Public Hearings	DOE/Hanford Related	RK	Occasional
American Institute of Certified Public Accountants (AICPA)	Employee Membership	JL	Annual
Washington Society of Certified Public Accountants (WSCPA)	Employee Membership	JL	Annual
Washington Finance Officers Association (WFOA)	Employee Membership	JL/VS	Annual

Government Finance Officers Association (GFOA)	Employee Membership	JL/VS	Annual
Institute of Management Accountants (IMA)	Employee Membership	JL	Annual
Washington State Bar Association (WSBA)	Employee Membership	DB	Periodic
Society for Human Resources Management (SHRM)	Employee Membership	DB/JL/VS	Annual
International Facility Management Association (IFMA)	Employee Membership	RB/JP/TH	Annual
Building Owners and Managers Association (BOMA)	Employee Membership	RB/JP/TH	Annual
Commercial Real Estate	Employee Membership	TH	Annual
Benton & Franklin County Bar Association	Employee Membership	DB	Annual
Public Relations Society of America (Mid-Columbia Chapter)	Employee Membership	SM	Bi-Weekly
Municipal Research and Services Center (MRSC)	Employee Membership	DB/JL/SC/VS/LR	

Washington Winegrowers Association	Annual Event	WW/TH/SM	Annual
Association of Washington Business	Economic Development Contract Affiliations	DH/JL/DB/SM	Periodic
Inland Northwest Partners	Economic Development Contract Affiliations	DH/TH/SM	Yearly
Tri-Cities Research District	Economic Development Contract Affiliations	DH	Monthly
TRIDEC	Economic Development Contract Affiliations	DH	Monthly
Washington Economic Development Association (WEDA)	Economic Development Contract Affiliations	DH/TH	Periodic
Washington Policy Center (WPC)	Economic Development Contract Affiliations	CR/RK/DH	Periodic
Columbia Basin College Foundation	Nonprofits & Other Economic Development Organizations	DB	Monthly
EWU President's Advisory Council	Nonprofits & Other Economic Development Organizations	DH	Periodic
International Economic Development Council (IEDC)	Nonprofits & Other Economic Development Organizations	DH/TH	Annual

Vertical - CESA, WTIA, Tech Alliance, USNIC	Nonprofits & Other Economic Development Organizations	DH	
Richland - Sunrise Rotary	Nonprofits & Other Economic Development Organizations	RK/DH	Monthly
Richland Chamber of Commerce	Nonprofits & Other Economic Development Organizations	DH	Monthly
Prosser EDA - Economic Development Services	Nonprofits & Other Economic Development Organizations	DH	Monthly
Pacific NW Assoc Rail Shippers - Rail	Nonprofits & Other Economic Development Organizations	DH/TBD	Bi-Annual



## 2024 Port of Benton Commission Meeting Dates

Wednesday, January 10	
Wednesday, February 14	
Wednesday, March 13	
Wednesday, April 10	
Tuesday, May 14*	*3 <sup>rd</sup> Tuesday to accommodate WAMA, ECA Forum and WPPA Spring meeting
Wednesday, June 12	
Wednesday, July 10	
Wednesday, August 14	
Wednesday, September 11	
Monday, October 7	Budget workshop
Wednesday, October 16	
Wednesday, November 13	
Wednesday, December 18*	*3 <sup>rd</sup> Wednesday to accommodate WPPA



## PORT OF BENTON CONFLICT OF INTEREST STATEMENT

To comply with Washington State and Port of Benton requirements all staff and commission are required to file this form upon hiring and annually thereafter.

Procedures: Employee completes the form at time of hire and/or annually upon receipt from the office of the administrator and submits it to the Executive Director or Auditor for review and signature. The original forms will be included in the employee's personnel file. If, between filings of conflict of interest forms, events occur in the areas covered by these questions that might result in a potential conflict, employees must take the responsibility to complete a new form and submit it to the Executive Director or Auditor for review. Should you need any assistance or clarification, please contact the Auditor.

1. Are you now, or were you in the year just ended, engaged in any outside employment or business activity?

(New hires should answer this question for the three year period just ended.)

Yes \_\_\_\_\_

No \_\_\_\_\_

2. Do you have any political, social, personal convictions, or legal actions which may present a conflict of interest with respect to the Port of Benton?

Yes \_\_\_\_\_

No \_\_\_\_\_

If you have answered **YES** to either one of these questions, please explain the nature of the activity (type of activity, if there has been any involvement with any governmental entity, number of hours worked, etc.):

3. Does your spouse, domestic partner or dependent children now, or did they, during the last year, work for any federal, state or local government agency?

(New hires should answer this question for the three year period just ended.)

Yes \_\_\_\_\_

No \_\_\_\_\_

If **Yes**, please give agency name, job title, nature of job, employment dates:

4. Please list the legal description of all property in the State of Washington that you and your spouse purchased from a federal, state or local government agency during the calendar year just ended.

(New hires should answer this question for the three year period just ended.)

5. Please list the name (not the value) of any business enterprises (not reported in #1) that you or your spouse, domestic partner or dependent children have a financial interest valued at over \$1,500.00. Exclude insurance policies, bank accounts, savings and loan associations and credit unions, publicly traded stocks/bonds, mutual funds and deferred compensation account.

6. Please list every office or directorship held by you or your spouse, domestic partner or dependent children in any firm, corporation or enterprise which is subject to jurisdiction of a regulatory agency. "Regulatory agency" is define in RCW 42.21.020 as any state board, commission, department or officer authorized by law to make rules or to adjudicate contested cases.....

I certify that I understand my responsibility to notify my manager immediately if any circumstances arise which represent an actual or potential conflict of interest, and that the information provided above is true and correct.

\_\_\_\_\_  
Name (printed or typed)                      Signature                      Date

**EXECUTIVE DIRECTOR/AUDITOR:** Is there a potential conflict for this employee?

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Name                      Signature                      Date

# MEMORANDUM

Date: January 4, 2024  
To: Commission  
From: General Counsel  
Subject: 2024 Salary Increase for Port Commissioners in Washington State

## Issue Presented

Elected commissioners, board members, supervisors, and directors of special purpose districts receive increases in compensation every five years as established by the Washington State Office of Financial Management (OFM).

OFM is required to calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. In prior years, these increases became effective on July 1. As of 2024, these increases now take effect on January 1, with adjustments occurring every five years thereafter.

## Background

OFM recently released the Notice of Dollar Threshold Adjustment for all special purpose districts (see [WSR 23-23-158](#)). As OFM states in the notice:

The adjustment is to be based upon changes in the consumer price index for “wage earners and clerical workers, all items” compiled by the Bureau of Labor and Statistics, U.S. Department of Labor during that time period. The new dollar threshold shall be transmitted to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new threshold takes effect. Over the five-year period from October 2018 to October 2023, the Consumer Price Index for Urban Wage Earners and Clerical Workers for the Seattle-Tacoma-Bellevue, WA area as reported by the Bureau of Labor Statistics, U.S. Department of Labor, increased by 26.16 percent.

## Discussion

Regarding compensation, interpretation of the word “shall” by MRSC and the Washington State Auditor’s Office has been and continues to be that the threshold is *mandatory*, meaning the new rates are effective January 1, 2024 and are to be paid **regardless of whether or not the elected official is newly elected or serving an existing term**.

**Port Districts (RCW 53.12.260):** “Payment of compensation for each commissioner *shall* be at a rate of \$161 per day, with compensation for each commissioner not to exceed \$15,456 per year, or \$19,320 per year for districts with a gross operating income of \$25 million or more in the preceding calendar year. Commissioners also receive a salary of \$899 for districts with a gross operating income of \$25 million or more in the preceding calendar year, or \$360 for districts with a gross operating income of from \$ 1 million to less than \$25 million in the preceding calendar year.”

Please feel free to contact me should you require further clarification or information.

DAVID BILLETDEAUX  
General Counsel

	<b>Project</b>	<b>Description</b>	<b>Grants Pursued/Received</b>	<b>Comments</b>
<b>1</b>	Richland Innovation Center Rural County Capital Funds	Infrastructure improvements across already developed lots and the widening of Fermi Avenue	Benton County RCCF \$1,100,000	<b>Amendment for extension and \$400K of additional funding completed. Project out to bid January.</b>
<b>2</b>	Innovation Cluster Accelerator Program Application, Phase 2	Washington Dept of Commerce, next evolution of POB, IPZ. Goal to support creation of clean energy industry lead alliance.	State - <b>\$300,000</b>	<b>\$300,000 Awarded. RFP's for contractors out to bid January.</b>
<b>3</b>	National Highway Freight Program (WSDOT portion)	SR 240 rail signal and crossing reconstruction. 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.	WSDOT \$865,000 POB \$135,000	KPFF working on design plans for a bid advertisement by the end of 2023. Plan for the crossing and signal replacement to be completed by end of first quarter 2024.
<b>4</b>	Railroad Improvements - FRAP grant	Provide grant funding of railroad crossings - Airport Way, Saint St, and Kingsgate Way signal cabinet.	FRAP - \$1,030,000 POB \$250,000	<b>HDR is currenting in design of this project.</b>
<b>5</b>	DOE EV	Provide grant funding for EV charging stations north Richland, Prosser	POB land sites	POB to be applicant working with OCOchem on fast charger demonstration on Port property VV, Prosser, no cost to POB
<b>6</b>	2023-2025 State Capital Appropriation	"White Bluffs Rail" remaining crossings, ties, panels and rail to support CRISI	\$1,212,500 State Grant	Working on pre contract approvals required by grant including ownership maps of rail and coordination with tribes.
<b>7</b>	U.S. EDA	2579 building and rail	EDA \$3-5M Benton Co. .09 \$1.2M submittal will follow EDA, POB \$2M CERB loan req to follow EDA	New EDA rep. We will need to begin this application Q1 2024

	<b>Project</b>	<b>Description</b>	<b>Grants Pursued/Received</b>	<b>Comments</b>
<b>8</b>	Benton County .09	TBC real property currently in negotiations	Benton County RCCF \$1.5M	<b>Application proceeding, final decision anticipated January</b>
	<b>Airports</b>			
<b>9</b>	Richland Airport - Airfield Signage and Lights (PH1)	Replace Airfield Signs, Replace runway lights on RW 8/26 & 1/19 MIRL	FAA - \$3,200,000 No Match Required	<b>Emergency generator incoming! Expected to ship 1/5/24</b>
<b>10</b>	FAA and State Airport discretionary funds - <b>Richland Airport</b>	Runway and Apron Crack and Fog Seal	FAA NPE \$290,000 State \$800,000 <b>Awarded FAA Grant amount 2023 = \$178,000 (Design Work)</b>	Approved - Grant Agreement Signed by Port and FAA. 90% Design submitted to FAA. New construction estimate \$1.93M
<b>11</b>	FAA Airport Funds - <b>Prosser Airport</b>	Runway and Apron Crack and Fog Seal and Airport Lighting	FAA NPE \$200,000 FAA DI \$1,300,000 <b>Awarded FAA Grant amount 2023 = \$245,000 (Design Work)</b>	Approved - Grant Agreement Signed by Port and FAA. 90% Design submitted to FAA. New construction estimate \$1.93M
<b>12</b>	Infrastructure Investment and Jobs Act - Grant Funds (Now Bipartisan Infrastructure Law BIL funds) - <b>Richland Airport</b>	Direct grants for the improvement of public use airports. Awarded project is Taxilane construction	Richland Airport \$1,200,000	FAA approved for construction 2024-2026. Grant application submitted. <b>Anticipated grant award 2/1/24.</b>

	<b>Project</b>	<b>Description</b>	<b>Grants Pursued/Received</b>	<b>Comments</b>
<b>13</b>	Infrastructure Investment and Jobs Act - Grant Funds (Now Bipartisan Infrastructure Law <b>BIL</b> funds) - <b>Richland Airport</b>	Main Apron Reconfiguration - Design/Construction 2025/26	BIL Funds \$833,000	Approved
<b>14</b>	FAA Airport Funds – <b>Richland Airport</b>	Wildlife fencing around airport. Complete fencing around entire airport	FAA NPE \$205,000	Approved
<b>15</b>	FAA Airport Funds – <b>Prosser Airport</b>	Construct Heliport/Helipad with service road – design	FAA NPE \$155,000	Approved