

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 and the call-in number to participate via telephone will be made available on the morning of the meeting on the Port of Benton's website at the link below, along with the meeting agenda and minutes from past meetings. Live broadcast information:

www.portofbenton.com/commission

For those unable to access the internet, please call 509-375-3060 by 8:00 a.m. on December 18, 2024, to receive 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 in which your hands are raised. Press star + 6 (*6) when the host calls on you to unmute yourself.

PORT OF BENTON
REGULAR COMMISSION MEETING
Agenda
8:30 a.m., December 18, 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 of the November 13, 2024 Commission Meeting & Public Hearing
3. Approval of Vouchers and Certifications, Including Payroll for the Month of November, Totaling \$1,773,353.30

D. PUBLIC COMMENT

E. ITEMS OF BUSINESS

1. Resolution 24-41, Adoption of Port of Benton Commission Rules Policy & Procedure

2. Resolution 24-42, Authorizing Write-Off of Uncollectible Accounts Receivable Through November 30, 2024 – Richland Airport
3. Resolution 24-44, Acceptance of Work, Maxwell Asphalt, Inc.– Richland Airport
4. Assignment of Lease – Talent Aviation to Tym2Fly, LLC – Richland Airport
5. 2025 Architect, Engineer and Professional Roster
6. 2025 Contracts (RGW Enterprises, Gravis Law)
7. City of Richland and Port of Benton Land Exchange Phase I Closing and Extension of the Feasibility Study, Phase II
8. Alfteras Easement – Prosser Airport
9. 2025 Meeting Dates
10. Performance Review of Executive Director

F. INFORMATION REPORTS

1. Grants Update
2. Engineering & Development Update

G. COMMISSIONER REPORTS/COMMENTS

H. DIRECTOR REPORTS/COMMENTS

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

I. FOR THE GOOD OF THE ORDER

J. EXECUTIVE SESSION

K. ADJOURNMENT

The next regular Port of Benton Commission meeting will be held on **Wednesday, January 15, 2025**, at the Port of Benton Commission Meeting Room at 3250 Port of Benton Blvd., Richland, Washington. Visit portofbenton.com for notices and information.

**PORT OF BENTON
COMMISSION MEETING MINUTES
November 13, 2024**

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

PRESENT: Commissioner Scott D. Keller, Commissioner Lori Stevens, Commissioner Roy D. Keck

PORT STAFF PRESENT: Diahann Howard, Jeff Lubeck, Quentin Wright, Summers Miya, Ron Branine, Brandin Lopez, Wally Williams, Audrey Burney, Angela Saraceno-Lyman

ALSO PRESENT: John O’Leary, Gravis Law; Clif Dyer, Sundance Aviation; Francisco Gamez, Enodav Wine Co.; David Rodriguez, Enodav Wine Co., Mr. Rodriguez, Enodav Wine Co.

The following attendees attended via remote communications: Jorge Celestino, Sheri Collins; Cassie Hammond, Julia Mora, Bryan Condon, Century West Engineering; Wendy Culverwell, Tri-City Herald; Joshua Lott, Anderson Perry; Teresa Hancock, Greg Shaw, Ashley Garza

The Commission meeting was noticed as required by RCW 42.30.070.

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

C. CONSENT AGENDA:

Commissioner Lori Stevens made a motion, seconded by Commissioner Scott Keller, opposed by Commissioner Roy Keck, to amend the agenda and add Item of Business #8, “Clarification of Who the Port Attorney Reports To.”

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission approving the revised agenda for the November 13, 2024, Commission meeting, approval of minutes from the October 15, 2024 Commission workshop, approval of minutes from the October 16, 2024 Commission meeting, approval of vouchers and certifications, including payroll, for the month of October totaling \$1,092,722.88.

D. PUBLIC COMMENT:

Clif Dyer of Sundance Aviation, requested an updated lease and lease assignment related to the current tenant, Ken Jackson, noting that the lease needs to allow for the opportunity. Dyer noted that the lease rate needs to be competitive, which will allow the business to be profitable, as the current rates do not allow.

Dyer noted that time is of the essence in this scenario and discussed possible competitive rates.

Dyer noted that he would like to see action moving forward on the creation of an airport advisory committee, which would consist of a 5-6-person group, noting that several opportunities have been left on the table in the past few years.

Port of Benton
Commission Meeting
Visit portofbenton.com/commission for
meeting materials and recordings.

E. PUBLIC HEARING

Commission President Scott Keller opened the public hearing at 8:40 a.m.

1. 2025 Port of Benton Budget

It was noted that one notable difference in the 2025 budget, as far as expenses, is the railroad.

It was noted that the Port stayed within the lines of the budget, per an inquiry from Clif Dyer. There were no additional comments.

2. 2025 Comprehensive Plan of Harbor Improvements

There were no comments from the public.

Commission President Scott Keller closed the public hearing at 8:42 a.m.

F. ITEMS OF BUSINESS

1. Resolution 24-36, 2025 Port of Benton Budget; Resolution 24-37, Port of Benton 2025 Comprehensive Plan of Harbor Improvements Adoption; Resolution 24-38, Certifying the Port of Benton's 2024 Levy for 2025 Collection

Director of Finance Jeff Lubeck reviewed the timeline and all major pending items, the City of Richland land swap, which is in the due diligence period and will likely close in 2025.

Discussion continued related to the due diligence period.

Lubeck added that the property tax revenue calculations will be finalized in January 2025.

Lubeck noted that the final pending item is related to Crow Butte labor related to the pension audit.

Lubeck provided a brief crosswalk of items changed since the budget workshop in October, noting the change in property tax going up from the third round of information received from the County. Lubeck added that this change has zero impact on the property tax rate, but resulted from the underlying property valuation. Lubeck stated that the \$25,000 property tax increase will increase the surplus from \$115,000 to \$140,000.

Lubeck reviewed property tax information and noted that there will likely be a small difference when Benton County finalizes the levy values and amounts in January 2025.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission, approving Resolution 24-36, 2025 Port of Benton Budget; Resolution 24-37, 2025 Port of Benton Comprehensive Plan of Harbor Improvements and Resolution 24-38, Certifying the Port of Benton's 2024 levy for 2025 collection.

3. Resolution 24-39, Barge Facility Tariff and Fee Structure – Technology & Business Campus

Engineering and Development Manager Brandin Lopez noted that this item was originally reviewed at the September Commission meeting. Lopez stated that the barge facility and tariff fee

Port of Benton

Commission Meeting

Visit portofbenton.com/commission for meeting materials and recordings.

November 13, 2024

Page 2

structure policy would establish a fee and streamline processes. Lopez stated that the document would formalize what had been previously discussed.

Lopez provided a review of the tariff policy, including planned improvements to the barge facility.

Lopez noted that he has conducted several meetings with current and future potential clients, including the US Navy, about the plans and plans for future scheduling purposes.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, and unanimously passed by the Commission, approving Resolution 24-39, a barge facility and fee structure.

4. Resolution 24-40, Acceptance of Work to Ecomodus, LLC – Technology & Business Campus

Director of Facilities Ron Branine provided an overview of the lighting replacement project at 3110 Port of Benton Blvd.

Branine stated that the project subtotal was \$148,893.28, with \$12,953.73 in Washington State sales tax, totaling \$161,847.00.

Branine stated that the Port will receive a \$69,684.00 rebate on the project, and there will be a one-year savings of \$15,850.00, and the ROI will be approximately ten years.

A motion was made by Commissioner Roy Keck, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission, approving Resolution 24-40, acceptance of work to Ecomodus, LLC.

5. Contract Amendment Through Year-End for RGW Enterprises

Executive Director Diahann Howard stated that the RGW Enterprises contract has an overage of \$25,000 due to the number of capital projects, additional responsibilities, and project coordination.

Howard added that RGW has been transitioning with Brandin Lopez on duties and responsibilities.

Howard added that approximately \$53,000 of the RGW contract is reimbursable through grants.

Howard added that there has also been a lot of work regarding rail, car charge study and the Columbia Rail short line agreement.

Discussion ensued related to overall contracts and efficiencies.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck, opposed by Commissioner Scott Keller. The contract amendment through year-end for RGW Enterprises was approved.

6. Revision to Standard Airport Land Lease Agreement – Airports

Airport Manager Quentin Wright highlighted the airport lease with the red-lined track changes, pointing out the areas that were updated.

Discussion ensued related to the updates, plans for lease renewals and legal requirements.

Commissioner Roy Keck made a motion, seconded by Commissioner Lori Stevens, and unanimously passed by the Commission to approve the revision to the standard airport land lease agreement.

6. Revised Development Plan, Francisco Gamez – Vintners Village

Real Estate Manager Audrey Burney provided background information on the purchase and sale agreement between the Port of Benton and Enodav Wine Co., who purchased three parcel areas in Vintners Village. Burney stated that the agreement included plans for a combination tasting room, office, case, good storage for the winery, crush, and outdoor space and reviewed the plan layout site.

Burney provided background on a repurchase option if construction has not started within 18 months of purchase.

Burney introduced Enodav Wine Co. owner, Francisco Gamez, who is now proposing a winery that is Air B&B style and multiple cabins located on the land. Burney stated that the revised plan falls in line with the City of Prosser agritourism requirements.

Francisco Gamez provided an overview on the revised business plan for the land purchased in Vintners Village. Gamez explained that after researching, he has shifted the business plan to five-star overnight units, which will add 20-25 jobs to the community and year-round employment opportunities, along with the unique overnight option to the community.

Commissioner Stevens noted she was excited about the proposals.

Commissioner Lori Stevens made a motion, seconded by Commissioner Roy Keck, and unanimously passed by the Commission to approve the revised development plan for Enodav Wine Co. at Vintners Village.

7. University Drive Easement Request – Richland Innovation Center

Engineering & Development Manager Brandin Lopez described and displayed on the screen the recent easement request received from Charter Communications in the Richland Innovation Center.

Discussion ensued on this process for future easement requests.

Commissioner Lori Stevens made a motion, seconded by Commissioner Roy Keck, and unanimously passed by the Commission to approve a University Drive easement request in the Richland Innovation Center.

8. Clarification on Who the Port Attorney Reports To

Executive director Diahann Howard stated that this item was originally brought forward in February by former port attorney David Billetdeaux and again during commission September meeting. Howard stated that the Commission had stated that they wanted clarity on this item and they wanted to follow WPPA guidelines, as well as the RCW.

Howard explained that review had been taking place by WPPA counsel and unfortunately Frank Chmelik was unable to get edits back prior to the meeting or attend today due to a family medical emergency.

Howard provided the draft and explained the changes comparatively, outlining that basically the Commission will appoint the attorney, but the process of putting out the RFP and bringing issues forward to the Commission comes from the executive director.

Discussion ensued on the topic of who the port attorney reports to.

Commissioner Lori Stevens made a motion, seconded by Commissioner Roy Keck, and unanimously passed by the Commission to approve the addition of this item for the December agenda, "Adoption of Port of Benton Commission Rules Policy & Procedure".

F. INFORMATION REPORTS:

1. Grants Update

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

Item 2, National Highway Freight Program – Only one bid was received, which was 60% over budget. The project is approved for rebid with modifications, with bids due mid-December. Project will likely take place spring 2025.

Item 3, Railroad Improvements – Freight Rail Assistance Program – Crossings are completed. Signal work to be completed when the signal materials arrive, likely before the end of the year.

Item 4 – 2023-2025 State Capital Appropriation – Ties have been ordered, but delivery delayed. The project will likely take place first of the year.

Item 5 – RAISE – RAISE and CRISI not awarded. Port project of merit for RAISE resubmitted. Revised applications will be submitted in 2025.

Item 10 – CERB/EDA – A meeting with CERB and EDA was held to discuss the project. The application planned for fall 2024 and EDA in 2025 will require a 20% match and POB discussion and approval.

Airport Manager Quentin Wright stated that the Richland Airport pavement maintenance project wrapped up last week, and the Prosser project has also been completed, which is a good stop gap until the FAA-funded project can commence in Prosser.

Port of Benton
Commission Meeting
Visit portofbenton.com/commission for
meeting materials and recordings.

G. COMMISSIONER REPORTS/COMMENTS

Commissioner Roy Keck reviewed recent meetings and events he has participated in, including the AAPA Annual meeting, the Chamber of Commerce luncheon, the Port of Pasco's 85th celebration, the grand opening of Tirriddis, WPPA Small Ports, and the Visit Tri-Cities annual meeting.

Commissioner Lori Stevens reviewed recent meetings and events she has participated in, including the Tirriddis ribbon cutting, which she felt was well attended, the space looked great and kudos to the team for their assistance with the event.

Commissioner Scott Keller reviewed recent meetings and events he has participated in, including the Tirriddis ribbon cutting, WPPA Small Ports, Visit Tri-Cities annual meeting and tenant meetings related to the airport.

Commissioner Keller made comments on Resolution 22-42 and Richland Airport's impact on local economic development.

H. DIRECTOR REPORTS/COMMENTS:

1. FINANCE DIRECTOR:

Director of Finance Jeff Lubeck provided a financial overview, noting that the focuses now are the 2024 standard financial information review, 2023 audit status, and 2024 year-end preparation.

An overview of the cash status was provided, noting that continued volatility is due to the timing of large projects, grant expenditures, and grant reimbursements.

An overview of the cash activity was provided with a note that late fees will be implemented in early 2025.

Lubeck stated that past due lease payments will have late payment fees charged beginning in January 2025, in accordance with the terms and conditions specified in the individual leases. Letters have been mailed to all tenants informing them of this.

Lubeck provided a Year-to-Date operating expense review, noting that 2024 continues to trend slightly under budget.

Discussion ensued related to past due tenants.

Lubeck presented a slide noting the areas over budget, Crow Butte Park and airports, which the airport is in large part due to the unplanned pavement maintenance project.

Lubeck informed the Commission that the State Auditors Office has informed staff that the 2023 audit is currently scheduled to begin the week of December 9, 2024 and all entrance interviews will be scheduled.

Lubeck added that one Commissioner will need to be the representative for the risk assessment and planning questions.

Commissioner Scott Keller volunteered for this role.

Lubeck overviewed year-end preparation, including active monitoring of operating expenses and year-end performance reviews of the staff. Lubeck noted that David Mercier will be brought in for the performance review of the executive director.

2. PORT ATTORNEY:

Contract Port attorney John O’Leary stated that he had one item to discuss with the Commission during Executive Session regarding a legal course of action, noting that he proposes that he will seek Commission approval once coming out of Executive Session on the item.

3. EXECUTIVE DIRECTOR:

Executive Director Diahann Howard reviewed recent meetings and events she has participated in.

Howard noted that she had the opportunity to present to the Washington State Wine Commission at their recent board meeting regarding the Walter Clore Center, including opportunities for future co-collaboration with the Center.

Howard noted that the Port presented at the recent Good Roads Association meeting and Association of Realtors. Howard stated that she attended Fusion Week, toured the Seattle-based Avalanche facility, attended the Energy Northwest Public Power Forum, AAPA annual meeting and met with the City of Kennewick regarding the intermodal project.

Howard provided an update on the rail attorney, the lease with Avalanche and the CERB loan and improvements to the Barnhart space, which will be brought forward at a future Commission meeting.

Howard provided general real estate updates and discussion ensued related to lease rates.

I. FOR THE GOOD OF THE ORDER

Executive Director Diahann Howard reviewed a list of upcoming meetings and events, including a review of 2025 Commission meeting dates. The 2025 dates will be brought back in December after a few minor changes for approval.

A reminder was issued to Commissioners to turn in meetings and reimbursement reports the first week of the month for processing. If it is received later, it will be processed the next month.

J. EXECUTIVE SESSION: The regular Commission meeting was recessed at 10:04 a.m. and it was announced that an Executive Session would commence at 10:10 a.m. for 10 minutes to discuss real estate. It was noted that the regular meeting would be reconvened at 10:20 a.m.

At 10:20 a.m., it was announced that an additional 5 minutes was needed.

The regular Commission meeting was reconvened at 10:25 a.m.

A motion was made by Commissioner Scott Keller, seconded by Commissioner Lori Stevens and unanimously passed by the Commission approving payment of \$11,901.29 to Greg Shaw for repair of his concrete apron.

A motion was made by Commissioner Lori Stevens, seconded by Commissioner Roy Keck approve a modification of Talent Aviation’s 10-year lease in alignment with the FAA’s guidelines.

Port of Benton
Commission Meeting
Visit portofbenton.com/commission for
meeting materials and recordings.

K. ADJOURNMENT: The meeting was adjourned at 10:26 a.m. with an announcement that the next regular Port of Benton Commission meeting would be held at 8:30 a.m. on Wednesday, December 18, 2024 at the Port of Benton Commission meeting room located at 3250 Port of Benton Blvd., Richland, Washington.

Roy Keck
Commission Secretary

**Port of Benton, Benton County, Washington
Voucher Certification and Approval
for the Month of November 2024**

General Expenses

Accounts Payable Warrants #:	83874	-	84045		\$ 1,375,258.17
Electronic Payments:					\$ 174,346.41
Total General Expenses					\$ 1,549,604.58

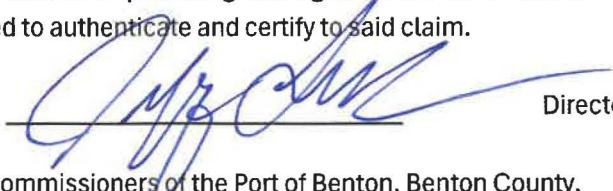
Payroll

Direct Deposit:					
ACH					\$ 117,093.27
Electronic Payments:					
IRS Payroll Tax Deposit					\$ 42,266.79
Other Payroll Related Payments					\$ 64,388.66
Total Payroll					\$ 223,748.72

Total General Expenses and Payroll

\$ 1,773,353.30

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 _____, 2024.

	President
	Vice President
	Secretary

**Port of Benton, Benton County, Washington
Voucher Certification and Approval
for the Month of November 2024**

General Expenses

Accounts Payable Warrants #:	83874	-	84045	\$	1,375,258.17
Electronic Payments:				\$	174,346.41
Total General Expenses				\$	<u>1,549,604.58</u>

Payroll

Direct Deposit:				\$	117,093.27
ACH				\$	117,093.27
Electronic Payments:				\$	42,266.79
IRS Payroll Tax Deposit				\$	42,266.79
Other Payroll Related Payments				\$	64,388.66
Total Payroll				\$	<u>223,748.72</u>

Total General Expenses and Payroll

\$ 1,773,353.30

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 _____, 2024.

President

Vice President

Secretary

**Nov-24
Cash Disbursements
Batch Totals**

\$ 1,375,258.17 Nov-24
\$ 1,375,258.17

Electronic Payments - Other Payment
\$ 1,213.47 11/25/2024 OCTOBER 2024 EXCISE TAX
\$ 173,132.94 11/01/2024 OCTOBER 2024 LEASEHOLD TAX
\$ 174,346.41

IRS Payroll Tax Deposit
19,095.98 11/08/24 INTERNAL REVENUE SERVICE
2,971.04 11/08/24 INTERNAL REVENUE SERVICE
20,199.77 11/22/24 INTERNAL REVENUE SERVICE

\$ 42,266.79

1,595,030.30 Warrants, ACH, FedTax

Payroll Direct Deposit Net Pay
\$ 56,749.28 11/08/24 PORT OF BENTON EMPLOYEES
\$ 3,488.63 11/08/24 PORT OF BENTON COMMISSIONERS
\$ 56,855.36 11/22/24 PORT OF BENTON EMPLOYEES
\$ 117,093.27

Other Payroll Related Payments
\$ 1,871.08 11/08/24 NATIONWIDE
\$ 4,094.05 11/08/24 DCP
\$ 29,871.90 11/18/24 OCTOBER - PERS
\$ 4,116.13 11/22/24 DCP
\$ 2,119.32 11/22/24 NATIONWIDE
\$ 100.00 11/08/24 WASHINGTON SUPPORT REGISTRY
\$ 100.00 11/22/24 WASHINGTON SUPPORT REGISTRY
\$ 13,627.94 11/01/24 3RD QTR LABOR AND INDUSTRIES
\$ 3,158.93 11/01/24 3RD QTR UNEMPLOYMENT
\$ 3,076.45 11/01/24 3RD QTR PFML
\$ 2,252.86 11/01/24 3RD QTR CARES
\$ -
\$ -
\$ 64,388.66

Date	Vendor	Document no.	Amount	Cleared	ACH
11/4/2024	10038-HAMMOND, CASSAUNDRA	83874	969.76	In Transit	
11/4/2024	10036-SCARONI, CHRISTOPHER	83875	300.00	In Transit	
11/4/2024	10026-STEVENS, LORI	83876	124.62	In Transit	
11/4/2024	VEN00209--4IMPRINT, INC	83877	926.47	In Transit	
11/4/2024	VEN00674--509 CONSTRUCTION	83878	260.88	In Transit	
11/4/2024	VEN00025--AMERICAN ROCK PRODUCTS, INC	83879	2,648.73	In Transit	
11/4/2024	VEN00075--CASCADE NATURAL GAS CORP	83880	3,356.89	In Transit	
11/4/2024	VEN00083--CENTURYLINK	83881	147.15	In Transit	
11/4/2024	VEN00290--CI-PW, LLC (Paradise Bottled Water)	83882	59.73	In Transit	
11/4/2024	VEN00052--CITY OF BENTON CITY	83883	99.04	In Transit	
11/4/2024	VEN00089--CITY OF RICHLAND	83884	31,333.83	In Transit	
11/4/2024	VEN00700--CLIFTON LARSON ALLEN LLP	83885	504.00	In Transit	
11/4/2024	VEN00706--CONSTRUCTION AHEAD INC	83886	49,722.14	In Transit	
11/4/2024	VEN00639--CWW LLC (COLUMBIA RAIL)	83887	3,797.11	In Transit	
11/4/2024	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	83888	1,647.02	In Transit	
11/4/2024	VEN00143--DSD BUSINESS SYSTEMS	83889	52.99	In Transit	
11/4/2024	VEN00147--ECOMODUS, LLC	83890	154,402.34	In Transit	
11/4/2024	VEN00166--FERGUSON ENTERPRISES, INC.	83891	61.52	In Transit	
11/4/2024	VEN00009--GEO WAY ACE HARDWARE	83892	137.16	In Transit	
11/4/2024	VEN00200--HDR ENGINEERING, INC	83893	21,641.33	In Transit	
11/4/2024	VEN00729--HIGH FIVE MOTORSPORTS LLC	83894	2,562.60	In Transit	
11/4/2024	VEN00223--JOHNSTONE SUPPLY	83895	60.56	In Transit	
11/4/2024	VEN00724--JORGE CELESTINO	83896	31.51	In Transit	
11/4/2024	VEN00644--LEAF	83897	205.08	In Transit	
11/4/2024	VEN00245--LUKE'S CARPET	83898	383.32	In Transit	
11/4/2024	VEN00258--MOON SECURITY SERVICES, INC	83899	1,749.66	In Transit	
11/4/2024	VEN00527--PAINTMASTER SERVICES	83900	55,549.87	In Transit	
11/4/2024	VEN00288--PALMER ROOFING COMPANY	83901	2,209.60	In Transit	
11/4/2024	VEN00299--PHASE 2 ELECTRIC, INC.	83902	326.10	In Transit	
11/4/2024	VEN00301--PITNEY BOWES, INC	83903	217.00	In Transit	
11/4/2024	VEN00302--PLATT ELECTRIC SUPPLY, INC	83904	62.75	In Transit	
11/4/2024	VEN00305--POCKETINET COMMUNICATIONS, INC.	83905	240.00	In Transit	
11/4/2024	VEN00315--PURCHASE POWER	83906	100.00	In Transit	
11/4/2024	VEN00326--RGW ENTERPRISES P.C. INC	83907	15,750.00	In Transit	
11/4/2024	VEN00367--STRIPE RITE INC	83908	55,217.72	In Transit	
11/4/2024	VEN00377--TRI-CITY AREA JOURNAL OF BUSINESS	83909	1,175.00	In Transit	
11/4/2024	VEN00398--TRI-CITY SIGN & BARRICADE	83910	116.27	In Transit	
11/4/2024	VEN00414--VERIZON	83911	1,828.64	In Transit	
11/4/2024	VEN00625--WASHINGTON STATE UNIVERSITY	83912	3,085.00	In Transit	
11/4/2024	VEN00449--ZIPLY FIBER	83913	513.24	In Transit	
11/8/2024	VEN00006--ABADAN, INC	83917	305.62	In Transit	
11/8/2024	VEN00024--AMERIGAS PROPANE LP	83918	163.58	In Transit	
11/8/2024	VEN00044--BENTON PUD	83919	2,204.28	In Transit	
11/8/2024	VEN00053--BENTON RURAL ELEC ASSOCIATION	83920	862.25	In Transit	
11/8/2024	VEN00290--CI-PW, LLC (Paradise Bottled Water)	83921	79.27	In Transit	
11/8/2024	VEN00052--CITY OF BENTON CITY	83922	99.04	In Transit	
11/8/2024	VEN00071--CITY OF PROSSER	83923	6,650.84	In Transit	
11/8/2024	VEN00077--COLUMBIA BASIN IT	83924	248.84	In Transit	
11/8/2024	VEN00105--CONNELL OIL, INC	83925	1,942.30	In Transit	
11/8/2024	VEN00639--CWW LLC (COLUMBIA RAIL)	83926	34,113.00	In Transit	
11/8/2024	VEN00616--FIBER MARKETING INTERNATIONAL, INC (FMI)	83927	17.69	In Transit	
11/8/2024	VEN00009--GEO WAY ACE HARDWARE	83928	155.69	In Transit	
11/8/2024	VEN00540--GLACIER SUPPLY GROUP, LLC	83929	4,035.51	In Transit	
11/8/2024	VEN00231--KENNEWICK INDUSTRIAL & ELECTRICAL SUPPL	83930	163.68	In Transit	
11/8/2024	VEN00291--KENNEWICK RANCH AND HOME	83931	97.81	In Transit	
11/8/2024	VEN00510--LIFESECURE INSURANCE COMPANY	83932	573.36	In Transit	
11/8/2024	VEN00258--MOON SECURITY SERVICES, INC	83933	3,017.52	In Transit	
11/8/2024	VEN00359--STEEBER'S LOCK SERVICE, LLC	83934	113.97	In Transit	
11/8/2024	VEN00346--THE SHERWIN-WILLIAMS CO.	83935	51.48	In Transit	
11/8/2024	VEN00532--VIC'S AUTO PARTS & SUPPLY	83936	26.84	In Transit	

11/8/2024	VEN00449--ZIPLY FIBER	83937	81.68	In Transit
11/8/2024	VEN00449--ZIPLY FIBER	83938	656.56	In Transit
11/8/2024	VEN00449--ZIPLY FIBER	83939	238.24	In Transit
11/20/2024	VEN00006--ABADAN, INC	83940	652.20	In Transit
11/20/2024	VEN00012--AFLAC	83941	1,083.72	In Transit
11/20/2024	VEN00733--ASSOCIATED APPRAISERS OF WALLA WALLA LL	83942	2,250.00	In Transit
11/20/2024	VEN00038--BANNER BANK - Credit Card	83943	13,282.21	In Transit
11/20/2024	VEN00044--BENTON PUD	83944	491.74	In Transit
11/20/2024	VEN00469--CENTURY WEST ENGINEERING CORP	83945	40,233.76	In Transit
11/20/2024	VEN00321--CI INFORMATION MANAGEMENT	83946	49.26	In Transit
11/20/2024	VEN00234--CITY OF RICHLAND LANDFILL	83947	30.00	In Transit
11/20/2024	VEN00077--COLUMBIA BASIN IT	83948	2,957.72	In Transit
11/20/2024	VEN00107--COOK'S ACE HARDWARE	83949	26.91	In Transit
11/20/2024	VEN00639--CWW LLC (COLUMBIA RAIL)	83950	28,839.16	In Transit
11/20/2024	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	83951	1,092.44	In Transit
11/20/2024	VEN00664--ELIZABETH RENZ	83952	2,640.00	In Transit
11/20/2024	VEN00159--ENVIROTECH SERVICES, INC.	83953	1,144.07	In Transit
11/20/2024	VEN00161--EXPRESS SERVICES, INC.	83954	5,685.34	In Transit
11/20/2024	VEN00166--FERGUSON ENTERPRISES, INC.	83955	83.10	In Transit
11/20/2024	VEN00616--FIBER MARKETING INTERNATIONAL, INC (FMI)	83956	346.97	In Transit
11/20/2024	VEN00175--FRONTIER FENCE, INC.	83957	570.68	In Transit
11/20/2024	VEN00009--GEO WAY ACE HARDWARE	83958	76.04	In Transit
11/20/2024	VEN00419--GRAINGER	83959	413.73	In Transit
11/20/2024	VEN00601--GRAVIS LAW PLLC	83960	14,160.00	In Transit
11/20/2024	VEN00725--GTS INTERIOR SUPPLY	83961	515.61	In Transit
11/20/2024	VEN00547--HB PAINTERS, INC.	83962	18,017.03	In Transit
11/20/2024	VEN00588--IC CONSULTING CORPORATION	83963	9,450.00	In Transit
11/20/2024	VEN00734--JESSE'S LAWN MAINTENANCE	83964	8,228.59	In Transit
11/20/2024	VEN00229--KELLEY'S TELE-COMMUNICATION, INC.	83965	139.36	In Transit
11/20/2024	VEN00291--KENNEWICK RANCH AND HOME	83966	283.66	In Transit
11/20/2024	VEN00236--LES SCHWAB TIRE CENTER STEVENS DR.	83967	1,879.85	In Transit
11/20/2024	VEN00380--MCCLATCHY COMPANY	83968	858.64	In Transit
11/20/2024	VEN00284--PACIFIC FIRE INSPECTION SERVICES, INC.	83969	7,260.00	In Transit
11/20/2024	VEN00603--PARAMOUNT COMMUNICATIONS, INC	83970	7,427.47	In Transit
11/20/2024	VEN00296--PERMIT SURVEYING, INC	83971	3,740.00	In Transit
11/20/2024	VEN00297--PERSONAL TOUCH CLEANING, INC.	83972	49,468.29	In Transit
11/20/2024	VEN00299--PHASE 2 ELECTRIC, INC.	83973	4,079.51	In Transit
11/20/2024	VEN00713--PILOT ADVISORS LLC	83974	13,925.00	In Transit
11/20/2024	VEN00302--PLATT ELECTRIC SUPPLY, INC	83975	74.77	In Transit
11/20/2024	VEN00306--PROMINENCE PUBLIC RELATIONS	83976	2,700.00	In Transit
11/20/2024	VEN00307--PROSSER RENTALS, LLC	83977	76.84	In Transit
11/20/2024	VEN00317--RAILWORKS TRACK SYSTEMS	83978	14,572.84	In Transit
11/20/2024	VEN00326--RGW ENTERPRISES P.C. INC	83979	18,970.00	In Transit
11/20/2024	VEN00334--SANITARY DISPOSAL, INC.	83980	1,849.26	In Transit
11/20/2024	VEN00717--SCHINDLER ELEVATOR dba ELTEC SYSTEMS	83981	4,348.00	In Transit
11/20/2024	VEN00636--SENSKE LAWN & TREE CARE LLC	83982	652.20	In Transit
11/20/2024	VEN00694--SHARON B HOLDEN dba THE BALLIDIS GROUP	83983	8,800.00	In Transit
11/20/2024	VEN00352--SMARSH, INC.	83984	24.11	In Transit
11/20/2024	VEN00365--STRATTON SURVEYING & MAPPING	83985	777.50	In Transit
11/20/2024	VEN00369--SUNWEST SPORTSWEAR	83986	500.02	In Transit
11/20/2024	VEN00649--SWIFT CURRENT, LLC	83987	2,930.00	In Transit
11/20/2024	VEN00709--TERESA HANCOCK	83988	1,440.00	In Transit
11/20/2024	VEN00385--THE HOME DEPOT CRC/GEFC	83989	540.27	In Transit
11/20/2024	VEN00298--TRI-CITY COMPUTER CONSULTING LLC	83990	1,902.25	In Transit
11/20/2024	VEN00399--TRIDEC, INC.	83991	2,083.33	In Transit
11/20/2024	VEN00402--UNDERGROUND CREATIVE, LLC	83992	2,050.00	In Transit
11/20/2024	VEN00404--UNITED WAY OF BENTON/FRANKLIN COUNTY	83993	200.00	In Transit
11/20/2024	VEN00412--VALLEY PUBLISHING COMPANY	83994	498.35	In Transit
11/20/2024	VEN00440--WASHINGTON PUBLIC PORTS ASSOCIATION	83995	250.00	In Transit
11/20/2024	VEN00444--WASHINGTON STATE DEPT OF LABOR & INDUS	83996	174.30	In Transit
11/20/2024	VEN00444--WASHINGTON STATE DEPT OF LABOR & INDUS	83997	174.30	In Transit

11/20/2024	VEN00444--WASHINGTON STATE DEPT OF LABOR & INDUS	83998	41.20	In Transit	
11/20/2024	VEN00444--WASHINGTON STATE DEPT OF LABOR & INDUS	83999	114.10	In Transit	
11/20/2024	VEN00444--WASHINGTON STATE DEPT OF LABOR & INDUS	84000	206.00	In Transit	
11/20/2024	VEN00449--ZIPLY FIBER	84001	377.05	In Transit	
11/20/2024	VEN00449--ZIPLY FIBER	84002	102.23	In Transit	
11/29/2024	VEN00006--ABADAN, INC	84008	233.43	In Transit	
11/29/2024	VEN00024--AMERIGAS PROPANE LP	84009	412.59	In Transit	
11/29/2024	VEN00044--BENTON PUD	84010	46.85	In Transit	
11/29/2024	VEN00712--C & C CONSTRUCTION SERVICES INC	84011	7,112.96	In Transit	
11/29/2024	VEN00075--CASCADE NATURAL GAS CORP	84012	18,961.46	In Transit	
11/29/2024	VEN00083--CENTURYLINK	84013	276.28	In Transit	
11/29/2024	VEN00735--CHAD RIDDEL	84014	1,198.16	In Transit	
11/29/2024	VEN00089--CITY OF RICHLAND	84015	24,406.14	In Transit	
11/29/2024	VEN00105--CONNELL OIL, INC	84016	1,472.47	In Transit	
11/29/2024	VEN00107--COOK'S ACE HARDWARE	84017	93.44	In Transit	
11/29/2024	VEN00136--DIGITAL IMAGE TRI-CITIES, INC.	84018	750.03	In Transit	
11/29/2024	VEN00157--ENDURIS WASHINGTON	84019	870.00	In Transit	
11/29/2024	VEN00161--EXPRESS SERVICES, INC.	84020	1,773.21	In Transit	
11/29/2024	VEN00166--FERGUSON ENTERPRISES, INC.	84021	74.98	In Transit	
11/29/2024	VEN00009--GEO WAY ACE HARDWARE	84022	46.02	In Transit	
11/29/2024	VEN00540--GLACIER SUPPLY GROUP, LLC	84023	131.39	In Transit	
11/29/2024	VEN00736--GREG SHAW	84024	11,901.29	In Transit	
11/29/2024	VEN00547--HB PAINTERS, INC.	84025	2,170.74	In Transit	
11/29/2024	VEN00200--HDR ENGINEERING, INC	84026	32,055.21	In Transit	
11/29/2024	VEN00459--HOLLAND COMPANY	84027	19,600.00	In Transit	
11/29/2024	VEN00223--JOHNSTONE SUPPLY	84028	257.04	In Transit	
11/29/2024	VEN00231--KENNEWICK INDUSTRIAL & ELECTRICAL SUPPL	84029	34.83	In Transit	
11/29/2024	VEN00291--KENNEWICK RANCH AND HOME	84030	195.62	In Transit	
11/29/2024	VEN00644--LEAF	84031	225.59	In Transit	
11/29/2024	VEN00236--LES SCHWAB TIRE CENTER STEVENS DR.	84032	511.21	In Transit	
11/29/2024	VEN00245--LUKE'S CARPET	84033	168.22	In Transit	
11/29/2024	VEN00258--MOON SECURITY SERVICES, INC	84034	440.26	In Transit	
11/29/2024	VEN00262--MR. ROOTER PLUMBING	84035	896.78	In Transit	
11/29/2024	VEN00718--PND ENGINEERS INC	84036	1,587.50	In Transit	
11/29/2024	VEN00315--PURCHASE POWER	84037	252.88	In Transit	
11/29/2024	VEN00317--RAILWORKS TRACK SYSTEMS	84038	463,441.00	In Transit	
11/29/2024	VEN00331--RICHLAND ROTARY CLUB	84039	500.00	In Transit	
11/29/2024	VEN00359--STEEBER'S LOCK SERVICE, LLC	84040	139.03	In Transit	
11/29/2024	VEN00522--TECHKNOWLEDGE GROUP	84041	3,487.50	In Transit	
11/29/2024	VEN00727--VALLEY WIDE COOPERATIVE INC	84042	1,012.74	In Transit	
11/29/2024	VEN00532--VIC'S AUTO PARTS & SUPPLY	84043	286.91	In Transit	
11/29/2024	VEN00358--WASHINGTON STATE AUDITOR'S OFFICE	84044	347.75	In Transit	
11/29/2024	VEN00126--WASHINGTON STATE DEPARTMENT OF HEALTH	84045	600.00	In Transit	
11/25/2024	VEN00239--WASHINTGON STATE DEPT OF REVENUE	10/2024B&O		In Transit	1,213.47
11/8/2024	VEN00215--INTERNAL REVENUE SERVICE	103124COMM		In Transit	2,971.04
11/8/2024	VEN00215--INTERNAL REVENUE SERVICE	11082024FT		In Transit	19,095.98
11/9/2024	VEN00425--WASHINGTON STATE SUPPORT REGISTRY	110824CS		In Transit	100.00
11/22/2024	VEN00215--INTERNAL REVENUE SERVICE	11222024FT		In Transit	20,199.77
11/22/2024	VEN00425--WASHINGTON STATE SUPPORT REGISTRY	112224CS		In Transit	100.00
11/1/2024	VEN00239--WASHINTGON STATE DEPT OF REVENUE	2024-Q3LET		In Transit	173,132.94
11/22/2024	VEN00122--DEPT OF RETIREMENT SYSTEMS	DCP112224		In Transit	4,116.13
11/8/2024	VEN00122--DEPT OF RETIREMENT SYSTEMS	DCP1182024		In Transit	4,094.05
11/8/2024	VEN00268--NATIONWIDE RETIREMENT SOLUTION	NW11082024		In Transit	1,871.08
11/22/2024	VEN00268--NATIONWIDE RETIREMENT SOLUTION	NW11222024		In Transit	2,119.32
11/18/2024	VEN00122--DEPT OF RETIREMENT SYSTEMS	PERS103124		In Transit	29,871.90
11/1/2024	VEN00444--WASHINGTON STATE DEPT OF LABOR & INDUS	Q3-2024LNI		In Transit	13,627.94
11/1/2024	VEN00443--WASHINGTON STATE EMPLOYMENT SECURITY I	Q3-2024SUI		In Transit	3,158.93
11/1/2024	VEN00171--EMPLOYMENT SECURITY DEPT	Q3-24CARES		In Transit	2,252.86
11/1/2024	VEN00171--EMPLOYMENT SECURITY DEPT	Q3-24-PFML		In Transit	3,076.45
			1,375,258.17		281,001.86

RESOLUTION NO. 24-41

**A RESOLUTION OF THE PORT OF BENTON ADOPTING PORT OF BENTON
COMMISSION RULES OF POLICY AND PROCEDURE**

WHEREAS, the Port of Benton is a Washington port district, with authority to act under law, including but not limited to Titles 14 and 53 RCW. The powers of a port district are exercised through a port commission. The Port Commission of the Port of Benton consists of three Port Commissioners; and

WHEREAS, in addition to the enabling legislation, the Port is subject to Washington State laws, including the open Public Meetings Act, chapter 42.30 the Public Records Act, chapter 42.56 and, the Code of Ethics for Municipal Officers, chapter 42.23 RCW; and

WHEREAS, the purpose of the Commission is to identify and define the purpose, values and vision of the Port, and to help the Port achieve and to communicate those items in the form of policy; and

WHEREAS, the Port of Benton wishes to provide a framework and guide for governance, management and operation of the Port to the Port Commissioners; and

WHEREAS, these Rules may be revised, suspended, amended or repealed by majority vote of the Port Commission when acting pursuant to and in compliance with law; and

WHEREAS, the purpose of these Port of Benton Rules is to foster public transparency and public accountability concerning the transaction of Port business and to protect and promote the efficiency of the Port by prohibiting incidents and areas of conflict.

WHEREAS, the Commission adopted the Port Commissioner Rules of Policy and Procedure most recently on January 8, 2020 under Resolution 20-03; and

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

The Commission of the Port of Benton does hereby adopt the Port Commission Rules of Policy and Procedure dated December 9, 2024.

ADOPTED by the Commission of the Port of Benton at its regular meeting held this 18th day of December, 2024.

Scott D. Keller, President

Lori Stevens, Vice President

Roy D. Keck, Secretary

EXHIBIT A

**PORT OF BENTON
COMMISSION
RULES OF POLICY AND PROCEDURE**

PORT OF BENTON

**PORT COMMISSION
RULES OF
POLICY AND PROCEDURE**

**ADOPTED AT A REGULAR
OPEN MEETING OF THE PORT COMMISSION**

December 18, 2024

TABLE OF CONTENTS

	<u>Page</u>
1. Introduction and Purpose	1
1.1 Port of Benton	1
1.2 Other Governing Law	1
1.3 Port Managing Official	1
1.4 Purpose.....	1
1.5 Reserved Rights	1
2. Commission and Commissioners.....	1
2.1 Purpose.....	1
2.2 Governance	1
2.3 Actions	2
2.4 Port Financial Goals.....	2
3. Commission Code of Conduct.....	2
3.1 Purpose.....	2
3.2 Conflict Avoidance	3
3.3 Policy Acknowledged	3
3.4 Disclosure	3
3.5 Statement of Financial Affairs	3
3.6 Conduct as Commissioner	3
3.7 Commissioner Knowledge of Policies.....	3
3.8 Representation of Positions.....	3
3.9 Shared Information and Advocacy	3
3.10 Representation of Port Position	4
3.11 Special Privileges Prohibited	4
3.12 Commission-Staff Relations	4
3.13 Open Meetings	4
3.14 Commission Disclosure of Economic Associations	5
4. Full Transparency in Port Actions	6
5. Reporting Misconduct.....	6
5.1 General.....	6
5.2 Complaint.....	7
5.3 Initial Determination.....	7
5.4 Investigation.....	7
5.5 Determination and Recommendation	7
5.6 Notification of Determination.....	7
5.7 Reconsideration.....	7
5.8 Sanctions	8
5.9 Public Notification	8
5.10 Other Remedies Reserved.....	8

	<u>Page</u>
6. Commission Meetings	8
6.1 Officers	8
6.2 Presiding Officer	8
6.3 Presiding Officer Duties	8
6.4 Regular Meeting.....	9
6.5 Special Commission Meetings.....	9
6.6 Quorum	9
6.7 Recording Proceedings	9
6.8 Call to Order	9
6.9 Participation by Telephone	9
6.10 Commissioner Attendance at Meetings	9
6.11 Commission Meeting Staffing	10
6.12 General Conduct of Business.....	10
6.13 Public Comment.....	10
6.14 Executive Sessions.....	11
6.15 Commission Discussion.....	11
6.16 Media Representation at Commission Meetings	11
7. Agenda Planning.....	11
7.1 Placing Item on the Agenda.....	12
7.2 Agenda Preparation.....	12
7.3 Agenda Materials	12
7.4 Adding an Item to a Published Agenda	12
7.5 Agenda Item Order	12
7.6 Consent Agenda.....	12
8. Role of the Commission President.....	12
9. Role of the Commission Vice-President.....	13
10. Role of the Commission Secretary	13
11. Commission Committees	13
11.1 General.....	13
11.2 Committee Roles and Responsibilities	13
12. Commission and Port Action	14
13. Port Commission & Staff Roles and Responsibilities	15
13.1 General Roles.....	15
13.2 Commissioner’s Role.....	15
13.3 Executive Director’s Role.....	15
13.4 Staff Role	16
13.5 Summary.....	16

	<u>Page</u>
14. Budget and Procurement Authority	16
14.1 General.....	16
14.2 Financial Policies	16
14.3 Budgetary Authority	17
14.4 Procurement Authority.....	17
15. Evaluating the Executive Director’s Performance.....	17
15.1 General.....	17
15.2 Process	17
16. Commission-FINANCE DIRECTOR Relationship	18
16.1 General.....	18
16.2 Hiring and Reporting	18
17. Commission-Port Attorney Relationship.....	18
17.1 Port Attorney Role	21
17.2 Port Attorney Responsibilities	21
18. Indemnification and Defense Policy.....	21
18.1 Policy Stated	21
18.2 Application to Recall Proceedings.....	21
19. General Complaint Resolution.....	21
19.1 Administrative Complaints Made Directly to Individual Commissioners	21
19.2 Administrative Complaints – “Best Practice”.....	21
20. Official Port Seal.....	22
21. Addendum A - Resolution No. 18-23.....	21

1. INTRODUCTION AND PURPOSE

1.1 Port of Benton. The Port of Benton (“Port”) is a Washington port district, with authority to act under law, including but not limited to Titles 14 and 53 RCW. The powers of a port district are exercised through a port commission. The Port Commission of the Port of Benton consists of three Port Commissioners.

1.2 Other Governing Law. In addition to enabling legislation, the Port is subject to Washington State laws, including the open Public Meetings Act, chapter 42.30 RCW; the Public Records Act, chapter 42.56 RCW; and, the Code of Ethics for Municipal Officers, chapter 42.23 RCW.

1.3 Port Managing Official. Consistent with its authority under RCW 53.12.270, the Port Commission has delegated to the office of Executive Director such administrative powers and duties as deemed proper for the efficient and proper management of the Port’s operations. See “Delegation of Authority to Executive Director,” Port Resolution 94-01, updated annually (January 13, 1994 - January 19, 2019 – the “Delegation Policy.”)

1.4 Purpose. The Port of Benton’s Commissioners (the "Board" or "Commission") seeks to adopt rules governing the transaction of Port Commission business as required by RCW 53.12.245. Further, it is the purpose of these Rules of Policy and Procedures to provide a framework and guide for governance, management and operation of the Port.

1.5 Reserved Rights. The adoption and maintenance of these Rules of Policy and Procedure (“Rules”) create no vested rights or entitlements. These Rules may be revised, suspended, amended or repealed by majority vote of the Port Commission when acting pursuant to and in compliance with law.

2. COMMISSION AND COMMISSIONERS

2.1 Purpose. The purpose of the Commission is to:

2.1.1 Identify and define the purpose, values and vision of the Port, along with the results the Port is to achieve, and to communicate those items in the form of policy;

2.1.2 Make certain decisions as are designated by law; and

2.1.3 Hire, evaluate, and terminate the Executive Director.

2.2 Governance. Commission governance addresses:

2.2.1 Strategic leadership more than administrative detail;

2.2.2 Encouragement of diversity in viewpoints;

2.2.3 Collaborative rather than individual decisions;

2.2.4 Future, rather than past or present, direction;

2.2.5 Proactive, rather than reactive, conduct; and

2.2.6 Full transparency to the public.

2.3 Actions. The Commission will:

2.3.1 Produce and maintain written policies that ensure a high quality of governance and clear roles in decision-making between Commission and staff;

2.3.2 Annually evaluate the Executive Director's performance;

2.3.3 Adopt, and annually review, the Port's Strategic Work Plan;

2.3.4 Adopt the Port's annual budget;

2.3.5 Adopt, annually review, and modify as necessary the Delegation of Authority to the Executive Director;

2.3.6 Set the rates, rules and regulations for services provided by the Port;

2.3.7 Purchase or dispose of real estate or other property to the benefit of Port District taxpayers/citizens; and

2.3.8 Take such other actions as may be required by law.

2.4 Port Financial Goals.

As may from time to time be amended, the Port Commission reiterates the following budgetary goals and acknowledges the importance thereof:

2.4.1 The Port shall work toward funding all operating expenses from revenues from Port operations;

2.4.2 The Port shall fund projects with available resources, not with bonds or loan financing unless otherwise in the best interest of the Port and the communities' long term interest;

2.4.3 The Port shall pursue projects with development partners who demonstrate support (e.g. matching funds, political/citizen/taxpayer support, leveraged investment, enthusiasm/goodwill).

3. COMMISSION CODE OF CONDUCT

3.1 Purpose. The purpose of these Port of Benton Rules is to foster public transparency and public accountability concerning the transaction of Port business and to protect and promote the efficiency of the Port by prohibiting incidents and areas of conflict. Commissioners shall conduct themselves in accordance with all laws and applicable policies and further shall comply with the following.

3.2 Conflict Avoidance. Commissioners are strictly prohibited by law from entering into or engaging in any activity identified in chapter 42.23 RCW as a conflict of interest with their official duties as a Port of Benton Commissioner and shall further avoid conduct that may present an appearance of a conflict of interest.

3.3 Policy Acknowledged. On an annual basis and in a public forum, each Commissioner shall acknowledge the obligation to disclose any conflicts of interest under chapter 42.23 RCW and shall complete and sign a conflict of interest disclosure form to be held by the Port.

3.4 Disclosure. On a case by case basis, each Commissioner will disclose to the other Commissioners in a public forum, any remote conflicts of interest under chapter 42.23 RCW. Disclosure will be noted in the Port's official minutes which are public record. As required by RCW 42.23.040, a Commissioner with such remote interest will recuse themselves. That is, the Commissioner shall not participate in any discussion and/or debate concerning such interest, will not vote on the matter, and will do nothing to influence any other Commissioner concerning their decision on the matter. The foregoing shall also apply to any business owned by a Commissioner's spouse, in the absence of a separate property agreement.

3.5 Statement of Financial Affairs. On or before April 15 of each year, or within (14) days of taking oath of office, each Port Commissioner shall file with the Public Disclosure Commission (PDC) a copy of a Statement of Financial Affairs prepared in satisfaction of the requirements of RCW 42.17A.700 - .710, which shall be available for public inspection at the PDC's website (www.pdc.wa.gov) after the above-referenced dates.

3.6 Conduct as Commissioner. Commissioners shall adhere to these Rules of Policy and Procedure as adopted by the Commission, and shall conduct themselves with civility and respect at all times with one another, with staff, and with members of the public. As fiduciaries of the Port, Commissioners shall make decisions on the basis of public policy and shall demonstrate undivided loyalty to the interests of Port and its taxpayers. This loyalty shall supersede any conflicting loyalty to advocacy or special interest groups.

3.7 Commissioner Knowledge of Policies. Commissioners will become familiar with their individual and joint obligations pertaining to the Port's directive on reporting alleged improper governmental action, including actions required of the Commission regarding complaints by Port employees and/or the public of alleged improper governmental actions and/or employee claims of retaliation for reporting alleged improper governmental actions.

3.8 Representation of Positions. Unless authorized by the Commission at an open meeting or as set forth in Port policy or plan (e.g., an approved plan), an individual Commissioner may not represent a position as being the position of the Port, either in private communications or in a public forum.

3.9 Shared Information and Advocacy. Recognizing that differences may exist among the Commissioners and that a collegial approach to issue resolution is preferred, each Commissioner should make available to fellow Commissioners all information related to Port activities. A Commissioner is encouraged to make clear the foundation upon which an opinion

stands; be candid about any philosophical or political preferences; and, recognize and make clear the limits of expertise.

3.10 Representation of Port Position. No Commissioner is authorized, without Commission authorization, to represent the Port with special interest groups, Port tenants, suppliers, vendors, consultants, contractors or others that do or seek to do business with the Port. Unless otherwise authorized by the Commission, a Commissioner shall disclose that the Commissioner's position is not that of the Port or of the Commission when participating in discussions, debates, and forums where the sponsoring group(s) or other participants are identified with a particular perspective on an issue and the Commissioner's participation might put into question both the Commissioner's and the Commission's impartiality. Nothing in this Policy prevents an individual Commissioner from stating a position as that of the individual Commissioner, but not that of the Port or of the Commission.

3.11 Special Privileges Prohibited. RCW 42.23.070 prohibits, in part, Commissioners from using public office to secure special privileges or exemptions for a Commissioner or others.

3.11.1 Commissioners must conduct themselves at all times in a manner that leaves no grounds for belief, or even the appearance that information they have gathered on the job has been used for personal gain or for gain of any individual or special interest group, whether such gain is financial or otherwise.

3.11.2 Commissioners shall avoid any association with individuals or groups organized with an attempt to influence Port policy that will benefit themselves or their cause at the exclusion of the Port at large.

3.12 Commission-Staff Relations. Commissioners may not attempt to exercise individual authority over the Port or staff, except as explicitly set forth and authorized in Commission policies, including the Delegation Policy referenced in Section 1.3.

3.13 Open Meetings. In accordance with Washington's Open Public Meetings Act, Commissioners shall:

3.13.1 Not meet as a quorum outside of Commission-called public meetings to hold discussions or make decisions, as defined under chapter 42.30 RCW, regarding the business of the Port.

3.13.2 Not meet as a quorum with staff outside of a Commission-called public meeting for the purpose of gathering information.

3.13.3 Understand that the requirements of the Washington Open Public Meetings Act apply to communications via telephone, e-mail, instant messaging or other forms of electronic communications. Any exchange of communication between any two Commissioners may constitute an official meeting of the Commission and be in violation of the Act. Commissioners may send information to other members of the Commission on an informational basis; however, replies and/or exchanges of communications regarding Port business must not occur outside of an official public meeting of the Commission. Any such e-mail sent for informational purposes as described above, by any member of the Commission,

shall be sent individually, not as group e-mail. Commissioners will not “reply” to any e-mail received by another member of the Commission.

3.13.4 Respect the confidentiality appropriate to issues, including personnel, real estate transactions, proprietary matters, and attorney-client privileged communications, including those requirements listed under RCW 42.30.110, Executive Sessions, and including any other confidential information gained by reason of the Commissioner’s position. See also RCW 42.23.070(4) prohibiting disclosure of confidential Port information.

3.14 Commission Disclosure of Economic Associations. RCW 42.23.070 states in part that “[n]o municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein.” Port contracts made in violation of the law are void; and any Port officer violating the law is liable to the Port for a “penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty.” RCW 42.23.050. The law also prohibits a Commissioner from employment or engaging in any professional activity that may require disclosure of Port information to non-Port interests. RCW 42.23.070. These statutory prohibitions are based on the principle that a Port official may not have divided loyalties. The line between proper and improper conduct may not always be clear, and even unintentional conduct may expose the Port and Port officers and employees to liability. See *City of Raymond v. Runyon*, 93 Wn. App. 127 (1998) (“In spite of well-intentioned attempts to avoid a prohibited conflict of interest,” city commissioner found in violation of law). These Rules attempt to address a Commissioner’s responsibility under law and duty of loyalty to the Port, with other interests. See also, Section 3.2.

3.14.1 Under chapter 42.23 RCW, no Commissioner may have an economic association (affiliation, involvement, or interest), directly or indirectly, that may conflict with the Commissioner’s official duties as a Port Commissioner. However, Commissioners may engage in other employment or activity only so long as it does not interfere or conflict with their duties as a Commissioner.

3.14.2 In order to avoid inadvertent violation of law, and consistent with the Port’s policy for its officers and employees, on or before April 15 of each year, or within fourteen (14) days of taking office, each Port Commissioner, shall file with the Port a written conflict of interest disclosure statement identifying any current or prospective economic relationship, whether direct or indirect, which could be a conflict of interest, a remote interest or give rise to an appearance of a conflict of interest with the Port. In addition, each Port Commissioner shall in the written statement disclose other employment and/or business relationships in order that the Port may confirm that there are no Commissioner conflicts or potential conflicts of interest with current or prospective Port activities. The statement shall include the name of the employer or business, the nature of services rendered, the time commitments, the location of the performance of such services and the amount of compensation (and expense reimbursement) received for such services. This Section 3.14.2 shall also apply to any employment or business of a Commissioner’s spouse, in the absence of a separate property agreement.

3.14.3 The Commissioner shall declare his or her intention to refrain from deliberations and voting on issues related to the person or entity in such relationship. This requirement may be extended by Commission action to any individual or entity that, in the judgment of the Commission, could represent the potential for or the appearance of a conflict of interest. Even with disclosure, chapter 42.23 RCW may prohibit the Commission from acting in the face of a conflict of interest.

3.14.4 A Commissioner shall not receive reimbursement for expenses, per diem, or other Port payment for activities (e.g., travel, meals and other costs) when the Commissioner is engaged in or participating for both the Port and another Entity.

4. FULL TRANSPARENCY IN PORT ACTIONS

4.1 This policy shall ensure full, fair, and open discussion of matters of public importance, with opportunity for public participation and media coverage.

4.2 With respect to any quasi-judicial matter before the Commission, or reasonably expected to come before the Commission, it is the policy of the Port Commission that no Commissioner shall:

4.2.1 Have contact with any person, either oral, written, electronic or otherwise communicated, except in a Commission meeting; and

4.2.2 Receive any information or evidence except as a part of the public record at a Commission meeting.

4.3 If a Commissioner is not able to avoid contact with parties outside of an open Commission meeting or receipt of information from parties outside of an open Commission meeting, the Commissioner shall disclose at the next public meeting, the full content of the contact made or information received.

4.4 Avoidance of communications described above is preferred over relying on the public disclosure remedy because an incomplete or inaccurate conveyance of the contact, even if inadvertent, may bias the outcome and subject the Commission action to challenge.

4.5 All information any person or entity would like distributed to Commissioners should be first provided to Port staff; staff will then consistently distribute the information to all Commissioners and file the information as appropriate.

5. REPORTING MISCONDUCT

5.1 General. The Port is committed to lawful and ethical behavior in all of its activities and requires its staff and Commissioners to conduct themselves in a manner that complies with all applicable laws, regulations and this policy. Complaints against staff (other than the Executive Director) shall be resolved by the Executive Director, according to law and the Port Policies and Procedures manual. Complaints against the Executive Director shall be resolved by the Port Commission according to the Executive Director's Employment Agreement

or other applicable contract, Delegation of Authority and the Port Policies and Procedures manual. Complaints against Commissioners shall be resolved as set forth below.

5.2 Complaint. If any person believes that a Commissioner has engaged in misconduct, the Executive Director shall investigate consistent with Section 5.3 and report to the Commission. No employee will be discharged, threatened, or discriminated against in any manner for following up on any complaint or for reporting what they perceive to be misconduct. All complaints must include a description of the alleged misconduct. The proceedings shall be treated confidentially, including the name of the complainant, except to the extent required to complete any investigation and in the event that an action is taken.

5.3 Initial Determination. Based upon the complaint, and only following investigation and with the advice and counsel of Port general or special legal counsel (“Port counsel”), the Executive Director shall determine whether sufficient evidence exists to proceed with an investigation. If the Executive Director determines that insufficient evidence exists, the complaint shall be dismissed. Otherwise, the Executive Director shall proceed as follows.

5.4 Investigation. If an investigation is warranted, the Executive Director shall recuse him or herself from the process and delegate all further steps to Port counsel, and/or an investigator retained for such purpose by Port counsel. Port counsel shall inform the party subject of the complaint (Respondent) in writing that a complaint has been filed and that an investigation will take place. Port counsel shall provide a copy of the complaint to the Respondent and the Respondent shall have a reasonable time to prepare and submit a response in writing. Port counsel may seek additional information regarding the matter from the complainant, the Respondent and/or relevant third parties. In conducting the investigation and evaluating all evidence, the Port’s counsel shall presume that the Respondent acted ethically and shall determine that an act of professional misconduct has occurred only upon a finding of substantial evidence of such misconduct.

5.5 Determination and Recommendation. Port counsel shall evaluate the complaint and issue a decision within thirty (30) days of receiving all relevant evidence, that the complaint is substantiated or unsubstantiated. If Port counsel finds misconduct and the complaint substantiated, a report to Executive Director and the Commission shall set forth the basis for the decision and a recommended action; otherwise, the complaint shall be dismissed.

5.6 Notification of Determination. Following receipt of the decision and recommendation of Port counsel, the Commissioners shall promptly hear, consider and vote upon the recommended action. The complainant and Respondent shall be notified of the action in writing and shall have the right to be heard before the Commission.

5.7 Reconsideration. A decision is subject to reconsideration upon written request by a respondent. But the sole ground for reconsideration shall be that the Respondent has new, relevant information which was not considered by Port counsel. A respondent having new information to submit to the Commissioners may, within fifteen (15) days of receipt of the written notice of determination, file with the Commission a written request for reconsideration stating the reason and including the new information not considered by the Port counsel. Following review of the entire investigative file, the decision and recommendation of the Port

counsel and the new information submitted by a respondent, the Commission shall, within fifteen (15) days of receipt of such new information, hear, consider or render a final decision which may not be further appealed. If the complaint is dismissed, the complainant and the Respondent shall be notified of same in writing. If reconsideration is denied, the Respondent, but not the complainant, shall be notified of same in writing, and any action by the Commission shall be implemented immediately.

5.8 Sanctions. Censure and/or reprimand may be invoked with respect to Commissioner misconduct, in addition to reassignment of committee assignments and other actions.

5.9 Public Notification. Unless otherwise determined by the Commission in a particular matter, it shall be standard procedure to publish, in a manner deemed appropriate by the Commission, the fact of any sanction.

5.10 Other Remedies Reserved. Any action taken by the Commission shall not prevent other legal action that may be available under law. The Port shall not indemnify or defend any Commissioner charged with misconduct, except as otherwise provided under Section 18.

6. COMMISSION MEETINGS

6.1 Officers. There shall be three Commission officers: a president, a vice president and a secretary.

6.1.1 Terms. The terms of office for each officer shall be two years or until his/her successor is elected.

6.1.2 Election. The officers shall be elected at the first regularly scheduled Port Commission meeting in January in even years. Newly elected officers shall take office effective the next regularly scheduled meeting following the election, unless otherwise agreed by the Commission.

6.1.3 Special Elections. By affirmative vote of 2/3 of the officers, a special election of officers may be held at any regularly scheduled Port Commission meeting.

6.2 Presiding Officer. The Presiding Officer at all meetings of the Commission is the President, and in the absence of the President, the Vice President will act in that capacity.

6.3 Presiding Officer Duties. The Presiding Officer shall:

6.3.1 Preserve order and decorum in the Commission chambers;

6.3.2 Observe and enforce all rules adopted by the Commission;

6.3.3 Decide all questions on order, in accordance with these rules, subject to appeal by a Commissioner;

6.3.4 Recognize Commissioners in the order in which they request the floor. Except as otherwise set forth herein, the Presiding Officer, as a Commissioner, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Commissioners; and

6.3.5 Have the authority to appoint Commissioners or the public to serve on ad hoc committees, task forces and any advisory boards, with input from fellow Commissioners.

6.4 Regular Meeting. Port meetings are generally held on the second Wednesday of each month in the Commission Chambers, 3250 Port of Benton Blvd., Richland, Washington at 8:30 a.m. Based upon schedules of the Commissioners, these dates are subject to change, notice of the change to be provided pursuant to applicable law.

6.5 Special Commission Meetings. A special public meeting of the Commission may be called by the President or by any two Commissioners. Any request and subsequent special meeting notices shall state the subjects (e.g., agenda items) to be considered at such special meeting and no other subject shall be acted upon.

The Port Administrative Assistant shall provide notice of special Commission meetings pursuant to applicable law.

6.6 Quorum. At all meetings of the Commission, a majority of the Commission (two members) constitutes a quorum for the transaction of business, but a lesser number may adjourn from day to day or until the time of the next regular meeting.

6.7 Recording Proceedings. The Port Administrative Assistant shall maintain an account of all proceedings of the Commission in accordance with statutory requirements. Port meeting minutes can be corrected but shall not be revised without a majority affirmative vote of the Commission at a regularly scheduled Commission meeting.

6.8 Call to Order. The Presiding Officer shall call each meeting to order. The Presiding Officer will announce the attendance of Commissioners and indicate any Commissioner who is not in attendance.

6.9 Participation by Telephone. The Commission strongly believes that a Commissioner's first priority shall be to the District's constituents as a whole and that this obligation is best fulfilled by direct, face-to-face participation in public meetings rather than via telephone or other medium. Such policy provides access by the public to the Commission, provides for better understanding by the public of the deliberative process, minimizes miscommunication, ensures that each Commissioner sees all applicable documents and sees all in attendance. However, the Commission also understands that there are occasional extenuating circumstances that necessitate the use of teleconference technology and therefore will allow each Commissioner to attend the rare Commission Meeting remotely with the . See Port Remote Attendance Policy updated January 8, 2020.

6.10 Commissioner Attendance at Meetings. Commissioners shall inform the President or Executive Director if they are unable to attend any Commission meeting, or if they will be late to any meeting. A majority vote is required to excuse any Commissioner's absence.

Unless excused, pursuant to RCW 53.12.140 a Commissioner forfeits office by nonattendance at meetings of the Commission for a period of sixty (60) days. The Executive Director shall maintain a record of Commissioner attendance at Commission, and other meetings, to which a Commissioner is assigned or scheduled to attend.

6.11 Commission Meeting Staffing. The Executive Director shall attend all meetings of the Commission, unless excused. At the discretion of the Executive Director, other staff members shall attend. The Executive Director may make recommendations to the Commission and shall have the right to take part in the discussions of the Commission, but shall have no vote.

6.12 General Conduct of Business.

6.12.1 The Port Commission, as a governing body, is charged with making decisions that advances the mission of the Port and which are based on sound information and analysis, respect for views of the public, and each Commissioner's best disinterested judgment. With only three elected Commissioners, the Commission can operate with a high degree of informality and need not be bound to all the provisions spelled out in standard codes of parliamentary procedure. However, some formal procedures need to be followed to respect the rights of all three Commissioners to participate equally and fully in all Commission business. The President of the Port Commission will introduce the issue.

6.12.2 Port staff will briefly discuss the issue.

6.12.3 If a technical report by a consultant or other is to be presented, the presenter will provide a summary of the technical report, generally not to exceed 15 minutes.

6.12.4 At the conclusion of the technical report, staff will return the issue to the President of the Commission for action. The Commissioners may ask staff, any consultants or the public to briefly clarify any matter presented.

6.13 Public Comment. Public comment shall be permitted at Commission meetings only in accordance with these established procedures. Comments shall be received at the beginning of each meeting, and at the end of each meeting, as identified on the agenda. Either the President or staff may read the following guidelines into the record.

6.13.1 Speakers shall move to the lectern/conference room table and shall comment only after being recognized by the President;

6.13.2 Speakers shall state their names and addresses prior to addressing the Commission;

6.13.3 The President may allocate available time among individuals wishing to comment. Generally, the time shall be 3 minutes for each speaker;

6.13.4 Groups are encouraged to express their views through a single spokesperson rather than individually;

6.13.5 Speakers shall limit themselves to matters regarding the issue of concern;

6.13.6 Speakers shall not repeat remarks or points of view made by prior speakers;

6.13.7 The President may overrule impertinent, redundant or disruptive comments;

6.13.8 Applause or other disturbances are discouraged;

6.13.9 All remarks should be directed to the Commission as a whole; and

6.13.10 Individuals should not expect the Commission, staff, consultants, other speakers or any other person, to respond to their comments. Instead, the Commission may direct the matter to staff for comment at a future meeting or for Commission consideration at a future meeting.

6.13.11 The President has discretion to curtail public comment that exceeds allotted time, is beyond the scope of the subject agenda item under consideration, is overly repetitive, or includes disruptive behavior. The President will first request that the commenter follow these guidelines. If an individual fails to comply with the President's request, the President may deem the individual out of order and direct that the individual be removed from the Board meeting. If the individual presents a threat to those present at the meeting, the President may request assistance from law enforcement in removing the individual.

6.14 Executive Sessions. Executive Sessions shall be held in accordance with the provisions of the Washington State Open Public Meetings Act. An Executive Session is a Commission meeting that is closed except to the Commission, Executive Director and others that may be authorized. The public is restricted from attendance. Executive Sessions may be held during Regular or Special Commission meetings and will be announced by the President. Before convening an Executive Session, the President shall announce the purpose of the meeting and the anticipated time when the session will be concluded. Should the session require more time, a public announcement shall be made that the executive session is being extended.

6.15 Commission Discussion. All Commission discussion shall be guided by Robert's Rules of Order, Newly Revised. The Port Attorney shall assume the additional duty of Parliamentarian.

6.16 Media Representation at Commission Meetings. All public meetings of the Port shall be open to the media, freely subject to recording by radio, television, electronic, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.

7. AGENDA PLANNING

The work of the Commission is accomplished in public meetings and all proceedings of the Commission shall be by motion or resolution, recorded in its minute books, which shall be public records. The agenda of the public meeting identifies in general terms the topics to be considered by the Commission.

7.1 Placing Item on the Agenda. Items may be placed on either the business agenda or on the consent agenda. An item may be placed on the preliminary Commission meeting agenda by any Commissioner or by the Executive Director.

7.2 Agenda Preparation. The Executive Director shall prepare a preliminary agenda for each Commission meeting. The preliminary agenda shall set forth a brief general description of each item to be considered by the Commission. The Executive Director shall promptly forward the preliminary agenda to the Commission for review. The Commission shall have the option to delete any item from the preliminary agenda.

7.3 Agenda Materials. Agenda materials will be available on the Friday prior to the Commission meeting. Agenda materials will be delivered to Commissioners via email or other electronic means.

7.4 Adding an Item to a Published Agenda. An item may be placed on a regular Commission meeting agenda after the agenda is closed and the notice published, if the Commissioner or Executive Director explains the necessity and receives a majority vote of the Commission at a public meeting.

7.5 Agenda Item Order. The Commission may address agenda items out of order.

7.6 Consent Agenda. Items placed on the consent agenda may be moved to the business agenda upon a motion passed by the Commission during a Commission Meeting and prior to the vote to approve the consent agenda. The moved item will be placed on the business agenda for further discussion.

8. ROLE OF THE COMMISSION PRESIDENT

The President of the Commission shall:

8.1 Ensure that the Commission jointly and consistently adheres to its own rules and policies, and those imposed upon it by the laws of the State of Washington.

8.2 Ensure that deliberation is fair, open and thorough, but also timely, orderly and stays on topic. The President of the Commission shall preside over and facilitate all Commission Meetings in accordance with these governance principles and Roberts Rules of Order, as needed.

8.3 Assume responsibility of the Commission that is not specifically assigned to another Commissioner.

8.4 Call Special Meetings of the Commission in the event of a business need as provided for by applicable law.

8.5 Establish ad hoc advisory and standing committees.

8.6 Schedule and coordinate the annual process of evaluating the Executive Director.

8.7 Have no authority to supervise or administratively direct the Executive Director or Port staff, apart from authority expressly granted by the Commission.

9. ROLE OF THE COMMISSION VICE-PRESIDENT

The Vice-President of the Commission shall:

9.1 Perform such duties as are assigned by the President.

9.2 Have all the power and duties of the President in the absence or inability of the President to act.

9.3 Have all the powers and duties of the Secretary in the absence or inability of the Secretary to act, when not acting as the President.

10. ROLE OF THE COMMISSION SECRETARY

The Secretary of the Commission shall:

10.1 Attest all contracts, bonds, deeds, leases and other instruments and documents duly authorized by the Commission unless otherwise delegated by the Commission.

10.2 Perform all duties incident to the office of Secretary as may from time to time be required by law or assigned to such office by motion, rule or resolution of the Commission.

10.3 Have all of the powers and duties of the President in the absence or inability of both the President and the Vice President to act.

10.4 Have the option of delegating the obligations and duties of Secretary to the appropriate Port staff member for implementation.

11. COMMISSION COMMITTEES

11.1 General. The Commission may establish ad hoc advisory and standing committees. All committees should include designation of members, chair and a charter describing the committee's purpose. The Commission will review each committee at least annually to determine whether the committee should continue.

11.2 Committee Roles and Responsibilities.

11.2.1 Committees will assist the Commission by gaining education, considering alternatives and implications, and preparing policy alternatives.

11.2.2 Commission committees or any individual Commissioner may not speak or act for the Commission, except when formally given such authority for specific and time-limited purposes.

11.2.3 Commission committees cannot exercise authority over staff or interfere with the delegation from the Commission to the Executive Director.

11.2.4 Participation in Port established committee meetings shall be in compliance with the provisions of the Open Public Meetings Act. Official action should not be taken at committee meetings, but should occur at the next regularly scheduled commission meeting or the next special commission meeting

11.2.5 These policies apply to any group which is formed by action of the Commission of the Port of Benton, whether or not it is called a committee.

12. COMMISSION AND PORT ACTION

12.1 Only decisions of the Commission acting as a body (hereafter defined as 2 or more Commissioners acting in concurrence) are binding upon the Port and Port staff.

12.2 In the case of Commissioners requesting information or assistance without Commission authorization, the Executive Director and staff must refuse such requests that require, upon evaluation by the Executive Director, a material amount of staff time or funds, are disruptive to the Port, or which may involve a conflict of interest between the Port and the Commissioner requesting the information or assistance.

12.3 Commissioners individually may communicate directly with Port employees for the purpose of inquiry only. Commissioners should not directly communicate with contractors. Commissioners shall, on business matters, deal with staff through the Executive Director. However, the Commission as a body and the Commissioners individually do not give direction to persons who report directly or indirectly to the Executive Director. If an individual Commissioner is dissatisfied with the response from the Executive Director or staff, the Commissioner may seek resolution through the Commission as a body.

12.4 The Commission as a body and the Commissioners individually will refrain from evaluating, either formally or informally, the job performance of any Port employee, other than the Executive Director, except when approving compensation and benefits in the course of budget or employment contract considerations.

12.5 The Commission as a whole, when all Commissioners vote in favor of a particular action, or no fewer than two Commissioners, when one Commissioner is absent and the remaining two Commissioners vote in favor of a particular action, shall sign all resolutions, contracts, and other official documents on behalf of the Commission in an open meeting, unless the Commission authorizes the President or the Port's Executive Director to be the sole signatory of an official document on behalf of the Port in an open meeting.

In the event a resolution, contract or other official document requires only two signatures, one of which is that of a Commissioner in their officer capacity (e.g. Secretary) who voted against the action, one of the remaining Commissioners who voted in favor of the action may sign the document on behalf of the Commissioner who voted against the action. Otherwise, in all other instances, where a Commissioner is either absent (excused or unexcused) or votes against an action, the Commission Coordinator should note in the signature line of the document for that Commissioner that they were "Absent" or "Voted Nay". Commissioners who attend Port meetings remotely shall be entitled to sign all relevant documents on which action was taken where they voted "Aye" prior to those documents becoming official Port documents.

13. PORT COMMISSION & STAFF ROLES AND RESPONSIBILITIES

13.1 General Roles. The Commission is the Port's governing authority and policy maker. The Executive Director and Port staff implement and administer the Commission's policies. The Port of Benton has a Commission-Executive Director form of governance. With this structure, the Port Commission's role is to establish port policies and priorities. The Commission hires an Executive Director to implement those policies and undertake the administration of the organization. The Executive Director is hired by the Port Commission to enforce its directives, to direct the daily operations of Port governance, to prepare and monitor the budget, and to implement the policies and programs initiated by the Port Commission. The Executive Director is responsible to the Port Commission, rather than to individual Commissioners, and directs and coordinates all other employees. The Port Commission authorizes positions through the budget process; based upon that authorization, the Executive Director is responsible for hiring all personnel.

13.2 Commissioner's Role. [See also, Section 2.] The Executive Director is authorized to make recommendations on policy matters to the Commission and the Commission retains the authority to accept, reject, or amend the recommendations. Individual Commissioners may not intervene in staff decision-making, scheduling of work, and executing department priorities. This is necessary to allow staff to execute priorities given by the Executive Director. All Commissioners with concerns affecting the Port of Benton should address those concerns with the full Commission or with the Executive Director.

No Commissioner shall direct the Executive Director to initiate any action, prepare any report, or initiate any project or study without the authorization of a majority of the Commission. Commissioner requests for information shall be made to the Executive Director, unless otherwise determined by the Executive Director. Commissioners needing staff assistance shall work through the Executive Director.

13.3 Executive Director's Role.

13.3.1 The Executive Director is the chief administrative officer of the Port. The Executive Director is directly accountable to the Port Commission for the execution of the Port Commission's policy directives as set forth in the Delegation Policy and for the administration and management of all Port activities and staff.

13.3.2 The Executive Director is the administrator and manager of all Port activities and staff; and the information liaison between Commission and Port staff. Requests for information from Commissioners are to be directed to the Executive Director and will be responded to promptly. The information requested will be copied to all members of Commission so that each member may be equally informed. The Executive Director will provide staff support for Commissioners as appropriate in their official roles.

13.3.3 In addition to regular, comprehensive memoranda written by the Executive Director directly to the Port Commission concerning aspects of Port operations (exclusive of confidential personnel issues), all Commissioners shall receive copies of correspondence received by the Executive Director that will assist them in their policy-making

role. The Executive Director also provides other documents to the Commission on a regular basis, such as status reports, executive summaries, and minutes of meetings.

13.3.4 The Executive Director shall have an open-door policy which allows individual Commissioners and the public to meet with the Executive Director on an impromptu, one-on-one basis. Such meetings are highly encouraged. No Commissioner, person or special interest group shall abuse the open-door policy.

13.4 Staff Role. The Commission recognizes the primary functions of staff as 1) executing the policies and actions taken by the Commission as a whole, and 2) keeping the Commission informed. Staff is obligated to take guidance and direction from the Executive Director or appropriate supervisor. This direction follows the policy guidance from the Port Commission to the Executive Director through the Delegation Policy. Port staff will, acting through the Executive Director, make every effort to respond in a timely and professional manner to all individual Commissioner’s requests for information or assistance; providing, in the judgment of the Executive Director, the request is not of such magnitude (in terms of workload, resources, or policy) that it should instead be assigned to the Executive Director through the direction of the full Port Commission.

13.5 Summary. The following is a brief summary from the Washington Public Port Association (“WPPA”) Commissioner Resource Guide, and identifies parallel leadership roles and responsibilities.

Port Commission

Governs:
 Guides
 Directs
Decides what
Requests information
Considers issues
Creates, reviews and adopts policy
Reviews and monitors plans
Monitors progress
Contracts with personnel
Approves evaluation criteria, procedures
Reviews and approves budget
Represents public interest

Executive Director

Administers:
 Operates
 Manages
Decides how
Seeks and provides information
Provides recommendations
Recommends and carries out policy
Implements plans
Reports progress
Supervises hiring process, practices
Supervises and evaluates personnel
Formulates budget
Acts in the public’s interest

14. BUDGET AND PROCUREMENT AUTHORITY

14.1 General. By resolution, the Commission shall set forth the authority of the Executive Director to manage and expend Port funds in accordance with financial policies and budgetary limits. Procurement of goods and services shall take place in accordance with applicable legal requirements in a fair, competitive and inclusive manner to maximize the benefit to the Port’s taxpayers/customers.

14.2 Financial Policies. The Commission, by resolution, may from time to time adopt financial policies that provide guidance to the Executive Director in managing the finances of the Port and in developing budgets, financial plans and rates. At a minimum, these policies shall:

14.2.1 Provide for sufficient liquidity relative to the Port's risk profile;

14.2.2 Provide for adequate coverage to meet debt covenants;

14.2.3 Establish criteria for debt and rate-financed capital expenditures;

14.2.4 Require that budgets be developed based on conservative and prudent assumptions consistent with standard industry practice; and

14.2.5 Establish budgetary and procurement controls over expenditures.

14.3 Budgetary Authority. As required by and consistent with law, the Commission, by resolution, shall approve the Port's budget prior to the start of each calendar year. The Executive Director shall manage the Port's operations within the approved budget levels consistent with authority levels set forth in the financial policies.

14.4 Procurement Authority.

14.4.1 The Commission, by resolution and/or through the Delegation of Authority, shall establish procurement authorities and guidelines for the Executive Director consistent with state laws and regulations. The Executive Director shall establish procurement controls that provide reasonable assurance that the procurement of goods and services are made for a valid business purpose and within authorized budget levels.

14.4.2 It is Port policy that procurement decisions shall be made free from actual or perceived conflicts of interest consistent with these Rules of Policy and Procedure.

14.4.3 It is Port policy that due diligence and prudent judgment be exercised in the making of procurement decisions, including conducting a risk assessment. If the Executive Director reasonably determines that a procurement activity presents, regardless of the size of the financial commitment, either: (1) a unique and significant operational risk to the Port; or (2) a significant impact to customers, the Executive Director shall inform the Commission.

15. EVALUATING THE EXECUTIVE DIRECTOR'S PERFORMANCE

15.1 General. The Executive Director's job performance shall be evaluated by comparing the organization's operations and results and the Executive Director's performance to the policies established by the Commission.

15.2 Process.

15.2.1 The Commission shall evaluate the Executive Director's performance on an annual basis.

15.2.2 The evaluation will be based on an evaluation of the organization's performance and the Executive Director's personal performance against the evaluation criteria established by the Commission at the prior year's evaluation.

16. COMMISSION-FINANCE DIRECTOR RELATIONSHIP

16.1 General. Commission – Finance Director Relationship. The Port Finance Director (Auditor) serves the Port to assist in the Port’s compliance with the Local Government Accounting Act, RCW 43.09.200 – 43.09.2855. The auditor reports directly to the commission, and much like the port attorney, provides opinions on compliance matters. The port’s auditor also serves as the chief financial officer. In that financial capacity they report to the executive director and are part of the management team. This dual role and reporting structure—auditor to the commission and chief financial officer to the executive director—can be properly managed with dedication and transparency.

16.2 Hiring and Reporting.

16.2.1 The Commission and Executive Director shall work in tandem to hire the Port Auditor, evaluate the Port Auditor, and the Commission is responsible for terminating the Port Auditor. The Auditor shall perform those duties specified in RCW 43.09.240, Port Policy or job description and shall be granted direct access to the Commission as necessary in the performance of these duties.

16.2.2 The Auditor shall report to the Commission, through the Executive Director, the financial impact of all administrative matters, including hiring, performance evaluations, salary administration, employee benefits, and terminations. The Executive Director may assign additional duties to the Auditor as long as these duties do not interfere with the Auditor’s duties as specified by law.

16.2.3 Keep the Port Commission and staff apprised of any new updates or additions to financial reporting guidelines or legislation affecting the financial interests of the Port.

16.2.4 Inform the Commission of financial issues impacting the Port or the Commission.

16.2.5 Act as the liaison between the Commission and outside auditors and/or financial investigators.

17. COMMISSION-PORT ATTORNEY RELATIONSHIP

17.1 PORT ATTORNEY. THE PORT ATTORNEY REPRESENTS THE PORT (SEE, WASHINGTON RULES OF PROFESSIONAL CONDUCT 1.13). THE PORT ATTORNEY IS APPOINTED BY THE COMMISSION AFTER CONSIDERING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR. THE PORT ATTORNEY SERVES AT THE PLEASURE OF AND ULTIMATELY REPORTS DIRECTLY TO THE COMMISSION. THE COMMISSION CAN TERMINATE THE REPRESENTATION OF THE PORT ATTORNEY FOR ANY REASON OR NO REASON AFTER CONSULTATION WITH THE EXECUTIVE DIRECTOR. THE RETENTION OF THE PORT ATTORNEY SHALL BE IN THE FORM OF A LETTER OF ENGAGEMENT WHICH SHALL ALLOW THE PORT COMMISSION, AFTER CONSULTATION WITH THE EXECUTIVE DIRECTOR, TO TERMINATE THE

SERVICES OF THE PORT ATTORNEY. SUBJECT TO PORT COMMISSION APPROVAL, THE PORT ATTORNEY MAY BE A FULL OR PART-TIME PORT EMPLOYEE. THE PORT ATTORNEY IS THE LEGAL ADVISOR TO THE PORT, THE COMMISSION, ITS COMMITTEES, COMMISSIONS AND BOARDS, THE EXECUTIVE DIRECTOR, AND ALL PORT OFFICERS AND EMPLOYEES WITH RESPECT TO ANY LEGAL QUESTION INVOLVING AN OFFICIAL DUTY OR ANY LEGAL MATTER PERTAINING TO THE AFFAIRS OF THE PORT.

17.1.1 SUPERVISION. THE PORT ATTORNEY'S DAY-TO-DAY SERVICE TO THE PORT IS PROVIDED TO AND SUPERVISED BY THE EXECUTIVE DIRECTOR PER THE DELEGATION OF POWERS RESOLUTION. THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR EVALUATING THE PORT ATTORNEY'S PERFORMANCE.

17.1.2 REPRESENTATION OF THE PORT ONLY. IT IS IMPORTANT TO NOTE THAT THE PORT ATTORNEY DOES NOT REPRESENT INDIVIDUAL MEMBERS OF COMMISSION, BUT RATHER THE PORT ACTING THROUGH THE PORT COMMISSION AS A WHOLE OR AS DIRECTED BY THE EXECUTIVE DIRECTOR. INDIVIDUAL COMMISSIONERS CANNOT ENGAGE THE SERVICES OF THE PORT ATTORNEY UNLESS APPROVED BY THE PORT COMMISSION OR THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR MAY WAIVE THE ATTORNEY-CLIENT PRIVILEGE OF THE PORT VIS-À-VIS THIRD PARTIES.

17.1.3 INFORMATION AVAILABLE TO ALL COMMISSIONERS AND THE EXECUTIVE DIRECTOR. THERE IS NO ATTORNEY-CLIENT PRIVILEGE BETWEEN THE PORT ATTORNEY AND ANY COMMISSIONER. THE BEST PRACTICE FOR THE PORT ATTORNEY IS TO KEEP ALL THE COMMISSIONERS AND THE EXECUTIVE DIRECTOR REASONABLY INFORMED ABOUT SIGNIFICANT COMMUNICATIONS WITH AN INDIVIDUAL COMMISSIONER SO THAT ALL PORT COMMISSIONERS AND THE EXECUTIVE DIRECTOR RECEIVE THE SAME INFORMATION. HOWEVER, IF THE ATTORNEY IS CONTACTED BY A COMMISSIONER ON BEHALF OF THE PORT COMMISSION DEALING WITH A MATTER THAT THE PORT COMMISSION DOES NOT WANT THE EXECUTIVE DIRECTOR TO KNOW ABOUT (FOR EXAMPLE TERMINATION OF THE EXECUTIVE DIRECTOR) THEN THAT COMMUNICATION SHALL NOT BE DISCLOSED BY THE PORT ATTORNEY WITHOUT THE CONSENT OF THE PORT COMMISSION.

17.1.4 DUTIES OF PORT ATTORNEY. THE ATTORNEY'S PRIMARY ROLE, AS GENERAL LEGAL COUNSEL, IS TO PROVIDE LEGAL ADVICE TO THE PORT THROUGH ITS COMMISSION, EXECUTIVE DIRECTOR AND STAFF REGARDING PORT OPERATIONS, COMMERCIAL MATTERS, COMPLIANCE ISSUES, AND RISK EXPOSURE. IT IS RECOGNIZED THAT THE PORT ATTORNEY MAY PROVIDE THE PORT ATTORNEY'S BUSINESS PERSPECTIVE BUT SUCH PERSPECTIVE SHOULD BE CLEARLY DIFFERENTIATED FROM LEGAL ADVICE AND OFFERED WITH THE

UNDERSTANDING THAT THE PORT MAY FREELY DISREGARD THAT ADVICE. IT IS PARAMOUNT FOR THE PORT ATTORNEY TO BE IMPARTIAL TO THE BUSINESS DECISIONS A PORT COMMISSION OR THE EXECUTIVE DIRECTOR MAKES AND ADVISE INDEPENDENTLY ON THE LEGALITY AND RISK EXPOSURE. THE ATTORNEY IS POLITICALLY NEUTRAL TO THE ACTIONS AND PRIORITIES OF THE COMMISSION.

17.1.5. SPECIAL COUNSEL. THERE ARE OCCASIONS FOR WHICH THE PORT ATTORNEY WILL NEED TO BE SUPPLEMENTED BY SPECIAL COUNSEL ON A PARTICULARLY NARROW TOPIC OR ON AN EFFORT THAT TAKES CONSIDERABLE WORKLOAD BEYOND THE CAPACITY OF PORT ATTORNEY OR THE PORT ATTORNEY'S LAW FIRM. IN SUCH AN INSTANCES THE EXECUTIVE DIRECTOR SHALL, AFTER DISCUSSION WITH THE PORT ATTORNEY, RETAIN SPECIAL COUNSEL AND THEREAFTER ADVISE THE COMMISSION.

17.2 PORT ATTORNEY RESPONSIBILITIES.THE GENERAL LEGAL

RESPONSIBILITIES OF THE PORT ATTORNEY ARE TO:

17.2.1 PROVIDE LEGAL ASSISTANCE NECESSARY FOR FORMULATION AND IMPLEMENTATION OF LEGISLATIVE POLICIES AND PROJECTS.

17.2.2 REPRESENT THE PORT'S INTEREST, AS DETERMINED BY THE EXECUTIVE DIRECTOR, IN LITIGATION, ADMINISTRATIVE HEARINGS, NEGOTIATIONS, AND SIMILAR PROCEEDINGS.

17.2.3 PREPARE OR APPROVE AS TO FORM RESOLUTIONS, CONTRACTS, AND OTHER LEGAL DOCUMENTS TO BEST REFLECT AND IMPLEMENT THE PURPOSES OF THE PORT.

17.2.4 KEEP THE PORT COMMISSION AND STAFF APPRISED OF COURT RULINGS AND LEGISLATION AFFECTING THE LEGAL INTEREST OF THE PORT.

17.2.5 WHEN REQUESTED BY THE PORT COMMISSION OR EXECUTIVE DIRECTOR, ADVISE THE PORT COMMISSION REGARDING POTENTIAL CONFLICT OF INTEREST ISSUES OR ETHICAL MATTERS. PORT ATTORNEY SHALL PROVIDE ASSISTANCE TO INDIVIDUAL COMMISSIONERS IN COMPLYING WITH APPLICABLE STATUTES AND LAWS ONLY WHEN SUCH ADVICE DOES NOT CONFLICT WITH THE PORT ATTORNEY'S OBLIGATIONS TO THE PORT OR TO SPECIFIC DIRECTION OF THE PORT COMMISSION.

17.2.6 GIVE ADVICE OR OPINION WHEN REQUIRED BY THE PORT COMMISSION OR EXECUTIVE DIRECTOR.

17.2.7 INFORM THE PORT COMMISSION AND/PR THE EXECUTIVE DIRECTOR OF MATERIAL LEGAL ISSUES IMPACTING THE PORT.

17.2.8 ASSIST THE PORT COMMISSION AND STAFF IN COMPLYING WITH APPLICABLE STATUTES AND LAWS.

17.2.9 PROVIDE PROCEDURAL ADVICE TO THE PORT COMMISSION AS TO THE CONDUCT OF ALL COMMISSION MEETINGS AND OTHER PORT-RELATED MEETINGS AS REQUESTED BY THE EXECUTIVE DIRECTOR.

17.2.10 PROVIDE TRAINING ON LEGAL MATTERS AS REQUESTED BY THE PORT COMMISSION OR THE EXECUTIVE DIRECTOR.

17.2.11 OTHER MATTERS AS DESIGNATED BY THE PORT COMMISSION OR THE EXECUTIVE DIRECTOR.

18. INDEMNIFICATION AND DEFENSE POLICY

18.1 Policy Stated. As authorized by RCW 4.96.041 and Port of Benton Resolution 18-23 adopted on September 12, 2018, the Port created a procedure to provide for indemnification and defense of claims of liability arising from acts or omissions of officials and employees of the Port, including volunteers, while performed or in good faith purported to have been performed in the scope of their official duties. See Addendum A for Resolution 18-23.

18.2 Application to Recall Proceedings.

Consistent with RCW 4.96.041(3), the necessary expenses of defending a Port Commissioner in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the Port if the Commissioner requests such defense and approval is granted by both the Commission and the Port's legal counsel or attorney appointed by the Executive Director to review the request. The expenses paid by the Port may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

As authorized by the Supreme Court in the case of *In Recall of Olsen*, 154 Wn.2d 606 (2005), the Port's decision to indemnify and pay the costs of a recall defense does not constitute a contract under RCW 42.23.030, and, as a result, a Commissioner requesting payment of such expenses may vote on the Commission's consideration of the request.

19. GENERAL COMPLAINT RESOLUTION

19.1 Administrative Complaints Made Directly to Individual Commissioners. When administrative policy or administrative performance complaints are made directly to individual Commissioners, the Commissioner shall then refer the matter directly to the Executive Director for review and/or action. The individual Commissioner may request to be informed of the action or response made to the complaint.

19.2 Administrative Complaints – "Best Practice". Although citizen's direct access to Port Commissioners is to be encouraged, Port Commissioners should be cautious in making

statements or taking actions that may delay a timely customer service response. The best policy is to put the citizen into direct contact with the Executive Director.

20. OFFICIAL PORT SEAL

20.1 Pursuant to RCW 53.12.245, the Port's official seal shall on be used for official Port related business, as sanctioned by the Board. In addition, the official Port logo, as indicated below, shall not be used for purposes other than official Port business without the express consent of the Board.



ADDENDUM A

RESOLUTION NO. 18-23

A RESOLUTION OF THE PORT OF BENTON ESTABLISHING A PROCEDURE REGARDING PAYMENT OF DEFENSE COSTS TO OFFICERS, EMPLOYEES AND VOLUNTEERS PER RCW 4.96.041

WHEREAS, RCW 4.96.041 provides that whenever an action or proceeding for damages is brought against any past or present officer, employee or volunteer of a local governmental entity and such action or proceeding arises from acts or omissions of such officer, employee or volunteer while performing or in good faith purporting to perform his or her official duties, such officer, employee or volunteer may request the local governmental entity to authorize the defense of the action or proceeding at the expense of the local governmental entity;

WHEREAS, RCW 4.96.041 further provides that if the legislative authority of the local governmental entity, or the local governmental entity using a procedure created by ordinance or resolution, finds that the acts or omissions of the officer, employee or volunteer were, or in good faith purported to be, within the scope of his or her official duties, the request shall be granted; and

WHEREAS, RCW 4.96.041 further provides that if the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the local governmental entity and any monetary judgment against the officer, employee or volunteer shall be paid on approval of the legislative authority of the local governmental entity or by a procedure for approval created by ordinance or resolution; and

WHEREAS, the commissioners of the Port of Benton wish to establish a procedure to implement the provisions of RCW 4.96.041; NOW, THEREFORE,

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

Section 1. Definitions. Unless the context clearly indicates otherwise, the words and phrases used in this resolution shall have the following meanings:

“Commission” means the board of commissioners of the Port of Benton.

“Port” means the Port of Benton.

“Employee” means any person who is or has been employed by the Port.

“Officer” means all elected and appointed officers of the Port and all persons exercising or undertaking to exercise any of the powers or functions of an officer of the Port.

“Official Duty” means those duties within the specific Scope of Service or Employment of the Employee, Officer or Volunteer as defined by the Commission or by statute.

“Proceeding” means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative and whether formal or informal.

“Scope of Service or Employment” shall be determined by the Commission with reference to the relevant job description and/or employee or volunteer manual and or the usual and accustomed duties assigned or performed by others in a similar situation.

“Volunteer” means a person who performs any assigned or authorized duties for the Port brought about by one's own free choice, receives no wages and is registered and accepted as a Volunteer by the Port for the purpose of engaging in authorized Volunteer service at the time of the act or omission giving rise to a Proceeding for which representation or indemnification is claimed under this resolution; PROVIDED, that such person shall be deemed to be a Volunteer although he or she may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties.

Section 2. Request for Representation and Indemnification; Conditions. The provisions of this resolution shall be subject to the following conditions:

(a) Any past or present Employee, Officer, or Volunteer may submit a request to the Commission for representation and indemnification in any Proceeding resulting from the acts or omissions of such Employee, Officer or Volunteer that meet the criteria of this resolution by presenting a written request to the Executive Director of the Port or his or her designee at the administrative offices of the Port during regular business hours.

(b) A request for representation and indemnification shall be submitted as soon as is practicable and in no event later than 15 days after notice of the commencement of any Proceeding, or 25 days after any incident or course of conduct potentially resulting in any Proceeding, and shall include:

(i) the name and current contact information of the Employee, Officer, or Volunteer requesting representation;

(ii) all information known to the Employee, Officer or Volunteer regarding the relevant acts or omissions, including the dates, times, places, and surrounding circumstances;

(iii) the names and addresses of all persons claiming injury or damage in the Proceeding; and

(iv) the names, addresses, and current contact information, if known, of all witnesses or persons having knowledge of the circumstances involved in the Proceeding.

(c) The Employee, Officer or Volunteer shall respond to all reasonable requests for information from the Port's legal counsel and shall otherwise cooperate with the Port's legal counsel, including but not limited to:

(i) delivering any claim, demand, notice, summons or other process relating to the Proceeding;

(ii) attending interviews, depositions, hearings and trials as required and shall assist in securing and giving evidence and obtaining attendance of witnesses, assisting in making settlements of any suits; and

(iii) enforcing any claims for any right of subrogation against any persons or organizations that may be liable to the Port because of any damage or claim of loss arising from such incident or course of conduct.

(d) The Employee, Officer or Volunteer shall not receive any additional compensation for any activities related to the Proceedings, and if the Employee, Officer or Volunteer has left the employment or service of the Port, no fee or compensation shall be provided. Failure of the Employee, Officer or Volunteer to cooperate with the defense as required shall constitute a withdrawal of the request for representation and indemnification and relieves the Port of further liability.

(e) The Employee, Officer or Volunteer shall not accept or voluntarily make any payment, assume any obligation, or incur any expense related to the Proceedings or the acts or omissions giving rise to the Proceedings, other than to administer first-aid to others at the time of any incident or engage in a reasonable attempt to avoid or mitigate injury or damage to persons or property.

(f) Prior to undertaking any representation or agreeing to any indemnification, the Port may require the Employee, Officer or Volunteer to sign an agreement indicating that he or she will reimburse the Port, consistent with the agreement, for defense costs including attorney's fees, should the trier of fact determine that the Employee, Officer or Volunteer committed a willful, wanton or intentionally wrongful act or acted outside his or her Official Duty.

(g) The provisions of this resolution are intended to be secondary to any contract or policy of insurance owned or applicable to any Employee, Officer or Volunteer. The Port shall have the right to require any Employee, Officer or Volunteer to use any such policy protection prior to requesting the protection afforded by this resolution.

Section 3. Availability of Legal Representation and Indemnification.

(a) Subject to the requirements of this resolution, the Port shall provide to an Employee, Officer or Volunteer such legal representation as may be reasonably necessary to defend such Employee, Officer or Volunteer in a Proceeding resulting from any conduct, act or omission of such Employee, Officer, or Volunteer, when such conduct, act or omission was performed or omitted:

(i) on behalf of the Port in his or her capacity as a Port Employee, Officer or Volunteer, and

(ii) within the scope of his or her Official Duties.

The fact that an Employee, official, or Volunteer has concluded employment or service with the Port shall not affect the availability of legal representation under this resolution.

(b) Except as may be provided in any applicable insurance policy, the legal representation described in this section shall be provided by an attorney designated by the Commission or its designee.

(c) Notwithstanding any other provision of this resolution, no representation or indemnification shall be provided to any person if in the opinion of the Port's legal counsel payment of such indemnification would cause the Port to violate any applicable law or jeopardize any of its licenses, grants, or agreements.

Section 4. Exclusions; Standard of Conduct. The Port shall not assume any obligation under this resolution in defense of:

(a) any dishonest, fraudulent, criminal, willful, intentional, grossly negligent, or malicious act, omission, or course of conduct by an Employee, Officer, or Volunteer;

(b) any act, omission, or course of conduct of an Employee, Officer, or Volunteer that is not performed on behalf of the Port;

(c) any act, omission, or course of conduct outside the scope of the Official Duties of the Employee, Officer or Volunteer; or

(d) any lawsuit brought against an Employee, Officer, or Volunteer by or on behalf of the Port.

Section 5. Determination of Exclusions.

(a) The Commission shall grant a request for representation or indemnification under this resolution only after a determination has been made that:

(i) representation or indemnification of the Employee, Officer or Volunteer is permissible in the circumstances because the Employee, Officer or Volunteer has met the standard of conduct set forth in Sections 3 and 4;

(ii) the acts or omissions giving rise to the Proceeding were done on behalf of the District and within, or in good faith purported to be within, the scope of the Official Duties of the Employee, Officer or Volunteer; and

(iii) all applicable conditions of this resolution have been met.

(b) The determination shall be made by the Commission upon advice of legal counsel appointed by the Commission to investigate the request for representation. In reaching a determination, the Commission shall consider the opinion of legal counsel and any additional information that the Employee, Officer, or Volunteer wishes to submit to the Commission. No commissioner who is a party to the Proceeding for which representation and indemnification is being requested shall take part in the determination. The determination of the Commission

pursuant to this section shall be a final legislative action, from which there shall be no appeal, except to superior court by means of a declaratory judgment action.

(c) Authorization of indemnification and evaluation as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible.

Section 6. Effect of Compliance with Conditions. If all of the conditions of representation required by this resolution are met, legal representation of an Employee, Officer, or Volunteer is undertaken by the Port, and a judgment is entered against the Employee, Officer or Volunteer, or a settlement made, then the Port shall pay such judgment or settlement; PROVIDED, that the Port may, at its discretion, appeal as necessary any judgment.

Section 7. Failure to Comply with Conditions. If an Employee, Officer, or Volunteer refuses to comply with any of the conditions set forth in this resolution with respect to any Proceeding, the Port shall not be obligated to offer any representation or indemnification under this resolution and this resolution shall be inapplicable with respect to such Proceeding.

Section 8. Reimbursement of incurred expenses.

(a) If the Commission determines that representation or indemnification is not available to the Employee, Officer or Volunteer under the terms of this resolution, and a court of competent jurisdiction later determines that a claim does come within the provisions of this resolution, then the Port shall pay any judgment rendered against the Employee, Officer or Volunteer along with reasonable attorney's fees incurred in obtaining the determination that such claim is covered by this resolution.

(b) If the Commission determines that representation or indemnification is available to the Employee, Officer or Volunteer under the terms of this resolution, and a court of competent jurisdiction later determines that a claim does not come within the provisions of this resolution, then the Port shall be reimbursed by the Employee, Officer or Volunteer or his or her assigns for costs or expenses incurred in obtaining the determination that such claim is not covered by this resolution.

Section 9. Conflict with provisions of insurance policies.

(a) The intent of this resolution is to provide complete coverage outside and beyond any insurance policy that may be in effect while not compromising the terms and conditions of any such policy.

(b) Nothing contained in this resolution shall constitute an insurance policy. This resolution shall not be construed as creating a contract or a policy of insurance between the Port and any Employee, Officer or Volunteer. This resolution is subject to amendment or repeal at the sole discretion of the Commission without prior notice to the Employee, Officer or Volunteer.

(c) The provisions of this resolution shall have no force or effect with respect to any accident, occurrence or circumstance for which the Port or any Employee, Officer or Volunteer is insured against loss or damages under the terms of any valid insurance policy, provided that this resolution shall provide protection, subject to its terms and limitations, above any loss limit of such policy.

(d) Nothing contained in this resolution shall be construed to modify or amend any provision of any policy of insurance where the Port or any Employee, Officer or Volunteer is a named insured. In the event of any conflict between this resolution and the provisions of any such policy of insurance, the provisions of the policy of insurance shall control.

Section 10. Pending claims. This resolution shall apply to any Proceeding against an Employee, Officer or Volunteer now pending or hereafter filed regardless of the date of the events or circumstances giving rise to such Proceeding.

Section 11. Not a waiver. Nothing in this resolution shall be construed to waive or impair the right of the Commission to institute suit or counterclaim against any Employee, Officer or Volunteer nor to limit its ability to discipline or terminate an Employee, Officer or Volunteer.

THIS RESOLUTION OF THE PORT OF BENTON ADOPTED by the Commission at its regular meeting held in Prosser, Washington this 11th day of September 2024.

RESOLUTION 24-42

A RESOLUTION OF THE PORT OF BENTON AUTHORIZING WRITE-OFF OF UNCOLLECTABLE ACCOUNTS RECEIVABLE THROUGH NOVEMBER 30, 2024

WHEREAS, the Port of Benton (Port) leases land and facilities to tenants in exchange for lease payment; and

WHEREAS, the write-off of uncollectable accounts is fiscally responsible and necessary to provide an accurate measure of the Port's financial position; and

WHEREAS, pursuant to Port Policy and RCW 19.16.500 and 82.32.265, the Port shall make reasonable attempts, up to and including the use of a collections agency, to collect all money owing to the Port in compliance with Port policy and procedure; and

WHEREAS, Port staff have made reasonable efforts to collect past due amounts from Chemchek Instruments, Inc.; and

WHEREAS, Chemchek has overdue payments to the Port a total of \$17,585.10 and; and

WHEREAS, Chemchek is no longer a tenant and is no longer an operating business; and

WHEREAS, Chemchek has been lawfully evicted from Port facilities in accordance with state and local regulations; and

WHEREAS, Chemchek has abandoned all personal property, records and equipment in Port facilities; and

WHEREAS, Port staff have determined that the likelihood of collecting any amounts due from Chemchek are unlikely; and

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

1. A collection agency will not be utilized to collect the overdue amounts based on the fact that Chemchek has not responded to prior legal notices, Chemchek has been legally evicted, Chemchek has abandoned all personal property, equipment and records and the probability of collections is very low.
2. That the amount due from Chemchek is determined to be uncollectable.
3. That Port staff will attempt to sell Chemchek's abandoned property to offset unpaid balances.
4. That Port Commissioners authorize Port staff to take the necessary actions to remove Chemchek's unpaid and overdue amounts from the Ports financial statements and to write-off the uncollected balance of \$17,585.10 as of 11/30/2024.

THIS RESOLUTION OF THE PORT OF BENTON ADOPTED by the Commission at its regular meeting held this 18th day of December 2024.

Scott D. Keller, President

Lori Stevens, Vice President

Roy D. Keck, Secretary

RESOLUTION 24-44

**A RESOLUTION OF THE PORT OF BENTON
ACCEPTING WORK COMPLETED BY
MAXWELL ASPHALT, INC.
FOR THE
2024 RICHLAND AIRPORT PAVEMENT REHABILITATION CONSTRUCTION
PROJECT**

WHEREAS, work known as the 2024 Richland Airport Pavement Rehabilitation Construction Project upon notification by Maxwell Asphalt, Inc., that said project has been completed in accordance with the approved plans and specifications, has been duly inspected by Quentin Wright, Airport Manager, and

WHEREAS, the Contractor has certified that the work has been completed in accordance with the plans and specifications at a total cost of \$1,178,630.25 plus WSST.

NOW THEREFORE BE IT RESOLVED that the Port of Benton Commission does hereby accept the work Maxwell Asphalt, Inc. has completed in accordance with the contract of said project; and

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

DATED AND SIGNED at Richland, Washington, on this 18th day of December 2024.

Scott D. Keller, President

Lori Stevens, Vice President

Roy D. Keck, Secretary

CONSENT TO THE ASSIGNMENT OF LEASE

WHEREAS, the PORT OF BENTON (“LESSOR”) entered into a written Ground Lease Agreement dated October 18, 1993, recorded in the County of Benton under Auditor File Number 93-032565 on October 25, 1983, with Talent Aviation Services, Inc., an Idaho Corporation (“LESSEE”), for the real property described in Exhibit A (the “Lease”).

WHEREAS, the Lease was amended in writing by a Modification to Lease dated the month of December, day _____, 202____

WHEREAS, Lessee now wishes to assign its interest in the Lease to TYM2FLY, LLC (a Washington limited liability company).

NOW THEREFORE, Lessor hereby consents to the assignment of the above-described Lease to TYM2FLY, LLC with the execution of the lease Amendment to Ground Lease between the Port of Benton and Talent Aviation, Inc. This Consent to Assignment shall not release the Lessee as assignor from any of its obligations under the Lease.

DATED this _____ day of _____, 2024.

**By Authority of Board of
Commissioners Of the Port of Benton**

Dated: _____

By: _____
Diahann Howard, PPM ®
Executive Director

SITE 7 - HANGAR LEASE LEGAL DESCRIPTION
INSERT LEGAL DESCRIPTION

DESCRIPTION

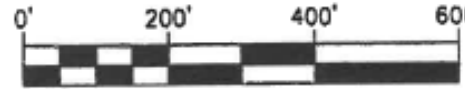
THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M., CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT MONUMENT PB 10W AS SHOWN ON THE PLAT OF RICHLAND, THENCE NORTH 39° 59' 18" EAST 975.88 FEET TO MONUMENT PB 11W AS SHOWN ON SAID PLAT AND MONUMENTED WITH A WORLEY REBAR, SAID POINT BEING AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS NORTH 50° 00' 30" WEST 5694.65 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE 896.69 FEET TO MONUMENT PB 12W AS SHOWN ON SAID PLAT; THENCE NORTH 3° 17' 53" WEST 1248.43 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 4° 33' 53" EAST 50.00 FEET; THENCE NORTH 85° 26' 07" WEST 274.50 FEET; THENCE SOUTH 4° 33' 53" WEST 50.00 FEET; THENCE SOUTH 85° 26' 07" EAST 274.50 FEET TO THE SAID TRUE POINT OF BEGINNING;

CONTAINING 13,725 SQUARE FEET (0.32 ACRES);

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



SKETCH FOR:
PORT OF BENTON



STRATTON SURVEYING & MAPPING
1525 W. DISCOVERY PL. UNIT 110
RICHLAND, WA 98336
(509) 735-7384
FAX: (509) 735-9500
www.strattonsurveying.com

1668SK52A.DWG	
DATE: 12/09/04	SHT. 1 OF 1
DRAWN BY: RLS	JOB # 1668

ALSO TOGETHER WITH AND SUBJECT TO easements, reservations, covenants, conditions and restrictions apparent or of record.



December 12, 2024

Selection of Architects, Engineers, and Consultants

On December 4th, Branin Lopez, Port Engineer, Ron Branine, Director of Facilities & Operations, Jeff Lubeck, Director of finance, and Bryan Bell, Construction Project Manager reviewed and scored the Statement of Qualifications for the 2025 Calendar Year.

Upon scoring the Statement of Qualifications the following Firms/Companies were selected:

Master Plan Development:

HDR Engineering
KPF Consulting Engineers

Maul Foster & Alongi, Inc.
RGW Enterprises, PC

Airport Planning & Master Plan Updates:

Century West Engineering Corporation

HDR Engineering

Airport Coordinator

J-U-B Engineers

AWOS Weather Station Maintenance

Maul Foster & Alongi, Inc.

Architectural Services

Archibald & Co.
HDR Engineering

Architects West
J-U-B Engineers

Engineering:

Century West Engineering
HDR Engineering
Maul Foster & Alongi, Inc.

KPF Consulting Engineers
RGW Enterprises, PC



Railroad Engineering

RGW Enterprises
HDR Engineering

KPFF Consulting Services

Miscellaneous Planning Consultant:

RGW Enterprises
IC Consulting Corporation
Maul Foster & Alongi

Century West Engineering
HDR Engineering

Surveying Services:

AHBL, Inc.

Permit Surveying

Geotechnical Consulting

Shannon & Wilson
RH2 Engineering

J-U-B Engineers

Environmental Services:

Century West Engineering
HDR Engineering

Maul Foster & Alongi

Testing Services

GeoProfessional Innovation Corporation

PLSA Engineering & Surveying

Marketing:

Underground Creative
Maul Foster & Alongi

Prominence Public Relation

Cultural/Historical Resources

HDR Engineering

Northwest Anthropology, LLC



Computer IT & Programming:

Tricity Computer Consulting

Underground Creative

Grant Management:

RGW Enterprises

HDR Engineering

Maul Foster & Alongi

Century West Engineering

The Becket Group

Financial Consulting:

Swift Current, LLC

Moss Adams, LLP

Real Property Services:

HDR Engineering, Inc.

J-U-B Engineers

Associated Appraisers of Walla Walla

RGW Enterprises

Public Relations:

HDR Engineering

Prominence Public Relations

Maul Foster & Alongi

J-U-B Engineers



Selection of Architects, Engineers and Consultants

Brandin Lopez
Port Engineering

12/10/24

Date

Jeff Lubeck
Director of Finance

12/10/2024

Date

Ron Branine
Director of Facilities & Operations

12-10-24

Date

Bryan Bell
Construction Facility Manager

12-10-24

Date



December 6, 2024

Jon Amundson, City Manager
City of Richland
625 Swift Boulevard
Richland, WA 99352

RE: City of Richland and Port of Benton Land Exchange Agreement of September 4, 2024
City of Richland Contract No. 361-24

Dear Jon,

In reference to the Land Exchange Agreement between the City of Richland (the "City") and the Port of Benton (the "Port") on September 4, 2024 (the "Land Exchange Agreement"), I write this letter to memorialize the status of that agreement and understanding between the parties as to amendments agreed upon. I request you countersign below to indicate your concurrence with the following terms:

Background:

1. Attached as Exhibit 1 is a property description for the twenty-seven (27) parcels originally subject to the Land Exchange Agreement. Parcel identification numbers 1 and 27 were City parcels to be acquired by the Port. Parcel identification numbers 2 through 26 were Port parcels to be acquired by the City.
2. Under paragraph 4.2.1 and 4.5.1 of the Land Exchange Agreement the Port and City, respectively, were entitled to Feasibility Study Periods to December 31, 2024 (the "Feasibility Study Periods").
3. Under paragraph 5 of the Land Exchange Agreement, closing was to occur no later than 90 days following fulfillment of all contingencies, including conclusion of the Feasibility Study Periods.

Amendment:

4. The City and Port have since agreed upon the following:
 - a. Closing under the Land Exchange Agreement is to occur in two phases:
 - i. Phase 1:
 1. Phase 1 pertains to parcel numbers 1, 4 and 5 as depicted in the attached Exhibit 1 and Exhibit 2 (the "Phase 1 Parcels").



2. Each party represents that the contingencies to closing under the Land Exchange Agreement regarding the Phase 1 Parcels have been satisfied.
3. The parties wish that the exchange of the Phase 1 Parcels move to closing on or before January 7, 2025.

ii. Phase 2:

1. Phase 2 pertains to parcel numbers 2, and 6 through 26, as depicted in the attached Exhibit 1 and Exhibit 2 (the "Phase 2 parcels").
 2. The parties wish to extend the Feasibility Study Periods, along with all other contingencies to closing for the Phase 2 Parcels to April 1, 2025.
- b. The City and Port agree that parcel number 3 and 27, as depicted in Exhibit 1 and Exhibit 2, are to be removed from the terms of the Land Exchange Agreement.
- c. All other terms of the Land Exchange Agreement will remain in full force and effect. The City and the Port will seek the approval from their respective governing bodies to the terms set forth in this letter. The City and Port agree to cooperate to prepare and execute any additional written agreements necessitated by this letter's terms.

Please contact me with any comments, questions, or concerns. Otherwise, I ask that you return this letter with your signature at your earliest convenience.

Sincerely,

Diahann Howard, PPM® PPX
Executive Director
Port of Benton

Acknowledged and agreed on this _____ day of December 2024.

By _____
Name _____
City of Richland

**ATTACHMENT 1
To RESOLUTION NO. 24-22
PARCEL ID / PORT OF BENTON**

Property Description

CITY OF RICHLAND LAND TO BE ACQUIRED				
Property ID	Parcel No.	Address	Size (AC)	Size (SF)
1	128081000002023	UNKNOWN	243.5	10,605,989
27	134082000008000	UNKNOWN	16.8	730,501
			260.3	11,336,490
PORT OF BENTON PROPERTY TO BE SURPLUSED				
Property ID	Parcel No.	Address	Size (AC)	Size (SF)
2	127081013570001	1992 Snyder St	11.0	479,160
3	127081013570002	1980 Snyder St	3.2	139,828
4	110081000001004	unknown	60.0	2,613,600
5	103084000001000	unknown	147.0	6,403,320
6	123083013612001	Curie Street	0.9	37,026
7	123083BP5390001	725 University Dr	2.1	90,605
8	123083BP5390002	2765 Einstein Ave	1.2	52,708
9	123083BP5390003	800 Curie St	1.6	70,567
10	123083BP5306006	unknown	5.5	238,709
11	126082BP5306008	2655 Einstein Ave	1.8	80,150
12	126082BP5306010	2620 Fermi Dr	5.3	231,739
13	126082BP5306012	2610 Salk Ave	3.8	167,270
14	123083BP5306013	2700 Salk Ave	7.5	327,571
15	123083BP5306002	650 Dalton St	1.8	77,972
16	123083BP5306003	2770 Einstein Ave	1.1	46,609
17	123083BP5306004	2765 Salk Ave	0.8	36,155
18	123083BP5306005	unknown	2.0	85,378
19	123083013658001	667 University Dr	0.5	23,087
20	123083013658002	2780 Salk Ave	0.7	30,056
21	123083013658003	2770 Salk Ave	1.3	55,321
22	123083013658004	2750 Salk Ave	2.4	105,415
23	123083013389001	651 University Dr	2.2	95,832
24	126082013768002	2650 Salk Ave	1.1	48,787
25	UNKNOWN	Tract A (RIC Roads)	10.1	439,520
26	126082BP5306011	Tract A (RIC Roads)	5.0	218,236
			280	12,194,622

Containing 518.42 acres, more or less

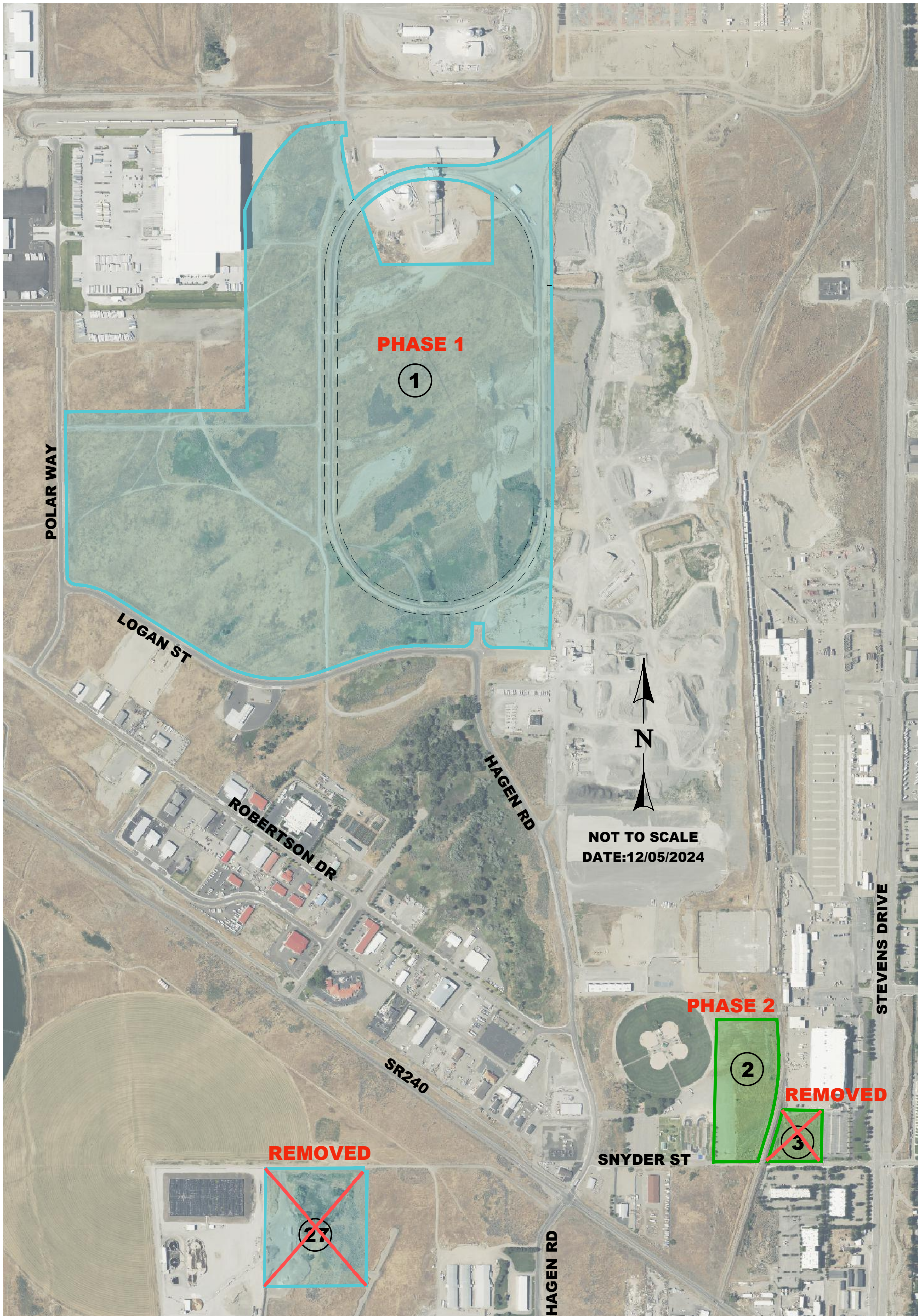
Together and subject to easements, reservation, covenants and restrictions of record.

COR HORN RAPIDS INDUSTRIAL PARK

LAND TRANSFER EXHIBIT

PHASED OPTION

SHEET 1 OF 3

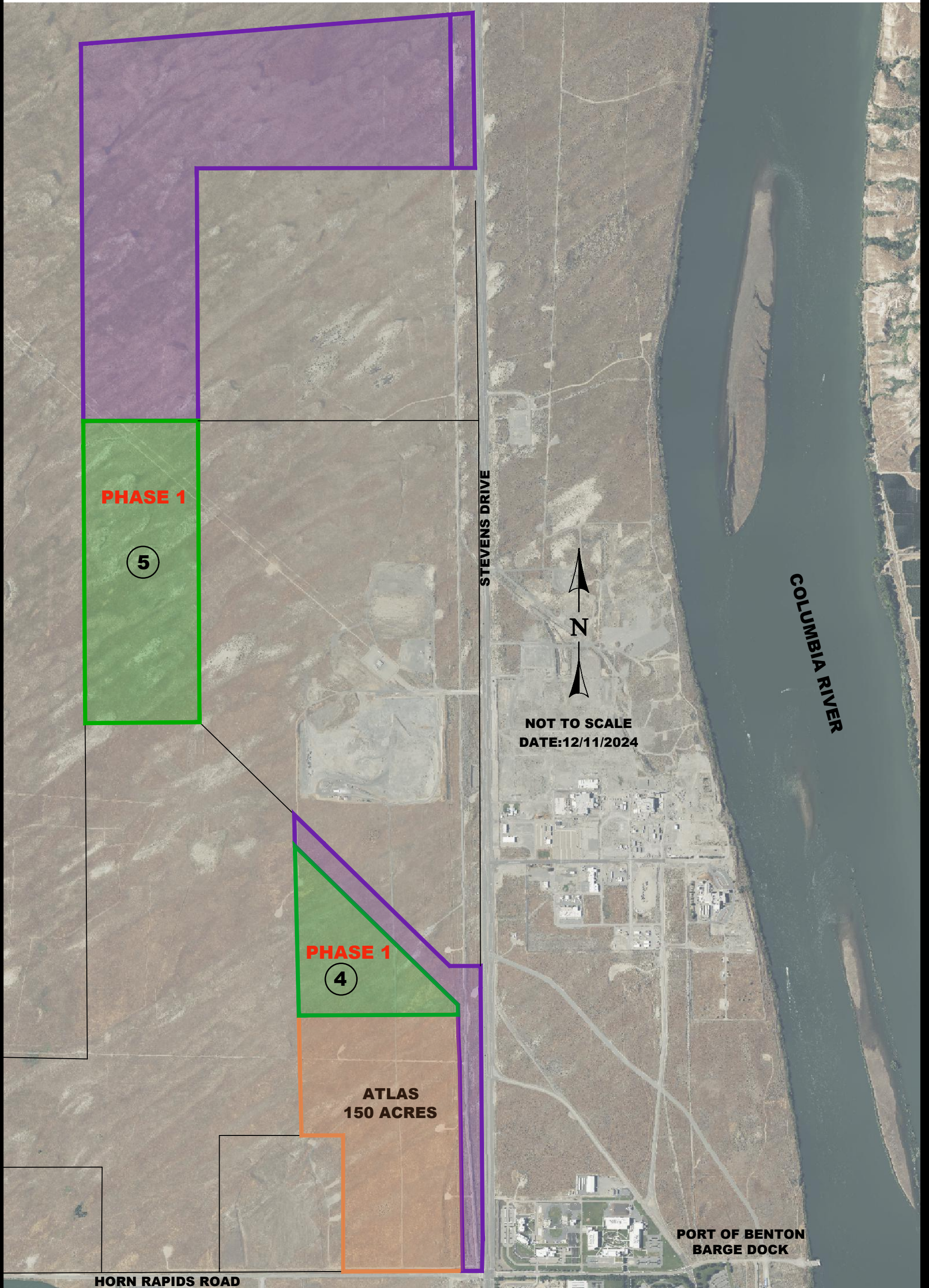


CITY OF RICHLAND TO CONVEY TO PORT OF BENTON



PORT OF BENTON TO CONVEY TO CITY OF RICHLAND

POB NORTH HORN RAPIDS INDUSTRIAL PARK
LAND TRANSFER EXHIBIT
PHASED OPTION
SHEET 2 OF 3



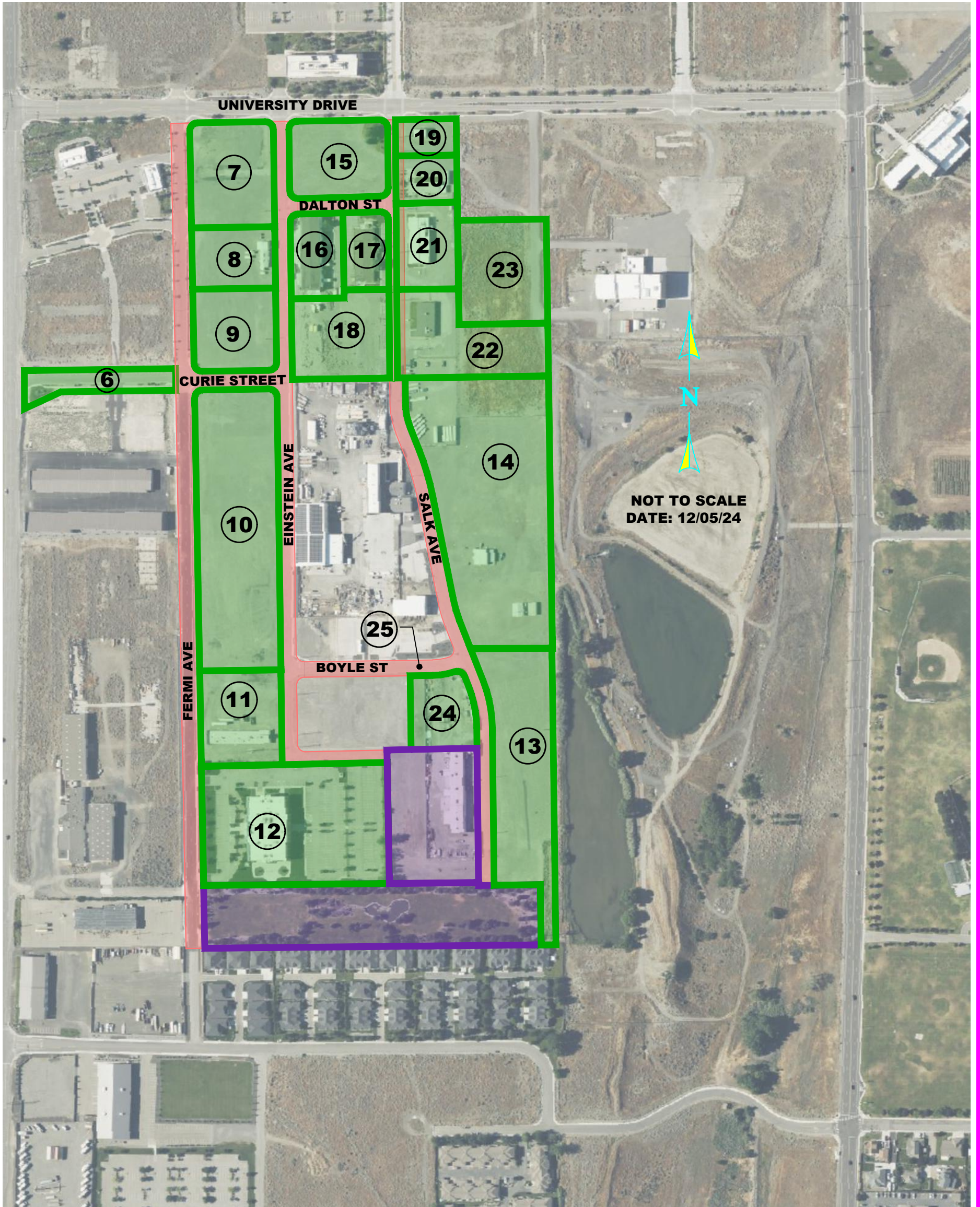
POB RICHLAND INNOVATION CENTER

LAND TRANSFER EXHIBIT

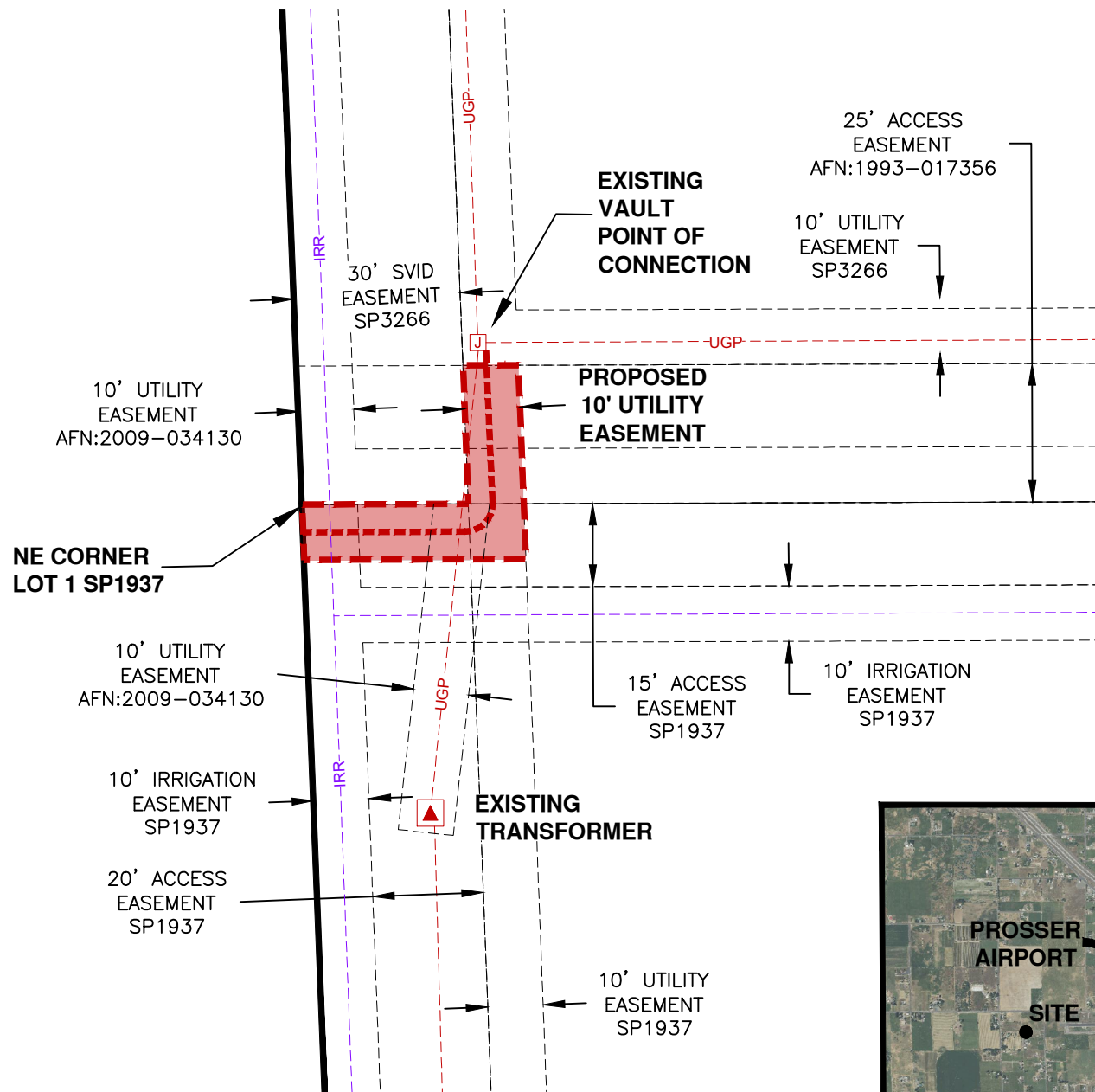
PHASED OPTION

SHEET 3 OF 3

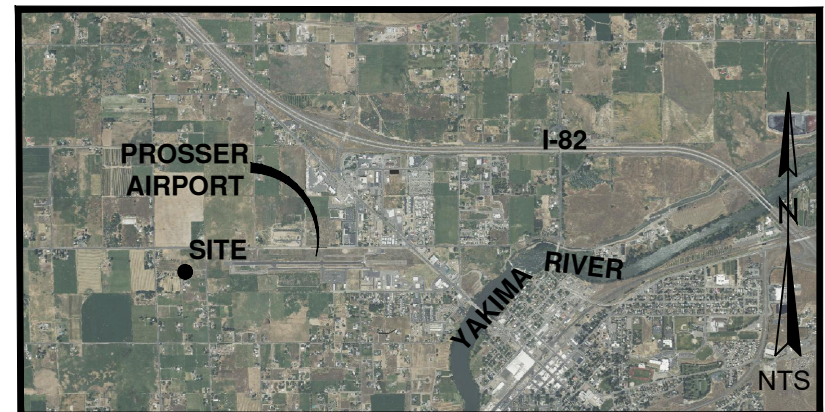
(ALL PARCELS THIS SHEET PHASE 2)



EASEMENT EXHIBIT
PROPOSED EASEMENT FOR
BENTON PUD



VICINITY MAP



2025

Meetings & Holidays

January						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Key	
	Commission Meetings
	Workshops
	Holiday
	WPPA Spring - May 14-16
	WPPA Finance - Jun 25-27
	WPPA Commissioners Jul 21-23
	WPPA Small Ports Oct 23-24
	WPPA Port Day - Jan 30
	WPPA Annual Nov 19-21
	WAMA - May 19
	AAPA Powers - Jan 21-23
	AAPA Annual - Oct 6-8
	PNWA Mission - Mar 10-13
	PNWA Summer - Jun 10-12
	PNWA Annual - Oct 7-9
	Tenant Appreciation BBQ - Aug 7
	Scottish Fest - Jun
	Prosser Wine & Art Walk - Jul
	Whiskey Fest - Aug
	Balloon Rally - Sep
	Riverfest - Oct
	Bubbles & Bites - Nov
	Benton City Daze - Sept

	Project	Description	Grants Pursued/Received	Comments
1	Innovation Cluster Accelerator Program Application, Phase 2	Washington Dept of Commerce, next evolution of POB, IPZ. Goal to support the creation of a clean energy industry led alliance.	State - \$300,000	Time extension until December 31, 2024, then to close out.
2	National Highway Freight Program (WSDOT portion)	SR 240 rail signal and crossing reconstruction. WSDOT plans to widen SR 240 from the bypass highway to Hagen.	WSDOT \$865,000 POB \$135,000	Project is out for re-bid due to only receiving one bid over \$600,000 over budget. Re-bid is due December 19 th .
3	Railroad Improvements – Freight Rail Assistance Program grant	Provide grant funding for railroad crossings - Airport Way, Saint St, and Kingsgate Way signal cabinet.	FRAP - \$1,030,000 POB \$250,000	Crossings are completed. Signal work will be completed when the signal materials arrive, likely the first two weeks of January.
4	2023-2025 State Capital Appropriation	"White Bluffs Rail" remaining crossings, ties, panels and rail to support CRISI	\$1,212,500 State Grant	Ties have been ordered but delivery has been delayed. We plan to bid the tie installation shortly.
5	RAISE	White Bluffs Southern Connection Rail	Federal \$8 million POB \$2 million	RAISE and CRISI not awarded. Port project of merit for RAISE resubmitted. Revised applications will be submitted in 2025.

	Project	Description	Grants Pursued/Received	Comments
6	State Capital Request	Phase 1 intermodal rail yard	\$6 - \$10 million	Request to support federal grant applications and initial phase 1 of intermodal rail yard; \$240,000 awarded contracting has begun.
7	Records Room Organization	Temp help to organize records room and identify records to destroy or retain.	\$20,000	The Port was one of the 25 applicants out of 122 submissions to receive this award and was one of the few to be fully funded. The contract is in place, and work has started and will continue through the year end.
8	Congressional Directed Spending Requests	Port of Benton White Bluffs Rail Project Modernization and Intermodal Facility.	\$5 million	Submitted to Senator Murray and Cantwell's office connected to RAISE and CRISI request. \$3.55 million has been marked to support this project awaiting final bill approval.
9	Port Electrification	Intermodal Facilities	\$2.7 million, 10% match \$300K POB	\$2.7 million awarded, contracting underway
10	CERB/EDA-updated	2579 offices and update remodel (RBP)	\$2.4 million CERB \$3-5 million EDA \$1.5 million POB	Submittal to CERB, January 17th presentation to CERB board if application is accepted.

Airports				
	Project	Description	Grants Pursued/Received	Comments
11	FAA and State Airport discretionary funds - Richland Airport	Runway and Apron Crack and Fog Seal	FAA NPE \$290,000 State \$800,000 Awarded FAA Grant amount 2023 = \$178,000 (Design Work)	Project completed.
12	WSDOT 5% Match	WSDOT assistance in paying half of Sponsors' grant obligation	\$60,000 Match , amount increased	Awarded grant! ~\$77K
13	FAA Airport Funds - Prosser Airport	Runway and Apron Crack and Fog Seal and Airport Lighting	FAA NPE \$200,000 FAA DI \$1,300,000 Awarded FAA Grant amount 2023 = \$245,000 (Design Work)	FAA funding delayed. Port Funded project (\$55K) completed
14	Infrastructure Investment and Jobs Act - Grant Funds (Now Bipartisan Infrastructure Law BIL funds) - Richland Airport	Direct grants for the improvement of public use airports. The awarded project is Taxilane construction.	Richland Airport \$1,200,000	The project is on indefinite hold. The money allocated for this project (which is set to expire at the end of '25) was transferred to the Richland pavement project.

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

For the Good of the Order – November

Date	What	Where	When	Who
December 18	Port of Benton Commission Meeting	Port	8:30 a.m.	All
December 19	TRIDEC Board Meeting & Holiday Social	7130 W. Grandridge Blvd., Kennewick	4 p.m.	Roy
December 25	Christmas Day – Office Closed			
January 1	New Year's Day – Office Closed			All
January 15	Port of Benton Commission Meeting	Port	8:30 a.m.	All
January 16	Tri-Cities National Park Committee Meeting	7130 W. Grandridge Blvd., Kennewick	4 p.m.	Roy
January 20	Martin Luther King Jr. Day – Office Closed			
January 23	Tri-Cities Day at the Capitol	Olympia		
January 30	WPPA Port Day	Capitol Building, Olympia	7 a.m. – 1 p.m.	Roy