



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

FEBRUARY 11, 2014 MINUTES

CALL TO ORDER

Commission President Don Barnes called the Commission meeting to order at 2:02 p.m. in the Port of Kennewick Commission Chambers located at 350 Clover Island Drive, Suite 200, Kennewick, Washington 99336.

The following were present:

Board Members: Don Barnes, President
Skip Novakovich, Vice-President
Thomas Moak, Secretary

Staff Members: Tim Arntzen, Executive Director
Tana Bader Inglima, Director of Governmental Relations & Marketing
Tammy Fine, Director of Finance/Auditor
Amber Hanchette, Director of Real Estate & Operations
Larry Peterson, Director of Planning & Development
Lisa Schumacher, Special Projects Coordinator
Bridgette Scott, Executive Assistant
Lucinda Luke, Port Counsel

PLEDGE OF ALLEGIANCE

Mark Blotz led the Pledge of Allegiance.

PUBLIC COMMENT

Bob Ogata, 1306 S. Penn Street, Kennewick, WA 99336. Mr. Ogata read a letter into the record. (*EXHIBIT A*)

COMMISSIONER COMMENTS

Mr. Moak inquired if Mr. Ziobro's record request was completed. Ms. Fine stated the request is completed and closed. Staff did not continue with the public records request because of the clarification issues that arose. Port staff documented all attempts to clarify the request with Mr. Ziobro (*EXHIBITS B, C and D*), who did not receive enough direction from his client. This was not a simple records request and there were over 10,000 records requested. The port fulfilled approximately 3,000 records, which had to be copied and redacted. Mr. Ziobro chose not to pick up all of his requested copies.

Mr. Moak does not believe that a public records request of this magnitude could be resolved in a "couple of days." Mr. Moak appreciates Mr. Ogata's comments, but believes he missed the mark.

Mr. Novakovich believes Ms. Fine and port staff did an exemplary job on the public records request, and stated the staff at the port is the finest staff in the public sector that he has had the pleasure working with.



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CONSENT AGENDA

The consent agenda consisted of the following:

A. Approval of Direct Deposit and Warrants Dated February 5, 2014

Direct Deposit totaling \$35,338.96 and Expense Fund Voucher Numbers 35275 through 35278 totaling \$16,072.93; for a grand total of \$51,411.89.

B. Approval of Warrant Registers Dated February 12, 2014

Expense Fund Voucher Numbers 35279 through 35317 for a grand total of \$96,029.97.

C. Approval of Commission Meeting Minutes dated November 12, 2013

D. Approval of Commission Meeting Minutes dated November 26, 2013

E. Approval of Commission Meeting Minutes dated December 10, 2013

F. Approval of Commission Meeting Minutes dated January 14, 2014

MOTION: Commissioner Moak moved for approval of the consent agenda, with removal of items C, D, and E; Commissioner Barnes seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

MOTION: Commissioner Novakovich moved for approval of the consent agenda items C, D, and E; Commissioner Barnes seconded. With no further discussion motion carried unanimously. All in favor 2:0; Commissioner Moak abstained

PRESENTATION

A. Roles and Responsibilities, Marc Thornsburg, Port of Klickitat Executive Director

Mr. Thornsburg shared a PowerPoint presentation regarding the roles and responsibilities of Commissioners and staff.

REPORTS COMMENTS AND DISCUSSION ITEMS

B. Washington Association of Wine Grape Growers Tradeshow (WAWGG)

Ms. Bader Inglima and Ms. Terry Walsh, with the City of Kennewick, attended the WAWGG trade show and annual conference. They had a great location at the conference and the 3D models drew a lot of attention. They had numerous conversations about Columbia Drive with positive feedback. There were about 450 people in attendance, ranging from grape growers, established wineries, vendors and students.

Ms. Walsh was very invigorated by the activity and there were several people that kept returning; she believes the buzz is there and the property will fill up fast once we start.

Ms. Bader Inglima applauds the Commission and the City Council for coming together.

Mr. Barnes conveyed that our interlocal is very fresh and an important ingredient is the feedback we have received from private sector.

Mr. Moak questioned, from Commission standpoint and staff perspective, how do we determine who will get to lease the space?



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Mr. Arntzen feels that is a very good question. If we had several qualified candidates, the best course of action would be for the port and city staff to interview those who could make the threshold and then make recommendations to the Commission.

Mr. Moak believes this discussion is very important in terms of how we proceed and what the deciding factors will be considered in order to be successful.

Mr. Arntzen stated several resources are available and he is very impressed with the city providing the tools towards Columbia Drive.

Mr. Novakovich joined Ms. Walsh and Ms. Bader Inglima for dinner at the conference and could feel the excitement from the people in the room and at the table. The ladies worked hard and did an awesome job at the conference.

A. Approval of Travel

1. International Economic Development Council (IEDC) Real Estate Development & Reuse Conference

Mr. Novakovich and Mr. Arntzen would like to attend a Real Estate Development and Re-use conference in Anchorage, Alaska held May 15-16, 2014. Mr. Arntzen believes it is the best conference that pertains to Columbia Drive and Vista Field. Mr. Arntzen would like to reserve the possibility to go up early and visit sites in Anchorage that have been redeveloped.

Mr. Novakovich and Mr. Arntzen would miss the WPPA Spring Conference, but the May 13, 2013 Commission Meeting would not need to be cancelled.

MOTION: *Commissioner Moak moved approval of the proposed travel plans for Commissioner Novakovich and Mr. Arntzen to attend the Real Estate Development and Re-use conference, in Anchorage, Alaska, on May 15th and 16th, 2014. Commissioner Novakovich seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

2. International Council of Shopping Centers (ICSC) Global Retail Real Estate Convention

Ms. Bader Inglima and Ms. Walsh will be attending the International Council of Shopping Centers (ICSC) conference May 17-20th, 2014, in Las Vegas, Nevada. Ms. Hanchette may attend as well as there are realtor classes that may be beneficial.

B. Associated General Contractors Presentation

Mr. Barnes received an invitation from the Associated General Contractors group and will present an overview of what the port is doing, highlighting Columbia Drive, Vista Field, and the Tri-City Raceway, on February 26th, 2014.

For the benefit of the new Commissioner and public, Ms. Bader Inglima shared that the port's operating policy and standard practice regarding presentations has been that when an organization asks for a formal presentation the opportunity is first offered to the Commission President, and if the president isn't available, then to the Commission Vice President, then Commission Secretary; and then to executive director, followed by staff directors. Also, presentations and any related



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materials are coordinated with port staff to ensure a consistent message is being delivered and key messages are shared. Don is available and will present to the AGC on behalf of the Port of Kennewick's programs and projects.

C. March 11, 2014 Joint Meeting with City of West Richland

Mr. Petersen would like to schedule a joint meeting with the City of West Richland, regarding the Tri-City Racetrack/Red Mountain property. Currently, Oneza and Associates and Gary Black are available March 11th and March 25th, 2014. The port could cancel the regularly scheduled Commission Meeting and have a joint evening meeting with West Richland. March 25th would be the primary date, with March 11th as the alternative.

D. DPZ Update , Miami

Mr. Arnzten, Mr. Moak and Mr. Petersen went to Miami to meet with the principles of Duany Plater-Zyberk & Company (DPZ), the planning firm working on Vista Field. The trip gave Mr. Moak an opportunity to meet with DPZ and interact with the ownership and key associates. Mr. Moak was able to see how the port staff interfaced with DPZ and was very impressed with how they work together. Mr. Moak believes we have right staff to handle the project and is impressed by their focus.

Mr. Barnes has not been to Miami yet, but is very supportive of the trips that Commissioner Novakovich and Commissioner Moak have gone on. The trips are key in the redevelopment of Vista Field for the staff and the Commission to travel and gather information and obtain first-hand.

E. Vista Field Tank Removal Update

Ms. Hanchette reported that the bids were received for the fuel tank removal; the most competitive bid was made by Three Kings Environmental from Battleground, Washington. We are currently working on the contract with Three Kings.

On a separate note, the port has received requests from emergency responders and the Kennewick Police K9 Division to use the FBO Building for training.

Mr. Petersen received the asbestos report on the FBO Building and the T-Hangars. There is approximately 130 square feet of tile/flooring to be removed from the FBO building. Of the \$650,000.00 budgeted, about \$4,000.00-\$5,000.00 will be utilized for asbestos removal.

F. Snow Report

Ms. Hanchette stated that Mr. Boehnke and Mr. Melia were out early, mobilizing equipment and resources and worked through the weekend to clear the snow from the port properties.

G. Commissioner Meetings (formal and informal meetings with groups or individuals)

Commissioners reported on their respective meetings.

H. Non-Scheduled Items

1. Mr. Petersen inquired about the direction the Commission would like staff to take concerning



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the next step in the master planning for the former Vista Field. The process to hire an engineering and architectural firm can be as simple as reviewing three firms from the Professional Roster and determine at staff level who would be the most qualified for the project. The port has also done Request for Qualifications (RFQ), where a committee could review the list and make a recommendation for the particular project. The \$500,000.00 threshold is not a requirement for the RFQ process, nor is it a prohibition. Staff has identified the need for additional master planning efforts before we move forward on the Vista Field redevelopment. A vision is identified in the Environmental Impact Statement (EIS), but a vague vision of the true cost of utilities, market prices, water, space, and maintenance would be addressed in the master planning process.

Port staff has performed an evaluation of various architectural and engineering firms from the Professional Roster when the EIS process began and believes DPZ to be the most qualified because of the success and knowledge of the project. Mr. Petersen requested the Commission consider how they would like to move the process forward: continue with DPZ or use the RFQ process.

Mr. Novakovich believes the port has invested a lot of time and resources with DPZ. He believes the relationship we have built with them is excellent and the response from the press and community has been excellent. If there are no audit issues, Mr. Novakovich would like to continue down that road. He believes we would be falling behind if we went back out for an RFQ. He is very pleased with DPZ. He feels we have taken several steps forward and we would be going back if we were to do anything other than contract with DPZ on this particular project. DPZ has the history and the concern and we have formed a partnership with the port. He feels DPZ has a real vested interest in the port and Vista Field.

Mr. Moak believes they did great job and agreed there were no challenges to the EIS. Their methodology, vision and urban thinking, is the right thinking for Vista Field. As a person who values transparency, he feels an RFQ would be the correct course of action; however, Mr. Moak believes that DPZ is the right firm for the Vista Field project.

Mr. Barnes agrees with comments made today, in which DPZ has a demonstrated track record with this project. If we consider an RFQ process, we have to take into consideration if the staff's use of time, money and effort is a wise use of our taxpayer resources? Given DPZ's demonstrated abilities, Mr. Barnes does not believe that would be a wise course of action for the staff resources. DPZ is a preeminent firm looking at this project, willing to be vested in it and it would be the right thing to do. Mr. Barnes would like to verify that we have the budgeted resources; that it is in our work plan; and if so, he feels it is the next logical step to take.

Mr. Arntzen would like Mr. Petersen to present a time line, scope of work, possible cost, and budget. One of the reasons for bringing outside firms to the Tri-Cities is to bring in new ideas for the community. Whatever firm is selected as the master planner, there will be plenty of opportunities for subcontracts with local firms. Mr. Arntzen will work with staff and bring the issue back to the Commission. Mr. Arntzen agrees that DPZ has done a very good job.



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Mr. Barnes stated that we want to do it right, not right now. There is no sense of urgency to do something right now, but we need to be comprehensive, complete and methodical.

2. Ms. Fine is compiling the annual financial statements that are due May 31, 2014. The port is still receiving contractor invoices for 2013. The port is going on 18 years of clean audits. The State Auditor's office completed a three year audit for 2010, 2011, and 2012; and spent a substantial amount of time on staff travel, as a follow up to the investigation. The port also hired Clifton, Larson and Allen to perform a separate three year audit on travel; and it was a very effective and clean audit.
3. Mr. Arntzen is very proud of all staff. Ms. Fine has done a great job of keeping us on the right track, and as regulations increase, her effectiveness increases. Every year when the State Auditors come in, they are looking for something. We are going to be in good shape because of all the preparation Ms. Fine has done.

Mr. Arntzen does not agree with Mr. Ogata's comments regarding the Ziobro records request. The port was very active on this request and tried numerous times to clarify what Mr. Ziobro's client wanted. The port hired Clifton, Allen and Larson to review port records they thought Mr. Ziobro would want. The port was very active in this request and was very open with our records and it is very untrue that we did anything to "sandbag" this request. Mr. Arntzen has been involved in other records requests and this particular request was very large. Ms. Luke, Ms. Scott, Ms. Fine, and Ramsey Rammerrman, a leading attorney in the state on records requests, worked hard to get this request processed. Our response regarding this request was spot on.

Ms. Fine stated the port went above and beyond the laws and regulations on this request. Mr. Ziobro did not respond to at least four volumes of copies provided. Mr. Ziobro did end up cancelling the request; however, it was a long and expensive process for the port.

Mr. Moak commented that the port was under scrutiny from the state auditor's office and yet had a clean audit.

Ms. Fine stated that even with the constituent's complaint to the Auditor's office regarding the airport cost methodology, the audit was clean. The port provided all the information regarding Vista Field and that information was reviewed under the 2010, 2011, and 2012 audit. It was well thought out, complete and there were no issues with Vista Field. (EXHIBITS E, F and G)

4. Mr. Novakovich volunteered to donate printing services for the ICSC conference in Las Vegas. The port should have a first class presentation, and Esprit will provide any support materials needed.

PUBLIC COMMENTS

No public comments were made.



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ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned at 4:40 p.m.

APPROVED:

PORT of KENNEWICK

BOARD of COMMISSIONERS



Don Barnes, President



Skip Novakovich, Vice President



Thomas Moak, Secretary

Port of Kennewick

I will be reading from a prepared statement, and I would like the entire contents to become a matter of public record. In my statement, I will refer to the current three port commissioners as the management team, and the rest of the employees of the Port of Kennewick, including the executive director, as the support staff.

I would like to commend both Skip Novakovich and Don Barnes for providing the proper guidance to close the Vista Field Airport. If properly planned and developed, this single project has the potential to significantly help the economy of this community and improve the quality of life for those living in this region. The level of success will be limited only by the management team's imagination and the competence of the support staff to carry out the plan. However, before the management team moves forward to the exciting task of planning and developing the reclaimed land after closing the airport, there are several issues that must be addressed in order to restore the trust and confidence of the community in the Port of Kennewick.

Questionable Dealings. First, I would like to bring to your attention the public records request for travel expenses made by attorney John Ziobro almost 2 ½ years ago. An honest and well-run organization would have had no problem fulfilling such a request in a matter of days, using minimal staffing. One port commissioner was already caught submitting over \$1,100 of questionable travel expenses, and he subsequently resigned. If anyone needs to refresh their memory regarding this matter, I would like to refer your attention to the Letter-to-the-Editor that appeared in the Tri-City Herald on December 14, 2011. The author of this letter is a high-level executive for Energy Northwest, and he had no reservations about stating publicly that "he smelled many rats with what's going on at the Port of Kennewick". There are confirmed reports that some employees of the Port of Kennewick have had personal financial difficulties in the past few years. Concerned citizens have been questioning if this problem has anything to do with the fact that a simple request for a public record has been ignored for over two years. These concerns clearly reflect the need to put closure to the aforementioned issues as soon as possible. Before implementing any plans for the development of Vista Field or any other project requiring expenditures of many millions of tax-payer dollars, the management team must conduct a thorough investigation into past expenses, and report the findings to the community. The Port of Kennewick must gain the community's trust before engaging in any further major projects. (For the record, the issue regarding the above mentioned public records request occurred before any of the current commissioners took office.)

Erroneous Data. Second, around 2010, the port commissioners at that time made the decision to keep the Vista Field Airport open without any viable reasons to back up their critical decision. Soon after, an article appeared in the Tri-City Herald which stated that the support staff agreed with the commissioners' decision because closing the airport and reclaiming the land for development would result in the loss of approximately two million dollars. This would result from the difference between the expenses associated with the removal of all concrete runways and structures, and the revenue achieved from

the sale of the reclaimed land. There was no explanation about how this figure was derived. On the other hand, in recent years the Port of Kennewick hired an independent consultant for approximately \$230,000 to conduct a feasibility study on the merits of keeping Vista Field Airport open. As a part of this study, the consultant group did a similar study on the financial aspect of revenue versus costs. The detailed conclusion derived from this consultant's analysis showed a probable profit of about four million dollars instead of the loss of two million dollars as reported in 2010. The purpose for bringing this matter to your attention is to illustrate that no management team in the world can make sound decisions based on poorly derived or erroneous data. The problems that I have brought forth here should serve as a significant red flag that the current support staff lacks the proper qualifications to keep the management team properly informed with accurate and timely information.

I have been very impressed with the performance of Skip and Don up to this point, and I hope Mr. Moak has similar goals and the same integrity to do what is right for this community. If so, the current management team will be the most capable of any team in the twenty-two years that I have lived here. It should be noted that there are other red flag issues than the two that I discussed today. However, I expect the management team to uncover these other concerns as they conduct their investigation. And your first priority should be to make a thorough assessment of each member of the support staff regarding their qualifications, and their past and present performance. Perhaps some of them were placed in their positions not because of their supposed capabilities but because of the needs of two port commissioners' personal agendas. From all of the studying I have done, this is the conclusion I have come up with. I have closely followed the actions and decisions of the Port of Kennewick for the past two decades, and I sincerely hope that you will take my suggestions very seriously.

PUBLIC RECORDS REQUEST SUMMARY

Regarding: John Ziobro's August 3rd, 2011 Records Request

Date: April 11, 2012

Background:

The Port of Kennewick received the largest public records request in the Port's history on August 5th, 2011. John Ziobro's public records request dated August 3, 2011 consisted of the following request for records:

1. All travel expense reports for each and every port employee from January 1, 2005 to present;
2. All claims for expenses and reimbursements for all port employees from January 1, 2005 to present;
3. All vouchers and supporting invoices for claimed expenses for employees for reimbursement from January 1, 2005 to present;
4. All expense reports, claim for expenses, vouchers for travel and related expenses for any port consultant, contractors, or spouses of any employee; and
5. All reimbursements to port employees for expenditures made on behalf of the port for any purpose.

Communication with Mr. Ziobro:

- August 9, 2011: Port notified requestor that the Port has received his request and we will provide more information on this request by August 22, 2011 due to the volume and accessibility of records. Note: Port stores a majority of records off site at a contracted records management facility.
- August 22, 2011: Port notified requestor that the Port has finished reviewing and redacting installment 1 and is ready for inspecting or copying. Estimated cost of 750 copies was \$112.50. The Port also notified the requestor that his request is broad and with no data time limits (particularly the fourth and fifth item) and records may go back to 1915. Port let requestor know we will open our books up and allow for inspection if the requestor chooses to do so. Port also let requestor know that if he was willing to narrow his request the Port can complete request in a shorter timeline. The Port also estimated the timeline to be 6 months and that the second installment should be completed by September 12th, 2011.
- **August 31, 2011: Port received payment for installment 1 of \$112.50.**
- September 12, 2011: Port notified the requestor installment 1 has been copied and ready to be mailed upon receiving full payment. Port needed \$9.90 for mailing and 4

additional copies located to amount to 754 total copies. The Port clarified that we believe travel expense reports are the same as claim for expenses. **Port reiterated the broadness stated in the August 22nd 2011 letter and that we did not receive clarification**, therefore, **we would provide documents we feel meets his request and if they do not, he needs to advise us**. Port further notified the requestor that the 2nd installment has been reviewed, redacted, and waiting for the 3rd party notification letter. Port anticipated an update on installment 2 on September 26, 2011.

- **September 12, 2011 (John Ziobro emailed on 8/24/11, however, Port did not receive email until September 12, 2011 since it did not hit our email or spam folders: Port received communication from John Ziobro on clarifying the dates on request items 4 and 5. Requestor did not provide clarification on the broadness of the request items. Requestor did clarify that Port commissioners are to be included in his scope of his request. Port reiterated on September 12, 2011 to Mr. Ziobro that his request item 4 "All expense reports, ...for any consultants, contractors,...." will take considerable amount of time to locate due to the number of records.**
- **September 19, 2011: Port received full payment for installment 1 of \$9.90.**
- **September 20, 2011: Port provided 1st installment to requestor after receiving full payment of copies. Port revised timeline to four months based on receiving clarification from John Ziobro on dates of items 4 and 5. Port again stated Due to the broad nature of his request item 4 it will take a considerable amount of time to locate the records due to the need to determine who is a contractor, consultant or vendor. The Port further notified the requestor that installment 2 will be ready on October 3, 2011 and will cost \$56.25 for 375 copies and a deposit of \$5.63 is needed before copying and full balance is needed to release the copies.**
- **October 3, 2011: Port notified requestor that 2nd installment is available for inspection and that revised copying cost is adjusted to be \$65.55 based on 437 copies instead of 375 plus estimated shipping \$9.30.**
- **October 14, 2011: Port notified requestor that 3rd installment of 1083 copies at a cost of \$162.45 is available for inspections or copies and mailed out 36 additional copies for installment 1. The Port clarified that the Port credit cards were not copied since there were no reimbursements to Port staff nor any contractors or consultants identified, however, Commissioner Hanson stated to the Port that Ziobro would need them. Port asked Ziobro to clarify in writing if he would like credit card expenses. Port again stated due to the broad nature of the request item 4 the Port interpreted the meaning of contractor and consultant to be any person or business that has conducted work for the Port or provides goods or services for the Port on contract (written or verbal). The Port stated that installment 3 is an example of the Port's future installments which do not include phone service providers or vendors. Port asked requestor to clarify in writing if**

he wants these records. Port advised requestor on the amounts still owed from installment 1 and 2. Port also notified requestor that a new timeline is being compiled based on the projected volume of records and time spent on installments.

- **November 15, 2011: Port received \$162.45 from Ziobro for installment 3. Note: \$7.48 for the 36 copies of installment 1 which were already mailed and full payment of \$65.55 plus shipping for installment 2 have not been received from Ziobro. Therefore, installment 2 has not been mailed.**
- November 22, 2011: Port notified Mr. Ziobro we received his payment of \$162.45 for the third installment and that the records can be picked up at our office or mailed for an additional cost of \$14.95. The Port also notified Ziobro that he is past due for the installment one records mailed in the amount of \$7.48 and still owed \$65.55 for installment two.
- November 23, 2011: Port sent Mr. Ziobro a letter notifying him that the fourth installment is ready and available for inspection. *We advised Mr. Ziobro that there are 1691 pages at a cost of \$253.65 if he chose to copy instead of inspect.* The Port also stated the revised timeline presented and approved by Commission on November 8, 2011 due to substantial redactions needed and identifying a larger amount of records than originally estimated. We advised him that there is an estimated 38,147 copies and April 11, 2014 would be the estimated timeframe to complete. **We advised Mr. Ziobro he can reduce the volume by specifically identifying the documents he needs and that we can help assist Mr. Ziobro in locating what he needs.** The Port further notified Mr. Ziobro of past due request unclaimed from installment one and two and the amounts owed as well as the amounts for copying installment four.
- December 1, 2011: Port notified Ziobro that the copies for installment three are complete and ready to be picked up or mailed along with 169 additional copies made over the estimate. The Port notified Mr. Ziobro again on the payment needed to start copying the fourth installment and the Port let him know we are now working on the fifth installment. The Port further outlined the cost of the first, second, third and fourth installments.
- **December 12, 2011: Port received payment for installment 4 of \$253.65.**
- December 16, 2011: Lucinda Luke (Port of Kennewick Attorney) was visiting with Mr. Ziobro regarding another case and he inquired about whom at her firm was handling the Port's records request. **Mr. Ziobro indicated to Mrs. Luke he was going to narrow his request and will send her a letter.**
- December 21, 2011: ***Port notified Ziobro that we acknowledge he visited with Lucinda Luke and is going to narrow his request. We advised him that we are available for assistance.*** We notified him of the total cost for installments one through four. We further inquired if he did not want installments two and three as we received a check

for installment four only. We also notified him that we have stopped working on his request until we receive full payments for installment one and asked him to provide prompt payments in order to avoid any delays in the future.

- **January 17, 2012: Mr. Ziobro sent Lucinda Luke, Port Attorney, a clarification letter. However, the Port staff and attorney found that this narrowing his request letter brought up several more questions in order to ensure the Port is providing Mr. Ziobro with what he wants.**
- **January 20, 2012: Port received payment for the full amounts for installment one, two, three and four of \$160.33.**
- January 25, 2012: The Port sent installments two, three and four.
- January 26, 2012: The Port sent a letter thanking Mr. Ziobro for his narrowing request letter and that we would re-start the copying process. We notified him that would like to confirm our understanding of his request and described the "claim for expenses" forms. **We then asked him to confirm in writing four things** 1) if he does or does not want consultants as indicated in his original request; 2) if his narrowing down his original request for items 1,2,3,4 and 5 to only receive port employees/commissioners reimbursements where there is port related travel; 3) if he is seeking documentation related to only out of town travel; and 4) clarification on if he is seeking in town travel.
- February 13, 2012: The **Port Attorney Lucinda Luke called** and left a message at 10:44 a.m. for Mr. Ziobro **to follow up on his clarification letter** in order to ensure we are providing Mr. Ziobro with exactly what he needs.
- _____: Mr. Ziobro called Lucinda Luke back and the Port set up a meeting on February 21, 2012 to visit with Mr. Ziobro on his January 17, 2012 letter.
- February 21, 2012 at 2:00 p.m.: **Port met with Mr. Ziobro** at the Port of Kennewick office. Mr. Ziobro stated that what we have sent did not appear to be what he wanted. We discussed his clarification letter and Port staff showed him examples of vouchers, invoices, supporting documentation, and general ledger print outs to ensure we were helping him find what he wants. *Mr. Ziobro still wasn't clear on what his client wanted so he stated he would get back to the Port on several items such as what employee reimbursements he wanted, what dollar amounts, what travel for staff and consultants he would like, if he wants out of town travel only or just in town travel, he will provide clarification of attorney travel to Port events, and if he wants general ledger printouts instead of voucher to select he will advise us.*
- April 3, 2012: Port sent a letter to Mr. Ziobro notifying the Port canceled his original public records request due to the Ports several attempts for clarify his request, the meeting to clarify in which he promised a letter of clarification, and him being non-responsiven pursuant to RCW 42.56.520.

- April 9, 2012: Port attorney, Lucinda Luke, forward an email response from Mr. Ziobro who appeared to accuse the Port of being non-responsive, costing him unnecessary money on records he did not want, and that the Port is not in good faith. He further added to his original request that was closed in the April 3, 2012 letter.
- April 13, 2012: Port sent a letter acknowledging Ziobro's clarifying email as a new public records request.

Port Procedure and Process:

Openness and Transparency

Several years ago the Port took advice from the State Auditor's Office on openness and transparency of the public records process and to implement a user friendly website for the public. The Port posted on their website the Port's public records procedures, request form, fee information, and contact information on the public records manager. The Port Commission formalized the records request process and best practices for complying with public records request by resolution in 2011. The Port posts commonly requested records on the Ports website. For items not posted, the Port has successfully complied with the small amount of records request that have been received over the years. The Port has also allowed public to come in and meet with staff members to go over any questions or concerns they may have. The Port has implemented committees formed with public and community members to help assist the Port in many ways.

The Port had been implementing parts of a paperless environment and has been researching a paperless system for over two years. This process has been and will continue to be costly. To our knowledge, government agencies have not been 100% successful in implementing a paperless environment. Many governments have implemented a system, converted some of their records only to find out their systems, due to rapid changes in technology, are not supported years later and are facing conversion issues. This is not only a costly endeavor; the fact is that governments are not allowed to go paperless until approved by the State Archivist. Currently due to budget cuts, the State Archivist is not allowing any more applications for the paperless process.

August 3, 2011 request

The Port has never seen a request in this magnitude. This request was just recently estimated to have over 38,000 copies of records and to take over 2,000 staffing hours. As required for auditing purposes, the Port has very detailed accounting records which includes vouchers for approval, coding, and documenting; receipts; invoices; billing statements; and other detailed supporting documentation. This process allows the auditors and public to determine that Port expenses are valid, legal, and properly documented; however, these auditing requirements

increase the amount of paper associated with each expense, receipt, or invoices, thus making the records copying processes arduous and time consuming.

Ziobro's August 3, 2011 records requested included reimbursements to Port employees. These reimbursements included supporting documentation and receipts that have several personal items that are allowed to be redacted by law to reduce claims of invasions of privacy such as employee dependents names, credit card numbers, bank account numbers, addresses, phone/fax numbers, email accounts, dates of birth, and driver's license numbers. Port records also include bank account numbers and credit card numbers that should be redacted as they could pose a risk to the Port if disclosed.

Record retention laws require government agencies to retain records and to safeguard the original public records. The Port offered to the requestor to inspect or to receive copies. The requestor elected not to inspect and to instead receive copies. In order to retain Port records in their original state and properly safeguard the records, the Port is copying the original records; performing a review of the copies to ensure the integrity and 100% completion of records copied; performing any required redactions on the copies; and allowing Port attorney to review for potential legal issues or missed redactions. The Port is copying, and then mailing the documents after payment is received from requestor. The redacted copies are retained at the Port in case they are requested by another party (Commissioner Hanson noted in a public meeting that this is a possibility).

The Port staff has been keeping Commissioners informed on the process and procedures related to this installment as it has caused projects to be delayed, or terminated. Staff needed direction from the Commission on how to proceed with such a large and rare request. Commissioners were briefed on the process in a public meeting on August 9, 2011; August 23, 2011; September 13, 2011; October 25, 2011 and on November 8, 2011. Port staff discovered that the request is estimated to have over 38,000 records and may take over 2,000 hours to complete. Due to the large volume of records, interfering with port essential duties, and lack of Port staff time that can be spent to fulfill over 38,000 review/redaction/coping of records, the Port Commission on November 8, 2011 decided to contract with the Port attorney to fulfill this request. This will complete the fulfillment in a quicker timeframe allow staff to catch-up on essential duties, allow fewer disruptions of port essential duties, and allow staff to continue with current and future projects. It is estimated the record request will be fulfilled by April 11, 2014 with a minimum of three hours of work performed on this request per day.

ATTACHMENTS

Communication with Mr. John Ziobro

- August 9, 2011 Port Letter
- August 22, 2011 Port Letter
- September 12, 2011 Port Letter
- September 12, 2011 Port Email; September 12, 2011 John Ziobro Email with his forward of John Ziobro's August 24, 2011 Letter that the Port did not receive until John Ziobro forward it
- September 20, 2011 Port Letter
- October 3, 2011 Port Email
- October 14, 2011 Port Email
- November 22, 2011 Port Email
- November 23, 2011 Port Letter and Revised Timeline
- December 1, 2011 Port Letter
- December 16, 2011 Port Email From Lucinda Luke Regarding Mr. Ziobro Conversation
- December 21, 2011 Port Email and Letter
- January 19, 2012 Port Email From Lucinda Luke Regarding Mr. Ziobro's Letter
- January 26, 2012 Port Letter
- February 21, 2012 Port Calendar Meeting Printout, Notes, and example General Ledger
- April 3, 2012 Port Letter
- April 9, 2012 Port Email from Lucinda Luke and Email from Mr. Ziobro
- April 13, 2012 Port Letter



PORT KENNEWICK

COMMISSIONERS | DAVID W. HANSON | GENE WAGNER | SKIP NOVAKOVICH

August 9, 2011

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

The Port of Kennewick is in receipt of your request for public records received by this office on August 5, 2011.

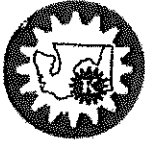
Due to the volume of records and accessibility of the requested records, we anticipate completing this request in installments. I will provide information on the first installment by August 22, 2011.

If you should have any questions, please do not hesitate to contact me at the address below or by email at bscott@portofkennewick.org.

Sincerely,

A handwritten signature in cursive script that reads "Bridgette Scott".

Bridgette Scott
Executive Assistant



February 11, 2014
Exhibit B

PORT KENNEWICK

COMMISSIONERS | DAVID W. HANSON | GENE WAGNER | SKIP NOVAKOVICH

August 22, 2011

VIA EMAIL AND U.S. MAIL

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

The Port of Kennewick began researching our records to obtain the information you requested.

The first installment of travel expense reports; claims for expenses and reimbursements; and vouchers and supporting invoices for claimed expenses have been located and copied. Personal and private information has been redacted from the records and the records have been reviewed by Port counsel. A third party notification letter was sent to the individual notifying them of the right to review the records and seek to enjoin production pursuant to RCW 42.56.540. This individual has declined to enjoin the records; therefore the records will be available in our main office for your inspection on August 31, 2011.

The assembled records will be available for inspection or copying and must be claimed or reviewed within thirty days of this notification.

Should you wish to inspect the records, it is necessary to indicate which documents you wish to have copied; flags will be provided for this purpose. After the inspection is complete, I will arrange for copying the records you deem necessary.

The charge for standard black-and-white photocopies is fifteen cents per page. I estimate the projected cost for the first installment will be \$112.50. A deposit of \$11.25, by cash or money order, is required before copies will be made. The balance will be due prior to release of the remaining documents.

Mr. John S. Ziobro
August 22, 2011
Page 2

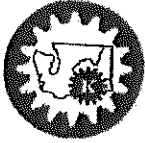
* Due to the broad nature of your request, however, particularly the fourth and fifth request, which contain no date limitations, the Port estimates that it will take approximately 6 months to complete the entire request. The Port will open its records and allow full access to all expense records in our possession, which may go back to 1915, when the Port was formed. This will allow you to flag the expenses you would like to have copied. Or, if you are willing to narrow the request, the Port would be able to complete the request on a shorter time table. The Port will continue to produce records in installments and will be able to provide information on the second installment by September 12, 2011.

Please contact me at 586-1186, extension 2, to notify me of how you wish to proceed. If I may be of further assistance, or should you have any questions, please do not hesitate to contact me.

Sincerely,



Bridgette Scott
Executive Assistant



February 11, 2014
Exhibit B

PORT KENNEWICK

COMMISSIONERS | DAVID W. HANSON | GENE WAGNER | SKIP NOVAKOVICH

September 12, 2011

VIA EMAIL AND U.S. MAIL

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

The first installment of travel expense reports; claims for expenses and reimbursements; and vouchers and supporting invoices for claimed expenses are ready to be mailed.

The first installment was estimated to be 750 pages, and the actual number of pages copied was 754. Your check for \$112.50 dated August 30, 2011 for the first installment has been received. An extra \$0.60 is due for the additional copies. The cost to mail the package is \$9.30; therefore the current balance due is \$9.90. The documents will be mailed upon receipt of the balance due.

The first installment includes "Claims for Expenses" and all vouchers and supporting invoices for claimed expenses for David Hanson beginning 2002, which was the start of his employment. We feel this meets your first, second, third and fifth requests for David Hanson. All "Claims for Expenses" are for expenses reimbursed to the employee made on behalf of the Port for any purpose. The Port does not use "Travel Expense Reports" and we believe the "Claims for Expenses" serve the same purpose as Travel Expense Reports. Please notify me if you do not agree with this interpretation.

Our letter dated August 22, 2011 states the following:

Due to the broad nature of your request, however, particularly the fourth and fifth request, which contain no date limitations, the Port estimates that it will take approximately 6 months to complete the entire request. The Port will open its records and allow full access to all expense records in our possession, which

Mr. John S. Ziobro
September 12, 2011
Page 2

may go back to 1915, when the Port was formed. This will allow you to flag the expenses you would like to have copied. Or, if you are willing to narrow the request, the Port would be able to complete the request on a shorter time table.

Since we did not receive clarification, we will provide the documents we feel meet your request. If they do not, please advise us.

We have reviewed the records for the second installment and have completed the redaction process; however a third party notification letter will to be sent to the individual notifying them of the right to review the records and seek to enjoin production pursuant to RCW 42.56.540.

We will be able to provide an update on the second installment by September 26, 2011.

If I may be of further assistance, or should you have any questions, please do not hesitate to contact me.

Sincerely,


Bridgette Scott
Executive Assistant

Bridgette Scott

om: Bridgette Scott
Sent: Monday, September 12, 2011 3:57 PM
To: John Ziobro
Subject: RE: Public Records Request

Mr. Ziobro,

Thank you very much for your email this afternoon. I apologize for the confusion, as I did not receive your email dated August 24, 2011. I will be contacting our computer/server technician to identify the reason your email was not received and will make sure your correspondence is not blocked in the future.

Based on the clarification of your request, I will re-determine the estimated amount of time it will take for the location, review, third-party notices and redaction of the requested records. The fourth request for "all expense reports, claims for expenses, vouchers for travel and related expenses for any port consultant, contractors, or spouses of any employee" will take a considerable amount of time to locate due to the number of records. The new estimated completion date will be provided by September 26, 2011.

Thank you again for your email. If I may be of further assistance, please feel free to contact me.

Bridgette Scott

Executive Secretary
PORT OF KENNEWICK
350 Clover Island Drive
Kennewick, WA 99336

O: 509.586.1186
F: 509.582.7678
E: bhscott@portofkennewick.org
W: www.portofkennewick.org

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From: John Ziobro [<mailto:John@tzmlaw.com>]
Sent: Monday, September 12, 2011 2:33 PM
To: Bridgette Scott
Subject: FW: Public Records Request

Ms. Scott,

I have read your letter from today's date. I take issue with your letter stating "Since we did not receive clarification . . ." In my email below, I clarified my request. If you did not receive this email, please let me know. It should be clear between my letter and email I have requested records from January 1, 2005 to present for each category.

Please confirm receipt and provide a revised deadline for producing the records.

John



Telquist Ziobro McMillen
Attorneys at Law

John Ziobro

(509) 737-8500

1333 Columbia Park Tr., Ste. 110

Richland, WA 99352

Toll Free (877) 789-LAW1

Fax (509) 737-9500

www.tzmlaw.com

From: John Ziobro
Sent: Wednesday, August 24, 2011 10:17 AM
To: 'Bridgette Scott'
Subject: RE: Public Records Request

Ms. Scott,

Thank you for letter August 22, 2011 letter. I will pay the \$112.50 and take all the records. Thank you for pointing out the lack of time frame in items 4 & 5. I would like to clarify my requests as follows:

- 1) For request 4 & 5, the same time frame of 1-1-2005 to present is requested.
- 2) I note my request could be construed to apply to employees and possibly does not include commissioners. To the extent the Port did not make the determination that Port commissioners were included within the scope of my request, I am clarifying that I am also requesting Commissioner records responsive to my request. If you require something more formal, I am glad to do so.

John



Telquist Ziobro McMillen
Attorneys at Law

John Ziobro

(509) 737-8500

1333 Columbia Park Tr., Ste.110

Richland, WA 99352

Toll Free (877) 789-LAW1

Fax (509) 737-9500

www.tzmlaw.com

From: Bridgette Scott [<mailto:bscott@portofkennewick.org>]

Sent: Monday, August 22, 2011 4:29 PM

To: John Ziobro

Subject: RE: Public Records Request

Mr. Ziobro,

Attached please find a letter providing information regarding your request dated August 3, 2011.
The original will be mailed today.

Respectfully,

Bridgette Scott

Secretary/Special Projects
PORT OF KENNEWICK
350 Clover Island Drive
Kennewick, WA 99336

O: 509.586.1186

F: 509.582.7678

E: bscott@portofkennewick.org

W: www.portofkennewick.org

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PORT KENNEWICK

COMMISSIONERS | DAVID W. HANSON | GENE WAGNER | SKIP NOVAKOVICH

September 20, 2011

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

Thank you for your payment of \$9.90 for the balance due for the first installment.

The first installment of travel expense reports; claims for expenses and reimbursements; and vouchers and supporting invoices for claimed expenses are enclosed for your review. The first installment includes "Claims for Expenses" and all vouchers and supporting invoices for claimed expenses for David Hanson beginning 2002, which was the start of his employment. We feel this meets your first, second, third and fifth requests for David Hanson.

We have made the copies as quickly as possible and are in the process of double checking our work to ensure we did not miss any records. Should additional records be identified, they will be forwarded immediately.

Thank you for clarifying the date range for requests 4 and 5. Again, I apologize for the confusion, as I did not receive your email dated August 24, 2011. I have contacted our computer/server technician and was informed your email did not reach our mail server. Because your second email was received, I am assuming this will not be an issue in the future.

Based on the clarification of your request, it is estimated it will take approximately four months to complete the entire request due to adding an additional procedure of double checking our work to ensure we do not miss any records you have requested. Due to the broad nature of the fourth request for "all expense reports, claims for expenses, vouchers for travel and related expenses for any port consultant, contractors, or spouses of any employee", it will take a considerable amount of time to locate the records due to the need to determine who is a contractor, consultant or vendor.

Mr. John S. Ziobro
September 20, 2011
Page 2

The Port does not have procedures or policies for reimbursing Port employees. To our knowledge, we have not reimbursed any spouse of an employee. We will conduct a thorough search to confirm this statement.

The records for the second installment have been reviewed and redacted. A third party notification letter was sent to the individual notifying them of the right to review the records and seek to enjoin production pursuant to RCW 42.56.540. This individual has declined to enjoin the records. We are in the process of double checking our work and should have the records will be available in our main office for your inspection on October 3, 2011.

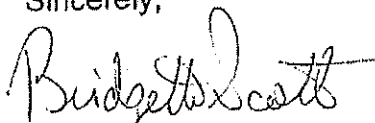
The assembled records will be available for inspection or copying and must be claimed or reviewed within thirty days of this notification.

Should you wish to inspect the records, it is necessary to indicate which documents you wish to have copied; flags will be provided for this purpose. After the inspection is complete, I will arrange for copying the records you deem necessary.

The charge for standard black-and-white photocopies is fifteen cents per page. I estimate the projected cost for the second installment will be \$56.25. A deposit of \$5.63, by cash or money order, is required before copies will be made. The balance will be due prior to release of the remaining documents.

If I may be of further assistance, or should you have any questions, please do not hesitate to contact me.

Sincerely,



Bridgette Scott
Executive Assistant

Enclosure – First Installment: Commissioner David Hanson

Bridgette Scott

From: Bridgette Scott
Sent: Monday, October 03, 2011 2:48 PM
To: 'John Ziobro'
Subject: Request for Public Records dated August 3, 2011

Mr. Ziobro,

The second installment is available for inspection in our office. Our letter dated September 20, 2011, estimated the installment to be 375 copies; the actual number of copies is 437 at \$0.15 per copy, for an adjusted total of \$65.55. Postage estimated to be \$9.30. Copies of the second installment will be sent upon receipt of payment.

The assembled records will be available for inspection or copying and must be claimed or reviewed within thirty days of this notification.

Respectfully,

Bridgette Scott

Executive Assistant
PORT OF KENNEWICK
350 Clover Island Drive
Kennewick, WA 99336

O: 509.586.1186
F: 509.582.7678
E: bhscott@portofkennewick.org
W: www.portofkennewick.org

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October 14, 2011

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

The third installment for port consultant and contractor and all expenses, vouchers, and supporting invoices for claimed expenses have been located and reviewed for potential redactions for the period of January through June 2005.

The assembled records will be available for inspection or copying and must be claimed or reviewed within thirty days of this notification. Should you choose to receive copies instead of inspecting, the charge for standard black-and-white photocopies is fifteen cents per page. The third installment consists of 1,083 pages, for a cost of \$162.45, plus postage. A deposit of \$16.25, by cash or money order, is required before copies will be made. The balance will be due prior to release of the copied documents.

Port credit card expenses were not deemed by Port staff to meet the needs of your records request since these expenses were not reimbursements to employees nor were there any contractors or consultants payments or reimbursement to any spouses of employees noted after careful review of the detailed credit card receipts. However, Commissioner David Hanson informed the Port that you desire copies of Port credit card expenses. If this is correct, please confirm in writing that you are also seeking Port credit card expenses.

Due to the broad nature of your fourth request item for "all expense reports, claims for expenses, vouchers for travel and related expenses for any port consultant, contractors, or spouses of any employee", the Port interpreted the meaning of a contractor and consultant. This interpretation of contractor and consultant is any person or business that has conducted work for the Port or provides goods or services for the Port on contract (written or verbal). The third installment for port consultant and contractor and all expenses, vouchers, and supporting invoices for claimed expenses for the period of January through June 2005 will give you an idea of the records that will be provided in future installments. The Port did not include phone service providers in this installment

October 14, 2011
Mr. John S. Ziobro
Page 2

since the Port considers phone service providers as a vendor. If you are seeking these records and other vendor related records and their supporting documents please let us know in writing.

Additional records (36 copies) have been identified for the first installment (David Hanson) and are enclosed. The charge for standard black-and-white photocopies is fifteen cents per page. The cost for the additional records is \$5.40, plus postage in the amount of \$2.08; for a total cost of \$7.48.

Currently, the amount due for each installment is as follows:

First Installment (additional copies mailed October 12, 2011; due no later than November 14, 2011)	\$ 7.48
Second Installment (due no later than November 3, 2011)	\$65.55
Third Installment (deposit due no later than November 14, 2011)	\$16.25

The Port staff is further working on revising our original time estimate based on actual time spent on producing the records you have requested. The Port will use the actual time associated with the first three installments we have produced and apply that to a projected volume of Port records still needing copied to determine a new estimated time of completion.

If I may be of further assistance, or should you have any questions, please do not hesitate to contact me.

Sincerely,

Bridgette Scott
Executive Assistant

Enclosures: 36 additional copies for Installment 1

Bridgette Scott

From: Bridgette Scott
Sent: Tuesday, November 22, 2011 12:34 PM
To: John Ziobro
Cc: Lucinda J. Luke (luke@cowanmoore.com); Tammy Fine
Subject: FW: Public Records Request: Email to Ziobro

Mr. Ziobro,

The Port is in receipt of your payment of \$162.45 for the third installment of records. The records have been reviewed and redacted; however, they need to be copied and should be available by December 1, 2011. The records can be picked up at our office or mailed. Should you desire the records to be mailed, \$14.95 for postage must be received prior to the release of the records.

As of today, the amount due for each installment is as follows:

First Installment (additional copies were mailed October 12, 2011; due immediately):
\$7.48

Second Installment (due immediately): \$65.55

Please notify me in writing if you wish to receive the records for installment 2, as the records will not be released until payment is received for copies and postage.

I look forward to hearing from you.

Respectfully,

Bridgette Scott

Executive Assistant
PORT OF KENNEWICK
350 Clover Island Drive
Kennewick, WA 99336
O: 509.586.1186
F: 509.582.7678
E: bscott@portofkennewick.org
W: www.portofkennewick.org

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November 23, 2011

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

The fourth installment for port consultant and contractor and all expenses, vouchers, and supporting invoices for claimed expenses have been located and reviewed for potential redactions.

The assembled records will be available for inspection or copying and must be claimed or reviewed within thirty days of this notification. Should you choose to receive copies instead of inspecting, the charge for standard black-and-white photocopies is fifteen cents per page. The fourth installment consists of 1,691 pages, for a cost of \$253.65, plus postage. A deposit of \$25.37, by cash or money order, is required before copies will be made. The balance, including postage, is due prior to release of the records.

The fifth installment of records is in the process of review and redaction and more information regarding this installment will be available on December 1, 2011.

After reviewing and discovering extensive redactions are needed, and identifying substantially more records than originally estimated, and analyzing how long the process has taken to complete each installment to-date, the timeline for completing the estimated 38,147 copies has been re-calculated to April 11, 2014. An explanation of the timeline is enclosed for your review. Please take into consideration that delayed payments creates a further delay in our estimated timeline.

Should you wish to reduce the volume of your request and specify the specific documents or subject(s) you seek, the timeline could be adjusted; if so, please advise our office in writing. And if port staff can assist you in identifying specific records or documents, please let us know; we are happy to work with you and provide the documents you desire.

November 23, 2011
Mr. John S. Ziobro
Page 2

For clarification purposes, Section 6, Item "o" of the Port's Public Records and Information Management Policy states:

"o. Inspection of records. To the extent possible due to other demands, the Public Records Officer shall promptly provide space to inspect public records at the Port. The requestor must claim or review the assembled records within thirty days of the Public Records Officer's notification that the records are available for inspection or copying. The Public Records Officer will notify the requestor in writing of this requirement and suggest that he or she contact the Port to make arrangements to claim or review the records.

If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period, or make other arrangements, the Public Records Officer may close the request and re-file the assembled records. Other public records requests can be processed before a subsequent request by the same person for the same or almost identical records, which will be processed as a new request. Members of the public may not remove documents from the viewing area or disassemble or alter any document."

Please notify me in writing, or by immediate payment, if you wish to receive the records for Installment 2 as it has been over 30 days since notification that the records were available. As of this letter, the amount due for each installment is as follows:

First Installment (the additional copies were mailed October 12, 2011; due immediately)	\$ 7.48
Second Installment (due due immediately)	\$65.55
Fourth Installment (deposit due no later than December 23, 2011)	\$25.37

If I may be of further assistance, or should you have any questions, please do not hesitate to contact me.

Sincerely,

Bridgette Scott
Executive Assistant

ESTIMATED	Estimated Completion Date	Actual Completion Date	Estimated Pages (pg)	(COPY PROCESS)			(REVIEW/REDACTION PROCESS)			ATTORNEY (REVIEW/REDACTION PROCESS)		
				Estimated Hrs	Estimated Min	Estimated Pg Per Minute	Actual Hrs	Estimated Hrs	Estimated Min	Estimated Pg Per Minute	Actual Hrs	Estimated Hrs
1083	11/07/2011	11/7/11, however, requester needs to pay for installment	1083	31	1860	1.7	25	25	1500	1.4	22	3
1083	11/25/2011		1083	31	1860	1.7	25	25	1500	1.4	22	3
1354	12/12/2011		1354	39	2325	1.7	31	31	1875	1.4	21	4
1353	01/24/2012		1353	39	2324	1.7	31	31	1874	1.4	21	4
1692	03/06/2012		1692	48	2906	1.7	39	39	2343	1.4	21	5
1692	04/27/2012		1692	48	2906	1.7	39	39	2343	1.4	21	5
2115	07/21/2012		2115	61	3632	1.7	49	49	2929	1.4	21	5
2115	08/31/2012		2115	61	3632	1.7	49	49	2929	1.4	21	5
2644	11/02/2012		2644	76	4541	1.7	61	61	3662	1.4	21	6
2644	01/24/2013		2644	76	4541	1.7	61	61	3662	1.4	21	6
3305	04/15/2013		3305	95	5676	1.7	76	76	4578	1.4	21	7
3305	07/23/2013		3305	95	5676	1.7	76	76	4578	1.4	21	7
4131	10/29/2013		4131	118	7095	1.7	95	95	5722	1.4	21	9
4131			4131	118	7095	1.7	95	95	5722	1.4	21	9
5500	04/11/2014		5500	157	9446	1.7	127	127	7618	1.4	21	15
5500			5500	157	9446	1.7	127	127	7618	1.4	21	15
38,147			38,147	1092	9446	1.7	881	881	7618	1.4	21	106
TOTAL HOURS ESTIMATED TO COMPLETE 2078				TOTAL PAGES ESTIMATED TO BE COPIED 38,147			TOTAL MINUTES PER PAGE 3.27					

Reason for Time Revision

1. Discovered extensive redactions needed
2. Discovered nearly 90% of Port's expenses are legally defined as a contractor or consultant (estimated 38,000+ records), therefore, substantially way more records to copy than originally estimated.
3. Three Hours Per Day Minimum Schedule (more realistic given administration staff, contractors capabilities, budget constraints, and essential duties- See Resolution/Agenda Report 11/8/11)

*Note: Port has asked requestor to clarify his request and he has not except the date range (on 8/22/11 and 9/12/11 told requestor we will open our books for his review due to broad nature of his request or if he helps narrow his request we can complete sooner. We further stated on 9/12/11 we have not received clarification of his request. On 9/12/11 requestor clarified the dates to 1/1/2005 and to include Commissioners. Again on 9/12/11 and 9/20/11 we stated again his broad request will take considerable amount of time. Port has attempted to help identify records in October 14, 2011 letter and also stated how the Port has interpreted his broad request and asked for clarification on other expense items. Requestor has not responded to the Port on this letter.



February 11, 2014
Exhibit B

PORT of KENNEWICK

COMMISSIONERS | DAVID W. HANSON | GENE WAGNER | SKIP NOVAKOVICH

December 1, 2011

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

The third installment for port consultant and contractor and all expenses, vouchers, and supporting invoices for claimed expenses have been located, reviewed for potential redactions, and copied for the period of January through June 2005. The records are available as of today.

After a final review, it was discovered pages were incorrectly numbered, creating additional records (169 copies) for the third installment. The charge for standard black-and-white photocopies is fifteen cents per page; therefore, the cost for the additional records is \$25.35. The assembled records will be available for inspection or copying and must be claimed or reviewed within thirty days of this notification.

Should you desire the third installment records to be mailed, payment of \$45.45 (including \$20.10 for postage) is due no later than January 1, 2012. The records will be mailed upon receipt of the payment. Or, if you desire to acquire the records from our office, payment of \$25.35 will be due prior to release of the records. Please notify me in writing if you desire the third installment records to be mailed or if someone will pick up them from our office.

As indicated in our November 23, 2011 letter, the fourth installment for port consultant and contractor and all expenses, vouchers, and supporting invoices for claimed expenses have been located and reviewed for potential redactions for the period of July through December 2005. The deposit of \$25.37, by cash or money order, is due no later than December 23, 2011 and is required before copies will be made. The balance, including postage, is due prior to release of the records.

The fifth installment for port consultant and contractor and all expenses, vouchers, and supporting invoices for claimed expenses for the period of January through June 2006 have been located and needs to be reviewed for potential redactions. Additional information will be available on the fifth installment by January 16, 2012.

December 1, 2011
Mr. John S. Ziobro
Page 2

Should you wish to reduce the volume of your request and specify the specific documents or subject(s) you seek, the timeline could be adjusted; if so, please advise our office in writing. And if port staff can assist you in identifying specific records or documents, please let us know; we are happy to work with you and provide the documents you desire.

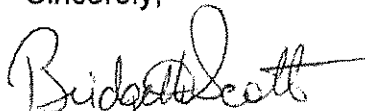
As of this letter, the amount due for each installment is as follows:

First Installment (additional copies mailed October 12, 2011; due immediately)	\$ 7.48
Second Installment (due immediately)	\$65.55
Third Installment (169 additional copies identified and postage; due no later than January 1, 2012)	\$45.45
Fourth Installment (deposit due no later than December 23, 2011)	\$25.37

Please notify me in writing, or by immediate payment, if you wish to receive the records for Installment 2 as it has been over 30 days since notification that the records were available.

If I may be of further assistance, or should you have any questions, please do not hesitate to contact me.

Sincerely,


Bridgette Scott
Executive Assistant

Tammy Fine

From: Lucinda Luke [luke@cowanmoore.com]
Sent: Friday, December 16, 2011 3:05 PM
To: Tim Arntzen; Tammy Fine; Bridgette Scott
Subject: Records Request - Attorney-Client Communication

I was speaking to John Ziobro regarding another case and just before he was going to hang up he inquired who at my firm was handling the Port's records request. I informed him that I am representing the Port. He indicated that he is going to narrow his request and will send me a letter. He indicated that what he wants is "if someone traveled for the Port, the document you submit for travel expense reimbursement with attachments (receipts, etc.)". I asked if he wanted the same time period that he had previously requested (2005 forward) and he said "yes". He said that he would send me a letter that explains this and that should narrow his request to what he actually wants.

I will let you know as soon as I receive a letter.

Lucinda J. Luke
Managing Partner
COWAN MOORE LUKE & CARRIER
503 Knight Street, Suite A
P.O. Box 927
Richland, WA 99352
(509) 943-2676
(509) 946-4257 fax
luke@cowanmoore.com

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Tammy Fine

From: Tammy Fine
Sent: Wednesday, December 21, 2011 4:08 PM
To: John Ziobro
Cc: 'Lucinda Luke'; Bridgette Scott
Subject: Request for Public Records dated August 3, 2011
Attachments: Ziobro 12-21-11.pdf

Mr. Ziobro,

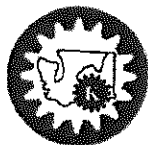
Please reference our attach letter that summarizes your requested installments and amounts owed. We have mailed a copy of this letter to your office as well. Please let us know if you have any questions. Thank you and happy holidays.

Regards,

Tammy Fine, CPA, CFE

Port of Kennewick
Director of Finance-Auditor
(509) 586-7978

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If you have received this e-mail in error, please call us (collect) immediately (509) 586-1186 and ask to speak to the message sender. Thank you for your assistance.



February 11, 2014
Exhibit B

PORT of KENNEWICK

COMMISSIONERS | DAVID W. HANSON | GENE WAGNER | SKIP NOVAKOVICH

December 21, 2011

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

Lucinda Luke notified Port staff that you will be providing her with a letter that narrows your records request. We greatly appreciate your willingness to narrow your original request dated August 3, 2011. If port staff or Lucinda Luke can assist you in identifying specific records or documents, please let us know; we are happy to work with you and provide the documents you desire.

As of this letter, the following amounts are due for each installment:

First Installment (additional copies mailed October 12, 2011)	\$ 7.48
Second Installment (copies and postage)	\$65.55
Third Installment (additional copies identified and postage)	\$45.45
Fourth Installment (additional copies identified and postage)	\$41.85
Total of all Installments	\$160.33

Additional copies related to the first installment were mailed to you on October 12, 2011 and we have not received payment due of \$7.48 for those copies. On October 3, 2011 we provided notification that the second installment was available; and November 22, 2011 we provided notification that the third installment was ready. We have not received payments for either installment two or for the additional copies identified and postage on installment three records, and wish to again advise you.

We did receive a payment which you had marked installment four. Does that mean you no longer wish to receive the second or third installments? Since your request did ask for these documents and you already paid in part on installment three, we do wish to provide them to you since they are available. Please indicate if you wish for us to mail copies of the second and third installment documents; if so, we will need full payments as described above. If you do not wish to receive mailed copies of the second and third installments, please indicate that to us in writing.

Documents for the fourth installment will be mailed following receipt of \$47.68 (\$7.48 for the additional copies and postage related to installment one and \$40.20 plus \$1.65 for the installment four 11 additional copies found and postage). Upon receipt of that payment we will happily mail you installment four. As always, these documents are available in our office should you wish to review them in person rather than pay for copies and postage.

Due to not receiving payments on the above past-due installments, we have stopped working on your request until payments are received. In order to ensure there are no future delays, please provide prompt payments. If I may be of further assistance, or should you have any questions, please do not hesitate to contact me.

Sincerely,

Bridgette Scott
Executive Assistant

Tammy Fine

From: Lucinda Luke [luke@cowanmoore.com]
Sent: Thursday, January 19, 2012 11:45 AM
To: Tim Arntzen; Tammy Fine; Bridgette Scott
Subject: Fw: Mail 1/19: Port of Kennewick
Attachments: Port of Kennewick.pdf

Attached is correspondence received today from John Ziobro regarding his request to narrow his public records request.

Please let me know if you have any questions reagrding the attachment.

best regards,
Lucinda J. Luke
Managing Partner
COWAN MOORE LUKE CARRIER & PETERSON
503 Knight Street, Suite A
P.O. Box 927
Richland, WA 99352
(509) 943-2676
(509) 946-4257 fax
luke@cowanmoore.com

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----- Original Message -----

From: "Krystal" <kvincent@cowanmoore.com>
To: "'Lucinda Luke'" <luke@cowanmoore.com>; "'Julie'" <jhiguera@cowanmoore.com>
Sent: Thursday, January 19, 2012 11:36 AM
Subject: Mail 1/19: Port of Kennewick

The message is ready to be sent with the following file or link attachments:

Port of Kennewick

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



Telquist Ziobro McMillen
Attorneys at Law

January 17, 2012

Lucinda Luke
Cowan Moore Stam Luke & Carrier, PLLC
503 Knight Street, Suite A
P.O. Box 927
Richland, WA 99352-0927

Re: *Public Records Request for Kennewick*

Dear Lucinda:

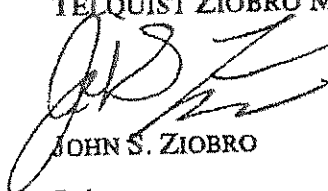
I am following-up our conversation regarding my original request to the Port of Kennewick and the Port's letter dated December 21, 2011. For Port employee travel, there is a cover document that is generated called a Claim for Expenses that provides an amount for meals, lodging, parking, miles, and various related expenses.

By and through this letter, I am narrowing my request at this time to requesting the Claim for Expenses and supporting documents that would be affixed to that document in the normal course. This clarification can be made for requests 1 and 4. Upon fulfillment of this amended request, I will advise if there is a way to reduce the scope of the remaining requests.

I am copying Bridgette Scott on this letter. With her copy is a check for \$160.33. Please provide any records collected to date that are responsive to my request. If you have any questions about the scope of this request, please let me know. If Ms. Scott can confirm this brings all installments up to date, that would be appreciated.

Very truly yours,

TELQUIST ZIOBRO McMILLEN, PLLC



JOHN S. ZIOBRO

Enclosures
JSZ/jr
cc. Bridgette Scott, Port of Kennewick

George E. Telquist • John S. Ziobro • Robert G. McMillen • Chip Giles

1333 Columbia Park Trail, Suite 110 • Richland, WA 99352

(509) 737-8500 • Toll Free (877) 789-LAW1 • Fax (509) 737-9500 • www.tzmlaw.com



February 11, 2014
Exhibit B

PORT of KENNEWICK

COMMISSIONERS | DAVID W. HANSON | GENE WAGNER | SKIP NOVAKOVICH

January 26, 2012

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

Thank you for letter dated January 17, 2012. Your check in the amount of \$160.33 paid the outstanding balance for installments 1 through 4. Since we have received full payment, the records for installments 2-4 have been mailed for your review. We will re-start the copying process for port employee travel expenses as clarified in your January 17, 2012 letter.

We would like to confirm our understanding of your request to reduce your scope so we can provide the documents you need.

Our "claim for expenses" form, which are reimbursements to employees/commissioners for any valid port expense paid by the employee/commissioners, contain items such as office supplies, maintenance and office equipment, educational expenses, maintenance materials and other non-travel related expenses. If your request is purely for travel related reimbursed expenses to employees/commissioners this could help us further reduce your request and provide these items to you in a more timely manner. Furthermore, many of the employees "claim for expenses" include reimbursements for local travel expenses. If you are looking for out-of-town travel and not local travel related reimbursements, you could reduce even further the amount of documents. Helping further define the purpose of your request will allow us to help identify records that meet your needs and in turn could greatly reduce the time spent and cost.

Based on your January 17, 2012 clarification and communication with Lucinda Luke, it appears to us that you may not be interested in receiving consultants and contractor payments. It also appears you are seeking reimbursements to employees/commissioners for travel related expenses.

January 26, 2012
Mr. John S. Ziobro
Page 2

Please confirm the following in writing:

- 1) If you do, or do not want consultants and contractors records as indicated in your original request item #4.
- 2) If you are narrowing down your original request for items 1, 2, 3, 4, and 5 to only receive port employee/commissioners reimbursements where there is port related travel.
- 3) If you are seeking documentation related only to out-of-town travel.
- 4) Please clarify if you are seeking port employee/commissioner reimbursements for in-town travel (within about a one hour drive of the Tri-Cities, including but not limited to, Prosser, Yakima and Walla Walla vicinities), in addition to out of town travel.

If port staff or Lucinda Luke can assist you in identifying specific records or documents, please let us know; we are happy to work with you and provide the documents you desire.

Sincerely,


Bridgette Scott
Executive Assistant

February 21, 2012

Tuesday

February 2012

Su	Mo	Tu	We	Th	Fr	Sa
				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		

March 2012

Su	Mo	Tu	We	Th	Fr	Sa
					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						

21 Tuesday		Daily Task List
		Arranged By: Due Date
7 am		
8 00		
9 00		
10 00		
11 00		
12 pm		
1 00		Notes
2 00	Port of Kennewick/Ziobro meeting Port of Kennewick Bridgette Scott	
3 00		
4 00		
5 00		
6 00		

February 21, 2012

1. Out of town travel only over \$ _____.
2. Employee reimbursements over \$ _____ made on behalf of the Port.
John will verify if internet, cell phone and wellness reimbursements are needed.
3. Port estimates an average of 500 pages per employee for travel and reimbursements.
4. John will define in-town travel as within _____ miles of the Port office.
5. John may ask to provide general ledger detailed report for phones, internet, cell phone reimbursements for 2005 to present.
6. Consultant/contractor travel: He will clarify if he wants attorney's attendance at WPPA conferences or other Port conferences, Chris Herath travel with Port staff, Port travel with Craig Walker, PND engineers to Vancouver and River Boat. He thinks they should exclude travel expenses for contractors on construction projects.
7. Don't go back and re-do previous installments.

GENERAL LEDGER DETAIL REPORT

Port of Kennewick
Exhibit B

DETAIL POSTINGS FOR PERIODS 01 THRU 12 ENDING 12/31/05

ACCOUNT NO./ PER DATE	JOURNAL POSTING REMARKS	BEGINNING BAL	DEBIT	CREDIT	NET CHANGE	ENDING BAL
781-8800-00	Telephone & telegraph	(Continued)				
08 08/31/05	AP-R0139 01HANSON AUG 2005		26.85			11,504.50
08 08/31/05	AP-R0139 01PCASH AUG 2005 8 new cell phones		188.38			11,692.88
08 08/31/05	AP-R0147 01OLSON 08/31/05 Fax line-Aug		31.13			11,724.01
08 08/31/05	AP-R0147 01WAGNER AUG 05 August fax/dsl line		63.16			11,787.17
09 09/30/05	AP-R0148 01GTE SEPT 05 Office		641.57			12,428.74
09 09/30/05	AP-R0148 01GTE SEPT 05 Shop		151.15			12,579.89
09 09/30/05	AP-R0148 01GTE SEPT 05 DB4 alarm		87.92			12,667.81
09 09/30/05	AP-R0148 01HANSON 09/27/05 fax line		26.85			12,694.66
09 09/30/05	AP-R0154 01ATT 09/30/05		311.13			13,005.79
09 09/30/05	AP-R0154 01CINGULA 09/30/05		306.20			13,311.99
09 09/30/05	AP-R0154 01WAGNER 09/30/05 fax lines		63.16			13,375.15
09 09/30/05	AP-R0162 01OLSON 09/05 FAX		31.13			13,406.28
10 10/31/05	AP-R0002 01ATT 10/25/05 October's phone		176.81			13,583.09
10 10/31/05	AP-R0002 01GTE 10/31/05 office/db4 alarm lin		729.26			14,312.35
10 10/31/05	AP-R0002 01WAGNER 10/31/05		69.92			14,382.27
10 10/31/05	AP-R0010 01CINGULA 10/27/05 Port cell phones		283.17			14,665.44
10 10/31/05	AP-R0161 01GTE OCT05 Shop phones-dsl line		151.07			14,816.51
10 10/31/05	AP-R0161 01HANSON OCT 2005 fax lines		26.85			14,843.36
11 11/30/05	AP-R0011 01HANSON 112105		26.85			14,870.21
11 11/30/05	AP-R0011 01OLSON 112105 fax line		31.13			14,901.34
11 11/30/05	AP-R0020 01ATT 11/30/05		173.12			15,074.46
11 11/30/05	AP-R0020 01ATTWIRE NOV 2005 cell phones		316.27			15,390.73
11 11/30/05	AP-R0020 01GTE NOV 05		730.21			16,120.94
11 11/30/05	AP-R0020 01HANSON NOV-DEC05 internet		21.66			16,142.60
11 11/30/05	AP-R0020 01ONEWORL 113005 DSL line for year		369.50			16,512.10
11 11/30/05	AP-R0020 01WAGNER NOV 2005 Fax line		63.75			16,575.85
12 12/31/05	AP-R0029 01GTE DEC05 Office		644.86			17,220.71
12 12/31/05	AP-R0029 01GTE DEC05 DB4 alarm		87.87			17,308.58
12 12/31/05	AP-R0029 01HANSON 12/28/05 dec fax line		26.81			17,335.39
12 12/31/05	AP-R0029 01OLSON DEC05 fax line-phone-3 mos		111.09			17,446.48
12 12/31/05	AP-R0036 01ATT DEC05		177.79			17,624.27
12 12/31/05	AP-R0036 01CINGULA 12/31/05		296.62			17,920.89
12 12/31/05	AP-R0048 01WAGNER 12/31/05 Fax line		63.71			17,984.60
12 12/31/05	GJ-J0032 Record refunds-Verizon/St Farm			44.18		17,940.42
		.00	18,054.66	114.24	17,940.42	17,940.42
REPORT TOTAL:		.00	18,054.66	114.24	17,940.42	17,940.42

GENERAL LEDGER DETAIL REPORT

Port of Kennewick

Exhibit B

DETAIL POSTINGS FOR PERIODS 01 THRU 12 ENDING 12/31/05

ACCOUNT NO./ PER DATE	JOURNAL POSTING REMARKS	BEGINNING BAL	DEBIT	CREDIT	NET CHANGE	ENDING BAL
781-8800-00	Telephone & telegraph	.00				.00
01 01/31/05	AP-R0025 01GTE JAN SHOP Port shop elec		147.45			147.45
01 01/31/05	AP-R0034 01ATT JAN 2005 Long distance charg		248.43			395.88
01 01/31/05	AP-R0034 01ATTWIRE JAN 2005 Justin Gerry		75.65			471.53
01 01/31/05	AP-R0034 01ATTWIRE JAN 2005 T Arntzen		60.76			532.29
01 01/31/05	AP-R0034 01ATTWIRE JAN 2005 D Kinmark		14.62			546.91
01 01/31/05	AP-R0034 01ATTWIRE JAN 2005 D Cryer		63.24			610.15
01 01/31/05	AP-R0034 01ATTWIRE JAN 2005 M Fitch		41.24			651.39
01 01/31/05	AP-R0034 01ATTWIRE JAN 2005 Taxes		.13			651.52
01 01/31/05	AP-R0034 01GTE JAN 05		610.25			1,261.77
01 01/31/05	AP-R0034 01WAGNER JAN 05 EXP fax		28.06			1,289.83
02 02/28/05	AP-R0043 01ATT FEB 05		287.05			1,576.88
02 02/28/05	AP-R0043 01ATTWIRE FEB 05		241.36			1,818.24
02 02/28/05	AP-R0043 01ATTWIRE FEB 05 Discount			36.30		1,781.94
02 02/28/05	AP-R0043 01GTE 022805		841.14			2,623.08
02 02/28/05	AP-R0043 01WAGNER FEB 2005 Setup dsl line etc		114.14			2,737.22
03 03/31/05	AP-R0052 01GTE SHOP MARCH Port shop lines		150.16			2,887.38
03 03/31/05	AP-R0060 01ATT MARCH 05		170.16			3,057.54
03 03/31/05	AP-R0060 01ATTWIRE MAR 05		189.23			3,246.77
03 03/31/05	AP-R0060 01GTE MARCH 05 office		618.50			3,865.27
03 03/31/05	AP-R0060 01GTE MARCH 05 DB4 alarm		81.51			3,946.78
03 03/31/05	AP-R0060 01HANSON 03/31/05		24.16			3,970.94
03 03/31/05	AP-R0067 01OLSON MARCH 05		28.48			3,999.42
03 03/31/05	AP-R0067 01WAGNER MARCH EXP		71.59			4,071.01
04 04/30/05	AP-R0068 01GTE APRIL 05 Port office lines		613.25			4,684.26
04 04/30/05	AP-R0068 01GTE APRIL 05 Port shop line		149.47			4,833.73
04 04/30/05	AP-R0068 01GTE APRIL 05 DB4 alarm lines		81.93			4,915.66
04 04/30/05	AP-R0074 01ATT APR 2005		218.81			5,134.47
04 04/30/05	AP-R0074 01ATTWIRE APR 05		187.20			5,321.67
04 04/30/05	AP-R0074 01HANSON APR 05		23.93			5,345.60
04 04/30/05	AP-R0074 01WAGNER APR 05		61.63			5,407.23
05 05/31/05	AP-R0082 01GTE MAY 05 Port shop		153.40			5,560.63
05 05/31/05	AP-R0082 01HANSON MAY05 EXP Fax line		27.18			5,587.81
05 05/31/05	AP-R0082 01OLSON MAY05 EXP fax line		31.46			5,619.27
05 05/31/05	AP-R0093 01ATT MAY 2005		265.44			5,884.71
05 05/31/05	AP-R0093 01ATTWIRE MAY 05		186.19			6,070.90
05 05/31/05	AP-R0093 01GTE MAY 2005		753.39			6,824.29
05 05/31/05	AP-R0093 01WAGNER MAY 2005 Fax line-May		63.49			6,887.78
06 06/30/05	AP-R0101 01GTE JUNE 05 Office		657.30			7,545.08
06 06/30/05	AP-R0101 01GTE JUNE 05 Shop		152.52			7,697.60
06 06/30/05	AP-R0101 01GTE JUNE 05 DB4 alarms		92.88			7,790.48
06 06/30/05	AP-R0101 01HANSON JUNE 05 Fax line		26.91			7,817.39
06 06/30/05	AP-R0101 01OLSON JUNE 05 Fax line		31.19			7,848.58
06 06/30/05	AP-R0105 01ATT JUNE 2005		254.99			8,103.57
06 06/30/05	AP-R0105 01ATTWIRE 06/30/05		286.48			8,390.05
06 06/30/05	AP-R0105 01WAGNER JUNE 05 fax line		66.24			8,456.29
07 07/31/05	AP-R0114 01GTE JULY 05 Port shop		152.36			8,608.65
07 07/31/05	AP-R0114 01HANSON JULY 05 fax line		26.85			8,635.50
07 07/31/05	AP-R0114 01OLSON JULY 05 fax line		31.13			8,666.63
07 07/31/05	AP-R0123 01ATT JULY 05		272.37			8,939.00
07 07/31/05	AP-R0123 01ATTWIRE JULY 2005		187.14			9,126.14
07 07/31/05	AP-R0123 01GTE JULY 2005		733.67			9,859.81
07 07/31/05	AP-R0123 01WAGNER JULY 2005 DSL		65.98			9,925.79
08 08/31/05	AP-R0130 01GTE AUG 05 Shop		152.12			10,077.91
08 08/31/05	AP-R0130 01OLSON 08/23/05 Internet connection		31.13			10,109.04
08 08/31/05	AP-R0139 01ATT AUGUST 05		336.06			10,445.10
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05 J Gerry		98.62			10,543.72
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05		19.62			10,563.34
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05 D Kinmark		18.01			10,581.35
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05 D Cryer		49.63			10,630.98
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05 M Fitch		50.17			10,681.15
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05 L Peterson		42.04			10,723.19
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05 S Bowers		25.83			10,749.02
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05 T Huffman		25.83			10,774.85
08 08/31/05	AP-R0139 01ATTWIRE 08/31/05 Discount			33.76		10,741.09
08 08/31/05	AP-R0139 01GTE AUG 2005 port office		648.48			11,389.57
08 08/31/05	AP-R0139 01GTE AUG 2005 DB4 alarms		88.08			11,477.65

GENERAL LEDGER DETAIL REPORT

Port of Kennewick
Exhibit B

DETAIL POSTINGS FOR PERIODS 01 THRU 12 ENDING 12/31/05

ACCOUNT NO./ PER DATE	JOURNAL POSTING REMARKS	BEGINNING BAL	DEBIT	CREDIT	NET CHANGE	ENDING BAL
719-8800-00	Telephone & telegraph-airport	.00				.00
05 05/31/05	GJ-J0085 Record refund on phone paid			222.89		222.89CR
		.00	.00	222.89	222.89CR	222.89CR
	REPORT TOTAL:	.00	.00	222.89	222.89CR	222.89CR

April 3, 2012

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated August 3, 2011

Dear Mr. Ziobro:

The Port has made several written requests for clarification (*on August 22, 2011, September 12, 2011, October 14, 2011, November 23, 2011, December 1, 2011, December 21, 2011 and January 26, 2012*) of your Public Records Request dated August 3, 2011. In an effort to help identify the records you desired, Tammy Fine, Director of Finance/Auditor; Lucinda Luke, Port Counsel; and myself met with you on February 21, 2012. At the conclusion of that meeting, you stated you would send Ms. Luke a clarifying letter detailing the specific information you were seeking through your public records request. As of April 3, 2012 neither Ms. Luke nor port staff, have received your clarifying letter.

Thus, we consider your request to be non-responsive pursuant to RCW 42.56.520 "Prompt responses required" (*If the requestor fails to clarify the request, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it*), as well as the Port of Kennewick's Public Records Policy, Section 6, Item g "Consequences of failure to clarify a request". Therefore, please consider your August 3, 2011 public records request now closed.

Please know that we appreciate the opportunity to provide records in a manner that is open, transparent, and efficient in stewardship of the public's resources.

Sincerely,

Bridgette Scott
Executive Assistant

Tammy Fine

From: Lucinda J Luke [luke@cowanmoore.com]
Sent: Monday, April 09, 2012 4:30 PM
To: Tim Arntzen; Tammy Fine; Bridgette Scott
Subject: FW: Port of Kennewick
Attachments: Scan_Document.pdf

Tim, Tammy, Bridgette,

Please see records request below.

Lucinda J. Luke
COWAN MOORE LUKE CARRIER & PETERSON
503 Knight Street, Suite A
Richland, WA 99352
(509)943-2676
Fax (509)946-4257

From: John Ziobro [mailto:John@tzmlaw.com]
Sent: Monday, April 09, 2012 10:59 AM
To: Lucinda J Luke
Subject: Port of Kennewick

Lucinda,

I noticed you were not copied on the attached letter. I apologize for the delay in responding in follow up to our meeting.

It is somewhat disingenuous of Ms. Scott to reference her list of clarifications when one simple clarification would have resulted the Port's ability to have the records produced. My request was not intended to request every invoice from every third party. This strained interpretation was clarified within the initial minutes of our meeting after the Port grandstanded to the media about the time and expense and responding. However, Because of this interpretation, I have three boxes of mostly unresponsive documents that have cost \$698.83. There is a line of cases that discuss public agencies acting in good faith in the context of whether a court would impose a daily penalty. I question whether the Port has acted in good faith in interpreting the request in a manner that would lead to a several month delay and unnecessary expense and not seeking to clarify this element of the request.

As we discussed, I will revise my request to the following:

- General ledger detail printout for phone and internet reimbursement for staff and commissioners.
- General ledger detail for mileage reimbursement for staff and commissioners.
- General ledger detail for travel reimbursement for staff and commissioners.
- Reimbursement for staff expenditures for goods and services made on behalf of the Port. I will limit this request for expenditures/reimbursements in excess of \$250/month. (At this time, the Port may withhold the backup receipts).
- I am adding a request for an written policy of the Port for the acquisition of goods or services advanced by staff and corresponding reimbursement policy.

- Original request No. 5 may be limited or otherwise exclude contractor travel expenses for construction projects. For example, if a contractor is based out Spokane and drives to the Tri-Cities to manage a project or meet with staff, those records are non-responsive. Travel to look at Riverboats would be responsive. Travel to trade shows and conventions would be responsive.

All requested information is limited time parameters of my original request and email dated August 24, 2011 clarifying the date range of my request. Please let me know if you have any questions about the scope of the request.

John



Telquist Ziobro McMillen
Attorneys at Law

John Ziobro

(509) 737-8500

1333 Columbia Park Tr., Ste. 110

Richland, WA 99352

Toll Free (877) 789-LAW1

Fax (509) 737-9500

www.tzmlaw.com



PORT of KENNEWICK

COMMISSIONERS | DAVID W. HANSON | GENE WAGNER | SKIP NOVAKOVICH

April 13, 2012

Mr. John S. Ziobro
Telquist Ziobro McMillen
Attorneys at Law
1333 Columbia Park Trail, Suite 101
Richland, WA 99352

RE: Request for Public Records dated April 9, 2012

Dear Mr. Ziobro:

The Port of Kennewick acknowledges your desire to continue the original public records request you submitted August 3, 2011. We appreciate your providing additional clarification regarding the specific documents you are seeking. Since your original August 3, 2011 records request was closed April 4, 2012, we will consider your clarification email as a new public records request received as of April 9, 2012.

Information regarding this request will be provided by May 10, 2012.

If you should have any questions, please do not hesitate to contact me at the address below or by email at bscott@portofkennewick.org.

Sincerely,


Bridgette Scott
Executive Assistant

ATTACHMENTS

Commissioner Communication

- August 9, 2011 Commission Meeting Minutes
- August 23, 2011 Commission Meeting Minutes
- September 13, 2011 Commission Meeting Minutes
- October 25, 2011 Commission Meeting Minutes
- November 8, 2011 Commission Meeting Minutes
- November 22, 2011 Commission Meeting Minutes



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

AUGUST 9, 2011 MINUTES

CALL TO ORDER

Commission President Skip Novakovich called the Commission meeting to order at 2:00 p.m. in the Port of Kennewick Commission Chambers located at 350 Clover Island Drive, Suite 200, Kennewick, Washington 99336.

The following were present:

Board Members: Skip Novakovich, President
David Hanson, Vice-President
Gene Wagner, Secretary

Staff Members: Tim Arntzen, Executive Director
Tana Bader Inglima, Director of Governmental Relations & Marketing
Larry Peterson, Director of Planning & Development
Tammy Fine, Director of Finance/Auditor
Teresa Hancock, Real Estate Analyst & Project Specialist
Bridgette Scott, Secretary/Special Projects
Lucinda J. Luke, Port Attorney

PLEDGE OF ALLEGIANCE

Commissioner Hanson led the Pledge of Allegiance.

PUBLIC COMMENTS

Mr. Novakovich requested anyone wishing to address the Commission speak at the front of the room and state their name and address for the record.

Mark Blotz spoke on behalf of the management of Clover Island Inn, 5727 Victoria Street, Kennewick. Mr. Blotz stated the management supports the Cedars parking lot project and the additional lighting on east end of the island. Clover Island Inn plans to make additional improvements to the parking lot. Mr. Blotz estimates 7,500 people came to the island this summer.

No further public comments were made.

CONSENT AGENDA

The consent agenda consisted of the following:

- A. *Approval of Direct Deposit and Warrants Dated July 29, 2011*
Direct Deposit totaling \$23,445.00 and Expense Fund Voucher Numbers 32156 through 32159 totaling \$10,398.46; for a grand total of \$33,843.46.
- B. *Approval of Warrant Registers Dated August 10, 2011*
Expense Fund Voucher Numbers 32160 through 32200 totaling \$107,681.98. Construction Fund Voucher Number 3194 through 3198 totaling \$12,371.87.
- C. *Approval of Commission Meeting Minutes Dated July 14 26, 2011*
- D. *Payment of \$8,216.33 to K&L Gates PLLC*
- E. *Payment of \$2,459.05 to K&L Gates/Heiskell MacGillivray & Associates*



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

AUGUST 9, 2011 MINUTES

REPORTS COMMENTS AND DISCUSSION ITEMS

A. *Clover Island*

Lighthouse Enhancement Project.

Mr. Peterson stated the Lighthouse Enhancement Project is a small works project. The Project includes a brighter light in the lighthouse and minor improvements to the plaza area. The Port purchased the light directly from the manufacturer to avoid markup costs and ensure the correct light is used. The project should be complete by Labor Day.

B. *Pattern Language Meeting Update*

Mr. Arntzen stated the Pattern Language meeting will have approximately 30 stakeholders in the downtown area to help determine what would be an appropriate project for the Port to construct on the Willows Trailer Park property. Professor Gary Black, from UC Berkeley, will moderate the meeting on August 24, 2011. The Professor wants people to offer their thoughts about this parcel and what the surrounding property should become. Mr. Arntzen feels this process will help revitalize downtown Kennewick. Professor Black has used the same process at Boise State University with successful results.

Mr. Peterson commented the idea for Columbia Drive is to create something unique, not just a replication of another waterfront. The Port has a unique opportunity, and rather than approach the project with the standard decide, design and defend mentality; this is a different method for land-use master planning.

Professor Black requested the presence of Steve Mallory of Arculus at the meeting because of his knowledge of the Bridge to Bridge plan and involvement in the Port's conceptual plan. Professor Black wants to include all the planning efforts back to Peter Batchelor and the Urban Design Assistance Team (UDAT) plan.

Mr. Novakovich feels this is an excellent opportunity to further develop and see what we can do on the riverfront. Mr. Arntzen stated if this works well, we will have the opportunity to interface with the City of Kennewick. They have been talking about partnership for the last year and this may provide the opportunity to identify a project.

C. *Public Records Request*

Mr. Arntzen stated a very comprehensive public records request was received from attorney John Ziobro dated August 3, 2011. The request asks for all travel expense reports for each and every Port employee, all claims for expenses and reimbursements, all vouchers and supporting invoices for claimed expenses, all expenses for Port contractors and reimbursements to Port spouses.

Pursuant to the Public Records Act, the Port will respond in an efficient and open manner. Mr. Arntzen stated Port Counsel indicated public record requests have to be responded to fully and fairly, and the first response must be within 5 days. Public record requests take precedence over everything and this request will impact the staff workload. The Port will restructure the workload to address legally mandated issues only. Staff time will be tallied; however, the cost cannot be passed on to the requester. It is estimated this request will cost the Port approximately \$30,000.



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

AUGUST 9, 2011 MINUTES

Mr. Hanson indicated there are law firms that make a living from requests like this. And one year from now will ask for the same information again. If a page is missed, the court can impose fines. Mr. Hanson asked if the request is too broad. Mr. Arntzen will work with legal counsel on this issue. Mr. Arntzen stated every expenditure has been audited by the State Auditor's Office and that he is very comfortable that everything will be in order.

Ms. Fine commented that we have started complying with the request and that Ms. Scott is composing the five-day response letter. Ms. Fine stated that most of the records are at a records management firm and there will be a cost to transport the records. Personal information will be redacted with an explanation table. Because this is a broad request, it will encompass records from the day Port was established to present.

Mr. Novakovich stated this is the largest public record request received by the Port of Kennewick and the implications of this request will have a huge impact on the office and office operations.

D. *Commissioner Meetings (formal and informal meetings with groups or individuals)*

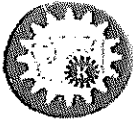
Mr. Wagner met a new person who moved into the area; they discussed port districts.

Mr. Hanson has been on vacation; no meetings to report.

Mr. Novakovich attended regular meetings representing the Port; several meetings regarding the BenFranklin Humane Society Building Committee, met with Karen Baker from STEM School; had an interview with KONA regarding the Columbia Basin Veterans Coalition Open House for veterans; Veterans Board Meeting, and met with representatives of Marketplace Fellowship People.

E. *Non-Scheduled Items*

1. Ms. Bader Inglima commented PS Media will be updating the Port's commercials this week. The commercials will run August-September and start again after the campaign season ends. The purpose is to advise the community of the Port's activities and what we do on their behalf.
2. Ms. Bader Inglima will participate at the Confederated Tribes of the Umatilla Indian Reservation Salmon Walk on August 20th. This is the fourth year the Port has participated. The Salmon Walk is a fundraiser for their children's educational programs. Ms. Bader Inglima will take photos of the Clover Island Improvements and the conceptual plans for the adjacent property. The Port's participation is a way to connect and continue to build our relationship with the CTUIR.
3. Ms. Bader Inglima stated several years ago the Port attended an event at which the Port purchased a painted drum artwork by Chief Carl Sampson. He finished the painting and Ms. Bader Inglima will obtain information about the image on the drum and schedule a formal presentation.
4. Ms. Bader Inglima reiterated the Fixed Based Operator (FBO) Request for Proposals (RFP) was not only advertised, it was posted on our website. The RFP was submitted to the Tri-City Herald in print and online, Wings newsletter, Washington Pilots Association newsletter, American Association of Airport Executives; classified ads were placed at AviationToday.com, AirSport.com, and Controller.com. A media release was sent out



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

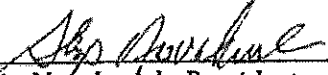
AUGUST 9, 2011 MINUTES

ADJOURNMENT

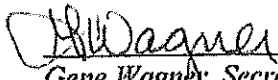
With no further business to bring before the Board; the meeting was adjourned at 3:43 p.m.

APPROVED:

PORT of KENNEWICK
BOARD of COMMISSIONERS


Skip Novakovich, President

David Hanson, Vice President


Gene Wagner, Secretary



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

AUGUST 23, 2011 MINUTES

CALL TO ORDER

Commission President Skip Novakovich called the Commission meeting to order at 2:00 p.m. in the Port of Kennewick Commission Chambers located at 350 Clover Island Drive, Suite 200, Kennewick, Washington 99336.

The following were present:

Board Members: Skip Novakovich, President
David Hanson, Vice-President
Gene Wagner, Secretary

Staff Members: Tim Arntzen, Executive Director
Tana Bader Inglima, Director of Governmental Relations & Marketing
Larry Peterson, Director of Planning & Development
Tammy Fine, Director of Finance/Auditor
Teresa Hancock, Real Estate Analyst & Project Specialist
Bridgette Scott, Secretary/Special Projects
Lucinda J. Luke, Port Attorney
Bruce Disend, Port Special Counsel

PLEDGE OF ALLEGIANCE

Spencer Montgomery, of JUB Engineers, led the Pledge of Allegiance.

PUBLIC COMMENTS

Mr. Novakovich requested anyone wishing to address the Commission speak at the front of the room and state their name and address for the record.

Ruth Swain, City of West Richland, 3801 W. Van Giesen, West Richland. Ms. Swain stated the City of West Richland is grateful for the Port's support for economic development particularly in the city of West Richland. Small cities are struggling and without the Port's partnership and investments, it would be very difficult for West Richland, and they appreciate the value of the Port and the City working together. The Port helped sponsor the Van Giesen redevelopment, which was the number one request of the citizens. Recently the Port has come to Red Mountain Center, an important job sector and area in West Richland. There are few daytime jobs in West Richland and the citizens want to have their own economic development opportunities to create jobs. Ms. Swain looks forward to continued planning with the Port.

No further public comments were made.



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

AUGUST 23, 2011 MINUTES

a great project and would like to see the extension of the markers onto the island. Mr. Way stated the Rotary will fund the project.

B. Clover Island Lighthouse Stamp/US Lighthouse Society, Clover Island Inn/Ice Harbor Brewing Co.

Ms. Bader Inglima stated Skip Gest contacted the Port about the possibility of creating a stamp and passport and getting involved with the US Lighthouse Society, a non-profit organization that is focused on lighthouse education, and preserving and maintaining lighthouses nationwide. Port staff worked with the Lighthouse Society to create the stamp based on a photo of Clover Island. Ms. Bader Inglima introduced Amber Martin from Clover Island Inn and Tess Canaday from Ice Harbor Brewing Company.

Clover Island Inn and Ice Harbor Brewing Company have agreed to be an outlet to sell the passports and stamp the passports. The passport costs \$10 and the money goes back to provide more passports. The money donated for each stamp helps preserve and maintain lighthouses nationwide. Donation boxes are available at both locations.

Ms. Bader Inglima commented hundreds of lighthouses are listed by state on the Lighthouse Society's website. The Port is excited about the lighthouse becoming an ambassador for the community. People are identifying the community as a waterfront destination because of the lighthouse.

Mr. Gest received the first Clover Island Lighthouse stamp in his passport. Mr. Gest thanked Commissioner Novakovich and Ms. Bader Inglima for listening to his idea of joining the Lighthouse Society Stamp Program. He feels privileged to receive the first stamp and stated the Clover Island Lighthouse is the only lighthouse on the east side of the state. Mr. Gest hopes this program will be a draw to Kennewick and the Tri-City area.

NEW BUSINESS

→ ***A. Public Records Request dated August 3, 2011 Update***

Ms. Fine stated as of today, the first installment of the request is ready for the requester's inspection – it is approximately 750 pages. Staff is working on the second installment. The Port is working hard to comply with the laws, regulations, as well as the intent of the law for public records act and practicing open government. The Port has hired Ramsey Rammerman, one of the leading attorneys in public records act and a huge advocate for open government practices, to help with interpretations, policies and practices of the public records act. Mr. Rammerman has also offered to provide training for the Commission and staff on the Public Records Act, third party records, and human resources records. Ms. Fine highly recommends the training.

Staff is working with Ms. Luke to review the records before they are released for potential privacy issues and redactions in accordance with the law.

Ms. Fine stated we have a plan to perform the request in installments and we are keeping the requester informed of this process.



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

AUGUST 23, 2011 MINUTES

Since this request deals with employee reimbursements, we are finding there is a large amount of personal information that needs redaction in accordance with the law. Mr. Rammerman suggested the Port provide a third-party notification letter to all present and former staff members that their information has been requested and giving them time to file a court ordered injunction if they feel their privacy rights may be violated. Ms. Fine estimates the request will take six months to complete, unless the requester clarifies their request. The following items are being requested:

1. All travel expense reports for each and every port employee from January 1, 2005 to present;
2. All claims for expenses and reimbursements for all port employees from January 1, 2005 to present;
3. All vouchers and supporting invoices for claimed expenses for employees for reimbursement from January 1, 2005 to present;
4. All expense reports, claims for expenses, vouchers for travel and related expenses for any port consultant, contractors, or spouses of any employee; and
5. All reimbursements to port employees for expenditures made on behalf of the port for any purpose.

Mr. Hanson asked if the Port has requested clarification. Ms. Fine replied the Port's letter regarding the first installment did ask for clarification.

Mr. Rammerman suggested the Port define a plan of action to complete the request. He stated no less than 5% of the entire staff's time should be used on this request. Ms. Fine stated currently 9.9% of total staff time is being used on this public records request.

Mr. Arntzen stated will bring a restructured work plan for the balance of 2011. He anticipates staff will be working on this request for quite some time. He has concluded that the Port has to reprioritize its workload. The Port is mandated to submit the budget to the County on time, complete the redistricting process and complete other statutorily necessary requirements.

Mr. Arntzen stated we are going to respond in a professional, courteous and efficient manner. He feels the staff's response, with Ms. Luke's assistance, has been exemplary.

Mr. Novakovich asked if the Port can do everything we are obligated to do and required to do in the time we need to have it done. Mr. Arntzen feels the mandated items can be accomplished, but the discretionary items like crack sealing at the airport, building new things on the island, demolition projects on Columbia Drive and some West Richland projects will need to be re-prioritized.

B. *Public Records Request Procedures; Resolution 2011-35*

Ms. Fine found sample public records request policies and adapted it to our entity. This policy is the formal procedure for records management process and management procedures. It helps identify what public records are, identifies the public records request



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

AUGUST 23, 2011 MINUTES

officer, where the records need to be requested, directs the public to the website where records may be located, lists the hours of inspection, as well as helping the Port go through proper procedures to complete a request.

MOTION: Commissioner Wagner moved approval of Resolution 2011-35, approving the Port's Public Records and Information Management Program; Commissioner Hanson seconded. With no further discussion motion carried unanimously. All in favor 3:0.

C. Meeting with Confederated Tribes of the Umatilla Indian Reservation August 26, 2011

Ms. Bader Inglima stated the Port will hold a Special Commission Meeting at 12:00 noon on Friday, August 26, 2011 at the Tamastslikt Cultural Institute Theater at 47106 Wildhorse Boulevard, Pendleton Oregon. The Port of Kennewick Board of Commissioners will meet jointly with the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The meeting offers a chance to become acquainted and for the Port to explore opportunities to engage with the CTUIR on projects of mutual interest. The public is welcome and encouraged to attend. Ms. Barb Carter will attend the meeting and will present ideas for potential artwork to be developed in partnership with the CTUIR.

REPORTS COMMENTS AND DISCUSSION ITEMS

A. Benton City

1. DNR Site Assessment Inventory Analysis Letter.

Mr. Arntzen drafted a letter to Mayor Carnahan addressing the DNR property. The letter indicates for various reasons as outlined by the consultant that the Port will not purchase the property. However, the Port is open for future partnering opportunities with Benton City. The Board is in consensus for Mr. Arntzen to mail the letter.

B. Redistricting Update

Mr. Peterson will make sure the population is distributed as equally as possible. District 2 and 3 have seen substantial growth and the boundaries need to be adjusted. Mr. Stuart Holmes from Benton County indicated the Port does not need to follow the precinct districts. The Port may use main roads, irrigation canals, etc to create boundaries that are logical. The County will amend their precincts to align with our boundaries. Mr. Peterson will discuss the general concepts with the Commission in September to determine if an urban, suburban and rural district may be considered, or if the three boundaries will be similar in design. Census data has been received and Mr. Peterson will put together maps for consideration.

C. Commissioner Meetings (formal and informal meetings with groups or individuals)

Mr. Wagner attended regular meetings; visited with the son of a former Commissioner. He was astounded at how Clover Island has improved and spent three hours walking around the island.

Mr. Hanson met with Carl Cadwell; met with Sonny Spaulding; attended the open house for Columbia Basin Veterans Coalition, attended the Chamber Board Meeting, participated in the Benton Franklin Fair and Rodeo Parade; and since the article came out in the paper, he has talked with too many people to recall.

Mr. Novakovich attended regular meetings representing the Port; met with Mark Kushner of



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

AUGUST 23, 2011 MINUTES

findings are received from the State Auditor's Office.

ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned at 3:47 p.m.

APPROVED:

PORT of KENNEWICK
BOARD of COMMISSIONERS


Skip Novakovich, President

David Hanson, Vice President


Gene Wagner, Secretary



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

SEPTEMBER 13, 2011 MINUTES

CALL TO ORDER

Commission President Skip Novakovich called the Commission meeting to order at 2:00 p.m. in the Port of Kennewick Commission Chambers located at 350 Clover Island Drive, Suite 200, Kennewick, Washington 99336.

The following were present:

Board Members: Skip Novakovich, President
Gene Wagner, Secretary

Staff Members: Tim Arntzen, Executive Director
Tana Bader Inglima, Director of Governmental Relations & Marketing
Larry Peterson, Director of Planning & Development
Tammy Fine, Director of Finance/Auditor
Teresa Hancock, Real Estate Analyst & Project Specialist
Bridgette Scott, Secretary/Special Projects
Lucinda J. Luke, Port Attorney
Stephen DiJulio, Special Port Counsel, by telephone

PLEDGE OF ALLEGIANCE

Linda Spier, City of Kennewick, led the Pledge of Allegiance.

PUBLIC COMMENTS

Mr. Novakovich requested anyone wishing to address the Commission speak at the front of the room and state their name and address for the record.

Ed Frost, 609 West Albany Avenue, Kennewick. Congratulations for investigating the purchase of the Chieflain property. He feels it is important that the property is tied up. If it is not pursued, planning efforts made by the Port and the City of Kennewick would be lost. Mr. Frost appreciates being included in the Willows Pattern Language project; it is a fascinating project and he commends the Port for trying a different approach and a new way of developing the plan. Mr. Frost purchased a book on Pattern Language and is currently reading the book. Mr. Frost inquired if an objective, factual way to check the traffic activity at Vista Field airport has been found. Mr. Arntzen spoke with Mike White about the technology needed and has contacted WSDOT Aviation and inquired about borrowing their equipment. Mr. Arntzen stated the Port has been pursuing the FBO proposals, and perhaps when it is finished we will have more staff time to dedicate to the airport traffic count. Mr. Frost requested the Port continue to keep the Bridge to Bridge project on the front burner. He is concerned that the Pattern Language will become just another plan.

Mr. Wagner thanked Mr. Frost for his comments and stated he will not forget about this project.

Mr. Arntzen commented when the Work Plan is discussed, he would like the public to make comments on the Work Plan and have all groups represented.



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

SEPTEMBER 13, 2011 MINUTES

Reconvene at 3:36 p.m.

REPORTS COMMENTS AND DISCUSSION ITEMS

A. *Clover Island*

1. *Cedars Parking Lot Project Update*

Mr. Peterson stated the contract for the parking lot reconstruction project was awarded to A&B Asphalt. The materials have been ordered and are scheduled to begin demolition Monday, September 19, 2011. The project should be completed by November 11, 2011. The project has been coordinated with Cedars and the parking lots will not be closed at the same time. Mr. Mitcham understands the end result is worth the 4-6 weeks of construction activity. Clover Island Inn will lose 24 parking spaces during the project.

B. *Columbia Drive*

1. *Pattern Language Meeting Update*

The Pattern Language meeting provided the opportunity for approximately 25 people to work together to examine what the Columbia Drive property could look like when developed. Professor Gary Black and his associate Cullen Burda led the group. The City of Kennewick and the Port invited people to attend the meeting who either live or work in the area. Mr. Arntzen was surprised with the amount of dialogue from the participants. It was a fantastic interplay. Professor Black requested Mr. Arntzen and Commissioner Novakovich come to his office to view the first draft of the document.

Mr. Novakovich felt the interaction within the diverse group of people was successful. This is another step forward to developing the area.

C. *Public Records Request Update*

Port staff is working very hard to fulfill the request. The first installment is completed and staff is working on the second installment. Ms. Luke has reviewed the redactions for the second installment and a third party letter was sent to the employee. We anticipate being able to copy and release the second installment on September 26, 2011. Ms. Fine stated John Trumbow, of the Tri-City Herald, had a good recommendation to tract the cost of the request by installment. The first installment, through August 22, 2011, cost about \$5,077.94.

The requester provided clarification that each request is for 2005 to present. This clarification will reduce the amount of time it will take to complete the request.

D. *Proposed Work Plan Deferrals*

Mr. Arntzen stated the Port may need to defer some of the following projects until the staff workload lightens:

1. Clover Island shoreline restoration
2. Stage at Clover Island Inn
3. Lease negotiation issues with Clover Island Inn
4. Pattern Language –master planning for site and the surrounding property
5. City of Richland– purchase of additional properties in their jurisdiction
6. City of West Richland - development building. We may have time to do architectural and engineering, but not construction.



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

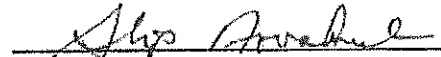
SEPTEMBER 13, 2011 MINUTES

ADJOURNMENT

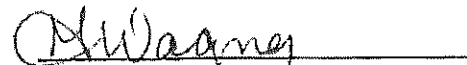
With no further business to bring before the Board; the meeting was adjourned at 4:12 p.m.

APPROVED:

**PORT of KENNEWICK
BOARD of COMMISSIONERS**


Skip Novakovich, President


David Hanson, Vice President


Gene Wagner, Secretary



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

OCTOBER 25, 2011 MINUTES

Legislative Meeting will be held on November 17, 2011 and he has a PUD meeting to attend in the afternoon. Mr. Hanson asked Mr. Arntzen to attend on his behalf; Mr. Arntzen agreed.

2. Ms. Bader Inglima presented the draft media guidelines to the Commission and requested the Commission provide any comments or revisions.
3. Mr. Arntzen, Mr. Wagner and Marina Manager Mary Fitch will leave immediately after the November 8, 2011 Commission Meeting for the Northwest Marina Conference.
4. Mr. Arntzen stated the second Willows Pattern Language Workshop will be held November 4, 2011 with Professor Gary Black and 20 community leaders and stakeholders.
5. Mr. Arntzen stated the WPPA dues include the assessment for the recent building acquisition. Upon the payoff of the building, the dues will decrease.
6. In an effort to reduce costs, Ms. Fine investigated alternative medical plans for 2012 insurance. The PEBB Group Health Classic Plan would cost the Port \$8,000 if all employees select it. Ms. Fine did not find a better alternative for medical plans and recommends the Port remain with PEBB. However, she proposes if an employee selects the Group Health Classic Plan, that they pay the difference between the lowest health plan and the Group Health Classic Plan, which is \$1,200 annually. Ms. Fine stated the Port is required to include retirees if they change plans, unless they elect COBRA coverage for 18 months. Ms. Fine presented Resolution 2011-40 regarding the Medical Insurance Cost Difference.

MOTION: *Commissioner Wagner moved approval of Resolution 2011-40; Commissioner Hanson seconded. With no further discussion motion carried unanimously. All in favor 3:0.*

7. Public Records Request. Mr. Arntzen stated the Port is making good progress on the public records request; however, he believes if a contractor was used, it may be a more efficient mechanism to get the documents to the requestor. It would also enable staff to focus on economic development opportunities. Mr. Arntzen stated Ms. Luke would like to prepare a proposal for her firm to process the request. Ms. Luke stated her shareholders have agreed the firm could work on the request. Mr. Arntzen stated the Port performs most of its work in-house, but feels using a contractor can be beneficial. For instance, JUB Engineering has provided services regarding the Comp Scheme and Vista Field. The Board is in consensus this would be worth investigating. Mr. Arntzen will assemble cost and efficiency issues for the Commission's consideration.
8. Mr. Arntzen notified the Commission that Mark Blotz' wife, Lucinda, recently passed away.
9. Ms. Luke will attend a public records request seminar in Olympia on November 4, 2011.

PUBLIC COMMENTS

Steve Mallory, 5822 W. Yellowstone Avenue, Kennewick. Mr. Mallory informed the Commission that the Livable and Sustainable Communities conference was moved from CIC WSU to the United Way building located at 401 N. Young in Kennewick.

No further public comments were made.

ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned at 3:34 p.m.



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

NOVEMBER 8, 2011 MINUTES

MOTION: *Commissioner Wagner moved approval of the consent agenda; Commissioner Hanson seconded. With no further discussion motion carried unanimously. All in favor 3:0.*

PUBLIC RECORDS REQUEST

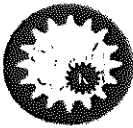
Ramsey Ramerman, Public Records Specialist, met with the Commission via teleconference to address issues with the August 5, 2011 Public Records request. Due to "clarification" from the requester, the Port has identified an additional 38,000 pages of records that need to be reviewed, copied and in some case redacted. The work is very time consuming because of the types of records being copied, including receipts and stapled documents, etc. Thus, based on work completed so far, it is estimated an additional 2,000 hours of Port staff time – plus attorney review time – will be necessary to complete request.

So far, the Port has handled the review in-house, has spent over 500 hours and prepared almost 4,000 pages for production, which amounts to 9% of the Port's workforce hours spent on the public records request. This has been very disruptive and is interfering with other essential functions, not to mention the copier is broken and will see significant delays while it is repaired or a new one is found. All staff utilizes the one printer/copier/fax/scanner and it has been a huge problem.

Prior to this request, the Port received a couple of requests (maybe two or three very small requests each year.) Thus, existing resources are not sufficient to handle the request and has resulted in delayed projects and has had a negative effect on morale because everyone is behind. It is unlikely the Port could maintain working three hours per day on the request in light of other essential projects.

After looking at options, staff has determined the most efficient way to complete the request is to contract out the first level of review to a paralegal. By utilizing an outside resource, it allows staff to focus on other essential projects, including other public records requests. It would be cost effective because it will allow the reviewer to focus, and not be distracted with other projects. Mr. Ramerman feels \$30 per hour would be a fair rate.

The total cost for this outside review is approximately \$62,000. Keeping it in-house would be approximately \$80,000, not including attorney fees or copy costs, as well as opportunity loss that cannot be calculated due to the projects that are being delayed that involve job creation and economic development. Mr. Ramerman suggests the Port incur the expense over two years, lowering the impact on the Port's budget. If a reviewer works on the request for four hours per day, it should be complete by December 2013. Mr. Ramerman feels two and a half years to complete the request is reasonable in light of Port's resources and the magnitude of the request. The Port currently employs three full-time employees for administrative staff. By providing funding for four hours a day for records review is a staffing equivalent to over a 15% increase. While two and a half years is a long time, Mr. Ramerman suggests providing installments to the requester regularly. The Public Records Act specifically allows agencies to adopt rules to prevent excessive interference with other essential functions. The proposed time frame will allow the Port to spread the cost over two years, which allows for minimal disruption of other essential port projects.



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

NOVEMBER 8, 2011 MINUTES

If the requestor feels two and a half years is too long, the requester may sue. Although he cannot guarantee what the court would do, Mr. Ramerman feels the time frame is very defensible in light of the Port's resources. Another option would be to try to speed up the response time by hiring additional personnel and spend eight hours per day on the request. Although we do not know if a paralegal who is available four hours could also be available full eight hours per day, and it would be best to have a single person review the records.

Moreover, if forced to incur the full cost in one year, the Port would have to drop or delay many of projects that are essential to the community/taxpayers and to job creation/economic development, especially when we are in an economic uncertain climate and Hanford stimulus funds are running out, bringing a substantial job layoff for our community.

Mr. Ramerman summarized the new time/cost estimate: 2,000 hours, \$62,000 additional cost. The options to compete the request are as follows:

1. Hire outside reviewer four hours per day, and complete the request by December 2013.
2. Hire outside reviewer eight hours per day, sacrificing other essential projects in 2012.
3. Keep in house, which will likely slow down the response time more.

Mr. Novakovich inquired if we need to send a notification or time schedule to the requestor for their approval. Mr. Ramerman replied there is no need to get approval, but the Port does need to provide a new time estimate. If the requestor thinks it is unreasonable, they will file a law suit. The Port is providing installments, so the requestor is receiving portions of the request in installments.

Mr. Novakovich inquired if Mr. Ramerman's recommendation is to hire an outside reviewer for four hours per day based on his work with other entities. Mr. Ramerman agreed and stated the 15% increase in administrative resources is defensible and a much more efficient way to hire an outside person because they can be dedicated to the task.

Mr. Wagner asked if there is an advantage to two people reviewing versus one. Mr. Ramerman feels it would speed up the process, but would not necessarily double the time.

Mr. Arntzen stated the Port will still have some hands-on work at the Port, but feels it is a good approach. He believes the Port made a good decision when hiring Mr. Ramerman; as he is the "source" in the State. Mr. Arntzen has visited with staff and Ms. Luke and feels this is a plausible response to the records request. Mr. Novakovich stated he and Ms. Scott heard Mr. Ramerman's name mentioned several times during the public records roundtable conference in Leavenworth.

Ms. Fine commented the accounting staff has primarily taken on the task of copying/reviewing and it has put them three months behind schedule. This would help the accounting staff substantially. If the request was kept in-house, they would have to drop down to 1-2 hours a day on the request.

Mr. Hanson inquired if there is any possible negotiation or contact with the requesting party for clarification. Mr. Ramerman stated the Port has requested clarification, but has only received two clarifications.



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

NOVEMBER 8, 2011 MINUTES

Ms. Fine stated the Port asked for clarification regarding phone records and credit cards, and have not received a response. If it is affirmative, there would be even more work. Mr. Ziobro clarified the timeframe and that he would like the information pertaining to the Commissioners as well, but nothing further. The Port still needs to copy about 90% of our records.

Mr. Novakovich asked Ms. Luke if she has a possible conflict of interest issue due to being the Port's legal counsel. Ms. Luke confirmed there is not a conflict of interest and that this would be an extension of work currently provided.

Ms. Fine stated contracting this project out would be exempt from the purchasing and bidding procedures.

MOTION: *Commissioner Hanson moved approval to utilize the services of Cowan Moore Stam Luke Peterson & Carrier, PLLC for copying and reviewing services related to the Public Records Request received August 5, 2011, and further authorizes the Port's Executive Director to execute all necessary for implementation of the contract; Commissioner Wagner seconded. With no further discussion motion carried unanimously. All in favor 3:0.*

PUBLIC HEARINGS

A. Comprehensive Scheme of Development and Harbor Improvements

Mr. Peterson stated the Comp Scheme update process started about a year and half ago. The Port directed and approved a contract with Anchor QEA. The Port's development partners have been contacted and interviewed for comments and direction.

State Law (RCW 53.20) requires port district's to have a Comprehensive Scheme of Development and Harbor Improvements (Comp Scheme) and capital expenditures must be consistent with the Comp Scheme. The Port of Kennewick's Comp Scheme dates to 1955 with a series of updates to grant additional authority to undertake a variety of actions. Although legally sufficient these series of documents provide authority but little direction.

The Port engaged the services of Anchor QEA & HDR Engineering to assist the Port in updating the Comp Scheme. Input was received in the early stage of the process from jurisdictional partners (Benton County, Cities of: Benton City, Kennewick, Richland & West Richland). Jim Hagar of HDR (Vista Field Economic Impacts & Wine Incubator Study) was in charge of preparing the economic elements of the Comp Scheme, which is the foundation of the document.

The draft document was presented to the Commission on October 11, 2011 at which time the Commission directed staff to route the Comp Scheme for public comments. The document was posted on the Port's website, emailed to our development partners (Benton County, TRIDEC and cities of: Benton City, Kennewick, Richland, and West Richland) and two well advertised evening open houses were held on October 25, 2011 and November 1, 2011 to gather public input.

Mr. Peterson stated one of the comments received relates to revising the timeframes



REGULAR COMMISSION MEETING

PORT OF KENNEWICK

NOVEMBER 22, 2011 MINUTES

No further public comments were made.

Mr. Novakovich anticipates the Executive Session to last approximately 20 minutes for potential litigation and approximately 20 minutes for real estate, with no action anticipated for either item. Mr. Novakovich asked the public to provide contact information if they would like to return after the Executive Session. The public will not return.

Mr. Novakovich recessed the meeting at 3:47 p.m. for approximately 5 minutes.

Mr. Novakovich reconvened the meeting into Executive Session at 3:52 p.m.

EXECUTIVE SESSION

- A. Potential Litigation, per RCW 42.30.110(1)(i)
- B. Real Estate, per RCW 42.30.110(1)(b)

Ms. Bader Inglima exited the meeting room and extended the Executive Session to 4:50 p.m.

Executive Session adjourned at 4:50 p.m. The regular meeting reconvened at 4:50 p.m.

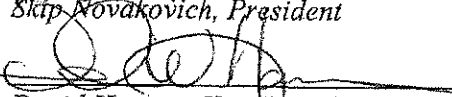
The Commission discussed the November 21, 2011 Tri-City Herald Editorial Board article regarding the public records request and feels it was very supportive of the Port's efforts to meet the request.

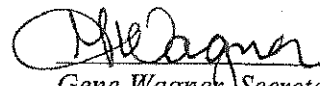
ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned at 5:05 p.m.

PORT of KENNEWICK
BOARD of COMMISSIONERS


Skip Novakovich, President

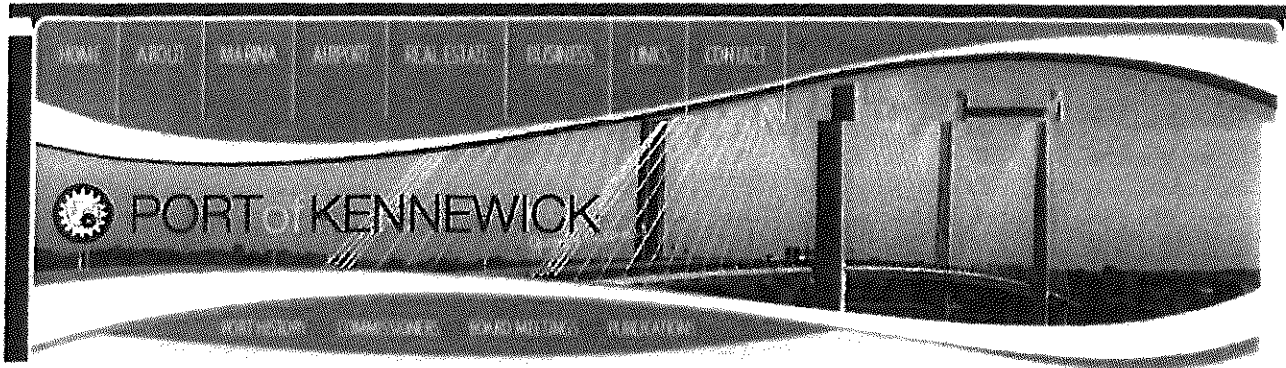

David Hanson, Vice President


Gene Wagnek, Secretary

ATTACHMENTS

Port Openness and Transparency

- Port of Kennewick Website Posting of Commonly Requested Board Meetings/Minutes/Agendas/Commission Packets
- Port of Kennewick Website Posting of Commonly Requested Public Record Items
- Port of Kennewick Website Posting of Public Records Request Access Tab
- Port of Kennewick Website Posting of Public Records Disclosure Information For Public and Contact Information
- Port of Kennewick Website Posting of Public Records Request Form
- Port of Kennewick Website Posting of Public Records and Information Management Program



Board Meetings

The Board meets on the second and fourth Tuesday of each month at 2:00 p.m. The meetings are held in the Commission Chambers located on the second level of the Port of Kennewick administrative offices located at 350 Clover Island Drive in Kennewick, Washington. On occasion, a meeting may be held elsewhere within the District; public notice will be given and the alternate location posted on this webpage.

2011 Board Meetings / Agendas To Date:

Agendas

- ✎ [January 11, January 11 EDC, January 25](#)
- ✎ [February 8, February 22](#)
- ✎ [March 8, March 22](#)
- ✎ [April 12, April 26](#)
- ✎ [May 9*, May 10, May 24](#)
- ✎ [June 14, June 28](#)
- ✎ [July 12, July 26](#)
- ✎ [August 9, August 23, August 26*](#)
- ✎ [September 13, September 27](#)
- ✎ [October 11, October 25](#)
- ✎ [November 8, November 22](#)
- ✎ [December 13, December 27](#)

*asterisks indicate a special meeting.

Minutes

- ✎ [January 11, January 11 EDC, January 25](#)
- ✎ [February 8, February 22](#)
- ✎ [March 8, March 22](#)
- ✎ [April 12, April 26](#)
- ✎ [May 9*, May 10, May 24](#)
- ✎ [June 14, June 28](#)
- ✎ [July 12, July 26](#)
- ✎ [August 9, August 23, August 26*](#)
- ✎ [September 13, September 27](#)
- ✎ [October 11, October 25](#)
- ✎ [November 8, November 22](#)
- ✎ [December 13, December 27](#)

Brand Development Committee

Agendas

- ✎ [March 23](#)

Minutes

- ✎ [March 23](#)

Vista Field Advisory Board

Agendas

- ✎ [February 2](#)

Minutes

- ✎ [February 2](#)

2010 Board Meetings / Agendas:

Agendas

- ✎ [January 12, January 12 EDC, January 26](#)
- ✎ [February 9, February 23,](#)
- ✎ [March 8*, March 9, March 23](#)
- ✎ [April 13, April 27](#)

Minutes

- ✎ [January 12, January 12 EDC, January 26](#)
- ✎ [February 9, February 23](#)
- ✎ [March 8*, March 9, March 23](#)
- ✎ [April 13, April 27](#)

May 11, May 25	May 11, May 25
June 8, June 22, June 22*	June 8, June 22, June 22*
July 13, July 27	July 13, July 27
August 10, August 24	August 10, August 24
September 14, September 28	September 14, September 28
October 12, October 26	October 12, October 26
November 9, November 23, November 30*	November 9, November 23, November 30*
December 14, December 28	December 14, December 28

*asterisks indicate a special meeting.

Vista Field Advisory Board

Agendas

July 7, 2010
August 11, 2010
September 8, 2010
September 29, 2010
October 20, 2010

Minutes

July 7, 2010
August 11, 2010
September 8, 2010
September 29, 2010
October 20, 2010

2009 Board Meetings / Agendas To Date:

Agendas

January 13, January 13 EDC, January 27
February 10, February 24
March 10, March 24
April 14, April 28
May 12, May 26
June 9, June 23
July 14, July 28
August 11, August 25
September 8, September 22
October 13*, October 13, October 27
November 10, November 24
December 8, December 22

*asterisks indicate a special meeting.

Minutes

January 13, January EDC
February 10, February 24
March 10, March 24
April 14, April 28
May 12, May 26
June 9, June 23
July 14, July 28
August 11, August 25
September 8, September 22
October 13**, October 13, October 27
November 10, November 24
December 8,
**2010 Planning Workshop Document

Special May 11, 2009 Joint Meeting Between City of Kennewick Council & Port of Kennewick Commission

Agenda	Audio File
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P. Stephen DiJulio Vista Field Presentation to Port Commission April 14, 2009

Part 1	Part 6
Part 2	Part 7
Part 3	Part 8
Part 4	Part 9
Part 5	

2008 Board Meetings / Agendas To Date:

Agendas

January 8, January 8 EDC, January 22
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Minutes

January 8, January 8 EDC, January 22
--

 February 12, February 26	 February 12, February 26
 March 11, March 25	 March 11, March 25
 April 8, April 22	 April 8, April 22
 May 13, May 27	 May 13, May 27
 June 10, June 24	 June 10, June 24
 July 8, July 22	 July 8
 August 12, August 26	 August 12, August 26
 September 9, September 23	 September 9, September 23
 *October 1, *October 14, October 28	 October 1, October 14, October 28
 *November 12, November 25	 November 12, November 25
 December 9, December 23	 December 9

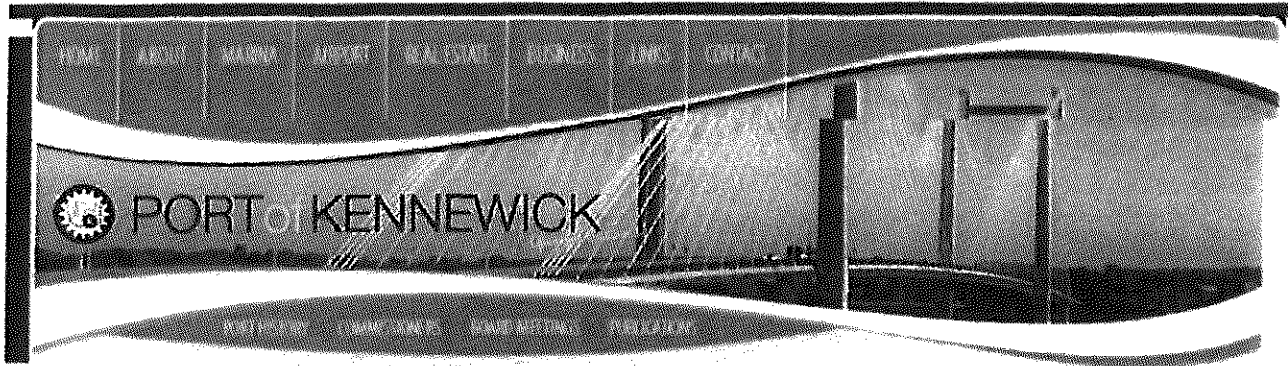
Yearly Minutes

 [2007 Minutes](#)



*Meetings/Agendas with asterisks indicate a special meeting.

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View DRAFT Comprehensive Scheme of Development and Harbor Improvements (Comp Scheme)

[Click or scroll down to view Draft Pattern Language document.](#)

[Click or scroll down to view News Now.](#)

[Click or scroll down to view Public Records Request documents](#)

[Click or scroll down to view Vista Field Publications.](#)

Questions & Answers On Port of Kennewick Public Records Request made by Attorney John Ziobro:

Q. Why is this request so costly?

A. Port staff is copying nearly 90% of its records for a seven year period in order to comply with the Public Records Request made by John Ziobro, a Richland attorney. Information was requested on every employee, consultant, contractor, or spouses of any employees for almost seven years. That includes 27 current or former employees and a countless number of contractors and consultants, almost every invoice we have paid in the past seven years.

Q. Why do so many records have to be copied?

A. As a public agency, and stewards of taxpayer resources, the Port maintains detailed records and bookkeeping, and has these documents catalogued and archived offsite for security and safekeeping. Although we are moving to online record keeping, paper copies must still be kept for many items. The records request from John Ziobro included every port employee, consultant, contractor, or spouses of any employees from January 1, 2005 to present*:

- all travel expense reports for each and every port employee
- all claims for expenses and reimbursements for all port employees
- *all vouchers and supporting invoices* for claimed expenses for employees for reimbursement
- all expense reports, claims for expenses, vouchers for travel and related expenses for any port consultant, contractors, or spouses of any employees
- *all reimbursements* to port employees for expenditures made on behalf of the port for any purpose.

The request is seeking a significant amount of paperwork and documentation which will need to be retrieved, copied, checked for removal of personal information, copied again, reviewed and then submitted.

**For example: The records relating to two employees alone required copying 1,191 documents. Records relating to contractors and consultants for the first half of 2005 alone totaled 1,083 pages.*

Q. Is there an alternative?

A. This is the largest information request the Port has ever received. In the past, requests have been limited and usually involved information about a specific event or project (Vista Field) for example. Staff has even met with previous requestors so they could provide insight and explain specifically what they were looking for; in that manner, Port staff is able to respond to requests in a timely and cost-effective manner. While Mr. Ziobro did agree in writing to clarify and limit the number of years for which he requested information back through 2005; he did not clarify the employees, contractors or consultants. Ziobro's request includes almost 90 percent of the documents accumulated during the seven year period covered by his inquiry.

Q. Why is does it take so long to produce these?

A. Responding to a public records request as per the Revised Code of Washington RCW 42.56, requires that the Port make available for review or photocopying "...*ANY writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.*"

The Port strives to maintain an open and transparent form of government and is exact in archiving and documenting its expenditures. This means there is a substantial amount of paperwork involved with each payment. This documentation includes contracts, vouchers, invoices, claim forms, and receipts; and over the years, this careful stewardship has led to a significant increase in the amount of paperwork associated with the reimbursements of expenses, and/or goods and services rendered.

Q. What are the steps in the process?

A. The process involves these steps:

- Requesting file boxes be retrieved and delivered from the outside archive
- Locating within each file the specific expense reports, vouchers, claims, and receipts associated with the records request
- Making a photocopy of each original document associated with the records request [copies of each original document must be made because record retention laws require the port to preserve documents in their original state]
- Going through each copy and taking out all personal information as per RCW 42.56.250; this includes personal addresses; personal phone numbers, cell phone numbers or FAX numbers; personal account numbers; personal credit card numbers; personal email account information; personal or spouse or dependant names; personal date of birth; personal drivers license; and bank account numbers, or other information not deemed necessary to the public interest such as port credit card numbers and account numbers.
- Reviewing the copies to ensure that all personal information has been removed and inspecting these copies against the original files to ensure that all documents were provided and accurately reflect the original.
- Once the copies are ready, contacting the employee, consultant, or contractor to notify them of the request, giving them time to review or seek a court injunction prior to releasing the documents, so as not to create an invasion of personal privacy [RCW 42.56.210]
- Releasing documents in installments as they are copied and readied for distribution, to facilitate a timely and thorough response.

Q. Why aren't the Port's records stored electronically?

A. Many items are stored electronically. However, files, accounting and bookkeeping procedures are audited regularly by the Washington State Auditor's Office; and while we do store many items electronically, original documents are still required as part of the state mandated audit process. The Port of Kennewick has received 15 years of clean audits and commendations for its accounting procedures.

Q. What will the majority of the \$100,000 be spent on?

A. The cost is almost exclusively for staff time to handle the sheer volume of requested material and for the time it takes to locate, copy, catalog, remove personal information, and review the large volume of documents requested. Time must also be spent to ensure that the Port's response is completed in accordance with the law. By law the port is not allowed to charge the requestor for this expense.

Q. Can you charge the person requesting the information for this material?

A. No the law states that no fee shall be charged for locating public documents and making them available for review. In addition, "...the agency may not charge in excess of fifteen cents per page" for copying. Only the cost of the copies provided by Port of Kennewick, at 15 cents per page, will be paid by the requestor, attorney John Ziobro.

Q. Are you moving to electronic archiving of documents?

A. Yes but given that the Port has never had a significant records request, our focus has been on job creation, improving the waterfront, and constructing buildings that attract new businesses, new jobs, and new dollars to our community. In the past, the Port chose to invest limited taxpayer dollars on economic development projects which benefit the general public, instead of spending them converting hundreds of boxes of paper into electronic files.

With the improvements in technology, the port now has access to more secure and more affordable online storage options. In January of 2011, the Port began electronically capturing and archiving current and future records; and we are working with the Office of the Secretary of State and the State Auditor's Office to develop a plan for electronic management and archiving. However, according to the Office of the Secretary of State, "Perhaps the greatest challenge to electronic record keeping is the evolution of technology itself. New hardware and software are replacing the products and methods used to record, store and retrieve digital information on cycles of two to five years....Content migration presents its own set of challenges to preserve the integrity of the original electronic record."












The Port is not only mindful of citizen interest in its activities, it is committed to operating in an open and transparent way to keep taxpayers informed and to provide information that is of significant concern. Recently, for projects and issues regarding Vista Field Airport, the Port posted all reports, letters, and related documents on the website www.PortofKennewick.org. As this Q&A indicates, we plan to increase use of that approach.

Publications and Newsletters

Port of Kennewick's printed and electronic publications can help keep you informed about Port business and activities. Contact us to receive electronic bulletins about topics of interest to you, or browse the list below for other options.

Newsletters

Some links on the electronic newsletters may expire over time (e.g., links to past events). If you need further assistance, please contact us.

2011	2010	2009	2008	2007
 Spring	 Spring	 Spring	 Spring	 Spring
 Fall	 Fall	 Fall	 Fall	 Summer
				 Winter

News Articles & Reports

[Law firm to be hired to handle Port of Kennewick document request. Tri-City Herald 11.10.11](#)
[Future plans for riverfront on Clover Island. KNDU TV 11.4.11](#)
[Kennewick, port meet today to talk redevelopment of riverfront property. Tri-City Herald 11.4.11](#)
[Bridge to Bridge Progress. KNDU TV 10.10.11](#)
[Records request costly for Port of Kennewick. Tri-City Herald 10.6.11](#)
[Port commissioners present list of projects. Tri-City Herald 9.29.11](#)
[Port of Kennewick chooses Mike Shannon to run Vista Field. Tri-City Herald 9.28.11](#)
[Hanford investment fund grants will help bring more jobs, tourism. Tri-City Herald 9.27.11](#)
[Sasajawea Heritage Trail challenge set for Saturday. Tri-City Herald 9.9.11](#)
[Port investigation wasteful. Letters to the Editor. Tri-City Herald 9.2.11](#)
[Port of Kennewick Commissioner pays back money. Tri-City Herald 8.24.11](#)
[Complaint targets Port of Kennewick Commissioner. Tri-City Herald 8.23.11](#)
[Ink stamp features lighthouse. Tri-City Herald 8.18.11](#)
[2 Tri-City airports given \\$12 million for improvements. Tri-City Herald 8.2.11](#)
[Waterfront parcel critical for Port of Kennewick. The Bellingham Herald 7.25.11](#)
[Kennewick Mulls Property Purchase. Key to the future. Tri-City Herald 7.25.11](#)
[Vista Field looking good: The voters get their way. Tri-City Herald 7.15.11](#)
[Port of Kennewick asks city for zoning changes. The News Tribune 7.13.11](#)
[Clover Island Kudos. Thankful Thursday Opinions/Letters. Tri-City Herald 6.23.11](#)
[Ribbon breaking for Clover Island improvements. KNDU TV 5.12.11](#)
[New pathway opens on Clover Island. KEPR TV 5.12.11](#)
[Port, tribe celebrate Clover Island walkway today. Tri-City Herald 5.12.11](#)
[View Clover Island upgrades Thursday. Tri-City Herald 5.8.11](#)
[Community works to reclaim Columbia River waterfront. Tri-Cities Area Journal of Business May 2011](#)
[Washington Aggregates and Concrete Association honors Port of Kennewick's Lighthouse and Plaza with their first-ever Concrete Community Award. Daily Journal of Commerce May 2011](#)
[There's no big hurry for port's renaming study. Tri-City Herald 4.21.11](#)
[Board examines accuracy of its name. Tri-City Herald 4.14.11](#)
[Ambitious vision for Kennewick waterfront. KEPR TV 3.26.11](#)
[Hundreds help clean Kennewick. KNDU TV 3.26.11](#)
[City, Port should agree on one bridge-to-bridge plan. Tri-City Herald 01.08.11](#)
[Former local leader honored at Metz Plaza. KNDU TV 12.16.10](#)
[Artwork Dedication at Metz Plaza. Tri-City Herald 12.17.10](#)
[Port of Kennewick throwing a few curves into shoreline. KNDU TV 12.8.10](#)
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[Waterfront redevelopment on Columbia Drive. KEPR TV 11.2.10](#)
[New plaque at Clover Island Lighthouse honors fallen Coast Guard heroes. Tri-Cities Area Journal of Business Nov. 2010](#)
[Port of Kennewick planning projects around Tri-Cities. Tri-City Herald 11.1.10](#)
[Port of Kennewick considers riverboat and other developments for Clover Island. Tri-Cities Area Journal of Business October 2010](#)
[Local brewery expands statewide. KNDU TV 10.1.10](#)

[From wine to whiskey, Tri-City Herald 10.1.2010](#)

[Ports say they help to improve life quality, Tri-City Herald 9.23.10](#)

[Port of Kennewick picks Pasco firm for Clover Island Improvements, Tri-City Herald 9.15.10](#)

[Corkwest tops in Washington Wines, Association of Washington Business Summer 2010](#)

[New committee to focus on downtown planning, Tri-City Herald 8.10.10](#)

[Clover Island's big plans to make the island bigger, Tri-City Herald Editorial Board 7.27.10](#)

[Port has big plans for island land, Tri-City Herald 7.17.2010](#)

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[City, port to work together, Tri-City Herald 6.23.10](#)

[Clover Island revitalization expected to increase tourism, KVEW TV 5.20.10](#)

[Port of Kennewick reveals Clover Island changes, KNDU TV 5.13.10](#)

[Port of Kennewick's net assets increase, Tri-City Herald 5.12.10](#)

[New medical center under construction, Tri-City Herald 5.7.10](#)

[Port's plan for wine village would benefit Tri-Cities, Tri-City Herald Editorial Board 5.4.10](#)

[Port of Kennewick proposes Wine Village, Tri-City Herald 4.28.10](#)

[Port to celebrate Clover Island, Tri-City Herald 4.24.10](#)

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[Port proposes shade structure for Clover Island, Tri-City Herald 3.22.10](#)

[Vista Field to remain open, Tri-City Herald 3.9.10](#)

[Kennewick's Clover Island Lighthouse gets its lid, Wenatchee World News/Tri-City Herald 1.7.10](#)

[Port of Kennewick gets \\$50,000 grant, Tri-City Herald 12.29.09](#)

[Helping Build First Lighthouse in US Since 1960's, KXLY TV](#)

[Kennewick Island lighthouse a Beacon for Downtown, Seattle Daily Journal of Commerce](#)

[Port of Kennewick, Clover Island Lighthouse, Oregon Daily Journal of Commerce](#)

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[Port Receives 2009 Governor's Workforce & Economic Development Award](#)

[Black Heron Distillery coming to West Richland, KEPR TV 8.25.09](#)










[Clover Island Artwork model presented to Port Commission 6.23.09](#)

[New Use for Old Trees, KNDU Newscast 3.2.09](#)

[CorkWest & WA Wine Industry, KNDU Newscast 2.4.09](#)

News Now/Reports

-  [Report on Investigation of Citizen Complaint](#)
-  [Investigation Findings - Transaction Details](#)
-  [Ronney Report](#)
-  [Appendix 1 : IRS Regulations re: Mileage Allowances](#)
-  [Port of Kennewick Commission to hear report on investigation of allegations of improper billing by commissioner/discuss large public records request 8.27.11](#)
-  [Clover Island Lighthouse Stamp Release 8.17.11](#)
-  [Port of Kennewick Receives \\$158,000 Aviation Aid Grant 8.1.11](#)
-  [Port of Kennewick Seeks Fixed Base Operator \(FBO\) for Vista Field, 7.11.11](#)
-  [Port Receives 15th Consecutive Clean Audit report from Washington State Auditors Office 6.8.11](#)
-  [Port Receives First-Ever Concrete Community Award for Lighthouse and Lighthouse Plaza 5.25.11](#)
-  [Port of Kennewick Transforming Clover Island Into Waterfront Destination 5.12.11](#)
-  [Community Works to Reclaim Columbia River Waterfront 3.26.11](#)
-  [Port of Kennewick Proposes Formal Rules of Governance 2.11.11](#)
-  [Community Invited to Public Art Dedication 12.6.10](#)
-  [Community Invited to Dedication & Commissioning Events on Clover Island 5.12.10](#)
-  [Artwork and New Building Bring Welcome Change to Clover Island 9.24.09](#)
- [Black Heron Distillery and Port Works announced for West Richland 8.25.09](#)

-  [Bronze Artist to Present Maquette to Port Commission 6.15.09](#)
-  [Commission Meeting Moved to New Vista Field Industrial Park Warehouse 4.28.09](#)
-  [Port of Kennewick Commission to Receive Vista Field Presentation 4.8.09](#)
-  [Port of Kennewick Gets Clean Audit for 13th Consecutive Year 4.6.09](#)
-  [Port Finds New Use for Old Trees 2.27.09](#)
-  [Port Tenant Named Manufacturer of the Year 10.3.08](#)
-  [Port of Kennewick Seeks District 3 Commission Board Member 9.29.08](#)
-  [Port of Kennewick Receives AGC Award for Marina Renovation 5-28-08](#)
-  [Port of Kennewick Wins Revitalization Award 5-15-08](#)

Public Records Request Documents

-  [August 5, 2011 records request letter](#)
-  [Response letter dated August 9, 2011](#)
-  [Response letter dated August 27, 2011](#)
-  [Response letter dated September 12, 2011](#)
-  [Response letter dated September 20, 2011](#)
-  [Response email dated October 3, 2011](#)
-  [Information emails to Tri-City Herald Reporter, John Trumbo 10.3.11 and 9.30.11](#)
-  [Response letter dated October 14, 2011](#)



View the Washington State Auditor's Office Most Recent Audit Reports

-  [Financial Statements Audit Report April 6, 2009](#)
-  [Accountability Audit Report March 17, 2009](#)



Willows Pattern Language

-  [Draft Pattern Language Document](#)

View the Columbia Drive Conceptual Plan

-  [Conceptual Design](#)
-  [Phase 2a Overview](#)




View the Wine Business Incubator Feasibility Study

-  [Feasibility Study](#)
-  [Addendum](#)






View the Approved Clover Island Shoreline Improvement Plan

-  [Final Draft](#)

View the Approved Clover Island Master Plan

-  [Part 1](#)
-  [Part 2](#)
-  [Part 3](#)

Planning Workshop

-  [Revised Planning Workshop Document April 27, 2010](#)
-  [Spring 2010 Planning Workshop Document](#)
-  [2010 Planning Workshop Document \(October 2009\)](#)
-  [2011 Planning Workshop Document \(October 2010\)](#)
-  [2012 Planning Workshop Document \(September 2011\)](#)

Vista Field Publications

DRAFT Documents

- ✎ [Vista Airport Hangar Rental Agreement DRAFT 04-12-2011](#)
- ✎ [Rules & Regulations DRAFT 04-12-2011](#)
- ✎ [Fixed Base Operator \(FBO\) Request for Proposals \(RFP\) DRAFT 04-12-2011](#)

2011 Vista Field Master Plan

- ✎ [Vista Field Master Plan](#)
- ✎ [Vista Field Master Plan Appendices \(Please be patient, as this document is very large.\)](#)

Vista Field Airport Height Overlay

- ✎ [Vista Field Building Height Limitations Map](#)
- ✎ [Airport Height Overlay](#)

Vista Field Evidence for Port of Kennewick Commissioner Consideration:

Washington State LATS Study

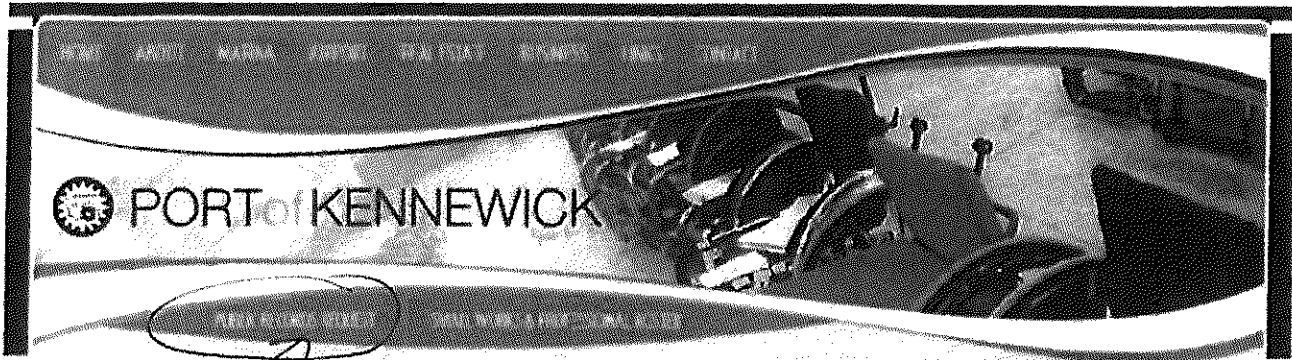
- ✎ [WA State Long-Term Air Transportation Study \(LATS\) Final Recommendations](#)

Vista Field Airport Documents [City of Kennewick]

- ✎ [Belt Collins Study July 15, 2008](#)
- ✎ [Belt Collins Study Attachment A](#)
- ✎ [Belt Collins Study Attachment B](#)
- ✎ [Belt Collins Study Attachment C](#)
- ✎ [Belt Collins Study Attachment D](#)
- ✎ [Belt Collins Study Attachment E](#)
- ✎ [Belt Collins Study Attachment F](#)
- ✎ [Belt Collins Study Attachment G](#)
- ✎ [Mulvaney Report \(as received by the Port of Kennewick 7.28.09\)](#)

Vista Field Airport Documents [Port of Kennewick]

- ✎ [DRAFT FBO Feasibility Study dated 5.24.10](#)
- ✎ [DRAFT FBO Feasibility Study dated 4.27.10](#)
- ✎ [DRAFT Interim Development Guidelines](#)
- ✎ [DRAFT Interim Development Guidelines -- Exhibit A](#)
- ✎ [DRAFT Interim Development Guidelines -- Exhibit B](#)
- ✎ [DRAFT Interim Development Guidelines -- Exhibit C](#)
- ✎ [DRAFT Interim Development Guidelines -- Exhibit D](#)



[View the Draft Pattern Language document.](#)

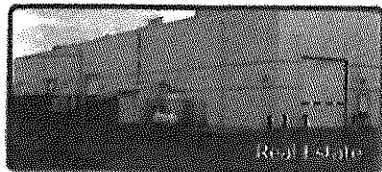
[Link to our Real Estate Section to View DRAFT Comprehensive Scheme of Development and Harbor Improvements \(Comp Scheme\)](#)

News Now:

**Open Letter to Port of Kennewick Constituents:
October 10, 2011**

Dear Port of Kennewick Constituents:

Port staff is in the process of responding to a large public information request filed by attorney John Zlobro. The Port is committed to operating in an open and transparent manner, and we wanted to make this same information available to our constituents.



By clicking on the links below you will find:

- *[A Q&A document about the process of responding to the public records request information.](#)*
- *[A link to the information we provided to Tri City Herald Reporter John Trumbo.](#)*
- *[A link to a Nov 10 Tri-City Herald article by John Trumbo](#)*
- *[A link to a Thursday Oct 6 Tri City Herald article by John Trumbo.](#)*
- *[A link to information on how you can review the documents which have been generated in response to attorney John Zlobro's public records request.](#)*

I am pleased to provide you with this information and will be happy to answer any additional questions you might have. Please contact me at 509-586-1186 extension 2.

*Sincerely,
Tim Arntzen
Executive Director
Port of Kennewick*

[Q & A Regarding Public Records Request](#)

[Information on Public Records Request](#)

Mission & Goals

The Port of Kennewick's mission is to provide and support sound economic growth opportunities that create jobs and/or improve the quality of life of the port district citizens. To carry out that mission the Port may:

- *[Acquire, sell, lease, and develop real estate. View the Columbia Drive Conceptual Plan.](#)*

- Provide multi-modal transportation infrastructure such as roads, rail, airport, and navigation improvements. *The port is currently seeking proposals for an FBO for the Vista Field general aviation airport.*
- Foster the development of tourism and public recreational facilities.
- Partner with other private and public interests to enhance economic development potential as deemed appropriate by the Commissioners.

The Port of Kennewick continues to work toward that end with projects throughout the district—from industrial and business development to encouraging the growing wine industry to recreation enhancement. [View Video 1](#) [View Video 2](#)

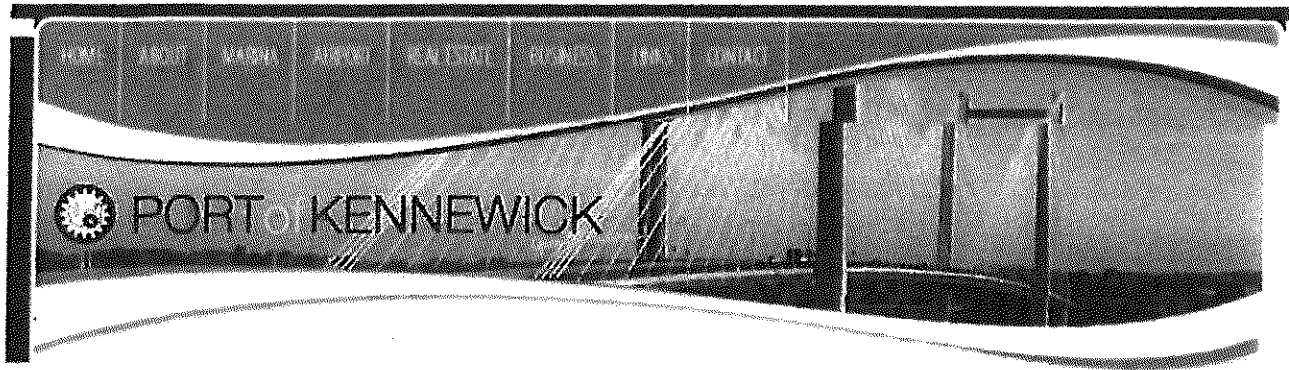
Some projects are nearing completion, some will be completed within the next year or two, and others are just getting off the ground. The Port has recently completed land sales which generated 200,000 square feet of new buildings and acted as a catalyst for creating or retaining 184 jobs.

The Port received the 2009 Governor's Award for Workforce and Economic Development Best Practices Award for the Spaulding Business Park Development. [View more details.](#) The Port of Kennewick also received the Governor's 2009 Smart Communities Award for involvement in the Tri-Cities Rivershore Enhancement Council. The Port of Kennewick's Clover Island Marina Renovation project was honored as the 2008 top construction project of the year in the heavy/industrial category by the Associated General Contractors (AGC) of Washington. The Port received the 2007 Downtown Revitalization Award from the City of Kennewick and the Historic Downtown Kennewick partnership. And as part of the Tri-Cities Rivershore Enhancement Council, the Port of Kennewick was named 2006 Tourism Champions of the Year by the Tri-Cities Visitor & Convention Bureau.

As excited as we are about Port activities, we always remember we are working for you.

This is your Port.

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Public Records Disclosure Information

Requesting Public Records

The Records Request Form is available at the Port of Kennewick office or at the following link: [Public Records Request Form](#).

For assistance, or to make a request by letter, FAX, or phone, contact:

Executive Assistant/Records Manager
350 Clover Island Drive, Suite 200
Kennewick, WA 99336
Telephone: (509) 586-1186 ext. 2
FAX: (509) 582-7678 (PORT)

Public Records Requests must include:

- Name and address and contact information for requestor.
- Description of public records adequate to locate the request
- Date and time of request.

The Port will respond within five business days of receiving this request by:

- Providing the requested record, or
- Acknowledging receipt of the request and providing a reasonable estimate of time to respond, or
- Denying the request, or
- Seeking clarification of the request.

The Records Manager will make records available for inspection and copying by appointment during normal business hours, excluding legal holidays. Requestors will not remove documents from the viewing area or disassemble or alter any document.

The requestor will indicate which documents he or she wishes to copy.

Cost for Public Records

There is no fee for inspecting public records.

- Black & white copies: \$.15 per page. The Port is not required to copy records at its own facilities and may determine to use a commercial copying center. The Port will arrange for the commercial copying center to bill the requester directly. In the event the commercial copy center will not bill directly, the copying fees must be paid before records are released.
- Mailing: Actual cost of postage and shipping container
- Other media: Actual cost of reproduction (Color, blueprints or tape recordings, electronic and/or information provided on a disk or CD-ROM).

Payments by cash, check, or money order payable to "Port of Kennewick."

For large requests, the Port may:

- Deposit or payment by installments: Before beginning to copy records, a deposit of up to ten percent of estimated cost of copying will be required if it exceeds twenty-five dollars (\$25.00). An estimate of the copy costs will be provided to the requester so that they have the opportunity to decline having the copies produced. The Public Records Officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.
- Provide copies in installments.

View complete Public Records and Information Management Policy.

Role of Records Manager

- Oversee compliance with the Public Records Act
- Provide the "fullest assistance" to requestors
- Coordinate response to request with departments and staff
- Provide the most timely possible & efficient action on requests
- Fulfill requests without excessive interference with Port business
- Protect public records from damage or disorganization

Records Index

There is no single index of Port records. Port of Kennewick records are complex and stored in multiple locations. The Records Manager will coordinate with departments to assure compliance with the Public Records Act.

Response to Requests

Within five business days of receipt of the request, the Records Manager or designee will do one of the following:

- Make records available for inspection of or copying
- Send copies to requestor if payment has been received
- Provide a reasonable estimate when records will be available
- Contact requestor to request clarification
- Deny the request citing reason for denial.

If the requestor does not receive a response within five business days, he or she should contact the Records Manager to determine the reason.

Some Records Exempt from Disclosure

The Public Records Act lists types of documents exempt from public inspection and copying. Port of Kennewick will NOT disclose lists of individuals for commercial purposes.

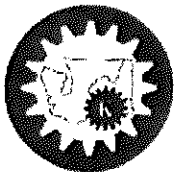
If a portion of a record is exempt from disclosure, the Public Records Officer or designee will redact the exempt portions before providing the document.

Special Considerations

If a requestor has not reviewed or claimed records within thirty days of notice that records are available or fails to make payment, the Records Manager may close the request.

If requested records contain information that may affect rights of others, before providing the records, the Records Manager or designee may give notice and allow time for action by the other parties.

After a request has been filled, if the Records Manager becomes aware of additional documents existing at the time of the request, these will be provided to the requestor on an expedited basis.



PORT OF KENNEWICK

REQUEST FOR PUBLIC RECORD

Date and time of day request being made: _____
Date Time

Requested By: _____

Mailing Address: _____
Street City State Zip

Telephone: _____ Fax No.: _____ Email Address: _____

For Inspection (*Inspection is Free*): _____ To Be Copied (Please see charges below): _____

Specify Documents Requested (If needed, continue on reverse side):

Pursuant to RCW 42.56.070 (9), the Port of Kennewick is not authorized to provide access to lists of individuals for commercial purposes. Is the list of individuals being requested for commercial purposes?

☐ Yes ☐ No ☐ Not Applicable

Inspection and copy of identifiable Port documents or a response to this request shall be provided promptly and not to exceed five (5) working days. Staff will promptly notify their supervisor or designee of any anticipated delay and the reason for the delay. Should the requested information be deemed exempt from disclosure, the requester shall be notified in writing.

The Port of Kennewick charges \$.15 per page for standard black and white photocopies; however, the Port may elect to use a commercial copying center. The Port of Kennewick charges out-of-pocket costs for nonstandard copies (color copies, blueprints, or photographs), out-of-pocket costs for outside services, and out-of-pocket costs for postage/shipping.

BELOW FOR STAFF USE

Date/time request received at POK: _____ Received by: _____ Forwarded to: _____
☐ Requested in writing ☐ Requested by phone ☐ Requested in person

Documents sent to attorney for review? ☐ Yes ☐ No Date: _____

Date and time requester was notified documents were available for viewing: _____

Date and time requester viewed documents: _____ Date copies provided, if requested: _____

Reason request was denied, if applicable: _____

Other Comments: _____

Copy Charges

Standard Black & White Photocopy: _____ @ \$0.15 per page = \$ _____

Information copied to CD: _____ @ Actual cost to reproduce = \$ _____

Out-of-Pocket Cost for Nonstandard Photocopy (color copies, blueprints, photographs): = \$ _____

Out-of-Pocket Cost for Postage/Shipping: = \$ _____

TOTAL CHARGE: \$ _____

Date Paid: _____ Cash _____ Check _____ Processed by: _____

PORT OF KENNEWICK

RESOLUTION 2011-35

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK APPROVING THE
PUBLIC RECORDS AND INFORMATION MANAGEMENT PROGRAM**

WHEREAS, the Public Records Act, RCW 42.56, requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request and to publish rules of procedure to inform the public how access to public records will be accomplished; and

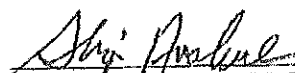
WHEREAS, the purpose of the rules is to provide the public full and timely access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of our Port; and

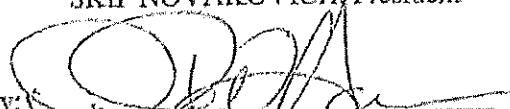
WHEREAS, the Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the Port will be guided by the provisions of the Act describing its purposes and interpretation.

NOW THEREFORE, BE IT RESOLVED that the Port of Kennewick Commission does hereby approve the Public Records and Information Management Program, as attached.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 23rd day of August 2011.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

By: 
SKIP NOVAKOVICH, President

By: 
DAVID HANSON, Vice President

By: 
GENE WAGNER, Secretary

Resolution 2011-35

**Port of Kennewick
Public Records and Information Management Program**

PUBLIC RECORDS ACT RULES

The Public Records Act, RCW 42.56, requires public agencies to make identifiable, non-exempt public records available for inspection and copying upon request and to publish rules of procedure to inform the public how access to public records will be accomplished. The following Rules for responding to public records/disclosure request are established.

The purpose of these rules is to provide the public full and timely access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of our Port. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the Port will be guided by the provisions of the Act describing its purposes and interpretation.

Section 1. Definitions/Explanations

- a. **Public record.** A writing, regardless of physical form, containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used or retained by the Port.
- b. **Writing.** Broadly defined, a writing means handwriting, typewriting, printing, photostating, photographing, and any other means of recording any form of communication, including, but not limited to, letters, words, pictures, sounds or symbols or their combinations; papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including data compilations from which information may be obtained or translated. An email is a writing.
- c. **Identifiable record.** An identifiable record is one in existence at the time the records request is made and that Port staff can reasonably locate.
- d. **Exempt record.** All agency records are available for review by the public unless they are specifically exempted or prohibited from disclosure by state law, either directly in RCW 42.56 or other statutes. The Municipal Research and Services Center maintains an up-to-date list of current exemptions and prohibitions on their website at www.mrsc.org/Publications/prdpub04.pdf (scroll to Appendix C).
- e. **Counter document.** A frequently requested document that is known to be public information and may be released without need to file a written public disclosure request.
- f. **E-mail.** Electronic mail is an informational transfer system which uses computers for sending and receiving messages. It is comprised of individual units of information divided into an "envelope" and the message contents. The envelope, or message header, contains the mailing address, routing instructions, transmission and receipt information, and other information the system needs to deliver the mail item correctly. Classification of emails as public records is dependent on the content of the message. Email messages are public records when they are created or received in the transaction of public business and retained as evidence of official actions.

Resolution 2011-35

Section 2. Description of Port Services

The Port of Kennewick is a Washington Special Purpose District, which goals are to create, structure jobs & economic development. These functions include, but are not limited to, maintaining public records. The Public Records Officer shall maintain descriptions of the Ports organization and the process through which the public may obtain information from the Port.

The Port of Kennewick's main office is located at 350 Clover Island Drive, Suite 200, Kennewick, WA 99336.

Section 3. Public Records Officer

Any person wishing to request access to public records or seeking assistance in making a request should contact the Port's Public Records Officer. The Public Records Officer has been designated by the Port of Kennewick's Board of Commissioners.

The Public Records Officer will oversee compliance with the Public Records Act, but may designate other Port staff members who may process requests for public records.

The Public Records Officer or his designees will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with the essential functions of the Port.

When using these Rules, references to the Public Records Officer should be interpreted to also include his designees.

- a. **Requests for records.** Requests to inspect or copy any records maintained by the Port, should be made to the Public Records Officer at:

Public Records Officer
Port of Kennewick
350 Clover Island Drive, Suite 200
Kennewick, WA 99336

Telephone: 509-586-1186
FAX: 509-582-7678
E-mail: bscott@portofkennewick.org

- b. **Internet access to records.** Many records are available on the Port of Kennewick website at www.portofkennewick.org. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

Section 4. Availability of public records

- a. **Hours for inspection.** Public records are available for inspection and copying during the Port's normal business hours: Monday through Friday, 8:00 a.m. to 12:00 p.m., and 1:00 p.m. to 5:00 p.m., excluding legal holidays. Port staff and the requestor may make mutually agreeable arrangements for times of inspection and copying.

Resolution 2011-35

- b. **Place of inspection.** Records will be made available for inspection at the Port of Kennewick. Port staff and the requestor may make mutually agreeable arrangements for inspection if the particular records being sought are maintained at the Port office.

A requestor shall not take Port records from Port offices without permission of the Public Records Officer.

- c. **Electronic access to records.** A variety of records are available on the Port's web site at www.portofkennewick.org
- d. **Records index.** Maintaining a central index of Port records is unduly burdensome, costly, and would interfere with Port operations due to the number of complexity of records generated as a result of the wide range Port activities.
- e. **Organization of records.** The Port will maintain records in a reasonably organized manner and will take reasonable actions to protect records from damage and disorganization.
- f. **Retention of records.** The Port is not required to retain all records it creates or uses. The State Attorney General's Local Records Committee approves a general retention schedule for local agency records that is common to most agencies. Individual agencies may seek approval from the Local Records Committee for retention schedules specific to their agency or that, due to their particular business needs, must be kept longer than provided in the general schedule. The retention schedules for local agencies are available at www.secstate.wa.gov/archives/ga.aspx.

Retention schedules vary based on the content of the record.

Section 5. Making a request for public records

- a. **Reasonable notice that the request is for public records.** A requestor must provide the Port with reasonable notice that the request being made is for public records. If a request is contained in a larger document unrelated to a public records request, the requestor should point out the public records request by labeling the front page of the document as containing a public records request or otherwise calling the request to the attention of the Public Records Officer to facilitate timely response to the request.
- b. **Form.** Any person wishing to inspect or copy identifiable public records of the Port should make the request in writing in one of the following ways:
- on the provided request form (available at the website at www.portofkennewick.org);
 - by letter, fax, or e-mail addressed to the Public Records Officer.

The following information should be included in the request:

- Name and address of requestor;
- Other contact information, including telephone number and email address;
- Identification of the requested records adequate for the Public Records Officer to locate the records; and
- The date and time of day of the request.

The Port is not authorized to provide lists of individuals for commercial purposes.

Resolution 2011-35

- c. **Prioritization of records.** The Public Records Officer may ask a requestor to prioritize the records he or she is requesting so that the most important records may be provided first. A requestor need not prioritize a request.
- d. **Copies.** If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to make a deposit or pay for the copies, as further discussed in Section 10 below. Costs for copies are set out on the fee schedule published periodically by the Records Manager and made available at the Port, and on the Port's web site.
- e. **Oral Requests.** The Public Records Officer may accept requests for public records that contain the above information by telephone or in person. If an oral request is made, the Public Records Officer will confirm receipt of the information and the substance of the request in writing.
- f. **Requests made directly to Port departments.** Requests for public records other than identified "counter documents" that are made directly to departments shall be delivered to the Public Records Officer immediately upon receipt for coordinated processing.
- g. **Purpose of request.** A requestor need not state the purpose of the request. However, in an effort to clarify or prioritize a request and provide responsive records, the Public Records Officer may inquire about the nature or scope of the request. If the request is for a list of individuals, the Public Records Officer may ask the requestor if he/she intends to use the records for a commercial purpose. The Port is not authorized to provide lists of individuals for commercial purposes.

The Public Records Officer may also seek sufficient information to determine if another statute may prohibit disclosure.

- h. **Overbroad request.** The Port may not deny a request for identifiable public records solely because the request is overbroad. However, the Port may seek clarification, ask the requestor to prioritize the request so that the most important records are provided first, and/or communicate with the requestor to limit the size and complexity of the request. The Port may also provide the responsive records in installments over time.

When a request uses an inexact phrase such as "all records relating to", the Public Records Officer may interpret the request to be for records which directly and fairly address the topic.

When the requestor has found the records he or she is seeking, the requestor should advise the Public Records Officer that the requested records have been provided and the remainder of the request may be cancelled.

Section 6. Processing public records requests

- a. **Providing "fullest assistance".** These Rules and related policies and procedures identify how the Port will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide fullest assistance to requestors and provide the most timely possible action on public records requests.

All assistance necessary to help requestors locate particular responsive records shall be provided by the Public Records Officer, provided that the giving of such assistance does not unreasonably

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disrupt the daily operations of the Port or other duties of any assisting employee(s) in other Port departments.

- b. **Order for processing requests.** The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner.
- c. **Acknowledging receipt and fulfilling requests.** Within five business days of receipt of the request, the Public Records Officer will do one or more of the following:
 - 1. Make the record available for inspection or copying;
 - 2. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
 - 3. Acknowledge that the request has been received and provide a reasonable estimate of when records will be available;
 - 4. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone; or
 - 5. Deny the request.

The Port may respond to a request to provide access to a public record by providing the requestor with a link to the Port's web site containing an electronic copy of that record if it can be determined that the requestor has internet access.

- d. **Reasonable estimate of time to fully respond.** If not able to respond within the five business-day period, the Public Records Officer must provide a reasonable estimate of the time it will take to fully respond to the request. Additional time may be needed to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare a withholding index, notify third party persons or agencies affected by the request and/or consult with the Port Attorney about whether the records are exempt from disclosure.

The Public Records Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Records Officer will provide a revised estimate and explain the changed circumstances that make it necessary.

- e. **Notification that records are available.** The Public Records Officer will notify the requestor that the entire response, or an installment is available for inspection, and ask the requestor to contact the Port to arrange a mutually agreeable time for inspection. If the requestor seeks copies, the Public Records Officer should notify him or her of the projected costs and whether a deposit is required before making the copies.
- f. **Consequences of failure to respond.** If the Port does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the Public Records Officer to determine the reason for failure to respond.
- g. **Consequences of failure to clarify a request.** If the requestor does not respond to the Port's request for clarification within 30 days of the Port's request, the Public Records Officer may consider the request abandoned, send a letter closing the response to the requestor, and re-file the records.

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- h. **Consequences of disclosing a record in error.** The Port, and its officials or employees are not liable for loss or damage based on release of a public record if the Port, official or employee acted in good faith in attempting to comply with the Public Records Act.
- i. **Searching for records.** The Port must conduct an objectively reasonable search for responsive records. The Public Records Officer will determine where responsive records are likely to be located to assemble the records.

After the records are located, the Public Records Officer should take reasonable steps to narrow down the number of records assembled to those that are responsive. The Port will not "bury" a requestor with non-responsive documents. However, the Public Records Officer is allowed to provide arguably, but not clearly, responsive records to allow the requestor to select the ones he or she wants, particularly if the requestor is unable or unwilling to help narrow the scope of the documents being sought.

- j. **Preserving requested records.** If a requested record is scheduled shortly for destruction under the Port's records retention schedule, the record cannot be destroyed until the public disclosure request has been resolved. Once a request has been closed, the Public Records Officer can destroy the record in accordance with the retention schedule.
- k. **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part (see Section 9).

If the Port believes that a record is exempt from disclosure and should be withheld, the Public Records Officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

If only a portion of the record is determined to be exempt, the Public Records Officer will redact the exempt portions and provide the non-exempt portions (See Section 6(m) below).

- l. **Protecting the rights of others.** If the requested records contain information that may affect rights of others and may be exempt from disclosure, prior to providing the records the Public Records Officer may give notice to those whose rights may be affected by the disclosure. Generally ten days notice will be given in order to make it possible to contact the requestor and ask him or her to revise the request or, if necessary, allow affected individuals to seek an order from a court to prevent or limit the disclosure. The notice to the affected person(s) will include a copy of the request.
- m. **Redactions.** If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Public Records Officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. For example, to prevent an unreasonable invasion of personal privacy, the Public Records Officer shall redact identifying details such as social security numbers when he/she makes available or publishes any public record. In each case, the justification for the deletion shall be explained in writing.
- n. **Personal privacy and vital government interests.** When a public record is exempt from disclosure under the Public Records Act, the exemption does not apply if the information that might violate personal privacy or vital government interests can be deleted from the records being sought.

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- o. **Inspection of records.** To the extent possible due to other demands, the Public Records Officer shall promptly provide space to inspect public records at the Port. The requestor must claim or review the assembled records within thirty days of the Public Records Officer's notification that the records are available for inspection or copying. The Public Records Officer will notify the requestor in writing of this requirement and suggest that he or she contact the Port to make arrangements to claim or review the records.

If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period, or make other arrangements, the Public Records Officer may close the request and re-file the assembled records. Other public records requests can be processed before a subsequent request by the same person for the same or almost identical records, which will be processed as a new request. Members of the public may not remove documents from the viewing area or disassemble or alter any document.

- p. **Providing copies of records.** The requestor shall indicate which documents he or she wishes to have copied using a mutually agreed upon non-permanent method of marking the desired records. After inspection is complete, the Public Records Officer will arrange for copying. Making a copy of an electronic record is considered copying and not creation of a new record.
- q. **Providing records in installments.** When the request is for a large number of records, the Public Records Officer will provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that way. If the requestor fails to inspect the entire set of records or one or more of the installments within 30 days, the Public Records Officer may stop searching for the remaining records and close the request.
- r. **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer will indicate that the Port has completed a diligent search for the requested records and made any located non-exempt records available for inspection.
- s. **Closing withdrawn or abandoned requests.** If the requestor withdraws the request, fails to fulfill his or her obligations to inspect the records, or fails to pay the deposit or final payment for the requested copies, the Public Records Officer will close the request and indicate to the requestor that the Port has closed the request. The Public Records Officer will document closure of the request and the conditions that led to closure.
- t. **Later discovered documents.** If, after the Public Records Officer has informed the requestor that the Port has provided all available records, the Port becomes aware of additional responsive documents that existed on the date of the request, the Public Records Officer will promptly inform the requestor of the additional documents and provide them on an expedited basis.
- u. **No duty to create records.** The Port is not obligated to create a new record to satisfy a records request; however, the Port may, in its discretion, create such a new record to fulfill the request where it may be easier for the Port to create a record responsive to the request than to collect and make available voluminous records that contain small pieces of information responsive to the request.
- v. **No duty to supplement responses.** The Port is not obligated to hold current records requests open to respond to requests for records that may be created in the future. If a public record is created or comes into the possession of the Port after a request is received by the Port, it is not

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responsive to the request and will not be provided. A new request must be made to obtain later-created public records.

Section 7. Processing requests for electronic records.

This Section will be further developed after publication of additional rules by the Attorney General relating to electronic records.

Section 8. Retention of records.

The Port will retain its records in accordance with retention schedules approved by the State Local Records Committee. Public records may not be destroyed per a retention schedule if a public records request or actual or anticipated litigation is pending.

Section 9. Exempt and prohibited disclosure of public records.

The Port is not required to permit public inspection and copying of records for which public disclosure of the record is prohibited, restricted or limited by state or federal statute or regulation.

- a. The Port of Kennewick is prohibited by statute from disclosing lists of individuals for commercial purposes.
- b. The Public Records Act, RCW 42.56, provides that a number of document types and information are prohibited from being disclosed or are exempt from public inspection and copying. A current list of these prohibitions and exemptions will be provided upon request by the Public Records Officer and is available on the Municipal Research and Services Center web site at www.mrsc.org/Publications/prdpub04.pdf
- c. In addition, other statutes may exempt or prohibit disclosure of other documents and information. A current list of these prohibitions and exemptions will be provided upon request by the Public Records Officer. Alternatively, the requestor may review a list of other statutes outside the Public Records Act that may prohibit or exempt disclosure of certain information from the Municipal Research and Services Center web site at www.mrsc.org/Publications/prdpub01.pdf.
- d. The Port's failure to list an exemption shall not affect the effectiveness of the exemption.

Section 10. Costs of providing copies of public records.

Per state law, the Port is not allowed to charge for locating a public record or for making records available for review or inspection. The Port may charge, however, for the actual costs of copying public records.

- a. **Fee schedule.** The charge for standard black-and-white photocopies is fifteen cents per page.

The Records Officer will periodically update and post a fee schedule for various other nonstandard public records or those in other formats or media. The fee schedule may be found online at <http://www.portofkennewick.org>. A statement of the factors and manner used to determine the specific fees will be provided upon request to the Public Records Officer.

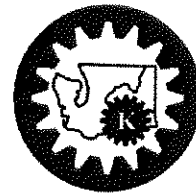
If the Port has to pay an outside firm for duplicating records in non-routine formats such as photographs, blueprints or tape recordings, the actual cost will be passed along to the requestor.

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- b. **Certified copies.** Where the request is for a certified copy, an additional charge of one dollar may be applied to cover the additional expense and time required for certification.
- c. **Faxing and mailing charges.** The Port may also charge actual costs of long distance facsimile transmission and/or mailing, including the cost of the shipping container.
- d. **Sales tax.** The Port will not charge sales tax on copies of records.
- e. **Use of other copying services.** The Port is not required to copy records at its own facilities, and may determine to use a commercial copying center. The Port will make arrangements for the vendor to bill the requestor for the amount charged by the vendor. In event where the vendor will not bill, the Port will make arrangements for the requestor. In all cases, copies must be paid in advance or at time of pick up.
- f. **Deposit or payment by installments.** Before beginning to copy records, the Public Records Officer or designee may require a deposit of up to ten percent of the estimated costs of copying the records selected by a requestor. The Public Records Officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment.
- g. **Method of payment.** Payment may be made by cash or money order to the Port of Kennewick.
- h. **Waiver of copying charges.** The Public Records Officer has the discretion to waive copying charges for small requests, or for individuals or government agencies doing business with the Port if the Public Records Officer determines that this action is in the best interest of the Port.

Section 11. Denials of requests for public records.

- a. **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including by e-mail) to the Public Records Officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the Public Records Officer or designee denying the request.
- b. **Consideration of petition for review.** The Public Records Officer shall promptly provide the petition and any other relevant information to the Port Attorney or his or her designee to conduct the review. The Port Attorney or his or her designee will promptly consider the petition and either affirm or reverse the denial within ten business days following the Port's receipt of the petition, or within such other time to which the Port and the requestor mutually agree.
- c. **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of ten business days after the initial denial regardless of any internal administrative appeal.



Port of Kennewick

To: Port Commission

From: Tammy Fine, CFO

Meeting Date: May 22, 2012

Agenda Item: The Port's Efforts to Comply with Mr. Ziobro's August 3, 2011 and April 9, 2012 Public Record Requests

I. FISCAL IMPACT TO DATE:

Total Cost:	\$47,614.82
Total Cost to Total Port Operating Expenses:	1.4%
Total Staffing Hours	3.6% (does not include attorney hours)

II. RECORD REQUEST UPDATE:

As you are aware, on August 3, 2011, Mr. Ziobro made a broad public records request to the Port. Mr. Ziobro has expressed dissatisfaction with the Port's response, but Port staff believes that Mr. Ziobro's failure to communicate with the Port is the primary cause of his complaints.

Communications from Ziobro:

After his original request on August 3, 2011, (and not counting the checks he sent for payment of copies) Mr. Ziobro has only contacted the Port on five occasions:

1. Brief email clarification on the date ranges and to include employees and commissioners on August 24, 2011;
2. Brief phone conversation that took place while both Mr. Ziobro and Port attorney, Lucinda Luke were working on other cases in which he indicated he would narrow his request on December 16, 2011;
3. Mr. Ziobro's letter narrowing his request on January 17th, 2012;
4. In-person meeting with Mr. Ziobro on February 21, 2012 (at the request of the Port);
5. April 9, 2012 email revising his request and acknowledging his failure to respond in follow up to the February 21, 2012 meeting. Which is discuss below.

These five communications stand in stark contrast to the Port's efforts to contact Mr. Ziobro and clarify his request.

Port's Attempt to Clarify and Act in Good Faith:

Port staff has worked diligently to respond to Ziobro's records request. Port staff has made repeated attempts to clarify which specific records he is seeking. The following is a listing of the correspondence and communication Port has had with Mr. Ziobro:

1. August 22, 2011: Port sent letter to Mr. Ziobro asking him to clarify his request. Port further stated we would open our books for inspection. We also stated if he was willing to narrow his request, the Port could complete his request in a shorter timeframe.
2. September 12, 2011: Port reiterated the broadness of his request and described our interpretation of it. The Port also asked Mr. Ziobro to advise us if he agrees with this interpretation. Port further stated that we will allow full access to all expense records.
3. September 20, 2011: Port warned Mr. Ziobro that given the broad nature of his request, it would take a significant amount of time to complete. Port again mentioned allowing Mr. Ziobro to inspect documents.
4. October 3, 2011: Port mentioned records are available for inspection.
5. October 14, 2011: Port mentioned records are available for inspection. Port once again sought to clarify Mr. Ziobro's request and asked him to confirm or revise our interpretation in writing.
6. November 23, 2011: Port again stated that records were available for inspection. The Port notified him of the large volume of records found and the extensive redactions to be made to those records and revised the timeline which stated 38,147 records and timeline of April 11, 2014. We further mentioned if he wished to reduce this volume of records and seek specific documents instead to please advise us and Port staff could assist him in identifying specific records. The Port further advised him on the inspection process in the Port's Public Records and Information Management Policy.
7. December 1, 2011: Again the Port mentioned to Mr. Ziobro if he wished to reduce the volume of records estimated under his request, he could specify the documents or subject(s) he sought and we could adjust the timeline. We further stated that Port staff would be happy to assist him and to just let us know in writing.
8. December 21, 2011: Port advised Mr. Ziobro that staff is available to assist him in narrowing his request. We let him know we have documents in our office if he would like to inspect rather than pay for the copies and postage. We further notified him due to non-payment on past due installments, the staff had stopped working on his request until full payment on previous documents was received. Port also let him know that in the future prompt payments were needed in order to avoid delays.

9. January 26, 2012: Port sent a letter notifying Mr. Ziobro we received full payment and re-started the copying process. Port further discussed his January 17, 2012 narrowing request, and explained the Port's "claim for expenses" forms. Port further stated Ziobro's request could be further narrowed if he provided additional clarification. The Port asked Ziobro for clarification on four items to help Port staff better understand his request, and assist in narrowing the document search.
10. February 21, 2012: In-person meeting with Mr. Ziobro, at the Port's request. This meeting covered if Mr. Ziobro 1) still wanted information on consultants, 2) if his request was narrowing down his original request for five items to only receive Port employee/commissioner reimbursements for Port related travel, and 3) if he was seeking documentation related to only out of town travel and 4) clarification on travel. Mr. Ziobro stated that the Port hadn't sent him anything he wanted. Mr. Ziobro had received 4,134 copies which included former Commissioner David Hanson's expense reimbursements since 2005, former staff member Dan Cryer's expense reimbursements since 2005, and contractor/consultant payments January 2005 through December 2005.

At this meeting Port staff showed Mr. Ziobro examples of Port vouchers and claim for expenses forms, showed him how travel is documented, showed him the supporting documents to payments, and discussed several items. Mr. Ziobro wanted to go to his client and seek clarification and ask his client regarding dollar threshold for out of town travel and employee reimbursements; if his client wanted internet, cell and wellness reimbursements; to define in town or out of town travel; and clarify if his client still wants consultant/contractor expenses and travel and if so at what extent. At that meeting Mr. Ziobro stated he would get back to the Port after consulting with his client.

11. April 3, 2012: Following a 42-day period without any response, Port staff determined Mr. Ziobro was non-responsive and closed his August 3, 2011 record request pursuant to RCW 42.56.520 and the Port's Public Records Policy, Section 6 Item g, "Consequences of failure to clarify a request."
12. April 13, 2012: Port letter to Ziobro acknowledged receipt of his April 9, 2012 email clarification, and indicated opening of a new public records request.
13. May 10, 2012: Port sent Mr. Ziobro general ledger details from January 1, 2005 to April 9, 2012 on Port travel expenses and telephone expense along with Port purchasing policies Executive Director's Delegation of Authority 2-22-11, Port Commission Policy 2-22-11, Procedures Manual 2-22-11; and Promotional Hosting Policy 2001-13 and 1993-4 with a notation that there will be more Policies to follow. We also advised Mr. Ziobro we are awaiting his response on which expenses he would like us to copy after reviewing the general ledger details.

Currently Lucinda Luke is working on verifying all Port Policies to resolutions to ensure that Mr. Ziobro receives all Port purchasing policies from 2005 to present.

Mr. Ziobro's Email April 9, 2012:

After the Port informed Mr. Ziobro that it was treating his request as abandoned, based on his failure to provide clarification after the February 21, 2012 meeting, Mr. Ziobro emailed the Port with a new, narrowed request.

In that email, he also complained about the Port treating his request as abandoned, and complained about the Port's interpretation of his August 3, 2011 request. He questions the good faith of the Port staff, based on his claim that Port staff failed to seek clarification. He also complained that he spent almost \$700 on three boxes of irrelevant information. Finally, he claims that the Port's asserted lack of good faith would allow for penalties under the PRA.

Port staff does not agree with Mr. Ziobro's assertions. As indicated, Port staff contacted Mr. Ziobro on nine separate occasions seeking clarification and/or informing him records were available to inspect, which would allow him to see firsthand how the Port was interpreting his request. Instead, he kept sending checks for copies, apparently without even reviewing the copies we provided. While it's unfortunate that Mr. Ziobro has spent \$700 for records he does not want, it is unclear what else the Port could have done in this situation. As our efforts show, Port staff has made a sincere effort to comply and Mr. Ziobro's complaints are not the result of bad faith of Port Staff.

This April 9, 2012 email did, however, seek a greatly narrowed scope of records. Moreover, the Port is continuing to work with Mr. Ziobro to get him the information he is seeking in as timely manner as possible. We are seeking additional clarification, in part because of how he has asked the Port to provide the information. But we are diligently trying to provide him the information he seeks, although it may not be in the exact manner he listed in his April 9, 2012 email.

Bridgette Scott

From: Tammy Fine [tfine@portofkennewick.org]
Sent: Tuesday, November 20, 2012 1:43 PM
To: John Ziobro (john@tzmlaw.com)
Cc: Lucinda J Luke; Stephen DiJulio
Subject: Request for Public Records dated April 9, 2012 - Acceptance of Withdrawal

Good afternoon Mr. Ziobro,

On November 14, 2012 you visited with Steve DiJulio, a Port of Kennewick attorney, and you stated you have withdrawn your public records request dated April 9, 2012. This letter is to formally acknowledge and accept your withdrawal. The Port of Kennewick will cease any further work on your records request and formally close your request on Monday at 5:00 p.m. November 26th, 2012 unless we receive in writing that our understanding of your withdrawal is not accurate.

Regards,

Tammy Fine, CPA, CFE

Port of Kennewick
Director of Finance-Auditor
(509) 586-7978

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CliftonLarsonAllen LLP
www.cliftonlarsonallen.com

**INDEPENDENT ACCOUNTANTS' REPORT
ON APPLYING AGREED-UPON PROCEDURES**

Port of Kennewick
and the Board of Commissioners
Kennewick, Washington

We have performed the procedures enumerated below, which were agreed to by Port of Kennewick and the Board of Commissioners (the specified parties), solely to assist you with respect to the employee travel reimbursement accounting records of the organization for the periods from September 20, 2009 through September 20, 2012. Port of Kennewick's management is responsible for the organization's accounting records. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The objective of our procedures was to ascertain whether the documentation supporting travel expense reimbursements for three specified key employees, for the period from September 20, 2009 through September 20, 2012, evidenced any noncompliance with the travel and expense policies and procedures established by the Port of Kennewick (the Port), as well as the state laws and regulations and Washington State Auditor's Office (SAO) guidance and BARS manual. Our procedures and findings are as follows:

- a. We obtained and read all applicable internal policies and procedures of the Port that were in effect during the periods from September 20, 2009 through September 20, 2012.
 - Finding: We observed that comprehensive policies and procedures governing both employee and commissioner travel were developed and documented in accordance with state laws and regulations, as per the SAO BARS manual.
- b. We obtained and read the SAO audit reports on the Port issued for all years during the periods from January 1, 2008 through December 31, 2009 and the SAO's Accountability Audit Report dated March 7, 2011. We inspected the reports to identify any deficiencies and required corrective actions.
 - Finding: Based on our reading of the SAO reports, we noted no deficiencies or corrective actions recommended.

c. For each month of the three-year period, September 20, 2009 through September 20, 2012, we inspected the Port's general ledger to determine that our population of expense reimbursements was complete. We then inspected all of the payment history reports during the period for Tim Arntzen, Tammy Fine, and Skip Novakavich. We also obtained the detailed payment history for petty cash, as employee reimbursements can also be paid out of petty cash, and Port of Kennewick's credit card accounts for the periods from September 20, 2009 through September 20, 2012. We inspected other staff "claim for expenses" forms and purchases for travel charged to the Port by Tim Arntzen, Tammy Fine, and Skip Novakavich. We made copies of all voucher "claim for expenses" forms, and all supporting documentation for the employees listed above. We inspected all of the expense reimbursement requests for Tim Arntzen, Tammy Fine, and Skip Novakavich for the period from September 20, 2009 through September 20, 2012. We completed the following procedures for each transaction inspected:

- Verified that proper approval was obtained and documented.
- Verified that the travel purpose was adequately documented and appeared to represent legitimate Port of Kennewick business.
- Verified that each amount submitted for reimbursement was supported by original documentation and was allowable, based on our reading and understanding of Port of Kennewick Policies and Procedures and SAO guidance.
- Verified that all meal reimbursements were in compliance with Port of Kennewick Policies and Procedures and, as applicable, SAO requirements.
- Verified that all mileage reimbursements were accurate by recalculating the amounts.
- Verified the mathematical accuracy of each reimbursement claim.
- Verified that all receipts were attached to reimbursement claims, to support each reimbursement.
- Inspected support for expenses paid for the specified employees (as stated above) and obtained documentation to verify that the expenses were not also claimed by other travelers and that there were no apparent double payments made for the same expense.
- Verified that expenses were incurred only by employees and not by spouses or other family members.
- Verified that expenses were recorded in the appropriate general ledger accounts.

Findings: Based on the procedures performed for the transactions inspected, we noted no reimbursement transactions that did not appear to be within the established guidelines for use of public funds, were not properly supported, or were not in compliance with established policies and procedures (including SAO guidance).

- d. As noted in the point above, we observed whether appropriate documentation was maintained to support all expense reimbursements for the three-year period, September 20, 2009 through September 20, 2012.

- Finding: No exceptions were noted.

- e. As noted above, we obtained and read the Port's internal policies and procedures for the periods from September 20, 2009 through September 20, 2012.

- Finding: Based on our reading and understanding of the policies and procedures and related inspection of the expense reimbursements, we did not note any controls that are inconsistent with the established guidelines designed to prevent and detect abuse of travel and employee reimbursement privileges.

- f. For each month of the three-year period, September 20, 2009 through September 20, 2012, we inspected all of the promotional hosting expense transactions incurred for Tim Arntzen, Tammy Fine, and Skip Novakavich. We inspected all supporting documentation and verified that expenses were in compliance with the SAO BARS manual guidance and for a valid business purpose, consistent with the BARS manual guidelines. We verified that expenses incurred were allowable and that they had an economic development element. Additionally, we verified that each promotional hosting expense complied with the Port of Kennewick's formal economic development plan. We noted during our work that there were no promotional hosting expense reimbursements for Skip Novakavich.

- Findings: Based on the procedures performed, we noted no promotional hosting expenses reimbursed that did not appear to be for legitimate promotional hosting purposes, according to the established guidelines noted above.

We obtained and read RCW 42.23.030 and inspected transactions with Skip Novakovich's Esprit Graphics for potential conflict of interest violations. We inspected support for all payments to Skip Novakovich and to Esprit Graphics, as noted in step c above.

- Findings: Based on our procedures, we noted no payments to Esprit Graphics that exceeded \$1,500 in a month. We observed that Skip Novakavich had been removed from voting on his contract with the Port. We also observed that the Port of Kennewick established procedures, in addition to what is required legally, to remove Skip Novakovich from voting on his payments.

- g. We obtained and read Tim Arntzen and Tammy Fine's contracts for understandability and compliance with the Port's established guidelines, which included reading of the content in the contract and their salary amounts.

- Finding: Based on our procedures, we did not note that the contracts did not comply with the Port's established guidelines.

The Washington SAO is required by law to perform all local government audits and audits of the Port of Kennewick's accounting records and to express an opinion as to the fairness of the accounting records and financial statements. We are not qualified to provide a legal determination regarding any matters

Port of Kennewick
and the Board of Commissioners
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relating to our engagement; accordingly, our procedures did not extend to any such legal matters. We were not engaged to, and did not, conduct an audit, the objective of which would be the expression of an opinion, on the accounting records. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of management of Port of Kennewick and the Board of Commissioners and is not intended to be and should not be used by anyone other than those specified parties.

CliftonLarsonAllen LLP
CliftonLarsonAllen LLP

Yakima, Washington
February 13, 2013

Washington State Auditor's Office
Accountability Audit Report

Port of Kennewick
Benton County

Report Date
March 7, 2011

Report No. 1005293

Issue Date
March 28, 2011



WASHINGTON
BRIAN SONNTAG
STATE AUDITOR



**Washington State Auditor
Brian Sonntag**

March 28, 2011

Board of Commissioners
Port of Kennewick
Kennewick, Washington

Report on Accountability

We appreciate the opportunity to work in cooperation with your Port to promote accountability, integrity and openness in government. The State Auditor's Office takes seriously our role to advocate for government accountability and transparency and to promote positive change.

Please find attached our report on the Port of Kennewick's accountability and compliance with state laws and regulations and its own policies and procedures. Thank you for working with us to ensure the efficient and effective use of public resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Sonntag". The signature is stylized with a large, sweeping "B" and "S".

BRIAN SONNTAG, CGFM
STATE AUDITOR

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Benton County
March 7, 2011**

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Audit Summary

**Port of Kennewick
Benton County
March 7, 2011**

ABOUT THE AUDIT

This report contains the results of our independent accountability audit of the Port of Kennewick from January 1, 2008 through December 31, 2009.

We evaluated internal controls and performed audit procedures on the activities of the Port. We also determined whether the Port complied with state laws and regulations and its own policies and procedures.

In keeping with general auditing practices, we do not examine every transaction, activity or area. Instead, the areas examined were those representing the highest risk of noncompliance, misappropriation or misuse. The following areas were examined during this audit period:

- Gifts of public funds
- Open public meetings
- Procurement – public works projects
- Payroll
- Disbursements – unusual transactions
- Disbursements – promotional hosting
- Conflict of interest

RESULTS

In the areas we examined, the Port's internal controls were adequate to safeguard public assets. The Port also complied with state laws and regulations and its own policies and procedures in the areas we examined.

Related Reports

**Port of Kennewick
Benton County
March 7, 2011**

FINANCIAL

Our opinion on the Port's financial statements is provided in a separate report, which includes the Port's financial statements.

Description of the Port

Port of Kennewick Benton County March 7, 2011

ABOUT THE PORT

Formed in 1915, the Port of Kennewick's primary mission was to foster economic development. The Port operates a marina, an airport and light and heavy industrial parks. The Port boundaries encompass the cities of Kennewick and West Richland, the portion of Richland located south of the Yakima River and the surrounding areas of Benton County.

An elected, three-member Board of Commissioners governs the Port. Commissioners serve staggered, six-year terms. The Board appoints an Executive Director to oversee the Port's daily operations as well as its approximately 10 employees. For fiscal years 2008 and 2009, the Port operated on budgets of approximately \$8.1 million and \$12.1 million, respectively.

ELECTED OFFICIALS

These officials served during the audit period:

Board of Commissioners:

2008

Linda Bloomer, President (resigned
November 2008)

Gene Wagner

David Hanson

2009

Calvin Dudney (appointed December 2008)

David Hanson, President

Gene Wagner

Calvin Dudney (through November 2009)

Skip Novakovich (elected December 2009)

APPOINTED OFFICIALS

Executive Director
Director of Finance and Auditor

Tim Arntzen
Tammy Fine

PORT CONTACT INFORMATION

Address: Port of Kennewick
350 Clover Island Drive, Suite 200
Kennewick, WA 99336

Phone: (509) 586-1186

Website: www.portofkennewick.org

AUDIT HISTORY

We audit the Port annually. This audit marked the 14th consecutive audit in which no findings have been reported. Port officials have always been responsive to prior audit recommendations. We believe this reflects the Port's commitment to maintain a strong financial system.



ABOUT THE STATE AUDITOR'S OFFICE

The State Auditor's Office is established in the state's Constitution and is part of the executive branch of state government. The State Auditor is elected by the citizens of Washington and serves four-year terms.

Our mission is to work in cooperation with our audit clients and citizens as an advocate for government accountability. As an elected agency, the State Auditor's Office has the independence necessary to objectively perform audits and investigations. Our audits are designed to comply with professional standards as well as to satisfy the requirements of federal, state, and local laws.

The State Auditor's Office employees are located around the state to deliver our services effectively and efficiently.

Our audits look at financial information and compliance with state, federal and local laws on the part of all local governments, including schools, and all state agencies, including institutions of higher education. In addition, we conduct performance audits of state agencies and local governments and fraud, whistleblower and citizen hotline investigations.

The results of our work are widely distributed through a variety of reports, which are available on our Web site and through our free, electronic subscription service. We continue to refine our reporting efforts to ensure the results of our audits are useful and understandable.

We take our role as partners in accountability seriously. We provide training and technical assistance to governments and have an extensive quality assurance program.

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Washington State Auditor's Office
Accountability Audit Report

Port of Kennewick
Benton County

Report Date
November 15, 2013

Report No. 1010780

Issue Date
December 2, 2013



WASHINGTON
TROY KELLEY
STATE AUDITOR



**Washington State Auditor
Troy Kelley**

December 2, 2013

Board of Commissioners
Port of Kennewick
Kennewick, Washington

Report on Accountability

We appreciate the opportunity to work in cooperation with your Port to promote accountability, integrity and openness in government. The State Auditor's Office takes seriously our role to advocate for government accountability and transparency and to promote positive change.

Please find attached our report on the Port of Kennewick's accountability and compliance with state laws and regulations and its own policies and procedures. Thank you for working with us to ensure the efficient and effective use of public resources.

Sincerely,

A handwritten signature in black ink that reads "Troy X. Kelley". The signature is written in a cursive style with a large "X" for the middle initial.

TROY KELLEY
STATE AUDITOR

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Benton County
November 15, 2013**

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Audit Summary

**Port of Kennewick
Benton County
November 15, 2013**

ABOUT THE AUDIT

This report contains the results of our independent accountability audit of the Port of Kennewick from January 1, 2010 through December 31, 2012.

We evaluated internal controls and performed audit procedures on the activities of the Port. We also determined whether the Port complied with state laws and regulations and its own policies and procedures.

In keeping with general auditing practices, we do not examine every transaction, activity or area. Instead, the areas examined were those representing the highest risk of noncompliance, misappropriation or misuse. The following areas were examined during this audit period:

- General disbursements
- Payroll disbursements
- Travel
- Petty cash/imprest funds
- Procurement – public works
- Compensation of public officials
- Leases
- Conflict of interest
- Cost allocations

RESULTS

In the areas we examined, the Port's internal controls were adequate to safeguard public assets. The Port also complied with state laws and regulations and its own policies and procedures in the areas we examined.

Related Reports

**Port of Kennewick
Benton County
November 15, 2013**

FINANCIAL

Our opinion on the Port's financial statements is provided in a separate report, which includes the Port's financial statements.

Description of the Port

Port of Kennewick Benton County November 15, 2013

ABOUT THE PORT

The Port of Kennewick was formed in 1915 with the primary mission being to foster economic development. The Port boundaries encompass the cities of Kennewick and West Richland, the portion of Richland located south of the Yakima River and the surrounding areas of Benton County.

The Port is governed by an elected, three-member Board of Commissioners. Commissioners serve staggered, six-year terms. The Port's assets include marina facilities, an airport and light and heavy industrial parks. For fiscal years 2010 through 2012, the Port had approximately \$6.5 million in annual revenue. The Port has 14 full-time employees.

ELECTED OFFICIALS

These officials served during the audit period:

Board of Commissioners:	Skip Novakovich
	Don Barnes
	Gene Wager

Note: David Hanson was replaced by Don Barnes in 2012

APPOINTED OFFICIALS

Executive Director	Tim Artzen
Director of Finance/Auditor	Tammy Fine

PORT CONTACT INFORMATION

Address:	Port of Kennewick 350 Clover Island Drive, Suite 200 Kennewick, WA 99336
Phone:	(509) 586-7978
Website:	www.portofkennewick.org

AUDIT HISTORY

We audit the Port every two years with the exception of this year's audit, which is a three-year audit. This marked the 15th consecutive audit in which no findings were reported.



ABOUT THE STATE AUDITOR'S OFFICE

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