

In order to maximize social distancing related to COVID-19, seating will be limited at the Commission Meeting.
A GoToMeeting has been arranged to enable the public to listen and make public comments remotely.
To participate remotely, please use the following call-in information:
Toll-Free Telephone Number: 1-866-899-4679, Access Code: 404-044-229, Audio Code: #

AGENDA

Port of Kennewick
Regular Commission Business Meeting
Port of Kennewick Commission Chambers
350 Clover Island Drive, Suite 200, Kennewick, Washington

Tuesday, March 24, 2020
2:00 p.m.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF AGENDA**
- IV. PUBLIC COMMENT** *(Please state your name and address for the public record)*
- V. CONSENT AGENDA**
 - A. Approval of Direct Deposit and ePayments Dated March 17, 2020
 - B. Approval of Warrant Register Dated March 24, 2020
- VI. NEW BUSINESS**
 - A. Port Commission Rules of Policy & Procedure
 - 1. Section 6.9, Participation by Telephone; Resolution 2020-05 (LUCINDA/TIM)
 - B. Declaration of Local Emergency and Delegation of Authority; Resolution 2020-06 (LUCINDA)
- VII. REPORTS, COMMENTS AND DISCUSSION ITEMS**
 - A. Communications with the Public (TANA)
 - B. Citizen Complaint and Appeal Costs (NICK)
 - C. Commissioner Meetings (formal and informal meetings with groups or individuals)
 - D. Non-Scheduled Items
- VIII. PUBLIC COMMENT** *(Please state your name and address for the public record)*
- IX. ADJOURNMENT**

PLEASE SILENCE CELL PHONES



AGENDA REPORT

TO: Port Commission

FROM: Lucinda J. Luke, Port counsel

MEETING DATE: March 24, 2020

AGENDA ITEM NO.: *Resolution 2020-05, Suspension of Section 6.9 of Port Commission Rules*

I. REFERENCE(S): Port Commission Rules of Policy and Procedure adopted January 12, 2016, Section 6, and Resolution 2020-05; attached.

II. FISCAL IMPACT: None.

III. DISCUSSION: In 2011 the Port adopted Resolution 2011-05 adopting the Commission Rules of Policy and Procedure; and several revisions have been adopted thereafter.

During this current state of emergency, it is recommended that Section 6.9 of the Port Commission Rules of Policy and Procedure be suspended, which would permit the participation in Commission Meetings by telephone.

IV. COUNSEL RECOMMENDATION: Adopt Resolution 2020-05.

V. ACTION REQUESTED OF COMMISSION:

Motion: I move approval of Resolution 2020-05 suspending Section 6.9 of the Commission Rules of Policy and Procedure during this current state of emergency.

PORT OF KENNEWICK

Resolution No. 2016-01

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK ADOPTING THE
PORT COMMISSION RULES OF POLICY AND PROCEDURE**

WHEREAS, the Port of Kennewick Commission adopted Resolution 2011-05 on February 22, 2011 establishing a formal policy and procedures document to address the specific roles, expectations of conduct, knowledge, disclosures, prohibitions, legal requirements, and accountability of the elected officials who are responsible for the current operation and future direction of the Port of Kennewick; and

WHEREAS, staff has worked with Lucinda Luke, Port Counsel, to revise Section 6.1 "Officers", of the Port Commission Rules of Policy and Procedure document to define the terms of office and the process for election of officers.

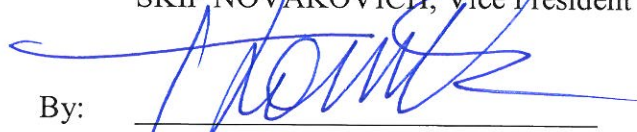
NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby adopts the revised Port Commission Rules of Policy and Procedure, which shall remain in effect until further revised.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 12th day of January, 2016.

***PORT of KENNEWICK
BOARD of COMMISSIONERS***

By: 
DON BARNES, President

By: 
SKIP NOVAKOVICH, Vice President

By: 
THOMAS MOAK, Secretary

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

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

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

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

6. COMMISSION MEETINGS

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

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

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

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

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

6.3 Presiding Officer Duties. The Presiding Officer shall:

6.3.1 Preserve order and decorum in the Commission chambers;

6.3.2 Observe and enforce all rules adopted by the Commission;

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

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

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

6.4 Regular Meeting. Port meetings are held on the second and fourth Tuesdays of each month in the Commission Chambers, 350 Clover Island Drive, Suite 200, Kennewick, Washington at 2:00 p.m.

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

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

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

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

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

6.9 Participation by Telephone. The Commission strongly believes that a Commissioner's first priority shall be to the District's constituents as a whole and that this obligation is best fulfilled by direct, face-to-face participation in public meetings rather than via telephone or other medium. Such policy provides access by the public to the Commission, provides for better understanding by the public of the deliberative process, minimizes miscommunication, ensures that each Commissioner sees all applicable documents and sees all in attendance. Therefore, the Commission, in furtherance of its long-standing policy of transparency in governance, hereby prohibits the use of attendance at Commission meetings via telephone or other media.

6.10 Commissioner Attendance at Meetings. Commissioners shall inform the President or Executive Director if they are unable to attend any Commission meeting, or if they will be late to any meeting. A majority vote is required to excuse any Commissioner's absence. Unless excused, pursuant to RCW 53.12.140 a Commissioner forfeits office by nonattendance at meetings of the Commission for a period of sixty (60) days. The Executive Director shall

maintain a record of Commissioner attendance at Commission, and other meetings, to which a Commissioner is assigned or scheduled to attend.

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

6.12 General Conduct of Business.

6.12.1 The President of the Port Commission will introduce the issue, stating whether action will be taken on the issue, whether the issue is introduced for discussion only or whether other results are anticipated.

6.12.2 Port staff will briefly discuss the issue.

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

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

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

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

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

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

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

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

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

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

6.13.8 Applause or other disturbances are discouraged;

6.13.9 All remarks should be directed to the President; and

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

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

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

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

7. AGENDA PLANNING

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

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

7.2 Agenda Preparation. The Executive Director shall prepare a preliminary agenda for each Commission meeting. The preliminary agenda shall set forth a brief general description of each item to be considered by the Commission. The Executive Director shall promptly forward the preliminary agenda to the Presiding Officer for review. The Presiding Officer shall have the option to delete any item from the preliminary agenda. The Presiding Officer shall, at the next commission meeting, report any deleted item to the full Commission and the full Commission shall determine whether the item shall be placed on a subsequent agenda.

7.3 Agenda Materials. Agenda materials will be available on the Friday prior to the Commission meeting. Agenda materials will be delivered to Commissioners.

PORT OF KENNEWICK

Resolution No. 2020-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK APPROVING THE SUSPENSION OF SECTION 6.9 OF THE PORT COMMISSION RULES OF POLICY AND PROCEDURE DURING CURRENT STATE OF EMERGENCY

WHEREAS, the Port of Kennewick Commission adopted Resolution 2011-05 on February 22, 2011 establishing a formal policy and procedures document to address the specific roles, expectations of conduct, knowledge, disclosures, prohibitions, legal requirements, and accountability of the elected officials who are responsible for the current operation and future direction of the Port of Kennewick; and

WHEREAS, the Commission adopted Resolution 2016-01 revising Section 6.1 "Officers" and Resolution 2019-10 revising Section 5 "Reporting Misconduct" of the Port Commission Rules of Policy and Procedure; and

WHEREAS, during a state of emergency, the Commission desires to suspend Section 6.9 of the Port Commission Rules of Policy and Procedure to permit the participation in Commission Meetings by telephone.

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby suspends Section 6.9 of the Port Commission Rules of Policy and Procedure to permit the participation in Commission Meetings by telephone during the current state of emergency.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 24th day of March, 2020.

PORT OF KENNEWICK BOARD OF COMMISSIONERS

By: _____
DON BARNES, President

By: _____
SKIP NOVAKOVICH, Vice President

By: _____
THOMAS MOAK, Secretary



AGENDA REPORT

TO: Port Commission

FROM: Lucinda J. Luke, Port counsel

MEETING DATE: March 24, 2020

AGENDA ITEM NO.: *Resolution 2020-06, Declaration of Local Emergency and Approval of Delegation of Authority*

I. REFERENCE(S): Resolution 2020-06; attached.

II. FISCAL IMPACT: None.

II. DISCUSSION:

The novel Coronavirus COVID-19, a respiratory disease that can result in serious illness or death, is caused by a new strain of coronavirus that had not been previously identified in humans and has proven it can easily spread from person to person. The U.S. Center for Disease Control and Prevention (CDC) has identified a potential public health threat posed by COVID-19 both globally and within the United States, including within Washington State. There are documented cases of COVID-19, including deaths caused thereby, within Washington State; and the Washington State Department of Health has confirmed the person-to-person spread of COVID-19 and is finding an increasing risk of exposure and infection to the general public due to its potential to spread quickly.

The U.S. Department of Health and Human Services declared a public health emergency for COVID-19 on January 31, 2020; Washington State Governor Jay Inslee proclaimed a public health emergency for COVID-19 on February 29, 2020; the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; the President of the United States declared public national emergency relating to COVID-19 on March 13, 2020; and the Benton County Commissioners declared a public health emergency regarding COVID-19 on March 17, 2020.

Resolution 2020-06 has been drafted to enable the Port to continue operating efficiently during this pandemic.

IV. COUNSEL RECOMMENDATION: Adopt Resolution 2020-06.

V. ACTION REQUESTED OF COMMISSION:

Motion: I move approval of Resolution 2020-06 declaring a local emergency and approving the delegation of authority.

PORT OF KENNEWICK
Resolution No. 2020-06

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK DECLARING LOCAL EMERGENCY
AND
DELEGATION OF AUTHORITY**

RECITALS:

WHEREAS, novel Coronavirus COVID-19, a respiratory disease that can result in serious illness or death, is caused by a new strain of coronavirus that had not been previously identified in humans and has proven it can easily spread from person to person; and,

WHEREAS, the U.S. Center for Disease Control and Prevention (CDC) has identified a potential public health threat posed by COVID-19 both globally and within the United States, including within Washington State; and,

WHEREAS, there are documented cases of COVID-19, including deaths caused thereby, within Washington State; and,

WHEREAS, the Washington State Department of Health has confirmed the person-to-person spread of COVID-19 and is finding an increasing risk of exposure and infection to the general public due to its potential to spread quickly; and,

WHEREAS, the U.S. Department of Health and Human Services declared a public health emergency for COVID-19 on January 31, 2020; and,

WHEREAS, Washington State Governor Jay Inslee proclaimed a public health emergency for COVID-19 on February 29, 2020; and,

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and,

WHEREAS, the President of the United States declared public national emergency relating to COVID-19 on March 13, 2020; and,

WHEREAS, Benton County Commissioners declared a public health emergency regarding COVID-19 on March 17, 2020; and,

WHEREAS, the Regular Meeting of the Port Commission on March 24, 2020 at 2:00 p.m. being conducted using CDC recommended social distancing protocols for COVID-19 with Commissioners meeting in-person pursuant to Port Rules of Policy and Procedure Section 6.9 CEO, public attendees attending in-person or remotely, and Port staff members participating remotely via speakerphone, and said meeting was noticed as required by RCW 42.30, and specifically RCW 42.30.070; and

WHEREAS, there is an emergency present which necessitates this Resolution.

NOW, THEREFORE, BE IT DECLARED BY THE COMMISSION OF THE PORT OF KENNEWICK:

1. **Proclamation.** The Commission of the Port of Kennewick (“District”) hereby and expressly finds and declares, based upon the Recitals above, which are expressly adopted herein, that COVID-19 is a civil public health emergency that:

A. Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences; and

B. Could, if unattended, seriously affect the safety, health, or welfare of a substantial number of citizens of the Port’s district, or preclude the operation or use of essential public services and facilities with such magnitude or severity as to necessitate seeking state, county, or other supplementation of local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced.

2. **Authority.** This Resolution Declaring a Local Emergency and Delegating Authority (“Resolution”) authorizes the Chief Executive Officer to exercise such emergency powers as may be lawful under applicable laws, regulations, ordinances, or the District’s policies, and necessary, including by way of example and not limitation: general port powers under Title 53, RCW, RCW 53.12.270 (Delegation of powers to managing official), RCW 39.04.280(3) for emergency procurement, and Chapter 39.28 RCW (Emergency Public Works). Effective upon signature hereto and as further detailed in Section 3 below, the Chief Executive Officer is authorized to exercise such lawful authority through the use and direction of District personnel, services, equipment and such additional acts as the Chief Executive Officer may find necessary in his sole discretion to properly and safely manage this emergency.

3. **Powers.** In order to properly delegate and authorize the Chief Executive Officer to prepare for, address, manage, prevent, respond to, and remediate this emergency situation, the Chief Executive Officer shall have all necessary powers to do the following, which is provided for example and not limitation: Make necessary rules and regulations reasonably related to the emergency, to obtain supplies, equipment, personal property, professional, procured or technical services, etc. (including selecting and awarding such contracts as necessary), such public works

as defined by RCW 39.04.010, to authorize overtime and/or extended leave for personnel, to requisition personnel and material, obtain emergency funding and permitting through federal, state and local agencies, and take such other lawful acts as may be necessary and reasonably related to the emergency situation declared hereunder.

3.1 The foregoing powers and authorities are to be read consistent with the District's existing Delegation of Authority Resolution No. 2018-26; however, if there is a conflict between the Delegation of Authority Resolution No. 2018-26 and this Resolution, this Resolution shall control.

3.2 If the Chief Executive Officer exercises any powers or authorities delegated under this Resolution, the Chief Executive Officer shall report such exercise to the Commission at the next regular Commission meeting with explanation as to why it was necessary to take such action under this Resolution to meet the emergency situation articulated herein. If required by law, the Commission shall take such action in an open session to ratify the Chief Executive Officer's action(s) hereunder.

4. **Termination.** This Resolution shall continue in full force and effect until terminated by law or by further Resolution and shall be reviewed as a regular agenda item on the Commission's agenda until such time as this Resolution is terminated.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 24th day of March, 2020.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

BY: _____
DON BARNES, PRESIDENT

BY: _____
SKIP NOVAKOVICH, VICE PRESIDENT

BY: _____
THOMAS MOAK, SECRETARY



PORT *of* KENNEWICK

Date: March 19, 2020
To: Tim Arntzen, CEO
From: Tana Bader Inglima, Deputy CEO *Tana*
Re: Communications with the commission, staff and public

Tim. Below is a summary of the communications the port has taken regarding the port's COVID-19 response. These activities are a direct result of your proactive and decisive leadership in working to protect the public's health and safety and ensure transparent communications regarding port actions:

- March 11, 2020. After conversations with all partners (Commission, City, County, HAEIFAC, and wineries) port staff distributed a media release regarding postponing the March 27 ribbon cutting at wine village. In addition to the media release, we also printed and distributed a second "postponed" postcard the same mailing list used to invite the public to the wine village ribbon cutting. Also distributed a community advisory to the same folks originally contacted via the Save the Date notice. We sent "event postponed" e-blasts via TRIDEC, Visit Tri-Cities, Tri-Cities Regional Chamber, Hispanic Chamber, West Richland Chamber, and City of Kennewick's Facebook site and Columbia Gardens Wine & Artisan Village Facebook Event site; and shared that digital file with wineries which shared with their followers. Also shared community advisory with Chief of Police and emergency responders, stakeholders, regional jurisdictions, wine-related publications, and vendors previously contacted about the event. Received "good call" email from Kennewick's Chief of Police, and positive feedback from several port commissioners about this difficult, decisive action to protect the public.
- March 12, 2020. Distributed a media release regarding temporary office closure with alternatives for in-person business or meetings. Shared that notice with all media, regional jurisdictions, WPPA, and Port contact list.
- March 12, 2020. Distributed a notice to staff, commissioners, and those attending the March 10th commission meeting regarding person of concern, coronavirus procedures, and temporary office closure.
- March 12, 2020. Public Notice regarding temporary closure and alternatives for in-person business or meetings posted to front door of Port office.
- March 12, 2020. Prepared coronavirus update notice for inclusion with invoice mailings to port tenants addressing temporary closure and alternatives for in-person business or meetings.

- March 13, 2020. Notice posted to Port website regarding temporary closure and alternatives to engage with port during closure.
- March 13, 2020. Created links from website to news stories about port actions.
- March 13-15, 2020. Staff had several conversations with concerned persons regarding information previously emailed about previous commission meeting regarding that notice and steps port is taking.
- March 16, 2020. Tim distributed information to commissioners regarding port operations during the coronavirus situations.
- March 16, 2020. Bridgette shared email from Tim regarding periodic coronavirus update with staff.
- March 16, 2020. Tana worked with Commissioner Novakovich and the Appraisal Institute to postpone early April presentation due to social distancing protocols.
- March 16, 2020. Tana worked to postpone the planned commissioner photo session due to social distancing protocols.
- March 17, 2020. Amber posted temporary closure notice on restrooms at boat launch and marina (due to state mandate regarding recreational facility closures, reduced maintenance crews, and increased graffiti, vandalism and theft).
- March 18, 2020. Bridgette emailed commission and staff regarding infectious disease procedure document.
- March 18, 2020. Bridgette emailed commission and staff regarding March 24 meeting and legal counsel suggested procedures.
- March 18, 2020. Bridgette distributed email regarding March 24 meeting and social distancing protocols to port's meeting contact list.

###