



PORT OF KENNEWICK

REGULAR COMMISSION MEETING

JULY 23, 2024 MINUTES

Commission Meeting recordings, with agenda items linked to corresponding audio, can be found on the Port's website at: <https://www.portofkennewick.org/commission-meetings-audio/>

Commission President Skip Novakovich called the Regular Commission Meeting to order at 2:00 p.m.

ANNOUNCEMENTS AND ROLL CALL

The following were present:

Board Members: Skip Novakovich, President
Kenneth Hohenberg, Vice President
Thomas Moak, Secretary

Staff Members: Tim Arntzen, Chief Executive Officer
Tana Bader Inglima, Deputy Chief Executive (via telephone)
Larry Peterson, Director of Planning and Building (via telephone)
Amber Hanchette, Director of Real Estate (via telephone)
Michael Boehnke, Director of Operations (via telephone)
Bridgette Scott, Executive Assistant (via telephone)
Lisa Schumacher, Special Projects Coordinator
Carolyn Lake, Port Counsel (via telephone)

PLEDGE OF ALLEGIANCE

Gus Kittson led the Pledge of Allegiance.

Commissioner Novakovich requested to move the Kittson Property Exchange Introduction under Reports, Comments and Discussion Items, to follow the Consent Agenda.

PUBLIC COMMENT

No comments were made.

CONSENT AGENDA

- A. Approval of Direct Deposit and E-Payments Dated July 17, 2024**
Direct Deposit and E-Payments totaling \$99,396.64
- B. Approval of Warrant Register Dated July 9, 2024**
Expense Fund Voucher Number 106048 through 106116 for a grand total of \$473,731.86
- C. Approval of Regular Commission Meeting Minutes July 9, 2024**

MOTION: Commissioner Hohenberg moved to approve the Consent Agenda as presented; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

JULY 23, 2024 MINUTES

REPORTS, COMMENTS AND DISCUSSION ITEMS

A. Kennewick Waterfront

1. Kittson Property Exchange (Introduction)

Mr. Arntzen thanked Commissioner Novakovich for moving the Kittson property exchange up to accommodate Gus and Amelia Kittson, who are in chambers today. Mr. Arntzen and Ms. Lake have been working on a draft agreement with the Kittsons (KIE) for a land exchange in The Willow's for additional parking and connectivity to Columbia Gardens.

Ms. Lake outlined the parameters of the land exchange with KIE (*Exhibit A*). The value of the property is near equal, so this would be a straight exchange, which would require the Commission to approve a Resolution declaring the property surplus and approving a purchase and sale agreement with the Kittsons.

Mr. Kittson stated KIE would need to construct a new fence, prior to removing the existing fence, which would require a City permit. When the Port is ready to construct a right-of-way, Mr. Kittson requested that KIE would have access from the rear of their property to the new road.

Mr. Arntzen stated Rogers Surveying is currently surveying the property and Ferdouse Oneza is working on the planning portion. Mr. Arntzen will deliver a draft agreement to the Kittsons for review and stated the Port will cover most of the costs associated with the land exchange.

Commission offered comments on the land exchange.

Amelia Kittson stated, as a third-generation owner, she appreciates the Port's willingness to work with KIE.

Mr. Kittson asked Port staff to look at some trees in The Willows that are leaning against the KIE building.

Mr. Arntzen and Mr. Boehnke will look at the trees to determine if they need to be pruned or removed.

PRESENTATIONS

A. Governance and Ethics Discussion

Ms. Lake presented the Governance, Ethics, and Conflicts of Interest to the Commission (*Exhibit B*). The Port has very robust policies in place and stated this presentation builds on the current Commission Rules of Policies and Procedures.

Commissioner Hohenberg confirmed that the Commission should disclose a friendship with a developer and recuse themselves from a vote if there was a deal on the table.

Ms. Lake stated it is better to err on the side of caution and disclose a friendship.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

JULY 23, 2024 MINUTES

Commissioner Hohenberg stated Mr. Kittson approached him and Mr. Arntzen regarding the land exchange during a Port event.

Mr. Arntzen appreciates the Commission taking time to let Ms. Lake present today and stated it is even more transparent by having the discussion during a Regular Commission Meeting.

ACTION ITEMS

A. *HAEIF Grant Application for Vista Field Improvements*

Ms. Bader Inglima reported that the Hanford Area Economic Investment Fund (HAEIF) has \$560,000 available for grants to fund infrastructure projects that focus on creating primary jobs and encourage new development and business expansion. The Commission recently approved a 90-day right to negotiate for Vista Field Lot #31 which will require the Port to construct vehicle parking. Ms. Bader Inglima stated Port policy requires Commission approval of all grant applications and inquired if the Commission is interested in the Port submitting a grant application to help fund the parking area, roads, and utility work to support proposed commercial development on Azure Drive. The project work is estimated at \$650,000 and does not include the design and permits; thus, the Port would seek \$325,000 and offer a 50% match versus the required 25% local match.

Commissioner Novakovich disclosed that he is the chair of HAEIF; however, that does not affect the Port submitting a grant application. Commissioner Novakovich stated when it comes to HAEIF voting, he will recuse himself and believes other elected officials related to a grant submission for their entity should do the same.

MOTION: *Commissioner Moak moved to approve Resolution 2024-14 authorizing the submittal of a Vista Field parking improvement grant application to the Hanford Area Economic Investment Fund Advisory Committee; and further authorizing the Port's Executive Director to execute all subsequent documents necessary for implementation of the grant funding request; Commissioner Hohenberg seconded.*

PUBLIC COMMENTS

No comments were made.

Discussion:

Commissioner Moak confirmed this grant project would be for 2025 and would be part of our new 2025-2026 budget.

Mr. Peterson stated design work is currently underway for the pavilion parking lot, which would benefit activities at the Vista Field Southern Gateway and the commercial corridor along Azure Drive. Mr. Peterson estimated that the design documents and permitting will take place later this fall with construction early next spring. Mr. Peterson anticipates the Vista Field Southern Gateway project and adjacent parking lot will be completed by June 2025, presuming the grant application is deemed acceptable and the Commission puts this project in the 2025-2026 budget and work plan.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

JULY 23, 2024 MINUTES

Commissioner Moak inquired when HAEIF will award the grant funding.

Ms. Bader Inglima stated the application is due August 15, 2024, and believes they will award the grant before the end of the year.

Commissioner Moak hopes the grant will be determined before the Commission approves the budget and supports the grant request.

Commissioner Hohenberg thanked Ms. Bader Inglima for her work on this and if we are successful, the 50% match shows HAEIF that we are serious about the project and we have an obligation. Commissioner Hohenberg recognized that it is extra work and hopefully we are successful.

Ms. Bader Inglima believes the high match will be a benefit.

With no further discussion, motion carried unanimously. All in favor 3:0.

REPORTS, COMMENTS AND DISCUSSION ITEMS Continued

B. Vista Field Update

Mr. Peterson reported that the Vista Field Southern Gateway project is underway and on time (Exhibit C).

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

Commissioners reported on their respective committee meetings.

D. Non-Scheduled Items

Ms. Hanchette followed up on the Oak Street fire and stated the deadline for current tenants to vacate is July 31, 2024. Most tenants have found new locations or relocated to other Port property.

Mr. Boehnke reported that the Eagles at the Clover Island Boat Launch have been re-installed on the basalt rock perch.

Mr. Arntzen met with Jerrod MacPherson, Benton County Administrator, to discuss a Rural County Capital Fund (RCCF) application for additional infrastructure at Vista Field and a potential joint meeting with Benton County Commission. Mr. Arntzen asked Ms. Bader Inglima and Mr. Kooiker to work with Adam Fyall, Benton County Sustainable Development Manager on a potential RCCF project application.

Mr. Arntzen reported that Blue Chart Homes is working diligently with Ms. Hanchette and Mr. Hume on the Purchase and Sale Agreement.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

JULY 23, 2024 MINUTES

Mr. Arntzen continues to work on a Port succession plan with Human Resources attorney Ann Allen. Mr. Arntzen would like Ms. Allen to reach out individually to the Commissioners for a phone interview regarding the succession plan.

Commissioner Hohenberg thanked Mr. Arntzen for working with Benton County on the application and the joint meeting. He appreciates the great working relationship with the County and stated they have been very supportive of the Port.

Commissioner Hohenberg thanked Mr. Boehnke for reinstalling the Eagles, they are his favorite piece of artwork in the Tri-Cities.

PUBLIC COMMENTS

No comments were made.

COMMISSION COMMENTS

No comments were made.

ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned 3:57 p.m.

APPROVED:

PORT of KENNEWICK BOARD of COMMISSIONERS

DocuSigned by:

Skip Novakovich

0E53A30E1C8E442...

Skip Novakovich, President

DocuSigned by:

Kenneth Hohenberg

89F77EAC8921416...

Kenneth Hohenberg, Vice President

DocuSigned by:

Thomas Moak

A35176A2D2CD413...

Thomas Moak, Secretary

PORT OF KENNEWICK

RESOLUTION NO. 2024-14

*A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK AUTHORIZING APPLICATION TO THE
HANFORD AREA ECONOMIC INVESTMENT FUND FOR CONSTRUCTION
OF A PARKING AREA TO SUPPORT COMMERCIAL DEVELOPMENT
AT VISTA FIELD*

WHEREAS, the Hanford Area Economic Investment Fund (HAEIF) Advisory Committee has announced they will receive Infrastructure Grant Applications in August 2024; and

WHEREAS, the Port of Kennewick’s Work Plan calls for improvements to Vista Field to attract commercial use and business development; and

WHEREAS, this grant program offers an opportunity to apply for \$325,000 which the port would match with \$325,000 (50%); and

WHEREAS, grant applications containing matching funds in excess of the HAEIF 25% target will receive preference; and

WHEREAS, submission of the grant applications requires Commission approval by resolution.

NOW, THEREFORE; BE IT RESOLVED that the Port of Kennewick Board of Commissioners hereby authorizes Port staff to submit an application of \$325,000 to the Hanford Area Economic Investment Fund Committee (HAEIF) for funding consideration for improvements to support commercial development at Vista Field; and agrees to commit the required (50%) match by apportioning up to \$325,000 from the Port’s 2025 Construction Fund.

ADOPTED by the Board of Commissioners of the Port of Kennewick this 23rd day of July 2024.

PORT OF KENNEWICK
BOARD OF COMMISSIONERS

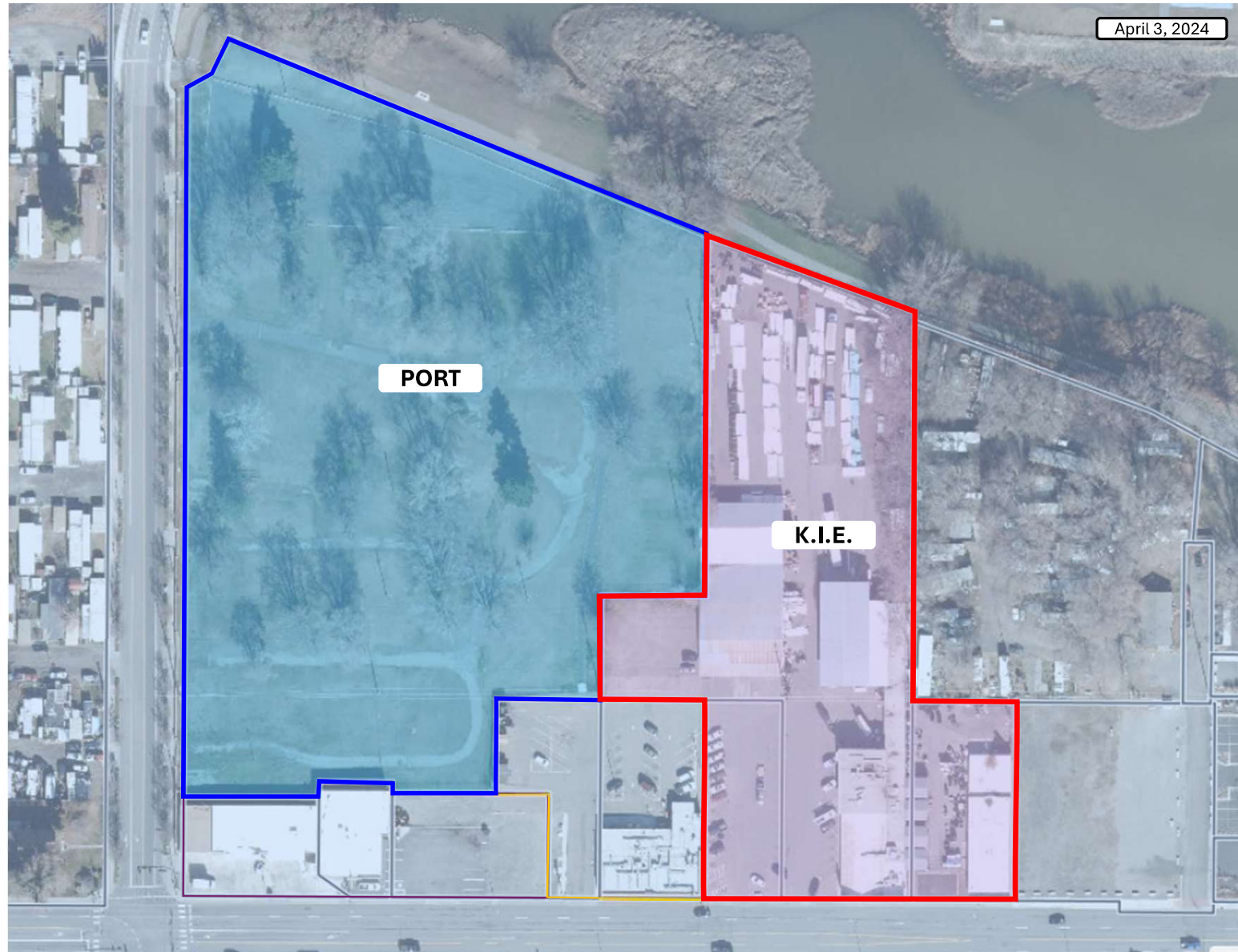
By: 
Skip Norakovich, President

By: 
Kenneth Hohenberg, Vice President

By: 
Thomas Moak, Secretary

EXISTING

Parcels & Ownership



April 3, 2024

POTENTIAL SWAP

Revised Parcels & Ownership

K.I.E receives

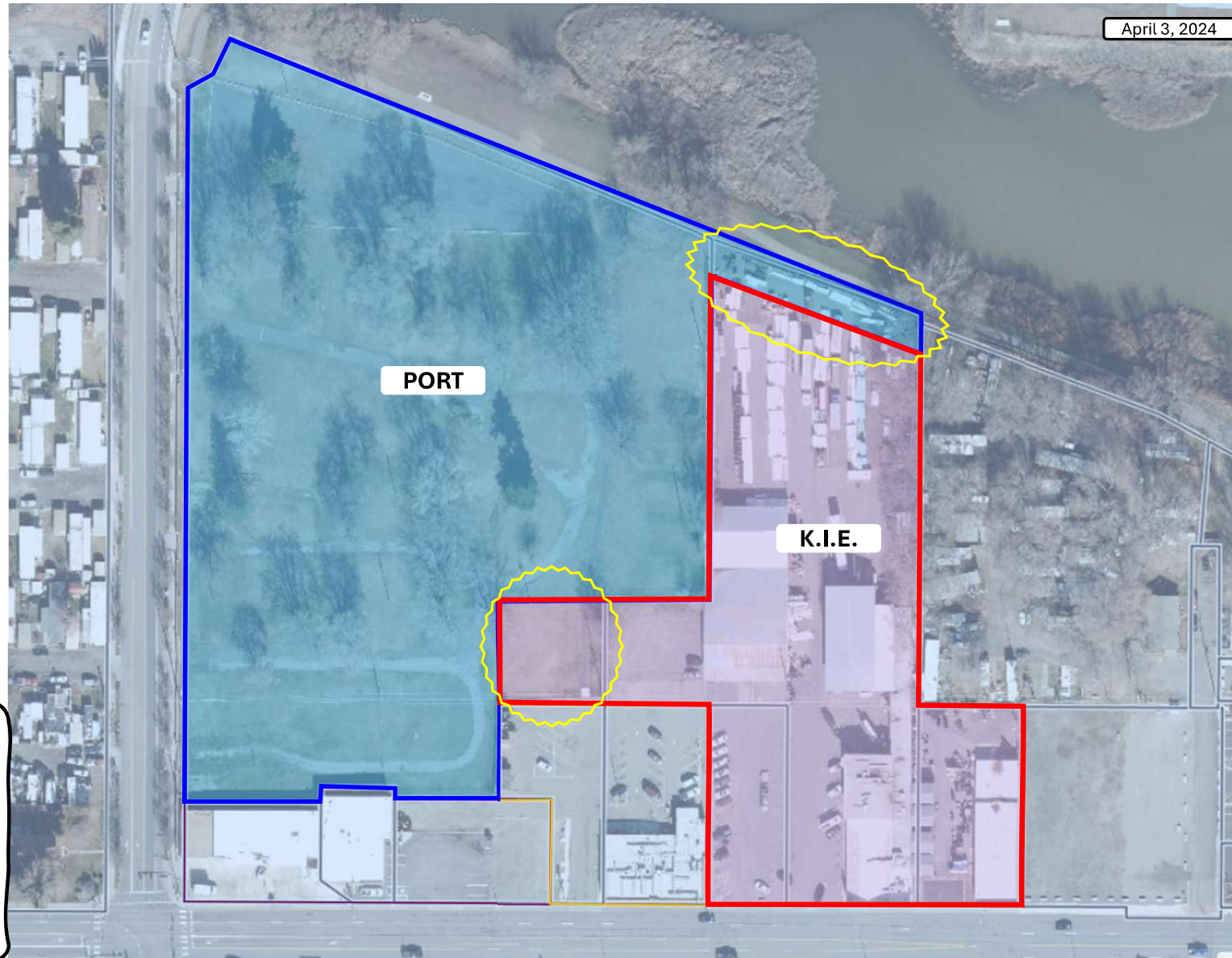
100ft x 100ft (10,000sf)
Adjacent existing gravel parking area

PORT receives

50ft x 210ft+ (10,500sf)
Panhandle adjacent
Duffy's Pond Trail

*Expenses to be paid and/or shared by
K.I.E. and PORT. Agreement on
Responsibility needed.*

- ☐ Survey, Deeds & City fees
- ☐ Tree Removal
- ☐ Site Control [fencing/Ecology blocks]
- ☐ "Material" Removal





Port of Kennewick Commission Discussion: Governance, Ethics & Conflicts of Interest

Presented by
Carolyn Lake
Port Legal Counsel



Ethics and Conflict of Interest

- Fundamental Principles
- Ethics and Conflicts of Interest Defined
- Authority & Enforcement
- Code of Ethics for Municipal Officers—Contract Interests
- Guidelines to Identify & Manage



Ethics and Conflict of Interest

- “A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests.”
- “It isn’t wrong or unethical to have a conflict of interest, what is important is that it is identified and appropriately managed.”



Goal: Integrity in decision making

Decision makers demonstrate integrity by:

- serving the public interest
- using powers responsibly
- acting with honesty and transparency
- addressing improper conduct.



What are Ethics?



- That branch of moral science which treats the duties which a person owes to the public and to his professional brethren.

*Black's Law Dictionary,
Rev 4th Ed.*

Standards of professional conduct that protect the interests of the Port separate and independent from an individual's personal and financial interests.

(generally)



What is Appearance of Fairness?



- A rule of law requiring government decision-makers to oversee hearings and proceedings in a way that is fair and unbiased in both appearance and fact. It was developed as a method of assuring that due process protections, which normally apply in courtroom settings, extend to certain types of administrative decision-making hearings
- The doctrine attempts to bolster public confidence in fair and unbiased decision-making by making certain, in both appearance and fact, that parties to an argument receive equal treatment.

What is a Conflict of Interest?



- Any beneficial interest, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or the acceptance, directly or indirectly, of any compensation, gratuity, or reward in connection with such contract from any other person beneficially interested therein.

RCW 42.23.030

What is a Conflict of Interest?

- A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests.
- Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.
- Perception of a conflict of interest is important to consider because public confidence in the integrity of an organization is vital.



Is it wrong to have a conflict of interest?

- No. It is not necessarily wrong or unethical to have a conflict of interest. However, identifying and managing the situation is important.

Public officers have a responsibility to always serve the public interest in performing their duties. Personal interests, whether these are financial, or relate to family, friends or associates, should not influence public duty.

It is not always possible to avoid a situation where a conflict of interest exists, particularly in small communities, or some specialist industries. It is vital that these situations are correctly managed to ensure the public interest is protected.



Authority: Ethics and Conflicts of Interest

- Statutes
 - RCW Chapter 42.23 – Code of Ethics for Municipal Officers—Contract Interests
 - RCW Chapter 42.52 – Ethics in Public Service
 - RCW 42.17.130 - Use of public office or agency facilities in campaigns – Prohibitions / Exceptions
- Governmental Agency Regulations
- Organizational Mandates and Policies
 - Port Ethics / Conflicts of Interest Policy



State Code of Ethics For Municipal Officers— Contract Interests

RCW 42.23.070. Prohibited acts.

(1) No municipal officer may use his or her position to **secure special privileges** or exemptions for himself, herself, or others.



(2) No municipal officer may, directly or indirectly, **give or receive or agree to receive any compensation, gift, reward, or gratuity from a source** except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law. (de minimis exception.)

(3) No municipal officer may **accept employment or engage in business or professional activity** that the officer might reasonably expect would require or induce him or her by reason of his or her official position to **disclose confidential information** acquired by reason of his or her official position.

(4) No municipal officer may **disclose confidential information** gained by reason of the officer's position, nor may the officer otherwise use such information **for his or her personal gain or benefit.**

State Code of Ethics For Municipal Officers— Contract Interests



RCW 42.23.010. Declaration of Purpose.

It is the purpose and intent of this chapter to revise and make uniform the laws of this state concerning the transaction of business by municipal officers, as defined in chapter 268, Laws of 1961, in conflict with the proper performance of their duties in the public interest; and to promote the efficiency of local government by prohibiting certain instances and areas of conflict while at the same time sanctioning, under sufficient controls, certain other instances and areas of conflict wherein the private interest of the municipal officer is deemed to be only remote, to the end that, without sacrificing necessary public responsibility and enforceability in areas of significant and clearly conflicting interests, the selection of municipal officers may be made from a wider group of responsible citizens of the communities which they are called upon to serve.

State Code of Ethics For Municipal Officers^{EXHIBIT B}

Contract Interests

Commissioners cannot have a beneficial interest in any Port contracts, subject to certain exceptions.

RCW 42.23.030. Interest in Contracts Prohibited – Exceptions.

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers and the superior court in the county where the property is situated finds that all terms and conditions of such lease are fair to the port district and are in the public interest. The appraisers must be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court;

A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract.



State Code of Ethics For Municipal Officers— Contract Interests

A Commissioner may have a “remote interest” in a contract so long as that interest is disclosed.

RCW 42.23.040. Remote Interests.



A municipal officer is not interested in a contract, within the meaning of RCW 42.23.030, if the officer has only a remote interest in the contract and the extent of the interest is disclosed to the governing body of the municipality of which the officer is an officer and noted in the official minutes or similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section "remote interest" means:

- (1) That of a nonsalaried officer of a nonprofit corporation;
- (2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
- (3) That of a landlord or tenant of a contracting party;
- (4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

None of the provisions of this section are applicable to any officer interested in a contract, even if the officer's interest is only remote, if the officer influences or attempts to influence any other officer of the municipality of which he or she is an officer to enter into the contract.

State Code of Ethics For Municipal Officers— Contract Interests

RCW 42.23.050. Prohibited contracts void--Penalties for violation of chapter.

Any contract made in violation of the provisions of this chapter is void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the municipality. Any officer violating the provisions of this chapter is liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law.

In addition to all other penalties, civil or criminal, the **violation by any officer of the provisions of this chapter may be grounds for forfeiture of his or her office.**



State Code of Ethics For Municipal Officers— Contract Interests

RCW 42.23.060. Local charter controls chapter.

If any provision of this chapter conflicts with any provision of a city or county charter, or with any provision of a city-county charter, the charter shall control if it contains stricter requirements than this chapter. The provisions of this chapter shall be considered as minimum standards to be enforced by municipalities.



Managing Potential Conflicts of Interests

- Guidelines are offered to provide the Commission as public authorities with information and practical tools about integrity in decision making, which can be used to strengthen and sustain their decision-making



How can Commissioners identify if a conflict of interest exists?

There is no one 'right' way to identify every situation, however a good starting point is for Commissioners to consider the 6 Ps:



The 6 Ps



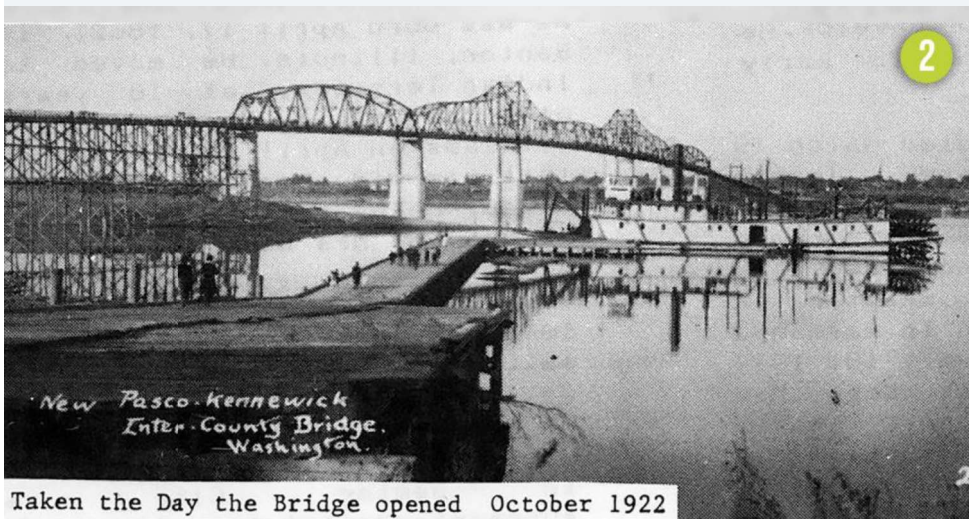
- **P**ublic duty versus private interests
- **P**otentialities
- Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?
- Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?

The 6 Ps

- **P**erception

- **P**roportionality

- Remember, perception is important. How will my involvement in the decision/action be viewed by others?
- Does my involvement in the decision appear fair and reasonable in all the circumstances?



The 6 Ps

- **P**resence of mind

- What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?

- **P**romises

- Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?



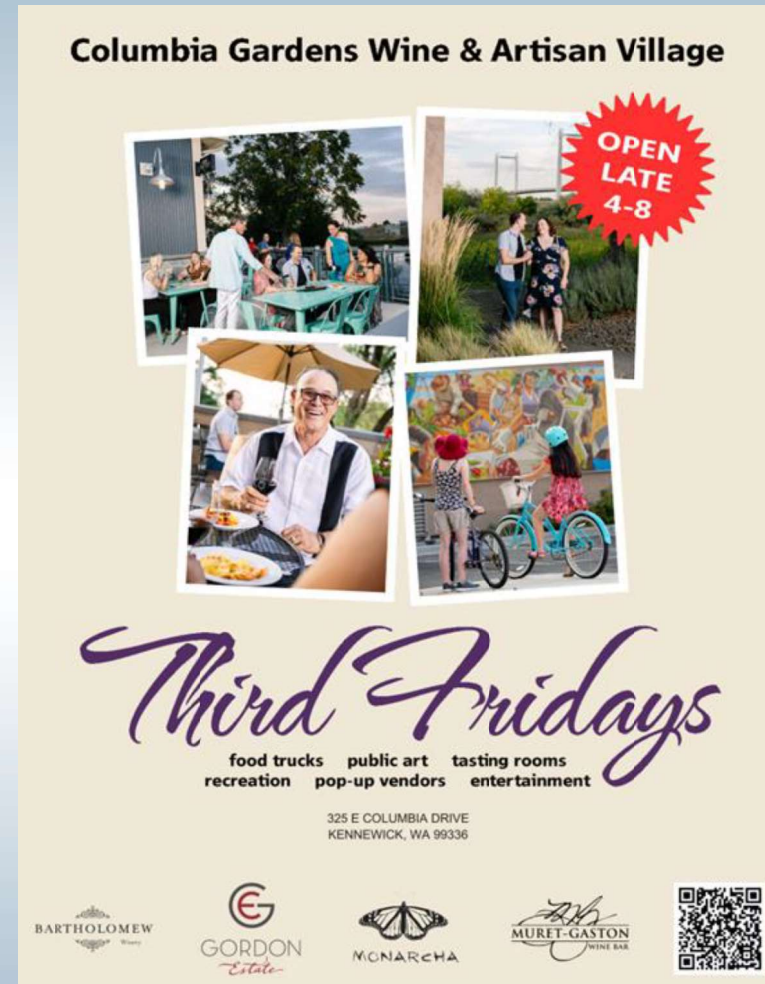
How can conflicts of interest be managed appropriately?

- There are many ways to effectively manage conflicts of interest. The choice of strategies will be dependent on the operating environment, legislative requirements and practical solutions.
- Often a combination of strategies will be required.



The 6 Rs

- The major options, or 6 Rs, for Commission members and management to manage conflicts of interest are:



The 6 Rs

- **Record/Register**



- Recording the disclosure of a conflict of interest in a register is an important first step, however this does not necessarily resolve the conflict. It may be necessary to assess the situation and determine whether one or more of the following strategies is also required.

The 6 Rs

- **Restrict**

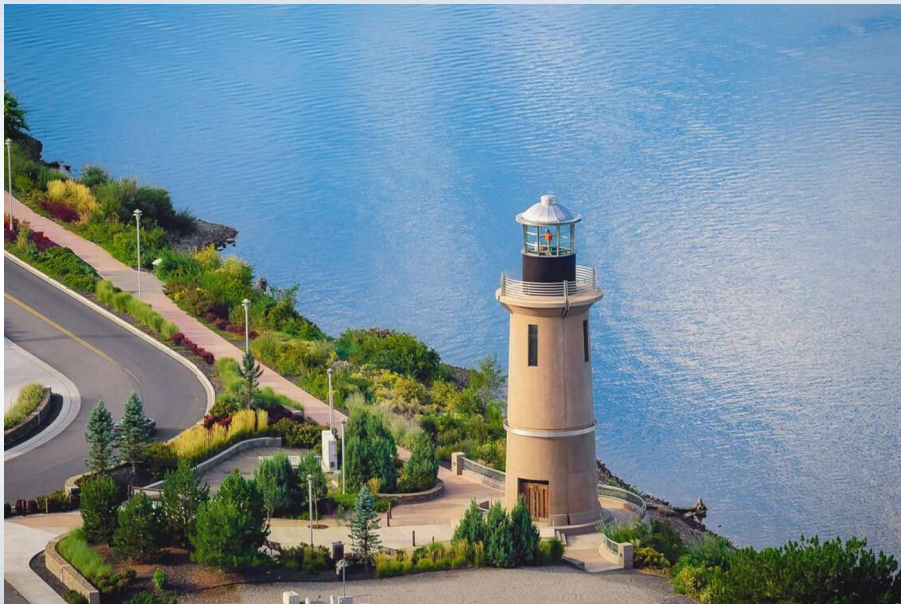


- It may be appropriate to restrict your involvement in the matter, for example, refrain from taking part in debate about a specific issue, abstain from voting on decisions, and/ or restrict access to information relating to the conflict of interest. If this situation occurs frequently, and an ongoing conflict of interest is likely, other options may need to be considered.

The 6 Rs

- **Recruit**

- If it is not practical to restrict your involvement, an independent third party may need to be engaged to participate in, oversee, or review the integrity of the decision-making process.



- **Remove**

- Removal from involvement in the matter altogether is the best option when ad hoc or recruitment strategies are not feasible, or appropriate.

The 6 Rs

- **Relinquish**



- **Resign**

- Relinquishing the personal or private interests may be a valid strategy for ensuring there is no conflict with your public duty. This may be the relinquishment of shares, or membership of a club or association.
- Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.

Error on Side of Caution -Ethics Act

- For “appearance” issues consider:
 - Disclosure of even a perception of a conflict
 - Seeking attorney advice on the record; and
 - Recusal on the record for “appearance” issues



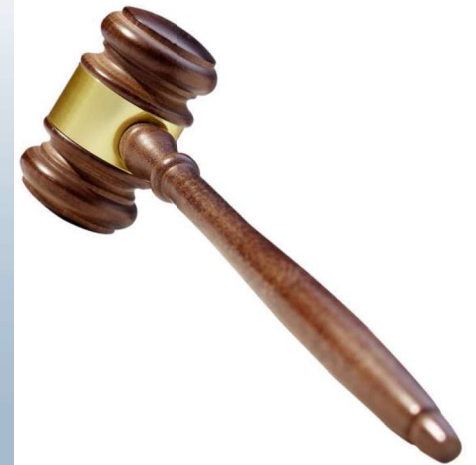
Governance

- Commission as a Whole
- Port CEO
- Role of individual Port Commissioner



The Commission

- The Commission (not individual Commissioners) has the legal authority and the legal responsibility to operate the Port (RCW 53.12.010)
- Elect a president and secretary (RCW 53.12.245)
- Appoint the Port Auditor and Port Attorney
- Approve every action or delegate some authority by resolution to the CEO (RCW 53.12.270)
- Adopt rules governing the transaction of business
- Appoint a CEO
- Set the budgets
- All powers not delegated



The Individual Commissioners

- Must act together as a unit to govern the affairs of the District
- No authority to act alone *unless the authority is delegated by the Board*
- Defended and indemnified by the Port so long as a court determines that the Commissioner was acting in “good faith” (RCW 53.08.208)



Role of The CEO

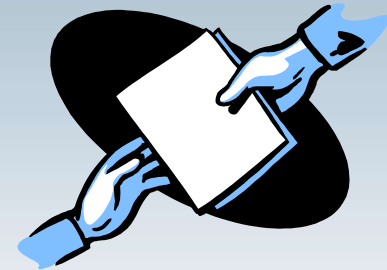
EXHIBIT B

- The Commission's principal employee
- Accountable to the Commission for everything "the staff does or fails to do"
- Performance reviewed annually by the Commission
- Part of the Commission strategic team
- The Commission's interface to the Port senior staff and employees
- Fair and honest provider of information
- Executes on Commission Policy direction
- Hires, fires and manages the staff



Delegation of Powers Resolution to the CEO

EXHIBIT B

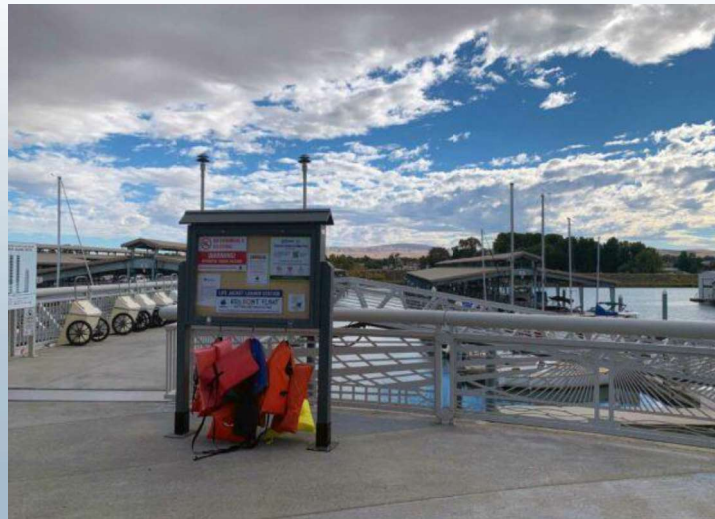


- RCW 53.12.270
- Allows the Commission to avoid the minutia and focus on the “big issues”
- Adopt by resolution
- Recommend an annual staff review
- Recommend annual approval by the Commission
- When in doubt – “Send it to the Commission”

The Role of an Individual Commissioner in Governance

EXHIBIT B

- Set philosophy, policy and culture
- Culture is the most important thing
- Let your CEO manage the staff and hold the CEO accountable
- Do not engage staff in management/political discussions
- Do engage the staff in technical discussions



The Role of an Individual Commissioner in Governance

- Be a leader – not a spectator or a critic
- Realize your responsibility – you are key to the success of the organization
- Watch what you say – the public and staff are listening
- Create a team approach – it's your team
- Educate your other Commissioners
- Ask questions before the podium
- No Surprises
- Protect and enhance the Port's political bank account – “how will this read in the morning paper?”



The Role of an Individual Commissioner in Governance

EXHIBIT B

- Figure out why you are a Commissioner – why are you here?
- Do no harm
- Be informed – read the materials provided by the staff
- Leave things in better shape than when you arrived
- Govern a problem before you manage a problem



Helpful things to remember

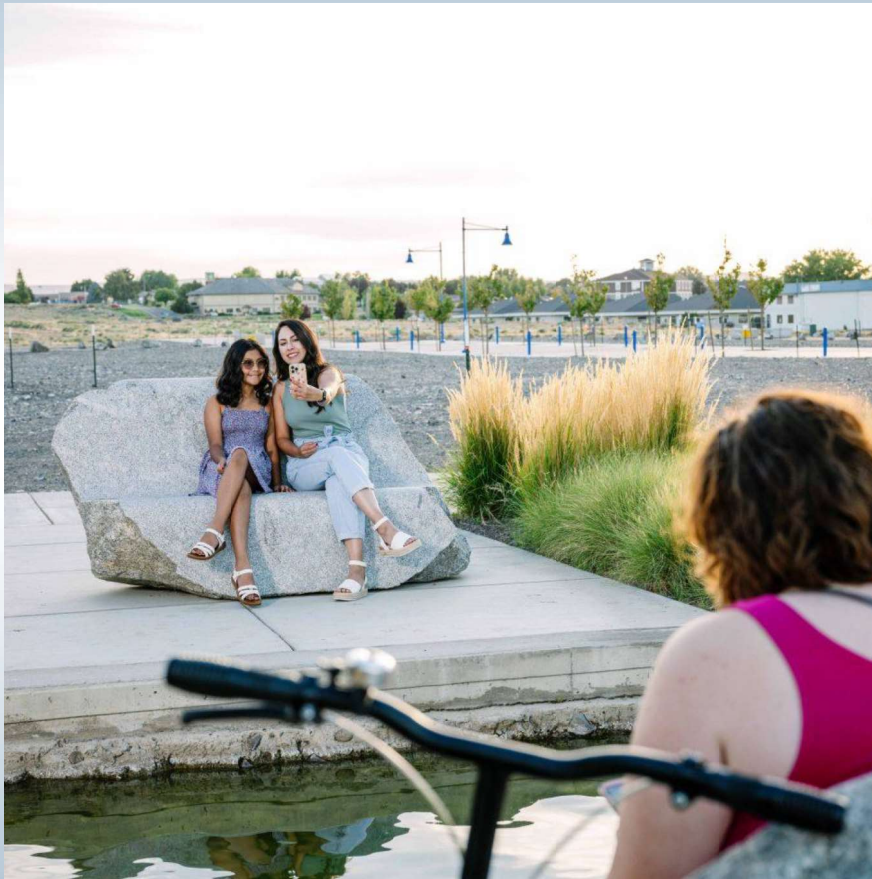
- You cannot do a single thing by yourself.
- You need allies on the Commission.
- You are joining a port with plans and projects already in motion.

Understand and respect this reality.



- Understand the role of the staff. Work through the CEO.
- You are a public official in a fishbowl. Learn and re-learn the basics of the Open Public Meetings Act and the Public Records Act.
- Rely on Legal Counsel

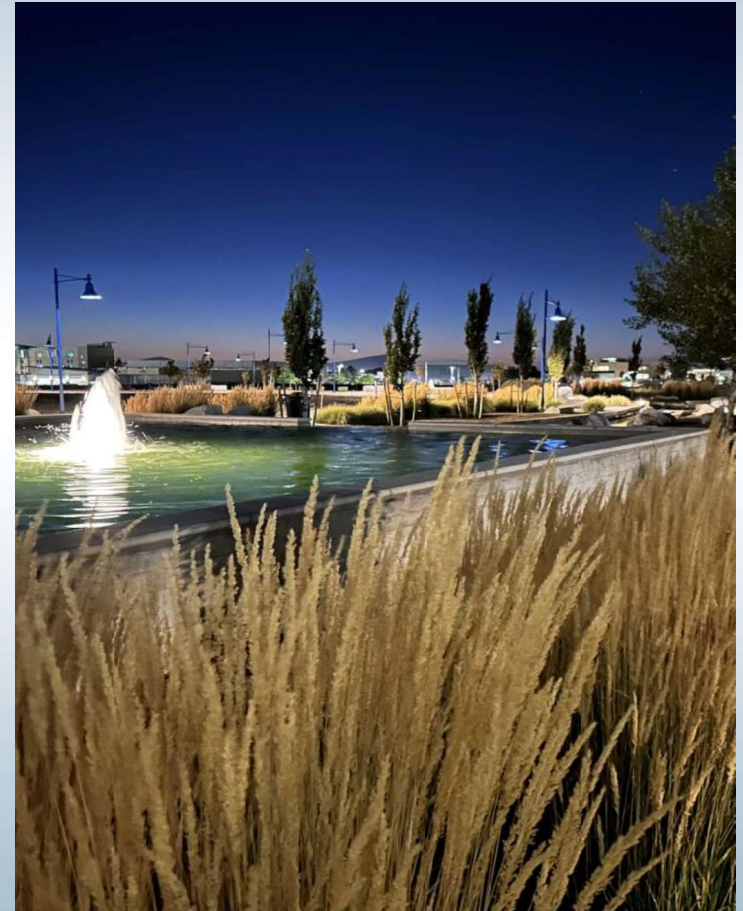
Social Media Use



- Personal social media accounts should not be used for discussing issues pertaining to the Port.
- Why: Social media content that relates to Port business may be a public record subject to retention and disclosure under state law.
- How: Refrain from using the Port email address when using social media in personal capacities. For example, personal Facebook or Twitter accounts should not be created using Port email address.

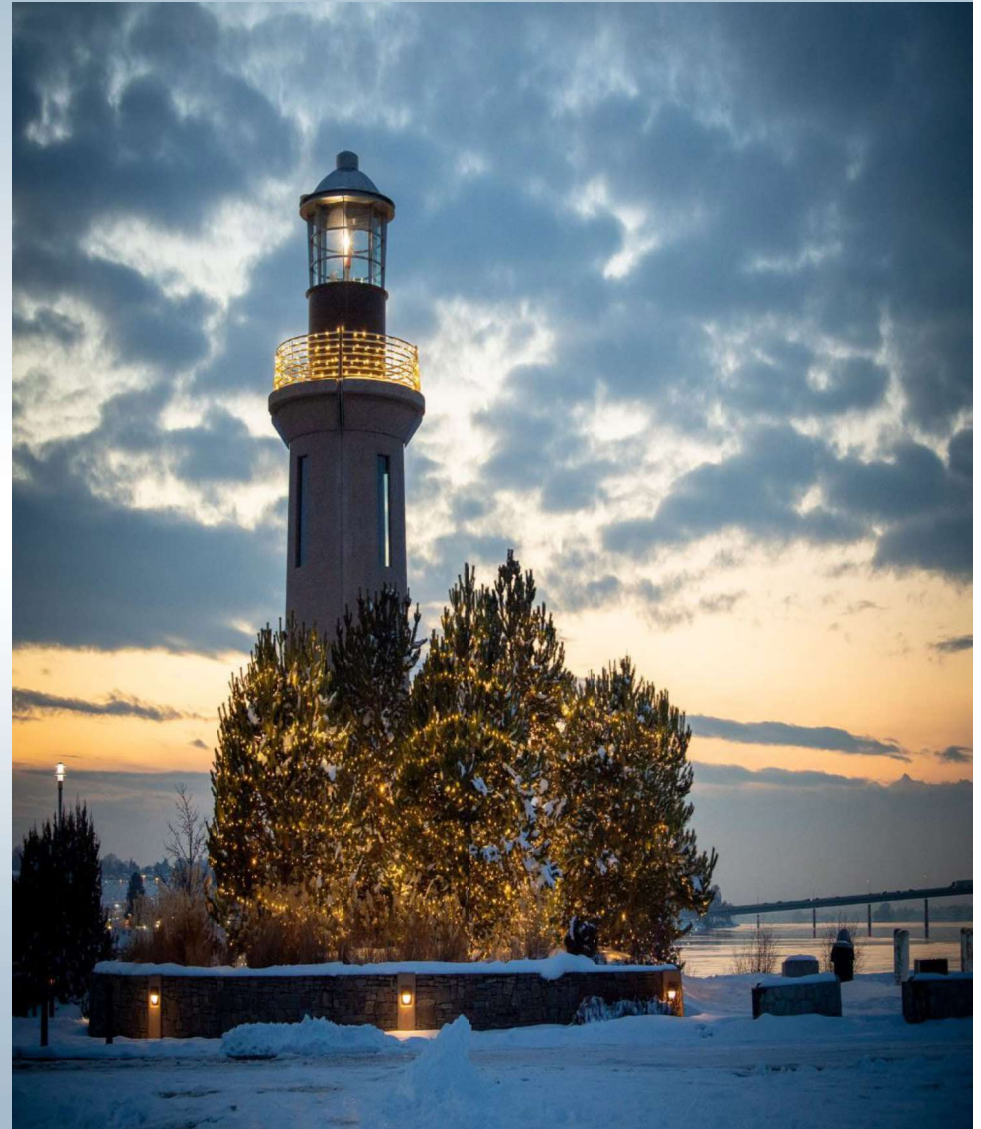
Social Media Use

- If you identify yourself as a Port Commissioner when conducting personal social media activities, recommend stating in your profile that your comments are not representative of the Port. Examples include:
 - Twitter bio: Tweets are my own.
 - Blog or website bio: While I serve the Port as Commissioner, anything I publish is my personal opinion and should not be considered the opinions or position of the Port.



Social Media Use

- Whether or not you specify on your personal social media accounts that you are a Port Commissioner, that fact is public information.
- Be mindful that whenever you discuss issues in an online platform, whether in a personal or professional capacity, your comments can be tied back to your role as a Port Commissioner.



Campaign Do's & Don'ts

- There is a strict prohibition against use of a port's public facilities to support or oppose a ballot measure or a candidate for office. "Facilities" is broadly defined to include office space, warehouses, stationary, postage, equipment, vehicles, publications, port mailing lists, and most notably, port employees during work hours.



Campaign Do's & Don'ts

- Campaign signs cannot be placed on port property; however, campaign signs may be placed on port-owned property that is leased by a tenant (leasehold property).
- The regulation of any sign on leasehold property should be addressed in lease documents.
- Port commissioners running for office should be cautious about using images, photos, or videos taken from the port's website or social media files.



Campaign Do's & Don'ts



Use of Port Facilities- Evolving Concept

- In the past, the Port has considered whether the Port may allow use of its facilities where the Port collects a standard fee charged to all and where the facilities are available on a nondiscriminatory basis.
- Port legal counsel previously has advised that this activity is allowed. This interpretation was also supported by the Public Disclosure Commission (PDC) staff, the entity that oversees Washington's Fair Campaign Act.

Campaign Do's & Don'ts



However, in the intervening years, the state AG's office has undertaken to aggressively pursue campaign law enforcement of various public agencies for actions that traditionally had not been considered "campaign use" and has vastly broaden the definition of what is considered "campaign activity" and "public Facilities".

Further, the PDC Interpretation 04-02 "Guidelines for Local Governments in Election Campaigns" highlights that "activity that is targeted at and/or occurs close in time to a ballot measure election is likely to draw close scrutiny and careful consideration by the PDC as to whether a violation has occurred".

Ethics

- When in doubt, remember the fundamental principles of ethics;
- Check with your Port's policy, statutes and regulations;
- And don't forget to ask your Port Attorney!



Fundamental Principles



- Be sure you're right, then go ahead.

• *Davey Crockett*

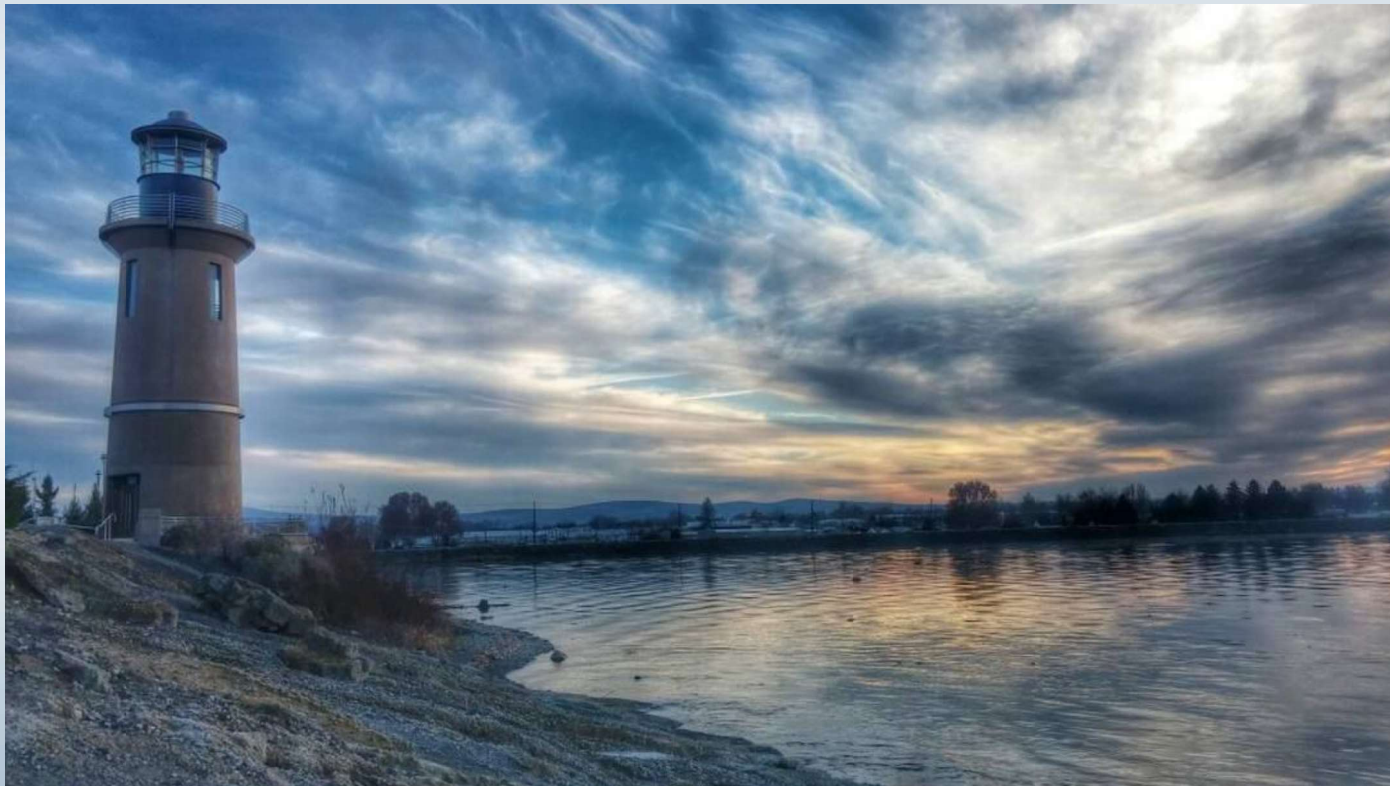
- *Fame is like a shaved pig with a greased tail, and it is only after it has slipped through the hands of some thousands, that some fellow, by mere chance, holds on to it!*

Davy Crockett

- Avoid even the **appearance of impropriety.**

Various

Questions?



VISTA FIELD SOUTHERN GATEWAY

Construction Update
July 23, 2024



VISTA FIELD











THANK YOU

Larry Peterson

Director of Planning & Development

Port of Kennewick

www.vistafield.com