

To continue to provide public access to meetings, Port of Kennewick will provide telephonic, video access, and in-person participation options to the public:

To participate by telephone, please call in at: [1-866-899-4679](tel:1-866-899-4679) Access Code: 153-301-717
Or, join on-line at the following link: <https://meet.goto.com/153301717>

AGENDA

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

April 22, 2025
2:00 p.m.

- I. CALL TO ORDER**
- II. ANNOUNCEMENTS AND ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. PUBLIC COMMENT** *(Please state your name and address for the public record)*
- V. CONSENT AGENDA**
 - A. Approval of Direct Deposit and ePayments April 17, 2025
 - B. Approval of Warrant Register Dated April 22, 2025
 - C. Approval of Regular Commission Meeting Minutes April 8, 2025
 - D. Gunderson Rail Services LLC dba Greenbrier Rail Services Lease Renewal; Resolution 2025-12
- VI. NEW BUSINESS**
 - A. Washington Economic Development Association (WEDA) Committee (TIM)
- VII. PRESENTATION**
 - A. Legislative Issues Report, Carolyn Lake
- VIII. REPORTS, COMMENTS AND DISCUSSION ITEMS**
 - A. Vista Field (AMBER)
 - B. Kennewick Waterfront (MICHAEL / DAVID)
 - C. CEO Report (if needed)
 - D. Commission Meetings (formal and informal meetings with groups or individuals)
 - E. Non-Scheduled Items
(LISA/BRIDGETTE/TANA/NICK/AMBER/MICHAEL/ DAVID/CAROLYN/TIM/KEN/TOM/SKIP)
- IX. PUBLIC COMMENT** *(Please state your name and address for the public record)*

X. EXECUTIVE SESSION

RCW 42.30.110 (1)(c) & RCW 42.30.110 (1)(i)(iii)

Two matters related to the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price and related to legal risks of a proposed action that the agency has identified when public discussion of the legal risks is likely to result in an adverse legal of financial consequence to the agency.

XI. ADJOURNMENT

PLEASE SILENCE ALL NOISE MAKING DEVICES



PORT OF KENNEWICK REGULAR COMMISSION MEETING

DRAFT

APRIL 8, 2025 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 (via telephone)
Thomas Moak, Secretary
- Staff Members:** Tim Arntzen, Chief Executive Officer
Tana Bader Inglima, Deputy Chief Executive
Nick Kooiker, Deputy Chief Executive Officer/CFO
Larry Peterson, Director of Planning and Building (via telephone)
Michael Boehnke, Director of Operations
Bridgette Scott, Executive Assistant (via telephone)
Lisa Schumacher, Special Projects Coordinator
David Phongsa, Marketing/Capital Projects Coordinator
Carolyn Lake, Port Counsel (via telephone)

PLEDGE OF ALLEGIANCE

Cal Coie led the Pledge of Allegiance.

PUBLIC COMMENT

No comments were made.

CONSENT AGENDA

- A. Approval of Direct Deposit and E-Payments Dated March 28, 2025**
Direct Deposit and E-Payments totaling \$121,018.01
- B. Approval of Warrant Register Dated April 8, 2025**
Expense Fund Voucher Number 106796 through 106834 for a grand total of \$221,548.41
- C. Approval of Regular Commission Meeting Minutes March 25, 2025**

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

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 8, 2025 MINUTES

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PRESENTATION

A. *Surviving the Campaign Season*

Ms. Lake gave a presentation on surviving the campaign season (*Exhibit A*).

Commission and staff commented on Ms. Lake's presentation.

Mr. Arntzen suggested having Ms. Lake review the Port's current Commission Policies and Procedures regarding the Public Disclosure Commission to see if the Port policies need to be updated and will bring back to the Commission if any revisions need to be made.

REPORTS, COMMENTS AND DISCUSSION ITEMS

A. *Speaking Engagements*

Mr. Arntzen gave a brief overview of recent and upcoming speaking engagements:

- Leadership Tri-Cities
- Benton Franklin Council of Governments
- TRIDEC Donuts & Development
- Kiwanis
- Blueberry Bridal Boutique and Columbia Eye Care Groundbreaking
- Regional Chamber of Commerce State of the Ports Luncheon

B. *Kennewick Waterfront*

1. *Marina Electrolysis Assessment Update*

Mr. Boehnke gave a brief update on the marina electrolysis assessment and stated he has been talking with Kevin Ritz of the NorthWest School of Wooden BoatBuilding. Mr. Ritz is an expert in stray electrical current and will be coming to the Port of Kennewick next month for Marina inspection and staff instruction. Additionally, Mr. Ritz will review current conditions and show where the Port can improve the Marina and point out any possible hazards.

2. *Clover Island Inn Update*

Mr. Phongsa recently met with Liza Clitar, the Clover Island Inn (CII) hotel manager, who gave an update on the hotel renovations. Mr. Phongsa reported that the CII hopes to have the renovations completed by Spring 2026 (*Exhibit B*). Additionally, the CII will continue the Thunder on the Island and the Summer Concert Series, which is being managed by Emerald Spark Events.

3. *Clover Island Stage Update*

Mr. Boehnke reported the Clover Island stage was set up last week and the manufacturer trained Port staff and the Spark Events team on the setup and tear down process.

4. *Water Taxi Update*

Mr. Arntzen gave an update on a potential water taxi and outlined the details of the U.S. Coast Guard standards and regulations, operator details, and estimated cost of \$350,000. Mr. Arntzen stated a water taxi has been discussed in the community for over 30 years and there has not

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 8, 2025 MINUTES

DRAFT

been an agency that has been willing to step up and take the project on. Mr. Arntzen requested guidance on if/when/how to proceed in the future from the Commission.

Commissioner Novakovich inquired what type of credentials are required to operate the boat. Mr. Arntzen believes a 25-ton Coast Guard Captains license will be required.

Commissioner Hohenberg stated the vision is there, but inquired how the port would sustain and support a water taxi. It would be interesting to know if there may be economic development opportunities with other entities because this is a costly endeavor and will have ongoing operating costs. Commissioner Hohenberg inquired if it is possible to start with one water taxi, or if a second one necessary to maintain a schedule? And, if so, additional captains would be needed.

Commissioner Moak stated an agency would need to commit to being the lead agency for the project. Either the port needs to find an agency to take on the project or decide we will take it on ourselves. Additionally, we would need to determine a budget, and look into possible corporate sponsors and/or grants and subsidies. Everyone wants a water taxi, but no one wants to pay for it. If the cost is \$20 per ride, most people will not use it. If it is subsidized, how big will it be? The subsidy will need to be put in an agency's budget. How many captains would be needed? Look at all of the costs involved: Captain's uniforms, maintenance, etc. Are we prepared to be the lead agency? We are the smallest of the local ports, in terms of how many dollars we have coming in, and we are committed to Vista Field right now.

Commissioner Novakovich inquired of the Commission if they support Mr. Arntzen moving forward with more research on the water taxi and the costs involved. Commissioner Novakovich feels it is a great idea and believes the Port of Kennewick would be the best place to keep the boat and we could have multiple operators to drive the boat. We are probably the best equipped agency to do it.

Commissioner Hohenberg stated the Commission has tried to be very careful not to add projects to the port's undertakings because Vista Field is the Port's number one priority. Commissioner Hohenberg inquired if we have the capacity to take on a project like this.

Commissioner Novakovich would like to see Mr. Arntzen explore the cost of the boat itself, and operations and maintenance costs.

Commissioner Moak stated the Port would need to enter into an Interlocal Agreement with Port of Pasco, TRIDEC, etc. because the Port can not take on this project without support from others who would also benefit, as this is a regional issue.

Commissioner Hohenberg would not want the Commission to move forward on this as the lead agency by ourselves. He is confident that we can have answers brought back to the Commission after the exploratory process is completed.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 8, 2025 MINUTES

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It is the consensus of the Commission for Mr. Arntzen to move forward in search of potential partners, funding, and gathering data on a regional water taxi.

Mr. Arntzen requested to work on this matter and make general inquiries regarding partnership and would like to report back later this summer.

The Commission has no objections to Mr. Arntzen's request.

5. WEDA Award / Shoreline Comparison / Wildlands Contract

Ms. Bader Inglima reported that the Washington Economic Development Association honored the Port for its multi-year, multi-phase endeavor to transform the Clover Island and Columbia Gardens neighborhoods in Kennewick's Historic Waterfront District. The Port received the Economic Development Award for Economic Response and Recovery (*Exhibit C*). The Port collaborated with many partners on the restoration and revitalization projects, including the Confederated Tribes of the Umatilla Indian Reservation, U.S. Army Corps of Engineers Washington State Recreation Conservation Office, Benton County and the City of Kennewick. Ms. Bader Inglima thanked Commissioner Novakovich for flying over to accept the award on the Port's behalf.

Mr. Boehnke reported that the Port has contracted with Wildlands Inc., the original installer of irrigation and plants on the Shoreline Restoration Project to maintain the shoreline.

C. CEO Report

Mr. Arntzen thanked Ms. Bader Inglima on the amazing application she submitted for the WEDA award and Commissioner Novakovich for traveling to Lacey to accept the award.

Mr. Arntzen thanked the audience for showing up today and stated it is good to see Mr. Coie, who has been attending Commission Meetings for over 35 years.

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

Commissioners reported on their respective committee meetings.

E. Non-Scheduled Items

Ms. Bader Inglima reported that the groundbreaking of Blueberry Bridal is scheduled for April 17, 2025 at 10:00 a.m. at Lot 18 in Vista Field. The Columbia Point Eye Care groundbreaking is scheduled for April 22, 2025 at 10:00 a.m. at Lot 31 in Vista Field.

Ms. Bader Inglima reported the Regional Chamber of Commerce is holding the annual State of the Ports Luncheon on April 23, 2025 at 11:30 a.m. at the Red Lion Hotel in Pasco.

PUBLIC COMMENTS

No comments were made.

PORT OF KENNEWICK REGULAR COMMISSION MEETING

APRIL 8, 2025 MINUTES

DRAFT

COMMISSION COMMENTS

No comments were made.

ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned at 3:54 p.m.

APPROVED:

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

Skip Novakovich, President

Kenneth Hohenberg, Vice President

Thomas Moak, Secretary

Port of Kennewick Surviving the Campaign Season



Presented by
Carolyn Lake
Port Legal Counsel



1

Surviving The Campaign Season

- INTRODUCTION
- CAUTIONS SPECIFIC TO ELECTED OFFICIALS, CANDIDATES, MANAGEMENT & PUBLIC EMPLOYEES
- CAUTIONS REGARDING USE OF:
 - EQUIPMENT
 - UNIFORMS & STAGED PHOTOS
 - MEETING AREAS
 - LISTS
 - PUBLICATIONS
 - READER BOARD & POSTERS
 - SURVEYS AND RESEARCH
 - TECHNOLOGY (WEBSITE, COMPUTERS, EMAILS)
 - CALENDARS
 - PUBLIC SERVICE ANNOUNCEMENTS



2



Surviving the Campaign Season

- **ENFORCEMENT ACTIONS**
 - Recent & Ongoing
 - Penalty Examples
- **ABOVE ALL –**
- **INDIVIDUAL CAMPAIGN ACTIVITIES NOT RESTRICTED**



3

INTRODUCTION

- Reminder of the do's and don'ts in supporting or opposing a ballot proposition or candidates for public office.
- State law in RCW 42.17A.555 prohibits the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office.
- "Public Facilities" defined very broadly by the Public Disclosure Commission



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INTRODUCTION

The Season Matters:

- PDC Interpretation 04-02 "Guidelines for Local Governments in Election Campaigns"
- PDC gives closer scrutiny of "activity that is targeted at and/or occurs close in time to a ballot measure election as to whether a violation has occurred".

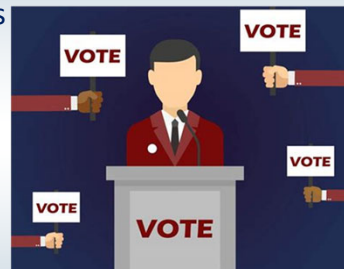


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ELECTED OFFICIALS & CANDIDATES

Not permitted:

- Shall not direct port staff to perform tasks to support or oppose campaign activities or ballot measures.
- Shall not use public facilities or resources to engage in political activities
- Shall not knowingly solicit, directly or indirectly, a contribution to a candidate, political party or other political committee from an employee in the official's agency. [RCW 42.17A.565](#)



6



ELECTED OFFICIALS & CANDIDATES

- Elective or appointive Port Commissioners and Port employees may not work to support or oppose a ballot proposition during work time or allow public facilities to be used for that purpose.
- The term "public facilities" is defined to include but is not limited to use of stationery, postage, equipment, use of employees during working hours, vehicles, office space, publications of the office, or lists of persons served by the local government, or (recently defined) use of Port personnel or consultants.

7

ELECTED OFFICIALS & CANDIDATES

Permitted:

- May engage in political activities on his or her own time, if no public equipment, vehicle or facility is used.
- May may use his or her title but should clarify that speaking on his/her own behalf, and not on behalf of the port.
- If the elected Commission has adopted a resolution, the official can then speak on behalf of the port.)



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ELECTED OFFICIALS & CANDIDATES



- May attend any function or event at any time during the day and voice his or her opinion about a candidate or ballot proposition as long as they are not being compensated and are not using any public equipment, vehicle or other facility.

9

MANAGEMENT

Not Permitted:

- Shall not use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure.
- Shall not use public resources to promote or defeat a candidate or ballot measure.
- Ports shall not pressure or coerce employees to vote or participate in campaign activities.
- Ports shall not organize an effort to encourage staff to wear campaign buttons or display campaign materials.
- Shall not use agency resources to organize the distribution of campaign materials.



10

MANAGEMENT

Permitted:

- May speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours.
- May fully participate in campaign activities, including meeting with citizens' campaign committees to plan strategies, during non-work hours and without the use of public resources.
- May inform staff during non-work hours of opportunities to participate in campaign activities.



11

PUBLIC EMPLOYEES

Not Permitted:

- Shall not use work hours or public resources to promote or oppose a candidate or ballot measure (such as gathering signatures, distributing campaign materials, arranging speaking engagements, coordinating phone banks, or fundraising).
- Shall not pressure or coerce other employees to participate in campaign activities.
- Shall not use port resources to organize the distribution of campaign materials.



12

UNION REPS

Not Permitted:

- Shall not use the agency's internal mail or email system to communicate campaign-related information, including endorsements.
- Shall not distribute promotional materials in public areas.

Permitted:

- May, during non-work hours, make available campaign materials to union members in lunchrooms and break rooms that are used only by staff or other authorized individuals.
- May distribute campaign materials at union-sponsored meetings.
- May post campaign materials on a bulletin board, if such a board is in an area that is not accessible to the general public and if such activity is consistent with the agency's policy and the collective bargaining agreements.



13



CAUTIONS REGARDING USE OF: EQUIPMENT

NOT PERMITTED:

- Public resources (including but not limited to internal mail systems, email systems, copiers, telephone) shall not be used to support or oppose a candidate or ballot measure, no matter if during or outside of work hours.

Permitted:

- Port employees, in the course of their employment, may use equipment (including but not limited to projectors and computers) to make an objective and fair presentation of the facts at community forums and clubs.

14

UNIFORMS & STAGED PHOTOS

Not Permitted:

- Port employees shall not make special arrangements for or "stage" the taking of an port photo or video of an employee in uniform so the photo or video can be used for campaign purposes.
- This same prohibition applies to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; agency patches, logos, insignias, emblems; and radios.



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UNIFORMS & STAGED PHOTOS



Permitted: Port photos and Port videos depicting Port employees wearing Port uniforms may be used by a campaign if the photos or videos: (1) were made in the ordinary course of the agency's business, (2) were not "staged" for campaign purposes and, (3) are made available to a campaign on the same terms and conditions as any other member of the public would receive the photos or videos. For example, agency photos or agency videos could be provided in response to a public records request, or by other authorized agency policy.

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MEETING AREAS

Permitted: Port meeting facilities, including audio visual equipment, may be used on the same terms and conditions available to other community groups, subject to the provisions of the agency's policy and when the facility is merely a "neutral forum" where the activity is taking place, and the port in charge of the facility is not actively endorsing or supporting the activity.



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LISTS

Not Permitted:

- The Port shall not sell copies of such lists (though they may charge a pre-established fee to recover the costs of providing copies of the lists).
- BUT- if a list is generally available as a public record, it cannot be denied to a person or group on the grounds that it might be used in a campaign.



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PUBLICATIONS

Not Permitted:

- The Port shall not use internal memoranda or other agency publications to encourage employees to participate in campaign activities.
- The Port shall not publish materials supporting or opposing a candidate or ballot measure.



Permitted:

- The Port may thank citizens for their support after an election in agency publications.

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READER BOARDS & POSTERS

Not Permitted:

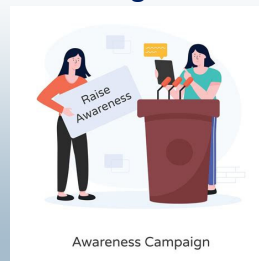
- ❖ Ports shall not display a "Vote for ." sign or other promotional messages on reader boards or posters.
- ❖ Signs advocating for or against candidates or ballot measures shall not be posted on port property in any area accessible to the general public.
- ❖ Publicly owned vehicles shall not be used to carry or display political material.

Permitted:

- Information encouraging staff and members of the public to vote, or showing upcoming election dates:

"vote on February ____"

- Port Tenant signs



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SURVEYS AND RESEARCH

Not Permitted:

- Surveys conducted to determine what taxation level the public would support.
- Surveys designed to shore up support or opposition for a ballot measure.
- Targeting of registered voters or other subgroups of the jurisdiction in conducting their election-related surveys.
- Ports shall not use survey results in a manner designed to support or oppose a candidate or ballot measure.



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SURVEYS AND RESEARCH

Permitted:

- Surveys and/or other community research, including:
 - demographic questions, determining community's priorities,
 - public perception of performance, and/or
 - inform the community about agency programs and policies.
- Questionnaires, surveys, workshops, focus groups, and forums) to determine the community's priorities for programs and/or facilities and associated total costs and projected dollars per thousand assessment.
- Can be conducted before or after the governing body has approved a resolution to place a ballot measure on the ballot. However, research after the adopting a ballot resolution subject to greater scrutiny.



22

TECHNOLOGY (WEBSITE, COMPUTERS, EMAILS)

Not Permitted:

- Use of Port computers, email systems, telephones, and other information technology systems to aid a campaign for or against a candidate or ballot measure.
- Using Electronic communication systems to generate or forward information that supports or opposes a candidate or ballot measure.



Using websites for the purposes of supporting or opposing a candidate or ballot measure.



23

CALENDARS

Not Permitted:

- Using or directing staff to use public facilities or resources to arrange, plan or assist campaign activities
- Arranging details of appearance or participation in a campaign activity such as travel logistics, tickets, invitations to other participants, or agenda while at the event,
- Communicating about the individual's interest and/or potential for participating in planned or possible future campaign events or activities, including endorsement interviews
- Placing individual campaign-related events on port-wide distributed calendars or regularly scheduled newsletters distributed to staff or the public.



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CALENDARS

Permitted:



- Port calendars can include basic information that he/she is scheduled out of the office to attend campaign events.
- Personal electronic calendars may be synchronized with Port electronic calendars so long as only basic campaign event information gets placed on the Port calendar

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PUBLIC SERVICE ANNOUNCEMENTS

- No state-elected official or municipal officer may speak or appear in a public service announcement that is broadcast, shown, or distributed in any form from January 1st and through the general election if that official or officer is a candidate.
- The official or officer shall contractually limit the use of the public service announcement per above
- Exception: public service announcements that are part of the regular duties of the office that only mention or visually display the office or office seal or logo and does not mention or visually display the Officials' name or office in the announcement.



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PINS & BUTTONS.




Permitted:

- OK for an elected official or public employee to wear a typical campaign pin or button during normal working hours.
- Simply wearing a button which encourages support for or opposition to any candidate or ballot proposition, either directly or indirectly, is a form of personal expression and is not to be regarded as prohibited use of a "use of facilities"



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PDC ENFORCEMENT ACTIONS

Recent & Ongoing



03/26/2025	Yakima Valley Conference of Governments
02/27/2025	City of Edmonds
02/26/2025	Burien Council member
11/05/2024	City of Sunnyside

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ENFORCEMENT ACTIONS PENALTY EXAMPLE

10/22/2019

City of Olympia Officials



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INDIVIDUAL CAMPAIGN ACTIVITIES NOT RESTRICTED.



Notwithstanding the restrictions on public entities, RCW 42.17A.555 does **not** restrict the right of an individual, whether that person is an elective public port official or a public port employee, to express his or her personal views supporting or opposing a ballot proposition so long as that expression does not involve using public facilities.

Port Commission and staff may also campaign on their own time, using their own supplies and equipment, for or against a ballot proposition by preparing brochures, mailings, doorbelling, and other such activities.

30

Surviving Campaign Season

- Check with your Port's policy, statutes and regulations;
- And don't forget to ask your Port Attorney!

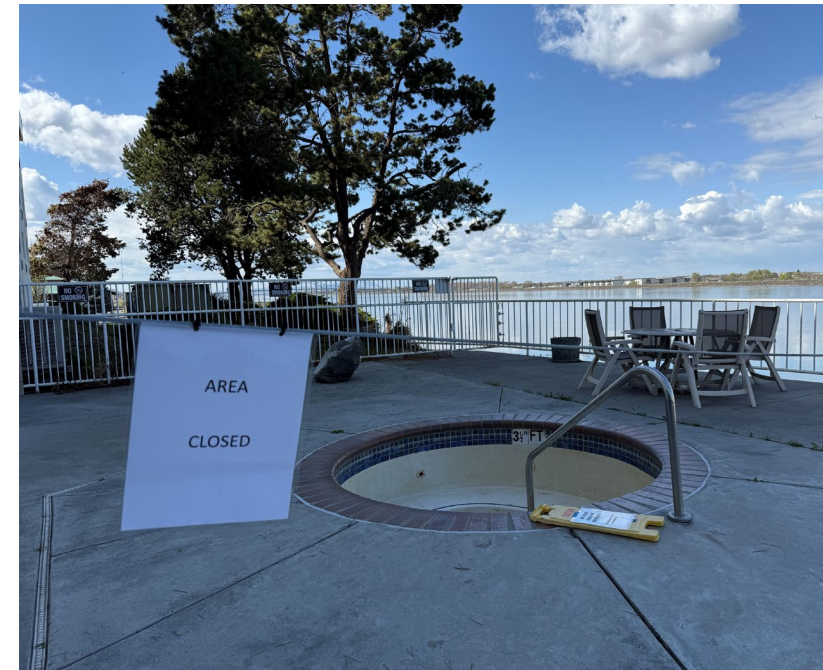


Kennewick Waterfront

Clover Island Inn Update













2025 Economic Development Award for Economic Response & Recovery



Revitalizing Kennewick's Historic Waterfront—Project Highlights



Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
Letters of Support for Waterfront Restoration & Revitalization



Clover Island West Causeway Before and After



Clover Island Marina before and after reconstruction —now with 150 boat slips



Clover Island North Shoreline Restoration & Recreation Improvements, 2021-2023 (Before)



Clover Island North Shoreline Restoration & Recreation Improvements, 2023-2024 (After)



Select Public Art Installations, 2009-2010



Clover Island Lighthouse Plaza & West Causeway and
CTUIR Blessing Ceremony Dedication Event, 2012



"The Gathering Place" Art Installation In Partnership with the CTUIR, 2017

Phase one of the Clover Island restoration project is completed, and more changes are coming

Don Hanson NonStop Local Reporter May 17, 2023 Updated Jan 1, 2025

Clover Island shoreline
Stabilization Community
Celebration, May 2023



Businesses offices now on Clover Island



Ice Harbor Brewing at the Marina restaurant
expanded to Clover Island AND the Clover Island Inn
hotel was sold and is now renovating to become a
Spark by Hilton-branded property



Columbia Gardens waterfront BEFORE clearing and redevelopment



Columbia Gardens waterfront AFTER redevelopment



Our Voice: Columbia Gardens
progress may be the tipping point for
downtown Kennewick

BY THE KENNECOTT BOARD

Columbia Gardens waterfront AFTER redevelopment; and an editorial from Tri-City Herald



Columbia Gardens waterfront AFTER redevelopment



Bartholomew Winery, Monarcha Winery, Gordon Estate Winery, and Muret-Gaston Wine Bar AFTER redevelopment



Food Trucks and Wineries Located at Columbia Gardens AFTER redevelopment



Swampy's BBQ Kitchen expands from food truck to a brick & mortar building after purchasing land at Columbia Gardens



Port has 5 shovel-ready parcels for sale at Columbia Gardens; also 22 multi-story townhome live-work units are under construction in that waterfront neighborhood









Hi Tana,

The WEDA Award is such wonderful news – Congratulations!!

I've been so happy to watch this project come together. Despite all the challenges I feel like we wound up with a great project, and the Port's vision for the larger area is really complementary (and fantastic!!) - thank you for being such an excellent partner! I am looking forward to bringing our new district commander and DPM out to see it, hopefully this spring (I'll let you know when we are headed your way). And, I know our biologist will be out to do some monitoring later this year.

If we can assist in other ways please don't hesitate to get in touch.

Happy Spring – it must be starting to look really pretty out there!

Cindy Boen, Chief, Planning Branch
US Army Corps of Engineers, Walla Walla District



Port of Kennewick Surviving the Campaign Season



Presented by
Carolyn Lake
Port Legal Counsel



1

Surviving The Campaign Season

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- CAUTIONS REGARDING USE OF:
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 - UNIFORMS & STAGED PHOTOS
 - MEETING AREAS
 - LISTS
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 - SURVEYS AND RESEARCH
 - TECHNOLOGY (WEBSITE, COMPUTERS, EMAILS)
 - CALENDARS
 - PUBLIC SERVICE ANNOUNCEMENTS



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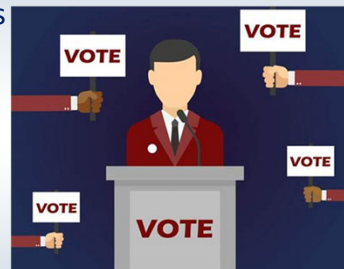


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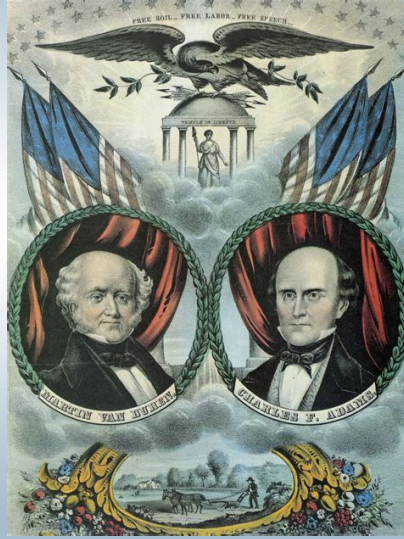
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MANAGEMENT

Permitted:

- May speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours.
- May fully participate in campaign activities, including meeting with citizens' campaign committees to plan strategies, during non-work hours and without the use of public resources.
- May inform staff during non-work hours of opportunities to participate in campaign activities.



11

PUBLIC EMPLOYEES

Not Permitted:

- Shall not use work hours or public resources to promote or oppose a candidate or ballot measure (such as gathering signatures, distributing campaign materials, arranging speaking engagements, coordinating phone banks, or fundraising).
- Shall not pressure or coerce other employees to participate in campaign activities.
- Shall not use port resources to organize the distribution of campaign materials.



12

UNION REPS

Not Permitted:

- Shall not use the agency's internal mail or email system to communicate campaign-related information, including endorsements.
- Shall not distribute promotional materials in public areas.

Permitted:

- May, during non-work hours, make available campaign materials to union members in lunchrooms and break rooms that are used only by staff or other authorized individuals.
- May distribute campaign materials at union-sponsored meetings.
- May post campaign materials on a bulletin board, if such a board is in an area that is not accessible to the general public and if such activity is consistent with the agency's policy and the collective bargaining agreements.



13



CAUTIONS REGARDING USE OF: EQUIPMENT

NOT PERMITTED:

- Public resources (including but not limited to internal mail systems, email systems, copiers, telephone) shall not be used to support or oppose a candidate or ballot measure, no matter if during or outside of work hours.

Permitted:

- Port employees, in the course of their employment, may use equipment (including but not limited to projectors and computers) to make an objective and fair presentation of the facts at community forums and clubs.

14

UNIFORMS & STAGED PHOTOS

Not Permitted:

- Port employees shall not make special arrangements for or "stage" the taking of an port photo or video of an employee in uniform so the photo or video can be used for campaign purposes.
- This same prohibition applies to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; agency patches, logos, insignias, emblems; and radios.



15

UNIFORMS & STAGED PHOTOS



Permitted: Port photos and Port videos depicting Port employees wearing Port uniforms may be used by a campaign if the photos or videos: (1) were made in the ordinary course of the agency's business, (2) were not "staged" for campaign purposes and, (3) are made available to a campaign on the same terms and conditions as any other member of the public would receive the photos or videos. For example, agency photos or agency videos could be provided in response to a public records request, or by other authorized agency policy.

16

MEETING AREAS

Permitted: Port meeting facilities, including audio visual equipment, may be used on the same terms and conditions available to other community groups, subject to the provisions of the agency's policy and when the facility is merely a "neutral forum" where the activity is taking place, and the port in charge of the facility is not actively endorsing or supporting the activity.



17

LISTS

Not Permitted:

- The Port shall not sell copies of such lists (though they may charge a pre-established fee to recover the costs of providing copies of the lists).
- BUT- if a list is generally available as a public record, it cannot be denied to a person or group on the grounds that it might be used in a campaign.



18

PUBLICATIONS

Not Permitted:

- The Port shall not use internal memoranda or other agency publications to encourage employees to participate in campaign activities.
- The Port shall not publish materials supporting or opposing a candidate or ballot measure.



Permitted:

- The Port may thank citizens for their support after an election in agency publications.

19

READER BOARDS & POSTERS

Not Permitted:

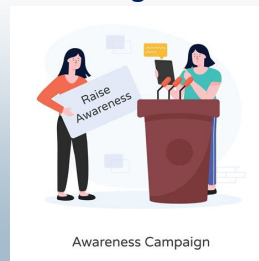
- ❖ Ports shall not display a "Vote for ." sign or other promotional messages on reader boards or posters.
- ❖ Signs advocating for or against candidates or ballot measures shall not be posted on port property in any area accessible to the general public.
- ❖ Publicly owned vehicles shall not be used to carry or display political material.

Permitted:

- Information encouraging staff and members of the public to vote, or showing upcoming election dates:

"vote on February ____"

- Port Tenant signs



20

SURVEYS AND RESEARCH

Not Permitted:

- Surveys conducted to determine what taxation level the public would support.
- Surveys designed to shore up support or opposition for a ballot measure.
- Targeting of registered voters or other subgroups of the jurisdiction in conducting their election-related surveys.
- Ports shall not use survey results in a manner designed to support or oppose a candidate or ballot measure.



21

SURVEYS AND RESEARCH

Permitted:

- Surveys and/or other community research, including:
 - demographic questions, determining community's priorities,
 - public perception of performance, and/or
 - inform the community about agency programs and policies.
- Questionnaires, surveys, workshops, focus groups, and forums) to determine the community's priorities for programs and/or facilities and associated total costs and projected dollars per thousand assessment.
- Can be conducted before or after the governing body has approved a resolution to place a ballot measure on the ballot. However, research after the adopting a ballot resolution subject to greater scrutiny.



22

TECHNOLOGY (WEBSITE, COMPUTERS, EMAILS)

Not Permitted:

- Use of Port computers, email systems, telephones, and other information technology systems to aid a campaign for or against a candidate or ballot measure.
- Using Electronic communication systems to generate or forward information that supports or opposes a candidate or ballot measure.



Using websites for the purposes of supporting or opposing a candidate or ballot measure.



23

CALENDARS

Not Permitted:

- Using or directing staff to use public facilities or resources to arrange, plan or assist campaign activities
- Arranging details of appearance or participation in a campaign activity such as travel logistics, tickets, invitations to other participants, or agenda while at the event,
- Communicating about the individual's interest and/or potential for participating in planned or possible future campaign events or activities, including endorsement interviews
- Placing individual campaign-related events on port-wide distributed calendars or regularly scheduled newsletters distributed to staff or the public.



24

CALENDARS

Permitted:



- Port calendars can include basic information that he/she is scheduled out of the office to attend campaign events.
- Personal electronic calendars may be synchronized with Port electronic calendars so long as only basic campaign event information gets placed on the Port calendar

25


PUBLIC SERVICE ANNOUNCEMENTS

- No state-elected official or municipal officer may speak or appear in a public service announcement that is broadcast, shown, or distributed in any form from January 1st and through the general election if that official or officer is a candidate.
- The official or officer shall contractually limit the use of the public service announcement per above
- Exception: public service announcements that are part of the regular duties of the office that only mention or visually display the office or office seal or logo and does not mention or visually display the Officials' name or office in the announcement.



26

PINS & BUTTONS.




Permitted:

- OK for an elected official or public employee to wear a typical campaign pin or button during normal working hours.
- Simply wearing a button which encourages support for or opposition to any candidate or ballot proposition, either directly or indirectly, is a form of personal expression and is not to be regarded as prohibited use of a "use of facilities"



27

PDC ENFORCEMENT ACTIONS

Recent & Ongoing



03/26/2025	Yakima Valley Conference of Governments
02/27/2025	City of Edmonds
02/26/2025	Burien Council member
11/05/2024	City of Sunnyside

28

ENFORCEMENT ACTIONS PENALTY EXAMPLE

10/22/2019

City of Olympia Officials



29

INDIVIDUAL CAMPAIGN ACTIVITIES NOT RESTRICTED.



Notwithstanding the restrictions on public entities, RCW 42.17A.555 does **not** restrict the right of an individual, whether that person is an elective public port official or a public port employee, to express his or her personal views supporting or opposing a ballot proposition so long as that expression does not involve using public facilities.

Port Commission and staff may also campaign on their own time, using their own supplies and equipment, for or against a ballot proposition by preparing brochures, mailings, doorbelling, and other such activities.

30

Surviving Campaign Season

- Check with your Port's policy, statutes and regulations;
- And don't forget to ask your Port Attorney!

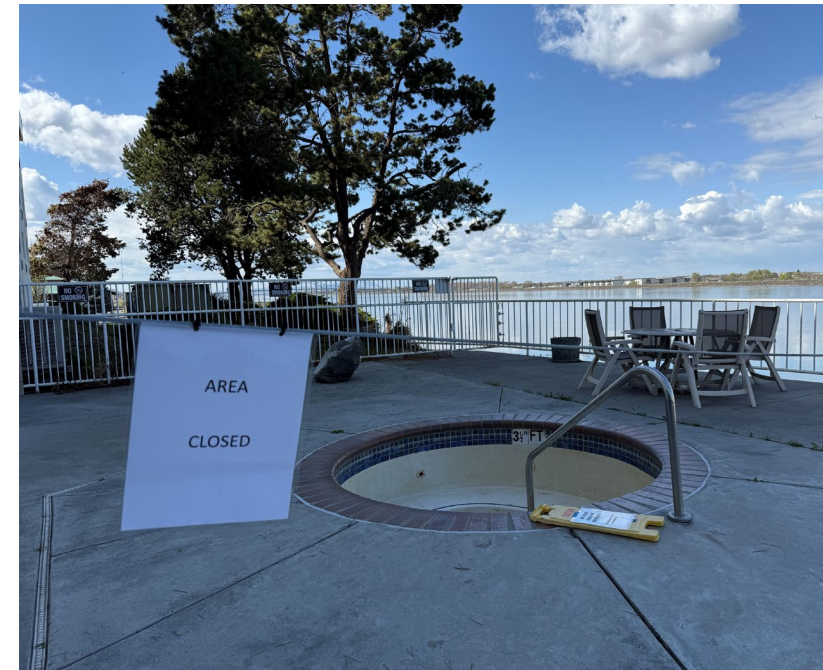


Kennewick Waterfront

Clover Island Inn Update













2025 Economic Development Award for Economic Response & Recovery



Revitalizing Kennewick's Historic Waterfront—Project Highlights



Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
Letters of Support for Waterfront Restoration & Revitalization



Clover Island West Causeway Before and After



Clover Island Marina before and after reconstruction —now with 150 boat slips



Clover Island North Shoreline Restoration & Recreation Improvements, 2021-2023 (Before)



Clover Island North Shoreline Restoration & Recreation Improvements, 2023-2024 (After)



Select Public Art Installations, 2009-2010



Clover Island Lighthouse Plaza & West Causeway and
CTUIR Blessing Ceremony Dedication Event, 2012



"The Gathering Place" Art Installation In Partnership with the CTUIR, 2017

Phase one of the Clover Island restoration project is completed, and more changes are coming

Don Hanson NonStop Local Reporter May 17, 2023 Updated Jan 1, 2025

Clover Island shoreline
Stabilization Community
Celebration, May 2023



Businesses offices now on Clover Island



Ice Harbor Brewing at the Marina restaurant
expanded to Clover Island AND the Clover Island Inn
hotel was sold and is now renovating to become a
Spark by Hilton-branded property



EXHIBIT C

Columbia Gardens waterfront BEFORE clearing and redevelopment



Columbia Gardens waterfront AFTER redevelopment



Our Voice: Columbia Gardens
progress may be the tipping point for
downtown Kennewick

BY THE KENNECOTT BOARD

Columbia Gardens waterfront AFTER redevelopment; and an editorial from Tri-City Herald



Columbia Gardens waterfront AFTER redevelopment



Bartholomew Winery, Monarcha Winery, Gordon Estate Winery, and Muret-Gaston Wine Bar AFTER redevelopment



Food Trucks and Wineries Located at Columbia Gardens AFTER redevelopment



Swampy's BBQ Kitchen expands from food truck to a brick & mortar building after purchasing land at Columbia Gardens



Port has 5 shovel-ready parcels for sale at Columbia Gardens; also 22 multi-story townhome live-work units are under construction in that waterfront neighborhood







Hi Tana,

The WEDA Award is such wonderful news – Congratulations!!

I've been so happy to watch this project come together. Despite all the challenges I feel like we wound up with a great project, and the Port's vision for the larger area is really complementary (and fantastic!!) - thank you for being such an excellent partner! I am looking forward to bringing our new district commander and DPM out to see it, hopefully this spring (I'll let you know when we are headed your way). And, I know our biologist will be out to do some monitoring later this year.

If we can assist in other ways please don't hesitate to get in touch.

Happy Spring – it must be starting to look really pretty out there!

Cindy Boen, Chief, Planning Branch
US Army Corps of Engineers, Walla Walla District





AGENDA REPORT

TO: Port Commission

FROM: Amber Hanchette, Director of Real Estate & Operations

MEETING DATE: April 22, 2025

AGENDA ITEM: Lease Renewal Option #3 – Gunderson Rail Services LLC dba Greenbrier Rail Services
Resolution 2025-12

I. REFERENCE(S): Original Lease dated 11/16/1993
Greenbrier Option to Renew letter dated 10/16/2024

II. DISCUSSION:

In the early 1990's, the port purchased property in Finley (Cochran Road) bordered by BNSF and Union Pacific railroads. This area is identified as the Twin Tracks Industrial Park in the port's portfolio (Exhibit A).

The port subsequently entered into a long-term lease arrangement on the property with a railcar maintenance and repair company and obtained a CERB loan to construct a rail spur into the property which the tenant repaid. The tenant constructed and continues to maintain buildings on the property. The tenant also performs any necessary maintenance on the rail. Minimal to no maintenance is performed on this property by the port.

In 1995, the company entered a 20-year ground lease with the port which included six successive five-year lease renewal options. In 1996, the port gave permission to the tenant to sublease a portion of the property to United States Cellular for a cellular tower location allowing expanded cellular access to east Benton County residents. The sublease runs concurrent with the ground lease including renewal options.

The tenant currently employs 32 people at their Finley location. Tenant is in good standing with the port.

Current lease expiration 4/30/2025.

Ground Lease Rate History:

Years 1995 – 2015: \$4,000.00 per month

Renewal Option #1 & #2 (Years 2015-2025): \$5,000 per month

Gunderson Rail Services, Rick Galvan, SVP Operations submitted a letter to port staff dated October 16, 2024, notifying the port of Gunderson Rail Services desire to exercise the third of six lease renewal options as allowed in the lease dated November 16, 1993.

A lease rate increase for Option #3 (2025-2030) is as follows:

Price Per Acre: \$137.50

Total Acreage Leased: +/- 40 acres

Base Monthly Rent (not including LET): \$5,500.00

Leasehold Tax (LET)(current rate 12.84%): \$ 706.20

III. ACTION REQUESTED OF COMMISSIONERS

Motion:

I move approval of Resolution 2025-12 approving a 5-year lease renewal with Gunderson Rail Services doing business as Greenbrier Rail; and that all action by port officers and employees in furtherance hereof is ratified and approved; and further, the Port Chief Executive Officer is authorized to take all action necessary in furtherance hereof.

EXHIBIT A



PORT OF KENNEWICK

Resolution No. 2025-12

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK APPROVING A THIRD FIVE YEAR LEASE RENEWAL OPTION WITH GUNDERSON RAIL SERVICES, LLC D/B/A GREENBRIER RAIL SERVICES

WHEREAS, the Port of Kennewick (Port) is authorized to enter into certain leases upon such terms as the Port Commission deems proper; and

WHEREAS, effective May 1, 2025, Greenbrier Rail Service, LLC exercised the third of six five-year options to renew its September 9, 1994 Lease with the Port, at an adjusted lease rate of \$5,500.00 per month through April 30, 2030; and

WHEREAS, the Port Commission has called a regularly scheduled public meeting with notice of such meeting given as provided by law and such public meeting was held at such time and on said date; and

WHEREAS, Port staff and the Port attorney have reviewed the proposed Addendum to Lease and find it is in proper form and it is in the Port's best interest; and after consideration of the attached Addendum to Lease, the Port Commission has determined that the Addendum is proper.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick hereby approve the Addendum to Lease confirming exercise of the third of six five (5) year lease renewal options with Gunderson Rail Service, LLC.

BE IT FURTHER RESOLVED that all action by port officers and employees in furtherance hereof is ratified and approved; and further that the port Chief Executive Officer is authorized to take all action all action necessary and can pay all expenses necessary in furtherance hereof.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 22nd day of April, 2025.

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

By: _____

SKIP NOVAKOVICH, President

By: _____

KENNETH HOHENBERG, Vice President

By: _____

THOMAS MOAK, Secretary

THIRD ADDENDUM TO LEASE

THIS THIRD ADDENDUM TO LEASE (this "Addendum") is entered into on this _____ day of _____, 2025 (the "Effective Date"), by and between the Port of Kennewick, a Washington municipal corporation (as "Landlord"), and Gunderson Rail Services, LLC, an Oregon limited liability company d/b/a Greenbrier Rail Services (as "Tenant"), who are collectively referred to herein as the "Parties".

RECITALS

WHEREAS, on or about September 9, 1994, the Parties entered into a commercial lease relating to real property described as:

THE SOUND 700 FEET OF THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER AND THE SOUTH 700 FEET OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER ALL IN
SECTION 23, TOWNSHIP 8 NORTH, RANGE 30 EAST, W.M., BENTON
COUNTY, WASHINGTON.

TOGETHER WITH A 60 FOOT WIDE ACCESS AND UTILITY EASEMENT,
BEING THE WEST 60 FEET OF THE EAST 110 FEET OF THE SAID
NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, LYING
NORTHERLY OF THE SOUTH 700 FEET THEREOF AND SOUTHERLY OF
THE NORTH 20 FEET THEREOF.

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESDERVATIONS,
COVENANTS AND RESTRICTIONS OF RECORD AND IN VIEW.

(the "Lease Agreement");

WHEREAS, a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, the twenty (20) year Lease Agreement commenced on May 15, 1995 and ended on April 30, 2015; and

WHEREAS, the Lease Agreement allows Tenant to exercise up to six (6) five (5) year option extensions on the lease term; and

WHEREAS, Tenant previously exercised two (2) of its six (6) possible option extensions under the terms of the Lease Agreement; and

WHEREAS, the current option period commenced on May 1, 2020 and expires on April 30, 2025; and

WHEREAS, Tenant now desires to exercise its third option to extend the term of the Lease Agreement for another five (5) years from May 1, 2025 to April 30, 2030; and

NOW, THEREFORE, the Parties hereby agree to amend the Lease as follows:

AGREEMENT

1. Recitals. The Recitals set forth above are hereby incorporated into this Third Addendum by this reference.
2. Commercial Property Lease. The Lease Agreement described in the Recitals above is incorporated by reference into this Third Addendum as though written in full and shall, except as otherwise specifically modified herein and through prior amendments and addendums, remain in full force and effect.
3. Extension Terms.
 - 3.1 Authorization of Option Term. Tenant has exercised the third of six five (5) year options to renew the Lease Agreement pursuant to Paragraph 16 thereof. The third renewal period commences on May 1, 2025 and shall end on April 30, 2030.
 - 3.2 Rent. Pursuant to Paragraph 16 of the Lease Agreement, the Parties have negotiated a fair market rental rate for the renewal period as follows:

Price Per Acre: \$137.50
Total Acreage Leased: +/- 40 acres
Base Monthly Rent (not including LET): \$5,500.00
Leasehold Tax (LET)(current rate 12.84%): \$ 706.20
4. Further Acts and Documents. The Parties shall execute any and all further documents, instruments, and other conveyances and agreements, and shall do all acts which may be necessary or appropriate to fully implement the provisions of this Third Addendum.
5. Construction.
 - 5.1 In the event of any conflict, inconsistency or ambiguity between the terms of the Lease Agreement and this Third Addendum; the terms of this Third Addendum shall govern and control.
 - 5.2 Any terms that are capitalized in this Third Addendum but not otherwise defined herein that are capitalized and defined in the Lease Agreement shall have the same meaning for purposes of this Third Addendum as they have for purposes of the Lease Agreement.
 - 5.3 The descriptive headings in this Third Addendum are for convenience only and will not control or affect the meaning or construction of any provision herein.
6. Counterparts. This Third Addendum may be executed in several counterparts, each of which shall be an original and shall constitute one and the same instrument.

7. Authority to Sign. Each of the persons signing below on behalf of any party hereby represents and warrants that he or she or it is signing with full and complete authority to bind the party on whose behalf of whom he or she or it is signing, to each and every term of this Third Addendum.

IN WITNESS WHEREOF, the Parties have executed this Third Addendum as of the Effective Date first written above.

LANDLORD : Port of Kennewick

A Washington Municipal Corporation by Authority of its Board of Commissioners

By: _____
Tim Arntzen, Chief Executive Officer

Approved:

Approved as to form:

Nick Kooiker, Port Auditor/CFO

Taud Hume, Port Counsel

TENANT: GUNDERSON RAIL SERVICES, LLC

an Oregon limited liability company dba Greenbrier Rail Services

By: _____

Its: _____

ACKNOWLEDGEMENTS

State of Washington)
)ss
County of Benton)

On this day personally appeared before me Tim Arntzen to me known to be the **Chief Executive Officer** of the **Port of Kennewick**, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated he is authorized to execute the said instrument.

GIVEN under my hand and official seal this ____ day of _____, 2025.

Notary Public in and for the State of Washington
Residing at: _____
My Commission Expires: _____

State of Washington)
)ss
County of Benton)

On this day personally appeared before me _____, to me known to be the _____ of **Gunderson Rail Services, LLC**, the Oregon limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated he is authorized to execute the said instrument.

GIVEN under my hand and official seal this ____ day of _____, 2025.

Notary Public in and for the State of Washington
Residing at: _____
My Commission Expires: _____

EXHIBIT A

(Lease Agreement)