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## AGENDA

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

February 24, 2026  
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 February 18, 2026
  - B. Approval of Warrant Register Dated February 24, 2026
  - C. Approval of Regular Commission Meeting Minutes February 10, 2026
  - D. Approval of Fifth Amendment to the Purchase and Sale Agreement with Vista Field, LLC (Vatik Dulo and Ryan Foster) (Lot 25); Resolution 2026-04
  - E. Approval of Fourth Amendment to the Purchase and Sale Agreement with BlueChart, LLC; Resolution 2026-05
- VI. **PRESENTATIONS**
  - A. Employee Introductions - Finance Department (TIM/NICK)
  - B. Delegation of Authority Review (TIM/NICK/CAROLYN)
- VII. **REPORTS, COMMENTS AND DISCUSSION ITEMS**
  - A. Vista Field (TANA)
  - B. Kennewick Waterfront (AMBER)
  - C. CEO Report (if needed) (TIM)
  - D. Commission Meetings (formal and informal meetings with groups or individuals)
  - E. Non-Scheduled Items  
LISA/BRIDGETTE/TANA/ROCHELLE/NICK/LARRY/AMBER/MICHAEL/DAVID/CAROLYN/TIM /RAUL/SKIP/KEN
- VIII. **PUBLIC COMMENT** *(Please state your name and address for the public record)*
- IX. **EXECUTIVE SESSION, Potential Litigation, pursuant to RCW 42.30.110 (1)(i)(iii) to discuss:**  
One matter related to the legal and financial risk of a proposed action that the agency has identified when public discussion of the legal risks is likely to result in an adverse legal or financial consequence to the agency.
- X. **ADJOURNMENT**

**PLEASE SILENCE ALL NOISE MAKING DEVICES**



# PORT OF KENNEWICK REGULAR COMMISSION MEETING

**DRAFT**

**FEBRUARY 10, 2026 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 Vice 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:** Kenneth Hohenberg, President (via telephone)  
Skip Novakovich, Vice President  
Raul Contreras Gonzalez, Secretary

**Staff Members:** Tim Arntzen, Chief Executive Officer  
Tana Bader Inglima, Deputy Chief Executive Officer  
Nick Kooiker, CFO/Deputy Chief Executive Officer  
Larry Peterson, Director of Planning  
Amber Hanchette, Director of Real Estate  
Michael Boehnke, Director of Operations  
Rochelle Olsen, Director of Governmental Affairs  
Bridgette Scott, Executive Assistant (via telephone)  
Lisa Schumacher, Special Projects Coordinator  
Carolyn Lake, Port Counsel (via telephone)

Commissioner Novakovich gave a brief explanation of Parliamentary Procedure.

## **PLEDGE OF ALLEGIANCE**

Mayor of Richland, Theresa Richardson, led the Pledge of Allegiance.

## **PUBLIC COMMENT**

No comments were made.

## **CONSENT AGENDA**

- A. Approval of Direct Deposit and E-Payments Dated February 3, 2026**  
Direct Deposit and E-Payments totaling \$114,513.22
- B. Approval of Warrant Register Dated February 10, 2026**  
Expense Fund Voucher Number 107659 through 107696 for a grand total of \$173,290.53
- C. Approval of Regular Commission Meeting Minutes January 27, 2026**

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

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

FEBRUARY 10, 2026 MINUTES

**DRAFT**

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## PRESENTATIONS

### ***A. 2025 Friends of the Port***

Mr. Arntzen stated for the 2025 Friend of the Port, staff chose to honor Ricardo Garza and Daniel Tlatenchi, for their selfless devotion to the Port of Kennewick's properties and personal stewardship of Columbia Gardens Artisan Village, Clover Island and Vista Field. They start their days early and are often the first eyes on Port properties and even though they are contractors, they are truly valuable members of our team (*Exhibit A*).

Mr. Garza said it's an honor to work for the Port and with great people, who are inspiring and sweet people. Mr. Garza expressed how blessed he felt working for the Port of Kennewick.

Mr. Tlatenchi thanked the Port and expressed his appreciation to everyone on the Island and especially the maintenance crew, who are always taking care of us.

Commissioner Novakovich stated the Port properties always look great, and thanked Mr. Garza and Mr. Tlatenchi for going above and beyond. And expressed the Commission's appreciation for their hard work.

Mr. Boehnke stated we consider Mr. Garza and Mr. Tlatenchi part of our maintenance crew and stated even though they are employed through a temporary service, we consider them like Port family.

### ***B. Employee Introductions***

Mr. Arntzen introduced members of the maintenance crew: Michael Melia, Ryan Bailey who are here today, and Anthony Eleishio, who could not be here.

Mr. Boehnke gave an overview of the maintenance department and what the crew does for the Port.

Mr. Melia and Mr. Bailey gave brief descriptions of their duties and projects they are currently working on.

### ***C. Work Plan/Budget Update***

Mr. Peterson gave a brief presentation on the Work Plan document (*Exhibit B*).

Mr. Kooiker explained how the Work Plan and the Budget process go hand in hand.

Commissioner Novakovich stated the Port has always done a good job with limited resources and utilizing flexible, strategic thinking.

**PORT OF KENNEWICK  
REGULAR COMMISSION MEETING**

**FEBRUARY 10, 2026 MINUTES**

**DRAFT**

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**NEW BUSINESS**

**A. Vista Field**

**1. Clean Up Action Plan Review/Address Public Comments**

Mr. Arntzen gave a brief overview of the cleanup action plan produced by Landau Associates, Inc. (*Exhibit C*) and stated the Port received one public comment for the cleanup action plan. Staff responded to the comment and inquired if the Commission would formally approve the proposed cleanup action plan by consensus, and if any other comments come in before the 5:00 p.m. deadline, staff will address the comment. If the Port receives a comment that is more substantive, then Mr. Arntzen stated the Commission may address it at a Special Meeting.

Commissioner Novakovich asked the Commission if they had any objections approving the cleanup action plan, contingent on not receiving additional public comments that are not substantive.

*It is the Consensus of the Commission to approve the Vista Field cleanup action plan, contingent on not receiving additional, substantive public comments.*

Mr. Arntzen stated the cleanup work is set to begin on February 17, 2026 and outlined the process.

**PUBLIC COMMENT**

No comments were made.

**2. Landau Associates, Inc. Contract Amendment #5; Resolution 2026-03**

Mr. Arntzen stated as part of the cleanup action plan, an amendment is required to the Landau Associates, Inc. contract. The proposed contract amendment would allow Landau to implement the cleanup action plan and the No Further Action determination request necessary to ensure no PFAS-related reasons remaining for the pausing of the Vista Field development.

Mr. Kooiker stated the amendment is \$110,900, which is over the CEO's Delegation of authority and requires formal approval from the Commission.

***MOTION:*** *Commissioner Contreras Gonzalez moved for the approval of Resolution 2026-03 authorizing the Port's Chief Executive Officer to executed the contract amendment (#5) with Landau Associates, Inc.; for a sum not to exceed \$110,900. Further, the Commission ratifies and approves all action by port officers and employees in furtherance hereof; authorize the Port Chief Executive Officer to take all action necessary in furtherance hereof; Commissioner Novakovich seconded.*

**PUBLIC COMMENT**

No comments were made.

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

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

FEBRUARY 10, 2026 MINUTES

**DRAFT**

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## REPORTS, COMMENTS AND DISCUSSION ITEMS

### ***A. Vista Field***

Ms. Hanchette reported that Blueberry Bridal, our first business in Vista Field is open (*Exhibit D*).

Ms. Bader Inglima and Ms. Olsen will work with Blueberry Bridal on a formal ribbon cutting date, to celebrate this momentous occasion.

### ***B. Kennewick Waterfront***

Mr. Kooiker reported that the Port hosted the annual Columbia Gardens Artisan tenant meeting recently and stated it was very productive and that our tenants are happy and they all want to help each other succeed.

### ***C. CEO Report***

Mr. Arntzen reported on the following:

- Coordinate Vista Field ribbon cuttings with Blueberry Bridal and Kuki Izakaya;
- The Port is not eligible for Electric Vehicle charging station grants.

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

Commissioners reported on their respective committee meetings.

### ***E. Non-Scheduled Items***

## PUBLIC COMMENTS

Thereasa Richardson, Richland. Ms. Richardson, Mayor of Richland, stated it is a pleasure to be here, and she is the new liaison for the City of Richland City Council and was looking forward to attending the Port Meetings because of familiar faces.

No further comments were made.

**PORT OF KENNEWICK  
REGULAR COMMISSION MEETING**

**FEBRUARY 10, 2026 MINUTES**

**DRAFT**

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**ADJOURNMENT**

With no further business to bring before the Board; the meeting was adjourned at 3:24 p.m.

***APPROVED:***

**PORT of KENNEWICK  
BOARD of COMMISSIONERS**

---

*Kenneth Hohenberg, President*

---

*Skip Novakovich, Vice President*

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*Raul Contreras Gonzalez, Secretary*

**PORT OF KENNEWICK  
Resolution No. 2026-03**

**A RESOLUTION OF THE PORT OF KENNEWICK BOARD OF COMMISSIONERS  
APPROVING CONTRACT AMENDMENT #5 WITH LANDAU ASSOCIATES, INC. TO  
PERFORM PFAS-RELATED ENVIRONMENTAL CONSULTING SERVICES FOR THE  
PORT'S VISTA FIELD REDEVELOPMENT PROJECT**

**WHEREAS**, on July 18, 2025, the Port contracted with Landau Associates, Inc. to provide the Port of Kennewick (Port) with environmental consulting services associated with Vista Field Properties; and

**WHEREAS**, additional work is required for excavation and disposal of Per- and Polyfluoroalkyl Substances (PFAS) contaminated soil identified at the property line of the Lot 31 Property; and

**WHEREAS**, excavation and disposal activities will be performed in general accordance with the Cleanup Action Plan (CAP); and

**WHEREAS**, the proposed scope of additional services requires a new Task 7 (Lot 31 Remedial Excavation and Disposal), a new Task 8 (No Further Action [NFA] Determination Request), and a contingent Task 9 (Lot 31 Additional Excavation and Disposal); and

**WHEREAS**, the proposed scope also increases the total budget for Project Management, and shifts unused budget from developing the Cleanup Action Plan and Preliminary Site Characterization to Tasks 7 and 8; and

**WHEREAS**, Landau Associates, Inc. has presented a proposal to perform these additional Tasks for a sum not to exceed \$110,900; and the CEO's Delegation of Authority, states change orders over \$100,000 must be presented and approved by the Board of Commissioners.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Port of Kennewick does hereby authorize the Port's Chief Executive Officer to approve the proposal by Landau Associates, Inc. to provide additional cleanup, remediation, and project management services at Vista Field, in an amount not to exceed \$110,900.

**BE IT FURTHER RESOLVED** that the Port of Kennewick Board of Commissioners hereby ratify and approve all action by port officers and employees in furtherance hereof; and authorize the Port Chief Executive Officer to take all action necessary in furtherance hereof.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick on the 10th day of February 2026.

**PORT of KENNEWICK  
BOARD of COMMISSIONERS**

By: <sup>DocuSigned by:</sup>  
*Kenneth Hohenberg*  
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KENNETH HOHENBERG, President

By: <sup>DocuSigned by:</sup>  
*Skip Novakovich*  
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SKIP NOVAKOVICH, Vice President

By: <sup>Signed by:</sup>  
*[Signature]*  
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RAUL CONTRERAS GONZALEZ, Secretary



## 2-YEAR WORK PLAN & CAPITAL BUDGET

What is the 2-year Capital Budget & Work Plan?

How do the Budget & Work Plan "fit" w/other documents?

What projects are funded in the Budget & Work Plan?

WHY does the Work Plan say what it says?

When can the Capital Budget and Work Plan be changed?

# What is the 2-year Capital Budget & Work Plan?

## GENERAL ANSWER: Guiding Documents with a 2-year Horizon

### TECHNICAL ANSWER

Capital Budget is a legally required document which establishes and authorizes Port capital expenditures over a 2-year period.

Work Plan is a brief (10-12 page) non-mandatory graphic focused document which identifies the general location and details of funded projects.

Capital Budget is the subjective portion of the overall adopted Budget which focuses on construction improvements (buildings, utilities, roads, public open spaces)

Overall Budget document encompasses both the Capital Budget and the less subjective Operating Budget (utilities, insurance, admin costs.)

Work Plan is the graphic oriented document which quickly & simply conveys the What, Where & How Much of funded capital projects



## What does the 2-year Capital Budget & Work Plan say?

**GENERAL ANSWER: Complete Infrastructure Improvements in Vista Field to Support Private Sector Investment**

***EXPANDED ANSWER ...Construct/Complete:***

- ***Vista Field Joint-Use Parking Lots;***
- ***Infrastructure (utilities & roads) for Single Family homes {Blue Chart};***
- ***Daybreak Commons (public open space) for All Users;***
- ***Scheduled Asset Replacements (roofs, HVAC);***

# What does the 2-year Capital Budget say?

## CAPITAL EXPENDITURE SUMMARY

Dated: September 16, 2024

### 2025/2026 DRAFT CAPITAL BUDGET

|             |   |              |      |
|-------------|---|--------------|------|
| Vista Field | Infrastructure West Construction (BlueChart Block #1)                     | \$ 2,300,000 |      |
| Vista Field | Joint-Use Parking Lot Construction (Pavilions)                            | \$ 1,000,000 | RCCF |
| Vista Field | Joint-Use Parking Lot Construction (Woonerf-North)                        | \$ 150,000   |      |
| Vista Field | Joint-Use Parking Lot Construction (Lots 23-25)                           | \$ 400,000   |      |
| Vista Field | Joint-Use Parking Lot Construction (Woonerf-South)                        | \$ 225,000   |      |
| Vista Field | Joint-Use Parking Lot Construction (Brockman)                             | \$ 750,000   |      |
| Vista Field | Infrastructure East Construction (BlueChart Block #2)                     | \$ 2,300,000 |      |
| Vista Field | Infrastructure East Street Construction (Grandridge & Vista Field Blvds.) | \$ 1,600,000 | RCCF |
| Vista Field | Daybreak Commons Phase #1 Construction                                    | \$ 1,500,000 |      |

|                    |  |                      |
|--------------------|--|----------------------|
| Vista Field        | Team {Town Architect, Project Design}                | \$ 300,000           |
| Vista Field [VFDF] | Exterior Building Improvements (estimated carryover) | \$ 200,000           |
| District-wide      | Art Project/Installation                             | \$ 100,000           |
| District-wide      | Opportunity Fund                                     | \$ 125,000           |
| District-wide      | Asset Replacement                                    | \$ 400,000           |
| <b>TOTAL</b>       |  | <b>\$ 11,350,000</b> |

2025-2026 Port of Kennewick Work Plan

Page 3

# What does the 2-year Work Plan say?

2025-2026 Work Plan

Resolution 2024-22

## PROSPECTIVE VISION

- The Port is an economic development entity focused on redevelopment.
- The redevelopment role avoids duplicating private sector efforts while both invigorating areas of the district lagging in private sector investment and forging a economically sustainable development pattern.
- Acknowledge the enormity of the Vista Field Redevelopment project and the significance of this effort to the entire Port district and larger Tri-City area.
- Follow direction established by 2016 Comprehensive Scheme of Development and Harbor Improvements as amended in 2017 and 2019.
- Continue with Kennewick Waterfront District projects: Columbia Drive — Wine & Artisan Village and Clover Island Improvements.
- Pursue projects with development partners demonstrating support (match funding, political support and enthusiasm).
- Pursue fewer projects while selecting projects with the greatest benefit to the community.
- Realize & support economic development opportunities with wine, culinary & tourism industry.
- Continue to pursue grant funding opportunities.
- Remain focused on containing operational expenses.
- A strong focus must be placed on successfully running daily Port operations.
- Remain solidly focused on the Port's core business and established priorities; not swayed by the oscillating influence of external entities.

## PROSPECTIVE VISION

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- Acknowledge the enormity of the Vista Field Redevelopment project and the significance of this effort to the entire Port district and larger Tri-City area.
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# What does the 2-year Work Plan say?

2025-2026 Work Plan

Resolution 2024-22

## VISTA FIELD REDEVELOPMENT

- 103± Acres Combined
- Zoning/Utilities: UMU (Urban Mixed Use) with all Municipal Services

### STRENGTHS

- Centrally located in the Tri-Cities, surrounded by vibrant commercial district (Columbia Center Mall) and adjacent to the Three Rivers Entertainment District (Toyota Center Coliseum, Three Rivers Convention Center and Tri-Cities Business & Visitor Center)
- Located within "Opportunity Zone" per 2017 Tax Cuts & Jobs Act

### CHALLENGES

- \* Undertaking massive redevelopment effort while balancing district-wide objectives
- Limited financial resources
- Establishing a new land use and development paradigm in the community

### SUGGESTED WORK & PROPERTY MANAGEMENT PLAN

- Infrastructure West Construction (BlueChart Block #1) **\$2,300,000** Ⓢ
- Joint-Use Parking Lot Construction (Pavilions) **\$1,000,000** [RCCF]
- Joint-Use Parking Lot Construction (Woonerf-North) **\$150,000**
- Joint-Use Parking Lot Construction (Lot 23-25) **\$400,000**
- Joint-Use Parking Lot Construction (Woonerf-South) **\$225,000**
- Joint-Use Parking Lot Construction (Brockman) \$750,000
- Infrastructure East Construction (BlueChart Block #2) **\$2,300,000** Ⓢ
- Infrastructure Grandridge Blvd. Construction **\$1,600,000** [RCCF] Ⓢ
- Daybreak Commons Phase #1 Construction **\$1,500,000** Ⓢ
- Vista Field Team (supporting marketing efforts) - **\$300,000** Ⓢ

Remain true to the community's vision remembering the initial steps, whether positive or negative, set the tone for the entire project.

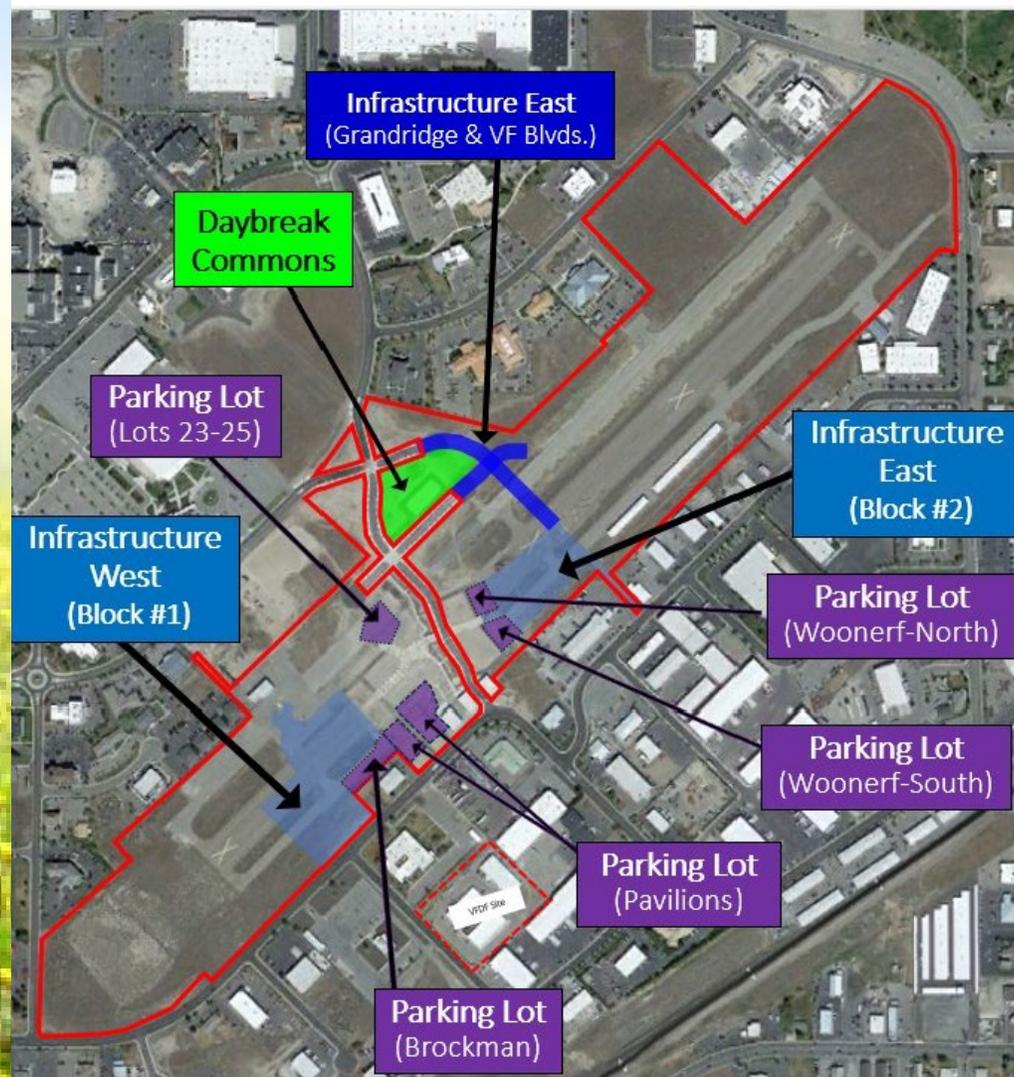
Patience during the next two years coupled with strategic decision making will yield positive results for decades.

- Provide Support & Oversight to Previously Approved Land Sales
- Market properties through RFP process & review proposals through the Collaborative Design Process Ⓢ

Existing/Pending Contractual Obligation  
Support Previously Expressed  
 Ⓢ Revenue Generation Potential

2025-2026 Work Plan

Resolution 2024-22



## ***WHY does the Capital Budget & Work Plan say what it says?***

**GENERAL ANSWER: 2-year Capital Budget & Work Plan follow direction established in the Comp Plan**

### ***EXPANDED ANSWER***

- Comp Plan identifies Vista Field as the Port's priority project, therefore the funded projects align with that priority;***
- Funding directed to complement planned and pending private sector investment;***
- Funding directed to enhancing and expanding opportunities for future private sector investment;***

## When can the 2-year Capital Budget & Work Plan be changed?

**GENERAL ANSWER:** Whenever Commission Deems Necessary, provided contractual commitments (approved contracts) can be met

### **EXPANDED ANSWER:**

- *Amending the budget involves public notification (ranging from agenda publishing to formal notice) and due to both the 2-year duration and pricing fluctuations periodically revisiting project allocations has occurred.*
- *Specifically, the Vista Field PFAS issue caused delays to planned projects which warranted reviewing project sequencing. Coupled with updated cost information the Commission made a budget revision in November 2025.*

# PORT of KENNEWICK



## Capital Projects 2025/2026 Budget Amendment

|    | <u>Item</u>   | <u>Original Budget</u> | <u>Expended</u> | <u>Remaining</u> | <u>Proposed Amended Budget</u> |
|----|---|------------------------|-----------------|------------------|--------------------------------|
| 1  | Vista Field Woonerf Parking Lots North & South (lots 15-21) | \$375,000              | \$107,383       | \$267,617        | \$1,300,000                    |
| 2  | Vista Field Pavilions & Azure Drive Parking Lots            | \$1,000,000            | \$110,832       | \$889,168        | \$2,100,000                    |
| 3  | Vista Field Parking Lots 23 - 25                            | \$400,000              | \$0             | \$400,000        | \$2,000,000                    |
| 4  | Vista Field Infrastructure West Block 1 (Blue Chart)        | \$2,300,000            | \$6,549         | \$2,293,451      | \$2,500,000                    |
| 5  | Vista Field Blue Chart Parking (behind Brockman)            | \$750,000              | \$0             | \$750,000        | \$0                            |
| 6  | Vista Field Daybreak Commons                                | \$1,700,000            | \$59,294        | \$1,640,706      | \$200,000                      |
| 7  | Vista Field Infrastructure East Block 2 (Blue Chart)        | \$2,300,000            | \$4,125         | \$2,295,875      | \$0                            |
| 8  | Vista Field Infrastructure East (Grandridge Blvd.)          | \$1,600,000            | \$0             | \$1,600,000      | \$1,600,000                    |
| 9  | Vista Field Town Architect (operations budget)              | \$300,000              | \$27,136        | \$272,864        | \$300,000                      |
| 10 | VFDF A & B Improvements                                     | \$200,000              | \$148,535       | \$51,465         | \$200,000                      |
| 11 | Art Project   | \$100,000              | \$0             | \$100,000        | \$100,000                      |
| 12 | Asset Replacement   | \$400,000              | \$62,006        | \$337,994        | \$400,000                      |
| 13 | Opportunity Fund  | \$125,000              | \$0             | \$125,000        | \$125,000                      |



# CURRENT Port Land Holdings

## Acres

- 103 VISTA FIELD Redevelopment**
- 3 VISTA FIELD Dev. Bldg.**
- 16 CLOVER ISLAND**
- 15 COLUMBIA DRIVE**
- 28 OAK ST. Ind.**
- 105 FINLEY-Twin Tracks**
- 3 HEDGES-Peninsula & Lagoon**
- 157 PLYMOUTH-Island & Upland**

# 430 TOTAL

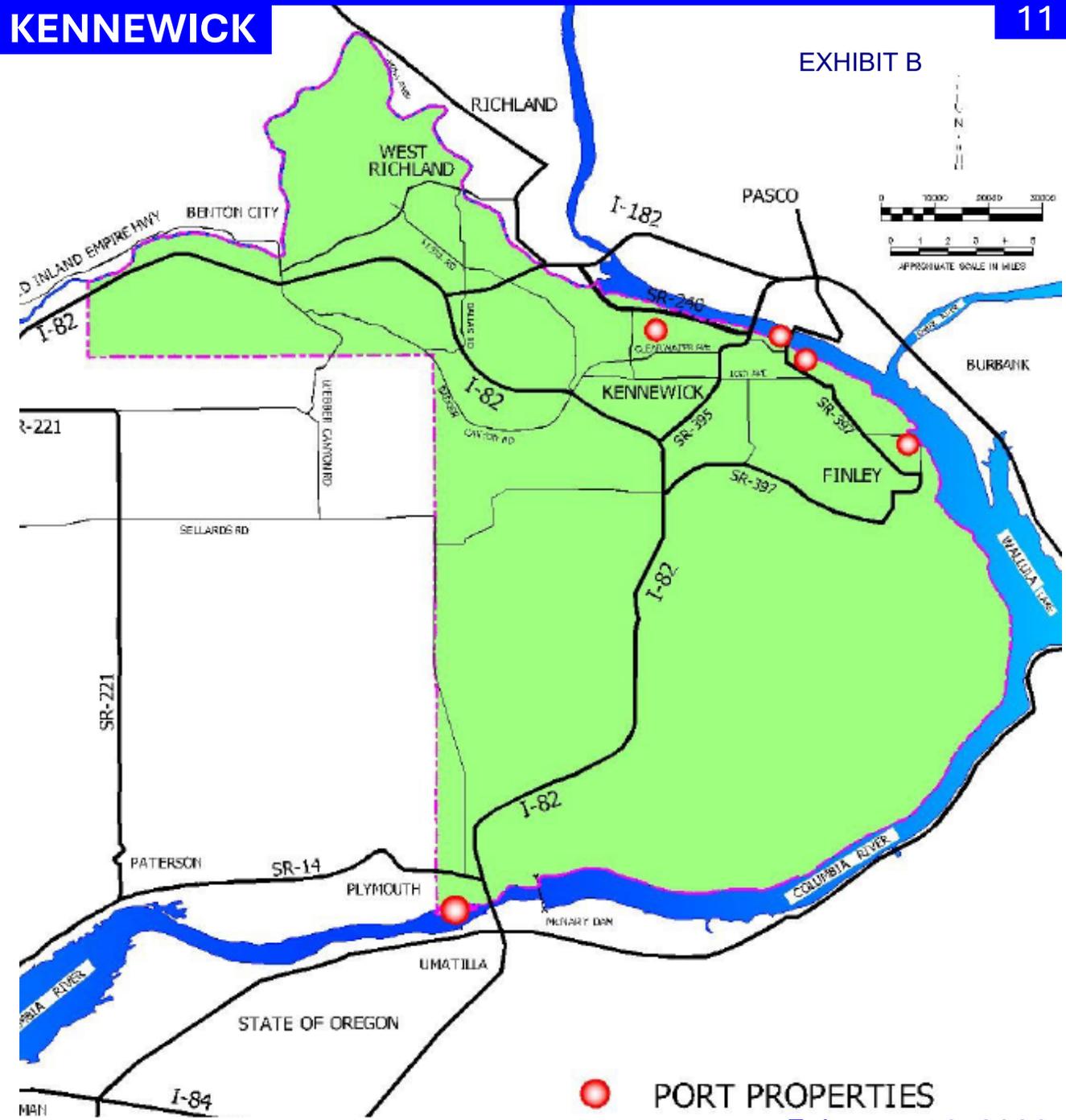


EXHIBIT B

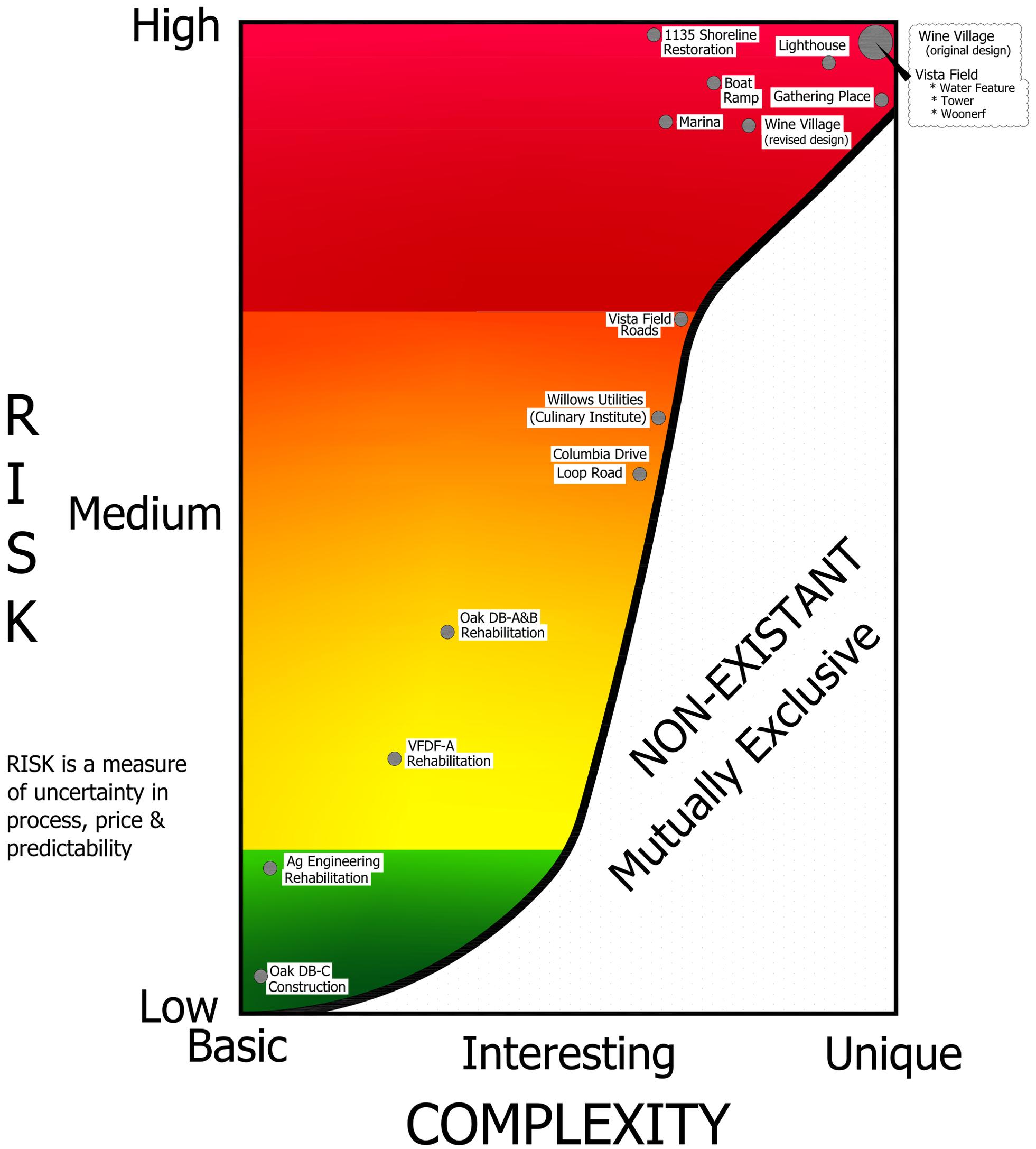
● PORT PROPERTIES

## Unscripted and Unapproved comments from Peterson

- #1)** Far more "good" projects and opportunities exist than funds available. Balancing which projects to fund and which partners to work is challenging. Strategic sequencing seems to yield greater impact than diluting priorities so funds can be "spread like peanut butter."
- #2)** The unique nature of most Port projects makes accurate cost estimating challenging for a project in the conceptual stage which could be constructed 12-18 months in the future.
- #3)** Therefore, best estimates are established during the capital budget & work plan preparation process and approved projects attacked in priority order .....and if necessary, funds are "shifted" from lower to higher priority projects.

... if a project is important at \$1M, then a revised estimated of \$1.2M triggers a budget shuffle, not a project scuttle

# PORT of KENNEWICK Risk Tolerance



RISK is a measure of uncertainty in process, price & predictability

BASIC = Standard Design & Material; Numerous similar/identical projects recently completed in the Tri-Cities

UNIQUE = 1 of 1 ; Design and/or Construction methods infrequently/never seen/used in the Tri-Cities.

# CLEANUP ACTION PLAN

Vista Field Properties–Lot 31  
6737 West Azure Drive  
Kennewick, Washington

January 12, 2026

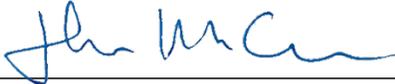
Prepared for

The Port of Kennewick  
350 Clover Island Drive, Suite 200  
Kennewick, Washington

**Cleanup Action Plan  
Vista Field Properties–Lot 31  
6737 West Azure Drive  
Kennewick, Washington**

This document was prepared by, or under the direct supervision of, the technical professionals noted below.

Document prepared by:  Dan Gray, LG  
Project Geologist

Document reviewed by:  John McCorkle, CEP  
Principal

Date: January 12, 2026  
Project No.: 2411001.010.016  
File path: P:\2411\001\010\R\Cleanup Action Plan\Landau\_Vista Field Cleanup Action Plan\_Final 011226.docx  
Project Coordinator: tac

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| 1             | Vicinity Map                      |
| 2             | Location of Lot 31                |
| 3             | Lot 31 Proposed Excavation Extent |

## LIST OF ABBREVIATIONS AND ACRONYMS

|                           |   |
|---------------------------|---|
| µg/kg                     | micrograms per kilogram                                       |
| AFFF                      | aqueous film-forming foam                                     |
| ARAR                      | applicable or relevant and appropriate requirements           |
| bgs                       | below ground surface  |
| BMEC                      | Blue Mountain Environmental Consulting Company, Inc.          |
| CAP                       | Cleanup Action Plan   |
| CUL                       | cleanup level   |
| Ecology                   | Washington State Department of Ecology                        |
| EPA                       | Environmental Protection Agency                               |
| ERTS                      | Environmental Report Tracking System                          |
| ESA                       | environmental site assessment                                 |
| ft                        | feet, foot  |
| Landau                    | Landau Associates, Inc.                                       |
| Lot 31                    | 6737 West Azure Drive   |
| MRL                       | method reporting limit  |
| MTCA                      | Model Toxics Control Act                                      |
| NFA                       | no further action   |
| PFAS                      | per- and polyfluoroalkyl substances                           |
| PFAS Investigation Report | Landau's PFAS Investigation Report                            |
| PFDA                      | perfluorodecanoic acid  |
| PFOA                      | perfluorooctanic acid   |
| POC                       | point of compliance   |
| Port                      | Port of Kennewick   |
| Properties                | 6600 West Deschutes Avenue in Kennewick, Washington           |
| RL                        | reporting limit   |
| SAP/QAPP                  | sampling and analysis plan and quality assurance project plan |
| WAC                       | Washington Administrative Code                                |

## 1.0 INTRODUCTION AND SITE BACKGROUND

This Cleanup Action Plan (CAP)<sup>1</sup> has been prepared by Landau Associates, Inc. (Landau) on behalf of the Port of Kennewick (Port) and describes Landau's proposed cleanup action for the Lot 31 property, located at 6737 West Azure Drive in Kennewick, Washington (Benton County Tax Parcel Number 132991BP5674031). Lot 31 is one of the Vista Field properties, which are located at 6600 West Deschutes Avenue in Kennewick, Washington (Properties) and are shown on Figure 1. This CAP has been prepared to meet the applicable requirements for a CAP in accordance with the Model Toxics Control Act (MTCA) Washington Administrative Code (WAC) 173-340-380.

Since June 2025, several soil investigations have been completed at the Vista Field Properties, including at Lot 31. Landau has confirmed the presence of per- and polyfluoroalkyl substances (PFAS) in shallow soil on the property line of Lot 31 in excess of Washington State regulatory limits (Site). This CAP describes Landau's proposed remedial measures to address the identified PFAS contamination and includes the following required elements:

- Section 1 includes the location, description, and background of the Vista Field Properties.
- Section 2 summarizes previous environmental investigations completed at the Vista Field Properties, including Lot 31.
- Section 3 discusses the applicable cleanup standards and point of compliance for Lot 31.
- Section 4 describes the selected remedy. It discusses Landau's analysis of alternatives, presents the approach to completing the design of specific elements of the selected remedy and confirmation monitoring, and provides an approximate timeframe and schedule for the implementation of the remedy and site restoration to meet applicable standards.
- Section 5 presents Landau's conclusions.

Implementation of the CAP will not require implementation of either institutional controls or onsite containment elements because levels of PFAS contamination remaining on site will be below cleanup standards and therefore, neither of these approaches are discussed in this CAP. Additional details regarding past investigation activities at Lot 31 are detailed in Landau's PFAS Investigation Report (PFAS Investigation Report; Landau 2025a), which has been submitted to the Washington State Department of Ecology (Ecology) on October 17, 2025.

<sup>1</sup> This Cleanup Action Plan has been prepared for the exclusive use of the Port of Kennewick and applicable regulatory agencies for specific application to the Properties. No other party is entitled to rely on the information, conclusions, and recommendations included in this document without the express written consent of Landau. Further, the reuse of information, conclusions, and recommendations provided herein for extensions of the project or for any other project, without review and authorization by Landau, shall be at the user's sole risk. Landau warrants that within the limitations of scope, schedule, and budget, our services have been provided in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as this project. Landau makes no other warranty, either express or implied.

## 1.1 Lot 31 Location and Description

Lot 31 is one of the Vista Field Properties located at 6737 West Azure Drive in Kennewick, Washington (Figure 2). Lot 31 is currently partially developed with concrete footings and stem walls for a planned structure. Construction at Lot 31 has been on hold since June 2025. The area surrounding Lot 31 is developed with roadways, sidewalks, and a parking lot, and several properties in the immediate vicinity of Lot 31 are awaiting construction.

## 1.2 Vista Field Properties Background

The Vista Field Properties are currently being redeveloped by the Port on a lot-by-lot basis into an urban town center with commercial, residential, and public spaces. Based on Landau's review of an environmental audit report (ESI 1991) and a Phase I environmental site assessment (ESA) report (BMEC 2014), Landau understands that Vista Field was developed as an airfield between 1942 and 1944. From early 1942 until April 1947, the U.S. Navy leased the airfield to train naval aviators during the war effort. The Kennewick Irrigation District, the City of Kennewick, and later the Port operated Vista Field as a municipal airfield for small, fixed-wing aircraft until 2013. A 2014 ESA reviewed by Landau did not identify the presence of any releases at Vista Field that would warrant additional characterization; however, a Phase I ESA specific to Lot 31 prepared by Blue Mountain Environmental Consulting Company, Inc. (BMEC) dated May 23, 2025 (BMEC 2025a) identified PFAS as a potential environmental concern. Landau believes that this BMEC Phase I ESA identified PFAS as a potential environmental concern due to an erroneous identification of continued military operations at the airfield from 1944 through 2013 (BMEC 2025a).

The Port is currently redeveloping the lots within Vista Field as a multi-use community with residential, commercial, and public areas in partnership with private landowners who have purchased or are purchasing properties from the Port. A portion of the infrastructure, including roads and utilities in public rights-of-way, were constructed prior to 2025. To date, several lots have been sold, and commercial buildings are under construction on those lots. During earthwork activities at Lot 31, BMEC conducted a Limited Phase II ESA at Lot 31 for the Lot 31 lender in June 2025.

The BMEC Lot 31 Phase II ESA included the sampling and analysis of three soil samples (BMEC 2025b) collected approximately 4 feet (ft) below ground surface (bgs) on Lot 31. The approximate sampling locations are shown on Figure 2. These soil samples were analyzed for PFAS, and the draft results indicated potential detections for select PFAS compounds. Many of the analytical results were reported in the draft document provided to Ecology as actual values; however, a review of the laboratory report indicates that those values should have been flagged as estimates because they were below the laboratory method reporting limits (MRLs) and should not have been compared with MTCA cleanup standards.

Landau was unable to confirm that samples collected during the BMEC Lot 31 Phase II ESA were obtained in accordance with either a sampling and analysis plan or a quality assurance project plan (SAP/QAPP). The purpose of the SAP/QAPP is to specify the sampling methodology, quality assurance,

and quality control procedures necessary to demonstrate the lack of contamination of the samples from sampling equipment or other sources, which is a frequent concern encountered during PFAS sampling.

Based on the detection of PFAS in the BMEC Lot 31 Limited Phase II ESA, and uncertainty that the BMEC sampling results were valid, the Port decided to conduct an independent review of Lot 31 and contracted with Landau to initiate the additional investigation presented in this CAP. Previous investigations completed at Vista Field and Lot 31 are described in Landau's PFAS Investigation Report (Landau 2025a) and in Section 2.0 of this CAP.

### **1.3 Regulatory Status**

Landau first contacted Ecology on July 22, 2025 and has been in communication with Ecology on a regular basis since that time. On September 23, 2025 Landau submitted an incident report to Ecology's Environmental Report Tracking System (ERTS) documenting the identified concentration of PFAS in shallow soil at Lot 31 above MTCA Method B cleanup levels (CULs) in accordance with MTCA (WAC 173-340-300).

Landau's PFAS Investigation Report (Landau 2025a) was submitted to Ecology on October 17, 2025 and detailed the results of investigation activities. It is summarized in Section 2.0 of this CAP. Based on Landau's conversations with Ecology following that submittal it was agreed that additional sampling data would be useful in supporting the Conceptual Site Model described in the PFAS Investigation Report and to determine if the Phase II ESA data was valid. Landau completed this additional sampling on December 9, 2025 and provided the initial draft results (as described in Section 2.1 of this report) to Ecology on December 17, 2025.

This CAP is intended to provide Ecology with additional information regarding the reasonable basis to believe that the release of a hazardous substance had taken place on Lot 31 (WAC 173-340-310 (1)(d) and (2)(c)), and to describe the planned cleanup action to remedy the release (WAC 173-340-310 (5)(b)). Ecology's initial investigation of Lot 31 may be informed by this CAP, Landau's earlier investigation of Lot 31 and the Vista Field properties, and the resulting anticipated Cleanup Action Report, in order to provide a No Further Action determination (NFA). WAC 173-340-310 (3).

## 2.0 PREVIOUS INVESTIGATIONS

Environmental investigations were completed at and in the immediate vicinity of Lot 31 by BMEC in June 2025. A subsequent additional property-wide investigation was completed by Landau in August 2025. Following its initial review of these activities, Ecology indicated that supplemental sampling at and adjacent to Lot 31 could be useful in supporting the conclusions of the PFAS Investigation Report. The Port directed Landau to perform supplemental sampling at Lot 31 in December 2025 and these activities are summarized below.

### 2.1 Historic Document Review and August 2025 Vista Field Properties Sampling

BMEC's investigation identified the presence of PFAS compounds in shallow soil at Lot 31; however, as described in Section 1.2 of this CAP, the BMEC data were considered by Landau and Ecology to require additional characterization to determine the validity of these results.

Landau conducted a review of available public records and historical information, including documents obtained through public records requests to the City of Kennewick fire department, as well as the results of interviews with legacy operators conducted by Port personnel. The results of this review indicated that there is no evidence to indicate that a substantial release of PFAS through aqueous film-forming foam (AFFF) or other significant PFAS-containing material has occurred at the Properties. Details regarding this review were presented in the PFAS Investigation Report.

Two additional rounds of soil sampling were conducted by Landau in August 2025, and the results of 47 discrete soil samples were used to define the nature and extent of PFAS contamination at the site and to develop a conceptual site model. This conceptual site model then was used to determine CULs for the Properties (detailed in Section 3.0 of this CAP). Details regarding these activities and the results of this assessment were presented in the PFAS Investigation Report, which included evidence supporting the conclusion that there was no indication that PFAS had migrated to groundwater at the Properties.

Analytical data collected during Landau's August 2025 investigations indicate that a single soil sample (SB-01-[1.5-20]), located at the perimeter of Lot 31, had concentrations of a single PFAS compound, perfluorodecanoic acid (PFDA) at 0.268 micrograms per kilogram ( $\mu\text{g}/\text{kg}$ ). This one sample was the only PFAS result in excess of laboratory MRLs and Ecology MTCA Method B screening levels (0.16  $\mu\text{g}/\text{kg}$  for PFDA) for direct contact. The results of this investigation also indicated that the soil contamination appeared to be limited in extent to an area less than lateral 20 ft from the soil sample and less than 4 ft deep. This area is shown on Figure 3.

Additional PFAS compounds have been detected in shallow soils at various points on the Properties, though at levels below the site-specific CULs, suggesting that background concentrations of PFAS in shallow soils are present in an area-wide fashion, potentially from bulk atmospheric deposition.

## 2.2 December 2025 Lot 31 Supplemental Sampling

Following initial review of the PFAS Investigation Report, Ecology indicated that two additional elements should be assessed as part of future work. These elements were:

- Determine the validity of the June 2025 BMEC Lot 31 sampling event. While it appeared that the initial soil samples collected in June 2025 by BMEC were not collected in accordance with best practices and the data was invalid, soils in the vicinity of one of the samples (sample location #3) were reported to contain a quantifiable PFAS detection (perfluorooctanic acid [PFOA] at 0.13 nanograms per gram) at a level exceeding an applicable cleanup level. Ecology suggested that this area should be re-sampled to either confirm the detected concentration or empirically show it to have been a false positive.
- Conduct additional shallow soil sampling on Lot 31. Soil samples collected in August 2025 were from at least 1 ft bgs. A set of shallower samples (from 0 to 1 ft bgs) would be useful to determine conditions in the upper foot of soil at the Properties.

In response to Ecology's suggestions, on December 9, 2025 Landau returned to Lot 31 to assess soils at the location of the June 2025 BMEC sample (sample location #3). Landau observed a soil boring being advanced using direct-push drilling technology immediately adjacent to that sample location. Samples were collected from the surface (from 0 to 1 ft bgs) as well as from the same depth as sample #3 (from 4 to 4.5 ft bgs); additionally, another deeper sample was collected from 8 to 8.5 ft bgs.

Landau also collected shallow soil samples (from 0 to 1 ft bgs) using hand tools to assess conditions in the upper foot of soil at the Properties. Soils collected from each discrete location were individually homogenized per the procedures described in Landau's SAP (Landau 2025b) and as recommended by Ecology. Landau collected a total of 10 soil samples from the area around soil boring SB-01 (5 at an approximate radius of 10 ft from SB-01 and 5 at an approximate 20-ft radius from SB-01). Samples collected from the 20-ft radius were placed on hold pending results of the first sample set from the 10-ft radius. All soil samples were submitted to Enthalpy Analytical of El Dorado Hills, California to be analyzed for PFAS by U.S. Environmental Protection Agency (EPA) Method 1633.

A review of the laboratory analytical results of this testing confirmed that no PFAS compounds were detected above laboratory reporting limits (RLs) in any of the submitted samples, and it appears that the BMEC samples were not valid.

## 3.0 CLEANUP STANDARDS

Landau evaluated Lot 31 CULs and developed a conceptual site model, which is presented in Section 4.0 of the PFAS Investigation Report (Landau 2025a). This section of Landau's PFAS Investigation Report also included an evaluation of applicable, relevant, and appropriate requirements (ARARs) as defined by WAC 173-340-710. A summary of this analysis is presented below.

Based on the data available and the proposed use of Lot 31, direct contact with contaminated soil represents the greatest potential risk associated with the contamination at the Properties, and the use of MTCA Method B direct contact soil CULs is appropriate, as is the use of the ecological receptor CULs. For the Properties, the CUL for each PFAS compound is the lowest of:

- The direct contact cancer Method B CUL
- The direct contact non-cancer Method B CUL
- The CUL based on total protection for uplands ecological receptors.

In cases where the Method B CUL is below the MRL, the MRL will be used as the CUL in accordance with WAC 173-340-707.

### 3.1 Points of Compliance

The points of compliance (POCs) are the locations where CULs must be met. The POCs presented in this report will consist of the standard POCs for all media, as established under MTCA.

The standard POC for soil is determined by the exposure pathway upon which the soil CUL is based (direct contact or protection of groundwater), as follows [WAC 173-340-740(6)]:

- The POC is the point or points where the soil CULs shall be attained.
- For soil CULs based on the protection of groundwater, the POC shall be established in the soils throughout the site.
- For soil CULs based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the POC shall be established in the soils throughout the site from the ground surface to 15 ft bgs. This represents a reasonable estimate of the depth soil could be excavated to and distributed at the soil surface as a result of site development activities.

The POC is throughout the Properties, from the ground surface to 15 ft bgs.

## 4.0 SELECTED CLEANUP ACTION

Following collection of analytical data described in Section 2.0 of this CAP, Landau recommended and the Port selected direct excavation as the preferred remedy for the shallow soil contamination identified at Lot 31. Landau advised the Port of the alternatives such as capping contamination in place and implementing in-place remediation techniques. Landau informed the Port that there are currently very limited reliable remediation technologies to remediate PFAS contamination in place, and the area of contamination requiring remediation appears to be accessible.

The Port's selected cleanup action will result in a complete removal of PFAS contamination at levels in excess of the applicable cleanup levels from the affected area at Lot 31 and is considered to be permanent. Following implementation of the selected cleanup action, Landau will submit a report on the Port's behalf summarizing the results of the removal action with a request that Ecology incorporate it into their Initial Investigation, and Landau will request that Ecology issue a NFA determination for the Site.

### 4.1 Description of Selected Cleanup Action

The remedial excavation for Lot 31 will be completed using a track-mounted excavator or backhoe and will be observed by Landau. The initial excavation will be completed to a depth of 3 ft bgs in the location of soil boring SB-01 and tapered to 2 ft bgs at the sidewalls, anticipated to be generally a radius of 10 ft from boring SB-01, or approximately 27 cubic yards of contaminated soil. Concrete footings are currently in place on Lot 31 approximately 4 ft northwest of boring SB-01. In this direction, the excavation will extend to the footings and confirmation soil samples will be collected at the base of the footings.

Following completion of the excavation, Landau will collect confirmation soil samples as described above and in Section 4.3. If PFAS compounds are identified above CULs in the confirmation soil samples, the excavation will be widened and/or deepened in the desired direction. If the CULs are exceeded at the area of the concrete footing walls, the concrete footings may be demolished in order to extend the excavation and replaced at a later time.

All excavated soil will be stockpiled on and covered with PFAS-free plastic sheeting pending receipt of analytical results from confirmation samples. Once analytical results are received, validated, and confirmed to be below laboratory RLS and/or CULs, the stockpiled soil will be loaded into trucks and will be transported to Chemical Waste Management of Arlington, Oregon for disposal under an approved waste profile. The excavation area will then be backfilled using imported material and compacted so that construction at Lot 31 can resume. Landau will not oversee the backfill or compaction of the excavation and will not confirm if fill material is appropriately compacted to Lot 31's project specifications.

Excavation operators and equipment will use decontamination and PFAS-free personal protective equipment consistent with the procedures outlined in Landau's SAP (Landau 2025b).

## 4.2 Areas Subject to Cleanup

The approximate location of the proposed excavation is shown on Figure 2 and will include the upper 2 to 3 ft of soil from an approximate 10-ft radius of soil boring SB-01. The excavation may be widened or deepened depending on confirmation sampling results for samples collected at intervals described in Section 4.3 of this CAP.

## 4.3 Confirmation Monitoring Approach

To demonstrate that the cleanup requirements have been met, Landau will collect confirmation samples from the margins of the remedial excavation, in a frequency consistent with Section 6.8.3 of Ecology's 2016 Guidance for Remediation of Petroleum Contaminated Sites (Ecology 2016) and in accordance with Landau's SAP/QAPP. At a minimum, one sidewall confirmation soil sample will be collected for every 20 horizontal feet of sidewall and three base confirmation soil samples will be collected, consistent with or in excess of Ecology's guidance.

Samples will be collected and submitted for laboratory analysis for PFAS by EPA Method 1633 from depth interval(s) at or below where contamination was identified during previous sampling. Landau will request that laboratory reporting limits be below applicable CULs. All laboratory analytical data will undergo EPA Level IIB-equivalent validation and verification.

## 4.4 Cleanup and Restoration Time Frame and Schedule

It is anticipated that excavation of the area shown on Figure 3 will occur as an independent remedial action (WAC 173-340-510) during the first quarter of 2026.

Site restoration will be completed upon receipt and validation of confirmation sampling results showing that all PFAS contamination in excess of applicable cleanup levels has been removed from the site and that the site can be considered fully restored and protective of human health and the environment in accordance with MTCA. No institutional or engineering controls are anticipated to be part of the cleanup action.

## 5.0 CONCLUSIONS

Currently no model remedies are in place for cleanups of PFAS contamination; however, the selected cleanup action described in this report is consistent with model remedies for petroleum-contaminated or lead-and-arsenic-contaminated sites for removal of all media contaminated at levels in excess of applicable cleanup standards and disposal of this media at a licensed facility. Such actions are generally considered to be permanent to the maximum extent practicable.

Following completion of the cleanup action described in this CAP, on behalf of the Port Landau will submit a report summarizing the remedial action for Ecology review through its Initial Investigation process. It is likely that because the proposed remedial action will leave no PFAS contamination in place that exceed cleanup standards, no engineering or institutional controls, further monitoring, site inspections, reviews, or investigations will be necessary. Therefore, it is Landau's expectation that the results of this cleanup action will present sufficient information for Ecology to issue an NFA determination the release proximate to Lot 31 at the Vista Field Properties through its Initial Investigation process.

## 6.0 REFERENCES

- BMEC. 2014. Phase I Environmental Site Assessment Report, Vista Field Airport Kennewick, 6951 W. Grandridge Blvd., Kennewick, WA 99336. Blue Mountain Environmental Consulting Company, Inc. April 30.
- BMEC. 2025. Phase I Environmental Site Assessment Report, 6737 W Azure Dr Kennewick, 6737 W Azure Dr, Kennewick, WA 99336. Blue Mountain Environmental Consulting Company, Inc. May 23.
- BMEC. 2025b. Draft Report: Limited Phase II Site Investigation at Commercial Property, 6737 W. Azure Dr., Kennewick, Washington 99336. Blue Mountain Environmental Consulting Company, Inc. June 11.
- Ecology. 2016. Guidance for Remediation of Petroleum Contaminated Sites. Toxics Cleanup Program, Publication No. 10-09-057. Washington State Department of Ecology. Revised June.
- ESI. 1991. Environmental Audit Report, Vista Field Airport, Kennewick, Washington. Engineering-Science, Inc. May 16.
- Landau. 2025a. PFAS Investigation Report, Vista Field Lots, 6600 West Deschutes Avenue, Kennewick, Washington. Prepared for Port of Kennewick. Landau Associates, Inc. October 17.
- Landau. 2025b. Sampling and Analysis Plan and Quality Assurance Project Plan, Port of Kennewick—Vista Field, Kennewick, Washington. Prepared for Port of Kennewick. Landau Associates, Inc. August 7.



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**Legend**

- Vicinity of Lot 31 as Shown on Figure 3
- Tax Parcel

**Note**

1. Black and white reproduction of this color original may reduce its effectiveness and lead to incorrect interpretation.

Data Source: Benton County; Blue Mountain Environmental Consulting.  
 Base Map Source: Google Aerial Imagery, 2025.

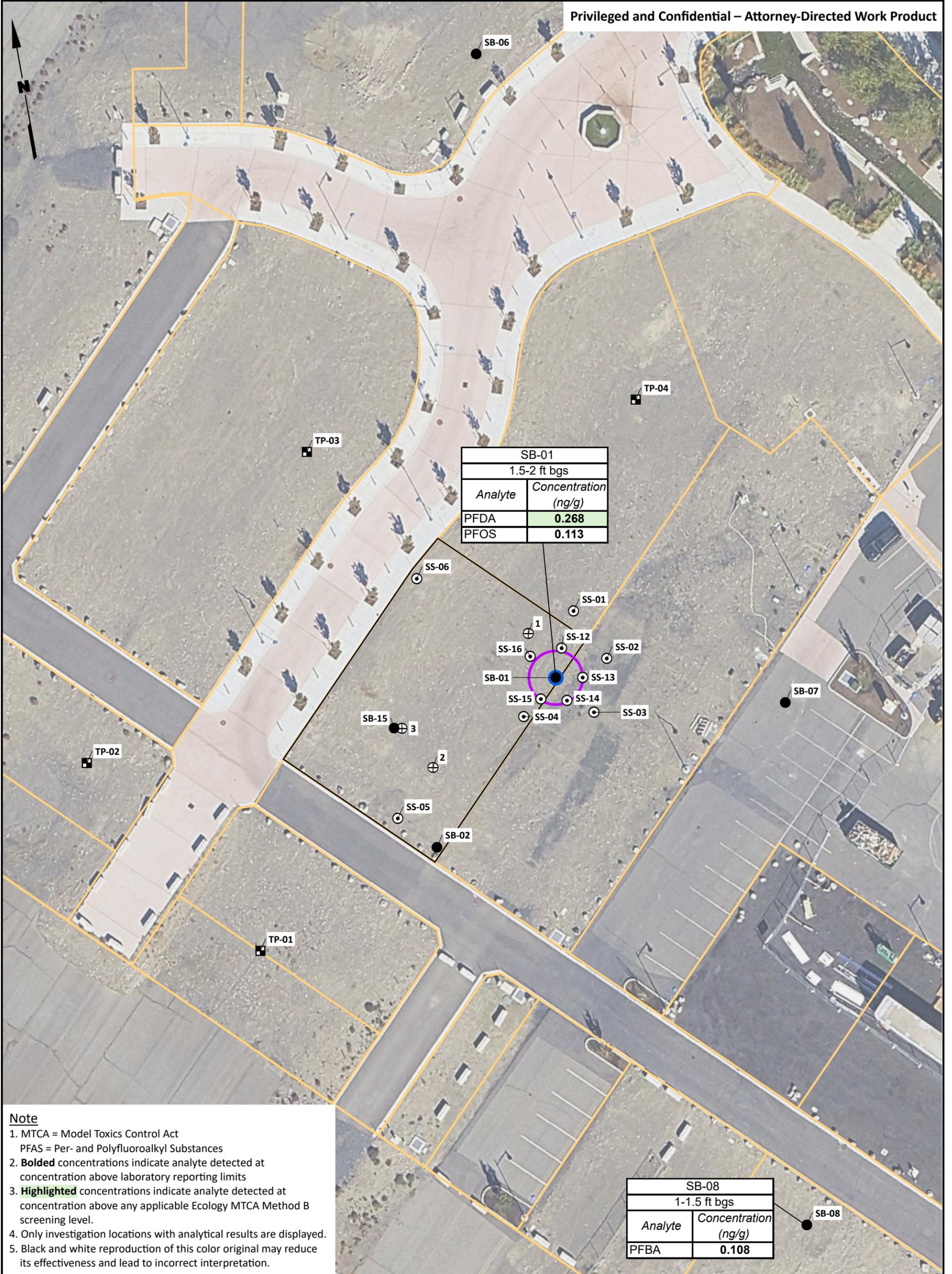


Vista Field Development  
 CONFIDENTIAL  
 Kennewick, Washington

**Location of Lot 31**

Figure  
**2**

Privileged and Confidential – Attorney-Directed Work Product



**Note**

1. MTCA = Model Toxics Control Act  
PFAS = Per- and Polyfluoroalkyl Substances
2. **Bolded** concentrations indicate analyte detected at concentration above laboratory reporting limits
3. **Highlighted** concentrations indicate analyte detected at concentration above any applicable Ecology MTCA Method B screening level.
4. Only investigation locations with analytical results are displayed.
5. Black and white reproduction of this color original may reduce its effectiveness and lead to incorrect interpretation.

**Legend**

- SB-01 ● Soil Boring Location (Landau 2025)
- TP-01 ■ Test Pit Location (Landau 2025)
- SS-01 ⊙ Shallow Soil Sample Location (Landau 2025)
- 1 ⊕ Soil Sampling Location (Blue Mountain 2025)
- Lot 31
- ▭ Tax Parcel
- PFAS Compounds Detected Above Any Applicable Ecology MTCA Method B Screening Level

Data Source: Benton County; Blue Mountain Environmental Consulting.  
Base Map Source: Google Aerial Imagery, 2025.





**FOR IMMEDIATE RELEASE – January 23, 2026**

Media Contact: Tana Bader Inglima, Port Deputy CEO | 509-948-3514

MEDIA ADVISORY

### **Port of Kennewick Makes Vista Field Cleanup Action Plan Available for Public Review**

**KENNEWICK, Wash.** – The Port of Kennewick invites the public to review and comment on its Cleanup Action Plan to address a small area of contaminated soil at a property within the Vista Field development. The Port is making the Cleanup Action Plan available for review and comment through February 10. Comments may be made online <https://vistafield.com/pfas/> or provided in person at the Port of Kennewick's regular Board of Commissioners meeting, February 10, to be held at 2:00p.m., within the port offices at 350 Clover Island Drive, Suite 200 Kennewick, WA 99336. A copy of that plan can be accessed at: [Landau Vista-Field-Cleanup-Action-Plan -Final-011226.pdf](#).

The cleanup consists of excavation and removal of soil that shows evidence of PFAS contamination (approximately 30 cubic yards—roughly 2.5 to 3 dump truck loads of dirt), which will be transported to a licensed disposal facility. Before the area is backfilled with clean soil, confirmational samples will be taken to ensure the remaining soil does not exceed applicable cleanup levels. Following the work, Landau Associates (Landau) will provide Washington Department of Ecology (Ecology) a summary report and request a “No Further Action” determination.

The Port was informed in June 2025 that soil samples collected at a property by the owner during construction activities contained low concentrations of per- and polyfluoroalkyl substances (PFAS). In response, the Port initiated additional sampling at the subject property to confirm the initial findings and expanded sampling across the broader 103-acre Vista Field area. The Port hired Landau to evaluate the presence of PFAS at Vista Field utilizing a sampling methodology that meets Ecology standards. Results from samples collected by Landau in September 2025 and December 2025 show that only one localized area requires clean up; thereafter Landau prepared the proposed cleanup action plan.

The Port has worked closely with the Lot 31 property owners and appreciates their cooperation and patience throughout the environmental testing and evaluation process. Once the cleanup is completed, the Port will be able to move forward with the parking lot and utility improvement projects at Vista Field that have been on hold since last summer.

###

Port of Kennewick is an economic development entity focused on developing assets to create sustainable family-wage jobs, build infrastructure, and user-friendly transportation systems and enhance the quality of life within the port district.



Photo by: Larry Peterson

# VISTA FIELD INSTAGRAM POST



vistafieldkennewickwa and blueberrybridalboutique **EXHIBIT D**  
Blueberry Bridal Boutique



vistafieldkennewickwa Blueberry Bridal—the very first business to express interest in building at Vista Field—is nearly complete! This business has fully embraced the community’s vision for this urban town center and thoughtfully designed her bridal shop as a destination retailer. Located at 625 Crosswind Blvd, Kennewick, WA 99336, the 4,000-square-foot wedding boutique features a gallery with designer gowns, veils, headpieces, jewelry and shoes, as well as suit and tuxedo rentals.

The windows were designed to maximize natural light. The store includes a mezzanine and viewing and photography areas, and limited private event space. Blueberry Bridal will be moving in very soon! For information on all developments at Vista Field, please visit [VistaField.com](http://VistaField.com)

1w



communityrealestategroupkw 🥰

3d 1 like Reply

— View replies (1)



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anastasiya\_bridalstyles Congratulations!!! Wishing @blueberrybridalboutique all the best! ❤️❤️❤️

1w 3 likes Reply

— View replies (1)



weddingswithjoy The cutest little place! CONGRATULATIONS 🎉





## **AGENDA REPORT**

**TO:** Port Commission

**FROM:** Amber Hanchette, Director of Real Estate

**MEETING DATE:** February 24, 2026

**AGENDA ITEM:** Vista Field, LLC - Purchase & Sale Agreement Closing Extension  
AMENDMENT #5

---

**I. REFERENCE(S):**

Purchase and Sale Agreement Closing Extension – AMENDMENT #5  
Resolution 2026-04

**II. DISCUSSION:**

At a regularly scheduled Port Commission meeting on April 23, 2024, the Port Commission approved a purchase and sale agreement with Vatik Dulo and Ryan Foster (Vista Field LLC) for a five-story mixed use building on Lot 25 in Vista Field.

A PFAS discovery on Lot 31 in late June 2025 prompted the Port to pause its own construction projects at Vista Field for common area parking lots and support infrastructure to Lot 25. Subsequent sitewide soil sampling indicated that at Vista Field levels of PFAS are extremely low and below state clean up levels with the exception of one sample isolated to Lot 31. The Port has initiated remediation efforts through a Clean Up Action Plan developed by its environmental consultant Landau Associates.

Port staff and Vista Field LLC representatives request a 90-day closing extension to the purchase and sale agreement pending a formal determination from Department of Ecology regarding the PFAS discovery. A new closing date is set for May 18, 2026.

**III. ACTION REQUESTED OF COMMISSION:**

***Motion:***

*I move approval of Resolution 2026-04 approving Amendment #5, a 90-day closing extension to the purchase and sale agreement with Vista Field LLC; 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.*

# ***PORT OF KENNEWICK***

## **RESOLUTION No. 2026-04**

### ***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF KENNEWICK APPROVING THE FIFTH AMENDMENT TO THE PURCHASE & SALE AGREEMENT WITH VISTA FIELD, LLC***

**WHEREAS**, on or about April 14, 2025 the Parties entered into a First Amendment to Purchase and Sale Agreement to (i) change the number of parking spaces assigned to Purchaser, adjust the square footage of the Property that Purchaser is purchasing from thirteen thousand seventy-seven (13,077) square feet to fourteen thousand two hundred fifty-eight (14,258) square feet; (iii) increase the proposed dwelling units from thirty (30) units to forty-seven (47) units; (iv) create new easement rights related to accessing Seller's stormwater infrastructure; (v) increase the purchase price from four hundred eighteen thousand dollars (\$418,000.00) to six hundred forty-five thousand dollars (\$645,000.00) to reflect the increased square footage; and (vi) increase the earnest money deposit from twenty thousand nine hundred dollars (\$20,900.00) to thirty-two thousand two hundred fifty dollars (\$32,250); and

**WHEREAS**, on or about April 23, 2025 the Parties entered into a Second Amendment to Purchase and Sale Agreement to (i) extend closing by 120 days pursuant to Section 7.4 of the Purchase and Sale Agreement, and (ii) assign the Purchase and Sale Agreement from Vatik Dulo and Ryan Foster to Vista Field, LLC; and

**WHEREAS**, on or about September 5, 2025 the Parties entered into a Third Amendment to Purchase and Sale Agreement to extend closing by 120 days pending investigation of PFAS discovery on lot 31; and

**WHEREAS**, on or about December 9, 2025 the Parties entered into a Fourth Amendment to Purchase and Sale Agreement to extend closing by 60 days pending investigation of PFAS discovery on lot 31; and

**WHEREAS**, the Parties now wish to enter into this Fifth Amendment to Purchase and Sale Agreement to extend closing by an additional ninety (90) days pending a formal determination by Department of Ecology on isolated lot 31 PFAS discovery. New closing expiration is May 18, 2026.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby authorize the Port's Chief Executive Officer to execute an Amendment to extend the closing period Vista Field LLC by 90 days.

**BE IT FURTHER RESOLVED** that the Port of Kennewick Board of Commissioners hereby ratify and approve all action by port officers and employees in furtherance hereof; and authorize the Port Chief Executive Officer to take all action necessary in furtherance hereof.

**ADOPTED** by the Board of Commissioners of Port of Kennewick on the 24th day of February, 2026.

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

By: \_\_\_\_\_

KENNETH HOHENBERG, President

By: \_\_\_\_\_

SKIP NOVAKOVICH, Vice President

By: \_\_\_\_\_

RAUL CONTRERAS-GONZALEZ, Secretary





## **AGENDA REPORT**

**TO:** Port Commission

**FROM:** Amber Hanchette, Director of Real Estate

**MEETING DATE:** February 24, 2026

**AGENDA ITEM:** BlueChart LLC Phase One Purchase & Sale Agreement Feasibility Extension – AMENDMENT #4

---

**I. REFERENCE(S):**

Amendment #4 – Phase One Purchase and Sale Agreement - 180-day Feasibility Extension  
Resolution 2026-05

**II. DISCUSSION:**

At a regularly scheduled Port Commission meeting on March 25, 2025, Commissioners approved a Phase One purchase and sale agreement with BlueChart LLC for the first single family home neighborhood in Vista Field.

A PFAS discovery on Lot 31 in late June prompted the Port to pause its own construction projects at Vista Field for common area parking lots and support infrastructure to BlueChart. Subsequent sitewide soil sampling indicated that at Vista Field levels of PFAS are extremely low and below state clean up levels with the exception of one sample isolated to Lot 31. The Port has initiated remediation efforts through a Clean Up Action Plan developed by its environmental consultant Landau Associates.

Therefore, Port staff and BlueChart representatives request a 180-day extension to the Phase One purchase and sale agreement feasibility period pending a formal determination from Department of Ecology regarding the PFAS discovery. A new feasibility expiration date is set for August 18, 2026.

**III. ACTION REQUESTED OF COMMISSION:**

***Motion:***

***I move approval of Resolution 2026-05 approving Amendment #4, a 180-day feasibility period extension to the Phase One purchase and sale agreement with BlueChart LLC; 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.***

***PORT OF KENNEWICK***

**RESOLUTION No. 2026-05**

***A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE PORT OF KENNEWICK APPROVING THE FOURTH  
AMENDMENT TO THE PURCHASE & SALE AGREEMENT WITH  
BLUECHART, LLC***

**WHEREAS**, the Port Commission entered into a Reservation & Takedown Agreement and Phase One Purchase and Sale Agreement with BlueChart LLC dated April 1, 2025 to construct single family attached and detached homes over multiple phases throughout the Port's Vista Field redevelopment project; and

**WHEREAS**, on or about June 10, 2025, the Parties entered into the First Amendment of Purchase and Sale Agreement, which granted a sixty (60) day extension to the existing ninety (90) day Feasibility Study Period for a total of one hundred fifty (150) days to refine elements of the Phase One design and allow the Port of Kennewick team time to estimate costs for the proposed elements; and

**WHEREAS**, on or about August 12, 2025 the Parties entered into the Second Amendment of Purchase and Sale Agreement, which granted an additional one hundred twenty (120) days to the Feasibility Study Period for a total of two hundred seventy (270) days pending investigation of PFAS discovery on lot 31; and

**WHEREAS**, on or about December 9, 2025 the Parties entered into the Third Amendment of Purchase and Sale Agreement, which granted an additional sixty (60) days to the Feasibility Study Period for a total of two hundred seventy (330) days pending investigation of PFAS discovery on lot 31; and

**WHEREAS**, the Parties wish to again amend the Purchase and Sale Agreement as it relates to the extension of the Feasibility Study Period to add an one hundred eighty (180) days onto the existing two hundred seventy (330) day Feasibility Study Period for a total of five hundred ten (510) days pending a formal determination by Department of Ecology on isolated PFAS discovery on lot 31. New feasibility expiration is August 24, 2026.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby authorize the Port's Chief Executive Officer to execute an Amendment to extend the feasibility period for Phase One by and additional 180 days.

**BE IT FURTHER RESOLVED** that the Port of Kennewick Board of Commissioners hereby ratify and approve all action by port officers and employees in furtherance hereof; and authorize the Port Chief Executive Officer to take all action necessary in furtherance hereof.

**ADOPTED** by the Board of Commissioners of Port of Kennewick on the 24th day of February 24, 2026.

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

By: \_\_\_\_\_

KENNETH HOHENBERG, President

By: \_\_\_\_\_

SKIP NOVAKOVICH, Vice President

By: \_\_\_\_\_

RAUL CONTRERAS GONZALEZ, Secretary



**PORT OF KENNEWICK**

**RESOLUTION 2022-44**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE  
PORT OF KENNEWICK ADOPTING UPDATES TO THE  
CHIEF EXECUTIVE OFFICER'S DELEGATION OF AUTHORITY**

**WHEREAS**, on December 8th, 2015 the Board of Commissioners approved the Chief Executive Officer's (CEO) delegation of authority; and

**WHEREAS**, the Commission previously revised that Delegation of Authority by Resolution No. 2018-26, in which Part 3 was amended to provide for Port On Call Contracting, and which replaced and rescinded prior Resolution 2015-29; and

**WHEREAS**, the Commission also previously revised that Delegation of Authority by Resolution No. 2021-28, in which Part 2 was amended the Commission Structure For Licensed Brokers; and

**WHEREAS**, the Commission authorized the Port CEO to oversee an update to the Commission Delegation of Authority to the Chief Executive Officer ("Delegation Policy") for Commission consideration; and

**WHEREAS**, under the CEO's direction, Staff and legal counsel reviewed the Delegation of Authority and recommend selection portions of the Delegation of Authority be refreshed.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby approves adopting the Chief Executive Officer Delegation of Authority, as identified in Attachment "A".

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby states that this Resolution 2022-44 supersedes and rescinds all prior Resolutions on this subject matter, including Resolutions 2015-29, 2018-26, 2021-28, provided however Resolution 2022-38, the Declaration of Local Emergency which leaves in place the CEO's emergency delegation of authority to manage local conditions related to health and safety and to manage local conditions remains in full force and effect.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick this 13th day of December, 2022.

**PORT of KENNEWICK BOARD of  
COMMISSIONERS**

By: \_\_\_\_\_

SKIP NOVAKOVICH, *President*

By: \_\_\_\_\_

KENNETH HOHENBERG, *Vice President*

By: \_\_\_\_\_

THOMAS MOAK, *Secretary*



# PORT OF KENNEWICK

## CHIEF EXECUTIVE OFFICER DELEGATION OF AUTHORITY

## COMMISSION POLICY INTRODUCTION

Adopted by the Commission on December 8, 2015,  
Resolution 2015-29

Revised December 11, 2018, Resolution 2018-26

Further Revised December 13, 2022, Resolution 2022-44

This policy removes and replaces all previous Port policies adopted which address the items identified within this policy. This policy cross references Port Commission Rules of Policy and Procedure and CEO's Procedures for Staff.

### PURPOSE AND AUTHORITY

The Port Commission establishes the Port of Kennewick's policy objectives and the rules governing its business transactions. The Commission retains an Executive Director, hereinafter referred to as "Chief Executive Officer" or "CEO" to conduct the Port's business consistent with the Commission's policies and rules. The Commission directs the CEO only by action of the Commission in its capacity as the Port's governing authority. For these purposes, unless the context indicates otherwise, the term "CEO" means the Port's "managing official" as the term is used from time to time in Title 53 RCW. The CEO is the chief executive officer, [along with his/her designee(s)], is appointed by the Port Commission to manage Port operations.

RCW 53.12.270 grants the Port Commission authority to delegate to the CEO "such administrative powers and duties of the Commission as it may deem proper for the efficient and proper management of Port District operations." Under these authorities and Resolution No. 2015-29 the Port Commission adopts this Policy delegating administrative powers and duties to the CEO of the Port and establishing guidelines and procedures to govern the CEO's responsibilities and exercising of delegated authority.

### GENERAL DELEGATION OF AUTHORITY AND RESPONSIBILITY

#### Delegation of Authority

The CEO is responsible for the operation, maintenance, development, alteration, improvement, administration, and use of all Port real and personal property; all actions required for personnel administration; and all other actions essential to supporting the Port's mission. The CEO may take any action in the Port's best interests and within the Port's authorized budget necessary to resolve any matter related to the CEO's authority, including where not specifically addressed herein. Subject to the limitations in this Policy, other Port resolutions and policies, and applicable law, the CEO is responsible for:

- Operation, maintenance, administration, and use of Port facilities and other properties.
- Development of industrial districts.

- Implementation of construction work, alterations and improvements to Port facilities and other properties.
- Administration of all day-to-day Port operations.
- Execution of contracts and other documents related to Port operations that are authorized by this Policy or otherwise approved by the Commission.
- Applications for permits associated with Port facilities or projects.
- Applications for and acceptance of grants or other funds from federal, state, and local governments, consistent with actions described in this Policy.

**Consultation with Commission**

The CEO must regularly inform and consult with the Commission regarding the Port’s significant business transactions. Unless otherwise permitted or ratified, the CEO must inform the Commission promptly following all significant actions authorized by this Policy.

**Staff Delegations**

The CEO may retain administrative staff to operate and manage the Port under the CEO’s directives. Consistent with Port policies, the CEO may further delegate to appropriate Port staff any administrative authority or responsibility delegated to the CEO by the Port Commission to further efficient and proper Port administration.

**2. Rules and Procedures**

The CEO may adopt administrative rules, regulations, and procedures necessary to carry out this Policy and for the efficient and proper operation of the Port. The Commission provides CEO the Express Delegation of Authority and Limitations attached hereto and incorporated herein by reference, as follows:

**EXPRESS DELEGATION OF AUTHORITY AND LIMITATIONS**

- Part 1.0 LEASE OF REAL AND PERSONAL PROPERTY
- Part 2.0 REAL PROPERTY PURCHASES AND SALES
- Part 3.0 CONTRACTS FOR PERFORMANCE OF WORK
- Part 4.0 PERFORMANCE OF WORK BY PORT STAFF OVER \$40,000
- Part 5.0 ACQUISITION OF MATERIALS, EQUIPMENT, AND SERVICES
- Part 6.0 UNCOLLECTIBLE ACCOUNTS, SETTLEMENTS OF CLAIMS, AND LITIGATION

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| Part 7.0  | CREDIT CARDS                                      |
| Part 8.0  | COMMERCIAL INSURANCE                              |
| Part 9.0  | TREASURER AND PETTY CASH ACCOUNTS                 |
| Part 10.0 | TRAVEL AND VEHICLE                                |
| Part 11.0 | PORT HOLIDAYS, PAID TIME OFF, LEAVE, AND BENEFITS |
| Part 12.0 | STANDARDS OF CONDUCT                              |
| Part 13.0 | DRUG, ALCOHOL, AND VIOLENCE FREE WORKPLACE        |
| Part 14.0 | WHISTLEBLOWER ACT                                 |
| Part 15.0 | DISCIPLINE  |
| Part 16.0 | RECOGNITION, AWARDS, AND TEAM BUILDING POLICY     |
| Part 17.0 | WORKING MEALS                                     |
| Part 18.0 | PROMOTIONAL HOSTING                               |
| Part 19.0 | FRAUD PREVENTION AND ETHICS                       |
| Part 20.0 | PROGRAMS AND PROCEDURES                           |
| Part 21.0 | MISCELLAENOUS                                     |
| Part 22.0 | AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT           |
| Part 23.0 | FIXED ASSETS                                      |
| Part 24.0 | RECORDS OFFICER                                   |
| Part 25.0 | PORT AUDITOR AND ATTORNEY                         |
| Part 26.0 | BUDGET, FINANCIAL, AND OPERATIONAL PHILOSOPHY     |

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|  | <b>PORT OF KENNEWICK</b>  |  |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>  |  |
|   | <b>LEASES OF REAL AND<br/>PERSONAL PROPERTY</b>   | <b>Part 1.0</b>  |
|   | Adopted by the Commission on December 8, 2015:<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 1.0 |

**1.0 LEASES OF REAL AND PERSONAL PROPERTY**

**1.1 General Lease of Real and Personal Property Policy.**

- 1.1.1 Except as otherwise provided herein, all real and personal property belonging to the Port (when available for leasing), must be leased under an appropriate written lease executed in accordance with RCW 53.08.080;
- 1.1.2 The amount of rental must be fair rent for the property based on CEO developed procedures of determining fair rent value;
- 1.1.3 The lease must state the use to which the property may be put by the tenant, which must be consistent with the Port's standards of use;
- 1.1.4 A legally sufficient standardized lease agreement will be used on all leases unless an alternative lease agreement is utilized that undergoes a legally sufficient review procedure;
- 1.1.5 Comply with and take necessary measures to ensure compliance or to protect the Port's legal position including but not limited to obtaining security for the performance of each lease and securing rental insurance or other insurance coverage required for leases (see RCW 53.08.085); and
- 1.1.6 The CEO must ensure that all terms are complied with and take all necessary measures to cause compliance or to otherwise protect the Port's rights under each lease, including without limitation by giving of all notices provided for in each lease.

**1.2 Leases Executed by the Commission.** The following leases will be submitted to the Commission for approval:

- 1.2.1 Leases in which the term of the lease, including any renewal options, exceeds five years; or

- 1.2.2 Leases in which the total monthly rental amount exceeds \$5,000 per month (excluding LET, utilities, and other ancillary items).
- 1.3 **Leases Executed by the CEO.** Except as provided above, the CEO authorized to approve all other leases.

## 2.0 COMMISSION ON LEASES OF REAL AND PERSONAL PROPERTY

2.1 **General Lease of Real and Personal Property Policy.** The Port of Kennewick desires to use all available resources to market Port real property to its maximum potential. Use of licensed real estate professionals/brokers may foster more economic development opportunities. When it is desirable to secure the services of a real estate professional or broker, the terms and conditions for the lease of Port property will be as follows:

### 2.2 Lease of Real Property (Excluding Marina)

- 2.2.1 **Licensed Real Estate/Broker.** All real estate professionals and brokers whom the Port conducts business with must be licensed in the State of Washington.
- 2.2.2 **Lease Approval.** Real Estate Professional/Broker does not have lease approval authority but can negotiate on the behalf of the Port in a non-binding manner. All final terms and conditions will be reviewed by the CEO for compliance with the laws, regulations, Port policies and procedures.
- 2.2.3 **Commission.** The rate of commission will not exceed five (5%) percent of the net lease payments for the first five years and two and a half (2.5%) percent of the net lease payments for the second five years. Net lease payments are gross lease payment less applicable fees such as concession fees, triple net, common area maintenance charges, leasehold taxes, leasehold improvements or amortization of improvements, and delinquent rent payments.
- 2.2.4 **Statement.** Real Estate Professional/Broker must supply the Port with a written statement of details on potential lead(s), date lead was obtained and introduced to Port staff, any potential financial interest Real Estate Professional/Broker may have with the lead, and a signed statement regarding conflicts of interests.
- 2.2.5 **Payment of Commission.**
  - 2.2.5.1 **Month-to-Month, Annual, and Multi-Year Leases:** If tenant has current payment status and still occupies the leased space, commission is calculated based on the following:

- A. One-half of the first twelve months of net lease payments will be paid after six months of the fully executed lease effective date.
- B. The remaining one-half of the first twelve months commission will be paid at the end of twelve months from the fully executed lease effective date.
- C. From then on, commission will be paid annually at the year end and based on the rents collected.
- D. If lessee terminates lease early, payment of commission will be paid through the lease termination date.

All commission payments are subject to the Port's check processing procedures.

**2.2.5.2 Existing Tenants.** Commission will not be paid on leases involving existing tenants for new leases, renewals, or options exercised.

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|  | <b>PORT OF KENNEWICK</b>   |  |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |  |
|   | <b>REAL OR PERSONAL PROPERTY<br/>PURCHASES AND SALES</b>   | <b>Part 2.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised Resolution No. 2021-28<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 2.0 |

**1. REAL OR PERSONAL PROPERTY PURCHASES AND SALES**

The CEO may offer to purchase real property without prior Commission approval, provided that each offer expressly indicates that it is subject to Commission approval. When the Commission authorizes the acquisition of real property by purchase, the CEO must take all necessary steps, including without limitation by obtaining appraisals, to secure title to the property for the Port. *See RCW 53.08.010-.020.*

When the Commission authorizes the sale of real property, the CEO must take all necessary steps to complete the transaction, including without limitation by accepting deposits, opening escrow, and signing all necessary documents. *See RCW 53.08.090-.092.*

The CEO may approve and sign the following easements and covenants over Port property: (1) those easements and covenants that benefit the Port (e.g., utility easements); and (2) all other easements and covenants that do not exceed a term of two years and where the interest granted does not substantially interfere with the Port’s use of the property or the property’s fair market value. All other easements and covenants exceeding two years must be approved by the Port Commission.

- 1.1. Not for Speculation.** Port-owned real property will only be sold for identifiable, immediate development and not for speculative purposes. To serve this goal, most sales will include a repurchase option in favor of the Port in the event identified development does not occur in a timely manner.
- 1.2. Onerous Contingencies.** The Port discourages onerous contingencies (e.g. long-term options, first rights of refusal, etc.), and such contingencies will be accepted only in exceptional circumstances.
- 1.3. “As Is”.** All Port property will be sold “AS IS” unless otherwise approved by Port Commission.

**1.4. Offers.** No Port real property will be sold or reserved unless the Port has received a valid offer on a Port standardized purchase and sale agreement, and such agreement is submitted and approved by the Port Commission in a public meeting. A legally sufficient review procedure shall be utilized if there are material exceptions to the Port standardized purchase and sale agreement. Until approval by the Port Commission, all property designated as “for sale” will remain for sale. The CEO is authorized to accept and make offers on real or personal property without prior Commission approval, provided that such offers clearly indicate the offer is subject to approval of the Commission or other similar language. The CEO will take all necessary steps, if applicable (e.g. securing appraisals, title searches, surveys, environmental reviews, deposits, escrow, or signing all necessary documents after Commission approval).

**1.5. Determining Price.** The CEO will develop a procedure for and make a reasonable determination of fair market value for property designated as available for sale before the purchase and sale agreement is presented to the Commission for approval.

The Port Commission may choose to sell Port-owned properties for less than fair market value, on a case-by-case basis, if the Port deems the business decision is not be considered a gift of public funds by a reasonable auditor (e.g. State Auditor’s guidance on gifting of public funds was reviewed and the Port determined the land sale is not a gift of public funds due to aiding in a general Port purpose and goals).

**1.6. Prior Inspection.** All prospects are encouraged to meet with the jurisdictional City or County staff to review the proposed site conditions (e.g. zoning, servicing, topography, grading, history of the property, existing neighbors, etc.) prior to submitting an offer to the Port.

**1.7. Port Staff Assistance.** Port staff will offer reasonable assistance to prospective purchasers of Port “for sale” real property pursuant to this policy (e.g. providing property information and tours of “for sale” property). Staff assistance will not be deemed to reserve any parcel of real property for any party, nor will staff assistance be deemed a commitment in any way whatsoever with respect to any Port real property.

**1.8. Submission of Offer to Purchase by Prospective Purchaser.** Offers to purchase Port property will be submitted by the prospective purchaser to Port staff in writing and dated. A valid offer must be signed upon submission and contain all information set forth below. Non-complying offers will be returned without processing:

- a. Identify the full legal name of the purchasing party and be executed by the purchasing party or its authorized representative;
- b. Contain a check for earnest money in a sum of not less than 5% of the offer price (in no case less than \$5,000);

- c. Contain a separate non-refundable administrative processing fee of \$500 for all parcels where the proposed purchase price is less than \$500,000 and \$1,000 for all parcels where the proposed purchase price is \$500,000 or greater;
- d. Identify the party to use and occupy the property, if different from the offering party;
- e. Legally describe the property subject to the offer;
- f. Indicate the total offer price;
- g. Indicate any terms for payment of purchase price;
- h. Identify any proposed contingencies;
- i. Identify a proposed closing date;
- j. Detail the proposed use of the property and timing for any construction or development;
- k. Identify size and type of building to be erected, if applicable;
- l. Identify anticipated number of employees with approximate wage levels;
- m. Indicate whether or not any new positions will be created as a result of the real property purchase, and if so, indicate number of new employees with approximate wage levels;

Interested parties must submit offers using a Purchase and Sale Agreement in Port approved format as developed by the Port attorney, CEO, and CFO. If the interested party does not use the Port approved agreement, the interested party will pay the Port for all out of pocket cost associated with review. Staff will review the offer with the offeror to ensure that the offeror has submitted all the information as required. Port staff will present the offer to the Port CEO with a brief oral summary of the offer. The CEO may send the offer back to the offeror for additional information or may proceed to present the offer to the Port Commission as set forth in this policy.

**1.9. Presentation of Offer to Port Commission.** When the CEO determines that an offer complies with the requirements of this policy, the CEO will submit the offer to the Port Commission for its consideration in due course (usually within 30 days of the submission of the offer to staff). Additionally the CEO will make a written recommendation to the Commission (except in cases of unusual circumstances, in which cases the CEO's recommendation to the Commission may be oral). The CEO's recommendation will request that the Commission accept the offer, reject the offer, present a counter offer or table the offer. The CEO will not sign any proposed offer until approved by the Port Commission by formal resolution.

**1.10. Action on the Offer by Port Commission.** Offers will be evaluated by the Port Commission based upon the criteria set forth above. If there are competing offers, either of which may be acceptable if made separately, the Port Commission may select the offer it believes best serves the goals of the Port. The Port Commission may reject any or all offers. The Commission will respond to

the offer through the CEO, who will communicate the response to the prospective purchaser as soon as practicable. Any action on an offer will only be made by official action of the Port Commission at a Commission meeting.

**1.10.1.1. Acceptance of Offers.** Within 10 days of the Port's acceptance of an offer, the CEO will sign and accept the offer on behalf of the Port Commission. The executed agreement and deposited earnest money will be transmitted to the closing agent designated in the offer. The property subject to the offer will not be removed from the "for sale" list, but will be marked with a 'sale pending' designation.

**1.10.1.2. Rejection of Offers.** If the Port Commission rejects an offer, the offer will immediately be null and void and of no force and effect. Earnest money will be refunded less processing fee.

**1.10.1.3. Tabling of Offers.** The Port Commission may table an offer to be reviewed at a later date.

## **2. SALE OF REAL AND PERSONAL PROPERTY**

**2.1.** The CEO is authorized, pursuant to RCW 53.08.090, to sell and convey surplus real or personal property of the Port subject to statutory conditions.

## **3. COMMISSION STRUCTURE FOR LICENSED BROKERS-**

Commissions will only be paid to licensed real estate brokers. The broker must submit a signed bona fide offer plus a signed appointment from the potential purchaser authorizing the broker to negotiate for the potential purchaser in order to be eligible to claim the commission. The broker authorization must include the name of the proposed purchaser and the date of their first contact with said purchaser. Unless the provision is strictly complied with, the Port will not pay any claimed commission.

2.1. After final approval of the sale by the Port Commission and after receipt of all funds due at closing, the Port of Kennewick will pay to the licensed real estate broker negotiating any such sale a commission of four (4) percent of the sale price on the sale of real property.

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|  | <b>PORT OF KENNEWICK</b>  |  |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>  |  |
|   | <b>CONTRACTS FOR<br/>PERFORMANCE OF WORK</b>  | <b>Part 3.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised Resolution No. 2018-26<br><br>Further Revised December 13, 2022, Resolution 2022-44<br><br>Further Revised July 11, 2023, Resolution 2023-19 | Cross Reference CEO's<br>Procedures for Staff Part 3.0<br>and Part 6.0 |

**1.0 CONTRACTS FOR PERFORMANCE OF WORK**

The CEO may, without prior Commission approval, execute contracts for work where the total contract does not exceed \$200,000 a year and as so long as all laws, regulations, and Port approved budget are followed. On contracts over the \$200,000 the CEO may complete and sign all necessary documents after Commission approval.

The CEO will develop procedures to ensure compliance with laws, regulations, and this policy.

**2.0 SMALL WORKS PROJECTS**

- 2.1 The CEO may use the Small Works Roster process pursuant to RCW 39.04.155 for construction contracts up to \$350,000. Contracts over the above CEO's delegation of authority must be approved by the Commission.
- 2.2 The CEO may, without Commission approval, prepare plans and specifications; issue notices calling for bids; accept bids and contracts for work where the total contract price does not exceed \$350,000. The CEO must ensure the requirements of RCW 53.08.120 are met and that the work is within the project's authorized budget.
- 2.3 The Small Works Roster is a listing of all responsible contractors who have requested to be on the list, and are properly licensed or registered to perform such work in this state. The Port can use other governmental Small Works Rosters that are in compliance with the applicable laws and regulations.
- 2.4 The term "public work" will include all work, construction, alteration, repair, or improvement executed at the cost of the Port of Kennewick, or which is by law a lien or charge on any property therein.
- 2.5 A written determination of the bid award will be kept on file, made available for

public inspection, and retained in accordance with records management laws.

**2.6** Pursuant to RCW 39.04.155, the breaking of any project into individual units of work or in phases is prohibited if it is done for the purpose of avoiding the \$350,000 limitations.

**3. ON-CALL/UNIT BASED CONTRACTING ON-CALL/UNIT BASED CONTRACTING**

**3.1** “On Call” contracting is permitted as allowed by RCW 53.08.120.

**3.2** The CEO will establish procedures to ensure compliance with RCW 53.08.120 and applicable bid laws.

**4. FORMAL SEALED BID PROJECTS**

**4.1** Projects costing more than \$350,000 must follow the formal sealed bid laws and be approved by Commission in a public meeting.

**4.2** The CEO will establish procedures to ensure compliance with formal sealed bid laws.

**5. NON-ARCHITECTUAL AND NON-ENGINEERING SERVICES**

**5.1** The CEO may contract out and develop procedures for procurement of professional, personal, technical, or purchased services in accordance with RCW 53.19.

**5.2** The Port Commission must approve service contracts in excess of \$200,000.

**5.3** Amounts above \$50,000 but less than \$200,000 are subject to competitive bid requirements. Contracts over \$50,000 must have proper documentation showing the Port staff delegated by the CEO made attempts to identify potential consultants for inviting to bid on Port projects.

**5.4** Contracts in excess of \$200,000 require a request for proposal process.

**5.5** Regardless of amount, if the value of a contract amendment or amendments exceeds 50% of the value of the original contract, the amendment must be filed with the Commission and made available for public inspection prior to the proposed starting date of services under the amendment.

**5.6** Regardless of amount, substantial changes in the scope of work specified in the contract or which are substantial additions to the scope of work specified in the formal solicitation document must be submitted to the Commission for this is required even if the original contract did not require Commission approval.

**5.7** Regardless of amount, all services listed within this section must have a documented scope of work or services to be performed.

Port Commission exempts the following services from competitive bid process as allowed by RCW 53.19.20 since the Commission deems competitive solicitation process is not appropriate for services that deal with high risk areas, special education, and experience: Human resource, legal, information technology, marketing, project management, writing, accounting, financial, lobbyist, or bookkeeping services.

## 6. ARCHITECTURAL AND ENGINEERING (A&E) SERVICES

- 6.1 The CEO is authorized to procure A&E services in accordance with RCW 39.80.010-60 that do not exceed the purchasing limit set by Commission.
- 6.2 The statute requires advance notice of the requirement for professional services (39.80.030), evaluation of firms' qualifications and performance (39.80.040), and negotiation with firms in accordance with adjudged qualifications (39.80.050).
- 6.3 Contracts for services cannot be broken into multiple agreements to avoid compliance with this policy or State statutes.

## 7. CHANGE ORDERS.

*Note: Non-A&E change orders and scope changes must follow the law as outlined in section 4.0 above.*

When circumstances require individual changes in plans or specifications to properly accomplish contracted work, the CEO may, without prior Commission approval, execute individual change orders to a contract if the following conditions are met:

- 7.4.1 The change order will not exceed \$100,000;
- 7.4.2 The contract for work authorizes change orders;
- 7.4.3 The change order is reviewed for possible audit issues;
- 7.4.4 The total cost of all approved change orders, when added to the contract cost, remains within the project's authorized budget and applicable procurement laws; and
- 7.5 7.4.5 The change order is validated or certified by the project architect, engineer, or Port project manager as necessary to the proper accomplishment of the project.

## 8 EXEMPTIONS TO COMPETITIVE BIDDING

**EMERGENCY.** When an emergency that poses or may pose a threat to life or property requires the immediate execution of a contract for work or professional or personal services, the CEO may make a finding of the existence of an emergency and may execute any contracts necessary to respond to the emergency. The CEO must follow the procedures set forth in RCW 39.04.020, 39.04.28053.19.010, 53.19.030 and other applicable laws, as the case may be and as

each may be amended or recodified. At the first Commission meeting following the CEO's finding of emergency, the CEO must request Commission ratification of that finding and any contracts awarded or executed pursuant to that finding. To the extent practical, the CEO must continuously advise the Commission of the emergency's development and the progress of any contracts executed to remedy the emergency.

- 8.1 **Special Facilities.** For procurement of special facilities or due to market conditions the CEO has the authority to develop procedures in accordance with the law and regulations and approve procurement up to the delegation of authority.
- 8.2 **Sole Source Procurement.** If, after conducting a good faith review of available resources, the Port determines that there is only one source of the required services, materials, supplies, or equipment; a contract may be awarded without a competitive bid process. The CEO will develop procedures to ensure compliance with the laws and regulations
- 8.3 **Special Market Conditions.** The CEO can consider waiving established bidding requirements up to the delegation of authority if an opportunity arises to purchase favorably-priced equipment, supplies, or used goods at an auction. The CEO will develop procedures to ensure compliance with laws and regulations.
- 8.4 **Public Works under \$40,000.** The CEO will establish procedures for completion of public works projects estimated under \$40,000, pursuant to RCW 53.08.120.

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|   | <b>PORT OF KENNEWICK</b>  |                 |
|  | <b>Chief Executive Officer<br/>Delegation of Authority</b>                  |                 |
|  | <b>PERFORMANCE OF<br/>CONSTRUCTION WORK BY PORT<br/>STAFF OVER \$40,000</b> | <b>Part 4.0</b> |
| Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 4.0                      |                 |

**PERFORMANCE OF CONSTRUCTION WORK BY PORT STAFF.**

Prior Commission approval is not required for any construction project performed by Port staff or inmate work crews. However, in accordance with RCW 53.08.135, construction projects over \$40,000 must be contracted out if it's deemed less expensive than using Port staff or inmate work crews. No written determination is required as Commission deems all construction projects over \$40,000 less expensive to contract out due to the potential hindrance of staff essential duties. Port staff can perform construction projects over \$40,000 if CEO deems essential duties can be performed and is cheaper to perform the construction project with staff or inmate work crews.

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|   | <b>PORT OF KENNEWICK</b>                                     |                 |
|  | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |                 |
|  | <b>ACQUISITION OF MATERIALS,<br/>EQUIPMENT, AND SERVICES</b> | <b>Part 5.0</b> |
| Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 5.0       |                 |

**CONTRACTS FOR ACQUISITION OF MATERIALS, EQUIPMENT AND SERVICES.**

The CEO may acquire, without prior Commission approval, utilities, materials, equipment, supplies and services (including services provided by public agencies) on the open market, pursuant to published rates or by competitive bidding when required by law for the normal maintenance and operations of the Port. Acquisitions must, where appropriate, be approved as a part of normal monthly expenses and must be within the project's authorized budget.

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|   | <b>PORT OF KENNEWICK</b>  |                 |
|  | <b>Chief Executive Officer Delegation of Authority</b>                                |                 |
|  | <b>UNCOLLECTIBLE ACCOUNTS, SETTLEMENTS OF CLAIMS, AND LITIGATION.</b>                 | <b>Part 6.0</b> |
| Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference<br>CEO's Procedures for<br>Staff Part 7.0, Part 9.0,<br>and Part 10.0 |                 |

**1.0 UNCOLLECTIBLE ACCOUNTS AND SETTLEMENTS OF CLAIMS**

The CEO may write off any uncollectible account not exceeding \$10,000, subject to the following:

- 1.1 The CEO will be satisfied that reasonable effort has been made by the Port to collect the account prior to a write off.
- 1.2 In appropriate circumstances, the CEO is allowed to take necessary action in a court of law or assignment to a collection agency for the purposes of attempting to collect the delinquent account.

**2.0 ADJUSTMENT AND SETTLEMENT OF CLAIMS**

The CEO is responsible for directing the Port objectives in litigation, hiring experts as deemed necessary, and may settle claims where the amount at risk to the Port does not exceed \$50,000 and subject to the following:

- 2.1 A proper written notice has been served on the Port by the claimant and the Port's insurance will not cover the claim;
- 2.2 The CEO has determined that settlement is commercially reasonable and a likelihood exists that litigation expenses would be significant in relation to the amount claimed, and
- 2.3 Provided however any settlement that imposes upon the Port any affirmative duty (non-monetary obligation), injunctive relief, and or which is memorialized by a federal Consent Decree or other regulatory enforceable Order shall require Commission approval.

- 2.4 "Claim" shall mean the assertion of any position, right or responsibility by or against the Port, and any claims asserted by or against the Port which have or may reasonably become the subject of litigation but excluding (1) "uncollectible accounts" (2) employee health and unemployment claims, and (3) claims asserted as part of public works contracting, prior to litigation.
- 2.5 "Litigation," for purposes of this section, shall mean the assertion of any position, right or responsibility by or against the Port which may reasonably lead to or has been filed in any court of general jurisdiction, be it state or federal, or any quasi-judicial or administrative forum.
- 2.6 Nothing herein contained shall preclude administrative approval of settlements made by the Port's insurers of claims by or against the Port, where such settlement is payable by such insurer.

### **3.0 AUTHORITY TO RESOLVE ALL OTHER ISSUES**

The CEO may take actions necessary to resolve any matter not specifically addressed herein that do not exceed \$50,000.

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| <b>PORT OF KENNEWICK</b>   |  |
| <b>Chief Executive Officer<br/>Delegation of Authority</b>   |  |
| <b>CREDIT CARDS</b>  | <b>Part 7.0</b>  |
| Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 8.0 |

**1.0 CREDIT CARDS**

RCW 43.09.2855 authorizes local governments to issue purchase cards for official government purchases and acquisitions. The CEO is authorized to issue purchase cards to staff and develop procedures to ensure compliance with the applicable laws, regulations, and this policy.

- 1.1. Credit card limits may not exceed \$15,000.
- 1.2. The CEO will maintain a schedule of Port credit cards, lines of credit, the users, along with corresponding credit limits, approval amounts, and such other schedules or procedures determined necessary.
- 1.3. All purchase(s), regardless of amount, must be for valid, authorized Port operations. The Port will seek reimbursement from the responsible approved cardholder for any non-Port purchase(s). Port employees, when submitting expense support for the valid use of authorized Port operations, will use proper documentation requirements as approved by the CEO.
- 1.4. An approved cardholder agrees that the Port has a right to withhold any and all funds payable to the approved cardholder from compensation or other payments from invalid or unauthorized purchase by the approved cardholder, and will have a lien for such right against other sources of funds. The Port can collect late fees and interest in the event the employee causes delay of payment. Cardholders who have been issued a credit card by the Port may not use the card if any disallowed charges are outstanding and must surrender the card upon demand by the CEO.

- 1.5. The CEO may, at any time, revoke the use of any Port credit card for any reason or no reason. Upon delivery of the revocation order to the credit card company, the Port will cease to be liable for any costs associated with the credit card.
- 1.6. Payments must follow the standard payment processing procedures and presented at the next reasonably possible Commission meeting.
- 1.7. Cash advances are prohibited.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>COMMERCIAL INSURANCE</b>  | <b>Part 8.0</b>   |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 11.0 |

**1.0 COMMERCIAL INSURANCE**

- 1.1 The CEO may negotiate and obtain appropriate policies of insurance to cover all aspects of Port property and operations within a comprehensive insurance program.
- 1.2 The CEO is authorized to approve, from time to time, changes or modifications within the policies of insurance so long as the changes are appropriate to manage the Port's risks.
- 1.3 The CEO is authorized to elect to utilize self-insurance and to amend deductible provisions, as deemed in the best interest of the Port.
- 1.4 Procurement of insurance is exempt from competitive bidding requirements pursuant to RCW 39.04.280(d).

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>TREASURER AND PETTY CASH<br/>ACCOUNTS</b>   | <b>Part 9.0</b>   |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 12.0 |

**1.0 TREASURER AND PETTY CASH ACCOUNTS**

The CEO is authorized to direct the investments of Port funds in accordance with applicable laws and regulations as well as open up the necessary and legal accounts in order to properly manage the Port's operations and finances.

**2.0 SIGNING AUTHORITY**

The Port Auditor is required by law to sign and certify all checks, wire transfer, EFT's, and similar financial institution transactions. The Commission authorizes the Port Auditor to certify and sign all checks, wire transfers, EFT's and similar financial institution transactions necessary to properly manage the Port's operations and finances provided that a warrant register is provided to the Commission to sign and ratify at the next regular meeting. Furthermore, the Port Auditor needs to ensure that proper internal controls are in place to prevent fraud and waste in accordance with guidance provided by the Washington State Auditor's Office (SAO).

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>TRAVEL AND VEHICLE</b>  | <b>Part 10.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 14.0 |

**TRAVEL**

The CEO is authorized to approve, without prior authorization of the Commission, travel by employees and/or other authorized representatives of the Port for the purpose of valid Port travel that is within the approved budget. The CEO will develop procedures to ensure compliance with the laws and regulations (*see* RCW 42.24.080-160 and RCW 53.08.175-176).

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|   | <b>PORT OF KENNEWICK</b>   |                  |
|  | <b>Chief Executive Officer<br/>Delegation of Authority</b>                           |                  |
|  | <b>PORT HOLIDAYS, PAID TIME<br/>OFF, LEAVE, AND BENEFITS,</b>                        | <b>Part 11.0</b> |
| Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 15.0,<br>Part 16.0, and Part 17.0 |                  |

**PORT HOLIDAYS, PAID TIME OFF, LEAVE AND BENEFITS**

The CEO is authorized to establish and manage employees’ holidays, paid time off (“PTO”), leave, and benefits as deemed necessary to hire and retain Port staff and in accordance with applicable laws. The CEO will develop procedures to properly document employee holidays, PTO, leave, and benefits.

The Commission intends that it’s adoption of this Resolution delegating to the CEO authority to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits (“Benefits”) satisfies the requirement of RCW 53.08.170 that such Benefits be established as the Port Commissioner shall by resolution provide.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>STANDARDS OF CONDUCT</b>  | <b>Part 12.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 18.0 |

## 1.0 STANDARDS OF CONDUCT

All employees should act professionally and in the best interests of the Port at all times. Violations of the Port's standards of conduct are unacceptable and may result in discipline, up to and including immediate termination. The CEO will develop standards of conduct for the Executive and Port staff. The standards of conduct will set forth that, at a minimum, the following types of conduct that are not acceptable:

- 1.1 Abusive language or unprofessional conduct toward another person
- 1.2 Covert recording
- 1.3 Falsifying or inaccurately completing records, including employment applications or time sheets
- 1.4 Harassment or discrimination of any nature
- 1.5 Inappropriate dress or poor grooming
- 1.6 Insubordination or failure to carry out instructions
- 1.7 Misusing, destroying, or purposely damaging Port property or property of an employee
- 1.8 Performance that does not meet Port requirements
- 1.9 Tardiness or absenteeism
- 1.10 Theft of Port property or property of an employee or tenant
- 1.11 Unauthorized use or release of confidential information
- 1.12 Unprofessional conduct
- 1.13 Using work time for personal activities
- 1.14 Using, possessing, manufacturing, distributing, being under the influence of any controlled substance, alcohol or cannabis, or smelling of alcohol, cannabis, or controlled substance, while engaging in Port business, or during working hours or while on Port premises.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>DRUG, ALCOHOL, AND<br/>VIOLENCE FREE WORKPLACE</b>  | <b>Part 13.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 19.0 |

**1.0 VIOLENCE FREE WORKPLACE**

The Port and its employees share responsibility for the provision of a safe and secure work environment for all employees. In order to ensure workplace safety and provide for each employee’s dignity, the CEO will establish a policy of zero tolerance for violence and take appropriate action, up to and including, immediate termination, against anyone who engages in threatening or violent behavior.

**2.0 DRUG AND ALCOHOL FREE WORKPLACE**

The Port maintains a drug and alcohol-free workplace. The possession, manufacture, distribution, dispensation, use or trafficking of alcohol, cannabis or controlled substances or smelling of alcohol, cannabis or controlled substance in the workplace, while on Port premises, while engaging in Port business, or during working hours, poses unacceptable risks to the safe, secure, and efficient operation of the Port and are strictly prohibited. The CEO will establish a policy of zero tolerance with employees violating the policy and take appropriate action, up to and including, immediate termination. Port-sponsored events and promotional hosting events may allow for limited amount of alcohol to be served as may be authorized by the CEO (see Promotional Hosting, Part 18.0, below).

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>WHISTLEBLOWER ACT</b>   | <b>Part 14.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 20.0 |

**WHISTLEBLOWER ACT**

The Port strives to conduct its business in an open and law-abiding manner. Accordingly, employees are encouraged to bring to the attention of the Port (or other appropriate governmental official) any improper actions of Port officials and employees. The Port will not retaliate against any employee who makes a complaint of improper actions in good faith and in accordance with the procedures established by the CEO. The CEO will establish a procedure that is in compliance with the State’s Local Government Whistleblower Protection Act, RCW 42.41.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>DISCIPLINE</b>  | <b>Part 15.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 21.0 |

**DISCIPLINE**

The Commission authorizes the CEO to develop discipline procedures that are consistently applied to all staff and that meet all applicable laws and regulations.

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|  | <b>PORT OF KENNEWICK</b>   |  |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |  |
|   | <b>RECOGNITION, AWARDS, AND<br/>TEAM BUILDING POLICY</b>   | <b>Part 16.0</b>   |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 22.0<br>and Part 23 |

**RECOGNITION, AWARDS, AND TEAM BUILDING POLICY**

The CEO is authorized to develop a flower, gift basket, gift card, employee awards, and team building procedure for employees, commissioners, or others with a connection to the Port, such as tenants, provided that flowers, gift basket or gift card will be presented only under special circumstances (e.g. awards, team building events, funerals, birthdays, etc.).

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>WORKING MEALS</b>   | <b>Part 17.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 24.0 |

**WORKING MEALS**

On occasion it is necessary for the Port to provide working meals when staff or Commissioners are requested or required to work through meal periods. The CEO will develop procedures on how to carry out working meals for valid Port purposes on a reasonable and occasional basis.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>PROMOTIONAL HOSTING</b>   | <b>Part 18.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 25.0 |

**1.0 PROMOTIONAL HOSTING**

The Office of the Washington State Auditor, Division of Municipal Corporations, with the assistance of the Office of the Attorney General, produced “Bulletin No. 404” regarding promotional hosting guidelines for the expenditure of public funds under Article VIII, Section 8 of the Washington Constitution, RCW 53.36.120 through .150, and Account No. 8081 of the prescribed Uniform Systems of Accounts for Port Districts of the State of Washington.

Under these authorities, the Port Commission adopts this Policy to govern all Port-sponsored promotional hosting. In construing this Policy, reference must be made to Bulletin No. 404, attached and incorporated as terms of this Policy, and as may be amended.

The CEO is authorized to develop procedures for the Port’s promotional hosting expenditures. The promotional hosting procedures should include the minimum procedures:

- 2.1 “Promotional hosting” means furnishing customary meals, refreshments, lodging, and transportation, or any combination of these items, in connection with business meetings, social gatherings, and ceremonies honoring persons or events relating to the authorized business promotional activities of a Washington port district. Promotional hosting may also include, without limitation, reasonable, customary and incidental entertainment and souvenirs of nominal value incidental to such events.
- 2.2 The CEO must include within the approved budget an amount for promotional hosting, which is currently limited under RCW 53.36.130, as may be amended, to expenditures from the Port’s gross operating revenues and by other specific amounts. In instances where Port expenditure restrictions conflict with RCW 53.36.130, state law controls.
- 2.3 CEO may use promotional hosting funds to promote industrial development or trade within the Port. Expenditures of promotional hosting funds must be limited to supporting Port officials or employees in seeking opportunities to:
  - Market to individuals or organizations the use, continued use or increased use of Port services, facilities or properties.

- Persuade individuals or organizations to donate, supply or sell to the Port (on the best available terms) properties, facilities, services or information needed by the Port to achieve a betterment or improvement of the Port's existing operations, facilities or services.
- Persuade individuals or organizations to purchase, lease, or contract from or with the Port on terms most favorable to the Port in order that the Port may enter into transactions for the development, improvement or use of its properties and facilities in a manner most suitable to serve the Port's best interests.
- Persuade individuals or organizations to assist the Port in fostering the increased use of its services and facilities by improving transportation schedules, adding to existing transportation, services and facilities, adjusting rates, improving navigation or generally increasing and improving the scope and efficiency of Port operations so as to contribute to the growth of the Port's business.
- Beneficiaries of promotional hosting funds must be reasonably capable of influencing or controlling decisions with respect to the subject matters listed above, and each expenditure amount must be reasonable and appropriate in relation to the specific purpose of each incident of promotional hosting.

**2.4** Reimbursements for promotional hosting expenditures must, to the extent feasible, be supported with appropriate receipts; detail the name and the business relationship of each person hosted; and, in general terms, identify the purpose of the expenditure. All payments and reimbursements must be identified and supported on vouchers supplied by the Port.

**2.5** Reimbursement vouchers by Port Commissioners for promotional hosting expenditures will be paid only if specifically approved by the Port Commission as part of the Port budget and pursuant to processes approved by the Port Auditor pursuant to RCW 53.36.120.

**2.6** Without limitation, promotional hosting funds may not be used, and reimbursements will not be authorized, for the following activities or purposes:

- To influence the passage or defeat of any legislation by the legislature of the State of Washington, or the adoption or rejection of any rule, standard, rate or other legislative enactment of any agency of the State of Washington.
- For purposes not reasonably related in nature and amount to acquiring additional business or otherwise increasing and improving the scope and efficiency of the Port operations
- For the promotion of transactions prohibited under the conflict of interest statute, Chapter 42.23 RCW.
- For promotion of a benefit for the Port from an individual or an organization

that is already legally, contractually or otherwise obligated to furnish that benefit to the Port.

- 2.7** Promotional hosting expenses will be approved by the Port auditor as required by RCW53.36.140.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>FRAUD PREVENTION AND<br/>ETHICS</b>   | <b>Part 19.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 26.0 |

**FRAUD PREVENTION AND ETHICS**

The Port defines the term “Fraud” as any wrongful or criminal deception intended to result in financial or personal gain. The Port of Kennewick has zero tolerance for fraud or any illegal activity.

The Port is committed to having a work atmosphere of fraud awareness, where its employees, which includes interns and volunteers, understand the indications of potential fraudulent or illegal activity and are supported when carrying out their responsibility to immediately report such activity.

The Port CEO will develop a procedure and facilitate timely notification of and take immediate action on any known or reported suspected loss of Port funds or assets, fraud or any illegal activity.



# PORT OF KENNEWICK

## Chief Executive Officer Delegation of Authority

### PROGRAMS AND PROCEDURES

### Part 20.0

Adopted by the Commission on December 8, 2015  
Resolution 2015-29  
  
Further Revised December 13, 2022, Resolution 2022-  
44

Cross Reference CEO's  
Procedures for Staff Part 27.0  
and Part 28.0

### PROGRAMS AND PROCEDURES

The CEO is authorized to adopt any administrative programs and procedures necessary for the efficient operation of the Port.

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|  | <b>PORT OF KENNEWICK</b>   |  |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |  |
|   | <b>MISCELLANEOUS</b>   | <b>Part 21.0</b>   |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 13<br>and Part 29.0 |

**1.0 ELECTIONS AND VOTING**

The CEO is authorized to vote in all elections on behalf of the Port, where votes are tabulated based upon acreage owned.

**2.0 TRADE DEVELOPMENT PROGRAMS**

Consistent with the authorized budget and applicable law, the CEO may develop and carry out programs of trade development (which may include tourism and tourism promotion), advertising (including the use of advertising firms), and promotion of the Port, including its properties, facilities, and services. Trade development programs must be reviewed periodically by the Commission.

**3.0 ISSUANCE OF TARIFFS**

The CEO may issue tariff agreements, tariffs and tariff amendments as necessary.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>AFFIRMATIVE ACTION AND<br/>EQUAL EMPLOYMENT POLICY</b>  | <b>Part 22.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 30.0 |

**AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT**

It is the policy of the Port to provide equal opportunity to the users of all Port services and facilities, all contracting entities, Port employees and applicants for employment, and to assure that there be absolutely no discrimination against any person based on any status protected by federal, state or local law including but not limited to race, creed, color, national origin, sex, sexual orientation, marital status, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical handicap or the use of a trained dog guide or service animal by a person with a disability unless, in the instance of employees and applicants for employment, based upon a bona fide occupational qualification. The CEO will develop and carry out procedures in accordance with applicable laws and regulations.

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|   | <b>PORT OF KENNEWICK</b>                                   |                  |
|  | <b>Chief Executive Officer<br/>Delegation of Authority</b> |                  |
|  | <b>FIXED ASSETS</b>  | <b>Part 23.0</b> |
| Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-<br>44 | Cross Reference CEO's<br>Procedures for Staff Part 32.0    |                  |

**FIXED ASSETS**

The CEO has authority to set the Port's fixed asset capitalization and inventory requirements pursuant to generally accepted accounting principles.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>RECORDS OFFICER</b>   | <b>Part 24.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br><br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 33.0 |

**1.0 RECORDS OFFICER**

In accordance with RCW 42.56.580(3) the Port Commission appoints a Records Officer. The CEO will make a recommendation to the Port Commission for the person to be appointed to act in the capacity of Records Manager. The Records Manager will be selected during a public meeting and the Port’s website will reflect the current Records Manager appointment by the Commission.

**2.0 RECORDS COMMITTEE**

The CEO will develop a records committee.

**3.0 PROCEDURES**

The CEO has authority to establish records procedures in accordance with applicable laws and regulations, including but not limited to RCW 42.56.040, and the Public Records Act—Model Rules at Chapter 44-14, Washington Administrative Code (“WAC”) .

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|  | <b>PORT OF KENNEWICK</b>   |                  |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |                  |
|   | <b>PORT AUDITOR AND ATTORNEY</b>   | <b>Part 25.0</b> |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br>Further Revised December 13, 2022, Resolution 2022-44 |                  |

**1.0 PORT AUDITOR**

Cross reference Port Commission Rules of Policy and Procedure.

**2.0 PORT ATTORNEY**

Cross reference Port Commission Rules of Policy and Procedure.

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|  | <b>PORT OF KENNEWICK</b>   |   |
|   | <b>Chief Executive Officer<br/>Delegation of Authority</b>   |   |
|   | <b>BUDGET, FINANCIAL, &amp;<br/>OPERATIONAL PHILOSOPHY</b>   | <b>Part 26.0</b>  |
|   | Adopted by the Commission on December 8, 2015<br>Resolution 2015-29<br>Further Revised December 13, 2022, Resolution 2022-44 | Cross Reference CEO's<br>Procedures for Staff Part 36.0 |

**BUDGET, FINANCIAL & OPERATIONAL PHILOSOPHY**

Cross reference Port Commission Rules of Policy and Procedure.