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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*

June 9, 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 city of residence for the public record)*
- V. **CONSENT AGENDA**
  - A. Approval of Direct Deposit and ePayments June 1, 2026
  - B. Approval of Warrant Register Dated June 9, 2026
  - C. Approval of Regular Commission Meeting Minutes May 26, 2026
- VI. **ACTION ITEM**
  - A. Ambassador Policy; Resolution 2026-10 (TIM/NICK/CAROLYN)
- VII. **REPORTS, COMMENTS AND DISCUSSION ITEMS**
  - A. Maintenance Department Introduction (MICHAEL)
  - B. 2027-2028 Budget Adoption Schedule and Budget, Financial & Operational Policy (NICK)
  - C. U.S. Army Corps of Engineers Change of Command Ceremony (ROCHELLE)
  - D. Director of Planning and Development (LARRY)
  - E. Legislative Changes (NICK/TIM)
  - F. Grand Opening Celebrations (ROCHELLE)
  - G. CEO Report (if needed) (TIM)
  - H. Commission Meetings (formal and informal meetings with groups or individuals)
  - I. Non-Scheduled Items  
LISA/BRIDGETTE/ROCHELLE/NICK/LARRY/AMBER/MICHAEL/DAVID/CAROLYN/TIM/RAUL/SKIP/KEN
- VIII. **PUBLIC COMMENT** *(Please state your name and city of residence for the public record)*
- IX. **ADJOURNMENT**

**PLEASE SILENCE ALL NOISE MAKING DEVICES**



# PORT OF KENNEWICK REGULAR COMMISSION MEETING

**DRAFT**

**MAY 26, 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 (Excused)  
Skip Novakovich, Vice President  
Raul Contreras Gonzalez, Secretary

***MOTION:*** *Commissioner Contreras Gonzalez moved to excuse Commissioner Hohenberg's absence from the May 26, 2026 Commission Meeting; Commissioner Novakovich seconded. With no further discussion, motion carried unanimously. All in favor 2:0.*

**Staff Members:** Tim Arntzen, Chief Executive Officer  
Nick Kooiker, CFO/Deputy Chief Executive Officer  
Larry Peterson, Director of Planning  
Amber Hanchette, Director of Real Estate  
Rochelle Olson, Director of Governmental Affairs  
Bridgette Scott, Executive Assistant  
David Phongsa, Marketing/Capital Projects Coordinator (via telephone)  
Carolyn Lake, Port Counsel (via telephone)

## **PLEDGE OF ALLEGIANCE**

Ms. Hanchette led the Pledge of Allegiance.

## **PUBLIC COMMENT**

No comments were made.

## **CONSENT AGENDA**

- A. Approval of Direct Deposit and E-Payments Dated May 15, 2026**  
Direct Deposit and E-Payments totaling \$95,188.90
- B. Approval of Warrant Register Dated May 26, 2026**  
Expense Fund Voucher Number 107977 through 108000 for a grand total of \$204,801.65
- C. Approval of Regular Commission Meeting Minutes April 28, 2026**

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

MAY 26, 2026 MINUTES

**DRAFT**

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***MOTION:*** *Commissioner Contreras Gonzalez moved to approve the Consent Agenda; Commissioner Novakovich seconded. With no further discussion, motion carried unanimously. All in favor 2:0.*

## **ACTION ITEMS**

### **A. Mid-Columbia Children's Museum Request for Proposals Response**

Mr. Arntzen presented a draft letter responding to the Children's Museum Request for Proposals (RFP) (*Exhibit A*). Mr. Arntzen outlined the details of the letter and suggested The Willows property for the site of the Children's Museum.

Mr. Peterson reviewed the RFP and stated The Willows property best meets the criteria established by the Children's Museum.

Commissioner Contreras Gonzalez believes the downtown area would be more suitable for what they are looking for.

Commissioner Novakovich agrees with the language in the draft response and stated The Willows is a great location for many reasons.

***It is the Consensus of the Commission to approve staff sending the response letter to the Children's Museum regarding their Request for Proposals.***

## **REPORTS, COMMENTS AND DISCUSSION ITEMS**

### **A. CEO Report**

Mr. Arntzen reported on the following:

- The Port hired a new facilities supervisor, who will start June 1, 2026.
- Ms. Hanchette has been working with local animal rescue organizations regarding the feral cat issue on Clover Island.
- Mr. Phongsa reported that the Port will hold a pet adoption at Columbia Gardens on June 27, 2026 from 10:00 am to 2:00 pm.

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

Commissioners reported on their respective committee meetings.

### **C. Non-Scheduled Items**

Ms. Olson attended the Spring Washington Public Ports Association Conference and stated there were a lot of great topics covered, including ADA compliance.

Mr. Kooiker stated staff has started working on the 2027-2028 Budget.

Mr. Peterson stated that Daybreak Commons is at the 60% design stage and hopes to present a draft to the Commission in the near future.

Mr. Arntzen outlined the budget process.

# PORT OF KENNEWICK REGULAR COMMISSION MEETING

MAY 26, 2026 MINUTES

**DRAFT**

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Commissioner Novakovich stated the Port has discussed a passenger boat for several years and believes he may have found a funding source through TRIDEC.

Mr. Arntzen stated there may be an opportunity to partner with TRIDEC and he would like to discuss the specific details further with the Commission at a future meeting.

The Commission approves of staff moving forward on researching the passenger boat concept.

Commissioner Novakovich complimented staff on doing a great job for the Port of Kennewick.

## **PUBLIC COMMENTS**

No comments were made.

## **ADJOURNMENT**

With no further business to bring before the Board; the meeting was adjourned at 2:38 p.m.

***APPROVED:***

**PORT of KENNEWICK  
BOARD of COMMISSIONERS**

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*Kenneth Hohenberg, President*

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*Skip Novakovich, Vice President*

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*Raul Contreras Gonzalez, Secretary*

**DRAFT**

[Month Day], 2026

Jill Randerson  
Mid-Columbia Children's Museum  
c/o Jill Randerson Exhibit Management

Re: Mid-Columbia Children's Museum Location: Request for Proposal

Dear Ms. Randerson & Board:

Thank you for sending your request for proposal regarding locations for the planned Mid-Columbia Children's Museum.

We are pleased with your proactive approach and appreciated your recent presentation to our Board of Commissioners. Your plans are exciting and will certainly benefit our community and broader region.

We have evaluated the site specifications outlined in the RFP and presentation materials to accommodate your envisioned facility, some of which include:

- 2.5- to 3-acre site to accommodate a 30,000-square-foot building with 1 acre minimum of outdoor space
- Parking for a minimum of 120 cars and three school buses at/adjacent to the facility (with curbside drop-off)
- Adjacent to arterial roads
- Room to expand

In determining if Port of Kennewick has a site to propose, we considered two of our developments: Vista Field and The Willows.

I believe you are familiar with Vista Field and the port's multi-year public engagement effort to involve the community in the planning for the future of Vista Field. Through surveys, meetings, a pattern-language workshop, a weeklong public charrette series, and a citizen oversight committee, the community told us they wanted a pedestrian-focused urban regional town center.

Our development at The Willows is a nearly 7-acre site near the intersection of E. Columbia Drive and Washington Street within Kennewick's Historic Waterfront District. The Willows is also part of the 16-acre Columbia Drive Urban Revitalization Area.

It is important to note that both Vista Field and The Willows are zoned as Urban Mixed Use (UMU) districts, so do not fit the suburban nature of your proposed facility, its parking needs nor requirement for future expansion.

For example, UMU zoning requires a minimum of 75% of a property's right-of-way frontage to be built out as linear building frontage (if located on "A" streets, which are primary streets where building setbacks, façades and parking locations are purposely controlled to allow a pleasant streetscape from all perspectives). Vehicle access is limited to alleys or cross streets. Additionally, parking areas and drive aisles must be set back at least 40 feet from "A" street frontages.

### Proposed Site

With the above requirements in mind, Port of Kennewick submits for your consideration The Willows development with the caveat that modifications to the children's museum building and parking needs would be necessary. We propose:

- Up to 3 acres at The Willows closest to E. Columbia Drive (non-waterfront)
- 3-year lease at \$1 per year (with building permit obtained by the end of the third year)
- Following project completion and certificate of occupancy issuance, lease at \$1 per year for mutually acceptable terms

*The terms set forth in this letter do not constitute an offer, other considerations, such as a construction completion time frame, may be relevant. Additionally, no offer can be made except by a majority affirmative vote by the Port of Kennewick Board of Commissioners pursuant to an official commission meeting.*

The Willows property is easily accessible from U.S. Highway 395, located near historic downtown Kennewick amenities and would be more tolerant of your project specifications. While Vista Field has the same UMU zoning restrictions, that location is not designed to support your future expansion requirement. Additionally, The Willows does not have required property owners' association fees, which we estimate to be \$20,000 per year at Vista Field based on the land and facility sizes outlined in your RFP.

Should you be interested in further conversation or a site visit, please do not hesitate to contact me or Amber Hanchette, the port's director of real estate.

If you do not select The Willows property, please consider staying within the Port of Kennewick district. One such location would be at or near the Southridge Sports and Events Complex. Alternatively, while not in our district, you might explore Richland's former City Hall site.

We truly appreciate the time and effort your organization has invested in developing plans for a children's museum in our community.

Sincerely,

Tim Arntzen  
Chief Executive Officer





**PORT of  
KENNEBEC**

## **AGENDA REPORT**

**TO: Port Commission**

**FROM: Tim Arntzen, CEO**

**MEETING DATE: June 9, 2026**

**AGENDA ITEM: Proposed Resolution Amending the Port Commission Rules of Policies & Procedures by Adding Port Ambassador Program**

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### **I. REFERENCE(S):**

- A.** Proposed Adoption of Resolution 2026-10, approving an addition to the Commission Rules of Policy and Procedure to add Section 20: “Port Ambassador Program” formerly located in the CEO Procedures to Staff and rescinding all prior Resolutions and Policies in conflict herewith.
- B. Attachment A-** Text of added Section 20: “Port Ambassador Program”
- C. Attachment B -**Ambassador Appointment Form & Agreement

### **II. RELATED HISTORY:**

Resolution No. 2011-05- Original Commission’s Rules of Policy and Procedures (“RP&P”) adopted February 22, 2011  
Resolution No. 2016-01- Revised and Amended RP&P at Section 6 – Commission Meetings  
Resolution No. 2017-16- Revised RP&P at Section 15 - Created CEO Committee Evaluation Process  
Resolution No. 2019-24- Revised RP&P at Section 15 - Reversion of Committee Evaluation Process  
Resolution No. 2022-19- Revised RP&P at Section 15 – Revised CEO Evaluation  
Resolution No. 2022-23 -Updated Various RP&P Sections

### **III. FISCAL IMPACT:** Minimal, consisting of stipend for Ambassador(s)

### **IV. BACKGROUND:**

The Port has had an ambassador policy on the books for beginning in 2011, with the adoption of Resolution 2011-05. Staff suggests that the Commission re-affirm the Ambassador Program and adopt it within the Commission Rules of Policies & Procedures.

1. Reaffirmation. The Port’s Program creates an Ambassador Program which allows a retiring (or former) commissioner to continue a productive relationship with the Port. An Ambassador, once appointed by the Commission, would serve the Port by actions including but not limited to attending and promoting Port events and programs, and through community outreach.
2. Procedure. The policy currently is housed in the CEO Procedures to Staff. However, because Port Ambassadors are appointed by the Commission, Staff believes this Program

should be housed within the Commission's Rules of Policy and Procedures. The attached Resolution accomplishes that procedural move.

**V. ACTION REQUESTED OF COMMISSION:**

Review the benefits of and reaffirm the Port Ambassador Program and procedurally adopt the Program as Section 20 of the Commission's Rules of Policies and Procedure. The Port CEO would then delete the policy from the CEO Procedures to Staff.

***Motion:***

***I move adoption of Resolution 2026-10 authorizing a revision to the Commission's Rules of Policies and Procedures to add the Port Ambassador Program as described therein and in Attachment A hereto, to re-affirm the benefit of the Ambassador Program to the Port, to adopt the Ambassador Appointment Form & Agreement as attached hereto as Attachment B, and to declare that all actions by port officers and employees in furtherance thereof is ratified and approved; and further, the Port Chief Executive Officer is authorized to take all future actions necessary in furtherance of this Commission Program and Resolution.***

## ATTACHMENT A

### SECTION 20

#### ADDITION TO THE PORT COMMISSION RULES OF POLICIES & PROCEDURES

#### 20. PORT AMBASSADOR PROGRAM

- 20.1.1. The Port of Kennewick recognizes and encourages the ongoing support from the Port of Kennewick community. Certain community members have demonstrated particular efforts on behalf of the Port. It is the purpose of this policy to recognize as a Community Ambassador (“Ambassador”) certain of those residents who have provided services in the past and will provide future volunteer services to the Port. Appointment as a Port Ambassador is in recognition of the benefits to the Port from a continuing relationship with active, distinguished persons who assist the Port as a volunteer with community, trade and/or economic development activities.
- 20.1.2 The Board of Commissioners, by majority vote, may appoint an Ambassador by completing the Port’s Ambassador Appointment form.
- 20.1.3 An Ambassador appointment shall be limited to a former Port Commissioner who has served the Port in good standing; or a Port staff member who has served the Port in good standing for 10 or more years.
- 20.1.4 Following Commission consideration of the appointment of an Ambassador, which shall be liberally granted, there shall be official recognition by a Port of Kennewick Community Ambassador Appointment and Recognition of Volunteer Service (“Appointment”), substantially in the form attached to this Policy. The Appointment shall implement the terms of this Policy and shall be for a two-year term. Service as an Ambassador is strictly a volunteer activity and based on the donated service of the Ambassador. An Ambassador appointment may be terminated at any time by the Port or an Ambassador, for good cause shown.
- 20.1.5 An Ambassador for the Port is to identify the Port relationship in any activity that pertains to service on behalf of the Port or use of Port resources. An Ambassador may be available for service and for participation in activities as set forth below. The Ambassador will adhere to the highest civic and ethical standards required of a public officer in the State of Washington, including compliance with Port policies and the avoidance of conflicts of interest.
- 20.1.6 An Ambassador does not have authority to enter into commitments for the Port or to otherwise bind the Port, or to make public comments which are not expressive of the majority viewpoint of the Port Commission, except as specifically authorized by the CEO.
- 20.1.7 An Ambassador may be recognized through eligibility:
  - 20.1.7.1 for official retirement ceremony provided by the Port either before or after Ambassador service;
  - 20.1.7.2 for issuance of printed business cards that designate Ambassador status;

## ATTACHMENT A

### SECTION 20

#### ADDITION TO THE PORT COMMISSION RULES OF POLICIES & PROCEDURES

20.1.7.3 for invited participation in all appropriate Port functions and celebrations;

20.1.7.4 to attend the annual Spring Port conference, or to attend the annual staff retreat;

20.1.7.5 to be recognized at all Port groundbreaking and ribbon-cutting ceremonies;

20.1.7.6 to receive reimbursement for reasonable and actual expenses incurred in the performance of Port-related activities, upon approval by the Port CEO and on terms set forth by the Port auditor and in full compliance with Port policies;

20.1.7.7 to receive a briefing from Port CEO and Port Auditor on a semi-annual basis.

20.1.8 Except as otherwise set forth, the Ambassador understands that there is no compensation or other related benefits (e.g., retirement, vacation and holidays) related to an Appointment. An Ambassador shall be entitled to reimbursement for expenses incurred in volunteer service to the Port, consistent with Port auditing procedures. An Ambassador may also be granted a stipend as set forth in an Appointment, which may include a stipend commensurate with services for health insurance premiums following a period of service as a Port officer or employee. In no event shall any stipend exceed reimbursement for expenses, reasonable benefits or a nominal fee.

20.1.9 The Commission authorizes the port CEO to take all action consistent herewith.

[ATTACHMENT B]  
AMBASSADOR APPOINTMENT FORM

**PORT OF KENNEWICK  
PORT AMBASSADOR APPOINTMENT  
AND AGREEMENT FOR VOLUNTEER SERVICE**

This Port of Kennewick Ambassador Appointment and Recognition of Volunteer Service ("Appointment") is between the Port of Kennewick ("Port"), a Washington municipal corporation, and \_\_\_\_\_, hereinafter referred to as "Ambassador."

**WHEREAS**, the Port desires to appoint the Ambassador to assist the Port with implementation of community, trade, and economic development activities, including but not limited to community outreach and Port program and event participation, and to assist the Port Commission and Executive Administration. The Ambassador named herein accepts this appointment to provide voluntary service to the Port and its residents consistent with this Appointment and Resolution # 2026-10; and

**WHEREAS**, the Ambassador has been selected under the Port Commission's Rules of Policy and Procedure, Section 20, Port Ambassador Program per Resolution # 2026-10; and

**WHEREAS**, the Ambassador is prepared to provide free and voluntary service to the Port consistent with the Program.

**NOW, THEREFORE, IT IS MUTUALLY RECOGNIZED AND  
ACKNOWLEDGED BY THE PARTIES:**

The Port of Kennewick Commission hereby appoints the Ambassador, and the Ambassador hereby accepts the appointment to voluntarily serve as a Port Ambassador, effective \_\_\_\_\_ ("Effective Date").

1. **Scope of Volunteer Service:**

Ambassador acknowledges that the Ambassador's service is freely and voluntarily provided to the Port consistent with the Port's Program, as may be requested from time-to-time by the Port's Chief Executive Officer, acting for the benefit of and on behalf of the Commission. The Ambassador may choose to decline services at any time.

2. **Relation of Parties:**

The Ambassador is a volunteer to the Port. Except as otherwise provided, the Ambassador shall not, as a result of this Appointment, receive compensation or other related benefits (e.g., retirement, vacation and holidays). An Ambassador shall be entitled to reimbursement for expenses incurred in volunteer service to the Port, consistent with Port auditing procedures. An Ambassador may also be granted a stipend commensurate with services for health insurance premiums at an amount determined by the Commission at the time of appointment. The Ambassador shall not have the authority to bind the Port in any way except as may be specifically authorized by the Chief Executive Officer in writing.

3. **Time of Performance:**

The volunteer service of the Ambassador is to commence as soon as practicable after the execution of this Appointment, consistent with the availability of Ambassador.

4. **Honorarium:**

In recognition of the Ambassador's volunteer services, the Port shall reimburse Ambassador for all expenses incurred as a result of Ambassador's honorary service to Port, such expenses approved in advance by the Chief Executive Officer. In addition, The Port shall provide an honorarium (monthly stipend) of \$\_\_\_\_\_ as determined by the Commission at the time of appointment, which amount shall not be exceeded without Port's prior written

authorization. The Ambassador shall submit monthly invoices to Port for expenses, if any. Payments to Ambassador shall be made within thirty (30) days from submission of each invoice.

The Port reserves the right to correct any invoices paid in error. Any amount paid in error by Port does not constitute a change in the Appointment.

**5. Ownership of Records and Documents:**

All materials, writings and products produced by Ambassador in the course of Port service shall immediately become the property of the Port and Ambassador. The Ambassador assigns all copyright interests in such materials, writing and products to the Port. A copy may be retained by the Ambassador.

**6. Termination:**

This Appointment expires two-years from appointment, and may be terminated by either party at any time for good cause shown.

**7. Liability and Hold Harmless:**

Ambassador shall take all precautions necessary and shall be responsible for the safety of the Ambassador in the performance of the services hereunder. All volunteer service shall be done at Ambassador' s risk. The Ambassador shall save and hold harmless the Port, its officers, agents, employees and assigns from any claims, damages, losses, liability or expenses (including attorney fees) which arise from the negligent performance under this Appointment, except those claims, damages, losses, liability, or expenses which arise from the negligent acts or omissions of the Port, its officers, agents employees, and assigns; provided, that if both Port and Ambassador are concurrently negligent, Port shall be required to save and hold harmless Ambassador in proportion to the negligence of Port.

**8. Notices:**

All notices which are given or required to be given pursuant to this Appointment shall be hand delivered or mailed, postage paid, as follows:

Port:

Port of Kennewick  
Attn: Chief Executive Officer  
350 Clover Island Drive  
Suite 200  
Kennewick, WA 99336  
Phone: 509.586.1186

Ambassador:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

**9. Revision to Appointment:**

This Appointment shall not be altered, changed, or amended, except by an instrument in writing executed by the parties hereto. Any changes in the scope of volunteer service shall be first incorporated in written amendments to this Appointment.

**10. Appointment Controlling:**

In addition to the Policy, this Appointment describes the complete relationship between the Port and Ambassador. No other appointment, agreement or prior understanding, verbal or otherwise, of the Port and Ambassador, shall be valid or enforceable unless set forth in this Appointment.

**11. Governing Law Venue:**

This Appointment shall be deemed to have been executed and delivered within the State of Washington and the rights and obligations of the Port and Ambassador hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Any action or suit brought in connection with this Appointment shall be brought in the Superior Court of Benton County, Washington.

**12. Appointment and Acceptance.**

This appointment and recognition of Ambassador's volunteer service



***PORT OF KENNEWICK***

***Resolution No. 2026-10***

***A RESOLUTION OF THE PORT OF KENNEWICK  
BOARD OF COMMISSIONERS AMENDING THE PORT  
COMMISSION RULES OF POLICIES AND PROCEDURES BY  
ADDING A NEW SECTION 20 “PORT AMBASSADOR  
PROGRAM” & REAFFIRMING THE BENEFITS OF THE  
AMBASSADOR PROGRAM & APPROVING THE AMBASSADOR  
APPOINTMENT FORM & AGREEMENT***

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

**WHEREAS**, the Commission approved several updates to the Rules of Policy and Procedure via Resolution No. 2016-01, Resolution No. 2017-16, Resolution No. 2019-24, Resolution No. 2022-19, and Resolution 2022-23, and 2023-12;

**WHEREAS**, the Port has had an Ambassador Policy since 2011, adopted by Resolution 2011-05, which was embedded as a policy in the CEO Procedures to Staff;

**WHEREAS**, the Commission wishes to reaffirm the benefits of the Ambassador Program which allows a retiring (or former) commissioner to continue a productive relationship with the Port. An Ambassador, once appointed by the Commission, would serve the Port by actions including but not limited to attending and promoting Port events and programs, and through community outreach;

**WHEREAS**, the Commission has determined that an update to the Rules of Policy and Procedure is warranted to adopt the Ambassador policy as a Commission Program, to emphasize and recognize the positive impact of this Program, and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby amends the Commission Rules of Policies and Procedures to add Section 20 -Port Ambassador Program and approves the attached Ambassador Appointment Form & Agreement, and

**BE IT HEREBY FURTHER RESOLVED** that the Board of Commissioners of the Port of Kennewick hereby rescinds Resolution 2011-05 and any other Resolutions or policy in conflict herewith.

\*

**BE IT HEREBY FURTHER RESOLVED** that the Board of Commissioners hereby acknowledges 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 future actions necessary in furtherance of this Commission Program and Resolution.

**ADOPTED** by the Board of Commissioners of the Port of Kennewick on this 9th day of June 2026.

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

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

Kenneth Hohenberg, *President*

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

Skip Novakovich, *Vice President*

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

Raul Contreras Gonzalez, *Secretary*

# **PORT OF KENNEWICK, WASHINGTON**

## **PORT COMMISSION**

### **RULES OF POLICY AND PROCEDURE**

**ORIGINALLY ADOPTED AT A  
REGULAR, OPEN MEETING OF THE  
PORT COMMISSION  
FEBRUARY 22, 2011  
and as Revised:**

**Resolution No. 2016-01- Revised and Amended Section 6 – Commission Meetings**

**Resolution No. 2017-16- Revised Section 15 - Created CEO Committee Evaluation Process**

**Resolution No. 2019-24- Revised Section 15 - Reversion of Committee Evaluation Process**

**Resolution No. 2022-19- Revised Section 15 – Revised CEO Evaluation**

**Resolution No. 2022-23 -Updated Various Sections**

**Resolution No. 2023- 12 Revised Section 7.6 to clarify public comment opportunities for Consent Agenda Items.**

**Resolution No. 2026-\_\_ Added New Section 20 – Port Ambassador Program**

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## 1. INTRODUCTION AND PURPOSE

1.1 Port of Kennewick. The Port of Kennewick (“Port”) is a Washington port district, with authority to act under law, as they exist and or as they may be amended in the future including but not limited to Titles 14 and 53 RCW. The powers of a port district are exercised through a port commission. The Port Commission of the Port of Kennewick consists of three Port Commissioners.

1.2 Other Governing Law. In addition to enabling legislation, the Port is subject to Washington State laws, including but not limited to the Open Public Meetings Act, chapter 42.30 RCW; the Public Records Act, chapter 42.56 RCW; and, the Code of Ethics for Municipal Officers, chapter 42.23 RCW.

1.3 Port Managing Official. Consistent with its authority under RCW 53.12.270, the Port Commission has delegated to the office of Chief Executive Officer such administrative powers and duties as deemed proper for the efficient and proper management of the Port’s operations. See “Delegation of Authority to Executive Director,” Port Resolution 2009-06 (February 10, 2009 – the “Delegation Policy.”)

1.4 Purpose. It is the purpose of these Rules of Policy and Procedures to provide rules for governance, management and operation of the Port.

1.5 Reserved Rights. The adoption and maintenance of these Rules of Policy and Procedure (“Rules”) create no vested rights or entitlements. These Rules may be revised, suspended, amended or repealed by majority vote of the Port Commission when acting pursuant to and in compliance with applicable law and these Rules.

## 2. COMMISSION AND COMMISSIONERS

2.1 Purpose. The purpose of the Commission is to:

2.1.1 Identify and define the purpose, values and vision of the Port, along with the results the Port is to achieve, and to communicate those items in the form of policy;

2.1.2 Make certain decisions as are designated by law; and

2.1.3 Hire, evaluate, and terminate the Chief Executive Officer.

2.2 Governance. Commission governance addresses:

2.2.1 Strategic leadership more than administrative detail;

2.2.2 Encouragement of diversity in viewpoints;

2.2.3 Collaborative rather than individual decisions;

2.2.4 Future, rather than past or present, direction;

2.2.5 Proactive, rather than reactive, conduct; and

2.2.6 Full transparency to the public.

2.3 Actions. The Commission will:

2.3.1 Produce and maintain written policies that ensure a high quality of governance and clear roles in decision-making between Commission and staff;

2.3.2 Monitor, and not less than annually, evaluate the Chief Executive Officer's performance, based on the then-current adopted Commission policies and the Port's Work Plan, using the Evaluation Process and Procedures of Resolution 2022-19;

2.3.3 Adopt, and bi-annually review, the Port's Work Plan;

2.3.4 Adopt the Port's annual budget;

2.3.5 Adopt, regularly review, and modify as necessary the Delegation of Authority to the Chief Executive Officer; ;

2.3.6 Set the rates, rules and regulations for services provided by the Port;

2.3.7 Purchase or dispose of real estate or other property to the benefit of Port District taxpayers/citizens;

2.3.8 Establish Port positions on significant governmental legislation;

2.3.9 Reserve to the Chief Executive Officer management and direction of Port Staff, unless undertaken pursuant to the leadership of the Chief Executive Officer;

2.3.10 At all times maintain strict moral, ethical and honest conduct;

2.3.11 At all times treat the Chief Executive Officer, staff and public with respect;

2.3.12 Approve the annual budget of the Port and set the amount of the annual tax levy by December 1 of each calendar year, pursuant to RCW 53.35.045;

2.3.13 Reserve to itself if, how, and the degree to which the Port will use the governmental powers of taxation and eminent domain;

2.3.14 Establish financial policies, including capital formation and debt issuance;

2.3.15 On an bi-annual basis, affirm agreement to comply with these Rules and acknowledge and accept the consequences of failure to do so; and Take such other actions as may be required by law.

2.4 Port Financial Goals.

As specified in Port Resolution 2018-27, as may from time to time be amended, the Port Commission reiterates the following budgetary goals and acknowledges the importance thereof:

2.4.1 Work toward funding all operating expenses from revenues from Port operations;

2.4.2 Fund projects with available resources, not with bonds or loan financing

unless otherwise in the best interest of the Port and the communities' long term interest;

2.4.3 Pursue fewer projects while selecting projects with the greatest return to the Port and to taxpayers; and

2.4.5 2.4.4 Pursue projects with development partners who demonstrate support (e.g. matching funds, political/citizen/taxpayer support, leveraged investment, enthusiasm/goodwill). Produce and maintain a balanced budget.

2.4.6 Provide a fiscally sound approach to finances by ensuring that expenditures and debt repayments do not exceed available resources in current budget and future years impacted;

2.4.7 Promoting fiscal responsibility among departments.

2.4.8 Focusing on long-term financial planning.

2.4.9 Support intergovernmental cooperation by partnering with entities which demonstrate support; (e.g., matching funds; previous successes; political and taxpayer support; and enthusiasm).

2.4.10 Provide the public with high quality projects and services within a healthy work environment by encouraging efficiency, cooperation, honesty, integrity, and respect; and

2.4.11 Adhere to the additional Policies set forth in Chapter 14.2 herein below.

### 3. COMMISSION CODE OF CONDUCT

3.1 Purpose. The purpose of these Port of Kennewick Rules is to foster public transparency and public accountability concerning the transaction of Port business and to protect, and promote the efficiency of, the Port by prohibiting incidents and areas of conflict. Commissioners shall conduct themselves in accordance with all laws and applicable policies and further shall comply with the following:

3.2 Conflict Avoidance. Commissioners are strictly prohibited by law from entering into or engaging in any activity identified in chapter 42.23 RCW as a conflict of interest with their official duties as a Port of Kennewick Commissioner and shall further avoid conduct that may present an appearance of a conflict of interest.

3.3 Policy Acknowledged. On an annual basis at the first public meeting and in a public forum, each Commissioner shall acknowledge the obligation to disclose any conflicts of interest under chapter 42.23 RCW, and execute a written pledge to do so

3.4 Disclosure. On a case-by-case basis, each Commissioner will disclose to the other Commissioners in a public forum, any remote conflicts of interest under chapter 42.23 RCW. Disclosure will be noted in the Port's official minutes which are public record. As required by RCW 42.23.040, a Commissioner with such remote interest will not participate in any discussion and/or debate concerning such interest, will not vote on the matter, and will do nothing to influence any other Commissioner concerning their decision on the matter. The foregoing shall also apply to any business owned by a Commissioner's spouse, in the absence of a separate property

agreement.

3.5 Statement of Financial Affairs. On or before April 15 of each year, or within (14) days of taking oath of office, each Port Commissioner shall file with the Port the number of the Statement of Financial Affairs prepared in satisfaction of the requirements of RCW 42.17.240 -.241 and filed with the Public Disclosure Commission.

3.6 Conduct as Commissioner. Commissioners shall adhere to these Rules as adopted by the Commission and shall conduct themselves with civility and respect at all times with one another, with staff, and with members of the public. As fiduciaries of the Port, Commissioners shall make decisions on the basis of public policy and shall demonstrate undivided loyalty to the interests of Port and its taxpayers. This loyalty shall supersede any conflicting loyalty to advocacy or special interest groups.

3.7 Commissioner Knowledge of Policies. Commissioners will become familiar with their individual and joint obligations pertaining to the Port's directive on reporting alleged improper governmental action, including actions required of the Commission regarding complaints by Port employees and/or the public of alleged improper governmental actions and/or employee claims of retaliation for reporting alleged improper governmental actions.

3.8 Representation of Positions. Unless authorized by the Commission at an open meeting or as set forth in Port policy or plan (e.g., an approved plan), an individual Commissioner may not represent a position as being the position of the Port, either in private communications or in a public forum.

3.9 Shared Information and Advocacy. Recognizing that differences may exist among the Commissioners and that a collegial approach to issue resolution is preferred, Commissioner shall make available to fellow Commissioners all information related to Port activities. A Commissioner should make clear the foundation upon which an opinion stands; be candid about any philosophical or political preferences; and recognize and make clear the limits of expertise.

3.10 Representation of Port Position. No Commissioner is authorized, without Commission authorization, to represent the Port with special interest groups, Port tenants, suppliers, vendors, consultants, contractors or others that are or seek to do business with the Port. Unless otherwise authorized by the Commission, a Commissioner shall disclose that the Commissioner's position is not that of the Port or of the Commission when participating in discussions, debates, and forums where the sponsoring group(s) or other participants are identified with a particular perspective on an issue and the Commissioner's participation might put into question both the Commissioner's and the Commission's impartiality. Nothing in this Policy prevents an individual Commissioner from stating a position as that of the individual Commissioner, but not that of the Port or of the Commission.

3.11 Special Privileges Prohibited. RCW 42.23.070 prohibits, in part, Commissioners from using public office to secure special privileges or exemptions for a Commissioner or others.

3.11.1 Commissioners must conduct themselves at all times in a manner that leaves no grounds for belief, or even the appearance that information they have gathered on the job has been used for personal gain or for gain of any individual or special interest group, whether such gain is financial or otherwise.

3.11.2 Commissioners shall avoid any association with individuals or groups organized with an attempt to influence Port policy that will benefit themselves or their cause at the exclusion of the Port at large.

3.12 Commission-Staff Relations. Commissioners may not attempt to exercise individual authority over the Port or staff, except as explicitly set forth and authorized in Commission policies, including the Delegation Policy referenced in Section 1.3.

3.13 Open Meetings. In accordance with Chapter 43.20 RCW, Washington state's Open Public Meetings Act, Commissioners shall:

3.13.1 Not meet as a quorum outside of Commission-called public meetings to hold discussions or make decisions, as defined under Open Public Meetings Act, Chapter 42.30 RCW, regarding the business of the Port.

3.13.2 Not meet as a Commission quorum with staff outside of a Commission-called public meeting for the purpose of gathering information.

3.13.3 Understand that the requirements of the Washington Open Public Meetings Act apply to communications via telephone, e-mail, instant messaging or other forms of electronic communications. Any exchange of communication between any two Commissioners may constitute an official meeting of the Commission and be in violation of the Act. Commissioners may request that the Chief Executive Officer or his/her designee send information to other members of the Commission on an informational basis; however, replies and/or exchanges of Commissioner communications regarding Port business must not occur outside of an official public meeting of the Commission. Commissioners will not "reply" or "reply all" to any e-mail received by another member of the Commission.

3.13.4 Respect the confidentiality appropriate to issues, including personnel, real estate transactions, proprietary matters, and attorney-client privileged communications, including those requirements listed under RCW 42.30.110, Executive Sessions, and including any other confidential information gained by reason of the Commissioner's position. See also RCW 42.23.070(4) prohibiting disclosure of confidential Port information; and

3.13.5 Complete training on Open Public Meeting Act requirements no later than ninety days after taking office. Thereafter, each Commissioner shall maintain Open Public Meeting Act training at no less than every four years while a member of the Commission. Training may be completed remotely with technology including but not limited to internet-based training.

3.14 Commission Disclosure of Economic Associations. RCW 42.23.070 states in part that "[n]o municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein." Port contracts made in violation of the law are void; and any Port officer violating the law is liable to the Port for a "penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty." RCW 42.23.050. The law also prohibits a Commissioner from employment or engaging in any professional activity that may require disclosure of confidential Port information to non-Port interests. RCW 42.23.070. These statutory prohibitions are based on the principle that a Port official may not have divided loyalties.

The line between proper and improper conduct may not always be clear, and even unintentional conduct may expose the Port and Port officers and employees to liability. See *City of Raymond v. Runyon*, 93 Wn. App. 127 (1998) (“In spite of well-intentioned attempts to avoid a prohibited conflict of interest,” city commissioner found in violation of law). These Rules address a Commissioner’s responsibility under law and duty of loyalty to the Port, with other interests. See also, Section 3.2 herein.

3.14.1 Under Chapter 42.23 RCW, no Commissioner may have an economic association (affiliation, involvement, or interest), directly or indirectly, that may conflict with the Commissioner’s official duties as a Port Commissioner. However, Commissioners may engage in other employment or activity only so long as it does not interfere or conflict with their duties as a Commissioner.

3.14.2 In order to avoid inadvertent violation of law, and consistent with the Port’s policy for its officers and employees, on or before April 15 of each year, or within fourteen (14) days of taking office, each Port Commissioner, shall file with the Port a written statement identifying any current or prospective economic relationship, whether direct or indirect, which could be a conflict of interest, a remote interest or give rise to an appearance of a conflict of interest with the Port. In addition, each Port Commissioner shall in the written statement disclose other employment and/or business relationships in order that the Port may confirm that there are no Commissioner conflicts or potential conflicts of interest with current or prospective Port activities. The statement shall include the name of the employer or business, the nature of services rendered, the time commitments, the location of the performance of such services and the amount of compensation (and expense reimbursement) received for such services. This Section 3.14.2 shall also apply to any employment or business of a Commissioner’s spouse, in the absence of a separate property agreement.

3.14.3 Each Commissioner shall declare his or her intention to refrain from deliberations and voting on issues related to the person or entity in such relationship. This requirement may be extended by Commission action to any individual or entity that, in the judgment of the Commission, could represent the potential for or the appearance of a conflict of interest. Even with disclosure, chapter 42.23 RCW may prohibit the Commission from acting where a conflict of interest exists.

3.14.4 A Commissioner shall not receive reimbursement for expenses, per diem, or other Port payment for activities (e.g., travel, meals and other costs) when the Commissioner is engaged in or participating for both the Port and another entity.

3.14.5 Commissioners acknowledge that the Washington State Public Records Act, chapter 42.56 RCW, applies to all records pertaining to the business of the Port. Commissioners shall comply with all mandatory requirements of that law.

#### 4. FULL TRANSPARENCY IN PORT ACTIONS

4.1 Compliance with these Rules shall ensure full, fair, and open discussion of matters of public importance, with opportunity for public participation and media coverage.

4.2 With respect to any quasi-judicial matter before the Commission, or reasonably expected to come before the Commission, no Commissioner shall:

4.2.1 Have contact with any person, either oral, written, electronic or otherwise communicated, except in an open, public Commission meeting; and

4.2.2 Receive any information or evidence except as a part of the public record at a Commission meeting.

4.2.3 If a Commissioner is not able to avoid contact with parties outside of an open public Commission meeting or receipt of information from parties outside of an open public Commission meeting, the Commissioner shall disclose at the next public meeting, the full content of the contact made, or information received.

4.2.4 Commissioner avoidance of communications described above is preferred over relying on the public disclosure remedy because an incomplete or inaccurate conveyance of the contact, even if inadvertent, may bias the outcome and subject the Commission action to challenge.

4.3 The Commission shall facilitate that all information sought to be distributed to Commissioners by the public should be first provided to Port staff; staff will then consistently distribute the information to all Commissioners and file the information as appropriate.

## 5. REPORTING MISCONDUCT

5.1 General. The Port is committed to lawful and ethical behavior in all of its activities and requires its staff and Commissioners to conduct themselves in a manner that complies with all applicable laws, regulations and these Rules. Complaints against staff (other than the Chief Executive Officer) shall be resolved by the Chief Executive Officer, according to applicable law and the Port's Policies and Procedures manual. Complaints against the Chief Executive Officer shall be resolved by the Port Commission according to applicable contract, Delegation of Authority and these Commission Rules of Policies and Procedures. Complaints against Commissioners shall be resolved as set forth below.

5.2 Complaint. If any person believes that a Commissioner has engaged in misconduct, the Chief Executive Officer shall investigate consistent with Section 5.3 herein and report to the Commission. No employee will be discharged, threatened, or discriminated against in any manner for following up on any complaint or for reporting what they perceive to be misconduct. All complaints must include a description of the alleged misconduct. The proceedings shall be treated confidentially, including the name of the complainant, except to the extent required to complete any investigation or as required pursuant to the Public Records Act, and in the event that an action is taken.

5.3 Initial Determination. Based upon the complaint, and only following investigation and with the advice, counsel and concurrence of Port General Legal Counsel or special legal counsel ("Port General Legal Counsel"), the Chief Executive Officer shall determine whether sufficient evidence exists to proceed with an investigation. If the Chief Executive Officer determines that insufficient evidence exists and Port General Legal Counsel concurs, the complaint shall be dismissed. Otherwise, the Chief Executive Officer shall proceed as follows.

5.4 Investigation. If an investigation is deemed warranted, the Chief Executive Officer shall recuse himself from the process and delegate all further steps to Port Counsel, and/or an investigator retained for such purpose by Port General Legal Counsel ("Investigator"). Port

Counsel shall inform the party subject of the complaint (“Respondent”) in writing that a complaint has been filed and that an investigation will take place. Port Counsel shall provide a copy of the complaint to the Respondent and the Respondent shall have a reasonable time to prepare and submit a response in writing. Port General Legal Counsel or Investigator may seek additional information regarding the matter from the complainant, the Respondent and/or relevant third parties. In conducting the investigation and evaluating all evidence, the Port’s General Legal Counsel and or Investigator shall presume that the Respondent acted ethically and shall determine that an act of professional misconduct has occurred only upon a finding of substantial evidence of such misconduct.

5.5 Determination and Recommendation. Port General Legal Counsel and or Investigator, if one is retained, shall evaluate the complaint and issue a decision within thirty (30) days of receiving all relevant evidence, that the complaint is substantiated or unsubstantiated. If Port General Legal Counsel finds the complaint substantiated, Port General Legal Counsel shall prepare a report to Chief Executive Officer and the Commission which shall set forth the basis for the decision and a recommended action; otherwise, the complaint shall be dismissed.

5.6 Notification of Determination. The Complainant and Respondent(s) shall be notified in writing of the determination and recommended action; or, of the dismissal.

5.7 Hearing and Decision upon Recommended Action. The Complainant and Respondent(s) shall have the right to be heard before the Commission or, if pending before a Neutral as that term is defined below, to be heard before the Neutral. If the complaint is against one Commissioner, following receipt of the Port General Legal Counsel’s determination and recommended action, the remaining Commissioners who are not a party to the complaint shall promptly hear, consider and vote upon the recommended action. If the complaint is made by one or more of the Commissioners against one or more Commissioner, the determination and recommended action of Port General Legal Counsel shall be submitted to a mutually agreeable neutral selected from the panel of neutrals available at the Seattle office of Judicial Arbitration and Mediation Services (“JAMS”) or Judicial Dispute Resolution (“JDR”) (“Neutral”), or other similarly qualified third party Neutral as agreed upon by the Complainant and the Respondents. If the parties cannot agree upon the selection, the Port Counsel shall select a Neutral from the panel available at the Seattle office of JAMS or JDR. The Neutral shall determine the hearing process. The Neutral shall promptly hear, consider and issue a decision regarding the recommended action within 30 days of the hearing.

5.8 Reconsideration. A decision (whether by Commission vote or issued by a Neutral) is subject to reconsideration upon written request by Complainant or Respondent(s). The sole ground for reconsideration shall be that the party seeking reconsideration has new, relevant information which was not available for consideration by Port counsel. A party seeking Reconsideration based on new information shall file a written Reconsideration request within fifteen (15) days of the date of the notice of decision. The reconsideration request shall state the reasons in support and include the new information not previously available for Port Counsel consideration and explain why the new information was not previously available. Following review of the entire investigative file, the decision and recommendation of the Port Counsel and the new information, the Commission or, if applicable, the Neutral, shall, within fifteen (15) days of receipt of such new information, hear, consider and render a final decision which may not be further appealed. The parties shall be notified of the final decision, and any action required by the final decision shall be implemented immediately.

5.9 Sanctions. If a Complaint is upheld, the Commission may invoke censure and/or reprimand of the Respondent, forfeiture of officer position on the Commission and or removal from committee assignments and other actions allowed pursuant to state law.

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

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

## 6. COMMISSION MEETINGS

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

6.1.1 Terms. The terms of office for each officer shall be two years or until his/her successor is elected. Commissioners may serve consecutive two-year terms

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

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

6.1.4 Removal from Commission Officer Position. By affirmative vote of 2/3 of the Commission, and upon a showing of just cause, a Commissioner may be divested of his or her Commission officer position. "Just Cause" includes but is not limited to a violation of these Commission Rules.

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

6.3 Presiding Officer Duties. The Presiding Officer shall:

6.3.1 Preserve order and decorum for Commission meetings;

6.3.2 Observe and enforce all rules adopted by the Commission;

6.3.3 Decide all questions on order raised, in accordance with these Rules and the most current edition of Robert's Rules of Order, subject to appeal by a Commissioner;

6.3.4 Recognize Commissioners in the order in which they request the floor.

Except as otherwise set forth herein, the Presiding Officer, as a Commissioner, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Commissioners; and

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

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

6.5 Special Commission Meetings. A special public meeting of the Commission may be called by the President or by any two Commissioners. Any request and subsequent special meeting notices shall state all agenda items to be considered at such special meeting. Commissioners shall not discuss, consider or take final action on any subject not appearing on the special meeting agenda. .

The Port Administrative Assistant shall carry out the required published and posted notice required for special Commission meetings pursuant to applicable law.

6.6 Quorum. At all meetings of the Commission, a majority of the Commission (two members) constitutes a quorum for the transaction of business.

6.7 Proceedings in the Absence of a Quorum. The Commission or less than a quorum may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If all Commission members are absent from any regular or adjourned regular meeting the Port Administrative Assistant may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. Except in the case of remote meetings without a physical location as allowed by law, whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

6.7.1 In the absence of a quorum any business transacted is null and void.

6.7.2 Even in the absence of a quorum, the Commission may move to 1) fix the time to adjourn 2) adjourn, 3) recess the meeting, and/or 4) take measures to obtain a quorum. A motion that absent members be contacted during a recess would represent a measure to obtain a quorum.

6.7.3 The prohibition against transacting business in the absence of a quorum can not be waived even by unanimous consent. If there is important business that should not be delayed until the next regular meeting, the Commission should fix the time for an adjourned meeting and then adjourn.

6.7.4 If there is no quorum at the beginning of the meeting, the President may

wait a reasonable amount of time for a quorum to assemble. If a quorum cannot be obtained, the president calls the meeting to order, announces the absence of a quorum, and may take action as described in Section 6.7.2 herein above.

6.7.5 If the President notices the absence of a quorum, it is the President's duty to declare the fact before taking any further action.

6.8 Recording Proceedings. The Port Administrative Assistant shall maintain a recorded account of all open public proceedings of the Commission in accordance with statutory requirements, and all such records shall be available for public inspection. If feasible, the recording of the meetings should be available online for a minimum of six months. Port meeting minutes can be corrected but shall not be revised without a majority affirmative vote of the Commission at a regularly scheduled Commission meeting.

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

6.10 Remote /Electronic Meetings. The Commission notes that it has successfully held remote meetings after March 1, 2020 and believes that remote meetings have value by increasing transparency and allowing broader public participation and attendance. As allowed by state law, the Commission authorizes continued use of remote meetings, conditioned upon compliance with the requirements of this section.

6.10.1 During a remote meeting, Commissioners, the Chief Executive Officer, staff, and the public may appear or attend by phone or by other electronic means that allows real-time verbal communication without being in the same physical location and includes proper accommodation for public participation.

6.10.2 Remote meetings may be conducted through the use of Internet or telephonic meeting services that support voting and audio and or visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) text of pending motions, and showing the results of votes. Participation by such means shall constitute presence in a meeting for purposes of establishing a quorum, voting, attendance and for all other purposes.

6.10.3. In addition, for a remote meeting, Port must provide an option for the public to listen to the proceedings telephonically or by using a readily available alternative in real-time that does not require any additional cost for participation. Free readily available options include, but are not limited to, broadcast by the Port on a locally available cable television station that is available throughout the Port district or other electronic, internet, or other means of remote access that do not require any additional cost for access to the meeting, or via other electronic means of remote access.

6.10.4. The names of those wishing to address the Commission by any means of voice only must be announced and their presence noted in the minutes of the meeting.

6.10.5 Telephonic and Electronic meeting participation shall be limited to instances where a member, alternate, or staff member is unable to participate in person due to

adverse weather conditions, illness, unavoidable conflicts, inability to travel to the meeting location, or other similar situations.

6.10.6 Commission and staff members who are unable to be present in person at any meeting shall have the right to participate by telephonic or other internet service, subject to any limitations established in these Rules to govern such participation.

6.10.7. These electronic meetings of the Commission shall be subject to all rules adopted by the Commission to govern them, which may include reasonable limitations on, and requirements for Commission members' participation. Any such rules adopted by the Commission shall supersede any conflicting rules in parliamentary authority but may not otherwise conflict with or alter any rule or decision of the Commission.

6.11 Commissioner Attendance at Meetings. Commissioners shall inform the President or Chief Executive Officer if they are unable to attend any Commission meeting, or if they will be late to any meeting. A majority vote is required to excuse any Commissioner's absence. Unless excused, pursuant to RCW 53.12.140 a Commissioner forfeits office by nonattendance at meetings of the Commission for a period of sixty (60) days. The Chief Executive Officer shall maintain a record of Commissioner attendance at Commission, and other meetings, to which a Commissioner is assigned or scheduled to attend. Commissioner participation by remote means shall constitute attendance.

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

6.13 General Conduct of Business.

6.13.1 The Commission meeting shall be conducted pursuant to an agenda, which shall indicate items requiring Commission action.

6.13.2 President as Presiding Officer will introduce each agenda item, stating whether action will be taken on the item, whether the item is introduced for discussion only or whether other results are anticipated.

6.13.3 Port staff will briefly discuss the agenda item.

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

6.13.5 At the conclusion of the technical report, staff will return the issue to the Presiding Officer for action. Any Commissioner may ask staff, any consultants or the public to briefly clarify any matter presented.

6.14 Public Comment. Public comment shall be permitted at Commission meetings in accordance with these Rules and as required by RCW 42.30.240, as it now exists or as may be amended in the future. Comments shall be received at the beginning of each meeting, and at the

end of each meeting, as identified on the agenda. Either the President or staff may read the following guidelines into the record. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. When the Port receives written testimony intended for and accepted by the Commission, this testimony must be distributed to the full Commission. The deadline for the submission of written testimony is not less than 24 hours prior to the meeting at which Commission action will be taken. Upon the request of any individual who will have difficulty attending a Commission meeting by reason of disability, limited mobility, or for any other reason that makes physical attendance at a meeting difficult, the Commission shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

6.14.1 Speakers attending in person shall move to the lectern and shall comment only after being recognized by the Presiding Officer. At the conclusion of in-person public comments, the Presiding Officer will request comments from members of the public participating remotely.

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

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

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

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

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

6.14.7 The Presiding Officer may overrule impertinent, redundant or disruptive comments; Applause or other interruptions are discouraged;

6.14.8 All remarks should be directed to the Presiding Officer; and

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

6.15 Executive Sessions. Executive Sessions shall be held in accordance with the provisions of the Washington State Open Public Meetings Act. An Executive Session is a Commission meeting that is closed to the public and is attended by the Commission, Chief Executive Officer and others that may be authorized. Executive Sessions may be held during Regular or Special Commission meetings and will be announced by the President. Before convening an Executive Session, the President shall announce the purpose of the session, the specific section of RCW 42.30.110(1) by which the session is authorized, the anticipated time when the session will be concluded, and whether action is expected after and as a result of the Executive session. Should the session require more time, the Presiding Officer or his or her designee shall

announce that the executive session is being extended to a time certain. The purpose for the Executive Session shall be noted in the meeting minutes.

6.16 Commission Discussion. All Commission discussion shall be guided by the most current version of Robert's Rules of Order to guide meeting procedures in the absence of a governing Commission Bylaw or state law. The Port General Legal Counsel shall assume the additional duty of Parliamentarian.

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

## 7. AGENDA PLANNING

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

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

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

7.3 Agenda Materials. Agenda materials will be available on the Friday prior to the Commission meeting. Agenda materials will be delivered to Commissioners by delivery or electronic means as preferred by each Commissioner. The Chief Executive Officer and his or her staff shall strive to provide to the Commissioners all subjects to be considered at the Commission meeting, including contracts, call for bids, and other items no later than the Friday preceding the Tuesday meeting, if reasonably possible. Each item for which action is requested of the Commission shall have a written explanation and full briefing of all information necessary for the Commission's review, discussion, and action on said business item.

7.4 Adding an Item to a Published Agenda. An item may be placed on a regular Commission meeting agenda after the agenda is closed and the notice published, if the Commissioner or Chief Executive Officer explains the necessity and receives a majority vote of the Commission at a public meeting.

7.5 Agenda Item Order. The Presiding Officer may, with the concurrence of the Commission, address agenda items out of order.

7.6 Consent Agenda. All matters listed under Consent Items have been distributed to each member of the Commission for review, are considered routine, and will be enacted by the motion of the Commission with no separate discussion. Because these matters are routine and are considered after the first public comment, no additional public comment is needed. If separate discussion is desired, that item may be removed from the Consent Items and placed under Action Items with opportunity for public comment or tabled for consideration at a future meeting upon a motion passed by the Commission during a Commission Meeting and prior to the vote to approve the consent agenda.

## 8. ROLE OF THE COMMISSION PRESIDENT

The President of the Commission shall:

8.1 Ensure that the Commission jointly and consistently adheres to its own rules and policies, and those imposed upon it by the laws of the State of Washington.

8.2 Ensure that deliberation is fair, open and thorough, but also timely, orderly and stays on topic. The President of the Commission shall preside over and facilitate all Commission Meetings in accordance with these governance principles and the most current version of Robert's Rules of Order, as needed.

8.3 Assume responsibility of the Commission that is not specifically assigned to another Commissioner.

8.4 Call Special Meetings of the Commission in the event of a business need as provided for by applicable law.

8.5 Establish ad hoc advisory and standing committees and appoint members to same.

8.6 Schedule and coordinate the annual evaluation of the Chief Executive Officer.

8.7 Limit supervision and direction of the Chief Executive Officer or Port staff, solely to the authority expressly granted by the Commission.

8.8 Be the spokesperson for the Commission in expressing a view held jointly by the Port Commission, unless another spokesperson is named by the full Commission. However, individual Commissioners shall have the right to voice personal opinions differing from decisions taken or under review by the Port Commission as a whole as long as they are stated as such.

## 9. ROLE OF THE COMMISSION VICE-PRESIDENT

The Vice-President of the Commission shall:

9.1 Perform such duties as are assigned by the President.

9.2 Have all the power and duties of the President in the absence or inability of the President to act.

9.3 Have all the powers and duties of the Secretary in the absence or inability of the

Secretary to act, when not acting as the President.

10. ROLE OF THE COMMISSION SECRETARY The Secretary of the Commission shall:

10.1 Attest all contracts, bonds, deeds, leases and other instruments and documents duly authorized by the Commission unless otherwise delegated by the Commission.

10.2 Perform all duties incident to the office of Secretary as may from time to time be required by law or assigned to such office by motion, rule or resolution of the Commission.

10.3 Have all of the powers and duties of the President in the absence or inability of both the President and the Vice President to act.

10.4 Have the option of delegating the obligations and duties of Secretary to the appropriate Port staff member for implementation.

11. COMMISSION COMMITTEES

11.1 General. All Commission committees should include designation of members, chair and a charter describing the committee's purpose. All Commission Committees serve in an advisory capacity only. The Commission President will review each committee at least annually to determine whether the committee should continue.

11.2 Committee Roles and Responsibilities.

11.2.1 Committees will assist the Commission by gaining education, considering alternatives and implications, and preparing policy alternatives.

11.2.2 Commission committees or any individual Commissioner may not speak or act for the Commission, except when formally given such authority for specific and time- limited purposes.

11.2.3 Commission committees cannot exercise authority over staff or interfere with the delegation from the Commission to the Chief Executive Officer.

11.2.4 Participation in committee meetings shall be in compliance with the provisions of the Open Public Meetings Act, when two or more Commissioners are present, or the committee is acting for the Commission. In such event, the committee meeting must be properly noticed as a public meeting.

11.2.5 These policies apply to any group which is formed by action of the Commission President, whether or not it is called a committee.

12. COMMISSION AND PORT ACTION

12.1 Only decisions of the Commission acting as a body are binding upon the Port and Port staff.

12.2 In the case of Commissioners requesting information or assistance without Commission authorization, the Chief Executive Officer and staff *must* refuse such requests that require, upon evaluation by the Chief Executive Officer, a material amount of staff time or funds,

are disruptive to the Port, or which may involve a conflict of interest between the Port and the Commissioner requesting the information or assistance.

12.3 Commissioners individually may communicate directly with Port employees or contractors for the purpose of inquiry only. Commissioners shall, on business matters, deal with staff through the Chief Executive Officer. However, the Commission as a body and the Commissioners individually do not give direction to persons who report directly or indirectly to the Chief Executive Officer. If an individual Commissioner is dissatisfied with the response from the Chief Executive Officer or staff, the Commissioner may seek resolution through the Commission as a body.

12.4 The Commission as a body and the Commissioners individually will refrain from evaluating, either formally or informally, the job performance of any Port employee, other than the Chief Executive Officer, except when approving compensation and benefits in the course of budget or employment contract considerations.

### 13. PORT COMMISSION & STAFF ROLES AND RESPONSIBILITIES

13.1 General Roles. The Commission is the Port's governing authority. All authority not expressly delegated to the Chief Executive Officer is reserved to the Commission. The Commission sets Port policies and priorities. . The Chief Executive Officer and Port staff execute and administer the Commission's policies. The Port of Kennewick has a Commission-Chief Executive Officer form of governance. The Chief Executive Officer is hired by the Port Commission to enforce its directives, to direct the daily operations of Port governance, to prepare and monitor the budget, and to implement the policies and programs initiated by the Port Commission. The Chief Executive Officer is responsible to the Port Commission as a board, rather than to individual Commissioners, and directs and coordinates all other employees. The Port Commission authorizes priorities and projects through the budget process; based upon that authorization, the Chief Executive Officer is responsible for hiring all personnel.

13.2 Commissioner's Role. [See also, Section 2.] The Chief Executive Officer is authorized to make recommendations on policy matters to the Commission and the Commission retains the authority to accept, reject, or amend the recommendations. Individual Commissioners may not intervene in staff decision-making, scheduling of work, and executing department priorities. This is necessary to allow staff to execute priorities given by the Executive Director. All Commissioners with concerns affecting the Port of Kennewick should address those concerns with the full Commission or with the Chief Executive Officer.

No Commissioner shall direct the Chief Executive Officer to initiate any action, prepare any report, or initiate any project or study without the authorization of a majority of the Commission. Commissioner requests for information shall be made to the Chief Executive Officer, unless otherwise determined by the Chief Executive Officer. Commissioners needing staff assistance shall work through the Chief Executive Officer.

#### 13.3 Chief Executive Officer's Role.

13.3.1 The Chief Executive Officer is the chief administrative officer of the Port. The Chief Executive Officer is directly accountable to the Port Commission for the execution of the Port Commission's policy directives as set forth in the Delegation Policy and for the administration and management of all Port activities and staff.

13.3.2 The Chief Executive Officer is the information liaison between Commission and Port staff. Requests for information from Commissioners are to be directed to the Chief Executive Officer and will be responded to promptly. The information requested will be copied to all members of Commission so that each member may be equally informed. The Chief Executive Officer will provide staff support for Commissioners as appropriate in their official roles.

13.3.3 In addition to regular, comprehensive memoranda written by the Chief Executive Officer directly to the Port Commission concerning aspects of Port operations (exclusive of confidential personnel issues), all Commissioners shall receive copies of correspondence received by the Chief Executive Officer that will assist them in their policy-making role. The Chief Executive Officer also provides other documents to the Commission on a regular basis, such as status reports, executive summaries, and minutes of meetings.

13.3.4 The Chief Executive Officer shall have an open-door policy which allows individual Commissioners and the public to meet with the Chief Executive Officer on an impromptu, one-on-one basis. Such meetings are highly encouraged. No Commissioner, person or special interest group shall abuse the open-door policy.

13.3.5 In addition to the above, the Chief Executive Officer's job description includes the following:

13.3.6 The Chief Executive Officer reports to the Commission, with duties including but not limited to the responsibilities and specific duties described below, together with such other powers and duties as the Commission may specify via adopted work plans and Delegation of Authority. The Chief Executive Officer shall provide the services hereunder in accordance with his independent and professional judgment and in accordance with his own means and mode of performance. There shall be a presumption that the Chief Executive Officer acted on an informed basis, in good faith, and within the scope of his or her employment. The list below is a codification of existing duties, custom and practice.

13.3.7 The Chief Executive Officer should:

- Work with the Commission to ensure that the mechanisms for effective governance are in place and that the Commission is alert to its obligations to the Port, employees and the public.
- Assist the Commission in fostering ethical, transparent and responsible decision making.
- Work with the Commission and senior management to monitor progress on strategic planning and commission policy implementation, and regularly report on progress to the Commission.
- Take all reasonable steps to ensure that Commission policy is executed as effectively as possible.
- Participate in the development and implementation of strategic initiatives and provide oversight on strategic orientation of the Port.
- Ensure the quality, quantity and timeliness of the information that goes to the Commission and ensure that all Commissioners receive the information required for the proper performance of their duties.
- Take reasonable steps in consultation with the Commission President to ensure that business set out in the agendas of Commission meetings is discussed and

brought to resolution, as required, and that sufficient time is allowed during Commission meetings to fully discuss agenda items.

- In coordination with the Commission, Port Human Resources personnel and Port Counsel, actively participate in the annual Chief Executive Officer performance evaluation which will include a performance discussion with candid input and feedback.
- Work to ensure that the Port promotes equality and fairness for its staff and contract personnel.
- Foster ongoing formal and informal communication with and among Commission members.
- Ensure that Port employees work as a team, efficiently and productively.
- Foster strong relationships between the Port and key stakeholders in the community.
- Assist the Commission in the development of the Commission’s knowledge and capabilities by playing a central role in orientation of new Commission members and providing continuing education opportunities for the entire Commission.
- Act as a spokesperson for the Port related to execution of established port policy.

13.4 Staff Role. The Commission recognizes the primary functions of staff as 1) executing the policies and actions taken by the Commission as a whole, and 2) keeping the Commission informed. Staff is obligated to take guidance and direction from the Chief Executive Officer or appropriate supervisor. This direction follows the policy guidance from the Port Commission to the Chief Executive Officer through the Delegation Policy. Port staff will, acting through the Chief Executive , make every effort to respond in a timely and professional manner to all individual Commissioner’s requests for information or assistance; providing, in the judgment of the Chief Executive Officer , the request is not of such magnitude (in terms of workload, resources, or policy) that it should instead be assigned to the Chief Executive Officer through the direction of the full Port Commission.

13.5 Summary. The following is a brief summary from the Washington Public Port Association (“WPPA”) Commissioner Resource Guide and identifies parallel leadership roles and responsibilities.

***Port Commission***

Governs:  
    Guides  
    Directs  
Decides what  
Requests information  
Considers issues  
Creates, reviews and adopts policy  
Reviews and monitors plans  
Monitors progress  
Contracts with personnel  
Approves evaluation criteria, procedures  
Reviews and approves budget  
Represents public interest

***Executive Director***

Administers:  
    Operates  
    Manages  
Decides how  
Seeks and provides information  
Provides recommendations  
Recommends and carries out policy  
Implements plans  
Reports progress  
Supervises hiring process, practices  
Supervises and evaluates personnel  
Formulates budget  
Acts in the public’s interest

## 14. BUDGET AND PROCUREMENT AUTHORITY

14.1 General. By resolution, the Commission shall set forth the authority of the Chief Executive Officer to manage and expend Port funds in accordance with financial policies and budgetary limits. Procurement of goods and services shall take place in accordance with applicable legal requirements in a fair, competitive and inclusive manner to maximize the benefit to the Port's taxpayers/customers.

14.2 Financial Policies. The Commission, by resolution, shall adopt financial policies that provide guidance to the Chief Executive Officer in managing the finances of the Port and in developing budgets, financial plans and rates. At a minimum, these policies shall:

- 14.2.1 Provide for sufficient liquidity relative to the Port's risk profile;
- 14.2.2 Provide for adequate coverage to meet debt covenants;
- 14.2.3 Establish criteria for debt and rate – financed capital expenditures;
- 14.2.4 Require that budgets be developed based on conservative and prudent assumptions consistent with standard industry practice;
- 14.2.5 Establish budgetary and procurement controls over expenditures;
- 14.2.6 Produce and maintain a balanced budget;
- 14.2.7 • Provide a fiscally sound approach to finances by ensuring that expenditures and debt repayments do not exceed available resources in current budget and future years impacted;
- 14.2.8 • Provide for financial stability by:
  - Funding projects that provide a positive return on investment or which provide important identifiable non-economic benefits to the port district at large;
  - Eliminating or transferring to private sector, holdings which provide minimal economic or community benefit;
  - Reducing costs and enhancing revenues when feasible while maintaining acceptable service levels;
  - Ensure the Port's portfolio includes diversity of revenue streams to offset risk adverse projects;
  - Accurately forecasting funding sources;
  - Creating successful strategies for capital acquisitions;
  - Closely monitoring and accurately reporting all revenues and expenditures;
  - Leveraging funds by seeking grants and matching funds from the public and private sectors;
  - Accurately and honestly identifying potential financial issues and providing feasible potential solutions;
  - Identifying and recommending potential improvements; and
  - Learning and sharing ideas for improvement.
- 14.2.9 Promoting fiscal responsibility among departments;
- 14.2.10 Focusing on long-term financial planning;

14.2.11 Support intergovernmental cooperation by partnering with entities which demonstrate support; (e.g., matching funds; previous successes; political and taxpayer support; and enthusiasm);

14.2.12 Provide the public with high quality projects and services within a healthy work environment by encouraging efficiency, cooperation, honesty, integrity, and respect;

14.2.13 Evaluate economic development opportunities based on results to be derived districtwide versus project-specific or jurisdiction-specific results;

14.2.14 Acknowledge the Port's limited staff and financial resources;

14.2.15 Establish a project ranking and selection process which focuses on producing a limited number of projects in order to ensure successful and timely implementation;

14.2.16 Encourage open competition and equal project consideration, fostering a reputation for fairness with the local business community;

14.2.17 Seek to fund projects with available resources;

14.2.18 Incur debt only when both the level and rate of growth of public debt is fundamentally sustainable, can be serviced under appropriate circumstances while meeting cost and risk objectives, can withstand economic uncertainties, while identifying in advance any legal or commission-directed restrictions on its use; and

14.2.19 Maintain reserves of \$2.5M in order to ensure financial stability and mitigate any potential financial hardships. If reserve funds are utilized, funds must be replenished during the current or next budget cycle. The reserve fund may be used for the following:

- Debt service;
- Environmental pollution claims against the Port;
- Unemployment Claims;
- Paid Family & Medical Leave Claims; and
- Any other uses deemed necessary by the Commission.

14.2.20 Identify and report the return on investment (ROI) on projects as appropriate; and

14.2.21 Share with the public port audited financial and operating data through print and online resources.

14.3 Budgetary Authority. As required by and consistent with law, the Commission, by resolution, shall approve the Port's budget prior to the start of each calendar year. The Chief Executive Officer shall manage the Port's operations within the approved budget levels consistent with authority levels set forth in the financial policies.

#### 14.4 Procurement Authority.

14.4.1 The Commission, by resolution, shall establish procurement authorities and guidelines for the Chief Executive Officer consistent with state laws and regulations. The Chief Executive Officer shall establish procurement controls that provide reasonable assurance that the procurement of goods and services are made for a valid business purpose and within authorized budget levels.

14.4.2 It is Port policy that procurement decisions shall be made free from actual or perceived conflicts of interest consistent with these Rules of Policy and Procedure.

14.4.3 It is Port policy that due diligence and prudent judgment be exercised in the making of procurement decisions, including conducting a risk assessment. If the Chief Executive Officer reasonably determines that a procurement activity presents, regardless of the size of the financial commitment, either: (1) a unique and significant operational risk to the Port; or (2) a significant impact to customers, the Chief Executive Officer shall inform the Commission.

## 15. EVALUATING THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE

### 15.1 Chief Executive Officer Evaluation Committee

- 15.1.1 The Port Commission shall appoint a Chief Executive Officer Evaluation Committee made up of the Port's Chief Financial Officer, Port General Legal Counsel, and one Commissioner to serve a 2-year term. Each member shall be unbiased.
- 15.1.2 The Chief Executive Officer Evaluation Committee will develop the Chief Executive Officer's goals and objectives for Port Commission review and approval. The goals and objectives developed by the Committee shall be specific, measurable, attainable, realistic, timely and in alignment with the Port's mission, budget, work plan, and comprehensive scheme of development.
- 15.1.3 The Commission accepts the following procedure for the Chief Executive Officer Evaluation Committee to evaluate the Chief Executive Officer's performance, which is attached hereto as **Exhibit "A"**, and the Chief Executive Officer Evaluation Committee has created the Chief Executive Officer Performance Evaluation Form Revised 2022, which is attached hereto as **Exhibit "B"**.
- 15.1.4 On an annual basis, the Chief Executive Officer Evaluation Committee will conduct Chief Executive Officer's performance evaluation.
- 15.1.5 On an annual basis, the Chief Executive Officer Evaluation Committee will present the results of its evaluation of the Chief Executive Officer's performance to the Port Commission for review and approval. Such results may include, among other things, recommendation for salary adjustment in accordance with Chief Executive Officer's employment agreement.
- 15.1.5 The Chief Executive Officer Evaluation Committee may use assistance from other staff members or consultants as necessary and appropriate.
- 15.1.6 The Port Commission shall address Chief Executive Officer performance issues as they arise by timely referring them to the Chief Executive Officer Evaluation Committee. The Chief Executive Officer Evaluation Committee will develop a procedure for handling performance issues that may arise between annual evaluations. As part of that procedure, any performance related item must be communicated to the CEO in writing within 14 business days following the date any such alleged action or inaction occurred. If the Chief Executive Officer Evaluation Committee fails to notify

the Chief Executive Officer of a matter of which the Commission members are aware, the performance related item shall not be relied upon or addressed in a performance review. Prior to issuing such a written notice, the Chief Executive Officer Evaluation Committee shall undertake an appropriate inquiry, which generally will include discussion with the Chief Executive Officer, in accordance with applicable laws, policies and contracts. Once notified, the Chief Executive Officer shall be provided a reasonable period of time to cure the concern or deficiency.

## 16. COMMISSION-AUDITOR RELATIONSHIP

16.1 General. The Port Auditor (“Auditor”) serves the Port to assist in the Port’s compliance with the RCW 53.36.010, RCW 53.36.140, RCW 42.24.080 and the Local Government Accounting Act, RCW 43.09.200 – 43.09.2855.

### 16.2 Hiring and Reporting.

16.2.1 The Chief Executive Officer shall hire the Auditor. The Auditor shall perform those duties specified in RCW 53.36.010, RCW 53.36.140, RCW 42.24.080, RCW 43.09.240, Port Policy and job description and shall be granted direct access to the Commission as necessary in the performance of these duties.

16.2.2 The Auditor shall report to the Commission through the Chief Executive Officer or designee for all administrative matters, including hiring, performance evaluations, salary administration, employee benefits, and terminations. The Chief Executive Officer may assign additional duties to the Auditor as long as these duties do not interfere with the Auditor’s duties as specified by law.

## 17. COMMISSION-PORT GENERAL LEGAL COUNSEL RELATIONSHIP

17.1 Port General Legal Counsel Role. The Chief Executive Officer is responsible for hiring and terminating the Port’s General Legal Counsel. The Chief Executive Officer shall make provision for and appoint legal counsel for the Port by any reasonable contractual arrangement for such professional services. The Port General Legal Counsel is the legal advisor to the Port, the Commission, its committees, commissions and boards, the Chief Executive Officer, and all Port officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the Port. It is important to note that the Port General Legal Counsel does not represent individual members of Commission, but rather the Port Commission as a whole. The Port General Legal Counsel reports to the Chief Executive Officer. The Chief Executive Officer is responsible for evaluating the Port’s General Legal Counsel’s performance.

### 17.2 Port General Legal Counsel’s Responsibilities.

The general legal responsibilities of the Port General Legal Counsel are to:

17.2.1 Provide legal assistance necessary for formulation and implementation of the Commission’s legislative policies and projects.

17.2.2 Represent the Port’s interest, as determined by the Chief Executive Officer, in litigation, administrative hearings, negotiations, and similar proceedings.

17.2.3 Prepare or approve as to form resolutions, contracts, and other legal documents to best reflect and implement the purposes of the Port.

17.2.4 Keep the Port Commission and staff apprised of court rulings and legislation affecting the legal interest of the port.

17.2.5 Shall advise the Commissioners regarding potential conflict of interest issues or ethical matters. Port General Legal Counsel shall provide assistance to individual Commissioners in complying with applicable statutes and laws only when such advice does not conflict with the Port's General Legal Counsel's obligations to the Port or to specific direction of the Commission.

17.2.6 Give advice or opinion when required, and when requested by the Commission or Chief Executive Officer.

17.2.7 Inform the Commission of material legal issues impacting the Port or the Commission.

17.2.8 Assist the Commissioners and staff in complying with applicable statutes and laws.

17.2.9 Serve as the parliamentarian at all commission meetings and other port-related meetings as requested by the Chief Executive Officer.

17.2.10 Other matters as designated by the Chief Executive Officer.

## 18. INDEMNIFICATION AND DEFENSE POLICY

18.1 Policy Stated. As authorized by RCW 4.96.041, there is hereby created a procedure to provide for indemnification and defense of claims of liability arising from acts or omissions of officials and employees of the Port, including volunteers, while performed or in good faith purported to have been performed in the scope of their official duties.

18.2 Definitions. Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meaning:

18.2.1 "Employee" means any person who is or has been employed by the Port, including volunteers and appointed members of advisory boards and commissions. "Employee" does not include independent contractors. "Employee" also includes an employee's spouse when an employee's marital community is named in any action subject to this policy.

18.2.2 "Official" means any person who is serving or has served as an elected Port Commissioner, and any person who is serving or who has served as an appointed officer of the Port as defined by RCW 42.23.020(2), as written or hereafter amended. "Official" does not include independent contractors performing the duties of appointed positions.

### 18.3 Legal Representation.

18.3.1 Upon request by the Official or Employee, and upon a finding by the Commission that the acts or omissions of the Official or Employee were or in good faith purported

to be within the scope of his or her official duties, the Port shall provide to an Official or Employee, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such Official or Employee may have concluded service or employment with the Port, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such Official or Employee resulting from any conduct, act or omission of such Official or Employee performed or omitted were or in good faith purported to be within the scope of his or her service or employment as a Port Official or Employee. The provisions of this chapter shall not operate to provide legal representation to defend a claim or lawsuit for any conduct, act, or omission resulting in the termination for cause of any Official or Employee.

18.3.2 The legal representation shall be provided by the office of the Port's General Legal Counsel and may include the Chief Executive Officer engaging the services of outside legal counsel, with Port General Legal Counsel oversight. If any provision of an applicable policy of insurance provides legal counsel for the employee or official, the Port General Legal Counsel will work with the policy holder for purposes of obtaining legal representation under the existing insurance policy.

18.3.3 In the event that the Port retains outside counsel under Section 18.3.2, the Port shall pay the reasonable costs of defense; provided, that in no event shall payment exceed the hourly rates established by the Port's contract with general legal counsel selected by the Port.

18.3.4 The determination whether the Official or Employee was acting in or in good faith purported to be within the scope of his or her official duties shall be made by the Commission in consultation with the Port General Legal Counsel and/or outside legal counsel, if retained. This determination shall be based on an investigation of the facts and circumstances surrounding the incident and shall be made as early in the proceedings as is reasonably possible. In making the determination, the Commission shall presume that the Official or Employee acted in good faith within the scope of his or her official duties and shall determine that the Employee was not acting in good faith within the scope of his or her official duties only upon a finding or findings supported by substantial evidence. Once the determination is made, the Official or Employee involved shall be notified by the Chief Executive Officer in writing. If the Employee or Official involved is the Chief Executive Officer, the determination shall be made by the Commission in consultation with the Port General Legal Counsel and/or outside legal counsel based on an investigation of the facts and circumstances surrounding the incident and shall be made as early in the proceedings as is reasonably possible. Once the determination is made, the Chief Executive Officer shall be notified by the Port General Legal Counsel, in writing. In any claim involving an allegation of criminal conduct, no investigation by the Port will occur prior to a determination of guilt, or prior to a dismissal of the criminal charge with prejudice, so as not to compromise the Official's or Employee's Fifth Amendment right against self-incrimination. Any determination made under this Section shall not be subject to appeal or reconsideration.

18.4 Exclusions. Except as otherwise determined pursuant to Section 18.3, in no event shall protection be offered under this chapter by the Port to:

18.4.1 Any dishonest, fraudulent, criminal, willful, intentional or malicious act or course of conduct of an Official or an Employee;

18.4.2 Any act or course of conduct which is outside the scope of an Official's or Employee's service or employment with the Port; and/or,

18.4.3 Any lawsuit brought against an Official or Employee by or on behalf of the Port;

18.4.4 Any action or omission contrary to or not in furtherance of any adopted Port policy.

18.5 Reserved Rights. Nothing herein shall be construed to waive or impair the right of the Port neither to institute suit or counterclaim against any Official or Employee nor to limit its ability to discipline or terminate an employee.

18.6 Policy Secondary to Insurance. The Port's payment of defense fees and costs and any resulting non-punitive judgement are secondary to any insurance coverages from whatever source for defense, loss or damage; excluding deductible or exclusion(s) of the applicable insurance policy. The Port shall have the right to require an Employee to fully utilize insurance coverages prior to requesting payment under this Chapter.

18.7 Determination of Exclusion. Whether an Official or Employee was acting in or in good faith purported to be acting within the scope of an Official's or Employee's service or employment with the Port and thus eligible for Port payment of defense costs under this chapter shall be determined by the Commission. The Chief Executive Officer and Port general legal counsel shall prepare a recommendation to the Commission. The Commission's decision shall be final as a legislative determination and shall be based upon a finding that an official or employee meets or does not meet the criteria of this chapter. Nothing herein shall preclude the Port from undertaking an Official's or Employee's defense under a reservation of rights. The determination as to whether a defense is to be furnished as provided under this chapter to Commissioner or Commissioners shall be made without the vote of the Commissioner(s) named in the claim or lawsuit unless the inclusion of such member or members is required for a quorum; provided, that if a claim or lawsuit affects a quorum or greater number of the members of the Commission, all such affected members shall retain their voting privileges under this Section.

18.8 Representation and Payment of Claims – Conditions. The payments authorized by this chapter shall apply only when all the following conditions are met:

18.8.1 In the event of any incident or course of conduct potentially giving rise to a claim for damages, or for the commencement of a lawsuit, the Official or Employee involved shall, as soon as practicable, give the Employee's department director and, if applicable, the Port General Legal Counsel and the Chief Executive Officer written notice thereof. The notice shall identify the Official or Employee involved, all information known to the Official or Employee involved with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the potential claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

18.8.2 Upon receipt, the Official or Employee shall as soon as practicable deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the Port General Legal Counsel and shall cooperate with the Port General Legal Counsel, or if the Chief Executive Officer authorizes or designates another legal counsel to handle the matter, shall cooperate with that legal counsel, and, upon request, shall assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the Port because of any damage or claim of loss arising from said incident or course of conduct, including, but not limited to, rights of recovery for costs and legal counsel's fees arising out of state or federal statute upon a determination that the lawsuit brought was frivolous in nature. Failure to timely deliver any claim, demand, notice or summons to the Port

General Legal Counsel, and in which an adverse decision against the Official, the Employee or Port results from such failure, shall operate to negate all indemnification and opportunity for defense under this chapter and the Port shall have no obligation to offer a defense to the named Official or Employee.

18.8.3 Such Official or Employee shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining assistance of witnesses all without any additional compensation to the Official or Employee, and, in the event that an Employee has left the employ of the Port, no fee or compensation shall be provided.

18.8.4 Such Official or Employee shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense related to said claim or lawsuit, other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss or damage. Nothing herein shall be deemed to preclude any Official or Employee from retaining legal counsel to represent his/her interests relating to such claim or lawsuit; however, all costs and expenses incurred thereby shall be paid by the Official or the Employee.

18.8.5 Nothing herein shall modify existing procedures or requirements of law for processing and payment of claims against the Port.

18.9 Effect of Compliance With Conditions. If legal representation of an Official or Employee is undertaken by the Port, whether by the Port General Legal Counsel or by legal counsel obtained by the Port or through its insurance coverage, and all of the conditions of representation are met, and a judgment is entered against the Official or Employee or a settlement is made, the Port shall pay the nonpunitive damages portion of the judgment or settlement according to the provisions herein; provided, that the Port may at its discretion appeal as necessary any such judgment. The process for payment of punitive damages is discretionary and is set forth in Section 18.16. The decision to appeal an award of damages will be made by the Commission upon the recommendation of the Chief Executive Officer and the Port General Legal Counsel and/or outside legal counsel.

18.10 Failure to Comply With Conditions. In the event that any Official or Employee fails or refuses to comply with any of the conditions set forth in Section 18.8, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable and shall have no force or effect with respect to any such claim or litigation.

18.11 Reimbursement of Incurred Expenses.

18.11.1 If the Commission determines pursuant to the Port's investigation under Section 18.3, that an Official or Employee was not acting in or in good faith purported to be within the scope of his or her official duties and thus is not eligible for Port payment of legal defense, and a court of competent jurisdiction later determines that such Officer or Employee was acting within the scope of his or her official duties, , then the Port shall pay any non-punitive judgment, and reasonable legal counsel's fees incurred in defending against the claim, less any applicable insurance coverages.

18.11.2 If the Port determines that a claim arose against a Port Official or Employee who was acting within or in good faith the scope of their employment and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the

Commission shall have the option of requiring reimbursement by the Official or Employee for defense fees, costs and expenses.

18.12 Conflict With Provisions of Insurance Policies. The indemnification provisions of this chapter do not constitute a policy of insurance and nothing contained in this chapter shall be construed to modify or amend any provisions of any policy of insurance where the Port or any of its current or former Officials or Employees thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this chapter shall be deemed to limit or restrict any Employee's or Official's right to full coverage pursuant to this chapter, it being the intent of this chapter to provide the coverage detailed in this chapter only above and beyond insurance policies which may be in effect while not compromising the terms and conditions of such policies by any conflicting provisions contained in this chapter.

18.13 Pending Claims. The provisions of this chapter shall apply retroactively to any pending claims or lawsuits against any Official or Employee at the time of adoption of this ordinance and to any such claims or lawsuits hereinafter filed within an applicable statute of limitations, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit.

18.14 Modification of Chapter. The provisions of this chapter shall be subject to amendment, modification and repeal, at the sole discretion of the Commission, provided that unless explicitly set forth, any such amendment, modification or repeal shall apply prospectively only and shall have no effect on the obligation of the Port to indemnify and/or defend against any claim which is based, in whole or in part, upon any action or omission of an Employee or Official occurring prior to the effective date of the amendment, modification or repeal.

18.15 Bargaining Unit Contracts. If a union contract under chapter 41.56 RCW covers any of the provisions of this chapter, all Employees under such contract shall be governed by the provisions thereof, rather than by the provisions of this chapter, and where any conflict exists between the provisions of any such contract and this chapter, such contract shall control.

18.16 Punitive Damages. When the Port has paid for claim defense fees costs and expense for an Employee or Official pursuant to this chapter and a punitive judgment is rendered, the Employee or Official may request the Commission that the Port pay the punitive damages. Upon such a request, the Commission shall receive a report and recommendation from the Chief Executive Officer and the Port General Legal Counsel shall transmit a report and recommendation for Commission consideration. If the requesting Official or Employee is the Chief Executive Officer or a Commission member, the Commission may in the alternative request a report and recommendation from outside legal counsel. The Commission's decision on whether to pay the punitive damages award shall be based on the best interests of the Port and whether justice will be served. The Commission's determination is final and not subject to reconsideration or appeal. . The Chief Executive Officer shall communicate the Commission's determination to said Employee or Official. Thereafter, the Port finance director shall prepare the payment of Commission-approved punitive damages.

18.17 Application to Recall Proceedings.

18.17.1 Consistent with RCW 4.96.041(3), the necessary expenses of defending a Port Commissioner in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the Port if the Commissioner requests such defense and

approval is granted by both the Commission and the Port's General Legal Counsel or attorney appointed by the Chief Executive Officer. The expenses paid by the Port may include costs of an appeal of the superior court's ruling on the sufficiency of the recall charge.

18.17.2 Although in the case of *In Recall of Olsen*, 154 Wn.2d 606 (2005), the Supreme Court ruled that a Commission's decision to indemnify and pay the costs of a recall defense does not constitute a contract from which a conflict of interest may be found under RCW 42.23.030, and, as a result, a Commissioner may vote on that Commissioner's request for defense fees and costs, the Commissioner(s) subject of the recall shall refrain from participating in such deliberations and vote.

## 19. GENERAL COMPLAINT RESOLUTION

19.1 Administrative Complaints Made Directly to Individual Commissioners. When administrative policy or administrative performance complaints are made directly to individual Commissioners, the Commissioner shall then refer the matter directly to the Chief Executive Officer for review and/or action. The individual Commissioner may request to be informed of the action or response made to the complaint.

19.2 Administrative Complaints – "Best Practice". Although citizen's direct access to elected officials is to be encouraged, Port Commissioners should be cautious in making statements or taking actions that may delay a timely customer service response. The best policy is to put the citizen into direct contact with the Chief Executive Officer.

### ***Ten Commandments for Staying out of Trouble as a Port Commissioner***

[as presented in the WPPA Commissioner Resource Guide]

1. Thou shalt never spend the public's money in secret.
2. Thou shalt not accept personally more money or benefits than any other fellow commissioner.
3. Thou shalt not require the port staff to do more work than necessary to inform (please) you when they could be occupied in improving the business of the port.
4. Thou shalt not speak as the official spokesperson of the port without knowing officially that you have been so designated by the commission majority.
5. Thou shalt not use the press against your fellow commissioners.
6. Thou shalt not use port property for unofficial business, not even a paper clip. Paper clips are cheap, buy your own. Use your own car too.
7. Thou shalt not argue with, grill, or embarrass port staffers in public. They'll hate you for it and get back at you in a thousand ways without your ever knowing it or leaving a scrap of evidence.
8. Thou shalt not depend on news media to keep the public informed of the activities and purposes of the port. Have your own PR program and carry it out.
9. Thou shalt not align yourself closely with a certain group of port tenants or users. Your motives will always be aligned with that group regardless of the issues. And the group will turn on you if you don't support them every single time.
10. Thou shalt not become involved in hiring anyone but the port manager and
11. the port auditor.

## 20. PORT AMBASSADOR PROGRAM

- 20.1.1. The Port of Kennewick recognizes and encourages the ongoing support from the Port of Kennewick community. Certain community members have demonstrated particular efforts on behalf of the Port. It is the purpose of this policy to recognize as a Community Ambassador (“Ambassador”) certain of those residents who have provided services in the past and will provide future volunteer services to the Port. Appointment as a Port Ambassador is in recognition of the benefits to the Port from a continuing relationship with active, distinguished persons who assist the Port as a volunteer with community, trade and/or economic development activities.
- 20.1.2 The Board of Commissioners, by majority vote, may appoint an Ambassador by completing the Port’s Ambassador Appointment form.
- 20.1.3 An Ambassador appointment shall be limited to a former Port Commissioner who has served the Port in good standing; or a Port staff member who has served the Port in good standing for 10 or more years.
- 20.1.4 Following Commission consideration of the appointment of an Ambassador, which shall be liberally granted, there shall be official recognition by a Port of Kennewick Community Ambassador Appointment and Recognition of Volunteer Service (“Appointment”), substantially in the form attached to this Policy. The Appointment shall implement the terms of this Policy and shall be for a two-year term. Service as an Ambassador is strictly a volunteer activity and based on the donated service of the Ambassador. An Ambassador appointment may be terminated at any time by the Port or an Ambassador, for good cause shown.
- 20.1.5 An Ambassador for the Port is to identify the Port relationship in any activity that pertains to service on behalf of the Port or use of Port resources. An Ambassador may be available for service and for participation in activities as set forth below. The Ambassador will adhere to the highest civic and ethical standards required of a public officer in the State of Washington, including compliance with Port policies and the avoidance of conflicts of interest.
- 20.1.6 An Ambassador does not have authority to enter into commitments for the Port or to otherwise bind the Port, or to make public comments which are not expressive of the majority viewpoint of the Port Commission, except as specifically authorized by the CEO.
- 20.1.7 An Ambassador may be recognized through eligibility:
- 20.1.7.1 for official retirement ceremony provided by the Port either before or after Ambassador service;
  - 20.1.7.2 for issuance of printed business cards that designate Ambassador status;
  - 20.1.7.3 for invited participation in all appropriate Port functions and celebrations;
  - 20.1.7.4 to attend the annual Spring Port conference, or to attend the annual

staff retreat;

20.1.7.5 to be recognized at all Port groundbreaking and ribbon-cutting ceremonies;

20.1.7.6 to receive reimbursement for reasonable and actual expenses incurred in the performance of Port-related activities, upon approval by the Port CEO and on terms set forth by the Port auditor and in full compliance with Port policies;

20.1.7.7 to receive a briefing from Port CEO and Port Auditor on a semi-annual basis.

20.1.8 Except as otherwise set forth, the Ambassador understands that there is no compensation or other related benefits (e.g., retirement, vacation and holidays) related to an Appointment. An Ambassador shall be entitled to reimbursement for expenses incurred in volunteer service to the Port, consistent with Port auditing procedures. An Ambassador may also be granted a stipend as set forth in an Appointment, which may include a stipend commensurate with services for health insurance premiums following a period of service as a Port officer or employee. In no event shall any stipend exceed reimbursement for expenses, reasonable benefits or a nominal fee.

20.1.9 The Commission authorizes the port CEO to take all action consistent herewith.

# **PORT OF KENNEWICK, WASHINGTON**

## **PORT COMMISSION**

### **RULES OF POLICY AND PROCEDURE**

**ORIGINALLY ADOPTED AT A  
REGULAR, OPEN MEETING OF THE  
PORT COMMISSION  
FEBRUARY 22, 2011  
and as Revised:**

**Resolution No. 2016-01- Revised and Amended Section 6 – Commission Meetings**

**Resolution No. 2017-16- Revised Section 15 - Created CEO Committee Evaluation Process**

**Resolution No. 2019-24- Revised Section 15 - Reversion of Committee Evaluation Process**

**Resolution No. 2022-19- Revised Section 15 – Revised CEO Evaluation**

**Resolution No. 2022-23 -Updated Various Sections**

**Resolution No. 2023- 12 Revised Section 7.6 to clarify public comment opportunities for Consent Agenda Items.**

**Resolution No. 2026-\_\_ Added New Section 20 – Port Ambassador Program**

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## 1. INTRODUCTION AND PURPOSE

1.1 Port of Kennewick. The Port of Kennewick (“Port”) is a Washington port district, with authority to act under law, as they exist and or as they may be amended in the future including but not limited to Titles 14 and 53 RCW. The powers of a port district are exercised through a port commission. The Port Commission of the Port of Kennewick consists of three Port Commissioners.

1.2 Other Governing Law. In addition to enabling legislation, the Port is subject to Washington State laws, including but not limited to the Open Public Meetings Act, chapter 42.30 RCW; the Public Records Act, chapter 42.56 RCW; and, the Code of Ethics for Municipal Officers, chapter 42.23 RCW.

1.3 Port Managing Official. Consistent with its authority under RCW 53.12.270, the Port Commission has delegated to the office of Chief Executive Officer such administrative powers and duties as deemed proper for the efficient and proper management of the Port’s operations. See “Delegation of Authority to Executive Director,” Port Resolution 2009-06 (February 10, 2009 – the “Delegation Policy.”)

1.4 Purpose. It is the purpose of these Rules of Policy and Procedures to provide rules for governance, management and operation of the Port.

1.5 Reserved Rights. The adoption and maintenance of these Rules of Policy and Procedure (“Rules”) create no vested rights or entitlements. These Rules may be revised, suspended, amended or repealed by majority vote of the Port Commission when acting pursuant to and in compliance with applicable law and these Rules.

## 2. COMMISSION AND COMMISSIONERS

2.1 Purpose. The purpose of the Commission is to:

2.1.1 Identify and define the purpose, values and vision of the Port, along with the results the Port is to achieve, and to communicate those items in the form of policy;

2.1.2 Make certain decisions as are designated by law; and

2.1.3 Hire, evaluate, and terminate the Chief Executive Officer.

2.2 Governance. Commission governance addresses:

2.2.1 Strategic leadership more than administrative detail;

2.2.2 Encouragement of diversity in viewpoints;

2.2.3 Collaborative rather than individual decisions;

2.2.4 Future, rather than past or present, direction;

2.2.5 Proactive, rather than reactive, conduct; and

2.2.6 Full transparency to the public.

2.3 Actions. The Commission will:

2.3.1 Produce and maintain written policies that ensure a high quality of governance and clear roles in decision-making between Commission and staff;

2.3.2 Monitor, and not less than annually, evaluate the Chief Executive Officer's performance, based on the then-current adopted Commission policies and the Port's Work Plan, using the Evaluation Process and Procedures of Resolution 2022-19;

2.3.3 Adopt, and bi-annually review, the Port's Work Plan;

2.3.4 Adopt the Port's annual budget;

2.3.5 Adopt, regularly review, and modify as necessary the Delegation of Authority to the Chief Executive Officer; ;

2.3.6 Set the rates, rules and regulations for services provided by the Port;

2.3.7 Purchase or dispose of real estate or other property to the benefit of Port District taxpayers/citizens;

2.3.8 Establish Port positions on significant governmental legislation;

2.3.9 Reserve to the Chief Executive Officer management and direction of Port Staff, unless undertaken pursuant to the leadership of the Chief Executive Officer;

2.3.10 At all times maintain strict moral, ethical and honest conduct;

2.3.11 At all times treat the Chief Executive Officer, staff and public with respect;

2.3.12 Approve the annual budget of the Port and set the amount of the annual tax levy by December 1 of each calendar year, pursuant to RCW 53.35.045;

2.3.13 Reserve to itself if, how, and the degree to which the Port will use the governmental powers of taxation and eminent domain;

2.3.14 Establish financial policies, including capital formation and debt issuance;

2.3.15 On an bi-annual basis, affirm agreement to comply with these Rules and acknowledge and accept the consequences of failure to do so; and Take such other actions as may be required by law.

2.4 Port Financial Goals.

As specified in Port Resolution 2018-27, as may from time to time be amended, the Port Commission reiterates the following budgetary goals and acknowledges the importance thereof:

2.4.1 Work toward funding all operating expenses from revenues from Port operations;

2.4.2 Fund projects with available resources, not with bonds or loan financing

unless otherwise in the best interest of the Port and the communities' long term interest;

2.4.3 Pursue fewer projects while selecting projects with the greatest return to the Port and to taxpayers; and

2.4.5 2.4.4 Pursue projects with development partners who demonstrate support (e.g. matching funds, political/citizen/taxpayer support, leveraged investment, enthusiasm/goodwill). Produce and maintain a balanced budget.

2.4.6 Provide a fiscally sound approach to finances by ensuring that expenditures and debt repayments do not exceed available resources in current budget and future years impacted;

2.4.7 Promoting fiscal responsibility among departments.

2.4.8 Focusing on long-term financial planning.

2.4.9 Support intergovernmental cooperation by partnering with entities which demonstrate support; (e.g., matching funds; previous successes; political and taxpayer support; and enthusiasm).

2.4.10 Provide the public with high quality projects and services within a healthy work environment by encouraging efficiency, cooperation, honesty, integrity, and respect; and

2.4.11 Adhere to the additional Policies set forth in Chapter 14.2 herein below.

### 3. COMMISSION CODE OF CONDUCT

3.1 Purpose. The purpose of these Port of Kennewick Rules is to foster public transparency and public accountability concerning the transaction of Port business and to protect, and promote the efficiency of, the Port by prohibiting incidents and areas of conflict. Commissioners shall conduct themselves in accordance with all laws and applicable policies and further shall comply with the following:

3.2 Conflict Avoidance. Commissioners are strictly prohibited by law from entering into or engaging in any activity identified in chapter 42.23 RCW as a conflict of interest with their official duties as a Port of Kennewick Commissioner and shall further avoid conduct that may present an appearance of a conflict of interest.

3.3 Policy Acknowledged. On an annual basis at the first public meeting and in a public forum, each Commissioner shall acknowledge the obligation to disclose any conflicts of interest under chapter 42.23 RCW, and execute a written pledge to do so

3.4 Disclosure. On a case-by-case basis, each Commissioner will disclose to the other Commissioners in a public forum, any remote conflicts of interest under chapter 42.23 RCW. Disclosure will be noted in the Port's official minutes which are public record. As required by RCW 42.23.040, a Commissioner with such remote interest will not participate in any discussion and/or debate concerning such interest, will not vote on the matter, and will do nothing to influence any other Commissioner concerning their decision on the matter. The foregoing shall also apply to any business owned by a Commissioner's spouse, in the absence of a separate property

agreement.

3.5 Statement of Financial Affairs. On or before April 15 of each year, or within (14) days of taking oath of office, each Port Commissioner shall file with the Port the number of the Statement of Financial Affairs prepared in satisfaction of the requirements of RCW 42.17.240 -.241 and filed with the Public Disclosure Commission.

3.6 Conduct as Commissioner. Commissioners shall adhere to these Rules as adopted by the Commission and shall conduct themselves with civility and respect at all times with one another, with staff, and with members of the public. As fiduciaries of the Port, Commissioners shall make decisions on the basis of public policy and shall demonstrate undivided loyalty to the interests of Port and its taxpayers. This loyalty shall supersede any conflicting loyalty to advocacy or special interest groups.

3.7 Commissioner Knowledge of Policies. Commissioners will become familiar with their individual and joint obligations pertaining to the Port's directive on reporting alleged improper governmental action, including actions required of the Commission regarding complaints by Port employees and/or the public of alleged improper governmental actions and/or employee claims of retaliation for reporting alleged improper governmental actions.

3.8 Representation of Positions. Unless authorized by the Commission at an open meeting or as set forth in Port policy or plan (e.g., an approved plan), an individual Commissioner may not represent a position as being the position of the Port, either in private communications or in a public forum.

3.9 Shared Information and Advocacy. Recognizing that differences may exist among the Commissioners and that a collegial approach to issue resolution is preferred, Commissioner shall make available to fellow Commissioners all information related to Port activities. A Commissioner should make clear the foundation upon which an opinion stands; be candid about any philosophical or political preferences; and recognize and make clear the limits of expertise.

3.10 Representation of Port Position. No Commissioner is authorized, without Commission authorization, to represent the Port with special interest groups, Port tenants, suppliers, vendors, consultants, contractors or others that are or seek to do business with the Port. Unless otherwise authorized by the Commission, a Commissioner shall disclose that the Commissioner's position is not that of the Port or of the Commission when participating in discussions, debates, and forums where the sponsoring group(s) or other participants are identified with a particular perspective on an issue and the Commissioner's participation might put into question both the Commissioner's and the Commission's impartiality. Nothing in this Policy prevents an individual Commissioner from stating a position as that of the individual Commissioner, but not that of the Port or of the Commission.

3.11 Special Privileges Prohibited. RCW 42.23.070 prohibits, in part, Commissioners from using public office to secure special privileges or exemptions for a Commissioner or others.

3.11.1 Commissioners must conduct themselves at all times in a manner that leaves no grounds for belief, or even the appearance that information they have gathered on the job has been used for personal gain or for gain of any individual or special interest group, whether such gain is financial or otherwise.

3.11.2 Commissioners shall avoid any association with individuals or groups organized with an attempt to influence Port policy that will benefit themselves or their cause at the exclusion of the Port at large.

3.12 Commission-Staff Relations. Commissioners may not attempt to exercise individual authority over the Port or staff, except as explicitly set forth and authorized in Commission policies, including the Delegation Policy referenced in Section 1.3.

3.13 Open Meetings. In accordance with Chapter 43.20 RCW, Washington state's Open Public Meetings Act, Commissioners shall:

3.13.1 Not meet as a quorum outside of Commission-called public meetings to hold discussions or make decisions, as defined under Open Public Meetings Act, Chapter 42.30 RCW, regarding the business of the Port.

3.13.2 Not meet as a Commission quorum with staff outside of a Commission-called public meeting for the purpose of gathering information.

3.13.3 Understand that the requirements of the Washington Open Public Meetings Act apply to communications via telephone, e-mail, instant messaging or other forms of electronic communications. Any exchange of communication between any two Commissioners may constitute an official meeting of the Commission and be in violation of the Act. Commissioners may request that the Chief Executive Officer or his/her designee send information to other members of the Commission on an informational basis; however, replies and/or exchanges of Commissioner communications regarding Port business must not occur outside of an official public meeting of the Commission. Commissioners will not "reply" or "reply all" to any e-mail received by another member of the Commission.

3.13.4 Respect the confidentiality appropriate to issues, including personnel, real estate transactions, proprietary matters, and attorney-client privileged communications, including those requirements listed under RCW 42.30.110, Executive Sessions, and including any other confidential information gained by reason of the Commissioner's position. See also RCW 42.23.070(4) prohibiting disclosure of confidential Port information; and

3.13.5 Complete training on Open Public Meeting Act requirements no later than ninety days after taking office. Thereafter, each Commissioner shall maintain Open Public Meeting Act training at no less than every four years while a member of the Commission. Training may be completed remotely with technology including but not limited to internet-based training.

3.14 Commission Disclosure of Economic Associations. RCW 42.23.070 states in part that "[n]o municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein." Port contracts made in violation of the law are void; and any Port officer violating the law is liable to the Port for a "penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty." RCW 42.23.050. The law also prohibits a Commissioner from employment or engaging in any professional activity that may require disclosure of confidential Port information to non-Port interests. RCW 42.23.070. These statutory prohibitions are based on the principle that a Port official may not have divided loyalties.

The line between proper and improper conduct may not always be clear, and even unintentional conduct may expose the Port and Port officers and employees to liability. See *City of Raymond v. Runyon*, 93 Wn. App. 127 (1998) (“In spite of well-intentioned attempts to avoid a prohibited conflict of interest,” city commissioner found in violation of law). These Rules address a Commissioner’s responsibility under law and duty of loyalty to the Port, with other interests. See also, Section 3.2 herein.

3.14.1 Under Chapter 42.23 RCW, no Commissioner may have an economic association (affiliation, involvement, or interest), directly or indirectly, that may conflict with the Commissioner’s official duties as a Port Commissioner. However, Commissioners may engage in other employment or activity only so long as it does not interfere or conflict with their duties as a Commissioner.

3.14.2 In order to avoid inadvertent violation of law, and consistent with the Port’s policy for its officers and employees, on or before April 15 of each year, or within fourteen (14) days of taking office, each Port Commissioner, shall file with the Port a written statement identifying any current or prospective economic relationship, whether direct or indirect, which could be a conflict of interest, a remote interest or give rise to an appearance of a conflict of interest with the Port. In addition, each Port Commissioner shall in the written statement disclose other employment and/or business relationships in order that the Port may confirm that there are no Commissioner conflicts or potential conflicts of interest with current or prospective Port activities. The statement shall include the name of the employer or business, the nature of services rendered, the time commitments, the location of the performance of such services and the amount of compensation (and expense reimbursement) received for such services. This Section 3.14.2 shall also apply to any employment or business of a Commissioner’s spouse, in the absence of a separate property agreement.

3.14.3 Each Commissioner shall declare his or her intention to refrain from deliberations and voting on issues related to the person or entity in such relationship. This requirement may be extended by Commission action to any individual or entity that, in the judgment of the Commission, could represent the potential for or the appearance of a conflict of interest. Even with disclosure, chapter 42.23 RCW may prohibit the Commission from acting where a conflict of interest exists.

3.14.4 A Commissioner shall not receive reimbursement for expenses, per diem, or other Port payment for activities (e.g., travel, meals and other costs) when the Commissioner is engaged in or participating for both the Port and another entity.

3.14.5 Commissioners acknowledge that the Washington State Public Records Act, chapter 42.56 RCW, applies to all records pertaining to the business of the Port. Commissioners shall comply with all mandatory requirements of that law.

#### 4. FULL TRANSPARENCY IN PORT ACTIONS

4.1 Compliance with these Rules shall ensure full, fair, and open discussion of matters of public importance, with opportunity for public participation and media coverage.

4.2 With respect to any quasi-judicial matter before the Commission, or reasonably expected to come before the Commission, no Commissioner shall:

4.2.1 Have contact with any person, either oral, written, electronic or otherwise communicated, except in an open, public Commission meeting; and

4.2.2 Receive any information or evidence except as a part of the public record at a Commission meeting.

4.2.3 If a Commissioner is not able to avoid contact with parties outside of an open public Commission meeting or receipt of information from parties outside of an open public Commission meeting, the Commissioner shall disclose at the next public meeting, the full content of the contact made, or information received.

4.2.4 Commissioner avoidance of communications described above is preferred over relying on the public disclosure remedy because an incomplete or inaccurate conveyance of the contact, even if inadvertent, may bias the outcome and subject the Commission action to challenge.

4.3 The Commission shall facilitate that all information sought to be distributed to Commissioners by the public should be first provided to Port staff; staff will then consistently distribute the information to all Commissioners and file the information as appropriate.

## 5. REPORTING MISCONDUCT

5.1 General. The Port is committed to lawful and ethical behavior in all of its activities and requires its staff and Commissioners to conduct themselves in a manner that complies with all applicable laws, regulations and these Rules. Complaints against staff (other than the Chief Executive Officer) shall be resolved by the Chief Executive Officer, according to applicable law and the Port's Policies and Procedures manual. Complaints against the Chief Executive Officer shall be resolved by the Port Commission according to applicable contract, Delegation of Authority and these Commission Rules of Policies and Procedures. Complaints against Commissioners shall be resolved as set forth below.

5.2 Complaint. If any person believes that a Commissioner has engaged in misconduct, the Chief Executive Officer shall investigate consistent with Section 5.3 herein and report to the Commission. No employee will be discharged, threatened, or discriminated against in any manner for following up on any complaint or for reporting what they perceive to be misconduct. All complaints must include a description of the alleged misconduct. The proceedings shall be treated confidentially, including the name of the complainant, except to the extent required to complete any investigation or as required pursuant to the Public Records Act, and in the event that an action is taken.

5.3 Initial Determination. Based upon the complaint, and only following investigation and with the advice, counsel and concurrence of Port General Legal Counsel or special legal counsel ("Port General Legal Counsel"), the Chief Executive Officer shall determine whether sufficient evidence exists to proceed with an investigation. If the Chief Executive Officer determines that insufficient evidence exists and Port General Legal Counsel concurs, the complaint shall be dismissed. Otherwise, the Chief Executive Officer shall proceed as follows.

5.4 Investigation. If an investigation is deemed warranted, the Chief Executive Officer shall recuse himself from the process and delegate all further steps to Port Counsel, and/or an investigator retained for such purpose by Port General Legal Counsel ("Investigator"). Port

Counsel shall inform the party subject of the complaint (“Respondent”) in writing that a complaint has been filed and that an investigation will take place. Port Counsel shall provide a copy of the complaint to the Respondent and the Respondent shall have a reasonable time to prepare and submit a response in writing. Port General Legal Counsel or Investigator may seek additional information regarding the matter from the complainant, the Respondent and/or relevant third parties. In conducting the investigation and evaluating all evidence, the Port’s General Legal Counsel and or Investigator shall presume that the Respondent acted ethically and shall determine that an act of professional misconduct has occurred only upon a finding of substantial evidence of such misconduct.

5.5 Determination and Recommendation. Port General Legal Counsel and or Investigator, if one is retained, shall evaluate the complaint and issue a decision within thirty (30) days of receiving all relevant evidence, that the complaint is substantiated or unsubstantiated. If Port General Legal Counsel finds the complaint substantiated, Port General Legal Counsel shall prepare a report to Chief Executive Officer and the Commission which shall set forth the basis for the decision and a recommended action; otherwise, the complaint shall be dismissed.

5.6 Notification of Determination. The Complainant and Respondent(s) shall be notified in writing of the determination and recommended action; or, of the dismissal.

5.7 Hearing and Decision upon Recommended Action. The Complainant and Respondent(s) shall have the right to be heard before the Commission or, if pending before a Neutral as that term is defined below, to be heard before the Neutral. If the complaint is against one Commissioner, following receipt of the Port General Legal Counsel’s determination and recommended action, the remaining Commissioners who are not a party to the complaint shall promptly hear, consider and vote upon the recommended action. If the complaint is made by one or more of the Commissioners against one or more Commissioner, the determination and recommended action of Port General Legal Counsel shall be submitted to a mutually agreeable neutral selected from the panel of neutrals available at the Seattle office of Judicial Arbitration and Mediation Services (“JAMS”) or Judicial Dispute Resolution (“JDR”) (“Neutral”), or other similarly qualified third party Neutral as agreed upon by the Complainant and the Respondents. If the parties cannot agree upon the selection, the Port Counsel shall select a Neutral from the panel available at the Seattle office of JAMS or JDR. The Neutral shall determine the hearing process. The Neutral shall promptly hear, consider and issue a decision regarding the recommended action within 30 days of the hearing.

5.8 Reconsideration. A decision (whether by Commission vote or issued by a Neutral) is subject to reconsideration upon written request by Complainant or Respondent(s). The sole ground for reconsideration shall be that the party seeking reconsideration has new, relevant information which was not available for consideration by Port counsel. A party seeking Reconsideration based on new information shall file a written Reconsideration request within fifteen (15) days of the date of the notice of decision. The reconsideration request shall state the reasons in support and include the new information not previously available for Port Counsel consideration and explain why the new information was not previously available. Following review of the entire investigative file, the decision and recommendation of the Port Counsel and the new information, the Commission or, if applicable, the Neutral, shall, within fifteen (15) days of receipt of such new information, hear, consider and render a final decision which may not be further appealed. The parties shall be notified of the final decision, and any action required by the final decision shall be implemented immediately.

5.9 Sanctions. If a Complaint is upheld, the Commission may invoke censure and/or reprimand of the Respondent, forfeiture of officer position on the Commission and or removal from committee assignments and other actions allowed pursuant to state law.

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

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

## 6. COMMISSION MEETINGS

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

6.1.1 Terms. The terms of office for each officer shall be two years or until his/her successor is elected. Commissioners may serve consecutive two-year terms

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

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

6.1.4 Removal from Commission Officer Position. By affirmative vote of 2/3 of the Commission, and upon a showing of just cause, a Commissioner may be divested of his or her Commission officer position. "Just Cause" includes but is not limited to a violation of these Commission Rules.

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

6.3 Presiding Officer Duties. The Presiding Officer shall:

6.3.1 Preserve order and decorum for Commission meetings;

6.3.2 Observe and enforce all rules adopted by the Commission;

6.3.3 Decide all questions on order raised, in accordance with these Rules and the most current edition of Robert's Rules of Order, subject to appeal by a Commissioner;

6.3.4 Recognize Commissioners in the order in which they request the floor.

Except as otherwise set forth herein, the Presiding Officer, as a Commissioner, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Commissioners; and

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

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

6.5 Special Commission Meetings. A special public meeting of the Commission may be called by the President or by any two Commissioners. Any request and subsequent special meeting notices shall state all agenda items to be considered at such special meeting. Commissioners shall not discuss, consider or take final action on any subject not appearing on the special meeting agenda. .

The Port Administrative Assistant shall carry out the required published and posted notice required for special Commission meetings pursuant to applicable law.

6.6 Quorum. At all meetings of the Commission, a majority of the Commission (two members) constitutes a quorum for the transaction of business.

6.7 Proceedings in the Absence of a Quorum. The Commission or less than a quorum may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If all Commission members are absent from any regular or adjourned regular meeting the Port Administrative Assistant may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. Except in the case of remote meetings without a physical location as allowed by law, whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

6.7.1 In the absence of a quorum any business transacted is null and void.

6.7.2 Even in the absence of a quorum, the Commission may move to 1) fix the time to adjourn 2) adjourn, 3) recess the meeting, and/or 4) take measures to obtain a quorum. A motion that absent members be contacted during a recess would represent a measure to obtain a quorum.

6.7.3 The prohibition against transacting business in the absence of a quorum can not be waived even by unanimous consent. If there is important business that should not be delayed until the next regular meeting, the Commission should fix the time for an adjourned meeting and then adjourn.

6.7.4 If there is no quorum at the beginning of the meeting, the President may

wait a reasonable amount of time for a quorum to assemble. If a quorum cannot be obtained, the president calls the meeting to order, announces the absence of a quorum, and may take action as described in Section 6.7.2 herein above.

6.7.5 If the President notices the absence of a quorum, it is the President's duty to declare the fact before taking any further action.

6.8 Recording Proceedings. The Port Administrative Assistant shall maintain a recorded account of all open public proceedings of the Commission in accordance with statutory requirements, and all such records shall be available for public inspection. If feasible, the recording of the meetings should be available online for a minimum of six months. Port meeting minutes can be corrected but shall not be revised without a majority affirmative vote of the Commission at a regularly scheduled Commission meeting.

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

6.10 Remote /Electronic Meetings. The Commission notes that it has successfully held remote meetings after March 1, 2020 and believes that remote meetings have value by increasing transparency and allowing broader public participation and attendance. As allowed by state law, the Commission authorizes continued use of remote meetings, conditioned upon compliance with the requirements of this section.

6.10.1 During a remote meeting, Commissioners, the Chief Executive Officer, staff, and the public may appear or attend by phone or by other electronic means that allows real-time verbal communication without being in the same physical location and includes proper accommodation for public participation.

6.10.2 Remote meetings may be conducted through the use of Internet or telephonic meeting services that support voting and audio and or visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) text of pending motions, and showing the results of votes. Participation by such means shall constitute presence in a meeting for purposes of establishing a quorum, voting, attendance and for all other purposes.

6.10.3. In addition, for a remote meeting, Port must provide an option for the public to listen to the proceedings telephonically or by using a readily available alternative in real-time that does not require any additional cost for participation. Free readily available options include, but are not limited to, broadcast by the Port on a locally available cable television station that is available throughout the Port district or other electronic, internet, or other means of remote access that do not require any additional cost for access to the meeting, or via other electronic means of remote access.

6.10.4. The names of those wishing to address the Commission by any means of voice only must be announced and their presence noted in the minutes of the meeting.

6.10.5 Telephonic and Electronic meeting participation shall be limited to instances where a member, alternate, or staff member is unable to participate in person due to

adverse weather conditions, illness, unavoidable conflicts, inability to travel to the meeting location, or other similar situations.

6.10.6 Commission and staff members who are unable to be present in person at any meeting shall have the right to participate by telephonic or other internet service, subject to any limitations established in these Rules to govern such participation.

6.10.7. These electronic meetings of the Commission shall be subject to all rules adopted by the Commission to govern them, which may include reasonable limitations on, and requirements for Commission members' participation. Any such rules adopted by the Commission shall supersede any conflicting rules in parliamentary authority but may not otherwise conflict with or alter any rule or decision of the Commission.

6.11 Commissioner Attendance at Meetings. Commissioners shall inform the President or Chief Executive Officer if they are unable to attend any Commission meeting, or if they will be late to any meeting. A majority vote is required to excuse any Commissioner's absence. Unless excused, pursuant to RCW 53.12.140 a Commissioner forfeits office by nonattendance at meetings of the Commission for a period of sixty (60) days. The Chief Executive Officer shall maintain a record of Commissioner attendance at Commission, and other meetings, to which a Commissioner is assigned or scheduled to attend. Commissioner participation by remote means shall constitute attendance.

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

6.13 General Conduct of Business.

6.13.1 The Commission meeting shall be conducted pursuant to an agenda, which shall indicate items requiring Commission action.

6.13.2 President as Presiding Officer will introduce each agenda item, stating whether action will be taken on the item, whether the item is introduced for discussion only or whether other results are anticipated.

6.13.3 Port staff will briefly discuss the agenda item.

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

6.13.5 At the conclusion of the technical report, staff will return the issue to the Presiding Officer for action. Any Commissioner may ask staff, any consultants or the public to briefly clarify any matter presented.

6.14 Public Comment. Public comment shall be permitted at Commission meetings in accordance with these Rules and as required by RCW 42.30.240, as it now exists or as may be amended in the future. Comments shall be received at the beginning of each meeting, and at the

end of each meeting, as identified on the agenda. Either the President or staff may read the following guidelines into the record. The public comment required under this section may be taken orally at a public meeting, or by providing an opportunity for written testimony to be submitted before or at the meeting. When the Port receives written testimony intended for and accepted by the Commission, this testimony must be distributed to the full Commission. The deadline for the submission of written testimony is not less than 24 hours prior to the meeting at which Commission action will be taken. Upon the request of any individual who will have difficulty attending a Commission meeting by reason of disability, limited mobility, or for any other reason that makes physical attendance at a meeting difficult, the Commission shall, when feasible, provide an opportunity for that individual to provide oral comment at the meeting remotely if oral comment from other members of the public will be accepted at the meeting.

6.14.1 Speakers attending in person shall move to the lectern and shall comment only after being recognized by the Presiding Officer. At the conclusion of in-person public comments, the Presiding Officer will request comments from members of the public participating remotely.

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

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

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

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

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

6.14.7 The Presiding Officer may overrule impertinent, redundant or disruptive comments; Applause or other interruptions are discouraged;

6.14.8 All remarks should be directed to the Presiding Officer; and

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

6.15 Executive Sessions. Executive Sessions shall be held in accordance with the provisions of the Washington State Open Public Meetings Act. An Executive Session is a Commission meeting that is closed to the public and is attended by the Commission, Chief Executive Officer and others that may be authorized. Executive Sessions may be held during Regular or Special Commission meetings and will be announced by the President. Before convening an Executive Session, the President shall announce the purpose of the session, the specific section of RCW 42.30.110(1) by which the session is authorized, the anticipated time when the session will be concluded, and whether action is expected after and as a result of the Executive session. Should the session require more time, the Presiding Officer or his or her designee shall

announce that the executive session is being extended to a time certain. The purpose for the Executive Session shall be noted in the meeting minutes.

6.16 Commission Discussion. All Commission discussion shall be guided by the most current version of Robert's Rules of Order to guide meeting procedures in the absence of a governing Commission Bylaw or state law. The Port General Legal Counsel shall assume the additional duty of Parliamentarian.

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

## 7. AGENDA PLANNING

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

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

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

7.3 Agenda Materials. Agenda materials will be available on the Friday prior to the Commission meeting. Agenda materials will be delivered to Commissioners by delivery or electronic means as preferred by each Commissioner. The Chief Executive Officer and his or her staff shall strive to provide to the Commissioners all subjects to be considered at the Commission meeting, including contracts, call for bids, and other items no later than the Friday preceding the Tuesday meeting, if reasonably possible. Each item for which action is requested of the Commission shall have a written explanation and full briefing of all information necessary for the Commission's review, discussion, and action on said business item.

7.4 Adding an Item to a Published Agenda. An item may be placed on a regular Commission meeting agenda after the agenda is closed and the notice published, if the Commissioner or Chief Executive Officer explains the necessity and receives a majority vote of the Commission at a public meeting.

7.5 Agenda Item Order. The Presiding Officer may, with the concurrence of the Commission, address agenda items out of order.

7.6 Consent Agenda. All matters listed under Consent Items have been distributed to each member of the Commission for review, are considered routine, and will be enacted by the motion of the Commission with no separate discussion. Because these matters are routine and are considered after the first public comment, no additional public comment is needed. If separate discussion is desired, that item may be removed from the Consent Items and placed under Action Items with opportunity for public comment or tabled for consideration at a future meeting upon a motion passed by the Commission during a Commission Meeting and prior to the vote to approve the consent agenda.

## 8. ROLE OF THE COMMISSION PRESIDENT

The President of the Commission shall:

8.1 Ensure that the Commission jointly and consistently adheres to its own rules and policies, and those imposed upon it by the laws of the State of Washington.

8.2 Ensure that deliberation is fair, open and thorough, but also timely, orderly and stays on topic. The President of the Commission shall preside over and facilitate all Commission Meetings in accordance with these governance principles and the most current version of Robert's Rules of Order, as needed.

8.3 Assume responsibility of the Commission that is not specifically assigned to another Commissioner.

8.4 Call Special Meetings of the Commission in the event of a business need as provided for by applicable law.

8.5 Establish ad hoc advisory and standing committees and appoint members to same.

8.6 Schedule and coordinate the annual evaluation of the Chief Executive Officer.

8.7 Limit supervision and direction of the Chief Executive Officer or Port staff, solely to the authority expressly granted by the Commission.

8.8 Be the spokesperson for the Commission in expressing a view held jointly by the Port Commission, unless another spokesperson is named by the full Commission. However, individual Commissioners shall have the right to voice personal opinions differing from decisions taken or under review by the Port Commission as a whole as long as they are stated as such.

## 9. ROLE OF THE COMMISSION VICE-PRESIDENT

The Vice-President of the Commission shall:

9.1 Perform such duties as are assigned by the President.

9.2 Have all the power and duties of the President in the absence or inability of the President to act.

9.3 Have all the powers and duties of the Secretary in the absence or inability of the

Secretary to act, when not acting as the President.

10. ROLE OF THE COMMISSION SECRETARY The Secretary of the Commission shall:

10.1 Attest all contracts, bonds, deeds, leases and other instruments and documents duly authorized by the Commission unless otherwise delegated by the Commission.

10.2 Perform all duties incident to the office of Secretary as may from time to time be required by law or assigned to such office by motion, rule or resolution of the Commission.

10.3 Have all of the powers and duties of the President in the absence or inability of both the President and the Vice President to act.

10.4 Have the option of delegating the obligations and duties of Secretary to the appropriate Port staff member for implementation.

11. COMMISSION COMMITTEES

11.1 General. All Commission committees should include designation of members, chair and a charter describing the committee's purpose. All Commission Committees serve in an advisory capacity only. The Commission President will review each committee at least annually to determine whether the committee should continue.

11.2 Committee Roles and Responsibilities.

11.2.1 Committees will assist the Commission by gaining education, considering alternatives and implications, and preparing policy alternatives.

11.2.2 Commission committees or any individual Commissioner may not speak or act for the Commission, except when formally given such authority for specific and time- limited purposes.

11.2.3 Commission committees cannot exercise authority over staff or interfere with the delegation from the Commission to the Chief Executive Officer.

11.2.4 Participation in committee meetings shall be in compliance with the provisions of the Open Public Meetings Act, when two or more Commissioners are present, or the committee is acting for the Commission. In such event, the committee meeting must be properly noticed as a public meeting.

11.2.5 These policies apply to any group which is formed by action of the Commission President, whether or not it is called a committee.

12. COMMISSION AND PORT ACTION

12.1 Only decisions of the Commission acting as a body are binding upon the Port and Port staff.

12.2 In the case of Commissioners requesting information or assistance without Commission authorization, the Chief Executive Officer and staff *must* refuse such requests that require, upon evaluation by the Chief Executive Officer, a material amount of staff time or funds,

are disruptive to the Port, or which may involve a conflict of interest between the Port and the Commissioner requesting the information or assistance.

12.3 Commissioners individually may communicate directly with Port employees or contractors for the purpose of inquiry only. Commissioners shall, on business matters, deal with staff through the Chief Executive Officer. However, the Commission as a body and the Commissioners individually do not give direction to persons who report directly or indirectly to the Chief Executive Officer. If an individual Commissioner is dissatisfied with the response from the Chief Executive Officer or staff, the Commissioner may seek resolution through the Commission as a body.

12.4 The Commission as a body and the Commissioners individually will refrain from evaluating, either formally or informally, the job performance of any Port employee, other than the Chief Executive Officer, except when approving compensation and benefits in the course of budget or employment contract considerations.

### 13. PORT COMMISSION & STAFF ROLES AND RESPONSIBILITIES

13.1 General Roles. The Commission is the Port's governing authority. All authority not expressly delegated to the Chief Executive Officer is reserved to the Commission. The Commission sets Port policies and priorities. . The Chief Executive Officer and Port staff execute and administer the Commission's policies. The Port of Kennewick has a Commission-Chief Executive Officer form of governance. The Chief Executive Officer is hired by the Port Commission to enforce its directives, to direct the daily operations of Port governance, to prepare and monitor the budget, and to implement the policies and programs initiated by the Port Commission. The Chief Executive Officer is responsible to the Port Commission as a board, rather than to individual Commissioners, and directs and coordinates all other employees. The Port Commission authorizes priorities and projects through the budget process; based upon that authorization, the Chief Executive Officer is responsible for hiring all personnel.

13.2 Commissioner's Role. [See also, Section 2.] The Chief Executive Officer is authorized to make recommendations on policy matters to the Commission and the Commission retains the authority to accept, reject, or amend the recommendations. Individual Commissioners may not intervene in staff decision-making, scheduling of work, and executing department priorities. This is necessary to allow staff to execute priorities given by the Executive Director. All Commissioners with concerns affecting the Port of Kennewick should address those concerns with the full Commission or with the Chief Executive Officer.

No Commissioner shall direct the Chief Executive Officer to initiate any action, prepare any report, or initiate any project or study without the authorization of a majority of the Commission. Commissioner requests for information shall be made to the Chief Executive Officer, unless otherwise determined by the Chief Executive Officer. Commissioners needing staff assistance shall work through the Chief Executive Officer.

#### 13.3 Chief Executive Officer's Role.

13.3.1 The Chief Executive Officer is the chief administrative officer of the Port. The Chief Executive Officer is directly accountable to the Port Commission for the execution of the Port Commission's policy directives as set forth in the Delegation Policy and for the administration and management of all Port activities and staff.

13.3.2 The Chief Executive Officer is the information liaison between Commission and Port staff. Requests for information from Commissioners are to be directed to the Chief Executive Officer and will be responded to promptly. The information requested will be copied to all members of Commission so that each member may be equally informed. The Chief Executive Officer will provide staff support for Commissioners as appropriate in their official roles.

13.3.3 In addition to regular, comprehensive memoranda written by the Chief Executive Officer directly to the Port Commission concerning aspects of Port operations (exclusive of confidential personnel issues), all Commissioners shall receive copies of correspondence received by the Chief Executive Officer that will assist them in their policy-making role. The Chief Executive Officer also provides other documents to the Commission on a regular basis, such as status reports, executive summaries, and minutes of meetings.

13.3.4 The Chief Executive Officer shall have an open-door policy which allows individual Commissioners and the public to meet with the Chief Executive Officer on an impromptu, one-on-one basis. Such meetings are highly encouraged. No Commissioner, person or special interest group shall abuse the open-door policy.

13.3.5 In addition to the above, the Chief Executive Officer's job description includes the following:

13.3.6 The Chief Executive Officer reports to the Commission, with duties including but not limited to the responsibilities and specific duties described below, together with such other powers and duties as the Commission may specify via adopted work plans and Delegation of Authority. The Chief Executive Officer shall provide the services hereunder in accordance with his independent and professional judgment and in accordance with his own means and mode of performance. There shall be a presumption that the Chief Executive Officer acted on an informed basis, in good faith, and within the scope of his or her employment. The list below is a codification of existing duties, custom and practice.

13.3.7 The Chief Executive Officer should:

- Work with the Commission to ensure that the mechanisms for effective governance are in place and that the Commission is alert to its obligations to the Port, employees and the public.
- Assist the Commission in fostering ethical, transparent and responsible decision making.
- Work with the Commission and senior management to monitor progress on strategic planning and commission policy implementation, and regularly report on progress to the Commission.
- Take all reasonable steps to ensure that Commission policy is executed as effectively as possible.
- Participate in the development and implementation of strategic initiatives and provide oversight on strategic orientation of the Port.
- Ensure the quality, quantity and timeliness of the information that goes to the Commission and ensure that all Commissioners receive the information required for the proper performance of their duties.
- Take reasonable steps in consultation with the Commission President to ensure that business set out in the agendas of Commission meetings is discussed and

brought to resolution, as required, and that sufficient time is allowed during Commission meetings to fully discuss agenda items.

- In coordination with the Commission, Port Human Resources personnel and Port Counsel, actively participate in the annual Chief Executive Officer performance evaluation which will include a performance discussion with candid input and feedback.
- Work to ensure that the Port promotes equality and fairness for its staff and contract personnel.
- Foster ongoing formal and informal communication with and among Commission members.
- Ensure that Port employees work as a team, efficiently and productively.
- Foster strong relationships between the Port and key stakeholders in the community.
- Assist the Commission in the development of the Commission’s knowledge and capabilities by playing a central role in orientation of new Commission members and providing continuing education opportunities for the entire Commission.
- Act as a spokesperson for the Port related to execution of established port policy.

13.4 Staff Role. The Commission recognizes the primary functions of staff as 1) executing the policies and actions taken by the Commission as a whole, and 2) keeping the Commission informed. Staff is obligated to take guidance and direction from the Chief Executive Officer or appropriate supervisor. This direction follows the policy guidance from the Port Commission to the Chief Executive Officer through the Delegation Policy. Port staff will, acting through the Chief Executive , make every effort to respond in a timely and professional manner to all individual Commissioner’s requests for information or assistance; providing, in the judgment of the Chief Executive Officer , the request is not of such magnitude (in terms of workload, resources, or policy) that it should instead be assigned to the Chief Executive Officer through the direction of the full Port Commission.

13.5 Summary. The following is a brief summary from the Washington Public Port Association (“WPPA”) Commissioner Resource Guide and identifies parallel leadership roles and responsibilities.

***Port Commission***

- Governs:
  - Guides
  - Directs
- Decides what
- Requests information
- Considers issues
- Creates, reviews and adopts policy
- Reviews and monitors plans
- Monitors progress
- Contracts with personnel
- Approves evaluation criteria, procedures
- Reviews and approves budget
- Represents public interest

***Executive Director***

- Administers:
  - Operates
  - Manages
- Decides how
- Seeks and provides information
- Provides recommendations
- Recommends and carries out policy
- Implements plans
- Reports progress
- Supervises hiring process, practices
- Supervises and evaluates personnel
- Formulates budget
- Acts in the public’s interest

## 14. BUDGET AND PROCUREMENT AUTHORITY

14.1 General. By resolution, the Commission shall set forth the authority of the Chief Executive Officer to manage and expend Port funds in accordance with financial policies and budgetary limits. Procurement of goods and services shall take place in accordance with applicable legal requirements in a fair, competitive and inclusive manner to maximize the benefit to the Port's taxpayers/customers.

14.2 Financial Policies. The Commission, by resolution, shall adopt financial policies that provide guidance to the Chief Executive Officer in managing the finances of the Port and in developing budgets, financial plans and rates. At a minimum, these policies shall:

- 14.2.1 Provide for sufficient liquidity relative to the Port's risk profile;
- 14.2.2 Provide for adequate coverage to meet debt covenants;
- 14.2.3 Establish criteria for debt and rate – financed capital expenditures;
- 14.2.4 Require that budgets be developed based on conservative and prudent assumptions consistent with standard industry practice;
- 14.2.5 Establish budgetary and procurement controls over expenditures;
- 14.2.6 Produce and maintain a balanced budget;
- 14.2.7 • Provide a fiscally sound approach to finances by ensuring that expenditures and debt repayments do not exceed available resources in current budget and future years impacted;
- 14.2.8 • Provide for financial stability by:
  - Funding projects that provide a positive return on investment or which provide important identifiable non-economic benefits to the port district at large;
  - Eliminating or transferring to private sector, holdings which provide minimal economic or community benefit;
  - Reducing costs and enhancing revenues when feasible while maintaining acceptable service levels;
  - Ensure the Port's portfolio includes diversity of revenue streams to offset risk adverse projects;
  - Accurately forecasting funding sources;
  - Creating successful strategies for capital acquisitions;
  - Closely monitoring and accurately reporting all revenues and expenditures;
  - Leveraging funds by seeking grants and matching funds from the public and private sectors;
  - Accurately and honestly identifying potential financial issues and providing feasible potential solutions;
  - Identifying and recommending potential improvements; and
  - Learning and sharing ideas for improvement.
- 14.2.9 Promoting fiscal responsibility among departments;
- 14.2.10 Focusing on long-term financial planning;

14.2.11 Support intergovernmental cooperation by partnering with entities which demonstrate support; (e.g., matching funds; previous successes; political and taxpayer support; and enthusiasm);

14.2.12 Provide the public with high quality projects and services within a healthy work environment by encouraging efficiency, cooperation, honesty, integrity, and respect;

14.2.13 Evaluate economic development opportunities based on results to be derived districtwide versus project-specific or jurisdiction-specific results;

14.2.14 Acknowledge the Port's limited staff and financial resources;

14.2.15 Establish a project ranking and selection process which focuses on producing a limited number of projects in order to ensure successful and timely implementation;

14.2.16 Encourage open competition and equal project consideration, fostering a reputation for fairness with the local business community;

14.2.17 Seek to fund projects with available resources;

14.2.18 Incur debt only when both the level and rate of growth of public debt is fundamentally sustainable, can be serviced under appropriate circumstances while meeting cost and risk objectives, can withstand economic uncertainties, while identifying in advance any legal or commission-directed restrictions on its use; and

14.2.19 Maintain reserves of \$2.5M in order to ensure financial stability and mitigate any potential financial hardships. If reserve funds are utilized, funds must be replenished during the current or next budget cycle. The reserve fund may be used for the following:

- Debt service;
- Environmental pollution claims against the Port;
- Unemployment Claims;
- Paid Family & Medical Leave Claims; and
- Any other uses deemed necessary by the Commission.

14.2.20 Identify and report the return on investment (ROI) on projects as appropriate; and

14.2.21 Share with the public port audited financial and operating data through print and online resources.

14.3 Budgetary Authority. As required by and consistent with law, the Commission, by resolution, shall approve the Port's budget prior to the start of each calendar year. The Chief Executive Officer shall manage the Port's operations within the approved budget levels consistent with authority levels set forth in the financial policies.

#### 14.4 Procurement Authority.

14.4.1 The Commission, by resolution, shall establish procurement authorities and guidelines for the Chief Executive Officer consistent with state laws and regulations. The Chief Executive Officer shall establish procurement controls that provide reasonable assurance that the procurement of goods and services are made for a valid business purpose and within authorized budget levels.

14.4.2 It is Port policy that procurement decisions shall be made free from actual or perceived conflicts of interest consistent with these Rules of Policy and Procedure.

14.4.3 It is Port policy that due diligence and prudent judgment be exercised in the making of procurement decisions, including conducting a risk assessment. If the Chief Executive Officer reasonably determines that a procurement activity presents, regardless of the size of the financial commitment, either: (1) a unique and significant operational risk to the Port; or (2) a significant impact to customers, the Chief Executive Officer shall inform the Commission.

## 15. EVALUATING THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE

### 15.1 Chief Executive Officer Evaluation Committee

- 15.1.1 The Port Commission shall appoint a Chief Executive Officer Evaluation Committee made up of the Port's Chief Financial Officer, Port General Legal Counsel, and one Commissioner to serve a 2-year term. Each member shall be unbiased.
- 15.1.2 The Chief Executive Officer Evaluation Committee will develop the Chief Executive Officer's goals and objectives for Port Commission review and approval. The goals and objectives developed by the Committee shall be specific, measurable, attainable, realistic, timely and in alignment with the Port's mission, budget, work plan, and comprehensive scheme of development.
- 15.1.3 The Commission accepts the following procedure for the Chief Executive Officer Evaluation Committee to evaluate the Chief Executive Officer's performance, which is attached hereto as **Exhibit "A"**, and the Chief Executive Officer Evaluation Committee has created the Chief Executive Officer Performance Evaluation Form Revised 2022, which is attached hereto as **Exhibit "B"**.
- 15.1.4 On an annual basis, the Chief Executive Officer Evaluation Committee will conduct Chief Executive Officer's performance evaluation.
- 15.1.5 On an annual basis, the Chief Executive Officer Evaluation Committee will present the results of its evaluation of the Chief Executive Officer's performance to the Port Commission for review and approval. Such results may include, among other things, recommendation for salary adjustment in accordance with Chief Executive Officer's employment agreement.
- 15.1.5 The Chief Executive Officer Evaluation Committee may use assistance from other staff members or consultants as necessary and appropriate.
- 15.1.6 The Port Commission shall address Chief Executive Officer performance issues as they arise by timely referring them to the Chief Executive Officer Evaluation Committee. The Chief Executive Officer Evaluation Committee will develop a procedure for handling performance issues that may arise between annual evaluations. As part of that procedure, any performance related item must be communicated to the CEO in writing within 14 business days following the date any such alleged action or inaction occurred. If the Chief Executive Officer Evaluation Committee fails to notify

the Chief Executive Officer of a matter of which the Commission members are aware, the performance related item shall not be relied upon or addressed in a performance review. Prior to issuing such a written notice, the Chief Executive Officer Evaluation Committee shall undertake an appropriate inquiry, which generally will include discussion with the Chief Executive Officer, in accordance with applicable laws, policies and contracts. Once notified, the Chief Executive Officer shall be provided a reasonable period of time to cure the concern or deficiency.

## 16. COMMISSION-AUDITOR RELATIONSHIP

16.1 General. The Port Auditor (“Auditor”) serves the Port to assist in the Port’s compliance with the RCW 53.36.010, RCW 53.36.140, RCW 42.24.080 and the Local Government Accounting Act, RCW 43.09.200 – 43.09.2855.

### 16.2 Hiring and Reporting.

16.2.1 The Chief Executive Officer shall hire the Auditor. The Auditor shall perform those duties specified in RCW 53.36.010, RCW 53.36.140, RCW 42.24.080, RCW 43.09.240, Port Policy and job description and shall be granted direct access to the Commission as necessary in the performance of these duties.

16.2.2 The Auditor shall report to the Commission through the Chief Executive Officer or designee for all administrative matters, including hiring, performance evaluations, salary administration, employee benefits, and terminations. The Chief Executive Officer may assign additional duties to the Auditor as long as these duties do not interfere with the Auditor’s duties as specified by law.

## 17. COMMISSION-PORT GENERAL LEGAL COUNSEL RELATIONSHIP

17.1 Port General Legal Counsel Role. The Chief Executive Officer is responsible for hiring and terminating the Port’s General Legal Counsel. The Chief Executive Officer shall make provision for and appoint legal counsel for the Port by any reasonable contractual arrangement for such professional services. The Port General Legal Counsel is the legal advisor to the Port, the Commission, its committees, commissions and boards, the Chief Executive Officer, and all Port officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the Port. It is important to note that the Port General Legal Counsel does not represent individual members of Commission, but rather the Port Commission as a whole. The Port General Legal Counsel reports to the Chief Executive Officer. The Chief Executive Officer is responsible for evaluating the Port’s General Legal Counsel’s performance.

### 17.2 Port General Legal Counsel’s Responsibilities.

The general legal responsibilities of the Port General Legal Counsel are to:

17.2.1 Provide legal assistance necessary for formulation and implementation of the Commission’s legislative policies and projects.

17.2.2 Represent the Port’s interest, as determined by the Chief Executive Officer, in litigation, administrative hearings, negotiations, and similar proceedings.

17.2.3 Prepare or approve as to form resolutions, contracts, and other legal documents to best reflect and implement the purposes of the Port.

17.2.4 Keep the Port Commission and staff apprised of court rulings and legislation affecting the legal interest of the port.

17.2.5 Shall advise the Commissioners regarding potential conflict of interest issues or ethical matters. Port General Legal Counsel shall provide assistance to individual Commissioners in complying with applicable statutes and laws only when such advice does not conflict with the Port's General Legal Counsel's obligations to the Port or to specific direction of the Commission.

17.2.6 Give advice or opinion when required, and when requested by the Commission or Chief Executive Officer.

17.2.7 Inform the Commission of material legal issues impacting the Port or the Commission.

17.2.8 Assist the Commissioners and staff in complying with applicable statutes and laws.

17.2.9 Serve as the parliamentarian at all commission meetings and other port-related meetings as requested by the Chief Executive Officer.

17.2.10 Other matters as designated by the Chief Executive Officer.

## 18. INDEMNIFICATION AND DEFENSE POLICY

18.1 Policy Stated. As authorized by RCW 4.96.041, there is hereby created a procedure to provide for indemnification and defense of claims of liability arising from acts or omissions of officials and employees of the Port, including volunteers, while performed or in good faith purported to have been performed in the scope of their official duties.

18.2 Definitions. Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meaning:

18.2.1 "Employee" means any person who is or has been employed by the Port, including volunteers and appointed members of advisory boards and commissions. "Employee" does not include independent contractors. "Employee" also includes an employee's spouse when an employee's marital community is named in any action subject to this policy.

18.2.2 "Official" means any person who is serving or has served as an elected Port Commissioner, and any person who is serving or who has served as an appointed officer of the Port as defined by RCW 42.23.020(2), as written or hereafter amended. "Official" does not include independent contractors performing the duties of appointed positions.

### 18.3 Legal Representation.

18.3.1 Upon request by the Official or Employee, and upon a finding by the Commission that the acts or omissions of the Official or Employee were or in good faith purported

to be within the scope of his or her official duties, the Port shall provide to an Official or Employee, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such Official or Employee may have concluded service or employment with the Port, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such Official or Employee resulting from any conduct, act or omission of such Official or Employee performed or omitted were or in good faith purported to be within the scope of his or her service or employment as a Port Official or Employee. The provisions of this chapter shall not operate to provide legal representation to defend a claim or lawsuit for any conduct, act, or omission resulting in the termination for cause of any Official or Employee.

18.3.2 The legal representation shall be provided by the office of the Port's General Legal Counsel and may include the Chief Executive Officer engaging the services of outside legal counsel, with Port General Legal Counsel oversight. If any provision of an applicable policy of insurance provides legal counsel for the employee or official, the Port General Legal Counsel will work with the policy holder for purposes of obtaining legal representation under the existing insurance policy.

18.3.3 In the event that the Port retains outside counsel under Section 18.3.2, the Port shall pay the reasonable costs of defense; provided, that in no event shall payment exceed the hourly rates established by the Port's contract with general legal counsel selected by the Port.

18.3.4 The determination whether the Official or Employee was acting in or in good faith purported to be within the scope of his or her official duties shall be made by the Commission in consultation with the Port General Legal Counsel and/or outside legal counsel, if retained. This determination shall be based on an investigation of the facts and circumstances surrounding the incident and shall be made as early in the proceedings as is reasonably possible. In making the determination, the Commission shall presume that the Official or Employee acted in good faith within the scope of his or her official duties and shall determine that the Employee was not acting in good faith within the scope of his or her official duties only upon a finding or findings supported by substantial evidence. Once the determination is made, the Official or Employee involved shall be notified by the Chief Executive Officer in writing. If the Employee or Official involved is the Chief Executive Officer, the determination shall be made by the Commission in consultation with the Port General Legal Counsel and/or outside legal counsel based on an investigation of the facts and circumstances surrounding the incident and shall be made as early in the proceedings as is reasonably possible. Once the determination is made, the Chief Executive Officer shall be notified by the Port General Legal Counsel, in writing. In any claim involving an allegation of criminal conduct, no investigation by the Port will occur prior to a determination of guilt, or prior to a dismissal of the criminal charge with prejudice, so as not to compromise the Official's or Employee's Fifth Amendment right against self-incrimination. Any determination made under this Section shall not be subject to appeal or reconsideration.

18.4 Exclusions. Except as otherwise determined pursuant to Section 18.3, in no event shall protection be offered under this chapter by the Port to:

18.4.1 Any dishonest, fraudulent, criminal, willful, intentional or malicious act or course of conduct of an Official or an Employee;

18.4.2 Any act or course of conduct which is outside the scope of an Official's or Employee's service or employment with the Port; and/or,

18.4.3 Any lawsuit brought against an Official or Employee by or on behalf of the Port;

18.4.4 Any action or omission contrary to or not in furtherance of any adopted Port policy.

18.5 Reserved Rights. Nothing herein shall be construed to waive or impair the right of the Port neither to institute suit or counterclaim against any Official or Employee nor to limit its ability to discipline or terminate an employee.

18.6 Policy Secondary to Insurance. The Port's payment of defense fees and costs and any resulting non-punitive judgement are secondary to any insurance coverages from whatever source for defense, loss or damage; excluding deductible or exclusion(s) of the applicable insurance policy. The Port shall have the right to require an Employee to fully utilize insurance coverages prior to requesting payment under this Chapter.

18.7 Determination of Exclusion. Whether an Official or Employee was acting in or in good faith purported to be acting within the scope of an Official's or Employee's service or employment with the Port and thus eligible for Port payment of defense costs under this chapter shall be determined by the Commission. The Chief Executive Officer and Port general legal counsel shall prepare a recommendation to the Commission. The Commission's decision shall be final as a legislative determination and shall be based upon a finding that an official or employee meets or does not meet the criteria of this chapter. Nothing herein shall preclude the Port from undertaking an Official's or Employee's defense under a reservation of rights. The determination as to whether a defense is to be furnished as provided under this chapter to Commissioner or Commissioners shall be made without the vote of the Commissioner(s) named in the claim or lawsuit unless the inclusion of such member or members is required for a quorum; provided, that if a claim or lawsuit affects a quorum or greater number of the members of the Commission, all such affected members shall retain their voting privileges under this Section.

18.8 Representation and Payment of Claims – Conditions. The payments authorized by this chapter shall apply only when all the following conditions are met:

18.8.1 In the event of any incident or course of conduct potentially giving rise to a claim for damages, or for the commencement of a lawsuit, the Official or Employee involved shall, as soon as practicable, give the Employee's department director and, if applicable, the Port General Legal Counsel and the Chief Executive Officer written notice thereof. The notice shall identify the Official or Employee involved, all information known to the Official or Employee involved with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the potential claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

18.8.2 Upon receipt, the Official or Employee shall as soon as practicable deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the Port General Legal Counsel and shall cooperate with the Port General Legal Counsel, or if the Chief Executive Officer authorizes or designates another legal counsel to handle the matter, shall cooperate with that legal counsel, and, upon request, shall assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the Port because of any damage or claim of loss arising from said incident or course of conduct, including, but not limited to, rights of recovery for costs and legal counsel's fees arising out of state or federal statute upon a determination that the lawsuit brought was frivolous in nature. Failure to timely deliver any claim, demand, notice or summons to the Port

General Legal Counsel, and in which an adverse decision against the Official, the Employee or Port results from such failure, shall operate to negate all indemnification and opportunity for defense under this chapter and the Port shall have no obligation to offer a defense to the named Official or Employee.

18.8.3 Such Official or Employee shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining assistance of witnesses all without any additional compensation to the Official or Employee, and, in the event that an Employee has left the employ of the Port, no fee or compensation shall be provided.

18.8.4 Such Official or Employee shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense related to said claim or lawsuit, other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss or damage. Nothing herein shall be deemed to preclude any Official or Employee from retaining legal counsel to represent his/her interests relating to such claim or lawsuit; however, all costs and expenses incurred thereby shall be paid by the Official or the Employee.

18.8.5 Nothing herein shall modify existing procedures or requirements of law for processing and payment of claims against the Port.

18.9 Effect of Compliance With Conditions. If legal representation of an Official or Employee is undertaken by the Port, whether by the Port General Legal Counsel or by legal counsel obtained by the Port or through its insurance coverage, and all of the conditions of representation are met, and a judgment is entered against the Official or Employee or a settlement is made, the Port shall pay the nonpunitive damages portion of the judgment or settlement according to the provisions herein; provided, that the Port may at its discretion appeal as necessary any such judgment. The process for payment of punitive damages is discretionary and is set forth in Section 18.16. The decision to appeal an award of damages will be made by the Commission upon the recommendation of the Chief Executive Officer and the Port General Legal Counsel and/or outside legal counsel.

18.10 Failure to Comply With Conditions. In the event that any Official or Employee fails or refuses to comply with any of the conditions set forth in Section 18.8, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable and shall have no force or effect with respect to any such claim or litigation.

18.11 Reimbursement of Incurred Expenses.

18.11.1 If the Commission determines pursuant to the Port's investigation under Section 18.3, that an Official or Employee was not acting in or in good faith purported to be within the scope of his or her official duties and thus is not eligible for Port payment of legal defense, and a court of competent jurisdiction later determines that such Officer or Employee was acting within the scope of his or her official duties, , then the Port shall pay any non-punitive judgment, and reasonable legal counsel's fees incurred in defending against the claim, less any applicable insurance coverages.

18.11.2 If the Port determines that a claim arose against a Port Official or Employee who was acting within or in good faith the scope of their employment and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the

Commission shall have the option of requiring reimbursement by the Official or Employee for defense fees, costs and expenses.

18.12 Conflict With Provisions of Insurance Policies. The indemnification provisions of this chapter do not constitute a policy of insurance and nothing contained in this chapter shall be construed to modify or amend any provisions of any policy of insurance where the Port or any of its current or former Officials or Employees thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this chapter shall be deemed to limit or restrict any Employee's or Official's right to full coverage pursuant to this chapter, it being the intent of this chapter to provide the coverage detailed in this chapter only above and beyond insurance policies which may be in effect while not compromising the terms and conditions of such policies by any conflicting provisions contained in this chapter.

18.13 Pending Claims. The provisions of this chapter shall apply retroactively to any pending claims or lawsuits against any Official or Employee at the time of adoption of this ordinance and to any such claims or lawsuits hereinafter filed within an applicable statute of limitations, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit.

18.14 Modification of Chapter. The provisions of this chapter shall be subject to amendment, modification and repeal, at the sole discretion of the Commission, provided that unless explicitly set forth, any such amendment, modification or repeal shall apply prospectively only and shall have no effect on the obligation of the Port to indemnify and/or defend against any claim which is based, in whole or in part, upon any action or omission of an Employee or Official occurring prior to the effective date of the amendment, modification or repeal.

18.15 Bargaining Unit Contracts. If a union contract under chapter 41.56 RCW covers any of the provisions of this chapter, all Employees under such contract shall be governed by the provisions thereof, rather than by the provisions of this chapter, and where any conflict exists between the provisions of any such contract and this chapter, such contract shall control.

18.16 Punitive Damages. When the Port has paid for claim defense fees costs and expense for an Employee or Official pursuant to this chapter and a punitive judgment is rendered, the Employee or Official may request the Commission that the Port pay the punitive damages. Upon such a request, the Commission shall receive a report and recommendation from the Chief Executive Officer and the Port General Legal Counsel shall transmit a report and recommendation for Commission consideration. If the requesting Official or Employee is the Chief Executive Officer or a Commission member, the Commission may in the alternative request a report and recommendation from outside legal counsel. The Commission's decision on whether to pay the punitive damages award shall be based on the best interests of the Port and whether justice will be served. The Commission's determination is final and not subject to reconsideration or appeal. . The Chief Executive Officer shall communicate the Commission's determination to said Employee or Official. Thereafter, the Port finance director shall prepare the payment of Commission-approved punitive damages.

18.17 Application to Recall Proceedings.

18.17.1 Consistent with RCW 4.96.041(3), the necessary expenses of defending a Port Commissioner in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the Port if the Commissioner requests such defense and

approval is granted by both the Commission and the Port's General Legal Counsel or attorney appointed by the Chief Executive Officer. The expenses paid by the Port may include costs of an appeal of the superior court's ruling on the sufficiency of the recall charge.

18.17.2 Although in the case of *In Recall of Olsen*, 154 Wn.2d 606 (2005), the Supreme Court ruled that a Commission's decision to indemnify and pay the costs of a recall defense does not constitute a contract from which a conflict of interest may be found under RCW 42.23.030, and, as a result, a Commissioner may vote on that Commissioner's request for defense fees and costs, the Commissioner(s) subject of the recall shall refrain from participating in such deliberations and vote.

## 19. GENERAL COMPLAINT RESOLUTION

19.1 Administrative Complaints Made Directly to Individual Commissioners. When administrative policy or administrative performance complaints are made directly to individual Commissioners, the Commissioner shall then refer the matter directly to the Chief Executive Officer for review and/or action. The individual Commissioner may request to be informed of the action or response made to the complaint.

19.2 Administrative Complaints – "Best Practice". Although citizen's direct access to elected officials is to be encouraged, Port Commissioners should be cautious in making statements or taking actions that may delay a timely customer service response. The best policy is to put the citizen into direct contact with the Chief Executive Officer.

### ***Ten Commandments for Staying out of Trouble as a Port Commissioner***

[as presented in the WPPA Commissioner Resource Guide]

1. Thou shalt never spend the public's money in secret.
2. Thou shalt not accept personally more money or benefits than any other fellow commissioner.
3. Thou shalt not require the port staff to do more work than necessary to inform (please) you when they could be occupied in improving the business of the port.
4. Thou shalt not speak as the official spokesperson of the port without knowing officially that you have been so designated by the commission majority.
5. Thou shalt not use the press against your fellow commissioners.
6. Thou shalt not use port property for unofficial business, not even a paper clip. Paper clips are cheap, buy your own. Use your own car too.
7. Thou shalt not argue with, grill, or embarrass port staffers in public. They'll hate you for it and get back at you in a thousand ways without your ever knowing it or leaving a scrap of evidence.
8. Thou shalt not depend on news media to keep the public informed of the activities and purposes of the port. Have your own PR program and carry it out.
9. Thou shalt not align yourself closely with a certain group of port tenants or users. Your motives will always be aligned with that group regardless of the issues. And the group will turn on you if you don't support them every single time.
10. Thou shalt not become involved in hiring anyone but the port manager and
11. the port auditor.

## 20. PORT AMBASSADOR PROGRAM

- 20.1.1. The Port of Kennewick recognizes and encourages the ongoing support from the Port of Kennewick community. Certain community members have demonstrated particular efforts on behalf of the Port. It is the purpose of this policy to recognize as a Community Ambassador (“Ambassador”) certain of those residents who have provided services in the past and will provide future volunteer services to the Port. Appointment as a Port Ambassador is in recognition of the benefits to the Port from a continuing relationship with active, distinguished persons who assist the Port as a volunteer with community, trade and/or economic development activities.
- 20.1.2 The Board of Commissioners, by majority vote, may appoint an Ambassador by completing the Port’s Ambassador Appointment form.
- 20.1.3 An Ambassador appointment shall be limited to a former Port Commissioner who has served the Port in good standing; or a Port staff member who has served the Port in good standing for 10 or more years.
- 20.1.4 Following Commission consideration of the appointment of an Ambassador, which shall be liberally granted, there shall be official recognition by a Port of Kennewick Community Ambassador Appointment and Recognition of Volunteer Service (“Appointment”), substantially in the form attached to this Policy. The Appointment shall implement the terms of this Policy and shall be for a two-year term. Service as an Ambassador is strictly a volunteer activity and based on the donated service of the Ambassador. An Ambassador appointment may be terminated at any time by the Port or an Ambassador, for good cause shown.
- 20.1.5 An Ambassador for the Port is to identify the Port relationship in any activity that pertains to service on behalf of the Port or use of Port resources. An Ambassador may be available for service and for participation in activities as set forth below. The Ambassador will adhere to the highest civic and ethical standards required of a public officer in the State of Washington, including compliance with Port policies and the avoidance of conflicts of interest.
- 20.1.6 An Ambassador does not have authority to enter into commitments for the Port or to otherwise bind the Port, or to make public comments which are not expressive of the majority viewpoint of the Port Commission, except as specifically authorized by the CEO.
- 20.1.7 An Ambassador may be recognized through eligibility:
- 20.1.7.1 for official retirement ceremony provided by the Port either before or after Ambassador service;
  - 20.1.7.2 for issuance of printed business cards that designate Ambassador status;
  - 20.1.7.3 for invited participation in all appropriate Port functions and celebrations;
  - 20.1.7.4 to attend the annual Spring Port conference, or to attend the annual

staff retreat;

20.1.7.5 to be recognized at all Port groundbreaking and ribbon-cutting ceremonies;

20.1.7.6 to receive reimbursement for reasonable and actual expenses incurred in the performance of Port-related activities, upon approval by the Port CEO and on terms set forth by the Port auditor and in full compliance with Port policies;

20.1.7.7 to receive a briefing from Port CEO and Port Auditor on a semi-annual basis.

20.1.8 Except as otherwise set forth, the Ambassador understands that there is no compensation or other related benefits (e.g., retirement, vacation and holidays) related to an Appointment. An Ambassador shall be entitled to reimbursement for expenses incurred in volunteer service to the Port, consistent with Port auditing procedures. An Ambassador may also be granted a stipend as set forth in an Appointment, which may include a stipend commensurate with services for health insurance premiums following a period of service as a Port officer or employee. In no event shall any stipend exceed reimbursement for expenses, reasonable benefits or a nominal fee.

20.1.9 The Commission authorizes the port CEO to take all action consistent herewith.



# PORT OF KENNEWICK

## CEO PROCEDURES, STAFF HANDBOOK, AND ACKNOWLEDGEMENT

Adopted by the CEO on January 1, 2016  
Updated on February 4, 2025  
**Updated further on June 9, 2026**

Adopted January 1, 2016

To carry out the Commission-approved Chief Executive Officer’s (hereinafter referred to as “CEO”) delegation of authority, the CEO adopts the procedures and staff handbook necessary for the efficient and proper management of Port operations, as follows:

<b>PART 1.0</b>	<b>CEO PROCEDURES .....</b>	<b>3</b>
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# PORT OF KENNEWICK

## BUDGET, FINANCIAL, AND OPERATIONAL PHILOSOPHY


### PART 1.0

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### **PART 1.0      CEO PROCEDURES**


To carry out the Commission-approved CEO delegation of authority, the CEO adopts procedures necessary for the efficient and proper management of the Port operations.

	<b>PORT OF KENNEWICK</b>	
	<b>BUDGET, FINANCIAL, AND OPERATIONAL PHILOSOPHY</b>	<b>SUBPART 1.1</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.1 BUDGET, FINANCIAL, AND OPERATIONAL PHILOSOPHY**

All employees shall follow the Commission-approved Budget, Financial, and Operational Philosophy.

**See Port Commission Policies and Procedures Policy.**

	<b>PORT OF KENNEWICK</b>	
	<b>FRAUD PREVENTION AND ETHICS</b>	<b>SUBPART 1.2</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

## 1.2 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 to the Port’s Chief Financial Officer (hereinafter referred to as “CFO”).

All Port employees shall fully and timely cooperate with any internal or external investigations that may be pursued.

Any Port employee who violates this procedure shall be subject to disciplinary action up to and including termination.

### 1.2.1 Purpose

- 1.2.1.1 To ensure proper stewardship over public funds and assets, and provide timely and proper handling of any known or suspected loss of such funds or assets, fraud or any illegal activity.
- 1.2.1.2 To comply with RCW 43.09.185, that requires State agencies and local governments to immediately report any known or suspected loss of public funds or assets, or other illegal activity, to the State Auditor’s Office (SAO).
- 1.2.1.3 To establish clear expectations and ensure consistent and timely action by the Port.
- 1.2.1.4 To ensure that losses are minimized; investigations and audits are not hampered; improper settlements are not made with employees; incorrect personnel actions are not taken; employees are protected from false accusations; and bond claims are not jeopardized.

### 1.2.2 Reporting Fraud or Suspected Fraud

- 1.2.2.1 Irregularities that reasonably lead a Port employee to suspect a loss of Port funds or assets due to misappropriation or fraud, must be reported. This includes all suspected losses, including those that have occurred in the past but only recently become apparent.
- 1.2.2.2 All suspected and known losses shall be reported as follows:
  - 1.2.2.2.1 SAO provides guidelines on reporting fraud. If fraud has occurred or is suspected, employee must notify the Port CFO immediately to prevent ongoing fraud.
  - 1.2.2.2.2 CFO will review the claims and determine if fraud has occurred or is suspected and report to the CEO. CFO will report to SAO as consistent with SAO guidelines for reporting.
  - 1.2.2.2.3 Consistent with SAO guidelines, the following are not considered losses reportable. However, those in leadership positions for the related operations are responsible to monitor such activities for unreasonable irregularities and take action in accordance with this policy as necessary.

1.2.2.2.4 Normal and reasonable “over and short” situations from cash receipting operations. These transactions are to be recorded in the accounting system as miscellaneous income and expense, respectively, and monitored by cashier for any unusual trends.

1.2.2.2.5 Reasonable inventory shortages identified during a physical count. These inventory adjustments are to be recorded in the accounting system and monitored accordingly.

1.2.2.3 For any irregularity determined to be a loss of funds or assets due to misappropriation or fraud, no restitution or repayment agreement with an employee shall be entered into without guidance from Port Attorney, an audit conducted to establish the amount of loss, and prior approval from the SAO and State Attorney General’s Office. State law requires written approval of the State Auditor and Attorney General before State agencies and local governments can make any restitution agreement, compromise or settlement of loss claims related to a misappropriation or fraud.

### 1.2.3 Fraud Response Committee

The Port’s Fraud Response Committee is comprised of the CEO, Port Attorney, and CFO. If any member of the Committee has or reasonably believes they may have a conflict with any matter, they shall immediately recuse themselves from any further participation in that matter.

The CEO and CFO shall make preliminary inquiries and review relevant documents for the purpose of determining whether cause exists to pursue the matter further. The CEO may also request the Port attorney to review or contract out for an audit.

The CFO will draft a written recommendation that the matter be pursued further or that the matter should be closed for lack of substantiation.

The CFO shall forward his or her recommendation to the CEO and the CEO will, thereafter, convene a meeting of the Fraud Response Committee.

The Fraud Response Committee shall review the recommendation and the Committee will determine whether further action is appropriate.

If the Fraud Response Committee determines that further action is necessary, the Committee will determine the appropriate next steps including establishing the scope of the inquiry and determining whether in-house resources or outside consultants should be used to conduct the review.

The Internal Auditor, or retained consultant as determined by the Fraud Response Committee, shall conduct an investigation to gather the facts, determine the nature of the irregularity, and inform the Fraud Response Committee.

At the point it is suspected or known that a loss of public funds or assets, fraud or any illegal activity has occurred, the CFO shall immediately notify the SAO in accordance with RCW 43.09.185.

The Fraud Response Committee shall determine the appropriate next steps for action, based on the Internal Auditor’s or retained consultant’s assessment and recommendations. This may include involving appropriate law enforcement, as well as recommending appropriate disciplinary action.

The CFO shall notify the Port Insurance Company of all known or suspected instances of fraudulent activity. The Port Insurance Company, in coordination with Port Attorney, shall determine whether to file a claim against the applicable insurance policy.

Any Port employee in possession of or responsible for relevant financial, operational and all other records shall protect them from loss or destruction, and all original records related to the loss shall be secured in a safe place until a full audit/investigation has been completed.


1.2.4 Employee Conduct

At minimum, Port employees shall:

- 1.2.4.1 Conduct themselves with the utmost integrity and professionalism.
- 1.2.4.2 Contribute to the Port having a work environment of fraud awareness, zero tolerance for fraud, and immediate reporting of any suspected losses, fraud or other illegal activity.
- 1.2.4.3 Fully comply with this procedure and avoid any actions that may impede, an audit or investigation.

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For further information contact: Port CFO.

	<b>PORT OF KENNEWICK</b>	
	<b>LEASE OF REAL AND PERSONAL PROPERTY</b>	<b>SUBPART 1.3</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.3 LEASE OF REAL AND PERSONAL PROPERTY**

The CEO delegates the following authority in order to improve efficiencies:

1.3.1 General Leases

The Deputy CEO may sign all general property leases as so long as they do not exceed \$5,000 per month (excluding LET, utilities, and other ancillary items).

1.3.2 Marine Division Lease

The Deputy CEO may sign all Marine Division leases (i.e. Marina, Haul Out, Boat Yard) as so long as the Marine Division leases are in the Port’s standardized format and at the Commission-approved lease rates.

**See CEO’s Delegation of Authority Policy.**



# PORT OF KENNEWICK

## REAL PROPERTY PURCHASES AND SALES

### SUBPART 1.4

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 1.4 REAL PROPERTY PURCHASES AND SALES

See CEO's Delegation of Authority Policy.



# PORT OF KENNEWICK

## CONTRACTS FOR PERFORMANCE OF WORK

## SUBPART 1.5

Adopted by the CEO on January 1, 2016  
Updated on February 4, 2025

Adopted January 1, 2016

### 1.5 CONTRACTS FOR PERFORMANCE OF WORK

- 1.5.1 The CEO delegates the following authority:
- 1.5.2 Contract Manager may execute on the CEO's behalf, contracts for performance of work and change orders that do not exceed \$5,000 as long as all laws, regulations, policies, and procedures have been met and the amount is within the Port approved budget.
- 1.5.3 Deputy CEO may execute on the CEO's behalf, contracts for performance of work and change orders that do not exceed \$50,000 as long as all laws, regulations, policies, and procedures have been met and the amount is within the Port approved budget. Deputy CEO may not sign contracts or change orders initiated by the Deputy CEO.
- 1.5.4 Contracts over \$50,000 require CEO's signature or Commission approval if over CEO's delegation of authority.
  - 1.5.4.1 A Contract Manager acting within the approved department budget is authorized to negotiate for performance of work as necessary to perform their assigned functions and responsibilities as so long as the employee ensures they follow all laws, regulations, policies, procedures, proper contract routing, audit, and approval process.
  - 1.5.4.2 In order to assure continued public trust, employees must conduct themselves in a manner that avoids any actual or perceived conflict of interest between the Port of Kennewick and organizations other than Port of Kennewick with which the individual is associated. Procurement will be fair and impartial.
  - 1.5.4.3 No employee will participate in any procurement activity when they are aware of an actual or potential conflict of interest. No employee will accept gifts or gratuities in connection with an expenditure.
  - 1.5.4.4 Procurement of goods and services will provide the Port with the highest level of quality at the lowest possible price. Purchases will be made within budget limits, goals and objectives of the Port.
  - 1.5.4.5 Every effort will be made to use products made from recycled materials if such products are available, of acceptable quality, and generally priced the same as similar, non-recycled products.
  - 1.5.4.6 The Port of Kennewick may acquire surplus property from another government without the use of bids in accordance with RCW 39.33.010.
- 1.5.5 Small Works Projects
  - 1.5.5.1 Small works process is used to prepare, review, and approve public works projects that are not considered ordinary maintenance (e.g. construction, repair, and alteration projects) of \$350,000 or less excluding sales tax, however, the \$350,000 bid limit does include freight, handling, and other costs associated with the bid.
  - 1.5.5.2 The term "public work" shall include all work, construction, alteration, repair, or improvement.

- 1.5.5.3 An employee who is the contract manager must not break any public works project into smaller units in an attempt to avoid formal sealed bid process.
- 1.5.5.4 Small Works Roster
  - 1.5.5.4.1 Employees who are the project contract manager must use the “Small Works Roster” to perform small works bid invites on Port projects \$350,000 or less excluding sales tax, unless a formal sealed bid process was used.
  - 1.5.5.4.2 Employees who are the project contract manager must ensure the “Small Works Roster” contractors are properly licensed or registered to perform public works in the State of Washington before any contract is awarded.
  - 1.5.5.4.3 The Port Records Manager will maintain a “small works roster” pursuant to RCW 39.04.151 for construction contracts up to \$350,000 and retain the “small works roster” by the various categories of anticipated public works.
  - 1.5.5.4.4 The Small Works Roster will be advertised annually in a newspaper of general circulation in order to enhance outreach to small and minority/disadvantaged firms. The Roster will also be referenced on the Port website, with instructions on how to apply for listing on the Roster.
  - 1.5.5.4.5 Contractors may contact the Port with a request to be included on the Small Works Roster. Contractor names may be added to the Small Works Roster at any time throughout the year.
  - 1.5.5.4.6 The Port will maintain the Small Works Roster application packet on the Port’s website. Samples of all applicable forms (Performance/Payment Bond, Indemnification Certificate, Insurance Requirements, etc.) may also be included in the packet.
  - 1.5.5.4.7 When contractors submit completed forms, they will be required to include their current Washington State Contractors License, IRS W-9, and provide the contractor’s Washington State UBI number.
  - 1.5.5.4.8 The Records Manager may refresh the small works roster no sooner than every two years.
  - 1.5.5.4.9 The Records Manager or designee will be responsible for approving applications and adding eligible contractor names to the Small Works Roster.
- 1.5.5.5 Bid Invite
  - 1.5.5.5.1 Bid Invites shall be secured via written proposal, or electronic proposal from contractors listed on the Small Works Roster to assure that a competitive price is established and to ensure the award of contracts to the lowest responsive bidder. Documentation of the invite and bid shall be retained in file. Electronic quotes may be received for projects under \$50,000 and documentation of the electronic quotes shall include the name of contractor, date invited, quote received, any other information regarding the quote. Documentation shall be kept in the file to determine that all contractors were invited on the small works roster. Projects over \$50,000 but under \$350,000 shall be performed by written or electronic invites. Documentation shall be maintained in the file listing who was invited to bid confirming that all who were invited to bid are on the Small Works Roster.
  - 1.5.5.5.2 Invitations for bids shall include a general overview of the scope and nature of the work to be performed as well as special materials and equipment to be furnished. However, detailed plans and specifications need not be included in the bid invite.

- 1.5.5.5.3 The Port of Kennewick shall ensure that bid solicitation does not favor certain contractors on the Small Works Roster over other contractors on the Small Works Roster who perform similar services.
- 1.5.5.5.4 Award shall be made to the lowest and most responsive bidder. However, all quotes may be rejected based on bids exceeding Port's estimates or inability of the bidder to meet the requirements of the bid, and or no responsive bidders. Rejection shall be determined by the CEO.
- 1.5.5.5.5 After the award, the employee responsible for the bid project shall record bids received and open the bids to public inspection and make available to the public. A contract awarded from the Small Works Roster under this policy does not need to be advertised.

1.5.5.6 Performance, Payment Bonds and Retainage

- 1.5.5.6.1 In order to encourage participation by small and disadvantaged firms, the following shall be employed with respect to performance and payment bonds required by RCW 39.08.010.
- 1.5.5.6.2 *Projects under \$150,000*, including all applicable taxes and fees, require performance or payment bond; however, at the option of the contractor, the contractor can waive the performance and payment bond and opt to have 10% retainage withheld. This must be done at the time the contract is entered into and the contractor must fill out a "Declaration of Option for Performance Bond or Additional Retainage". Projects under \$5,000 have no requirements for retainage or performance bonds.
- 1.5.5.6.3 *Projects greater than \$150,000* require a payment and performance and surety bond.

1.5.5.7 Prevailing Wage

Contractors working for the Port of Kennewick are required to comply with the Washington State Prevailing Wage Act. Before a contractor can be awarded a contract they must comply with the following:

- 1.5.5.7.1 Contractor must include a statement that the laborers, workers, and/or mechanics will not be paid less than the specified hourly minimum rate of wage.
- 1.5.5.7.2 Contractor must include their Washington State Contractor's License number and their Federal Identification Number in their proposal.

1.5.5.8 Department of Revenue, Employment Security, and L&I

No retainage shall be processed until receipt of the "L&I Release", DOR, and Employment Security has been received. It is the responsibility of the employee who is in charge of the bid project to notify the CFO when this document has been received.

For projects over \$35,000 and after completion date of the bid project, the employee responsible for the project is required to fill out the "Notice of Completion" promptly after the completion date has been declared.

- 1.5.5.8.1 The employee responsible for the project is required to fill out the "Notice of Completion" promptly after the completion date has been declared. No retainage shall be processed until receipt of the "Department of Revenue Release". It is the responsibility of the employee who is in charge of the bid project to notify the CFO when this document has been received.

- 1.5.5.8.2 The Department of Revenue forwards the “Notice of Completion” to the Employment Security Department. No retainage shall be released until receipt of the “Employment Security Release”. It is the responsibility of the employee who is in charge of the bid project to notify the CFO when this document has been received.
- 1.5.5.9 Payment
  - 1.5.5.9.1 Payments will be made as promptly as practicable, however no later than 60 days following the completion date if all necessary documents have been received, including the final retainage invoice from the contractor. Ensuring proper notification to the CFO on the completion date, all necessary documents are received, that no liens have been filed and that the 45 day period has lapsed is the responsibility of the employee who is responsible for the project. Final completion date must be declared by the employee responsible for the project.
  - 1.5.5.9.2 Contractors and subcontractors shall be required to provide the Port the L&I approved Statement of Intent to Pay Prevailing Wages before any payment will be processed and the L&I-approved Affidavit of Wages Paid before final payment will be processed. It is the responsibility of the employee who is in charge of the bid project to notify the CFO when these documents have been received.
  - 1.5.5.9.3 Contractors shall be required to include a properly documented invoice that contains the description of work performed, the amount of payment requested, and list of subcontractors used during payment period.
- 1.5.5.10 Insurance: See Insurance Procedure at Subpart 1.18.
- 1.5.5.11 Small Works Roster History Log
 

Awards for work done via the Small Works Roster will be maintained by the Port of Kennewick Senior Accountant. The Senior Accountant will create and retain a Small Works Roster History Log that contains the name of the awarded contractor, the amount of the contract, a brief description of the type of work performed, whether the contract was awarded to a women or minority own business, and the date the contract was awarded. The Log will be available for public inspection upon request.
- 1.5.5.12 Contract Language
 

Contractors must have a valid UBI number and the Port shall keep this in the contractors file. Contractors must also have industrial insurance coverage as required in Title 51 RCW; employment security number as required in Title 50 RCW; State Excise Tax registration number as required in Title 82 RCW; electrical contractors license if required by Chapter 19.28 RCW, elevator contracts license if required by Chapter 70.87 RCW and not disqualified from bidding on any public works contract under RCW 39.06 or 39.12.065(3). Employee in charge of the bid project must ensure this verification is met.

  - 1.5.5.12.1 Contract must include language that requires the contractor to verify responsibility of their subcontractors and lower tier subcontracts as stated above.
- 1.5.5.13 Exemptions to Competitive Bidding
  - 1.5.5.13.1 Pursuant to RCW 53.08.120, small works projects estimated to be less than \$40,000 are not required to be formally bid due to the cost/benefit to the Port. The estimated cost shall include the total cost of a project, and does not permit the division of work into multiple projects to avoid calling for formal bids.

The project manager shall make their best effort to reach out to qualified contractors, including certified minority and woman-owned contractors.

#### 1.5.5.14 On-Call/Unit Based Contracting

1.5.5.14.1 The Port is authorized to use “On-Call” contracting for small works projects so long as RCW 53.08.120 is followed.

##### 1.5.5.14.2 Solicitation

1.5.5.14.2.1 On-Call contracts will be issued as a request for bid under the small works process.

1.5.5.14.2.2 The request for bid will contain fixed pricing, either by unit price or time and materials plus markup.

1.5.5.14.2.3 A bid tabulation will be generated. Bids may be evaluated using a mock project or other evaluation process determined by the project manager.

1.5.5.14.2.4 The bid invite must include the estimated quantities of the anticipated work and specify how the Port will issue work orders to the Contractor.

1.5.5.14.2.5 Contract must be awarded to the lowest responsible bidder in accordance with RCW 39.04.010.

1.5.5.14.2.6 If possible, the contract manager must invite at least one proposal from a minority or woman contractor.

##### 1.5.5.14.3 Contracts

1.5.5.14.3.1 On-Call contracts shall use the approved standardized Port contract, and follow the standard contract workflow process.

1.5.5.14.3.2 Contract must be executed for an initial term not to exceed three years, with the option of extending the contract for one additional year if agreed by both parties.

##### 1.5.5.14.4 Issuing Work Orders

1.5.5.14.4.1 The contract manager will develop a scope of work and prepare an estimated cost for the work order.

1.5.5.14.4.2 The contract manager will ask the contractor to review the scope of work and prepare a cost estimate.

1.5.5.14.4.3 The contract manager must complete work order on currently approved form and submit to the accounting department for the contract workflow and approval.

1.5.5.14.4.4 Contractor shall not commence work until work order has been approved by the Port.

##### 1.5.5.14.5 Completing the Work

1.5.5.14.5.1 Contract manager must inform accounting department when work is “accepted” for processing payment.

##### 1.5.5.14.6 Prevailing Wages, Notice of Completion, Retainage

1.5.5.14.6.1 Intents to pay prevailing wages will be filed at the beginning of each contract year.

1.5.5.14.6.2 Prevailing wage rates for each work order must be the prevailing wage rate in effect at the beginning date of each contract year.

1.5.5.14.6.3 Prevailing wage rates shall be updated annually in the contract.

1.5.5.14.6.4 Affidavits of wages paid will be filed at the completion of each work order.

1.5.5.14.6.5 Contractors must submit subcontractor disclosure affidavit.

1.5.5.14.6.5.1 If subcontractors were used for the project, subcontractor must file intents and affidavits with each work order.

1.5.5.14.6.6 The Port may accept the alternate filing process and use the combined intent/affidavit form for contracts up to \$5,000 (including tax).

1.5.5.14.6.7 If the work order is over \$35,000, contract manager must file Notice of Completion with Department of Revenue, Department of Labor and Industries, and the Employment Security Department.

1.5.5.14.6.6.1 Retainage will be released upon receipt of lien releases from state agencies if work order is greater than \$35,000.

## 1.5.6 Formal Sealed Bids

Public works projects costing more than \$350,000 shall be awarded by a public bidding process.

1.5.6.1 Port Commission may authorize formal sealed bid projects individually, within the Port's approved work plan, or budget.

After Commission authorization, the requesting Port project manager will publish the Call for Bids in the official newspaper or a newspaper of general circulation most likely to bring responsive bids, at least 13 days prior to bid submittal deadline.

1.5.6.1.1 Notice (or advertisement) for bids should contain definite specifications and procedures for bidders to use to estimate their bids. At a minimum, a bid notice for public work should include: project title, nature and scope of work, where contract documents (plans and specifications) can be reviewed or obtained, cost to obtain a set of contract documents, place, date, and time that bids are due, statement that a bid bond must accompany the bid, and a statement that the Port retains the right to reject any and all bids and to waive minor irregularities in the bidding process. In addition, providing evaluation criteria; minimum qualifications; date, time, and location of pre-bid conference (if applicable); name, address, and telephone number of the project contact; and number of required copies will help bidders prepare responsive submittals.

1.5.6.2 Bid Opening.

Bids are submitted to the employee responsible for managing the project or consultant hired, where they are time and date stamped and processed. Bids are not to be opened until the scheduled bid opening time in a public manner.

1.5.6.3 Commission Approval

The Port staff will make a recommendation for final bid award. If, in the opinion of the Commission, all bids are unsatisfactory, they may reject all of them and re-advertise, and in such case all bid deposits shall be returned to the bidders.

1.5.6.4 Bid Bond

After the bid is awarded, all bid deposits, except for the successful bidder, shall be returned to the bidders. The successful bidder's bid deposit will be retained until contract is entered into.

1.5.6.5 Payment and Performance Bond

Upon signing the contract and before bid deposit is returned to the successful bidder, a payment and performance bond must be obtained in the full amount of the contract.

1.5.6.6 Failure to Enter Into Contract

If the bidder fails to enter into the contract in accordance with his or her bid and furnish a performance bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or money order and the amount thereof shall be forfeited to the Port or the Port shall recover the amount of the surety bid bond.

1.5.6.7 Low Bidder Who Claims Error

A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

1.5.6.8 Subcontractors

RCW 39.30.060 requires on contracts expected to cost over \$1,000,000 that subcontractors' names be submitted as part of the bid or within one hour after the published bid submittal time. When a bidder is successfully awarded the contract, he or she is obligated to use the subcontractors named on the list. Failure to name such subcontractors renders the general contractor's bid as non-responsive and void.

1.5.6.9 Insurance: See Insurance Procedure at Part 1.18.

The following shall apply to bid solicitations:

1.5.6.9.1 Selection of a winning offer is based primarily on the lowest responsive bid. Quality and expertise, however, are a consideration.

1.5.6.9.2 To ensure consistency and fair process, the Port will use standard forms, documents, contracts, and terms and conditions, when practical. The Port will use an evaluation selection committee to promote an open, proper selection. The requesting department director will appoint committee members to act in an advisory capacity.

1.5.6.9.3 Minimum qualifications are stated to ensure respondents are reasonably qualified. Minimum qualifications cannot be used to eliminate qualified offeror(s). Minimum qualifications should be tested against the marketplace to ensure they are not overly restrictive.

1.5.6.9.4 When practical, the Port will conduct a pre-bid conference to allow a thorough discussion of the Port's intent, scope, specifications, and terms. Interested companies should be encouraged to attend.

#### 1.5.6.10 Apprenticeship Utilization Requirements

Public works projects must comply RCW 39.04.300-320, assuring apprenticeship utilization requirements for all projects that apply. The Port contract manager must review and approve the apprenticeship utilization plans submitted by contractors. The contract manager is also responsible for receiving/processing any requests from the contractor for “good faith efforts”. The Port will offer a \$1,000 incentive to a contractor as a monetary incentive for using 15% apprenticeship hours, payable on the final payment application. The Port will also assess a \$1,000 penalty for not meeting the 15% hours threshold, which would be deducted from their final payment application.

#### 1.5.7 Exemptions to Competitive Bidding

1.5.7.1 For purposes of this Policy “emergency” is defined as unforeseen circumstances beyond the control of the Port of Kennewick that either:

1.5.7.1.1 Present a real and immediate threat to the proper performance of essential functions; or

1.5.7.1.2 Will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

1.5.7.2 Competitive bidding requirements may be waived by the CEO for any one of the following conditions:

1.5.7.2.1 Purchases that are clearly and legitimately limited to a single source of supply (sole source procurement);

1.5.7.2.2 Purchases involving special facilities or market conditions;

1.5.7.2.3 Purchases and public works in the event of an emergency;

1.5.7.3 Emergency

1.5.7.3.1 If an emergency exists, the CEO may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the Port of Kennewick to address the emergency conditions. Emergencies must be filed with the Commission and made available for public inspection within fourteen (14) working days following the commencement of work or execution of the contract, whichever occurs first. For non-architectural & non-engineering services, emergencies must be filed with the Commission within seven (7) working days following commencement of work and made available for public inspection.

1.5.7.3.2 For purpose of defining filing an emergency with the Commission and available for public inspection, this will be conducted at the regularly scheduled Commission meetings. In the event the emergency will not meet the required legal deadline on a regular scheduled Commission meeting, the CEO will e-mail or direct staff to email all Commissioners the emergency and the emergency conditions. CEO or staff at the direction of the CEO, will further post the emergency and emergency conditions on the Port’s website for public inspection. The CEO will add the emergency and emergency conditions at the next available Commission meeting.

1.5.7.4 If a contract is awarded without competitive bidding as authorized by this Policy, a written finding of the existence of an emergency or basis for exemption must be made and entered into record no later than two weeks following the award of the contract. The written determination shall be maintained in the contract file.

- 1.5.7.5 Sole Source Procurement. If, after conducting a good faith review of available resources, the requesting department director determines that there is only one source of the required materials, supplies, or equipment, a purchase contract may be awarded without complying with established bid requirements. The requesting department director will submit a written request for sole source procurement to the CEO and CFO for approval, and contract price, terms, and delivery negotiations, as appropriate. The vendor must certify that the Port is getting the lowest offered price. Sole source contracts shall be filed with the Commission and made available to the public before any work is commenced. Documentation shall include justification and shall include evidence (if applicable) that the Port attempted to identify potential other sources.
- 1.5.7.6 Special Facilities or Market Conditions
  - 1.5.7.6.1 The CEO and/or Commission will consider waiving established bidding requirements if an opportunity arises to purchase favorably-priced equipment at an auction, or supplies or used goods that will be sold before the Port can conduct the bid process.
  - 1.5.7.6.2 For exemptions due to special facilities or market conditions, the contract and/or purchase order and the basis for exemption shall be recorded and made public following award. Public awareness will normally be accomplished through the Port of Kennewick Commission meeting.
- 1.5.7.7 All contract and/or purchase order information including the basis for exemption shall be maintained by the Port of Kennewick, Records Manager.
- 1.5.8 Other Bidding Information
  - 1.5.8.1 Non-Responsive Bidder. The bid documents shall include a definition of non-responsive bidder and the CEO shall determine if the bidder is non-responsible after reviewing staff or bid committee's recommendation. A non-responsive bidder is defined as the following:
    - 1.5.8.1.1 Delivery of commodities or equipment that do not comply with the specifications and standards of the vendors contract with the Port;
    - 1.5.8.1.2 Failure to make delivery within the time specified in the contract order;
    - 1.5.8.1.3 Failure to keep offer firm for the length of time specified by the bidder in their bid;
    - 1.5.8.1.4 Failure to provide documents such as performance bonds, bid bonds, or payment bonds required prior to awarding of contracts, references when requested or poor reference checks, and other documents requested which would facilitate the Ports review of the contractor/bidder;
    - 1.5.8.1.5 Collusion with other bidders or prospective bidders to restrain competitive bidding;
    - 1.5.8.1.6 Giving information in an application for inclusion on a bidder's list that is later found to be false or materially misleading;
    - 1.5.8.1.7 Any substitution of any article even though of the same quality without first securing the consent of the Port of Kennewick;
    - 1.5.8.1.8 Bankruptcy or other evidence of insolvency of the bidder.
    - 1.5.8.1.9 Any other facts causing substantial doubt as to whether the bidder will continue to be a responsive bidder who can be relied upon to fulfill their obligations under any contract awarded to them;

- 1.5.8.1.10 Contractor performed work for the Port within the last five years, which was deemed unsatisfactory as evidenced by the Port contracting with another firm to correct the deficient work after the contractor was given the opportunity to correct the deficiency. A credit or refund to the Port for unsatisfactory work shall not remove the contractor from the bid;
  - 1.5.8.1.11 Contractors who have failed to provide in a timely manner or provide deficient documentation in relation to a contract awarded by the Port within the last five years;
  - 1.5.8.1.12 Work performed by the contractor within the last ten years, which resulted in judgment in favor of the Port, regardless of which party initiated the legal action;
  - 1.5.8.1.13 Non-compliance or consistent difficulty complying with the Prevailing Wage regulations;
  - 1.5.8.1.14 Lack of current contractor licenses or Labor and Industry accounts;
  - 1.5.8.1.15 Other items as allowable or required by law.
- 1.5.8.2 In the event a bidder receives notice that they have been determined to be a “non-responsive bidder”, bidder may submit in writing a complete explanation of the circumstances which caused the determination order or that necessary corrective action has been taken and request that the determination be modified or rescinded in its entirety. A responsive bidder is one who submits a responsible bid, and who has furnished, when required, information and data to prove that their financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery for materials or services.

#### 1.5.9 Ordinary Maintenance

- 1.5.9.1 Ordinary maintenance services are not subject to bid laws but are subject to prevailing wages laws (with a few exceptions as determined by L&I).
- 1.5.9.2 Ordinary maintenance includes ordinary maintenance that is performed on a regularly scheduled basis (not less frequently than once per year), servicing, checking or replacing items that are not broken, or other work that is required to maintain the asset so that a repair does not become necessary, as well as replacing items that can be expected to fail on a regular basis.
- 1.5.9.3 The Port project manager must follow the applicable prevailing wages laws when contracting out for ordinary maintenance services.
- 1.5.9.4 Amounts typically \$5,000 and under are generally considered ordinary maintenance, therefore, the Port will treat amounts \$5,000 and under as a vendor or purchased service subject to prevailing wages. No quotes are necessary as the cost to receive more than one quotes outweighs the benefit.
- 1.5.9.5 More than one quote is encouraged but not necessary if less than \$50,000 and the project manager reasonably deems there would be more cost versus benefit to the Port.



# PORT OF KENNEWICK

## PERFORMANCE OF WORK BY PORT CREWS


### SUBPART 1.6

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 1.6 PERFORMANCE OF WORK BY PORT CREWS

See CEO's Delegation of Authority Policy.

	<b>PORT OF KENNEWICK</b>	
	<b>ACQUISITION OF MATERIAL, EQUIPMENT, AND SUPPLIES</b>	<b>SUBPART 1.7</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016


**1.7 ACQUISITION OF MATERIAL, EQUIPMENT, AND SUPPLIES**

1.7.1 Purchasing Parameters

- 1.7.1.1 Purchases performed by written contract must follow proper contract routing procedures. Vendor purchase (e.g. ads, office supplies, etc. generally do not require a contract therefore use the below parameters).
- 1.7.1.2 Purchases up to \$200,000 (including applicable sales tax, freight, and handling and set up cost) may be made by the department director or designee so long as all laws, regulations, policies, procedures, contract routing, review, and approval processes are met. The purchaser shall ensure that the purchase does not exceed the approved budget for the item unless the purchase is properly approved by the CEO, the CFO in absent of the CEO, or the Commission if over CEO’s delegation of authority.
- 1.7.1.3 Purchases greater than \$200,000 (including applicable sales tax, freight, and handling and set up cost) shall require approval by the Port Commission.
- 1.7.1.4 Purchases greater than \$300,000 (including applicable sales tax, freight, handling and set up cost) shall be formal sealed bid process.

1.7.2 Receiving Freight

- 1.7.2.1 It is the responsibility of the individual who signs for carrier’s delivery receipt to properly receive all cartons they are signing for.
- 1.7.2.2 Anyone who signs for receipt of goods acknowledges that all the items were received and verifies the items are not damaged before acceptance. Packing slips, if available, must be given to accounting department immediately after signing. In the event of damaged items, notate the damage on the packing slip and take pictures. Notify the vendor immediately for replacement of the items or reject the order at the time of delivery.

	<b>PORT OF KENNEWICK</b>	
	<b>CONTRACTS FOR PROFESSIONAL AND PERSONAL SERVICES</b>	<b>SUBPART 1.8</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.8 CONTRACTS FOR PROFESSIONAL AND PERSONAL SERVICES**

**1.8.1 Non-Architectural and Non-Engineering Services (Non A&E)**

Professional, personal, technical or purchased services include but are not limited to disciplines such as aerial mapping, analysis and assessments of processes, economic analysis and consultation, computer programmers, financial services, grant writing, management consulting, strategic planning, training, medical services, bond counsels, artists, planners, real estate appraisers or any services provided by a vendor to accomplish routine, continuing and necessary functions.

1.8.1.1 Purchase of the above services must follow proper contract review procedures and applicable checklist.

1.8.1.2 Port employees will use the standardized contract when feasible. If not standardized, employees must follow proper contract review procedures.

1.8.1.3 Obtaining quotes for contracts under \$50,000 from more than one vendor is highly recommended but not required as the time obtaining quotes may be more costly to the Port.

1.8.1.4 The Port Commission must approve service contracts in excess of \$200,000. Amounts above \$100,000 but less than \$200,000 are subjected to competitive bid requirements where more than one vendor/consultant shall be invited to bid. Contracts in excess of \$200,000 require a request for proposal process and needs to be advertised or published on the Port website or other website that has high circulation. Contracts over \$50,000 must have proper documentation showing the Port employee made attempts to identify potential consultants for inviting to bid on Port projects.

1.8.1.5 Prior experience with the Port and/or like services, timeframe for completing projects, and the value of a negotiated agreement (versus the procurement process authorized for securing architectural/engineering services in RCW 39.80 and/or RCW 39.26) will be considered when choosing a consultant/firm/vendor to perform professional, technical, personal or purchased services, as defined in this section.

1.8.1.6 Regardless of amount, contract amendments over 50% of the value of the original contract must be approved by the Commission and made available for open inspection.

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

1.8.1.8 Regardless of amount, substantial changes, or additions to the scope of work or services to be performed are required to be presented to the Commission. Substantial change to scope is defined when the original scope was changed or altered to add a completely different project or service, in which would need a separate contract. Additions to scope is defined as any additions to the original scope that do not alter or change the original scope and would add 50% or more to the original contract price.


**1.8.2 Architectural and Engineering Services (A&E)**

Procurement of A/E services will be in accordance with RCW 39.80. 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).

1.8.2.1 Purchase of the above A&E services requires completion of a Port standardized contract or if not standardized, must follow proper contract review procedures.

1.8.2.2 The Port Commission must approve A/E service contracts in excess of \$200,000.

	<b>PORT OF KENNEWICK</b>	
	<b>CONTRACT ROUTING</b>	<b>SUBPART 1.9</b>
	Adopted by the CEO on January 1, 2016 Updated on October 12, 2023	Adopted January 1, 2016

## 1.9 CONTRACT ROUTING

### 1.9.1 Authority To Complete Contracts

#### 1.9.1.1 PSA's and Non-Marina Leases

1.9.1.1.1 The Director of Operations & Real Estate: will compile, complete, follow appropriate policy and procedures including all applicable checklists, and submit all purchase and sale agreements (PSA) and non-marina lease agreements for approval.

1.9.1.1.2 Employees: when authorized by the CEO can negotiate transactions on PSA's and non-marina leases so long as the employee keeps the Director of Operations & Real Estate involved in the process and the CEO and CFO/Auditor informed on pertinent information or changes to negotiations early in the process in order to avoid surprises or delays in the contracting process.

1.9.1.2 Marina Leases. Employees who oversee the Marina: will compile, complete, and submit all marina leases for approval to Deputy CEO. The Deputy CEO shall not compile any leases in order to segregate duties for internal control purposes.

1.9.1.3 Non-A&E Contracts (Personal Services). Project Manager(s) who are responsible to contract on behalf of the Port for non-A&E services shall complete a personal service training as required by law before hiring.

### 1.9.2 Contract Negotiations

1.9.2.1 Any employee can negotiate contracts so long as they follow the Port's policies and procedures, including the appropriate checklist and approval process below (except PSA's and Leases described above). Employee shall keep the appropriate Director and/or supervisor informed if it involves their department or primary job duties (e.g. Director of Operations/Real Estate would be informed of status of A&E contract on marina gates).

1.9.2.2 Employees during the contract negotiating process will inform the other party that all contracts require Port review, audit, and approval (approvals require Port CFO/Auditor, CEO and/or Port Attorney and/or Port Commission). Therefore negotiations are subject to change until approval is received.

### 1.9.3 Commission Approval Process


Contracts exceeding CEO's delegation of authority require Commission approval. Project Manager shall compile the resolution and present to Commissioners. Contracts shall not be presented to the Commission until after the CFO/Auditor and Port Attorney (if required) have signed off. Furthermore, Project Manager must receive verbal approval from the CEO before placement on the agenda.

### 1.9.4 Before Awarding Contract Process

1.9.4.1 Checklist. Follow the appropriate checklist for your applicable contract (bid law compliance, A&E, emergency contract, non-A&E, ordinary maintenance, etc.). If you do not know, please ask your supervisor. If supervisor needs guidance, please ask CFO/Auditor.

1.9.4.2 The Contract.

- **All** written contracts \$5,000 or more must follow the Port of Kennewick's approved standardized contract. (Approved means approved by CEO or Commission).
- Request for deviation(s) from the standardized contract shall to be submitted in writing on the approved contract deviation form and submitted for approval with the contract (see contract routing below).

	<b>PORT OF KENNEWICK</b>	
	<b>FIXED ASSETS</b>	<b>SUBPART 1.10</b>
	Adopted by the CEO on January 1, 2016 Amended December 4, 2024	Adopted January 1, 2016

**1.10 FIXED ASSETS**


The Port’s CFO shall capitalize fixed assets in accordance with generally accepted accounting principles and use a minimum limit of \$7,500 for the capitalization threshold.

1.10.1 Generally accepted accounting principles (GAAP) require assets to be capitalized if the asset is over the capitalization threshold and increases the economic value of the asset or the usefulness of the asset.

1.10.2 Inventory


1.10.2.1 GAAP and SAO provide guidance on inventory of government assets. Inventory of Port assets (fixed and attractive) shall be performed at least once every 2 years by at least two employees.

1.10.2.2 Grants must be identified in the inventory form as required by the various grant requirements.

	<b>PORT OF KENNEWICK</b>	
	<b>SURPLUS PROPERTY</b>	<b>SUBPART 1.11</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.11 SURPLUS PROPERTY**

- 1.11.1 No employee shall surplus any Port property (or assets) without Commission approval.
- 1.11.2 Employees shall provide to the CFO a list of all property deemed surplus including the description and the asset tag (if located or applicable).
- 1.11.3 CFO will review all assets requested for surplus, compile a comprehensive listing and resolution to present to Commission for approval.
- 1.11.4 After Commission approval, the CFO will provide the approved resolution and surplus list to the proper employee for sale, recycling, removal, or disposal.
- 1.11.5 Records shall be maintained in accordance with the records management program on all assets surplus from approval to removal.

	<b>PORT OF KENNEWICK</b>	
	<b>RECORDS OFFICER</b>	<b>SUBPART 1.12</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.12 RECORDS OFFICER**


In accordance with RCW 40.14.040-070 the Port Commission appoints the Executive Assistant to the CEO as the Records Officer.

1.12.1 Records Committee

The Port Commission appoints the Special Projects Manager, Executive Assistant, and CFO as the Records Committee.

1.12.2 Procedures

The CEO has delegated to the Records Committee the development and implementation of a records management program that is consistent with applicable laws and regulations. Furthermore, the Records Committee shall train all employees on records management from time to time as deemed necessary.

	<b>PORT OF KENNEWICK</b>	
	<b>CHECKLIST</b>	<b>SUBPART 1.13</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.13 CHECKLIST**

CFO may implement necessary checklists in order to assist staff in complying with Port policies, procedures, laws, regulations, and Washington State Auditor’s Office requirements.

Employees who violate Port policies, procedures, laws, regulations, and Washington State Auditor’s Office requirements are subject to disciplinary actions.



# PORT OF KENNEWICK

## ACCOUNTS RECEIVABLE AND UNCOLLECTIBLE ACCOUNTS


### SUBPART 1.14

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 1.14 ACCOUNTS RECEIVABLE AND UNCOLLECTIBLE ACCOUNTS

- 1.14.1 The CEO delegates to the CFO the authority to set up accounts receivable, cash receipting, as well as establish processes and internal controls.
- 1.14.2 The CEO delegates to the CFO the authority to adjust or write off accounts up to \$5,000 and to recommend to the CEO a course of action for Commission approval on accounts over \$10,000.
  - 1.14.2.1 The CFO shall make reasonable efforts to collect the uncollectible account before any write off is performed.
  - 1.14.2.2 The CFO shall properly document all write offs or adjustments to accounts receivable as well as ensure the adjustments are reasonable based on Washington State Auditor's Office guidance.

	<b>PORT OF KENNEWICK</b>	
	<b>CREDIT CARDS</b>	<b>SUBPART 1.15</b>
	Adopted by the CEO on January 1, 2016 Updated May 27, 2025	Adopted January 1, 2016

**1.15 CREDIT CARDS**

- 1.15.1 Port credit cards must be paid promptly, no later than the due date of the credit card. If employee causes delay of payment, the Port will seek reimbursement from the employee for any late fees and interest incurred.
- 1.15.2 Approved cardholders using a Port credit card must review all their own credit card transactions; properly document what the expenses are and what they are for; complete, sign, and submit a fully documented purchase and acquisition report along with itemized expenses upon receipt of the billing statement. If employee cannot provide an itemized receipt the Port can seek reimbursement from employee in the event the Port Auditor deems the payment does not appear to be a valid and authorized Port expense. In the event the employee can't obtain an itemize receipt, the CFO is allowed to review the expense for reasonableness and request the employee to gather other support that would justify the expense.
- 1.15.3 The CFO or CFO's designee, must clearly record and note in the Port's accounting records the expenses resulting from the use of a Port credit card.
- 1.15.4 The CEO delegates to the CFO/Auditor to review and signing authority over all credit card transactions. Furthermore, each supervisor must review all the credit card expenses of the employees they supervise and sign the credit card purchase and acquisition report.
- 1.15.5 Port staff who is not approved cardholders may seek reimbursement in accordance with this Procedure for valid Port purchases and acquisitions made with personal credit cards.


**SUBPART 1.15  
SCHEDULE A**

**SCHEDULE OF PORT CREDIT CARDS,  
HOLDERS AND USERS, AND CREDIT LIMITS**

<b>Credit Card/Line of Credit</b>	<b>Holders/Users</b>	<b>Authorized Credit Limit</b>
Gesa	Tim Arntzen	\$5,000
Gesa	Amber Hanchette	\$5,000
Gesa	Mike Boehnke	\$5,000
Gesa	Mike Melia	\$5,000
Gesa	Bridgette Scott	\$15,000
Gesa	Kandy Yates	\$10,000
Gesa	Lisa Schumacher	\$15,000
Gesa	Tana Bader-Inglima	\$5,000
Gesa	Anthony Eleshio	\$5,000
Gesa	Ryan Bailey	\$5,000
Gesa	David Phongsu	\$5,000
Builders Hardware & Supply Co.	Mike Melia, Mike Boehnke, Amber Hanchette, Anthony Eleshio, Ryan Bailey	\$150
Autobahn	Port employees/Commissioners	\$50/month
Washington Hardware	Tim Arntzen, Mike Melia, Mike Boehnke, Amber Hanchette, Anthony Eleshio, Ryan Bailey	\$1,000

<b>Purchase Amount</b>	<b>Required Approver</b>	<b>Form of Approval</b>
Up to \$5,000	None	N/A

\* The employee purchasing using a Port credit card must ensure all purchases are within the approved budget before making the purchase.

	<b>PORT OF KENNEWICK</b>	
	<b>ADJUSTMENT AND SETTLEMENT OF CLAIMS</b>	<b>SUBPART 1.16</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.16 ADJUSTMENT AND SETTLEMENT OF CLAIMS**

See CEO's Delegation of Authority Policy.



# PORT OF KENNEWICK

## LITIGATION AND EXPERTS


## SUBPART 1.17

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

### 1.17 LITIGATION AND EXPERTS

See CEO's Delegation of Authority Policy.

	<b>PORT OF KENNEWICK</b>	
	<b>INSURANCE</b>	<b>SUBPART 1.18</b>
	Adopted by the CEO on January 1, 2016	Updated March 17, 2026

**1.18 INSURANCE**

The Port enters into a variety of agreements with tenants and contractors. These contracts vary significantly in risk exposure, operational scope, industry standards, and legal scope. Due to these differences, insurance provisions should be tailored to the specific risk associated with each agreement type rather than an across-the-board uniform policy.

Port will develop specific insurance requirements for various contract types by utilizing standardized insurance language within the Port’s standardized contracts and leases. Port staff will ensure the insurance provisions reflect the following

- Current industry standards for the applicable activity or risk exposure associated with the contract type
- Comply with legal requirements and best practices

Port staff will work with legal counsel and insurance brokers to develop and maintain standardized insurance language specific to the various contracts (e.g. marina and commercial leases, small and major works contracts, personal and A&E contracts, etc.). Any deviation from the standardized insurance language may be approved by CEO based on low-risk exposure to the Port. Standardized insurance language will be periodically reviewed and updated as necessary to reflect changes in industry practices, insurance markets, or legal requirements.

Port staff are not required to verify AM Best rating due to low risk of a rating below “A” as well as several external rating oversight agencies for insurance providers.



# PORT OF KENNEWICK

## TREASURER AND PETTY CASH ACCOUNTS


### SUBPART 1.19

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016


#### 1.19 TREASURER AND PETTY CASH ACCOUNTS

See CEO's Delegation of Authority Policy.

	<b>PORT OF KENNEWICK</b>	
	<b>ISSUANCE OF TARIFFS</b>	<b>SUBPART 1.20</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.20 ISSUANCE OF TARIFFS**

See CEO's Delegation of Authority Policy.

	<b>PORT OF KENNEWICK</b>	
	<b>TRAVEL AND VEHICLE</b>	<b>SUBPART 1.21</b>
	Adopted by the CEO on January 1, 2016 Updated on May 27, 2025	Adopted January 1, 2016

## 1.21 TRAVEL AND VEHICLE

### 1.21.1 Travel

All Port employees shall receive reimbursement or if authorized, use Port credit card assigned to the individual, for reasonable, necessary and official Port travel expenses incurred on behalf of the Port, subject to Port auditor procedures based on Washington State Auditor's Office guidance. This procedure is pursuant to the authority of RCW 42.24 and RCW 53.08.175-176. Valid travel expenses include the following reasonable, valid, and official Port expenses and the like:

- lodging,
- mileage,
- meetings,
- refreshments and meals,
- education,
- transportation (flights, train, rental car, etc.),
- Miscellaneous out of pocket travel cost not to exceed \$40 per day (e.g. dry cleaning, tips, phone, laundry, etc.),

1.21.1.1 Port will not pay for lavish travel expenses.

1.21.1.2 All travel expenses must be supported by proper receipts (itemized receipts are preferred if available) and documentation.

1.21.1.3 In lieu of actual expenses, employee may be reimbursed at a per diem rate if determined that it is more beneficial to the Port and travel efficiency. Per diem must be approved by the CEO prior to travel, and will be paid at current GSA rates.

1.21.1.4 Employees shall look to the best interest of the Port when booking travel arrangements.

1.21.1.5 Port will not pay for employee spouses.

1.21.1.6 Employees will fill out proper claim for reimbursement forms or credit card payment forms.

1.21.1.7 Employees will not travel for multiple organizations and the Port at the same time and expect reimbursement for expenses. Port will not share the cost in order to avoid potential double dipping.

1.21.1.8 Employees will attend meetings that the Port pays for or the employees will reimburse the Port for all travel cost associated with the meeting not attended.

1.21.1.9 No payments will be made to employees for commuting to and from home and work.

1.21.1.10 Official Port travel is when an employee is conducting official Port business (e.g. tenant retention, attracting potential businesses, economic development opportunities, trainings, negotiations, consulting, or anything in connection with the Port's enacted purposes identified in RCW 53).

1.21.1.11 All travel is subject to CEO's approval and must stay within Commission approved budget.

1.21.1.12 Employees & Commissioners may book airline travel in “comfort class” seating. Not the first-class cabin.

#### 1.21.2 Vehicle Allowances

The CEO will provide designated employees a taxable monthly auto allowance in exchange for the actual IRS mileage rate when private vehicles are used within Benton and Franklin Counties. The following monthly allowance, shall be provided (based on actual past history of mileage cost for the Port):

CEO:	\$850
Directors:	\$750
Other Staff:	\$400

1.21.2.1 Employees must submit proof of insurance on an annual basis to the accounting department.

1.21.2.2 Employees will not be reimbursed for fines or tickets, repairs, or other vehicle expenses.

1.21.2.3 An employee may seek reimbursement of their personal insurance deductible up to \$2,000, if the accident was proven not to be caused by the employee and was clearly a Port work related trip.

1.21.2.4 Employees can receive monthly auto cleanings up to \$50 per month by reimbursement or using the Port approved cleaning facility. Contact CFO for current Port approved cleaning facility.

1.21.2.5 All vehicle allowances are subject to Commission approved budget.

#### 1.21.3 Mileage Compensation

In the event an employee does not receive a vehicle allowance, the employee can receive mileage reimbursement at the IRS mileage rate for use of their personal vehicle for valid Port travel. All mileage reimbursement requests are subject to Port Auditor’s review before payment is approved and processed.

#### 1.21.4 Port Owned Vehicles

Port owned vehicles will be kept at the Port administration office or other locations designated by the CEO.

The maintenance employee must possess a valid Washington State Driver’s license when operating Port owned vehicles and provide a copy to the accounting department.

The maintenance employee is responsible for the payment of all fines, fees or costs as a result of any traffic or parking violations or infractions associated with the use of said vehicles.

Accidents involving Port owned vehicles shall be reported to the immediate supervisor and CFO as soon as reasonably possible and no later than forty-eight (48) hours after such accident.


#### 1.21.5 Other Valid Business Expenses

The CEO will reimburse employees for reasonable memberships, dues, subscriptions, etc. in order to carry out the employee’s duties and responsibilities. These cost include but not limited to professional trade licenses, trainings, education, Costco memberships, and subscriptions.

#### 1.21.6 Port Audit


All Port employee expenditures are subject to audit and may be denied by the Port Auditor. Employees may dispute with CEO, however, Port Auditor has authority to report any expenses that appear to be invalid or illegal to Commission for approval or denial.



	<b>PORT OF KENNEWICK</b>	
	<b>FLOWERS/RECOGNITION</b>	<b>SUBPART 1.22</b>
	Adopted by the CEO on January 1, 2016 Updated June 1, 2023	Adopted January 1, 2016

**1.22 FLOWERS/RECOGNITION**

Port staff is authorized to purchase flowers, gift baskets, or gift cards 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. funerals, birthdays, awards, tenant retention, etc.) provided that the amount does not exceed \$150 per occurrence.

	<b>PORT OF KENNEWICK</b>	
	<b>EMPLOYEE AWARDS AND CEREMONIES</b>	<b>SUBPART 1.23</b>
	Adopted by the CEO on January 1, 2016 Updated on December 4, 2024	Adopted January 1, 2016

**1.23 EMPLOYEE AWARDS AND CEREMONIES**

1.23.1 Program of Monetary Awards for Port Employees

The Port of Kennewick believes that recognition, especially among peers, is a strong motivator. Recognition of employees’ merits, cost savings and service promotes overall high morale and helps in reaching the Port’s goal of providing proficient and effective public service. All employees and volunteers of the Port of Kennewick are eligible to be included in the program. Seasonal employees and project employees are not eligible to be included in the program.

The Port of Kennewick provides awards and holds special events to recognize and publicly acknowledge the contribution of its employees and volunteers. Such events and awards emphasize Port values and achievement of organizational goals. The Port encourages recognition activities that provide employees and volunteers a meaningful experience, but would not be considered extravagant by community standards. The Port also follows the standards outlined in RCW 41.60.150, Recognition Awards, however reserves the right to set the award amount as outlined in this policy.

The Washington State Senior Assistant Attorney General James K. Pharris has written a widely published update on Article VIII, Section 7 of the state constitution in regards to employee awards, prizes and other tangible symbols of special recognition. It is Mr. Pharris’ opinion and direction that these awards are appropriate as long as a policy or procedure is established and that the awards are not simply gratuitous transfers of public funds. Mr. Pharris guidance is to create a program that **1) describes the basis on which the Port will make employee awards, 2) describes the process by which the Port will decide who is to receive such awards, 3) describes type of awards which a Port employee will be entitled if certain standards are met.**

1.23.2 Established—Participation.

The Port CEO establishes a program of awards to stimulate and reward suggestions and distinguished service of Port employees, which are of benefit to the Port. The following categories of awards are established.

1.23.2.1 Continuous Service Awards

Continuous service awards shall be available to both full and part-time employees, including management employees. Each employee completing continuous Port service in increments of five years shall receive an award not to exceed \$300.

1.23.2.2 Merit Awards


To be eligible for a merit award, the CEO must set a goal or achievement that will significantly improve the Port’s goals and objectives. These awards shall not exceed \$15,000.

CEO shall set a time frame when the goal or achievement is to be completed by and state the amount to be received if goal or achievement is accomplished in accordance with the Port’s goals and objectives established by the CEO.

CEO can also award PTO for merit awards. Each PTO award shall not exceed \$15,000.

1.23.2.3 Team Building Event/Awards Ceremony/Administration

The total annual expenditure for the provision of the team building event/awards ceremony shall not exceed \$10,000 dollars.


	<b>PORT OF KENNEWICK</b>	
	<b>WORKING MEALS</b>	<b>SUBPART 1.24</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.24 WORKING MEALS**

On occasion it is necessary for the Port to provide working meals when staff or Commissions are requested or required to work. Working meals are for valid Port purposes on a reasonable and occasional basis and include the following:

- The employee or Commissioner is required to work through lunch due to workloads or meetings; or
- The employee or Commissioner deems a working lunch would further assist teambuilding while covering valid Port business; and

All working meals are subject to Port audit. Port auditor can reasonably deny the working meals if deems the meal is not a valid Port purpose or deems the meals are excessive. Employee can appeal the Port auditor's denial to the CEO, however, Port Auditor has the authority to bring any questionable expenditures to the Commission for further approval.

	<b>PORT OF KENNEWICK</b>	
	<b>PROMOTIONAL HOSTING</b>	<b>SUBPART 1.25</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.25 PROMOTIONAL HOSTING**

The Port staff members are authorized to incur promotional expenses on behalf of the Port. The Port staff member shall ensure they meet the following before incurring any expenses on promotional hosting for the Port:

- 1.25.1 Promotional hosting expenditures do not exceed the Commission approved budget amount as required by RCW 53.36.120;
- 1.25.2 Promotional hosting expenditures do not exceed the 1% of gross operating revenues (based on up to \$2,500,000 gross operating revenues) as required by RCW 53.36.130;
- 1.25.3 Promotional hosting expenditures must meet the Washington State Auditor’s guidance provided and be explicitly related to promoting trade and industrial development. Employees must use the attached form named “TRADE, BUSINESS AND COMMUNITY DEVELOPMENT FUNDING SUPPORT FORM” to ensure compliance and proper documentation of promotional hosting expenses; and
- 1.25.4 Expenses are supported by a voucher and must be approved by the Port Auditor as required by RCW 53.36.140.
- 1.25.5 If promotional hosting expenses are not deemed valid Port promotional hosting expenses by the Port Auditor or exceeds the Port promotional hosting budget, the employee will not be reimbursed.

**TRADE, BUSINESS AND COMMUNITY DEVELOPMENT  
FUNDING SUPPORT FORM  
(PROMOTIONAL HOSTING)**

<b>EMPLOYEE/COMMISSIONER</b>	
	<b>EVENT INFORMATION</b>
Name of Event	
Type of Event	
Date of Event	
Cost	
Name of Organization or individuals or Individuals Hosted	
Reason/Purpose for Event*	A, or B, or C, or D
Business Relationship	
BUDGET REMAINING BEFORE COST OF EVENT	

**REASON FOR EVENT:** Promotional Hosting Events are in connection with business meeting, social gathering, or ceremony honoring a person or events related to authorized business promotional activities of the Port. **PROMOTIONAL HOSTING IS EXPLICITLY RELATED TO PROMOTING TRADE AND INDUSTRIAL DEVELOPMENT.** RCW 53.36.120 authorized expenditures for promotional hosting. Resolution 2001-13 further covers promotional hosting.

**\*Authorized Uses/Reason For Event Include:**

- A) Sell an individual(s) or an organization on the use, continued use or increased use of Port services, facilities or properties;
- B) Persuade individual(s) or an organization 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;
- C) Persuade individual(s) or an organization 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 best interests of the Port District;
- D) Persuade individual(s) or an organization to assist the Port in fostering the increased use of its services and facilities by improving 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.

**Authorized Hosting Individuals:**

- Anyone who is reasonably capable of influencing or controlling decisions with respect to Port related business.

**Non-Authorized Expenses:** Political purposes to attempt to influence the passage or defeat of any legislation by the legislature of any government; Conflict of interest under RCW42.23; Non-reasonable expenses rated in nature to acquiring additional business or increasing and improving the scope and efficiency of the Port operations; Obtaining a benefit from an individual or an organization which is legally, contractually or obligated to furnish benefits to the Port.




# PORT OF KENNEWICK

**SUBPART 0 Intentionally Deleted**

Adopted by the CEO on January 1, 2016  
Deleted June 9, 2026

Adopted January 1, 2016  
Deleted June 9, 2026  
(Now Commission Rules of Policies & Procedures at Section 20)

	<b>PORT OF KENNEWICK</b>	
	<b>PROGRAMS</b>	<b>SUBPART 1.26</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.26 PROGRAMS**

**Left Blank Intentionally For Future Procedures To Be Added**



# PORT OF KENNEWICK

## RULES, REGULATIONS, AND PROCEDURES


### SUBPART 1.27

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 1.27 RULES, REGULATIONS, AND PROCEDURES

**Left Blank Intentionally For Future Procedures To Be Added**

	<b>PORT OF KENNEWICK</b>	
	<b>DRONE AIRCRAFT PROCEDURE</b>	<b>SUBPART 1.29</b>
	Adopted by the CEO on March 26, 2024	Adopted March 26, 2024

**1.28 DRONE AIRCRAFT PROCEDURE**

**PORT OF KENNEWICK, WASHINGTON  
UNMANNED REMOTELY PILOTED AERIAL SYSTEMS (URPAS) or DRONES  
STANDARD OPERATING PROCEDURES**

Title. The Port of Kennewick, Washington, adopts the following Standard Operating Procedures (SOP) for Unmanned Remotely Piloted Aerial Systems (aka drones).

Purpose. This SOP provides guidance for the Port of Kennewick on the purchase, registration and safe, efficient, lawful use of Unmanned Remotely Piloted Aerial Systems (URPAS), also known as drones. URPAS or drones can be used in situations that protect life and property, save time, enhance data collection, enhance marketing of the Port’s services and detect possible dangers or liabilities that could not otherwise be observed. It is essential that privacy be respected, and to that end, every URPAS operator must make a reasonable effort to not invade a person’s reasonable expectation of privacy throughout the flight and data operations.

Definitions.

**Unmanned Remotely Piloted Aerial Systems, (commonly known as Drones)** -- an aircraft and its associated elements required for the safe and efficient use, operated without the possibility of direct human intervention from within or on the aircraft. Such URPAS are capable of sustaining direct flight whether programmed or remotely controlled. For the purposes of this SOP, such URPAS are “small unmanned aircraft” defined by the Federal Aviation Administration (FAA). Unless otherwise specified or authorized, any such systems or drones utilized will weigh less than 55 pounds on takeoff, including everything on board or otherwise attached to the aircraft in conformance with the legal definition of “small unmanned aircraft.”

**UAV or Unmanned Aerial Vehicle** – the hardware deployed in the air.

**NAS or National Airspace System** – the airspace, navigation facilities and airports of the United States along with their associated information, services, rules, regulations, policies, procedures, personnel and equipment.

**Remote Pilot** – is a holder of a remote pilot certificate issued by the FAA.

**URPAS Operator** – is a person who flies remotely using a wireless controlling device for the URPAS.

**Visual Observer** – is a person designated by the Port to assist the URPAS Operator in maintaining visual contact and avoiding air traffic, objects aloft or hazards on the ground.

**Part 107** -- Refers to Federal Aviation Regulation Part 107 (from Title 14 Code of Federal Regulations which governs the operations of URPAS.)

Permitted Uses.

1. **Site monitoring** – review of construction progress, changes, incidents.
2. **Marketing, Public Information and Education** – includes outreach communication, support of the Port during activations.

Prohibited Uses.



# PORT OF KENNEWICK

## DRONE AIRCRAFT PROCEDURE

## SUBPART 1.29

Adopted by the CEO on March 26, 2024

Adopted December 4, 2024

1. Any flight parameters prohibited by FAA part 107 certification rules are prohibited unless waivers through the FAA have been acquired.
2. Video or photo data shall not be used to conduct random surveillance on citizens, harass or intimidate any individuals or groups, or to conduct personal. business of any kind.

### Privacy.

Like the practices and procedures in use by other governmental jurisdictions, absent a warrant or exigent circumstances, operators and observers will:

1. Adhere to FAA altitude rules;
2. Not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard): unless fulfilling a mission objective under the Permitted Uses of this SOP.
3. Take reasonable precautions to avoid areas where there is a reasonable expectation of privacy by taking precautions such as deactivation or programming of imaging devices, and/or image reduction during data processing to minimize or avoid such areas and persons that are not material to the purpose for which URPAS are used.

### Program Coordination.

Program coordination will occur by a designated Chief Pilot. This will ensure that Port guidelines maintain conformance with laws, regulations, and best practices. The Chief Pilot will:

1. Be responsible for training coordination, certification, confirmation, and currency of the URPAS pilots for insurance purposes;
2. Develop and maintain local procedures for URPAS operations in the National Airspace System;
3. Develop and implement a URPAS maintenance program based on manufacturer recommendations and certified maintenance providers;
4. Maintain records relating to URPAS pilot training and aircraft maintenance;
5. Ensure that established guidelines are followed by monitoring and providing periodic reports on the program to Port of Kennewick leadership;
6. Periodically review state and local laws, FAA requirements and other regulations and draft updates to guidelines that conform with changes;
7. Be responsible for approval of hardware and software purchases; and
8. Coordinate FAA waivers for special flight requirements as needed.

### Administrative Policies.

1. Upon selection a URPAS operator will acquire the training and experience needed to obtain an FAA Remote Pilot Certificate. Upon the issuance of the FAA Remote Pilot Certificate, the remote pilot must submit a copy of the certificate to the Chief Pilot for record keeping purposes.
2. URPAS flight training or practice will be conducted only directly above Port of Kennewick property without people below the flight zone. Open spaces should be preferred training areas and time of day and day of week considered to minimize conflict with other unscheduled activities on site. Internal training will include both classroom and in-field instruction on hardware and software specific to Port of Kennewick operation requirements.
3. Certified URPAS operators will conduct pre-flight inspections, including specific aircraft and control station system checks, to ensure the URPAS is ready for safe operation. Remote pilots will adhere to laws,



# PORT OF KENNEWICK

## DRONE AIRCRAFT PROCEDURE


## SUBPART 1.29

Adopted by the CEO on March 26, 2024

Adopted December 4, 2024


rules, protocols and the Port SOP, but may deviate from these requirements in response to an in-flight emergency. URPAS operators will not operate in a careless or reckless manner. URPAS operators must report to the FAA within 10 days of any operation that results in serious injury, loss of consciousness, or property damage of over \$500 including damage to or total loss of the URPAS itself.

4. Flights will be logged in accordance with Port URPAS logging standards within 24 hours after takeoff. This log will be available upon request via the Port's Public Records policy and procedures. The date and time of the flight, flight duration, coordinates of the take off point, pilot name and permitted use type shall all be recorded and available to the public pursuant to the Port's Public Records policy and procedures.
5. Imagery or other data gathered using the URPAS will be transferred, processed and stored according to the standard procedures established or allowed by the Port and the Chief Pilot. Spatial data for use within Port enterprise applications will adhere to established standards of format, metadata, and retention. Data collected using a URPAS shall be retained as prescribed in the established Port of Kennewick public records retention schedule.

	<b>PORT OF KENNEWICK</b>	
	<b>ARTIFICIAL INTELLIGENCE (AI)</b>	<b>SUBPART 1.30</b>
	Adopted by the CEO on December 4, 2024	

**1.29 Artificial Intelligence (AI) Procedure**

White the Port is intrigued with the developing Artificial Intelligence (AI) technology and what that could mean for our industry, the Port believes there is much more development needed in AI technology to mitigate the risk of using AI (e.g. unregulated and uncontrolled environment, lack of human control, etc.). Thus, the Port will not allow the usage of generative AI in the workplace to create content.

	<b>PORT OF KENNEWICK</b>	
	<b>STAFF HANDBOOK</b>	<b>PART 2.0</b>
	Adopted by the CEO on January 1, 2016 Updated on January 1, 2019	Adopted January 1, 2016

**PART 2.0 STAFF HANDBOOK**

The following are guidelines, which are set up as examples and a general listing of employment requirements of the Port of Kennewick. They are not all inclusive nor a complete statement of policy. Employees may leave the Port for any reason without legal obligations. Except as otherwise provided, the Port also reserves the right to terminate employees for any reason it deems necessary and each person’s employment is for no specific term. Nothing contained in these guidelines shall in any way create a contract or quasi-contract of employment or establish any term of employment, nor in any way be construed as a waiver of the relationship of “employment at will.” Except as otherwise provided, the Port retains and shall always have the complete, absolute and unequivocal right to set wages, terms of employment and to hire and discharge all employees at its sole will and discretion with or without cause.

The Port’s policies are not intended to include a complete list of all circumstances that may result in discipline or termination. The rules set out in this handbook are intended only as guidelines and do not give any employee a right to continued employment or to termination only for cause. All discipline decisions remain at the Port’s discretion. The Port has the right in all circumstances to apply the discipline it determines to be appropriate, up to and including, immediate termination without prior discipline or notice.

The intent of these guidelines is to recognize that the Port will employ the most suitably qualified people available; that the tenure of the employee will depend upon the needs of the Port, effective performance, good conduct and continuing fitness for the position; and that each employee will be prepared and expected to perform at an optimum level.

Further, the purpose of these guidelines is to facilitate efficient service to the Port of Kennewick, and hence to the general public; provide a system of equitable personnel management; and provide the employees of the Port a reasonably consistent, clearly defined set of guidelines.

It is recognized, however, that these guidelines will be considered broad in scope and that a reasonable approach will be taken on a case-by-case basis by the appropriate authority to equitably solve specific problems or situations.

The Port retains the right to revise or eliminate the guidelines at any time, with or without prior notice.



# PORT OF KENNEWICK

## AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT

### SUBPART 2.1


Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 2.1 AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT

The Port provides 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 persons on grounds of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained guide dog or service animal by a person with a disability, unless based upon a bona fide occupational qualification or any other protected status.

The CEO's procedure on affirmative action and equal employment is located throughout the CEO's procedures and specifically at Standards of Conduct; Drug, Alcohol, and Violence Free Workplace; Discipline; and the Whistleblower Act.

	<b>PORT OF KENNEWICK</b>	
	<b>STANDARDS OF CONDUCT AND DISCIPLINE</b>	<b>SUBPART 2.2</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**2.2 STANDARDS OF CONDUCT AND DISCIPLINE**

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, including immediate termination. The CEO shall develop procedures for the standards of conduct for the Executive and Port staff to follow. At a minimum such procedures should address the following types of conduct that are not acceptable:

- Abusive language or unprofessional conduct toward another person,
- Illegal activities,
- Falsifying or inaccurately completing records, including employment applications or time sheets,
- Harassment or discrimination of any nature,
- Insubordination or failure to carry out instructions,
- Misusing, destroying, or purposely damaging Port property or property of an employee,
- Performance that does not meet Port requirements,
- Unexcused tardiness or absenteeism,
- Theft of Port property or property of an employee or tenant,
- Unauthorized use or release of confidential information,
- Unprofessional conduct,
- Using work time for personal activities,
- Violating Port policies and/or procedures, or
- Using, possessing, manufacturing, distributing, being under the influence of any controlled substance, marijuana or cannabis products of any type, or other controlled substances or alcohol in the workplace, or smelling of alcohol or cannabis products, or other controlled substances, during working hours, while on Port premises, or while engaging in Port business.

2.2.1 The Port may take any disciplinary step it decides is appropriate whenever it believes such action is in the Port’s best interests. Disciplinary steps the Port may take include verbal warning; written warning; probation; suspension with or without pay; demotion or reassignment; or termination, with or without prior notice. Suspension may be used for several purposes, including, for example, as a corrective measure, to permit an investigation, to allow the Port time to determine what discipline will be applied, or to remove an employee from the premises for a period of time. Benefits such as annual leave and compensatory time may not be used during a period of suspension or probation, unless previously approved in writing by the CEO.

2.2.2 The goal of the Port’s discipline policy is to correct unsatisfactory behavior or performance. To that end, it is the Port’s policy generally to apply less severe discipline initially and more severe measures if the problem(s) persists. This is only a guideline, however. The Port may, in any circumstance, terminate an employee without prior discipline or notice.

2.2.3 The CEO is authorized to take disciplinary action including termination, against both exempt and non-exempt employees.

#### 2.2.4 Gratuities

No employee shall accept a fee, gift or any other item of value in the course of performing the employee's official duties, which is given and/or received with the hope or expectation of receiving personal favored treatment or other special consideration.

#### 2.2.5 Outside Employment

Outside employment by Port employees may be allowed except under the following conditions:

- Constitutes a conflict of interest with assigned duties
- Is inconsistent or incompatible with assigned duties
- Conflicts with employee's working hours, performance, assignments, or duties

No employees shall receive PTO benefits as a result of an illness or injury incurred while employed by another employer. Each employee shall complete a conflict of interest form annually and approved by the CEO in order to ensure compliance with this section.

#### 2.2.6 Telephone and Personal Business

While it may occasionally become necessary to conduct personal phone calls during a normal workday, employees are expected to make every effort to conduct personal business on their own time and to keep the number and length of personal calls to a minimum.

#### 2.2.7 Use of Port Property

In the event it is necessary for an employee to remove Port property from Port premises for use in another location for the performance of his/her duties, CEO or the employee's immediate supervisor may so authorize as so long as the property is tracked by the immediate supervisor, the use is for valid Port purposes, and proper information is reported to accounting. Unauthorized use of Port property is not allowed.

#### 2.2.8 Confidentiality

Although the Port District is a public body, some portions of Port business are required by law to be confidential. No employee shall reveal in any manner any confidential information that may become available to him/her as a part of his/her employment with the Port.



# PORT OF KENNEWICK

## ANTI-HARASSMENT AND ANTI-RETALIATION

### SUBPART 2.3

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

## 2.3 ANTI-HARASSMENT AND ANTI-RETALIATION

### 2.3.1 Anti-Harassment

The Port of Kennewick is committed to maintaining a productive work environment and does not tolerate verbal or physical conduct by any employee, vendor, client, or customer of the Port that harasses, disrupts, or interferes with a Port employee's work performance or that creates an intimidating, offensive, or hostile work environment.

Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as sex, sexual orientation, gender identity, color, race, religion, pregnancy, national origin, age, the presence of any sensory, mental or physical disability, marital status, veteran or military status, citizenship status, or other protected group status.

All employees are responsible for helping to assure that the Port avoid harassment. If an employee feels they have experienced or witnessed harassment, they are to notify the CEO immediately. If the CEO is the subject of the complaint, the employee should notify the CFO. The Port forbids retaliation against anyone who has reported harassment.

Each supervisor and director has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or director is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

Sexual harassment requires special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as a basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include but is not limited to explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and unwelcome physical contact including but not limited to patting, pinching, or brushing against another's body.

Each individual must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of unlawful harassment including, but not limited to:

- Verbal: Repeated sexual innuendos, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
- Visual/Non-Verbal: Derogatory posters, cartoons, drawings, texts or emails; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Physical: Unwanted physical contact including touching, interference with an individual's normal work movement, assault; and
- Other: Making or threatening reprisals as a result of a negative response to harassment.


Any of the above conduct, or other offensive conduct, directed at individuals because of their sex, sexual orientation, gender identity, color, race, religion, pregnancy, national origin, age, the presence of any sensory, mental, or physical disability, use of a trained dog guide or service animal, marital status, veteran or military status, citizenship status, or other protected group status is also prohibited.

Any employee who believes that a supervisor's, director's, other employee's or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint may be made in writing or verbally. The report or complaint should be made to the CEO or to the CFO; if the complaint involves the CEO, the report or complaint should be made to the President of the Board of Commissioners.

The Port's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practicable, the Port will attempt to keep the complaints and the terms of their resolution confidential. Employees are required to cooperate in any investigation. If an investigation confirms that harassment has occurred, the Port will take corrective action, including such discipline up to and including immediate termination of employment, as is appropriate.

The Port prohibits any form of retaliation against employees for bringing bona fide complaints or reports of harassment, providing information about harassment, or participating in the investigation of a complaint or report of harassment. Individuals who believe that they have been retaliated against should immediately report their concerns to the CEO or to CFO; if the report involves the CEO, the report should be made to the President of the Board of Commissioners. Reports may be made in writing or verbally. Individuals found to have violated the Port's no-retaliation policy will be subject to discipline, up to and including termination.

If an investigation of a complaint or report shows that the complaint, report, or any information provided was clearly false, the individual who provide the false information will be subject to disciplinary action, up to and including termination.

	<b>PORT OF KENNEWICK</b>	
	<b>DRUG, ALCOHOL, AND VIOLENCE FREE WORKPLACE</b>	<b>SUBPART 2.4</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**2.4 DRUG, ALCOHOL, AND VIOLENCE FREE WORKPLACE**

2.4.1 Workplace Violence

The Port and its employees share responsibility for the provision of a safe and secure work environment for all employees. The Port has zero tolerance for violence and will take appropriate action, up to and including, immediate termination, against any employee, vendor, tenant, contractor, or subcontractor who engages in threatening or violent behavior.

2.4.2 Drug and Alcohol-Free Workplace

The Port maintains a drug and alcohol-free workplace. The possession, manufacture, distribution, dispensation, use or trafficking of alcohol, marijuana or cannabis products of any type or other controlled substances or smelling of alcohol 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 is strictly prohibited, except for Port-sponsored events in which limited alcohol may be present and/or which Port staff may be authorized to participate. Employees violating the Port’s Drug and Alcohol-Free Workplace Policy will be subject to discipline, up to and including, immediate termination. As a condition of employment all Port employees must read and sign the Drug and Alcohol-Free Workplace Procedure **located at the end of the Drug, Alcohol, and Violence Free Workplace Procedure.**

2.4.3 Workplace Safety

The Port is committed to providing a safe and healthy work environment for all employees, vendors, and customers, as well as the general public. To assist in providing a safe and healthy work environment, the Port has established a workplace safety program. This program is a high priority for the Port. Its success depends on the alertness and personal commitment of all. It is each employee’s responsibility to be familiar with, and observe all safety and health rules and procedures as outlined in the Port’s *Accident Prevention Program and Safety Manual*. Safety procedures are managed currently by the CEO at the Port. The Port provides information to employees about workplace safety and health issues through supervisor-employee meetings, bulletin board postings, or other written communications. Additionally, employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition or suspicious activity to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment. If an accident does occur, it must be immediately reported to the immediate supervisor, regardless of severity or injury.

2.4.3.1 Injury Reporting Procedures

Washington Industrial Safety Health Act (WISHA) requires that the Port maintain records of all occupational illness and accidents which occur on Port property, or while conducting Port business. WISHA also requires that you report any illness or injury that occurs on the job, no matter how slight. Such reports are necessary to comply with laws and initiate insurance and Workers’ Compensation benefits procedures. In the event of a workplace injury or near-miss accident, no matter how minor the injury or the near-miss accident may seem, the injured employee and/or employee witness must report the injury or near-miss accident to his/her supervisor immediately. Employees must complete a Port of Kennewick

Accident/Injury Report and forward it immediately to the designated safety official of the Port, which is currently the Maintenance Supervisor or if absent, the Director of Operations. Forms are available in the Accident Prevention binder. In the event an injury requires medical attention, the injured employee must inform the attending physician that the injury is work-related. The physician will then complete the required Labor and Industries form, which will be forwarded to the Port for further processing.

#### 2.4.3.2 Emergency Situations

Whenever emergency situations occur, all necessary efforts should be made to protect human life, then property, in that order, without endangering employees or the general public. As soon as possible after the emergency measures have been taken, the employee in charge is to complete an Incident Report and notify his/her immediate supervisor with the most complete details available concerning the incident. Incident Reports shall be forwarded to the employee's immediate supervisor. The employee's immediate supervisor will inform the CEO and CFO for proper risk management and processing of claims.

## **DRUG AND ALCOHOL-FREE WORKPLACE FORM**

### **1. PURPOSE AND GOAL**

The Port of Kennewick (the “Port”) recognizes that the state of an employee’s health affects his or her job performance. Use of alcohol, marijuana or cannabis products of any type, or other controlled substances can cause decreased efficiency and increased risk of injury to the employee who is using or to the employee’s coworkers and the public. The purpose of this statement is to identify the Port’s policies on the use of controlled substances, alcohol, marijuana or cannabis products of any type, and medicines in order to maintain a healthy and drug and alcohol-free workplace for all employees. The goal is to ensure that employees report to work in condition to perform their duties safely, satisfactorily, and efficiently in the interest of their fellow workers, the public, and themselves.

This notice supplements, and does not replace the Port’s Policies and Procedures applicable to employees of the Port.

### **2. COVERAGE AND APPLICABILITY**

- 2.1 Any individual who conducts business for the Port is covered by this Drug and Alcohol-Free Workplace Policy. Coverage of this policy includes, but is not limited to, executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers, and interns.
- 2.2 All Port employees must, as a condition of employment with the Port, abide by the terms of this procedure.
- 2.3 The Port’s Drug and Alcohol-Free Workplace Policy is intended to apply whenever a covered individual is conducting business for or representing the Port. Therefore, this policy applies during all working hours, when covered individuals are conducting business or representing the Port, while covered individuals are on-call or while on paid stand-by, while covered individuals are on Port-owned premises or premises operated by the Port, and at Port-sanctioned events (see Section 2.4 for exception). If the employee is on the list of emergency contact(s) and cannot perform their duties due to potential violation in this policy, the employee shall contact his/her supervisor who is then responsible for calling the next employee listed on the emergency contact list.
- 2.4 Port-sanctioned wine or beer-tasting or Port-sanctioned social events on or off Port premises to promote economic development are not a violation of this policy. However, wine or any other alcohol, should not be consumed during work hours, while conducting business or representing the Port, on Port premises, or at Port-sanctioned events unless the consumption of alcohol has been approved in advance of the event by the CEO. Covered individuals should also keep in mind that they are expected to conduct themselves in a manner appropriate to the event.

### **3. PROHIBITED BEHAVIOR**

- 3.1 All covered individuals are prohibited from using, possessing, manufacturing, distributing, dispensing, or being under the influence of any controlled substances in the workplace, during working hours, while on Port premises or while engaging in Port business.
- 3.2 All covered individuals are prohibited from manufacturing, distributing or being under the influence of alcohol or marijuana or cannabis products of any type in the workplace, during working hours, while on Port premises or while engaging in Port business.
- 3.3 All covered individuals are prohibited from using, possessing, smelling of, or dispensing alcohol or marijuana or cannabis products of any type in the workplace, during working hours, while on Port premises or while engaging in Port business.
- 3.4 Any covered individual who is taking a drug or medication, whether or not prescribed by the covered individual’s healthcare provider, which may adversely affect that covered individual’s ability to perform

work in a safe or productive manner, is required to report such use of medication to his or her supervisor. This includes drugs and medications that are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those that may cause drowsiness or dizziness.

#### **4. TESTING**

4.1 To enforce this policy, the Port conducts the following types of testing:

- A) Pre-Employment Testing. Final offers of employment to applicants will be contingent on passing a drug and alcohol screening test. Prospective new hires will receive information concerning the drug and alcohol testing procedures with their conditional employment offer.
- B) Post-Accident Testing. If a covered individual is involved in an on-the-job accident that results in injury or property damage, the covered individual will be required to submit to immediate drug and/or alcohol testing, as the Port determines.
- C) Reasonable-Suspicion Testing. If, at any time, the Port suspects a covered individual is at work under the influence of alcohol or drugs or smelling of alcohol or marijuana or cannabis products of any type, the covered individual will be required to submit to immediate drug and/or alcohol testing, as the Port determines. When there is reasonable suspicion, the covered individual is placed on an unpaid leave of absence and is not to return to work until fitness for duty is established. If the test result is negative, the Port will reimburse the covered individual for the regular work time he or she was scheduled for, but could not work while waiting for the test results.

4.2 Consent to Testing. As a condition of employment, covered individuals are required to consent to the tests described in this policy. Refusal to submit to testing is grounds for immediate termination. Covered individuals referred for testing will be required to sign additional consent forms provided by the testing facility and/or the Port.

4.3 Retesting. The Port allows for 1 confirmatory test of positive drug testing samples. If the covered individual requests a retest, the retest will take place immediately following the first test.

4.4 Confidentiality. All information relating to drug or alcohol testing will be stored in each covered individual's Medical File, which is maintained separately from the covered individual's Personnel File. Medical Files are secured and access is limited to those with a work-related need to know.

#### **5. VIOLATION OF PROCEDURE**

5.1 If the Port has reasonable grounds to believe that a covered individual has violated any of the statements of this policy, the Port may take any of the following actions:

- A) Disciplinary action including, but not limited to, suspension and/or immediate termination; or
- B) Require the covered individual to submit to drug and/or alcohol testing on Port time and expense at a laboratory or medical facility prescribed by the Port.

5.2 Report of test results will include the controlled substances, marijuana or cannabis products of any type, and alcohol referred to within this Drug, Alcohol, and Violence Free Workplace procedure.

5.3 Any covered individual who tests positive will be subject to immediate termination.

5.4 A covered individual will be immediately terminated if he or she refuses the screening or the test, adulterates, or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test.

5.5 If a covered individual is suspected of violating this policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of lockers, desks, cabinets, work stations, Port-

owned vehicles, and Port-owned equipment. The Port may release to any law enforcement agency any information it may have regarding criminal activities.

## **6. NOTIFICATION OF CONVICTION**

6.1 Any covered individual convicted of any criminal drug (including marijuana or cannabis products of any type) or alcohol statute violation occurring in the workplace, during working hours, or while engaged in Port business, must notify the CEO or his designee no later than 5 working days after such conviction.

Within 30 calendar days after receiving notice of the conviction, the Port will:

- A) Take appropriate disciplinary action against such covered individual, up to and including dismissal; and/or
- B) Require such covered individual to satisfactorily participate in drug or alcohol abuse assistance or rehabilitation program approved for such purpose by a federal, state, or local health, law enforcement, or other appropriate agency.

## **7. POSITION ON ALCOHOL AND DRUG PROBLEMS**

It is the intent of this policy that a covered individual suffering from chemical dependency not have his or her job security and promotional opportunities jeopardized by a request for help. However, satisfactory job performance is still mandatory, and a covered individual has the primary responsibility for seeking help and maintaining a treatment program as prescribed by qualified professionals. A covered individual's entry into treatment does not negate or diminish the Port's right to discipline him or her for unsatisfactory performance or failure to meet conditions of employment including compliance with this statement.

## **8. INFORMATION AND REFERRAL**

- 8.1 Information concerning available drug counseling or rehabilitative counseling alternatives will be available from the employee's primary care physician or current medical insurance provider.
- 8.2 The CEO or Designee will establish education drug-free awareness program to educate covered individuals on substance abuse. Such program will include:
  - A) Management and supervisory training;
  - B) Dangers of workplace substance abuse;
  - C) Penalties for drug abuse violations.

## **9. NOTIFICATION TO COVERED INDIVIDUALS**

This policy will be distributed to all new covered individuals during orientation.

## **10. DEFINITIONS**

- 10.1 "Alcohol" means any liquid that may be legally sold and consumed and which has an alcoholic content in excess of 1/2 of 1% by volume.
- 10.2 "Controlled Substance" means a substance listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812). This list includes, but is not limited to, marijuana or cannabis products of any type, heroin, PCP, cocaine and amphetamines.
- 10.3 "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal, state, or local criminal drug statutes.

- 10.4 “Covered individual” means any individual who conducts business for the Port. Coverage of this policy includes, but is not limited to, executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers, and interns.
- 10.5 “Criminal drug statute” means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
- 10.6 “Being under influence of controlled substance” means being perceptibly affected by a controlled substance and/or having within one’s body any amounts of a controlled substance.
- 10.7 “Being under influence of alcohol” means being perceptibly affected by alcohol in the conduct or performance of one’s job responsibilities.
- 10.8 “While engaging in Port business” means while a covered individual is being paid by the Port, is representing the Port, is presenting himself or herself as an agent of the Port (whether or not authorized to do so), or is attending or participating in any activities organized or sponsored by the Port, except for authorized Port promotional hosting events.
- 10.9 “In the workplace” includes all Port premises or vehicles, including those owned, leased, used, or controlled by the Port.

**A COPY OF THIS POLICY WAS RECEIVED BY**

\_\_\_\_\_


**Name of Covered Individual**

**Furthermore, Covered Individual (Employee/Commissioner) acknowledges that they have read the Drug and Alcohol-Free Workplace Policy and understands its contents and will abide by the contents.**

**THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_

**Signature of Covered Individual**

	<b>PORT OF KENNEWICK</b>	
	<b>WHISTLEBLOWER PROCEDURE</b>	<b>SUBPART 2.5</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**2.5 WHISTLEBLOWER PROCEDURE**

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 set forth in this policy.

A Port official or employee may not use his or her official authority or influence, directly or indirectly, to threaten, intimidate, or coerce a Port employee for the purpose of interfering with that employee’s right to disclose information concerning an improper governmental action in accordance with the provisions of this policy.

This procedure is to implement the State’s Local Government Whistleblower Protection Act, Chapter 42.41 RCW.

**2.5.1 Definitions**

The definitions in this section apply throughout this policy unless the context clearly requires otherwise.

2.5.1.1 “Appropriate investigating official” means an investigating official acting within the official’s respective jurisdiction as identified herein, or any assistant or representative authorized to receive documents on the official’s behalf.

2.5.1.2 “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

2.5.1.3 “Employee” or “Port employee” means any individual who is appointed as an officer or employee by the Port CEO. The term “employee” or “Port employee” also includes Port elected officials, the CEO, and members of Port boards, commissions, committees or other multi-member bodies.

2.5.1.4 “Good faith” means the individual providing the information or report of improper governmental action has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know he or she is providing or reporting, malicious, false or frivolous information or information that is provided with reckless disregard for the truth, is not acting in good faith.

2.5.1.5 “Gross waste of public funds” means to spend or use public funds or to allow public funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

2.5.1.6 “Improper governmental action” means any action by a Port employee that is undertaken in the performance of the employee’s official duties, whether or not the action is within the scope of employment, and:

- Violates any state or federal law or rule; or Port ordinance, rule or policy, including but not limited to violations of Chapter 42.23 RCW, the Code of Ethics for Municipal Officers;
- Constitutes an abuse of authority;
- Creates a substantial and specific danger to the public health or safety; or

- Results in a gross waste of public funds.

“Improper governmental action” does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under RCW 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 or RCW 54.04.170-180.

2.5.1.7 “Retaliatory action” means:

2.5.1.7.1 Any adverse change in a Port employee’s employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or

2.5.1.7.2 Hostile actions by another employee towards a Port employee when such actions were encouraged by a Port supervisor or senior manager or official.

2.5.1.8 “Substantial and specific danger” means a risk of serious injury, illness, peril or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

2.5.1.8.1 “Written report of improper governmental action” means any writing that alleges that an improper governmental action has occurred and describes the basis for that belief.

2.5.2 Right to Report – Procedures

2.5.2.1 Right to Report. Every Port employee shall have the right to report in good faith, in accordance with this policy, information concerning an improper governmental action.

2.5.2.2 Time and Place. In reporting improper governmental action, the employee shall make a verbal or written report of such action to the appropriate investigating official, which shall include the CEO, the Port Auditor or the Port Attorney. A report of improper governmental action or of alleged retaliatory action shall be filed within six (6) months of the occurrence of the improper governmental action or alleged retaliation or of the date the employee reasonably should have known of the occurrence. The report must specify the improper governmental action or alleged retaliatory action and the relief requested.

2.5.2.3 Reporting Limits

2.5.2.3.1 This section does not authorize a Port employee to report or disclose information or records that are subject to an applicable legal privilege against disclosure (e.g. RCW 5.60.060 and RCW 42.23.070 regarding privileged communications) unless waived by the Port. And, nothing in this policy authorizes an individual to disclose information prohibited from disclosure by law.

2.5.2.3.2 An employee making a written report under this subsection is encouraged to wait at least thirty (30) days from receipt of the written report by the investigating official before reporting the improper governmental action to a person who is not an investigating official. However, reporting to a person who is not an investigating official before this thirty (30)-day period will not result in the loss of the protections in this policy.

- 2.5.2.3.3 An employee's reporting of the employee's own improper action does not grant the employee immunity from discipline or corrective action, including termination, insofar as the employee's improper action would be cause for discipline.
- 2.5.2.4 Protected Reporting. Any one or more of the following conduct by an employee is protected under this policy:
  - 2.5.2.4.1 Reporting improper governmental action;
  - 2.5.2.4.2 Cooperating in an investigation by any official related to improper governmental action, including but not limited to Port, local, state, federal and internal investigation; and
  - 2.5.2.4.3 Testifying in any official proceeding, hearing or prosecution arising out of an improper governmental action.
- 2.5.2.5 No Retaliation. A Port officer or employee shall not retaliate, attempt to retaliate or threaten to retaliate against any employee because that employee has in good faith engaged in conduct protected by Port policy or because the Port officer or employee believes the employee has engaged or will engage in such conduct whether or not such conduct actually occurred.
- 2.5.2.6 Retaliation Subject to Action. Any Port officer or employee who engages in retaliatory action is subject to disciplinary action including but not limited to suspension without pay, demotion or termination. In addition, any elected official who engages in retaliatory action is subject to censure by motion of the Commission and also may be subject to recall from office due to misfeasance or malfeasance in office.
- 2.5.2.7 Cooperation with Investigation. All employees and elected officials have a duty to cooperate with investigations initiated under this policy. Further, all officers, employees and elected officials have a responsibility not to interfere with an investigation and to adhere to admonitions from investigators in this regard. Evidence shall not be withheld, destroyed or tampered with, and witnesses shall not be influenced, coached or intimidated.
- 2.5.3 Interim Controls
  - 2.5.3.1 If the investigating official determines that that the employee reporting improper governmental action has been retaliated against or is at great risk of retaliation, the investigating official may seek temporary preventive action, including but not limited to the transfer of the reporting employee to another department at the request of the reporting employee or authorizing leave with pay for the reporting employee. The investigating official's recommendation shall be made to the Commission, which shall additionally consider any recommendation of the CEO. Such a temporary preventative action may continue until the conclusion of any investigation and a permanent resolution of the matter.
  - 2.5.3.2 In addition to other remedies available to reporting employees the CEO may, upon request, provide for limited paid leave or other consideration during the course of an investigation.
  - 2.5.3.3 Action Plan. Any administrative remedy or order of relief shall include an action plan for addressing the improper governmental action and provide reasonable timelines for completing corrective actions.
  - 2.5.3.4 Recusal of Commissioner. If the report of improper governmental action or any other misconduct is made against an elected official, that official shall recuse himself or herself from any and all proceedings or matters related to the report. Provided, nothing in this policy shall preclude the official from the opportunity to respond to a report.

- 2.5.4 Confidentiality. The identity of an employee reporting information about an or cooperating in an investigation of improper governmental action shall be kept confidential from all persons except for investigating officials and their staff, to the extent feasible. The Port cannot provide complete assurance that a person with direct facts of improper governmental action may not be required to support those facts in public records or testimony. The employee may also waive confidentiality in a written waiver or by making his or her identity known in connection with the protected conduct in the course of public testimony or by acknowledging the employee's identity in a claim against the Port for retaliation.
- 2.5.5 Investigations – Additional Rights
- 2.5.5.1 Application of Commission Rules. Any investigation under this policy shall follow the investigatory procedures set forth in the Port Commission Rules of Policy and Procedures.
- 2.5.5.2 Reconsideration. If the reporting employee is not satisfied with the investigation and/or resolution of the report of improper governmental action, the reporting employee may request reconsideration in writing within five (5) working days of receipt of the Port's written response. Written requests for reconsideration must be submitted to the Chairperson of the Commission and must identify the specific elements of the Port's investigation or written response, which the reporting employee finds unsatisfactory. The Commission shall have fifteen (15) working days to advise the reporting employee in writing whether reconsideration will be granted. Any reconsideration will be limited to examination of the specific issues raised in the reporting party's written request. The Port, acting through the Commission or its delegate, shall have thirty (30) working days from the date reconsideration is granted to complete its additional investigation and provide the employee with a written response. The Commission may convene a special meetings to meet the identified timeframes.
- 2.5.5.3 Strict Compliance. All employees must strictly follow this policy and its procedures. Employees who comply with this policy will not be subject to discipline or discharge for reporting, disclosure or other activities done pursuant to this policy.
- 2.5.5.4 Rights - Additional Rights Reserved
- 2.5.5.4.1 Reporting employees who are dissatisfied with the results of the internal review process may contact one or more of the following: the Kennewick Police Chief, the Benton County Prosecuting Attorney, the Office of the Attorney General or the Office of the State Auditor.
- 2.5.5.4.2 This procedure incorporates and recognizes the rights of reporting employees, after use of the Port's review process and final report of the Port under this procedure, to all remedies available under RCW 42.41.040.
- 2.5.5.4.3 Nothing in this policy shall be construed as otherwise limiting the rights of a Port employee under other applicable law, including protection from retaliation for reporting a violation of Chapter 42.23 RCW, the Code of Ethics for Municipal Officers. See, in this regard, the Washington Supreme Court decision of *Hubbard v. Spokane County*, 146 Wn.2d 699 (2002) (Court finds public employee cause of action for retaliatory acts in contravention of public policy, including Chapter 42.23 RCW).
- 2.5.5.5 Reporting of Investigatory Findings. In the event a Commissioner is found to have retaliated against an employee, the Commission shall take the action specified in Section 5 of the Commission's Rules of Policy and Procedure (February 22, 2011, or as later amended).

#### 2.5.6 Conflict

This policy is intended to operate as a supplement to the provisions of Chapter 42.41 RCW, and the Commission's Rules of Policy and Procedure. However, if there is an irreconcilable conflict between any of the provisions of this policy, state law or other Port policy, the provisions most favorable to the employee shall prevail.

#### 2.5.7 Reporting and Whistleblower Form

It is the policy of the Port to encourage reporting by its employees of improper governmental action taken by officers or employees and to protect employees who have reported improper governmental actions in accordance with the laws of the State of Washington. As per RCW 42.41.030, Port of Kennewick employees, who become aware of improper governmental actions, should report to the CEO. In the event the CEO is the subject of the Whistleblower claim, then employee should submit the report to the CFO and Port Commission President. However, if the CEO and CFO are subjects in the whistleblower claim then the employee can submit the claim to the Port Commission President.

**Reports of improper governmental action(s) must be filed in writing with the Port of Kennewick. They can be reported using the Whistleblower Reporting Form, attached to this summary, or in a separate letter. In either case, the report should include:**

- A detailed description of the improper governmental action(s).
- The name of the employee(s) involved.
- The agency, division, and location where the action(s) occurred.
- Date(s) of the improper governmental action must be provided to the Port within one year after the occurrence of the action.
- Details that may be important for our investigation -- witnesses, documents and evidence.
- If you know it, the specific law or regulation that has been violated.
- Your name, home address and phone number. (Optional)

Each improper governmental action should be noted separately and supported with as much specific information as possible. Proving allegations can often be difficult. Supplying detailed information contributes to a thorough and efficient investigation. The Whistleblower Reporting Form is designed to help you supply the needed information. Please use a separate Whistleblower Reporting Form for each improper governmental action. **Whistleblower Reporting Form is located at the end of the Whistleblower Procedure.**

Avoid generalizations such as "Bob is always wasting public resources." Providing specific details about how and when "Bob" is wasting public resources will help focus the investigation, e.g., "Bob used his Port computer to keep accounting records for his home business during working hours. This has been going on for a year."

Under state law, anyone who conducts a state employee whistleblower investigation must keep the whistleblower's name confidential. In addition, the law provides remedies for individuals subjected to retaliation as a result of their whistleblower activities and penalties for those who retaliate.

**Send your Whistleblower Reporting Form or letter attention to the CEO, Auditor or Commission as described above and to:**

Port of Kennewick  
Attention: Employee Whistleblower Program  
350 Clover Island Drive, Suite 200  
Kennewick, WA 99338

#### 2.5.8 Other Reporting

In addition to the foregoing, the following government agencies and labor organizations may assist employees in dealing with personnel issues that are not covered by this Whistleblower Policy:

Agency	Issues
<p>Washington State Human Rights Commission  Olympia 1-800-233-3247  Spokane 1-509-456-4473  Yakima 1-509-575-2772  Seattle 1-206-464-6500  TTY 1-800-300-7525  <a href="http://www.hum.wa.gov">http://www.hum.wa.gov</a></p>	<p>Discrimination because of race, creed, color, national origin, sex, marital status, age or disability.  Sexual harassment.  Whistleblower workplace reprisal or retaliatory action.</p>
<p>Public Employment Relations Commission  Olympia (360) 753-3444  <a href="http://www.perc.wa.gov">http://www.perc.wa.gov</a></p>	<p>Unfair labor practices. Interference with rights to form or join employee labor organizations and rights to bargain collectively.</p>
<p>Benton County Prosecuting Attorney  7320 W. Quinault Ave  Kennewick, WA 99336  509-735-3591</p>	<p>Alleged improper governmental action</p>

## WHISTLEBLOWER FORM

Before filling out this form, please read the following:

- You cannot be the subject of retaliatory action for submitting this form.
- In order to protect your identity, we do not recommend sending this form to our office via electronic mail.

If you have any questions, please contact the CEO, CFO, or Commission President.

**Your contact information:**

You are not required to provide your name. However, if you choose not to provide your name, we are unable to keep you updated on the progress of our investigation, or to consult with you regarding the details of your complaint. If you choose to provide your name, we will keep it confidential.

Name	Agency	Date
Home or mailing address	Division	Day phone
	Address	Night phone
	Current position	Best time and number to call

**Subject's contact information:**

Please file a separate form for each Port employee or officer who you believe has engaged in improper governmental action.

Name	Agency	Division
Position	Location	Phone
Subject's Supervisor(s)	Supervisor's Position(s)	Supervisor's Phone

**How do you know about the information you are disclosing here? If you do not choose to provide your name, please take care in providing this information, to prevent inadvertent disclosure.**

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**What type of improper governmental action are you reporting?**

- Violation of state law or regulation  
if so which RCW(s) or WAC(s)? \_\_\_\_\_
- Substantial and specific danger to the public health and safety
- Gross waste of public funds
- Gross mismanagement
- Other improper governmental action as per state law (RCW 42.40)

**Is there any evidence that supports your assertions that can be reviewed? If so, where is the information and can you provide it?**

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**Please describe the improper governmental action in detail**

The more detailed information you provide for us, the better we will be able to assess your concerns. Attach additional pages if needed. If available, please provide us with copies of documents which support your assertion.

*Improper governmental action cannot be personnel related.*

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**When did the event(s) take place?**

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**Where did the event(s) occur?**

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**Are there other witnesses? If so, please provide their names, telephone numbers, positions, agencies, divisions, contact information, and relation to the improper governmental action.**

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**Have you reported this information to another agency?     Yes     No**

**If so, which one(s)?**

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**If you have disclosed the information reported here, what is the current status of the matter?**

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**Please mail this form to:**  
Port of Kennewick  
Attn: Employee Whistleblower Program  
350 Clover Island Drive, Suite 200  
Kennewick, WA 99336



# PORT OF KENNEWICK

## PORT HOLIDAYS, PTO, LEAVE, TIMEKEEPING AND OVERTIME

### SUBPART 2.6

Adopted by the CEO on January 1, 2016  
Updated March 17, 2026

## 2.6 PORT HOLIDAYS, PTO, LEAVE, TIMEKEEPING AND OVERTIME

### 2.6.1 Attendance and Timesheet Approvals

- 2.6.1.1 In order to successfully function, the Port depends upon all employees to report to work regularly and on time. Failure to report unexcused absences from assigned work areas, chronic or excessive absences, tardiness or excessive rest breaks are unacceptable.
- 2.6.1.2 Employees are required to obtain authorization from their immediate supervisor in order to be absent from work. Failure to do so prior to an absence may result in progressive disciplinary action.
- 2.6.1.3 In emergencies (unforeseen circumstances), Directors and supervisors are authorized to approve their assigned staff overtime for non-exempt staff. Due to budget restrictions, overtime shall only be approved in an emergency situation.
- 2.6.1.4 Directors are also authorized to approve their assigned employees alternative work schedules, PTO, and exchange time (if exempt employee) when the employee requests in advance (except for unforeseen circumstances such as an illness or family emergency) and the Port has adequate coverage for their department.
- 2.6.1.5 The CFO will verbally approve all Directors alternative work schedules, PTO, and exchange time after reviewing with the CEO. CEO will verbally approve the CFO's alternative work schedule, PTO, and exchange time.
- 2.6.1.6 No supervisor shall unreasonably deny employee requests.

### 2.6.2 Hours of Work, Overtime, and Exchange Time

- 2.6.2.1 The normal hours of work at the Port of Kennewick are from 8:00 a.m. to 5:00 p.m., with a 1 hour lunch break from 12:00 noon to 1:00 p.m., Monday through Friday. Flexible working schedules can be adopted to accommodate the requirements of the individual employee and/or the Port, but require prior approval of the CEO or by the employee's immediate supervisor as so long as the Port has proper coverage.
- 2.6.2.2 In rare circumstances, the CEO may cease Port operations if there is concern for employee safety due to inclement weather. When the determination is made to cease operations, employees will be paid for their regularly scheduled shift and PTO need not be charged.
- 2.6.2.3 Part-time employees will work a schedule designated by the CEO or by the employee's immediate supervisor as so long as the Port has proper coverage.
- 2.6.2.4 Non-exempt employees receive a fifteen (15) minute break for each four (4) hours of work as near as possible to the midpoint of the four (4) hour period.
  - 2.6.2.4.1 Non-exempt are subject to overtime laws. All overtime requires prior approval of the CEO or by the CFO. The employee's immediate supervisor can approve overtime in emergency situations only. Overtime should be avoided, if possible, and is subject to Commission approved budget.

2.6.2.4.2 Non-exempt employees who respond to an after hour call will receive a minimum 2 hours pay for each after hour call received.

2.6.2.5 Exchange time is reasonable and necessary to provide flexibility in work hours for exempt staff working additional hours to facilitate Port business, including but not limited to community involvement, attending meetings after normally established work hours or other responsibilities as assigned.

2.6.2.5.1 Exempt employees may request exchange time at the rate of one hour for each hour worked in excess of forty (40) in a week.

2.6.2.5.2 Employees are expected to track exchange time on their bi-monthly time sheets. Exchange time can be used like other leave types, however, carries no cash or payout value to an employee at any time.

### 2.6.3 Holidays

2.6.3.1 The CEO authorizes the following schedule of legal holidays which is in compliance with RCW 1.16.050.

- January 1st (New Year's Day)
- 3rd Monday of January (Martin Luther King Day)
- 3rd Monday of February (President's Day)
- Last Monday of May (Memorial Day)
- June 19<sup>th</sup> (Juneteenth)
- July 4th (Independence Day)
- 1st Monday of September (Labor Day)
- November 11th (Veteran's Day)
- 4th Thursday of November (Thanksgiving Day)
- The Friday following Thanksgiving (Native American Heritage Day)
- The day before Christmas Day (Christmas Eve)
- December 25th (Christmas Day)
- Floating Holiday (One day of employee's choice)

Any legal holiday falling on a Saturday will be observed on the preceding Friday. Any legal holiday falling on a Sunday will be observed on the following Monday, unless otherwise directed, in advance, by the CEO. The CEO may recognize additional holidays throughout the year.

### 2.6.4 Paid Time Off (PTO)

2.6.4.1 Purpose. The purpose of PTO is to provide employees with flexible paid time off that can be used for vacation, personal or family illness, doctor appointments, school, volunteerism, and other activities of the employee's choice. The Port's goal is to reduce unscheduled absences and the need for supervisory oversight.

2.6.4.2 Not Eligible. Temporary employees, contract employees, and interns are not eligible to accrue PTO.

2.6.4.3 No Negative Balances. Employees must have a PTO balance in order to use PTO (no negative amounts).

2.6.4.4 Eligibility. Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO for the entire monthly pay period. PTO is not earned in pay periods during which unpaid leave or long term disability leave is taken.

- 2.6.4.5 Increments. Employees may use time from their PTO bank in ½ hour increments.
- 2.6.4.6 Advance Notice. Employee use of PTO requires advanced notice to the employee's supervisor unless the PTO is used for unexpected illness or emergencies. PTO in excess of two days requires an advance notice to the employee's supervisor. For this section, advance notice is defined as two weeks. Employees shall use the Laserfiche request for leave submission and obtain approval from their immediate supervisor before any leave is taken. Employees shall make every effort to update the shared calendar on leave of absence of when planning to be absent 1 standard workday or more.
- 2.6.4.7 Excessive Unscheduled Absences. An employee who misses more than 5 consecutive unscheduled work days may be required to present a doctor's release to the employee's immediate supervisor that permits the employee to return to work.
- 2.6.4.8 Carry Over. Each employee may carry 250 days or 2,000 hours of accrued PTO over into a new calendar year. Employees are responsible for monitoring and taking their PTO, subject to supervisory approval, over the course of a year so that they do not lose time accrued when the current calendar year ends. If business circumstances prevented the employee from taking scheduled PTO, this PTO may be carried over to the next calendar year or cashed out at the employee's current salary rate with the approval of the CEO.
- 2.6.4.9 Separation. Upon separation from Port service and if the employee has unused PTO, a maximum of 125 days or 1,000 hours at 100% of the employee's current salary rate plus a maximum of 125 days or 1,000 hours at 50% of the employee's current salary rate will be paid to the employee.
- 2.6.4.10 Cash Out. Employees shall have the option to cash out their accrued PTO and receive monetary compensation of up to a total of 40 PTO days and the CEO shall have the option to receive monetary compensation of up to a total of 40 PTO days in a calendar year. Furthermore, employees and CEO shall have the option to use their cash out days for contributing to the Port's deferred compensation plan covered in this policy limited to 1 time per calendar year as long as it does not exceed the annual limit per IRS regulations. Written requests for PTO cash outs must be given to payroll department two weeks in advance of the request but no later than December 15th of the year in which the employee wishes to exercise his or her cash out option. No more than 2 PTO cash out requests per employee each year. In accordance with RCW 41.50.150 vacation cash out may not be reportable for retirement purposes.
- 2.6.4.11 Donating Leave. Eligible employees may donate excess PTO leave for use by another employee who is suffering from an extraordinary medical emergency of such severity that it would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.

Employees may request a leave donation when they have or expect to use all of their accrued leave (including PTO, personal days, exchange time and/or compensatory time) and would otherwise be on a leave without pay and have been found to be ineligible to receive industrial insurance benefits. The employee receiving a PTO leave donation is required to provide documentation of the medical justification for the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a Port employee and shall receive the same treatment in respect to compensation and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits. The CEO retains discretion to determine the eligibility to receive donated leave. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

In the case where employees donate more leave than used by the recipient, the amount of unused donated leave will be credited back to the donors equally.

2.6.4.12 PTO is based on a 40 hour work week and is prorated based on the number of hours worked on an employee’s regular work schedule. Each full time employee will accrue PTO bi-monthly in hourly increments based on their length of service time.

2.6.4.13 PTO accrual schedule is as follows:

<b>Completed Years of Service</b>	<b>PTO Days Per Year</b>
0-4	28
5-9	32
10-14	36
15-19	40
20 +	44

2.6.4.14 Infectious Respiratory Virus Procedure

Infectious respiratory viruses remain a significant health concern for our employees and can potentially affect others in our workplace. We care about the safety and well-being of everyone at the Port, which is why we have implemented the following procedure.

If an employee shows respiratory virus symptoms, which cannot be attributed to other causes such as allergies, or if the employee tests positive for COVID-19 or another respiratory virus, they are required to stay home for at least eight calendar days. This period begins from the onset of symptoms or from the date of a positive test result. However, if the employee feels well enough to work during this time, they can do so remotely—pending approval from their supervisor—and will continue to receive their pay.

Employees may return to work eight calendar days after the onset of their symptoms or a positive COVID-19 test, provided that they observe a noticeable improvement in their symptoms and have been fever-free for at least five calendar days without the use of fever-reducing medications. For our Maintenance Employees, they may resume their field duties after three calendar days from symptom onset, given that their symptoms have improved and they have been free from fever for twenty-four hours. During the following five days, they will work in isolation while wearing a mask and practicing social distancing from anyone they might encounter.

Our precautionary measures remain in effect as well. These include:

1. If anyone living with an employee is experiencing respiratory virus symptoms or has tested positive for such an illness, that employee is required to work remotely with pay and remain away from the workplace for at least three days. This timeframe starts from the date of symptoms onset or when the individual tested positive.
2. For employees whose duties involve using Port vehicles, they may park their assigned work vehicle at home—subject to supervisor approval—to minimize contact with other staff members during this time. Please note that this adjustment to our vehicle policy is a temporary measure specifically for this situation. It does not alter our established vehicle policy, which generally requires Port-owned vehicles to be parked on Port premises when not in use.
3. At the Port, we are committed to providing adequate airflow and filtration systems to ensure the safety and comfort of our staff. We also encourage all employees to maintain good hygiene habits in the workplace, including:

- Covering your nose and mouth when coughing or sneezing;
- Washing hands regularly;
- Disinfecting frequently touched surfaces; and
- Utilizing the hand sanitizer, soap, and cleaning products provided by the employer.

4. Employees are welcome to voluntarily wear masks, whether respirators, medical procedure masks, or cloth face coverings, as long as this does not compromise safety or security as determined by the Port CEO.

2.6.5 Bereavement Leave

Port employees will be granted up to 3 working days with pay for a death in the immediate family, defined as spouse, state registered domestic partner, child, parent, siblings, grandparent, grandchild, in-law or step relationship. Maximum of 9 working days per year will be paid out per employee.

2.6.6 Jury Duty

Employees are expected to fulfill civic responsibilities by serving as jury members when called. Employees shall receive regular salary for jury duty.

2.6.7 Leave Without Pay

Unpaid personal leave of absence is a privilege to regular employees with acceptable job performance and a minimum of 6 months of service. The leave is at the employee’s request and approval and duration rests with the CEO. All applicable paid leave must be used before unpaid leave status is approved.

2.6.8 Military Leave

The Port recognizes the Nation’s need for support of its military. The Port will abide by all applicable Federal and State statutes for employees and their spouses on active duty, National Guard or the Military Reserves. Employees are required to notify the CEO at the earliest date possible by providing a copy of their orders.

2.6.9 Family and Medical Leave (FMLA/PFML) Policy for All Current and Future Employees

2.6.9.1 Family and Medical Leave

Port of Kennewick provides leave for all current and future employees who have worked 340 hours for the Port, during the 12 months immediately preceding the date leave will commence, and at least 820 hours in Washington state preceding the date of which the leave begins in accordance with RCW 50A.05.010 and RCW 50A.30.020. Employees are not subject to payment of any premiums for this plan.

This voluntary plan will be in effect for at least one year following the date of implementation, which for the purpose of this policy is 1/1/2019.

All references to FMLA in this policy, reference FMLA as it existed on October 19, 2017.

The Port’s FMLA/PFML plan is voluntary. An employee who was eligible for benefits under a voluntary plan is immediately eligible for benefits under our plan. Voluntary plans for paid family and medical leave benefits are portable between jobs and we accept the portability of hours in accordance with RCW 50A.30.020.

Leave is calculated on a fifty two week rolling measurement. It is calculated forward from when your last FMLA/PFML leave began.

The following chart outlines reasons for leave and corresponding leave times.

Life Event	Length of FMLA/PFML Leave Time off is based on a rolling year.
Birth of your child	<p><u>Medical Leave</u></p> <ul style="list-style-type: none"> <li>- Up to 12 weeks</li> <li>- This can be extended up to 14 weeks if employee experiences a serious health condition with a pregnancy that results in incapacity per RCW 50A.15.020(b).</li> </ul> <p><u>Family Leave – Leave to Care for a Newborn</u></p> <ul style="list-style-type: none"> <li>- Up to 12 weeks</li> <li>- Combined total of medical and family leave cannot exceed 16 weeks but may be extended to 18 weeks if employee experiences a serious health condition with a pregnancy that results in incapacity per RCW 50A.15.020(c).</li> </ul>
Placement of a child under age 18 or incapacitated adult through either adoption or foster care	<p><u>Family Leave</u></p> <p>Up to 12 weeks</p>
Paternity leave (caring for a newborn or bonding after the placement of a child)	<p><u>Family Leave</u></p> <p>Up to 12 weeks</p>
Caring for a family member with a serious health condition	<p><u>Family Leave</u></p> <p>Up to 12 weeks</p>
When your own serious health condition prevents you from performing the functions of your job.	<p><u>Medical Leave</u></p> <p>Up to 12 weeks</p> <p>This can be extended up to 14 weeks if employee experiences a serious health condition with a pregnancy that results in incapacity per RCW 50A.15.020.</p>
Any qualifying military exigency (as it existed on October 19, 2017) arising out of the fact that their spouse, child or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.	<p><u>Family Leave</u></p> <p>Up to 12 weeks</p>
An employee who is the spouse, child, parent or next of kin of a covered service member who needs to care for a service member with a serious illness or injury.	<p>Up to 26 weeks</p> <p><u>Note:</u> Combined with any of the above cannot exceed 26 weeks.</p>
Definitions: RCW 50A.05.010	<p><i>Child: biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal</i></p>

Life Event	Length of FMLA/PFML Leave Time off is based on a rolling year.
	<p><i>guardian, or is a de facto parent, regardless of age or dependency status.</i></p> <p><i><u>Family Member</u>: child, grandchild, parent, sibling, or spouse of an employee.</i></p> <p><i><u>Grandchild</u>: child of employee's child.</i></p> <p><i><u>Grandparent</u>: parent of the employee's parent.</i></p> <p><i><u>Spouse</u>: husband or wife or state registered domestic partner.</i></p> <p><i><u>Parent</u>: biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.</i></p>
Other Definitions	<p><b>All parts of this section will follow the guidance established by RCW 50A.05.010.</b></p> <p><i>Incapable of self-care: the individual requires active assistance or supervision to provide daily self-care in three or more of daily activities set out by state definition.</i></p> <p><i>Physical or mental disability: a physical or mental impairment that substantially limits one or more of the major live activities of an individual as set out by state definition.</i></p> <p><i>Service member: member of Armed Forces including National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.</i></p> <p><i>Next of kin of service member: nearest blood relative other than the covered service member's spouse, parent, son or daughter, or ranked in order of priority or as defined by Washington state.</i></p> <p><i>Qualifying exigency: for purposes of military family leave includes a number of broad categories of reasons and activities, including short-notice deployment, military events and related activities, child care and school activities, financial and legal arrangement, counseling, rest and recuperation, post-deployment activities, and any additional activities agreed to by the employer and the employee.</i></p> <p><i>Qualifying Period: for purposes of this policy, requirements set forth in RCW 50A.05.010 (18).</i></p> <p><i>Week: for purposes of this policy, requirements set forth in WAC 192-500-110.</i></p>

2.6.9.2 Intermittent or Reduced Schedule Leave

Leave on an intermittent or reduced schedule basis may be taken to care for the employee's own serious health condition, for a covered family member, or to care for a covered service member with a serious health condition if medical certification of the serious health condition is provided by the treating health care provider.

2.6.9.3 Serious Health Condition

A serious health condition (as referenced in RCW 50A.05.010(20)) is an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a medical facility (i.e. an overnight stay in a hospital, hospice or residential care facility) or continuing treatment by a physician or other healthcare provider.

2.6.9.4 Certification

If you need FMLA/PFML leave because of your own Serious Health Condition or the Serious Health Condition of your family member, you may be required to get a certification from a health-care provider. The Port may require periodic reporting from the employee as to their status and intention to return to work.

2.6.9.5 Benefits-Insurance Premiums

The Port will continue and/or pay your medical, dental, life, disability and long term care benefits during your family leave in the same manner as provided prior to the event. Payroll deductions for dependents, if applicable, will continue. No premiums will be paid by the employee for any FMLA/PFML leave in accordance with RCW 50A.30.010(3).

The terms of the profit sharing plan and any other qualified plan adopted by the employer will continue to apply during the term of the leave.

2.6.9.6 Notification of leave

Whenever possible, the employee must advise the employer at least thirty (30) days before the commencement of the leave of absence of the date of commencement and the period of leave which will be taken. However, the employee is encouraged to give as much notice as possible, to enable the employer to make necessary staffing arrangements during the leave.

2.6.9.7 Tracking Time Off

It is the responsibility of each employee to notify the Administrator when leave is necessary.

2.6.9.8 Exempt Employees

Each employee shall track their leave through our payroll system by entering the hours (up to 8 hours) taken each work day. Payroll shall be determined by the amount of hours logged into the system.

2.6.9.9 Non Exempt Employees

Each employee shall track their leave through our payroll system by entering the hours (up to 7.5 hours) taken each work day. Payroll shall be determined by the amount of hours logged into the payroll system.

## 2.6.10 Payment of Leave Benefits

### 2.6.10.1 Exempt Employees

Salary and time off is to be inclusive of, and compliant with any Federal, State, or Local requirements. The Port will continue the salary of the employee at their equivalent rate for family or medical leave for six weeks or twelve weeks for combined family and medical leave. The Port will pay the equivalent of the Washington state's plan leave for qualified remaining weeks up to a maximum of eighteen weeks in accordance with RCW 50A.15.020.

Salary for paid leave will be processed and paid via regular payroll periods (commencing on the next payroll after leave begins) on the 15th and last day of each month.

### 2.6.10.2 Non-exempt Employees

Salary and time off is to be inclusive of, and compliant with any Federal, State, or Local requirements. The Port will continue the salary of the employee at the equivalent rate for family or medical leave set forth by the Washington state plan in accordance with RCW 50A.15.020. In addition, employees may use their accrued PTO and extended leave hours in accordance with RCW 50A.35.030 to supplement the benefit payments provided under RCW 50A.15.020 toward the difference in their salary until benefit hours are exhausted.

Salary for paid leave will be processed and paid via regular payroll periods (commencing on the next payroll after leave begins) on the 15th and last day of each month.

### 2.6.10.3 Return to Work

At the conclusion of your leave, you are entitled to return to your same position unless that position is no longer available. If your position is no longer available when you return from FMLA/PFML leave, you will be returned to an equivalent position with the same compensation and benefits.

## 2.6.11 Family and Medical Leave

To the degree the following does not duplicate benefits under the Washington Paid Family Leave set forth above and in accordance with the federal Family and Medical Leave Act, the Port grants job-protected, unpaid family and medical leave to eligible employees for up to twelve (12) weeks per twelve-month period for any of the following reasons:

- The birth of and care for a newborn child, or the placement of a child with an employee in the case of adoption or foster care. Leave for these reasons will expire at the end of the 52 week period beginning on the date of such birth or placement;
- In order to care for an immediate family member (spouse, child, or parent) if that family member has a serious health condition; and
- An employee's own serious health condition that makes the employee unable to perform the essential function(s) of their position.

### 2.6.11.1 Family and Medical Leave Definitions

2.6.11.1.1 Twelve month Period: A twelve month calendar year starting January 1st and ending December 31st each year

2.6.11.1.2 Spouse: Either member of a legally-married pair or state registered domestic partner. If both spouses work for the Port, they are entitled to a combined total of 12 weeks of leave if the leave is taken for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. If each spouse uses a portion of the 12 weeks of leave for the purpose specified above, each

would be entitled to the difference between the amount they had taken and 12 weeks of FMLA leave for a different purpose. For example, if each spouse took 6 weeks of leave as a result of the birth of a child, each could use an additional 6 weeks due to his or her own serious health condition.

2.6.11.1.3 Child: A person younger than eighteen(18) years of age, or a person older than eighteen (18) years of age and incapable of self-care due to a mental or physical disability. An employee’s “child” is one for whom the employee has actual day-to-day responsibility. A “child” includes a biological, adopted, foster, or step-child.

2.6.11.1.4 Serious Health Condition: A serious health condition is an illness, injury, impairment, or a physical or mental condition involving inpatient care or continuing treatment by a health provider. Continuing treatment involves:

- A period of incapacity of more than three (3) consecutive calendar days (not working days) and subsequent treatment including either two visits to a health care provider or one visit followed by continuing treatment under the health care provider’s supervision;
- A period of incapacity due to pregnancy or for prenatal care;
- Treatment for chronic serious health conditions such as asthma and diabetes which (1) requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity; and
- Treatments for serious conditions such as cancer that may not be incapacitating but without treatment would result in a period of incapacity of more than three (3) consecutive days.

2.6.11.1.5 Health Care Provider: Any health care provider that is recognized by the Port or accepted by the Port’s group health plan. This may include physicians, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners, nurse midwives and clinical social workers.

## 2.6.11.2 Eligibility for FMLA Leave

To be eligible for family and medical leave, an employee must have been employed by the Port for at least twelve (12) months. Employees must have worked 1,250 hours during the 12 months prior to the commencement of leave. Vacation, personal leave, sick leave or unpaid leave is not included in the 1,250 hour calculation.

## 2.6.11.3 Intermittent or Reduced Leave

2.6.11.3.1 An employee may take FMLA leave on an intermittent basis (a few days or few hours at a time) or on a reduced leave schedule as a result of the birth of a child and for placement of a child for adoption or foster care if the Port and the employee agree to such a schedule.

2.6.11.3.2 Leave for a serious health condition may also be taken intermittently or on a reduced leave schedule when medically necessary. The Port may request certification from the health care provider of the employee or family member of the medical necessity of the intermittent leave schedule and its expected duration. Employees are required to schedule intermittent leave that is foreseeable so as not to unduly dispute the Port’s operations. The Port may assign employees on intermittent FMLA leave temporarily to alternative

positions with equivalent pay and benefits that better accommodate such recurring periods of intermittent leave.

2.6.11.3.3 For regular part-time employees and employees who work variable hours, the FMLA entitlement will be calculated on a prorated basis. A weekly average of the employee's hours worked over the twelve-week period before the beginning of the family and medical leave will be used for calculating the employee's normal workweek.

#### 2.6.11.4 Substitution of Paid Leave

2.6.11.4.1 An employee on FMLA leave must use any accumulated PTO leave they have available. After an employee on FMLA leave has exhausted their accumulated PTO, the remainder of the leave will be unpaid.

2.6.11.4.2 An employee who incurs a work-related illness or injury may be eligible to receive worker's compensation benefits. Any time off due to the work-related illness or injury will count toward the employee's FMLA leave entitlement. The FMLA does not allow for the substitution of compensatory time for unpaid FMLA leave.

#### 2.6.11.5 Designating Leave as FMLA Leave

The Port has the authority to designate whether any paid leave to be taken counts towards an employee's FMLA leave entitlement before leave starts, and will notify the employee immediately upon learning that it qualifies as FMLA leave. The initial notification to the employee may be oral, but will be confirmed in writing by the next regular payday. The Port's designation is based upon information obtained from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc.) if the employee is incapacitated. The employee must provide enough information to enable the Port to make a determination, if not; the Port may make a tentative designation until further inquiry is made to obtain the additional information.

#### 2.6.11.6 Employee Notice Requirements

An employee must provide the Port with at least thirty (30) days advance notice before FMLA leave is to begin if the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition. Failure to provide the notice with no reasonable excuse will give the Port the right to delay the taking of leave until at least thirty (30) days after the date the employee provides notices to the Port of the need for FMLA leave. If thirty (30) days' notice cannot be provided, notice must be given as soon as practicable. Verbal or written notification to the Port should be provided within one or two business days of when the need for leave comes known to the employee. When planning medical treatment, the employee must consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to unduly disrupt the Port's operations, subject to the approval of the health care provider.

2.6.11.6.1 Medical Certification. If the employee's leave is to care for the employee's seriously ill spouse, child, or parent, or due to the employee's own serious health condition, the request must be supported by a certification issued by the health care provider of the employee or the employee's ill family member. When the leave is foreseeable and at least 30 days' notice has been provided, the medical certification should be provided before the leave begins. The Port will allow 15 calendar days for the employee to comply with a request for medical certification. Medical certification forms will be made available.

2.6.11.6.2 Second Opinion. The Port may require a second medical opinion (at the Port's expense). Pending receipt of the second opinion, the employee is provisionally granted leave. The Port may also request periodic reports on the employee's

status and intent to return to work, and a fitness-for-duty report from the employee's attending physician advising that the employee can return to work.

If the opinions of the employee's and the Port's designated health care providers differ, the Port may require a third opinion (at the Port's expense). The third health care provider will be designated or approved jointly by both the employee and the Port. The third opinion is final and binding. The Port will reimburse an employee or family member for any reasonable travel expenses incurred to obtain a second and third opinion.

- 2.6.11.6.3 Confidentiality. All documentation related to the employee's or family member's medical condition is held in strict confidence and maintained in the employee's confidential medical file.

#### 2.6.11.7 Payment of Group Health Premiums During FMLA Leave

The Port will maintain the group health insurance coverage for an employee's FMLA leave period whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. Any portion of group health plan premiums which the employee has paid before starting an FMLA leave must continue to be paid by the employee during the leave. Any changes to premium rates and levels of coverage or other conditions of the plan that apply to other active employees also apply to eligible employees on FMLA leave. The Port will give advance written notice to employees of the terms for payment of premiums during FMLA leave.

The Port's obligation to maintain group health benefits ends after an employee's premium payment is more than 30 days late. The Port will provide 15 days' notice that coverage will cease if the employee's premium is more than 30 days late. If coverage should lapse while the employee is on FMLA leave, they will be restored to equivalent coverage upon return to work.

Failure to Return to Work. The Port may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work at the end of leave. The only exception is where the employee does not return due to the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member or other circumstances beyond the employee's control.

#### 2.6.11.8 Rights Upon Return to Work

When an employee returns from an FMLA leave, they will be restored to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The FMLA does not require the Port to place a returning employee in the same position. If a position in which an employee is placed is equivalent, the employee has no right to be restored to the original job.

- 2.6.11.8.1 Seniority. An employee is not entitled to seniority or benefit accruals during periods of unpaid FMLA leave. However, an employee does not lose seniority or benefits accrued prior to family and medical leave.

- 2.6.11.8.2 Early Return. If an employee requests to return to work earlier than originally scheduled, he/she should give the Port reasonable advanced notice, generally at least two working days. The Port may require that before returning, the employee present a certification from his/her health care provider that the employee is able to resume work.

#### 2.6.11.9 Military Caregiver Leave

An employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take up to 26 workweeks of unpaid leave

during a single 52 week period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A covered service member is also a veteran who was a member of the Armed Forces at any time during the period of 5 years preceding the date on which he or she undergoes medical treatment, recuperation or therapy for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty, or that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty on active duty, that may render the service member unfit to perform the duties of his or her office, grade, rank or rating. For a veteran, a serious injury is a qualifying injury or illness (as defined by regulation) that was incurred in the line of duty on active duty (or that existed before the beginning of active duty and was aggravated by service in the line of duty on active duty) and that manifested itself before or after the service member became a veteran. The "single 52 week period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 52 weeks later, regardless of the 52 week period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks for any FMLA-qualifying reason during the "single 52 week period." Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member. Medical Caregiver Leave may be taken intermittently whenever necessary to care for a covered service member with a serious injury or illness.

#### 2.6.11.10 Qualifying Exigency Leave


An employee may take up to a total of 12 workweeks of unpaid leave during the normal 52 week period established by the employer for FMLA leave for "qualifying exigencies" arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty status, or has been notified of an impending call or order to active duty status in support of a contingency operation. For purposes of this leave, covered active duty for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. Covered active duty for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code. Specific qualifying exigencies are defined by regulation and may be found at 29 CFR 825.126, but include generally short notice deployments, military events and related activities, childcare related activities, financial and legal arrangements, counseling, rest and recuperation, and post-deployment activities. FMLA leave may be taken intermittently for a qualifying exigency.

#### 2.6.11.11 Additional Medical Leave During Disability Due to Pregnancy or Childbirth and to Care for Newborn

In addition to the FMLA leave described above, any employee entitled to leave for the period during which she is temporarily disabled due to pregnancy or childbirth. This pregnancy/ childbirth disability leave is unpaid and health benefits are not automatically continued; however, accrued leave may be used and the employee may continue insurance coverage at her expense. Certification from the employee's health care provider may be required. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave.

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlement to 12 weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with FMLA leave. However, the FLA leave does not run

concurrently with any leave taken for pregnancy/childbirth disability; this affords an employee time off to care for a newborn once she has recovered from the disability.

	<b>PORT OF KENNEWICK</b>	
	<b>EMPLOYEE BENEFITS</b>	<b>SUBPART 2.7</b>
	Adopted by the CEO on January 1, 2016 Updated June 1, 2023	Adopted January 1, 2016

**2.7 EMPLOYEE BENEFITS**

2.7.1 Mandated Benefits: Non-exempt employees, exempt employees, and Commissioners shall be entitled to participate in the Washington State Public Employee’s Retirement System, the Social Security system, the State Industrial Insurance program or such other programs as may be required by state or federal law. Employee deductions and employer contributions shall be as prescribed by such laws.

2.7.2 Medical Insurance: Non-exempt employees, exempt employees and Commissioners shall be entitled to family medical coverage at the expense of the Port, at levels of coverage established from time to time by the CEO in accordance with RCW 53.08.170 and the Commission approved budget.

Departing employees have the option of continuing health insurance coverage through Consolidated Omnibus Reconciliation Act of 1985 (COBRA) or another employee alternative insurance (at the same cost) paid by the Port for a maximum of 3 months after termination. Departing employees have the option of continuing COBRA thereafter at the employee’s own expense in accordance with COBRA.

2.7.3 Deferred Compensation Program: All employees may apply to enroll in the Washington State Department of Retirement Systems Deferred Compensation Program or another approved Port of Kennewick vendor non-state affiliated deferred compensation plan at the inception of their employment with the Port of Kennewick. Employees may dedicate contributions up to the maximum allowable amount of their pre-tax/post-tax income to be paid into the fund on each pay date.

Upon completion of one full year of employment with the Port, all employees shall be deemed eligible by the Port Commission to receive a matching retirement benefit of up to 4 percent of the employee’s base salary into the Washington State Department of Retirement Systems Deferred Compensation Program or the Non-State Affiliated 457b/401a Plan. Any investment into this plan by a Port employee is absolutely voluntary. Once the Port match is contributed to the plan, it shall be treated in the same manner as all contributions and invested at the direction of the employee.

2.7.4 Health Care Reimbursement Program: Port of Kennewick (“Employer”) has adopted the HRA VEBA Medical Reimbursement Plan for Public Employees in the Northwest (“Plan”). Employer shall contribute to the Plan on behalf of all non-represented employees (“Group”) defined as eligible to participate in the Plan. Each eligible employee must submit a completed and signed Enrollment Form to become a Plan participant and be eligible for benefits under the Plan.

2.7.4.1 The Port will offer a \$7,000 incentive to all employees and Commissioners. This amount is intended to provide for the reimbursement of qualified out-of-pocket medical costs and provide a wellness program. To provide for this reimbursement tax-free, the Port will contribute the amount to the HRA VEBA plan. There will be no option for the amount to be paid out in cash. The Contribution shall be paid out quarterly to the HRA VEBA plan.

2.7.4.2 To encourage longevity at the Port of Kennewick, any employee of the Port who has served for a minimum of five (5) years shall have a lump sum payment made into their HRA VEBA account at the time they leave service based upon the following table and formula:

Completed Years of Service	Multiplier
5	2.5
10	5
15	7.5
20	10
25	12.5
30+	15

One-Time Contribution Formula:  
Multiplier \* Annual current VEBA funding amount

For example, if a Port Staff member retires after 15 years of service, the Port will contribute \$52,500. This is calculated as: \$7,000 \* 7.5 = \$52,500 (based upon current contribution amount).

- 2.7.5 Life, Disability, Cancer, or Other Benefits: Upon completion of one full year of employment with the Port, all employees shall be deemed eligible to receive up to \$80 towards a Port approved disability, cancer, insurance, or other plan as approved by the CEO and CFO. Any additional contribution into this plan by a Port employee is absolutely voluntary.

All employees and Commissioners can elect at their own expense to join alternative benefit plans such as Employee Owned Group Insurance Plans, Aflac plans and others if approved by the CEO and CFO.

Upon agreement with employee, benefits described above that are purchased by the employee will be automatically deducted from the employees pay check.

2.7.6 Telephone/Internet

- 2.7.6.1 Cell Phone Allowances: Since the Port does not own cell phones, the Port will provide a monthly cell phone allowance up to \$130 for data phones and \$50 for non-data phones. The Port will also provide a one-time cell phone purchase allowance up to \$750 every two years. The Port is not liable for any employee or Commissioner cost in connection with the employee or Commission purchased phones.

2.7.6.1.1 In the event the employee or Commissioner can provide sufficient evidence the business use of the cell phone is in excess of the allowance amount, the CFO may allow the additional amount to be paid to the employee or Commissioner.

2.7.6.1.2 Cell phones should not be used as an alternative to other means of communication when an alternative would provide less cost to the Port.

2.7.6.1.3 Due to state legislative changes, the employee or Commissioner may elect to have a Port owned cell phone in lieu of the allowances listed in section 2.7.6.1 of this policy. The phone shall not be used for any personal use, strictly Port related business.

- 2.7.6.2 Internet and Computer/Printer Allowance: Employees and Commissioners where job duties require the employee to work from home shall receive an internet allowance of \$70 per month.

In order for the above allowances to be considered tax-exempt, the employee must follow the Port's accountability program developed by the CFO. The IRS requires the employee to provide support in the amount of the allowance in order to be in compliance with a tax-exempt accountability program. If the employee or Commissioner is not in compliance

with the accountability program, the Port will tax the allowance and include the tax payments to the IRS in the employee or Commissioner's payroll.

2.7.7 Life Flight Membership

2.7.7.1 The Port will provide annual memberships for all Port staff, Commissioners, and their immediate family members.



# PORT OF KENNEWICK

## POSITION CLASSIFICATIONS, PAY PERIODS AND WAGES

### SUBPART 2.8

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

## 2.8 POSITION CLASSIFICATIONS, PAY PERIODS AND WAGES

### 2.8.1 Position Classifications

The CEO has established detailed job descriptions and titles for each employee based on the employee's duties, responsibilities, and appropriate federal or state guidelines. Each job description follows the following classifications and titles:

- 2.8.1.1 Administrative positions have the primary responsibility of managing a recognized department. Directors and supervisors positions are generally administrative and are normally exempt.
- 2.8.1.2 Professional positions require specialized training and/or a college degree (e.g. perform specialized, intellectual, artistic or varied work in professions) and are normally exempt.
- 2.8.1.3 Staff positions provide a variety of support functions and generally do not have a supervisory function and are normally non-exempt.

### 2.8.2 Types of Employees

- 2.8.2.1 Exempt Employees: Employees classified as Executive, Administrative, and Professional are "exempt" and are not eligible for overtime compensation. Exempt status is defined by federal and state laws.
- 2.8.2.2 Full-Time Employees: Full-Time employees are scheduled to work at least forty (40) hours per week on a regular basis.
- 2.8.2.3 Non-Exempt Employees: Employees classified as "non-exempt" are paid on an hourly basis and are eligible for overtime. The Fair Labor Standards Act defines overtime as all hours worked beyond forty (40) in a work week. Non-exempt employees is defined by federal and state laws.
- 2.8.2.4 Part-Time Employees: Part-Time employees are scheduled to work twenty (20) hours or less per week on a regular basis.
- 2.8.2.5 Temporary Employees: Temporary Employees are employed for a specific period of time or for a non-recurring work project. Temporary employees do not receive group benefits and are not eligible to earn vacation or sick leave. Credit for temporary service is granted if the employee converts to regular status with no more than one calendar month break in service. Temporary status shall not exceed six months.

### 2.8.3 Pay Period

Exempt and Non-Exempt employees will complete their timesheets for compensation on a regular basis on the 15th day and the last working day of every month. Payroll processing generally takes up to 5 business days after timesheets are signed, reviewed, and approved. Employees and supervisors not completing and properly approving timesheets in a timely manner may hold up the payroll processing and may be subject to disciplinary action.

#### 2.8.4 Wages

The CEO may, in his sole discretion, review and adjust the salary of both exempt and non-exempt employees based on annual performance review, or as deemed necessary, based upon special merit or circumstances, and changes in the general cost of living. The CEO from time to time will perform a salary and benefit analysis. All wages are subject to the Commission-approved budget.



# PORT OF KENNEWICK

## PROCEDURE MANUAL ACKNOWLEDGMENT

## PART 3.0

Adopted by the CEO on January 1, 2016  
Updated December 4, 2024

Adopted January 1, 2016

### PART 3.0 PROCEDURE MANUAL ACKNOWLEDGMENT

I have received a copy of the CEO PROCEDURES AND STAFF HANDBOOK, I have read it, understand it, and will abide by the contents. Furthermore, I recognize that my employment relationship with the Port of Kennewick is at-will and there is no guarantee by the Port of my continued employment. I may leave my employment with the Port at any time without legal obligation and the Port may terminate my employment at any time with or without cause. I understand that the Port retains the right to change its policies and procedures contained in the CEO PROCEDURES AND STAFF HANDBOOK at any time without advance notice. I have had the opportunity to ask any questions I may have had regarding the CEO PROCEDURES AND STAFF HANDBOOK and have received responses to my satisfaction.

\_\_\_\_\_  
**Printed Name of Employee**

\_\_\_\_\_  
**Signature of Employee**

**Date:** \_\_\_\_\_



# PORT OF KENNEWICK

## CEO PROCEDURES, STAFF HANDBOOK, AND ACKNOWLEDGEMENT

Adopted by the CEO on January 1, 2016  
 Updated on February 4, 2025  
**Updated further on June 9, 2026**

Adopted January 1, 2016

To carry out the Commission-approved Chief Executive Officer’s (hereinafter referred to as “CEO”) delegation of authority, the CEO adopts the procedures and staff handbook necessary for the efficient and proper management of Port operations, as follows:

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# PORT OF KENNEWICK

## BUDGET, FINANCIAL, AND OPERATIONAL PHILOSOPHY

### PART 1.0

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### PART 1.0 CEO PROCEDURES

To carry out the Commission-approved CEO delegation of authority, the CEO adopts procedures necessary for the efficient and proper management of the Port operations.



# PORT OF KENNEWICK

## BUDGET, FINANCIAL, AND OPERATIONAL PHILOSOPHY

### SUBPART 1.1


Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 1.1 BUDGET, FINANCIAL, AND OPERATIONAL PHILOSOPHY

All employees shall follow the Commission-approved Budget, Financial, and Operational Philosophy.

**See Port Commission Policies and Procedures Policy.**

	<b>PORT OF KENNEWICK</b>	
	<b>FRAUD PREVENTION AND ETHICS</b>	<b>SUBPART 1.2</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.2 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 to the Port’s Chief Financial Officer (hereinafter referred to as “CFO”).

All Port employees shall fully and timely cooperate with any internal or external investigations that may be pursued.

Any Port employee who violates this procedure shall be subject to disciplinary action up to and including termination.

**1.2.1 Purpose**

- 1.2.1.1 To ensure proper stewardship over public funds and assets, and provide timely and proper handling of any known or suspected loss of such funds or assets, fraud or any illegal activity.
- 1.2.1.2 To comply with RCW 43.09.185, that requires State agencies and local governments to immediately report any known or suspected loss of public funds or assets, or other illegal activity, to the State Auditor’s Office (SAO).
- 1.2.1.3 To establish clear expectations and ensure consistent and timely action by the Port.
- 1.2.1.4 To ensure that losses are minimized; investigations and audits are not hampered; improper settlements are not made with employees; incorrect personnel actions are not taken; employees are protected from false accusations; and bond claims are not jeopardized.

**1.2.2 Reporting Fraud or Suspected Fraud**

- 1.2.2.1 Irregularities that reasonably lead a Port employee to suspect a loss of Port funds or assets due to misappropriation or fraud, must be reported. This includes all suspected losses, including those that have occurred in the past but only recently become apparent.
- 1.2.2.2 All suspected and known losses shall be reported as follows:
  - 1.2.2.2.1 SAO provides guidelines on reporting fraud. If fraud has occurred or is suspected, employee must notify the Port CFO immediately to prevent ongoing fraud.
  - 1.2.2.2.2 CFO will review the claims and determine if fraud has occurred or is suspected and report to the CEO. CFO will report to SAO as consistent with SAO guidelines for reporting.
  - 1.2.2.2.3 Consistent with SAO guidelines, the following are not considered losses reportable. However, those in leadership positions for the related operations are responsible to monitor such activities for unreasonable irregularities and take action in accordance with this policy as necessary.

1.2.2.2.4 Normal and reasonable “over and short” situations from cash receipting operations. These transactions are to be recorded in the accounting system as miscellaneous income and expense, respectively, and monitored by cashier for any unusual trends.

1.2.2.2.5 Reasonable inventory shortages identified during a physical count. These inventory adjustments are to be recorded in the accounting system and monitored accordingly.

1.2.2.3 For any irregularity determined to be a loss of funds or assets due to misappropriation or fraud, no restitution or repayment agreement with an employee shall be entered into without guidance from Port Attorney, an audit conducted to establish the amount of loss, and prior approval from the SAO and State Attorney General’s Office. State law requires written approval of the State Auditor and Attorney General before State agencies and local governments can make any restitution agreement, compromise or settlement of loss claims related to a misappropriation or fraud.

### 1.2.3 Fraud Response Committee

The Port’s Fraud Response Committee is comprised of the CEO, Port Attorney, and CFO. If any member of the Committee has or reasonably believes they may have a conflict with any matter, they shall immediately recuse themselves from any further participation in that matter.

The CEO and CFO shall make preliminary inquiries and review relevant documents for the purpose of determining whether cause exists to pursue the matter further. The CEO may also request the Port attorney to review or contract out for an audit.

The CFO will draft a written recommendation that the matter be pursued further or that the matter should be closed for lack of substantiation.

The CFO shall forward his or her recommendation to the CEO and the CEO will, thereafter, convene a meeting of the Fraud Response Committee.

The Fraud Response Committee shall review the recommendation and the Committee will determine whether further action is appropriate.

If the Fraud Response Committee determines that further action is necessary, the Committee will determine the appropriate next steps including establishing the scope of the inquiry and determining whether in-house resources or outside consultants should be used to conduct the review.

The Internal Auditor, or retained consultant as determined by the Fraud Response Committee, shall conduct an investigation to gather the facts, determine the nature of the irregularity, and inform the Fraud Response Committee.

At the point it is suspected or known that a loss of public funds or assets, fraud or any illegal activity has occurred, the CFO shall immediately notify the SAO in accordance with RCW 43.09.185.

The Fraud Response Committee shall determine the appropriate next steps for action, based on the Internal Auditor’s or retained consultant’s assessment and recommendations. This may include involving appropriate law enforcement, as well as recommending appropriate disciplinary action.

The CFO shall notify the Port Insurance Company of all known or suspected instances of fraudulent activity. The Port Insurance Company, in coordination with Port Attorney, shall determine whether to file a claim against the applicable insurance policy.

Any Port employee in possession of or responsible for relevant financial, operational and all other records shall protect them from loss or destruction, and all original records related to the loss shall be secured in a safe place until a full audit/investigation has been completed.


1.2.4 Employee Conduct

At minimum, Port employees shall:

- 1.2.4.1 Conduct themselves with the utmost integrity and professionalism.
- 1.2.4.2 Contribute to the Port having a work environment of fraud awareness, zero tolerance for fraud, and immediate reporting of any suspected losses, fraud or other illegal activity.
- 1.2.4.3 Fully comply with this procedure and avoid any actions that may impede, an audit or investigation.

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For further information contact: Port CFO.

	<b>PORT OF KENNEWICK</b>	
	<b>LEASE OF REAL AND PERSONAL PROPERTY</b>	<b>SUBPART 1.3</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.3 LEASE OF REAL AND PERSONAL PROPERTY**

The CEO delegates the following authority in order to improve efficiencies:


1.3.1 General Leases

The Deputy CEO may sign all general property leases as so long as they do not exceed \$5,000 per month (excluding LET, utilities, and other ancillary items).

1.3.2 Marine Division Lease

The Deputy CEO may sign all Marine Division leases (i.e. Marina, Haul Out, Boat Yard) as so long as the Marine Division leases are in the Port’s standardized format and at the Commission-approved lease rates.

**See CEO’s Delegation of Authority Policy.**

	<b>PORT OF KENNEWICK</b>	
	<b>REAL PROPERTY PURCHASES AND SALES</b>	<b>SUBPART 1.4</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.4 REAL PROPERTY PURCHASES AND SALES**

See CEO's Delegation of Authority Policy.



# PORT OF KENNEWICK

## CONTRACTS FOR PERFORMANCE OF WORK

## SUBPART 1.5

Adopted by the CEO on January 1, 2016  
Updated on February 4, 2025

Adopted January 1, 2016

### 1.5 CONTRACTS FOR PERFORMANCE OF WORK

- 1.5.1 The CEO delegates the following authority:
- 1.5.2 Contract Manager may execute on the CEO's behalf, contracts for performance of work and change orders that do not exceed \$5,000 as long as all laws, regulations, policies, and procedures have been met and the amount is within the Port approved budget.
- 1.5.3 Deputy CEO may execute on the CEO's behalf, contracts for performance of work and change orders that do not exceed \$50,000 as long as all laws, regulations, policies, and procedures have been met and the amount is within the Port approved budget. Deputy CEO may not sign contracts or change orders initiated by the Deputy CEO.
- 1.5.4 Contracts over \$50,000 require CEO's signature or Commission approval if over CEO's delegation of authority.
  - 1.5.4.1 A Contract Manager acting within the approved department budget is authorized to negotiate for performance of work as necessary to perform their assigned functions and responsibilities as so long as the employee ensures they follow all laws, regulations, policies, procedures, proper contract routing, audit, and approval process.
  - 1.5.4.2 In order to assure continued public trust, employees must conduct themselves in a manner that avoids any actual or perceived conflict of interest between the Port of Kennewick and organizations other than Port of Kennewick with which the individual is associated. Procurement will be fair and impartial.
  - 1.5.4.3 No employee will participate in any procurement activity when they are aware of an actual or potential conflict of interest. No employee will accept gifts or gratuities in connection with an expenditure.
  - 1.5.4.4 Procurement of goods and services will provide the Port with the highest level of quality at the lowest possible price. Purchases will be made within budget limits, goals and objectives of the Port.
  - 1.5.4.5 Every effort will be made to use products made from recycled materials if such products are available, of acceptable quality, and generally priced the same as similar, non-recycled products.
  - 1.5.4.6 The Port of Kennewick may acquire surplus property from another government without the use of bids in accordance with RCW 39.33.010.
- 1.5.5 Small Works Projects
  - 1.5.5.1 Small works process is used to prepare, review, and approve public works projects that are not considered ordinary maintenance (e.g. construction, repair, and alteration projects) of \$350,000 or less excluding sales tax, however, the \$350,000 bid limit does include freight, handling, and other costs associated with the bid.
  - 1.5.5.2 The term "public work" shall include all work, construction, alteration, repair, or improvement.

- 1.5.5.3 An employee who is the contract manager must not break any public works project into smaller units in an attempt to avoid formal sealed bid process.
- 1.5.5.4 Small Works Roster
  - 1.5.5.4.1 Employees who are the project contract manager must use the “Small Works Roster” to perform small works bid invites on Port projects \$350,000 or less excluding sales tax, unless a formal sealed bid process was used.
  - 1.5.5.4.2 Employees who are the project contract manager must ensure the “Small Works Roster” contractors are properly licensed or registered to perform public works in the State of Washington before any contract is awarded.
  - 1.5.5.4.3 The Port Records Manager will maintain a “small works roster” pursuant to RCW 39.04.151 for construction contracts up to \$350,000 and retain the “small works roster” by the various categories of anticipated public works.
  - 1.5.5.4.4 The Small Works Roster will be advertised annually in a newspaper of general circulation in order to enhance outreach to small and minority/disadvantaged firms. The Roster will also be referenced on the Port website, with instructions on how to apply for listing on the Roster.
  - 1.5.5.4.5 Contractors may contact the Port with a request to be included on the Small Works Roster. Contractor names may be added to the Small Works Roster at any time throughout the year.
  - 1.5.5.4.6 The Port will maintain the Small Works Roster application packet on the Port’s website. Samples of all applicable forms (Performance/Payment Bond, Indemnification Certificate, Insurance Requirements, etc.) may also be included in the packet.
  - 1.5.5.4.7 When contractors submit completed forms, they will be required to include their current Washington State Contractors License, IRS W-9, and provide the contractor’s Washington State UBI number.
  - 1.5.5.4.8 The Records Manager may refresh the small works roster no sooner than every two years.
  - 1.5.5.4.9 The Records Manager or designee will be responsible for approving applications and adding eligible contractor names to the Small Works Roster.
- 1.5.5.5 Bid Invite
  - 1.5.5.5.1 Bid Invites shall be secured via written proposal, or electronic proposal from contractors listed on the Small Works Roster to assure that a competitive price is established and to ensure the award of contracts to the lowest responsive bidder. Documentation of the invite and bid shall be retained in file. Electronic quotes may be received for projects under \$50,000 and documentation of the electronic quotes shall include the name of contractor, date invited, quote received, any other information regarding the quote. Documentation shall be kept in the file to determine that all contractors were invited on the small works roster. Projects over \$50,000 but under \$350,000 shall be performed by written or electronic invites. Documentation shall be maintained in the file listing who was invited to bid confirming that all who were invited to bid are on the Small Works Roster.
  - 1.5.5.5.2 Invitations for bids shall include a general overview of the scope and nature of the work to be performed as well as special materials and equipment to be furnished. However, detailed plans and specifications need not be included in the bid invite.

- 1.5.5.5.3 The Port of Kennewick shall ensure that bid solicitation does not favor certain contractors on the Small Works Roster over other contractors on the Small Works Roster who perform similar services.
  - 1.5.5.5.4 Award shall be made to the lowest and most responsive bidder. However, all quotes may be rejected based on bids exceeding Port's estimates or inability of the bidder to meet the requirements of the bid, and or no responsive bidders. Rejection shall be determined by the CEO.
  - 1.5.5.5.5 After the award, the employee responsible for the bid project shall record bids received and open the bids to public inspection and make available to the public. A contract awarded from the Small Works Roster under this policy does not need to be advertised.
- 1.5.5.6 Performance, Payment Bonds and Retainage
- 1.5.5.6.1 In order to encourage participation by small and disadvantaged firms, the following shall be employed with respect to performance and payment bonds required by RCW 39.08.010.
  - 1.5.5.6.2 *Projects under \$150,000*, including all applicable taxes and fees, require performance or payment bond; however, at the option of the contractor, the contractor can waive the performance and payment bond and opt to have 10% retainage withheld. This must be done at the time the contract is entered into and the contractor must fill out a "Declaration of Option for Performance Bond or Additional Retainage". Projects under \$5,000 have no requirements for retainage or performance bonds.
  - 1.5.5.6.3 *Projects greater than \$150,000* require a payment and performance and surety bond.
- 1.5.5.7 Prevailing Wage
- Contractors working for the Port of Kennewick are required to comply with the Washington State Prevailing Wage Act. Before a contractor can be awarded a contract they must comply with the following:
- 1.5.5.7.1 Contractor must include a statement that the laborers, workers, and/or mechanics will not be paid less than the specified hourly minimum rate of wage.
  - 1.5.5.7.2 Contractor must include their Washington State Contractor's License number and their Federal Identification Number in their proposal.
- 1.5.5.8 Department of Revenue, Employment Security, and L&I
- No retainage shall be processed until receipt of the "L&I Release", DOR, and Employment Security has been received. It is the responsibility of the employee who is in charge of the bid project to notify the CFO when this document has been received.
- For projects over \$35,000 and after completion date of the bid project, the employee responsible for the project is required to fill out the "Notice of Completion" promptly after the completion date has been declared.
- 1.5.5.8.1 The employee responsible for the project is required to fill out the "Notice of Completion" promptly after the completion date has been declared. No retainage shall be processed until receipt of the "Department of Revenue Release". It is the responsibility of the employee who is in charge of the bid project to notify the CFO when this document has been received.

- 1.5.5.8.2 The Department of Revenue forwards the “Notice of Completion” to the Employment Security Department. No retainage shall be released until receipt of the “Employment Security Release”. It is the responsibility of the employee who is in charge of the bid project to notify the CFO when this document has been received.
- 1.5.5.9 Payment
  - 1.5.5.9.1 Payments will be made as promptly as practicable, however no later than 60 days following the completion date if all necessary documents have been received, including the final retainage invoice from the contractor. Ensuring proper notification to the CFO on the completion date, all necessary documents are received, that no liens have been filed and that the 45 day period has lapsed is the responsibility of the employee who is responsible for the project. Final completion date must be declared by the employee responsible for the project.
  - 1.5.5.9.2 Contractors and subcontractors shall be required to provide the Port the L&I approved Statement of Intent to Pay Prevailing Wages before any payment will be processed and the L&I-approved Affidavit of Wages Paid before final payment will be processed. It is the responsibility of the employee who is in charge of the bid project to notify the CFO when these documents have been received.
  - 1.5.5.9.3 Contractors shall be required to include a properly documented invoice that contains the description of work performed, the amount of payment requested, and list of subcontractors used during payment period.
- 1.5.5.10 Insurance: See Insurance Procedure at Subpart 1.18.
- 1.5.5.11 Small Works Roster History Log
 

Awards for work done via the Small Works Roster will be maintained by the Port of Kennewick Senior Accountant. The Senior Accountant will create and retain a Small Works Roster History Log that contains the name of the awarded contractor, the amount of the contract, a brief description of the type of work performed, whether the contract was awarded to a women or minority own business, and the date the contract was awarded. The Log will be available for public inspection upon request.
- 1.5.5.12 Contract Language
 

Contractors must have a valid UBI number and the Port shall keep this in the contractors file. Contractors must also have industrial insurance coverage as required in Title 51 RCW; employment security number as required in Title 50 RCW; State Excise Tax registration number as required in Title 82 RCW; electrical contractors license if required by Chapter 19.28 RCW, elevator contracts license if required by Chapter 70.87 RCW and not disqualified from bidding on any public works contract under RCW 39.06 or 39.12.065(3). Employee in charge of the bid project must ensure this verification is met.

  - 1.5.5.12.1 Contract must include language that requires the contractor to verify responsibility of their subcontractors and lower tier subcontracts as stated above.
- 1.5.5.13 Exemptions to Competitive Bidding
  - 1.5.5.13.1 Pursuant to RCW 53.08.120, small works projects estimated to be less than \$40,000 are not required to be formally bid due to the cost/benefit to the Port. The estimated cost shall include the total cost of a project, and does not permit the division of work into multiple projects to avoid calling for formal bids.

The project manager shall make their best effort to reach out to qualified contractors, including certified minority and woman-owned contractors.

#### 1.5.5.14 On-Call/Unit Based Contracting

1.5.5.14.1 The Port is authorized to use “On-Call” contracting for small works projects so long as RCW 53.08.120 is followed.

##### 1.5.5.14.2 Solicitation

1.5.5.14.2.1 On-Call contracts will be issued as a request for bid under the small works process.

1.5.5.14.2.2 The request for bid will contain fixed pricing, either by unit price or time and materials plus markup.

1.5.5.14.2.3 A bid tabulation will be generated. Bids may be evaluated using a mock project or other evaluation process determined by the project manager.

1.5.5.14.2.4 The bid invite must include the estimated quantities of the anticipated work and specify how the Port will issue work orders to the Contractor.

1.5.5.14.2.5 Contract must be awarded to the lowest responsible bidder in accordance with RCW 39.04.010.

1.5.5.14.2.6 If possible, the contract manager must invite at least one proposal from a minority or woman contractor.

##### 1.5.5.14.3 Contracts

1.5.5.14.3.1 On-Call contracts shall use the approved standardized Port contract, and follow the standard contract workflow process.

1.5.5.14.3.2 Contract must be executed for an initial term not to exceed three years, with the option of extending the contract for one additional year if agreed by both parties.

##### 1.5.5.14.4 Issuing Work Orders

1.5.5.14.4.1 The contract manager will develop a scope of work and prepare an estimated cost for the work order.

1.5.5.14.4.2 The contract manager will ask the contractor to review the scope of work and prepare a cost estimate.

1.5.5.14.4.3 The contract manager must complete work order on currently approved form and submit to the accounting department for the contract workflow and approval.

1.5.5.14.4.4 Contractor shall not commence work until work order has been approved by the Port.

##### 1.5.5.14.5 Completing the Work

1.5.5.14.5.1 Contract manager must inform accounting department when work is “accepted” for processing payment.

##### 1.5.5.14.6 Prevailing Wages, Notice of Completion, Retainage

1.5.5.14.6.1 Intents to pay prevailing wages will be filed at the beginning of each contract year.

1.5.5.14.6.2 Prevailing wage rates for each work order must be the prevailing wage rate in effect at the beginning date of each contract year.

1.5.5.14.6.3 Prevailing wage rates shall be updated annually in the contract.

1.5.5.14.6.4 Affidavits of wages paid will be filed at the completion of each work order.

1.5.5.14.6.5 Contractors must submit subcontractor disclosure affidavit.

1.5.5.14.6.5.1 If subcontractors were used for the project, subcontractor must file intents and affidavits with each work order.

1.5.5.14.6.6 The Port may accept the alternate filing process and use the combined intent/affidavit form for contracts up to \$5,000 (including tax).

1.5.5.14.6.7 If the work order is over \$35,000, contract manager must file Notice of Completion with Department of Revenue, Department of Labor and Industries, and the Employment Security Department.

1.5.5.14.6.6.1 Retainage will be released upon receipt of lien releases from state agencies if work order is greater than \$35,000.

## 1.5.6 Formal Sealed Bids

Public works projects costing more than \$350,000 shall be awarded by a public bidding process.

1.5.6.1 Port Commission may authorize formal sealed bid projects individually, within the Port's approved work plan, or budget.

After Commission authorization, the requesting Port project manager will publish the Call for Bids in the official newspaper or a newspaper of general circulation most likely to bring responsive bids, at least 13 days prior to bid submittal deadline.

1.5.6.1.1 Notice (or advertisement) for bids should contain definite specifications and procedures for bidders to use to estimate their bids. At a minimum, a bid notice for public work should include: project title, nature and scope of work, where contract documents (plans and specifications) can be reviewed or obtained, cost to obtain a set of contract documents, place, date, and time that bids are due, statement that a bid bond must accompany the bid, and a statement that the Port retains the right to reject any and all bids and to waive minor irregularities in the bidding process. In addition, providing evaluation criteria; minimum qualifications; date, time, and location of pre-bid conference (if applicable); name, address, and telephone number of the project contact; and number of required copies will help bidders prepare responsive submittals.

1.5.6.2 Bid Opening.

Bids are submitted to the employee responsible for managing the project or consultant hired, where they are time and date stamped and processed. Bids are not to be opened until the scheduled bid opening time in a public manner.

1.5.6.3 Commission Approval

The Port staff will make a recommendation for final bid award. If, in the opinion of the Commission, all bids are unsatisfactory, they may reject all of them and re-advertise, and in such case all bid deposits shall be returned to the bidders.

1.5.6.4 Bid Bond

After the bid is awarded, all bid deposits, except for the successful bidder, shall be returned to the bidders. The successful bidder's bid deposit will be retained until contract is entered into.

1.5.6.5 Payment and Performance Bond

Upon signing the contract and before bid deposit is returned to the successful bidder, a payment and performance bond must be obtained in the full amount of the contract.

1.5.6.6 Failure to Enter Into Contract

If the bidder fails to enter into the contract in accordance with his or her bid and furnish a performance bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or money order and the amount thereof shall be forfeited to the Port or the Port shall recover the amount of the surety bid bond.

1.5.6.7 Low Bidder Who Claims Error

A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

1.5.6.8 Subcontractors

RCW 39.30.060 requires on contracts expected to cost over \$1,000,000 that subcontractors' names be submitted as part of the bid or within one hour after the published bid submittal time. When a bidder is successfully awarded the contract, he or she is obligated to use the subcontractors named on the list. Failure to name such subcontractors renders the general contractor's bid as non-responsive and void.

1.5.6.9 Insurance: See Insurance Procedure at Part 1.18.

The following shall apply to bid solicitations:

1.5.6.9.1 Selection of a winning offer is based primarily on the lowest responsive bid. Quality and expertise, however, are a consideration.

1.5.6.9.2 To ensure consistency and fair process, the Port will use standard forms, documents, contracts, and terms and conditions, when practical. The Port will use an evaluation selection committee to promote an open, proper selection. The requesting department director will appoint committee members to act in an advisory capacity.

1.5.6.9.3 Minimum qualifications are stated to ensure respondents are reasonably qualified. Minimum qualifications cannot be used to eliminate qualified offeror(s). Minimum qualifications should be tested against the marketplace to ensure they are not overly restrictive.

1.5.6.9.4 When practical, the Port will conduct a pre-bid conference to allow a thorough discussion of the Port's intent, scope, specifications, and terms. Interested companies should be encouraged to attend.

#### 1.5.6.10 Apprenticeship Utilization Requirements

Public works projects must comply RCW 39.04.300-320, assuring apprenticeship utilization requirements for all projects that apply. The Port contract manager must review and approve the apprenticeship utilization plans submitted by contractors. The contract manager is also responsible for receiving/processing any requests from the contractor for “good faith efforts”. The Port will offer a \$1,000 incentive to a contractor as a monetary incentive for using 15% apprenticeship hours, payable on the final payment application. The Port will also assess a \$1,000 penalty for not meeting the 15% hours threshold, which would be deducted from their final payment application.

#### 1.5.7 Exemptions to Competitive Bidding

1.5.7.1 For purposes of this Policy “emergency” is defined as unforeseen circumstances beyond the control of the Port of Kennewick that either:

1.5.7.1.1 Present a real and immediate threat to the proper performance of essential functions; or

1.5.7.1.2 Will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

1.5.7.2 Competitive bidding requirements may be waived by the CEO for any one of the following conditions:

1.5.7.2.1 Purchases that are clearly and legitimately limited to a single source of supply (sole source procurement);

1.5.7.2.2 Purchases involving special facilities or market conditions;

1.5.7.2.3 Purchases and public works in the event of an emergency;

1.5.7.3 Emergency

1.5.7.3.1 If an emergency exists, the CEO may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the Port of Kennewick to address the emergency conditions. Emergencies must be filed with the Commission and made available for public inspection within fourteen (14) working days following the commencement of work or execution of the contract, whichever occurs first. For non-architectural & non-engineering services, emergencies must be filed with the Commission within seven (7) working days following commencement of work and made available for public inspection.

1.5.7.3.2 For purpose of defining filing an emergency with the Commission and available for public inspection, this will be conducted at the regularly scheduled Commission meetings. In the event the emergency will not meet the required legal deadline on a regular scheduled Commission meeting, the CEO will e-mail or direct staff to email all Commissioners the emergency and the emergency conditions. CEO or staff at the direction of the CEO, will further post the emergency and emergency conditions on the Port’s website for public inspection. The CEO will add the emergency and emergency conditions at the next available Commission meeting.

1.5.7.4 If a contract is awarded without competitive bidding as authorized by this Policy, a written finding of the existence of an emergency or basis for exemption must be made and entered into record no later than two weeks following the award of the contract. The written determination shall be maintained in the contract file.

- 1.5.7.5 Sole Source Procurement. If, after conducting a good faith review of available resources, the requesting department director determines that there is only one source of the required materials, supplies, or equipment, a purchase contract may be awarded without complying with established bid requirements. The requesting department director will submit a written request for sole source procurement to the CEO and CFO for approval, and contract price, terms, and delivery negotiations, as appropriate. The vendor must certify that the Port is getting the lowest offered price. Sole source contracts shall be filed with the Commission and made available to the public before any work is commenced. Documentation shall include justification and shall include evidence (if applicable) that the Port attempted to identify potential other sources.
- 1.5.7.6 Special Facilities or Market Conditions
  - 1.5.7.6.1 The CEO and/or Commission will consider waiving established bidding requirements if an opportunity arises to purchase favorably-priced equipment at an auction, or supplies or used goods that will be sold before the Port can conduct the bid process.
  - 1.5.7.6.2 For exemptions due to special facilities or market conditions, the contract and/or purchase order and the basis for exemption shall be recorded and made public following award. Public awareness will normally be accomplished through the Port of Kennewick Commission meeting.
- 1.5.7.7 All contract and/or purchase order information including the basis for exemption shall be maintained by the Port of Kennewick, Records Manager.
- 1.5.8 Other Bidding Information
  - 1.5.8.1 Non-Responsive Bidder. The bid documents shall include a definition of non-responsive bidder and the CEO shall determine if the bidder is non-responsible after reviewing staff or bid committee's recommendation. A non-responsive bidder is defined as the following:
    - 1.5.8.1.1 Delivery of commodities or equipment that do not comply with the specifications and standards of the vendors contract with the Port;
    - 1.5.8.1.2 Failure to make delivery within the time specified in the contract order;
    - 1.5.8.1.3 Failure to keep offer firm for the length of time specified by the bidder in their bid;
    - 1.5.8.1.4 Failure to provide documents such as performance bonds, bid bonds, or payment bonds required prior to awarding of contracts, references when requested or poor reference checks, and other documents requested which would facilitate the Ports review of the contractor/bidder;
    - 1.5.8.1.5 Collusion with other bidders or prospective bidders to restrain competitive bidding;
    - 1.5.8.1.6 Giving information in an application for inclusion on a bidder's list that is later found to be false or materially misleading;
    - 1.5.8.1.7 Any substitution of any article even though of the same quality without first securing the consent of the Port of Kennewick;
    - 1.5.8.1.8 Bankruptcy or other evidence of insolvency of the bidder.
    - 1.5.8.1.9 Any other facts causing substantial doubt as to whether the bidder will continue to be a responsive bidder who can be relied upon to fulfill their obligations under any contract awarded to them;

- 1.5.8.1.10 Contractor performed work for the Port within the last five years, which was deemed unsatisfactory as evidenced by the Port contracting with another firm to correct the deficient work after the contractor was given the opportunity to correct the deficiency. A credit or refund to the Port for unsatisfactory work shall not remove the contractor from the bid;
  - 1.5.8.1.11 Contractors who have failed to provide in a timely manner or provide deficient documentation in relation to a contract awarded by the Port within the last five years;
  - 1.5.8.1.12 Work performed by the contractor within the last ten years, which resulted in judgment in favor of the Port, regardless of which party initiated the legal action;
  - 1.5.8.1.13 Non-compliance or consistent difficulty complying with the Prevailing Wage regulations;
  - 1.5.8.1.14 Lack of current contractor licenses or Labor and Industry accounts;
  - 1.5.8.1.15 Other items as allowable or required by law.
- 1.5.8.2 In the event a bidder receives notice that they have been determined to be a “non-responsive bidder”, bidder may submit in writing a complete explanation of the circumstances which caused the determination order or that necessary corrective action has been taken and request that the determination be modified or rescinded in its entirety. A responsive bidder is one who submits a responsible bid, and who has furnished, when required, information and data to prove that their financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery for materials or services.

#### 1.5.9 Ordinary Maintenance

- 1.5.9.1 Ordinary maintenance services are not subject to bid laws but are subject to prevailing wages laws (with a few exceptions as determined by L&I).
- 1.5.9.2 Ordinary maintenance includes ordinary maintenance that is performed on a regularly scheduled basis (not less frequently than once per year), servicing, checking or replacing items that are not broken, or other work that is required to maintain the asset so that a repair does not become necessary, as well as replacing items that can be expected to fail on a regular basis.
- 1.5.9.3 The Port project manager must follow the applicable prevailing wages laws when contracting out for ordinary maintenance services.
- 1.5.9.4 Amounts typically \$5,000 and under are generally considered ordinary maintenance, therefore, the Port will treat amounts \$5,000 and under as a vendor or purchased service subject to prevailing wages. No quotes are necessary as the cost to receive more than one quotes outweighs the benefit.
- 1.5.9.5 More than one quote is encouraged but not necessary if less than \$50,000 and the project manager reasonably deems there would be more cost versus benefit to the Port.



# PORT OF KENNEWICK

## PERFORMANCE OF WORK BY PORT CREWS


### SUBPART 1.6

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 1.6 PERFORMANCE OF WORK BY PORT CREWS

See CEO's Delegation of Authority Policy.

	<b>PORT OF KENNEWICK</b>	
	<b>ACQUISITION OF MATERIAL, EQUIPMENT, AND SUPPLIES</b>	<b>SUBPART 1.7</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016


**1.7 ACQUISITION OF MATERIAL, EQUIPMENT, AND SUPPLIES**

1.7.1 Purchasing Parameters

- 1.7.1.1 Purchases performed by written contract must follow proper contract routing procedures. Vendor purchase (e.g. ads, office supplies, etc. generally do not require a contract therefore use the below parameters).
- 1.7.1.2 Purchases up to \$200,000 (including applicable sales tax, freight, and handling and set up cost) may be made by the department director or designee so long as all laws, regulations, policies, procedures, contract routing, review, and approval processes are met. The purchaser shall ensure that the purchase does not exceed the approved budget for the item unless the purchase is properly approved by the CEO, the CFO in absent of the CEO, or the Commission if over CEO's delegation of authority.
- 1.7.1.3 Purchases greater than \$200,000 (including applicable sales tax, freight, and handling and set up cost) shall require approval by the Port Commission.
- 1.7.1.4 Purchases greater than \$300,000 (including applicable sales tax, freight, handling and set up cost) shall be formal sealed bid process.

1.7.2 Receiving Freight

- 1.7.2.1 It is the responsibility of the individual who signs for carrier's delivery receipt to properly receive all cartons they are signing for.
- 1.7.2.2 Anyone who signs for receipt of goods acknowledges that all the items were received and verifies the items are not damaged before acceptance. Packing slips, if available, must be given to accounting department immediately after signing. In the event of damaged items, notate the damage on the packing slip and take pictures. Notify the vendor immediately for replacement of the items or reject the order at the time of delivery.

	<b>PORT OF KENNEWICK</b>	
	<b>CONTRACTS FOR PROFESSIONAL AND PERSONAL SERVICES</b>	<b>SUBPART 1.8</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.8 CONTRACTS FOR PROFESSIONAL AND PERSONAL SERVICES**

**1.8.1 Non-Architectural and Non-Engineering Services (Non A&E)**

Professional, personal, technical or purchased services include but are not limited to disciplines such as aerial mapping, analysis and assessments of processes, economic analysis and consultation, computer programmers, financial services, grant writing, management consulting, strategic planning, training, medical services, bond counsels, artists, planners, real estate appraisers or any services provided by a vendor to accomplish routine, continuing and necessary functions.

1.8.1.1 Purchase of the above services must follow proper contract review procedures and applicable checklist.

1.8.1.2 Port employees will use the standardized contract when feasible. If not standardized, employees must follow proper contract review procedures.

1.8.1.3 Obtaining quotes for contracts under \$50,000 from more than one vendor is highly recommended but not required as the time obtaining quotes may be more costly to the Port.

1.8.1.4 The Port Commission must approve service contracts in excess of \$200,000. Amounts above \$100,000 but less than \$200,000 are subjected to competitive bid requirements where more than one vendor/consultant shall be invited to bid. Contracts in excess of \$200,000 require a request for proposal process and needs to be advertised or published on the Port website or other website that has high circulation. Contracts over \$50,000 must have proper documentation showing the Port employee made attempts to identify potential consultants for inviting to bid on Port projects.

1.8.1.5 Prior experience with the Port and/or like services, timeframe for completing projects, and the value of a negotiated agreement (versus the procurement process authorized for securing architectural/engineering services in RCW 39.80 and/or RCW 39.26) will be considered when choosing a consultant/firm/vendor to perform professional, technical, personal or purchased services, as defined in this section.

1.8.1.6 Regardless of amount, contract amendments over 50% of the value of the original contract must be approved by the Commission and made available for open inspection.

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

1.8.1.8 Regardless of amount, substantial changes, or additions to the scope of work or services to be performed are required to be presented to the Commission. Substantial change to scope is defined when the original scope was changed or altered to add a completely different project or service, in which would need a separate contract. Additions to scope is defined as any additions to the original scope that do not alter or change the original scope and would add 50% or more to the original contract price.


**1.8.2 Architectural and Engineering Services (A&E)**

Procurement of A/E services will be in accordance with RCW 39.80. 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).

1.8.2.1 Purchase of the above A&E services requires completion of a Port standardized contract or if not standardized, must follow proper contract review procedures.

1.8.2.2 The Port Commission must approve A/E service contracts in excess of \$200,000.

	<b>PORT OF KENNEWICK</b>	
	<b>CONTRACT ROUTING</b>	<b>SUBPART 1.9</b>
	Adopted by the CEO on January 1, 2016 Updated on October 12, 2023	Adopted January 1, 2016

**1.9 CONTRACT ROUTING**

1.9.1 Authority To Complete Contracts

1.9.1.1 PSA’s and Non-Marina Leases

1.9.1.1.1 *The Director of Operations & Real Estate*: will compile, complete, follow appropriate policy and procedures including all applicable checklists, and submit all purchase and sale agreements (PSA) and non-marina lease agreements for approval.

1.9.1.1.2 *Employees*: when authorized by the CEO can negotiate transactions on PSA’s and non-marina leases so long as the employee keeps the Director of Operations & Real Estate involved in the process and the CEO and CFO/Auditor informed on pertinent information or changes to negotiations early in the process in order to avoid surprises or delays in the contracting process.

1.9.1.2 Marina Leases. *Employees who oversee the Marina*: will compile, complete, and submit all marina leases for approval to Deputy CEO. The Deputy CEO shall not compile any leases in order to segregate duties for internal control purposes.

1.9.1.3 Non-A&E Contracts (Personal Services). *Project Manager(s)* who are responsible to contract on behalf of the Port for non-A&E services shall complete a personal service training as required by law before hiring.

1.9.2 Contract Negotiations

1.9.2.1 *Any employee* can negotiate contracts so long as they follow the Port’s policies and procedures, including the appropriate checklist and approval process below (except PSA’s and Leases described above). Employee shall keep the appropriate Director and/or supervisor informed if it involves their department or primary job duties (e.g. Director of Operations/Real Estate would be informed of status of A&E contract on marina gates).

1.9.2.2 *Employees* during the contract negotiating process will inform the other party that all contracts require Port review, audit, and approval (approvals require Port CFO/Auditor, CEO and/or Port Attorney and/or Port Commission). Therefore negotiations are subject to change until approval is received.

1.9.3 Commission Approval Process


Contracts exceeding CEO’s delegation of authority require Commission approval. Project Manager shall compile the resolution and present to Commissioners. Contracts shall not be presented to the Commission until after the CFO/Auditor and Port Attorney (if required) have signed off. Furthermore, Project Manager must receive verbal approval from the CEO before placement on the agenda.

1.9.4 Before Awarding Contract Process

1.9.4.1 Checklist. Follow the appropriate checklist for your applicable contract (bid law compliance, A&E, emergency contract, non-A&E, ordinary maintenance, etc.). If you do not know, please ask your supervisor. If supervisor needs guidance, please ask CFO/Auditor.

1.9.4.2 The Contract.

- **All** written contracts \$5,000 or more must follow the Port of Kennewick's approved standardized contract. (Approved means approved by CEO or Commission).
- Request for deviation(s) from the standardized contract shall to be submitted in writing on the approved contract deviation form and submitted for approval with the contract (see contract routing below).

	<b>PORT OF KENNEWICK</b>	
	<b>FIXED ASSETS</b>	<b>SUBPART 1.10</b>
	Adopted by the CEO on January 1, 2016 Amended December 4, 2024	Adopted January 1, 2016

**1.10 FIXED ASSETS**


The Port’s CFO shall capitalize fixed assets in accordance with generally accepted accounting principles and use a minimum limit of \$7,500 for the capitalization threshold.

1.10.1 Generally accepted accounting principles (GAAP) require assets to be capitalized if the asset is over the capitalization threshold and increases the economic value of the asset or the usefulness of the asset.

1.10.2 Inventory


1.10.2.1 GAAP and SAO provide guidance on inventory of government assets. Inventory of Port assets (fixed and attractive) shall be performed at least once every 2 years by at least two employees.

1.10.2.2 Grants must be identified in the inventory form as required by the various grant requirements.

	<b>PORT OF KENNEWICK</b>	
	<b>SURPLUS PROPERTY</b>	<b>SUBPART 1.11</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.11 SURPLUS PROPERTY**

- 1.11.1 No employee shall surplus any Port property (or assets) without Commission approval.
- 1.11.2 Employees shall provide to the CFO a list of all property deemed surplus including the description and the asset tag (if located or applicable).
- 1.11.3 CFO will review all assets requested for surplus, compile a comprehensive listing and resolution to present to Commission for approval.
- 1.11.4 After Commission approval, the CFO will provide the approved resolution and surplus list to the proper employee for sale, recycling, removal, or disposal.
- 1.11.5 Records shall be maintained in accordance with the records management program on all assets surplus from approval to removal.

	<b>PORT OF KENNEWICK</b>	
	<b>RECORDS OFFICER</b>	<b>SUBPART 1.12</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.12 RECORDS OFFICER**


In accordance with RCW 40.14.040-070 the Port Commission appoints the Executive Assistant to the CEO as the Records Officer.

1.12.1 Records Committee

The Port Commission appoints the Special Projects Manager, Executive Assistant, and CFO as the Records Committee.

1.12.2 Procedures

The CEO has delegated to the Records Committee the development and implementation of a records management program that is consistent with applicable laws and regulations. Furthermore, the Records Committee shall train all employees on records management from time to time as deemed necessary.

	<b>PORT OF KENNEWICK</b>	
	<b>CHECKLIST</b>	<b>SUBPART 1.13</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.13 CHECKLIST**

CFO may implement necessary checklists in order to assist staff in complying with Port policies, procedures, laws, regulations, and Washington State Auditor’s Office requirements.

Employees who violate Port policies, procedures, laws, regulations, and Washington State Auditor’s Office requirements are subject to disciplinary actions.



# PORT OF KENNEWICK

## ACCOUNTS RECEIVABLE AND UNCOLLECTIBLE ACCOUNTS


### SUBPART 1.14

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 1.14 ACCOUNTS RECEIVABLE AND UNCOLLECTIBLE ACCOUNTS

- 1.14.1 The CEO delegates to the CFO the authority to set up accounts receivable, cash receipting, as well as establish processes and internal controls.
- 1.14.2 The CEO delegates to the CFO the authority to adjust or write off accounts up to \$5,000 and to recommend to the CEO a course of action for Commission approval on accounts over \$10,000.
  - 1.14.2.1 The CFO shall make reasonable efforts to collect the uncollectible account before any write off is performed.
  - 1.14.2.2 The CFO shall properly document all write offs or adjustments to accounts receivable as well as ensure the adjustments are reasonable based on Washington State Auditor's Office guidance.

	<b>PORT OF KENNEWICK</b>	
	<b>CREDIT CARDS</b>	<b>SUBPART 1.15</b>
	Adopted by the CEO on January 1, 2016 Updated May 27, 2025	Adopted January 1, 2016

**1.15 CREDIT CARDS**

- 1.15.1 Port credit cards must be paid promptly, no later than the due date of the credit card. If employee causes delay of payment, the Port will seek reimbursement from the employee for any late fees and interest incurred.
- 1.15.2 Approved cardholders using a Port credit card must review all their own credit card transactions; properly document what the expenses are and what they are for; complete, sign, and submit a fully documented purchase and acquisition report along with itemized expenses upon receipt of the billing statement. If employee cannot provide an itemized receipt the Port can seek reimbursement from employee in the event the Port Auditor deems the payment does not appear to be a valid and authorized Port expense. In the event the employee can't obtain an itemize receipt, the CFO is allowed to review the expense for reasonableness and request the employee to gather other support that would justify the expense.
- 1.15.3 The CFO or CFO's designee, must clearly record and note in the Port's accounting records the expenses resulting from the use of a Port credit card.
- 1.15.4 The CEO delegates to the CFO/Auditor to review and signing authority over all credit card transactions. Furthermore, each supervisor must review all the credit card expenses of the employees they supervise and sign the credit card purchase and acquisition report.
- 1.15.5 Port staff who is not approved cardholders may seek reimbursement in accordance with this Procedure for valid Port purchases and acquisitions made with personal credit cards.


**SUBPART 1.15  
SCHEDULE A**

**SCHEDULE OF PORT CREDIT CARDS,  
HOLDERS AND USERS, AND CREDIT LIMITS**

<b>Credit Card/Line of Credit</b>	<b>Holders/Users</b>	<b>Authorized Credit Limit</b>
Gesa	Tim Arntzen	\$5,000
Gesa	Amber Hanchette	\$5,000
Gesa	Mike Boehnke	\$5,000
Gesa	Mike Melia	\$5,000
Gesa	Bridgette Scott	\$15,000
Gesa	Kandy Yates	\$10,000
Gesa	Lisa Schumacher	\$15,000
Gesa	Tana Bader-Inglima	\$5,000
Gesa	Anthony Eleshio	\$5,000
Gesa	Ryan Bailey	\$5,000
Gesa	David Phongsas	\$5,000
Builders Hardware & Supply Co.	Mike Melia, Mike Boehnke, Amber Hanchette, Anthony Eleshio, Ryan Bailey	\$150
Autobahn	Port employees/Commissioners	\$50/month
Washington Hardware	Tim Arntzen, Mike Melia, Mike Boehnke, Amber Hanchette, Anthony Eleshio, Ryan Bailey	\$1,000


<b>Purchase Amount</b>	<b>Required Approver</b>	<b>Form of Approval</b>
Up to \$5,000	None	N/A

\* The employee purchasing using a Port credit card must ensure all purchases are within the approved budget before making the purchase.

	<b>PORT OF KENNEWICK</b>	
	<b>ADJUSTMENT AND SETTLEMENT OF CLAIMS</b>	<b>SUBPART 1.16</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016


**1.16 ADJUSTMENT AND SETTLEMENT OF CLAIMS**

See CEO's Delegation of Authority Policy.

	<b>PORT OF KENNEWICK</b>	
	<b>LITIGATION AND EXPERTS</b>	<b>SUBPART 1.17</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.17 LITIGATION AND EXPERTS**

See CEO's Delegation of Authority Policy.

	<b>PORT OF KENNEWICK</b>	
	<b>INSURANCE</b>	<b>SUBPART 1.18</b>
	Adopted by the CEO on January 1, 2016	Updated March 17, 2026

**1.18 INSURANCE**


The Port enters into a variety of agreements with tenants and contractors. These contracts vary significantly in risk exposure, operational scope, industry standards, and legal scope. Due to these differences, insurance provisions should be tailored to the specific risk associated with each agreement type rather than an across-the-board uniform policy.

Port will develop specific insurance requirements for various contract types by utilizing standardized insurance language within the Port’s standardized contracts and leases. Port staff will ensure the insurance provisions reflect the following

- Current industry standards for the applicable activity or risk exposure associated with the contract type
- Comply with legal requirements and best practices

Port staff will work with legal counsel and insurance brokers to develop and maintain standardized insurance language specific to the various contracts (e.g. marina and commercial leases, small and major works contracts, personal and A&E contracts, etc.). Any deviation from the standardized insurance language may be approved by CEO based on low-risk exposure to the Port. Standardized insurance language will be periodically reviewed and updated as necessary to reflect changes in industry practices, insurance markets, or legal requirements.

Port staff are not required to verify AM Best rating due to low risk of a rating below “A” as well as several external rating oversight agencies for insurance providers.

	<b>PORT OF KENNEWICK</b>	
	<b>TREASURER AND PETTY CASH ACCOUNTS</b>	<b>SUBPART 1.19</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.19 TREASURER AND PETTY CASH ACCOUNTS**

See CEO's Delegation of Authority Policy.



# PORT OF KENNEWICK

## ISSUANCE OF TARIFFS


## SUBPART 1.20

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

### 1.20 ISSUANCE OF TARIFFS

See CEO's Delegation of Authority Policy.

	<b>PORT OF KENNEWICK</b>	
	<b>TRAVEL AND VEHICLE</b>	<b>SUBPART 1.21</b>
	Adopted by the CEO on January 1, 2016 Updated on May 27, 2025	Adopted January 1, 2016

## 1.21 TRAVEL AND VEHICLE

### 1.21.1 Travel

All Port employees shall receive reimbursement or if authorized, use Port credit card assigned to the individual, for reasonable, necessary and official Port travel expenses incurred on behalf of the Port, subject to Port auditor procedures based on Washington State Auditor's Office guidance. This procedure is pursuant to the authority of RCW 42.24 and RCW 53.08.175-176. Valid travel expenses include the following reasonable, valid, and official Port expenses and the like:

- lodging,
- mileage,
- meetings,
- refreshments and meals,
- education,
- transportation (flights, train, rental car, etc.),
- Miscellaneous out of pocket travel cost not to exceed \$40 per day (e.g. dry cleaning, tips, phone, laundry, etc.),

1.21.1.1 Port will not pay for lavish travel expenses.

1.21.1.2 All travel expenses must be supported by proper receipts (itemized receipts are preferred if available) and documentation.

1.21.1.3 In lieu of actual expenses, employee may be reimbursed at a per diem rate if determined that it is more beneficial to the Port and travel efficiency. Per diem must be approved by the CEO prior to travel, and will be paid at current GSA rates.

1.21.1.4 Employees shall look to the best interest of the Port when booking travel arrangements.

1.21.1.5 Port will not pay for employee spouses.

1.21.1.6 Employees will fill out proper claim for reimbursement forms or credit card payment forms.

1.21.1.7 Employees will not travel for multiple organizations and the Port at the same time and expect reimbursement for expenses. Port will not share the cost in order to avoid potential double dipping.

1.21.1.8 Employees will attend meetings that the Port pays for or the employees will reimburse the Port for all travel cost associated with the meeting not attended.

1.21.1.9 No payments will be made to employees for commuting to and from home and work.

1.21.1.10 Official Port travel is when an employee is conducting official Port business (e.g. tenant retention, attracting potential businesses, economic development opportunities, trainings, negotiations, consulting, or anything in connection with the Port's enacted purposes identified in RCW 53).

1.21.1.11 All travel is subject to CEO's approval and must stay within Commission approved budget.

1.21.1.12 Employees & Commissioners may book airline travel in “comfort class” seating. Not the first-class cabin.

#### 1.21.2 Vehicle Allowances

The CEO will provide designated employees a taxable monthly auto allowance in exchange for the actual IRS mileage rate when private vehicles are used within Benton and Franklin Counties. The following monthly allowance, shall be provided (based on actual past history of mileage cost for the Port):

CEO:	\$850
Directors:	\$750
Other Staff:	\$400

1.21.2.1 Employees must submit proof of insurance on an annual basis to the accounting department.

1.21.2.2 Employees will not be reimbursed for fines or tickets, repairs, or other vehicle expenses.

1.21.2.3 An employee may seek reimbursement of their personal insurance deductible up to \$2,000, if the accident was proven not to be caused by the employee and was clearly a Port work related trip.

1.21.2.4 Employees can receive monthly auto cleanings up to \$50 per month by reimbursement or using the Port approved cleaning facility. Contact CFO for current Port approved cleaning facility.

1.21.2.5 All vehicle allowances are subject to Commission approved budget.

#### 1.21.3 Mileage Compensation

In the event an employee does not receive a vehicle allowance, the employee can receive mileage reimbursement at the IRS mileage rate for use of their personal vehicle for valid Port travel. All mileage reimbursement requests are subject to Port Auditor’s review before payment is approved and processed.

#### 1.21.4 Port Owned Vehicles

Port owned vehicles will be kept at the Port administration office or other locations designated by the CEO.

The maintenance employee must possess a valid Washington State Driver’s license when operating Port owned vehicles and provide a copy to the accounting department.

The maintenance employee is responsible for the payment of all fines, fees or costs as a result of any traffic or parking violations or infractions associated with the use of said vehicles.

Accidents involving Port owned vehicles shall be reported to the immediate supervisor and CFO as soon as reasonably possible and no later than forty-eight (48) hours after such accident.


#### 1.21.5 Other Valid Business Expenses

The CEO will reimburse employees for reasonable memberships, dues, subscriptions, etc. in order to carry out the employee’s duties and responsibilities. These cost include but not limited to professional trade licenses, trainings, education, Costco memberships, and subscriptions.

#### 1.21.6 Port Audit


All Port employee expenditures are subject to audit and may be denied by the Port Auditor. Employees may dispute with CEO, however, Port Auditor has authority to report any expenses that appear to be invalid or illegal to Commission for approval or denial.



	<b>PORT OF KENNEWICK</b>	
	<b>FLOWERS/RECOGNITION</b>	<b>SUBPART 1.22</b>
	Adopted by the CEO on January 1, 2016 Updated June 1, 2023	Adopted January 1, 2016

**1.22 FLOWERS/RECOGNITION**

Port staff is authorized to purchase flowers, gift baskets, or gift cards 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. funerals, birthdays, awards, tenant retention, etc.) provided that the amount does not exceed \$150 per occurrence.

	<b>PORT OF KENNEWICK</b>	
	<b>EMPLOYEE AWARDS AND CEREMONIES</b>	<b>SUBPART 1.23</b>
	Adopted by the CEO on January 1, 2016 Updated on December 4, 2024	Adopted January 1, 2016

**1.23 EMPLOYEE AWARDS AND CEREMONIES**

1.23.1 Program of Monetary Awards for Port Employees

The Port of Kennewick believes that recognition, especially among peers, is a strong motivator. Recognition of employees’ merits, cost savings and service promotes overall high morale and helps in reaching the Port’s goal of providing proficient and effective public service. All employees and volunteers of the Port of Kennewick are eligible to be included in the program. Seasonal employees and project employees are not eligible to be included in the program.

The Port of Kennewick provides awards and holds special events to recognize and publicly acknowledge the contribution of its employees and volunteers. Such events and awards emphasize Port values and achievement of organizational goals. The Port encourages recognition activities that provide employees and volunteers a meaningful experience, but would not be considered extravagant by community standards. The Port also follows the standards outlined in RCW 41.60.150, Recognition Awards, however reserves the right to set the award amount as outlined in this policy.

The Washington State Senior Assistant Attorney General James K. Pharris has written a widely published update on Article VIII, Section 7 of the state constitution in regards to employee awards, prizes and other tangible symbols of special recognition. It is Mr. Pharris’ opinion and direction that these awards are appropriate as long as a policy or procedure is established and that the awards are not simply gratuitous transfers of public funds. Mr. Pharris guidance is to create a program that **1) describes the basis on which the Port will make employee awards, 2) describes the process by which the Port will decide who is to receive such awards, 3) describes type of awards which a Port employee will be entitled if certain standards are met.**

1.23.2 Established—Participation.

The Port CEO establishes a program of awards to stimulate and reward suggestions and distinguished service of Port employees, which are of benefit to the Port. The following categories of awards are established.

1.23.2.1 Continuous Service Awards

Continuous service awards shall be available to both full and part-time employees, including management employees. Each employee completing continuous Port service in increments of five years shall receive an award not to exceed \$300.

1.23.2.2 Merit Awards


To be eligible for a merit award, the CEO must set a goal or achievement that will significantly improve the Port’s goals and objectives. These awards shall not exceed \$15,000.

CEO shall set a time frame when the goal or achievement is to be completed by and state the amount to be received if goal or achievement is accomplished in accordance with the Port’s goals and objectives established by the CEO.

CEO can also award PTO for merit awards. Each PTO award shall not exceed \$15,000.

1.23.2.3 Team Building Event/Awards Ceremony/Administration

The total annual expenditure for the provision of the team building event/awards ceremony shall not exceed \$10,000 dollars.


	<b>PORT OF KENNEWICK</b>	
	<b>WORKING MEALS</b>	<b>SUBPART 1.24</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.24 WORKING MEALS**

On occasion it is necessary for the Port to provide working meals when staff or Commissions are requested or required to work. Working meals are for valid Port purposes on a reasonable and occasional basis and include the following:

- The employee or Commissioner is required to work through lunch due to workloads or meetings; or
- The employee or Commissioner deems a working lunch would further assist teambuilding while covering valid Port business; and

All working meals are subject to Port audit. Port auditor can reasonably deny the working meals if deems the meal is not a valid Port purpose or deems the meals are excessive. Employee can appeal the Port auditor's denial to the CEO, however, Port Auditor has the authority to bring any questionable expenditures to the Commission for further approval.

	<b>PORT OF KENNEWICK</b>	
	<b>PROMOTIONAL HOSTING</b>	<b>SUBPART 1.25</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**1.25 PROMOTIONAL HOSTING**

The Port staff members are authorized to incur promotional expenses on behalf of the Port. The Port staff member shall ensure they meet the following before incurring any expenses on promotional hosting for the Port:

- 1.25.1 Promotional hosting expenditures do not exceed the Commission approved budget amount as required by RCW 53.36.120;
- 1.25.2 Promotional hosting expenditures do not exceed the 1% of gross operating revenues (based on up to \$2,500,000 gross operating revenues) as required by RCW 53.36.130;
- 1.25.3 Promotional hosting expenditures must meet the Washington State Auditor’s guidance provided and be explicitly related to promoting trade and industrial development. Employees must use the attached form named “TRADE, BUSINESS AND COMMUNITY DEVELOPMENT FUNDING SUPPORT FORM” to ensure compliance and proper documentation of promotional hosting expenses; and
- 1.25.4 Expenses are supported by a voucher and must be approved by the Port Auditor as required by RCW 53.36.140.
- 1.25.5 If promotional hosting expenses are not deemed valid Port promotional hosting expenses by the Port Auditor or exceeds the Port promotional hosting budget, the employee will not be reimbursed.

**TRADE, BUSINESS AND COMMUNITY DEVELOPMENT  
FUNDING SUPPORT FORM  
(PROMOTIONAL HOSTING)**

<b>EMPLOYEE/COMMISSIONER</b>	
	<b>EVENT INFORMATION</b>
Name of Event	
Type of Event	
Date of Event	
Cost	
Name of Organization or individuals or Individuals Hosted	
Reason/Purpose for Event*	A, or B, or C, or D
Business Relationship	
BUDGET REMAINING BEFORE COST OF EVENT	

**REASON FOR EVENT:** Promotional Hosting Events are in connection with business meeting, social gathering, or ceremony honoring a person or events related to authorized business promotional activities of the Port. **PROMOTIONAL HOSTING IS EXPLICITLY RELATED TO PROMOTING TRADE AND INDUSTRIAL DEVELOPMENT.** RCW 53.36.120 authorized expenditures for promotional hosting. Resolution 2001-13 further covers promotional hosting.

**\*Authorized Uses/Reason For Event Include:**

- A) Sell an individual(s) or an organization on the use, continued use or increased use of Port services, facilities or properties;
- B) Persuade individual(s) or an organization 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;
- C) Persuade individual(s) or an organization 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 best interests of the Port District;
- D) Persuade individual(s) or an organization to assist the Port in fostering the increased use of its services and facilities by improving 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.

**Authorized Hosting Individuals:**

- Anyone who is reasonably capable of influencing or controlling decisions with respect to Port related business.

**Non-Authorized Expenses:** Political purposes to attempt to influence the passage or defeat of any legislation by the legislature of any government; Conflict of interest under RCW42.23; Non-reasonable expenses rated in nature to acquiring additional business or increasing and improving the scope and efficiency of the Port operations; Obtaining a benefit from an individual or an organization which is legally, contractually or obligated to furnish benefits to the Port.



## PORT OF KENNEWICK

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Adopted by the CEO on January 1, 2016  
Deleted June 9, 2026

Adopted January 1, 2016  
Deleted June 9, 2026  
(Now Commission Rules of Policies & Procedures at Section 20)



# PORT OF KENNEWICK

## PROGRAMS

## SUBPART 1.26

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

### 1.26 PROGRAMS

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# PORT OF KENNEWICK

## RULES, REGULATIONS, AND PROCEDURES


### SUBPART 1.27

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

#### 1.27 RULES, REGULATIONS, AND PROCEDURES

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	<b>PORT OF KENNEWICK</b>	
	<b>DRONE AIRCRAFT PROCEDURE</b>	<b>SUBPART 1.29</b>
	Adopted by the CEO on March 26, 2024	Adopted March 26, 2024

**1.28 DRONE AIRCRAFT PROCEDURE**

**PORT OF KENNEWICK, WASHINGTON  
UNMANNED REMOTELY PILOTED AERIAL SYSTEMS (URPAS) or DRONES  
STANDARD OPERATING PROCEDURES**

Title. The Port of Kennewick, Washington, adopts the following Standard Operating Procedures (SOP) for Unmanned Remotely Piloted Aerial Systems (aka drones).

Purpose. This SOP provides guidance for the Port of Kennewick on the purchase, registration and safe, efficient, lawful use of Unmanned Remotely Piloted Aerial Systems (URPAS), also known as drones. URPAS or drones can be used in situations that protect life and property, save time, enhance data collection, enhance marketing of the Port’s services and detect possible dangers or liabilities that could not otherwise be observed. It is essential that privacy be respected, and to that end, every URPAS operator must make a reasonable effort to not invade a person’s reasonable expectation of privacy throughout the flight and data operations.

Definitions.

**Unmanned Remotely Piloted Aerial Systems, (commonly known as Drones)** -- an aircraft and its associated elements required for the safe and efficient use, operated without the possibility of direct human intervention from within or on the aircraft. Such URPAS are capable of sustaining direct flight whether programmed or remotely controlled. For the purposes of this SOP, such URPAS are “small unmanned aircraft” defined by the Federal Aviation Administration (FAA). Unless otherwise specified or authorized, any such systems or drones utilized will weigh less than 55 pounds on takeoff, including everything on board or otherwise attached to the aircraft in conformance with the legal definition of “small unmanned aircraft.”

**UAV or Unmanned Aerial Vehicle** – the hardware deployed in the air.

**NAS or National Airspace System** – the airspace, navigation facilities and airports of the United States along with their associated information, services, rules, regulations, policies, procedures, personnel and equipment.

**Remote Pilot** – is a holder of a remote pilot certificate issued by the FAA.

**URPAS Operator** – is a person who flies remotely using a wireless controlling device for the URPAS.

**Visual Observer** – is a person designated by the Port to assist the URPAS Operator in maintaining visual contact and avoiding air traffic, objects aloft or hazards on the ground.

**Part 107** -- Refers to Federal Aviation Regulation Part 107 (from Title 14 Code of Federal Regulations which governs the operations of URPAS.)

Permitted Uses.

1. **Site monitoring** – review of construction progress, changes, incidents.
2. **Marketing, Public Information and Education** – includes outreach communication, support of the Port during activations.

Prohibited Uses.



# PORT OF KENNEWICK

## DRONE AIRCRAFT PROCEDURE

## SUBPART 1.29

Adopted by the CEO on March 26, 2024

Adopted December 4, 2024

1. Any flight parameters prohibited by FAA part 107 certification rules are prohibited unless waivers through the FAA have been acquired.
2. Video or photo data shall not be used to conduct random surveillance on citizens, harass or intimidate any individuals or groups, or to conduct personal. business of any kind.

### Privacy.

Like the practices and procedures in use by other governmental jurisdictions, absent a warrant or exigent circumstances, operators and observers will:

1. Adhere to FAA altitude rules;
2. Not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard): unless fulfilling a mission objective under the Permitted Uses of this SOP.
3. Take reasonable precautions to avoid areas where there is a reasonable expectation of privacy by taking precautions such as deactivation or programming of imaging devices, and/or image reduction during data processing to minimize or avoid such areas and persons that are not material to the purpose for which URPAS are used.


### Program Coordination.

Program coordination will occur by a designated Chief Pilot. This will ensure that Port guidelines maintain conformance with laws, regulations, and best practices. The Chief Pilot will:

1. Be responsible for training coordination, certification, confirmation, and currency of the URPAS pilots for insurance purposes;
2. Develop and maintain local procedures for URPAS operations in the National Airspace System;
3. Develop and implement a URPAS maintenance program based on manufacturer recommendations and certified maintenance providers;
4. Maintain records relating to URPAS pilot training and aircraft maintenance;
5. Ensure that established guidelines are followed by monitoring and providing periodic reports on the program to Port of Kennewick leadership;
6. Periodically review state and local laws, FAA requirements and other regulations and draft updates to guidelines that conform with changes;
7. Be responsible for approval of hardware and software purchases; and
8. Coordinate FAA waivers for special flight requirements as needed.


### Administrative Policies.

1. Upon selection a URPAS operator will acquire the training and experience needed to obtain an FAA Remote Pilot Certificate. Upon the issuance of the FAA Remote Pilot Certificate, the remote pilot must submit a copy of the certificate to the Chief Pilot for record keeping purposes.
2. URPAS flight training or practice will be conducted only directly above Port of Kennewick property without people below the flight zone. Open spaces should be preferred training areas and time of day and day of week considered to minimize conflict with other unscheduled activities on site. Internal training will include both classroom and in-field instruction on hardware and software specific to Port of Kennewick operation requirements.
3. Certified URPAS operators will conduct pre-flight inspections, including specific aircraft and control station system checks, to ensure the URPAS is ready for safe operation. Remote pilots will adhere to laws,

	<b>PORT OF KENNEWICK</b>	
	<b>DRONE AIRCRAFT PROCEDURE</b>	<b>SUBPART 1.29</b>
	Adopted by the CEO on March 26, 2024	Adopted December 4, 2024


rules, protocols and the Port SOP, but may deviate from these requirements in response to an in-flight emergency. URPAS operators will not operate in a careless or reckless manner. URPAS operators must report to the FAA within 10 days of any operation that results in serious injury, loss of consciousness, or property damage of over \$500 including damage to or total loss of the URPAS itself.

4. Flights will be logged in accordance with Port URPAS logging standards within 24 hours after takeoff. This log will be available upon request via the Port’s Public Records policy and procedures. The date and time of the flight, flight duration, coordinates of the take off point, pilot name and permitted use type shall all be recorded and available to the public pursuant to the Port’s Public Records policy and procedures.
5. Imagery or other data gathered using the URPAS will be transferred, processed and stored according to the standard procedures established or allowed by the Port and the Chief Pilot. Spatial data for use within Port enterprise applications will adhere to established standards of format, metadata, and retention. Data collected using a URPAS shall be retained as prescribed in the established Port of Kennewick public records retention schedule.

	<b>PORT OF KENNEWICK</b>	
	<b>ARTIFICIAL INTELLIGENCE (AI)</b>	<b>SUBPART 1.30</b>
	Adopted by the CEO on December 4, 2024	

**1.29 Artificial Intelligence (AI) Procedure**

While the Port is intrigued with the developing Artificial Intelligence (AI) technology and what that could mean for our industry, the Port believes there is much more development needed in AI technology to mitigate the risk of using AI (e.g. unregulated and uncontrolled environment, lack of human control, etc.). Thus, the Port will not allow the usage of generative AI in the workplace to create content.

	<b>PORT OF KENNEWICK</b>	
	<b>STAFF HANDBOOK</b>	<b>PART 2.0</b>
	Adopted by the CEO on January 1, 2016 Updated on January 1, 2019	Adopted January 1, 2016

**PART 2.0 STAFF HANDBOOK**

The following are guidelines, which are set up as examples and a general listing of employment requirements of the Port of Kennewick. They are not all inclusive nor a complete statement of policy. Employees may leave the Port for any reason without legal obligations. Except as otherwise provided, the Port also reserves the right to terminate employees for any reason it deems necessary and each person’s employment is for no specific term. Nothing contained in these guidelines shall in any way create a contract or quasi-contract of employment or establish any term of employment, nor in any way be construed as a waiver of the relationship of “employment at will.” Except as otherwise provided, the Port retains and shall always have the complete, absolute and unequivocal right to set wages, terms of employment and to hire and discharge all employees at its sole will and discretion with or without cause.


The Port’s policies are not intended to include a complete list of all circumstances that may result in discipline or termination. The rules set out in this handbook are intended only as guidelines and do not give any employee a right to continued employment or to termination only for cause. All discipline decisions remain at the Port’s discretion. The Port has the right in all circumstances to apply the discipline it determines to be appropriate, up to and including, immediate termination without prior discipline or notice.

The intent of these guidelines is to recognize that the Port will employ the most suitably qualified people available; that the tenure of the employee will depend upon the needs of the Port, effective performance, good conduct and continuing fitness for the position; and that each employee will be prepared and expected to perform at an optimum level.

Further, the purpose of these guidelines is to facilitate efficient service to the Port of Kennewick, and hence to the general public; provide a system of equitable personnel management; and provide the employees of the Port a reasonably consistent, clearly defined set of guidelines.

It is recognized, however, that these guidelines will be considered broad in scope and that a reasonable approach will be taken on a case-by-case basis by the appropriate authority to equitably solve specific problems or situations.


The Port retains the right to revise or eliminate the guidelines at any time, with or without prior notice.

	<b>PORT OF KENNEWICK</b>	
	<b>AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT</b>	<b>SUBPART 2.1</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

**2.1 AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT**

The Port provides 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 persons on grounds of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained guide dog or service animal by a person with a disability, unless based upon a bona fide occupational qualification or any other protected status.

The CEO’s procedure on affirmative action and equal employment is located throughout the CEO’s procedures and specifically at Standards of Conduct; Drug, Alcohol, and Violence Free Workplace; Discipline; and the Whistleblower Act.

	<b>PORT OF KENNEWICK</b>	
	<b>STANDARDS OF CONDUCT AND DISCIPLINE</b>	<b>SUBPART 2.2</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

## 2.2 STANDARDS OF CONDUCT AND DISCIPLINE

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, including immediate termination. The CEO shall develop procedures for the standards of conduct for the Executive and Port staff to follow. At a minimum such procedures should address the following types of conduct that are not acceptable:

- Abusive language or unprofessional conduct toward another person,
- Illegal activities,
- Falsifying or inaccurately completing records, including employment applications or time sheets,
- Harassment or discrimination of any nature,
- Insubordination or failure to carry out instructions,
- Misusing, destroying, or purposely damaging Port property or property of an employee,
- Performance that does not meet Port requirements,
- Unexcused tardiness or absenteeism,
- Theft of Port property or property of an employee or tenant,
- Unauthorized use or release of confidential information,
- Unprofessional conduct,
- Using work time for personal activities,
- Violating Port policies and/or procedures, or
- Using, possessing, manufacturing, distributing, being under the influence of any controlled substance, marijuana or cannabis products of any type, or other controlled substances or alcohol in the workplace, or smelling of alcohol or cannabis products, or other controlled substances, during working hours, while on Port premises, or while engaging in Port business.

2.2.1 The Port may take any disciplinary step it decides is appropriate whenever it believes such action is in the Port's best interests. Disciplinary steps the Port may take include verbal warning; written warning; probation; suspension with or without pay; demotion or reassignment; or termination, with or without prior notice. Suspension may be used for several purposes, including, for example, as a corrective measure, to permit an investigation, to allow the Port time to determine what discipline will be applied, or to remove an employee from the premises for a period of time. Benefits such as annual leave and compensatory time may not be used during a period of suspension or probation, unless previously approved in writing by the CEO.

2.2.2 The goal of the Port's discipline policy is to correct unsatisfactory behavior or performance. To that end, it is the Port's policy generally to apply less severe discipline initially and more severe measures if the problem(s) persists. This is only a guideline, however. The Port may, in any circumstance, terminate an employee without prior discipline or notice.

2.2.3 The CEO is authorized to take disciplinary action including termination, against both exempt and non-exempt employees.

#### 2.2.4 Gratuities

No employee shall accept a fee, gift or any other item of value in the course of performing the employee's official duties, which is given and/or received with the hope or expectation of receiving personal favored treatment or other special consideration.

#### 2.2.5 Outside Employment

Outside employment by Port employees may be allowed except under the following conditions:

- Constitutes a conflict of interest with assigned duties
- Is inconsistent or incompatible with assigned duties
- Conflicts with employee's working hours, performance, assignments, or duties

No employees shall receive PTO benefits as a result of an illness or injury incurred while employed by another employer. Each employee shall complete a conflict of interest form annually and approved by the CEO in order to ensure compliance with this section.

#### 2.2.6 Telephone and Personal Business

While it may occasionally become necessary to conduct personal phone calls during a normal workday, employees are expected to make every effort to conduct personal business on their own time and to keep the number and length of personal calls to a minimum.

#### 2.2.7 Use of Port Property

In the event it is necessary for an employee to remove Port property from Port premises for use in another location for the performance of his/her duties, CEO or the employee's immediate supervisor may so authorize as so long as the property is tracked by the immediate supervisor, the use is for valid Port purposes, and proper information is reported to accounting. Unauthorized use of Port property is not allowed.

#### 2.2.8 Confidentiality

Although the Port District is a public body, some portions of Port business are required by law to be confidential. No employee shall reveal in any manner any confidential information that may become available to him/her as a part of his/her employment with the Port.



# PORT OF KENNEWICK

## ANTI-HARASSMENT AND ANTI-RETALIATION

### SUBPART 2.3

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

## 2.3 ANTI-HARASSMENT AND ANTI-RETALIATION

### 2.3.1 Anti-Harassment

The Port of Kennewick is committed to maintaining a productive work environment and does not tolerate verbal or physical conduct by any employee, vendor, client, or customer of the Port that harasses, disrupts, or interferes with a Port employee's work performance or that creates an intimidating, offensive, or hostile work environment.

Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as sex, sexual orientation, gender identity, color, race, religion, pregnancy, national origin, age, the presence of any sensory, mental or physical disability, marital status, veteran or military status, citizenship status, or other protected group status.

All employees are responsible for helping to assure that the Port avoid harassment. If an employee feels they have experienced or witnessed harassment, they are to notify the CEO immediately. If the CEO is the subject of the complaint, the employee should notify the CFO. The Port forbids retaliation against anyone who has reported harassment.

Each supervisor and director has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or director is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

Sexual harassment requires special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as a basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include but is not limited to explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and unwelcome physical contact including but not limited to patting, pinching, or brushing against another's body.

Each individual must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of unlawful harassment including, but not limited to:

- Verbal: Repeated sexual innuendos, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
- Visual/Non-Verbal: Derogatory posters, cartoons, drawings, texts or emails; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Physical: Unwanted physical contact including touching, interference with an individual's normal work movement, assault; and
- Other: Making or threatening reprisals as a result of a negative response to harassment.

Any of the above conduct, or other offensive conduct, directed at individuals because of their sex, sexual orientation, gender identity, color, race, religion, pregnancy, national origin, age, the presence of any sensory, mental, or physical disability, use of a trained dog guide or service animal, marital status, veteran or military status, citizenship status, or other protected group status is also prohibited.

Any employee who believes that a supervisor's, director's, other employee's or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint may be made in writing or verbally. The report or complaint should be made to the CEO or to the CFO; if the complaint involves the CEO, the report or complaint should be made to the President of the Board of Commissioners.

The Port's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practicable, the Port will attempt to keep the complaints and the terms of their resolution confidential. Employees are required to cooperate in any investigation. If an investigation confirms that harassment has occurred, the Port will take corrective action, including such discipline up to and including immediate termination of employment, as is appropriate.

The Port prohibits any form of retaliation against employees for bringing bona fide complaints or reports of harassment, providing information about harassment, or participating in the investigation of a complaint or report of harassment. Individuals who believe that they have been retaliated against should immediately report their concerns to the CEO or to CFO; if the report involves the CEO, the report should be made to the President of the Board of Commissioners. Reports may be made in writing or verbally. Individuals found to have violated the Port's no-retaliation policy will be subject to discipline, up to and including termination.

If an investigation of a complaint or report shows that the complaint, report, or any information provided was clearly false, the individual who provide the false information will be subject to disciplinary action, up to and including termination.



# PORT OF KENNEWICK

## DRUG, ALCOHOL, AND VIOLENCE FREE WORKPLACE

### SUBPART 2.4

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

## 2.4 DRUG, ALCOHOL, AND VIOLENCE FREE WORKPLACE

### 2.4.1 Workplace Violence

The Port and its employees share responsibility for the provision of a safe and secure work environment for all employees. The Port has zero tolerance for violence and will take appropriate action, up to and including, immediate termination, against any employee, vendor, tenant, contractor, or subcontractor who engages in threatening or violent behavior.

### 2.4.2 Drug and Alcohol-Free Workplace

The Port maintains a drug and alcohol-free workplace. The possession, manufacture, distribution, dispensation, use or trafficking of alcohol, marijuana or cannabis products of any type or other controlled substances or smelling of alcohol 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 is strictly prohibited, except for Port-sponsored events in which limited alcohol may be present and/or which Port staff may be authorized to participate. Employees violating the Port’s Drug and Alcohol-Free Workplace Policy will be subject to discipline, up to and including, immediate termination. As a condition of employment all Port employees must read and sign the Drug and Alcohol-Free Workplace Procedure **located at the end of the Drug, Alcohol, and Violence Free Workplace Procedure.**

### 2.4.3 Workplace Safety

The Port is committed to providing a safe and healthy work environment for all employees, vendors, and customers, as well as the general public. To assist in providing a safe and healthy work environment, the Port has established a workplace safety program. This program is a high priority for the Port. Its success depends on the alertness and personal commitment of all. It is each employee’s responsibility to be familiar with, and observe all safety and health rules and procedures as outlined in the Port’s *Accident Prevention Program and Safety Manual*. Safety procedures are managed currently by the CEO at the Port. The Port provides information to employees about workplace safety and health issues through supervisor-employee meetings, bulletin board postings, or other written communications. Additionally, employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition or suspicious activity to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment. If an accident does occur, it must be immediately reported to the immediate supervisor, regardless of severity or injury.

#### 2.4.3.1 Injury Reporting Procedures

Washington Industrial Safety Health Act (WISHA) requires that the Port maintain records of all occupational illness and accidents which occur on Port property, or while conducting Port business. WISHA also requires that you report any illness or injury that occurs on the job, no matter how slight. Such reports are necessary to comply with laws and initiate insurance and Workers’ Compensation benefits procedures. In the event of a workplace injury or near-miss accident, no matter how minor the injury or the near-miss accident may seem, the injured employee and/or employee witness must report the injury or near-miss accident to his/her supervisor immediately. Employees must complete a Port of Kennewick

Accident/Injury Report and forward it immediately to the designated safety official of the Port, which is currently the Maintenance Supervisor or if absent, the Director of Operations. Forms are available in the Accident Prevention binder. In the event an injury requires medical attention, the injured employee must inform the attending physician that the injury is work-related. The physician will then complete the required Labor and Industries form, which will be forwarded to the Port for further processing.

#### 2.4.3.2 Emergency Situations

Whenever emergency situations occur, all necessary efforts should be made to protect human life, then property, in that order, without endangering employees or the general public. As soon as possible after the emergency measures have been taken, the employee in charge is to complete an Incident Report and notify his/her immediate supervisor with the most complete details available concerning the incident. Incident Reports shall be forwarded to the employee's immediate supervisor. The employee's immediate supervisor will inform the CEO and CFO for proper risk management and processing of claims.

## **DRUG AND ALCOHOL-FREE WORKPLACE FORM**

### **1. PURPOSE AND GOAL**

The Port of Kennewick (the “Port”) recognizes that the state of an employee’s health affects his or her job performance. Use of alcohol, marijuana or cannabis products of any type, or other controlled substances can cause decreased efficiency and increased risk of injury to the employee who is using or to the employee’s coworkers and the public. The purpose of this statement is to identify the Port’s policies on the use of controlled substances, alcohol, marijuana or cannabis products of any type, and medicines in order to maintain a healthy and drug and alcohol-free workplace for all employees. The goal is to ensure that employees report to work in condition to perform their duties safely, satisfactorily, and efficiently in the interest of their fellow workers, the public, and themselves.

This notice supplements, and does not replace the Port’s Policies and Procedures applicable to employees of the Port.

### **2. COVERAGE AND APPLICABILITY**

- 2.1 Any individual who conducts business for the Port is covered by this Drug and Alcohol-Free Workplace Policy. Coverage of this policy includes, but is not limited to, executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers, and interns.
- 2.2 All Port employees must, as a condition of employment with the Port, abide by the terms of this procedure.
- 2.3 The Port’s Drug and Alcohol-Free Workplace Policy is intended to apply whenever a covered individual is conducting business for or representing the Port. Therefore, this policy applies during all working hours, when covered individuals are conducting business or representing the Port, while covered individuals are on-call or while on paid stand-by, while covered individuals are on Port-owned premises or premises operated by the Port, and at Port-sanctioned events (see Section 2.4 for exception). If the employee is on the list of emergency contact(s) and cannot perform their duties due to potential violation in this policy, the employee shall contact his/her supervisor who is then responsible for calling the next employee listed on the emergency contact list.
- 2.4 Port-sanctioned wine or beer-tasting or Port-sanctioned social events on or off Port premises to promote economic development are not a violation of this policy. However, wine or any other alcohol, should not be consumed during work hours, while conducting business or representing the Port, on Port premises, or at Port-sanctioned events unless the consumption of alcohol has been approved in advance of the event by the CEO. Covered individuals should also keep in mind that they are expected to conduct themselves in a manner appropriate to the event.

### **3. PROHIBITED BEHAVIOR**

- 3.1 All covered individuals are prohibited from using, possessing, manufacturing, distributing, dispensing, or being under the influence of any controlled substances in the workplace, during working hours, while on Port premises or while engaging in Port business.
- 3.2 All covered individuals are prohibited from manufacturing, distributing or being under the influence of alcohol or marijuana or cannabis products of any type in the workplace, during working hours, while on Port premises or while engaging in Port business.
- 3.3 All covered individuals are prohibited from using, possessing, smelling of, or dispensing alcohol or marijuana or cannabis products of any type in the workplace, during working hours, while on Port premises or while engaging in Port business.
- 3.4 Any covered individual who is taking a drug or medication, whether or not prescribed by the covered individual’s healthcare provider, which may adversely affect that covered individual’s ability to perform

work in a safe or productive manner, is required to report such use of medication to his or her supervisor. This includes drugs and medications that are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those that may cause drowsiness or dizziness.

#### **4. TESTING**

4.1 To enforce this policy, the Port conducts the following types of testing:

- A) Pre-Employment Testing. Final offers of employment to applicants will be contingent on passing a drug and alcohol screening test. Prospective new hires will receive information concerning the drug and alcohol testing procedures with their conditional employment offer.
- B) Post-Accident Testing. If a covered individual is involved in an on-the-job accident that results in injury or property damage, the covered individual will be required to submit to immediate drug and/or alcohol testing, as the Port determines.
- C) Reasonable-Suspicion Testing. If, at any time, the Port suspects a covered individual is at work under the influence of alcohol or drugs or smelling of alcohol or marijuana or cannabis products of any type, the covered individual will be required to submit to immediate drug and/or alcohol testing, as the Port determines. When there is reasonable suspicion, the covered individual is placed on an unpaid leave of absence and is not to return to work until fitness for duty is established. If the test result is negative, the Port will reimburse the covered individual for the regular work time he or she was scheduled for, but could not work while waiting for the test results.

4.2 Consent to Testing. As a condition of employment, covered individuals are required to consent to the tests described in this policy. Refusal to submit to testing is grounds for immediate termination. Covered individuals referred for testing will be required to sign additional consent forms provided by the testing facility and/or the Port.

4.3 Retesting. The Port allows for 1 confirmatory test of positive drug testing samples. If the covered individual requests a retest, the retest will take place immediately following the first test.

4.4 Confidentiality. All information relating to drug or alcohol testing will be stored in each covered individual's Medical File, which is maintained separately from the covered individual's Personnel File. Medical Files are secured and access is limited to those with a work-related need to know.

#### **5. VIOLATION OF PROCEDURE**

5.1 If the Port has reasonable grounds to believe that a covered individual has violated any of the statements of this policy, the Port may take any of the following actions:

- A) Disciplinary action including, but not limited to, suspension and/or immediate termination; or
- B) Require the covered individual to submit to drug and/or alcohol testing on Port time and expense at a laboratory or medical facility prescribed by the Port.

5.2 Report of test results will include the controlled substances, marijuana or cannabis products of any type, and alcohol referred to within this Drug, Alcohol, and Violence Free Workplace procedure.

5.3 Any covered individual who tests positive will be subject to immediate termination.

5.4 A covered individual will be immediately terminated if he or she refuses the screening or the test, adulterates, or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test.

5.5 If a covered individual is suspected of violating this policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of lockers, desks, cabinets, work stations, Port-

owned vehicles, and Port-owned equipment. The Port may release to any law enforcement agency any information it may have regarding criminal activities.

## **6. NOTIFICATION OF CONVICTION**

6.1 Any covered individual convicted of any criminal drug (including marijuana or cannabis products of any type) or alcohol statute violation occurring in the workplace, during working hours, or while engaged in Port business, must notify the CEO or his designee no later than 5 working days after such conviction.

Within 30 calendar days after receiving notice of the conviction, the Port will:

- A) Take appropriate disciplinary action against such covered individual, up to and including dismissal; and/or
- B) Require such covered individual to satisfactorily participate in drug or alcohol abuse assistance or rehabilitation program approved for such purpose by a federal, state, or local health, law enforcement, or other appropriate agency.

## **7. POSITION ON ALCOHOL AND DRUG PROBLEMS**

It is the intent of this policy that a covered individual suffering from chemical dependency not have his or her job security and promotional opportunities jeopardized by a request for help. However, satisfactory job performance is still mandatory, and a covered individual has the primary responsibility for seeking help and maintaining a treatment program as prescribed by qualified professionals. A covered individual's entry into treatment does not negate or diminish the Port's right to discipline him or her for unsatisfactory performance or failure to meet conditions of employment including compliance with this statement.

## **8. INFORMATION AND REFERRAL**

- 8.1 Information concerning available drug counseling or rehabilitative counseling alternatives will be available from the employee's primary care physician or current medical insurance provider.
- 8.2 The CEO or Designee will establish education drug-free awareness program to educate covered individuals on substance abuse. Such program will include:
  - A) Management and supervisory training;
  - B) Dangers of workplace substance abuse;
  - C) Penalties for drug abuse violations.

## **9. NOTIFICATION TO COVERED INDIVIDUALS**

This policy will be distributed to all new covered individuals during orientation.

## **10. DEFINITIONS**

- 10.1 "Alcohol" means any liquid that may be legally sold and consumed and which has an alcoholic content in excess of 1/2 of 1% by volume.
- 10.2 "Controlled Substance" means a substance listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812). This list includes, but is not limited to, marijuana or cannabis products of any type, heroin, PCP, cocaine and amphetamines.
- 10.3 "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal, state, or local criminal drug statutes.

- 10.4 “Covered individual” means any individual who conducts business for the Port. Coverage of this policy includes, but is not limited to, executive management, managers, supervisors, full-time employees, part-time employees, off-site employees, contractors, volunteers, and interns.
- 10.5 “Criminal drug statute” means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
- 10.6 “Being under influence of controlled substance” means being perceptibly affected by a controlled substance and/or having within one’s body any amounts of a controlled substance.
- 10.7 “Being under influence of alcohol” means being perceptibly affected by alcohol in the conduct or performance of one’s job responsibilities.
- 10.8 “While engaging in Port business” means while a covered individual is being paid by the Port, is representing the Port, is presenting himself or herself as an agent of the Port (whether or not authorized to do so), or is attending or participating in any activities organized or sponsored by the Port, except for authorized Port promotional hosting events.
- 10.9 “In the workplace” includes all Port premises or vehicles, including those owned, leased, used, or controlled by the Port.

**A COPY OF THIS POLICY WAS RECEIVED BY**

\_\_\_\_\_


**Name of Covered Individual**

**Furthermore, Covered Individual (Employee/Commissioner) acknowledges that they have read the Drug and Alcohol-Free Workplace Policy and understands its contents and will abide by the contents.**

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

**Signature of Covered Individual**

	<b>PORT OF KENNEWICK</b>	
	<b>WHISTLEBLOWER PROCEDURE</b>	<b>SUBPART 2.5</b>
	Adopted by the CEO on January 1, 2016	Adopted January 1, 2016

## 2.5 WHISTLEBLOWER PROCEDURE

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 set forth in this policy.

A Port official or employee may not use his or her official authority or influence, directly or indirectly, to threaten, intimidate, or coerce a Port employee for the purpose of interfering with that employee’s right to disclose information concerning an improper governmental action in accordance with the provisions of this policy.

This procedure is to implement the State’s Local Government Whistleblower Protection Act, Chapter 42.41 RCW.

### 2.5.1 Definitions

The definitions in this section apply throughout this policy unless the context clearly requires otherwise.

2.5.1.1 “Appropriate investigating official” means an investigating official acting within the official’s respective jurisdiction as identified herein, or any assistant or representative authorized to receive documents on the official’s behalf.

2.5.1.2 “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

2.5.1.3 “Employee” or “Port employee” means any individual who is appointed as an officer or employee by the Port CEO. The term “employee” or “Port employee” also includes Port elected officials, the CEO, and members of Port boards, commissions, committees or other multi-member bodies.

2.5.1.4 “Good faith” means the individual providing the information or report of improper governmental action has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know he or she is providing or reporting, malicious, false or frivolous information or information that is provided with reckless disregard for the truth, is not acting in good faith.

2.5.1.5 “Gross waste of public funds” means to spend or use public funds or to allow public funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

2.5.1.6 “Improper governmental action” means any action by a Port employee that is undertaken in the performance of the employee’s official duties, whether or not the action is within the scope of employment, and:

- Violates any state or federal law or rule; or Port ordinance, rule or policy, including but not limited to violations of Chapter 42.23 RCW, the Code of Ethics for Municipal Officers;
- Constitutes an abuse of authority;
- Creates a substantial and specific danger to the public health or safety; or

- Results in a gross waste of public funds.

“Improper governmental action” does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under RCW 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 or RCW 54.04.170-180.

2.5.1.7 “Retaliatory action” means:

2.5.1.7.1 Any adverse change in a Port employee’s employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or

2.5.1.7.2 Hostile actions by another employee towards a Port employee when such actions were encouraged by a Port supervisor or senior manager or official.

2.5.1.8 “Substantial and specific danger” means a risk of serious injury, illness, peril or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

2.5.1.8.1 “Written report of improper governmental action” means any writing that alleges that an improper governmental action has occurred and describes the basis for that belief.

2.5.2 Right to Report – Procedures

2.5.2.1 Right to Report. Every Port employee shall have the right to report in good faith, in accordance with this policy, information concerning an improper governmental action.

2.5.2.2 Time and Place. In reporting improper governmental action, the employee shall make a verbal or written report of such action to the appropriate investigating official, which shall include the CEO, the Port Auditor or the Port Attorney. A report of improper governmental action or of alleged retaliatory action shall be filed within six (6) months of the occurrence of the improper governmental action or alleged retaliation or of the date the employee reasonably should have known of the occurrence. The report must specify the improper governmental action or alleged retaliatory action and the relief requested.

2.5.2.3 Reporting Limits

2.5.2.3.1 This section does not authorize a Port employee to report or disclose information or records that are subject to an applicable legal privilege against disclosure (e.g. RCW 5.60.060 and RCW 42.23.070 regarding privileged communications) unless waived by the Port. And, nothing in this policy authorizes an individual to disclose information prohibited from disclosure by law.

2.5.2.3.2 An employee making a written report under this subsection is encouraged to wait at least thirty (30) days from receipt of the written report by the investigating official before reporting the improper governmental action to a person who is not an investigating official. However, reporting to a person who is not an investigating official before this thirty (30)-day period will not result in the loss of the protections in this policy.

- 2.5.2.3.3 An employee's reporting of the employee's own improper action does not grant the employee immunity from discipline or corrective action, including termination, insofar as the employee's improper action would be cause for discipline.
- 2.5.2.4 Protected Reporting. Any one or more of the following conduct by an employee is protected under this policy:
  - 2.5.2.4.1 Reporting improper governmental action;
  - 2.5.2.4.2 Cooperating in an investigation by any official related to improper governmental action, including but not limited to Port, local, state, federal and internal investigation; and
  - 2.5.2.4.3 Testifying in any official proceeding, hearing or prosecution arising out of an improper governmental action.
- 2.5.2.5 No Retaliation. A Port officer or employee shall not retaliate, attempt to retaliate or threaten to retaliate against any employee because that employee has in good faith engaged in conduct protected by Port policy or because the Port officer or employee believes the employee has engaged or will engage in such conduct whether or not such conduct actually occurred.
- 2.5.2.6 Retaliation Subject to Action. Any Port officer or employee who engages in retaliatory action is subject to disciplinary action including but not limited to suspension without pay, demotion or termination. In addition, any elected official who engages in retaliatory action is subject to censure by motion of the Commission and also may be subject to recall from office due to misfeasance or malfeasance in office.
- 2.5.2.7 Cooperation with Investigation. All employees and elected officials have a duty to cooperate with investigations initiated under this policy. Further, all officers, employees and elected officials have a responsibility not to interfere with an investigation and to adhere to admonitions from investigators in this regard. Evidence shall not be withheld, destroyed or tampered with, and witnesses shall not be influenced, coached or intimidated.
- 2.5.3 Interim Controls
  - 2.5.3.1 If the investigating official determines that that the employee reporting improper governmental action has been retaliated against or is at great risk of retaliation, the investigating official may seek temporary preventive action, including but not limited to the transfer of the reporting employee to another department at the request of the reporting employee or authorizing leave with pay for the reporting employee. The investigating official's recommendation shall be made to the Commission, which shall additionally consider any recommendation of the CEO. Such a temporary preventative action may continue until the conclusion of any investigation and a permanent resolution of the matter.
  - 2.5.3.2 In addition to other remedies available to reporting employees the CEO may, upon request, provide for limited paid leave or other consideration during the course of an investigation.
  - 2.5.3.3 Action Plan. Any administrative remedy or order of relief shall include an action plan for addressing the improper governmental action and provide reasonable timelines for completing corrective actions.
  - 2.5.3.4 Recusal of Commissioner. If the report of improper governmental action or any other misconduct is made against an elected official, that official shall recuse himself or herself from any and all proceedings or matters related to the report. Provided, nothing in this policy shall preclude the official from the opportunity to respond to a report.

- 2.5.4 Confidentiality. The identity of an employee reporting information about an or cooperating in an investigation of improper governmental action shall be kept confidential from all persons except for investigating officials and their staff, to the extent feasible. The Port cannot provide complete assurance that a person with direct facts of improper governmental action may not be required to support those facts in public records or testimony. The employee may also waive confidentiality in a written waiver or by making his or her identity known in connection with the protected conduct in the course of public testimony or by acknowledging the employee's identity in a claim against the Port for retaliation.
- 2.5.5 Investigations – Additional Rights
- 2.5.5.1 Application of Commission Rules. Any investigation under this policy shall follow the investigatory procedures set forth in the Port Commission Rules of Policy and Procedures.
- 2.5.5.2 Reconsideration. If the reporting employee is not satisfied with the investigation and/or resolution of the report of improper governmental action, the reporting employee may request reconsideration in writing within five (5) working days of receipt of the Port's written response. Written requests for reconsideration must be submitted to the Chairperson of the Commission and must identify the specific elements of the Port's investigation or written response, which the reporting employee finds unsatisfactory. The Commission shall have fifteen (15) working days to advise the reporting employee in writing whether reconsideration will be granted. Any reconsideration will be limited to examination of the specific issues raised in the reporting party's written request. The Port, acting through the Commission or its delegate, shall have thirty (30) working days from the date reconsideration is granted to complete its additional investigation and provide the employee with a written response. The Commission may convene a special meetings to meet the identified timeframes.
- 2.5.5.3 Strict Compliance. All employees must strictly follow this policy and its procedures. Employees who comply with this policy will not be subject to discipline or discharge for reporting, disclosure or other activities done pursuant to this policy.
- 2.5.5.4 Rights - Additional Rights Reserved
- 2.5.5.4.1 Reporting employees who are dissatisfied with the results of the internal review process may contact one or more of the following: the Kennewick Police Chief, the Benton County Prosecuting Attorney, the Office of the Attorney General or the Office of the State Auditor.
- 2.5.5.4.2 This procedure incorporates and recognizes the rights of reporting employees, after use of the Port's review process and final report of the Port under this procedure, to all remedies available under RCW 42.41.040.
- 2.5.5.4.3 Nothing in this policy shall be construed as otherwise limiting the rights of a Port employee under other applicable law, including protection from retaliation for reporting a violation of Chapter 42.23 RCW, the Code of Ethics for Municipal Officers. See, in this regard, the Washington Supreme Court decision of *Hubbard v. Spokane County*, 146 Wn.2d 699 (2002) (Court finds public employee cause of action for retaliatory acts in contravention of public policy, including Chapter 42.23 RCW).
- 2.5.5.5 Reporting of Investigatory Findings. In the event a Commissioner is found to have retaliated against an employee, the Commission shall take the action specified in Section 5 of the Commission's Rules of Policy and Procedure (February 22, 2011, or as later amended).

#### 2.5.6 Conflict

This policy is intended to operate as a supplement to the provisions of Chapter 42.41 RCW, and the Commission's Rules of Policy and Procedure. However, if there is an irreconcilable conflict between any of the provisions of this policy, state law or other Port policy, the provisions most favorable to the employee shall prevail.

#### 2.5.7 Reporting and Whistleblower Form

It is the policy of the Port to encourage reporting by its employees of improper governmental action taken by officers or employees and to protect employees who have reported improper governmental actions in accordance with the laws of the State of Washington. As per RCW 42.41.030, Port of Kennewick employees, who become aware of improper governmental actions, should report to the CEO. In the event the CEO is the subject of the Whistleblower claim, then employee should submit the report to the CFO and Port Commission President. However, if the CEO and CFO are subjects in the whistleblower claim then the employee can submit the claim to the Port Commission President.

**Reports of improper governmental action(s) must be filed in writing with the Port of Kennewick. They can be reported using the Whistleblower Reporting Form, attached to this summary, or in a separate letter. In either case, the report should include:**

- A detailed description of the improper governmental action(s).
- The name of the employee(s) involved.
- The agency, division, and location where the action(s) occurred.
- Date(s) of the improper governmental action must be provided to the Port within one year after the occurrence of the action.
- Details that may be important for our investigation -- witnesses, documents and evidence.
- If you know it, the specific law or regulation that has been violated.
- Your name, home address and phone number. (Optional)

Each improper governmental action should be noted separately and supported with as much specific information as possible. Proving allegations can often be difficult. Supplying detailed information contributes to a thorough and efficient investigation. The Whistleblower Reporting Form is designed to help you supply the needed information. Please use a separate Whistleblower Reporting Form for each improper governmental action. **Whistleblower Reporting Form is located at the end of the Whistleblower Procedure.**

Avoid generalizations such as "Bob is always wasting public resources." Providing specific details about how and when "Bob" is wasting public resources will help focus the investigation, e.g., "Bob used his Port computer to keep accounting records for his home business during working hours. This has been going on for a year."

Under state law, anyone who conducts a state employee whistleblower investigation must keep the whistleblower's name confidential. In addition, the law provides remedies for individuals subjected to retaliation as a result of their whistleblower activities and penalties for those who retaliate.

**Send your Whistleblower Reporting Form or letter attention to the CEO, Auditor or Commission as described above and to:**

Port of Kennewick  
Attention: Employee Whistleblower Program  
350 Clover Island Drive, Suite 200  
Kennewick, WA 99338

#### 2.5.8 Other Reporting

In addition to the foregoing, the following government agencies and labor organizations may assist employees in dealing with personnel issues that are not covered by this Whistleblower Policy:

Agency	Issues
<p>Washington State Human Rights Commission  Olympia 1-800-233-3247  Spokane 1-509-456-4473  Yakima 1-509-575-2772  Seattle 1-206-464-6500  TTY 1-800-300-7525  <a href="http://www.hum.wa.gov">http://www.hum.wa.gov</a></p>	<p>Discrimination because of race, creed, color, national origin, sex, marital status, age or disability.  Sexual harassment.  Whistleblower workplace reprisal or retaliatory action.</p>
<p>Public Employment Relations Commission  Olympia (360) 753-3444  <a href="http://www.perc.wa.gov">http://www.perc.wa.gov</a></p>	<p>Unfair labor practices. Interference with rights to form or join employee labor organizations and rights to bargain collectively.</p>
<p>Benton County Prosecuting Attorney  7320 W. Quinault Ave  Kennewick, WA 99336  509-735-3591</p>	<p>Alleged improper governmental action</p>

## WHISTLEBLOWER FORM

Before filling out this form, please read the following:

- You cannot be the subject of retaliatory action for submitting this form.
- In order to protect your identity, we do not recommend sending this form to our office via electronic mail.

If you have any questions, please contact the CEO, CFO, or Commission President.

**Your contact information:**

You are not required to provide your name. However, if you choose not to provide your name, we are unable to keep you updated on the progress of our investigation, or to consult with you regarding the details of your complaint. If you choose to provide your name, we will keep it confidential.

Name	Agency	Date
Home or mailing address	Division	Day phone
	Address	Night phone
	Current position	Best time and number to call

**Subject's contact information:**

Please file a separate form for each Port employee or officer who you believe has engaged in improper governmental action.

Name	Agency	Division
Position	Location	Phone
Subject's Supervisor(s)	Supervisor's Position(s)	Supervisor's Phone

**How do you know about the information you are disclosing here? If you do not choose to provide your name, please take care in providing this information, to prevent inadvertent disclosure.**

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**What type of improper governmental action are you reporting?**

- Violation of state law or regulation  
if so which RCW(s) or WAC(s)? \_\_\_\_\_
- Substantial and specific danger to the public health and safety
- Gross waste of public funds
- Gross mismanagement
- Other improper governmental action as per state law (RCW 42.40)

**Is there any evidence that supports your assertions that can be reviewed? If so, where is the information and can you provide it?**

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**Please describe the improper governmental action in detail**

The more detailed information you provide for us, the better we will be able to assess your concerns. Attach additional pages if needed. If available, please provide us with copies of documents which support your assertion.

*Improper governmental action cannot be personnel related.*

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**When did the event(s) take place?**

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**Where did the event(s) occur?**

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**Are there other witnesses? If so, please provide their names, telephone numbers, positions, agencies, divisions, contact information, and relation to the improper governmental action.**

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**Have you reported this information to another agency?     Yes     No**

**If so, which one(s)?**

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**If you have disclosed the information reported here, what is the current status of the matter?**

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**Please mail this form to:**  
Port of Kennewick  
Attn: Employee Whistleblower Program  
350 Clover Island Drive, Suite 200  
Kennewick, WA 99336



# PORT OF KENNEWICK

## PORT HOLIDAYS, PTO, LEAVE, TIMEKEEPING AND OVERTIME

### SUBPART 2.6

Adopted by the CEO on January 1, 2016  
Updated March 17, 2026

## 2.6 PORT HOLIDAYS, PTO, LEAVE, TIMEKEEPING AND OVERTIME

### 2.6.1 Attendance and Timesheet Approvals

- 2.6.1.1 In order to successfully function, the Port depends upon all employees to report to work regularly and on time. Failure to report unexcused absences from assigned work areas, chronic or excessive absences, tardiness or excessive rest breaks are unacceptable.
- 2.6.1.2 Employees are required to obtain authorization from their immediate supervisor in order to be absent from work. Failure to do so prior to an absence may result in progressive disciplinary action.
- 2.6.1.3 In emergencies (unforeseen circumstances), Directors and supervisors are authorized to approve their assigned staff overtime for non-exempt staff. Due to budget restrictions, overtime shall only be approved in an emergency situation.
- 2.6.1.4 Directors are also authorized to approve their assigned employees alternative work schedules, PTO, and exchange time (if exempt employee) when the employee requests in advance (except for unforeseen circumstances such as an illness or family emergency) and the Port has adequate coverage for their department.
- 2.6.1.5 The CFO will verbally approve all Directors alternative work schedules, PTO, and exchange time after reviewing with the CEO. CEO will verbally approve the CFO's alternative work schedule, PTO, and exchange time.
- 2.6.1.6 No supervisor shall unreasonably deny employee requests.

### 2.6.2 Hours of Work, Overtime, and Exchange Time

- 2.6.2.1 The normal hours of work at the Port of Kennewick are from 8:00 a.m. to 5:00 p.m., with a 1 hour lunch break from 12:00 noon to 1:00 p.m., Monday through Friday. Flexible working schedules can be adopted to accommodate the requirements of the individual employee and/or the Port, but require prior approval of the CEO or by the employee's immediate supervisor as so long as the Port has proper coverage.
- 2.6.2.2 In rare circumstances, the CEO may cease Port operations if there is concern for employee safety due to inclement weather. When the determination is made to cease operations, employees will be paid for their regularly scheduled shift and PTO need not be charged.
- 2.6.2.3 Part-time employees will work a schedule designated by the CEO or by the employee's immediate supervisor as so long as the Port has proper coverage.
- 2.6.2.4 Non-exempt employees receive a fifteen (15) minute break for each four (4) hours of work as near as possible to the midpoint of the four (4) hour period.
  - 2.6.2.4.1 Non-exempt are subject to overtime laws. All overtime requires prior approval of the CEO or by the CFO. The employee's immediate supervisor can approve overtime in emergency situations only. Overtime should be avoided, if possible, and is subject to Commission approved budget.

2.6.2.4.2 Non-exempt employees who respond to an after hour call will receive a minimum 2 hours pay for each after hour call received.

2.6.2.5 Exchange time is reasonable and necessary to provide flexibility in work hours for exempt staff working additional hours to facilitate Port business, including but not limited to community involvement, attending meetings after normally established work hours or other responsibilities as assigned.

2.6.2.5.1 Exempt employees may request exchange time at the rate of one hour for each hour worked in excess of forty (40) in a week.

2.6.2.5.2 Employees are expected to track exchange time on their bi-monthly time sheets. Exchange time can be used like other leave types, however, carries no cash or payout value to an employee at any time.

### 2.6.3 Holidays

2.6.3.1 The CEO authorizes the following schedule of legal holidays which is in compliance with RCW 1.16.050.

- January 1st (New Year's Day)
- 3rd Monday of January (Martin Luther King Day)
- 3rd Monday of February (President's Day)
- Last Monday of May (Memorial Day)
- June 19<sup>th</sup> (Juneteenth)
- July 4th (Independence Day)
- 1st Monday of September (Labor Day)
- November 11th (Veteran's Day)
- 4th Thursday of November (Thanksgiving Day)
- The Friday following Thanksgiving (Native American Heritage Day)
- The day before Christmas Day (Christmas Eve)
- December 25th (Christmas Day)
- Floating Holiday (One day of employee's choice)

Any legal holiday falling on a Saturday will be observed on the preceding Friday. Any legal holiday falling on a Sunday will be observed on the following Monday, unless otherwise directed, in advance, by the CEO. The CEO may recognize additional holidays throughout the year.

### 2.6.4 Paid Time Off (PTO)

2.6.4.1 Purpose. The purpose of PTO is to provide employees with flexible paid time off that can be used for vacation, personal or family illness, doctor appointments, school, volunteerism, and other activities of the employee's choice. The Port's goal is to reduce unscheduled absences and the need for supervisory oversight.

2.6.4.2 Not Eligible. Temporary employees, contract employees, and interns are not eligible to accrue PTO.

2.6.4.3 No Negative Balances. Employees must have a PTO balance in order to use PTO (no negative amounts).

2.6.4.4 Eligibility. Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO for the entire monthly pay period. PTO is not earned in pay periods during which unpaid leave or long term disability leave is taken.

- 2.6.4.5 Increments. Employees may use time from their PTO bank in ½ hour increments.
- 2.6.4.6 Advance Notice. Employee use of PTO requires advanced notice to the employee's supervisor unless the PTO is used for unexpected illness or emergencies. PTO in excess of two days requires an advance notice to the employee's supervisor. For this section, advance notice is defined as two weeks. Employees shall use the Laserfiche request for leave submission and obtain approval from their immediate supervisor before any leave is taken. Employees shall make every effort to update the shared calendar on leave of absence of when planning to be absent 1 standard workday or more.
- 2.6.4.7 Excessive Unscheduled Absences. An employee who misses more than 5 consecutive unscheduled work days may be required to present a doctor's release to the employee's immediate supervisor that permits the employee to return to work.
- 2.6.4.8 Carry Over. Each employee may carry 250 days or 2,000 hours of accrued PTO over into a new calendar year. Employees are responsible for monitoring and taking their PTO, subject to supervisory approval, over the course of a year so that they do not lose time accrued when the current calendar year ends. If business circumstances prevented the employee from taking scheduled PTO, this PTO may be carried over to the next calendar year or cashed out at the employee's current salary rate with the approval of the CEO.
- 2.6.4.9 Separation. Upon separation from Port service and if the employee has unused PTO, a maximum of 125 days or 1,000 hours at 100% of the employee's current salary rate plus a maximum of 125 days or 1,000 hours at 50% of the employee's current salary rate will be paid to the employee.
- 2.6.4.10 Cash Out. Employees shall have the option to cash out their accrued PTO and receive monetary compensation of up to a total of 40 PTO days and the CEO shall have the option to receive monetary compensation of up to a total of 40 PTO days in a calendar year. Furthermore, employees and CEO shall have the option to use their cash out days for contributing to the Port's deferred compensation plan covered in this policy limited to 1 time per calendar year as long as it does not exceed the annual limit per IRS regulations. Written requests for PTO cash outs must be given to payroll department two weeks in advance of the request but no later than December 15th of the year in which the employee wishes to exercise his or her cash out option. No more than 2 PTO cash out requests per employee each year. In accordance with RCW 41.50.150 vacation cash out may not be reportable for retirement purposes.
- 2.6.4.11 Donating Leave. Eligible employees may donate excess PTO leave for use by another employee who is suffering from an extraordinary medical emergency of such severity that it would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.

Employees may request a leave donation when they have or expect to use all of their accrued leave (including PTO, personal days, exchange time and/or compensatory time) and would otherwise be on a leave without pay and have been found to be ineligible to receive industrial insurance benefits. The employee receiving a PTO leave donation is required to provide documentation of the medical justification for the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a Port employee and shall receive the same treatment in respect to compensation and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits. The CEO retains discretion to determine the eligibility to receive donated leave. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

In the case where employees donate more leave than used by the recipient, the amount of unused donated leave will be credited back to the donors equally.

2.6.4.12 PTO is based on a 40 hour work week and is prorated based on the number of hours worked on an employee’s regular work schedule. Each full time employee will accrue PTO bi-monthly in hourly increments based on their length of service time.

2.6.4.13 PTO accrual schedule is as follows:

<b>Completed Years of Service</b>	<b>PTO Days Per Year</b>
0-4	28
5-9	32
10-14	36
15-19	40
20 +	44

2.6.4.14 Infectious Respiratory Virus Procedure

Infectious respiratory viruses remain a significant health concern for our employees and can potentially affect others in our workplace. We care about the safety and well-being of everyone at the Port, which is why we have implemented the following procedure.

If an employee shows respiratory virus symptoms, which cannot be attributed to other causes such as allergies, or if the employee tests positive for COVID-19 or another respiratory virus, they are required to stay home for at least eight calendar days. This period begins from the onset of symptoms or from the date of a positive test result. However, if the employee feels well enough to work during this time, they can do so remotely—pending approval from their supervisor—and will continue to receive their pay.

Employees may return to work eight calendar days after the onset of their symptoms or a positive COVID-19 test, provided that they observe a noticeable improvement in their symptoms and have been fever-free for at least five calendar days without the use of fever-reducing medications. For our Maintenance Employees, they may resume their field duties after three calendar days from symptom onset, given that their symptoms have improved and they have been free from fever for twenty-four hours. During the following five days, they will work in isolation while wearing a mask and practicing social distancing from anyone they might encounter.

Our precautionary measures remain in effect as well. These include:

1. If anyone living with an employee is experiencing respiratory virus symptoms or has tested positive for such an illness, that employee is required to work remotely with pay and remain away from the workplace for at least three days. This timeframe starts from the date of symptoms onset or when the individual tested positive.
2. For employees whose duties involve using Port vehicles, they may park their assigned work vehicle at home—subject to supervisor approval—to minimize contact with other staff members during this time. Please note that this adjustment to our vehicle policy is a temporary measure specifically for this situation. It does not alter our established vehicle policy, which generally requires Port-owned vehicles to be parked on Port premises when not in use.
3. At the Port, we are committed to providing adequate airflow and filtration systems to ensure the safety and comfort of our staff. We also encourage all employees to maintain good hygiene habits in the workplace, including:

- Covering your nose and mouth when coughing or sneezing;
- Washing hands regularly;
- Disinfecting frequently touched surfaces; and
- Utilizing the hand sanitizer, soap, and cleaning products provided by the employer.

4. Employees are welcome to voluntarily wear masks, whether respirators, medical procedure masks, or cloth face coverings, as long as this does not compromise safety or security as determined by the Port CEO.

2.6.5 Bereavement Leave

Port employees will be granted up to 3 working days with pay for a death in the immediate family, defined as spouse, state registered domestic partner, child, parent, siblings, grandparent, grandchild, in-law or step relationship. Maximum of 9 working days per year will be paid out per employee.

2.6.6 Jury Duty

Employees are expected to fulfill civic responsibilities by serving as jury members when called. Employees shall receive regular salary for jury duty.

2.6.7 Leave Without Pay

Unpaid personal leave of absence is a privilege to regular employees with acceptable job performance and a minimum of 6 months of service. The leave is at the employee’s request and approval and duration rests with the CEO. All applicable paid leave must be used before unpaid leave status is approved.

2.6.8 Military Leave

The Port recognizes the Nation’s need for support of its military. The Port will abide by all applicable Federal and State statutes for employees and their spouses on active duty, National Guard or the Military Reserves. Employees are required to notify the CEO at the earliest date possible by providing a copy of their orders.

2.6.9 Family and Medical Leave (FMLA/PFML) Policy for All Current and Future Employees

2.6.9.1 Family and Medical Leave

Port of Kennewick provides leave for all current and future employees who have worked 340 hours for the Port, during the 12 months immediately preceding the date leave will commence, and at least 820 hours in Washington state preceding the date of which the leave begins in accordance with RCW 50A.05.010 and RCW 50A.30.020. Employees are not subject to payment of any premiums for this plan.

This voluntary plan will be in effect for at least one year following the date of implementation, which for the purpose of this policy is 1/1/2019.

All references to FMLA in this policy, reference FMLA as it existed on October 19, 2017.

The Port’s FMLA/PFML plan is voluntary. An employee who was eligible for benefits under a voluntary plan is immediately eligible for benefits under our plan. Voluntary plans for paid family and medical leave benefits are portable between jobs and we accept the portability of hours in accordance with RCW 50A.30.020.

Leave is calculated on a fifty two week rolling measurement. It is calculated forward from when your last FMLA/PFML leave began.

The following chart outlines reasons for leave and corresponding leave times.

Life Event	Length of FMLA/PFML Leave Time off is based on a rolling year.
Birth of your child	<p><u>Medical Leave</u></p> <ul style="list-style-type: none"> <li>- Up to 12 weeks</li> <li>- This can be extended up to 14 weeks if employee experiences a serious health condition with a pregnancy that results in incapacity per RCW 50A.15.020(b).</li> </ul> <p><u>Family Leave – Leave to Care for a Newborn</u></p> <ul style="list-style-type: none"> <li>- Up to 12 weeks</li> <li>- Combined total of medical and family leave cannot exceed 16 weeks but may be extended to 18 weeks if employee experiences a serious health condition with a pregnancy that results in incapacity per RCW 50A.15.020(c).</li> </ul>
Placement of a child under age 18 or incapacitated adult through either adoption or foster care	<p><u>Family Leave</u></p> <p>Up to 12 weeks</p>
Paternity leave (caring for a newborn or bonding after the placement of a child)	<p><u>Family Leave</u></p> <p>Up to 12 weeks</p>
Caring for a family member with a serious health condition	<p><u>Family Leave</u></p> <p>Up to 12 weeks</p>
When your own serious health condition prevents you from performing the functions of your job.	<p><u>Medical Leave</u></p> <p>Up to 12 weeks</p> <p>This can be extended up to 14 weeks if employee experiences a serious health condition with a pregnancy that results in incapacity per RCW 50A.15.020.</p>
Any qualifying military exigency (as it existed on October 19, 2017) arising out of the fact that their spouse, child or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.	<p><u>Family Leave</u></p> <p>Up to 12 weeks</p>
An employee who is the spouse, child, parent or next of kin of a covered service member who needs to care for a service member with a serious illness or injury.	<p>Up to 26 weeks</p> <p><u>Note:</u> Combined with any of the above cannot exceed 26 weeks.</p>
Definitions: RCW 50A.05.010	<p><i>Child: biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal</i></p>

Life Event	Length of FMLA/PFML Leave Time off is based on a rolling year.
	<p><i>guardian, or is a de facto parent, regardless of age or dependency status.</i></p> <p><i><u>Family Member</u>: child, grandchild, parent, sibling, or spouse of an employee.</i></p> <p><i><u>Grandchild</u>: child of employee's child.</i></p> <p><i><u>Grandparent</u>: parent of the employee's parent.</i></p> <p><i><u>Spouse</u>: husband or wife or state registered domestic partner.</i></p> <p><i><u>Parent</u>: biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child.</i></p>
Other Definitions	<p><b>All parts of this section will follow the guidance established by RCW 50A.05.010.</b></p> <p><i>Incapable of self-care: the individual requires active assistance or supervision to provide daily self-care in three or more of daily activities set out by state definition.</i></p> <p><i>Physical or mental disability: a physical or mental impairment that substantially limits one or more of the major live activities of an individual as set out by state definition.</i></p> <p><i>Service member: member of Armed Forces including National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.</i></p> <p><i>Next of kin of service member: nearest blood relative other than the covered service member's spouse, parent, son or daughter, or ranked in order of priority or as defined by Washington state.</i></p> <p><i>Qualifying exigency: for purposes of military family leave includes a number of broad categories of reasons and activities, including short-notice deployment, military events and related activities, child care and school activities, financial and legal arrangement, counseling, rest and recuperation, post-deployment activities, and any additional activities agreed to by the employer and the employee.</i></p> <p><i>Qualifying Period: for purposes of this policy, requirements set forth in RCW 50A.05.010 (18).</i></p> <p><i>Week: for purposes of this policy, requirements set forth in WAC 192-500-110.</i></p>

#### 2.6.9.2 Intermittent or Reduced Schedule Leave

Leave on an intermittent or reduced schedule basis may be taken to care for the employee's own serious health condition, for a covered family member, or to care for a covered service member with a serious health condition if medical certification of the serious health condition is provided by the treating health care provider.

#### 2.6.9.3 Serious Health Condition

A serious health condition (as referenced in RCW 50A.05.010(20)) is an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a medical facility (i.e. an overnight stay in a hospital, hospice or residential care facility) or continuing treatment by a physician or other healthcare provider.

#### 2.6.9.4 Certification

If you need FMLA/PFML leave because of your own Serious Health Condition or the Serious Health Condition of your family member, you may be required to get a certification from a health-care provider. The Port may require periodic reporting from the employee as to their status and intention to return to work.

#### 2.6.9.5 Benefits-Insurance Premiums

The Port will continue and/or pay your medical, dental, life, disability and long term care benefits during your family leave in the same manner as provided prior to the event. Payroll deductions for dependents, if applicable, will continue. No premiums will be paid by the employee for any FMLA/PFML leave in accordance with RCW 50A.30.010(3).

The terms of the profit sharing plan and any other qualified plan adopted by the employer will continue to apply during the term of the leave.

#### 2.6.9.6 Notification of leave

Whenever possible, the employee must advise the employer at least thirty (30) days before the commencement of the leave of absence of the date of commencement and the period of leave which will be taken. However, the employee is encouraged to give as much notice as possible, to enable the employer to make necessary staffing arrangements during the leave.

#### 2.6.9.7 Tracking Time Off

It is the responsibility of each employee to notify the Administrator when leave is necessary.

#### 2.6.9.8 Exempt Employees

Each employee shall track their leave through our payroll system by entering the hours (up to 8 hours) taken each work day. Payroll shall be determined by the amount of hours logged into the system.

#### 2.6.9.9 Non Exempt Employees

Each employee shall track their leave through our payroll system by entering the hours (up to 7.5 hours) taken each work day. Payroll shall be determined by the amount of hours logged into the payroll system.

## 2.6.10 Payment of Leave Benefits

### 2.6.10.1 Exempt Employees

Salary and time off is to be inclusive of, and compliant with any Federal, State, or Local requirements. The Port will continue the salary of the employee at their equivalent rate for family or medical leave for six weeks or twelve weeks for combined family and medical leave. The Port will pay the equivalent of the Washington state's plan leave for qualified remaining weeks up to a maximum of eighteen weeks in accordance with RCW 50A.15.020.

Salary for paid leave will be processed and paid via regular payroll periods (commencing on the next payroll after leave begins) on the 15th and last day of each month.

### 2.6.10.2 Non-exempt Employees

Salary and time off is to be inclusive of, and compliant with any Federal, State, or Local requirements. The Port will continue the salary of the employee at the equivalent rate for family or medical leave set forth by the Washington state plan in accordance with RCW 50A.15.020. In addition, employees may use their accrued PTO and extended leave hours in accordance with RCW 50A.35.030 to supplement the benefit payments provided under RCW 50A.15.020 toward the difference in their salary until benefit hours are exhausted.

Salary for paid leave will be processed and paid via regular payroll periods (commencing on the next payroll after leave begins) on the 15th and last day of each month.

### 2.6.10.3 Return to Work

At the conclusion of your leave, you are entitled to return to your same position unless that position is no longer available. If your position is no longer available when you return from FMLA/PFML leave, you will be returned to an equivalent position with the same compensation and benefits.

## 2.6.11 Family and Medical Leave

To the degree the following does not duplicate benefits under the Washington Paid Family Leave set forth above and in accordance with the federal Family and Medical Leave Act, the Port grants job-protected, unpaid family and medical leave to eligible employees for up to twelve (12) weeks per twelve-month period for any of the following reasons:

- The birth of and care for a newborn child, or the placement of a child with an employee in the case of adoption or foster care. Leave for these reasons will expire at the end of the 52 week period beginning on the date of such birth or placement;
- In order to care for an immediate family member (spouse, child, or parent) if that family member has a serious health condition; and
- An employee's own serious health condition that makes the employee unable to perform the essential function(s) of their position.

### 2.6.11.1 Family and Medical Leave Definitions

2.6.11.1.1 Twelve month Period: A twelve month calendar year starting January 1st and ending December 31st each year

2.6.11.1.2 Spouse: Either member of a legally-married pair or state registered domestic partner. If both spouses work for the Port, they are entitled to a combined total of 12 weeks of leave if the leave is taken for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. If each spouse uses a portion of the 12 weeks of leave for the purpose specified above, each

would be entitled to the difference between the amount they had taken and 12 weeks of FMLA leave for a different purpose. For example, if each spouse took 6 weeks of leave as a result of the birth of a child, each could use an additional 6 weeks due to his or her own serious health condition.

2.6.11.1.3 Child: A person younger than eighteen(18) years of age, or a person older than eighteen (18) years of age and incapable of self-care due to a mental or physical disability. An employee’s “child” is one for whom the employee has actual day-to-day responsibility. A “child” includes a biological, adopted, foster, or step-child.

2.6.11.1.4 Serious Health Condition: A serious health condition is an illness, injury, impairment, or a physical or mental condition involving inpatient care or continuing treatment by a health provider. Continuing treatment involves:

- A period of incapacity of more than three (3) consecutive calendar days (not working days) and subsequent treatment including either two visits to a health care provider or one visit followed by continuing treatment under the health care provider’s supervision;
- A period of incapacity due to pregnancy or for prenatal care;
- Treatment for chronic serious health conditions such as asthma and diabetes which (1) requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition); and (3) may cause episodic rather than a continuing period of incapacity; and
- Treatments for serious conditions such as cancer that may not be incapacitating but without treatment would result in a period of incapacity of more than three (3) consecutive days.

2.6.11.1.5 Health Care Provider: Any health care provider that is recognized by the Port or accepted by the Port’s group health plan. This may include physicians, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners, nurse midwives and clinical social workers.

## 2.6.11.2 Eligibility for FMLA Leave

To be eligible for family and medical leave, an employee must have been employed by the Port for at least twelve (12) months. Employees must have worked 1,250 hours during the 12 months prior to the commencement of leave. Vacation, personal leave, sick leave or unpaid leave is not included in the 1,250 hour calculation.

## 2.6.11.3 Intermittent or Reduced Leave

2.6.11.3.1 An employee may take FMLA leave on an intermittent basis (a few days or few hours at a time) or on a reduced leave schedule as a result of the birth of a child and for placement of a child for adoption or foster care if the Port and the employee agree to such a schedule.

2.6.11.3.2 Leave for a serious health condition may also be taken intermittently or on a reduced leave schedule when medically necessary. The Port may request certification from the health care provider of the employee or family member of the medical necessity of the intermittent leave schedule and its expected duration. Employees are required to schedule intermittent leave that is foreseeable so as not to unduly dispute the Port’s operations. The Port may assign employees on intermittent FMLA leave temporarily to alternative

positions with equivalent pay and benefits that better accommodate such recurring periods of intermittent leave.

2.6.11.3.3 For regular part-time employees and employees who work variable hours, the FMLA entitlement will be calculated on a prorated basis. A weekly average of the employee's hours worked over the twelve-week period before the beginning of the family and medical leave will be used for calculating the employee's normal workweek.

#### 2.6.11.4 Substitution of Paid Leave

2.6.11.4.1 An employee on FMLA leave must use any accumulated PTO leave they have available. After an employee on FMLA leave has exhausted their accumulated PTO, the remainder of the leave will be unpaid.

2.6.11.4.2 An employee who incurs a work-related illness or injury may be eligible to receive worker's compensation benefits. Any time off due to the work-related illness or injury will count toward the employee's FMLA leave entitlement. The FMLA does not allow for the substitution of compensatory time for unpaid FMLA leave.

#### 2.6.11.5 Designating Leave as FMLA Leave

The Port has the authority to designate whether any paid leave to be taken counts towards an employee's FMLA leave entitlement before leave starts, and will notify the employee immediately upon learning that it qualifies as FMLA leave. The initial notification to the employee may be oral, but will be confirmed in writing by the next regular payday. The Port's designation is based upon information obtained from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc.) if the employee is incapacitated. The employee must provide enough information to enable the Port to make a determination, if not; the Port may make a tentative designation until further inquiry is made to obtain the additional information.

#### 2.6.11.6 Employee Notice Requirements

An employee must provide the Port with at least thirty (30) days advance notice before FMLA leave is to begin if the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition. Failure to provide the notice with no reasonable excuse will give the Port the right to delay the taking of leave until at least thirty (30) days after the date the employee provides notices to the Port of the need for FMLA leave. If thirty (30) days' notice cannot be provided, notice must be given as soon as practicable. Verbal or written notification to the Port should be provided within one or two business days of when the need for leave comes known to the employee. When planning medical treatment, the employee must consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to unduly disrupt the Port's operations, subject to the approval of the health care provider.

2.6.11.6.1 Medical Certification. If the employee's leave is to care for the employee's seriously ill spouse, child, or parent, or due to the employee's own serious health condition, the request must be supported by a certification issued by the health care provider of the employee or the employee's ill family member. When the leave is foreseeable and at least 30 days' notice has been provided, the medical certification should be provided before the leave begins. The Port will allow 15 calendar days for the employee to comply with a request for medical certification. Medical certification forms will be made available.

2.6.11.6.2 Second Opinion. The Port may require a second medical opinion (at the Port's expense). Pending receipt of the second opinion, the employee is provisionally granted leave. The Port may also request periodic reports on the employee's

status and intent to return to work, and a fitness-for-duty report from the employee's attending physician advising that the employee can return to work.

If the opinions of the employee's and the Port's designated health care providers differ, the Port may require a third opinion (at the Port's expense). The third health care provider will be designated or approved jointly by both the employee and the Port. The third opinion is final and binding. The Port will reimburse an employee or family member for any reasonable travel expenses incurred to obtain a second and third opinion.

- 2.6.11.6.3 Confidentiality. All documentation related to the employee's or family member's medical condition is held in strict confidence and maintained in the employee's confidential medical file.

#### 2.6.11.7 Payment of Group Health Premiums During FMLA Leave

The Port will maintain the group health insurance coverage for an employee's FMLA leave period whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. Any portion of group health plan premiums which the employee has paid before starting an FMLA leave must continue to be paid by the employee during the leave. Any changes to premium rates and levels of coverage or other conditions of the plan that apply to other active employees also apply to eligible employees on FMLA leave. The Port will give advance written notice to employees of the terms for payment of premiums during FMLA leave.

The Port's obligation to maintain group health benefits ends after an employee's premium payment is more than 30 days late. The Port will provide 15 days' notice that coverage will cease if the employee's premium is more than 30 days late. If coverage should lapse while the employee is on FMLA leave, they will be restored to equivalent coverage upon return to work.

Failure to Return to Work. The Port may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work at the end of leave. The only exception is where the employee does not return due to the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member or other circumstances beyond the employee's control.

#### 2.6.11.8 Rights Upon Return to Work

When an employee returns from an FMLA leave, they will be restored to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The FMLA does not require the Port to place a returning employee in the same position. If a position in which an employee is placed is equivalent, the employee has no right to be restored to the original job.

- 2.6.11.8.1 Seniority. An employee is not entitled to seniority or benefit accruals during periods of unpaid FMLA leave. However, an employee does not lose seniority or benefits accrued prior to family and medical leave.

- 2.6.11.8.2 Early Return. If an employee requests to return to work earlier than originally scheduled, he/she should give the Port reasonable advanced notice, generally at least two working days. The Port may require that before returning, the employee present a certification from his/her health care provider that the employee is able to resume work.

#### 2.6.11.9 Military Caregiver Leave

An employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take up to 26 workweeks of unpaid leave

during a single 52 week period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A covered service member is also a veteran who was a member of the Armed Forces at any time during the period of 5 years preceding the date on which he or she undergoes medical treatment, recuperation or therapy for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty, or that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty on active duty, that may render the service member unfit to perform the duties of his or her office, grade, rank or rating. For a veteran, a serious injury is a qualifying injury or illness (as defined by regulation) that was incurred in the line of duty on active duty (or that existed before the beginning of active duty and was aggravated by service in the line of duty on active duty) and that manifested itself before or after the service member became a veteran. The "single 52 week period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 52 weeks later, regardless of the 52 week period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks for any FMLA-qualifying reason during the "single 52 week period." Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member. Medical Caregiver Leave may be taken intermittently whenever necessary to care for a covered service member with a serious injury or illness.

#### 2.6.11.10 Qualifying Exigency Leave

An employee may take up to a total of 12 workweeks of unpaid leave during the normal 52 week period established by the employer for FMLA leave for "qualifying exigencies" arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty status, or has been notified of an impending call or order to active duty status in support of a contingency operation. For purposes of this leave, covered active duty for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. Covered active duty for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code. Specific qualifying exigencies are defined by regulation and may be found at 29 CFR 825.126, but include generally short notice deployments, military events and related activities, childcare related activities, financial and legal arrangements, counseling, rest and recuperation, and post-deployment activities. FMLA leave may be taken intermittently for a qualifying exigency.

#### 2.6.11.11 Additional Medical Leave During Disability Due to Pregnancy or Childbirth and to Care for Newborn

In addition to the FMLA leave described above, any employee entitled to leave for the period during which she is temporarily disabled due to pregnancy or childbirth. This pregnancy/ childbirth disability leave is unpaid and health benefits are not automatically continued; however, accrued leave may be used and the employee may continue insurance coverage at her expense. Certification from the employee's health care provider may be required. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave.

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlement to 12 weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with FMLA leave. However, the FLA leave does not run

concurrently with any leave taken for pregnancy/childbirth disability; this affords an employee time off to care for a newborn once she has recovered from the disability.



# PORT OF KENNEWICK

## EMPLOYEE BENEFITS

## SUBPART 2.7

Adopted by the CEO on January 1, 2016  
Updated June 1, 2023

Adopted January 1, 2016

### 2.7 EMPLOYEE BENEFITS

2.7.1 Mandated Benefits: Non-exempt employees, exempt employees, and Commissioners shall be entitled to participate in the Washington State Public Employee’s Retirement System, the Social Security system, the State Industrial Insurance program or such other programs as may be required by state or federal law. Employee deductions and employer contributions shall be as prescribed by such laws.

2.7.2 Medical Insurance: Non-exempt employees, exempt employees and Commissioners shall be entitled to family medical coverage at the expense of the Port, at levels of coverage established from time to time by the CEO in accordance with RCW 53.08.170 and the Commission approved budget.

Departing employees have the option of continuing health insurance coverage through Consolidated Omnibus Reconciliation Act of 1985 (COBRA) or another employee alternative insurance (at the same cost) paid by the Port for a maximum of 3 months after termination. Departing employees have the option of continuing COBRA thereafter at the employee’s own expense in accordance with COBRA.

2.7.3 Deferred Compensation Program: All employees may apply to enroll in the Washington State Department of Retirement Systems Deferred Compensation Program or another approved Port of Kennewick vendor non-state affiliated deferred compensation plan at the inception of their employment with the Port of Kennewick. Employees may dedicate contributions up to the maximum allowable amount of their pre-tax/post-tax income to be paid into the fund on each pay date.

Upon completion of one full year of employment with the Port, all employees shall be deemed eligible by the Port Commission to receive a matching retirement benefit of up to 4 percent of the employee’s base salary into the Washington State Department of Retirement Systems Deferred Compensation Program or the Non-State Affiliated 457b/401a Plan. Any investment into this plan by a Port employee is absolutely voluntary. Once the Port match is contributed to the plan, it shall be treated in the same manner as all contributions and invested at the direction of the employee.

2.7.4 Health Care Reimbursement Program: Port of Kennewick (“Employer”) has adopted the HRA VEBA Medical Reimbursement Plan for Public Employees in the Northwest (“Plan”). Employer shall contribute to the Plan on behalf of all non-represented employees (“Group”) defined as eligible to participate in the Plan. Each eligible employee must submit a completed and signed Enrollment Form to become a Plan participant and be eligible for benefits under the Plan.

2.7.4.1 The Port will offer a \$7,000 incentive to all employees and Commissioners. This amount is intended to provide for the reimbursement of qualified out-of-pocket medical costs and provide a wellness program. To provide for this reimbursement tax-free, the Port will contribute the amount to the HRA VEBA plan. There will be no option for the amount to be paid out in cash. The Contribution shall be paid out quarterly to the HRA VEBA plan.

2.7.4.2 To encourage longevity at the Port of Kennewick, any employee of the Port who has served for a minimum of five (5) years shall have a lump sum payment made into their HRA VEBA account at the time they leave service based upon the following table and formula:

Completed Years of Service	Multiplier
5	2.5
10	5
15	7.5
20	10
25	12.5
30+	15

One-Time Contribution Formula:  
Multiplier \* Annual current VEBA funding amount

For example, if a Port Staff member retires after 15 years of service, the Port will contribute \$52,500. This is calculated as: \$7,000 \* 7.5 = \$52,500 (based upon current contribution amount).

- 2.7.5 Life, Disability, Cancer, or Other Benefits: Upon completion of one full year of employment with the Port, all employees shall be deemed eligible to receive up to \$80 towards a Port approved disability, cancer, insurance, or other plan as approved by the CEO and CFO. Any additional contribution into this plan by a Port employee is absolutely voluntary.

All employees and Commissioners can elect at their own expense to join alternative benefit plans such as Employee Owned Group Insurance Plans, Aflac plans and others if approved by the CEO and CFO.

Upon agreement with employee, benefits described above that are purchased by the employee will be automatically deducted from the employees pay check.

2.7.6 Telephone/Internet

- 2.7.6.1 Cell Phone Allowances: Since the Port does not own cell phones, the Port will provide a monthly cell phone allowance up to \$130 for data phones and \$50 for non-data phones. The Port will also provide a one-time cell phone purchase allowance up to \$750 every two years. The Port is not liable for any employee or Commissioner cost in connection with the employee or Commission purchased phones.

2.7.6.1.1 In the event the employee or Commissioner can provide sufficient evidence the business use of the cell phone is in excess of the allowance amount, the CFO may allow the additional amount to be paid to the employee or Commissioner.

2.7.6.1.2 Cell phones should not be used as an alternative to other means of communication when an alternative would provide less cost to the Port.

2.7.6.1.3 Due to state legislative changes, the employee or Commissioner may elect to have a Port owned cell phone in lieu of the allowances listed in section 2.7.6.1 of this policy. The phone shall not be used for any personal use, strictly Port related business.

- 2.7.6.2 Internet and Computer/Printer Allowance: Employees and Commissioners where job duties require the employee to work from home shall receive an internet allowance of \$70 per month.

In order for the above allowances to be considered tax-exempt, the employee must follow the Port's accountability program developed by the CFO. The IRS requires the employee to provide support in the amount of the allowance in order to be in compliance with a tax-exempt accountability program. If the employee or Commissioner is not in compliance

with the accountability program, the Port will tax the allowance and include the tax payments to the IRS in the employee or Commissioner's payroll.

2.7.7 Life Flight Membership

2.7.7.1 The Port will provide annual memberships for all Port staff, Commissioners, and their immediate family members.



# PORT OF KENNEWICK

## POSITION CLASSIFICATIONS, PAY PERIODS AND WAGES

### SUBPART 2.8

Adopted by the CEO on January 1, 2016

Adopted January 1, 2016

## 2.8 POSITION CLASSIFICATIONS, PAY PERIODS AND WAGES

### 2.8.1 Position Classifications

The CEO has established detailed job descriptions and titles for each employee based on the employee's duties, responsibilities, and appropriate federal or state guidelines. Each job description follows the following classifications and titles:

- 2.8.1.1 Administrative positions have the primary responsibility of managing a recognized department. Directors and supervisors positions are generally administrative and are normally exempt.
- 2.8.1.2 Professional positions require specialized training and/or a college degree (e.g. perform specialized, intellectual, artistic or varied work in professions) and are normally exempt.
- 2.8.1.3 Staff positions provide a variety of support functions and generally do not have a supervisory function and are normally non-exempt.

### 2.8.2 Types of Employees

- 2.8.2.1 Exempt Employees: Employees classified as Executive, Administrative, and Professional are "exempt" and are not eligible for overtime compensation. Exempt status is defined by federal and state laws.
- 2.8.2.2 Full-Time Employees: Full-Time employees are scheduled to work at least forty (40) hours per week on a regular basis.
- 2.8.2.3 Non-Exempt Employees: Employees classified as "non-exempt" are paid on an hourly basis and are eligible for overtime. The Fair Labor Standards Act defines overtime as all hours worked beyond forty (40) in a work week. Non-exempt employees is defined by federal and state laws.
- 2.8.2.4 Part-Time Employees: Part-Time employees are scheduled to work twenty (20) hours or less per week on a regular basis.
- 2.8.2.5 Temporary Employees: Temporary Employees are employed for a specific period of time or for a non-recurring work project. Temporary employees do not receive group benefits and are not eligible to earn vacation or sick leave. Credit for temporary service is granted if the employee converts to regular status with no more than one calendar month break in service. Temporary status shall not exceed six months.

### 2.8.3 Pay Period

Exempt and Non-Exempt employees will complete their timesheets for compensation on a regular basis on the 15th day and the last working day of every month. Payroll processing generally takes up to 5 business days after timesheets are signed, reviewed, and approved. Employees and supervisors not completing and properly approving timesheets in a timely manner may hold up the payroll processing and may be subject to disciplinary action.

#### 2.8.4 Wages

The CEO may, in his sole discretion, review and adjust the salary of both exempt and non-exempt employees based on annual performance review, or as deemed necessary, based upon special merit or circumstances, and changes in the general cost of living. The CEO from time to time will perform a salary and benefit analysis. All wages are subject to the Commission-approved budget.



# PORT OF KENNEWICK

## PROCEDURE MANUAL ACKNOWLEDGMENT

## PART 3.0

Adopted by the CEO on January 1, 2016  
Updated December 4, 2024

Adopted January 1, 2016

### PART 3.0 PROCEDURE MANUAL ACKNOWLEDGMENT

I have received a copy of the CEO PROCEDURES AND STAFF HANDBOOK, I have read it, understand it, and will abide by the contents. Furthermore, I recognize that my employment relationship with the Port of Kennewick is at-will and there is no guarantee by the Port of my continued employment. I may leave my employment with the Port at any time without legal obligation and the Port may terminate my employment at any time with or without cause. I understand that the Port retains the right to change its policies and procedures contained in the CEO PROCEDURES AND STAFF HANDBOOK at any time without advance notice. I have had the opportunity to ask any questions I may have had regarding the CEO PROCEDURES AND STAFF HANDBOOK and have received responses to my satisfaction.

\_\_\_\_\_  
**Printed Name of Employee**

\_\_\_\_\_  
**Signature of Employee**

**Date:** \_\_\_\_\_



# PORT *of* KENNEWICK

## Budget, Financial & Operational Philosophy

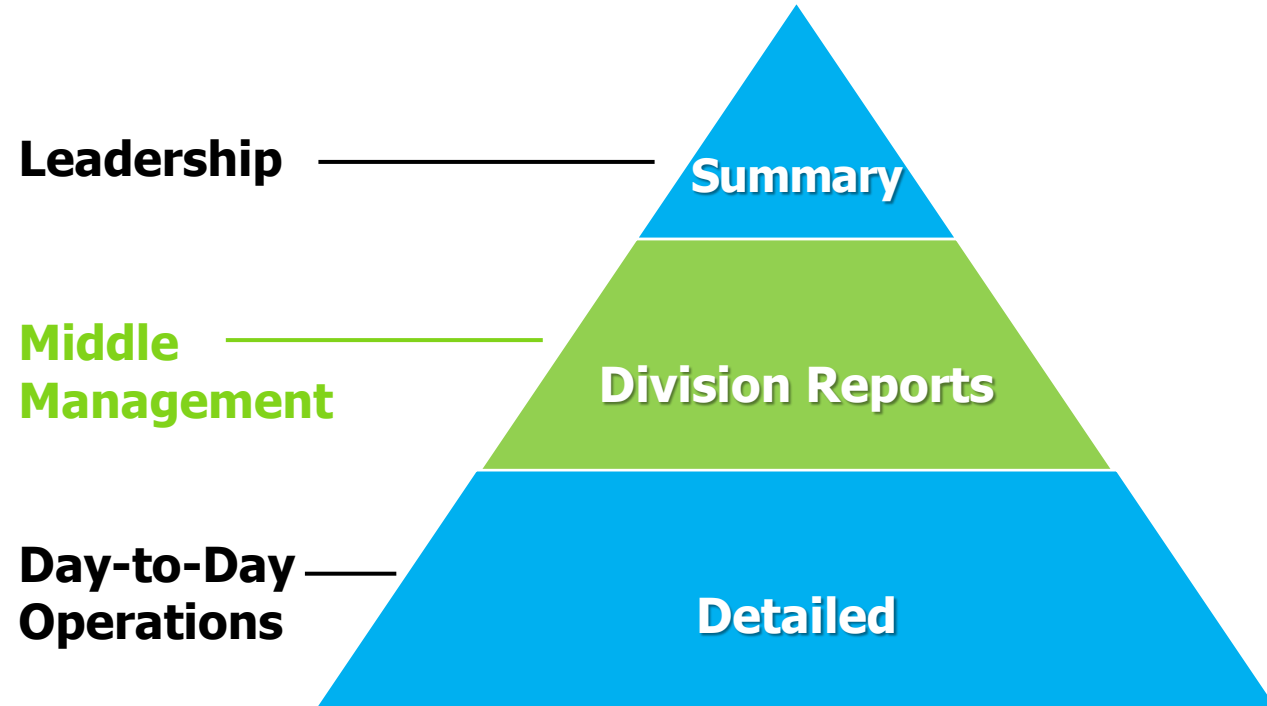
June 9, 2026

Nick Kooiker, CFO/Auditor





# Reporting Pyramid



**GFOA**  
**(Government Finance Officers Association)**

Reporting Pyramid

- **Reducing costs and enhancing revenues when feasible while maintaining acceptable service levels**
- **Promoting fiscal responsibility among departments**
- **Acknowledging the Port's limited staff and financial resources**
- **Focusing on long-term financial planning**



# **Budget Philosophy**

## **Resolution 2018-27**

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- **Support intergovernmental cooperation by partnering with entities which demonstrate support (i.e. matching funds)**
- **Seek to fund projects with available resources**
- **\$2.5M Reserve Fund**
- **Debt Service**
- **Environmental pollution claims against the Port**



# Budget Philosophy

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# 2027 & 2028 BUDGET ADOPTION SCHEDULE

PLANNING WORKSHOP	9/8/2026
WORK PLAN APPROVAL	9/22/2026
PRELIMINARY BUDGET WORKSHOP	10/13/2026
1ST LEGAL AD	10/14/2026
2ND LEGAL AD	10/21/2026
FINAL BUDGET HEARING/ADOPTION	10/27/2026
DUE TO COUNTY CLERK	Nov. 30th

## Budget Schedule



# Thank You

Nick Kooiker, CFO/Auditor  
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