

## SMALL PORTS SEMINAR BREAKS ATTENDANCE RECORD...AGAIN!



Last week the WPPA held another successful Small Ports Seminar in Leavenworth. The event broke attendance records for the third year in a row. 130 port attendees representing 49 of the state's ports participated in the event, and they were joined by 34 Associate Members representing 20 firms.

"It is clear that this is one of our popular events" stated WPPA Vice-President Karen Moore of the Port of Ephrata. "The small ports love this hands-on training and networking with each other".

The Wednesday morning optional 'intensive' training this year was titled "Managing Money and Buying Things", and focused on budgeting,

procurement and asset management. The seminar went on to focus on ports working to revitalize downtowns, with examples from the ports of Sunnyside and Chelan County.

Additional afternoon sessions discussed how to compete successfully for grant funding, and the nuts and bolts of what to do when faced with lawsuits. In a continuation of a successful tradition, the day ended with a reception and Associate Member 'speed-dating'.

Friday morning utilized a case study method, where the fictional Port of Cascadia was faced with multiple challenges dealing with outside audiences. Public relations, legislative and city interactions and internal port dynamics were all tested in an audience-interactive framework.

The meeting attendees got a chance to discuss strategies and ask questions of each other as they positioned the port to move forward with a potentially controversial and difficult development proposal. Thank you to all of those who participated!

## KNOWING THE WATERS

By Frank Chmelik of Chmelik Sitkin & Davis P.S. - WPPA Counsel



This month's column focuses on things you may think about each year for your port district. The idea here is to list things which, I think, should be looked after at least annually. This is not a list of what to do during the first meeting of the year, but rather, a list of other things that may need review.

***Is the port district appointment of an agent to receive tort claims up to date?*** RCW 4.96.020 requires local governments to "appoint an agent to receive any claim" for tort damages.

The statute requires the "identity and the address where he or she may be reached during normal business hours" be recorded with the county auditor. Check and see if this filing is accurate.

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## PORT SPOTLIGHT

### PORT OF SOUTH WHIDBEY ACQUIRES COUNTY FAIRGROUNDS



The Port of South Whidbey Island is working to diversify the economy of its area by acquiring the historic Island County Fairgrounds in Langley. The port, after study and deliberation, determined that the iconic property could be used to develop small local businesses, and to support tourism.

The decision to purchase the fair grounds from the County came after the port conducted a study on local needs. The Whidbey Island economy contains very little industry, except for boatbuilding, and is very reliant on construction – which is cyclical.

"Small business incubators and tourism seemed appropriate sectors for us to pursue" said Commissioner Curt Gordon. "Plus the County needed to divest itself of a property with high maintenance and upgrade needs, because they have other pressing priorities. This property seemed a good fit for our mission."

The fairgrounds contains a number of older buildings and event centers, in addition to an RV park and excellent internet connections. The port decided to propose converting these to a year-round tourism/service industry facility.

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## KNOWING THE WATERS

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**Is the port posting its interlocal agreements (listed by subject) on its web page or filing them with county auditor?** RCW 39.34.040 requires one or the other in order for the interlocal agreement to be valid and enforceable.

**Is the port posting its agendas for regular scheduled meetings on its web page at least 24 hours in advance?** RCW 42.30.077 requires posting of agendas except if your port does not have a web page or if the port has fewer than ten full-time equivalent employees. Keep in mind that nothing prohibits later changes to the agenda or considering any other business or action at a regularly scheduled meeting.

**Does the port have a clear policy and provide training on gifts to port employees?** The holiday season is coming. Vendors and consultants sometimes provide holiday gifts. While the state auditor allows a public employee to keep a "nominal" gift of a value of less than \$25, each port should have a written policy on this issue. For example, does the fruit and cheese basket go into the employee break room for everyone to enjoy? Likewise, the policy should put reasonable limits on gifts between employees, especially gifts to supervisors.

**Did the port conduct annual sexual harassment prevention training?**

Ports need a policy, annual training and enforcement. Consider annual training as part of an all-employee meeting.

**Is the Port's industrial storm water general permit sampling and reporting up to snuff?** If your port has an ISGP, there are quarterly sampling and reporting requirements. It is wise to make sure the samples are correctly taken and the reports appropriately filed. This avoids the all too common citizen lawsuits. If your port does not have any ISGPs then make sure you don't need one.

**Is the port's comprehensive scheme of harbor improvements current?**

The Washington Supreme Court has noted that a comprehensive scheme can be a single document or a series of documents (such as capital budgets, airport layout plans or marina master plans) so long as the compendium of documents fairly and fully informs the public. Is it time to update the port's comprehensive scheme?

**Is the port's delegation of "administerial powers and duties" to the "managing official" up to date?**

RCW 53.12.270 allows the so-called "delegation of powers." In my view, the best practice is to have a written delegation of powers and to have the commission and executive director

review it each year and suggest needed changes. The idea here is to strike the right balance that lets the executive director manage the port's operations while reserving to the commission the more strategic or important financial issues.

**Is the commission resolution governing the transaction of its business up to date?** RCW 53.12.245 requires such a resolution, but they vary widely across port districts. Some port commissions adopt a simple resolution to "move, second, discuss and adopt" motions or resolutions. Others adopt some form of Robert's Rules of Order. And, still others adopt some form of "policy-governance" procedure available from a variety of sources. In any event, is it time to look at this?

**Is the commission providing a meaningful annual evaluation for the executive director?** Surprisingly this is the one area that could be improved at most ports. Executive directors want feedback that is a bit more detailed than "you are doing a great job."

As always, please contact your port counsel with any legal questions regarding this topic. And, if you have a particular topic for a *Knowing the Waters* please email me at [fchmelik@chmelik.com](mailto:fchmelik@chmelik.com).

## UPCOMING EVENTS

### CLE

November 15, 2016 | Hotel Murano, Tacoma

### Annual Meeting

November 16-18, 2016 | Hotel Murano, Tacoma

## PORT SPOTLIGHT

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In order to secure public support for the endeavor, the port commission put the question to its voters at the primary election last August, and tied the question to a small increase in property taxes. 61% of the voters supported the approach, and with this signal the port will proceed with the property transfer.

This decision by the Port of South Whidbey Island continues a statewide theme of ports becoming more involved in tourism promotion and small business revitalization of downtown areas.

## EMPLOYMENT OPPORTUNITIES

### Contracts Manager

Port of Port Angeles

### Port Attorney

Port of Walla Walla

### Senior Network Engineer

Port of Seattle

### Director of Engineering

Port of Tacoma

### Economic Development and Education Manager

Washington Public Ports Association

### Senior Real Estate Manager

Port of Tacoma

### Business Technology Analyst

Port of Seattle

### Assistant Director, Facilities

Port of Tacoma

### Marina Office Assistant

Port of Bremerton

### Executive Director

Port of Chelan County

### Chief Operating Officer

Port of Longview

### Records Officer/ Administrative Assistant

Port of Longview

### Financial Reporting & Controls Analyst

Port of Seattle

If you would like information on any of these positions, visit [www.washingtonports.org/employmentopportunities](http://www.washingtonports.org/employmentopportunities)