

## PORTS DEVELOP CONSERVATION AND RECREATION PLANS THROUGHOUT STATE

Several Washington ports are developing conservation and recreation plans around the state using Washington Wildlife and Recreation Program (WWRP) grants. WWRP provides funding for projects that support wildlife habitats, create jobs, increase revenue, and improve the quality of life in the communities in which they are built.



Port of Camas-Washougal - before



Port of Camas-Washougal - after

If your port has unused, unsightly, or underserved space then you may want to consider a conservation or recreation project. WWRC's Executive Director, Andrea McNamara Doyle, notes that ports play a pivotal role in Washington's communities and as such, ports are excellent candidates for WWRP grants. WWRP funding may be used for several categories of projects, including trails, local parks, urban wildlife habitats, and state land development.



Clinton Beach, Port of S. Whidbey Island

### WPPA MEMBER PROJECTS

With the help of WWRP, meaningful upgrades to port properties are being completed. The Port of Camas-Washougal was awarded a matching grant of \$1.2 million for its Water Access and Waterfront Trail; the Port of Wahkiakum County #2 received a matching grant of \$171,000 for its Vista Park Expansion; the Port of South Whidbey Island developed Clinton Beach with a WWRP matching grant of \$576,000, The Port of Allyn received \$96,000 to support its Waterfront Acquisition; the Port of Longview is stewarding the Willow

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### PORT SPOTLIGHT

#### PORT OF SKAGIT — KEEPING DOLLARS AT HOME

Washington State University's Bread Lab Plant Breeding Program occupies a 12,000 square foot facility in the Port of Skagit's Bayview Business Park in Burlington. The Bread Lab functions within WSU's plant breeding & grains program and currently hosts three graduate students. It partners with the Port of Skagit and Vermont's King Arthur Flour Company, which was established in 1790.



The Lab contributes to the sustainability of Skagit Valley's agriculture in several ways. Part of its work involves identifying small grains that perform well for local farmers. The Lab also teaches farmers, processors, bakers, chefs, maltsters, and



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## KNOWING THE WATERS

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



In many communities, the port district senior staff and the port commissioners are community leaders. Indeed, many port commissioners are or have been successful business managers, educators or entrepreneurs. I think that all would agree that it is a positive to have these types of dynamic people working for the public good. This column looks at the curb lines of these outside involvements.

### COMMISSIONERS ON BOARDS OF DIRECTORS

Port commissioners are part-time elected officials. We expect that many of our port commissioners will have other employment. For some, this may include service on the board of directors of a local business or non-profit. Here, the applicable law is the *Code of Ethics for Municipal Officers – Contract Interest* found at Chapter 42.43 RCW which precludes any direct or indirect beneficial interest in a contract under the control of the municipal officer. Certain types of service, for example as a member of the board of a non-profit organization without compensation, are exempted under the “remote interests” exceptions found at RCW 42.23.040. Absent the “remote interest” exceptions found at RCW 42.23.040, a conflict can occur when the entity does business with the port district. Washington law does not recognize recusal as an option to avoid these conflicts. When these conflicts occur, there are only two options – resign for the port commission or resign for the other position. Therefore, care should be taken to analyze the potential for a current or future conflict. I always advise commissioners to honestly ask

themselves why they are being asked to join a board of directors – is it at all related to the fact that they are a commissioner?

### DUAL PUBLIC OFFICE HOLDERS

Some elected officials cannot get enough service with one government. Although rare, it is not unheard of for an elected official to hold two elected offices simultaneously. A fire district commissioner who is also a public utility district commissioner here in Whatcom County comes to mind. Washington applies the “Doctrine of Incompatibility” which, when boiled down to its essence, asks this question: “Are the two offices incompatible with each other because, from a public policy standpoint, it would be improper for one person to hold both offices?” This is a fact-based analysis that turns on the relationship of the two governments (or positions within the same government) and their potential for conflicting interests. Our Supreme Court said this:

When the nature and duties of the offices are such as to render it improper, from considerations of public policy, for one person to retain both. The question is whether the functions of the two are inherently inconsistent or repugnant, or whether the occupancy of both offices is detrimental to the public interest. Therefore, each case will be decided on its facts. There have been several instances where the Washington Attorney General said the offices are incompatible, including port commissioner-mayor and mayor-county commissioner. The MRSC speaks to this topic in a well written article that is worth a read.

### SENIOR STAFF MOONLIGHTING

Occasionally, senior staff are asked to serve on the board of directors or do some “consulting work” for a local business or even another local government where they will be compensated for their service. The senior staff, of course, are employees of the port district and are “municipal officers” within the meaning of Chapter 42.43 RCW. As full-time port district employees, they cannot “moonlight” without the permission of the port commission. Here, it is a “best practice” to have a personnel policy to provide guidance and commission decision. The analysis for the commission is really one of balancing the desires of the employee and the public benefit. For example, a request to join the board of directors of a local community bank may likely yield a completely different result than a request to provide “consulting services” to a local shipyard.

### DON'T BE FOOLISH – BE REALISTIC

I always caution in these matters to keep an eye on the big picture. Port districts, their commissioners and senior staff rely on their good reputations in their districts. Smart lawyers can always create a rationale and a process to allow these kinds of things to occur – but really, is it a good idea in the big picture? Put another way, do they want you because you are so talented or do they want you because of your connection to the port district? 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).

## RCO GRANTS

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Grove Beach project, which received \$212,000 from WWRP; the *Port of Clarkston* was awarded \$112,000 to partially cover the cost of its Granite Lake Park renovation; and the *Port of Benton's* Crowe Butte Park Play Center was partially funded with a \$95,000 WWRP grant.

## APPLICATION PROCESS

Ports wishing to apply for funding must first adopt a parks and recreation plan (or update one that is already in place). Once this plan is complete, the application process begins. Applications are accepted by the RCO in the spring of every even-numbered year. Although WWRP grants are designed as matching funds, beginning in 2018, underserved populations and communities in need may apply for reductions or waivers of their share of the project's expense. The RCO makes grant managers available to guide the application process and assist first-time applicants. If you have questions about a potential project or the application process, contact Briana McNamara Doyle at 360-705-9281 or [Andrea@WildlifeRecreation.org](mailto:Andrea@WildlifeRecreation.org).

## PORT SPOTLIGHT

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brewers how to utilize these regional crops and livestock products. People from all over the world who are interested in reviving local grain economies—bakers, scientists, farmers, millers, and others participate in the Bread Lab's work. The Lab's annual Grain Gatherings offer special classes for anyone interested in bread. Last year's gathering sold out months prior to the event.

As one of the Bread Lab's three founding partners and major sponsors, the Port of Skagit is enthusiastic about creating jobs in its community. The Port seeks to leverage this type of public-private partnership to ensure the Skagit Valley will remain a leader in Puget Sound's agricultural industry. Partnering with the Bread Lab is an example of the Port's "Good Jobs for Our Community" mission.



## SAVE THE DATE

**WPPA's Spring Meeting - Suncadia Resort, Cle Elum  
May 17-19, 2017**

### **May 16**

2:00 – 5:00 p.m. – CLE (optional)  
5:00 p.m. – CLE Reception

### **May 17**

8:30 – 11:30 a.m. Optional Training Modules:  
Training Module #1: Port Finance and Taxation: Paying for Things  
Training Module #2: Community Outreach

*Registration opens mid-March*

## UPCOMING EVENTS

### **Legislative Committee Meeting**

Friday, March 10, 2017  
Anthony's HomePort, Olympia  
Bay Room

### **Finance and Administration Seminar**

June 14-16, 2017  
Semiahmoo Resort, Blaine

### **Commissioners Seminar**

July 24-25, 2017  
Evening kickoff reception Sunday, July 23, 5:00pm  
Alderbrook Resort, Union

## EMPLOYMENT OPPORTUNITIES

### **Executive Director**

Port of Coupeville

### **Executive Director**

Port of Friday Harbor

**Sr. Manager  
Communications –  
Aviation Marketing**  
Port of Seattle

**Airport Duty Manager –  
Airfield Operations**  
Port of Seattle

**Senior Accountant**  
Port of Seattle

### **Contract Administrator – Construction**

Port of Seattle

**Director of Operations**  
Port of Newport, Oregon

**Director, Engineering**  
Port of Tacoma

**Senior Real Estate Manager**  
Port of Tacoma

**Assistant Director, Facilities**  
Port of Tacoma

If you would like information on any of these positions, visit  
[http://washingtonports.org/washington-ports/  
employment-opportunities/](http://washingtonports.org/washington-ports/employment-opportunities/)