

WPPA CONSIDERS CREATING A FACILITIES MANAGEMENT COMMITTEE

After a request from one of its members, WPPA is considering creating a forum that will enable port facility managers to meet regularly and interact in a peer-to-peer manner. The idea was initially brought forward by Adam Fulton, the Port of Bellingham's Director of Facilities.

"We could really use a forum that enables port staff who work in contracting, engineering and maintenance to discuss common problems, and learn how other ports are addressing them" said Mr. Fulton. "Our model of a successful forum is the WPPA Finance Committee, which enables port finance staff to learn from each other about best practices and evolving issues. That committee has become an invaluable training forum for port finance staff. We think that port facility-management staff could really benefit from the same type of network," he added.

After discussion at its last meeting, the WPPA Executive Committee decided to proceed with an initial meeting and evaluation process this Fall, where interested port staff will be given the opportunity to gather and discuss common issues and a potential work plan. If it looks like there are enough issues and a common desire to work on them, the next step would be to stand up a committee.



Bremerton Marina



Friday Harbor Airport

Adam Fulton has expressed a willingness to take the initial lead on this effort. If your port has staff who are interested in participating in this initial discussion, please contact him at AdamF@portofbellingham.com.

WPPA SPOTLIGHT

FISHING FOR ENERGY IN WESTPORT

Old fishing gear is often discarded in the water and left to pollute coastal communities. This type of pollution has serious consequences for the marine environment – including whales that become entangled in floating debris.

Concerned about the impact of this debris on its coastal community, the Port of Grays Harbor decided to participate in the Fishing for Energy program. The program, which launched its presence in Washington State at Westport Marina, is a



national public-private partnership designed to restore and protect our nation's coastal ecosystems. Two federal agencies (National Fish and Wildlife Foundation and National Oceanic and Atmospheric Administration) partnered with Covanta Energy and Schnitzer Steel Industries to develop the program. Since its formation in 2008, Fishing for Energy has transformed more than 3 million pounds of derelict fishing gear and debris into valuable resources.

Last October, Westport Marina was designated a Fishing for Energy site.

Fishing for Energy placed two giant bins at the marina, which were used for collecting abandoned debris. These bins gave local fisherman an opportunity to dispose of their

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KNOWING THE WATERS

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

It is the “election season” for ports and many other local govern-

ments. There were a lot of questions at the Spring Meeting. I last discussed this in May of 2015 and before that in May of 2013. I think, because everyone wants to be careful to do the right thing, now is an appropriate time to revisit the issues surrounding elections.

Washington law starts with the basic prohibition found at RCW 42.17A.555. The statute prohibits the use of any public resources “directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.” This goes beyond port district elections and applies to all elections and all ballot propositions. This broad prohibition applies to campaigning on port property (except maybe a park or public space which will be discussed below), using port issued cell phones, computers, stationery or other resources or allowing port staff to participate in

campaigning on port-time. Having set forth the general rule, here are some practical questions that have been answered over the years.

• WHAT ABOUT FREE SPEECH RIGHTS? Everyone, even port commissioners, have free speech rights. RCW 42.17A.555 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition (see, WAC 390-05-271).

• CAN AN INDIVIDUAL PORT COMMISSIONER SUPPORT OR OPPOSE A PARTICULAR CANDIDATE, EVEN A PORT COMMISSIONER CANDIDATE? Yes, port commissioners can legally endorse or oppose candidates (even those running for port commission) in their port district or another port district. Notice, I used the word “legally” because I will leave the politics up to the reader. And, of course, it cannot be done on port property or utilizing port equipment or facilities.

• CAN AN INDIVIDUAL PORT COMMISSIONER SUPPORT OR OPPOSE A BALLOT PROPOSITION?

Yes, but RCW 42.17A.555(2) requires that this be done in an “open press conference or in response to a specific inquiry.” And, of course, it cannot be done on port property or utilizing port equipment or facilities.

• CAN THE PORT COMMISSION SUPPORT OR OPPOSE A BALLOT PROPOSITION?

Yes, the port commission can act in an open public meeting to support or oppose a ballot proposition so long as the meeting notice (special meeting notice or published agenda) includes the title and number of the ballot proposition and all commissioners and members of the public are afforded an approximately equal opportunity for the expression of opposing views (RCW 42.17A.555(1)). Then the port commission can vote on a motion or resolution. Obviously, this is an exception to the general prohibition against the use of port resources, facilities or personnel to assist a campaign.

FISHING FOR ENERGY

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unwanted fishing gear—which was at risk of being abandoned and settling in local waters. Other debris was retrieved directly from the ocean. The result: 1050 crab pots have been collected by the Westport Marina community. Once the bins were full, Schnitzer recycled the metal fragments and Covanta processed the remaining non-metal materials to generate renewable energy.



Fishing for Energy will continue to provide disposal bins, which Westport Marina and the Port of Grays Harbor continue to encourage their community to fill. As the bins fill up, Fishing for Energy will convert the unused debris into valuable resources. The partnership is a win-win for the Port, the fishing community, the environment and wildlife, and anyone who enjoys Washington’s coastal waters. ■

UPCOMING EVENTS

Finance and Admin. Seminar

June 14-16, 2017
Semiahmoo Resort, Blaine

Directors Seminar

July 13-14, 2017
Adrift Hotel & Spa and Chinook School, Long Beach

Commissioners Seminar

July 24-25, 2017
Alderbrook Resort, Union

Environmental Seminar

September 21 – 22, 2017
Heathman Lodge, Vancouver

• CAN A PORT EMPLOYEE PARTICIPATE IN A PORT COMMISSIONER CANDIDATE'S CAMPAIGN (INCLUDING THE CAMPAIGN OF AN INCUMBENT), OR OTHER CAMPAIGN ON THEIR OWN TIME?

Yes, political activities during non-work time and off port property are not prohibited and, in fact, are protected by the First Amendment. My non-legal advice to commissioners, executive directors, lawyers and port employees is that everyone (especially attorneys, executive directors and senior staff) steer clear of commissioner elections because no matter who is elected, the port executive director, staff and attorneys need to implement the commission direction.

• CAN A PORT PUBLISH A FACTUAL STATEMENT ABOUT THE EFFECT A BALLOT PROPOSITION WILL HAVE ON ITS OPERATIONS OR BUDGET?

Yes, so long as the statement is factual, does not bleed over into advocacy and is part of the "normal and regular conduct" of the port (for example in a regular

newsletter). I recommend that the Port attorney review the statement before it is finalized and make sure it complies with WAC 390-05-273.

• CAN THE PORT INVITE ALL CANDIDATES TO THE PORT FOR A PRE-ELECTION BRIEFING ON PORT OPERATIONS AND BUDGETS?

Yes, such a briefing delivered to all candidates does not support a particular candidate but rather provides information. If a candidate later follows up with questions, care should be taken to provide factual answers only. Consider sharing the question and the answer with all the candidates. Also, remember to call a special meeting if the majority of the current port commission will be attending.

• HOW ABOUT ELECTION ACTIVITIES IN A PORT-OWNED PUBLIC PARK OR OTHER PORT-OWNED PUBLIC SPACE?

Ports can make facilities available on a nondiscriminatory, equal access basis for political uses. The answer to this question depends on the port's

existing policy on the use of its public parks and public spaces. The best course of action is to have a policy in place (before any rental requests) that addresses this issue. In any event, be very careful and consult with your port attorney before making a decision and be extremely careful if the candidate is running for port commissioner.

As always, please contact your port counsel with any questions regarding this topic. And, if you have a particular question for *Knowing the Waters* please email me at fchmelik@chmelik.com ■

EMPLOYMENT OPPORTUNITIES

Director of Finance and Administration

Port of Chelan County

Senior Cost Engineer Scheduler

Port of Seattle – AV Project Management Group

Senior Cost Engineer Scheduler – Supervisor

Port of Seattle – AV Project Management Group

Maritime Billing & Administrative Specialist

Port of Seattle – Fishing Commercial Operations

Director of Economic Development

Port of Bellingham

Executive Assistant / Property Manager

Port of Friday Harbor

Airport Land Use and Strategic Programs Coordinator

WSDOT

Director of Operations

Port of Anacortes

Project Manager 2

Port of Anacortes

Marketing & Outreach Assistant

Port of Olympia

Full-Time, Temporary (Seasonal) Port Maintenance

Port of Bremerton

Accounting & Financial Reporting Business Technology Consultant

AFR Business Technology Department
Port of Seattle

Assistant Manager/Maintenance Supervisor

Port District No. 1 of Wahkiakum County

Marina Office Assistant – LaConner Marina

Port of Skagit

Senior Manager, Planning

Northwest Seaport Alliance

Executive Director

Port of Coupeville

If you would like information on any of these positions, visit washingtonports.org/washington-ports/employment-opportunities