

Resolution No. 1166 (2021)

A Resolution of the Port of Everett Commission adopting a Master Policy directive on the administrative authority of the Executive Director and his/her designees and updates, cancels and supersedes Resolution No. 1142 (2020).

WHEREAS, Section 53.12.270 of the Revised Code of Washington provides authority to the Port Commission for delegation of powers to the Executive Director; and

WHEREAS, the Port Commission has adopted policy directives delegating administrative authority to the Executive Director and his/her designees for the purpose of expeditious administration of the Port; and

WHEREAS, the Port Commission has from time to time found it necessary to amend and revise such directives due to changes in law and/or operations of the Port; and

WHEREAS, the Port Commission now wishes to provide a master policy directive on the administrative authority of the Executive Director and his/her designees, and to repeal any prior resolutions dealing with the same subject;

NOW, THEREFORE, BE IT RESOLVED by the Port of Everett Commission as follows:

1. The Administrative Authority Policy Directive of the Port Commission of the Port of Everett as set forth as "Exhibit "A" attached to this resolution and incorporated herein by such reference is for the purpose of establishing administrative authority for the Executive Director and his/her designees is hereby adopted.
2. The Revised Code of Washington 53.08.090 authorizes the Port Commission to delegate to the Executive Director by resolution, the authority to sell and convey Port District property as outlined in Exhibit "A," Section XIX. In as much as State law requires that his or her authority be renewed from year to year, the Port Commission is authorized to accomplish the same action as part of this resolution; provided, however, that in the event this authority is amended or repealed, such amendment or repeal must be by further resolution adopted by the Port Commission.

ADOPTED by the Everett Port Commission this 5th day of January, 2021.

EVERETT PORT COMMISSION

By Tom Stiger
Tom Stiger, President

DocuSigned by:
By David Simpson
David Simpson, Vice President

DocuSigned by:
By Glen Bachman
Glen Bachman, Secretary

EXHIBIT A

PORT OF EVERETT

ADMINISTRATIVE AUTHORITY

POLICY DIRECTIVES EXECUTIVE DIRECTOR AND DESIGNEES

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PORT OF EVERETT COMMISSION

ADMINISTRATIVE AUTHORITY POLICY DIRECTIVES OF EXECUTIVE

DIRECTOR AND DESIGNEES

The following policy is adopted by the Port of Everett Commission for the purpose of establishing the administrative authority of the Executive Director, who is responsible for normal Port operations. The enabling statutory provision for the delegated authority set forth in this Policy Directive is RCW 53.12.270 and this Policy Directive is expressly subject to regulatory provisions governing port district operations. In the event of a conflict between this Policy Directive and any applicable regulatory provision, the Executive Director shall follow the applicable regulatory provision. The phrase “normal Port operations” as used herein, means regular day-to-day business transactions involving personnel, materials, facilities, real and personal property, money and other assets. The Commission shall retain an Executive Director to implement the objectives of the Port, which shall be established by the Port Commission. The Executive Director derives authority from the Commission acting as the governing body of the Port pursuant to constitutional and statutory authority. The Executive Director shall retain professional staff, which shall operate and manage according to the directives of the Executive Director. The Executive Director shall regularly inform and consult with the Commission regarding significant information and business transactions by a method mutually agreeable to the Commission and the Executive Director. The Executive Director shall serve as the primary spokesperson for the management of the Port of Everett.

The Commission is responsible for setting policy and direction for all Port business. It does so by annually adopting a budget and, from time to time, adopting other policy-setting documents. Within the general scope of and in conformance with the direction established by such documents and with the exception of the limitations identified in the specific policies which follow, the Executive Director shall be responsible for the operation, maintenance, administration and use of the Port’s properties and facilities; the development of the Port District; implementation of construction work and alterations and improvements to the Port’s real estate and physical facilities and necessary planning incidental thereto; the administration of the day-to-day operations which include personnel administration; execution of contracts; delivery of services essential to the Port’s mission; financial and accounting related matters; legal matters and all other administrative matters. Further, the Executive Director is hereby authorized to provide appropriate public notice of any and all public hearings, which are required by law or are necessary for Port Commission action.

The Executive Director may delegate to appropriate Port staff such of his/her administrative authority or reporting requirements herein established as, in his/her discretion, is necessary and advisable in the efficient exercise of such authority. The Executive shall implement the policies and procedures as adopted by the Port Commission, monetary delegations, authority to execute contracts, and other documents such as employee position descriptions, affirmative action plans, office manuals, etc., which shall include such delegations as appropriate. The responsibility for all administration and day-to-day operations of the Port rests solely with

the Executive Director. Any Commission directive or initiatives shall be made through the Executive Director and shall be made only by the Port Commission acting as a body.

PORT OF EVERETT

SPECIFIC POLICY DIRECTIVES OF ADMINISTRATIVE AUTHORITY OF EXECUTIVE DIRECTOR AND DESIGNEES

I. REAL PROPERTY AGREEMENTS

a) Types of Agreements

The following directives of this Article I apply to all agreements for use of Port real property, including but not limited to leases, license agreements, rental agreements, operating agreements and use agreements (all hereinafter referred to as Real Property Agreements or "Agreements").

b) General and Real Property Agreement Policy

Except as provided in Paragraph I.c.), all real property of the Port shall be used pursuant to an appropriate written instrument approved by the Port Commission and accompanied by security in accordance with law. Prior to the execution of such instrument, the Executive Director shall submit the Agreement to Port counsel for approval, follow all applicable laws and Port Commission created Lease policies, provide for proper lease security and then shall have secured authority to enter into the Agreement from the Port Commission.

c) Real Property Agreement Procedures

The Executive Director is authorized to perform the following actions without Port Commission approval, but must provide the Port Commission with a report summarizing actions:

- i) Real Property Agreements with a duration of one year or less may be approved and signed by the Executive Director; provided the Port's standard Agreement form is substantially used, agreement terms conform to proper real estate practices and the guidelines set forth in the Lease Policy, and any financial obligation of the Port for improvements that are within the Commission approved budget. Except as authorized in subsection 1.c) iii) below, all other Real Property Agreements shall be approved by the Port Commission.
- ii) To the extent assignments, subleases, or options are permitted in the basic Agreement, the same may be approved by the Executive Director; provided, other substantive terms of the Agreement are unchanged; any option or options, rental adjustments consistent with Port Lease Policy are made; and provided an amendment to the Agreement may be approved by the Executive Director if the scope of amendment is otherwise within authority of the Executive Director under this Resolution.
- iii) Easements, licenses and permits ancillary to the normal operation of the Port, except for those containing indemnification obligations on the part of the Port, may be granted by the Executive Director.

d) Compliance

The Executive Director is charged with the responsibility to ensure that all Agreement terms are complied with and is authorized to take necessary measures to cause compliance or to protect the Port's legal position, including but not limited to the giving of all notices provided for in the Agreement.

II. REAL PROPERTY AGREEMENT SECURITY AND INSURANCE

The Executive Director is authorized to take all necessary actions on behalf of the Port Commission in connection with Agreement surety bonds, Agreement surety, rental insurance, or other security (hereinafter referred to as "Agreement Security") and insurance coverage required pursuant to any Agreements of the Port, including, but not limited to, any of the following actions:

- a) Where the Agreement is not in default, to release any Agreement Security where an adequate substitute has been provided.
- b) To approve an Agreement Security or insurance submitted in fulfillment of the requirements of any agreement, including substitute or replacement coverage for any terminated bond or other Agreement Security.
- c) To approve any substitute or modification of insurance, and to release any insurance company when substitute or replacement insurance coverage has been provided.

III. REAL PROPERTY TRANSACTIONS

- a) When the Port Commission authorizes the acquisition of real property by negotiated purchase or condemnation, the Executive Director shall take all necessary steps, including obtaining appraisals when appropriate, to secure title of such property for the Port. The acquisition price of individual properties (or ownerships) shall in no case exceed the Port's appraisal without further specific Commission approval. When several parcels are authorized for purchase by the Port Commission, the total price paid for all such properties shall not exceed the Port's appraisal without further specific Commission approval.
- b) When the Port Commission authorizes the sale of Port real property, the Executive Director shall be empowered to take all necessary administrative steps, including obtaining appraisals, and, further, the Executive Director is authorized to take any and all other necessary steps, including delivery of conveyance instrument(s) by the Commission, to finalize the sale.

IV. CONTRACTS FOR PERFORMANCE OF PUBLIC WORK

- a) Contract Awards for Public Works Contracts
 - i) The Executive Director may, without prior Commission approval, execute on its behalf Public Works contracts where the total estimated contract price does not exceed Three Hundred Thousand Dollars (\$300,000), the work is within the approved Budget, and so long as all statutory procedures are followed. In the event the total cost of a contract that was originally less than Three Hundred Thousand Dollars (\$300,000) upon award becomes more than that

amount due to change orders, the Executive Director's authority in approving the contract shall not be affected. If the project scope varies from the Commission approved Budget, it will be brought before the Commission before obligation of any funds.

- ii) Regarding contracts for Public Works exceeding Three Hundred Thousand Dollars (\$300,000), the Executive Director is authorized to prepare the plans and specifications for public bidding. With Commission authorization, the Executive Director is authorized to publish notice calling for bids for Public Works projects within the approved budget. Award of contract will be made with Commission approval unless there is a time constraint. In the event of a time constraint, Commission approval for award by the Executive Director will be requested.
- iii) If an award over \$300,000 is to be made to other than the lowest, responsive, responsible bidder, or if there is a material deviation from the Port's General Conditions, or if the bid of any amount is in dispute, Port Commission approval shall be sought prior to the award. Port Commission approval shall be required for the rejection of all bids.

b) Change Orders

Where contracts for the performance of work exceeding Three Hundred Thousand Dollars (\$300,000) have been awarded and under which the work is in progress, and individual changes in plans and/or specifications are necessitated in order to properly accomplish the work, the Executive Director is authorized to execute individual change orders to the contract provided the following conditions are met:

- i) The estimated cost of the changes in plans and/or specifications will not exceed \$50,000 or Ten Percent (10%) of the amount originally approved by the Commission in the contract award, whichever is greater.
- ii) The contract provided for issuance of change orders.
- iii) The individual change order has been approved and certified by the Port's Engineer or Project Manager supervising the contract as being necessary to the proper accomplishment of the work called for in the current contract.
- iv) Any time extension for completion of said contract which accompanies said change order does not exceed sixty (60) days, except a change order extending the contract determined time beyond sixty (60) days where it is to be a result of fire and/or other casualties not the fault of the contractor; strikes, riots, and other civil disorders; unsuitable weather, or other acts which result in suspension of work by order of the Port's Engineer or Project Manager supervising the contract.

c) Reports

Notwithstanding the authority granted in the preceding sections III.a) and b), the Executive Director shall keep the Commission advised of all contracts.

V. UTILIZATION OF PORT CREWS

- a) The Executive Director is authorized to use necessary workers for operation and maintenance of facilities pursuant to Port Commission approved labor agreements.

- b) The Executive Director shall be responsible for obtaining prior Port Commission approval for work projects, which are new construction or major modifications of Port facilities to be carried out by Port crew when the total estimated cost exceeds Three Hundred Thousand Dollars (\$300,000).

VI. ACQUISITION OF UTILITIES, MATERIALS, EQUIPMENT, SUPPLIES & SERVICES

- a) The Port of Everett will acquire equipment, materials and services in a manner that is consistent with statutory provisions of the Revised Code of Washington. The Executive Director shall have authority to reject non-conforming goods and make warranty claims if he or she deems it in the best interest of the Port.
- b) The Executive Director shall have the responsibility for following all statutory requirements and procedures in connection with all contracts for the acquisition of utilities, materials, equipment, supplies and services. Utilities, materials, equipment, supplies and services (including services provided by public agencies) may be acquired on the open market, pursuant to published tariffs, or by competitive bidding when necessary for the normal maintenance and operations of the Port, and no prior Port Commission approval shall be required but shall, where appropriate, be approved as part of normal monthly expenses and shall be within authorized budgets.
- c) Where a requirement exists for formal competitive bidding, the Executive Director may execute contracts for acquisition of utilities, materials, equipment, supplies and services subject to the following conditions:
 - i) The Contract or purchase order price for one year does not exceed Three Hundred Thousand (\$300,000), or, if specifically identified in the annual budget, the amount shown in such budget, and the contract provides for no more than two (2) options to extend the contract for one (1) year periods, provided that the basic contract or purchase order price and any contract extensions must be within appropriate annual budget limits.
 - ii) The award is, made in accordance with the requirements of R.C.W. 53.08.120 (1), (as it now exists or may be amended).
 - iii) The successful bidder has provided, where required, a performance bond with sureties, which comply with the requirements of the applicable law.

VII. REIMBURSABLE SERVICES

The Executive Director is authorized to enter into agreements pursuant to which the Port will provide reimbursable services, which such services are part of normal Port operation or incident thereto.

VIII. ARCHITECTURAL AND ENGINEERING SERVICES

- a) The Executive Director is authorized to obtain architectural and engineering services, as defined in Chapter 39.80 RCW (as it currently exists or may hereafter be amended) and for contracting with qualified architectural, engineering, and land surveying firms licensed in the State of Washington to provide such services as required for maintenance, engineering work or small projects of the Port.

Selection and reimbursement for such services shall follow all required statutory procedures and shall be consistent with normal established fees paid for such services. If the fee on any single project or closely related work is estimated to exceed Three Hundred Thousand Dollars (\$300,000), Port Commission approval shall be required.

- b) For architectural and engineering services agreements exceeding Three Hundred Thousand Dollars (\$300,000) which have been approved by the Port Commission, the Executive Director is authorized to approve agreement modifications provided the individual modifications do not exceed ten percent of the contract amount previously approved by the Commission and are approved by the Project Manager.

IX. PERSONAL SERVICES

The Executive Director shall be responsible for obtaining personal services, as defined in Chapter 53.19 RCW (as it currently exists or may be hereafter amended) where deemed necessary in carrying out normal Port operations and provided all applicable legal requirements and procedures are met. The Executive Director may arrange for such services where the estimated cost of the proposed service does not exceed the amount of Three Hundred Thousand Dollars (\$300,000), provided all such arrangements shall be reported monthly online per RCW 53.08.440 (as it currently exists or may be hereafter amended).

X. WAIVING COMPETITIVE BIDDING REQUIREMENTS

- a) The Executive Director is authorized to waive competitive bidding requirements pursuant to RCW 39.04.280 and 53.08.120 for contracts not anticipated to exceed \$300,000. Commission approval is required to waive competitive bidding requirements for contracts anticipated to exceed \$300,000.
- b) When an emergency requires immediate response, the Executive Director pursuant to RCW 39.04.280, and as applicable, RCW 39.04.020 (as they are now or may be amended), is authorized to make a finding of existence of such emergency, commit Port resources, waive competition, and execute any contracts necessary to respond to the existing emergency, provided that the Executive Director shall make a written finding of the existence of an emergency and post the finding to the Port's web site no later than two weeks following the award of the contract, and report the finding at the first Port Commission meeting following the posting. For notification and reporting requirements for emergency contracts related to personal services, see Article IX.

XI. LEGAL SERVICES AND OTHER REPRESENTATION

The Executive Director and Commission appointed Port Counsel shall be responsible for management and supervision of all legal services required by the Port and for litigation in which the Port has an interest, direct or indirect. For purposes of this Article, "litigation" shall mean the assertion of any position, right or responsibility by or against the Port (or in which the Port may have an interest), which has been filed in any court of general jurisdiction, be in state or federal, or any quasi-judicial or administrative forum. The Executive Director and Port Counsel shall confer with the Commission on all legal issues for guidance and policy direction.

a) Legal Services

The Executive Director, in consultation with the Port Commission, is authorized to retain law firms, through Port Counsel as necessary, to provide legal services. Retained legal counsel may act solely on behalf of the Port or jointly with other interested parties. Payment for legal services other than litigation shall be by reimbursement not to exceed their established hourly rates plus expenses. In litigation matters, legal counsel shall be reimbursed at a rate not to exceed their established hourly rate plus expenses. Additionally, counsel may be compensated on a flat fee basis, provided: (1) It is determined to be in the best interest of the Port, in the discretion of the Executive Director; and (2) payment is made upon counsel providing documentation demonstrating such billing is reasonable.

b) Engagement of Other Representatives

In connection with litigation or other matters in which the Port has a direct or indirect interest, the Executive Director may engage, or cause to be engaged through the Port Counsel, other representatives to act solely on behalf of the Port or jointly with other interested parties. Such representatives shall be reimbursed at their established hourly rate plus expenses or on another basis, which is standard for their services, or as otherwise provided in Section XI.

c) Engagement of Experts

The Executive Director may engage or cause to be engaged through the Port Counsel, such experts as may be necessary to the orderly preparations of litigation in which the Port has a direct or indirect interest, within limitations otherwise prescribed in Article IX above. Such engagement shall be upon authorization given by the Executive Director after having been satisfied that such expenditure is necessary to the adequate preparation and representation of the Port's position in such litigation and shall wherever practicable include evaluation of the litigation and an estimate of the probable cost of such experts.

d) Settlement

Unless otherwise specified herein, any matters which are or could be the subject of litigation may be compromised and settled by the Executive Director provided that the settlement amount does not exceed One Hundred Thousand Dollars (\$100,000) and that the Port Counsel shall certify to the Executive Director that such compromise and settlement is justified on the basis of the following:

i) Claims filed against the Port

1. The likelihood that a judgment rendered in the case would be in the amount claimed or higher than the amount claimed, or that there is reasonable cause to believe that there is considerable exposure to liability for the Port; or
2. the likelihood that the expenses involved in litigation would be unnecessarily high in relation to the amount claimed, or the likely result.

ii) Claims filed on behalf of the Port

1. That the determination to settle the claim outweighs the risk of resorting to litigation; or
2. that the settlement of the claim would provide prompt payment to the Port and eliminate extensive delays; or
3. the proposed offer to settlement is reasonable in light of the claim asserted.

XII. ADJUSTMENT AND SETTLEMENT OF CLAIMS

The Executive Director shall be responsible for the observance of necessary procedures whereby the adjustment and final settlement of all claims, either against or on behalf of the Port, shall be carried out. Necessary procedures in the handling of such claims shall include the following:

- a) For Purpose of this section, "Claim" shall mean the assertion of any position, right or responsibility by or against the Port, but not including (1) accounts receivable to the extent covered in Article XIII, or (2) claims asserted by or against the Port which have become subject to litigation as defined in Article XI above, or (3) a request for Change Order, the authorization of which may serve as partial settlement in the administration of Public Works contracts, or (4) a Memorandum of Understanding between any labor union and the Port resolving disputed matters arising under a collective bargaining agreement.
- b) No claims against the Port shall be considered unless and until proper notice has been served by the claimant upon the Port; provided, however, if in the opinion of the Executive Director and Port Counsel, it is in the interest of the Port District to settle a claim against the Port District in advance of formal claimant notice being filed, it is within the discretion of the Executive Director acting upon the advice of the Port Counsel and within the other limitations of these Directives to proceed accordingly.
- c) An individual claim which exceeds One Hundred Thousand Dollars (\$100,000) may be processed in all respects (except for final approval and payment) by the Executive Director and Port Counsel. No such claims shall be submitted for approval to the Port Commission until a tentative agreement has been reached between the parties concerning the settlement. Claims which in the opinion of the Executive Director may exceed One Hundred Thousand Dollars (\$100,000) shall be reported to the Port Commission promptly.
- d) Any individual claim not exceeding One Hundred Thousand Dollars (\$100,000) may be adjusted and settled and paid by the Executive Director; provided that all of the following conditions are met:
 - i) Port Counsel shall certify to the Executive Director that payment of the claim is justified on the basis of the following (on claims in excess of Fifty Thousand Dollars (\$50,000):
 - 1. Claims filed against the Port:
 - a substantial likelihood that the Port is or could be found liable; or
 - the likelihood that a judgment rendered in the case would be in the amount claimed or of higher than the amount claimed or that there is reasonable cause to believe that there is considerable exposure of liability of the Port;
 - the likelihood that the expenses involved litigation would be unnecessarily high in relation to the amount claims, or the likely result.
 - 2. Claims filed on behalf of the Port:
 - that the determination to settle the claim outweighs the risk of resorting to litigation.
 - that the settlement of the claim would provide prompt payment of the Port and eliminate extensive delays;
 - the proposed offer of settlement is reasonable in light of claim asserted.
 - ii) All such claims, when paid, shall be reported to the Port Commission monthly.

XIII. ADJUSTMENT AND WRITE-OFF ACCOUNTS RECEIVABLE

The Executive Director is authorized to establish procedures to (1) make adjustments to accounts receivable for valid business reasons which do not constitute a gift of public funds, or (2) to write off any uncollectible account which does not exceed Fifty Thousand Dollars (\$50,000) which is deemed to be uncollectible. Amounts over Fifty Thousand Dollars (\$50,000) shall be referred to the Port Commission for final approval of writing off that account.

XIV. INSURANCE PROGRAMS

The Executive Director shall be authorized to negotiate and obtain appropriate policies of insurance to cover Port property, liability, employee coverages, and other areas appropriately included within a comprehensive insurance program. The Executive Director is authorized to approve changes or modifications within the policies of insurance, including programs to provide deductible provisions, so long as such programs are promptly and regularly reported to the Port Commission, so it is informed of basic changes made in the overall insurance program of the Port.

XV. TRADE DEVELOPMENT PROGRAMS

The Executive Director is authorized, consistent with statutory limitations, to develop and carry out programs of trade, advertising (including the use of advertising firms) within budgetary authority and promotion of the Port, including its properties, facilities and services. This may include participation in programs and agreements designed to provide shippers, which use or may use the Port of Everett with the most competitive service and lowest possible freight rates including negotiations of warehouse rates, consolidation of traffic and prepayment of freight charges by the Port, and all necessary activities related to the intermodal movement of domestic and foreign cargo.

XVI. MARINE TERMINAL TARIFFS AND FEES

The Executive Director has authority on cargo marketing efforts, including establishing rates and tariffs for marine terminal customers.

XVII. POLICIES AND PROCEDURES

The Executive Director is authorized to implement additional and/or modified policies as necessary for prudent operation of the Port.

XVIII. ANTI-DISCRIMINATION AND EQUAL EMPLOYMENT

It is the Port of Everett's policy to provide equal opportunity to the users of all Port services and facilities, all contracting entities, Port employees and applicants for employment, and to assure there be absolutely no discrimination against any persons on the grounds of race, creed, color, religion, national origin, gender, sexual orientation or gender identity, marital status, age, disability or veteran's status. This policy is to be implemented by the Executive Director as more specifically set forth by Port policies

covering equal employment opportunities and minority and women-owned business participation in Port contracts.

XIX. SALE OF PERSONAL PROPERTY

The Executive Director is authorized pursuant to RCW 53.08.090 to sell and convey surplus personal property pursuant to requirements of R.C.W. 53.08.090-092 (as it now exists or may hereafter be amended). In no case shall surplus personal property of the Port be sold to any Port Commissioner or Port employee or to members of their immediate families without the specific approval of the Port Commission. This provision does not prohibit commissioners, employees, and members of their immediate family from bidding on excess Port property sold at public auction.

XX. BANKING SERVICES

The Executive Director is authorized to negotiate for banking services and enter into agreements for such services. Procedures shall be established for the deposit/disbursal of Port funds recognizing the requirements cited in R.C.W. 53.36.010 and providing for an adequate system of internal control.

XXI. AUTHORIZATION OF EXPENDITURES

The Executive Director is authorized to establish an adequate system to control the purchase of materials, supplies and services. Such systems should take into consideration the nature of the purchases and ensure invoices have been properly approved in accordance with provisions of the system established.

In accordance with Chapter 42.24 RCW, the Port of Everett may issue checks or warrants before the Port Commission approves claims, by establishing the following policies and procedures:

- a) The auditing officer and the officer designated to sign checks or warrants must have an official bond or other surety of no less than Fifty Thousand Dollars (\$50,000) (R.C.W. 42.24.180);
- b) The Port Commission has adopted contracting, hiring, purchasing, and disbursing policies that implement effective internal control;
- c) The Port Commission must review and approve the claims paid at a regularly scheduled public meeting; and
- d) If the Port Commission disapproves some claims, the auditing officer and the officer designated to sign checks or warrants must recognize these claims as receivables of the Port District and pursue collection diligently until amounts are either collected or the Port Commission is satisfied and approves the claims.

XXII. IMPREST WORKING FUNDS (PETTY CASH/CHANGE FUNDS)

The Executive Director is authorized to establish various working funds. The working funds are sub-funds of any revolving fund established by Commission Resolution and provide for petty cash purchases/change funds. The dollar amount thereof shall be recorded on the Port's balance sheet. The

Executive Director is also authorized to establish and maintain procedures for the control of such funds, including appointment of custodians.

XXIII. MEMBERSHIPS IN TRADE, PROFESSIONAL, CIVIC AND SERVICE ORGANIZATIONS

The Port Commission recognizes that having certain Port representatives participate in trade, professional, civic and service organizations can have direct and indirect benefits to the Port District. Thus, it is the Port Commission's intent that where such value can be reasonably demonstrated, the Executive Director is authorized to designate representatives of the Port District to participate in trade, professional, civic and service organizations and the Port shall pay the costs of such participation including reimbursement for meals and transportation, upon review and approval by the Executive Director or, where the participation is done by the Executive Director, the review of such expenses will be conducted by the Port Auditor.

The Executive Director shall approve annual financial commitments to an individual trade, professional, civic or service organization as approved in the annual budget; any annual financial commitment to a trade, professional, civic or service organization not otherwise approved in the budget shall be approved by the Port Commission.

During each calendar year, the Executive Director shall provide a report to the Port Commission, which shall include all of the trade, professional, civic and service organizations that the Port District provides support through participating Port representatives.

It is understood that participants in trade, professional, civic and service organizations will not attempt to influence or pressure other Port employees to provide financial contributions or other support to the trade, professional, civic or service organization.

XXIV. COLLECTIVE BARGAINING DISPUTE RESOLUTION

The Executive Director shall have authority to settle routine disputes arising under collective bargaining agreements such as, but not limited to, out of class pay disputes or requests, grievances, and complaints before the Public Employees Relations Commission (PERC). Provided, however, that such settlement shall be in writing, certified as legally acceptable by Port Counsel, and the Executive Director shall report any such settlement to the Board of Commissioners.

XXV. PARKING MANAGEMENT PROGRAM

The Executive Director is authorized to set all fees, rates and fines associated with the parking management program to ensure a quality parking experience for all slip holders, visitors, employees and residents to the property. Rates shall be set to ensure the success of the parking management plan and to be mindful of the costs of doing business, the needs of customers and the competitive public parking market.