PORT OF CENTRALIA
Established 1986

3508 Galvin Road · Centralia, WA 98531-9002
Phone 360-736-3527 · Fax 360-330-5666
www.portofcentralia.com

Agenda
Regular Meeting of the
PORT OF CENTRALIA
February 1, 2023
Port Administrative Office
3:00 PM

Remote attendance of meetings is also available through call-in with the following information:

Public Call-in Number: 1-408-418-9388
Meeting Access Code: 2553 511 8600
Meeting Password: 3527

1) **Call Meeting to Order/Introductions**

2) **Approval of Agenda: February 1, 2023 Regular Meeting**

3) **Good of the Order/Public Comment**

   a) **Approval of Minutes: Regular Meeting of January 25, 2023**

4) **Approval of Warrants**

5) **Old Business:**

   a) **Resolution No. 2023-01: To Amend Resolution 2015-04, Amending Rules Governing the Transaction of Port Commission Business to Address Public Comment at Meetings and Restating the Rules in Their Entirety**

6) **New Business:**

   a) **Executive Director Report**

   b) **I-5/Mellen Street Connector Stage 1 – Change Order No. 1**

   c) **Commissioner Reports**

7) **Meeting Adjourned**

Remote attendees will not have the ability to provide oral public comment but may submit public comment to agraber@portofcentralia.com before 2:00 PM of the meeting date. All public comment received will be provided to the Port Commission.

THE PORT COMMISSION MAY ADD OR TAKE ACTION ON ITEMS NOT LISTED ON THIS AGENDA.

PORT OF CENTRALIA
Established 1986

3508 Galvin Road · Centralia, WA 98531-9002
Phone 360-736-3527 · Fax 360-330-5666
www.portofcentralia.com

RESOLUTION 2023-01

A RESOLUTION OF THE COMMISSION OF THE PORT OF CENTRALIA, LEWIS COUNTY, WASHINGTON TO AMEND RESOLUTION 2015-04, AMENDING RULES GOVERNING THE TRANSCTION OF PORT COMMISSION BUSINESS TO ADDRESS PUBLIC COMMENT AT MEETINGS AND RESTATING THE RULES IN THEIR ENTIRETY

The Commission of the Port of Centralia, in Public Session, does hereby find and declare:

WHEREAS, the Port of Centralia has adopted, Resolution 2015-04, establishing rules governing the transaction of Port Commission business ("Rules"); and

WHEREAS, Article IX of the Rules provides that the Rules may be amended by resolution; and

WHEREAS, RCW 42.30.090 provides that the governing body of a public agency may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment; and

WHEREAS, RCW 42.30.090 further provides that when a regular or adjourned regular meeting is adjourne, the resulting adjourned regular meeting is a regular meeting for all purposes; and

WHEREAS, the Commissioners desire to amend Article IV.E. to resolve potentially conflicting language with RCW 42.30.090; and

WHEREAS, the Commissioners desire to amend Article V.A. to reflect the Order of Business the Commissioners ordinarily follow; and

WHEREAS, it is in the public interest and interest of effective governance to adopt rules surrounding the orderly conduct of receiving public comment; and

WHEREAS, the Rules currently do not specify guidelines for the manner in which the Commissioners receive public comment during their regular meetings, and the Commissioners desire to amend these Rules to add such guidelines; and

WHEREAS, the Commissioners desire to restate these Rules in full to incorporate the renumbering of Articles VII through X as a result of this Resolution, and to incorporate previously adopted amendments to the Rules pursuant to Resolution 2022-09 in one document; and

WHEREAS, the Commissioners desire that these amended and restated Rules shall supersede the Rules adopted under Port of Centralia Commission Resolution 2015-04.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE PORT OF CENTRALIA:

1. Article IV.E. shall be amended, with new language underlined and deleted language indicated in strike through:

E. Adjournment or Continuation to a Regular or Special Meeting:

Adjournment or continuation ~~to~~ of a regular or special meeting, if necessary, shall be pursuant to notice as required by law.

2. Article V.A. shall be amended, with new language underlined and deleted language indicated in strike through:

A. Regular meetings will ordinarily follow the below format:

1. Call to Order and Introductions;
2. Approval of Agenda;
3. Good of the Order/Public Comment;
4. Approval of Minutes;
5. Approval of Warrants;
6. Old Business;
7. New Business;

~~a. Public Comment;~~

8. Executive Session (if included as an agenda item as provided in Section IV of these Rules);
9. Adjourn.

3. A new Article VI, entitled "Guidelines for Public Comment at Meetings," shall be added to the Rules, with new language underlined, and all subsequent Articles shall be subsequently renumbered to accommodate this addition:

ARTICLE VI
Guidelines for Public Comment at Meetings

A. General Procedures: The following general procedures are applicable to all types of public comment at Commission meetings.

1. Sign-In Procedures: The Port will provide a sign-in sheet for those who wish to provide general comment at regular Commission meetings. The sign-in period for public comment will begin when the public meeting space opens and will close when the meeting is called to order. Commenters must provide their real name on the sign-in sheet in order to be called.

2. Limitations on Use of Public Comment for Campaigning or Advertising: No person may use public comment periods for the purpose of campaigning or promoting a political campaign, whether for an election or ballot proposition. In addition, no person may use public comment periods for the purpose of commercial advertising. These limitations do not prevent or preclude any person addressing the Commission from expressing views or opinions over matters related to the Port's business or within the Commission's jurisdiction. In addition, these limitations do not prohibit individuals or organizations from promoting public events.

3. Comments to be Directed to Commission; Commission Response: Comments should be directed to the Commission as a whole. In order to hear as many people as possible, the Commission will refrain from responding to individual statements until all public comment has been taken or until the end of the allotted time for public comment.

4. Courtesy: All speakers (members of the public, Port staff, and Commissioners) shall be courteous in language and demeanor and shall confine remarks to those facts that are germane and relevant to the question or issue under discussion.

B. Procedures for General Public Comment: The Commission will allow general public comment on issues related to Port business at regular Commission meetings, subject to the following procedures:

1. The general public comment period will be limited to 30 minutes;

2. Each commenter will be allowed three (3) minutes for individual comment, and commenters may not yield some or all of the allotted three (3) minutes so as to result in a longer comment period for another commenter;

3. If there are more than ten (10) commenters who wish to make public comments during the general public comment period, then the Commission reserves

the right to defer such additional general public comment, to proceed with meeting business, and to hold an additional general public comment period prior to the conclusion of the meeting;

4. The subject of public comments not directed to a specific agenda item or items must be related to Port business, and;

5. The President will enforce these requirements and shall be allowed to curtail any individual public comment that exceeds allotted time, is beyond the reasonable scope of Port business, is overly repetitive or lengthy, or includes disruptive behavior as defined in Section VI-C below.

6. The Commission will accept written public comment submitted in advance of a regular meeting. All such comments must be received no later than one hour prior to the meeting start time at the email address listed on the published agenda. All timely submitted written comments will be provided to the Commissioners.

7. Except as required under the Open Public Meetings Act (RCW 42.30), remote attendees may not provide oral public comment.

C. Disruptive Behavior: Disruptive behavior includes speaking beyond the allocated time limit, preventing members of the public from hearing or viewing the discussion of the Commission, using crude, offensive, abusive, discriminatory, or derogatory language, making personal attacks on Port employees or officials, and speaking in a volume louder than low, conversational tone when not recognized by the President for public comment.

D. Curtailing Public Comment: The President has discretion to curtail public comment which violates these guidelines. The President first will request that the commenter follow these guidelines. If an individual fails to comply with the President's request, the President may deem the individual out of order and curtail the individual's public comment. If the individual presents a threat to those present at the meeting, the President may direct that the individual be removed from the Commission meeting and request assistance from law enforcement in removing the individual.

E. Security: In order to promote the efficiency of Commission meetings, the President may request the presence of additional security for meetings expected to address sensitive and/or controversial subjects.

4. The following shall constitute the Amended and Restated Rules Governing the Transaction of Port Commission Business and shall be effective upon adoption.

AMENDED AND RESTATED
RULES GOVERNING THE TRANSACTION OF PORT COMMISSION BUSINESS

ARTICLE I
Preamble

These Rules will govern the transaction of business by the Port of Centralia Commission.

ARTICLE II
Organization of the Commission

A. The Commission will annually elect a President, Vice-President, and Secretary/Treasurer.

B. The Commission will elect officers at its first regular meeting at the beginning of each calendar year or following a vacancy appointment. The term will run for one (1) year beginning when elected, and terminate at the election of a successor.

C. Vacancies in an office may be filled at any regular or special meeting of the Commission pursuant to RCW 42.12.070.

ARTICLE III
Duties of Officers

A. The President shall:

1. Preside at all meetings and study sessions of the Commission and during executive sessions of the Commission in a manner consistent with these Rules;

2. Sign all resolutions, contracts, and other instruments on behalf of the Commission as authorized by the Commission;

3. Perform all such other duties as are incident to the office or are properly required by the Commission; and

4. Authorize the issuance of notices for regular and special meetings and study sessions of the Commission as provided for in these Rules.

B. The Vice-President shall:

1. During the absence or disability of the President, exercise all the functions of the President; and

2. Have such powers and discharge such duties as may be assigned

from time to time by the Commission.

C. The Secretary/Treasurer shall:

1. Ensure the recording of the minutes, motions and resolutions adopted by the Commission by Port of Centralia staff; and

2. Otherwise perform such further duties as are incident to the office and as are properly required by the Commission.

ARTICLE IV
Meetings

A. Regular Meetings:

The Port of Centralia Commission regular meetings are scheduled on the first and third Wednesday of each month at the Port's Administrative Office, 3508 Galvin Road, Centralia, unless specified otherwise. The Port will post the location of any alternative meeting locations on its website at *http://www.portofcentralia.com* at least 20 days prior to the meeting.

B. Special Meetings:

Any Commissioner may call a special meeting of the Commission by notifying the Executive Director of the proposed meeting date and business to be transacted at the special meeting. Notice of a requested special meeting under this provision must be provided sufficiently in advance of the requested special meeting date to allow Port staff to provide required twenty-four (24)-hour written notice of the meeting to Commissioners and to provide adequate public notice of the meeting and agenda, as required by the Open Public Meetings Act.

A special meeting is limited to matters identified in the notice. The Commissioners may hold an executive session during a special meeting with appropriate notice.

C. Open Meetings:

Regular and special meetings and work sessions shall be open and public except as otherwise provided by these Rules.

D. Executive Sessions:

The Commission may meet in executive session, which shall be closed to the public during a regular or special meeting for all the purposes permitted by the Open Public Meetings Act (RCW 42.30) and other laws.

The Commission may invite Port staff or others with some relationship to the matter

being discussed, or who provide assistance to the Commission, to the executive session.

The public meeting will be reconvened following an executive session. Items discussed in the executive session will be considered during the meeting, as appropriate and required by law.

E. Adjournment or Continuation to a Regular or Special Meeting:

Adjournment or continuation of a regular or special meeting, if necessary, shall be pursuant to notice as required by law.

F. Quorum:

Two (2) Commissioners shall constitute a quorum for the convening of a meeting.

G. Cancellation of a Meeting:

A majority of Commissioners may direct the cancellation of a regularly scheduled Commission meeting.

H. Administration of Meetings:

Meetings shall be conducted in accordance with these Rules.

I. Commissioner Absence and Excusal:

Each Commissioner is responsible for requesting to be excused from regular or special meetings of the Port Commission, so as to avoid causing an inadvertent vacancy in the office according to RCW 53.12.140. The President (or presiding officer) shall note the Commissioner's request for excusal on the record for the minutes, and shall also state for that purpose whether the Commissioner's absence is or is not excused.

The Commission shall automatically excuse absence of a Commissioner resulting from attendance to other Port business.

J. Teleconference:

Commissioner(s) may participate in any Commission meeting by teleconference to avoid an absence. Each Commissioner is responsible for providing Port staff with sufficient advance notice to enable staff to obtain the necessary equipment.

ARTICLE V
Order of Business

A. Regular meetings will ordinarily follow the below format:

1. Call to Order and Introductions;

2. Approval of Agenda;

3. Good of the Order/Public Comment;

4. Approval of Minutes;

5. Approval of Warrants;

6. Old Business;

7. New Business;

8. Executive Session (if included as an agenda item as provided in Section IV of these Rules);

9. Adjourn.

B. The Commissioners may agree to change the order of business set forth above at any time.

C. All proceedings of the Commission will be by consensus, motion, or resolution recorded in minutes and books maintained for that purpose, which shall be publicly available.

ARTICLE VI
Guidelines for Public Comment at Meetings

A. General Procedures: The following general procedures are applicable to all types of public comment at Commission meetings.

1. Sign-In Procedures: The Port will provide a sign-in sheet for those who wish to provide general comment at regular Commission meetings. The sign-in period for public comment will begin when the public meeting space opens and will close when the meeting is called to order. Commenters must provide their real name on the sign-in sheet in order to be called.

2. Limitations on Use of Public Comment for Campaigning or Advertising: No person may use public comment periods for the purpose of campaigning or promoting a political campaign, whether for an election or ballot proposition. In addition, no person may use public comment periods for the purpose of commercial advertising. These limitations do not prevent or preclude any person addressing the Commission from expressing views or opinions over matters related to the Port's business or within the Commission's jurisdiction. In

addition, these limitations do not prohibit individuals or organizations from promoting public events.

3. Comments to be Directed to Commission; Commission Response: Comments should be directed to the Commission as a whole. In order to hear as many people as possible, the Commission will refrain from responding to individual statements until all public comment has been taken or until the end of the allotted time for public comment.

4. Courtesy: All speakers (members of the public, Port staff, and Commissioners) shall be courteous in language and demeanor and shall confine remarks to those facts that are germane and relevant to the question or issue under discussion.

B. Procedures for General Public Comment: The Commission will allow general public comment on issues related to Port business at regular Commission meetings, subject to the following procedures:

1. The general public comment period will be limited to 30 minutes;

2. Each commenter will be allowed three (3) minutes for individual comment, and commenters may not yield some or all of the allotted three (3) minutes so as to result in a longer comment period for another commenter;

3. If there are more than ten (10) commenters who wish to make public comments during the general public comment period, then the Commission reserves the right to defer such additional general public comment, to proceed with meeting business, and to hold an additional general public comment period prior to the conclusion of the meeting;

4. The subject of public comments not directed to a specific agenda item or items must be related to Port business, and;

5. The President will enforce these requirements and shall be allowed to curtail any individual public comment that exceeds allotted time, is beyond the reasonable scope of Port business, is overly repetitive or lengthy, or includes disruptive behavior as defined in Section VI-C below.

6. The Commission will accept written public comment submitted in advance of a regular meeting. All such comments must be received no later than one hour prior to the meeting start time at the email address listed on the published agenda. All timely submitted written comments will be provided to the Commissioners.

7. Except as required under the Open Public Meetings Act (RCW 42.30),

remote attendees may not provide oral public comment.

C. Disruptive Behavior: Disruptive behavior includes speaking beyond the allocated time limit, preventing members of the public from hearing or viewing the discussion of the Commission, using crude, offensive, abusive, discriminatory, or derogatory language, making personal attacks on Port employees or officials, and speaking in a volume louder than low, conversational tone when not recognized by the President for public comment.

D. Curtailing Public Comment: The President has discretion to curtail public comment which violates these guidelines. The President first will request that the commenter follow these guidelines. If an individual fails to comply with the President's request, the President may deem the individual out of order and curtail the individual's public comment. If the individual presents a threat to those present at the meeting, the President may direct that the individual be removed from the Commission meeting and request assistance from law enforcement in removing the individual.

E. Security: In order to promote the efficiency of Commission meetings, the President may request the presence of additional security for meetings expected to address sensitive and/or controversial subjects.

ARTICLE VII
Motions

A. Except as otherwise required by these Rules, the Commission shall transact its business by motion, which may be made by any Commissioner in attendance.

B. Voting on all motions shall be "yea" or "nay."

C. Concurrence of two (2) Commissioners shall be necessary and shall be sufficient for the passage of any motion.

D. Commissioners shall vote on all motions unless required to abstain due to an actual or apparent conflict of interest under RCW Chapter 42.52.

E. Any Commissioner in attendance who refuses to vote on any motion shall state the basis for abstention from voting.

ARTICLE VIII
Resolutions

A. All matters, which in the judgment of the Commission, are of a legislative character shall be embodied in the form of resolutions.

B. Voting on all resolutions shall be "yea" or "nay."

C. Any Commissioner in attendance who refuses to vote on any resolution shall state the basis for abstention from voting.

D. The original copy of each resolution shall be duly authenticated in open session by the signature of the Commissioners voting in its favor. Adopted resolutions shall be maintained as public records by the Port.

ARTICLE IX
Minutes

A. Port staff will prepare draft minutes of each meeting and distribute them to Commissioners for review. The minutes will contain motions, actions taken, and a summary of discussion.

B. When the Commission has approved the minutes of a meeting, the minutes as approved shall represent the final and considered determination of the Commission as to the motions and resolutions set forth therein.

ARTICLE X
Amendment of Rules

These Rules may be amended by Resolution.

PASSED by the Port of Centralia this _____ of February, 2023.

_____

KYLE MARKSTROM, President

_____

PETER LAHMANN, Vice-President

_____

JULIE SHAFFLEY, Secretary

Attested to:

_____

KYLE W. HEATON, Executive Director