

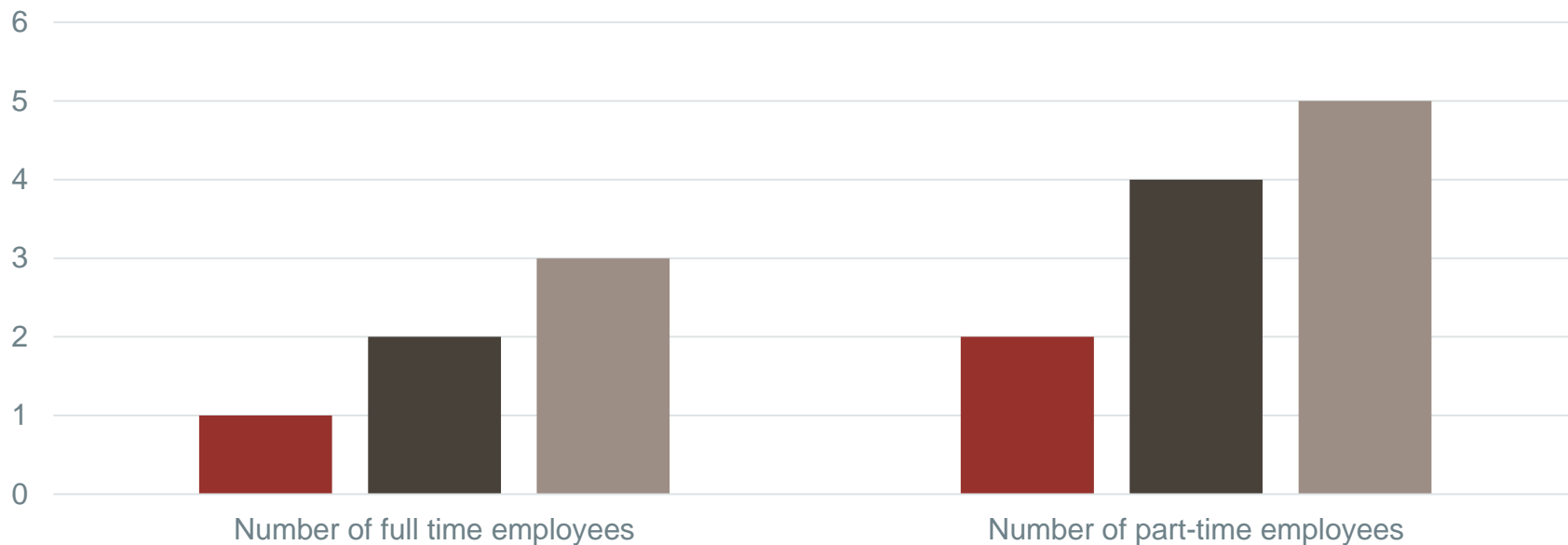
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# “No Staff – No Problem”

## Managing and Governing a Port with Little or No Staff

## First – a Survey

No Staff – No Problem



## RCW 53.12.010

“The powers of the port district shall be exercised through a port commission consisting of three or, when permitted by this title, five members”

### BUT:

- Responsibilities are mandatory
- Exercising powers are voluntary

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# Mandatory Commission Responsibilities

## Mandatory – “Must Do” Responsibilities

- Appoint a president and secretary of the commission and adopt rules for governing its business (RCW 53.12.245)
  - Revise commission districts with each decennial census (RCW 29A.76.010)
- Adopt polices for personal service contracts (RCW 53.19.090)
- Adopt an annual budget (Chapter 53.35 RCW)
- Set the annual tax levy (Chapter 53.36 RCW)
- Approve the bills (RCW 42.24.080)
  - County treasurer pay the warrants (RCW 53.36.010)

- ❑ Follow the Open Public Meetings Act (Chapter 42.30 RCW)
  - ❑ Annually set the time and place for meetings (RCW 42.30.070)
  - ❑ Attend Open Public Meeting Act training (RCW 42.30.205)
- ❑ Follow the Public Records Act (Chapter 42.56 RCW)
  - ❑ Adopt guidance for the public (RCW 42.56.040)

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# Exercising Powers- Six Alternatives

## Alternative No. 1: Divide the Work - Assign Commissioner “Areas of Responsibility”

- ❑ Assign, by written resolution, specific areas of individual commissioner responsibility
  - ❑ Administrative duties
    - ❑ Auditor and administrative (paying the bills)
      - ❑ Consider specialized software (for example, BIAS Software – Spokane)
    - ❑ Public records officer
  - ❑ Other duties
    - ❑ If paid, make sure there is an adequate audit trail
    - ❑ Do the commissioners really have the skills required?



- ❑ Compensation for commissioners (RCW 53.12.260)
  - ❑ \$114 per day “in performance of other official services or duties on behalf of the district. The total per diem compensation of a port commissioner shall not exceed \$10,944 in a year,” or
  - ❑ A port commission may set compensation to be paid to commissioners
  - ❑ Pay Industrial Insurance premiums for each commissioner (RCW 51.08.185)

## Alternative No. 2: Part-time Employees, Contracts for Services and/or Volunteers

- Part-time or “on-call” employee
  - Part-time manager
  - Labor (other than a public work) may be accomplished by “contract or day labor” (RCW 53.08.120)
  - Pay Industrial Insurance premiums
- Contracts for service
  - Personal services contracts - not an employee (Chapter 53.19 RCW)
  - Independent contractor – statutory test of control

- ❑ Establish a volunteer program
  - ❑ Follow the Department of Labor “safe harbor” regulations
    - ❑ Per diem stipend allowed up to 20% of normal costs
    - ❑ Pay Industrial Insurance premiums

## Alternative No. 3: Pooled Resources – Other Local Governments

- ❑ The Interlocal Cooperation Act (Chapter 39.34 RCW)
  - ❑ Agreements with other governments on almost any subject
  - ❑ County, fire district, water district, town or tribe
- ❑ Topics
  - ❑ Office space for records
  - ❑ Meeting space
  - ❑ Manager
  - ❑ On-call employees
  - ❑ Equipment

## Alternative No. 4: Agreements with other Ports

- ❑ The Interlocal Cooperation Act (Chapter 39.34 RCW)
- ❑ Shared and common resources – small port to small port
  - ❑ Common meeting space
    - ❑ Meetings are allowed outside the port district (RCW 42.30.070)
  - ❑ Common office space
  - ❑ Common computer system
  - ❑ Common web-page
  - ❑ Common auditor
  - ❑ Common public records officer
- ❑ Small port to large port
  - ❑ Same but on a per function basis
  - ❑ Most ports will share their expertise and documents

## Alternative No. 5: Full Operation Agreement

- ❑ The Interlocal Cooperation Act (Chapter 39.34 RCW)
  - ❑ Lead agency agreement with another government (port, fire district, or town)
    - ❑ One government undertakes all functions – “the lead agency”
    - ❑ The other government’s commission meets to set budget, set levy, collect taxes and pay total over to the “lead agency”
    - ❑ The agreement provides the detail
  - ❑ New entity agreement
    - ❑ Governments form a corporation or limited liability company

## Alternative No. 6: Call 1-800-TAP-ERIC

Pros	Cons	Comments
He knows a lot about Ports	Its Eric's advice	You get what you pay for...
He's got time on his hands	Its Eric's advice	You get what you pay for...
He will answer any question	Lack of knowledge has never stopped him	You get what you pay for ...
It's free!	It's Eric's advice	You get what you pay for...
He is a good woodworker		May not be what you need but interesting.

*Call Eric Johnson 24/7 at 1-800-TAP-ERIC regardless of the nature of the request. He would be more than happy to help!*

**CHMELIK SITKIN & DAVIS** P.S.  
ATTORNEYS AT LAW