



# Delegation of Administrative Powers to Executive Director

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WPPA CLE

by

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# RCW 53.12.270

- **RCW 53.12.270 (1)**
- **Delegation of powers to managing official of port district**  
—....
- (1) The commission may delegate to the managing official of a port district such administrative powers and duties of the commission as it may deem proper for the efficient and proper management of port district operations. Any such delegation shall be authorized by appropriate resolution of the commission, which resolution must also establish guidelines and procedures for the managing official to follow.

# General Considerations

- How often to adopt resolutions?
- What are limits on contracting authority?
- Comfort level of Commission?



# Preamble

- Executive Director responsible for Port operations.
  - Exceptions/limitations on Resolution
- Executive Director can delegate authority to Port personnel.
- Day-to-day operations.

# Real Property

- Leases
  - Subleases
  - Other lease document
  - Lease renewals
  - Lease enforcement/termination
  - Lay berth agreements
  - Cargo throughput agreements
- Acquisitions/sales



# Public Works Contracts

- Public work contract awards
  - Money limit on authority
    - Within budgetary authority
    - If budget line item
- Emergency public work contracts
- **RCW 39.04.020**
- \*\*\*
- ... When any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.
- **RCW 53.12.270(2)**
- (2) The commission shall establish, by resolution, policies to comply with RCW [39.04.280](#) that set forth the conditions by which competitive bidding requirements for public works contracts may be waived.





# Public Works Contracts, cont.

- **RCW 39.04.280**
- **Competitive bidding requirements — Exemptions.**
- This section provides uniform exemptions to competitive bidding requirements utilized by municipalities when awarding contracts for public works and contracts for purchases. The statutes governing a specific type of municipality may also include other exemptions from competitive bidding requirements. The purpose of this section is to supplement and not to limit the current powers of any municipality to provide exemptions from competitive bidding requirements.
  - (1) Competitive bidding requirements may be waived by the governing body of the municipality for:
    - (a) Purchases that are clearly and legitimately limited to a single source of supply;
    - (b) Purchases involving special facilities or market conditions;
    - (c) Purchases in the event of an emergency;
    - (d) Purchases of insurance or bonds; and
    - (e) Public works in the event of an emergency.

# Public Works Contracts, cont.

(2)(a) The waiver of competitive bidding requirements under subsection (1) of this section may be by resolution or by the terms of written policies adopted by the municipality, at the option of the governing body of the municipality. If the governing body elects to waive competitive bidding requirements by the terms of written policies adopted by the municipality, immediately after the award of any contract, the contract and the factual basis for the exception must be recorded and open to public inspection.

If a resolution is adopted by a governing body to waive competitive bidding requirements under (b) of this subsection, the resolution must recite the factual basis for the exception. This subsection (2)(a) does not apply in the event of an emergency.

(b) If an emergency exists, the person or persons designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record no later than two weeks following the award of the contract.

(3) For purposes of this section "emergency" means unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.



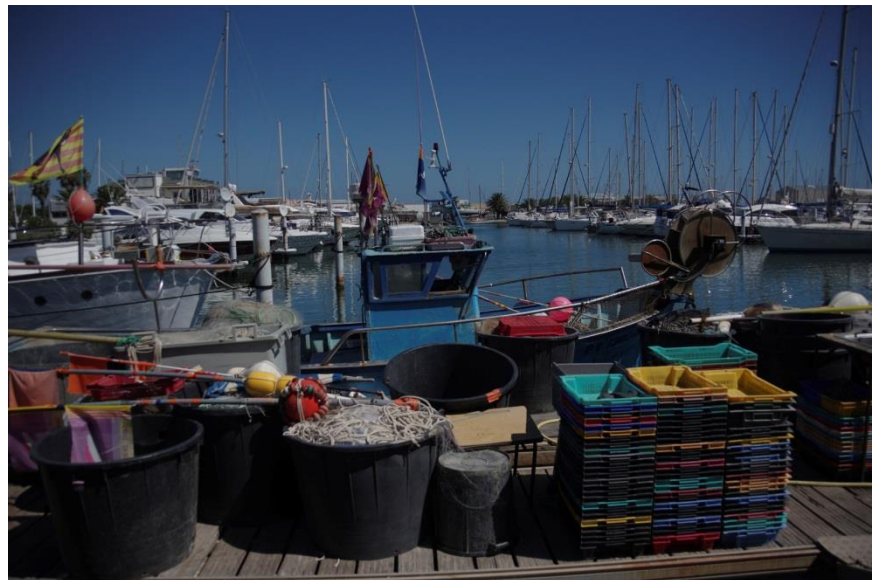
# Public Works Contracts, cont.

- Change orders



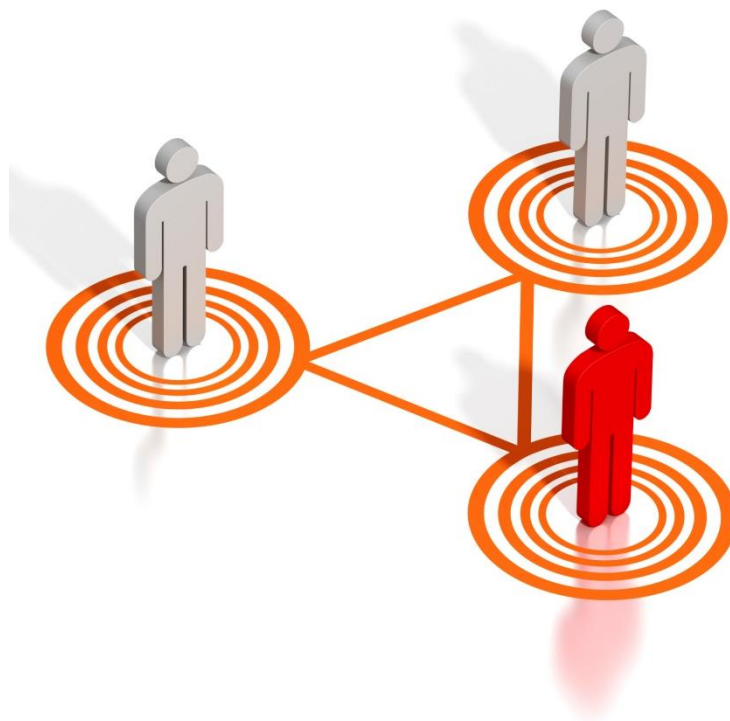
# Acquisition of Materials, Equipment, and Supplies

- Open market
- Budgeted acquisitions on \$25,000 or less
- Emergency contracts



# Personal Services and A&E Contracts

- Personal services
  - Ch. 53.19 RCW
- A&E contracts
  - Ch. 39.80 RCW



# Settlement of Claims

- Procedure for settlement
  - either against or on behalf of Port
  - define “claim”
  - processed by Executive Director or legal counsel
  - approved by Commission

# Settlement of Claims, cont.

- Executive Director authority to settle
  - written concurrence of legal counsel and Executive Director
  - limit settlement amount



# Travel

- In conformance with policy
- In state
- In United States outside state
- Outside United States



# Executive Director Authority Regarding Staff Administration

- A. General authority
  - hiring/firing
  - benefits
  - within budget constraints

## Uncollectible Accounts

- A. “Write off”
- B. Procedures

# Lease Surety, Surety Bonds, Rental Deposits, and Insurance Policies

- Release if not in default
- Approve form/type/amount
- Approve modifications







# Sale of Personal Property

- **RCW 53.08.090**
- **Sale of property.**
- (1) A port commission may, by resolution, authorize the managing official of a port district to sell and convey port district property of ten thousand dollars or less in value. The authority shall be in force for not more than one calendar year from the date of resolution and may be renewed from year to year. Prior to any such sale or conveyance the managing official shall itemize and list the property to be sold and make written certification to the commission that the listed property is no longer needed for district purposes. Any large block of the property having a value in excess of ten thousand dollars shall not be broken down into components of ten thousand dollars or less value and sold in the smaller components unless the smaller components be sold by public competitive bid. A port district may sell and convey any of its real or personal property valued at more than ten thousand dollars when the port commission has, by resolution, declared the property to be no longer needed for district purposes, but no property which is a part of the comprehensive plan of improvement or modification thereof shall be disposed of until the comprehensive plan has been modified to find the property surplus to port needs. The comprehensive plan shall be modified only after public notice and hearing provided by RCW [53.20.010](#).

# Sale of Personal Property, cont.

- Nothing in this section shall be deemed to repeal or modify procedures for property sales within industrial development districts as set forth in chapter [53.25](#) RCW.

(2) The ten thousand dollar figures in subsection (1) of this section shall be adjusted annually based upon the governmental price index established by the department of revenue under \*RCW [82.14.200](#).

# Sale of Personal Property, cont.

- Set out statutory language
- Sale to Port staff, family, etc.?



# Temporarily Idle Funds

- Direct investment



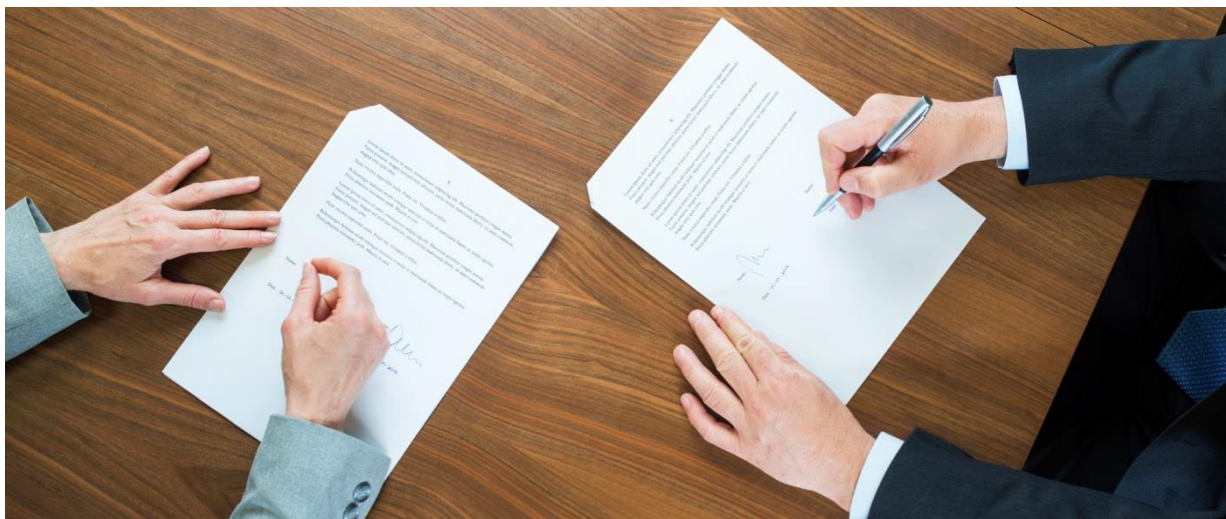


# Litigation

- Management and supervision of litigation
- Special legal services
- Engagement of experts
- Consultation with Commission if value exceeds \$\_\_\_\_\_

# Interlocal Agreements

- Training
- Site use agreements
- Sharing powers up to \$ \_\_\_\_\_







Thank you!

Enjoy the reception!