



REMOTE SPECIAL COMMISSION MEETING

MARCH 31, 2020

1:00 PM

Percival Plaza
626 Columbia Street NW Suite 1B
Olympia, Washington 98501
www.portolympia.com

The meeting agenda is available on the Port's website as of March 30, 2020.

<http://www.portolympia.com/commission>

The Port of Olympia is working diligently to address the threat posed by COVID-19 (Novel Coronavirus) to Thurston County, the State of Washington, and the United States. On March 16, 2020, the Commission adopted Resolution 2020-03 authorizing certain emergency powers in light of the COVID-19 outbreak, including invoking applicable emergency exemptions to meeting notice requirements and location restrictions of the Open Public Meetings Act (Chapter 43.20 RCW).

Pursuant to Resolution 2020-03, the Port of Olympia Commission will conduct its March 31, 2020 meeting remotely. The Port is following the guidance from the Thurston County Health Department to take all efforts to prevent the spread of this virus and is acting in the interest of the safety and welfare of the public, the community, and our employees to limit its spread. **The public may join the meeting from your computer, tablet or smartphone at <https://global.gotomeeting.com/join/557828133> and listen to the meeting by dialing +1 (646) 749-3112 Access Code 557-828-133, and public comments will be taken during the meeting.** Written comments may be submitted to commissioncoordinator@portolympia.com by 11 a.m. on the date of the meeting. All written comments will be compiled and sent to the Commissioners prior to the meeting. Verbal public comment will be accepted via the electronic connection noted above. Individual public comments are limited to 3 minutes per person, in order to hear as many people as possible during this public comment period. If you have any technical difficulties please email the Commissioner Coordinator at commissioncoordinator@portolympia.com with your public comment.

- A. CALL TO ORDER
- B. APPROVAL OF AGENDA
- C. ACTION CALENDAR - OTHER
 - 1. Resolution 2020-04 Temporarily Modifying Port of Olympia Policies for Real Property Leases and Liveaboard Moorage in Response to the Outbreak of COVID-19.
- D. PUBLIC COMMENT ON ACTION CALENDAR – OTHER
- E. NEXT MEETING ANNOUNCEMENT
- F. ADJOURN

Additional information available at www.portolympia.com or call Jessie Bensley at 528.8014

Port of Olympia Mission

Create economic opportunities by connecting Thurston County to the world by air, land & sea.

**PORT OF OLYMPIA COMMISSION
RESOLUTION 2020-04**

**A RESOLUTION OF THE PORT OF OLYMPIA COMMISSION
TEMPORARILY MODIFYING PORT OF OLYMPIA POLICIES FOR REAL
PROPERTY LEASES AND LIVEABOARD MOORAGE IN RESPONSE TO THE
OUTBREAK OF COVID-19**

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death to vulnerable or at-risk populations, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, On January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a state of emergency within the State of Washington due to COVID-19; and

WHEREAS, on March 11, 2020 the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 12, 2020, the Thurston County Board of County Commissioners proclaimed a state of emergency under within Thurston County due to COVID-19; and

WHEREAS, on March 16, 2020, the Port of Olympia adopted Resolution 2020-03 authorizing emergency powers and delegating certain authority to the Executive Director in response to the outbreak of COVID-19; and

WHEREAS, since February 29, 2020, Governor Inslee has issued a series of emergency orders in response to the crisis progressively limiting business and other activities to prevent the spread of the illness, including Proclamation 20-25, “Stay Home, Stay Healthy; and

WHEREAS, the emergency orders enacted to prevent the spread of COVID-19 have included the mandatory extended closure of businesses located on Port leased properties, with associated loss of business income and unemployment; and

WHEREAS, the Port has certain authorized liveaboard Vessel Owners at Swantown Marina, to whom Governor Inslee’s Proclamation 20-19 suspending initiation of residential tenant evictions is not legally applicable, but who may nonetheless have lost income and employment as a result of the COVID-19 crisis; and

WHEREAS, all levels of government, including local jurisdictions, have taken emergency actions in response to the COVID-19 crisis to assist businesses and individuals adversely impacted by loss of revenue and/or unemployment, including the suspension and/or deferral of fees and charges; and

WHEREAS, the Port of Olympia Commission desires to assist Port tenants and liveaboard Vessel Owners adversely impacted by the COVID-19 crisis.

NOW, THEREFORE, the Port of Olympia Commission resolves as follows:

SECTION I
TEMPORARY MODIFICATION OF REAL PROPERTY LEASE POLICIES

A. As described in the recitals above, a state of emergency exists in the State of Washington and Thurston County resulting from the COVID-19 crisis.

B. The Port's adopted policies and procedures for Real Property Agreements (Resolution 2019-07) shall be temporarily modified as follows:

1. The Executive Director or her designees are hereby authorized to suspend the issuance of notices of default and initiation of lease termination for nonpayment of rents for Port tenants adversely impacted by the COVID-19 crisis.
2. The Executive Director or her designees shall require Port tenants seeking suspension and deferral under this authorization to provide self-certification of the adverse impact of the COVID-19 crisis on the tenant's ability to pay rent amounts due.
3. This temporary authority shall not extend to suspension of default for any other reason other than nonpayment of rent for qualified tenants.
4. Port tenants qualifying for suspension of default under this provision shall not be charged interest and/or lease reinstatement fees.
5. This authorization shall last for a period of ninety (90) days from the date of this Resolution unless otherwise terminated or extended by the Commission.

SECTION II
TEMPORARY MODIFICATION OF LIVEABOARD MOORAGE POLICIES

A. As described in the recitals above, a state of emergency exists in the State of Washington and Thurston County resulting from the COVID-19 crisis.

B. The Port's adopted fee resolution and implementing agreements pertaining to liveaboard moorage shall be temporarily modified as follows:

1. The Executive Director or her designees are hereby authorized to suspend initiation of impoundment and non-judicial sale under RCW 53.08.320 and implementing rules for Swantown Marina for previously approved liveboard vessels where (1) the vessel is serves as the Vessel Owner's primary residence, and (2) the Vessel Owner has been adversely impacted by the COVID-19 crisis.
2. The Executive Director or her designees shall require Vessel Owners seeking suspension and deferral under this authorization to provide self-certification of primary residency and adverse impact of the COVID-19 crisis on the Vessel Owners' inability to pay rent amounts due, ~~for Port records~~.
3. This authority shall not extend to termination for any other reason other than nonpayment of rent for qualified liveboard Vessel Owners.
4. Vessel Owners qualifying for suspension of impoundment and non-judicial sale under RCW 53.08.320 under this authorization shall not be charged interest.
5. This authorization shall last for a period of ninety (90) days from the date of this Resolution unless otherwise terminated or extended by the Commission.

This Resolution is **ADOPTED** by a majority of the members of the Port Commission of the Port of Olympia, a majority being present and voting on this Resolution at a special Commission meeting on _____, as attested to by the signatures below of the participating Commissioners this ____th day of March, 2020.

PORT OF OLYMPIA COMMISSION

By: _____
Joseph Downing, President

By: _____
E.J. Zita, Vice-President

By: _____
Bill McGregor, Secretary